

Mortgage: William Jenkins to Trustees of Nelson Trust Funds 26 May 1854
Land Information New Zealand – Mortgage No. 534

This deed made the twenty sixth day of May in the year of our Lord one thousand eight hundred and fifty four between William Jenkins of the Town of Nelson in the Province of Nelson in the Colony of New Zealand Upholsterer of the one part and David Monro of Bearcroft in the District of Waimea West in the said Province of Nelson Doctor of Medicine, Samuel Stephens of the Town of Nelson in the said Province Esquire, William Oldfield Cautley of Wensley Hill in the district of Waimea East in the said Province Esquire, Francis Dillon Bell of the Town of Wellington in the Province of Wellington in the said Colony Esquire, Francis Jollie of the Town of Nelson aforesaid Esquire, Alfred Fell of the Town of Nelson aforesaid Merchant and John Waring Saxton of the District of Waimea East aforesaid Esquire (Trustees named in and appointed by a certain Act of Parliament made and passed in the fourteenth and fifteenth years of the Reign of Her Majesty Queen Victoria instituted "An Act to regulate the affairs of certain Settlements established by the New Zealand Company in New Zealand" and wherein provision is made for the administration of certain Trust Funds) of the other part.

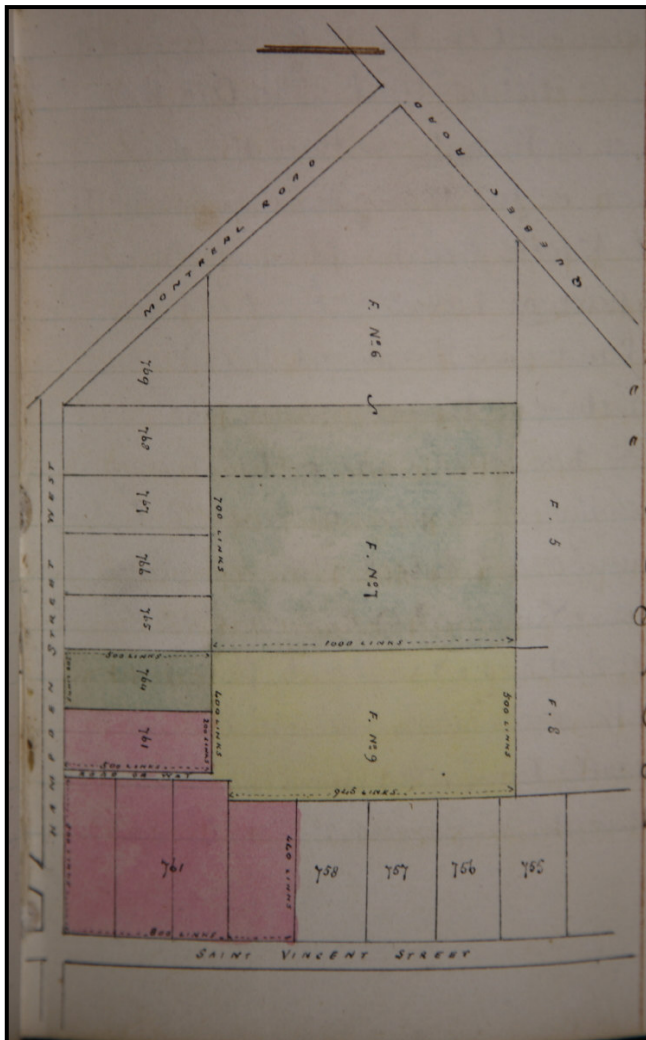
Whereas the said William Jenkins is seized of or otherwise well and effectually entitled to the allotments of parcels of Land hereditaments and premises hereinafter described for an estate of inheritance in fee simple. And whereas the said William Jenkins hath applied to and requested the said Trustees to advance and lend him the said William Jenkins the sum of one hundred and fifty pounds sterling which they the said Trustees have consented and agreed to do on having the repayment thereof with interest secured by a Mortgage of the allotments or parcels of land hereditaments and premises hereinafter described and intended to be hereby conveyed. Now this Deed witnesseth that in consideration of the sum of one hundred and fifty pounds sterling paid by the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton at or before the signing of these presents. The receipt of which said since the said William Jenkins doth hereby admit and acknowledge and of and from the same and every part thereof doth release and discharge the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton.

