

Ngapuhi ceded their territories in 1840.

Below is the time line when the British Crown obtained Sovereignty over the whole of New Zealand and New Zealand became a British Colony under British Rule.

1820 – 1830 – Ngapuhi Slaughters 60,000 of their fellow countrymen

Hongi Hika had just returned from England where he had exchanged all the gifts the King had given him for 300 muskets when passing through Sydney on his return to New Zealand. Ngapuhi then went on a rampage south, slaughtering an estimated 60,000 of their defenseless, unarmed countrymen, but soon realized the southern tribes were arming themselves and would travel north for utu – revenge. The French, who the Ngapuhi feared had also established themselves at Hokianga and were showing an interest in claiming New Zealand for France. The chiefs wanted to put Britain between them and the French.

1831 – Letter from the 13 Chiefs

Thirteen Northern Chiefs wrote to the King asking him to be their guardian and protector, not only from the French, but also from their own people – the southern tribes. The King acknowledged this request by sending a Resident, James Busby to New Zealand in 1833.

1835 – Declaration of Independence

As New Zealand built ships were sailing to Sydney, James Busby introduced the Declaration of Independence to the northern tribes to give them a form of identity and a flag under which New Zealand ships could be registered. In 1835, thirty-four Ngapuhi chiefs signed a Declaration of Independence declaring their territories Independent States.

This declaration stated they would meet in Congress each year

for the purpose of forming laws for the dispensation of justice, preservation of peace and good order and regulation of trade, but the ever present inter-tribal tension and fighting took precedence over political co-operation, as always and it was abandoned without one Congress meeting being held. It finally became evident that the chiefs could never form a united working government.

The declaration could not give full sovereignty as the tribes only had power over their territories as long as they could defend them. No united political structure existed within New Zealand at the time.

“Even though the declaration asserted sovereignty, Maori, who saw themselves as tribal rather than as members of a nation, would have been unable to exercise full rights as an independent state, there was no indigenous political structure upon which to base a united congress. However, it did introduce Maori to the idea of a legal relationship with Britain and therefore, five years later, to the Treaty of Waitangi”. Historian Claudia Orange.

This interpretation was echoed by another historian, Michael King, who maintained, “That the Declaration had no reality, since there was in fact no national indigenous power structure within New Zealand”. King also pointed out that some of the United Tribes were at war with one another within a year of signing the Declaration.

Historian Paul Moon agreed, *“That the Declaration represented a ‘regional goodwill agreement rather than a national document of truly constitutional significance’.* No Congress ever met”.

1837 – Call for More Effective Government

Serious outbreaks of inter-tribal fighting intensified in many parts of New Zealand in 1837, but as Busby had no forces (A *man-o-war without guns*) he could do little to stop it. The settlers, traders and 192 chiefs wanted more than the half-

hearted official commitment represented by Busby and appealed to Britain for a more effective Government. As the inter-tribal fighting increased, the Maori population decreased and vast tracks of land was being sold to the land hungry Europeans to purchase muskets and European goods, Britain had to take more control as she had been asked and promised to protect the people and their property in 1831 and again in 1835. To do this legally, New Zealand had to become a British Colony and for New Zealand to become a British Colony to bring law and order to both Maori and non-Maori, Britain had to obtain the chief's consent to sovereignty over the whole land.

For two years the Colonial Office debated the best way to become involved in New Zealand and it was decided, but with extreme reluctance, to send William Hobson, a highly ranked Officer in the British Navy with a good knowledge of New Zealand, to negotiate a treaty with the chiefs to obtain sovereignty over the whole land so Britain could legally set up a government to bring law, order and protection and to investigate and settle land sales, titles and disputes for all the people of New Zealand, settler and Maori alike. **One Sovereignty, one law for all the people of New Zealand.**

1840 – Te Tiriti o Waitangi

Before William Hobson left Britain, he was fully briefed on what a treaty must contain. First, he must obtain sovereignty over the whole land, second, all Maori and non-Maori land and property ownership must be verified and titles given, third, any land the Maoris wanted to sell must only be sold to the Queens representative, and fourth, the Maoris would be protected and guaranteed access to the same benefits/rights/laws of the British Subjects if they consented to the first three conditions.

Hobson arrived on the 29 January 1840 and went about drafting a treaty as instructed by the Colonial Office with the help of Freeman his secretary, Busby and the missionaries. Hobson became ill and gave his notes to Busby to complete. On the 4

February, Hobson had recovered and went ashore to the American Consulate, James Clendon's house to finalize the treaty with Busby and Clendon. Clendon had also been involved and a signatory to the Declaration of Independence in 1835.

At 4 pm on the 4 February 1840, Hobson delivered the "final draft" of the Treaty to Rev Henry Williams and his son Edward to translate into the Maori language. On the 5 February, the final draft and the Maori translation were read to the gathering of chief's, their followers and the settlers etc at Waitangi. The Chiefs then discussed the Treaty with Hobson, Busby and the missionaries, giving speeches for and against it for five hours. From these speeches, the chiefs had a very good understanding of the Treaty, which was confirmed at the Kohimarama Conference 20 years later. The meeting was adjourned for the chiefs to discuss it amongst themselves with another meeting scheduled for February 7.

