

# Time to Honour Queen Victoria's Royal Charter/Letters Patent

## Politicians Must Honour the Royal Charter

On July 4 1776 America claimed their independence from Britain. Each year on that date American citizens celebrate their freedom and independence, irrespective of race colour or creed.

In New Zealand our independence day is the 16th November and all our 120 members of parliament and academics should know this but refuse to acknowledge it.

Queen Victoria's Royal Charter/Letters Patent with its Royal Seal attached separated New Zealand from New South Wales on the 16th November 1840 and New Zealand became a British Colony with a Governor and a Constitution to form a legal government to make and enforce our laws, all under the watchful eye of Great Britain, but this document has been completely ignored by our governments and academics.

The Royal Charter dated the 16 November 1840 superseded the Treaty of Waitangi and this is the day all New Zealanders should be celebrating as it united the country under one flag and one law.

If the Government continues to use the Treaty of Waitangi as our Founding Document and not the Royal Charter/Letters Patent, we will never solve our racial and social problems,

the Treaty will continue to drive a wedge between all the people of New Zealand.

We need to vote people into power who will honour the Royal Charter as our 'true' Founding Document and 'first' Constitution, not those who continue to mislead us with today's distorted versions of the Treaty of Waitangi.

Ian Brougham

Wanganui

### Time to Honour Queen Victoria's Royal Charter/Letters Patent

OUR 'TRUE' FOUNDING DOCUMENT AND 'FIRST' CONSTITUTION

The Government continues to use the Treaty of Waitangi as our Founding Document to give part-Maori privilege and advantage over those who cannot claim a minute trace of Maori ancestry when the Treaty only gave Maori, "the same rights as the people of England". The Treaty of Waitangi was the most generous gift to a primitive people on their way to self-destruction that was ever given by a super power. After Lt. Governor Hobson had declared Sovereignty over New Zealand on the 21st May 1840, the Treaty of Waitangi had served its purpose and was put into storage where it was later damaged by fire and rats.

By 1831 intertribal fighting had devastated the "tangata Maori" population and 13 Ngapuhi chiefs asked King William IV to be their guardian and protector, but it was soon found this

could only be successfully achieved by Britain obtaining sovereignty over all the Islands of New Zealand and “tangata-Maori” becoming British Subjects.

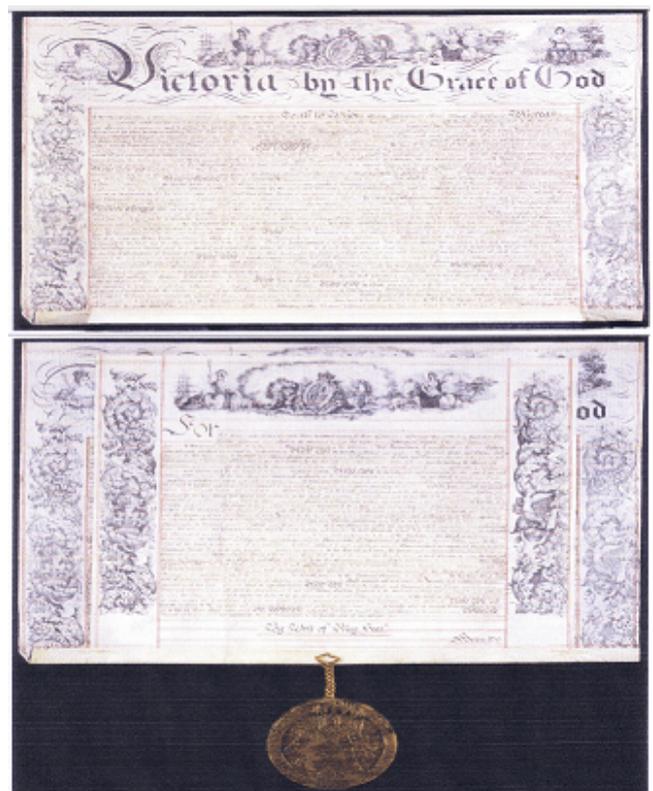


The Treaty of Waitangi was a very simple document that gave Sovereignty of New Zealand to Great Britain and to tangata Maori “the same rights as the people of England”. After Queen Victoria’s Royal Charter/Letters Patent was issued, the Treaty had served its purpose and was put into storage where it was later damaged by fire and rats..

