

form of a bill, which in 1707 was 'dried' or perpetuated as a legal enactment by the Scottish and English Parliaments. 'Though the fact is often 'overlooked,' says Professor Dicey, an authority second to none in such matters, 'the Parliaments 'both of England and Scotland did, at the time of 'the Union, each transfer sovereign power to a new 'sovereign body, namely the Parliament of Great 'Britain.'¹ A brand-new state was created by an instrument of government deliberately devised and consciously adopted by the two Parliaments; and each, in doing so, effaced itself. This instrument was the written constitution of the new state they brought into existence; and its character as a written constitution is in no way altered by the fact that it has since become overlaid by a mass of subsequent usages and enactments. In no other way could a voluntary union have been effected. Had the maxims of Sir Charles Lucas prevailed, had the principle been applied that any union of England and Scotland 'must grow,' and that any 'cut-and-dried system would be fatal,' the inevitable result would have been war between the two commonwealths. Scotland must almost certainly have been conquered, as Wales had been some centuries before. England would have annexed Scotland as so many additional counties. In time, no doubt, representation would have been accorded to these northern counties, as they were after several centuries to those of Wales. In this way, and in no other, the settlement of a scheme of government such as that embodied in the Act of Union could have been avoided.

¹ Dicey, *The Law of the Constitution*, pp. 66-7.