

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

## History ignored by Government and our modern-day historians.



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



If the tangata Maori race were to survive, Britain had to take a far greater interest in New Zealand and its people. In 1839, Britain place New Zealand under the dependency of New South Wales. In 1840, Queen Victoria offered the tangata Maori chiefs an 'Agreement'; if they gave up their governments to Britain, they would become British Subjects with the same

rights and protection as the people of England under English Law. Over 500 chiefs signed the 'Agreement' at Waitangi in 1840 and the tangata Maori became British Subjects under one flag and one law. On the 16 November 1840 Queen Victoria issued a Royal Charter/Letters Patent that separated New Zealand from New South Wales and made New Zealand into a British Colony with a Governor and constitution that set up New Zealand's political legal and justice systems under one flag and one law, irrespective of race, colour or creed.

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

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

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

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

1. **Queen Victoria's Royal Charter/Letters Patent dated 30 July 1839**, issued under, *"The Great Seal of the United*

*Kingdom of Great Britain and Ireland*", placed New Zealand under the dependency of the New South Wales Government. If New Zealand had been a Sovereign Nation in 1839, Britain could not have placed New Zealand under the dependency of New South Wales. See below.

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

## **Government Hides Founding Documents from the Public.**

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

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

The New Zealand Legislative Council was established in 1841 by Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 when New Zealand was created as a Crown Colony separate from New South Wales. The Council was composed of the Governor, the Colonial Secretary, the Colonial Treasurer, and Justices of the Peace. The first session of the Legislative Council was held in Auckland from 24 May to 10 July 1841. The initial Members were William Hobson as Governor, Willoughby

Shortland as Colonial Secretary, Frances Fisher as Attorney General, George Cooper as Colonial Treasurer, and a number of Senior Justices of the Peace. The Council's first ordinance was a temporary measure of adopting the laws of New South Wales. The Legislative Council's main role was to enact laws and ordinances for the Government of the Colony and to establish Courts of Justice under one flag and one law, irrespective of race colour or creed. See copy of the First Sitting of the Legislative Council below.

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

## **QUEEN VICTORIA'S TWO ROYAL CHARTERS/LETTERS PATENT**

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

Queen Victoria's Royal Charter/Letters Patent dated 30 July 1839 placed New Zealand under the dependency of the New South Wales Government. Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 separated New Zealand from New South Wales dependency and made New Zealand into a British Colony with a Governor and Constitution that set up our political, legal and justice systems under one flag and one law, irrespective of race, colour, or creed. See copy of 1839 Royal Charters/Letters Patent below.

Both Royal Charters/Letters Patent were issued by "*Victoria by the Grace of God*" under, "*The Great Seal of the United Kingdom*

