

# Queen Victoria's Royal Charter: Our True Founding Document and First Constitution

*Article Updated 23 July 2013 . First sitting of the Legislative Council of New Zealand 24  
May 1841*

## *QUEEN VICTORIA'S ROYAL CHARTER*

16 November 1840

OUR

TRUE FOUNDING DOCUMENT

AND

FIRST CONSTITUTION

Queen Victoria's Royal Charter dated the 16 November 1840 was our "true" Founding Document and "First" Constitution. This extremely important document has been overlooked for over 173 years. The Tiriti o Waitangi was never our Founding Document!

Researcher, Ross Baker of the One New Zealand Foundation Inc.

discovers Queen Victoria's Royal Charter is the document that gave New Zealand its own British Colony with its own Governor and Government under one flag and one law for "all the people of New Zealand".

## A Nation Was Born!

### New Zealand

#### QUEEN VICTORIA'S ROYAL CHARTER, OUR "TRUE" FOUNDING DOCUMENT AND FIRST CONSTITUTION

An Important Document that has been overlooked for 173 Years!

A member of the government's Constitutional Advisory Panel, Professor Linda Tuhiwai Smith asked, "What is the role of the treaty or what is the role of the Treaty of Waitangi in our constitutional arrangements"? The answer is quite simple,

"Absolutely Nothing!"

The Tiriti o Waitangi gave Britain Sovereignty over New Zealand and tangata maori the same rights as the people of England under the jurisdiction of New South Wales, but what gave New Zealand the right to become a British Colony with its own Governor and its own Government with one flag and one law for all. **Queen Victoria's Royal Charter is the missing link.**

While this article is very radical as the Tiriti o Waitangi has been recognised as our Founding Document for 173 years, recent research by Ross Baker of the One New Zealand Foundation Inc has found the Tiriti o Waitangi was only to gain British Sovereignty over New Zealand and tangata Maori to be given the same rights as the people of England, no more –

no less. Our “true” Founding Document and First Constitution was Queen Victoria’s Royal Charter dated the 16 November 1840. As with the Littlewood Treaty document, Hobson’s final English draft of the Tiriti o Waitangi, Maoridom and Government do not want you to see this document on page 10, Appendix 1 and it’s obvious why; it puts the Tiriti o Waitangi where it belongs, in our Archives once and for all.

### **A brief History on the Declaration of Independence and why the Tiriti o Waitangi is not our Founding Document or part of our Constitution.**

The Declaration of Independence was a document drafted by James Busby, the British Resident in 1835 to try and unite the chiefs to assemble annually to make laws for the promotion of peace, justice, trade and to stop the fighting, cannibalism and genocide amongst the tangata maori tribes, but he could only persuade 34 Northern chiefs to sign before it was abandoned within 12 months by the signatories taking up arms against each other and without one meeting-taking place. Busby did manage to get 52 chiefs to sign by 1837. How serious would the King of the most powerful Nation in world at the time, have taken of a document with 52 thumbprints or ‘X’ out of an estimated 600 cannibal chiefs on the other side of the world?

It was obvious, tangata maori were more interested in fighting and the feasts that followed, than political co-operation. Britain reluctantly had to take a more active role if the tangata maori race were to survive. It is estimated the “inter-tribal musket wars” had slaughtered between 30,000 to 50,000 people before the Treaty was signed in 1840.

In 1840 over 500 tangata maori chiefs signed the Tiriti o Waitangi mainly from the North Island as most of the South Island’s “empty” lands had been sold or were under contract by the chiefs prior to signing the Tiriti o Waitangi. The Tiriti

was drafted and signed by W. Hobson, Consul & Lieutenant Governor, on behalf of Queen Victoria. The Tiriti o Waitangi was dated the 6th February 1840 and was the only Treaty signed on that day at Waitangi. An English treaty also dated the 6th February 1840 was never signed on that day or authorised by Hobson to be signed by the chiefs and was only used to collect the overflow of 39 signatures from the CMS printed Tiriti o Waitangi that had been read and discussed then signed at Waikato Heads and Manukau.

The Tiriti o Waitangi's purpose was to gain British sovereignty over New Zealand, New Zealand to come under the jurisdiction of the New South Wales government and tangata maori to be given the same rights as the people of England, no more – no less, therefore the Treaty has nothing to do with our Constitution; the principles by which a nation is governed. **A Constitution is a body of fundamental principles by which a nation is governed.**

**Maori are not the tangata whenua or the Indigenous People of New Zealand.**

Tangata maori" was the name give to the people that signed the Tiriti o Waitangi as it was a known fact at the time the Tiriti o Waitangi was signed; tangata maori were not the tangata whenua or the Indigenous People of New Zealand. Under numerous Official Information Act requests to various Ministers, we were told, *"The New Zealand Government does not have a definition of the Indigenous People of New Zealand"*.

