

On the fourth of August (the same day that Henry Ogden left the city of New York to go to Canada), Samuel Swartwout made him his attorney, as is evidenced by the following transcript of the original instrument :

“ Know all men by these presents, that I, Samuel Swartwout, of the city of New York, have made, constituted, and appointed, and by these presents do make, constitute, and appoint Henry Ogden of the same place, my true and lawful attorney, for me and in my name, place, and stead, and unto my use, to ask, demand, sue for, levy, recover, and receive all such sum and sums of money, debts, rents, goods, wares, dues, accounts, and other demands whatsoever which are or shall be due, owing, payable, and belonging to me, or detained from me, in any manner, way, or means whatsoever, by any person, body politic, or corporate, or number or association of persons whatsoever ; and to make and execute for me and in my name all deeds, bonds, mortgages, leases, promissory notes, receipts, acquittances, contracts, and agreements, which I might or could do if personally present ; giving and granting unto my said attorney full power and authority to do and perform all and every act and thing whatsoever requisite and necessary to be done in and about the premises, as fully, to all intents and purposes, as I might or could do if personally present, with full power of substitution and revocation ; hereby ratifying and confirming all that my said attorney or substitute shall lawfully do, or cause to be done by virtue hereof.

“ In witness whereof, I have hereunto set my hand and seal, the fourth day of August, one thousand eight hundred and thirty-eight.

“ SAMUEL SWARTWOUT [L.S.].

“ Sealed and delivered in the presence of

“ J. PHILLIPS.

“ United States of America, }
 “ City and county of N. Y., } ss :

“ Be it known that on the sixth day of August, in the year of our Lord one thousand eight hundred and thirty-eight, before me, Jacob B. Wood, a notary public in and for the state of New York, duly commissioned and sworn, dwelling in the city of New York, personally came Samuel Swartwout, and acknowledged that he executed the above letter of attorney.

[L.S.] “ In testimony whereof, I have hereunto subscribed my name and affixed my seal of office the day and year last above written.

“ J. BEN WOOD, Not. Pub.”

“ State of New York, }
 “ City and county of N. Y. } ss :

“ On the third of October, eighteen hundred and thirty-eight, personally came before me Joshua Phillips, subscribing witness to the within power of at-