For the rest of the night the missionaries discussed the treaty with the chiefs at the Te Tii Marae. As Rev Henry Williams recalls, *"We gave them but one version, explaining clause by clause, showing the advantages to them of being taken under the fostering care of the British Government, by which act they would become one people with the British, in suppression of wars, and every lawless act; under one sovereignty and one law, human and divine."*

As the majority of the chiefs gathered agreed that the treaty was to their advantage and should be signed immediately, Hobson was summonsed the next morning. While Rev Colenso tried to stop the signing as he believed the chiefs did not fully understand it, Hone Heke dispelled this by immediately stepping forward, being the first of 52 chiefs to sign the Tiriti o Waitangi on the 6 February 1840. As each Chief signed, Hobson shook their hand and repeated, **"He iwi tahi tatou – We are now one people"**, to which the whole gathering agreed and gave three hearty cheers.

“He iwi Tahī Tatou – We are now one people” – The true spirit of the Treaty of Waitangi!

On the 8 February, the H M S Herald fired a 21-gun salute to commemorate the cession to Her Majesty of the right of sovereignty to New Zealand, although sovereignty was not declared until 17 June 1840 at Cloudy Bay. This 21-gun salute to commemorate the cession to Her Majesty of the right of sovereignty to New Zealand has continued every year at the Waitangi day celebrations since 1840.

The Treaty was between two nations/peoples having the authority and agreeing between themselves to wide powers affecting them both, but after the Treaty was signed, the Chiefs had given up their territories to the British Crown in return for protection and one law, one Sovereignty for all the people of New Zealand.

Final Draft (The Littlewood Treaty Document)

After Hobson and Williams had gathered further signatures, Hobson became ill again and the “final draft” was misplaced, although this was of no concern at the time as Hobson only authorised one treaty to be signed by the chiefs and that was in the Maori language. The English text of the Treaty had nothing to do with the documents the chief’s signed; it was a “Royal Style” version compiled by Hobson’s secretary, James Freeman for overseas despatch. While it was of no concern at the time, Freeman’s text has since been used as the “Official English Version” to give privilege to Maori and to make Rev William’s translation seem incompetent. In 1989, the “final draft”, (Littlewood treaty document) was found, but the Government is afraid of the consequences if it is made public and refuses to recognise it as the “final draft”.

There is Only One Treaty – Tiriti o Waitangi

There is only one treaty as Governor Hobson stated when he gave his instructions to those gathering further signatures after he became ill, *“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". **Over 500 chiefs, including Ngapuhi ceded their territories to the British in 1840.**

International Recognition

There is no denying that Britain legally obtained sovereignty of New Zealand as it was recognised and agreed by the major powers at the time, especially France and America. France also wanted sovereignty of New Zealand but accepted defeat on the 20 July 1840; *"That sovereignty had been procured in a manner such as could be approved by other nations"*. If sovereignty had not been obtained legally, France would have challenged it.

Governor Hobson claimed British Sovereignty on the 12 May 1840 over the North Island by Treaty and over the South Island by Discovery. The Proclamations were published in the London Gazette on 2 October 1840 and New Zealand became a Crown Colony.

Give Up Territories/Parts

The Treaty did not cede Sovereignty of New Zealand, as there was no Sovereignty to cede; it ceded the chief's individual territories, (*wahi katoa o Nu Tirani e tukua aianei ki te Kuini – all places/parts of New Zealand which may be given up now or hereafter to the Queen*), so Britain could form a legal Government under British Sovereignty, British Rule.

Kohimarama Conference uses Busby's Rejected Draft Notes.

In 1860, Governor Browne convened a conference between 112 North Island chiefs to discuss the Treaty. In his opening address, Browne used an unauthorised Article 2 of the Treaty text compiled by James Freeman. This was not Article 2 of the

Treaty the 52 chiefs signed at Waitangi on the 6 February 1840 that Governor Hobson, "Considered 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". **A total of 540 chiefs were read, discussed and signed this "original document"**.

Unfortunately, Government, their historians and Maori have used Freeman's "Royal Style" text of the Treaty compiled from Busby's rejected draft notes since to give Maori privileges over non-Maori never intended or authorised by the Colonial Office or Governor Hobson in 1840. From the chief's speeches at this Conference, they had a far better understanding of the Treaty than the Government of one law, one sovereignty for all the people of New Zealand. **Governor Browne's error has allowed Maori to use Freeman's unauthorised text to their advantage over non-Maori ever since. There was never an English version of the Treaty; the Tiriti o Waitangi gave the same rights to all the people of New Zealand under; one sovereignty, one law (Article 3).**

Never a Partnership

The Treaty was never a partnership between Maori and the Crown. Maori were guaranteed the same rights as a British subject, no more – no less (Article 3). This was confirmed by our Attorney General, Hon David Lange when he stated on the ABC programme "Four Corners" in 1990, *"Did Queen Victoria for a moment think of forming a partnership with a number of signatures and a number of thumb prints and 500 people, Queen Victoria was not that sort of person"*.

Distinct Race of People

Since this time, Ngapuhi, as well as all other Maori have intermarried of their own free will with other races and therefore are no longer the *"distinct race of people that signed the Tiriti o Waitangi in 1840"*. Maori today are New Zealand Citizens that claim varying degrees of Maori ancestry

as one sees in the continuing amended legislation since 1865
as their Maori ancestry becomes further and further diluted.
“If you think these things are wrong, then blame your
ancestors who gave away their rights when they were strong”.
Sir Apirana Ngata, M.A., LL.B.D. M.P. – 1922.
*Compiled by the One New Zealand Foundation from New Zealand's
Archives.*