Professor Dr Ranganui Walker, past Head of Maori Studies at Auckland University and a member of the Constitution Advisory Panel stated in the '**1986 New Zealand Year Book**', page 18, *"The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (prior inhabitants). The canoe ancestors of the 14-century merged*

*with these tangata whenua tribes. From this time on the traditions abound with accounts of tribal wars over land and its resources. Warfare was the means by which tribal boundaries were defined and political relations between tribes established. Out of this period emerged 42 tribal groups whose territories became fixed after the signing of the Treaty of Waitangi and the establishment of Pax Britannica". Ngapuhi Chief David Rankin also endorsed Dr Walker's statement when he stated, "Maori are not indigenous to Aotearoa/New Zealand", in the March 2013 **Elocal Magazine**.*

While 13 northern chiefs asked the King of England to become their protector and guardian in 1831, not only from themselves but also from the French, this could only be successfully achieved by Britain gaining sovereignty over the whole country and its people. The Treaty achieved this with over 500 tangata maori chiefs signing the Tiriti o Waitangi dated the 6th February 1840. Interesting to note in this letter, the 13 chiefs stated, "We are a people without possessions/Taonga". Oh! How times have changed, a people without possessions in 1831 to a people that think they own the country and all its riches – without lifting a finger!

Since the Tiriti o Waitangi was signed, tangata maori have continued to intermarry of their own free will with other races forcing government to amend legislation defining a Maori many times over until, "Maori today are a people with Maori ancestry, as one sees in legislation", Mr John Clark, past Race Relations Conciliator of Maori descent. Maori today can be a New Zealand Citizen with less than 1% of Maori ancestry but can claim advantage, privilege and special rights over their fellow New Zealand Citizens. This was never the intention of the Tiriti o Waitangi or those that signed; it was to treat all the tangata maori the same as the people of England (Article 3 of the Tiriti o Waitangi). The 1860 Kohimarama Conference, attended by over 200 chiefs again confirmed the chief's allegiance to Queen Victoria's Sovereignty and the

Colonial Government under English Law over the whole country, under one flag and one law.

**Queen Victoria did not have the power or authority (jurisdiction) to give Maori any special rights in the Tiriti o Waitangi not already enjoyed by the people of England under English Law.**

Article 2 of the Tiriti of Waitangi states, *“all the people of New Zealand”* as the Tiriti had to give the same rights to non-Maori to their lands, settlements and property that they had purchased or were under contract from the tangata maori chiefs. At the time the Tiriti was signed, the chiefs had sold or had contracts registered in the NSW Supreme Court for over two thirds of New Zealand’s “empty lands”, virtually the whole of the South Island had been sold or was under contract. Non-Maori were the major landowners in New Zealand at the time the Tiriti was signed, but after it was signed, the Colonial Government confiscated most of this land from the people that had purchased it and returned to the chiefs, then re-purchased it, in some cases many times over as in the case of Taranaki. For further information on the Pre-Treaty Land Sales, please read **“Colonization – The Salvation of the Maori Race”** by the One New Zealand Foundation Inc. Copies can be obtained from the ONZF with a \$15-00 donation.

### **Governor Hobson’s Proclamations.**

On the 30 January 1840 Lieutenant Governor Hobson, who had been sworn in as Lieutenant Governor to New Zealand under the jurisdiction of New South Wales met with the settlers and gave two Proclamations. In the first Proclamation he explained that, *“Her Majesty Queen Victoria has been graciously please to Direct, that Measures will be taken for the Establishment of a settled form of Civil Government over those of Her*

*Subjects who have already Settled in New Zealand, or who may hereafter resort hither. And whereas Her Majesty has been graciously please to Direct Letters Patent .....by which the former Boundaries of the 'Colony of New South Wales' are so extended to comprehend any Part of New Zealand, that is, may be acquired in Sovereignty by Her Majesty, Her Heirs or Successors".*

There is no mention of the Settlers being involved in Her Majesty gaining Sovereignty over New Zealand. Once New Zealand became British soil, all the British Subjects would have the same rights as if in England. Article 2 was only to inform tangata maori that the people of England had the same rights to their lands, their settlements and all their property the same as tangata maori if they signed the Tiriti o Waitangi. It was an Agreement solely between Queen Victoria and the tangata maori chiefs.

In the second Proclamation Lieutenant Governor Hobson explained, *"The Lieutenant Governor in and over such parts of New Zealand as have been or may be acquired in Sovereignty by Her Said Majesty, do hereby Proclaim and Declare to all Her Majesty's Subjects, that Her Majesty does not deem it expedient to recognise any Titles to Land in New Zealand, that are not derived from or confirmed by Her Majesty"*.

