

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/>

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Lt. Governor Hobson's One Treaty – One Principle.

Lt. Governor Hobson's One Treaty – One Principle.

"He iwi tahi tatou – We are now one people".

Why do people continue to try to write Principles on the Treaty of Waitangi when Lt Governor Hobson gave us the true meaning, *"He iwi tahi tatou – We are now one people"*, no more, no less. These are the only words Hobson spoke in the Maori language, explaining to those gathered, about 2000 Maori and settlers, the true meaning of the Treaty of Waitangi at Waitangi on 6 February 1840. New Zealand at the time was under the dependency of New South Wales.

When Lt Governor Hobson drafted the Treaty of Waitangi, he made a point of being able to fully explain to the chiefs, in their own language, what the Treaty meant when they signed it.

After each of the 49 chiefs had signed the Treaty of Waitangi at Waitangi on 6 February 1840, Lt Governor Hobson shook their hand and pledged, *"He iwi tahi tatou – We are now one people"*. Maori were now British Subjects with the same rights as the people of England, no more – no less.

Since this time, many people have tried to twist the Treaty to say many things, but as Lt Governor Hobson stated at the time, it only said one thing, *"He iwi tahi tatou – We are now one people"*. No mention was made of a Partnership or that Maori would have special rights over their fellow British Subjects, just *"He iwi tahi tatou – We are now one people"*.

When Hobson became ill, this was the instruction he gave

to those collecting further signatures. *“The treaty which forms the base of all my proceedings was signed at Waitangi on the 6 February 1840, by 52 chiefs, 26 of whom were of the federation, and formed a majority of those who signed the Declaration of Independence. This instrument I consider to be de facto the treaty, and all signatures that are subsequently obtained are merely testimonials of adherence to the terms of that original document”*. Lt. Governor Hobson.

“He iwi tahi tatou – We are now one people”. No more, no less.

This shows the Treaty of Waitangi only played a very small role in New Zealand becoming a British Colony as it only made Maori British Subjects with the same rights as the people of England. No more, no less. Once signed, the Treaty of Waitangi had achieved its purpose and was filed away.

Queen Victoria’s Royal Charter/Letters Patent dated the 16 November 1840, issued under, *“The Great Seal of the United Kingdom of Great Britain and Ireland”*, then 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.

See:

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

No one has the right to rewrite Lt Governor Hobson’s One Treaty Principle, *“He iwi tahi tatou – we are now one people”*.

Any principle other than Lt Governor Hobson’s is a fraud and must be ignored at all costs! Lt Governor Hobson gave one

Principle, *“He iwi tahi tatou – We are now one people”*. It's a documented fact that cannot be denied or changed!

Researched by the One New Zealand Foundation Inc.
www.onenzfoundation.co.nz. 1/10/2024.

Time to Update the Statutory Definition of a 'Maori'

'Maori' today are not the 'Maori' who signed the Treaty of Waitangi in 1840.

All the Acts below are for a specific reason as Maori ancestry (blood quantum) became further and further diluted with other races. The first Act; **“The Native Lands Act of 1865”**.

The fact is, through the continuing intermarriage of their ancestors' own free will with other races, government had to continually change the Acts to define, *“Who is a Maori”*?

Under the **1975 Waitangi Tribunal Act**, Maori today can be a person with 1% Maori ancestry (blood quantum) and 99% of another race. This is ridiculous and must be changed!

It is now 50 years since the **1975 Treaty of Waitangi Act**; therefore, Government must reassess and **“Update the Statutory Definition of a Maori”**.

The Maori race, through intermarriage of their ancestors' own free will with other races has reached a stage where it is unrealistic to give Maori special rights and privileges in an Act, over all other New Zealand Citizens.

Government must, therefore, come to its senses and pass a new

Act., “The **New Zealand Citizens Act 20??**: “all New Zealand Citizens will have the same rights under one flag and one law, irrespective of race colour or creed”.

This Act would honour both the Treaty of Waitangi and Lt. Governor Hobson’s one Treaty Principle, “**He iwi tahi tatou – We are now one people**”, **New Zealand Citizens**.

**The eight Acts over the years to define, “Who is a Maori”.
Nine is an updated Act.**

1. The **Native Lands Act of 1865** defined a Maori as, “an Aboriginal Native and shall include all halfcastes and their descendants by Natives”.
2. The **Qualification of Electors Act 1879** defined a Maori as, “an Aboriginal inhabitant of New Zealand and includes any halfcaste living as a member of a native tribe according to their customs and usages and any descendants of such a halfcaste by a Maori woman.
3. The **Electoral Act 1893** defined a Maori as, “an Aboriginal inhabitant of New Zealand and includes halfcastes and their descendants by natives”.
4. The **Native Land Court Act 1894** defines a Maori as, “an Aboriginal native of New Zealand and includes halfcastes and their descendants”.
5. The **Native Land Acts 1909** defines a Maori as, “a person belonging to the Aboriginal race of New Zealand and includes a halfcaste and a person intermediate in blood between halfcaste and a person of pure descent from that race”.
6. The **Maori Affairs Amendment Act 1974** defines a Maori as, “a person of the Maori race of New Zealand and includes any descendant of such a person”.
7. 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”.
8. The **1975 Waitangi Tribunal Act** defines a Maori as,

“a person of the Maori race of New Zealand; and includes any descendant of such a person.

9. The **New Zealand Citizen Act 20??**: all New Zealand Citizens will have the same rights under one flag and one law, irrespective of race colour or creed.

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Did Maori 'EVER' Have Sovereignty? The simple answer is, No!

The Waitangi Tribunal, the Government, the Maori Party and most of New Zealand's historians believe Maori ceded sovereignty to Britain in 1840, but did the tangata Maori have sovereignty to cede in 1840?

In R D Crosby's book, **The Musket Wars** it shows the Maori tribes between 1806 and 1845 still practiced cannibalism and slavery and were continuously at war with each other. By 1845, half the population had either been killed, taken as slaves or eaten! *"There was no political body capable of claiming sovereignty over New Zealand in 1840"*. A documented fact, that cannot be denied!

British Resident James Busby had tried to get Maori

sovereignty recognised over New Zealand with his "*Declaration of Independence*", but he could only entice 34 chiefs to sign the Declaration before the ever-present tension and fighting took precedence over political co-operation, as always, and it was abandoned without one meeting taking place. It finally became evident; the tribes could never form a united Government. Lord Normanby who gave instructions for the Treaty to Lt Governor Hobson, had no idea of the situation in New Zealand and that the Declaration of Independence had been a complete failure when he told Lt. Governor Hobson, "*If he could not claim sovereignty, to walk away*". Britain could only help the people of New Zealand if Britain had sovereignty over the whole country. In 1839 Britain had placed New Zealand under the Dependency of New South Wales, but this could never have happened if Maori had sovereignty over New Zealand.

When Lt Governor Hobson became ill while he was writing the draft for the Treaty of Waitangi in February 1840, he gave his rough notes to James Busby to complete. James Busby still believing his Declaration of Independence and his only "*Claim to Fame*" had given Maori sovereignty over New Zealand, asked the Maori to give up their sovereignty in Article 1 of "*his*" draft notes for the Treaty.

On the night of 4 February 1840, Lt Governor Hobson had recovered and gave "*his*" final Treaty draft to Rev Henry Williams and his son Edward, to translate into the Tiriti o Waitangi. Rev Williams, who had been in New Zealand since 1823 and had also translated the Declaration of Independence knew it had been a complete failure. He knew Maori did not have sovereignty over New Zealand, therefore, he changed "*sovereignty*" in Article 1 to "*kawanatanga/government*". This is the word he had used for "*government*" in the Declaration. "*Kawana*" translates as "*governor*" and "*tanga*" as "*assembly*" – "*Governor's assembly*" or "*Government*". Every back translation of the Treaty of Waitangi translates "*kawanatanga*" as "*government*".

Chief Justice 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 the sovereignty it must be regarded as a '**simple nullity**'. No political body existed capable of making cession of sovereignty".

If the Maori had sovereignty over New Zealand in 1840, then Lt. Governor Hobson would have signed the Tiriti o Waitangi with their "*Head of State*", but instead, he had to sign it with over 500 individual tribal chiefs, "*As no political body existed capable of making cession of sovereignty*".

Both Rev Henry Williams and his son Edward knew Maori did not have sovereignty over New Zealand in 1840 to cede, the reason they changed "*sovereignty*" to "*government*" when he translated Lt. Governor Hobson's final draft into the Tiriti o Waitangi. This change was accepted by both Hobson and Busby before the Tiriti o Waitangi was signed by over 500 tangata Maori chiefs in 1840.

By stating Maori had sovereignty over New Zealand in 1840 gives a false impression that Maori were a well-organized race of people with, "*A political body capable of ceding sovereignty of New Zealand to Britain*". This could not be further from the truth as they consisted of hundreds of small tribes still practicing cannibalism, slavery and were constantly at war with each other. In fact, some travelling to the Chatham Islands killing or "*Farming the peace-loving Moriori like swine*" into virtual extinction.

In 1831, thirteen Ngāpuhi chiefs asked Britain to be their guardian and protector and from this their chiefs agreed to

sign the Tiriti o Waitangi in 1840 and become British Subjects with the same rights as the people of England. No more, no less, no partnership and no Co-governance with the Crown.

Prepared by the One New Zealand Foundation Inc. Website: www.onenzfoundation.co.nz. 20/6/24

One Tiriti, One Principle: “He iwi tahi tatou”. Translation: “We are now one people”.