He the said William Jenkins doth hereby convey and assure unto the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton their successors and assigns all that allotment or parcel of land situated in the Town of Nelson aforesaid containing five acres more or less being section number 761 on the plan of the said Town bounded on the northward partly by section numbered 758 on the said plan and partly by section numbered 9 Block F on the plan of the Wakatu district - on the eastward by St Vincent Street - on the southward by Hampden Street West and - on the westward partly by the said section numbered 9 Block F on the plan of the Wakatu district partly by a road or way and partly by section numbered 764 on the plan of the Town of Nelson aforesaid.

And also all that allotment or parcel of land situated in the Town of Nelson containing one acre more or less being section numbered 764 on the plan of the said Town bounded on the northward by section numbered 9 Block F on the plan of the said Town – on the eastward by the section numbered 763 on the plan of the said Town – on the southward by Hampden Street West and – on the westward by section numbered 765 on the plan of the said Town.

And also all that allotment or parcel of land situated in the district of Wakatu within the settlement of Nelson containing five acres more or less being section number 9 Block F on the plan of the Wakatu district bounded on the northward by section numbered 8 Block F on the plan of the said District – on the eastward by sections numbered 755,756,757,758 and 760 respectively on the plan of the Town of Nelson and – on the southward by sections numbered 760, 763 and 764 on the plan of the said Town and – on the westward by section numbered 7 Block F on the plan of the Wakatu district.

And also all that piece or parcel of land situated in the District of Wakatu within the said Province of Nelson containing seven acres more or less being section numbered 7 Block F and part of section numbered 6 Block F on the plan of the Wakatu district aforesaid and which said piece or parcel of land is part and parcel of that allotment or parcel of land now known as all that allotment or parcel of land situated in the District of Wakatu within the Settlement of Nelson containing thirteen acres two roods more or less being sections numbered 6 and 7 Block F respectively on the plan of the said district bounded on the northward by section numbered 5 Block F on the plan of the said district – on the eastward by section numbered 9 Block F on the plan of the said district – on the southward by sections numbered 765, 766, 767, 768 and 769 respectively on the plan of the said Town and – on the westward partly by Montreal Road and partly by Quebec Road.



The abuttals and boundaries of which said Allotments or parcels of land and piece or parcel of land are more particularly delineated and described in the plan drawn in the margin of these presents and colored respectively pink, blue, yellow and green. Together with the messuage or tenement outbuildings and premises now standing and being upon the said allotments or parcels of land or some part thereof and all and every the rights members and appurtenances to the said Allotments or parcels of land and piece or parcel of land hereditaments and premises belonging or appertaining or therewith held or enjoyed and all the estate right title and interest of the said William Jenkins therein and thereto To have and to hold the said allotments or parcels of land and piece or parcel of land messuage or tenement outbuildings and premises and every part and parcel thereof unto the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton their successors and assigns to the only proper use of the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie,

Alfred Fell and John Waring Saxton their successors and assigns forever, subject nevertheless to the proviso for redemption hereinafter particularly mentioned.

Provided always and it is hereby agreed and declared by and between the said parties hereto that if the said William Jenkins his executors or administrators do and shall well and truly pay or cause to be paid unto the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton or the survivors or survivor of them their or his successors or assigns the aforesaid sum of one hundred and fifty pounds on the twenty sixth day of may which will be in the year one thousand eight hundred and fifty nine and further do and shall well and truly pay or cause to be paid unto the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton or the survivors or survivor of them their or his successors or assigns or to their Receiver or Agent for the time being Interest upon the aforesaid sum of at and after the rate of ten pounds per centum per annum half yearly on the twenty sixth day of November and the twenty sixth day of May in each year until the final liquidation of the said principal sum of one hundred and fifty pounds together with any fractional part of such interest at the rate aforesaid which may be due at the time the said principal sum of one hundred and fifty pounds shall be paid off and discharged.