All claims to land by Europeans would go before a Commissioner to prove their validity and if found invalid would be returned/confiscated without refund from the chief that had sold the land or in most cases, repurchased by the Crown many times over. In most case those found valid were reduced to 2560 acres. No mention was made in this Proclamation of how the Queen would obtain Sovereignty over New Zealand; it was a matter between Queen Victoria and the tangata maori chiefs.

This second Proclamation also makes no mention of the settlers being involved in Her Majesty gaining sovereignty over New Zealand.

While the Tiriti o Waitangi's Second Article mentions "all the people of New Zealand" this was to explain to the tangata maori chiefs that the land the settlers had bought from them and all their settlements and property they owned, would also be guaranteed by Her Majesty, the same as the tangata maori. Tangata maori would have the same rights as the people of England, No more – No less.

Article 3. It is interesting to note the number of hours the Colonial Government spent determining the rightful tangata maori owners to a block of land but virtually ignored the settlers that had purchased over 2/3 of New Zealand with over 1000 legal Deeds held in the New South Wales Supreme Courts, many possibly still valid!

### **Tangata maori did not Cede Sovereignty – Britain Obtained Sovereignty.**

In 1877 Chief Justice Sir James Prendergast declared the Treaty of Waitangi 'worthless' and a 'simple nullity' He stated, "So far indeed as that instrument [the Treaty] purported to cede the sovereignty – it must be regarded as a simple nullity. No body politic existed capable of making cession of sovereignty, nor could the thing itself exist. New Zealand was peopled only by "primitive barbarians" and "savages" who had neither sovereignty to cede or an existing body of customary law that could be legally recognised". It is obvious Justice Prendergast made the mistake like so many others and was using an unauthorised English Treaty compiled by James Freeman from Busby's rejected notes.

The Tiriti o Waitangi makes no mention of ceding sovereignty to Britain as there was no sovereignty or existing body of customary law that could be legally recognised. The Tiriti o Waitangi states, "all places that may be given up now or hereafter to the Queen". Sovereignty was obtained by over 500

tangata maori chiefs giving up their individual territories and government to Queen Victoria. There is no denying the Tiriti o Waitangi was a document that allowed Britain to obtain sovereignty over New Zealand under the dependency of New South Wales and in return, tangata maori were given the same rights as the people of England. A very good deal when you consider the state of tangata maori at the time, they had slaughtered over half their population, sold or had contracts over 2/3 of their land and were rapidly heading for extinction by their bloodthirsty intertribal wars. In 1840, "There were 42 tribal groups whose territories became fixed after the signing of the Treaty of Waitangi and the establishment of Pax Britannica", Professor Dr Ranginui Walker, past Head of Maori Studies at Auckland University. Pax Britannica – Latin for "the British Peace".

**Maori did not cede sovereignty, as there was no sovereignty to cede. Britain obtained sovereignty over New Zealand with the signing of the Tiriti o Waitangi by over 500 tangata maori chiefs giving up their territories to Britain in 1840.**

This again confirms, the Tiriti o Waitangi is not our Founding Document or should be part of our Constitution, it was a "worthless and simple nullity" once Britain had obtained Sovereignty over New Zealand! It was an Agreement between Queen Victoria and the tangata maori chiefs for Britain to gain Sovereignty over New Zealand and tangata maori the same rights as the people of England, No more – no less!

**Queen Victoria's Royal Charter – Our First Constitution.**

With British sovereignty now firmly asserted by November 1840, Queen Victoria's Royal Charter dated the 16 November 1840 separated New Zealand from New South Wales dependency and New Zealand became a British Colony. On the 3 May 1841 Governor

Hobson was sworn in as the Colony's first Governor to form a government to make and enforce English Law over the whole country. Once Queen Victoria gave Her Royal Charter, the Tiriti o Waitangi had served its purpose; it was just one part in the process of New Zealand becoming British soil and tangata maori British Subjects under one flag and one law. **No mention of the Tiriti is made in the Royal Charter!** At this time, the Tiriti o Waitangi should have been retired to our archives! See Royal Charter below, **New Zealand's Founding Document and First Constitution.**

### **First Sitting of the Legislative Council of New Zealand**

The first sitting of the Legislative Council took place on the 24 May 1841. Members of the Legislative Council were sworn in and Governor Hobson explained that New Zealand had been erected into a separate Colony and British Laws would operate throughout the whole Colony of New Zealand. There was no mention of any special rights to tangata maori, they were to be treated the same as the people of England. See Minutes of first sitting of the Legislative Council page 14.