The ONZF is concerned that David Seymour’s Treaty Bill will just open-up another can of worms as Attorney General, Hon Geoffrey Palmer’s, *“Five Principles for Crown Action of the Treaty of Waitangi”* has done since 1986. The Treaty has only One Principle and that was the one given to the 49 tangata Maori chiefs at Waitangi by Lt. Governor Hobson on 6 February 1840 after they had signed the Tiriti o Waitangi with a handshake and the words, *“He iwi tahi tatou – We are now one people”*. A documented fact that cannot be denied as there is no other Principle in the Tiriti o Waitangi!

The Tiriti o Waitangi asked the tangata Maori chiefs to give up their governments to Queen Victoria and in return, they would, *“Become British Subjects with the same rights as the people of England”*. Over 500 tangata Maori chiefs agreed on behalf of their people, to sign the Tiriti o Waitangi in 1840 and became British Subjects under one law and one flag. Once

the Tiriti o Waitangi had been signed by over 500 tangata Maori chiefs in 1840, it had achieved its purpose and was filed away.

Britain now had Sovereignty over all the Islands of New Zealand and New Zealand was under the dependency and laws of New South Wales until May 1841 when New Zealand became a British Colony by the Constitution Charter of New Zealand issued under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*" on 16 November 1840.

The Tiriti o of Waitangi was in fact, 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/>

Over the years, there have been many attempts to write further Tiriti Principles as Lt Governor Hobson's only Principle "*He iwi tahi tatou – We are now one people*" made it extremely difficult for the Waitangi Tribunal to give Maori special rights, privileges or laws when settling their alleged claims. Today we now have "*Five Principles*" dreamt up by Attorney General, Hon Geoffrey Palmer in 1986 that completely contradict Lt. Governor Hobson's one Principle. These "*Five Principles*" are a fraud and must be repealed immediately as they breach Lt. Governor Hobson's, "*Tiriti o Waitangi Principle*".

"*He iwi tahi tatou*" were the only words spoken by Lt Governor Hobson to the chiefs on 6 February 1840, therefore is, "*The only, Tiriti o Waitangi's Principle*" issued by Lt. Governor Hobson.

This Principle was ratified by Constitutional Charter of New Zealand dated 16 November 1840 that was issued under, "*The Great Seal of the United Kingdom of Great Britain and*

Ireland". The Constitutional Charter of New Zealand gave all the people of New Zealand the same rights as each other under one flag and one law, irrespective of race colour or creed.

While Queen Victoria had the authority to make the tangata Maori British Subjects, she could not give them special rights, privileges or laws not enjoyed by all the people of England, and none were given.

The Constitutional Charter of New Zealand was New Zealand's true Founding Document and first Constitution as 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.

The Tiriti o Waitangi and its one Principle, "*He iwi tahi tatou – We are now one people*" gave the same rights to all the people of New Zealand under one flag and one law, irrespective of race, colour or creed. A documented fact that cannot be denied!

The above information was researched by the One New Zealand Foundation Inc. from the New Zealand, Australian and American Archives plus the British Parliamentary Papers.

Prepared by the One New Zealand Foundation Inc. Website: www.onenzfoundation.co.nz. 20/6/2024

Colonisation – The salvation

of the Maori race



Colonisation 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 2000 of his followers, killing or taking as slaves, thousands of their unarmed countrymen, women, and children for the fun of it and the feasts that followed. It is estimated over 60,000 people, half the Maori population were killed between 1820 and 1840.

By 1831, the Southern tribes had gained muskets and were about to attack Ngāpuhi for utu/revenge, therefore, 13 Ngāpuhi chiefs wrote to the King of England asking him to be their protector and guardian. This led to the **Six Documents** below that made New Zealand into a British Colony under one flag and one law, irrespective of race colour or creed. "**Colonisation-The Salvation of the Maori Race**".

1. **In 1831**, 13 Ngāpuhi chiefs sent a letter to the King of England asking him to be their guardian and protector. This letter shows they were in trouble and needed British protection, not only from the southern tribes,

but also from the French who were trying to claim New Zealand.

2. **In 1833**, Britain sent a Resident, James Busby, to bring peace between all the people of New Zealand. In 1835, he drafted the Declaration of Independence recognising Maori sovereignty over New Zealand, but he could only entice 34 to sign it before they were back fighting, and it was abandoned. It was obvious, the chiefs could not form a united body to claim sovereignty over New Zealand, a fact ruled by Chief Justice, Sir James Prendergast in 1877.
3. **In 1839**, Queen Victoria's 1839 Royal Charter/Letters Patent placed New Zealand under the dependency of New South Wales. Britain could not have placed New Zealand under the dependency of New South Wales if Maori had sovereignty over New Zealand.
4. **In 1840**, over 500 tangata Maori Chiefs signed the Treaty of Waitangi that asked the chiefs to give up their governments to Queen Victoria, and in return, the tangata Maori would become British Subjects with the same rights as the people of England. No more, no less. After each chief signed the Treaty at Waitangi, Lt. Governor Hobson shook their hand and repeated the Treaty's one Principle, "***He iwi tahi tatou – We are now one people***". This is the only "Principle" stated by Lt. Governor Hobson when he signed the Treaty of Waitangi. There were no others!
5. **In 1840**, on 16 November, Queen Victoria issued a Royal Charter/Letters Patent under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*". This Charter separated New Zealand from New South Wales's dependency and made New Zealand into a British Colony with a Governor and Constitution. This Royal Charter was New Zealand's true Founding Document and first Constitution. Without Queen Victoria's 1840 Royal Charter/Letters Patent, New Zealand would have remained under the dependency of New South Wales.

6. **In 1841**, the First Sitting of the Legislative Council set up our political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. **A Nation of one people was born!**

Until all the people of New Zealand are fully informed of these Six Documents that made New Zealand into a Democratic British Colony under one flag and one law, irrespective of race colour or creed, New Zealand will continue to be a divided Nation.

See:

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

Colonisation – The Salvation of the Maori Race.

There is no other document in New Zealand's history that comes anywhere near to our true Founding Document and first Constitution than Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840, but we must not overlook the other 5 documents that made this possible.

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. 20/6/24.

Te Tiriti o Waitangi

A Treaty with many bogus translations and interpretations.

New Zealand's so called Founding Document, the Treaty of Waitangi would be the worst drafted treaty in the world. After 184 years and hundreds of attempts to translate it, there is still no true translation or interpretation of this document. The latest translation being displayed in our National Museum, Te Papa by a distinguished Maori scholar, Professor Sir Hugh Kawharu admits it is only, "*An attempt at reconstruction of the literal translation of the Maori text*", because the Treaty of Waitangi is impossible to translate back into English as many of the words are made up words by Rev Henry Williams when he translated Lt. Governor Hobson's final draft of the Treaty into the Maori language. But there are hundreds of other bogus translations out there being used to mislead the public on the Treaty of Waitangi's true meaning to benefit part-Maori only. See: 1987 Court of Appeal, (C.A 54/87), page 663.

Before 1820, the tangata Maori, while constantly at war with each other over territories and disputes, were on an even scale as their only weapons were handheld combat weapons. This all changed after Hongi Hika, Ngāpuhi, who had been helping Professor Samuel Lees with his English to Maori Dictionary, returned from England in 1820 with over 500 muskets, and went on a rampage south with 2000 of his followers, killing or taking slaves, thousands of their unarmed countrymen, women, and children for the fun of it and the feasts that followed. Therefore, it was not Colonization that destroy the tangata Māori's way of life, it was Hongi Hika, Ngāpuhi and his 2000 followers and 500 muskets.

It was not long before the southern tribes had gained enough muskets to travel north for utu/revenge against Ngāpuhi. This caused Ngāpuhi to write to the King of England in 1831 asking

him to be their guardian and protector. This was the start of Britain's intervention in New Zealand by sending a British Resident, Jame Busby in 1833 to bring peace between the people of New Zealand.

Over half the Maori population of an estimated 100,000 people were taken as slaves, slaughtered, and/or eaten during the Musket Wars between 1820 and 1840.

In 1835 British Resident, James Busby had tried to get the chiefs to sign his Declaration of Independence to recognise Maori sovereignty over New Zealand but could only entice 52 chiefs to sign it. The chiefs were to assemble annually to promote peace, justice, and trade, but the ever-present intertribal tension and fighting took precedence over political co-operation as always, and it was abandoned without one meeting taking place. It was obvious the chiefs could never form a united working Government. *"No political body existed capable of claiming sovereignty over New Zealand"*.

New Zealand was placed under the dependency of New South Wales in 1839 by Royal Charter/Letters Patent issued under, *"The Great Seal of the United Kingdom of Great Britain and Ireland"*. This could not have happened if the tangata Maori had sovereignty over New Zealand.

In 1838, the Undersecretary for Colonies, Sir James Stephens, a very strong supporter of the Clapham Sect; a group who campaigned for abolishing slavery and protecting indigenous people from colonial exploitation had drafted the initial instructions for a treaty with the "natives" of New Zealand. This document was amended by the Secretary of State for the Colonies, Lord Normanby.

Unfortunately, Lord Normanby had no idea whether Maori had sovereignty over New Zealand or not when he added this to Stephen's draft, *"We acknowledge New Zealand as a sovereign and independent state, so far at least as it is possible to*

make such an acknowledgement 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 statement by Lord Normanby completely contradicts himself, showing he had no idea of whether the current inhabitants of New Zealand had sovereignty over New Zealand or not in 1840! The evidence shows, they did not!

