

# **AN AMAZING ACHIEVEMENT BY BRITAIN.**

Do you really think the Treaty and the Royal Charter were just something Britain dreamt up overnight, Parliament doesn't work like that.

It would have taken at least 2 years of planning, drafting documents, debating them in Parliament, then finally putting the plan into action

This would have been planned long before Hobson set sail for New Zealand to have the Treaty signed. See below.

First, Britain gained sovereignty over New Zealand in 1839. This was achieved by the "**Law of Nations**" under the dependency of New South Wales. Fact!

Second, the Treaty asked the tangata Maori to give up their kawanatanga/governments to the Queen and in return, would become British Subjects. Fact!

A British Subject cannot be in, "Partnership with the Crown". Fact!

Third, Queen Victoria's Royal Charter dated the 16 November 1840 separated New Zealand from New South Wales on the 3 May 1841 and made New Zealand into a British Colony with a Governor and Constitution to set up political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. Fact!

**New Zealand's one and only Founding Document.  
Fact!**

People would have to be petty thick to think all this just happened over night, Britain was not like that. Britain was the leading Nation in the world at the time and all this was planned long before Hobson set foot in New Zealand in 1840.

Britain had gain sovereignty legally and had brought peace amongst the warring tribes legally within a very short time with very few lives lost.

An amazing achievement under very difficult circumstances as it was all planned to perfection!

After the slaughter of their fellow countrymen, women and children by Hongi Hika and Te Rauparaha between 1820 and 1830 and the utu/revenge being planned by the remaining tribes, it is highly likely the tangata Maori race would be long gone.

It was only through the British intervention, asked for by the 13 Ngapuhi chiefs in 1831 that the tangata Maori survived. Fact!

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## ***Queen Victoria's Royal Charter***

**Our "True" Founding Document and "First" Constitution that founded New Zealand was Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840. See below.**

The Royal Charter/Letters Patent was issued by, *“Victoria by the Grace of God”* under, *“The Great Seal of the United Kingdom of Great Britain and Ireland”*.

The Royal Charter of 1840 allowed New Zealand to separate from New South Wales dependency and with the consent of the British Parliament and became a British Colony on the 3 May 1841 with its own Governor and Constitution for *“Creating and establishing a Legislative Council and an Executive Council, and for granting certain powers and authority to the Governor”* to set up a Government to make laws based on English law under the watchful eye of the British Parliament.

Parliaments, Governments and our historians have completely ignored this document for over 179 years, and it is time the people of New Zealand were informed of the importance of this document and the Government acted on it accordingly.

While the Treaty of Waitangi asked the tangata Maori, not tangata Whenua or the indigenous people of New Zealand, to give up their kawanatanga/governments to the Queen and in return they would be given the same rights as the people of England, it did not found New Zealand as a British Colony with a Governor and Constitution or to set up political, legal and justice systems under one law and one flag, irrespective of race, colour or creed. Once the Treaty of Waitangi had been signed by both parties it had served its purpose and was filed away in a storage where it was later damaged by fire when the storage shed caught fire.

Over 500 tangata Maori chiefs representing in excess of 75,000

tangata Maori agreed to the Treaty of Waitangi in the first half of 1840; that they would become British Subjects under one flag and one law, English law. *"He iwi tahi tatou – We are now one people"*.

In fact, during the trial between *Wi Parata v the Bishop of Wellington* in 1877, Chief Justice Sir James Prendergast ruled, *"So far indeed as that instrument, the Treaty of Waitangi purported to cede sovereignty, it must be regarded as a 'simple nullity'. No political body existed capable of making cession of sovereignty"*. This ruling has never been overruled.

### **Queen Victoria's Royal Charter of 1840. Constitution of the Colony of New Zealand into a separate Colony 3 May 1841.**

