" Grievance; declared the Marriage null: condemned the "
" Priest, & two Officers, to the Galleys, for 9 Years: & banished "
" Mr Dunbar, the Young Woman, herself, & all Persons ... "
" present, or in any way concerned in the Marriage: ... "

These Circumstances were given in Evidence, before the Chancellor of London, who upon that, dismissed Mr Scrimshire from the Instance of said Sarah Jones

NB. In France are two Ways of Proceeding to annul a Marriage; Before the Official, who is Judge of the Sacrament, & of the Bond formed by it — By what is called, an Appeal from an Abuse, which is made to the Parliament —)

This was the true State of that Case: how it applies at all to the present, I dont see — It was a void Marriage in France; It would have been a Clandestine Marriage in England; It was a fraudulent Transaction, highly unfavorable; therefore the Judge laid hold of the Objection, of its wanting a bonum Jubilum, on account of the Place, it was performed in, to set it aside.

Another very material Difference, between the two Cases, was, that the Parties in that Case were domiciled in France; & did not go there with any View, to that Marriage; Mr Scrimshire's Mother had lived at Paris & Boulogne several Years; Miss Jones had lived at Boulogne, as long; Certainly therefore they were to obey, the Law of the Country, where they resided; & the Courts of all other Countries, according to the General Rule, owed respect to that Law; & more particularly where the Act, which the Party would have availed herself of, was a culpable one, & highly unfavorable at home; & therefore the Law of England was not contradicted, but aided, assisted, by the Law of the Country, where the Marriage was solemnized in that Case.

The Point in Issue certainly has never received a Judicial Decision; & therefore, if we had not been led into it, by the other side, I own, I should not have thought myself at Liberty, to have cited Obiter Opinions, however respectable the Persons, said to have given them, might be, who had not the Matter in Question, judicially before them.

However, 2 Cases were mentioned, in which Ld Chan^r Northington, & Master of the Rolls. (Sir Tho: Clarke) are said to have delivered their Opinions, that marriages of English Persons, had in Scotland;

x Bedford & Vetney

(2 Brook & Oliver

(and I suppose merely to evade the Marriage Act, tho, the Circumstances were not particularly stated) were good Marriages in England; & that they made Decrees accordingly; i.e. as they would have done, if the Marriage had been legally solemnized in England: But this, has not been the constant Doctrine, of the Court of Chancery, since the 26 of Geo. 2. There was an Instance in Ld Hardwicke's time of a Marriage at Oxford, between 2 Persons, who went from England to be married there, because they could not get married in England, on acct of 26 Geo. 2. This is a stronger Case & more expresly within the Exception, yet Ld Hardwicke ordered it to be tried, in the Ecclesiastical Court; but the Young Man came of age, & the Parties were married over again; This was so said by

Burrow. p. 1077. Ld Mansfield in his Argument, in the Case of Robinson & Bland — It was said Ld Mansfield gave an Opinion, on the Validity of Scotch Marriages, in his Argument of that Case: I dare say he did not: he is too well acquainted with the Caution & Deliberation, with which, Opinions ought to be given, from the Bench: but if the Report in the same Book be true, he certainly treated it, as, at least, a very doubtfull Question; & so far he was called upon to do

Action on the Case } " Bill of Exchange for £672, was drawn at Paris, by
Robinson agt " Sir Jn Bland, on himself in England, payable to the Order
Bland " of the Plt, 10 Days after Sight, value received, accepted by Sir Jn Bland —

Verdict for £672 was given for the Plt with Damages, subject to the following Case

That the Bill was given at Paris, for £300 there lent by the Plt to Sir Jn Bland, at the Time & Place of Play; & £372 more lost at the same time to the Plt —

That the Play was fair —

That in France Money lost at Play between Gentlemen, may be recovered as a Debt of Honour, before the Marshals of France, who can enforce Obedience to their Sentences, by Imprisonment; tho. such Money, is not recoverable, in the Ordinary Course of Justice —

That Money sent to play with, or at the time & Place of Play, may be recovered there as a Debt, in the Ordinary Course of Justice, there being no positive Law against it.

It was determined, that, as to the Money won, it could not be recovered

as to the Money lent, the Plt was entitled to it, both by the Law of England, & the Law of France —