

# Treaty of Waitangi Act 1975. New Zealand's Biggest Scam – Ever!

As our generation allowed it, our generation must abolish it for future generations!

The 1975 Treaty of Waitangi Act that created the Waitangi Tribunal was the biggest “Scam” ever forced by Government on the People of New Zealand. It allowed one small group of New Zealand citizens who can claim a minute trace of tangata Maori ancestry (See 3, page 14 and 16) advantage and privilege under the law not available to any other New Zealand citizen. This is not the agreement our ancestors, both tangata Maori and non-Maori made with a hand shake and the words, “*He iwi tahi tatou – We are now one people*”, followed by 3 hearty cheers by the whole gathering at Waitangi on the 6 February 1840.

After Lt. Governor Hobson's final English draft of the Treaty of Waitangi and the Tiriti o Waitangi, that had been translated by the Rev Henry Williams and his son Edward into Maori was read and discussed on the 5 February 1840, the Tiriti o Waitangi was transcribed onto dog skin by the Rev Richard Taylor on the night of the 5 February 1840. On the 6 February 1840 the Tiriti o Waitangi written on dog skin was signed by 49 tangata Maori chiefs at Waitangi before being taken around the country and read, discussed and signed by a total of 540 tangata Maori chiefs. Once signed, the Tiriti o Waitangi was of little further value and was stored away in a shed where it was later damaged by fire and rats. Lt. Governor Hobson never wrote or authorised an English text of the Treaty of Waitangi to be signed by the tangata Maori chiefs. See copies of Treaty of Waitangi – Te Tititi o Waitangi page 15, 16, 17, 18.

In 1975 the National Government enacted the 1975 Treaty of Waitangi Act that created the Waitangi Tribunal. The Tribunal was set up to hear Maori claims against the Crown that occurred **after 1975** and used an unauthorised English text of the Treaty of Waitangi compiled by Lt. Governor Hobson's secretary, James Freeman from James Busby's early rough notes. The final English draft of the Treaty of Waitangi went missing soon after Lt. Governor Hobson had read it to the gathering at Waitangi on the 5 February 1840. The only treaty document signed on the 6 February 1840 at Waitangi was the Tiriti o Waitangi. There was no English text of the Treaty of Waitangi signed on that day.

Lt. Governor Hobson never made or authorised an English text of the Treaty of Waitangi. There was one of James Freeman's compiled "unofficial" English text signed at Waikato Heads when the "official" Tiriti o Waitangi had not arrived, but this was after the gathering had been read, discussed and signed one of Hobson's 200 Church Mission Society printed copies of the Tiriti o Waitangi. As the CMS printed Tiriti of Waitangi document could only hold a few signatures, one of Freeman's compiled documents was used to hold further signatures but when presented for signing, was attached to the CMS printed copy of the Tiriti o Waitangi as one document. Hobson's signature on this copy is different from any other signature but it must be remembered he had just had a stroke. There is also opinion that it could be a forgery.

Lt Governor Hobson stated when instructing others gathering signatures that the only "official" Tiriti o Waitangi was that signed at Waitangi on the 6 February 1840 and the chiefs must fully understand it before they signed it. There was no English text of the Treaty of Waitangi read, discussed or signed at Waitangi on the 6 February 1840 or at any other venue.

In 1985 the Labour Government enacted the 1985 Treaty of Waitangi Amendment Act, **"That allowed claims dating back to**

1840", many of which had already had "*full and final*" settlements in the 1930/40s. The 1985 Amendment Act included Lt. Governor Hobson's "official" Te Tiriti o Waitangi that was signed by 540 tangata Maori chiefs from all over New Zealand, but mainly the North Island as the South Island was very sparsely populated in 1840 due to the intertribal fighting and much of the South Island land being sold by the chiefs to people from other lands before the Tiriti o Waitangi was signed in 1840.

The two Treaty of Waitangi Acts and the Waitangi Tribunal were the biggest "**Scam**" ever forced on the people of New Zealand by Government as they allowed one small group of New Zealand Citizens that can claim a minute trace of tangata Maori ancestry special rights under the law not available to any other New Zealand Citizen. This completely breached the Treaty of Waitangi that guaranteed to all the people of New Zealand, "*Tangata Maori would be given the same rights as the people of England*", if they gave up, "*All parts of New Zealand and their governments to the Queen*", which 540 tangata Maori chiefs agreed to when they signed the Tiriti o Waitangi in 1840 with a handshake from Lt. Governor Hobson.

English law did not allow tangata Maori to be given any special rights under the law or to be in "*Partnership with the Crown*"!