*of Great Britain and Ireland”.*

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

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

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

***Do you?***

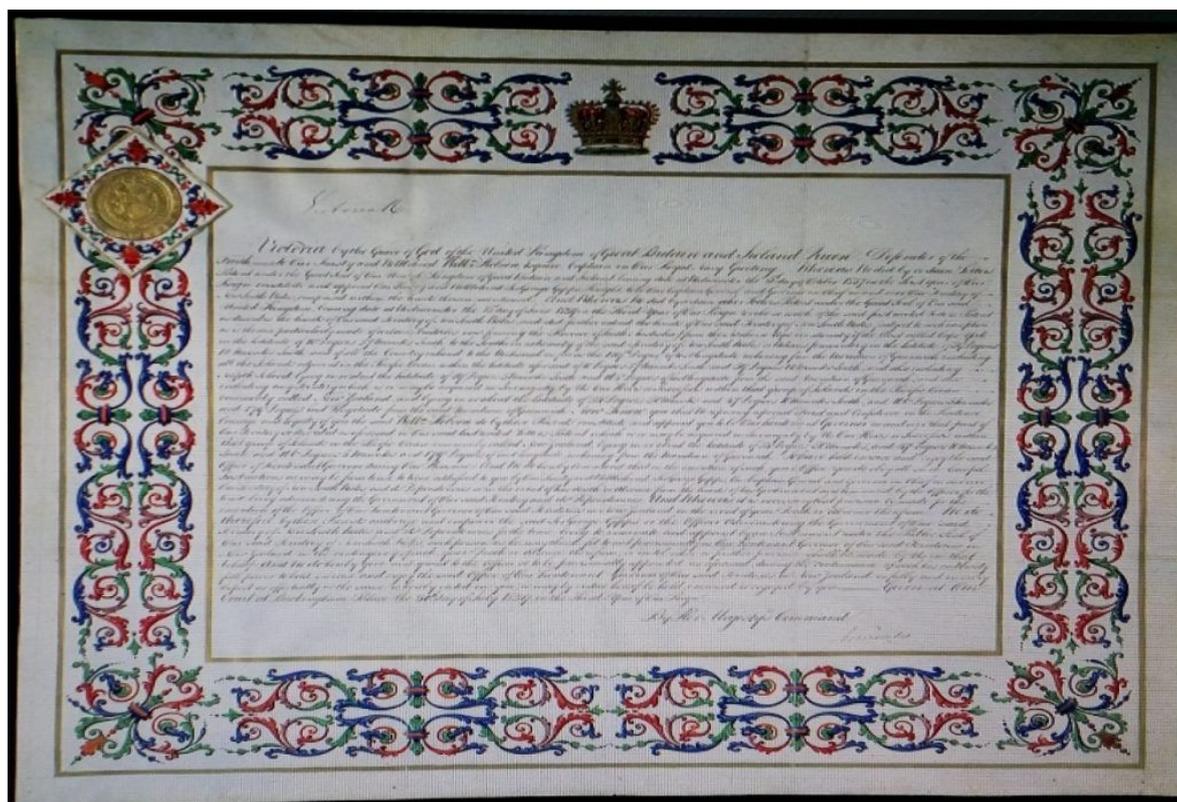
## **Queen Victoria’s 1839 Royal Charters/Letters Patent**

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

Below is the ‘Charter/Letters Patent’ appointing William Hobson as Lieutenant Governor of New Zealand and extending the

boundaries of New South Wales to include all the islands of New Zealand in 1839. Sir George Gipps, Governor of New South Wales was in fact, the first Governor of New Zealand with Captain William Hobson as his Lieutenant.

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



The Royal Charter/Letters Patent reads,

**Victoria R**

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith – To Our Trusty and Well beloved, William Hobson Esquire, Captain of the Royal Navy Greeting. Whereas We did by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the 5th day of October 1837 in the First year of Our Reign constitute and appoint Our Trusty and Well beloved, Sir George Gipps, Knight, to be Our Captain General and Governor in Chief in and over Our Territory of New South Wales, comprised within the limits

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

from the Meridian of Greenwich. To have hold exercise and enjoy the said Office of Lieutenant Governor during Our Pleasure: And We do hereby command that in the execution of such your Office you do obey all such lawful Instructions as may be from time to time addressed to you by Our Trusty and Well beloved Sir George Gipps, Our Captain General and Governor in Chief in and over Our Territory of New South Wales and its Dependencies or in the event of his death or absence from the limits of his Government and command by the Officer for the time being administering the Government of Our said Territory and its Dependencies. And Whereas it is necessary that provision be made for the execution of the Office of Our Lieutenant Governor of Our said Territories in New Zealand in the event of your Death or absence therefrom, We do therefore by these Presents authorise and empower the said Sir George Gipps or the Officer Administering the Government of Our said Territory of New South Wales and its Dependencies for the time being to nominate and appoint by an Instrument under the Public Seal of Our said Territory of New South Wales, such person as he may think fit to act provisionally as Our Lieutenant Governor of Our said Territories in New Zealand in the contingency of such your Death or absence therefrom, or until other or further provision shall be made by Us in that behalf. And We do hereby give and grant to the Officer so to be provisionally appointed as aforesaid, during the continuance of such his authority full power to hold exercise and enjoy the said Office of Our Lieutenant Governor of Our said Territories in New Zealand as fully and in every respect as effectually as the same as is hereby vested in you, or may be by virtue hereof be held, exercised or enjoyed by you – Given at Our Court at Buckingham Palace the 30th day of July 1839, in the Third Year of Our Reign. By Her Majesty's Command, Lord Normandy.

