

New Orleans January 17th 1861
City of New Orleans
Christopher Fortier
Notary Public
City of New Orleans
Attest

No.

17th January 1861.

SALE OF REAL ESTATE.

City of New Orleans

TO

Christopher Fortier

STATE OF LOUISIANA.

PARISH OF ORLEANS,

CITY OF NEW ORLEANS.

Be it known, That on this *Seventeenth* day of the month of *January* in the year of our Lord one thousand eight hundred and sixty one, and the eighty-fifth of the Independence of the United States of America,

Before me, **CHARLES EDWARD FORTIER**, NOTARY PUBLIC, in and for the **Parish of Orleans and City of New**

Orleans, and official **Notary** for said City, duly-commissioned and sworn, and in presence of the undersigned witnesses,

Personally Came and Appeared:

The Honorable JOHN T. MONROE, MAYOR OF THE CITY OF NEW ORLEANS, herein acting in his said capacity : **who declared that :**

Whereas, the late JOHN DAVID FINK, died in this city on the 3d January, 1856, and by his last will and testament, made by E. L. LEWIS, a Notary Public in this City, on the 7th November, 1855, bequeathed, after the payment of all his debts and the legacies contained in said will, the whole of his estate to the erection, maintenance and support of a suitable Asylum in this City, to be used solely as an Asylum for Protestant Widows and Orphans, to be called " Fink's Asylum " ;

Whereas, the said testament was filed, registered, and duly homologated under a decree rendered on the 4th January, 1856, by the Hon. P. H. MORGAN, Judge of the Second District Court of New Orleans ;

Whereas, subsequently, in the case of FERDINAND H. FINK, et als., vs. Executor of JOHN D. FINK, No. 9951 of the Docket of the Second District Court of New Orleans, the said Hon. P. H. MORGAN, Judge of said Court, rendered a Judgment, on the 20th August, 1856, decreeing that that portion of the will which refer to the Asylum for Protestant Widows and Orphans be declared null and void, and that it be reputed as not written, and by a decree rendered by the Supreme Court of the State of Louisiana, on the 16th March, 1857, the said Judgment was reversed, the said will was declared to be legal and valid, and the City of New Orleans legally authorized and empowered to administer the funds belonging to said estate for the purposes aforesaid ;

Whereas, by virtue of Resolution No. 5391, passed by the Common Council of the City of New Orleans, and approved on the 16th November, 1860, all of the property belonging to said estate was ordered to be sold on the following terms and conditions, viz : one-fourth cash, and the balance on a credit of one, two and three years, the notes to be divided in equal instalments, bearing six per cent. interest from date of sale up to maturity, and eight per cent. interest thereafter, the property to bear special mortgage until the payment ;

Now, therefore, he, the said JOHN T. MONROE, Mayor, by virtue of the authority in him vested by the aforesaid Resolution, and pursuant to the public sale which was made at the St. Charles Exchange, on the fifth day of January, 1861, by J. B. WALTON, Auctioneer, certificate of which sale is annexed to an act passed in this office, between the City of New Orleans and *Justo Garcia y Leon* on the

of January, 1861, does hereby and for the consideration hereinafter set forth, grant, bargain, sell, convey and set over, with a full warranty against all troubles, evictions, liens, and all other incumbrances whatever, unto

Christopher August Egg a resident of this City here present, accepting and purchasing for himself, his heirs and assigns and acknowledging due delivery & possession thereof the following described lot of ground viz:

A Certain lot of ground in the First district of this City in the Square bounded by Toydonat, Lafayette, Franklin and Basin Streets designated by the No. One on a plan drawn by Louis J. H. Tullie City Surveyor dated the 4th of November 1860 and deposited in this office as plan No. Sixty seven of book of plans No. One. According to said plan said lot of ground measures Twenty Eight feet five inches front on Lafayette Street by a depth of one Hundred feet between parallel lines & forms the Corner of Basin and Lafayette Streets, together with the Buildings thereon.

Acquired by the late John W. Fink from Allen Hill, as per act passed before Wm. Y. Lewis late a Notary in this City on the 8th of December 1839 and is free from incumbrances in the Name of said Fink as appears by reference to the Certificate of the Recorder of Mortgages for this parish annexed to an act passed in this office on this day.

To have and to hold the said property unto the said purchaser his heirs or assigns forever; and the said JOHN T. MONROE, acting as aforesaid, moreover transfers unto the said purchaser all the rights and actions of warranty to which the city of New Orleans, as the custodian of the funds belonging to the succession of JOHN D. FINK, is or may be entitled against all the former owners and proprietors of the property herein conveyed, subrogating the said purchaser to the said rights and actions to be by him enjoyed and exercised in the same manner as they might have been by the said JOHN D. FINK.

This sale is made and accepted for and in consideration of the price and sum of

Four Thousand Dollars in deduction whereof the said purchaser has paid that of one Thousand Dollars

to the said Mayor, who hereby grants acquittance therefor; and for the balance of said purchased price, amounting to Three Thousand Dollars

the said purchaser has furnished to the said Mayor, three certain promissory notes for one Thousand Dollars each, drawn by him to the order of Himself

and by Himself endorsed, dated the fifth day of January, 1861, and payable respectively at the LOUISIANA STATE BANK in this city, at one, two and three years from date, with six per cent. interest per annum from date until maturity, and eight per cent. interest per annum after maturity until paid; which notes were signed and paraphed *ne varietur* by the undersigned Notary, to identify them herewith.

And in order to secure the payment of the said three notes, with interests and costs, if any there be, said Lot of Ground remain mortgaged and hypothecated in favor of said City of New Orleans or any last bearer of said notes; said purchaser hereby binding himself not to sell, alienate, or encumber the same to the prejudice of this mortgage.

Done and Passed in my office, in the City of New Orleans, the day, month and year first above written, in presence of Charles Laplace and J. Adol. Fortier competent witnesses of lawful age, residing in this city, who hereunto signed their names together with the said parties and me, Notary, after due reading of the whole.

Original Signed

Christopher Joyat
John S. Monroe

Comet J. J. Michel
City Attorney

Mayor
Charles E. Laplace
J. Ad. Fortier
Charles E. Fortier
Not. Pub.

A True Copy

New Orleans Jan'y 23^d 1861



Charles E. Fortier
Notary