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1st Session, 4th Parliament, 16 Victoria, 1853.

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BILL.

An Act for the relief of WILLIAM HENRY
BERESFORD.

Received and read first time, Thursday, 10th March
1853.

Second reading, Thursday, 31st March, 1853.

[250 Copies.]

HON. MR. BOULTON.

QUEBEC:

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BILL.

An Act for the relief of WILLIAM HENRY BERESFORD.

INASMUCH as William Henry Beresford, of the City of Preamble.
Toronto, Esquire, late a Captain in Her Majesty's Rifle
Brigade, hath by his Petition humbly set forth, that in the
month of July, in the year of Our Lord one thousand eight
5 hundred and fifty, he was married to Emma Catherine Law-
rence, a spinster, then living in Montreal, that he and the
said Emma Catherine Lawrence, lived and cohabited together
as man and wife from the time of their marriage until the
month of May, in the year of Our Lord one thousand eight
10 hundred and fifty-one, that unhappy differences caused by
great violence of temper and uncontrollable bursts of passion
on the part of the said Emma Catherine Lawrence, during
which his life was endangered, rendered it impossible for them
to continue to reside together, and that it was agreed between
15 them to live separate and apart, that at the time of their
separation the said Emma Catherine Lawrence left the abode
of the said William Henry Beresford with her brother, to
return to Halifax, in the Province of Nova Scotia, in the
month of July, one thousand eight hundred and fifty-one,
20 that in the early part of last summer the said William Henry
Beresford had reason to believe that the said Emma Catherine
Lawrence had entered into and carried on an unlawful familia-
rity and criminal intercourse with Daniel Gallagher, a servant
in the employ of the said William Henry Beresford, before his
25 separation from the said Emma Catherine Lawrence, that
while the said William Henry Beresford was taking the ne-
cessary steps to satisfy himself of the guilt of the said Emma
Catherine Lawrence and obtain proof thereof at Rochester, in
the State of New York, near to which she resided with her
30 brother, as the said William Henry Beresford had been
led to believe, she the said Emma Catherine Lawrence
disappeared from her residence and afterwards was traced
to the City of Rochester aforesaid, where she and the
said Daniel Gallagher passed as man and wife under
35 the name of Mr. and Mrs. Daniel Bradfield, and whither
she had gone to be delivered of a child, that after
being discovered she the said Emma Catherine Lawrence
returned to her residence near Rochester, and on the four-
teenth day of August, one thousand eight hundred and
40 fifty-two, she was delivered of a female child which died
on the thirtieth day of January now last past, that
in consequence of the residence abroad of the said Daniel
Gallagher, the said William Henry Beresford has been
unable to institute legal proceedings against him for such

criminal conversation with the said Emma Catherine Lawrence, with a view to an application to the Legislature for a divorce, and hath humbly prayed that the said marriage might be dissolved so as to enable the said William Henry Beresford, to marry again, and that he might have such other relief as might be thought fit ; And whereas, the said William Henry Beresford hath made proofs of the facts above recited and it is expedient that the prayer of the said petitioner should be granted ; Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and of the Legislative Assembly of the Province of Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of the United Kingdom of Great Britain and Ireland, and intitled, "*An act to reunite the Provinces of Upper and Lower Canada, and for the Government of Canada,*" and it is hereby enacted by the authority of the same, that the said marriage between the said William Henry Beresford and the said Emma Catherine Lawrence his wife shall be henceforth null and void, and the same is hereby declared adjudged and enacted to be null and void to all intents and purposes whatsoever.

Marriage between W. H. Beresford and E. C. Lawrence his wife declared null.

Permission to each of them to marry again.

II. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the said William Henry Beresford and the said Emma Catherine Lawrence respectively, at any time hereafter to contract matrimony and to marry with any other woman or man with whom either of them might lawfully marry in case the said marriage had not been solemnized.

Issue of any such marriage, to be legitimate.

III. And bet it further enacted by the authority aforesaid, that in case of the said William Henry Beresford and the said Emma Catherine Lawrence, or either of them, again contracting matrimony with any person or persons with whom it would have been lawful for them to contract matrimony, if they the said William Henry Beresford and Emma Catherine Lawrence had not intermarried, and have any issue born to them or either of them, that the said issue so born shall be and are hereby declared to be to all intents and purposes legitimate, and that the rights of them the said issue and 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 William Henry Beresford and Emma Catherine Lawrence had never taken place.