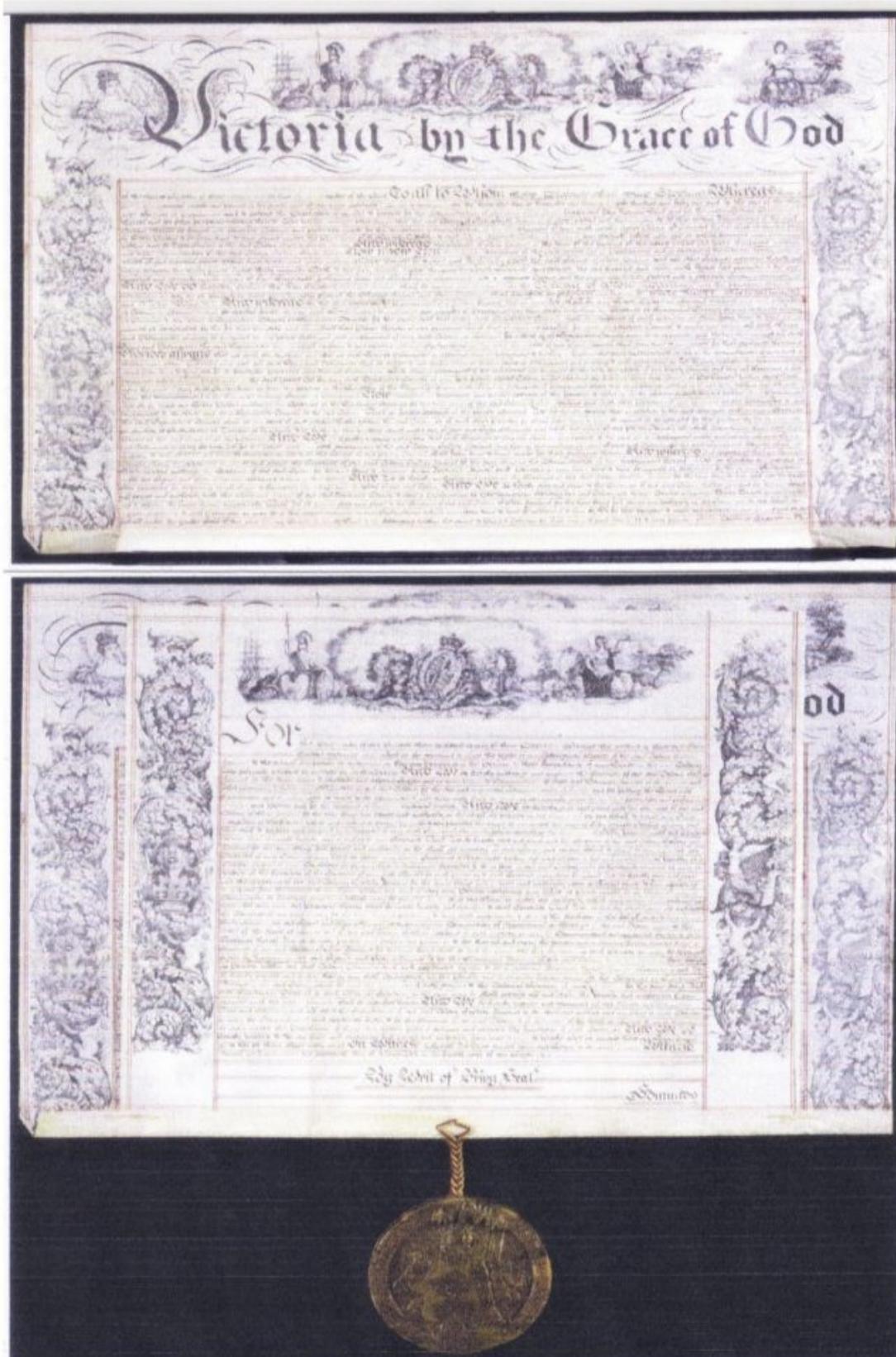
**This is the Royal Charter/Letters Patent dated 30 July 1839 issued by "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*" that**

**extended the boundaries and laws of New South Wales over all the islands of New Zealand. There is no mention of the Treaty of Waitangi in this Charter.**

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

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

## Queen Victoria's Royal Charter/Letters Patent



This is New Zealand true Founding Document and first Constitution.

