

Treaty Plays Far Lesser Roll in Development of New Zealand

To our Politicians and Fellow New Zealand Citizens. ONZF
Newsletter 10/11/13

Treaty Played a Far Lesser Role Than Previously Thought

Since Queen Victoria's Royal Charter, our first written Constitution was located twelve months ago by Ross Baker, researcher for the One New Zealand Foundation Inc; it has been found the Treaty of Waitangi played a far lesser role in New Zealand's development, legislation, democracy and our first written Constitution than previously thought.

The Treaty was not our Founding Document; it only gave Britain Sovereignty over the Islands of New Zealand under the dependency of New South Wales and Maori the same rights as the people of England under English law. Queen Victoria did not have the power or authority to give Maori any special rights in the Treaty not already enjoyed by the people of England under English law. Fact!

The Waitangi Tribunal created by the 1975 Treaty of Waitangi Act has allowed the Treaty of Waitangi to be falsely translated and twisted to give today's part-Maori special rights over their fellow New Zealand Citizens not intended by the Treaty. The Waitangi Tribunal also uses an unauthorised English version of the Treaty that was never made or authorised by Lieu. Governor Hobson to be signed by the chiefs. After the chiefs had signed the Tiriti o

Waitangi at Waitangi on the 6th February 1840, Hobson issued this statement, "The treaty which forms the base of all my proceedings was signed at Waitangi on the 6th February 1840, by 52 chiefs, 26 of whom were of the federation, and formed a majority of those who signed the Declaration of Independence. This instrument I consider to be de facto the treaty, and all signatures that are subsequently obtained are merely testimonials of adherence to the terms of that original document". Only one Treaty in the Maori language, "Te Tiriti o Waitangi" was signed on the 6 February 1840 at Waitangi, all others "are merely testimonials of adherence to the terms of that original document". Hobson also made sure

that the majority of chiefs that signed the Declaration of Independence signed the Treaty of Waitangi making sure the Declaration of Independence was deemed legally, null and void.

Queen Victoria's Royal Charter dated the 16 November 1840, our true Founding Document and first written Constitution has been completely ignored by our judiciary, universities, academics and governments for over 170 years. The Royal Charter separated New Zealand from New South Wales, gave New Zealand a Governor, enacted the Colony of New Zealand, created and established a Legislative Council, an Executive Council, our Courts and granted certain powers and authority to the Governor of the said Colony. The Royal Charter was the first stage of full independence, which occurred with the granting of the Statute of Westminster in 1947. The Statute of Westminster gave full autonomy in domestic as well as foreign affairs with our own Passports for New Zealand Citizens.

Queen Victoria's Royal Charter, our first written Constitution and the First Sitting of the Legislative Council makes no mention of the Treaty of Waitangi as the Treaty was an agreement between Queen Victoria and the Maori chiefs where Britain gained sovereignty over New Zealand and Maori were given the same rights as the people of England under English law. No more, no less. The Treaty of Waitangi had very little,

if anything to do with the development, legislation, democracy or Constitution of New Zealand.

Now that the Royal Charter and our first written Constitution has been found, the Government must take a new look at the Treaty of Waitangi as it played a far lesser role in New Zealand than previously thought.

The Royal Charter dated the 16 November 1840 makes a radical change to our previous views of the Treaty of Waitangi and should be celebrated by all the people of New Zealand as,

“New Zealand’s Independence Day”

Three quotes below from the honourable and respected Maori Leader and Politician, Sir Apirana Ngata, Minister of Native Affairs, M.A, LL.B, Lit.D, from his book, “The Treaty of Waitangi – An Explanation”. A man that fully understood his country, his people, the Treaty of Waitangi and the history surrounding it!

“Some have said these confiscations were wrong and that they contravened the Treaty of Waitangi, but the chief’s placed in the hands of the Queen of England, the Sovereignty and 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. This in itself is Maori custom – revenge – plunder to avenge a wrong. It was their chiefs who ceded that right to the Queen. The confiscations cannot therefore be objected to in the light of the Treaty”.

