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BILL.

An Act for the relief of John McLean

Received and read first time, Monday, 19th April,
1858.

Second reading, Tuesday, 4th May, 1858.

(500 copies.)

HON. MR. BOULTON.

BILL.

An Act for the relief of John McLean.

INASMUCH as John McLean, of the City of Toronto, Gentleman, Preamble.
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 spin-
5 ster, 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
10 having agreed to live separate and apart, a Deed of separation was pre-
pared 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
15 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 con-
versation with one Alexander Gallaher of the Village of Castalia, in the
State of Ohio, a cooper by trade, and is now living with him in open
20 adultery; that there has been issue by such adulterous intercourse;
that in consequence of the residence of the said Alexander Gallaher
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
25 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
30 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 Legisla-
tive Council and Assembly of Canada, enacts as follows:

35 I. 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.

Marriage of John
McLean & Diana
Hewgill made
void.

Power given to
John McLean to
marry again.

II. 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.

Issue of future
marriage of John
McLean to be
legitimate.

III. In case of the said John McLean again contracting Matrimony 5 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, 10 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 15 John McLean and Diana Hewgill had not taken place.