

Hobson's Waitangi Speech

Lt. Governor William Hobson's Speech.

The Tiriti o Waitangi could only be based on English Law.

Lt Governor Hobson's speech had been carefully prepared for the morning of the 5th February 1840 at Waitangi, and for the purpose of greater accuracy he relied upon extensive prepared notes. While this speech has been forgotten by many, it was very important as it was Lt Governor Hobson first official contact with Maori to introduced them to the Treaty and to the fact: Britain could not protect the tangata Maori unless they agreed to give up all their territories and governments to the Queen and in return, would be given the same rights as the people of England. This speech is taken from, '*Treaty of Waitangi*' by T Lindsay Buick page 122. Important parts of the speech have been copied in bold.

*"Her Majesty Victoria, Queen of Great Britain and Ireland," he said, "wishes to do good to the chiefs and people of New Zealand, and for the welfare of her subjects living amongst you, has sent me to this place as Governor. **But as the law of England gives no civil powers to Her Majesty out of her domain, her efforts to do you good will be futile unless you consent.** Her Majesty has commanded me to explain these matters to you, that you may understand them".*

(Governor Hobson confirmed this again at the Hokianga signing

when he stated, *“English Law could only be exercised on English soil”*).

“The people of Great Britain are, thank God! Free, and so long as they do not transgress the laws, they can go where they please, and their sovereign has no power to restrain them. You have sold them lands here and encouraged them to come here. Her Majesty, always ready to protect her subjects is also always ready to restrain them. Her Majesty the Queen asks you to sign this treaty, and to give her that power which shall enable her to restrain them. I ask you for this publicly: I do not go from one chief to another. I will give you time to consider the proposal I shall now offer you. What I wish you to do is expressly for your own good, as you will soon see by the treaty. You yourselves have often asked the King of England to extend his protection unto you. Her Majesty now offers you that protection in this treaty. I think it is not necessary to say any more about it. I will therefore read the treaty”.

As the **Queen of England** made the offer, it had to be made under English Law and the reason the Tiriti o Waitangi states, *“and the laws spoken here”*.

Governor Hobson then read the final English draft (Littlewood document) of the Treaty and the Rev Henry Williams read the Tiriti o Waitangi in Maori to the estimated 2000 Maori and Pakeha gathered at Waitangi on the 5th February 1840. After the Treaty was read, the chiefs discussed it with Hobson for 5 hours before retiring to the Te Tii Marae, where the chiefs discussed it well into the night with the missionaries.

Rev Henry William's recalls, *“We gave them but one version, explaining clause by clause, showing the advantages to them of*

being taken under the fostering care of the British Crown, by which act they would become one people with the British, in suppression of wars, and every lawless act; under one sovereignty and one law, human and divine."

Nōpera Pana-kareao encapsulated Māori understanding of the treaty, saying, 'Ko te atarau o te [whenua](#) i riro i a te kuini, ko te tinana o te whenua i waiho ki ngā Māori' (The shadow of the land will go to the Queen [of England], but the substance of the land will remain with us). The Queen will have Sovereignty over the shadow of the land while the actual land will be given legal title to its proven owners and protected by the law, the first time ever for Maori. The guarantee made in the Second Law and confirmed by the Third Law of the Tiriti o Waitangi and consented to by 512 chiefs.

On the night of the 5th February 1840 the Rev Richard Taylor transferred Rev William's translation onto dog skin parchment to become the Tiriti o Waitangi that was the only Treaty signed at Waitangi on the 6th February 1840. While Governor Hobson had scheduled the next meeting for the 7th February 1840, the chiefs had decided it was to their advantage on the night of the 5th and summoned Hobson on the morning of the 6th to sign the Tiriti o Waitangi in the Maori language. No English version was signed at Waitangi on the 6th February 1840.

Governor Hobson's gave the following instruction to those gathering further signatures, "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". After the Tiriti was signed at Waitangi on the 6th February 1840, it was taken around the country and was signed by over 500 tangata Maori chiefs. Governor Hobson claim British Sovereignty on the 21 May 1840 over the North Island by Treaty and over the South Island by Discovery. The Proclamations were published in the London Gazette on the 2 October 1840 and New Zealand became a British Colony on the 3rd May 1841.