This was endorsed by Chief Justice, Sir James Prendergast in 1877 when he ruled at the trial between *Wi Parata v The Bishop of Wellington*, "*So far indeed as that instrument (The Treaty of Waitangi) purported to ceded sovereignty, it must be regarded as a 'simple nullity'. No political body existed capable of making cession of sovereignty".* Busby had tried, but had failed.

Captain William Hobson, who was made Lt. Governor of New Zealand in July 1839, was given a copy of Lord Normanby's draft for a treaty with the "native" chiefs of New Zealand before he left England for New Zealand in August 1839. Lt. Governor Hobson was instructed to have the chiefs of the current inhabitants of New Zealand sign the Treaty of Waitangi, asking them give up their "sovereignty" to Queen Victoria and in return they would become British Subjects with the same rights as the people of England. While "sovereignty" was stated in Lord Normanby instructions, this was incorrect as there was no political body capable of claiming sovereignty over New Zealand in 1840.

When Lt Governor Hobson arrived New Zealand on the 29 January 1840, he went about drafting a treaty from Lord Normanby's instructions but became ill and passed his unfinished treaty draft to British Resident James Busby to continue its draft.

Busby drafted a treaty basing it on his Declaration of Independence that the Maori chiefs had sovereignty over New Zealand. Lt Governor Hobson had recovered and simplified

Bushy's draft but left the word "sovereignty" in Article 1 of his final draft before it was given to Rev Henry Williams and his son Edward to translate into the Maori language on the night of 4 February 1840.

Rev Henry Williams made changes to Hobson's final draft (the Littlewood document), including using many made up words as no words were available in the Maori language, but also to clarify who Hobson was referring to in various parts of the Treaty. There were six main changes Rev Henry William made.

1. Rev Williams had been involved in drafting the Declaration of Independence and knew it had been a complete failure as Busby could only entice 52 chiefs to sign it before it was abandoned. He also knew, "*That no political body existed capable of making cession of sovereignty*", therefore, changed "*sovereignty*" to "*kawanatanga/government*".
2. Williams changed "*people of New Zealand*" to "*chiefs and tribes of New Zealand*" in the Preamble and to "*tangata Maori*" in article 3. He left "*all the people of New Zealand*" in article 2 as Hobson was referring to "*all the people of New Zealand*" in article 2.
3. As Rev Henry Williams had been in New Zealand since 1823, he knew the "*natives*" Lord Normanby had referred to in his instructions were not the "*tangata whenua*" or original inhabitants as other races of people had inhabited New Zealand before these people, therefore, referred to these current inhabitants as "*tangata Maori*".
4. The word "*taonga*" translated as "*property*" in 1840, but Kawharu translates it as, "*all their treasures*" in his back translation of the Treaty. Taonga has also had many other bogus translations over the years.
5. Rev William's made up the word "*kawanatanga*" for "*government*" in article 1 and in article 2, "*tino rangatiratanga/guaranteed possession of their lands and*

settlements etc". referring to *"all the people of New Zealand"* and not just Maori as we are led to believe today.

6. *"Tangata Maori"* was the word Williams used to refer to the current inhabitants of New Zealand that Lt. Governor Hobson was authorised to deal with.

On the morning of 5 February 1840, Lt. Governor Hobson, British Resident, James Busby and Rev Henry Williams spent over an hour behind locked doors checking Rev Henry William's translation of the Tiriti o Waitangi against Lt. Governor Hobson's, *"final draft"*. When they were all completely satisfied the translation was as close as possible to Lord Normanby's instructions, they were read to the gathering of chiefs, their people and the settlers who had gathered at Waitangi, about 2000 people in total. Once both documents were read, they were discussed by the chiefs and Lt. Governor Hobson for the rest of the day. Lt. Governor Hobson then said he would meet again on 7 February 1840 for those chiefs who wanted to sign the Tiriti o Waitangi.

Many chiefs met at the Te Tii Marae that night and discussed the Treaty between themselves and Rev Williams well into the night. Re Henry William's stating, *"We gave them but one version, explaining clause by clause, showing they would be taken under the fostering care of the British Crown, by which act they would become one people with the British, in suppression of wars, and every lawless act, under one sovereignty and one law, human and divine"*. Most came to the decision; it was in their best interest to sign the Treaty of Waitangi as soon as possible.

Rev Henry William's original translation of the Tiriti o Waitangi was given to the Rev Richard Taylor on the night of 5 February to transcribe onto dog skin, but this original translation has never been found. Rev Richard Taylor stating, *"I kept the original copy for my efforts"*.

Unfortunately, we will never know the amendments or changes that were made to Rev Henry Wiliam's original translation at the meeting between Hobson, Busby, and Williams before it was read to the gathering at Waitangi on 5 February 1840, but we do know, that the Tiriti o Waitangi signed by over 500 tangata Maori chiefs had been fully agreed to by all three men, Hobson, Busby and Williams.

Instead of waiting until 7 February 1840, the chief summoned Lt. Governor Hobson on the morning of 6 February 1840 as they wanted to sign the Treaty of Waitangi immediately and could not wait until 7 February 1840. While Lt. Governor Hobson was surprised, he turned up to sign the Tiriti o Waitangi, now on dog skin, in his casual clothes but wearing his "official hat", and the signing by the chiefs began.

Without further discussion or rereading of the Tiriti o Waitangi, 49 chiefs signed it at Waitangi on 6 February 1840. As each chief signed, Lt Governor Hobson shook their hand and repeated the Tiriti's one and only principle, "*He iwi tahi Tatou – We are now one people*", to which the whole gathering gave 3 hearty cheers.

Once the Treaty had been signed at Waitangi, Lt. Governor Hobson became ill again and these were the instructions he gave to those gathering further signatures, "*The treaty which forms the base of all my proceedings was signed at Waitangi on the 6 February 1840, by 52 chiefs, 26 of whom were of the federation, and formed a majority of those who signed the Declaration of Independence. This instrument I consider to be de facto the treaty, and all signatures that are subsequently obtained are merely testimonials of adherence to the terms of that original document*".

All signatures that were subsequently obtained were merely testimonials of adherence to the terms of the original document that was signed on 6 February 1840! Te Tiriti o Waitangi.

While there was an English language version signed by 39 chiefs at Waikato, this document was only signed after an official CMS printed version of the Tiriti o Waitangi, one of 200 had been read and discussed, then signed by 5 chiefs before it could hold no more signatures and an *“unofficial”* English version written by Lt Governor Hobson’s Secretary, James Freeman, was produced to hold the overflow of signatures. These 2 copies were attached together and signed by Lt. Governor Hobson as one document. Records show there were 44 signatures gathered at Waikato, 5 on the official CMS printed Tiriti o Waitangi and 39 on the *‘unofficial’* English Treaty of Waitangi. With regard to Lt. Governor Hobson’s signature on this document, he was extremely ill and would not have known what he was signing. In fact, it has been stated, it may not have even been his signature.

If the tangata Maori had sovereignty over New Zealand in 1840, Lt. Governor Hobson would have signed the Tiriti o Waitangi with their Head of State, but *“No political body existed capable of making cession of sovereignty”*, so it was signed by over 500 individual chiefs.

Once the Treaty was signed, it was filed away as it had achieved its purpose; the tangata Maori had given up their governments to Queen Victoria and in return, had become British Subjects with the same rights as the people of England.

No more, no less, no Partnership, and definitely, no Co-governance!

The question we must now ask, *“How did New Zealand become a British Colony under one flag and one law, irrespective of race colour or creed”*? It definitely was not the Tiriti o Waitangi as it made no mention of New Zealand becoming a British Colony!

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 2000 of his followers, killing or taking slaves thousands of their unarmed countrymen, women, and children for the fun of it and the feasts that followed.

Queen Victoria saved the tangata Maori race from total extinction by the Treaty of Waitangi allowing them to become British Subjects with the same rights and protection as the people of England.

Once the Tiriti o Waitangi had achieved its purpose and had been filed away, Queen Victoria issued a Royal Charter/Letters Patent dated 16 November 1840 under, *"The Great Seal of the United Kingdom of Great Britain and Ireland*. This document 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.

This is New Zealand's true Founding Document and first Constitution.

For the next 40 or so years, the Colonial Government stopped the intertribal fighting, returned most of the land the chiefs had sold pre-treaty and quelled the rebel tribes with the help of the tribes who wanted peace between the tribes and the government. While land was confiscated at this time as payment to bring peace between the tribes, this was explained by Sir Apirana Ngata in his book, **The Treaty of Waitangi – An Explanation**, *"Some have said that these confiscations were wrong and they contravened the articles of the Treaty of Waitangi, but the chief's placed in the hands of the Queen of England the sovereignty and authority to make laws. Some sections of the Maori people violated that authority and war arose and blood was spilt. The law came into operation and land was taken in payment. This in itself is Maori custom - revenge- plunder to avenge a wrong. It was their chiefs who*

ceded that right to the Queen. The confiscations cannot, therefore, be objected to in the light of the Treaty”.

