

Sir John Key Destroyed New Zealand's Democracy.

On 13 September 2007, Rosemary Banks, New Zealand's Permanent Representative to the United Nations explained to the United Nations the reason why New Zealand could not sign the Declaration of the Rights of the Indigenous People stating, "*It was fundamentally incompatible with New Zealand's constitutional and legal arrangements*", but this was completely ignored by the United Nations when the Hon Pita Sharples signed the Declaration on the 19 April 2010. **WHY?**

In 2007, Maori asked Prime Minister, Hon Helen Clark to sign the United Nations Declaration on the Rights of the Indigenous People, but New Zealand does not have a definition of the Indigenous People of New Zealand as well as, "*Four provisions of the Declaration were fundamentally incompatible with New Zealand's constitutional and legal arrangement*", therefore, she refused to sign it.

In 2010, Prime Minister Hon John Key sent the Minister of Maori Affairs, the Hon Pita Sharples to New York on 19 April to sign the United Nation's Declaration of the Rights of the Indigenous People in secret!

Hon John Key must have known, Rosemary Banks, New Zealand's Permanent Representative to the United Nations had explained to the United Nations the reason why New Zealand could not sign the Declaration of the Rights of the Indigenous People, why Hon Helen Clark had not signed the Declaration in 2007 and that New Zealand did not have a definition of the Indigenous people of New Zealand, but he went ahead and signed it in secret without a mandate from Parliament or the people of New Zealand. We believe this was solely for John Key to gain the Maori vote to stay in power as Prime Minister.

You will see from the OIA letter from Hon Pita Sharples below dated 2 April 2012, before he signed the Declaration, he told the United Nations, *“Maori hold a distinct and special status as the indigenous people, or tanga whenua of New Zealand”*. It is obvious Hon Pita Sharples knew, Maori are **NOT** the indigenous people, or tangata whenua of New Zealand, otherwise he would have stated, *“Maori are the indigenous people, or tangata whenua of New Zealand”*, but the United Nations accepted it.

On 21 October 2021 in an OIA letter to the Crown Law Office, 2.4, we asked, *“What law states, Maori have a distinct and special status as the tanga whenua or indigenous people of New Zealand”*. The Crown Law Office replied, *“You have been previously advised (by Hon Pita Sharples in 2012 and by Hon Christopher Finlayson prior to that), there is no statutory definition of indigenous people. This part of your request; (What law states, Maori have a distinct and special status as the tanga whenua or indigenous people of New Zealand), is refused under section 18(e) of the Act as the document alleged to contain the information requested does not exist”*. Hon Pita Sharples lied to the United Nations.

By their own admission, the tangata Maori arrived in New Zealand by canoe in the 14th century to find New Zealand already inhabited by the tangata whenua.

As there is no statutory definition of the indigenous people of New Zealand and the document alleged to contain this information requested does not exist, then the United Nations accepted Maori as the Indigenous People, or tangata whenua of New Zealand, when New Zealand does not have a definition that Maori are in fact, *“The Indigenous People of New Zealand”*.

The Declaration on the Rights of the Indigenous People has given Maori special rights over all other New Zealand Citizens, allowing Maori, *“A Partnership with the Crown”* and possibly, *“Co-Governance with the Crown”*, based on the United

Nations allowing Hon Pita Sharples to sign the Declaration without a definition of the indigenous people of New Zealand and completely ignoring New Zealand's Permanent Representative to the United Nations, Rosemary Bank's explanation in 2007, why it could not be signed.

The National Government then spent \$7.2 million of taxpayer's money to build the He Tohu Exhibition to house the Declaration of Independence and the Treaty of Waitangi to mislead the people, stating, "*The Declaration of Independence and the Treaty of Waitangi are Iconic constitutional documents that shaped Aotearoa New Zealand*". The Declaration of Independence was a complete failure as James Busby could only entice 52 chiefs to sign it, and the Treaty of Waitangi only referred to the tangata Maori making them British Subjects with, "*The same rights as the people of England if they gave up their kawanatanga/governments to the Queen*". **In fact, the Treaty of Waitangi is not a treaty as it was only signed by one Sovereign Nation, Great Britain.**

Queen Victoria's Royal Charter/Letters Patent date the 16 November 1840 is New Zealand's true Founding Document as it made New Zealand into a British colony with a Governor and Constitution, that set up New Zealand's political, legal and justice systems under one flag and one law, irrespective of race, colour or creed, a British Colony under one flag and one law, irrespective of race colour or creed. See:

There is no other document in our history that comes anywhere near to a Founding Document than Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840!

The Government has no other option now, than to inform the United Nations, New Zealand does not have a definition of, "*The Indigenous people or tangata whenua of New Zealand*", and they were informed in 2007 by Rosemary Banks, New Zealand's Permanent Representative to the United Nations, "*It was fundamentally incompatible with New Zealand's constitutional*

and legal arrangements", which has completely destroyed New Zealand's democracy as agreed by the Treaty of Waitangi in 1840 and Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840, New Zealand true Founding Document.

Ministerial Statements on the UN Declaration on the Rights of Indigenous Peoples.

Tuesday, 20 April 2010

HON RODNEY HIDE: (Act Party Leader)

The ACT Party is both shocked and appalled to find itself supporting a government that has **covertly** given recognition to the United Nations Declaration on the Rights of Indigenous Peoples. The declaration asserts that Māori have rights and privileges not enjoyed by other New Zealanders. The declaration is the very antithesis of ACT's policy of one law for all New Zealanders. It is the antithesis of the policy that we should have one law regardless of people's religion, their race, the colour of their skin, their ethnicity, their culture, or indeed their degree of indigeneity. The declaration is divisive and is a further step for New Zealand down the path towards being a divided nation. **The declaration clearly splits New Zealand into two rather than bringing New Zealand together as one.**

For many the former Prime Minister, Helen Clark, refused to ratify the declaration. At the time, the Hon Parekura Horomia said that the declaration was incompatible with New Zealand's laws and democratic processes and that it ignored reality and would be difficult to implement.

I am very disappointed that the Prime Minister, John Key, has covertly foisted the declaration on New Zealand, and I

consider the statement that the recognition of this declaration has no practical effect to be naive in the extreme.

Hon JIM ANDERTON (Progressive Party Leader)

Well, which meaning did the Government sign up to? Did it not know? Has the Government read it? Does it know what it means? The answer to all those questions is no. It has nothing to do with it. It is to do with the deal between National and the Māori Party to get the Māori Party to run alongside and support the Government.

Hon Phil Goff (Leader Labour Party)

The declaration was signed in secrecy when Dr Sharples had “sneaked off” to New York. New Zealanders should have been told first that this was the intention of the Government, they should not have been told afterwards. There was a conflict between Dr Sharples’ view of the declaration and the Government’s position about it not making any practical difference. Labour had opposed the declaration which had unrealistic goals such as returning all land back to indigenous people. I could not see the point in signing up to a declaration that the Government did not intend to fulfil. Why would you sign up to something you never intended to act on, and you don’t believe in. He signed up to something they do not believe in and never intend to implement. **Prime Minister Helen Clarke, Labour, refused to sign the Declaration in 2007 as it contravened our Constitution, but John Key was quite happy to destroy our democracy as long as he could become, Prime Minister, “Sir John Key”.**

New Zealand does not have, A Definition of the Indigenous People of New Zealand.



OFFICE OF THE MINISTER OF MAORI AFFAIRS,
PARLIAMENT HOUSE,
WELLINGTON, NEW ZEALAND

12 May 1995

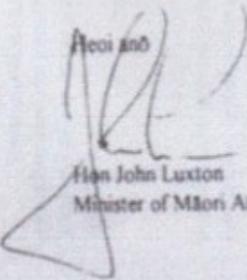
Mr Ross Baker

Tēnā koe

Thank you for your letter dated 29 March 1995 concerning the indigenous people of New Zealand.

There is no *'Government definition of the indigenous people of New Zealand'*. However, as stated in previous correspondence, Māori are defined in a number of statutes. For instance, in *Te Ture Whenua Māori Act 1993* Māori is taken to *"mean(s) a person of the Māori race of New Zealand; and includes a descendant of any such person"*.

The issue of whether the indigenous people of New Zealand were Moriori or Māori is not one which sets a precedent for present government policy. As a general practice the Government does not seek to impose limits upon its ability to treat with groups who claim a particular cultural identity. Thus for the purposes of the Māori fisheries settlement, the term Māori was *'deemed to include the Moriori people of New Zealand'*. A similar position underlies the Government's willingness to consider Moriori claims to the Waitangi Tribunal.


Acoi anō

Hon John Luxton
Minister of Māori Affairs



EXECUTIVE COUNCIL CHAMBERS

12 October 2021

Ross Baker
onzf@bigpond.com

Ref: OIA-2021/22-0307

Dear Ross Baker

Official Information Act request: Part-Māori tangata whenua and Aotearoa

Thank you for your Official Information Act request received on 19 September 2021. You requested:

- "1. Can the government produce forensic evidence and a definition, that part-Maori are the "tangata whenua or indigenous people of New Zealand"?*
- 2. Can the Government produce documented evidence that "Aotearoa" was the name used by the "tangata Maori" for New Zealand before, during or after the 1835 Declaration of Independence or the 1840 Treaty of Waitangi were signed?"*

The Department of the Prime Minister and Cabinet does not hold any specific official information relevant to your request. I am therefore refusing your request under section 18(e) of the Act, as the information requested cannot be found.

In response to the second part of your request, information on the use of Aotearoa in the nineteenth century is available on Te Ara – The Encyclopedia of New Zealand's website: <https://teara.govt.nz/en/nation-and-government/page-9>

You have the right to ask the Ombudsman to investigate and review my decision under section 28(3) of the Act.

