

Where is Queen Victoria's Royal Charter?

How did our historians and governments miss such an important document?

In 1922, Sir Apirana Ngata, M.A., LL.B., LL.D. wrote, "*The Chiefs placed in the hands of the Queen of England, the Sovereignty and authority to make laws.....It was their chiefs that ceded that right to the Queen. The confiscations cannot therefore be objected to in the light of the Treaty..... If you think these things are wrong, then blame your ancestors who gave away their rights when they were strong*". Sir Apirana Ngata became Minister of Native Affairs in 1928.

1. While our governments have been using the Treaty of Waitangi as our Founding Document for 174 years, it was no more than a very simple document that allowed Britain to take control of New Zealand under the dependency of New South Wales.

The Treaty of Waitangi was recognised by all other Nations, especially the French who also wanted to annex New Zealand to France, which tangata maori feared.

2. Without laws, New Zealand was completely out of control by 1840. The Treaty of Waitangi asked the chiefs of New Zealand to give up their individual territories and governments to Queen Victoria in return, "*for the same rights as the people of England*".

Over 500 chiefs accepted this offer and New Zealand became British soil under English Law. Lt. Governor William Hobson had only been given instructions and the authority to give tangata maori "*the same rights as the people of England*", therefore the Treaty gave no special rights or privileges to tangata maori.

3. While the Treaty of Waitangi has great significance to Maori it has very little, if any significance to the majority of New Zealanders today.

The Treaty was an agreement between the tangata maori chiefs and Queen Victoria with Britain gaining sovereignty over all the islands of New Zealand.

4. Once the Treaty of Waitangi was signed, New Zealand came under the dependency of New South Wales with Captain William Hobson sworn in as Lieutenant Governor.

Britain claimed British Sovereignty over New Zealand on the 21st May 1840.

5. Six months later on the 16th November 1840 **Queen Victoria's Royal Charter** made New Zealand into a **British Colony** with its own Governor, a Government to enact laws with Courts and Judges to enforce those laws. Lieutenant Governor William Hobson was sworn in as our first Governor. His Excellency Governor Hobson opened the first session of the Legislative Council of New Zealand on the 24th May 1841.

The Royal Charter was New Zealand's *true* Founding Document and *first* Constitution.

6. **Queen Victoria's Royal Charter** allowed New Zealand to enact and enforce its own laws under the watchful eye of the British Parliament. In 1947 New Zealand adopted the **Statute of Westminster** giving New Zealand complete autonomy in domestic as well as foreign affairs. In 1956 Her Majesty the Queen approved New Zealand's own **Coat of Arms** with "**Onward**" being replaced with "**New Zealand**" proclaiming the Sovereignty of New Zealand and the complete authority of the New Zealand government.

After 1947, all the people of New Zealand became New Zealand Citizens under one flag, one law and one passport, irrespective of race, colour or creed.

7. The Treaty of Waitangi only gave the tangata maori “*the same rights as the people of England*”, No more, no less.

The Tiriti o Waitangi was signed with the words, “*He iwi tahi tatou – We are now one people*”, a handshake, then three hearty cheers from all those gathered at Waitangi on the 6th February 1840. Later over 540 signatures were gathered, “*as testimonials to the terms of that original document*”, Lt. Governor Hobson.

8. Any claims by Maori are alleged breaches of the laws of New Zealand and should only be heard by a Court of Law, not the apartheid Waitangi Tribunal or in direct negotiations with the government. The Court’s heard many claims in the 1930’s and 1940’s where the claimants could be cross-examined, findings appealed and all the people of New Zealand allowed to participate. Not so with the apartheid Waitangi Tribunal or in direct negotiations with the government as these avenues are available to Maori only.

Most claims had either, *full and final settlements* or as Te Roroa, some were rejected as the Courts found, there was no evidence to support the claim.

9. Chapter 8 of **Queen Victoria’s Royal Charter**, the only clause that refers solely to Maori states, “*Provided always, nothing in these letters patent contained shall affect, or be construed to effect the right of any aboriginal native of the said Colony of New Zealand, to the actual occupation or enjoyment in their own persons, or in persons of their descendents, of any lands in the said Colony now actually occupied or enjoyed by such natives*”. This is English Law and this clause only mentions lands because:

“*By the law of nature, these things are common to all mankind—the air, running water, the sea, and consequently the shores of the sea*”. Emperor Justinian 500 AD. The Law of Nature was in force long before Maori inhabited New Zealand.

10. The Treaty of Waitangi was not our *true* Founding Document, our *first* Constitution or the document that allowed laws to be enacted and enforced in New Zealand and therefore, should not be used to settle alleged Maori claims. The claims are not breaches of the Treaty of Waitangi as Sir Apirana Ngata pointed out in 1922.

Queens Victoria’s Royal Charter was the document that made New Zealand into an independent British Colony with its own Governor, a Government to enact laws with Courts and Judges to enforce those laws. It was our *true* Founding Document and *first* Constitution. We became independent from NSW on the 16th November 1840.

11. As the Treaty of Waitangi has little, if any significance to most New Zealander’s today, the One New Zealand Foundation believes November 16th is the day we should all celebrate together as; **The day our Nation was born!**

So let’s all celebrate - *New Zealand Day 16 November* - together as One Nation!

For further information, log onto: www.onenzfoundation.co.nz

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