

# **The Tiriti o Waitangi is NOT our Founding Document.**

**Below is vital New Zealand history researched by the One New Zealand Foundation Inc. from Archives around the world that the other groups fail to tell you. The people of New Zealand have a right to know the true documented history of their country. See Research by the One New Zealand Foundation Inc. Page 16.**

**Until the other groups return the Treaty of Waitangi to the file where it belongs and recognises Queen Victoria's Royal Charter as our true Founding Document and first Constitution, part-Maori will rule New Zealand as the One New Zealand Foundation Inc. was concerned would happen in 1992. See letter from MP, Hon Max Bradford. Page 17.**

**All the people of New Zealand have been brainwashed for over 50 years into believing the Treaty of Waitangi was our Founding Document, but this is a lie. Most would never have heard of Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840, but the 1840 Royal Charter made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems under one flag and one law, irrespective of race, colour, or creed.**

**The Treaty of Waitangi was NOT our Founding Document, but from the evidence below, Queen Victoria's Royal Charter/Letters Patent is New Zealand's true Founding Document and first Constitution.**

Britain did pass three Acts in 1817, 1823 and 1828 in an attempt to bring law and order to New Zealand and its people, but as New Zealand was outside the British Dominion, these Acts were unsuccessful.

The first time Britain became seriously involved in New Zealand was in 1831 when 13 Ngapuhi chiefs wrote to the King of England asking him to be their friend, guardian and protector, not only from the French, but also from themselves. In 1820 Hongi Hika had returned from England with over 500 muskets and had gone on a cowardly rampage south killing or taking as slaves, thousands of his unarmed countrymen, women, and children for the fun of it and the feasts that followed. By 1831 Ngapuhi were afraid the southern tribes had armed themselves with muskets and were about to attack Ngapuhi for utu/vengeance, therefore, wrote to the King of England asking him to be their friend, guardian, and protector. This is an interesting letter and gives a true indication of the plight of Ngapuhi in 1831. See page 4.

Britain sent a Resident, James Busby to New Zealand in 1832 to try and bring peace between the tribes and protection for the British Subjects who had settled in New Zealand, but without troops he was soon labelled, *"A man of war without guns"* by both the chiefs and settlers.

The next time Britain became involved in New Zealand was in 1835 when British Resident, James Busby tried to get the tangata Maori to claim Sovereignty and Independent Status over New Zealand by his unauthorised Declaration of Independence. The King gave his assurance that he would protect the tangata Maori and their land, *"As long as it was consistent with the just rights of others and the interest of the British Subjects"*, but within a couple of months, the 34 chiefs who had signed the Declaration were at war with each other, therefore, no meetings were held to ratify the Declaration and it was abandoned. It was obvious the tangata Maori chiefs could never form a united body to claim sovereignty over New

Zealand. See: Declaration of Independence on page 5.

Chief Justice, Sir James Prendergast ruled in 1877, *"So far indeed as that instrument (The Treaty of Waitangi) purported to cede the sovereignty it must be regarded as a 'simple nullity'. No political body existed capable of making cession of sovereignty"*.

With the intertribal fighting increasing and more British settlers arriving in New Zealand, Britain had to take a more active role in New Zealand. To do this, Britain placed New Zealand under the dependency of New South Wales by Royal Charter/Letters Patent dated 30 July 1839 that was issued by *"Victoria by the Grace of God"* under, *"The Great Seal of the United Kingdom of Great Britain and Ireland"*. See page 6.

**Britain could not have placed New Zealand under New South Wales dependency if the tangata Maori had sovereignty over New Zealand!**

New Zealand was now under British sovereignty, but the tangata Maori were not British Subjects, therefore, could not be protected or convicted if they did wrong, as a British Subject under English Law. In 1840, Queen Victoria made the following agreement with the tangata Maori chiefs with the Laws or Articles of the Treaty of Waitangi. See; The "official" translation by Mr T E Young of the Native Department for the Legislative Council in 1869 on page 8.

**Article one.** Asked the tangata Maori, *"To give up entirely to the Queen of England for ever all the Governments of their lands"*.

**Article two.** Queen Victoria agreed to give the chiefs, their families and all the people of New Zealand protection under

English Law over “their” lands, “their” settlements and all “their” property. Queen Victoria did not have the power or authority to give the tangata Maori any special rights in the Treaty not enjoyed by all the people of England, and none were given. In the second part of **Article two**, the tangata Maori chiefs could only sell their land to the Queen’s agent at agreed prices.