### **Royal Charter Confirms Guarantees in the Tiriti o Waitangi**

Clause 8 of the Royal Charter below, confirmed the guarantees made by Queen Victoria to tangata maori in the Tiriti o Waitangi, stating, "Provided always, that nothing in these letters shall affect, or be construed to effect, the rights of any aboriginal native of the said Colony of New Zealand, to the actual occupation or enjoyment in their own persons, or in the persons of their descendents, of any lands in the said Colony now actually occupied or enjoyed by such natives". This confirmed, tangata maori would be given the same rights as the people of England to their land they now actually occupied, although most of the land the chiefs had travelled to

Australia to sell was returned to them while the European purchasers lost their land and the monies/goods they had paid for it.

### **A Major Problem Arises; Colonisation Allowed the Slaves to Return Home!**

Once the Tiriti o Waitangi was signed and more chiefs became Christians the problems began. The Christian chief's began releasing their slave and the slaves began wondering back to their tribal lands, but while they had been held as slaves their chiefs in many cases had traveled to Australia and sold their "unwanted and empty" tribal lands. This caused a major problem for the Colonial Government as not only the settlers had purchased this land so had the Colonial Government. In the South Island and Taranaki the Colonial Government increased the lands that had been set aside for the tangata maori but as more and more ex-slaves returned, more and more land had to be granted to accommodate them. This not only caused a problem for the Colonial Government but the settlers that had bought and settled the land now had to contend with the returning slaves that thought they still had possession of their tribal lands. Skirmishes broke out in many places and innocent settlers had their crops and buildings destroyed and in some cases, whole families were killed by the returning slaves extremely unhappy to see their chiefs had sold their lands, and therefore took their revenge/utu out on the innocent settlers and their families, land and buildings.

The Colonial Government did their best to accommodate these returning slaves and those that had fled their tribal lands during the "Musket Wars" from 1820 through to 1840, but as the land had now been settled, a very difficult task that caused the start of the "Sovereignty Wars" of the 1860's. Maori also started settling on lands legally purchased or confiscated by the Colonial Government, such as Parihaka and were asked to

move peacefully. Parihaka has been blown out of all proportion by today's part-Maori, tangata maori were squatting on land that had been purchased by the Crown from their conquer, Te Whero Whero and had no right to squat on this land. As illegal activity was known to be occurring at Parihaka, as well as the harbouring of "wanted rebels", the Colonial Government set in a large force to remove them peacefully. While one young boy had his foot stood on by a soldier's horse, there were no other casualties, although today's part-Maori say there was a "holocaust" by the troops at Parihaka. Te Whiti the leader of the group or cult was goaled for 18 months for sedition on the 14 November 1881 while others were sent to the South Island. This also occurred on the East Coast where Tuhoe harboured "rebel's" that had beheaded Rev Volkner and/or played football with other Imperial Troops heads. They also harboured Te Kooti and the Hua Hua who had murdered many innocent settler and their families and destroyed their land, buldings and crops.

While the confusion of the returning slaves to lands that had been sold by their chiefs and the tangata maori now having nothing to do as the Colonial Government had stopped the slaughter and genocide amongst them, they became bored and the Waikato decided to, "Fight the Pakeha at Taranaki". This was the start of the "Sovereignty Wars" that raged for many years between the "rebel" tribes and the Imperial Troops and their tangata maori supporters. As Britain had promised to protect the tangata maori and all the people of New Zealand in the Tiriti o Waitangi and in Queen Victoria's Royal Charter, there was no alternative than to bring in large numbers of Imperial Troops to honour this agreement and land was confiscated as payment for the "rebels actions" by the Colonial Government after the Governor had warned them of the consequences of taking up arms against the Colonial Government.

After a number of years of fighting the Imperial Troops, the "rebels" decided to lay down their arms and honoured Her Majesty's Colonial Government and the laws based on one flag

and one law for all. It must also be remember, the majority of tangata maori became very good citizens once the Tiriti was signed and began to prosper. The “rebel’s” saw this for themselves and decided their days of fighting were over if they were also to prosper under one flag and one law. The first time ever for tangata maori.

While there were some “genuine” claims against the Colonial Government, these were all “full and finally” investigated and settled by the Courts/Parliament in 1930 and 1940 before we accepted the Statute of Westminster in 1947.

With fabricated evidence and the apartheid Waitangi Tribunal, many of these claims, plus hundreds of others have been heard or renegotiated and millions of taxpayers dollars or assets paid out in compensation, when in fact two thirds of New Zealand had been sold by the chiefs before the Tiriti o Waitangi was signed with legal Deeds of Sale still held in the New South Wales Supreme Court and possibly in many cases, still valid to this day but non-Maori do not have a taxpayer funded Tribunal or Forest Rental Trust to hear and fund their claims, this time with legal documented evidence.