The Treaty of Waitangi had very little, if anything to do with Britain claiming sovereignty over all the islands of New Zealand or setting up our political, legal and justice systems under one flag and one law. Britain gained sovereignty over all the islands of New Zealand by Royal Charter/Letters Patent dated the 30 July 1839 on the 30 January 1840 under the "**Law of Nations**" (*Jure gentium*).

In 1877 Chief Justice Sir James Prendergast GCMC ruled the Treaty of Waitangi a "*simple nullity*". Under the Official Information Act dated the 12 January 2018, the One New Zealand

Foundation Inc. asked the Ministry of Justice if this ruling had been over-ruled. Tania Ott, the Director, Senior Courts, replied, *"The information you have requested is not held by the Ministry of Justice. Therefore, I am declining your request as allowed under section 18(g) of the Act as there are no grounds for believing that the information is held by other departments, Minister of the Crown or local authority"*.

The Privy Council also ruled in 1941, *"That unless it was incorporated into New Zealand statutes the Treaty of Waitangi was not legally binding"*.

Up until 1975 all claims by Maori against the Crown had been heard by the courts with no mention of the Treaty of Waitangi as it had been ruled by Chief Prendergast to be, *"a simple nullity"* and by the Privy Council, *"Not legally binding"*, therefore, the Treaty was not mentioned or used to settle claims before 1975.

It was only after the 1975 Treaty of Waitangi Act that Maori claims were based on the Treaty of Waitangi, a document that was ruled to be *"A simple nullity"* and *"Not legally binding"*. Hon Geoffrey Palmer must have realised this because he stated in 1992, *"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"*. The Hon Winston Peters tried to have the Five Principles abolished but he was out voted by the *"puppets"* in Parliament.

Sir Geoffrey Palmer has now been given the task of making his reforms legal by having the Treaty of Waitangi incorporated into our Constitution. We cannot let this man do any more damage to New Zealand, he has done enough already!

In 1835 James Busby, the British Resident had tried to get the tangata Maori chiefs to sign the Declaration of Independence recognising tangata Maori sovereignty over all the island of

New Zealand, but the chiefs were more interested in intertribal fighting than sovereignty or unity amongst the tribes of New Zealand but only 52 chiefs signed the Declaration over a four- year period and it was abandoned. Five years later, 540 tangata Maori chiefs signed the Tiriti o Waitangi that showed tangata Maori wanted British sovereignty and protection under one flag and one law with, "*The same rights as the people of England*". No more – no less.

The Declaration of Independence or the Treaty of Waitangi were not mentioned in the Royal Charter/Letters Patent of 1839 that placed New Zealand under the laws and dependency of New South Wales or the 1840 Royal Charter/Letters Patent that made New Zealand into a British Colony and set up our political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. The Treaty of Waitangi is not in our statutes, therefore, as the Privy Council ruled, "*Is not legally binding!*"

Both Chief Justice Prendergast's and the Privy Council's rulings are legally binding as there is no information held by the Ministry of Justice, other departments, Ministers of the Crown or local authority, that their rulings have been overturned.

The Treaty of Waitangi was a document drafted by James Stephen, the Undersecretary of Colonies and a strong supporter of the Clapham Sect in 1838. As Britain had not decided on how it would become involved in New Zealand in 1838, his draft was not intended to be a Treaty between Britain and the tangata Maori. It was solely to satisfy the Clapham Sect to make sure tangata Maori would be given, "*The same rights as the people of England*". Britain obtained sovereignty over all the islands of New Zealand on the 30 January 1840 under the "**Law of Nations**", not the Treaty of Waitangi as there was no political structure or Head of State that could sign on behalf of tangata Maori. See Law of Nations and the Clapham Sect page 14.

When Lord Normanby found Britain was to gain sovereignty over New Zealand he wrongly believed tangata Maori had gained sovereignty over New Zealand by James Busby's 1835 Declaration of Independence and gave James Stephen's draft to Captain Hobson to draft a treaty and have tangata Maori sign it. He did not realise the Declaration of Independence had been a complete failure and Britain had gained sovereignty under the "**Law of Nations**". A Royal Charter/Letters Patent had been issued in 1839 by "*Victoria by the Grace of God*" under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*". In fact, it is debatable whether the Britain Government even knew of the Treaty's existence before it was signed as no mention was made of it in the 1839 or 1840 Royal Charters/Letters Patent.

The 1839 Royal Charter/Letters Patent placed New Zealand under the laws and dependency of New South Wales on the 30 January 1840, seven days before the first signature appeared on the Treaty of Waitangi. See page 8.

From the 30 January 1840 until the 3 May 1841 New Zealand was under the laws and dependency of New South Wales. Governor Gipps, the Governor of New South Wales was also Governor of New Zealand and William Hobson his Lieutenant until the 1840 Royal Charter/Letters Patent made him Governor on the 3 May 1841.