We do not intend to publish this response on the Department of the Prime Minister and Cabinet's website.

Yours sincerely

Michael Webster
Clerk of the Executive Council

4442505

CABINET OFFICE, PARLIAMENT BUILDINGS, WELLINGTON 6011, NEW ZEALAND

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www.dpmc.govt.nz



Office of Hon Dr Pita R Sharples

MP for Tamaki Makaurau
Minister of Māori Affairs
Associate Minister of Corrections
Associate Minister of Education

02 APR 2012

Ross Baker
ONZF@bigpond.com

Tēnā koe Mr Baker

Thank you for your email of 18 March 2012 requesting information under the Official Information Act 1982, about the United Nations Declaration on the Rights of Indigenous Peoples and the New Zealand Government's definition of the indigenous peoples of New Zealand.

I understand that you have previously asked the Attorney General, Hon Christopher Finlayson, for such a definition and were advised that no document exists containing this information. I do not hold a document that defines the New Zealand Government's definition of the indigenous peoples of New Zealand, therefore your request is declined under section 18(g)(i) of the Official Information Act 1982.

However, I would like to reiterate the Government's position of support for the Declaration on the Rights of Indigenous Peoples. This was outlined in my statement to the United Nations on 19 April 2010, whereby I noted that Māori hold a distinct and special status as the indigenous people, or tangata whenua, of New Zealand.

If you are not satisfied with this response you have the right under section 28(3) of the Official Information Act 1982 to make a complaint to an Ombudsman. Kāti mō tēnei wā.

Heoi anō

nā Hon Dr Pita R Sharples
Minister of Māori Affairs

12 July 2021

Ross Baker

By email only: onzf@bigpond.com

Dear Mr Baker

Official Information Act request
Our Ref: OIA353/1

1. I refer to your email of 8 July 2021 in which you ask the following:

Under the Official Information Act, Was the Declaration on the Right of the Indigenous People illegally signed by the Hon Pita Sharples in New York on the 19 April 2010 under the New Zealand Constitution/law?

2. On 19 (New York time)/20 April 2010 (New Zealand time), the Minister of Māori Affairs Hon Dr Pita Sharples appeared before the United Nations Permanent Forum on Indigenous Issues and announced New Zealand's support for the Declaration on the Rights of Indigenous Peoples.
3. Your request is not one that is cognisable under the Official Information Act 1982. Its substance — was the Declaration **illegally** signed **under the New Zealand Constitution/law** — is for legal advice. Crown Law provides legal advice and representation to the government, not members of the public. It is therefore not appropriate for us to answer your question. You may instead wish to seek advice from a lawyer (<https://www.lawsociety.org.nz/>), Community Law Centre (<https://communitylaw.org.nz/>) or Citizens Advice Bureau (<https://www.cab.org.nz/>)
4. You have the right to seek a review of this decision by the Ombudsman.

Yours faithfully
Crown Law



Daniel Perkins
Crown Counsel
Constitutional & Human Rights Team

9 August 2021

Ross Baker
One New Zealand Foundation Inc.

By email: onzf@bigpond.com

Dear Ross

Official Information Act request

Our Ref: OIA353/1

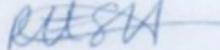
1. On 19 July 2021, by email, you asked Crown Law for the following official information:
 - 1.1 Did Prime Minister Hon John Key seek advice from the Crown Law Office before he sent the Minister of Maori Affairs, Hon Pita Sharples to the United Nations to sign the Declaration on the Rights of Indigenous Peoples ("UNDRIP") on the 19 April 2010 and if so, why did the Crown Law Office change its advice to Hon John Key in 2010, compared with the advice given to Hon Helen Clark in 2007?
 - 1.2 What were the four provisions in particular that were, fundamentally incompatible with New Zealand's constitutional and legal arrangements?
2. Under section 18(e) of the Official Information Act 1982, we refuse the first part of question 1 of your request. Crown Law Office has not been able to find any request for legal advice from Prime Minister Hon John Key in 2009-2010 (the relevant time period) in respect of UNDRIP.
3. However, throughout the relevant time period, Crown Law gave legal advice to government on UNDRIP. That advice is subject to legal professional privilege, a good reason for withholding information under section 9(2)(h) of the Act that is not outweighed by other considerations which render it desirable in the public interest to make that information available in these circumstances. We refuse this part of your request under section 18(a) of the Act.
4. To the extent that your second question asks for the content of legal advice provided by Crown Law, that advice is privileged and, as above, that privilege is not outweighed by other considerations which render it desirable in the public interest to

make that information available. We therefore refuse this part of your request under section 18(a) of the Act. However, we draw your attention to the following public statements:

- 4.1 Rosemary Banks, New Zealand diplomat, at the United Nations General Assembly in 2007 <https://www.un.org/press/en/2007/ga10612.doc.htm>; and
 - 4.2 Pita Sharples, Minister of Maaori Affairs, at the United Nations Permanent Forum on Indigenous Issues in 2010 https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD_20100420_00000071/ministerial-statements-un-declaration-on-the-rights-of
5. You have a right under section 19(b) of the Act, by way of complaint to the Ombudsman under section 28(3), to seek an investigation and review of the refusal.

Yours faithfully
Crown Law


Kim Laursen
Crown Counsel


Bex McMenamin
Assistant Crown Counsel

3 September 2021

Ross Baker
One New Zealand Foundation Inc

By email only: onzfi@bigpond.com

Dear Ross

Official Information Act Request
Our Ref: OIA353/1

1. We have received your reply dated 9 August 2021 asking for an explanation of the good reason for refusing your request dated 19 July 2021 under s 18(a) of the Official Information Act and attaching an Official Information Act reply to you from Hon Dr Pita Sharples on 2 April 2012.
2. To clarify, we were unable to find any advice from Crown Law specifically to the Rt Hon Mr Key. However, as we indicated in our letter to you dated 9 August 2021, Crown Law did advise the government more generally on the UN Declaration on the Rights of Indigenous Peoples.
3. That advice is withheld under s 9(2)(h) of the Official Information Act as it is legally privileged. The maintenance of legal privilege is a good reason to withhold official information and while we acknowledge there is some public interest in the New Zealand's international treaty making process, we do not consider that withholding of that information is outweighed by other considerations which render it desirable, in the public interest, to make that information available.
4. We again remind you of your right under s 19(b) of the Official Information Act, by way of complaint to the Ombudsman under s 28(3), to seek an investigation and review of the refusal.

Yours faithfully
Crown Law



Kim Laursen
Crown Counsel

21 October 2021

Ross Baker

By email: onzf@bigpond.com

Dear Ross

Official Information Act Requests

1. This letter is our response to both your Official Information Act requests, emailed on 2 October and 11 October 2021.

2 October 2021 request (transferred to Crown Law from the Attorney-General)

2. On 2 October, you asked four questions, which we have answered below.

- 2.1 *Was it lawful for the Prime Minister of New Zealand to sign UNDRIP on behalf of New Zealand without the above?*

In our 9 August 2021 reply to your 19 July 2021 request about advice Crown Law gave the Hon John Key at the relevant time, we told you that the Prime Minister was not directly advised by Crown Law Office; rather Crown Law gave legal advice to the Government. Under s 18(a) of the Official Information Act, we refused that part of your request on the grounds that the good reason (the maintenance of legal professional privilege) was not outweighed by other considerations in the public interest to make it available. Again, Crown Law does not hold information about the lawfulness of the "Prime Minister's" decision.

- 2.2 *As the Government did not have a definition of the Indigenous People of New Zealand, who legally, under New Zealand law, are the Indigenous People of New Zealand?*

Crown Law has not given advice on this specific question. The information you seek does not exist. We therefore refuse this part of your request under section 18(e) of the Act. To the extent you ask for legal advice as to "who are the indigenous people", as the Government's legal advisors it is not appropriate for us to give legal advice to members of the public.

- 2.3 *Where does our constitutions and laws legally allow Maori, rights and privileges over other New Zealand Citizens?*

Likewise, Crown Law has not been asked (and has not given) legal advice on the specific question you ask and refuse this part of your request under section 18(e) of the Act. In accordance with our duty under section 18B of the Act, we have considered whether consulting with you would assist you to make the request in a form that would remove the reason for the refusal. We do not think consultation would assist as the general premise of your question is expansive. However, you may find the following resources useful:

- The Cabinet Manual for example says in relation to sources of the constitution "The law may sometimes accord a special recognition to Māori rights and interests such as those covered by Article 2 of the Treaty. And in many other cases the law and its processes should be determined by the general recognition in Article 3 of the Treaty that Māori belong, as citizens, to the whole community. In some situations, autonomous Māori institutions have a role within the wider constitutional and political system. In other circumstances, the model provided by the Treaty of Waitangi of two parties negotiating and agreeing with one another is appropriate. Policy and procedure in this area continues to evolve."¹
- The Constitutional Advisory Panel's Report on a Conversation (2013).²
- You may also with interest follow Te Aka Matua o te Ture (the Law Commission's) 2021/2022 work programme, which includes a review of the role of tikanga and te ao Māori concepts in law.³
- Section 19(2) of the New Zealand Bill of Rights Act 1990, which provides that measures taken in good faith for the purpose of assisting or advancing persons or groups disadvantaged because of unlawful discrimination do not constitute discrimination.

2.4 *What law states, "Maori have a distinct and special status as the tangata whenua or Indigenous people of New Zealand"?*

As you have been previously advised (by Hon Dr Pita Sharples in 2012 and by Hon Christopher Finlayson prior to that), there is no statutory definition of indigenous peoples. This part of your request is refused under section 18(e) of the Act as the document alleged to contain the information requested does not exist.