**Sold their land, had it returned, sold it again, returned again then say they were cheated – by whom?**

Ngai Tahu’s chiefs sold all of their land before the Tiriti o Waitangi was signed. After investigating these sales, the Colonial Government returned most the land to Ngai Tahu, then repurchased it again with reserves for the few Ngai Tahu still living in fear in the South Island. With Colonisation, the Ngai Tahu and Taranaki slaves that had been driven off their lands were now being released by their captures, therefore the Government had no other option than to grant extra reserves to accommodate the hundreds of returning slaves. The question we must ask, why has the Government continued to return land and

assets to Ngai Tahu who sold all their land before the Tiriti was signed and to Taranaki that lost all their land in battle to the Waikato in 1835? Many of the Taranaki tribes then travelling to the Chatham Island and slaughtering the Moriori or farming them "like swine" into virtual extinction over the next seven years.

The Waikato tribes then fought the Colonial Government for Sovereignty and lost just as Tuhoe that harboured the "rebels" that slaughtered Rev Volkner, played football with the heads of some unfortunate Imperial Troops they had murdered and the Hau hau's and Te Kooti that had killed many innocent settler and their families. These "rebel" tribes had land confiscated in payment for breaking the laws that over 500 tangata maori chief's had agreed to obey when they signed the Tiriti o Waitangi in 1840 and over 200 endorsed at the Kohimarama Conference in 1860.

*"The chief's place in the hands of Queen of England, the sovereignty and the authority to make laws. Some sections of the Maori people violated that authority, war arose and blood was spilled. The law came into operation and land was taken in payment. It was their chiefs who ceded that right to the Queen. The confiscation cannot therefore be objected to in the light of the Treaty".* Sir Apirana Ngata, Minister of Native Affairs, M.A, LL.B, Lit.D. 1922.

We believe people, such as the Hon Christopher Finlayson, Sir Tipene O'Regan and many others, including Government paid researchers should be charged with mis-leading the People of New Zealand by stealing millions of dollars and assets in compensation by "select researching and fabricating our history".

All the documents to substantiate the above can be located in our New Zealand Archives, the New South Wales Supreme Court or in Jean Jackson's collection of 24 books obtainable on disk from the One New Zealand Foundation Inc.

## **Our First Constitution and Founding Document.**

Our first Constitution and the document that founded New Zealand and its people was Queen Victoria's Royal Charter dated the 16 November 1840. It allowed New Zealand to break away from New South Wales and with the consent of the British Parliament, form its own Colonial Government to make its own laws under the direction of the British Parliament based on English Law. The British Parliament supplied our next Constitution in 1846, which was amended and adopted by the New Zealand Colonial Government in 1852. Since then our Constitution has been amended and added to as we developed as a **Nation**.

## **The Statute of Westminster.**

In 1947 the Government adopted the Statute of Westminster that granted New Zealand complete autonomy in foreign as well as domestic affairs with all the people of New Zealand becoming New Zealand Citizens under one flag and one law, with our own Coat of Arms and own New Zealand Citizen Passports, which proclaimed the Sovereignty of the Government and its people.

## **The Apartheid Waitangi Tribunal.**

In 1975 the Government enacted the Treaty of Waitangi Act that created the Waitangi Tribunal to hear claims that may occur after 1975. All claims before this time had been "full and finally settled" or "rejected" by a Courts inquiry and Parliament. The Act was amended in 1985 to allow claims to date back to 1840, in most cases these had already been "full and finally settled" or "rejected". This Act and Tribunal breaches English law and the Magna Carta as it only allowed a

New Zealand Citizen that could claim a minute trace of tangata maori ancestry to lodge a claim or participate. Non-Maori cannot lodge a claim, participate or appeal a recommendation by the Tribunal to Government, which in most cases the Select Committee misleads Parliament and Parliament accepts the Bill without further investigation. A past Chairman of the Tribunal, Chief Judge Eddie Durie admitted in the New Zealand Herald dated the 17 November 1999 that researches fabricate and modify evidence, omit evidence not helpful to their claim and in some cases, were not paid unless they changed their research to support the claim. Some claims that were investigated by the Court in the 1930's through 1940's, such as the Te Roroa claim that was rejected by Chief Judge Shepherd and Parliament have been recommended and settled without one document of evidence. In fact the Minister of Justice, the Hon Doug Graham acknowledged this when he signed the Deed of Sale, stating the Te Roroa claim was only an "alleged" claim, but it proceeded costing the taxpayers in excess of \$30 million dollars and the people that could claim a minute trace of Te Roroa ancestry laughing all the way to the bank! In fact Maori today with their reheard claims have accumulated in excess of \$40 billion thanks to a weak Governments and "gullible" taxpayers. Queen Victoria did not have the power or authority (jurisdiction) to give Maori any special rights in the Tiriti o Waitangi not already enjoyed by the people of England under English Law. FACT!

