Permit you to marry; The Contract, was good in England, you say: Go then, & Enjoy the Fruits of it in England; but the Law of England, is not binding in France, where the Law of France has declared the Contrary
It is the same in Ireland; by an Irish Statute 19. Geo 2. Cap. 13. Sec. 1. "Every Marriage that shall be celebrated after, 1 May 1746, between a Papist, & any who hath been, or hath professed himself to be, a Protestant, at any Time within 12 Months, before the Celebration of such Marriage, shall be, absolutely null & void, without any Process, Judgement, or Sentence of Law, whatsoever. ✝ . . ."
It is contrary to the very Epence of a Sovereign independent Power, to say, it should: It is, of the Epence, of a Sovereign Power, to bind its own People, by its own Law; To be bound, by the Laws, of no other Country, ex vi Sua, but by Consent, to adopt them. The Doctrine contended for if adopted, would occasion great Confusion; all the Laws, all the Abominations, (as one of the Gentlemen call'd them) on Earth might be introduced; No Political Regulation could be made, which the neighbouring Country could not defeat; Persons might be Man & Wife, in one Country & obliged to cohabit; & not Man & Wife, in another, & therefore forbidden to Cohabit.
But if this Confusion is occasioned by the Obstinacy & Wilfullness of the Parties; who is to blame? It is a great Inconveniencies to them, & a much more pityable one, to their Children, who are not to blame at all: but Laws are not to be broke through, to remedy private Inconveniences; the only way to prevent them, is to put the Law in Execution.
Will it be contended, that every Marriage, performd between two English Protestants, in Scotland, shall give them, & their Children, all the same Rights & Privileges though they return, immediately, into England, & live there the rest of their Lives, as it would give to Resident Scots Subjects? Perhaps those who contend for this, would scarce be aware, how far the Principle would go.
By the Law of Scotland, in conformity to the later Roman Law, Marriage legitimates the Issue, which a Man, Woman, being single at the time, (& to whose Marriage there was no legal Impediment) have had before the Marriage; & a Man may legitimate all the Children, he has had, by a Woman, by marrying her, upon his Death Bed —
By the Law of England, every one born out of Lawfull Matrimony, is a Bastard, tho, Matrimony be afterwards solemnized between the Parties.

× L. 10. C. de naturalibus Liberis. Nov. 89. C. 8. Macdonals Instit. of the Law of Scotland P. 121 — Ibid. P. 122 —

Co. L. 244. a. . . .

× Could they contract a valid Marriage, by coming to Holy head being unmarried there, & returning immediately to Ireland? surely not; it is subversive of all Civil Policy; no such Comity can subsist: —

Is then this Law, to be changed, by the mere accidental Circumstances, of a Marriage having been performd in Scotland? & shall the Child born in Lawfull Matrimony be barrd of its Inheritance in England, by a Bastard, because his father & mother were afterwards married in Scotland? It cant be doubted, that the Claim of a Child, born before the Marriage of his Parents, tho performd in Scotland, to an Inheritance in England, would be rejected with Indignation, in any Court of Justice in this Kingdom: It would doubtless be treated as our Ancestors treated, the Proposal, when it was made by the Clergy, that the Law of England, should be changed, & the Civil Law adopted in this Particular. It was thought a sufficient Answer to give Nolumus Leges Angliæ mutari, quæ hactenus usitatæ fuere. Yet the Children will be Legitimate in Scotland: If then the innocent Children may be Legitimate in one Country, & Illegitimate in another; why may not their Parents tho, married abroad, be refused the Privileges of married Persons at home, when they have brought that Inconvenience upon themselves, by their own Obstinacy & Disobedience —
The notion that when the Contract was made in a foreign Country, the Law of the Country where it was made, must be the Rule in determining upon it, is true in a certain Degree, & under Restrictions in all Countries: but the Country in which it is allowed, in a much greater Extent, than any other, is, the United Provinces of the Netherlands, on account of the particular Constitution of those Countries; which is that of a federal Union of small Territories, who are governd by their own Laws. It has happend, that this Country has produced more Writers upon the Law of Nations, than any other; & yet it has been made appear, from these Writers, that according to their Opinion, & to the Practice of those Provinces, this Rule is subject to innumerable Exceptions: These are all laid together, & the Question seems to be thoroughly sifted, in that Treatise of Huber de Conflictu Legum diversarum, in diversis Imperiis, which I believe your Ldps have all had recourse to, & therefore I will not trouble you with Quotations from it; the Result is, that the Rule is to be observed, only Sub hac Exceptione; "nisi ad aliam Rempublicam evidens inde Periculum aut Incommodum resultare queat;" & in particular, that no

Prælectionum Pars. 2. Lib. 1. Tit. 3. . . . . .