The Constitution Reads:

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The Constitution Reads:

CONSTITUTIONAL CHARTER OF NEW ZEALAND

CHARTER FOR ERECTING THE COLONY OF NEW ZEALAND, AND FOR CREATING AND ESTABLISHING A LEGISLATIVE COUNCIL AND AN EXECUTIVE COUNCIL, AND FOR GRANTING CERTAIN POWERS AND AUTHORITIES TO THE GOVERNOR FOR THE TIME BEING OF THE SAID COLONY.

Victoria, & c. to all whom these presents shall come, greeting.

1. Whereas by an Act of Parliament made and passed in the fourth year of our reign, intituled, "An Act to continue, until the 31st day of December 1841, and to the end of the then next Session of Parliament, and to extend the provisions of an Act to provide for the administration of justice in New South Wales and Van Diemen's Land, and for the more effectual government thereof, and for other purposes relating thereto," after reciting amongst other things that the said colony of New South Wales is of great extent, and, that it may be fit that certain dependencies of the said colony should be formed into separate colonies, and provision made for the temporary administration of the government of any such newly-erected colony, it is enacted, that it shall be lawful for us, by Letters Patent to be from time to time issued under the great seal of the United Kingdom, to erect into a separate colony or colonies any islands which now are or which hereafter may be comprised within and be dependencies of the said colony of New South Wales; and whereas the islands of New Zealand, at the time of the passing of the above recited Act, were comprised within and were dependencies of the said colony of New South Wales. Now know ye that we, in pursuance of the said recited Act of Parliament, and in exercise of the powers thereby vested in us, of our especial grace, certain knowledge, and mere motion, have thought fit to erect, and do hereby erect the said islands of New Zealand, and all other islands adjacent thereto, and lying between the 34th degree 30 minutes north to the 47th degree 10 minutes south latitude, and between the 166th degree 5 minutes to the 172d degree of east longitude (reckoning from the meridian of Greenwich) into a separate colony, accordingly. And we do hereby declare that from henceforth the said Islands shall be known and designated as the colony of New Zealand, and the principal adjacent islands, heretofore known as, or commonly called the "Northern Island" the "Middle Island," and "Stewart's Island," shall henceforward be designated and known respectively as "New Ulster," "New Munster", and "New Leinster".
2. And whereas by the said recited Act of Parliament it is further enacted, that in case we shall by any letters patent as aforesaid establish any such new colony or colonies as aforesaid, it shall be lawful for us by any such letters patent, to authorise any number of persons, not less than seven, including the governor or lieutenant-governor of any such new colony or colonies, to constitute a Legislative Council or Legislative Councils for the same, and that every such Legislative Council shall be composed of such persons as shall from time to time be named or designated by us for that purpose, and shall hold their places therein at our pleasure, and that it shall be lawful for such Legislative Council to make and ordain all such laws and ordinances as may be required for the peace, order, and good government of any such colony as aforesaid, for which such Legislative Council may be so appointed; and that in the making all such laws and ordinances, the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein. Provided always, that no such instructions and that no such laws or ordinances as aforesaid shall be repugnant to the law of England, but consistent therewith so far as the circumstances of any such colony may admit; provided

also, that all such laws and ordinances shall be subject to our confirmation or disallowance, in such manner and according to such regulations as we by any such instructions as aforesaid shall from time to time see fit to prescribe; provided also, that all instructions which shall, in pursuance of the said recited Act, be made by us, with the advice of our Privy Council, and that all laws and ordinances which shall be made in pursuance of the said recited Act, by any such Legislative Council of any such newly-erected colony as last aforesaid, shall be laid before both Houses of Parliament within one month from the date of any such instructions, or from the arrival in this kingdom of the transcript of any such laws or ordinances, if Parliament shall then be in session sitting, or if not, then within one month of the commencement of the next ensuing session of Parliament. Now, therefore in pursuance and further exercise of the powers so vested in us as aforesaid in and by the said recited Act of Parliament, we do by these our letters patent authorise the governor or the lieutenant-governor for the time being of the said colony of New Zealand and such other persons, not less than six, as are hereinafter designated, to constitute and be a Legislative Council for the said colony; and in further exercise of the powers aforesaid, we do hereby declare that, in addition to the said governor or lieutenant-governor, the said Legislative Council shall be composed of such public officers within the said colony, or of such other persons as shall from time to time be named or designated for that purpose by us, by any instruction or instructions or warrant or warrants to be by us for that purpose issued under our signet and sign manual and with the advice of our Privy Council, all of which Councillors shall hold their places in the said Council at our pleasure.