### **The Tiriti o Waitangi Should Play no Part in our Constitution.**

The Tiriti o Waitangi should play no part in our Constitution; it had served its purpose for the reason it was drafted by the 3 May 1841. With the Treaty signed, New Zealand and its people came under the control of New South Wales. Queen Victoria's Royal Charter dated the 16 November 1840 gave New Zealand the authority to become its own British Colony with its own Colonial Government to make and enforce its own laws under its

own flag on the 3 May 1841. A Nation was Born!

After 3 May 1841 the Tiriti o Waitangi was worthless' and a 'simple nullity' because it was only a document that allow Britain to gain sovereignty over Zealand and tangata maori to become British Subjects. Queen Victoria did not have the power or authority (jurisdiction) to give Maori any special rights in the Tiriti o Waitangi not already enjoyed by the people of England under English Law.

While the Tiriti o Waitangi gave Sovereignty to Britain and tangata maori British Subject status, it had nothing to do with our government, our laws or our Constitution. Queen Victoria's Royal Charter was our **Founding Document and our first Constitution**. It allowed New Zealand to become its own British Colony with one flag and one law for all the people of New Zealand, irrespective of race, colour or creed. Please read the copy of Queen's Victoria's Royal Charter below – **Our First Constitution and Founding Document**.



**Where did this Document Come From, That's Been Hidden for 173 Years?**

The Constitutional Charter of New Zealand or Queen Victoria's Royal Charter dated the 16 November 1840 was printed with Jean Jackson's permission from her Book 2, page 179. If it had not been for Jean this document would have disappeared like so

many of our important documents.

I decided to email Jean to ask where she had located the Royal Charter and this is her story. "I idly walked into the Constitution Room at National Archives in Wellington in 1997 and there it was, two large pieces of parchment – the CHARTER. i.e. in 'Acts of New Zealand' it's was called 'Constitutional Charter' I think – none of the librarians could locate it again later. But I got three photocopied at the time. The Archivist, a Dutchman, sold me photographs of it for twenty dollars, with a large two-piece copy, couriered".

We must thank Jean Jackson and the many others for their dedication in making sure our "true" history is preserved and not lost or destroyed. Too many of these documents, such as the Final Draft in English of the Tiriti o Waitangi, the Littlewood Document and the "true" Founding Document and our First Constitution are being destroyed or hidden from sight. Colonization was the Salvation of the Maori Race and allowed them to share in one of the worlds most civilized and powerful Nations at the time – Great Britain, without so much as lifting a finger!



New Zealand. (From the New Zealand Government Gazette.)

FIRST SITTING OF THE LEGISLATIVE COUNCIL  
OF NEW ZEALAND.

His Excellency the Governor, according to notice, opened the first session of the legislative council of New Zealand on the 24th May 1841. Hon. W. Shortland, colonial secretary, Hon. Francis Fisher, attorney general, Hon. George Cooper, colonial treasurer, E. S. Halswell, Esq., one of the three senior justices, being present, received the oaths and took their seats in the legislative council accordingly. James Coates, Esq., was appointed clerk of the council, and took the oaths of office. His Excellency then delivered the following speech :—

*Gentlemen—I have availed myself of this early period to assemble the members of the legislative council for the purpose of bringing under consideration certain measures which the altered circumstances of the colony seem to me urgently to require. At this our first meeting I deem it proper to draw your attention, not only to the royal charter, but to the highly important instructions under the royal signet and sign manual which accompany it.*

*The charter, as you are already aware, erects the islands of New Zealand and certain dependencies into a separate colony, under the superintendence of a governor and commander-in-chief. It constitutes a legislative council, who are empowered to enact laws and ordinances for the local government of the colony ; it authorises the establishment of courts of justice, and the issue of commissions of the peace ; and, in fact, brings into complete operation British laws throughout the whole colony of New Zealand. The instructions under the royal signet and sign manual more particularly define the functions of the governor and council, and in a clear and conspicuous manner point out the duties of each. In order that you, gentlemen, may have an opportunity of acquainting yourselves with those particular duties, I have directed the instructions to be laid on the table, and kept open for your perusal in the council chamber.*

I regret that I cannot at the present meeting lay before you the estimates of the ensuing year, which, although in a forward state of preparation, are incomplete, owing to the non-arrival of directions from the lords of the treasury, of which I am advised, and which may be daily expected. I shall lay before you an ordinance for the present re-adoption of all such acts of New South Wales as were in force previous to our separation, and are now applicable to this colony. It is not my intention, however, eventually to propose for your adoption the laws of New South Wales, but it will be my endeavour, during the recess, aided by the advice and assistance of the law officers of the crown, to prepare for your consideration such laws as will best provide for the administration of justice, and the contingencies of social life, which may be expected to arise in New Zealand ; therefore the measures now proposed to you must be deemed temporary and contingent, as resulting from the present peculiar condition of the colony.