**Article three.** If the tanga Maori Chief’s consented to the above, *“The Queen of England would protect all the tangata Maori and give them the same rights as the people of England”*. No more, no less, no Partnership and definitely, no Co-governance.

**Over 500 tangata Maori chiefs agreed to this agreement on behalf of their people and became British Subjects with the same rights as the people of England when New Zealand was under the dependency of New South Wales. There was no mention of a Partnership or Co-governance with the Crown in the Tiriti o Waitangi.**

Once the Treaty of Waitangi was signed, it had achieved its purpose and was filed away and another Royal Charter was issued by *“Victoria by the Grace of God”* under, *“The Great Seal of the United Kingdom of Great Britain and Ireland”* on 16 November 1840. See page 9.

Queen Victoria’s 1840 Royal Charter separated New Zealand from New South Wales and made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand’s political, legal and justice systems under one flag and one law, irrespective of race, colour, and creed. See page 9.

The first sitting of the Legislative Council was held on 24 May 1841. It constituted a Legislative Council who were empowered to enact laws and ordinances for the government of the Colony.

The first Courts in New Zealand were established under

authority of the Sovereign, Queen Victoria. The Letters Patent of 16 November 1840 (the Royal Charter) empowered the Governor to constitute Courts and appoint Judges to administer justice in the Colony. In 1841 an ordinance of the Legislative Council established the Supreme Court of New Zealand, which continues in existence as the High Court today. In fact, the 1840 Royal Charter brought into operation, British Laws throughout the whole Colony of New Zealand. See page 14.

In 1852 the New Zealand Constitution Act was passed to implement the British Westminster style of Government, which is based on the doctrine of Parliamentary Sovereignty.

Any claims by Maori against the Crown should only be heard by our Courts and not the Waitangi Tribunal as they were breaches of the Laws of New Zealand and not the Treaty of Waitangi. Most of the genuine claims were heard by the Courts in the 1930/40's with "full and final" settlements or, if false, were rejected.

The People of New Zealand have been so brain washed about the Treaty by the government and the part-Maori activists, that they know nothing else except the Treaty that has no real status as it was not issued by "*Victoria by the Grace of God*" under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*". In fact, Queen Victoria, Great Britain, or Ireland had no idea of what the Tiriti o Waitangi said until months after it was signed and from the many contradictory translations, still would have no idea of what it said like the rest of New Zealand because of the fraudulent translations by part Maori scholars for their own benefit, such as Sir Hugh Kawhura's "*Attempt at a reconstruction of the Maori Text of the Treaty of Waitangi*", for the 1987 Court of Appeal and used by Governments ever since.

It is also interesting to note, Attorney General, Hon Geoffrey Palmer who dreamt up, "**The Five Principles for Crown Action on the Treaty of Waitangi**" in 1988, stated on the ABC, Four

Corners Programme in 1990, *"The meaning of the Treaty in terms of its operational consequences was now, far from clear. In fact, it's a document that is so vague, that is its primary problem"*. Instead of correcting the terrible mess he had created in 1988, he and his good mate, Prime Minister, Hon David Lange, fled from front line politics. See page 18.

**The Treaty of Waitangi did not make New Zealand into a British Colony with a Governor and Constitution, this was achieved by Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.**

In 2014 the One New Zealand Foundation Inc. brought Queen Victoria's 1839 and 1840 Royal Charters to the Government's attention and in 2017 the National Government hid the Royal Charters from the public when it dismantled the Constitution Room at Archives New Zealand and placed them out of the public's view in Archives repository amongst the other 6 million documents. If researchers want to research the Royal Charters today, they must order them, that is if they know they exist. This was one of the most corrupt acts by any Government; to hide our true Founding Document and first Constitution from the public.

The National Government then spent \$7.2 million of taxpayer's money to refurbish the National Library, Wellington and built the *He Tohu Exhibition* to hold the Declaration of Independence and the Treaty of Waitangi as, *"Iconic Constitutional documents that shaped Aotearoa New Zealand"*. These documents are not, *"Iconic constitutional documents that shaped Aotearoa New Zealand"* as they had nothing to do with separating New Zealand from New South Wales and making New Zealand into a British Colony under one flag and one law, irrespective of race, colour or creed.

