

the Pedigrees of all these Competitors and leave the Rest to the Reader to Judge.<sup>1</sup>

Thus you see by the geneologie how many there be wick claym, but the cheefest are the King of Scots, Huntington, Derby, and Beauchampe and Arabella. These last 3 are all flatly out by bastardye. Arbella's grandfather Archibald Douglas, the second husband of Margaret after the King of Scots, had an other wife living when he maryed her and soe Charles Stuart, his sonne by her and Arbella's father, was a bastard.

Beauchampe and Darby, and soe the whole house which come of Mary the 2<sup>d</sup> sister, are likewise cutt of from inheritance by the self same reason, for its certaine that Charles Brandon their grandfather, when he maryed Mary, had an other wife called the Lady Anne Mortimer who lived after the other.

Huntington hath much right, to say the truth, if he had power, but he must rypp up the old quarrell of the houses of Yorke and Lancaster which cost 200,000 English mens lives, and besides cuttinge of thereby the lyne of Henry 7 he shall open a way to Spayne and other forraigne Princes which are stronger then he to bringe in their claymes from the house of Lancaster, as he doth from the house of Yorke, so that the Realme will never suffer his clayme to take hold.

It resteth then that the King of Scots is lykelyest, and I will shoue what reasons are alledged against him and howe those reasons are answered.

1. Reason First, [it]<sup>2</sup> is against the lawe of the land for any against the forraigner, borne out of the King's allegiance and of King of parents not of the King's allegiance, to inherite any Scots. thinge within the Realme, Edward 3, 29. This point is sore urged by the lawyers of England, especially such as are affectionat to the house of Suffolke and Huntington, which reasons for tediousness I omitt and refer you to a<sup>3</sup> treatise, written by a great lawyer and a statesman, intituled "A treatise of the allegacions against the surmised title of Scotland and the favorites of the same", which allegacons and arguments are of exceeding great force and greatly disenableth that tittle, which arguments notwithstandinge are noe lesse soundely and strongly answered by the Scottish party thus,

<sup>1</sup> Here both MSS. contain a genealogical table (omitted here) showing the descent of the various claimants from William the Conqueror.

<sup>2</sup> MS. B.

<sup>3</sup> MS. B. :—"my."

First it is a generall rule of our Comon Lawe, that noe law, maxime, axiome, or statute whatsoever can touch the Crowne if there be not express mention thereof made in the same, which is not in any of the lawes against aliens; [as]<sup>1</sup> the Lawe is, a man marrying a woman inheretrix, if he hath issue by her, shall have her lands dureing his life, though the issue dye; but soe shall not he that marieth the Queen; likewise the Lawe is that if a man decease without heyre male haveing many daughters, his lands shall be parted equally among them all, but in the succession of the Crowne the eldest shall inheritt all; so by the Lawe the executor shall have all the mooveables of the Testator, but the moveables of the King or Queen descend to the next successor.

Secondly, the Lawe speaketh this of inheritance by descent, but the Crowne is no inheritance but an incorporation that goeth by succession, as is to be proved for that the King is never within age, he cannot avoid his letters patents by nonage.<sup>2</sup>

Thirdly in that Lawe is expressly excepted Infants du Roy, that is the King's ofspring or issue, not onely his children lineally descended. For it were ridiculous to thinke that the King ment by that Lawe to cutt of all his ofspring from succession; his eldest sonne, the Black Prince, haveing att that time 2 children borne in France whereof one became King after; and Lyonell his 2<sup>d</sup> sonne was married in Millan; John of Gaunt his 3 sonne had 2 daughters, att that time married to the 2 Kings of Spaine and Portugall.

Fourthly many borne beyond the seas and of a parent not subject to England have succeeded to the Crowne of England as, before the Conquest, Edgar borne in Hungary succeeding to Edward the Confessor and being sonne to Edward the Outlawe; since, Stephen and Henry the 2<sup>d</sup>, both French, one Erle of Bloys, the other Duke of Aniou, yett both were Kings of England one after an other; and Arthur, Duke of Britayne, was declared and accepted for heyre apparent by Richard his oncle att his going into the Holy land, though after his other uncle, John, bereaved him both of his Kingdome and Life.

The iudgment and opinion of King Henry 7<sup>th</sup> about the selfe same matter when they were in consultacion of marying the Lady Margett to the King of Scotts, by whom this King claymeth;

<sup>1</sup> MS. B.