3. And we do hereby require and enjoin that such Legislative Council shall, in pursuance of the said Act of Parliament, make and ordain all such laws and ordinances as may be required for the peace, order, and good government of the said colony of New Zealand, and that in the making all such laws and ordinances the said Legislative Council shall conform to and observe all such instructions as we, with the advice of our Privy Council, shall from time to time make for their guidance therein.
4. And whereas it is expedient that an Executive Council should be appointed to advise and assist the governor of our said colony of New Zealand for the time being in the administration of the government thereof, we do therefore, by these our letters patent, authorise the governor of our said colony for the time being to summon as an Executive Council such persons as may from time to time be named or designated by us in any instructions under our signet and sign manual, addressed to him in that behalf.
5. And we do hereby authorise and empower the governor of our said colony of New Zealand for the time being to keep and use the public seal appointed for the sealing of all things whatsoever that shall pass the seal of our said colony.
6. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being full power and authority, with the advice and consent of our said Executive Council, to issue a proclamation or proclamations, dividing our said colony into districts, counties, hundreds, towns, townships and parishes, and to appoint the limits thereof respectively.
7. And we do hereby give and grant to the governor of our said colony of New Zealand for the time being, full power and authority, in our name and on our behalf, but subject nevertheless to such provisions as may be in that respect contained in any instructions which may from time to time be addressed to him by us for that purpose, to make and execute, in our name and our behalf, under the public seal of our said colony, grants of waste land, to us belonging within the same, to private persons, for their own use and

benefit, or to any persons, bodies politic or corporate, in trust for the public uses of our subjects there resident, or any of them.

8. Provided always, that nothing in these our letters patent contained shall affect, or be construed to affect, the rights of any aboriginal natives of the said Colony of New Zealand, to the actual occupation or enjoyment in their own persons, or in the persons of their descendants, of any lands in the said Colony now actually occupied or enjoyed by such natives.
9. And we do hereby authorise and empower the Governor of our said Colony of New Zealand for the time being, to constitute and appoint judges, and, in cases requisite, commissioners of oyer and terminer, justices of the peace, and other necessary officers and ministers in our said Colony, for the due and impartial administration of justice, and for putting the laws into execution, and to administer or cause to be administered unto them such oath or oaths as are usually given for the due execution and performance of these offices and places, and for the clearing of truth in judicial matters.
10. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and on our behalf, to remit any fines, penalties, or forfeitures, which may accrue or become payable to us, provided the same do not exceed the sum of fifty pounds sterling in any one case, and to respite and suspend the payment of any such fine, penalty, or forfeiture exceeding the said sum of fifty pounds, until our pleasure thereon shall be made known and signified to such Governor.
11. And we do hereby give and grant unto the Governor of the said Colony of New Zealand for the time being, full power and authority, as he shall see occasion, in our name and on our behalf, to grant to any offender, convicted of any crime in any Court, or before any judge, justice, or magistrate within our said Colony, a free and unconditional pardon, or a pardon subject to such conditions as by any law or ordinance hereafter to be in force in our said Colony may be therunto annexed, or any respite of the execution of the sentence of any such offender for such period as to such Governor may seem fit.
12. And we do hereby give and grant unto the Governor of our said Colony of New Zealand for the time being, full power and authority, upon sufficient cause to him appearing, to suspend from the exercise of his office, within our said Colony, any person exercising any office or place under or by virtue of any commission or warrant granted, or which may be granted by us, or in our name or under our authority; which suspension shall continue and have effect only until our pleasure therein shall be made known and signified to such Governor. And we do hereby strictly require and enjoin the Governor of our said Colony for the time being, in proceeding to any such suspension, to observe the directions in that behalf given to him by our instructions under our signet and sign manual accompanying his commission of appointment as Governor of the said Colony.
13. And in the event of the death or absence out of our said Colony of New Zealand of such person as may be commissioned and appointed by us to be the Governor thereof, we do hereby provide and declare our pleasure to be, that all and every the powers and authorities herein granted to the Governor of our said Colony of New Zealand for the time being shall be, and the same are hereby vested in such person as may be appointed by us by warrant under our signet and sign manual, to be the Lieutenant-Governor of our said Colony, or, in the event of there being no person within our said Colony commissioned and appointed by us to be Lieutenant-Governor thereof, then our pleasure is, and we do hereby provide and