Maori claims are alleged breaches of the Law, not the Treaty of Waitangi and must be heard by a Court of Law under normal Court procedures with the right to cross-examine claimants with documented evidence and the right to appeal the Courts findings.

“Let me issue a word of warning to those who are in the habit

of bandying the name of the Treaty around to be very careful lest it be made the means of incurring certain liabilities under the law which we do not know now and which are being borne only by the Pakeha".

Did he mean when the Royal Charter is found the privileges to part-Maori must stop?

"If you think these things are wrong, then blame your ancestors who gave away their rights when they were strong".

And finally from Sir Geoffrey Palmer, our leading Constitutional Lawyer and the man that instigated all the apartheid legislation in the 1980's, but seems to regret it now by stating in his book, "New Zealand's Constitution in Crisis", *"It is true the Treaty of Waitangi Act 1975 and all the other statutes, which give explicit recognition to the Treaty are not entrenched. They can be swept away by a simple majority in Parliament".*

As the Treaty of Waitangi had very little, if anything to do with the development, legislation, democracy or Constitution of New Zealand, then we must ask those in Parliament to, *"Simply sweep away the Treaty of Waitangi Act 1975 and all the other statutes, which give explicit recognition to the Treaty".*

Prepared by Ross Baker, Researcher, One New Zealand Foundation Inc. 10/11/ 2013. (c).

For a copy of Queen Victoria's Royal Charter, our true Foundation Document and first written Constitution, plus minutes of the First Sitting of the Legislative Council or for further information, please log onto:

www.onenzfoundation.co.nz. Email: ONZF@bigpond.com.au

For information on how the Tiriti o Waitangi has been twisted

since the 1975 Treaty of Waitangi Act that created the Waitangi Tribunal, please read, "Twisting the Treaty". Available from most bookshops or on line at, <http://trosspublishing.co.nz/publication/5>.

Queen Victoria's Royal Charter dated the 16 November Our true Founding Document and first Constitution

The question we must ask, "Why has this document been completely ignored for 173 years"?

When we compare the Treaty of Waitangi on page 1 below, Queen Victoria's Royal Charter and Constitution on page 2 and The First Sitting of the Legislative Council page 7, there is no way the Treaty of Waitangi was our Founding Document or had anything to do with the Constitution of New Zealand. Queen Victoria's Royal Charter and Constitution was our Founding Document and first Constitution.

The Treaty of Waitangi gave Britain Sovereignty over the Islands of New Zealand under the jurisdiction of New South Wales and tangata maori the same rights as the people of England under English law. No more, no less.

Queen Victoria's Charter and Constitution dated 16 November 1840; "Enacted the Colony of New Zealand and created and established a Legislative Council, an Executive Council, our Courts and granted certain powers and authority to the

Governor of the said Colony". No other document comes anywhere near to being our Founding Document and our First Constitution when we read, New Zealand's Important Documents and Events Timeline on page 9.

While the Treaty has great significance to Maori, it has little significance to other races. "The chiefs placed in the hands of the Queen of England, the Sovereignty and the authority to make laws. It was their chiefs that ceded that right to the Queen" OR "If you think these things are wrong then blame your ancestors who gave away their rights when they were strong". Sir Apirana Ngata, Minister of Native Affairs, M.A., LL.B., Lit.D, There is no mention of the Treaty of Waitangi in the Royal Charter or the First Sitting of the Legislative Council, the Treaty had achieved its purpose, Britain had sovereignty over the Islands of New Zealand and tangata maori had been given the same rights as the people of England.

The 16 November has great significance to all the people of New Zealand including Maori, as this was the day we became an Independent Colony of Great Britain. It was the day Lieutenant Governor Hobson became our Governor and the day we were granted our own Government to make and enforce our own laws under the watchful eye of the British Parliament. It was the day we became an Independent Colony, therefore this is the day all New Zealanders must celebrate nationally as Our Independence Day.

November the 16, New Zealand Independence Day!

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BACK TRANSLATION FROM THE ORIGINAL MAORI TREATY

BY; MR. T E YOUNG, NATIVE DEPARTMENT, 1869.

