

From Treaty of Waitangi to Royal Charter to Independence Day.

Since the 1975 Treaty of Waitangi Act that created the Waitangi Tribunal, academics such as Sir Hugh Kawharu and Dr Margaret Mutu have continued to distort the Tiriti o Waitangi translation until it is obvious the Maori language can no longer be translated into English. They have destroyed a once noble language for greed and to try to make the treaty into something that was never intended. See, ***What Happened to That Noble Language I Gave You?***

<http://onenzfoundation.co.nz/wordpress/articles/what-became-of-that-noble-language-i-gave-you/>

Academics such as Kawharu and Mutu have distorted the translation of the Treaty for people to believe the Treaty put in place exclusive rights for Maori and that sovereignty was never annexed to Great Britain. They and others with the assistance of weak governments have distorted the Treaty to such an extent that it is said the Treaty is now "*A Partnership between Maori and the Crown*" and with the help of Sir Geoffrey Palmer, have re-written the Treaty with the "*Five Principles for Crown Action on the Treaty of Waitangi*". Justice Robin Cooke, a man who should have known better, also endorsed the "*Partnership*" and "*Five Principles*" by using Kawharu's distorted translation in the 1987 Court of Appeal. The Treaty only had one principle, "*He iwi tahi tatou – We are now one people*", which Lieutenant-Governor Hobson said as he shook each chiefs hand after they had signed the Tiriti o Waitangi at Waitangi on the 6th February 1840. To this, the whole gathering gave three hearty cheers.

The Treaty was a follow on from a letter 13 Northern chiefs had written to the King of England in 1831 asking him to be their guardian and protector. This led to Britain sending a British resident in 1833 and the signing of the Declaration of Independence in 1835, but due to the continual inter-tribal tension and fighting between the tribes; all failed. Great Britain had to become more involved in New Zealand if the Maori race was to survive. New Zealand had to be annex to Great Britain by Treaty if Great Britain was to become legally involved in the governing of the whole country.

In 1839, Britain reluctantly decided to send Captain William Hobson to New Zealand to ask the chiefs to sign a treaty giving sovereignty to Great Britain and Maori protection with the same rights and laws as the people of England under the dependency of New South Wales.

The instructions from Lord Normanby to Captain William Hobson made no mention of any exclusive rights for Maori in the Treaty and Hobson on behalf of Queen Victoria did not give any. The chiefs could not give up their sovereignty as there was no true sovereignty or united body in New Zealand at the time the Treaty was signed. Now sworn in as Lieutenant-Governor; Hobson asked each chief to give up his territory and government to the Queen if they wanted protection and one law for all the people of New Zealand as asked by the 13 chiefs in 1831 and the first time ever for Maori. Maori were to become part of the most powerful nation in the world, Great Britain.

Lieutenant-Governor Hobson also made sure the majority of chiefs that had signed the Declaration of Independence also signed the Treaty making the Declaration "null and void". With the Treaty signed by over 500 chiefs, Great Britain obtained sovereignty over the North Island by Treaty and over the South Island by Discovery. The

Proclamations were published in the London Gazette on 2nd October 1840 and was accepted internationally, especially by France that also wanted to annex New Zealand. **New Zealand was now annexed to Great Britain with one law for all, irrespective of race, colour or creed.**

At the time the Treaty was signed it is estimated over half the Maori population had been slaughtered or taken as slaves by the more powerful tribes, especially in the South Island and Taranaki. Many chiefs of these defeated tribes had also sold over 2/3 of New Zealand to foreign owners, some chiefs traveling to Australia to make a sale with many Registered Deeds still held in the N.S.W. Supreme Court. See, **Colonization – The Salvation of the Maori Race**, by the ONZF.

With the translation distortions, the Treaty had now lost all credibility causing the One New Zealand Foundation Inc to look further into how New Zealand separated from New South Wales and became its own British Colony with its own Governor and Government to make and enforce laws for all the people of New Zealand, irrespective of race, colour or creed.