11 October 2021 request

3. On 11 October, you listed ten reasons why you say the UN Declaration on the Rights of Indigenous Peoples should not have been signed. You then asked Crown Law:

¹ <https://dpmc.govt.nz/sites/default/files/2017-06/cabinet-manual-2017.pdf>

² <https://www.justice.govt.nz/assets/Documents/Publications/Constitutional-Advisory-Panel-Full-Report-2013.pdf>

³ <https://www.lawcom.govt.nz/news/te-aka-matua-o-te-ture-law-commission-202122-work-programme>

As the Crown Law Office advised the Government not to sign the Declaration on the Rights of the Indigenous People, why is the Crown Law Office allowing He Puapua to proceed based Maori being the Indigenous People of New Zealand when there is absolutely no evidence?

4. We note that He Puapua was not produced by a government agency and therefore Crown Law had no involvement with the writing of the report. Crown Law has also not provided any advice on the content of the He Puapua report. The rest of the matters 1-10 in your 11 October letter do not appear to be an Official Information Act request and so we make no comment on them. Finally, while your request does not ask for Crown Law advice given to the government about the UN Declaration of the Rights of Indigenous Peoples, we note that privilege over any such advice has not been waived in the past.
5. You have a right under section 19(b), by way of a complaint under section 28(3) of the Act to an Ombudsman, to seek an investigation and review of our refusal to provide you with the information sought.

Yours faithfully
Crown Law



Kim Laursen
Crown Counsel

This article was written from documents held in the New Zealand, Australian and American Archives, plus the British Parliamentary Papers and Official Information Act letters received by the ONZF.

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Colonization Did Not Destroy the Tangata Māori's Way of Life.

History ignored by Government and our modern-day historians.



Colonization did not destroy the tangata Māori's way of life, it was Hongi Hika, Ngāpuhi who destroyed it when he returned from England in 1820 with over 500 muskets and went on the rampage south with his followers, taking as slaves or killing thousands of his unarmed countrymen, women, and children for the fun of it and the feasts that followed. By 1830, the Southern tribes had also gained muskets and were not only attacking Ngāpuhi for utu/vengeance, but the fighting between the tribes of New Zealand by 1840 became completely out of control with half the tangata Maori population being destroyed by their own hand. See: *"Maori Wars of the 19th Century"*, by S Percy Smith, *"A Savage Country"* and *"This Horrid Practice"* by Dr Paul Moon and the *"Musket Wars"* by R. O Crosby to name a few.



If the tangata Maori race were to survive, Britain had to take a far greater interest in New Zealand and its people. In 1839, Britain placed New Zealand under the dependency of New South Wales. In 1840, Queen Victoria offered the tangata Maori chiefs an 'Agreement'; if they gave up their governments to Britain, they would become British Subjects with the same rights and protection as the people of England under English Law. Over 500 chiefs signed the 'Agreement' at Waitangi in 1840 and the tangata Maori became British Subjects under one flag and one law. On the 16 November 1840 Queen Victoria issued a Royal Charter/Letters Patent that separated New Zealand from New South Wales and made New Zealand into a British Colony with a Governor and constitution that set up New Zealand's political legal and justice systems under one flag and one law, irrespective of race, colour or creed.

The Treaty of Waitangi was never New Zealand's true Founding Document.

The Treaty of Waitangi was never New Zealand's true Founding Document, in fact, it was not even a treaty as it was only signed by one Sovereign Nation, Britain. Maori were never a Sovereign Nation, therefore, the Treaty of Waitangi was only an "Agreement" between the tangata Maori and Queen Victoria. Queen Victoria asked the tangata Maori chiefs to give up their individual governments/tribal control and in return, they would become British Subjects with the same rights as the people of England. No more, no less. Under English Law, Queen Victoria did not have the authority to give Maori any special rights or privileges not enjoyed by all the people of England, and none were given. Today's Maori, through the intermarriage of their ancestors' own free will, are no longer the distinct race of people who signed this "Agreement" in 1840 or the indigenous people of New Zealand. **Today, they are New Zealand**

Citizens with varying amounts of Maori ancestry.

See: [Britain Fudged it to Get the Treaty Across the Line. | One New Zealand Foundation Inc.](#)

New Zealand's Two True Founding Documents and First Constitution.

1. **Queen Victoria's Royal Charter/Letters Patent dated 30 July 1839**, issued under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*", placed New Zealand under the dependency of the New South Wales Government. If New Zealand had been a Sovereign Nation in 1839, Britain could not have placed New Zealand under the dependency of New South Wales. See below.
2. **Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840**, issued under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*", separated New Zealand from New South Wales and made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. **Our true Founding Document.** See below.

Government Hides Founding Documents from the Public.

When the One New Zealand Foundation brought these two documents to the Public's attention in 2015, the Government quickly dismantled the Constitution Room at Archives New Zealand, where they had been on public display for over 25 years, and hid them in Archives storeroom out of the public's view in 2017. In fact, if future researchers want to research these documents, they must now order them, but this is only if they know they exist. **Do you?** See copies of Queen Victoria's Royal Charters below.

First Sitting of New Zealand's Legislative Council in 1841.

The New Zealand Legislative Council was established in 1841 by Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 when New Zealand was created as a Crown Colony separate from New South Wales. The Council was composed of the Governor, the Colonial Secretary, the Colonial Treasurer, and Justices of the Peace. The first session of the Legislative Council was held in Auckland from 24 May to 10 July 1841. The initial Members were William Hobson as Governor, Willoughby Shortland as Colonial Secretary, Frances Fisher as Attorney General, George Cooper as Colonial Treasurer, and a number of Senior Justices of the Peace. The Council's first ordinance was a temporary measure of adopting the laws of New South Wales. The Legislative Council's main role was to enact laws and ordinances for the Government of the Colony and to establish Courts of Justice under one flag and one law, irrespective of race colour or creed. See copy of the First Sitting of the Legislative Council below.

There are no other documents in our history that come anywhere near to New Zealand's true Founding Documents and first Constitution than Queen Victoria's two Royal Charters of 1839 and 1840. They referred to all the people of New Zealand under one flag and one law, irrespective of race, colour or creed.

QUEEN VICTORIA'S TWO ROYAL CHARTERS/LETTERS PATENT

The following information has been obtained by the One New Zealand Foundation Inc. from New Zealand, Australian and American Archives, plus the British Parliamentary Papers.

Queen Victoria's Royal Charter/Letters Patent dated 30 July 1839 placed New Zealand under the dependency of the New South Wales Government. Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 separated New Zealand from New

South Wales dependency and made New Zealand into a British Colony with a Governor and Constitution that set up our political, legal and justice systems under one flag and one law, irrespective of race, colour, or creed. See copy of 1839 Royal Charters/Letters Patent below.

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*".

At the end of 1840, the "Treaty/Agreement" had achieved its purpose and was filed away where it was later damaged by fire and rats. Maori had given up their individual governments and become British Subjects with the same rights as the people of England. Under English Law, Queen Victoria did not have the authority to give the tangata Maori any rights or privileges not enjoyed by all the people of England, and none were given. Britain claim sovereignty over New Zealand that was recognised by the rest of the world on 2 October 1840.

Britain could now separate New Zealand from New South Wales jurisdiction and dependency and make New Zealand into a British Colony with a Governor and Constitution to form a government under one flag and one law, irrespective of race colour or creed. This was achieved by Queen Victoria's 1840 Royal Charter/Letters Patent on 3 May 1841. See copy of 1840 Royal Charters/Letters Patent below.

Both Royal Charters/Letters Patent have been completely ignored by governments and most historians. In fact, on 17 April 2017 the Government allowed Archives New Zealand to dismantle the Constitution Room at Archives New Zealand and place the Royal Charters of 1839 and 1840 in Archive's repository amongst the other 6 million documents and out of the public's view. To research these documents now, researchers must order them, that is, if they know they exist.

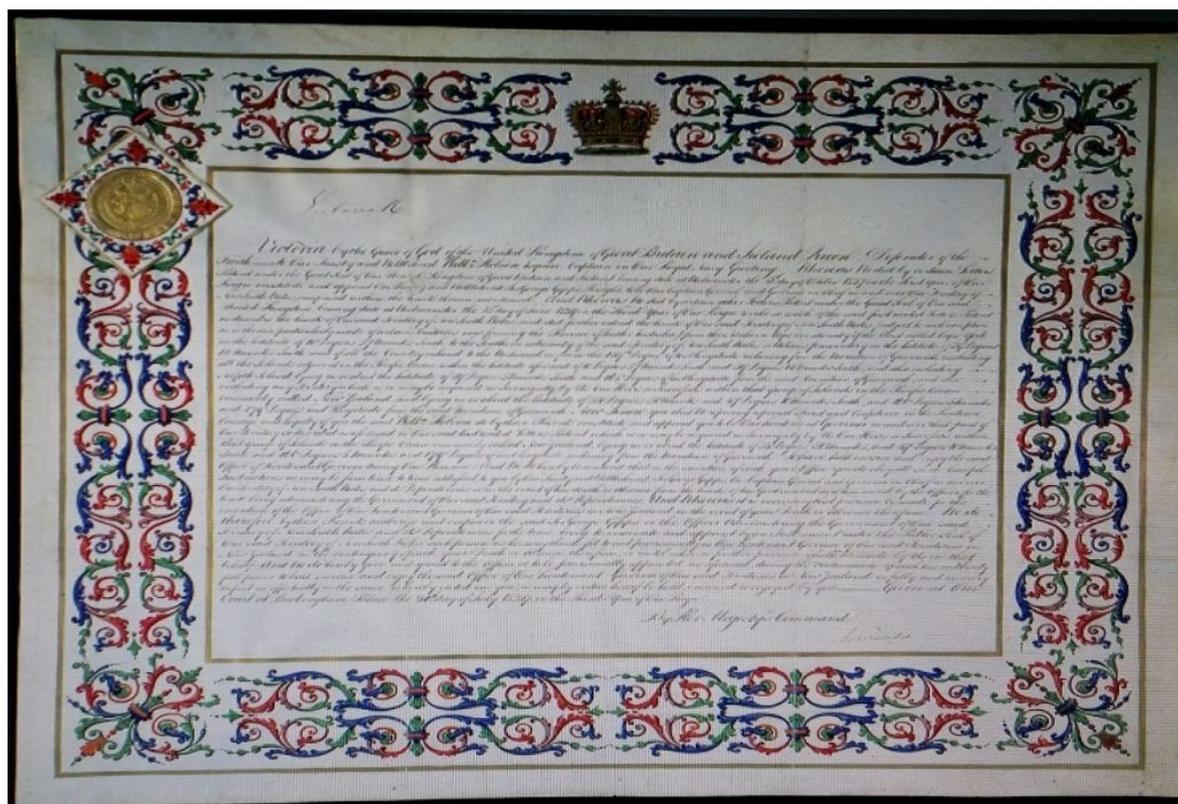
Do you?