By command of her Majesty I will bring under your consideration the repeal of the Land Commission Act, and submit for your adoption an ordinance for the same general purposes, but granting to the Governor of New Zealand the same powers as those heretofore enjoyed by the Governor of New South Wales. I will likewise lay before you bills for the regulation and collection of the revenue of her Majesty's customs, for establishing courts of quarter sessions and requests, and for the prohibition of distillation. These, gentlemen, are the only subjects for the present on which I shall require you to deliberate. We have, gentlemen, a solemn and important duty to perform ; by our means conflicting interests are to be reconciled ; harmony and tranquility established, and measures are to be adopted for improving the condition and elevating the character of the aboriginal inhabitants. In this salutary work I confidently look for

*your cordial assistance and co-operation, and I trust under Divine Providence we shall be enabled to accomplish these important objects, and to give effect to her Majesty's gracious and benign views for the welfare, prosperity, and civilisation of this colony*

After laying on the table the Indemnity Bill, the Governor adjourned the council until Thursday, the 27th May, 1841.

**New Zealand. Anno quarto Victoriae Reginae. No.**

1.—An Ordinance to declare that the laws of New South Wales, so far as they can be made applicable, shall extend to, and be in force in, her Majesty's colony of New Zealand from and subsequent to the date of her Majesty's royal charter and letters patent, erecting into a separate colony the islands of New Zealand, and to indemnify the Lieutenant Governor and other officers thereof for certain Acts done and performed between the date of the said royal charter and letters patent and the day of passing this ordinance.

Whereas by an act of the Governor and legislative council of New South Wales, made and passed in the third year of the reign of her present Majesty, entitled " An Act to declare that the Laws of New South Wales extend to her Majesty's dominions in the Islands of New Zealand, and to apply the same, as far as applicable, in the administration of justice therein, and to indemnify certain Officers for Acts already done." After reciting that her Majesty had been pleased to annex her Majesty's dominions of New Zealand to the government of New South Wales, it is enacted that all laws and acts or ordinances of the Governor and legislative council of New South Wales which then were, or thereafter might be, in force within the said colony should extend to and be applied in the administration of justice within her

Majesty's dominions in the said islands of New Zealand, so far as they could be applied therein. And whereas, under and by virtue of an act of parliament made and passed in the fourth year of her said Majesty's reign, entituled, " An Act to continue until the thirty-first day of December, one thousand eight hundred and forty-one, and to the end of the then next ensuing Session of Parliament, the Provisions of any 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 relative thereto," her Majesty did, by her royal charter and letters patent under the great seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the sixteenth day of November, one thousand eight hundred and forty, erect into a separate colony the islands of New Zealand, theretofore comprised within or dependencies of the colony of New South Wales, with all other islands lying between certain latitude and longitude therein mentioned. And did further provide that from thenceforth the said islands should be known and designated as the " colony of New Zealand." And whereas, by her said royal charter and letters patent, her Majesty did constitute a legislative council for the said colony of New Zealand, with full power and authority to make and ordain all such laws and ordinances as might be required for the peace, order, and good government of the said colony. And whereas it is expedient, until all such laws and ordinances can be well considered and ordained, that all such laws, acts, and ordinances of New South Wales as are applicable to the colony of New Zealand should continue to be acted upon and be applied therein. And, in order to remove any doubt which may exist whether the said laws, acts, or ordinances of the said Governor and legislative council of New South Wales are and continue in force within the said colony of New Zealand from and subsequent to the date and proclamation of such her Majesty's royal

charter and letters patent.

1. Be it therefore enacted and ordained by his Excellency the Governor in and over the colony of New Zealand, with the advice of the legislative council thereof, that so much of all and every of the laws, acts, and ordinances heretofore made by the Governor and legislative council of New South Wales, and now in force therein, as have already been, and can hereafter during the continuance of this ordinance be, applied within the said colony of New Zealand shall be, and the same are hereby, adopted and declared and directed to be extended to and applied in the administration of justice in the said colony of New Zealand, in the like manner as all other the laws of England, and as if the same had been repeated and re-enacted in this ordinance. And whereas doubts may arise as to the validity of acts done and performed in the said colony of New Zealand since the date of her said Majesty's royal charter and letters patent by his Excellency as the Lieutenant Governor of the same, and by justices of the peace, officers of the customs, constables, and other officers, under and by virtue of the said in part recited act of the Governor and legislative council of New South Wales ; for the removal whereof

2. Be it therefore further enacted that the said Lieutenant Governor of the colony of New Zealand, and all justices of the peace, officers of the customs, constables, and other officers, and all persons whomsoever therein who may have acted under and by virtue of any commission or appointment of her Majesty, or of the governor of New South Wales, or of the said lieutenant governor of the said colony of New Zealand, or under any orders and directions of the same lieutenant governor, or of his excellency the governor, since his assuming the government of the said colony of New Zealand, previous

and up to the passing of this ordinance, shall be, and they, and each and every one of them, are hereby indemnified against, and freed and discharged from, all damages, penalties, and forfeitures to which they, or any one of them, may have heretofore, or may now otherwise be liable for any act so done or performed.