Before Lt. Governor Hobson had left New South Wales for New Zealand, Governor Gipps had told him approximately two thirds of New Zealand had been sold by the tangata Maori chiefs to people from other lands with many of the Deeds of Sale held in the New South Wales Supreme Court where many still remain today. This was the reason Hobson included "*All the people in New Zealand*" in Article 2 of the Treaty as their property/taonga had to be protected the same as the tangata Maori had been promised in the Treaty under one flag and one law.

On the 16 November 1840 Britain issued a Royal Charter/Letters Patent making New Zealand into a British Colony on the 3 May 1841 and Lt. Governor Hobson became Governor of New Zealand. The Royal Charter/Letters Patent gave New Zealand its first Constitution for Governor Hobson to set up political, legal and justice systems under one flag and one law, irrespective of race, colour or creed, but under the watchful eye of Great Britain. See page 10.

In 1979, the Hon Geoffrey Palmer entered politics and in 1983 became Attorney General and decided to reform the 1975 Treaty Waitangi Act and the Waitangi Tribunal, stating in his 1992 book, **New Zealand's Constitution in Crisis**, *"The factor that shaped my intellectual approach to Maori issues in New Zealand was my experiences in the United States. It was on this background that I drew, and with adaptations used as the basis for legislation to advance the interests of the Maori minority in New Zealand. I did some research on the outstanding grievances and it did not appear to me that looking into them would open the can of worms, which many feared. I took the view that the claims may take a decade to deal with, that it would cause some anguish, but it would be worth it in the end"*. Nearly 4 decades later and \$3.5 billion (2017) in settlements with many alleged claims still to be settled or topped up with no end in sight. It seems from his statement above, the Hon Geoffrey Palmer had over looked the fact, tangata Maori had been given, *"The same rights as the people of England"* while the black people of the United States were slaves without any rights what's so ever!

How did the Hon Geoffrey Palmer get it so wrong and why did our politicians go along with it when the evidence was held in Archives New Zealand Constitution Room until it was dismantled by the National Government in 2017?

When Attorney General, Sir Geoffrey Palmer was making his reforms in 1980's, he stated, *"I was utterly opposed to the Privy Council having anything to say about what the Treaty*

*meant in New Zealand*", but he must have known the Privy Council had ruled in 1941, *"That unless it was incorporated into New Zealand statutes the Treaty of Waitangi was not legally binding"*. Chief Judge Prendergast had also ruled in 1877, *"The Treaty of Waitangi was a simple nullity"*.

After ten years of Maori trying to use the wording of the Treaty of Waitangi/Tiriti o Waitangi to claim against the Crown without success, the Attorney General, Hon Geoffrey Palmer and the Minister of Maori Affairs, the Hon Koro Wetere decided to write *"Five Principles for Crown Action on the Treaty of Waitangi"* based on a document that had been ruled a *"simple nullity"* and *"Not legally binding"*.

In March 1990, Prime Minister Geoffrey Palmer stated on the ABC's "Four Corners" TV programme, *"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"*. See attached NZ Herald article Page 7.

The question that must be asked, how did the Hon Geoffrey Palmer and the Hon Koro Wetere use the Treaty of Waitangi to write the *"Five Principles for Crown Action on the Treaty of Waitangi"* in 1986 when they must have known the Treaty was, *"Far from clear, vague, a simple nullity and not legally binding"*?

Attorney General Hon David Lange stating on this same programme, *"Did Queen Victoria for a moment think of forming a partnership with a number of signatures, a number of thumb prints and 500 people. Queen Victoria was not that sort of person"*.

Sir Geoffrey Palmer has now been given the task to make the Treaty of Waitangi part of our Constitution to make the 1975 Treaty of Waitangi Act and his reforms legal. Too late Mr Palmer, your reforms and *"Five Principle for Crown Action on the Treaty of Waitangi"* were based on a document that was,



*"Far from clear, vague, a simple nullity and not legally binding"*, therefore, must all be abolished as they were no more than a **"SCAM"** to defraud the majority of New Zealanders of their legal rights!

On this same programme, the Governor General, the Rev Sir Paul Reeves of tangata Maori descent, threatened he would join Maori leaders in hinting that failure to address *"injustices"* under the Treaty of Waitangi would lead to violence or even civil war. Hardly a comment you would expect from the Queen's Representative, but the Government took note and has since given in to Maori's every demand at the expense of all other New Zealand Citizens.

It is interesting to note, that soon after this programme was aired, both the Hon Geoffrey Palmer and the Hon David Lange left front line politics. Had they realised the terrible mistakes they had made and with the Governor General and the Maori leaders now hinting at violence or even a civil war if they did not honour their promises and had decided to leave front line politics? What other reason would there be when they were at the height of their political careers.