Finally, Maori are no longer the tangata Maori that signed the Treaty of Waitangi in 1840 and were never the tangata whenua or the indigenous people of New Zealand as they arrived in New

Zealand by canoe in about 1350. Since 1865 the government has passed many Acts defining a Maori as they intermarried with other races of their own free will. Today most Maori have far more ancestry from other races, therefore, should not be treated any differently than any other New Zealand Citizen. While the Treaty of Waitangi made us all one people, intercourse between the races in more ways than one, made us all one people under one flag and one law, irrespective of race, colour or creed.

***“He iwi tahi tatou – We are now one People – New Zealanders”.***

**Don't let the part-Maori activists and the Government lie to you any longer, they must be told in no uncertain terms, our true Founding Document is Queen Victoria's 1840 Royal Charter/Letters Patent dated 16 November 1840 issued under one flag and one law, irrespective of race, colour or creed. See the Research by the One New Zealand Foundation Inc. on page 16.**

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

**Letter from the 13 Ngapuhi Chiefs asking King William for protection in 1831**

(Enclosure 2 in No.1.)

From William Yate, Esq, to the Colonial Secretary, New South Wales,  
Waimate, New Zealand. November 16, 1831

Sir,

I have the honour to forward to you, by His Majesties Ship, “Zebra” the enclosed New Zealand document, with its translation, and to request that you will lay it before the Governor for his information. I have further to request that

it be transmitted through His Excellency to the Secretary of State, in order to it being laid before His Majesty.

I have, &c,

(Signed) William Yate.

(Enclosure 3 in NO.1)

To King William, the gracious Chief of England. King William, we, the chiefs of New Zealand assembled at this place, called the Kerikeri, write to thee, for we hear that thou art the great chief of the other side of the water, since the many ships which come to our land are from thee. We are a people without possessions. We have nothing but timber, flax, pork and potatoes. We sell these things however to your people; then we see property of the Europeans. It is only thy land, which is liberal towards us. From thee also come the missionaries who teach us to believe on Jehovah God and on Jesus Christ His Son. We have heard that the tribe of Marian [the French] is at hand, coming to take away our land. Therefore, we pray thee to 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. And if any of thy people should be troublesome and vicious towards us we pray thee to be angry with them that they may be obedient, lest the anger of the people of this land fall upon them. This letter is from us, the chiefs of the natives of New Zealand.

(Signed) William Yate,

Secretary to the Church Mission Society, New Zealand.

Wererahi Chief of Paroa.

Rewa Chief of Waimate

Patuone & Nene Two brothers, Chiefs of Hokianga

Kekeao Chief of Ahuahu

Titore Chief of Kororarika

Tamoranaga Chief of Taiamai



Ripe Chief of Mapere  
Hara Chief of Ohaiawa  
Atuahaere Chief of Kaikohe  
Moetara Chief of Pakanai  
Matangi Chief of Waima  
Taunai Chief of Hutakuta

This is an interesting letter and gives a true indication of the plight of Ngapuhi in 1831.

## **Declaration of Independence of New Zealand**

1) We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands on this 28th day of October, 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand.

2) All sovereign power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.

3) The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of

the United Tribes.

4) They also agree to send a copy of this Declaration to His Majesty, the King of England, to thank him for his acknowledgement of their flag, and in return for the friendship and protection they have shown, are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unanimously on this 28 day of October, 1835, in the presence of His Britannic Majesty's Resident.

(Here follow the signatures and marks of thirty-four hereditary chiefs or Heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames.)

English witnesses:

(Signed) Henry Williams, Missionary CMS

George Clarke, CMS

James Clendon, Merchant

Gilbert Mair, Merchant

I certify that the above is a correct copy of the Declaration of the Chiefs, according to the translation of Missionaries who have resided ten years and upwards in the country; and it is transmitted to His Most Gracious Majesty the King of England, at the unanimous request of the Chiefs.

(Signed) JAMES BUSBY, British Resident at New Zealand.