Sir Apirana Nagata stated in 1922, *"The chiefs placed in the hands of the Queen of England, the sovereignty and the authority to make laws"*. These were the laws that the people of England lived by in 1840, laws based on the Magna Carta.

As for the Second Law, the Queen could only make guarantees *"to the chiefs, the tribes and all the people of New Zealand"* based on English Law. The Queen herself was not above the law. Once titles or proof of ownership were given to their land, their dwellings and their property, they all had *"tino rangatiratanga or full chieftainship"* over these **so long as they did not transgress the law**. It must also be remembered this is the only place in the Treaty where *"all the people of New Zealand"* are mentioned, as people other than Maori also owned large tracts of land by 1840 and had to have these lands, dwellings and property ownership identified under the law. In 1840 nearly 2/3 of New Zealand had either been sold by individual chiefs or was under contract by them to Pakeha.

The Third Law confirmed the guarantees made by the Queen in the Second Law; that tangata maori would be given the same rights as the people of England to their land, dwellings and their property.

"Their Property" –

Only 'their property' that could be identified under English Law. (When the Treaty was signed Maori had acquired many European goods/property using European methods of payment).

"By the law of nature these things are common to mankind –the air, running water, the sea and consequently the shores of the sea"- Institutes of Justinian 500AD. See, "Nature on our Statute Books" and "The Ownership" and "Nature V Marine and Coastal".

Taonga means Property

"Property" is translated in the Tiriti o Waitangi as "taonga".

Hongi Hika translated "taonga" in 1820 as, *"property procured by the spear"*.

Rev Henry Williams translated "taonga" in 1844 as, *"Property"*.

Sir Hugh Kawharu's 1987 translation is, *"all their treasures"*.

Dr Margaret Mutu translation is, *"all their treasured possessions"*.

The apartheid **Waitangi Tribunal** translation is, *"anything highly prized"*.

It is sad how Maori have allowed their once noble language to be destroyed by the Waitangi Tribunal and their greedy academics for the almighty dollar. See "That Noble Language".

Some will say that the second part of the Second Law contravened English law, but this was the basis of English Law, to protect the chiefs/people from the land speculators, land being sold more than once and to establish the rightful owners, boundaries and to give legal title before land could

be sold. By only selling to the Crown made sure all these 'laws' were met.

We are now one Nation.

We have always taken, "He iwi tahi tatou" to mean "We are now one people" which has caused people to say we cannot be one people and I tend to agree with them, but "He iwi tahi tatou" translates to "We are now one Nation/Tribe", which is exactly what the Treaty did – One Nation of many people.

Samuel Lee/Hongi Hika's translation of "Iwi" in 1820 = Nation, people.

Rev Henry William's translation of "Iwi" in 1844 = Tribe.

It makes more sense for Governor Hobson to have said, "We are now one Nation" or "We are now one Tribe" than "We are now one people" because this is exactly what he had travelled half way around the world to do, "One Sovereignty, one Law, one Nation".

This was the 'statement' Hobson made to each chief as they signed the Tiriti with a hand shake at Waitangi on the 6th February 1840. At the end of the signing the whole gathering gave three hearty cheers and a deal was made. A handshake and these words from Governor Hobson in 1840 would have meant far more to the chiefs than the signing of a piece of paper. The piece of paper, the Tiriti of Waitangi records what happened at Waitangi on the 6th Feb 1840 – a Nation was borne – New Zealand. "He iwi tahi tatou – We are now one Nation".

Conclusion.

The promises and guarantees made by Queen Victoria in the Tiriti o Waitangi could only be made under English Law as it stood in 1840. There is nothing in the Tiriti o Waitangi or English law giving the Queen the authority to form a 'partnership' between Maori and the Crown. Hon David Lange our Attorney General stating in 1990, "*Did Queen Victoria for a moment think of forming a partnership with a number of thumb prints and 500 people. Queen Victoria was not that sort of person*".

The chiefs gave up their entire territories and governments in 1840 to the Queen forever for protection and the same rights as the people of England – no more – no less. Today we are all New Zealand Citizens of many races under one Sovereignty, one Law and one Nation.

He iwi tahi tatou – We are now one Nation

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