



ANNO SEXTO-DECIMO
VICTORIÆ REGINÆ.

CAP. CCLXVII.

An Act for the relief of William Henry Beresford.

Reserved for the signification of Her Majesty's pleasure 14th June, 1853.

The Royal Assent given by Her Majesty in Council on the 20th October, 1853; and Proclamation thereof made by His Excellency Lieutenant General WILLIAM ROWAN, Administrator of the Government, in the Canada Gazette of the 10th December, 1853.

INASMUCH as William Henry Beresford, of the City of 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 hundred and fifty, he was married to Emma Catherine Lawrence, 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 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 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; 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 familiarity and criminal intercourse with Daniel Gallagher, a servant in the employ of the said William Henry Beresford, before his separation from the said Emma Catherine Lawrence; that while the said William Henry Beresford was taking the necessary 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 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, 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 fifteenth day of August,

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Preamble.

one thousand eight hundred and 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 adultery 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 intituled, *An Act to re-unite 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 of W. H. Beresford and E. C. Lawrence, declared void.

W. H. Beresford empowered 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, 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 the future marriage of W. H. Beresford declared legitimate.

III. And be it further enacted by the authority aforesaid, That in case of the said William Henry Beresford again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they the said William Henry Beresford and Emma Catherine Lawrence had not intermarried, and have any issue born to him, 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.

Legal Rights of such issue.