3. And be it further enacted that no act done or performed by any such officer or other person aforesaid, shall be questioned or avoided in any court of law, by reason of any supposed want of power and authority, and that all such acts so done and performed shall be, and they are declared to be, as valid and effectual in law, to all intents and purposes, as if each of such officers and persons aforesaid had done and performed such acts within and under, or by virtue of, any law or statute of the parliament of Great Britain and Ireland.

4. And be it further enacted and ordained that in all or any of the said acts of the Governor and legislative council of New South Wales, which shall under and by virtue of this ordinance be brought into operation, and extended to and applied to the said colony of New Zealand, whenever the words " Governor, with the advice of the executive council, Governor, justice, or justices of the peace, or Government Gazette, of New South Wales," are used in such act or acts, the same words shall be construed to mean, and shall include and extend to " the Governor, with the advice of the executive council of New Zealand," or "Governor for the time being," or " all or any justices or justice of the peace, and to the Government Gazette of the said colony of New Zealand;" and that all words or expressions referring, and having relation, to New South Wales shall be, and the same are hereby directed to be, applied and construed to extend to the said colony of New Zealand.

WILLIAM HOBSON, Governor.

Passed the legislative council this 3rd day of June, in the year of our Lord one thousand eight hundred and forty-one. JAMES COATES, Clerk of Councils.

### **Dedication.**

This story is dedicated to our brave ancestors such as Lieutenant-Governor William Hobson, the Missionaries, the Settlers and their wives and children, the Imperial Troops, James Busby, James Clendon and many others, some paying the ultimate price to save a race of people that were on the brink of extinction by their own hand. Unfortunately, most of these part-Maori people show little gratitude today and believe they are owed a debt that can never satisfy their greed. It is sad when most of these peoples majority ancestry today were slaves release by the Colonial Government. Most of their ancestry is from the people they claim created the alleged injustices, when in fact; they were the saviours of this dysfunctional race of savage cannibals.

### **Conclusion.**

While tangata maori were "a people without possessions in 1831", today they are a people with over \$40 billion in assets. By the time the Tiriti o Waitangi was signed tangata maori had sold over two-thirds of New Zealand to people from other lands, with legal Deeds still held in the New South Wales Supreme Court. Ngai Tahu's chiefs had sold virtually all their land while their people were held as slaves by the northern tribes. The Government returned this land to Ngai Tahu, repurchasing it, then, continually granting more land as

the northern tribes released their Ngai Tahu slaves. The same occurred in Taranaki. It was only the false information given by their legal team led by Christopher Finlayson that allowed NgaiTahu to become so powerful today at the taxpayers expense. While they sold their land twice, they have continually had it returned by weak Governments using researchers that are prepared to sell out to their fellow Citizens for a dollar. It is obvious why the death penalty was abolished for treason after the Waitangi Tribunal was formed, but it can be returned by the stroke of a pen, a sturdy tree and a length of rope!

It's interesting to note, while Queen Victoria's Royal Charter is given very little recognition, it was our Founding Document and our First Constitution. Before then we were just part of New South Wales. Queen Victoria's Royal Charter gave us independence from New South Wales with our own British Colony, our own Governor, and our own Government to make our own laws, all under the watchful eye of the British Parliament.

When Governor Hobson arrived in New Zealand he read out two Proclamations to the settlers on the 30 January 1840. No mention was made of the Treaty of Waitangi in these Proclamations stating, "Any part of New Zealand that is, or may be, acquired in Sovereignty by Her Majesty, Her Heirs or Successors". The Treaty was to gain Sovereignty over New Zealand for Britain and in return; the same right for the tangata maori as the people of England – No more- no less.

Queen Victoria did not have the power or authority (jurisdiction) to give Maori any special rights in the Tiriti o Waitangi not already enjoyed by the people of England under English Law.

Research shows; The Tiriti o Waitangi is not our Founding Document or part of our Constitution

For further information or to become a member of the ONE New Zealand Foundation Inc. log onto: [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz) or

www.newzealandsnewconstitution.com.au

Compiled by Ross Baker, Researcher, on behalf of the One New Zealand Foundation Inc. 20 June 2013. (Copyright) Email: ONZF@bigpond.com.au

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