

# The sale of the Horotiu and Waipa Rivers

**Horotiu and Waipa Rivers not taken into account when negotiating**

**Maori Council Water Rights**

From: Ross Baker

Sent: Tuesday, November 27, 2012 9:54 AM

To: Christopher Finlayson

Subject: Re: Official Information Act Request

Hon Christopher Finlayson,

Minister in Charge of Treaty Negotiations,

Parliament Building,

Wellington.

Dear Sir,

Re: Official Information Act Request.

Under the Official Information Act, has the attached Deed for the Sale for the Upper Waikato Block been taken into account when negotiating Maori Council Water Rights?

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

### **DEED OF SALE OF THE HOROTIU AND WAIPA BLOCK**

Below is the Deed of Sale of the Horotiu and Waipa Block in the Upper Waikato District. The river that flows from Lake Taupo originally flowed out at the Firth of Thames on the East Coast but with the eruption at Taupo 1800 years ago it changed its course and joined up with the Waipa River at Ngaruawahia and now flows out on the West Coast. It seems at the time this Deed was made this part of the Waikato River (Ngaruawahia to Taupo) was called the Horotiu River. I believe this Deed has been overlooked as it states, "These are the boundaries of the Land commencing at Ngaruawahia, situated at the junction of the Rivers Horotiu and Waipa: starting thence it goes along the Horotiu River, until you reach its source. This is one Boundary, then returning to Ngaruawahia it passes up the River Waipa until its source be reached—This is the second boundary All our pieces of land within these two Boundaries, that is, the Land of Ngatimahanga, of Ngatitamainu, of Ngatihourua are surrendered to the Queen within the terms of this sale".

### **Wikipedia**

The present course of the river was largely formed by the large volcanic eruption from the Lake Taupo volcanic complex 1800 years ago. The large outflow of volcanic debris blocked the old channel to the Firth of Thames at Lake Karapiro and

forced the river to turn west and then north. The remains of the old river path can be clearly seen at Hinuera where the cliffs mark the ancient river edges. The river's main tributary is the Waipa River, which has its confluence with the Waikato at Ngaruawahia.

Prepared by the One New Zealand Foundation Inc. (c)  
[www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz)

## **Deed 420. Horotiu and Waipa Block, Upper Waikato District.**

### **Translation.**

1864. 15 September. Upper Waikato District. This Deed written on this fifteenth day of September in the Year of our Lord 1864 is a full and final sale conveyance and surrender by us the Chiefs and People of the Tribes Ngatimahanga, Ngatitamainu and Ngatihourua whose names are hereunto subscribed And Witnesseth that on behalf of ourselves our relatives and descendants we have by signing this Deed under the shining sun of this day parted with and for ever transferred unto Victoria Queen of England Her Heirs the Kings and Queens who may succeed Her and Her and their Assigns for ever in consideration of the Sum of One Thousand Pounds (£1000 . 0 . 0) to us paid by Henry Hanson Turton Special Commissioner on behalf of the Queen Victoria (and we hereby acknowledge the receipt of the said monies) all that piece of our Land situated between the Rivers Horotiu and Waipa the boundaries whereof are set forth at the foot of this Deed and a plan of which Land is annexed thereto with its trees minerals waters rivers lakes streams and all appertaining to the said Land or beneath the surface of the said Land and all our right title page 584claim and interest whatsoever thereon To hold to Queen Victoria Her Heirs and Assigns as a lasting possession absolutely for ever and ever. And in testimony of our consent to all the conditions of this Deed we have hereunto subscribed our names and marks. And in testimony of the consent of the

Queen of England on her part to all the conditions of this Deed the name of Henry Hanson Turton Special Commissioner is Boun hereunto subscribed. These are the boundaries of the Land commencing at Ngaruawahia, situated at the junction of the Rivers Horotiu and Waipa: starting thence it goes along the Horotiu River, until you reach its source. This is one Boundary Then returning to Ngaruawahia it passes up the River Waipa until its source be reached—This is the second boundary All our pieces of land within these two Boundaries, that is, the Land of Ngatimahanga, of Ngatitamainu, of Ngatihourua are surrendered to the Queen within the terms of this sale.

Wiremu Nero te Awaitaia.

Hetaraka Otene.

Hakopa Kotuku.

Hemi Matini.