declare, that in any such contingency all the powers and authorities herein granted to the Governor or Lieutenant-Governor of our said Colony shall be, and the same are hereby granted to the Colonial Secretary of our said Colony for the time being, and such Lieutenant-Governor, or such Colonial Secretary, as may be, shall possess all and every the powers and authorities herein granted until our further pleasure shall be signified, therein.

14. And we do hereby require and command all our officers and ministers, civil and military, and all other the inhabitants of our said Colony of New Zealand, to be obedient, aiding and assisting to such person as may be commissioned and appointed by us to be the Governor of our said colony, or, in the event of his death or absence, to such person as may, under the provisions of these our letters patent, assume and exercise the functions of such governor.

And we do hereby reserve to us our heirs and successors full power and authority from time to time, to revoke, alter or amend these our letters patent as to us or them shall seem meet.

In witness, &c. witness, &c.

16 November 1840

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

## FIRST SITTING OF THE LEGISLATIVE COUNCIL OF NEW ZEALAND.

(From the New Zealand Government Gazette)

His Excellency the Governor, according to notice, opened the first session of the legislative council of New Zealand on the 24th May 1841. Hon. W. Shortland, Colonial Secretary, Hon. Francis Fisher, Attorney General, Hon. George Cooper, Colonial Treasurer, E. S. Halswell, Esq., one of the three senior justices, being present, received the oaths and took their seats in the Legislative Council accordingly. James Coates, Esq., was appointed Clerk of the Council, and took the oaths of office. His Excellency then delivered the following speech :— Gentlemen—I have availed myself of this early period to assemble the members of the legislative council for the purpose of bringing under consideration certain measures which the altered circumstances of the Colony seem to me urgently to

require. At this our first meeting I deem it proper to draw your attention, not only to the Royal Charter, but to the highly, important instructions under the Royal Signet and Sign Manual which accompany it. The Charter, as you are already aware, erects the islands of New Zealand and certain dependencies into a separate Colony, under the Superintendence of a Governor and Commander-in-Chief. It constitutes a Legislative Council, who are empowered to enact laws and ordinances for the local government of the Colony; it authorises the establishment of Courts of Justice, and the issue of Commissions of the Peace; and, in fact, brings into complete operation British laws throughout the whole Colony of New Zealand. The instructions under the Royal Signet and Sign Manual more particularly define the functions of the Governor and Council, and in a clear and conspicuous manner point out the duties of each. In order that you, gentlemen, may have an opportunity of acquainting yourselves with those particular duties, I have directed the instructions to be laid on the table, and kept open for your perusal in the Council Chamber. I regret that I cannot at the present meeting lay before you the Estimates of the ensuing year, which, although in a forward state of preparation, are in-complete, owing to the non-arrival of directions from the Lords of the Treasury, of which I am advised, and which may be daily expected. I shall lay before you an ordinance for the present re-adoption of all such acts of New South Wales as were in force previous to our separation, and are now applicable to this colony. It is not my intention, however, eventually to propose for your adoption the laws of New South Wales, but it will be my endeavour, during the recess, aided by the advice and assistance of the Law Officers of the Crown, to prepare for your consideration such laws as will best provide for the administration of justice, and the contingencies of social life, which may be expected to arise in New Zealand ; therefore the measures now proposed to you must be deemed temporary and contingent, as re-sulting from the present peculiar condition of the Colony. By Command of Her Majesty I will bring under your