One of the largest meetings since the signing of the Treaty of Waitangi was held by the Government at Kohimarama in 1860 where over 200 chiefs unanimously agreed to, “‘*Let this meeting be joined to the Treaty of Waitangi.*’ Thus, the proposal was incorporated in a major resolution passed unanimously at the final session: “*That this Conference takes cognizance of the fact that the several Chiefs, members thereof, are pledged to each other to do nothing inconsistent with their declared recognition of the Queen’s sovereignty, and of the union of the two races.*” – MINUTES OF PROCEEDINGS OF THE KOHIMARAMA CONFERENCE OF NATIVE CHIEFS, AJHR (1860).

Between 1930 – 40 there were many alleged claims for the confiscated land that in some cases had been taken unfairly by the government. These alleged claims were heard by the Courts under the laws of New Zealand and while land was returned to those tribes who had land taken unfairly as “*full and final*” settlements, other bogus claims were rejected through lack of evidence. The Treaty of Waitangi played no part in these claims, they were held solely by the Courts under the laws of New Zealand.

In 1975, the Labour Government in its infinite wisdom decided to enact the Treaty of Waitangi Act, which created the Waitangi Tribunal to hear alleged claims by Maori only against the Crown that occurred “**after**” this Act was enacted, Only Maori could lay a claim to the Waitangi Tribunal. These claims used an unauthorised English version of the Treaty of Waitangi that gave special rights and privilege to Maori only. The Tiriti o Waitangi signed on 6 February 1840 and signed by over 500 tangata Maori chiefs, gave equal rights to all the people of New Zealand, irrespective of race, colour or creed.

While few alleged claims were lodged against the Crown for breaches of the Treaty of Waitangi “**after**” 1975, the Labour

Government in 1986 allowed alleged claims dating back to 1840. This opened the flood gates to hundreds of alleged claims but were restricted by Queen Victoria's 1840 Royal Charter/Letters Patent and Lt. Governor Hobson's one Principle of the Treaty of Waitangi, "*He iwi tahi tatou – We are now one people*".

In 1986, Attorney General, Geoffrey Palmer introduced his bogus "*Five Principles for Crown Action on the Treaty of Waitangi*". These Principles completely overruled Lt. Governor Hobson's one Principle of, "*He iwi tahi tatou – We are now one people*", as they gave part- Maori a Partnership with the Crown never intended by those who signed the Treaty of Waitangi in 1840. Not only did the "*Five Principles*" make part -Maori partners with the Crown, it also allowed the Waitangi Tribunal to interpret the Treaty of Waitangi using Hon Geoffry Palmer's bogus "*Five Principles*".

Te Tiriti o Waitangi – A Document with many bogus translations and interpretations.

The 1975 Treaty of Waitangi Act and Attorney General, Hon Geoffrey Palmers "*Five Principles for Crown Action on the Treaty of Waitangi*" was the most corrupt Act ever forced on the people of New Zealand by any government, as it gave part-Maori special rights not enjoyed by all the people of New Zealand or intended by those who signed the Treaty of Waitangi it in 1840.

While the Waitangi Tribunal was supposed to only make recommendations to Government, Government seldom opposes these recommendations that has allowed millions of hectares of land, public assets, and taxpayer's money to be given to part-Maori based on hundreds of alleged claims, Palmer's "*Five Treaty of Waitangi Principles*" and hundreds of bogus Treaty of Waitangi translations and interpretations.

In 2010 Prime Minister, Hon John Key allowed the Minister of Maori Affairs to travel to New York to sign the "*United*

Nations Declaration on the Rights of Indigenous People", without a mandate from the people of New Zealand, forensic evidence, or a government definition of, "*The Indigenous People of New Zealand*". Forensic evidence proves, there were other races of people living in New Zealand before the tangata Maori arrived in the 14th century. This was endorsed by Professor Ranginui Walker when Head of Maori Studies at the Auckland University on page 18 of the 1986 New Zealand Yearbook, stating, "*When the canoe people arrived in the 14th century, there were already tangata whenua, original inhabitants living in New Zealand*". Forensic evidence also proves, the tangata Maori were not the tangata whenua or the first people to inhabit New Zealand.

The Maori Party, formed by a dozen or so radical part-Maori elite and are now demanding a Co-governance arrangement with the Crown, when over 500 of their tangata Maori ancestors agreed in the 1840 Tiriti o Waitangi to become British subjects with the same rights as the people of England.

No more, no less, no partnership and definitely, no Co-governance!

Sir Apirana Ngata gave this warning to his people in his book, **The Treaty of Waitangi – An Explanation**, "*Let me issue a word of warning to those who are in the habit of bandying the name of the Treaty around to be very careful least it be made the means of incurring certain liabilities under the law which we do not know and which are being borne only by the Pakeha*".

It must also be remembered, since the Treaty of Waitangi was signed in 1840, the tangata Maori have intermarried with other races of their own free will, therefore, are no longer the people who signed the Treaty in 1840. They are now New Zealand citizens of mixed ancestry, the same as the majority of New Zealanders, except they can claim a minute trace of tanga Maori ancestry from ancestors who were not the tangata whenua and agreed to become British Subjects with the same rights as

the people of England in 1840.

The Treaty of Waitangi only played a very small role in New Zealand becoming a British Colony but is being used today to mislead the people of New Zealand of their true legal rights given to them by Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840. See: The Six documents that made New Zealand into a British Colony. Log onto: www.onenzfoundation.co.nz.

When the truth is known, there is no other document in our history that comes anywhere to New Zealand's true Founding Document and first Constitution than Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840. It ratified the Tiriti o Waitangi and made New Zealand into a British Colony under one flag and one law, irrespective of race, colour or creed.

No more, no less, no partnership and definitely, no Co-governance!

We must ask ourselves, how did our governments, our lawyers and our academics get it so wrong when it is all there in the New Zealand, Australian and American Archives, plus the British Parliamentary Papers. Have they got an ulterior motive or a hidden agenda? Whatever it is, it's time they did a little more research using the institutions above!

Te Tiriti o Waitangi – A Treaty with many bogus translations and interpretations.

This document was researched and written by the One New Zealand Foundation Inc. from documents held in the New Zealand, Australian and American Archives, plus the British Parliamentary Papers.

For Further information: www.onenzfoundation.co.nz or Email; ONZF@bigpond.com.au

Do we need more Treaty Principles David?

Hon David Seymour, why do we need a **Treaty Principles Bill** when Lt Governor Hobson made it perfectly clear when he signed the Treaty of Waitangi on 6 February 1840, there was only one Principle in the Treaty of Waitangi and that was, "***He iwi tahi tatou – We are now one people***"? These are the only word's Hobson spoke to the gathering after he had signed the Treaty of Waitangi on 6 February 1840. No more, no less.

Just one Principle, "He iwi tahi tatou – We are now one people"!

In 1986, Attorney General, Hon Geoffrey Palmer and Maori Affairs Minister, Hon Matiu Rata dreamt up **Five Principles for Crown Action of the Treaty of Waitangi** that were the biggest injustice ever imposed by any government on the people of New Zealand. While Prime Minister David Lange said "*They are not an attempt to rewrite the Treaty of Waitangi*", they gave one race of people special rights and privileges over all others that was never intended by those who signed the Treaty of Waitangi in 1840.. The Principles were endorsed by Prime Minister Hon David Lange in 1989. See page 3.

On 6 March 1992, Prime Minister, Hon Geoffrey Palmer and Attorney General, Hon David Lange knew they had made a terrible mistake when they appeared on the Australian Broadcasting Commission's programme, "Four Corners" in a dispute with the Governor General, Rev Paul Reeves over the meaning of the Treaty of Waitangi. See page 2.

Now Prime Minister, Hon Geoffrey Palmer stating, "*The meaning of the Treaty, in terms of its operational consequences, now,*

was 'far from clear'. In fact, it's a document that is so vague that is its primary problem".

But six years earlier, Hon Geoffrey Palmer had used this unclear, vague document to write, "*Five Principles for Crown Action on the Treaty of Waitangi*"!

Now Attorney General, Hon David Lange stating, "*Did Queen Victoria for a moment think of forming a partnership with a number of signatures, a number of thumb prints and 500 people, Queen Victoria was not that sort of person*".

But three years earlier, Hon David Lange had endorsed the Hon Geoffrey Palmer's Principle of "A Partnership between Maori and the Queen"!

Both David Lange and Geoffrey Palmer realised the terrible errors that had been made by introducing the ***Five Principles for Crown Action on the Treaty of Waitangi***, but instead of fixing the problem they had made, they both left front line politics.

Hon Geoffrey Palmer did write a way out in his book, ***New Zealand's Constitution in Crisis – Reforming Our Political System***, "*It is true the Treaty of Waitangi Act 1975 and all the other statutes, which give explicit recognition to the Treaty are not entrenched. They can be swept away by a simple majority in Parliament*" **but he failed to sweep them away!** In fact, Geoffrey Palmer went back to his old law firm helping Maori with their Treaty claims he had helped set up!

Queen Victoria's Royal Charter/Letters Patent dated 16 February 1840 ratified the Treaty of Waitangi when it made New Zealand into a British Colony of "One people under, one flag and one law, irrespective of race colour or creed". See: www.onenzfoundation.co.nz.

David, please don't make the same mistake as Hon Geoffrey Palmer and Hon David Lange made in 1986 by introducing your

Treaty Principles Bill, instead support the Hon Winston Peters to abolish the 1975 Treaty of Waitangi Act and the Five Principles for Crown Action on the Treaty of Waitangi.

Remember, the Treaty of Waitangi only had one Principle, "*He iwi tahi tatou – We are now one people*" and no one has the right to dream up further Principles David!