During 1840, starting on the 6th February the Treaty of Waitangi was signed between 512 “tangata Maori chiefs” and

Queen Victoria where the chiefs gave up their territories and governments to legally allow British Sovereignty over all the Islands of New Zealand under the dependency and laws of New South Wales. This arrangement only lasted for six months before New Zealand separated from New South Wales by Royal Charter and became a British Colony

With British Sovereignty firmly asserted, Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 ratified that Sovereignty had been legally and morally obtained by Great Britain over all the Islands of New Zealand. This was recognised and accepted by the rest of the world ever since.



Queen Victoria's Royal Charter/Letters Patent with its Royal Seal, separated New Zealand from New South Wales and New Zealand became a British Colony on the 16

November 1840 under one law and one flag, irrespective of race, colour or creed.

Queen Victoria's Royal Charter/Letters Patent with its Royal Seal attached separated New Zealand from New South Wales on the 16th November 1840 and New Zealand became a British Colony with a Governor and a Constitution to form a legal government to make laws with courts and judges to enforce those laws, all under the watchful eye of Great Britain. The first sitting of the Legislative Council (Government) was held on the 24 May 1841.

If the Government continues to use the Treaty of Waitangi as our Founding Document and not the Royal Charter/Letters Patent we will never solve our racial and social problems, the Treaty will continue to drive a wedge between the people of New Zealand.

The Treaty of Waitangi was an agreement between "tangata Maori" and Queen Victoria for Britain to gain sovereignty over the Islands of New Zealand. Queen Victoria's Royal Charter/Letters Patent was our 'true' Founding Document and 'first' Constitution that set up our Political and Justice systems under one law for all.

In 1947, with the adoption of the Statute of Westminster that granted New Zealand complete autonomy in domestic as well as foreign affairs, we all became New Zealand Citizens under one flag and one law, irrespective of race, colour or creed.

It is interesting to note that Te Papa and the Ministry of Justice Electoral and Constitutional Policy Unit do not hold copies or any information on the Royal Charter/Letters Patent. We asked Te Papa under the Official Information Act (OIA), "Does Te Papa have a copy of Queen Victoria's Royal Charter

and if so, why is it not given its rightful place at Te Papa”?



Archives New Zealand’s disc of the, “Charter of 1840, Constitution of the Colony of New Zealand into a separate colony, 16 November 1840”. Use it or lose it!

Claire McClintock, Senior Advisor, Office of the Chief Executive, Te Papa, Museum of New Zealand replied. “Te Papa does not have a copy of the Charter”

We then asked the Ministry of Justice under the OIA, “Why is Queen Victoria’s Royal Charter/Letters Patent not mentioned or part of New Zealand’s Legal System”? Fiona Illingworth, Manager, Electoral and Constitutional Policy, Ministry of Justice replied, “Your request is refused under Section 18(g) of the OIA 1982 as the Ministry of Justice does not hold any information relating to your request”.

Unbelievable when it is held in the Constitution Room at Archives New Zealand and listed as, “ACGO 8341, 1A19, R21434434, Charter of 1840, Constitution of the Colony of New Zealand into a separate colony, 16 November 1840”.

Our governments and academics have completely ignored the

Royal Charter/Letters Patent as our 'true' Founding Document and 'first' Constitution since the 1975 Treaty of Waitangi Act.