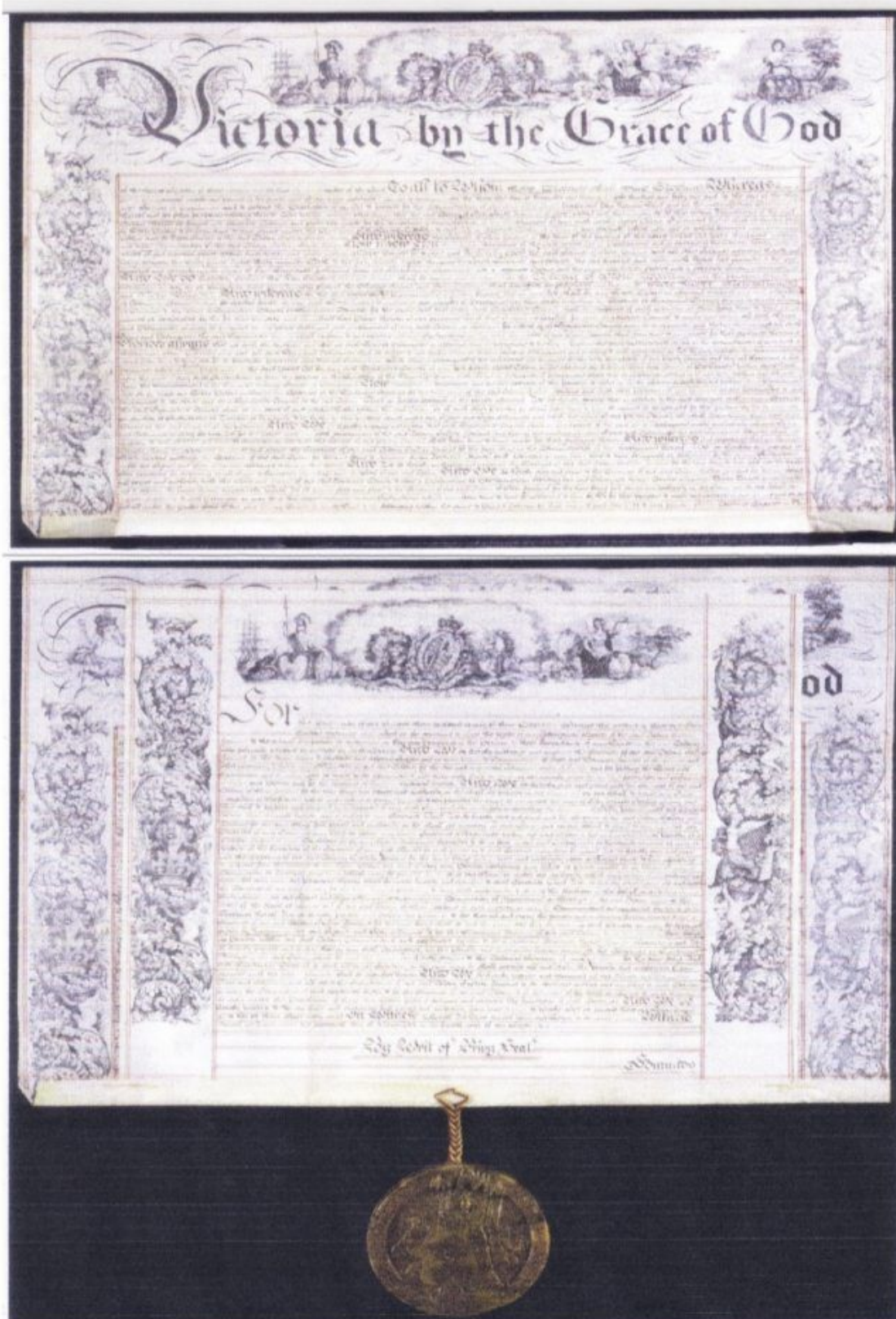
Below is Queen Victoria's Royal Charter/Letters Patent dated, the 16 November 1840. The Constitution of the Colony of New Zealand into a separate British Colony on the 3 May 1841. Archives New Zealand Ref. No. ACG0 8341 1A1 9. This document was removed from Archives New Zealand's Constitution Room on the 17 April 2017 and placed in Archives Repository out of the public's view. It must now be ordered to be researched, that is, if future researchers know it exists!

**Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 belongs to all the people of New Zealand and must be displayed in all schools and government departments as New Zealand's 'true' Founding Document and 'first' Constitution.**

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**Queen Victoria's Royal Charter/Letters Patent**

## Queen Victoria's Royal Charter/Letters Patent



This is New Zealand true Founding Document and first Constitution.

# The 1840 Constitution Reads:

## CONSTITUTIONAL CHARTER OF NEW ZEALAND

CHARTER FOR ERECTING THE COLONY OF NEW ZEALAND, AND FOR CREATING AND ESTABLISHING A LEGISLATIVE COUNCIL AND AN EXECUTIVE COUNCIL, AND FOR GRANTING CERTAIN POWERS AND AUTHORITIES TO THE GOVERNOR FOR THE TIME BEING OF THE SAID COLONY.

Victoria, & c. to all whom these presents shall come, greeting.