Chief Justice Prendergast also stated, *"That any transactions by the Crown with Maori are to be regarded as Acts of the State, and therefore, are not examinable by any Court"*. Especially, the apartheid Waitangi Tribunal!

In 1989 Lt.

Governor Hobson's final draft of the Treaty of Waitangi was found in the Littlewood's mother's estate and was called the *"Littlewood Treaty"* by the government's historians. While at first this created great excitement amongst all the historians and researchers it was soon realised by the Government that this could have a devastating effect on the Waitangi

Tribunal's findings and the Government's settlements. It showed the English text attached to the 1975 Treaty of Waitangi Act was not written or authorised by Lt. Governor Hobson. In 1992 Dame Claudia Orange made a public announcement, "*That the Littlewood Treaty was just another translation by an unknown author*" and was quickly hidden away from public view, but after pressure from the Littlewoods, was displayed in Archive's Constitution Room as, "*Just another early translation of the Tiriti o Waitangi*". It was later confirmed by historian Professor Phil Parkinson that it was penned by James Busby, the man who penned Lt. Governor Hobson's final draft on the 4 February 1840 and the date that appears on this document as well as being written on paper belonging to James Clendon where the final draft was written. There is no doubt from the evidence we have on file, this document was Lt. Governor Hobson's final draft of the Tiriti o Waitangi.

The One New Zealand Foundation Inc. extensively researched Hobson's final draft and by 1992 found there was no doubt it was the final draft and published its findings in 1992 in a book entitled, "*He iwi tahi tatou – We are now one people*". It was not until 2004 that Martin Doutre picked up on our research and between the ONZF and Martin we published a book called, "*The Littlewood Treaty, The True English Text of the Treaty of Waitangi Found*". Within a few months of this book being published, the Government had set up a \$6.5 million travelling exhibition called, "*Treaty 2 U*" that travelled the country to discredit our research. Even to the stage of busing in young impressionable school children to brainwash them into believing the Treaty of Waitangi was our Founding Document. No mention was made of Lt Hobson's final draft. When I inquired why it was not on display, I was given a Trespass Notice not to visit the *Treaty 2 U Exhibit* again and when I later visited Te Papa, I was given a Trespass Notice stopping me from visiting Te Papa for 3 years. In fact, Te Papa had our display on the Littlewood Treaty moved by the police from a

site next to Te Papa owned by the Wellington Harbour Board who had given the ONZF permission to set up our display on its land.

Lt. Governor Hobson's final English draft of the Treaty clarified the many distortions of the translations of the Tiriti o Waitangi and the misinformation that allow many of the Maori claims to be settled. The Government spent \$6.5 million of taxpayer's money to discredit our research and push a document that was ruled, "*A simple nullity*" and "*Not legally binding*".

Since the One New Zealand Foundation Inc. brought the Royal Charters/Letters Patent to the public's attention in 2015, the Government has dismantled New Zealand Archives Constitution Room where the two Royal Charters/Letters Patent were held and have filed them away amongst the other 6 million documents in Archive Repository where they will soon be forgotten and lost for ever. In fact, future researchers must now order these documents if they want to research them, that is, if they know they exist!

The Royal Charters/Letters Patent of 1839 and 1840 are beautifully written, decorated and preserved documents issued by, "*Victoria by the Grace of God*" under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*". They are the documents that made New Zealand into a British Colony with its own Governor and Constitution that set up our political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. They are preserved in pristine condition as our true Founding Documents and first Constitution. Once the Treaty of Waitangi was signed, it was stored away in an old shed as it was of little value, "*In shaping New Zealand*"! Later being damaged by rats and fire.

On the 17 April 2017 the Declaration of Independence and the Treaty of Waitangi, which were also held in the Constitution Room were moved to the new \$7.2 million taxpayer funded *He*

TohuExhibitat the National Library, Wellington where the people of New Zealand are "**Scammed**" once again by being told, "*They are our iconic constitutional documents that shaped Aotearoa New Zealand*". It is time these "**traitors**" that set up this "**Scam**" were brought to justice for dismantling our Constitution Room and separating our Constitution documents. They have completely destroyed what our ancestors, both tangata Maori and non-Maori created with blood, sweat and tears 187 years ago with the words, "**He iwi tahi tatou – We are now one people**" followed by a hand shake and 3 hearty cheers!

I could go on with further evidence that the 1975 Treaty of Waitangi Act was a "**scam**" by Government. Especially when the Governor General and the Maori leader's threat in hinting that if Government did not give into Maori's every demand it could lead to violence or a civil war.