## **CONCLUSION**

There is no doubt the Government and some part-Maori do not want this document made public as it would show how the people of New Zealand have been misled by their Politicians and Governments since the 1975 Treaty of Waitangi Act and the apartheid Waitangi Tribunal it created. Queen Victoria's Royal Charter/Letters Patent is our Founding Document and first Constitution as confirmed by the New Zealand Gazette Notices below.

### **Gazette Notices and Proclamations that made New Zealand into an Independent British Colony.**

#### **THE NEW ZEALAND GOVERNMENT GAZETTE.**

PUBLISHED BY AUTHORITY)No 12]

KORORAREKA BAY OF ISLANDS, MAY 6, 1841 [ GRATIS.

DECLARATION OF THE INDEPENDENCE OF NEW ZEALAND, AND THE  
APPOINTMENT OF HIS EXCELLENCY, CAPTAIN WILLIAM HOBSON, RN

AS GOVERNOR IN CHIEF IN AND OVER THE SAME.

#### **THE CAPITAL.**

By the latest accounts from Auckland we learn that the "James" had arrived from London bearing HIS EXCELLENCY'S Commission as

Governor in Chief, in and over the Islands of New Zealand, and her Majesty's Order in council for their separation from New South Wales. His EXCELLENCY was pleased to appoint Monday last for Proclaiming the same, and shortly afterwards a Levee was to have been held. In the Evening HIS EXCELLENCY was to have given a grand Dinner at Government House, to which all the elite of Auckland and the surrounding country have received invitations.

#### **KORORAREKA.**

Early in the morning of Monday last, the day appointed for Proclaiming HIS EXCELLENCY as Governor in Chief, &c., we were proud to observe the ships in the Harbour decorated with numerous flags. At noon they fired a Salute in honor of the occasion. The Union Jack floated in front of the stores of Messrs Henry Thompson and Co., over the premises of Messrs Edney and Hemmings, and also at the Flag Staff Hill.

#### **THE ILLUMINATIONS.**

It is impossible for us in our limited space to describe the demonstrations of joy the inhabitants manifested in the evening on the happy occasion. Illuminations – fire-works – burning of tar barrels – firing of muskets and pistols from the hills and all parts of the Town – the parading of a band of music through the streets – the rejoicing of the Mauries – their war and other dances – all tended to make it one of the happiest possible. Among the best illuminated premises we noticed the ussell Hotel, which was very brilliant, as were those of Messrs Edney and Hemmings, on the Beach Mr. Dunn's Inn, York street, Wood's Hotel, the Gazette Printing Office, Captain Clayton's new house, Mr Fenton's &c., &c. The night was remarkably clear – the reflections of the red blaze from the Town mingling with the softened light from the "young May moon" falling upon the sparkling waters of the Bay produced a charming effect. There could not be less than two hundred Mauries on the Beach during the evening. We regret that His Excellency had not witnessed the fervour of their rejoicing. Several of the men carried muskets and powder flasks – many Maurie boys carried small flags on handsomely carved

batteaus(?) – and the females, also, vied with their partners in their manifestations of delight. The entire proceedings happily passed over without the slightest accident.

A party of Gentlemen were entertained at dinner by Henry Thompson, Esq., at his residence, Kororareka, – for the particulars of which we are indebted to a gentleman who was present. Although the party consisted of Mr. Thompson's own friends, yet it was purely a public dinner, and was given by him in honor of His Excellency's Appointment to the Governorship-in-Chief of New Zealand. The guests were – Captain Beckham, our Police Magistrate, Robert Fitzgerald, Esq., the newly appointed Police Magistrate, Frederick Whittaker, Esq., Captain Anwyl, John Scott Esq., W. S. Graham Esq., Captain Peil, Alexander Kennedy, Esq., Eugene Cafler, Esq., Daniel Pollen Esq., M.D. and John Hoggard Esq. Mr Thompson acted as Chairman, and Mr Grahame as vice Chairman. The cloth having been removed the usual toasts of – The Queen and the infant Princess – Prince Albert and the Royal Family – and the Army and Navy – were proposed and drank with all the honors. John Scott Esq., replied to the last toast on behalf of the Army with all the enthusiasm which should belong to every British Officer, and which he strongly felt at the announcement of the toast, as it recalled to his recollection those happy days of his life when he had the honor of belonging to that glorious establishment. The Chairman now called for bumpers – rose to propose the Toast of the Day and spoke as follows: Gentlemen, – we have assembled here this day for the purpose of celebrating an event of the highest importance in our admired land. At noon of this day His Excellency the Governor proclaimed New Zealand a distinct and independent Colony – an event which will live long in our memories, and will form the subject of conversation of many a future and happy hour. But, gentlemen, we have met here more particularly for the purpose of doing honor to His Excellency Captain Hobson, on his appointment to the Governorship-in-Chief of New Zealand – a measure, which has produced in my