1. Whereas by an Act of Parliament made and passed in the fourth year of our reign, intituled, "An Act to continue, until the 31st day of December 1841, and to the end of the then next Session of Parliament, and to extend the provisions of an Act to provide for the administration of justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto," after reciting amongst other things that the said colony of New South Wales is of great extent, and, that it may be fit that certain dependencies of the said colony should be formed into separate colonies, and provision made for the temporary administration of the government of any such newly-erected colony, it is enacted, that it shall be lawful for us, by Letters Patent to be from time to time issued under the great seal of the United Kingdom, to erect into a separate colony or colonies any islands which now are or which hereafter may be comprised within and be dependencies of the said colony of New South Wales; and whereas the islands of New Zealand, at the time of the passing of the above recited Act, were comprised within and were dependencies of the said colony of New South Wales. Now know ye that we, in pursuance of the said recited Act of Parliament, and in exercise of the powers thereby vested in us, of our especial grace, certain knowledge, and mere motion, have thought fit to erect, and do hereby erect the said islands of New Zealand, and all other islands adjacent thereto, and lying between the 34th degree 30 minutes north to the 47th degree 10 minutes south latitude, and between the 166th degree 5 minutes to the 172d degree of east longitude (reckoning from the meridian of Greenwich) into a separate colony, accordingly. And we do hereby declare that from henceforth the said Islands shall be known and designated as the colony of New Zealand, and the principal adjacent islands, heretofore known as, or commonly called the "Northern Island" the "Middle Island," and "Stewart's Island," shall henceforward be designated and known respectively as "New Ulster;" "New Munster", and "New Leinster".
2. And whereas by the said recited Act of Parliament it is further enacted, that in case we shall by any letters patent as aforesaid establish any such new colony or colonies as aforesaid, it shall be lawful for us by any such letters patent, to authorise any number of persons, not less than seven, including the governor or lieutenant-governor of any such new colony or colonies, to constitute a Legislative Council or Legislative Councils for the same, and that every such Legislative Council shall be composed of such persons as shall from time to time be named or designated by us for that purpose, and shall hold their places therein at our pleasure, and that it shall be lawful for such Legislative Council to make and ordain all such laws and ordinances as may be required for the peace, order, and good government of any such colony as aforesaid, for which such Legislative Council may be so appointed; and that in the making all such laws and ordinances, the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein. Provided always, that no such instructions and that no such laws or ordinances as aforesaid shall be repugnant to the law of England, but consistent therewith so far as the circumstances of any such colony may admit; provided

also, that all such laws and ordinances shall be subject to our confirmation or disallowance, in such manner and according to such regulations as we by any such instructions as aforesaid shall from time to time see fit to prescribe; provided also, that all instructions which shall, in pursuance of the said recited Act, be made by us, with the advice of our Privy Council, and that all laws and ordinances which shall be made in pursuance of the said recited Act, by any such Legislative Council of any such newly-erected colony as last aforesaid, shall be laid before both Houses of Parliament within one month from the date of any such instructions, or from the arrival in this kingdom of the transcript of any such laws or ordinances, if Parliament shall then be in session sitting, or if not, then within one month of the commencement of the next ensuing session of Parliament. Now, therefore in pursuance and further exercise of the powers so vested in us as aforesaid in and by the said recited Act of Parliament, we do by these our letters patent authorise the governor or the lieutenant-governor for the time being of the said colony of New Zealand and such other persons, not less than six, as are hereinafter designated, to constitute and be a Legislative Council for the said colony; and in further exercise of the powers aforesaid, we do hereby declare that, in addition to the said governor or lieutenant-governor, the said Legislative Council shall be composed of such public officers within the said colony, or of such other persons as shall from time to time be named or designated for that purpose by us, by any instruction or instructions or warrant or warrants to be by us for that purpose issued under our signet and sign manual and with the advice of our Privy Council, all of which Councillors shall hold their places in the said Council at our pleasure.

3. And we do hereby require and enjoin that such Legislative Council shall, in pursuance of the said Act of Parliament, make and ordain all such laws and ordinances as may be required for the peace, order, and good government of the said colony of New Zealand, and that in the making all such laws and ordinances the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein.
4. And whereas it is expedient that an Executive Council should be appointed to advise and assist the governor of our said colony of New Zealand for the time being in the administration of the government thereof, we do therefore, by these our letters patent, authorise the governor of our said colony for the time being to summon as an Executive Council such persons as may from time to time be named or designated by us in any instructions under our signet and sign manual, addressed to him in that behalf.
5. And we do hereby authorise and empower the governor of our said colony of New Zealand for the time being to keep and use the public seal appointed for the sealing of all things whatsoever that shall pass the seal of our said colony.
6. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being full power and authority, with the advice and consent of our said Executive Council, to issue a proclamation or proclamations, dividing our said colony into districts, counties, hundreds, towns, townships and parishes, and to appoint the limits thereof respectively.
7. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being, full power and authority, in our name and on our behalf, but subject nevertheless to such provisions as may be in that respect contained in any instructions which may from time to time be addressed to him by us for that purpose, to make and execute, in our name and our behalf, under the public seal of our said colony, grants of waste land, to us belonging within the same, to private persons, for their own use and

benefit, or to any persons, bodies politic or corporate, in trust for the public uses of our subjects there resident, or any of them.