We have been "**scammed**" by the Treaty of Waitangi Act 1975 and its 1985 Amendment Act. The Treaty of Waitangi was not our Founding Document or our first Constitution and played no part, "*In shaping New Zealand*". New Zealand was shaped by the Royal Charters/Letters Patent of 1839 and 1840 that have been place amongst the 6 million other documents at Archives Repository where they will be forgotten and lost for ever.

This was the advice Sir Geoffrey Palmer gave in his book, "**New Zealand's Constitution in Crisis**" in 1992 after his 1980 reforms, "*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*".

Our generation will more than likely be the last to know of our true Founding Documents and first Constitution that "*shaped New Zealand*", therefore, we have a duty to past and future generations to force the Government to abolish, "*The Treaty of Waitangi Act 1975 and all the other statutes, which*

*gave explicit recognition to the Treaty*" and to display the Royal Charters/Letters Patent in all government buildings, schools, court houses and libraries around the country as they are our true Founding Documents and first Constitution that made New Zealand into a British Colony with a Governor and Constitution that set up our political, legal and justice systems under one flag and one law, irrespective of race, colour or creed.

Please don't let the politicians "**scam**" future generations as they have "**scammed**" us! We must force government to abolish the 1975 Treaty of Waitangi Act and the 1985 Treaty of Waitangi Amendment Act!

The One New Zealand Foundation Inc. can support all the above with documented evidence that was once held in the Constitution Room at Archives New Zealand, Wellington before the Government dismantled it to make our true history extremely difficult to find.

For further information and documented evidence, please read, **Chief Justice Prendergast ruled the Treaty of Waitangi, "A simple nullity"** published by the One New Zealand Foundation Inc., PO Box 7113, Palmerston North. \$10-00 each incl, P&P.

# 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 insisting 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 105 years ago," he said.

"They say 'Why can't we just live together?' and Maoris can't buy into that because their injustices 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 "scars" the past, off-

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

The head of the Ngaitahu Maori Trust Board, Mr Thomas 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 somewhere 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 signatories, 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 Makuta, 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 Maiti Raua, 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."

It is unbelievable that after Hon Geoffrey Palmer made all his Treaty of Waitangi Reforms and Principles based on a documents he found was, "*Far from clear and vague*", you would think he would have done his best to correct his errors. But no, he now wants to include this "*unclear, vague*" document in our Constitution to satisfy the Maori leaders that threatened violence or a civil war if Government did not honour his ridiculous Treaty of Waitangi promises. **Has this man no principles?**

At least the Attorney General, the late Hon David Lange admitted, Queen Victoria would never have agreed, "*To a Partnership between Maori and the Crown*"!

**Royal Charters/Letters Patent of 1839 and 1840.**

Both these documents have been kept from our history to allow Government to "Scam" the People of New Zealand of their true Founding Documents and first Constitution. They have now been removed from Archive New Zealand's Constitution Room and place