Mohi Te Rongomau.

Hone Pirihi.

Te Waaka te Ruki x his mark.

Rikimona Otene.

Wiremu Patene.

Hamiora Ngaropi.

Wiremu Nga Weke.

Hone Kingi.

Kiriona Putoitoix his mark.

Ropata te Wairoax his mark.

Hariata Tatai x her mark.

Te Waapu x his mark.

Erueni Matetaetua x his mark

Inoka Wetea x his mark.

Matutaera Kani Whaniwha x his mark.

Ritipete Whakairo x her mark.

Hemine te Awhio x his mark.

Rihia Pokepoke.

Iraia te whiwhi.

hape tawaka.

Hone Ihaka.

Hokopa Te Wharengori x his mark.

Rota Tihi x his mark.

Te Rehutai x his mark.

Aihe te Moki x his mark.

Reihana Takiwhitu x his mark.

Tamati Kapua (na Wiremu Patene i Tuhi).

Ekana Kaiapa x his mark.

Pihopa Wharenikau x his mark.

Kamareira Whakamarurangi x his mark.

Hemi Keera.

Miriama Toea x her mark.

Arireire Nero x her mark.

Ngati x her mark.

Ihaka Hororure.

Mere Rangiata x her mark.

Hera Parekawa x her mark.

Turia Tahe x her mark.

Rawiri hikaka.

Karena te Himo x his mark.

Wiremu Otene.

Hone pihama.

Mahi Pane.

Paratene Tarahina x his mark.

Hori Pikitia.

Witnesses to the payment and signatures—

Wm. Harsant, J.P., Raglan.

Richard Todd, Dist. Govt. Surveyor.

Hy. J. Falwasser, Govt. Interpreter (Raglan).

H. Hanson Turton, J.P., Special Native Titles Commissioner.

Receipt for £1,000. Received this fifteenth day of September in the Year of Our Lord One thousand eight hundred and sixty four (1864) the Sum of One Thousand Pounds sterling (£1000 . 0 . 0) being the whole consideration money expressed in the above-written Deed to be paid by H. Hanson Turton, Special Commissioner on behalf of Her Majesty the Queen to us.

[Chiefs signatures]

Witnesses—

Wm. Harsant, J.P., Raglan.

Richard Todd, Dist. Govt. Surveyor.

Hy. J. Falwasser, Govt. Interpreter. H. Hanson Turton, J.P.,  
Special Native Titles Commissioner.

A True Copy of Original Deed and Translation.

H. Hanson Turton.

Wellington, March 5th, 1875.





**Office of Hon Christopher Finlayson**

Attorney-General  
Minister for Treaty of Waitangi Negotiations  
Minister for Arts, Culture and Heritage  
Associate Minister of Māori Affairs

EMAILED

Mr Ross Baker  
[onzf@bigpond.com](mailto:onzf@bigpond.com)

16 January 2013

Dear Mr Baker

I respond to your email dated 27 November 2012 in which you request to know whether *"the attached Deed for the Sale for the Upper Waikato Block [has] been taken into account when negotiating Māori Council Water Rights?"*

Yet again, you have requested something that is not official information.

I am declining your requests under sections 18(e) and 18(h) of the Official Information Act 1982 because the information you request does not exist and your requests are vexatious.

Regards

Hamish Journeaux  
Private Secretary (Advisory)

From: Ross Baker

Sent: Wednesday, March 13, 2013 4:12 PM

To: Christopher Finlayson

Subject: Fw: OIA

Mr Hamish Journeaux,

Private Secretary,

Dear Sir,

Thank you for your attached letter dated the 16 January 2013.

If this information does not exist then it must not have been presented when negotiating the Maori Council Water Rights. This is a critical part of these negotiations. If the rivers were sold at this time then Maori would have no right to this water or the water that comes from the rivers and streams that supplies it.

Sir, I am also concerned that you call these Official Information Act requests as vexatious. They are legitimate requests when it seems some the vital information to allow these claims to proceed are overlooked by the Hon Christopher Finlayson.

It is obvious from your response the Minister is not being fully informed before making unfounded decisions that are allowing claims against the Crown, the people of New Zealand to be upheld.

I ask that you inform the Hon Christopher Finlayson of the Deed of Sale for the Horotiu and Waipa Block attached.

I await his response.

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc