

Treaty Versus Royal Charter

Once Hongi Hika, Te Rauparaha and others had gained muskets, they went on the rampage slaughtering or taking as slaves over half their fellow unarmed countrymen, women and children. Many of the chiefs had also sold about two thirds of New Zealand to foreigners by 1839. Britain had to take a more active role in New Zealand the King had promised in 1831 if the tangata Maori were to survive. In 1839 Britain reluctantly decided the best way to bring law and order to the people of New Zealand was by treaty.

The Treaty of Waitangi.

The Treaty of Waitangi was drafted from instructions given to Captain William Hobson by the Secretary for Colonies, Lord Normanby before he left England for New Zealand on 25 August 1839. During his stop off in New South Wales, Hobson was made the Lt Governor of New Zealand under Governor George Gipps, the Governor of New South Wales.

Once Lt Governor Hobson arrived in New Zealand, he and British Resident, James Busby went ahead and drafted an English draft for the Treaty of Waitangi. Once drafted on 4 February 1840, it was given to Rev Henry Williams and his son Edward to translate into the Tiriti o Waitangi. The Tiriti o Waitangi was read to and discussed by the chiefs on 5 February, with signing commencing on 6 February until 21 May 1840 when Lt Governor Hobson declared British sovereignty over all the Islands of New Zealand.

How can the Treaty of Waitangi dated 6 February 1840 be our founding document when it was signed when New Zealand was under the dependency of New South Wales and only asked the tangata Maori to give up their governments to Queen Victoria and in return they would become British Subjects with the same rights as the people of England?

No more, no less, no partnership and definitely no Co-governance.

Once the Treaty of Waitangi was signed, it had achieved its purpose and was filed away. New Zealand was under British sovereignty and all the people of New Zealand under one flag and one law, irrespective of race, colour or creed.

The Five Principles for Crown Action on the Treaty of Waitangi are a fallacy dreamt up by Hon Geoffrey Palmer in 1986 when Attorney General. The Tiriti o Waitangi had only one principle and that was, *He iwi tahi tatou – We are now one people*". Palmer later admitted, *"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"*. But he somehow managed to dream up, *"Five Principles for Crown Action on the Treaty of Waitangi"*!

In 1877 Chief Justice Sir James Prendergast ruled, *"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, but is completely ignored by government, Maori and most of our researchers and historians today.

The people who signed the Tiriti o Waitangi were called *"tangata Maori"*, not *"tangata whenua"* as explained by Professor Ranginui Walker when Head of Maori Studies at the Auckland University, *"The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (prior inhabitants) living in New Zealand"*. The Government also does not have a definition of the indigenous people or tangata whenua of New Zealand.

While the Treaty honoured the promise the King had made to the tangata Maori to be their protector and guardian as asked for by the 13 Ngapuhi chiefs in 1831, it also gave the tangata

Maori the same rights as the people of England, but it did very little in founding New Zealand as a British Colony under one flag and one law, irrespective of race, colour or creed. This was achieved by Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

Queen Victoria's Royal Charter/Letters Patent.

Once the Treaty of Waitangi had achieved its purpose and was filed away, a Royal Charter letters patent 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:

<http://onenzfoundation.co.nz/queen-victorias-two-royal-charter-s-letters-patent/>.

Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 is our true Founding Document for the following reason.

1. It separated New Zealand from New South Wales dependency.
2. It made New Zealand into a British Colony.
3. It placed New Zealand under the sovereignty of Great Britain.
4. It gave New Zealand its first Governor, Governor William Hobson.
5. It gave New Zealand a constitution that set up our political, legal and justice systems.
6. It placed all the people living in New Zealand under one flag and one law, irrespective of race colour or creed.
7. It gave the tangata Maori protection, not only from the French, but also themselves, the first time ever for the tangata Maori.
8. It stopped all the intertribal fighting, slavery, cannibalism and genocide.

9. It returned thousands of hectares of land to the tribes the chiefs had sold before the Treaty was signed.
10. It advanced the tangata Maori 1000 years without lifting a finger.

There is no other document in New Zealand's history that comes anywhere near to a true Founding Document and first Constitution than Queen Victoria's Royal Charter dated 16 November 1840, but is completely ignored by the government, Maori and most of our researchers and historians. WHY?

Prepared by Ross Baker, Researcher One New Zealand Foundation Inc. The One New Zealand Foundation Inc was formed in 1988 to research our true documented history using the Official Information Act and the New Zealand, Australian, and American Archives, plus the British Parliamentary Papers.

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