The One New Zealand Foundation Inc with the help of Jean Jackson eventually found a document entitled, **Queen Victoria's Royal Charter** dated the 16 November 1840 that had been laying gathering dust for over 170 years in the Constitution Room at Archives New Zealand. This document was the document that separated New Zealand from New South Wales, gave New Zealand a Governor, enacted the Colony of New Zealand, created and established a Legislative Council, an Executive Council, our Courts and granted certain powers and authority to the Governor of the said Colony. It also superseded the Treaty of Waitangi, which only gave sovereignty to Great Britain under the dependency of New South Wales and Maori the same rights as the people of England under English law.

The Royal Charter is our true **Founding Document** and first written **Constitution**. We must thank Sir Hugh Kawharu and Dr Margaret Mutu for bringing this to our attention through their distorted translations of the Treaty, without this the ONZF would never have researched how we became our own British Colony with our own Governor and Government or found our true **Founding Document** or first written **Constitution**.

While the One New Zealand Foundation has always wondered what Sir Apirana meant by the quote in this book, **The Treaty of Waitangi – An Explanation**, “*Let me issue a word of warning to those who are in the habit of bandying the name of the Treaty around to be very careful lest it be made the means of incurring certain liabilities under the law which we do not know now and which are being borne only by the Pakeha*”. Sir Hugh Kawharu and Dr Margaret Mutu have shown he was referring to Queen Victoria's Royal Charter, which confirmed Maori were given no exclusive rights in the Treaty or the Royal Charter, they were to be given the same rights as the people of England under English Law. No more, No less. See Article 3 of the Tiriti o Waitangi and Clause 8 of the Constitution, page 9.

It is interesting when we look at the Tiriti o Waitangi on page 5 below and the Royal Charter on page 6 and 7. The Treaty had little importance after New Zealand had been legally annexed to Great Britain under the dependency of New South Wales. Once New Zealand was legally accepted internationally as being annexed to Great

Britain, the Treaty was put into storage where it was forgotten and attacked by fire and later by rats, but the Royal Charter is still in pristine condition, meaning it was treasured as the most important document in the development, legislation, democracy and constitution of New Zealand. The Royal Charter was our true **Founding Document** and first written **constitution**, which set up the Colony of New Zealand and our first New Zealand Governor and Government. **Our day of Independence!**

Sir Apirana Ngata had warned Maori in 1922, *“To those who are in the habit of bandying the name of the Treaty around to be very careful lest it be made the means of incurring certain liabilities under the law which we do not know now and which are being borne only by the Pakeha”*, but it seems Kawharu and Mutu did not listen to this warning allowing the One New Zealand Foundation Inc to find the Treaty only ceded sovereignty of New Zealand to Great Britain and Maori the same rights as the people of England. The Treaty had nothing to do with New Zealand being separated from New South Wales with our own Governor or enacting the Colony of New Zealand, creating and establishing a Legislative Council, an Executive Council, our Courts and granting certain powers and authority to the Governor of the said Colony. Although no mention is made of the Treaty in the Royal Charter, Clause 8 endorses the guarantee made to Maori in the Treaty that they would be given the same rights as the people of England under English Law. No more, No less.

The First Sitting of the Executive Council was held on the 24 May 1841 with Government being sworn in and English laws were to exist over the whole country as they did in New South Wales. See copy of, ***The First Sitting of the Executive Council of New Zealand*** on page 14.

Queen Victoria’s Royal Charter dated the 16 November 1840 is our true **Founding Document** and first written **Constitution**, therefore it should be recognized and celebrated as:

Our Independence Day.

A day when all the people of New Zealand can celebrate the day we separated from New South Wales and became our own British Colony, with our own Governor and our own Government.

Waitangi Day celebrated on the 6th February has great significance to most Maori as, *“The day, the chief’s placed in the hands of the Queen of England, the Sovereignty and authority to make laws”*, but for some, *“If you think these things are wrong, then blame your ancestors who gave away their rights when they were strong”*. Waitangi Day now has very little, if any significance for the rest of the people of New Zealand: it is a day that has turned into a farce with the Treaty being distorted to give Maori exclusive rights never intended or stated in the Treaty or the Royal Charter. It’s turned into a day of separation of the races when it should have been a day we celebrate as one people. ***“He iwi tahi tatou – We are now one people”***.