Queen Victoria's 1839 Royal Charters/Letters Patent

A vital part of our history governments has hidden from the public.

Below is the 'Charter/Letters Patent' appointing William Hobson as Lieutenant Governor of New Zealand and extending the boundaries of New South Wales to include all the islands of New Zealand in 1839. Sir George Gipps, Governor of New South Wales was in fact, the first Governor of New Zealand with Captain William Hobson as his Lieutenant.

1839 Charter/Letters Patent for New Zealand and New South Wales.



The Royal Charter/Letters Patent reads,

Victoria R

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith – To Our

Trusty and Well beloved, William Hobson Esquire, Captain of the Royal Navy Greeting. Whereas We did by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the 5th day of October 1837 in the First year of Our Reign constitute and appoint Our Trusty and Well beloved, Sir George Gipps, Knight, to be Our Captain General and Governor in Chief in and over Our Territory of New South Wales, comprised within the limits therein mentioned. And Whereas We did by certain other Letters Patent under the Great Seal of Our said United Kingdom, bearing date at Westminster the 15th day of June 1839 in the Third Year of Our Reign revoke so much of the said first recited Letters Patent as describes the limits of Our said Territory of New South Wales, and did further extend the limits of Our said Territory of New South Wales (subject to such exception as is therein particularly made of certain Territories now forming the Province of South Australia) from the Northern Cape or extremity of the Coast called Cape York in the latitude of 10 Degrees 37 Minutes South to the Southern extremity of the said Territory of New South Wales or Wilson's promontory in the latitude of 39 Degrees 12 Minutes South and of all of the Country inland to the Westward as far as the 129th Degree of East longitude reckoning for the Meridian of Greenwich including all the Islands adjacent in the Pacific Ocean within the latitude aforesaid of 10 Degrees 37 Minutes South and 39 Degrees 12 Minutes South, and also including Norfolk Island lying in or about the latitude of 29 Degrees 3 Minutes South and 168 Degrees of East Longitude from the said Meridian of Greenwich, and also including any Territory which is or maybe acquired in Sovereignty by Us Our Heirs or Successors within that group of Islands in the Pacific Ocean commonly called New Zealand, and lying in or about the latitude of 34 Degrees 30 Minutes North and 47 Degrees 10 Minutes South, and 166 Degrees 5 Minutes and 179 Degrees East longitude from the said Meridian of Greenwich. Now Know you that We reposing especial Trust and Confidence in the Prudence Courage and Loyalty of you the said William Hobson do by these

Present constitute and appoint you to be Our Lieutenant Governor in and over that part of Our Territory so described as foresaid in Our said last recited Letters Patent which is or maybe acquired in Sovereignty by Us Our Heirs or Successors within that group of Islands in the Pacific Ocean commonly called New Zealand, lying in or about the latitude of 34 Degrees 30 Minutes North and 47 Degrees 10 Minutes South, and 166 Degrees 5 Minutes and 179 Degrees East longitude reckoning from the Meridian of Greenwich. To have hold exercise and enjoy the said Office of Lieutenant Governor during Our Pleasure: And We do hereby command that in the execution of such your Office you do obey all such lawful Instructions as may be from time to time addressed to you by Our Trusty and Well beloved Sir George Gipps, Our Captain General and Governor in Chief in and over Our Territory of New South Wales and its Dependencies or in the event of his death or absence from the limits of his Government and command by the Officer for the time being administering the Government of Our said Territory and its Dependencies. And Whereas it is necessary that provision be made for the execution of the Office of Our Lieutenant Governor of Our said Territories in New Zealand in the event of your Death or absence therefrom, We do therefore by these Presents authorise and empower the said Sir George Gipps or the Officer Administering the Government of Our said Territory of New South Wales and its Dependencies for the time being to nominate and appoint by an Instrument under the Public Seal of Our said Territory of New South Wales, such person as he may think fit to act provisionally as Our Lieutenant Governor of Our said Territories in New Zealand in the contingency of such your Death or absence therefrom, or until other or further provision shall be made by Us in that behalf. And We do hereby give and grant to the Officer so to be provisionally appointed as aforesaid, during the continuance of such his authority full power to hold exercise and enjoy the said Office of Our Lieutenant Governor of Our said Territories in New Zealand as fully and in every respect as effectually as the same as is hereby vested in you, or may

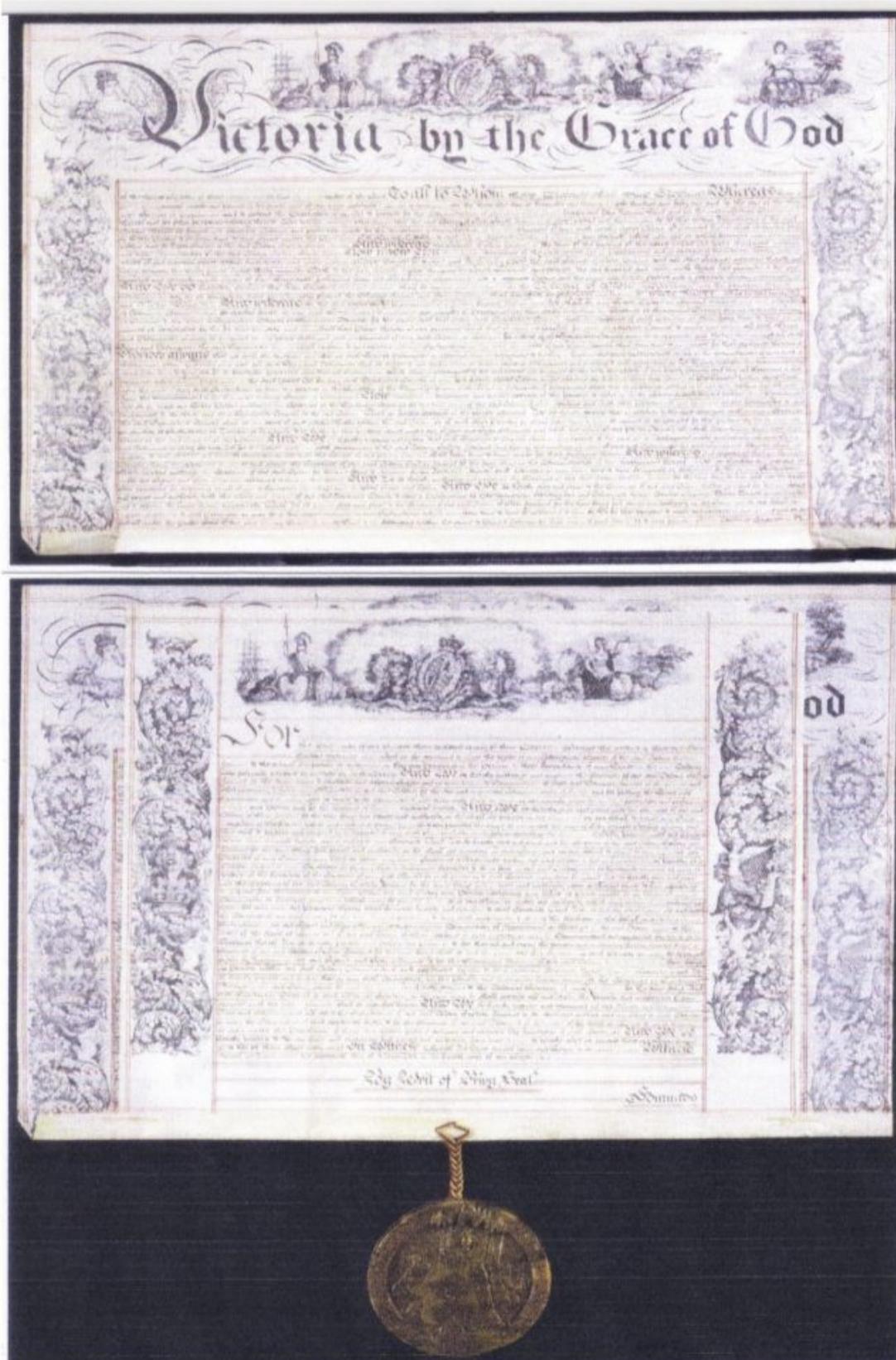
be by virtue hereof be held, exercised or enjoyed by you – Given at Our Court at Buckingham Palace the 30th day of July 1839, in the Third Year of Our Reign. By Her Majesty's Command, Lord Normandy.

