

20. That since the death of William McCormick, four of his children, devisees in his will, have died, viz: Charles, on December 18, 1844, a minor, unmarried, and intestate; Alexander, on August 24, 1854; and John, on July 25, 1856, both leaving children and both intestate; Mary, on July 23, 1861, leaving a Will, by which she devised her estate to her executors, Peregrine McCormick and Arthur McCormick, and to her executrix, Elizabeth McCormick, in trust to pay off certain legacies, and to divide the residue amongst her surviving brothers and sisters, and directing a share equal to that of each of her surviving brothers to be divided amongst the children of her brother John.

21. That all the surviving devisees in the Will of the said late William McCormick, and their families, as well as that of the said late John McCormick, continue to occupy the said Island, and all join in this Memorial. That the only parties, having an interest in the island, who do not join in presenting this Memorial, are the children of the late Alexander McCormick; he, having in his lifetime, set up pretensions to a larger share of the island than the other members of the family were willing to admit, or than he was by law entitled to, claiming the whole of Charles' share as devolving to himself; the children now living, Roland Alexander McCormick and Agnes Louisa McCormick, being minors, and under the tutelage of their mother, Mary Burwell McCormick, now residing in the County of Elgin.

22. That proceedings have been taken, and are now pending in Her Majesty's Court of Chancery, at Toronto, for a partition of the interests of the several parties, entitled in any way, to have their respective interests or portions assigned and set off to them in severalty.

23. That, impressed as Your Memorialists are, with the rightfulness and justice of their claim to the said island, the possession thereof by them and those under whom they hold, having been held for so long a period, undisturbed and unquestioned by the Indians, who were the original possessors, as well as by their descendants, the Indians ever respecting the Lease they had so passed, as well by not offering to cede or dispose of the said island by treaties, subsequently made with the Government, or otherwise, as by recognizing the rights of those claiming under the said Lease, by cheerfully paying for the privilege of trapping thereon, year after year. Your Excellency's Memorialists, nevertheless, desire to hold their lands under Patent from the Crown, in order that they may the more fully reap the benefits thereof, by being enabled to raise the necessary means of improving the same, and to be placed under the operation of the municipal institutions of Upper Canada.

And they venture to assert that they are deserving of the favourable consideration of the Government, in this their expectation, to be guaranteed and protected in their holding, not merely from the fact of their deriving their title from the original possessors, but in right of their father, who, in early times, and under difficulties and hardships, subject to great inconveniences and privations, settled with his family upon the island, an exile from society, and, with much toil, strived to achieve the maintenance of his family, and to leave his children each in the possession of a homestead. If, at this day, foreigners are invited to the country, and offered lands free, in order to accomplish the settlement of our wilds, shall not the children of our early pioneers be permitted to receive the reward of their ancestor's toil and endurance and of their own?

Always unhesitatingly loyal to the British Government, and ever true to its interests, Your Memorialists feel that they can appeal with confidence to the guardianship and protection of the Representative of their Sovereign.

Your Excellency's Memorialists therefore humbly pray that Your Excellency will be pleased to take their case into your attentive and favourable consideration, and cause an Order in Council to be passed, providing for the waiving of the said judgment, so obtained against the said Mary McCormick and William McCormick, under the peculiar circumstances hereinbefore set forth, in order that Your Excellency's Memorialists may no longer continue to be in a worse position than they were prior to the filing of the said Information, and for the issuing of Patents of Confirmation, on payment of the fees thereon, to Your Excellency's several petitioners, claiming the said Island, for the respective portions thereof which may be assigned to them in severalty, as the result of the said proceedings for partition.

And Your Excellency's Memorialists will, as in duty bound, ever pray.

(Signed,) JOHN STUART,
Attorney for Memorialists.

Quebec, 25th July, 1865.