

William Monforton appears to have remained in his hands up to the time of his death, and to have been subsequently in the keeping of his descendants until a very few years since, when it was acquired by the said Charles Labadie, and by him handed over to the said John Stuart, as mentioned in the said affidavits, annexed thereto.

That a true copy of the said Deed of Cession, as extracted from one of the said other two registry books, is annexed to, and forms a part of the said affidavit of the said John Stuart.

5. That none of the islands, lying off the coast so ceded, and of which the island in question is one, are included in the said Deed of Cession; neither have the Indians, either before, or since the date of the said Deed, ever pretended either to cede the said last mentioned island to the Crown, to demand possession thereof, or to claim any right thereto.

6. That the bands of Indians, who so owned and occupied the said island, and whose Chiefs and Sachems executed the said Lease thereof, to the said Thomas McKee, have become extinct.

7. That the said William McCormick, so early as the year 1815, removed to the said island, as will appear by reference to the affidavit of Michael Fox, (accompanying this Memorial, and marked (C,)) occupying the same, as the tenant of the said Alexander McKee, the younger, up to the year 1823, when he, the said Alexander McKee, by Deed of Bargain and Sale, duly registered in the Registry Office of the County of Essex, conveyed to him, the said William McCormick, the whole of the said island, for a valuable consideration, (a certified copy of the Memorial, of which said Deed as registered, accompanies this Memorial, and is marked "D,") and, from which latter period, he, the said William McCormick, occupied the same as his own property, improving and building upon it, by himself and his tenants, up to the time of his death, the 18th day of February, 1840, bringing up and establishing thereon a numerous family of eight sons and three daughters, to whom he devised the same equally by his Will, and all of whom, with the exception of those since deceased, have continued to reside upon and improve the same up to this time.

8. That the said William McCormick, by his last Will and Testament, bearing date the 20th July, 1839, also duly registered in the Registry Office of the said County of Essex—after leaving to his wife a Life Estate in the "Home Farm," and two hundred acres of woodland adjoining it for her own support; charging three other farms, specified, with the support and education of the younger branches of his family, during their minority; and leaving his sister Elizabeth a life interest in the "Butler Farm,"—devised to each of his eleven sons and daughters, a certain farm, (particularly designated) providing that each and every of the ten, of the said eleven, farms thus specifically devised, should be made up to the complement of three hundred acres of tillable land.

And the said William McCormick further—after providing that one hundred acres of land, on the island, not otherwise disposed of, should be reserved for the support of a school on the said island, and that a certain place should be marked out for a village plot, a church and a school-house—devised the residue of the island, the saw-mill, with two acres around it, with all stone, cedar, timber, village plot, church and school lot, and hunting and fishing privileges, equally among his said eleven children.

That the said William McCormick, by his said Will and Testament, appointed, as executrix and executors thereof, his said wife and said sons, Alexander, John, David and William, of whom only the said Matthew McCormick and the said David and William are now surviving; a certified copy of the said Will, of the said Will, as duly registered, accompanies this Memorial, and is marked "E."

9. That after the death of the said William McCormick, the devisees, under his said Will, considering it advisable that the said island should be surveyed, and the farms, so specifically devised to them respectively, marked off and defined, consented to the employment of a Provincial Surveyor for that purpose, and the late Philobeth D. Salter was, accordingly, employed therefor, and who, on the 1st day of August, 1847, made a survey of the island, and whose original field notes and copies of the same, such survey, accompany this Memorial, and are marked respectively "F" and "G."

10. That the said Alexander McCormick, who, as the said Will has been allowed by the other devisees to act as their agent, for the management of their interests in the undivided portion of the said island, induced the said devisees to set off the farms, so specifically devised by the said Will, in such manner as to divide their own individual interests, and not in accordance with the terms of the said Will, to which survey none of the other devisees ever assented, except the said portion of the said