This is the Royal Charter/Letters Patent dated 30 July 1839 issued by "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*" that extended the boundaries and laws of New South Wales over all the islands of New Zealand. There is no mention of the Treaty of Waitangi in this Charter.

Below is Queen Victoria's Royal Charter/Letters Patent dated, 16 November 1840. The Constitution of the Colony of New Zealand into a separate colony on 3 May 1841. Archives New Zealand Ref. No. ACGO 8341 1A1 9.

Royal Charter of 1840. Constitution of the Colony of New Zealand into a separate Colony 3 May 1841.

Queen Victoria's Royal Charter/Letters Patent



This is New Zealand true Founding Document and first Constitution.

The Constitution Reads:

The Constitution Reads:

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 on 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 therunto 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

Above is the "Constitutional Charter" dated 16 November 1840 issued by "Victoria by the Grace of God" under "The Great Seal of the United Kingdom of Great Britain and Ireland" that separated New Zealand from New South Wales and made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems under one flag and one law irrespective of race, colour or creed. There is no mention of the Treaty of Waitangi in this Charter.

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 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. 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 Victoriae Reginae. 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
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.

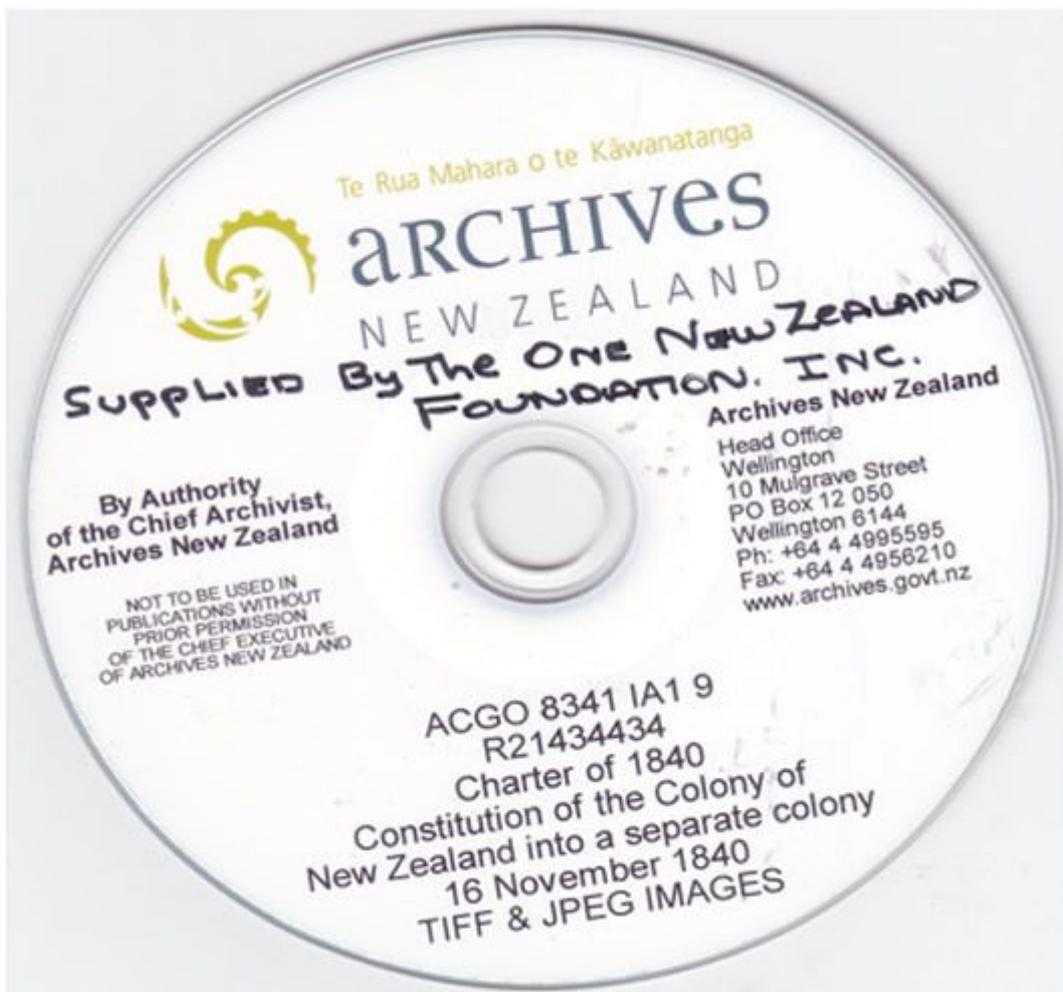
3. And be it further enacted that no act done or performed by any such officer or other person aforesaid, shall be questioned or avoided in any Court of Law, by reason of any supposed want of power and authority, and that all such acts so done and performed shall be, and they are declared to be, as valid 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

“Charter of 1840. Constitution of the Colony of New Zealand into a separate colony, 16 November 1840”



Disc supplied by the Chief Archivist, Archives New Zealand.

Queen Victoria's Royal Charter/Letters Patent Dated the 16 November 1840.

There is no other document in our history that comes anywhere near to New Zealand's true Founding Document and first Constitution than Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840. It separated New Zealand from New South Wales dependency and made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. Without Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840, New Zealand would have remained under the dependency of New South Wales.

Prepared by the One New Zealand Foundation Inc. from documents held in the New Zealand, Australian and American Archives, plus the British Parliamentary Papers. 10/6/2021 (C).

For further information: www.onenzfoundation.co.nz. OR Email: ONZF@bigpond.com.au

Britain Fudged it to Get the Treaty Across the Line.

On 5 September 2025, Julian Batchelor, Stop Co-Governance, wrote the following email stating, *"The reason the British declared NZ to be a sovereign nation was so that they could sign a treaty with Maori. For a treaty to be effectual legally, it has to be between two sovereign nations. i.e. Britain fudged it to get the Treaty across the line"*. But was 'sovereignty' fudged it to get the Treaty across the line?

Since this time, we have given this a lot of thought and while

Britain may have, *"Tried to fudge the Treaty to get it across the line"*, when the facts are known, those involved in translating the final draft of the Treaty of Waitangi, knew Maori could not, and did not have sovereignty over New Zealand in 1840.

Lord Normanby's treaty instructions to Captain William Hobson, dated 14 August 1839, stated, *"We acknowledge New Zealand as a sovereign and independent State"*, but he then went on to say, *"So far at least as it is possible to make such acknowledgment in favour of a people composed of numerous, dispersed, and petty tribes, who possess few political relations to each other, and are incompetent to act, or even to deliberate in concert"*. From this clause, Lord Normanby knew Maori could not, and did not have sovereignty over New Zealand in 1840.

Rev Henry Williams and his son Edward would not allow the Treaty, *"To be fudged to get it across the line"* and changed *"sovereignty"* to *"government/kawanatanga"* when they translated Lt. Governor Hobson's final draft into the Tiriti o Waitangi, on the night of 4 February 1840.

"Kawanatanga" was the word Rev Henry Williams had used for *"government"* in the 1835 Declaration of Independence and had translated *"Sovereignty"* to *"Kingitanga"*. Every Tiriti o Waitangi and Maori to English dictionary also has *"kawanatanga"* translated to *"government"*.

Before the Treaty was read to the gathering at Waitangi on 5 February 1840, Lt. Governor Hobson, British Resident James Busby and Rev. Henry Williams met behind closed doors to check Rev Henry William's translation of the Treaty of Waitangi into the Maori language; Te Tiriti o Waitangi. Both Hobson and Busby agree with the word *"sovereignty"* being changed to *"kawanatanga/government"* as they also knew Maori could not and did not have *"sovereignty"* over New Zealand in 1840.

British Resident James Busby had tried to get the chiefs to

claim sovereignty over New Zealand with his Declaration of Independence in 1835, but as he could only entice 52 chiefs out of about 600 to sign the Declaration due to the tension and fighting between the tribes, the Declaration was abandoned without one meeting ever taking place. Rev Henry Williams had used the word "*Kingitanga*" for "*Sovereignty*" and "*kawanatanga*" for "*government*" when he translated the Declaration of Independence into Maori.

Lord Normanby was correct in his instructions to Hobson, "*So far at least as it is possible to make such acknowledgment in favour of a people composed of numerous, dispersed, and petty tribes, who possess few political relations to each other, and are incompetent to act, or even to deliberate in concert*". This was supported by Chief Justice, Sir James Prendergast in 1877 when he ruled at the trial between *Wi Parata v the Bishop of Wellington*, stating, "*So far indeed as that instrument (The Treaty of Waitangi) purported to cede sovereignty it must be regarded as a 'simple nullity'. No political body existed capable of making cession of sovereignty*". From these comments, and the fact sovereignty was changed to *kawanatanga/government* in the *Tiriti o Waitangi*, there is no way Maori could have or did have sovereignty over New Zealand in 1840.

While Britain tried to "*Fudge Sovereignty to get the Treaty across the line*", those involved in drafting it did not allow this to happen. They knew, Maori did not have sovereignty over New Zealand in 1840, therefore, Lt Governor Hobson had to ask the 540 chiefs to sign the Treaty as individual chiefs as there was, "*No political body existed capable of making cession of sovereignty*", which made the Treaty of Waitangi a '**simple nullity**' as it was not signed between two Sovereign Nations. **FACT!**

Research Department, One New Zealand Foundation Inc.
www.onenzfoundation.co.nz 29/9/25.

The Six Documents Agreed to by Both Parties that made New Zealand a British Colony.

There were Six Documents, agreed to by both parties, that made New Zealand into a British Colony under one flag and one law, irrespective of race, colour or creed.