In the Maori text of the Declaration of Independence above, "government" is translated as "kawanatanga" and "sovereignty" is translated as "Kingitanga". The Tiriti o Waitangi, Queen Victoria asked the chiefs to give up their "kawanatanga/government". All translations of the Tiriti o Waitangi state the tangata Maori gave up their

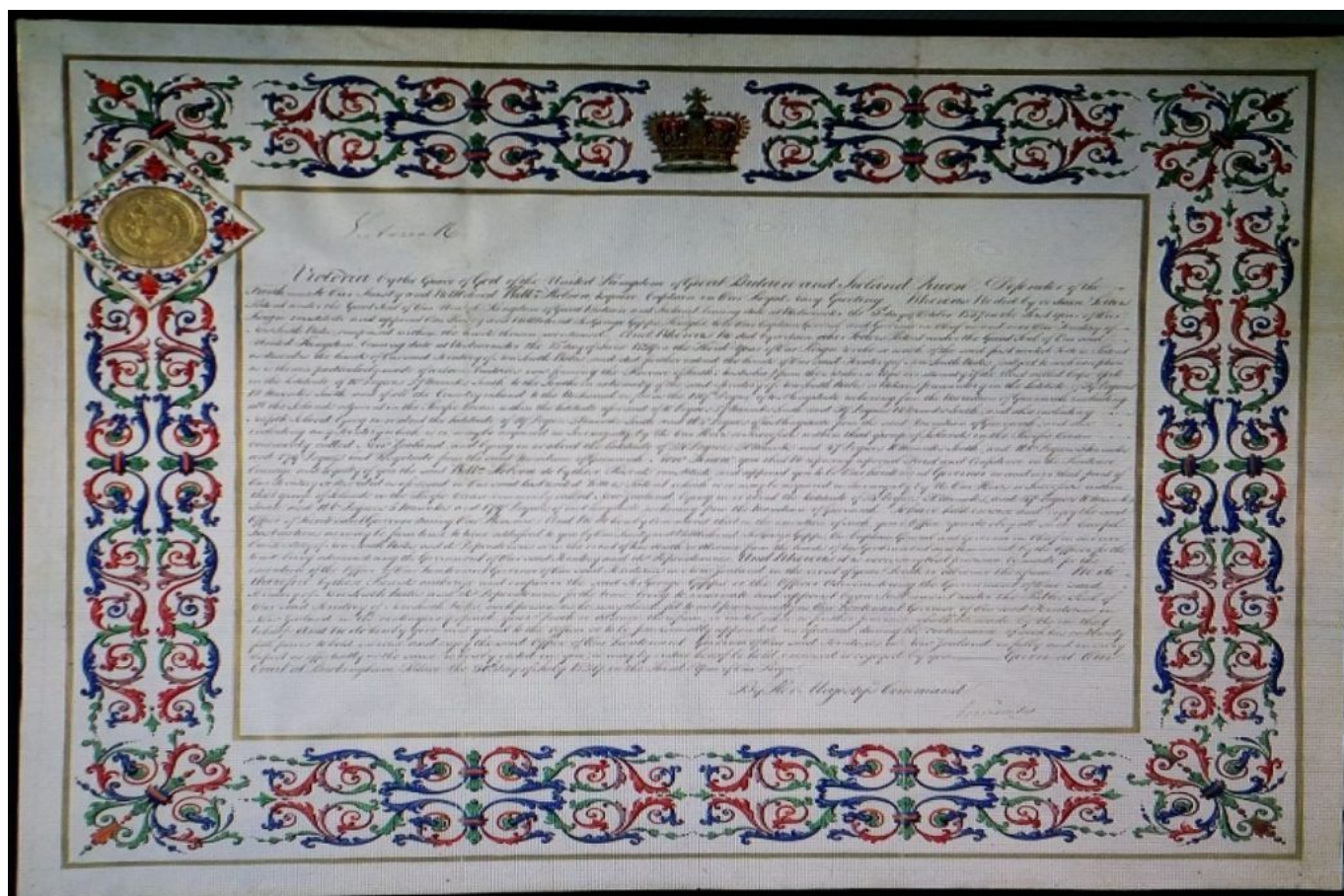
kawanatanga/governments. Not sovereignty as many mistranslate kawanatanga as "sovereignty". As Chief Justice, Sir James Prendergast ruled in 1877, *So far indeed as that instrument (The Treaty of Waitangi) purported to cede the sovereignty it must be regarded as a 'simple nullity'. No political body existed capable of making cession of sovereignty*". This ruling has never been over-ruled.

