

Conveyance 45413 Registrar Supreme Court to William Hooper Barnard 04 June 1883

Wellington District Deeds Register Volume 78 folio 178
Archives New Zealand Wellington Reference AFIH 22395 W5691/177

This Deed made the fourth day of June one thousand eight hundred and eighty three between the Registrar of the Supreme Court of New Zealand Wellington District hereinafter called "the Registrar" of the one part and William Hooper Barnard of the City of Wellington in the Provincial District of Wellington Customs Officer of the other part

Whereas by deed of mortgage bearing date the tenth day of July one thousand eight hundred and seventy nine registry No.35051 John Sinclair and Duncan Sinclair therein described being then seised or otherwise well entitled to the lands and hereditaments hereinafter described for an estate in fee simple of inheritance in possession conveyed and assured the same by way of mortgage unto the said William Hooper Barnard in order to secure the repayment of a sum of one thousand nine hundred pounds (£1900) with interest thereon as in the deed now in recital more particularly mentioned

And whereas in the said Deed now in recital it was covenanted by and on behalf of the mortgagors with the mortgagee (inter alia) that if the mortgagors or either of them their executors administrators or assigns should make default in payment of the principal or interest moneys hereby secured or any part respectively thereof for twenty eight (28) days after any of the days therein appointed for payment thereof respectively or should commit a breach in any of the covenants therein expressed and implied on the mortgagors part a covenant for quiet enjoyment should thereupon be therein implied and it should be lawful for the mortgagee to enter upon the hereditaments and premises thereby mortgaged and either before or after entry to sell the whole or any part thereof and apply the moneys to arise therefrom in manner respectively presented and with and under the powers and provisions which are declared shall be implied in conveyances of land by way or mortgage in and by all ordinances of the Governor and late Legislative Council of New Zealand Session 2 No.X commonly known as the Conveyancing Ordinances except that it should not be obligatory upon the mortgagee to make any demand of payment give any notice or forbear from exercising the power of sale thereby given beyond the twenty eight (28) days after the default aforesaid

And whereas the said John Sinclair and Duncan Sinclair having made default in payment of the interest moneys by the said hereinbefore recited deed of mortgage intended to be secured for more than twenty eight (28) days the said William Hooper Barnard requested the Registrar to sell the said lands and hereditaments in pursuance of the powers vested in him in that behalf by "The Conveyancing Ordinance Amendment Act 1860" and "The Sales by Mortgages Act 1870"

And whereas the said land and hereditaments were put up for sale on the sixth day of February one thousand eight hundred and eighty three by Messrs T. K. Macdonald & Company Licensed auctioneers at their Auction Rooms Panama Street in the City of Wellington and at such sale the said William Hooper Barnard was declared to be the Purchaser thereof at or for the price or sum of one thousand pounds sterling now therefore this deed witnesseth that in consideration of the sum of one thousand pounds credited by the Registrar to the said William Hooper Barnard (as is hereby acknowledged) the Registrar doth hereby convey and assure unto the said William Hooper Barnard all those pieces or parcels of land described in the schedule hereunto belonging provided always that no covenants are to be herein implied as against the Registrar

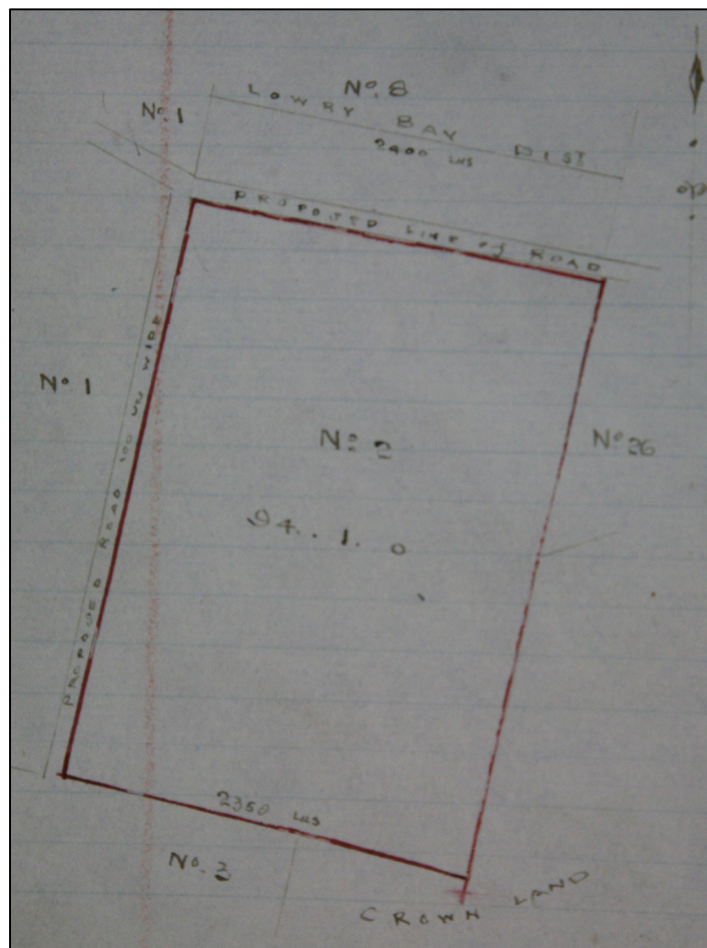
In witness whereof these presents have been duly executed