consideration the repeal of the Land Commission Act, and submit for your adoption an ordinance for the same general purposes, but granting to the Governor of New Zealand the same powers as those heretofore enjoyed by the Governor of New South Wales. I will likewise lay before you bills for the regulation and collection of the revenue of Her Majesty's Customs, for establishing courts of quarter sessions and requests, and for the prohibition of distillation. These, gentlemen, are the only subjects for the present on which I shall require you to deliberate. We have, gentlemen, a solemn and important duty to perform ; by our means conflicting interests are to be reconciled ; harmony and tranquility established, and measures are to be adopted for improving the condition and elevating the character of the aboriginal inhabitants. In this salutary work I confidently look for your cordial assistance and co-operation, and I trust under Divine Providence we shall be enabled to accomplish these important objects, and to give effect to Her Majesty's Gracious and benign views for the welfare, prosperity, and civilisation of this Colony. After laying on the table the Indemnity Bill, the Governor adjourned the Council until Thursday, the 27th May, 1841.

New Zealand. Anno quarto Victoriae Reginae. No. 1. An Ordinance to declare that the laws of New South Wales, so far as they can be made applicable, shall extend to, and be in force in, Her Majesty's Colony of New Zealand from and subsequent to the date of Her Majesty's Royal Charter and Letters Patent, erecting into a separate Colony the Islands of New Zealand, and to indemnify the Lieutenant Governor and other officers thereof for certain Acts done and performed between the date of the said Royal Charter and Letters Patent and the day of passing this ordinance. Whereas by an Act of the Governor and Legislative Council of New South Wales, made and passed in the third year of the reign of Her present Majesty, entitled " An Act to declare that the Laws of New South Wales extend to Her Majesty's Dominions in the Islands of New Zealand, and to

apply the same, as far as applicable, in the administration of justice therein, and to indemnify certain Officers for Acts already done." After reciting that Her Majesty had been pleased to annex Her Majesty's Dominions of New Zealand to the Government of New South Wales, it is enacted that all Laws and Acts or Ordinances of the Governor and Legislative Council of New South Wales, which then were, or thereafter might be, in force within the said Colony should extend to and be applied in the administration of justice within Her Majesty's Dominions in the said Islands of New Zealand, so far as they could be applied therein. And whereas, under and by virtue of an Act of Parliament made and passed in the fourth year of Her said Majesty's Reign, entitled, " An Act to continue until the thirty-first day of December, one thousand eight hundred and forty-one, and to the end of the then next ensuing Session of Parliament, the Provisions of any Act to provide for the Administration of Justice in New South Wales and Van Diemen's Land, and for the more effectual Government thereof, and for other purposes relative thereto," Her Majesty did, by Her Royal Charter and Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date at Westminster the sixteenth day of November, one thousand eight hundred and forty, erect into a separate Colony the Islands of New Zealand, theretofore comprised within or dependencies of the Colony of New South Wales, with all other islands lying between certain latitude and longitude therein mentioned. And did further provide that from thenceforth the said islands should be known and designated as the "Colony of New Zealand." And whereas, by Her said Royal Charter and Letters Patent, Her Majesty did constitute a Legislative Council for the said Colony of New Zealand, with full power and authority to make and ordain all such Laws and Ordinances as might be required for the peace, order, and good Government of the said Colony. And whereas it is expedient, until all such Laws and Ordinances can be well considered and ordained, that all such Laws, Acts, and Ordinances of New South Wales as are applicable to the Colony of New Zealand should continue to be

acted upon and be applied therein. And, in order to remove any doubt which may exist whether the said Laws, Acts, or Ordinances of the said Governor and Legislative Council of New South Wales are and continue in force within the said Colony of New Zealand from and subsequent to the date and proclamation of such Her Majesty's Royal Charter and Letters Patent.

1. Be it therefore enacted and ordained by his Excellency the Governor in and over the Colony of New Zealand, with the advice of the Legislative Council thereof, that so much of all and every of the Laws, Acts, and Ordinances heretofore made by the Governor and Legislative Council of New South Wales, and now in force therein, as have already been, and can hereafter during the continuance of this Ordinance be, applied within the said Colony of New Zealand shall be, and the same are hereby, adopted and declared and directed to be extended to and applied in the Administration of Justice in the said Colony of New Zealand, in the like manner as all other the Laws of England, and as if the same had been repeated and re-enacted in this Ordinance. And whereas doubts may arise as to the validity of Acts done and performed in the said Colony of New Zealand since the date of her said Majesty's Royal Charter and Letters Patent by his Excellency as the Lieutenant Governor of the same, and by Justices of the Peace, Officers of the Customs, Constables, and other officers, under and by virtue of the said in part recited Act of the Governor and Legislative Council of New South Wales ; for the removal
2. Be it therefore further enacted that the said Lieutenant Governor of the Colony of New Zealand, and all Justices of the Peace, Officers of the Customs, Constables, and other officers, and all persons 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.