Sir Peter Buck, another respected Maori leader and politician quoted, *“Beware of Separatism. The Maori can do anything the Paheka can do but in order to achieve this we must be all New Zealanders first – One Nation, one people closely-knit people, above all, we must all work together. One Nation, One People, One Independence Day, November 16.*

The Treaty of Waitangi has nothing to do with our laws.

When the Treaty was signed and New Zealand became under British Sovereignty, New Zealand inherited English law under the jurisdiction of New South Wales. Queen Victoria did not have the power or authority to give Maori exclusive rights or laws in the Treaty not already enjoyed by all the people of England. Once the Treaty was signed, all the people of New Zealand were under English law; the Treaty had nothing to do with the laws/laws that existed in New Zealand before or after the Treaty was signed. In fact, there were no laws in New Zealand over all the people before 1840.

It was only when the Royal Charter gave New Zealand its own Colony, Governor and Government that New Zealand was able to make and enforce its own laws under the watchful eye of Great Britain. Again, the Treaty had nothing to do with these or any other laws within New Zealand. The only time the Treaty was referred after 1840 was to discuss how the chiefs had given up their territories and governments to the Queen.

Alleged Breaches of the Treaty are Alleged Breaches of the Law, not the Treaty!

Any alleged breaches or grievances can only be breaches of the laws of England or the laws of New Zealand as the Treaty of Waitangi gave no exclusive rights or laws to Maori, therefore any grievance by Maori should have been heard in a Public Court of Law as they were in 1930/40, where any New Zealand Citizen can participate, normal court procedures are followed with documented evidence taking precedence over unfounded oral evidence, the claimants being cross examined and the findings may be appealed. There should be no Select Committees that can and do influence Parliament that settles the recommendations made by the apartheid Waitangi Tribunal or in direct negotiations with pro-Maori Minister, the Hon Christopher Finlayson. Sir Apirana Ngata endorsed this when he stated, "*It was their chiefs who ceded that right to the Queen. The confiscation cannot therefore be objected to in the light of the Treaty*".

Maori Academics Killed the Goose that Laid the Golden Egg - Summary.

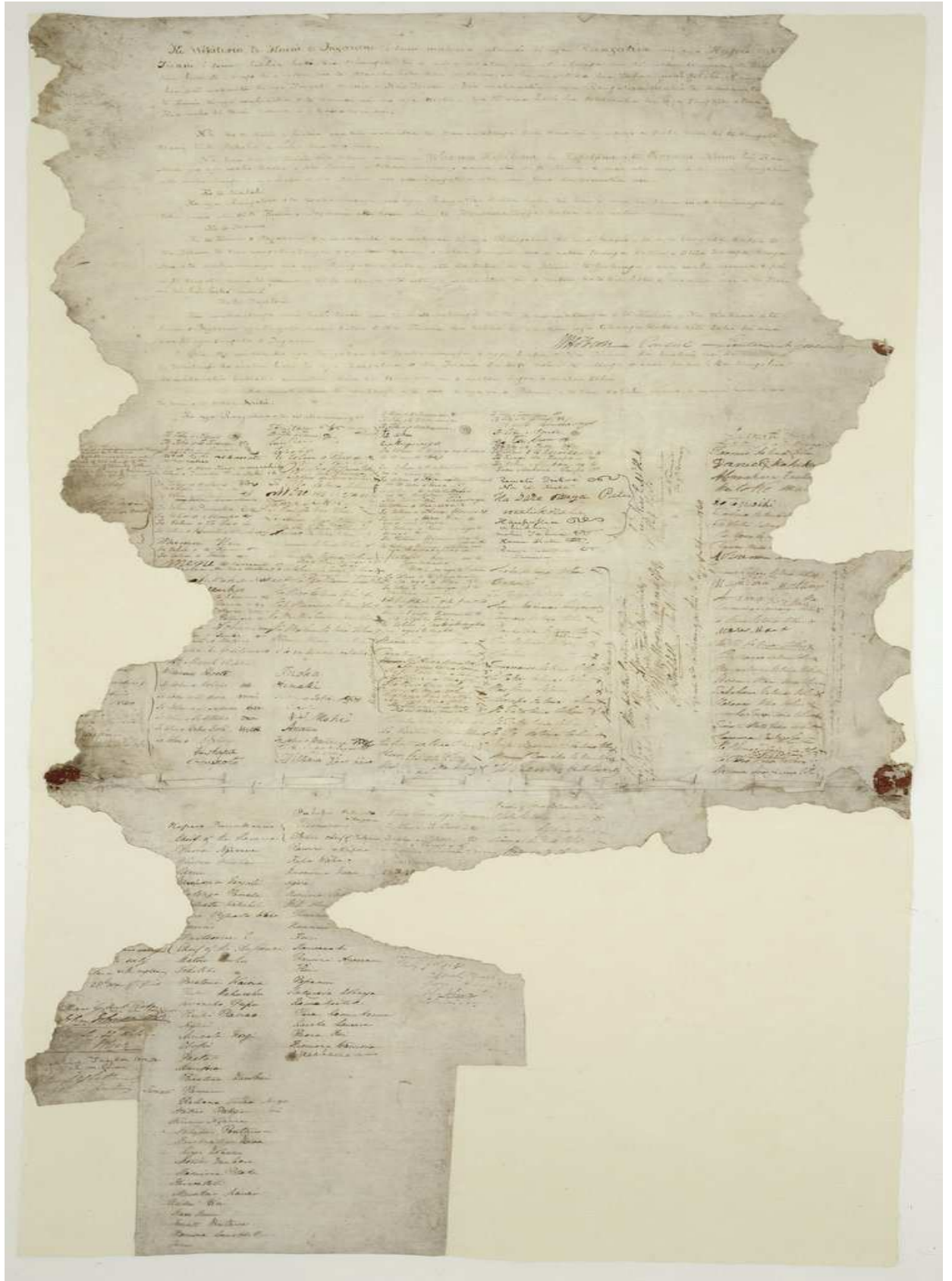
If Maori academics such as Sir Hugh Kawharu and Dr Margaret Mutu had not been so greedy and distorted the Treaty until their Maori language became impossible to translate into English, the One New Zealand Foundation Inc would not have been forced to look for the document that separated New Zealand from New South Wales, gave New Zealand its own Governor, Government and the right to make and enforce laws for all the people of New Zealand, irrespective of race, colour or creed.