Victoria, Queen of England, in Her kind thoughtfulness of the chiefs and Hapus of New Zealand, and Her desire to preserve to them their chieftainship and their lands, and that peace may always be kept with them and quietness, She has thought it a right thing that a Chief should be sent here as a negotiator with the Maoris of New Zealand – that the Maori of New Zealand may consent to the Government of the queen of all parts of this land and the islands, because there are many of her tribe that have settled on this land and are coming hither. Now the Queen is desirous to establish the Government, that evil will not come to the Maori or the Europeans who are living without law.

Now the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy, to be Governor to all parts of New Zealand which may be given up now or hereafter to the Queen; and he give forth to the Chief of the assembly of the Hapus of New Zealand and other chiefs the laws spoken here.

The First

The Chiefs of the Assembly, and all chiefs also who have not joined the Assembly, give up entirely to the Queen of England forever all the Government of their lands.

The Second

The Queen of England arranges and agrees to give to the chiefs, the Hapus **and all the people of New Zealand**, the full chieftainship of their lands, their settlements and their property. But the Chiefs of the Assembly, and all other chiefs, gives to the Queen the purchase of those pieces of land which the proprietors may wish, for payment as may be agreed upon by them and the purchaser who is appointed by the Queen to be Her purchaser.

The Third

This is an arrangement for the consent to the Government of the Queen. The Queen of England will protect **all the Maoris of New Zealand**. All the rights will be given to them the same as Her doings to the people of England.

William Hobson, Consul and Lieutenant – Governor.

Now, we the Chiefs of the Assembly of the Hapus of New Zealand, now assembled at Waitangi. We, also the Chiefs of New Zealand, see the meaning of these words; they are taken and consented to altogether by us. Therefore are attached our names and marks.

This done at Waitangi, on the six day of February, in the year one thousand eight hundred and forty, of our Lord.

Note. From the above, the Rev Henry Williams made two corrections in his translation from Hobson's final draft to clarify whom Governor Hobson was referring. In the Preamble,

“people of New Zealand” to “chiefs and Hapu of New Zealand” and Article 3, “People of New Zealand” **to** “Maoris of New Zealand”. Rev Williams left “all the people or New Zealand” in Article 2 as this referred to “all the people of New Zealand irrespective of race colour or creed”. Also the date was changed from the 4th February 1840, the day the final draft was written to the 6th February 1840, the day it was signed. Rev Henry Williams also corrected Busby’s spelling of sovereignty. All back translations do not have the errors of the final draft and are all dated the 6 February 1840.



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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 ordi.

nances 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.

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New Zealand's Important Documents and Events **Timeline**

From the list of Important Documents and Events below, there is no doubt the 16 November 1840 was the day we received our Founding Document, our first Constitution and New Zealand became an Independent British Colony, all issued under Queen Victoria's Royal Charter dated the 16 November 1840.

While the Treaty of Waitangi gave Sovereignty to Britain under the jurisdiction of New South Wales and Maori the same rights as the people of England under English Law, Queen Victoria's Royal Charter, *"Enacted the Colony of New Zealand and Created and Established a Legislative Council, an Executive Council, our Courts and granted certain powers and authority to the Governor for the time being of the said Colony"*? While all other documents or events in our history have been given recognition in the development of New Zealand, the Royal Charter dated the 16 November 1840 (in red below) has been completely ignored for 173 years. **Have you heard of Queen Victoria's Royal Charter?**

Queen Victoria's Royal Charter is our True Founding Document and First

Constitution.

1642 December 13, Abel Tasman the first confirmed European sighting of New Zealand.

1769 October 6, Captain James Cook sights East Coast of NZ.

1815 Congress of Vienna. European powers agree, at the end of the Napoleonic Wars, that New Zealand would belong to Britain, according to the Book of Dates.

1817,1823,1828 Acts to bring law and order to New Zealand, but as New Zealand was outside the British Dominion they were unsuccessful.

