

# True Tiriti - False Treaty

## True Tiriti - False Treaty

Right from the beginning there were going to be problems, not because of the actual Treaty but because there were two different documents. One the 'true' treaty in Maori, Te Tiriti o Waitangi, signed at Waitangi and the other a false 'English version'. This false 'English version' was attached to the 1975 Treaty of Waitangi Act, while the 'true treaty' the Maori text, did not appear in the Act until the 1985 Amendment. *See copy of the 'two versions' of the Treaty and the official translation for the Legislative Council below.*

The Second Law of the true Maori text gave the same rights to the Chiefs, the Hapus and all the people of New Zealand, while the false 'English version' gave Maori continuing preferential rights over Pakeha.

### **'True' Maori text - Second Law (See Translation Below)**

*"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 all their property".*

Once the Tiriti o Waitangi was signed both Maori and Pakeha had the same rights under the law "to their lands, their settlements and all their property".

### **False 'English version' - Second Law (See Copy Below)**

*"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...."*

The false 'English version' would continue to give preferential rights to Maori over their "Lands and Estates, Forests, Fisheries and other properties which they may collectively or individually possess....". This false 'English version' has been called a 'living document' and has been used as such to continue the generation claims. For 10 years this false document set up the Waitangi Tribunal to give Maori preference over all other New Zealanders. The introduction of the true treaty, Tiriti o Waitangi in 1985 made little difference - the stage had been set.

### **Principles and Partnership.**

The false 'English version' also allowed the Fourth Labour Government to write the "Five Principles for Crown Action on the Treaty of Waitangi" making the Treaty into a "Partnership between Maori and the Crown". This could never have happened with the Tiriti o Waitangi where all the people became one people under the law -English Law based on the Magna Carta.

### **English Version a Fraudulent Document.**

The 'English version' and the Maori Te Tiriti o Waitangi, both have the words, "Done at Waitangi on the 6th February 1840" written on the bottom, but the 'English version', was not "Done at Waitangi on the 6th February 1840". It was never presented, read, discussed or signed at Waitangi on this day, therefore it is *legally* a fraudulent document.

### **Completely Different Document**

If one was a true and accurate translation of the other, then it would be acceptable, but the two texts are two completely different documents. One gave the same rights to both Maori and Pakeha while the other gave preferential rights to Maori only.

### **International Law.**

In International Law, if the English language text differs from the Native language text, then the Native language text takes precedence over the English language text.

### **The False English Version**

Once the final draft of the Treaty was translated by the Rev Henry Williams and his son into the Tiriti o Waitangi; both the translation, TeTiriti o Waitangi and the final draft were read to the large gathering of Maori and Pakeha at Waitangi on the 5th February 1840. Now that the Treaty had been read to the Chiefs, Hobson's secretary James Freeman had to send a dispatch back to England of the events of the day. Instead of asking Hobson for a copy of the final draft, he compiled an English Treaty from Busby's earlier draft notes. Freeman, not knowing that major changes had been made to the final draft, including recognition of Pakeha in the Second Law, he completely left Pakeha out giving preferential rights to Maori only. While Freeman made seven versions, which all varied, all had "Done at Waitangi on the 6th February 1840" on the bottom, but not one was ever presented, read, discussed or signed at Waitangi on the 6th February 1840. Legally the English version is a 'fraudulent document' as it was not, "Done at Waitangi on the 6th February 1840".

## **The Final Draft**

(Littlewood Treaty document)

The reappearance of the final draft in 1989 also showed without doubt, the Tiriti o Waitangi was not translated from this English text and was not the document read in conjunction with the Tiriti o Waitangi to the gathering on the 5th February 1840. The false 'English version' of the Treaty of Waitangi was not authorized by Governor Hobson to be read, discussed or signed by the Chiefs. He accepted the signatures as, "merely testimonials of adherence of that original document signed on the 6th February 1840".

## **Never an English Version**

Lt. Governor Hobson never made or authorized an English version of the Treaty to be signed by the Chiefs, but he did authorise the Church Mission Society to print 200 copies of the Tiriti o Waitangi in the Maori language.

## **False English Version Never Read or Discussed - Just Signed**

When the Rev Robert Maunsell arrived at Waikato Heads to gather further signatures, his official copy of the Tiriti o Waitangi had not arrived. Luckily, he had a CMS printed copy in Maori and proceeded to read this to the people gathered. Discussions followed before the chiefs commenced signing. As the CMS printed document could only hold a few (5) signatures, Maunsell produced one of James Freeman's compiled versions, which he used to collect a further 39 signatures. At no time was this document read or discussed, it was just used to record the signatures of approval to the CMS printed copy of the Tiriti o Waitangi in the Maori language. While Hobson later signed this document, the signatures were, merely testimonials of adherence to the terms of that original document".

## **Hobson's Statement**

*"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".*

The original document being the Tiriti o Waitangi in the Maori language that was signed on the 6th February 1840 at Waitangi. No English version of the Treaty of Waitangi was ever read, discussed or signed at Waitangi on the 6th February 1840.

All English versions of the Treaty of Waitangi are fraudulent documents.

## **There is only one Treaty**

There is only one true treaty , the Tiriti o Waitangi. This is the one that ceded sovereignty of New Zealand to Britain and gave all the people of New Zealand, Maori and Pakeha the same rights and protection under English Law to their lands, their settlements and their property.

No More - No less.

## **Our New Constitution**

If we are to rewrite our Constitution, then it must be based on the Tiriti o Waitangi, our founding document and its one principle,

### **He iwi tahi tatou**

- We are now one people - New Zealanders.

**Prepared by the One New Zealand Foundation Inc. 6/2/2012.**

This Treaty **WAS** Done at Waitangi on this 6th Day of February in the Year of Our Lord One Thousand eight hundred and forty.

### THE TREATY OF WAITANGI

(The Treaty of Waitangi Amendment Act 1985)

The Treaty of Waitangi

(The text in Maori)

*This description is misleading as it implies that the Maori text is a version of the English language 'Treaty of Waitangi'.*

*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 wakaetia 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 kiakaua ai nga kino e puta mai ki te tangata Maori ki 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 aianei, 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 tinorangatiratanga 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 wakaetanga 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 Tiranika kite nei i te ritenga o enei kupu, ka tangohia ka wakaetia 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.*

#### **Hobson's Statement**

*"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”.*

This false ‘English version’ was NOT “Done at Waitangi on this Sixth day of February in the year of Our Lord One thousand eight hundred and forty”. It is a fraudulent document.

*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 there of 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 thereof 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.*

## **CONSTITUTION OF NEW ZEALAND**

From Wikipedia, the free encyclopedia.

“The constitutional place of the Treaty of Waitangi is a subject of much debate. Increasingly, the Treaty is seen as an important source of constitutional law.....The English text of the Treaty itself is included in the Treaty of Waitangi Act 1975, an act which established the Waitangi Tribunal to determine issues of breaches of the Treaty. The Act was initially prospective, but was later amended in 1985 so that claims dating from the signing of the Treaty could be investigated. The 1985 amendment also included the Maori text of the Treaty for the first time”.

## **T.E Young’s back-translation of the Maori text into English (1869).**

This official translation was made for the Legislative Council by the Native Department 1869. It is a true and accurate translation of the day.

*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, heir 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.*