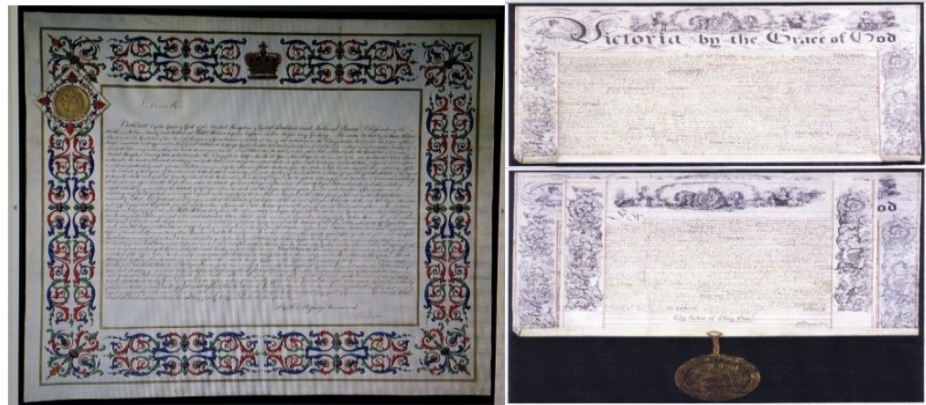


Government hides Royal Charters to assist Maori Sovereignty

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The 1839 Royal Charter/Letters Patent

The 1840 Royal Charter/Letters Patent

On the 17 April 2017 the Government allowed Archives New Zealand to dismantle the Constitution Room and separate Queen Victoria's two Royal Charters/Letters Patent from the Tiriti o Waitangi to help Maori claim sovereignty over New Zealand. Queen Victoria's Royal Charters/Letters Patent of 1839 and 1840, "That gave Sovereignty of New Zealand to Britain and set up our political, legal and justice systems" have been hidden away in Archive Repository amongst the other 6 million documents, while the Tiriti o Waitangi, "That gave tangata Maori the same rights as the people of England if they gave up their governments/Kawanatanga to the Queen " has been place in the new \$7.2 million He TohuExhibitat our National Library, Wellington, "As an iconic constitutional document that shaped Aotearoa New Zealand".

By doing this, the Government has misled the public into believing tangata Maori had sovereignty over all the island of New Zealand in 1840, but the fact is, New Zealand's sovereignty was gained by the "Law of Nations" seven days before the first signature appeared on the Tiriti o Waitangi and was ratified by the reading of the two Proclamations by Lt. Governor Hobson on the 30 January 1840 at Kororareka/Russell.

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 be 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, utu/ revenge or for the feasts that followed.

While Government has misled the public since the 1975 Treaty of Waitangi Act to now hide constitutional document to help Maori gain sovereignty is corrupt!

Our true history is now hidden by Government in Archives Repository.

Ngapuhi chief, Hongi Hika returned from England in 1820 after helping Professor Samuel Lee write his tangata Maori to English dictionary with over 500 muskets. He and his followers then went on a rampage South killing tens of thousands of his unarmed country men, women and children. By 1830 the Southern tribes were gaining muskets for utu/revenge on Ngapuhi for Hongi Hika's cowardly atrocities.

In 1831, 13 Ngapuhi chiefs fearing utu/revenge from the Southern tribes, wrote to the King of England asking him to be their guardian and protector, not only from themselves but also from the French. Two years later Britain sent a Resident, James Busby to New Zealand to bring peace amongst all the people of New Zealand who were without laws, but without forces this was an impossible task and he was soon called, "*A man of war without guns*".

In 1835, James Busby decided to write a Declaration of Independence recognising tangata Maori sovereignty over all the islands of New Zealand and for them to assemble annually to form laws for the promotion of peace, justice and trade. After Busby had written the Declaration he had Rev Henry Williams translate it into the tangata Maori language. In (2) of the Declaration Rev Henry Williams translated the word "*sovereignty*" to "*Kingitanga*" and "*Government*" to "*Kawanatanga*". See Declaration of Independence page 5.

Over the next few years Busby tried to get the Northern chiefs to sign the Declaration but the ever present intertribal tension and fighting took precedence over political cooperation, as always and it was abandoned with only 35 signatures. While it was a complete failure, it did show the chiefs were ignorant of the meaning of "*Sovereignty*" over New Zealand.

