

What happened to the Agreement the Tangata Maori Chiefs made with Queen Victoria in 1840?

In 1840, over 500 tangata Maori chiefs made an agreement with Queen Victoria; if they gave up their governments to the Queen, they would become British Subjects with the same rights as the people of England, no more, no less, no partnership and definitely, no Co-government. FACT!

British intervention in New Zealand began in 1831 when 13 Ngapuhi chiefs ask Britain to be their guardian and protector, not only from themselves but also from the French who were showing an interest in annexing New Zealand to France. In 1833 Britain sent a British Resident, James Busby to try and bring protection, law, and order to all the people of New Zealand.

In 1835 the British Resident tried to get the tangata Maori to claim sovereignty over New Zealand with his unauthorised "Declaration of Independence", but he could only entice 52 chiefs to sign it before they were back fighting each other, and it was abandoned without one meeting taking place. It was obvious the tangata Maori chiefs could never form a united government, and therefore, claim sovereignty over New Zealand.

Chief Justice 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 overruled but is completely ignored by the Government, Maori and most of our researchers/historians.

With over half the tangata Maori population killed, taken slaves, or eaten by the intertribal wars and two-thirds of the country sold by the chiefs to foreigners by 1839, Britain reluctantly had to take a more active role if the tangata Maori were to survive. Britain decided a treaty with the tangata Maori chiefs was the best way to bring protection, law and order to a country that was completely out of control. The Treaty of Waitangi was signed in 1840 by over 500 tangata Maori chiefs and most of the land the chiefs had sold was returned to them by the Colonial Government once the Treaty was signed.

Article 1 of the Treaty of Waitangi asked the tangata Maori chiefs to give up their kawanatanga/ governments to the Queen and in return, Article 3 made the tangata Maori British Subjects with the same rights as the people of England.

No more, no less, no Partnership and definitely, no Co-Governance.

The Preamble and Article 2 explained to the tangata Maori people they would have the same rights/protection to "their" land, "their" settlements and all "their" property, the same as "all the people of New Zealand" once the Treaty of Waitangi was signed. This is English Law based on the Magna Carta.

Under English Law, Queen Victoria did not have the authority or power to give the tangata Maori any special rights in the Treaty of Waitangi not enjoyed by all the people of England and none were given!

The Chiefs who signed the Treaty at Waitangi on 6 February 1840 fully understood this when they shook Lt. Governor Hobson's hand with the words. "*He iwi tahi tatou – We are now one people*". Over 500 tangata Maori chiefs signed the Treaty on behalf of their people in 1840 and became British Subjects with the same rights as the people of England, under British Sovereignty and English Law.

This was endorsed by Sir Apirana Ngata, Minister of Native Affairs in 1923 when he stated, *"The chiefs placed in the hands of the Queen of England, the Sovereignty and authority to make Laws. If you think these things are wrong, then blame your ancestors who gave away their rights when they were strong"*.

In 1860 over 200 tangata Maori chiefs swore their allegiance to the Queen's Rule at the Kohimarama Conference with a unanimous vote, *"Do not consent that the Treaty should be for the Europeans alone but let us take it for ourselves. Let this meeting be joined to the Treaty of Waitangi, let us urge upon the Government not to withhold it from us. That this conference takes cognisance of the fact that several chiefs, members thereof, are pledged to each other to do nothing inconsistent with their declared recognition of the Queen's sovereignty, and of the unions of the two races"*.

There is no denying, today's Maori ancestors gave up their rights to Queen Victoria in 1840 under one flag and one law, irrespective of race colour or creed. Since this time, the Tangata Maori have intermarried with other races and adapted to their way of life, therefore, it is wrong for them to expect to be given special rights over all other New Zealand citizens, especially when their ancestors agreed to become British Subjects with the same rights as the people of England. No more, no less, no partnership and definitely, no Co-governance!

The Treaty referred to the people who signed it as tangata Maori, not the indigenous people of New Zealand or the tangata whenua as there were people living in New Zealand before the tangata Maori arrived in 1350. Even the Government does not have a definition of the indigenous people of New Zealand. This was endorsed by Dr Ranginui Walker in the, "1986 New Zealand Yearbook", page 18 when he stated, *"The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (prior inhabitants) living in New*

Zealand". Cape Reinga-Spirits Bay region of the Far North has great spiritual significance for Māori as it is stated when they die their spirits leave New Zealand by Cape Reinga to return to the homeland of their ancestors in Hawaiki.

Maori must remember, when they meet their tangata Maori ancestors, they will have to explain to them how they dishonoured the agreement they had made with Queen Victoria in 1840 that saved their people from extinction by their own hand.

New Zealand's True Founding Document and First Constitution

The Treaty of Waitangi was never intended to be our Founding Document as it only asked the tangata Maori to give up their governments to the Queen and in return, they would become British Subjects with the same rights as the people of England. Lt. Governor Hobson announce British Sovereignty over all the Islands of New Zealand on 21 May 1840 and on 16 November 1840, 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*". This was New Zealand's true Founding Document and the first Constitution that involved all the people of New Zealand, irrespective of race colour or creed.

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

Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 is New Zealand's true Founding Document and first Constitution. It separated New Zealand from New South Wales on 3 May 1841 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.

For further information: www.onenzfoundation.co.nz or contact:

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