8. Provided always, that nothing in these our letters patent contained shall affect, or be construed to affect, the rights of any aboriginal natives of the said Colony of New Zealand, to the actual occupation or enjoyment in their own persons, or in the persons of their descendants, of any lands in the said Colony now actually occupied or enjoyed by such natives.
9. And we do hereby authorise and empower the Governor of our said Colony of New Zealand for the time being, to constitute and appoint judges, and, in cases requisite, commissioners of oyer and terminer, justices of the peace, and other necessary officers and ministers in our said Colony, for the due and impartial administration of justice, and for putting the laws into execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of these offices and places, and for the clearing of truth in judicial matters.
10. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and on our behalf, to remit any fines, penalties, or forfeitures, which may accrue or become payable to us, provided the same do not exceed the sum of fifty pounds sterling in any one case, and to respite and suspend the payment of any such fine, penalty, or forfeiture exceeding the said sum of fifty pounds, until our pleasure thereon shall be made known and signified to such Governor.
11. And we do hereby give and grant unto the Governor of the said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and our behalf, to grant to any offender, convicted of any crime in any Court, or before any judge, justice, or magistrate within our said Colony, a free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance hereafter to be in force in our said Colony may be thereunto annexed, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem fit.
12. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, upon sufficient cause to him appearing, to suspend from the exercise of his office, within our said Colony, any person exercising any office or place under or by virtue of any commission or warrant granted, or which may be granted by us, or in our name or under our authority, which suspension shall continue and have effect only until our pleasure therein shall be made known and signified to such Governor. And we do hereby strictly require and enjoin the Governor of our said Colony for the time being, in proceeding to any such suspension, to observe the directions in that behalf given to him by our instructions under our signet and sign manual accompanying his commission of appointment as Governor of the said Colony.
13. And in the event of the death or absence out of our said Colony of New Zealand of such person as may be commissioned and appointed by us to be the Governor thereof, we do hereby provide and declare our pleasure to be, that all and every the powers and authorities herein granted to the Governor of our said Colony of New Zealand for the time being shall be, and the same are hereby vested in such person as may be appointed by us by warrant under our signet and sign manual, to be the Lieutenant-Governor of our said Colony, or, in the event of there being no person within our said Colony commissioned and appointed by us to be Lieutenant-Governor thereof, then our pleasure is, and we do hereby provide and



declare, that in any such contingency all the powers and authorities herein granted to the Governor or Lieutenant-Governor of our said Colony shall be, and the same are hereby granted to the Colonial Secretary of our said Colony for the time being, and such Lieutenant-Governor, or such Colonial Secretary, as may be, shall possess all and every the powers and authorities herein granted until our further pleasure shall be signified, therein.

14. And we do hereby require and command all our officers and ministers, civil and military, and all other the inhabitants of our said Colony of New Zealand, to be obedient, aiding and assisting to such person as may be commissioned and appointed by us to be the Governor of our said colony, or, in the event of his death or absence, to such person as may, under the provisions of these our letters patent, assume and exercise the functions of such governor.

And we do hereby reserve to us our heirs and successors full power and authority from time to time, to revoke, alter or amend these our letters patent as to us or them shall seem meet.

In witness, &c. witness, &c.

16 November 1840

declare, that in any such contingency all the powers and authorities herein granted to the Governor or Lieutenant-Governor of our said Colony shall be, and the same are hereby granted to the Colonial Secretary of our said Colony for the time being, and such Lieutenant-Governor, or such Colonial Secretary, as may be, shall possess all and every the powers and authorities herein granted until our further pleasure shall be signified, therein.

14. And we do hereby require and command all our officers and ministers, civil and military, and all other the inhabitants of our said Colony of New Zealand, to be obedient, aiding and assisting to such person as may be commissioned and appointed by us to be the Governor of our said colony, or, in the event of his death or absence, to such person as may, under the provisions of these our letters patent, assume and exercise the functions of such governor.

And we do hereby reserve to us our heirs and successors full power and authority from time to time, to revoke, alter or amend these our letters patent as to us or them shall seem meet.

In witness, &c. witness, &c.

16 November 1840



For documented evidence of the above: [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz) or [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au).

**Charter of 1840.**

**Constitution of the Colony of New Zealand into a separate  
colony.**

**16 November 1840**

**Disk supplied by the Chief Archivist, Archives New Zealand**

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