The main one being Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 issued under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*". This document separated New Zealand from New South Wales and made New Zealand into a British Colony under one flag and one law, irrespective of race, colour or creed, but many historians, authors, activists and governments have done everything in their power to ignore these **Six Vital Historical Documents** held in the New Zealand, Australian and American Archives, plus the British Parliamentary Papers.

What right have these authors, historians, activists and governments to question these **Six Documents** that were agreed to by both parties at the time. They made New Zealand into a British Colony. See: [The Six Documents that made New Zealand into a British Colony. | One New Zealand Foundation Inc.](#)

While the first 4 documents are important historical documents as they helped set up New Zealand becoming a British Colony, there is no denying, Queen Victoria's 1840 Royal Charter/Letters Patent made New Zealand a British Colony recognised and never disputed by Nations around the world.

There is no other document in New Zealand's history that comes anywhere near to a true Founding Document and first

Constitution than **Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840**. It's an indisputable fact, it set up our political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. But in 2017 the corrupt National Government hid our true **Founding Document and first Constitution** from the public's view when the One New Zealand Foundation Inc brought it to their attention

All the above was agreed to unanimously by over 200 chiefs at the 1860 Kohimarama Conference *"That this conference takes cognisance of the fact that several chiefs, members thereof, are pledged to each other to do nothing inconsistent with their declared cognition of the Queen's sovereignty, and of the unions of the two races"*. See: [Chief's Swear Alliance to the Queen at Kohimarama Conference. | One New Zealand Foundation Inc.](#)

Finally, it's time we put all the myths to bed, once and for all.

1. Maori were not indigenous to New Zealand; they arrived in New Zealand by canoe in the 14th century to find New Zealand already inhabited by the tangata whenua. **FACT.**
2. Over 500 chiefs agreed to the name of the country as New Zealand/Nu Tirani when over 500 chiefs signed the Tiriti o Waitangi in 1840. **FACT**
3. Through intermarriage of their ancestors' own free will, Maori today are no longer the distinct race of people who signed the Treaty of Waitangi in 1840. Today, they are New Zealand Citizens living under one flag and one law with all the other New Zealand Citizens. *"He iwi tahi tatou – We are now one people"*. **FACT.**
4. Maori could not cede sovereignty in 1840, *"As no political body existed capable of making cession of sovereignty" or even to deliberate in concert,* therefore, *"kawanatanga/government"* was used in the Declaration of Independence and the Tiriti o Waitangi.

“Kawanatanga” is also translated to “government” in all Maori to English dictionaries. **FACT.**

We ask all New Zealanders to read these Six Documents agreed to by both Parties that made New Zealand into a Democratic British Colony under one flag and one law, irrespective of race, colour or creed.

Prepared by the One New Zealand Foundation Inc.
www.onenzfoundation.co.nz. 22/9/25.

New Zealand's Relationship with New South Wales

Let's explore the historical context of New Zealand's relationship with New South Wales.

Wikimedia Foundation Inc.

The Wikimedia Foundation, Inc is a nonprofit charitable organization dedicated to encouraging the growth, development and distribution of free, multilingual content, and to providing the full content of these wiki-based projects to the public free of charge.

In **1840**, Britain initially included New Zealand as a **dependency** of New South Wales. During this time, New South Wales laws were deemed to operate in New Zealand. However, this arrangement was transitional, and by **November 1840**, New Zealand became a **separate colony** in its own right¹².

Before this official separation, New Zealand and Australia had a close relationship. The boundaries of the New South Wales colony extended from Cape York in Queensland to South Cape in

Tasmania, encompassing all land west to 135 degrees longitude (just east of Alice Springs) and “including all the islands adjacent in the Pacific Ocean.” This vague definition effectively incorporated New Zealand into the New South Wales territory. [Governors encouraged economic and cultural activities across the Tasman, including supporting the Church Missionary Society’s presence in New Zealand and appointing New Zealand’s first Justice of the Peace, Thomas Kendall, in 18143.](#)

However, changing circumstances led to the Crown taking more direct control. In **1831**, Captain John Stewart of the brig Elizabeth collaborated with a Maori war party in massacring a rival group on the Banks Peninsula. Despite successive attempts to bring Stewart and his crew before English courts, they escaped punishment. This highlighted the difficulty in applying the law across the Tasman Sea and forced the government to reconsider New Zealand’s position. Additionally, a growing humanitarian movement expressed concern about the fate of the Maori people following an influx of British settlers hungry for land. [Thus, the time had come for New Zealand to become a separate colony3.](#)

By **1841**, New Zealand stood on its own, inheriting political practices and institutions of government from the United Kingdom. [This marked the end of over 50 years of confusion regarding the relationship between New Zealand and the Australian colony, and it paved the way for New Zealand’s independent development as a distinct nation3](#)

Queen Victoria’s Royal Charter, dated November 16, 1840

Queen Victoria’s Royal Charter, dated November 16, 1840, holds a significant place in New Zealand’s history. It is often overlooked but plays a crucial role as the **true founding document** and **first constitution** of New Zealand. Let’s delve into the details:

1. **Background:**

- The **Tiriti o Waitangi**, commonly known as the Treaty of Waitangi, has been recognized as New Zealand's founding document for over 173 years.
- However, recent research by Ross Baker of the One New Zealand Foundation Inc. reveals that the Tiriti o Waitangi served a specific purpose: to grant Britain sovereignty over New Zealand and provide tangata Maori with rights similar to those of the people of England.

2. **Queen Victoria's Royal Charter:**

- This charter was the missing link that established New Zealand as an independent British colony.
- It granted New Zealand:
 - Its own British Colony status.
 - A Governor and Government.
 - The authority to enact laws, establish courts, and appoint judges.
 - A unified legal and political system under one flag and one law for all people, regardless of race, color, or creed.

3. **Declaration of Independence:**

- Before the Royal Charter, there was the **Declaration of Independence**, drafted by James Busby in 1835.
- The Declaration aimed to unite Maori chiefs, promote peace, justice, and trade, and prevent intertribal conflicts.
- Unfortunately, only 34 Northern chiefs signed it, and it was eventually abandoned due to internal conflicts.

4. **Role of the Treaty of Waitangi:**

- The Tiriti o Waitangi did not serve as New Zealand's founding document or part of its constitution.
- Instead, it granted Britain sovereignty and ensured Maori rights similar to those of the

English people.

Queen Victoria's Royal Charter had significant implications for indigenous rights in New Zealand. Let's explore how it impacted the tangata whenua (indigenous people):

1. Recognition of Sovereignty:

- The Royal Charter granted New Zealand its own British Colony status, recognizing its sovereignty within the British Empire.
- This recognition allowed for the establishment of a Governor and Government, which played a crucial role in shaping the legal and political landscape.

2. Equal Rights Under One Law:

- The Charter ensured that all people in New Zealand, regardless of their race or ethnicity, would be subject to the same legal system.
- Maori rights were protected under English common law, granting them equal rights alongside European settlers.

3. Land Ownership and Disputes:

- The Charter established a unified legal system, including courts and judges.

In summary, Queen Victoria's Royal Charter, issued on November 16, 1840, is the **true foundation** upon which New Zealand's legal and political systems were established. [It's time to recognize its importance and place it firmly in our historical archives!](#)

NOTE.

Tangata Māori were not indigenous to New Zealand.

Since this article was written, forensic evidence shows Māori were not the indigenous people of New Zealand. The Māori arrived in New Zealand in 1350 to find New Zealand already inhabited by the tangata whenua. The Government does not have a definition of, *"The tangata whenua or the Indigenous People*

of New Zealand". The Tiriti o Waitangi states it was signed with tangata Maori, not tangata whenua.

Supplied by: The One New Zealand Foundation Inc.
www.onenzfoundation.co.nz.

Time to define who is a Maori today?

The Government must revoke all previous Acts defining a Maori.

Maori today is a new race of people created by Government in Acts of Parliament, the first one passed in 1865. It became obvious in 1865 that many Natives had intermarried with people from other lands, and therefore, could no longer be defined as a Native of New Zealand. The Government passed an Act of Parliament, **The Native Lands Act of 1865 defined a Maori as, "an Aboriginal Native and shall include all half-castes and their descendants by Natives"**.

This Act created a new race of people called "Maori". Since this time, Maori have continued to intermarry of their own free will and their ancestry has further diluted, forcing Governments to amend the Act many times over. The reason to create this new race of people cannot be blamed on the Government or non-Maori, but on their ancestors who chose to inter-marry of their own free will with other races.

The Electoral Amendment Act 1975 defines a Maori as, "a person of the Maori race and includes any descendant of such a person who elects to be considered a Maori for the purposes of the Electoral Act".

Today most Maori are so far removed from the Native race of 1840, it would be impossible, except through the Acts, to say they were the people who signed the Treaty of Waitangi in 1840. The Hon Ian Peters, the M.P. for Tongariro 1990/93 stated, *"It is only common sense that we should not have a person with less than 50% of Aboriginal blood, expecting all the rights and privileges that were promised or guaranteed in the Treaty of Waitangi, over his fellow New Zealanders"*. Today, most people claiming to be Maori would have far less than 50% Aboriginal blood.

While the 1975 Electoral Amendment Act defines a Maori as, *"a person of the Maori race and includes any descendant of such a person who considers to be a Maori"*, this Act was passed 50 years or 3 generations ago and since then, Maori have continued to intermarry of their own free will with other race until today, it's ridiculous for them to still be defined as the people who signed the Treaty of Waitangi in 1840. Past Race Relations Conciliator, John Clark of Maori descent wrote, *"Maori today are people with Maori ancestry that one sees in legislation"*.