breast, and which I am certain, will be responded to by every heart present – but one feeling, namely, that of unmingled delight. Had there been time since our arrival here, which was only yesterday, to have called a public dinner, it certainly would have been done, and even yet if one is got up, I have no doubt all present will be happy to attend. But it seemed to me that our rejoicings at Kororareka should be simultaneous with those at Auckland. Accordingly, Gentlemen, I avail myself of the pleasure of your company on this day, to what may be termed a private public dinner. Gentlemen, – His Excellency, previous to his arrival in this Colony, had already earned for himself a name, which guaranteed its descent into posterity. It was his good fortune to distinguish himself in an elevated position in the service of his Country. He belongs, Gentlemen, to the most glorious Establishment – to the most formidable armada that ever graced and terrified the world. His Excellency has now, however, entered on an entirely different sphere, and there can be no doubt that the same energy – the same judgment, and the same ability that qualified him so well for Naval Command will fit him for the high office to which it has pleased Her Majesty to appoint him. To Captain Hobson's amiability, to his love of justice, to his strict regard for economy, and to his sterling integrity. I can bear witness; and that he may be an excellent Governor, it is only necessary that he should have around him good and faithful Councillors – men of informed and independent minds –

## **THE NEW ZEALAND GOVERNMENT GAZETTE.**

(PUBLISHED BY AUTHORITY)

No 13]KORORAREKA BAY OF ISLANDS, MAY 13, 1841 [ GRATIS.

### **PROCLAMATION**

BY HIS EXCELLENCY CAPTAIN WILLIAM HOBSON, GOVERNOR AND  
COMMANDER IN CHIEF IN

AND OVER THE COLONY OF NEW ZEALAND AND ITS DEPENDENCIES.

WHEREAS HER MAJESTY has been pleased by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the Sixteenth Day of November, in the Year of our Lord One Thousand Eight Hundred and Forty, to erect the ISLANDS of NEW ZEALAND into a SEPARATE TERRITORY by the Name of HER MAJESTY'S Colony of NEW ZEALAND: Now, therefore I THE GOVERNOR AND COMMANDER IN CHIEF, by COMMISSION under the GREAT SEAL appointed, do hereby Notify and Proclaim that under Her Majesty's said LETTERS PATENT the ISLANDS of NEW ZEALAND are henceforth to be designated and known as HER MAJESTY'S Colony of NEW ZEALAND and its DEPENDENCIES. And I do hereby further Notify and Proclaim, that Her Majesty has been pleased to direct that the Three Principal Islands of NEW ZEALAND hereafter or commonly Called – "THE NORTHERN ISLAND," "THE MIDDLE ISLAND," AND STEWART'S ISLAND" shall henceforth be designated and known respectively as "NEW ULSTER," "NEW MUNSTER" AND "NEW LEINSTER," of which all Her Majesty's Subjects are hereby required to take Notice. GIVEN UNDER MY HAND AND SEAL AT GOVERNMENT-HOUSE, AUCKLAND, THIS 3RD DAY OF MAY, IN THE FOURTH YEAR OF HER MAJESTY'S REIGN, AND IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE. By His Excellency's Command, (SIGNED) WILLOUGHBY SHORTLAND. W. HOBSON, GOVERNOR. GOD SAVE THE QUEEN.