1820 Hongi Hika, Ngapuhi travels to England and sells Frenchman Baron Charles de Thierry 40,000 acres of land for 500 muskets. On his return to New Zealand Hika goes on the rampage south slaughtering, making slaves or feasting on thousands of his unarmed countrymen, women and children. Waikato depopulates Taranaki, Taranaki virtually depopulates the Chatham Islands of the Moriori and Te Rauparaha depopulates the South Island. By 1840 it is estimated 60,000 Maori had been slaughtered or taken as slaves during the intertribal musket wars.

1829 Edward Gibbon Wakefield publishes *Letter From Sydney* that lays out colonisation plans.

1831 William Yate asks 13 northern chiefs to sign a letter to King William IV asking him to be their guardian and protector. *"We are a people without possessions (taonga). We have nothing but timber, flax, pork and potatoes, we sell these things, however to your people, and then we see the property (toanga) of your people. It is only thy land, which is liberal towards us. We have heard that the tribe of Marian (France) is at hand coming to take away our land, therefore we pray thee become our friend and the guardian of these islands, lest the teasing of other tribes should come near us, and lest strangers should*

come and take away our land".

1832 The British Colonial Office decides to appoint a British Resident to New Zealand. James Busby is appointed.

1834 James Busby holds a meeting of 25 chiefs in March 1834 to select a flag under which NZ ships could sail. **A flag already used by the Church Missionary Society was selected.**

1835 Busby believed that a French eccentric, Baron Charles de Thierry, was part of a French plot to annex NZ so he decided to declare NZ Independent, on October 28, 1835, under the sovereignty of the United Tribes of NZ. Busby presented 'his' Declaration of Independence to the chiefs but only 39 chiefs sign it before it was abandoned due to the continuing inter-tribal fighting. It became evident that the chiefs did not have the ability or will to form a united government to bring law and order under one flag and one law to a country that was fast becoming completely out of control. A total of 52 chiefs signed the Declaration by 1839.

1837 Captain William Hobson visits New Zealand. Hobson recommends that British sovereignty apply to small areas where British commercial enterprises could be established with taxes levied and British law applying to those living there, and some sort of treaty may be necessary to gain Maori permission. This was abandoned.

1838 During April and May a select committee of the British House of Lords considers options for New Zealand. Its report reluctantly recommends concluding a treaty with Maori as part of a policy to extend British rule to cover New Zealand and that the rights of Maori be protected.

1839 The NZ Company concludes a Deed of Purchase of the Port Nicholson (Wellington) area on September 29, 1839, forcing the British government to intervene. Colonial Secretary Lord Normanby issues instructions to Hobson on August 14, 1839.

1840 It was estimated half the Maori population had been slaughtered or taken as slaves by their fellow bloodthirsty countrymen as well as their chiefs had sold or had contract over 2/3 of New Zealand by 1840, mostly with Deeds Registered in the New South Wales Supreme Court, some possible still valid today. New Zealand was completely out of control; Britain had to intervene.

January 30 Hobson arrives and issues Proclamations, that no existing land titles in NZ would be recognized as valid unless confirmed by the British Government and then would be reduced to 2560 acres with invalid sales and reduced lands being return to the chiefs that sold the land with the purchases losing their payments or deposits.

February 1- 4 Hobson and Busby draft the Treaty of Waitangi based on instructions from Lord Normandy and Hobson delivers the final draft to Rev Williams at 4-00 pm on the 4 February.

February 4 Rev Williams and his son Edward translate the final draft into the Maori language. The Tiriti o Waitangi was the only Treaty authorised by Hobson to be signed by the chiefs.

February 5 Hobson reads the Treaty in English and Williams reads the Treaty in Maori to the gathering of 2000 people. The chiefs discuss it with Hobson for 5 hours then well into the night with the missionaries and decide it is to their advantage to sign the Tiriti the next morning.

February 6 Forty-three chiefs sign the Tiriti o Waitangi at Waitangi. Hobson later stating, "This instrument I consider to be de facto the Treaty, and all signatures that are subsequently obtained are merely testimonials to the terms of that original document". In total 512 chief sign the Tiriti o Waitangi between February 6 and June 3.