In 1790 a very strong group of aristocratic evangelical Anglicans had formed a group called the "**Clapham Sect**" to protect indigenous peoples from colonial exploitation. Sir James Stephens, the Undersecretary to Colonies was a strong member of this group and in 1838 wrote draft instructions if Britain decided to claim sovereignty over New Zealand. Lord Normanby decided to use this draft to give to Captain Hobson to make an agreement with tangata Maori if Britain claimed sovereignty over New Zealand. Normanby was not sure whether tangata Maori had claimed sovereignty by James Busby's Declaration of Independence and added this note to the instructions, "*I have already stated that we acknowledge New Zealand as an independent state so far as at least possible to make that acknowledgement in favour of a people composed of numerous dispersed petty tribes, who possess few political relations as to each other, and are incompetent to act in concert*". This comment completely contradicts itself, especially when he stated tangata Maori were, "*A people composed of numerous dispersed petty tribes, who possess few political relations as to each other, and are incompetent to act in concert*".

By 1839 many British Subjects had travelled to New Zealand and had set up businesses as well as buying large tracks of land from the tangata Maori and turning it into productive farms. In fact, 2/3 of New Zealand had been sold by the chiefs by 1840 with many of the Deeds of Sale still held in the New South Wales Supreme Court. As Britain had a duty to protect British Subjects and their

businesses abroad and honour the King's commitment to tangata Maori to protect them, Britain decided she had to take a more active roll in New Zealand's political affairs. As Maori consisted of hundreds of small tribes, constantly at war with each other, Britain had no alternative than to claim New Zealand's sovereignty under the "**Law of Nation**" to set up a legal government to make laws.

In 1839, New Zealand was without law and completely out of control!

On the 30 July 1839 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*", placing New Zealand under the laws and dependency of New South Wales. The Governor of New South Wales, Governor Gipps becoming the first Governor of New Zealand and Captain William Hobson his Lt. Governor to New Zealand.

Because tangata Maori did not have a united government, Lt. Governor Hobson ask each individual tangata Maori chiefs on the 6 of February 1840 to give up their "*government/kawanatanga*" and in return they would be, "*Given the same rights as the people of England*", under English law of one flag, one law.

Article/Law 1 of the Tiriti o Waitangi states, "*Ko nga Rangitātiri o te Wakaminenga me nga katoa hoki ki hai I uru ki taua wakaminienga ka tuku rawa atu kit e Kuini o Ingarani aka yona atu-te-Kawanatanga katoa o o ratou wena*".

Mr T E Young of the Native Department was asked for an "official" translation of the Tiriti o Waitangi by the Legislative Council in 1869 and he translated Article/Law 1 as, "*The chiefs of the Assembly, and all Chiefs also who have not joined that Assembly, give up entirely to the Queen of England for ever all the governments of their lands*". Since the Declaration of Independence in 1835, "*Government*" has always been translated as "*Kawanatanga*"

If the chiefs agreed to Article/Law 1 then Article/Law 2 would guarantee to tangata Maori the same rights to their land, dwellings and property as, "*all the people of New Zealand*" under English law. There was one extra clause in Article/Law 2 that stated, tangata Maori could only sell their land to the Crown at an agreed price to stop land speculators.

Article/Law 3 gave tangata Maori, "*The same rights as the people of England*" under one flag and one law with tangata Maori becoming British Subjects and since 1947 when New Zealand became a sovereign state, New Zealand Citizens.

The Treaty was signed by 540 tangata Maori chiefs in 1840 giving Britain the right to set up a political, legal and justice systems over the whole country under one flag and one law.

"*Government*" was translated by Rev Henry Williams to "*Kawanatanga*", not "*sovereignty*" as many argue. There is not one translation of "*Kawanatanga*" that translates to "*Sovereignty*".

No mention was made of "*Sovereignty*" by any chief on the 5 February 1840 at Waitangi when they discussed the Tiriti o Waitangi for 5 hours with Hobson, Busby and Rev Williams. They were

concerned Lt. Governor Hobson would be up, up, up and the chiefs would be down, down, down under the laws and dependency of New South Wales!

If we relied solely on the Tiriti o Waitangias the document that gave sovereignty of New Zealand to Britain, then we would fail as there is nothing in the Tiriti o Waitangi giving sovereignty to Britain, it asked tangata Maori, *"To give up their governments in return for the same rights as the people of England"*.

Sovereignty was obtained under the **"Law of Nations"** by the 1839 Royal Charter/Letters Patent dated the 30 July 1839 issued by, *"Victoria by the Grace of God"* under, *"The Great Seal of the United Kingdom of Great Britain and Ireland"* with the Proclamations being read by Lt. William Hobson on the 30 January 1840 at Kororareka, seven days before the first signature appeared on the Tiriti o Waitangi.

