

APPENDIX.

THIS deed, made the 25th day of July, 1903, between Wiremu Pere, member of the House of Representatives, and Rawiri Karaha, aboriginal Native, both of Gisborne, in the Colony of New Zealand, of the first part; William Lee Rees, of Gisborne aforesaid, barrister, of the second part; and the Gisborne Harbour Board, of the third part.

Whereas the Government of New Zealand has recently acquired (*inter alia*) certain portions of the Waiohiharore No. 2 Block, situate on the Waikanae beach, Gisborne aforesaid, for railway purposes: And whereas at the Compensation Court set up to decide what compensation should be paid to the Native owners for the taking of such land the question of the accretions to the land caused by the receding sea and by the harbour works of the Gisborne Harbour Board was raised, and incidentally the title of the Gisborne Harbour Board to such accretion was called in question by the Native owners of the abutting land: And whereas by the action of the sea and the Gisborne Harbour works now constructed and in present course of construction, and by and through other causes, there are likely to be further accretions to the said land: And whereas the plan delineated hereon shows the land taken by the New Zealand Government for railway purposes as marked or edged green, and the land outside that area as marked or edged pink are the accretions above referred to: And whereas in order to settle all questions of title between the parties hereto it was agreed during the hearing before the said Court that the Gisborne Harbour Board should take as its share of the accretions aforesaid all the land to the eastward of the red line shown on such plan, estimated to contain about 6 acres and 3 perches, and that the Native owners should (so far as the balance of the land contained in such plan was concerned) take all the rest of the accretions shown on the said plan, and it was further agreed that the Compensation Court should fix a separate value upon the part so agreed to be taken by the Gisborne Harbour Board included in the land taken by the New Zealand Government aforesaid, so that the Gisborne Harbour Board might receive from the Government its proper share of the value of the land so taken; it was also agreed that the public road marked on the plan as Lowe Street (which road at present only extends to Maraetaha Road) should extend right down to and have its terminus at high-water mark on the beach, and, further, that from and out of any further accretions caused by the receding sea and by the works of the Gisborne Harbour Board on the part retained by the Natives the Gisborne Harbour Board should have for the purpose of constructing a public road the first 2 chains thereof in width: And whereas the consideration payable to the Native owners by the Gisborne Harbour Board for all advantages received or supposed to be received under this agreement was fixed at £550, to be paid as soon as an Act of Parliament is passed by the General Assembly of New Zealand validating and confirming this arrangement: And whereas there are a large number of Natives interested in the said land, and it was arranged that the said Wiremu Pere and Rawiri Karaha should sign this deed as and on behalf of all the Native owners interested, and, further, that the said William Lee Rees, as counsel for the Native owners and as consenting to this arrangement on their behalf, should be made a party hereto, and execute these presents:

Now this deed witnesseth that in pursuance of the aforesaid arrangement and of the premises, and in consideration of the sum of £550 to be paid by the Gisborne Harbour Board to Henry Cheetham Jackson, of Gisborne aforesaid, accountant, in trust for the said Native owners and other persons interested as aforesaid, the said Wiremu Pere and Rawiri Karaha, for themselves and for and on behalf of all other the owners of the said land, and the said William Lee Rees, as a consenting party as aforesaid, do hereby covenant and agree with the Gisborne Harbour Board as follows:—

1. That they, the said Wiremu Pere and Rawiri Karaha, for themselves and on behalf of all the persons interested therein, do and each of them doth hereby convey and assure unto the Gisborne Harbour Board all that piece or parcel of land, situate in the district of Poverty Bay, called or known as part of the Waiohiharore No. 2 Block, estimated to contain 6 acres and 3 perches, more or less, being all the land to the eastward of the red line drawn on the plan delineated hereon, and all the estate and interest of all the owners therein and thereto, together with all present and future accretions thereto caused by the receding sea or by any other means howsoever, to hold the same unto the Gisborne Harbour Board, its successors and assigns, for ever.

2. That the public road called or known as Lowe Street shall, as shown on the plan delineated hereon, extend to and have its terminus at high-water mark on the Waikanae Beach, and that the soil of such road so extended shall be deemed to vest in the Gisborne Borough Council as and for a public street within the meaning of "The Municipal Corporations Act, 1900," without any further act of dedication than is contained herein.

3. That from and out of any further accretions to the present accretions agreed to be given to the Native owners of the abutting land referred to in the 4th clause hereof the Gisborne Harbour Board shall be entitled to a strip 2 chains in width for the purpose of constructing a public road along the foreshore of the beach.

4. And the Gisborne Harbour Board on its part and for itself and its assigns doth hereby convey and assure unto the Native owners of the abutting land all the aforesaid accretions to the said land as shown on and by the said plan to be lying to the westward of the red line marked thereon, with the exception of the part necessary to extend Lowe Street to the high-water mark on the beach: Provided also that all further land or accretions thereto (with the exception of the 2 chains width for a road as aforesaid) caused by the receding sea or by the works of the Gisborne Harbour Board up to high-water mark shall be deemed to be also the property of the aforesaid Native owners.