May 21 Britain declares sovereignty over the Islands of New Zealand under the jurisdiction of NSW and Maori are given the same rights as the people of England under English Law. **Queen**

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

July 20 France accepts British Sovereignty, *“That sovereignty had been procured in a manner such as could be approved by other nations”*.

August 7 The New South Wales Continuance Act, which pronounced the Islands of New Zealand to be a British Colony, was passed in Britain. While the Treaty has great significance to Maori, it has little significance to other races. *“The chiefs placed in the hands of the Queen of England, the Sovereignty and the authority to make laws. It was their chiefs that ceded that right to the Queen” “If you think these things are wrong then blame your ancestors who gave away their rights when they were strong”*. Sir Apirana Ngata, Minister of Native Affairs, M.A., LL.B., Lit.D,

The Treaty of Waitangi was an agreement between Queen Victoria and Maori where Britain gained Sovereignty over the Islands of New Zealand and Maori were given the same rights as the people of England under the jurisdiction of New South Wales. While no Europeans, other than Hobson signed the Treaty of Waitangi, they inherited the same rights as if living in England under English Law. The Tiriti o Waitangi was not our Founding Document.

Our True Founding Document and First Constitution was Queen Victoria's Royal Charter dated the 16 November 1840.

1840 November 16 Queen Victoria's Royal Charter *‘Enacted the Colony of New Zealand and Created and Established a Legislative Council, an Executive Council and the Courts and granted certain powers and authority to the Governor for the time being of the said Colony’*. New Zealand became an Independent British Colony from New South Wales under the watchful eye of the British Parliament. **The Royal Charter gave**

New Zealand its Independence as a British Colony and was our True Founding Document and First Constitution.

1841 May 24 Hobson presides over the first sitting of the Legislative Council. He cites the Charter dated November 16 as the authority for him to assume the position of governor and commander in chief and to appoint an executive council.

1846 The British Government sent a second **Constitution** to New Zealand but was declined at the time by the Colonial Government.

1852 The second **Constitution** was amended and was adopted by the Colonial Government. It has continued to be amended and added to over the following years. Prime Minister John Key is on public record as saying; *"We have a strong legal basis and constitutional framework"* (Hansard, Volume 662, page 10238).

1860 The Chiefs at the **Kohimarama Conference** unanimously declare, *"Let this meeting be joined to the Treaty of Waitangi, let us urge upon the Government not to withhold it from us, the recognition of the Queen's Sovereignty and the unions of the two races"*.

1907 The Colony of New Zealand was replaced with **Dominion of New Zealand**.

1911 New Zealand was granted a **Coat of Arms** by King George V. The Coat of Arms proclaimed the sovereign nature of New Zealand and the authority of the Government with the the word **"ONWARD"** on the bottom.

1917 Governor became **Governor General** of New Zealand 1930

1930 – 1947 All significant Maori grievances were heard by the Courts and either, "full and finally" settled or rejected by Parliament. **They were alleged breaches of the Law, not the Treaty.**

1947 New Zealand adopted the **Statute of Westminster**. The

Statute granted complete autonomy to New Zealand in domestic as well as foreign affairs. **All the people of New Zealand became New Zealand Citizens under one flag and one Law.** The reigning monarch became our Head of State.

1949 Passports changed from British Subjects to **New Zealand Citizens.**

1956 Queen Elizabeth ll granted New Zealand its own Coat of Arms. The Coat of Arms proclaims the Sovereignty of New Zealand, its Government and its people and is seen on all documents of National significance and Constitutional matters. The word **"ONWARD"** on the bottom was changed to **"NEW ZEALAND"**

While the Tiriti o Waitangi gave Britain Sovereignty over the Island of New Zealand under the jurisdiction of New South Wales and Maori the same rights as the people of England under English Law, Queen Victoria's Royal Charter gave New Zealand Independence from New South Wales, our Founding Document and our first Constitution, therefore, the One New Zealand Foundation Inc. believe November the 16 must be the Day we celebrated as our Independence Day. The Day we became an Independent British Colony under one flag and one law. The End.

Independence Day 16 November A Day of National
Celebration.

Prepared by the One New Zealand Foundation Inc. 5/10/2013.

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