**PROCLAMATION.**

BY HIS EXCELLENCY CAPTAIN WILLIAM HOBSON,

GOVERNOR AND COMMANDER IN CHIEF

IN AND OVER THE COLONY OF NEW ZEALAND AND ITS DEPENDENCIES.

&c., &c., &c,

WHEREAS HER MAJESTY has been graciously pleased, by Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the sixteenth day of November, in the Year of our Lord 1840, to constitute and Appoint me,

WILLIAM HOBSON, ESQUIRE, CAPTAIN IN HER MAJESTY'S ROYAL NAVY,  
to be GOVERNOR AND COMMANDER IN CHIEF in and over Her  
Majesty's Colony of New Zealand and its Dependencies.

NOW THEREFORE I the GOVERNOR and COMMANDER -IN-CHIEF  
aforesaid, do hereby Proclaim and Declare that I have this day  
have taken the prescribed Oaths and assumed the Administration  
of the Government accordingly. And I do hereby further  
Proclaim and Declare, that Her Majesty Has been pleased to  
appoint an EXECUTIVE COUNCIL for the said Colony, and to  
nominate and appoint the undermentioned Persons to be Members  
thereof, - That is to say:-

THE COLONIAL SECRETARY OF THE SAID COLONY FOR THE TIME BEING  
THE ATTORNEY GENERAL OF THE SAID COLONY FOR THE TIME BEING  
THE COLONIAL TREASURER OF THE SAID COLONY FOR THE TIME BEING  
And I do hereby Proclaim and Declare, that Her Majesty has  
been further pleased to Appoint a LEGISLATIVE COUNCIL for the  
said Colony of New Zealand and its Dependencies, - and to  
Appoint and Direct that such Legislative Council shall be  
formed and shall consist of the following Members:-

HIS EXCELLENCY THE GOVERNOR FOR THE TIME BEING  
THE COLONIAL SECRETARY FOR THE TIME BEING  
THE ATTORNEY GENERAL FOR THE TIME BEING  
THE COLONIAL TREASURER for the time being AND  
THE THREE SENIOR JUSTICES OF THE PEACE, nominated as such in  
any Commission of the Peace to be issued by me, the said  
GOVERNOR AND COMMANDER- IN-CHIEF, or by the Governor or  
Acting-Governor for the time being. The GOVERNOR, fully  
impressed with the magnitude and importance of the duties thus  
confided to him, is supported by the hope that Almighty God  
will bless his best efforts to give full effect to these Her  
Majesty's most gracious measures for the establishment of  
Peace and Order in this important Colony; and he relies with  
confidence on the loyalty of the Colonists, and on their  
hearty cooperation with the Government in cultivating those  
feelings of mutual good will which alone can insure to them

the future benefit of Her Majesty's solicitude for their welfare and prosperity. The GOVERNOR avails himself of this occasion to appeal to the good feelings of the Colonists generally in favour of their fellow subjects of the NATIVE RACE, who require only instruction and good example to become equal to Europeans in moral, as they are already in physical attainments, and to point out to all who really have the true interests of the Country at heart, the propriety of conciliating their affection by making every charitable allowance for their defects, and by conducting all intercourse with them in a spirit of justice and forbearance. The GOVERNOR trusts that he will be afforded the satisfaction of hereafter knowing, that His endeavours for the accomplishment of Her Majesty's gracious and benign views have not been employed in vain.

Given under my Hand and Seal at Government House, Auckland, this 3rd day of May, in the Fourth Year of Her Majesty's Reign, and in the year of our Lord one Thousand Eight Hundred and Forty-one.