## **Queen Victoria's 1839 Royal Charters/Letters Patent**

**A vital part of our history governments have hidden from the public.**

Below is the 'Charter/Letters Patent' appointing William Hobson as Lieutenant Governor of New Zealand and extending the boundaries of New South Wales to include all the islands of New Zealand in 1839. **Sir George Gipps, Governor of New South Wales was in fact the first Governor of New Zealand with Captain William Hobson as his Lieutenant.**

**1839 Charter/Letters Patent for New Zealand and New South Wales.**



The Royal Charter/Letters Patent reads,

**Victoria R**

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith – To Our Trusty and Well beloved, William Hobson Esquire, Captain of the Royal Navy Greeting. Whereas We did by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the 5th day of October 1837 in the First year of Our Reign constitute and appoint Our Trusty and Well beloved, Sir George Gipps, Knight, to be Our Captain General and Governor in Chief in and over Our Territory of New South Wales, comprised within the limits therein mentioned. And Whereas We did by certain other Letters Patent under the Great Seal of Our said United Kingdom, bearing date at Westminster the 15th day of June 1839 in the Third Year of Our Reign revoke so much of the said first recited Letters Patent as describes the limits of Our said

Territory of New South Wales, and did further extend the limits of Our said Territory of New South Wales (subject to such exception as is therein particularly made of certain Territories now forming the Province of South Australia) from the Northern Cape or extremity of the Coast called Cape York in the latitude of 10 Degrees 37 Minutes South to the Southern extremity of the said Territory of New South Wales or Wilson's promontory in the latitude of 39 Degrees 12 Minutes South and of all of the Country inland to the Westward as far as the 129th Degree of East longitude reckoning for the Meridian of Greenwich including all the Islands adjacent in the Pacific Ocean within the latitude aforesaid of 10 Degrees 37 Minutes South and 39 Degrees 12 Minutes South, and also including Norfolk Island lying in or about the latitude of 29 Degrees 3 Minutes South and 168 Degrees of East Longitude from the said Meridian of Greenwich, and also including any Territory which is or maybe acquired in Sovereignty by Us Our Heirs or Successors within that group of Islands in the Pacific Ocean commonly called New Zealand, and lying in or about the latitude of 34 Degrees 30 Minutes North and 47 Degrees 10 Minutes South, and 166 Degrees 5 Minutes and 179 Degrees East longitude from the said Meridian of Greenwich. Now Know you that We reposing especial Trust and Confidence in the Prudence Courage and Loyalty of you the said William Hobson do by these Present constitute and appoint you to be Our Lieutenant Governor in and over that part of Our Territory so described as foresaid in Our said last recited Letters Patent which is or maybe acquired in Sovereignty by Us Our Heirs or Successors within that group of Islands in the Pacific Ocean commonly called New Zealand, lying in or about the latitude of 34 Degrees 30 Minutes North and 47 Degrees 10 Minutes South, and 166 Degrees 5 Minutes and 179 Degrees East longitude reckoning from the Meridian of Greenwich. To have hold exercise and enjoy the said Office of Lieutenant Governor during Our Pleasure: And We do hereby command that in the execution of such your Office you do obey all such lawful Instructions as may be from time to time addressed to you by Our Trusty and

Well beloved Sir George Gipps, Our Captain General and Governor in Chief in and over Our Territory of New South Wales and its Dependencies or in the event of his death or absence from the limits of his Government and command by the Officer for the time being administering the Government of Our said Territory and its Dependencies. And Whereas it is necessary that provision be made for the execution of the Office of Our Lieutenant Governor of Our said Territories in New Zealand in the event of your Death or absence therefrom, We do therefore by these Presents authorise and empower the said Sir George Gipps or the Officer Administering the Government of Our said Territory of New South Wales and its Dependencies for the time being to nominate and appoint by an Instrument under the Public Seal of Our said Territory of New South Wales, such person as he may think fit to act provisionally as Our Lieutenant Governor of Our said Territories in New Zealand in the contingency of such your Death or absence therefrom, or until other or further provision shall be made by Us in that behalf. And We do hereby give and grant to the Officer so to be provisionally appointed as aforesaid, during the continuance of such his authority full power to hold exercise and enjoy the said Office of Our Lieutenant Governor of Our said Territories in New Zealand as fully and in every respect as effectually as the same as is hereby vested in you, or may be by virtue hereof be held, exercised or enjoyed by you – Given at Our Court at Buckingham Palace the 30th day of July 1839, in the Third Year of Our Reign.

