



No. 149.

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2nd Session, 6th Parliament, 22 Victoria, 1859.

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**B I L L .**

An Act for the relief of John McLean.

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*As passed by the Legislative Council*

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[Printed by Order of the Legislative  
Assembly.]

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**B I L L .**

[As passed by the Legislative Council.]

An Act for the relief of John McLean.

**I**NASMUCH as John McLean, of the City of Toronto, Gentleman, formerly Merchant Tailor, hath by his Petition humbly set forth that on the sixth day of February in the year of our Lord one thousand eight hundred and forty-seven he was duly married to Diana Hewgill, a spinster, then living at the village of Thornhill, in the County of York; that he and the said Diana Hewgill lived and cohabited together as husband and wife from the time of their said marriage until the eleventh day of August, in the year of Our Lord one thousand eight hundred and forty-seven, when unhappy differences having arisen between them, and having agreed to live separate and apart, a Deed of separation was prepared and executed by them; that there has been no issue of the said marriage; that no intercourse has been had between them since the last mentioned time; that the said Diana Hewgill left this Province for the United States of America some time in the month of June in the year of Our Lord one thousand eight hundred and fifty-two; that he had lately discovered that the said Diana Hewgill has for some years past been carrying on an adulterous intercourse and criminal conversation with one Alexander Gallagher, of the village of Castalia, in the State of Ohio, a cooper by trade, and is now living with him in open Adultery; that there has been issue by such adulterous intercourse; that in consequence of the residence of the said Alexander Gallagher being out of the Jurisdiction of the Superior Courts of this Province, the petitioner had been unable to institute legal proceedings against him for such criminal conversation; that the said Diana McLean had, by her adulterous and criminal conduct, dissolved the Bond of matrimony on her part, and that he was deprived of the comforts of matrimony, and was liable to have a spurious issue imposed upon him unless the said marriage should be declared null and void, and hath humbly prayed, that the said marriage might be dissolved so as to enable him to marry again, and that he might have such other relief as might be thought fit; And whereas the said John McLean hath made proofs of the adultery above recited, and it is expedient that the prayer of the said Petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

**1.** The said marriage between the said John McLean and Diana Hewgill, his wife, shall be henceforth null and void, to all intents and purposes whatsoever.

2. It shall and may be lawful for the said John McLean, at any time hereafter, to contract matrimony, and to marry with any other woman with whom he might lawfully marry in case the said marriage had not been solemnized.

3. In case of the said John McLean again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony if they, the said John McLean and Diana Hewgill, had not intermarried, and having any issue born to him, the said issue so born shall be, and are hereby declared to be, to all intents and purposes, legitimate, and the rights of them the said issue, and of each of them, and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy, and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said John McLean and Diana Hewgill had not taken place.