Sir Paul and Govt differ over Treaty on screen.

New Zealand Herald, 6 March 1992.

The clashing views of the Governor-General, the Most Rev Sir Paul Reeves, and the New Zealand Government on the Treaty of Waitangi were aired on Australian television on Monday night.

The Prime Minister, Mr Palmer, and his predecessor, Mr Lange, now the Attorney-General, ruled out yielding to major financial and economic claims by Maori under the treaty when they were interviewed on the Australian Broadcasting Commission's *Four Corners* current affairs programme.

But Sir Paul joined Maori leaders in hinting that failure to address "injustices" under the treaty would lead to violence.

While Mr Palmer described the treaty as vague and unclear, Sir Paul compared it to the "covenant made between God and Abraham or God and Noah" and said it was a binding document.

"Many Pakeha people get impatient at what they see to be the ways in which Maoris keep on dredging up the things that happened 100 years ago," he said.

"They say: 'Why can't we just live together?' and Maoris can't buy into that because their injustice won't go.

"What we've got to do is relieve people of that sense of injustice and if we don't take the justice option, we run the risk of reaping the whirlwind."

Sir Paul said a white backlash against Maori claims was unavoidable and that the backlash was an expression of prejudice.

Even though change "scares the pants off"

prejudiced people, he urged legislators to create a society beneficial to all.

The head of the Ngaitahu Maori Trust Board, Mr Tipene O'Regan, acknowledged that the Crown could not afford to meet the value of the tribe's South Island claims and declined to say how much the tribe would accept in settlement.

But he agreed to the reporter's suggestion that it would have to be "hundreds of millions of dollars."

Mr Palmer said such expectations were unreasonable and would not be met.

"The idea that somehow hundreds of millions of dollars are going to change hands in a short period of time... is, I'm afraid, idle," he said.

"And the reason it is idle is that the country can't afford it and it won't happen. And in any case I don't know of any authoritative adjudication anywhere that suggests it ought to happen."

Both Mr Lange and Mr Palmer warned against making literal interpretations from the treaty.

"Did Queen Victoria for a moment think of forming a partnership with a number of signatures, a number of thumb prints and 500 people?" Mr Lange said.

"Queen Victoria was not that sort of person. That does not detract from the significance of the Treaty of Waitangi. It can become the Magna Carta of New Zealand society but it is not

going to become that from Dead Sea scroll eschatology examination."

Mr Palmer said the meaning of the treaty, in terms of its operational consequences now, was "far from clear."

"In fact it's a document that is so vague that that is its primary problem," he said.

A Tainui leader, Mr Bob Mahuta, said if thousands of young Maori were allowed to sit and brood on their situation, being unemployed and deprived, they would react like other young blacks around the world.

"They will take from the haves because they are the have-nots. They have nothing to lose," he said.

Asked if they would take by force, he said: "Naturally, yes."

A former Labour Government minister, the Hon Matiu Rata, said that when Maori people's faith in the rule of law was destroyed it introduced such thoughts as civil war.

"That would be so absurdly stupid," he said.

"That is why our ancestors signed the treaty."

Prime Minister, Hon David Lange endorses Attorney General, Hon Geoffrey Palmer's dreamt up "**Five Principles for Crown Action on the Treaty of Waitangi**", that were the biggest injustice ever imposed by any government on the people of New Zealand. While Prime Minister David Lange said, "*They are not an attempt to rewrite the Treaty of Waitangi*", but they gave one race of New Zealanders special rights and privileges over all other New Zealanders that was never intended by those who

signed the Treaty of Waitangi in 1840



For a copy of Queen Victoria's 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, log on to www.onenzfoundationco.nz or Email: ONZF@bigpond.com.au.

There is no denying, "Queen Victoria's Royal Charter/Letters Patent" dated 16 November 1840 is New Zealand true Founding Document and first Constitution.

Prepared by the One New Zealand Foundation Inc. or Email:

The Six Documents that made New Zealand into a British Colony.



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 2000 of his followers, killing thousands of their unarmed countrymen, women, and children for the fun of it and the feasts that followed.

Queen Victoria Saved the Tangata Maori Race from Total Extinction by Allowing them to Become British Subjects with the Same Rights as the People of England.

No more, no less, no Partnership and definitely, no Co-Governance!



Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 is our true Founding Document and first Constitution as it made New Zealand into a British Colony on 24 May 1841 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 six documents below made New Zealand into a British Colony. The Treaty of Waitangi only played a very small role in New Zealand becoming a British Colony but is being used today by the Government to mislead the people of New Zealand of their true legal rights given to them by Queen Victoria's Royal Charter issued under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*".

There is no other document in New Zealand's history that comes anywhere near to our true Founding Document than Queen Victoria's Royal Charter dated 16 November 1840.

THE SIX DOCUMENTS THAT MADE NEW ZEALAND INTO A BRITISH COLONY.

The Six Documents that made New Zealand into a British Colony.



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 2000 followers, killing thousands of their unarmed countrymen, women, and children for the fun of it and the feasts that followed. It was not long before the

southern tribes had gained muskets and were attacking Ngāpuhi for utu/revenge.

Thirteen of Ngāpuhi's chiefs wrote to the King of England in 1831 asking him to be their guardian, friend, and protector. See Page 4.

Hongi Hika. The man who destroyed the tangata Māori's way of life in 1820.

Thirteen of Ngāpuhi's chiefs wrote to the King of England in 1831 asking him to be their guardian, friend, and protector. In 1833 a British Resident was sent to bring peace between the people of New Zealand, but this failed as the fighting between the tribes, now they had muskets, had escalated completely out of control. Te Rauparaha did the same in the South Island as Hongi Hika in the North Island. The tangata Maori race was rapidly heading for extinction by their own hand.

Britain had no other option now than to step in and take complete control of New Zealand if the tangata Maori were to survive, with over 500 tangata Maori chiefs in agreement. This was achieved by the six documents below that made New Zealand into a British Colony under one flag and one law, irrespective of race colour or creed. This cannot be denied as it is all fully documented in the New Zealand, Australian and American

Archives, plus the British Parliamentary Papers.

The One New Zealand Foundation Inc. is extremely concerned the Government is hiding our true Founding Documents and first Constitution from the people of New Zealand and using the Treaty of Waitangi as our Founding Document. Our true Founding Document and first Constitution was Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840. The Treaty of Waitangi is allowing our democracy and economy to be destroyed by a document that had nothing to do with making New Zealand into a British Colony under one flag and one law, irrespective of race, colour creed.

The Treaty of Waitangi only played a very small role in New Zealand becoming a British Colony under one flag and one law, irrespective of race, colour, or creed. In fact, it only made the tangata Maori British Subjects with the same rights as the people of England. No more, no less, no Partnership, and definitely, no Co-governance.

The Treaty of Waitangi's instructions were not issued by "*Victoria by the Grace of God*" under, "*The Great Seal of United Kingdom of Great Britain and Ireland*" as the 1839 and 1840 Royal Charters/Letters Patent. In fact, Queen Victoria and/or the British Parliament had no idea of what the Treaty of Waitangi said until months after it had been signed and even then, as today, do not know what it really said due to the many fraudulent translations over the years.

New Zealand becoming a British Colony is made up of 6 documents all held in Archives around the world, except for New Zealand's Archives where many vital documents have been hidden from the public's view by the Government, such as Queen Victoria's 1839 and 1840 Royal Charters/Letters Patent, but they are still held in the Australian and America Archives, plus the British Parliamentary Papers.

“Kings and Queens must follow the law and could not simply rule as they wished”.
Magna Carta 1215.

On the 15 June 1215, King John signed the Magna Carta which stated. ***“The King must follow the law and could not simply rule as he wished”.*** This ruling has continued until the present day, English Kings, and Queens, ***“Must follow the law and cannot simply rule as he/she wishes”.***

In 1840 the Treaty of Waitangi was signed by Lt. Governor Hobson on behalf of Queen Victoria asking the tangata Maori to give up their individual governments to Queen Victoria and in return, they would become British Subjects with the same rights as the people of England. Over 500 tangata Maori chiefs signed this agreement and became British Subjects with the same rights and laws as the people of England.

No more, no less, no partnership and definitely, no Co-governance!

There has never been an English Law giving groups or individual British Subjects special laws or rights not enjoyed by all the people of England. Therefore, in Article 2 of the Treaty of Waitangi, Queen Victoria could only guarantee to the chiefs, the hapu and all the people of New Zealand, their land, their settlements and all their property, she could not give the tangata Maori any special rights or laws not enjoyed by all the people of New Zealand, and none were given. Anything else would have breached the Magna Carta agreed to by King John in 1215. Queen Victoria could not give the tangata Maori any special rights or laws in Article 2 as, ***“It would not be following the law and would simply be ruling as she wished”!***

The Royal Charter/Letters Patent 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*" is our true Founding Document and first Constitution. It 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.

Once the 1840 Royal Charter was brought to the Government's attention by the One New Zealand Foundation Inc. in 2015, it was immediately removed from the public's view in the Constitution Room at Archives New Zealand, as it would show the lies the Government has been forcing on the people of New Zealand since the 1975 Treaty of Waitangi Act was enacted and the Hon Geoffrey Palmer's unsubstantiated, fraudulent "*Five Principles for Crown Action on the Treaty of Waitangi*" appeared in legislation 1986.

The 1975 Treaty of Waitangi Act and Hon Geoffrey Palmer's Five Principles are the most corrupt documents ever forced on the people of New Zealand by any Government.

