# SDC Vol 3 Fol 77-81 Nicholas Brand to James Howe Carter 09-07-1839

***Power of Attorney***

***Nicholas Brand to J. H. Carter***

***To all to whom these presents shall come***

***Greeting***

***Witness that I Nicholas Brand***

***of Topsham in the County of Devon Hath***

***hereby nominated constituted and appoint-***

***-ted & by these presents constitute & appoint***

***James Howe Carter of Ferryland in the Island***

***of Newfoundland Merchant my true and***

***Lawful attorney for him to ask demand***

***and receive of and from all and every Tenant***

***and other person whomsoever in the said***

***Island of Newfoundland all and every sum***

***of Money whatsoever now due and owing***

***or which at any time or times hereafter shall***

***or may become due and owing to him the***

***said Nicholas Brand for and in respect***

***of Rent or use or occupation of Messuages***

***Lands Tenements and Hereditaments in***

***the said Island of Newfoundland generally***

***known as Messuages Lands and Tenements be-***

***-longing to the said Nicholas Brand or for or***

***in respect of any matter cause or things what-***

***-soever, and to settle and adjust accounts with***

***such Tenants and other persons and every of them***

***and to make to them all just and reasonable***

***allowances and to give and sign all such***

***Receipts and acquittances as shall be proper***

***and which shall be effectual discharges to***

***the person or persons paying the money***

***therein or thereby acknowledged or expected***

***to be received and in case of non payment***

***of such monies or any part thereof by all***

***Lawful ways and means to sue for recovery***

***and enforce payment of the monies and every***

***of them, and also to contract and agree with***

***any person or persons whomsoever for letting***

***or Demising and for the surrender of any***

***existing Lease or Demise of any lands mess-***

***-uage or Tenements and hereditaments & parts***

***and share of Messuages Lands Tenements and***

***Hereditaments, whatsoever in the said Island***

***of Newfoundland, and such Rent or Rents for such***

***Term or Terms of Years and with such reversions***

***Conditions and agreements and such manner***

***as he the said Attorney shall think proper***

***and advantageous, and sign and agree***

***to any contract or agreements and also to sign***

***and Seal and do the act and deed of the said***

***party hereto and to deliver any and every such***

***Lease or demise or the deed of the said party***

***as shall or may be requisite or necessary for***

***the purpose aforesaid or to accept of any surrender***

***or assignment of any Lease or Demise of any***

***of the aforesaid Hereditaments and premises***

***if the Attorney shall so think fit and he further***

***authorise and empower*** ***the said attorney to***

***appear for him before the Registrar or Register***

***in any District or District Court, or Court of***

***Newfoundland aforesaid for the purpose of***

***proving Registering and Recording this power***

***of attorney or any Deed or Deeds Document or***

***Documents writing or writings relating to or in***

***any wise concerning the said Hereditaments***

***and premises or any of them or any part there-***

***-of respectively, and to sign and Seal as his***

***act and Deed deliver all and every or any Deed***

***memorial, record or writing that may be***

***necessary. And he doth further authorise and***

***empower the said attorney to appoint under***

***him any substitute or substitutes to act do***

***manage and transact in and about the several***

***matters aforesaid or any of them and such substitute***

***or substitutes to make and displace, and another***

***or other of them to nominate and appoint at his will***

***notwithstanding such substitution or appointment***

***for him the said Attorney to act in and about***

***the said premises as if none such had been made***

***And generally to act do and transact all what-***

***-soever shall be requisite and necessary in and***

***about all and singular the premises as fully***

***and effectively to any intent and purpose***

***as he could do it personally present and acting***

***therein Hereby ratifying allowing & confirming***

***and promising and agreeing to allow ratify allow*** [sic]

***and confirm all and whatsoever the said attorney***

***or his substitute or substitutes shall or may***

***Lawfully do or cause to be done in and about***

***the said premises by virtue of these presents and***

***he the said party hereto doth hereby promise***

***and agree to and with whomsoever it may***

***concern that in case of his decease this power***

***of attorney as to all transactions matter and***

***things which after his death shall be done by***

***virtue thereof shall be binding upon his***

***Executors and administrators as the same***

***would have been if living.***

***In witness whereof the said Nicholas***

***Brand has hereunto set his hand and seal***

***the twenty eighth day of march one thousand***

***eight hundred and thirty nine.***

***Nicholas Brand {L. S.}***

***Signed sealed and delivered by the above named***

***Nicholas Brand in the presence of F. W. L.***

***Ross of Topsham Devon Gentn.***

***Alexr. H. Hamilton***

***Magistrate for Devon***

***I H. W. L. Ross of Topsham in the County of***

***Devon Gentleman do solemnly and sincerely***

***declare that I was present as a Witness and did***

***see Nicholas Brand the constituent named***

***in the Deed Poll or Power of Attorney hereunto***

***annexed sign and Seal and in his hand and***

***deliver the said deed Poll or Power of Attorney***

***and that the name and signature of Nicholas***

***Brand set or subscribed to the said Deed Poll or***

***Power of Attorney as the name of the Party executing***

***the same is of the proper hand writing of the said***

***Nicholas Brand whose name or signature the same***

***purports or appears to be, and that the name or***

***signature F. W. L. Ross set and subscribed to the***

***said Deed Poll or Power of Attorney as the name***

***of the Witness attesting the execution thereof***

***is the proper hand writing of this declarant***

***And I make this solemn declaration***

***Conscientiously believing the same to be true***

***and by virtue of the provisions of an at made***

***and passed in the fifth and sixth years of his***

***late Majesty William the fourth entitled “An***

***Act to repeal an act of present Session of***

***Parliament entitled an act for the more effectual***

***abolition of oaths and affirmations taken and made***

***in Various Departments of the State and to***

***substitute Declarations in Lieu thereof and for***

***the more entire suspension of voluntary and***

***extrajudicial Oaths and affidavits and to make***

***other provisions for the abolition of unnecessary***

***Oaths.***

***Declared at Topsham T. W. L. Ross***

***this second day of April 1839***

***Alexr. H. Hamilton***

***Magte. for Devon***

***I do hereby Certify that the foregoing Power***

***of Attorney and declarations commencing***

***at Folio 77 and ending at folio 89 was at***

***the request of James H. Carter of Ferryland***

***Esqr. (a party therein named) duly recorded***

***by me this ninth day of July one thousand***

***eight hundred and thirty nine.***

***George Simms***

***Ferryland 9th July} Registrar***

***1839}***