Queen Victoria's Royal Charter was our true **Founding Document** and first written **Constitution**. The Treaty only gave sovereignty to Great Britain under the dependency of New South Wales and Maori the same rights as the people of England under English Law.

*"If you think these things are wrong, then blame your ancestors who gave away their rights when they were strong", **The Treaty of Waitangi - An Explanation** by Sir Apirana Ngata, Minister of Native Affairs, M.A, LLt.B, LLt.D, written in 1922.*

Prepared by the One New Zealand Foundation Inc. www.onenzfoundation.co.nz

The neglected fire and rat damage Tiriti o Waitangi after it had served its purpose by the 16 November 1840 and was put into storage.



The Royal Charter disk supplied by Archives New Zealand to the ONZF.



First page of Queen Victoria's pristine Royal Charter by the Grace of God



Second page of Queen Victoria's pristine Royal Charter with attached Great Seal of the United Kingdom.



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

FIRST SITTING OF THE LEGISLATIVE COUNCIL OF NEW ZEALAND.

(From the New Zealand Government Gazette)

His Excellency the Governor, according to notice, opened the first session of the legislative council of New Zealand on the 24th May 1841. Hon. W. Shortland, Colonial Secretary, Hon. Francis Fisher, Attorney General, Hon. George Cooper, Colonial Treasurer, E. S. Halswell, Esq., one of the three senior justices, being present, received the oaths and took their seats in the Legislative Council accordingly. James Coates, Esq., was appointed Clerk of the Council, and took the oaths of office. His Excellency then delivered the following speech :— Gentlemen—I have availed myself of this early period to assemble the members of the legislative council for the purpose of bringing under consideration certain measures which the altered circumstances of the Colony seem to me urgently to require. At this our first meeting I deem it proper to draw your attention, not only to the Royal Charter, but to the highly important instructions under the Royal Signet and Sign Manual which accompany it. The Charter, as you are already aware, erects the islands of New Zealand and certain dependencies into a separate Colony, under the Superintendence of a Governor and Commander-in-Chief. It constitutes a Legislative Council, who are empowered to enact laws and ordinances for the local government of the Colony; it authorises the establishment of Courts of Justice, and the issue of Commissions of the Peace; and, in fact, brings into complete operation British laws throughout the whole Colony of New Zealand. The instructions under the Royal Signet and Sign Manual more particularly define the functions of the Governor and Council, and in a clear and conspicuous manner point out the duties of each. In order that you, gentlemen, may have an opportunity of acquainting yourselves with those particular duties, I have directed the instructions to be laid on the table, and kept open for your perusal in the Council Chamber. I regret that I cannot at the present meeting lay before you the Estimates of the ensuing year, which, although in a forward state of preparation, are in-complete, owing to the non-arrival of directions from the Lords of the Treasury, of which I am advised, and which may be daily expected. I shall lay before you an ordinance for the present re-adoption of all such acts of New South Wales as were in force previous to our separation, and are now applicable to this colony. It is not my intention, however, eventually to propose for your adoption the laws of New South Wales, but it will be my endeavour, during the recess, aided by the advice and assistance of the Law Officers of the Crown, to prepare for your consideration such laws as will best provide for the administration of justice, and the contingencies of social life, which may be expected to arise in New Zealand ; therefore the measures now proposed to you must be deemed temporary and contingent, as re-sulting from the present peculiar condition of the Colony. By Command of Her Majesty I will bring under your consideration the repeal of the Land Commission Act, and submit for your adoption an ordinance for the same general purposes, but grant-ing to the Governor of New Zealand the same powers as those heretofore