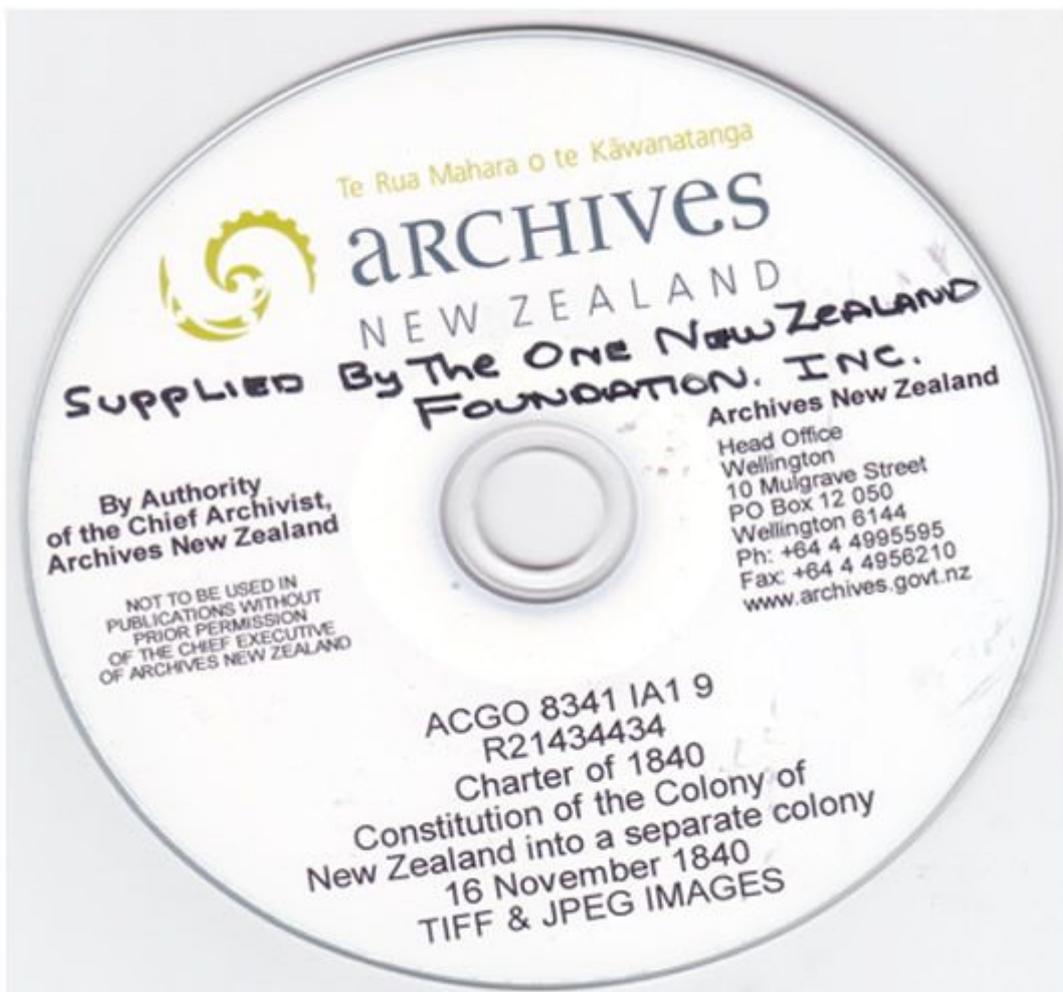
3. And be it further enacted that no act done or performed by any such officer or other person aforesaid, shall be questioned or avoided in any Court of Law, by reason of any supposed want of power and authority, and that all such acts so done and performed shall be, and they are declared to be, as valid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

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



**Disc supplied by the Chief Archivist, Archives New Zealand.**

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

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

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

For further information: [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz). **OR** Email: [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au)