

18/06/2014  
R.D.

Southern District Court

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20/12/1884

Peter Germon Tessier and  
Anne Catherine Weston

to  
James Carter

This Indenture made at St. Johns in the Island of Newfoundland this twentieth day of December A.D. eight hundred and eighty four Between Peter Germon Tessier of St. Johns aforesaid Merchant and Anne Catherine Weston wife of the one part and James Carter at present of St. Johns aforesaid Sheriff of the Southern District of the said Island of the other part whereas the said Peter Germon Tessier executed a certain deed called a declaration of Trust dated the twenty sixth day of April A.D. eight hundred and seventy eight whereby he declared that he stood possessed of certain lands and properties for and subject to the purposes and trusts therein created And whereas it was provided in and to the said deed that should be the said Peter Germon Tessier as Trustee as aforesaid and the said Anne Catherine Weston be desirous of selling the said lands properties shares or portions or any part thereof they shall be at liberty so to do and after such sale and the execution of a deed of conveyance of the same to the purchasers thereof by him and the said Anne Catherine Weston the said purchasers shall hold the same wholly barred from all claim and demand whatsoever of and from him and of and from the said Anne Catherine Weston and the said children his and their executors and assigns and all and any person or persons claiming under him and them And he the said Peter Germon Tessier his executors and assigns shall stand possessed of all monies to arise from such sale or sales and conveyances and all the proceeds thereof to pay all expenses attending the same and the management of the Trust Estate hereby created and to invest the residue upon good security at interest to the same uses and trusts as are herebefore mentioned in respect to the said lands properties and Estates Provided also that should the said lands properties shares portions and premises not be sold during

the lifetime of the said Anne Catherine Weston it shall be lawful for him the said Peter Germon Jessier as Trustee as aforesaid and he doth hereby reserve full power if he shall deem it expedient for the interest of the Cestuis que trusts as to do without their consent to sell and dispose of the said land properties, portions, shares and estates or any part of the trust estate hereby created and to sign seal and execute good and valid conveyances thereof to the purchasers and after such sale and conveyance the purchasers shall hold the same barred from all claim of or from him and of and from all the cestuis que trusts being his said children his and their Exors. admors. and assigns or any person claiming under him or them and no purchaser under or by virtue of the powers contained in this deed shall be liable for the misapplication or non-application of the purchase money. And he the said Peter Germon Jessier his Exors. and admors. shall stand possessed of all monies to arise from such sale and conveyance to pay all expence attending the same and the management of the Trust Estate hereby created and to invest the residue upon good security at interest to the same uses and trusts as are hereinbefore mentioned with respect to the said lands, properties and estates And whereas the contingency therein referred to has now arisen and the said Peter Germon Jessier and the said Anne Catherine Weston are desirous of selling the land hereinafter more particularly described which said land is a portion of the lands referred to in the said declaration of Trust and the said James Carter has agreed to purchase the same. Now therefore this indenture witnesseth that in pursuance of the power of sale reserved in the said deed or declaration of trust and in consideration of the sum of Fifty dollars to the said Peter Germon Jessier and Anne Catherine Weston in hand well and truly paid by the said James Carter at or before the sealing and delivery of these presents the receipt whereof is hereby acknowledged they the said Peter Germon Jessier and Anne Catherine Weston have and each of them hath bargained sold assigned and conveyed and by these do and each of them doth bargain sell assign and convey unto the said James Carter his Exors. admors. and assigns

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All the estate rights title and interest both at law and Equity of the said Peter Germon Jessier and Anne Catherine Weston in and to all that piece or parcel of land situated on the south side of Ferryland Harbor aforesaid which said property or parcel of land was formerly in the occupancy of the said James Carter and known as the "Flag Staff Room" situate and lying between land in possession of the said James Carter and is bounded as follows on the north by the River on the South by property belonging to the said James Carter on the East by the waters of the Harbor and on the West by the Barting Kettle Pond together with all rights ways privileges and appurtenances to the same belonging or in anywise appertaining to them and do hold the same unto the said Anne Carter her heirs and assigns for ever free from the said trusts created in and by the said deed or of any claim of the said Peter Germon Jessier his heirs and assigns of the said Anne Catherine Weston her heirs and assigns or of others the Cestuis que trusts mentioned in the said deed Covenant for good title Covenant for further assurance Covenant for peaceable possession In witness whereof the said parties to these presents their hands and seals have hereunto subscribed and set the day and year first before written - Peter Germon Jessier (L.S.) Anne C. W. Jessier (L.S.) signed sealed and delivered in presence of - The word "all" having been first interlined on the twenty third line of the second page. Geo L Messurier Newfoundland Lt John. to wit. George L Messurier of St Johns aforesaid Barrister at law met with oath and said that he was present and did Peter Germon Jessier and Anne Catherine Weston his wife the parties named the foregoing Indenture duly sign seal and execute the same. Geo L Messurier Sworn before me at St Johns aforesaid this 20<sup>th</sup> day of December A.D. 1884 - Geo J Adams Comr. Proved upon the affidavit of Geo L Messurier this 20<sup>th</sup> day of December A.D. 1884 at 1.40 P.M. Before me Geo J Adams Comr.