

*Laws of Her Majesty's Province of Upper Canada*, passed in the year 1841. Kingston: Stewart Derbyshire and George Desbarts, 1841.

4 & 5 Victoria – Chapter 72

**An Act for the Relief of John Stuart. Royal Assent promulgated on the 18th June, 1841.**

For as much as John Stuart, of the Town, of London, in the District of London, and Province of Upper Canada, Esquire, hath by, his Petition humbly set forth, that he and Elizabeth Van Rensselaer Stuart, formerly Elizabeth Van Rensselaer Powell, are both natives of the said Province of Upper Canada; that a Marriage was in due form of law had and solemnized between them at the City of Toronto, in the said Province, in the year of our Lord, one thousand eight hundred and thirty four; that he has had three children, daughters, born to him by his said wife, all of whom are still living, who are between the ages of two and five years; that he continued to enjoy the comfort and assistance of his said wife, from the time of such, marriage until on or about the twenty fifth day of June, now last past, when on a visit to her mother in the City of Toronto, aforesaid, being seduced by one John Grogan, then a Lieutenant in Her Majesty's Thirty-second Regiment of Foot, and at that time stationed in the said City of Toronto, and immediately before stationed at the Town of London, aforesaid, she, the said Elizabeth Van Rensselaer Stuart, committed adultery with the said John Grogan, and eloped from him, the said John Stuart, and has continued ever since to live apart from him the said John Stuart, and that the said John Stuart commenced an Action in Her Majesty's Court of Queen's Bench against the said John Grogan, for the said seduction of his said wife, in which such proceedings were had, that a judgment was therein rendered for him, the said John Stuart, against the said John Grogan, for the sum of Sue Hundred and Seventy-one Pounds fourteen shillings and three pence damages and costs, as by the Record of the said Judgment, reference being thereunto had, will more fully appear, and hath humbly prayed, that he might be divorced *à vinculo matrimonii* from his said wife: And whereas the said John Stuart hath made proof 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 Assembly of the Province of. Upper Canada, constituted and assembled by virtue of and under the authority of an Act passed in the Parliament of Great Britain, entitled *An Act to repeal certain parts of an Act passed in the fourteenth year of His Majesty's Reign, entitled An Act for making more effectual provision for the Government of the Province of Quebec, in North America, and to make further provision for the Government of the said Province*, and by the authority of the same, that the said Marriage between the said John Stuart and the said Elizabeth Van Rensselaer Stuart, his Wife, shall from henceforth be null and void, and the same is hereby declared, adjudged and enacted to be null and void to all intents and purposes whatsoever.

II. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the said John Stuart, and the said Elizabeth Van Rensselaer, 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.

III. And be it further enacted, by the authority aforesaid, that nothing in this Act contained shall extend or be construed to extend to affect the legitimacy of Mary Sophia Stuart, Caroline Elizabeth Stuart and Agnes Grant Stuart, issue of the said John Stuart and his said wife, Elizabeth Van Rensselaer, but that the said Mary Sophia, Caroline Elizabeth and Agnes Grant, and each of them, is and are, to all intents and purposes, legitimate, and that the rights of them 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, to any person or persons whomsoever, shall remain the same as they would have remained to all intents and purposes whatsoever as if this Act had not been passed.

IV. Provided always, and be it further enacted, by the authority aforesaid, that in case of the said John Stuart, and the said Elizabeth Van Rensselaer Stuart, 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 John Stuart and Elizabeth Van Rensselaer Stuart, 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, as if the marriage between the said John Stuart and Elizabeth Van Rensselaer had never taken place.