**out of sight in Archive Repository.**

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.**

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



The document 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

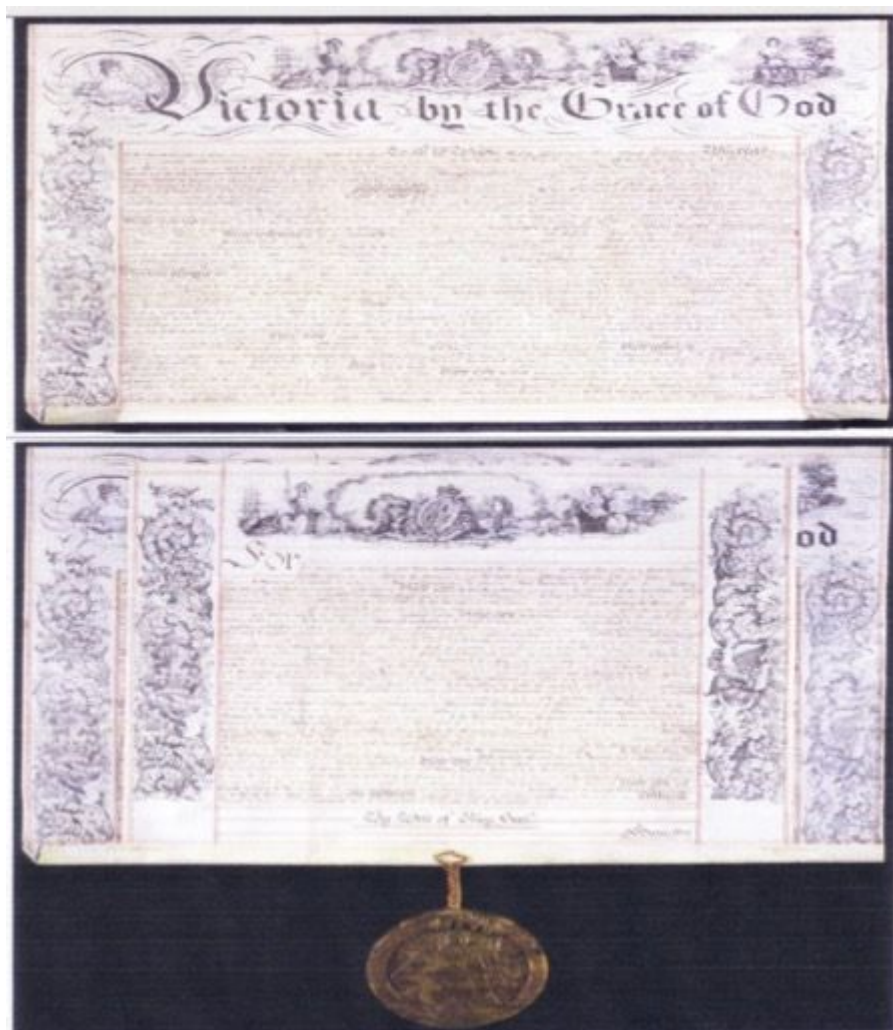


Degrees 30 Minutes North and 47 Degrees 10 Minutes South, and 166 Degrees 5 Minutes and 179 Degrees East longitude reckoning from the Meridian of Greenwich. To have hold exercise and enjoy the said Office of Lieutenant Governor during Our Pleasure: And We do hereby command that in the execution of such 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.

Below is Queen Victoria's Royal Charter/Letters Patent, dated

the 16 November 1840. The Constitution of the Colony of New Zealand into a separate colony on the 3 May 1841. Archives New Zealand Ref. No. ACG0 8341 1A1 9. See New Zealand Archive's disk, page 14.

**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:**

## CONSTITUTIONAL CHARTER OF NEW ZEALAND

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

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

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

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

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

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

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

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

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

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

In witness, &c. witness, &c.

16 November 1840

**(1). The Law of Nations** recognized no other mode of assuming dominion/sovereignty in a country of which the inhabitants were ignorant of the meaning of sovereignty, and therefore incapable of ceding sovereignty rights. This was the case with the people inhabiting New Zealand, for whom it would have been impossible for Captain Cook or Lt. Governor Hobson to have obtained British sovereignty by cession. Tangata Maori consisted of hundreds of small individual tribes without any form of united government, continually at war with each other for territories.

**(2). The Clapham Sect** was a group of aristocratic evangelical Anglicans, prominent in England from about 1790 to 1845, who campaigned for the abolition of slavery, to protect indigenous peoples from colonial exploitation and to promote missionary work at home and abroad. The group centered on the church of John Venn rector of Clapham in south London. While little, if anything is published about the Clapham Sect in New Zealand's history, it had a great influence on the instructions given to Captain William Hobson on the drafting of the Treaty of



Waitangi by Sir James Stephen, the Undersecretary for the Colonies and a very strong supporter and member of the Clapham Sect. Sir James Stephen had also drafted the "*Slavery Abolition Act of 1833*".

**(3). Tangata Maori.** *"The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (prior inhabitants). The canoe ancestors of the 14-century merged with these tangata whenua tribes.* Dr Ranginui Walker in the, **1986 New Zealand Year Book**, page 18,



This disk was supplied by Marilyn Little, Chief Archivist, Archives New Zealand. Government cannot dispute the fact, that the Royal Charter/Letters Patent dated the 16 November 1840 was our true Founding Document and first Constitution that separated New Zealand from New South Wales into a separate British Colony with its own Governor to set up a political, legal and justice

systems under one flag and one law, irrespective of race, colour or creed.

For further information and documented evidence, please read, **Chief Justice Prendergast Ruled the Treaty of Waitangi, "A simple nullity"**. Available from the One New Zealand Foundation Inc. [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au).