(signed)

WILLIAM HOBSON,

GOVERNOR. Colonial Secretary's Office, Auckland, 3d May 1841

HIS EXCELLENCY, THE GOVERNOR has been pleased to Appoint the undermentioned Gentlemen to the MAGISTRATES of the Territory of New Zealand, viz.: Beckham, Thomas Hanson, R. Davis Bunbury, Thomas Hunter, George Clarke, George Johnson, John Coates, James Mair, Gilbert Wakefield, William Cooper, George McDonogh, Arthur Edward Symonds, William Cornwallis, Dawson, Gilbert Francis Martin, S., M.D. Clendon, James Reddie Fisher, Francis Mathew, Felton Fitzgerald, Robert A. Murphy, Michael Godfrey, Edward Lee Powditch, William Halswell, Edward Store Richmond, Mathew

**THE NEW ZEALAND GOVERNMENT GAZETTE.**

(PUBLISHED BY AUTHORITY)No 17]

KORORAREKA BAY OF ISLANDS, June 24, 1841 [ GRATIS.

First Sitting Of THE LEGISLATIVE COUNCIL OF NEW ZEALAND.

HIS EXCELLENCY THE GOVERNOR, according to notice, opened the first Session of the legislative Council of New Zealand, on the 24th May alt.

Honorable.W.SHORTLAND,  
Colonial Secretary,  
Honorable FRANCIS FISHER,  
Attorney General,Honorable GEORGE COOPER,  
Colonial Treasurer,E.S.HALSWELL, Esq., one of three Senior Justices,

Being present received the Oaths and took their Seats in the Legislative Council accordingly.JAMES COATS, Esq., was appointed Clerk of the Council, and took the Oaths of Office.HIS EXCELLENCY then delivered the following SPEECH :-

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, perspicuous 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 following year, which, although in a forward state of preparation, are incomplete, owing to the non-arrival of the directions from the Lords of the Treasury, of which I am advised, and which may be daily expected.

HIS EXCELLENCY THE GOVERNOR, continues: GENTLEMEN, —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 resulting 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 granting 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.

GENTLEMEN, –We have 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 and elevating the character of the Aboriginal Inhabitants. In this salutary work, I confidently look for your cordial assistance and cooperation, and I trust under Devine Providence, we shall be enabled to accomplish these important objects, and give effect to Her Majesty's gracious and benign views for the welfare, prosperity, and Civilization of this Colony. After laying on the Table the Indemnity Bill, THE GOVERNOR adjourned the Council until Thursday, 27th May 1841.

**Conclusion, Ross Baker Researcher, One New Zealand Foundation Inc.**

Any breach against the Crown can only be a breach against the laws of New Zealand and not the Treaty of Waitangi or the Waitangi Tribunal, where only those with a minute trace of Maori ancestry can lay a claim or participate. All alleged claims against the Crown since 1975 should have been heard by our Justice System where all New Zealand citizens could have participated as they were in the 1930's and 1940's when most of the recent claims were "fully and finally" settled. They should not have been heard by the apartheid Waitangi Tribunal or the Crown that allows our history and the Treaty of Waitangi to be continually distorted to allow these claims to proceed. The Treaty of Waitangi or Queen Victoria's Royal Charter/Letters Patent gave **no** exclusive rights for Maori; we were all given the **same** rights under one flag and one law, irrespective of race, colour or creed!

The Treaty of Waitangi was an agreement between Queen Victoria and "tangata Maori".

The Royal Charter/Letters Patent was our 'true' Founding Document and 'first' Constitution.

The People must speak out as our Politicians and Governments have misled us since 1975.

For further information and to read the Royal Charter:  
[www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz) (Royal Charter).

Please copy this flyer on both sides of an A4 page and distribute far and wide to help save our country.

Support the One New Zealand Foundation Inc by becoming a member.

Donations gratefully accepted. Compiled by Ross Baker,  
Researcher, One New Zealand Foundation Inc.  
[ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au). 28/6/14 (c)