Signed by Alexander Sutherland Allan the Registrar of the Supreme Court of New Zealand Wellington District in the presence of F. P. Luxford clerk to Messrs Brandon Shaw & Brandon Solicitors Wellington

The schedule hereinbefore referred to –

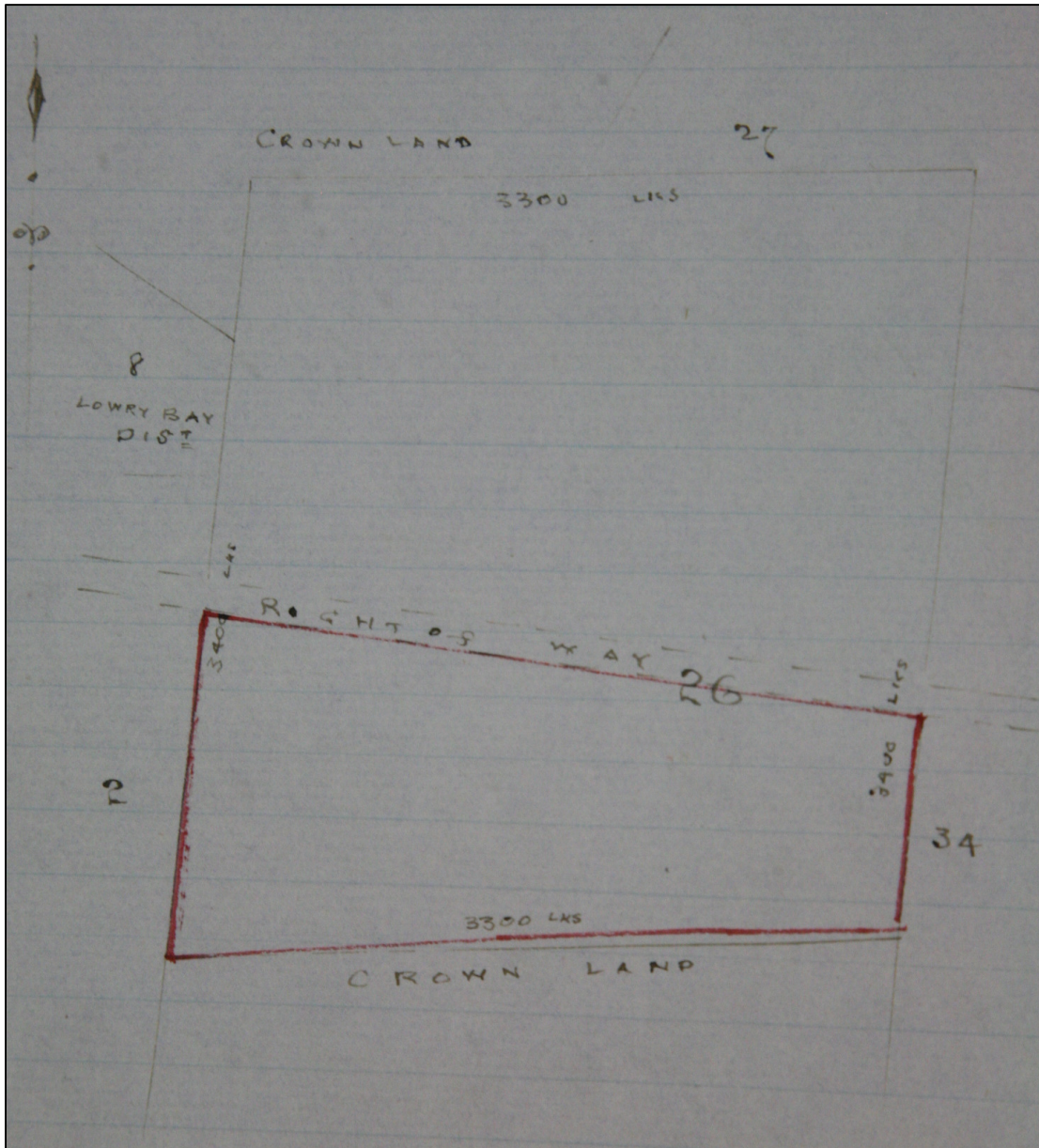
Firstly

All that piece or parcel of lands in the Wainuiomata District in the Colony of New Zealand being that part of the section numbered (2) on the plan of the Wainuiomata District out of a proposed line of road bounded towards the east partly by section numbered 26 and partly by Crown Land towards the south partly by section number 3 and partly by Crown Land toward the west by a ... road and toward the north by said proposed line of road, as the same so delineated on the plan drawn... bordered red and also on the plan drawn in the