<sup>2</sup> For the development, at this time, of the conception of the crown as a corporation see *The Collected Papers of F. W. Maitland*, Vol. III, pp. 244-70.

the doubt was moved by some of the Counsell, what if the King's issue male should faile, and so the Crowne devolve to the heires of her as nowe it doth, to which the wise Kinge made this answer that yt could not be preiudiciall to England, being the greater and better part, but rather beneficiall as that it would drawe Scotland to it, and so conioyne both together; which answer contented the Counsell and thereupon the marriage was concluded.<sup>1</sup>

These are their greatest reasons to avoyd that Lawe, albeit, indeed, it may well be alledged that the King of Scots is noe alien neither that Scotland is any forraigne realme, but a part of England, albeit the Scotts deny it; yett be it soe, itt cannot be included in that Law which speaketh onely of aliens borne out of the allegiance of England beyond the seas which Scotland is not: besides the King may by bloud be sayd to be English, his father being an Englishman and his grandmother an English woman, and in that especially he is not excluded by that Lawe for that such aliens as are thereby excluded must be of father and mother out of the allegiance of England, but his father, the Earl of Darnley, is well knowne to have been an Englishman and his grandfather also, the Earl of Lenox.

2. Reason They say that the Parliament gave liberty to King  
against ye Henry the 8 to establish the succession by his will signed  
King of with his owne hand, and <sup>2</sup> by his letters patents. All  
Scotts. that is true, but in that will the Scottish lyne is not excluded, but putt behinde the lyne of the yonger sister, which shewes they were never thought incapable; but as for that will, it is proved by wittenesses of credit sufficient to have ben forged, as by the Lord Pagett and Sir Edward Montegue, who confessed the forgery thereof before the Counsell, as remayneth on record, who were present att the act: and William Clarke, who putt to the Kings Stamp in stead of his owne hand and purchased his pardon after for the deed, because by the Lawe it is high Treason; whereupon in Queen Marye's tyme the enrollement of the said will was cancelled. Howsoever nowe they have forged an other.

And since that time in this Queen's dayes the 12 yeare of her raigne, upon occasion of a little booke spreade abroad, advancing the Tittle of the yonger sister's line before Scotland by pretence of this forged Testament, the Counsell assembled about itt vitz:

<sup>1</sup> In margin: "this is written by Polidore who writt ye affayres of ye tyme by ye command of King Henry 7."

<sup>2</sup> MS. B. :—"or."

the Duke of Norfolke, Marquis of Winchester, Lord Treasurer, Earls of Arundell, Penbrooke, and Leycester, and many others, and upon long conference and many proofes that it was forged, the old Earle of Pembroke protesting he was with the King from the first houre of his sickness to his death and could thereby well assure the falsification thereof, att length it was moved that from that place they should goe with the rest of the nobility and proclayme the Queen of Scotts heyre apparant in Cheape Syde. Howsoever, by the meanes of some in ye company (tis thought the Earl of Leicester), it tooke not effect. Yett the Earl of Penbrooke now lyvinge can beare witnessse that this is true, and that his father att that time told him openly before the other noblemen, that he had brought him to that assembly to instruct him in the truth who was the right heire, and to charge him to witness the same, and to charge him to defend it with his sword, if need required, after his death.

The very causes why the Queen of Scotts was not proclaymed was onely her religion, it being thought that it would drawe many there unto, and especially her bad behaviour towards the Queen in seeking the Crowne before her time by many trecherous devices, and the suspicion of that, by many badd friends the King hath, to make the Queen thinke the [like]<sup>1</sup> of him is the cause that he is yett denied itt, notwithstanding that the Queen is very prejudicate in her opinion in conserving that statute for concealing the next successor, yett, it is said, it is defyned both by her and the Parliament and sealed up in [3]<sup>1</sup> bales, and delivered to the King of France and 2 others, they haveing taken oath not to open itt untill the Queen's death; and this is done to avoid contention when that day shall happen, and the birds will sing closely that there is no other named there in but the King of Scotts. Haveing sett downe so much as is fitt concerning this first mayne point, and referring the rest to the treatise within mentioned, I will come now to describe the State according to the method prescribed, and first of the externall partes.

The Quantity of the Kingdomes & Territories. The Queen of England holdeth under her dominions absolutely the whole Kingdomes of England and Ireland with 21 Islands of names adioyned unto England, besides many which belong unto Ireland. She holdeth also divers places of consequence in the Lowe Countries by composition.

<sup>1</sup> MS. B.