It's also a fact; Maori are not the tangata whenua or the indigenous people of New Zealand; their ancestors arrived in New Zealand by canoe in the 14th century. This was confirmed by, Emeritus Professor Ranginui Walker, past Head of Maori Studies at the Auckland University when he stated in the 1986 New Zealand Yearbook, page 18, *"The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua living in New Zealand"*.

It is also a fact, the Government does not have a definition of the Indigenous People of New Zealand, but Prime Minister Hon John Key allowed the Hon Peter Sharples to travel to New York in 2010 and sign the United Nations Declaration on the Rights of the Indigenous People. Maori are not the Indigenous People of New Zealand.

Today's Maori are not the tangata whenua or the people who signed the Treaty of Waitangi in 1840. They are New Zealand Citizens, who in most cases, can only claim a minute trace of Maori ancestry. The majority of their ancestry, mainly European, are the people they claim created the injustices they are claiming against today. **How can they claim against themselves?**

It's time the Government woke up, Maori today are not the race of people who signed the Treaty of Waitangi in 1840, they are people pretending to be the people who signed the Treaty of Waitangi in 1840.

The Government must revoke all previous Acts defining a Maori with One Act; The 2025 New Zealand Citizens Act; *"All people born in New Zealand are New Zealand Citizens"*.

Prepared by the On New Zealand Foundation. Est: 1988.
(Copyright). 29/10/23.

Website: www.onenzfoundation.co.nz. Email: onzf@bigpond.com.au.

Colonisation – The Saviour of the Maori Race.

It's time the Te Pāti Māori Party and its followers thanked Queen Victoria and Her People for saving their tangata Maori Ancestors from total extinction in 1840.



Colonization did not destroy the tangata Māori's way of life, it was Hongi Hika, Ngāpuhi who destroyed it when he returned from England in 1820 with over 500 muskets and went on the rampage south with his followers, taking as slaves or killing thousands of their unarmed countrymen, women, and children for the fun of it and the feasts that followed. By 1830, the Southern tribes had also gained muskets and were not only attacking Ngāpuhi for utu/revenge, but also fighting became completely out of control between the tribes of New Zealand and by 1840, half the tangata Maori population had been destroyed.



If the tangata Maori race were to survive, Britain had to take a far greater interest in New Zealand and its people. In 1840, Queen Victoria offered the tangata Maori chiefs a treaty asking them; if they gave up their governments to Britain, they would become British Subjects with the same rights and protection as the people of England under English Law. Over 500 chiefs signed the Tiriti o Waitangi in 1840 and the tangata Maori became British Subjects under one law and one flag. See: *"Maori Wars of the 19th Century"*, by S Percy Smith, *"A Savage Country"* and *"This Horrid Practice"* by Dr Paul Moon and the *"Musket Wars"* by R. O Crosby to name a few.

History That is Not Being Told to the People of New Zealand.

The Treaty of Waitangi was not our Founding Document; it only played a minor role in New Zealand becoming a British Colony.

Maori Were Not Indigenous to New Zealand. They arrived in New Zealand by sea in 1350, the same as the early Europeans some

400 years later. *"The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (prior inhabitants) living in New Zealand. From this time on the traditions abound with accounts of tribal wars over land and its resources"*. Dr Ranginui Walker, past Head of Maori Studies at the Auckland University, published in the "1986 New Zealand Yearbook", page 18. The Government does not have a definition or forensic evidence that Maori were the Indigenous people or tangata whenua of New Zealand. The true tangata whenua were driven from their lands by the tangata Maori and disappeared, only their many archaeology sites remaining today.

Part-Maori today are not the people who signed the Treaty of Waitangi in 1840. Through intermarriage of their ancestors' own free will with other races, Maori today are **not** the distinct race of people who signed the Treaty of Waitangi in 1840. *"Maori today are New Zealand Citizens as one sees in legislation"*. John Clarke, past Race Relations Conciliator of Maori descent. To claim to be Maori under the law, a person should have 51% Maori ancestry.

Declaration of Independence. British Resident, James Busby wrote an unauthorised Declaration of Independence in 1835, but he could only entice 42 out of over 600 Maori chiefs to sign it before it was abandoned without one meeting taking place. Many of the chiefs who had signed the Declaration were back fighting each other before the ink had even dried. Chief Justice Sir James Prendergast ruled in 1877, *"No political body existed capable of claiming sovereignty"*. The Declaration of Independence was a complete failure.

New Zealand was placed under the Dependency of New South Wales. Due to the continuing, *"Musket Wars"*, Queen Victoria placed New Zealand under the Dependency of New South Wales in 1839 by *"The Great Seal of the United Kingdom of Great Britain and Ireland"*. New Zealand remained under the Dependency of New South Wales until 3 May 1841.

The Treaty of Waitangi. The Treaty of Waitangi only played a minor role in New Zealand becoming a British Colony. It gave Britain Sovereignty over New Zealand and made Maori British Subjects with the same rights as the people of England. No more, no less. Queen Victoria did not have the authority to give Maori any special rights in the Treaty of Waitangi not enjoyed by all the people of England and none were given. As Chief Justice, Sir James Prendergast ruled during the trial between *Wi Parata v The Bishop of Wellington in 1877*, “*So far indeed as that instrument (The Treaty of Waitangi) purported to cede sovereignty it must be regarded as a ‘simple nullity’*. *No political body existed capable of making cession of sovereignty*”. How could Maori have had sovereignty over New Zealand or a Partnership with the Crown when they were constantly at war with each other and still practised slavery, cannibalism and genocide? Over half the Maori population had been slaughtered between 1820 and 1840. Without a Head of State, Lt. Governor Hobson had to sign the Treaty of Waitangi with over 500 individual chiefs. The Treaty of Waitangi stopped the inter-tribal fighting and gave Maori protection under British law.

Only One Principle in the Treaty of Waitangi. There is only one Principle in the Treaty of Waitangi and that was the Principle Lt. Governor Hobson repeated to each chief after they had signed the Treaty of Waitangi at Waitangi on 6 February in 1840. “*He iwi tahi tatou – We are now one people*”. There is no reason to write new Principles when we have Lt Governor Hobson’s one Principle agreed to by the 49 chiefs at Waitangi on 6 February 1840.

The Treaty of Waitangi once signed, had achieved its purpose by 1840 and was filed away. Britain had claimed sovereignty over all the islands of New Zealand. This was published in the London Gazette on 2 October 1840. Maori had become British Subjects with the same rights as the people of England. No more, no less. The Treaty of Waitangi was not a Partnership!

Queen Victoria's 1840 Royal Charter/Letters Patent. On 16 November 1840, Queen Victoria issued a Royal Charter Letters Patent under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*", that ratified the Treaty of Waitangi, separated New Zealand from New South Wales dependency and made New Zealand into a British Colony on 3 May 1841 with a Governor and Constitution that set up New Zealand's political, legal and justice system under one flag and one law. All the people of New Zealand became British Subjects under one flag and one law, irrespective of race, colour or creed.

There were **Six Documents that Made New Zealand into British Colony**, but only one comes anywhere near to New Zealand's true Founding Document and first Constitution and that was, **Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840**. It made New Zealand into a British Colony under one flag and one law, irrespective of race, colour or creed with one Principle, "*He iwi tahi tatou – We are now one people*" – New Zealanders.

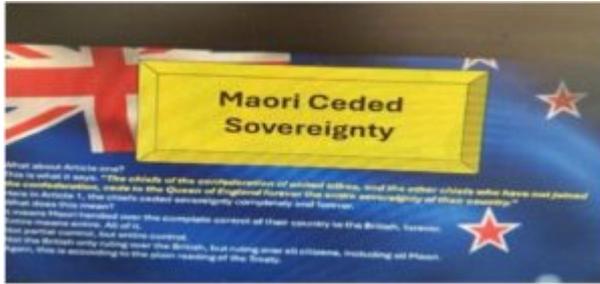
See:

www.onenzfoundation.co.nz/the-six-documents-that-made-new-zealand-into-a-british-colony/

Prepared by the One New Zealand Foundation from documents held in the New Zealand, Australian and American Archives plus the British Parliamentary Papers. (C).

Website: www.onenzfoundation.co.nz. Email; ONZF@bigpond.com.au. 6/2/2025.

Maori Did Not Have Sovereignty to Cede.



This image is part of a video by Juian Batchelor, Stop Co-Governance dated the 17 February 2025 and states, "What about Article one? This is what it says"; ***"The chiefs of the***

confederation of the united tribes, and other chiefs who have not joined the confederation, cede to the Queen of England forever the entire sovreignty/sovereignty of their country".

But this is **NOT** what the chiefs signed on 6 February 1840 or the 39 chiefs who signed the English version. This was what Lt. Governor Hobson's final draft said, but sovereignty was amended to government/kawanatanga by Rev Henry Williams when he translated the final draft into the Tiriti o Waitangi that was signed on 6 February 1840 by 49 chiefs, and then by another 500 chiefs in 1840. Williams had also used kawanatanga for government in the 1835 Declaration of Independence. Every translation of the Tiriti o Waitangi translates *kawanatanga* as *government*. James Busby spelt sovereignty wrong in all his early drafts as well as the Final Draft.

Article One of the Tiriti o Waitangi that was signed on 6 February 1840 stated, ***"The chiefs of the Assembly, and the Chiefs also who have not joined the Assembly, give up entirely to the Queen of England for ever all the kawanatanga/government of their lands"***. Official translation by Mr T E Young of the Native Department for the Legislative Counsel in 1969.