By Her Majesty's Command, Lord Normandy.

**“OFFICIAL” BACK TRANSLATION FROM THE TIRITI O WAITANGI**

**BY; MR. T E YOUNG OF THE NATIVE DEPARTMENT FOR THE LEGISLATIVE COUNCIL IN 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 **Maori** 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 Maori of**

**New Zealand.** All the rights will be given to them the same as Her doings to the people of England.

Signed,  
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 3 corrections in his translation to clarify whom Governor Hobson was referring. In the Preamble, *“people of New Zealand”* to *“chiefs and Hapu of New Zealand”* and *“natives”* to *“tangata maori”*. Article 1, *“Sovereignty”* was changed to *“governments”*. In Article 3, *“People of New Zealand”* to *“tangata maori of New Zealand”*. He left *“people of New Zealand”* in Article 2 as this also referred to all non-Maori. All back translations do not have the errors of the final draft and are all dated the 6 February 1840. The Tiriti o Waitangi referred to the all the chiefs who signed it as, *“tangata Maori”*.

Over 500 chiefs signed the Tiriti o Waitangi as *“tangata Maori”* representing over 75,000 of their people. Not one *“tangata Maori”* chief questioned being referred to as *“tangata Maori”* as they knew they were not the *“tangata whenua”* or *“indigenous people of New Zealand”*.

Prepared by: Ross Baker, Researcher, One New Zealand Foundation Inc. 15/3/2014.



# Royal Charter of 1840. Constitution of the Colony of New Zealand into a separate Colony 3 May 1841.



This is New Zealand true Founding Document and first Constitution.

The Constitution Reads:

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## The 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 on 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 on 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

Above is the "Constitutional Charter" dated 16 November 1840 issued by "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*" that separated New Zealand from New South Wales and made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems under one flag and one law irrespective of race, colour or creed. There is no mention of the Treaty of Waitangi in this Charter.



***“Charter of 1840. Constitution of the Colony of New Zealand into a separate colony, 16 November 1840”***

**New Zealand’s true Found Document and first Constitution.**

**Disc supplied by the Chief Archivist, Archives New Zealand.**

**FIRST SITTING OF THE LEGISLATIVE COUNCIL OF NEW ZEALAND.**

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

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 in-complete, 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 re-sulting 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 grant-ing 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 Victoriæ Reginæ. 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 LieutenantGovernor 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 justicetherein, 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, entitled, " 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

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.

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.

### **Research by the One New Zealand Foundation Inc.**

All the above information has been researched since 1988 by members of the One New Zealand Foundation Inc. from early historian's recorded history, hundreds of Official Information Act requests, the New Zealand, Australian and American Archives plus the British Parliamentary Papers.

Unfortunately, much of this information has been removed from New Zealand's Archives, including Queen Victoria's 1839 and 1840 Royal Charters/Letters Patent, so we have had to research New Zealand true history held in overseas Archives and the British Parliamentary Papers.

In 1992 the One New Zealand Foundation Inc was concerned the Government was allowing part Maori to rule the country and wrote to the MP for Tarawera, Hon Max Bradford. He replied, *"There is no way this Government will allow Maori to rule the country in the manner you seem to contemplate. But at the end*

*of the day, we all live together, with grievances, real or perceived, resolved satisfactorily. Without that we will have mayhem in our streets".* How wrong the Government was, Maori now rule the country with the Partnership with the Crown and if they end up in Co-governance with the Crown, they will rule the country and the other groups and the Government will have no one to blame but themselves but neither would listen to the One New Zealand Foundation Inc in 1992. See letter page 18.

### **Other groups are misleading the public by not telling our true history.**

It's extremely disappointing when all the other groups completely ignore Queen Victoria's 1839 and 1840 Royal Charters/Letters Patent and continually refer to the Tiriti o Waitangi as New Zealand's Founding Document.

You do not have to be a brain surgeon to know the Treaty of Waitangi did not make New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. It seems all these groups are more interested in collecting donations than researching our true history.

Until these so-called researchers spend a little more time researching New Zealand's true history, they are playing into the hands of the part Maori activists by saying the Treaty is our true Founding Document. It is not and can never be our Founding Document.