margin of the Crown Grant of the said section registered No.2900 together with the appurtenances thereunto belonging or appertaining



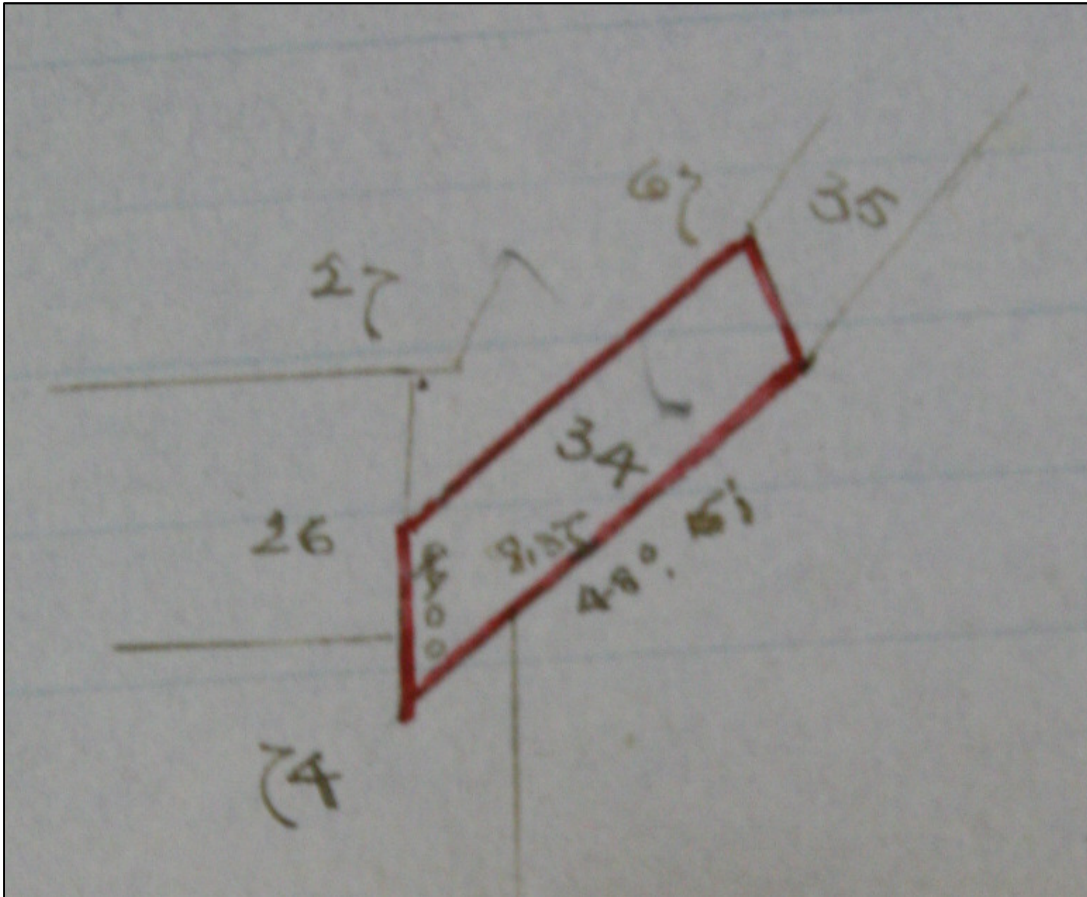
Secondly

All that piece or parcel of land in the Wainuiomata District in the Colony of New Zealand being that part of section numbered twenty six (26) on the plan of the Wainuiomata District south of the Right of way shewn on the plan of the said section drawn on the margin of the said and referred to in Crown Grant thereof registered No.2874 bounded towards the north by the said right of way towards the east by section No.34 toward the south by Crown Lands and toward the west by section number two as the same is shewn in the place drawn hereon and bordered red with all the rights easements and appurtenances ... belonging or appertaining