Rev Henry Williams had been in New Zealand since 1823 and knew

Maori did not have sovereignty over New Zealand in 1840. He knew since the 1800's, the Maori tribes had been continually at war with each other, but no more so than when Hongi Hika returned from England in 1820 with over 500 muskets. He and his Ngāpuhi followers then went on the rampage south, killing, or taking as slaves thousands of his unarmed countrymen, women and children for the fun of it and the feasts that followed.

This was the start of the Musket Wars that continued until the Tiriti o Waitangi was signed in 1840. See: "*Maori Wars of the 19th Century*", by S Percy Smith, "*A Savage Country*" and "*This Horrid Practice*" by Dr Paul Moon and the "*Musket Wars*" by R. O Crosby to name a few.

British Resident, James Busby had tried to get Maori to claim sovereignty over New Zealand with his unauthorised Declaration of Independence in 1835, but as he could only entice 34 chiefs to sign it and no meeting ever taking place, it was abandoned. The Declaration did not give Maori sovereignty over New Zealand as shown by Lord Normanby contradictory instructions to Captain Hobson.

There is absolutely no evidence that Maori had sovereignty over New Zealand when the Treaty of Waitangi was signed in 1840. Maori could only give up their governments to the Queen and in return, became British Subjects with the same rights as the people of England, no more, no less.

This was endorsed by Chief Justice, Sir James Prendergast when he ruled at the trial between *Wi Parata v The Bishop of Wellington in 1877*, "*So far indeed as that instrument (The Treaty of Waitangi) purported to cede the sovereignty it must be regarded as a 'simple nullity'. No political body existed capable of making cession of sovereignty*". This ruling has never been over-ruled as it is based on fact, "*No political body existed capable of making cession of sovereignty*".

How could Maori have sovereignty over New Zealand when they

were continually at war with each other and still practicing slavery, cannibalism and genocide?

Prepared by the One New Zealand Foundation Inc. Email: ONZF@bigpond.com.au.

Judge Anthony Willy – Open Letter.

11 January 2025.

Judge Anthony Willy,

Dear Sir,

Re: The Treaty of Waitangi was not our true Founding Document or first Constitution.

Why do you completely ignore the Royal Charter Letters Patent dated 16 November 1840, issued by Queen Victoria under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*", that separated New Zealand from New South Wales and made New Zealand into a British Colony with a Governor and Constitution that set up our political, legal and justice systems under one flag and one law, irrespective of race colour or creed?

Without the Royal Charter/Letters Parent, New Zealand would have remained under the dependency of New South Wales.

The Treaty of Waitangi only asked the tangata maori to give up their individual governments/tribal control to Queen Victoria, and in return, they would become British Subjects with the same rights as the people of England, no more, no less. Under

English law, based on the Magna Carta, Queen Victoria could not give the tangata maori any special rights or laws that were not enjoyed by all the people of England, and none were given. Article 2 of the Treaty of Waitangi referred to "***all the people of New Zealand***".

Since the ONZF brought Queen Victoria's Royal Charter Letters Patent to the Government's attention in 2015, Government has done everything in its power to hide the 1839 and 1840 Royal Charters from the public by dismantling the Constitution Room at Archive New Zealand in 2017 where the Royal Charters, issued by Queen Victoria under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*", had been on public display for over 25 years. Government then built the \$7.2 million *He Tohu Exhibition* at the Wellington National Library, but omitted to display Queen Victoria's Royal Charter/Letters Patent dated 30 July 1839, that placed New Zealand under the dependency of New South Wales and the Royal Charter/Letters Patent dated 16 November 1840 that separated New Zealand from New South Wales and made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems under one flag and one law, irrespective of race colour or creed. See below, OIA letter to the ONZF from Merilyn Little, Chief Archivist.

In fact, there were Six Documents that made New Zealand into a British Colony, but except for the Treaty of Waitangi, all are completely ignored by those who continue to write about New Zealand's history, See: [The Six Documents that made New Zealand into a British Colony. | One New Zealand Foundation Inc.](#)

There is no other document in our history that comes anywhere near to New Zealand's true Founding Document and first Constitution, than Queen Victoria's Royal Charter Letters Patent dated 16 November 1840, but the Government hides this document from the public. WHY?

Sir, why are these Six Documents, that are all held in the New Zealand, Australian and American Archives, plus the British Parliamentary Papers, all ignored, except for the Treaty of Waitangi by our governments, judges, academics and historians. Surely, the people of New Zealand have a right to know their true documented history and how New Zealand became a British Colony under one flag and one law, irrespective of race colour or creed.

The Treaty of Waitangi was not our true Founding Document or first Constitution, it was Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

Government Hides our True Founding Document and First Constitution.

What a load of rubbish by the Chief Archivist, Merilyn Little.



4 July 2017

Archives New Zealand, Mulgrave Street, Wellington

Phone +64 499 5595

Ross Baker
onzf@bigpond.com.au

Website www.archives.govt.nz

www.dia.govt.nz

Dear Mr Baker

Official Information Act 1982 (OIA) request 16/17-0386

I refer to your letter sent to Bill Macnaught, National Librarian, dated 5 June 2017. Mr Macnaught has referred your letter to me for response as the questions relate to the operational matters of Archives New Zealand.

You have asked:

"Why were the two following constitutional documents [the 1839 Commission under the Great Seal extending the limits of the colony of New South Wales so as to include New Zealand; and the 1840 Charter of New Zealand] not moved to the He Tohu exhibit with the Declaration of Independence, the Treaty of Waitangi and the Women's Suffrage Petition and who decided on which documents would be moved and which would be placed with the other 6 million documents at Archives New Zealand's repository?"

Only a small proportion of the many constitutional documents held by Archives New Zealand are able to be displayed in *He Tohu*. The three documents on display, the 1835 Declaration of Independence, the 1840 Treaty of Waitangi and the 1893 Women's Suffrage Petition, represent moments of pivotal historical significance in Aotearoa New Zealand's development as a country. The decision to display these documents was approved by the project board. The decision to return the remaining documents to the repository is made under the authority of the Chief Archivist.

Yours sincerely

A handwritten signature in blue ink that reads "Marilyn Little".

Marilyn Little
Chief Archivist
Archives New Zealand

What a load of rubbish when it was stated, the refurbishment of the Nation Library, Wellington costing \$7.2 million could only hold three documents with the Chief Activist, Merilyn Little stating these three documents, "*Represent moments of pivotal historical significance in Aotearoa New Zealand's development as a country*". This was a complete lie by the Chief Archivist at Archives New Zealand to support our corrupt

Government to hide New Zealand true Founding Document and first Constitution from the people of New Zealand.

These three documents, the Declaration of Independence, the Treaty of Waitangi and the Women's Suffrage Petition did not, *"Represent moments of pivotal historical significance in Aotearoa New Zealand's development as a country"*, especially as New Zealand was under the dependency of New South Wales when the Treaty of Waitangi was signed.

The only significant document that was pivotal to New Zealand's development was, Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 that was issued under, *"The Great Seal of the United Kingdom of Great Britain and Ireland"*. It separated New Zealand from New South Wales dependency and made New Zealand into a British Colony with a Governor and Constitution that set up New Zealand's political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. New Zealand's true Founding Document and first Constitution.

There is no other document in our history that comes anywhere near to a Founding Document and first Constitution than, Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

This shows to what lengths our corrupt Government will go (\$7.2 million of taxpayer's money) to hide New Zealand's true history from the people of New Zealand, supported by Archives New Zealand. How corrupt was that?

Researched by: The One New Zealand Foundation Inc. from documents held in the New Zealand, Australian and American Archives, plus the British Parliamentary Papers. 30/5/24.

New Zealand's "True Rulebook" Written in the 19th Century

New Zealand's "True Rulebook Written in the 19th Century"

Was "Queen Victoria's 1840 Royal Charter/Letter Patent".

John Robinson has just written, (15 December 2024) "*Modern New Zealand doesn't need a rulebook written in the 19th century*".

Of course, John is referring to the Treaty of Waitangi, but he overlooked the fact, the Treaty was not a "Rulebook", it was an agreement between Queen Victoria and the tangata maori asking them to give up their "tribal control" and in return, they would become British Subjects with the same rights as the people of England, no more, no less, and no partnership.

New Zealand's true "Rulebook" came soon after 540 tangata maori chiefs had agreed to and signed the Treaty of Waitangi in 1840. New Zealand's true "Rulebook" was **Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840** as it set up our political, legal and justice systems under one flag and one law, irrespective of race colour or creed, but this is completely overlooked by our modern-day historians.

Unfortunately, these people have never researched the **Charter of New Zealand** and continue to publish this false history, and the majority of the people New Zealand, have fallen for it.

Below is a copy of Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 that was issued under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*". **This was the true "Rulebook written in the 19th Century", not the Treaty of Waitangi,**

Charter of 1840. Constitution of the Colony of New Zealand.



The 1840 Constitutional Charter of New Zealand reads:

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 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. 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 civilization 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 Victoriae Reginae. 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

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 whomsoever 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.

The Charter of 1840. Constitution of the Colony of New Zealand into a separate colony. 16 November 1840.



This disc was supplied by the Chief Archivist, Archives New Zealand before the Constitution Room at Archives New Zealand was dismantled and the Royal Charter was hidden from the public's view in Archives storeroom. If future researchers want to research it now, it must be ordered, but that's only if they know it exists. Do you?

The Tiriti o of Waitangi was in fact, only one of Six Documents that made New Zealand into a British Colony under one flag and one law, irrespective of race, colour or creed.

See: <http://onenzfoundation.co.nz/the-six-documents-that-made-new-zealand-into-a-british-colony/>

Researched by: The One New Zealand Foundation Inc. from documents held in the New Zealand, Australian and American Archives, plus the British Parliamentary Papers. www.onenzfoundation.co.nz. 18/12/2024.