THE SIX DOCUMENTS THAT MADE NEW ZEALAND INTO A BRITISH COLONY.

Below are the Six Documents that made New Zealand into British Colony.

1. Letter to the King of England by 13 Ngāpuhi Chiefs dated 16 November 1831. Page 4.
2. Declaration of Independence by James Busby dated 28 October 1835. Page 5.
3. Queen Victoria's Royal Charter/Letters Patent dated 30 July 1839. Page 6.
4. Treaty of Waitangi by Lt. Governor Hobson dated 6 February 1840. Page 8.

5. Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840. Page 10.
6. First Sitting of the Legislative Council of New Zealand. Page 15.

DOCUMENT 1.

Letter to the King of England by 13 Ngāpuhi Chiefs.

"The traditions are quite clear on one point, whenever crew disembarked there were already tangata whenua (prior inhabitants) living in New Zealand. Dr Ranginui Walker, 1986 New Zealand Yearbook,

The tangata Maori drove the tangata whenua into the hills where they disappeared with the Moriori fleeing to the Chatham Islands. The tangata Maori slowly developed into tribes who continually fought each other over territories, women and/or revenge. The fighting was on an even basis until Hongi Hika returned from England in 1820 with over 500 muskets. He, and his Ngāpuhi followers, then went on a cowardly rampage south, killing thousands of their unarmed fellow countrymen, women, and children for the fun of it and the feasts that followed. By 1831 the southern tribes had gained muskets and were about to attack Ngāpuhi for utu/revenge. A letter was sent to the King of England by 13 Ngāpuhi Chiefs in 1831 asking the King William to be their friend, guardian, and protector, not only from the southern tribes, but also from the French who, *"Were coming to take away our land, therefore we pray thee to become our friend and guardian on these islands. It is only thy land which is liberal towards us"*. The tangata Maori were afraid the French were showing an interest in annexing New Zealand to France.

Letter from 13 Ngāpuhi chiefs asking King William for

protection in 1831.

From William Yale, Esq, to the Colonial Secretary, New South Wales, Waimate, New Zealand. November 16, 1831

To King William, the gracious Chief of England. King William, we, the chiefs of New Zealand assembled at this place, called the Kerikeri, write to thee, for we hear that thou art the great chief of the other side of the water, since the many ships which come to our land are from thee. We are a people without possessions. We have nothing but timber, flax, pork and potatoes. We sell these things however to your people; then we see property of the Europeans. It is only thy land, which is liberal towards us. From thee also come the missionaries who teach us to believe on Jehovah God and on Jesus Christ His Son. We have heard that the tribe of Marian [the French] is at hand, coming to take away our land. Therefore, we pray thee to become our friend and the guardian of these islands, lest the teasing of other tribes should come near us, and lest strangers should come and take away our land. And if any of thy people should be troublesome and vicious towards us we pray thee to be angry with them that they may be obedient, lest the anger of the people of this land fall upon them.

This letter is from us, the chiefs of the natives of New Zealand.

(Signed) William Yale,

Secretary to the Church Mission Society, New Zealand.

Warerahi	Chief of Paroa.
Rewa	Chief of
Waimate	
Patuone & Nene Two brothers,	Chiefs of Hokianga
Kekeao	Chief of Ahuahu
Titore	Chief of
Kororarika	

Tamoranaga	Chief of Taiamai
Ripe	Chief of
Mapere	
Hara	Chief of
Ohaiawai	
Atuahaere	Chief of Kaikohe
Moetara	Chief of
Pakanai	
Matangi	Chief of Waima
Taunai	Chief of
Hutakura	

DOCUMENT 2.

Declaration of Independence.

British Resident, James Busby's unauthorised '**Declaration of Independence**' in 1835 was a complete failure as he could only entice 34 chiefs to sign it before they were back fighting each other, and it was abandoned without one meeting taking place. It was obvious, the tangata Maori chiefs could never form a united body that could claim sovereignty over New Zealand. The Declaration of Independence was not authorised by the British Parliament or issued under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*" and Chief Justice Prendergast ruled in 1877, *There was no political body existed capable of making cession of sovereignty*".

Declaration of Independence of New Zealand.

1) We, the hereditary chiefs and heads of the tribes of the Northern parts of New Zealand, being assembled at Waitangi, in the Bay of Islands on this 28th day of October 1835, declare the Independence of our country, which is hereby constituted and declared to be an Independent State, under the designation of The United Tribes of New Zealand.

2) All sovereign power and authority within the territories of

the United Tribes of New Zealand is hereby declared to reside entirely and exclusively in the hereditary chiefs and heads of tribes in their collective capacity, who also declare that they will not permit any legislative authority separate from themselves in their collective capacity to exist, nor any function of government to be exercised within the said territories, unless by persons appointed by them, and acting under the authority of laws regularly enacted by them in Congress assembled.

3) The hereditary chiefs and heads of tribes agree to meet in Congress at Waitangi in the autumn of each year, for the purpose of framing laws for the dispensation of justice, the preservation of peace and good order, and the regulation of trade; and they cordially invite the Southern tribes to lay aside their private animosities and to consult the safety and welfare of our common country, by joining the Confederation of the United Tribes.

4) They also agree to send a copy of this Declaration to His Majesty, the King of England, to thank him for his acknowledgement of their flag, and in return for the friendship and protection they have shown, are prepared to show, to such of his subjects as have settled in their country, or resorted to its shores for the purposes of trade, they entreat that he will continue to be the parent of their infant State, and that he will become its Protector from all attempts upon its independence.

Agreed to unanimously on this 28 day of October, 1835, in the presence of His Britannic Majesty's Resident.

(Here follow the signatures and marks of thirty-four hereditary chiefs or Heads of tribes, which form a fair representation of the tribes of New Zealand from the North Cape to the latitude of the River Thames.)

English witnesses:

(Signed) Henry Williams, Missionary CMS

George Clarke, CMS
James Clendon, Merchant
Gilbert Mair, Merchant

I certify that the above is a correct copy of the Declaration of the Chiefs, according to the translation of Missionaries who have resided ten years and upwards in the country; and it is transmitted to His Most Gracious Majesty the King of England, at the unanimous request of the Chiefs.

(Signed) JAMES BUSBY, British Resident at New Zealand.

Interesting to note. “*Sovereignty*” was translated as “*Kingitanga*” and “*Government*” was translated as “*Kawanatanga*”, the same as Article 1 off the Tiriti o Waitangi.

DOCUMENT 3.

Queen Victoria’s 1839 Royal Charter/Letters Patent.

Britain claimed sovereignty over New Zealand by the **Law of Nations** (*jure gentium*). The Royal Charter/Letters Patent issued in 1839 by “*Victoria by the Grace of God*” under, “*The Great Seal of United Kingdom of Great Britain and Ireland*”, placed New Zealand under the laws and dependency of New South Wales on the 30 January 1840, over a month before the first signature appeared on the Treaty of Waitangi.

The Law of Nations recognized no other mode of assuming dominion/sovereignty in a country of which the inhabitants were ignorant of the meaning of sovereignty, and therefore incapable of ceding sovereignty rights. This was the case with the people inhabiting New Zealand for whom it would have been impossible for Captain Cook or Lt. Governor Hobson to have obtained British sovereignty by cession. Tangata Maori consisted of hundreds of small individual tribes without any form of united government continually at war with each other

for territories. Meaning of “*jure gentium*”, by the **Law of Nations**. Inst. 1. 3. 4; 1 Bl. Comm. 423.

Queen Victoria’s 1839 Royal Charters/Letters Patent.

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.



Queen Victoria’s 1839 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 there in 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.

DOCUMENT 4.

The Treaty of Waitangi.

Instructions consisting of 4200 words were given to Captain William Hobson by Lord Normanby before he left England on 14 August 1839 to write an agreement between the tangata Maori chiefs and Queen Victoria. This agreement was not a "*Royal Charter*" and was not issued under, "*The Great seal of the United Kingdom of Great Britain and Ireland*". It is obvious from these instructions, Normanby had very little understanding of the conditions in New Zealand in 1839, the intertribal fighting was completely out of control. As the tangata Maori were not British Subjects and New Zealand was now under the dependency of New South Wales, they would have been badly treated, the same as the Australian Aborigines without the Treaty of Waitangi. To protect the tangata Maori as promised by the King William in 1831, they had to become British Subjects with the same rights as the people of England. The Treaty of Waitangi asked the tangata Maori chiefs to give up their governments and in return, they would become British Subjects with the same rights as the people of England under English Law. Queen Victoria could not give the tangata Maori any special rights in the Treaty of Waitangi not enjoyed by all the people of New Zealand, and none were given. By April 1840, the Treaty of Waitangi had been signed by over 500 tangata Maori chiefs and had achieved its purpose and was filed away. See Normanby's Instructions to Captain William Hobson, 14 August 1839

English Law is based on the Magna Carta that was signed on the 15 June 1215 by King John. It stated, "***The King must***

follow the law and could not simply rule as he wished".
English Kings and Queens, ***"Must follow the law and cannot simply make laws as he/she wishes".***

Over 500 tangata Maori Chiefs signed this agreement and became British Subjects with the same rights as the people of England. No more, no less, no partnership and definitely, no Co-governance!

There has never been an English Law giving groups or individual British Subjects special laws or rights not enjoyed by all the people of England. Therefore, in Article 2 of the Treaty of Waitangi, Queen Victoria guaranteed, *"To all the people of New Zealand"*, their land, their settlements and all their property, otherwise, it would have breached the Magna Carta agreed to by King John in 1215.

