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To his Excellency the Right Honourable Charles Murray Earl Cathcart, of Cathcart, in the County of Renfrew, K. C. B., Governor-General of British North America, and Captain General and Governor in Chief in and over our Provinces of Canada, Nova Scotia, New Brunswick and the Island of Prince Edward and Vice admiral of the same, and Commander of our Forces in British North America.
In Council assembled

The humble petition of Robert McLeary of the Township of East Oxford, in the District of Brock, yeoman,

Sheweth:

That your petitioner is brother to the late John McLeary, deceased, that the said John McLeary died on the seventeenth day of January in the year of our Lord one thousand eight hundred and thirty eight, and left issue, a Son, John McLeary who has resided with your petitioner since the decease of his parents

That in the year one thousand eight hundred and thirty six the said John McLeary deceased, obtained from the then Government a right to locate Lot number seven in the second Concession of Blenheim a Clergy Reserve, with a promise of a lease for the same, that by virtue of such right the said John McLeary deceased entered upon the said Lot built a house and made considerable improvement on the same, that subsequently in the year one thousand eight hundred and thirty seven an order in Council was passed authorizing the said John McLeary deceased to purchase the said Lot at the valuation of a

Deputy Provincial Surveyor and on payment of the rent then due, which in consequence of his decease was not finally completed.

That your petitioner within a few days after the death of the said John McLeary paid Thomas Baines, Esquire, the sum of two pounds and five shillings for rent due on the said Lot and that the said Thomas Baines then assured your petitioner that the purchase was perfectly secure to the heir at Law.

That your petitioner upon several occasions since the last mentioned period offered to pay the rent of the said Lot to the said Thomas Baines but that in consequence of there being other claimants he refused to receive it.

And your petitioner further saith that John McLeary son and heir at Law of John McLeary deceased, is of the age of thirteen years and upwards, that the estate which he will inherit from his father will enable him when he becomes of age to complete the purchase of the said Lot on the terms mentioned in the order of Council and that he is desirous of purchasing the same.

Your petitioner therefore humbly prays that your Excellency in Council will not effect the sale of the said Lot to any other person or persons but secure the same to the heir at Law of the said John McLeary deceased, and your petitioner will become personally responsible for the due payment of the rent.

And your petitioner as in duty bound will ever pray &c.

Robert McLeary.

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Crown Lands Department
Montreal January 21st
1847.

Reference is requested to the proceedings in Council on the 28th November 1839 on the Petition of William Elgie & others, and also to a letter from the Commissioner of Crown Lands to the Provincial Secretary which appears to have been referred to the Executive Council in September 1840, but upon which no action was taken.

The only rent which appears to have been paid was by Rob^t McLevy in January 1838 for the children of the late John McLevy; but it would seem that no lease issued for the lot on the application of John McLevy in March 1836.

The Lot now is occupied at present by two other persons, whose names were inserted in the lists which accompanied the report from this office on various applications to purchase

certain

R B Sullivan
24 September 1840.

£1.5-

1st October 1846

Upper Canada Land Petitions "Mc" Bundle 4, 1845-1848
(RG 1, L 3, Vol. 316).

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certain blagg Reserves in the Brock
District. Thomas Spears for
10 years with 25 Acre cleared on
the North half, and Elam Martin
for a similar period with 40 Acre
cleared on the South half. Their
Petitions accompanied by evidence
in support of their claims are
herewith.

This submitted therefore
whether the prayer of this Petition
can be favorably entertained;
or whether the present occupants
have not a better claim by pre-
emption under the present re-
gulations.

D. B. Papineau
1844

McA
Petition of Robert McLevey

N^o 7-2-3-4-5-6
Blanchard C.R.

Rec^d - 12 Dec 46
See 6. W. Sam. 9 Dec 46

Upper Canada Land Department
January 2^d 47
Approved by Council of
the Hon^{ble} Executive Council
By Command
W. B. Pineau
C. L.

In Committee, 3^d February 1847.

The Committee are of opinion that the Lot should be sold to the present occupants, at the valuation of the District Agent, with back rent, provided they, to Robert McLevey for the benefit of the Son of the late John McLevey the value of whatever improvements were made on the land by him.

The sum paid to Mr. Baines by Robert McLevey should be returned to him.

Approved in Council same day
Communicated to the Com^r C. L. 4th February 1847.

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