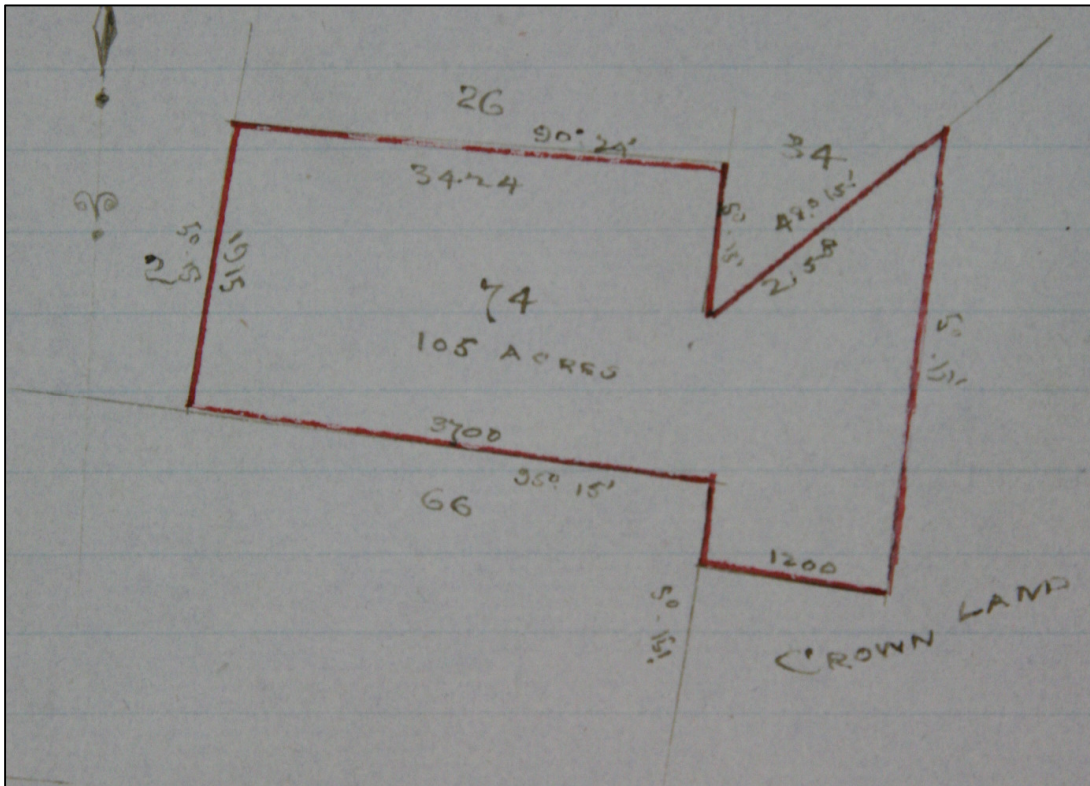
Thirdly

All that piece of parcel of land in the Wainuiomata District in the Colony of New Zealand being section numbers thirty four (34) on the plan of the Wainuiomata District bounded towards the north east by section number thirty five (35) toward the north west by section number 67 toward the west partly by section number twenty six (26) and the south east partly by section number 74 and toward the south east partly by section number 74 and partly by Crown Land as the same is delineated on the plan drawn hereon and bordered red with all the rights easements and appurtenances thereunto belonging or appertaining excepting the lands taken by proclamation... No.27 in the District Lands Registration office



Fourthly

All that piece or parcel of land in the Wainuiomata District in the Colony of New Zealand containing one hundred and five (105) acres more or less being the section numbered seventy four (74) on the plan of the Wainuiomata District bounded toward the north east by section number twenty six (26) three thousand four hundred and twenty four (3424) links towards the north west by section number 2 one thousand nine hundred and fifteen (1915) links by section number sixty six (500) five hundred links and by section number thirty four 2158 links towards the south west by section number sixty six 3700 links and by Crown Land 1200 links and towards the south east by section number thirty four 1000 links and by Crown Land 3267 links as the same is delineated on the plan drawn hereon and bordered red with all the rights easements and appurtenances thereunto belonging or appertaining



Witness T. H. Luxford