Tangata Maori did not have Sovereignty over New Zealand in 1840.

If the tangata Maori had sovereignty in 1840, Lt. Governor Hobson would have signed the Treaty with their Head of State, but the tangata Maori in 1840 consisted of hundreds of small tribes constantly at war with each other over territories, revenge or to settle old scores. This was confirmed by Chief Justice Sir James Prendergast in 1877 when he ruled, *"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"*.

Which Treaty?

Lt. Governor Hobson only made and authorised one version of the Treaty to be signed and that was the Tiriti o Waitangi

signed at Waitangi on 6 February 1840. He gave these instructions to those gathering further signatures, *“The treaty which forms the base of all my proceedings was signed at Waitangi on the 6 February 1840, by 52 chiefs, 26 of whom were of the federation, and formed a majority of those who signed the Declaration of Independence. This instrument I consider to be de facto the treaty, and all signatures that are subsequently obtained are merely testimonials of adherence to the terms of that original document”*. No English version was signed at Waitangi on 6 February 1840.

Under English law, a legal document must be signed by both parties. As there was no Head of State in New Zealand in 1840, Lt. Governor had to have every chief who agreed with the Treaty, sign it.

Over 500 chiefs signed the Tiriti o Waitangi but only 39 signed the English version of the Treaty of Waitangi, therefore, only the Treaty they signed can relate to the chiefs who signed it. **Both Treaty’s cannot be taken as one under English law, therefore, while the Tiriti o Waitangi refers to the 540 chiefs who signed it, the English version can only refers to the 39 chiefs.**

“OFFICIAL” BACK TRANSLATION FROM THE TIRITI O WAITANGI BY; MR. T E YOUNG OF THE NATIVE DEPARTMENT FOR THE LEGISLATIVE COUNCIL IN 1869.

Victoria, Queen of England, in Her kind thoughtfulness of **the chiefs and Hapus of New Zealand**, and Her desire to preserve to them their chieftainship and their lands, and that peace may always be kept with them and quietness, She has thought it a right thing that a Chief should be sent here as a negotiator with the **Maori** of New Zealand – that the Maori of New Zealand may consent to the Government of the Queen of all parts of this land and the islands, because there are many of her tribe that have settled on this land and are coming hither. Now the Queen is desirous to establish the Government, that evil will

not come to the **Maori** or the Europeans who are living without law.

Now the Queen has been pleased to send me, William Hobson, a Captain in the Royal Navy, to be Governor to all parts of New Zealand which may be given up now or hereafter to the Queen; and he give forth to the Chief of the assembly of the Hapus of New Zealand and other chiefs the laws spoken here.

The First

The Chiefs of the Assembly, and all chiefs also who have not joined the Assembly, give up entirely to the Queen of England forever all the **Government** of their lands.

The Second

The Queen of England arranges and agrees to give to the chiefs, the Hapus and **all the people of New Zealand**, the full chieftainship of their lands, their settlements and their property. But the Chiefs of the Assembly, and all other chiefs, gives to the Queen the purchase of those pieces of land which the proprietors may wish, for payment as may be agreed upon by them and the purchaser who is appointed by the Queen to be Her purchaser.

The Third

This is an arrangement for the consent to the Government of the Queen. The Queen of England will protect **all the Maori of New Zealand**. All the rights will be given to them the same as Her doings to the people of England.

Signed, William Hobson, Consul and Lieutenant – Governor.

Now, we the Chiefs of the Assembly of the Hapus of New Zealand, now assembled at Waitangi. We, also the Chiefs of New Zealand, see the meaning of these words; they are taken and consented to altogether by us. Therefore, are attached our names and marks.

This done at Waitangi, on the six day of February, in the year one thousand eight hundred and forty, of our Lord.

Note. From the above, the Rev Henry Williams made 3 corrections to Governor Hobson's final draft in his translation to clarify whom Governor Hobson was referring. In the Preamble, "*people of New Zealand*" to "*chiefs and Hapu of New Zealand*" and "*natives*" to "*tangata maori*". Article 1, "*Sovereignty*" was changed to "*kawanatanga/governments*". In Article 3, "*People of New Zealand*" to "*tangata maori of New Zealand*". He left "*All the people of New Zealand*" in Article 2 as this also referred to all non-Maori as well as Maori. All back translations do not have the errors of the final draft and are all dated the 6 February 1840. The Tiriti o Waitangi referred to all the chiefs who signed it as, "*tangata Maori*".

Over 500 chiefs signed the Tiriti o Waitangi as "*tangata Maori*" representing over 75,000 of their people. Not one "*tangata Maori*" chief questioned being referred to as "*tangata Maori*" as they knew they were not the "*tangata whenua*" or "*indigenous people of New Zealand*". Lt. Governor Hobson never made or authorised an English version of the Treaty to be read or signed and only the Maori version was signed at Waitangi on 6 February 1840. The English version was signed by 34 chiefs after the Tiriti o Waitangi had been read, discussed, and signed by 5 chiefs, but could hold no more signatures.

Documents 5.

Queen Victoria's 1840 Royal Charter/Letters Patent.

Once the Treaty of Waitangi was signed and filed away, New Zealand had to be separated from New South Wales dependency to become a British Colony with laws to not only protect the British Subjects, but also the tangata Maori who were now British Subjects. A Royal Charter/Letters Patent dated 16 November 1840 issued by "*Victoria by the Grace of God*" under, "*The Great Seal of United Kingdom of Great Britain and Ireland*", separated New Zealand from New South Wales on 24 May 1841 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. Most of the Pre-Treaty Land Sales, about 2/3 of New Zealand were returned without compensation to the buyers, to the tribes whose chiefs had sold it before the Treaty was signed. All approved sales had their purchase reduced to 2560 acres/4 square miles We must also not overlook the fact, prior to Colonisation, the tangata Maori had been at war with each other for hundreds of years, but no more so than after Hongi Hika arrive back from England in 1820 with over 500 muskets. In a few years after Colonization, Britain had stopped the intertribal fighting, returned the pre-sold-land and brought peace, law and order to New Zealand, the first time ever for the tangata Maori.

While in some instances land was confiscated in payment for breaking the law, this was explained by Sir Apirana Ngata, Minister of Native Affairs in 1923. "*Some have said that these confiscations were wrong, and they contravened the articles of the Treaty of Waitangi, but the chiefs placed in the hands of the Queen of England, the Sovereignty and authority to make laws. Some sections of the Maori people violated that authority, war arose, and blood was spilled. The law came into*

operation and land was taken as payment. This in itself is Maori custom – revenge – plunder to avenge a wrong. It was their chiefs who ceded that right to the Queen. The confiscations cannot therefore be objected to in the light of the Treaty”. **“The Treaty of Waitangi, An Explanation”** by Sir Apirana Ngata 1922.

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

The Royal Charter/Letters Patent was issued by “Victoria by the Grace of God” under, “The Great Seal of the United Kingdom of Great Britain and Ireland” on 16 November 1840.





This is New Zealand true Founding Document and first Constitution.

Above is Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 was issued by "Victoria by the Grace of God" 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.

While there are six documents that made New Zealand into a

British Colony, there is only one that comes anywhere near to a Founding Document and first Constitution and that is, Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

This disc was supplied by the Chief Archivist, Marilyn Little, Archives New Zealand, Reference Number: ACGO 8341 1A19, before the Constitution Room at Archive New Zealand was dismantled.



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 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

DOCUMENT 6.

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.

Government Removes Royal Charters from the Public's View.

In 2015 the One New Zealand Foundation Inc. decided to

research Queen Victoria's 1839 and 1840 Royal Charter/Letters Patent that had been on public display for over 25 years and published their findings on their website, www.onenzfoundation.co.nz.

On the 17 April 2017 the Government dismantled the Constitution Room and hid the 1839 and 1840 Royal Charters/Letters Patent in New Zealand Archive's storeroom out of the public's view. In fact, if future researchers want to research them now, they must order them, that is if they know they exist. **Do you?**

The Government then spent \$7.2 million of taxpayer's money to refurbishing the Wellington National Library and built the *He Tohu Exhibit* to display the Declaration of Independence, the Treaty of Waitangi and the Women's Suffrage Petition as, *"Iconic constitutional documents that shaped Aotearoa New Zealand."*

These are not Constitutional Documents as they did not shape New Zealand. The Declaration of Independence was a complete failure as Busby could only get 34 chiefs to sign it before the chiefs were back fighting each and it was abandoned without one meeting taking place. The Treaty of Waitangi was only a document that asked the tangata maori to give up their government and in return, they would become British Subjects with the same rights as the people of England. The Women's Suffrage Petition was a great achievement for women as it allowed women the right to vote. Not one of these documents were constitutional Documents and did very little to *"Make New Zealand into a British Colony under one flag and one law, irrespective of race, colour or creed."*

While there are six documents that made New Zealand into a British Colony, there is only one that comes anywhere near to a Founding Document and first Constitution and that is, Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

OMBUDSMAN REFUSES TO INVESTIGATE

The Ombudsman supports the Government by refusing to investigate our complaint.

In 2014, fellow researcher Jean Jackson (Ngai Tahu) contacted me asking if I had ever researched Queen Victoria's 1839 and 1840 Royal Charter/Letter Patents

I must admit, after researching New Zealand history for over 30 years, I have never seen any research on the Royal Charters by any other researchers. Yes, it was mentioned a couple of times, but there was no in-depth research into the Royal Charters.