# The Treaty of Waitangi – Te Tiriti o Waitangi

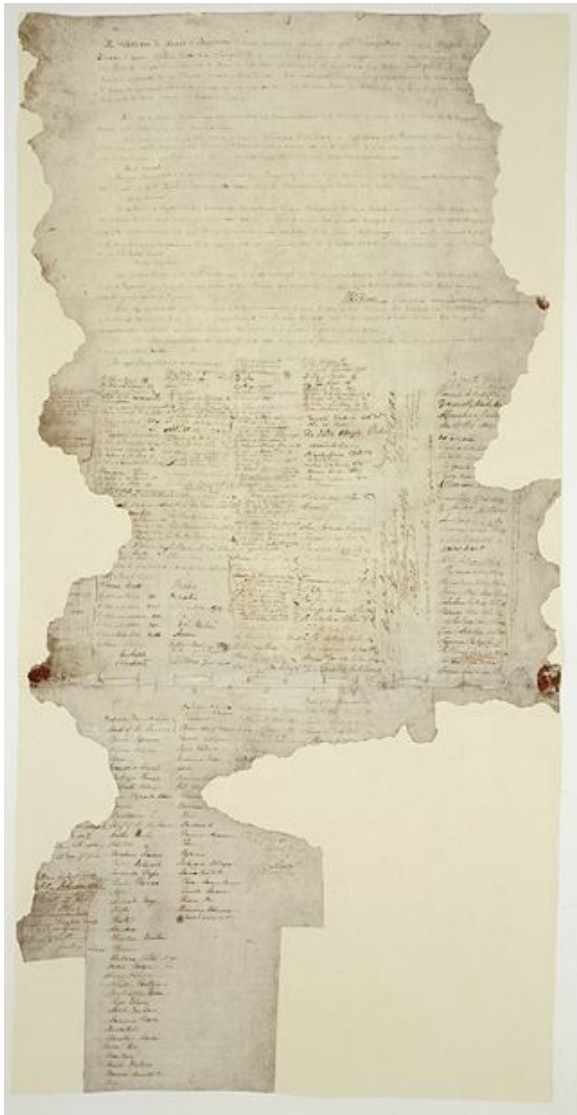
Once the Tiriti o Waitangi was signed, it was of little value and was stored away in a shed where it was later damaged by fire and rats. The Tiriti o Waitangi was not part of New Zealand becoming a British Colony with a Governor and Constitution that set up our political, legal and justice systems. British Sovereignty was gained over New Zealand by the “**Law of Nations**” and the Royal Charters/Letters Patent of 1839 and 1840 were our true Founding Documents and first Constitution that set up New Zealand’s political, legal and justice systems under one flag and one law, irrespective of race colour our creed.

The Tiriti o Waitangi was signed by 540 tangata Maori chiefs who acknowledged they were not the tangata whenua or the Indigenous People of New Zealand. Tangata Maori gave up their governments and territories to the Queen in return for, “*The same rights as the people of England*”. See Te Tiriti o Waitangi, Article 3 below. See tangata Maori (3) page 14.

**Te Tiriti o Waitangi.**  
**draft dated 4th of February 1840.**

**Lt. Governor Hobson’s final**





Her Majesty Victoria, Queen of England in Her gracious consideration of the chiefs and the people of New Zealand, and Her desire to preserve to them their lands and to maintain peace and order amongst them, has been pleased to appoint an officer to treat with them for the cession of the Sovreignty of their country and of the islands adjacent, to the Queen.

Seeing that many of Her Majesty's subjects have already settled in the country and are constantly arriving, and it is desirable for their protection as well as the protection of the natives, to establish a government amongst them.

Her Majesty has accordingly been pleased to appoint me William Hobson, a captain in the Royal Navy to be Governor of such parts of New Zealand as may now or hereafter be ceded to Her Majesty and proposes to the chiefs of the Confederation of United Tribes of New Zealand and the other chiefs to agree to the following articles.

#### Article First

The chiefs of the Confederation of the United Tribes and the other chiefs who have not joined the confederation, cede to

the Queen of England for ever the entire Sovereignty of their country.

#### Article Second

The Queen of England confirms and guarantees to the chiefs and the tribes and to all the people of New Zealand, the possession of their lands, dwellings and all their property. But the chiefs of the Confederation of United Tribes and the other chiefs grant to the Queen, the exclusive rights of purchasing such lands as the proprietors thereof may be disposed to sell at such prices as may be agreed upon between them and the person appointed by the Queen to purchase from them.

#### Article Third

In return for the cession of the Sovereignty to the Queen, the people of New Zealand shall be protected by the Queen of England and the rights and privileges of British subjects will be granted to them.

Signed, William Hobson  
Consul and Lieut. Governor.

Now we the chiefs of the Confederation of United Tribes of New Zealand assembled at Waitangi, and we the other tribes of New

Zealand, having understood the meaning of these articles, accept of them and agree to them all. In witness whereof our names or marks are affixed.

Done at Waitangi on the 4th of Feb. 1840. Lt. Governor Hobson's final draft of the 4th of February 1840

## **The Three Texts of the Treaty of Waitangi**

*"People of New Zealand"* was changed to *"tangata Maori"* in the Tiriti o Waitangi.