Britain used the **"Law of Nation"**, which is fully explained by Chief Justice Sir James Prendergast, GCMG in 1877 when he ruled the Treaty of Waitangi was, *"A simple nullity"* in 1877. In an Official Information Act reply from Tania Ott, Director, Senior Courts, Ministry of Justice, Chief Justice Prendergast's ruling has never been over-ruled

The Privy Council also ruled in 1941, *"That if it is not in our legislation, then the Treaty of Waitangi is not legally binding"*. The Treaty of Waitangi is not in our legislation, therefore, is not legally binding.

Once New Zealand became under the Government of New South Wales, Britain decided to issue another Royal Charter/Letters Patent dated the 16 November 1840 by *"Victoria by the Grace of God"* under, *"The Great Seal of the United Kingdom of Great Britain and Ireland"* separating New Zealand from New South Wales with Lt Governor Hobson becoming New Zealand second Governor. The Royal Charter/Letters Patent also gave Governor Hobson New Zealand's first Constitution to set up political, legal and justice systems under English law of one flag and one law, irrespective of race, colour or creed.

Both Royal Charters/Letters Patent were issued by, "Victoria by the Grace of God" under "The Great Seal of the United Kingdom of Great Britain and Ireland", the Tiriti o Waitangi was not!

It's interesting that Sir Geoffrey Palmer, a past Attorney General and Prime Minister that made most of the Treaty of Waitangi reforms in the 1980's is now trying to have the Treaty of Waitangi as part of our Constitution to make the Treaty of Waitangi legally binding, therefore, over-ruling the Privy Council's ruling in 1941, *"That if it was not in our legislation, then the Treaty of Waitangi was not binding"*. He also refused to consult the Privy Council on his reforms, stating in his book, *"New Zealand's Constitution in Crisis"*, *"I was utterly opposed to the Privy Council having anything to say at all about what the Treaty meant in New Zealand"*. Mr Palmer they had already told you it was, **"Not legally binding"!**

It is also interesting to note that on the ABC's Four Corners programme in 1990, Sir Geoffrey Palmer stated, *"The meaning of the Treaty of Waitangi, in terms of it operational consequences now, was far from clear. In fact, it's a document that is so vague that that is its primary problem"*. Sir Geoffrey Palmer is now trying to have this, *"Unclear and vague document"*, part of our Constitution to make

his 1980's reforms legal. Is this man a traitor to his own country or just another government "puppet" assisting Maori to gain "Sovereignty" over New Zealand, the same as past Treaty of Waitangi Negotiators, Hon Douglas Graham and Christopher Finlayson.

It is correct, tangata Maori did not give up their "Kingitanga/Sovereignty" to Britain in the Tiriti o Waitangi for the simple reason, they did not have "sovereignty" to give up. Instead they gave up their individual "governments" in return for becoming British Subjects, "With the same rights as the people of England". Britain had tried to have tangata Maori recognise "sovereignty" in 1835 but they were more interested in continuing their intertribal warfare than political co-operation and, therefore, ignorant or incapable of ceding sovereignty rights.

Britain claimed "Kingitanga/Sovereignty" by the "Law of Nations" and tangata Maori gave up their "Kawanatanga/Governments" to the Queen by the "Tiriti o Waitangi"!

It must also be remembered, the people that signed the Tiriti o Waitangi in 1840 were called "tangata Maori" as New Zealand had previously been inhabited by a race of people called "tangata Whenua" or the Indigenous People of New Zealand. Tangata Maori were a distinct race of people in 1840 but today they are a mixed race of people through intermarriage of their own free will with other races until most only retain a minute trace of tangata Maori ancestry, therefore, today are New Zealand Citizens with very little tangata Maori ancestry.

While all this history has been hidden away by Government in Archives New Zealand's Repository to assist Maori in gaining sovereignty over New Zealand, the One New Zealand Foundation Inc. has copies of all the relevant documents that gave Great Britain Sovereignty over all the islands of New Zealand by Queen Victoria's Royal Charter/Letters Patent dated the 30 July 1839 under the **Law of Nations**.

For further information or copies of the relevant documents, please log onto: www.onenzfoundation.co.nz or Email, ONZF@bigpond.com.au.

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The Declaration of Independence.

From the 1835 Declaration of Independence below, you will see Rev Henry Williams translated "Sovereignty" to "Kingitanga" and "Government" to "Kawanatanga". Five years later Rev Henry Williams again translated "Government" in the Tiriti o Waitangi as "Kawanatanga". "Government" has always meant and been translate to "Kawanatanaga"

A Declaration of
The Independence
of
New Zealand

1. We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands, on the 28th day of October 1835, declare the

Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of the United Tribes of New Zealand.

