Viz: Marriages celebrated in improper Places; or, if between Minors, without the Consent of Parents or Guardians, or without an Opportunity given them to dissent, by Publication of Banns.

If this Act is not entirely nugatory, it must bind somebody; & if any are bound, they must be the Kings Resident Subjects; who are to live under it, & who claim & enjoy, the Privileges & Benefits of it, as they do of all the rest of the Laws of the Land.

What then was the Intention & Occasion of the Exception?

No Man who is not utterly ignorant of the Laws, and Constitutions of the two Countries, constituting Great Brittain, can entertain a moments doubt about it.

The Legislature was making Rules, relative to a Contract, the Solemnities constituting which, are merely Ecclesiastical.

The Legal Ecclesiastical Constitution of the two Countries, & all their religious Ceremonies, are entirely different; and the most scrupulous Care, was taken, by the Scots, at the Union, to preserve their Ecclesiastical Government & Discipline, upon the same Footing it then was; It is declared by Article 25th of the Articles of Union, ratified by an Act of the Parlt. of Great Brittain 5 Anne c 8. "That the Act for securing Presbyterian Church Government, be for ever held to be, & observed as, a fundamental Condition, of the Union."

To have extended the 26 Geo. 2. to Scotland, therefore, (to which, it would have extended, but for the Exception) would have been an absolute Breach of the Union; Banns could not be publishd, or Marriage solemnized, in the manner directed by that Act, without the Reception of the English Liturgy; Licences could not be obtained, without Bps, Bps, or, other Ordinaries, to grant them; and therefore, the different Constitution in this Respect, made it necessary, to declare, that the Statute, should not extend, to Scotland; the Legislature either being of Opinion, that the Laws at that time in force in Scotland, for preventing Clandestine Marriages, were sufficient to restrain them, there: or else, intending to make further Provision, for preventing them there, by a Law, adapted to their own Constitution, at some future Time.

That this was the real Intention, & Occasion of inserting this Exception, in the Statute 26 Geo. 2. is what I believe no man will deny. That it was any Part of the Intention, of the Legislature, in inserting it, to give force & Validity, in England, to such Marriages, as the pretended Marriage Libellate, no man will venture to assert.

If then the Intention of the Statute be clear, & undisputed between us, & if it be such, as may be collected, from the plain, Grammatical Sense of the Words; can there be a doubt, but that the Intention ought to be carried into Execution, even, tho the Words of the Exception, taken by themselves, might be turned to another Sense; or, that they were expressed ambiguously.

But how much more forcibly, will this Rule act, where understanding the Words in one Sense, the plain, declared Purpose of the Act, will be carried into Execution; but taking them the other way, it will be totally defeated, & produce nothing, but Absurdity & Confusion; & the mischief, be left, as great, as ever; with the Addition of a most flagrant Contempt of the Law.

Now taking the Statute, altogether, in the Sense, which we, who are for the Pltf, submit, it ought to be understood; those mischiefs & Inconveniences, which it is declared in the Preamble, to have been intended to prevent, will be effectually prevented: the Kings resident English Subjects, who are, beyond a possibility of Doubt, the Objects in Contemplation of the Law, will be bound, either, to obey the Directions of it, or to take the Consequences of a Contract, illegally entered into, if they disobey them: the Authority of Parents & Guardians, & the Security the Law intended, for Minors, will be provided for; & Decency will be observed, in the Performance of a Solemn Religious Rite.

But take it the other Way, & those of the Kings resident English Subjects, who do not chuse to obey this Law; & who find it convenient, to do a piece of that Mischief, which it was avowedly enacted to prevent; have nothing to do, but to get into a Post Chaise, drive, 2 or 300 Miles, till they pass a certain line; there they need not search long for a Dr Jameson, who has a Garret at Dumfries; or if they go into the first Alehouse, by the Road Side; or get him to mutter the Marriage Ceremony, under a Hedge, it is full as well; they turn their Horses Heads directly, & come back, lawfull Man & Wife; by the Law of England, in direct Contradiction & Defiance, to the express Letter, of the Law of England.

This seems to me to be such Law, as if any Traveller were to affirm, he had met with, in some very remote unknown Country, he would be thought to speak with the Licence of a Traveller.

Surely, this is, so very absurd a Practice, that, it is