I, with other members of the One New Zealand Foundation Inc decided to thoroughly research the 2 Royal Charter documents and were surprised what we found.

How could we have overlooked our true Founding Document and first constitution that was on public display in Archives New Zealand's Constitution Room for over 25 years?

This document was issued by "*Victoria by the Grace of God*" under, "*The Great Seal of the United Government of Great Britain and Ireland*". Not only was it issued by Queen Victoria under the Great Seal of the United Kingdom, it 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 flag, irrespective of race colour or creed.

Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 proves the Treaty of Waitangi was not our Founding Document and the reason why government were so keen to hide it from the public.

We published this fact in 2015 on our website: www.onenzfoundation.co.nz. with letters to all the other groups, politicians and Government Departments thinking the government would now recognise the Royal Charter finally as our true Founding Document and first Constitution.

But no, the government dismantled the Constitution Room at Archives New Zealand and hid the Royal Charter in the Archives storeroom. How corrupt was that!

We sent many Official Information Act letters to Ministers and the Chief Archivist, Marilyn Little asking why Queen Victoria's Royal Charter had been hidden from the public's view.

Not only this, but future researchers who want to research the Royal Charter documents must now order them, that is, if they know it exists. Do you?

But there is more, the Wellington National Library was refurbished at a cost to the taxpayer's of \$7.2 million with the new *He Tohu Exhibition* to display the Declaration of Independence, a complete failure as British Resident, James Busby could only entice 39 chiefs to sign it before they were back fighting each other and it was abandoned without one meeting taking place, the Treaty of Waitangi that had asked the 540 chiefs to give up their governments to the Queen and in return, they would become British Subjects with the same rights as the people of England and the Woman's Suffrage Petition..

These 3 documents were the only document removed from Archives New Zealand Constitution Room and place in the *He Tohu Exhibition* as, *"Iconic constitutional documents that shaped Aotearoa New Zealand"*. The Royal Charter was left out of the Exhibition.

The only documents that had any right to be there were the Women's Suffrage Petition and Queen Victoria's 1840 Royal Charter/Letters Patent, our true Founding Document and first Constitution.

Through Official Information Act letters, we found Chief Activist Marilyn Litte had decided to place Queen Victoria's Royal Charters in Archives storeroom out of the public's view.

After many letters over a number of months asking why the Royal Charters had be hidden from the public's view, we were told our OIA letters were frivolous and vexatious, and no further correspondence would be entered into.

The One New Zealand Foundation Inc. decided to complain to the Ombudsman. We sent information on Queen Victoria's Royal Charter and explained the Treaty of Waitangi had only asked the 540 chiefs to give up their government and in return, they would become British Subjects with the same rights as the people of England.

No more, no less, no Partnership and definitely, no Co-governance with the Crown!

After many letters to the Ombudsman's Office, on 18 July 2023, we received a letter from the Chief Ombudsman, Peter Boshier stating, *"I have now had the opportunity to consider your comments on the provision opinion. It is my final opinion that the Department was entitled to refuse your request under section 18(h) of the OIA. You have asked me to investigate the history of the Royal Charter document, which is not part of my of my role in investigating a complaint under the OIA"*.

How could he investigate our complaint if he was not prepared to investigate the Royal Charter documents, the basis of our complaint?

He then went on to say, *"You are aware you are on a management plan with this Office, whereby we will not respond to any complaints or correspondence we receive from you about these issues of the He Tohu exhibition. I will therefore not be commenting further on any of the specifics you raise in your email". I have now concluded my investigation.*

How could he conclude his investigation when he had not investigated Queen Victoria's Royal Charter the basis of our complaint.

From the complaint we asked the Ombudsman to investigate, we believe he is supporting the Government in hiding our true Founding Document and first Constitution from the public.

This would be one of the most corrupt acts by any government; to hide our true Founding Document and first Constitution from the Public, and the Chief Ombudsman, Peter Boshier and his staff supported it! How corrupt was that!

The above is written from OIA letters and information supplied by the One New Zealand Foundation Inc. We can supply and support any of the letters and documents quoted in this article.

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

1. It was issued by *"Victoria by the Grace of God"* under, *"The Great Seal of the United Government of Great Britain and Ireland"*. This surprised me as the Treaty of Waitangi was not issued by *"Victoria by the Grace of God"* under, *"The Great Seal of the United Government of Great Britain and Ireland"* but was being used as New Zealand's Founding Document. In fact, we knew the Treaty

of Waitangi was initially drafted by the Undersecretary of Colonies, James Stephens, who was a very strong supporter of the Clapham Sect, a group of people prominent in England from about 1790 to 1845, who campaigned to protect indigenous peoples from colonial exploitation. While little, if anything is published about the Clapham Sect in New Zealand's history, it had a great influence on the instructions given to Captain William Hobson on the drafting of the Treaty of Waitangi.

2. We also knew the Treaty of Waitangi asked the tangata Maori to give up their governments to Queen Victoria and in return, they would be give the same rights as the people of England, no more, no less, no Partnership and definitely, no Co-governance.
3. We had always wonder how New Zealand became a British Colony with a Governor and Constitution, that set up our political, legal and justice systems under one flag, one law, irrespective of race colour of creed as there was nothing the Treaty of Waitangi that could have achieved this.

Our researched also showed the 1839 Royal Charter/Letters Patent placed New Zealander under the dependency of New South Wales and the 1840 Royal Charter was the document 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, one law, irrespective of race colour of creed. In fact, the Letters Patent of 16 November 1840 (the Royal Charter) empowered the governor to constitute courts and

appoint judges to administer justice in the Colony. In 1841 an ordinance of the Legislative Council established the Supreme Court of New Zealand, which continues in existence as the High Court, which vests in the court 'all judicial jurisdiction which may be necessary to administer the laws of New Zealand.

This came as quite a shock as we had always been told the Treaty of Waitangi was our true Founding Document, but we found this was not correct, our true Founding Document and first Constitution was Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840.

We published this fact in 2015 on our website: www.onenzfoundation.co.nz. with letters to all the other groups, politicians and Government Departments.

While we thought this would be of great interest to the Government, the other groups and the Politician's as we now knew how New Zealand became a British Colony, but few should any interest. In fact, the Constitution Room at Archives New Zealand, where the two Royal Charter documents had been on public display for over 25 years, was demolished and the two Royal Charters hidden from the public in Archives storeroom. For researchers to research the two Royal Charters, our true founding Document and first Constitution, they now have to order them, that is, if future researchers know they existed.

Do you?

While this was bad enough, the Government then spent \$7.2 million of taxpayers' money to refurbish the Wellington National Library and built the He Tohu Exhibit to hold just three documents, the Women's Suffrage Petition, which gave women the vote in New Zealand, the Declaration of Independence that James Busby could only entice 49 to sign before it was abandoned without one meeting taking place and the Treaty of Waitangi that only asked the tangata Maori to give up their governments and in return they would become British Subjects. with the same rights as the people of England,

When we queried the Chief Archivist Marilyn Little as to why Queen Victoria's Royal Charters/Letters Patent were not displayed in the He Tohu Exhibition, she replied, *"Only a small portion of the many constitutional document held by Archives New Zealand are to be displayed in He Tohu. The three documents on display, the 1935 Declaration of Independence, the 1840 Treaty of Waitangi and the 1893 Women's Suffrage Petition represents moments of pivotal historical significance in Aotearoa New Zealand. 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"*.

What? No room to hold two extra documents in a building that cost the taxpayers \$7.2 million! This decision was made by the project Board, whoever they are and the Chief Archivist decided to return the remaining document to the repository, but they were never in the repository, they have been in the Constitution Room for 25 years in full view of the public.

We then asked under the OIA, *"Where would the Royal Charters be held"* and she replied, *"The remaining documents currently housed in the Constitution Room, including the Charter of 1840, will be located in Archives New Zealand's Wellington repository"*.

We now know the two Royal Charters documents were deliberately hidden from the public by the Chief Archivist as they would show up the errors governments have made over the last 175 years by using the Treaty of Waitangi as our Founding Document, when it is not!

We then asked, who gave the authority to hide the Royal Charters in Archives repository out of the public's view and she replied, *"The closure of the Constitution Room, and subsequent removal of the documents housed within it, is authorised by Cabinet Minute CAB Min (12) 14/11, dated 30 April 2012. It agrees to the proposal to move the Constitution*

Room from the Archives New Zealand building to the refurbished National Library building”.

Correct it did agree, “To the proposal to move the Constitution Room from the Archives New Zealand building to the refurbished National Library building”

But it did not say, to hide the Royal Charters in Archives storeroom out of the public’s view. What right did the Chief Archivist, Marilyn Little have to remove these documents from the public’s view when they belong to all the people of New Zealand?

In 2017 we wrote the Ombudsman’s Office with a complaint that the Chief Archivist Marilyn Little had removed the Royal Charters from the public’s view without the authority of Cabinet. We set copies of the Royal Charters and explaining, these documents were issued by, *“Victoria by the Grace of God”* under, *“The Great Seal of the United Government of Great Britain and Ireland”*. We also explained the 1839 Royal Charter placed New Zealand under the dependency of New South Wales, which could only have been achieved if the tangata Maori did not have sovereignty over New Zealand. This was confirmed in 1877 when Chief Justice Sir James Prendergast ruled, *“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.