

COPY OF THE APPELLANT'S POWER OF ATTORNEY TO MR. FADE GOFF,
REFERRED TO IN THE PRECEDING AFFIDAVIT.

To all to whom these presents shall come, I, Edmund Waters, of Great St. Helena, Bishopsgate Street, in the City of London, merchant, send greeting: Whereas I the said Edmund Waters did, by a certain writing or power of attorney, under my hand and seal, bearing date the 9th day of September, 1814, nominate William Pleace, of the City of London, Gentleman, but then residing in Charlotte Town, in Prince Edward Island, in the Gulf of St. Lawrence, in North America, to be my true and lawful Attorney, for me, and in my name, or in his own name, or otherwise to make up, settle, and adjust all accounts then depending and unsettled between me and any person or persons whomsoever, either in Prince Edward Island or any other British settlement in North America, and to ask, demand, sue for, recover, and receive the balances that may be found due thereon; and also to ask demand, sue for, recover, obtain, and receive, all and every debt and debts, sum, and sums of money whatsoever, that were then due, or should at any time thereafter become due, or owing to me, from any person or persons whomsoever in Prince Edward Island, or any other British settlement in North America, whom it did, might, or should concern, or who should be liable to pay on account for the same; and in case of nonpayment thereof, or of any part thereof, for me, and in my name, or in his own name or otherwise, to sue and attach, prosecute, implead, or otherwise proceed against all and every person and persons whomsoever as aforesaid, in any court or courts of law or equity in Prince Edward Island, or any other British settlement in North America, when it might be necessary, and to proceed to judgment and execution therein or otherwise, according to the form and usual course of practice of such courts or tribunals; and also for me, and in my name, to appear, and my person to represent and personate in all courts, and before all ministers, judges, and magistrates, and otherwise as might be necessary, and as to my said Attorney should seem meet, and on payment or receipt of any such debts, sum, and sums of money, or any of them, or any part thereof respectively, for me, and in my name, or otherwise, to make, sign, seal, execute, and give all and singular good and sufficient receipts, releases, acquittances, and discharges as might be necessary in the premises, or as might be required. And in case any dispute or difference should arise, touching the payment of any of the said debts, sum, or sums of money, or any of them, or any part thereof, or touching the settlement of any account or accounts relating thereto, or in the execution of the powers and authorities thereby given, I did thereby authorize and empower my said Attorney to refer any such dispute or difference to arbitration in the usual way, and to sign, seal, execute, and deliver any agreement, bond, or other instrument of reference, and to abide by and perform the award and determination which might be made in pursuance thereof, and to compel the observance and performance of such award and determination by the other parties thereto respectively; and if expedient and necessary to accept and take in security or securities, for any of the said debt or debts, by instalments, and in cash, goods, bills of exchange, or other mode of payment, or to compound for and take less than the full amount of such of the said debt or debts whereof full payments could not be obtained. And generally to transact, manage, conduct, and execute, all and any such further and other lawful acts, deeds, matters, and things, as the said William Pleace should find needful and necessary for accomplishing all, any, or either of the purposes aforesaid, and that as fully and effectually, to all intents and purposes, as I could do in my own person; thereby giving unto my said Attorney all my full and whole power and authority in the premises, and thereby ratifying and confirming all and whatsoever my said Attorney should lawfully do or cause to be done in and about the premises, in execution thereof, as in and by the said paper writing, or power of attorney, relation being thereunto had, will appear. Now know ye, that I, the said Edmund Waters, for divers good causes and considerations me therunto moving, have revoked, recalled, and countermanded, and by these presents do revoke, recal, and countermand, and to all intents and purposes, (as far as in me lieth) make null, void, and of no effect, the said recited writing or power of attorney, and all powers and authorities therein and thereby, or in and by any other deed or writing made, granted, or given, and all other things therein or in any or either of them contained; and do hereby make void and disclaim all acts, matters, and proceedings, which shall or may at any time hereafter be acted, done, or performed, by virtue or means thereof in any manner of way.

And further know ye, that I, the said Edmund Waters, have made, ordained, nominated, constituted, and appointed, and by these presents do make, ordain, nominate, constitute and appoint, and in my place and stead put and depute Fade Goff, of Charlotte Town, in Prince Edward Island, in the Gulf of St. Lawrence, North America, merchant, to be my true and lawful Attorney, for me and in my name, or in his own name or otherwise, to make up, settle, and adjust, all accounts now depending and unsettled between me and any person or persons whomsoever, either in Prince Edward Island or any other British settlement in North America, and to ask, demand, sue for, recover, and receive the balances to be found due thereon; and also to ask, demand, sue for, recover, obtain, and receive, all and every debt and debts, sum and sums of money whatsoever, that are now due, or shall at any time hereafter become due, or owing to me, from any person or persons whomsoever in Prince Edward Island, or any other British settlement in North America, whom it doth, may, or shall concern, or who shall be liable to pay or account for the same; and in case of non-payment thereof, or of any part thereof, for me and in my name, or in his own name or otherwise, to sue, arrest, attack, prosecute, implead, or otherwise proceed against all and every person and persons whomsoever as aforesaid, in any court or courts of law or equity in Prince Edward Island, or any other British settlement in North America, where it may be necessary, and to proceed to judgment and execution therein or otherwise, according to the form and usual course of practice of such courts or tribunals; and also for me and in my name or otherwise to appear, and my person to represent and personate in all courts, and before all ministers, judges, and magistrates, and otherwise, as may be necessary, and as to my said Attorney shall seem meet, and on payment or receipt of any such debts, sum and sums of money, or any of them, or any part thereof respectively, for me and in my name or otherwise, to make, sign, seal, execute, and give, all and singular, good and sufficient receipts, releases, acquittances, and other discharges, as may be necessary in the premises or as may be required. And in case any dispute or difference shall arise, touching the payment of any of the said debts, sum or sums of money, or any of them, or any part thereof, or touching the settlement of any account or accounts relating thereto, or in the execution of the powers and authorities hereby given, I do hereby authorize and empower my said Attorney to refer any such dispute or differ-