While we had asked Don Brash from Hobson's Pledge to inform his followers/members of the Royal Charters, he said it would be too difficult, so continues to completely ignore New Zealand's true Founding Document in favour of a document that only asked the tangata Maori to give up their government and in return would become British Subjects with the same rights as the people of England.

While the other groups have not actually stated it would be too difficult to educate the public, they continue to mislead the public by ignoring the two Royal Charters issued by *"Victoria by the Grace of God"* under, *"The Great Seal of the United Kingdom of Great Britain and Ireland"*.

**They are playing into the hands of the part Maori activists and the Government by denying the people of New Zealand their true documented history!**

Prepared by Ross Baker, Researcher, One New Zealand Foundation Inc.

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30 September 1992

Mr Ross Baker

*Dear Sir,*

Thank you for your letter of 24 September.

There is no way this Government will allow Maori to rule this country in the manner you seem to contemplate. But at the end of the day we all have to live together, with grievances, real or perceived, resolved satisfactorily.

Without that, we will have mayhem in the streets. I don't imagine you want that any more than other New Zealanders do.

Yours sincerely

**MAX BRADFORD**  
MP for Tarawera

# Sir Paul and Govt differ over treaty on screen

NZPA

Sydney

The clashing views of the Governor-General, the Most Rev Sir Paul Reeves, and the New Zealand Government on the Treaty of Waitangi were aired on Australian television on Monday night.

The Prime Minister, Mr Palmer, and his predecessor, Mr Lange, now the Attorney-General, ruled out yielding to major financial and economic claims by Maori under the treaty when they were interviewed on the Australian Broadcasting Commission's *Four Corners* current affairs programme.

But Sir Paul joined Maori leaders in hinting that failure to address "injustices" under the treaty would lead to violence.

While Mr Palmer described the treaty as vague and unclear, Sir Paul compared it to the "covenant made between God and Abraham or God and Noah" and said it was a binding document.

"Many Pakeha people get impatient at what they see to be the ways in which Maoris keep on dredging up the things that happened 100 years ago," he said.

"They say: 'Why can't we just live together?' and Maoris can't buy into that because their injustice won't go.

"What we've got to do is relieve people of that sense of injustice and if we don't take the justice option, we run the risk of reaping the whirlwind."

Sir Paul said a white backlash against Maori claims was unavoidable and that the backlash was an expression of prejudice.

Even though change "scares the pants off"

prejudiced people, he urged legislators to create a society beneficial to all.

The head of the Ngaitahu Maori Trust Board, Mr Tipene O'Regan, acknowledged that the Crown could not afford to meet the value of the tribe's South Island claims and declined to say how much the tribe would accept in settlement.

But he agreed to the reporter's suggestion that it would have to be "hundreds of millions of dollars."

Mr Palmer said such expectations were unreasonable and would not be met.

"The idea that somehow hundreds of millions of dollars are going to change hands in a short period of time... is, I'm afraid, idle," he said.

"And the reason it is idle is that the country can't afford it and it won't happen. And in any case I don't know of any authoritative adjudication anywhere that suggests it ought to happen."

Both Mr Lange and Mr Palmer warned against making literal interpretations from the treaty.

"Did Queen Victoria for a moment think of forming a partnership with a number of signatures, a number of thumb prints and 500 people?" Mr Lange said.

"Queen Victoria was not that sort of person. That does not detract from the significance of the Treaty of Waitangi. It can become the Magna Carta of New Zealand society but it is not

going to become that from Dead Sea scroll eschatology examination."

Mr Palmer said the meaning of the treaty, in terms of its operational consequences now, was "far from clear."

"In fact it's a document that is so vague that that is its primary problem," he said.

A Tainui leader, Mr Bob Mahuta, said if thousands of young Maori were allowed to sit and brood on their situation, being unemployed and deprived, they would react like other young blacks around the world.

"They will take from the haves because they are the have-nots. They have nothing to lose," he said.

Asked if they would take by force, he said: "Naturally, yes."

A former Labour Government minister, the Hon Matiu Rata, said that when Maori people's faith in the rule of law was destroyed it introduced such thoughts as civil war.

"That would be so absurdly stupid," he said.

"That is why our ancestors signed the treaty."

The One New Zealand Foundation Inc. has the full video programme on file.