enjoyed by the Governor of New South Wales. I will likewise lay before you bills for the regulation and collection of the revenue of Her Majesty's Customs, for establishing courts of quarter sessions and requests, and for the prohibition of distillation. These, gentlemen, are the only subjects for the present on which I shall require you to deliberate. We have, gentlemen, a solemn and important duty to perform ; by our means conflicting interests are to be reconciled ; harmony and tranquility established, and measures are to be adopted for improving the condition and elevating the character of the aboriginal inhabitants. In this salutary work I confidently look for your cordial assistance and co-operation, and I trust under Divine Providence we shall be enabled to accomplish these important objects, and to give effect to Her Majesty's Gracious and benign views for the welfare, prosperity, and civilisation of this Colony. After laying on the table the Indemnity Bill, the Governor adjourned the Council until Thursday, the 27th May, 1841.

New Zealand. Anno quarto Victoriæ Reginæ. No. 1. An Ordinance to declare that the laws of New South Wales, so far as they can be made applicable, shall extend to, and be in force in, Her Majesty's Colony of New Zealand from and subsequent to the date of Her Majesty's Royal Charter and Letters Patent, erecting into a separate Colony the Islands of New Zealand, and to indemnify the Lieutenant Governor and other officers thereof for certain Acts done and performed between the date of the said Royal Charter and Letters Patent and the day of passing this ordinance. Whereas by an Act of the Governor and Legislative Council of New South Wales, made and passed in the third year of the reign of Her present Majesty, entitled " An Act to declare that the Laws of New South Wales extend to Her Majesty's Dominions in the Islands of New Zealand, and to apply the same, as far as applicable, in the administration of justice therein, and to indemnify certain Officers for Acts already done." After reciting that Her Majesty had been pleased to annex Her Majesty's Dominions of New

Zealand to the Government of New South Wales, it is enacted that all Laws and Acts or Ordinances of the Governor and Legislative Council of New South Wales, which then were, or thereafter might be, in force within the said Colony should extend to and be applied in the administration of justice within Her Majesty's Dominions in the said Islands of New Zealand, so far as they could be applied therein. And whereas, under and by virtue of an Act of Parliament made and passed in the fourth year of Her said Majesty's Reign, entitled, " An Act to continue until the thirty-first day of December, one thousand eight hundred and forty-one, and to the end of the then next ensuing Session of Parliament, the Provisions of any 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 relative thereto," Her Majesty did, by Her Royal Charter and Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the sixteenth day of November, one thousand eight hundred and forty, erect into a separate Colony the Islands of New Zealand, theretofore comprised within or dependencies of the Colony of New South Wales, with all other islands lying between certain latitude and longitude therein mentioned. And did further provide that from thenceforth the said islands should be known and designated as the "Colony of New Zealand." And whereas, by Her said Royal Charter and Letters Patent, Her Majesty did constitute a Legislative Council for the said Colony of New Zealand, with full power and authority to make and ordain all such Laws and Ordinances as might be required for the peace, order, and good Government of the said Colony. And whereas it is expedient, until all such Laws and Ordinances can be well considered and ordained, that all such Laws, Acts, and Ordinances of New South Wales as are applicable to the Colony of New Zealand should continue to be acted upon and be applied therein. And, in order to remove any doubt which may exist whether the said Laws, Acts, or Ordinances of the said Governor and Legislative Council of New South Wales are and continue in force within the said Colony of New Zealand from and subsequent to the date and proclamation of such Her Majesty's Royal Charter and Letters Patent.