Then and in such case immediately after such payments shall be made as aforesaid these presents shall be void to all intents and purposes whatsoever provided also and it is further declared and agreed by and between the said parties hereto that all the covenants obligations and powers applicable to conveyances by way of mortgage mentioned and set forth in Clauses 16,17,18 and 19 of a certain ordinance instituted "An Ordinance to facilitate the transfer of Real property and to simplify the law relating thereto" passed by His Excellency the Governor of New Zealand with the advice of the Legislative Council thereof in Session II and numbered 10 in the Ordinances passed in the said Session shall be and they are hereby declared to form part of this Deed as fully and effectually to all intents and purposes as if the same had been set forth therein.

Saving and excepting that in case default shall be made in payment of any interest after the rate hereinbefore mentioned at the time or times the same ought to be paid the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton and the survivors and survivor of them their or his successors or assigns shall not be bound or compelled to give to the said William Jenkins his heirs executors or administrators any such notice or notices as are required in clause 19 of the aforesaid ordinance previous to proceeding to a sale of the before mentioned premises as authorised by the said Ordinance.

But that at any time after default shall be made in payment of either the aforesaid principal or interest or any part thereof the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton and the survivors and survivor of them their or his successors or assigns shall be at liberty and enabled to proceed to a sale of the said mortgaged premises or any part thereof either by public auction or private contract as authorised by the said Ordinance upon giving to the said William Jenkins his heirs executors or administrators notice in writing or leaving the same at his or their last or usual place of abode within the said province of Nelson of the intention of the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton or the survivors or survivor of them their or his successors or assigns to proceed to a sale as aforesaid at the expiration of thirty days next after the service of such notice anything in the said Ordinance contained to the contrary thereof in anywise notwithstanding.

And the said William Jenkins doth hereby covenant promise and agree to and with the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton and the survivors and survivor of them their and his successors and assigns that the said William Jenkins his heirs executors or administrators will or shall at his or their own costs so long as any principal money or interest shall remain due on this security keep insured from fire the said messuage or tenement standing and being upon the said allotment or parcel of land hereby conveyed and assured or intended so to be in the joint names of the said William Jenkins and the secretary for the time being of the said Trustees their successors or assigns in such office of Insurance as they shall from time to time direct in the sum of one hundred pounds at the least and will or shall within ten days after the premium in respect of such insurance shall become payable deliver to the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton or the Survivors or survivor of them their or his successors or assigns proper receipts for such premiums.

And that if any default shall be made in performance of the covenant lastly hereinbefore contained it shall be lawful but not obligatory on the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton or the survivors or survivor of them their or his successors or assigns to effect and keep on foot such insurance as aforesaid and the said William Jenkins his heirs executors administrators or assigns will or shall on demand thereof pay or cause to be paid unto the said David Monro, Samuel Stephens, William Oldfield Cautley, Francis Dillon Bell, Francis Jollie, Alfred Fell and John Waring Saxton or the survivors or survivor of them their or his successors or assigns such sum or sums of money as they or he shall pay or expend in or about such insurance with interest for the same after the rate of ten pounds per centum per annum from the time or respective times of paying or expending the same sum and sums and interest to be a charge upon the said premises hereinbefore conveyed and assured or intended so to be and to be recoverable in like manner with the said sum of one hundred and fifty pounds and interest and such policy or policies of Insurance as aforesaid to be held subject to with and under the powers and provisions hereinbefore contained so far as the same may be applicable.

In witness whereof the said parties hereto have subscribed their names. William Jenkins Signed by the above named William Jenkins in the presence of John Poynter Solicitor Nelson – B. O. Hodgson, Registrar of Deeds Office, Nelson. Received 2nd April 1863 Henry Adams.