**The "Unofficial Royal Style" text compiled from early notes by James S Freeman and attached to the 1975 Treaty of Waitangi Act.**

Her Majesty Victoria Queen of the United Kingdom of Great Britain and Ireland regarding with Her Royal Favour the Native Chiefs and Tribes of New Zealand and anxious to protect their just Rights and Property and to secure to them the enjoyment of Peace and Good Order has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand and the rapid extension of Emigration both from Europe and Australia which is still in progress to constitute and appoint a functionary properly authorized to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands. Her Majesty therefore being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects has been graciously pleased to empower and to authorize "me William Hobson a Captain" in Her Majesty's Royal Navy Consul and Lieutenant Governor of such parts of New Zealand as may be or hereafter shall be ceded to Her Majesty to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

**ARTICLE THE FIRST**

The Chiefs of the Confederation of the United Tribes of New Zealand and the separate and independent Chiefs who have not become members of the Confederation cede to Her Majesty the Queen of England absolutely and without reservation all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess, over their respective Territories as the sole Sovereigns thereof.

**ARTICLE THE SECOND**

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand and to the respective families and individuals thereof the full exclusive and undisturbed possession of their Lands and Estates Forests Fisheries and other properties which they may collectively or individually possess so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

**ARTICLE THE THIRD**

In consideration there of Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection and imparts to them all the Rights and Privileges of British Subjects.

[Signed] W Hobson Lieutenant Governor

Now therefore We the Chiefs of the Confederation of the United Tribes of New Zealand being assembled in Congress at Victoria in Waitangi and We the Separate and Independent Chiefs of New Zealand claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof in witness of which we have attached our signatures or marks at the places and the dates respectively specified Done at Waitangi this Sixth day of February in the year of Our Lord one thousand eight hundred and forty.

**The "Official" Maori text translated by Reverend Henry Williams and his son Edward. This document was read, discussed and signed by 540 tangata Maori chiefs in 1840 and attached to the 1985 Treaty of Waitangi Amendment Act.**

KO Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira-hei kai wakarite ki nga tangata Maori; o Nu Tirani-kia wakaaetia e nga Rangatira Maori; te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu-na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.Na KO te Kuini e hiahia Ana kia wakaritea te Kawanatanga kia kua AI nga kino e puta mai ki te tangata Maoriki te Pakeha e noho ture kore Ana Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana MO nga wahi katoa o Nu Tirani e tukua aiane, amoa atu ki te Kuini, e mea atu Ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

**KO TE TUATAHI**

KO nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga KA tuku rawa atu ki te Kuini o Ingarani ake tonu atu-te Kawanatanga katoa o ratou wenua.

**KO TE TUARUA**

KO te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu-ki nga tangata katoa o Nu Tirani te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia KO nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai AI te tangata nona te Wenua-ki te ritenga o te utu e wakaritea AI e ratou KO te kai hoko e meatia nei e te Kuini hei kai hoko mona.

**KO TE TUATORU**

Hei wakaritenga mai hoki tenei MO te wakaaetanga ki te Kawanatanga o te Kuini-ka tiakina e te Kuini o Ingarani nga tangata Maori; katoa o Nu Tirani KA tukua ki a ratou nga tikanga katoa rite tahi ki Ana mea ki nga tangata o Ingarani.

[Signed] William Hobson Consul & Lieutenant Governor

Na KO matou KO nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi KO matou hoki KO nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia AI o matou ingoa o matou tohu. KA meatia tenei ki Waitangi i te ono o nga RA o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

**The "Official" Translation from the Original Maori text by Mr. T.E. Young, Native Department for the Legislative Council in 1869. This is virtually word for word with Hobson's final**

**draft.**Victoria, Queen of England, in her kind thoughtfulness to the Chiefs and Hapus of New Zealand, and her desire to preserve to them their chieftainship and their land, 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 Maoris of New Zealand may consent to the Government of the Queen of all parts of this land and the islands, because there are many people of her tribe that have settled on this land and are coming hither.Now the Queen is desirous to establish the Government, that evil may not come to the Maoris and 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 the places of New Zealand which may be given up now or hereafter to the Queen; and he give forth to the Chiefs 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 for ever 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 the other Chiefs, gives to the Queen the purchase of those pieces of land which the proprietors may wish, for such 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 affixed our names and marks.

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

Lt. Governor Hobson 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 6 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”.*

1. Governor Hobson never made or authorised an English text of the Treaty of Waitangi. The only text read, discussed or signed by the 540 tangata Maori chiefs was the “Official” Maori text, “Te Tiriti o Waitangi”. No English text was read, discussed or signed at Waitangi on the 6 February 1840, only the Tiriti o Waitangi with a handshake and the words, “**He iwi tahi tatou – We are now one people**” to which, the whole gathering gave three hearty cheers.

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