2. All **sovereign**power and authority within the territories of the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of **government** to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.
3. The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.
4. They also agree to send a copy of this Declaration to his Majesty the King of England, to thank him for his acknowledgment of their flag; and in return for the friendship and protection they have shown, and are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unanimously on this 28th day of October 1835, in the presence of His Britannic Majesty's Resident. (Here follows the signatures or marks of thirty-five Hereditary chiefs or Heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames).

English witnesses (*signed*)

Henry Williams, Missionary, C.M.S.; George Clarke, C.M.S.; James C. Clendon, Merchant; Gilbert Mair, Merchant.

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

(*signed*)

JAMES BUSBY, British Resident at New Zealand

HE WAKAPUTANGA O
TE RANGATIRATANGA
O
NU TIRENI

1. Ko matou, ko nga Tino Ranatira o nga iwi o Nu Tireni i raro mai o Hauraki kua oti nei te huihui i Waitangi i Tokerau i te ra 28 o Oketopa 1835, ka wakauputa i te Rangatiratanga o to matu wenua a ka meatia ka wakauputaia e matou he wenua Rangatira, kia huaina, ko te Wakaminenga o nga Hapu o Nu Tireni.

2. Ko te **Kingitanga** ko te mana i te wenua o te wakaminenga o Nu Tireni ka meatia nei kei nga Tino Rangatira anake i to matou huihuinga, a ka mea hoki e kore e tukua e matou te wakarite ture ki te tahi hunga ke atu, me te tahi **Kawanatanga** hoki kia meatia i te wenua o te wakaminenga o Nu Tireni, ko nga tangata anake e meatia nei e matou e wakarite ana ki te ritenga o o matou ture e meatia nei matou i to matou huihuinga.
3. Ko matou ko nga tino Rangatira ka mea nei kia huihui ki te runanga ki Waitangi a te Ngahuru i tenei tau i tenei tau ki te wakarite ture kia tika ai te wakawakanga, kia mau pu te rongo kia mutu te he kia tika te hokohoko, a ka mea hoki ki nga tauwi o runga, kia wakarerea te wawai, kia mahara ai ki te wakaoranga o to matou wenua, a kia uru ratou ki te wakaminenga o Nu Tireni.
4. Ka mea matou kia tuhituhia he pukapuka ki te ritenga o tenei o to matou wakaputanga nei ki te Kingi o Ingarani hei kawae atu i to matou aroha nana hoki i wakaae ki te Kaara mo matou. A no te mea ka atawai matou, ka tiaki i nga Pakeha e noho nei i uta, e rere mai ana ki te hokohoko, koia ka mea ai matou ki te Kingi kia waiho hei matua kia matou i to matou Tamarikitanga kei wakakahoretia to matou Rangatiratanga.

Kua wakaetia katoatia e matou i tenei ra i te 28 Oketopa, 1835, ki te aroaro o te Reireneti o te Kingi o Ingarani.

Te Tiriti o Waitangi

As can be seen from the Tiriti o Waitangi below, "Kawana/Governor" or "Kawanatanga/Government" is used five times. There is no denying that Rev Williams meant "Government" and not "Sovereignty" in the Tiriti o Waitangi because he knew tangata Maori did hold "Sovereignty" over New Zealand. Britain had claimed "Sovereignty" under the "Law of Nations" on the 30 January 1840.

It's also interesting to note the people that signed the Tiriti o Waitangi were referred to as "tangata Maori" as they were not the "tangata whenua", the original inhabitants or the Indigenous people of New Zealand.

There is nothing in the Tiriti o Waitangi referring to "Sovereignty", tangata Maori were asked to give up their individual "Governments" in return for becoming British subjects with the same rights as the people of England. Every translation of the Tiriti o Waitangi or the word "Kawanatanga" since the Declaration of Independence translates to "Government".

TE TIRITI O 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 maorio** Nu Tirani - kia wakaetia e nga Rangatira maorite **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 **Kawanamo** nga wahi katoa o Nu Tirani e tukua aiane amua 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 Tuatha

Ko nags Rangatira o te wakening me nag Rangatira kata hook kid hay a uric Ki taka dataming ka tulku raw a at kid te koine o Ingrains ache ton ate - te **Kawanatanga** Katoa o 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 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 maoriki** katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

[Signed] W. 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.

Ko nga Rangatira o te Wakaminenga.