1. Be it therefore enacted and ordained by his Excellency the Governor in and over the Colony of New Zealand, with the advice of the Legislative Council thereof, that so much of all and every of the Laws, Acts, and Ordinances heretofore made by the Governor and Legislative Council of New South Wales, and now in force therein, as have already been, and can hereafter during the continuance of this Ordinance be, applied within the said Colony of New Zealand shall be, and the same are hereby, adopted and declared and directed to be extended to and applied in the Administration of Justice in the said Colony of New Zealand, in the like manner as all other the Laws of England, and as if the same had been repeated and re-enacted in this Ordinance. And whereas doubts may arise as to the validity of Acts done and performed in the said Colony of New Zealand since the date of her said Majesty's Royal Charter and Letters Patent by his Excellency as the Lieutenant Governor of the same, and by Justices of the Peace, Officers of the Customs, Constables, and other officers, under and by virtue of the said in part recited Act of the Governor and Legislative Council of New South Wales ; for the removal whereof.
2. Be it therefore further enacted that the said Lieutenant Governor of the Colony of New Zealand, and all Justices of the Peace, Officers of the Customs, Constables, and other officers, and all persons whom- soever therein who may have acted under and by virtue of any commission or appointment of her Majesty, or of the governor of New South Wales, or of the said lieutenant governor of the said colony of New Zealand, or under any orders and directions of the same Lieutenant Governor, or of his Excellency the Governor, since his assuming the Government of the said Colony of New Zealand, previous and up to the passing of this Ordinance, shall be, and they, and each and every one of them, are hereby indemnified against, and freed and discharged from, all damages, penalties, and forfeitures to which they, or any one of them, may have heretofore, or may now otherwise be liable for any act so done or performed.
3. And be it further enacted that no act done or performed by any such officer or other person aforesaid, shall be questioned or avoided in any Court of Law, by reason of any supposed want of power and authority, and that all such acts so done and performed shall be, and they are declared to be, as valid and effectual in Law, to all intents and purposes, as if each of such officers and persons aforesaid had done and performed such acts within and under, or by virtue of, any Law or Statute of the Parliament of Great Britain and Ireland.

And be it further enacted and ordained that in all or any of the said Acts of the Governor and Legislative Council of New South Wales, which shall under and by virtue of this ordinance be brought

into operation, and extended to and applied to the said Colony of New Zealand, whenever the words " Governor, with the advice of the Executive Council, Governor, Justice, or Justices of the Peace, or Government Gazette, of New South Wales," are used in such Act or Acts, the same words shall be construed to mean, and shall include and extend to " the Governor, with the advice of the Executive Council of New Zealand," or "Governor for the time being," or " all or any Justices or Justice of the Peace, and to the Government Gazette of the said Colony of New Zealand;" and that all words or expressions referring, and having relation, to New South Wales shall be, and the same are hereby directed to be, applied and construed to extend to the said Colony of New Zealand. WILLIAM HOBSON, Governor. Passed the legislative council this 3rd day of June, in the year of our Lord one thousand eight hundred and forty-one.

JAMES COATES, Clerk of Councils

One New Zealand Foundation Inc
P.O.Box 7113, PioneerHwy, Palmerston North, 4443,New Zealand.

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NEW ZEALAND'S INDEPENDENCE DAY NOVEMBER 16

**A day we can ALL celebrate our true Founding Document and First
Written Constitution without all the hassles of Waitangi Day!**