

Archives New Zealand misleads the public!

It is interesting to note on letters received from Archives New Zealand is written: "*Kai pono ai te rua Mahara – Enabling trusted government information*", when the Chief Archivist, Mr Richard Foy's letter below is based on false information. Lt. Governor Hobson never made or authorised an English version of the Treaty of Waitangi to be signed by the tangata Maori Chiefs. The only English copy signed was one that was attached to Lt. Governor Hobson "official Maori Tiriti o Waitangi" that was printed by the Church Mission Society (CMS) and was used without authorisation, when space ran out on the "official Maori text". This English copy was compiled by Hobson's Secretary, James Freeman from James Busby's rejected draft notes and the reason why it differs so much from the Tiriti o Waitangi. See the letter below from the One New Zealand Foundation Inc. explaining why we cannot trust government information, especially from Chief Archivist Richard Foy.

07 NOV 2019

Ross Baker
One New Zealand Foundation
via email: onzf@bigpond.com

Archives New Zealand, 10 Mulgrave Street, Wellington
Phone +64 499 5595
Websites www.archives.govt.nz
www.dia.govt.nz

Dear Mr Baker

Official Information Act request (ref: 19/20-0344)

Thank you for your request for official information from Archives New Zealand, received 21 October 2019. You asked:

"On whose authority was this unauthorised English version of the Treaty of Waitangi published on Archives New Zealand website?"

There are two English versions of the Treaty of Waitangi available on our website. The first is the translation by Professor Hugh Kāwharu, a former Waitangi Tribunal member. This is available underneath the heading "What the Treaty says: original Te Reo version and 1975 English translation".

Professor Kāwharu's translation was made to show how Māori would have understood the meaning of the text they signed. It was published in the book *Waitangi Revisited: Perspectives on the Treaty of Waitangi*, edited by Michael Belgrave, Merata Kāwharu and David Williams (Oxford University Press, 1989).

The second version, under the heading "What the Treaty says: original English version" is the text as set out on the Waikato-Manukau sheet. This sheet is the only English language sheet of the 9 signed sheets that make up the Treaty of Waitangi.

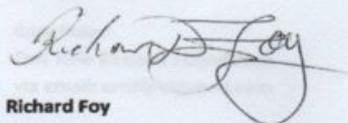
The authority for these two versions comes from the Treaty itself, and the Treaty of Waitangi Act 1975. The English text that appears on the Waikato-Manukau sheet is included as Schedule 1 of the Act.

Kia pono ai te rua Mahara – Enabling trusted government information

Auckland Regional Office, 95 Richard Pearse Drive, Māngere, Auckland
Christchurch Regional Office, 15 Harvard Avenue, Wigram, Christchurch
Dunedin Regional Office, 556 George Street, Dunedin

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz, or Freephone 0800 802 602.

Ngā mihi



Richard Foy
Chief Archivist
Archives New Zealand

P.O.BOX 7113, PIONEER HWY, PALMERSTON NORTH.

Website: www.onenzfoundation.co.nz.
ONZF@bigpond.com.au

Email:

5 November 2019.

Mr Richard Foy,
Chief Archivist,
Archives New Zealand.

Dear Sir,

Thank you for your letter dated the 7 November 2019 below.

Richard, you may be able to fool half the people half the time, but you cannot fool all the people all the time!

Correct, there are two English versions of the Treaty of Waitangi available on Archives New Zealand's website, but both were unauthorised by Lt. Governor Hobson.

You then say, "*The first is a translation by Professor Hugh Kawharu, a former Waitangi Tribunal member*".

It seems you have completely overlooked or have no idea that this translation was made for the 1987 Court of Appeal hearing, (CA 54/87) where it is stated, *"Instead of repeating the two texts scheduled to the 1975 Act, I set out what a distinguished scholar, Professor Kawharu calls his, " Attempt at a reconstruction of the literal translation of the Maori Text. It was put before us on behalf of the applicants. The Crown likewise accepted this for the purpose of this case".* **An attempt!** See page 663 of the 1987 Court of Appeal documents below.

This is not an English version, it was an unauthorised, *"Attempt at a reconstruction of the literal translation of the Maori Text"*, by a man for his people who were to gain most from the Courts decision. Kawharu even omitted the Preamble, which makes the Treaty impossible to understand or translate. Preamble = The introduction to a formal document that explains its purpose.

The 1987 Court of Appeal (CA 54/87) should have been ruled "Out of Order" as it failed to use the two texts scheduled to the 1975 Act. Note: No English version was made or authorised by Lt. Governor Hobson. FACT!

There was no English version of the Treaty of Waitangi made or authorised by Lt. Governor Hobson. His instructions to those gathering further signature after his untimely stroke was, *"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.

There was no English version signed on the 6 February 1840 at Waitangi. Fact!

As for the English version used at Waikato – Manukau. The first five tangata Maori chiefs who signed the Treaty signed the CMS printed Tiriti o Waitangi authorised by Lt. Governor Hobson which would have been read and discussed as most tangata would not have understood the unauthorised English version made by Hobson Secretary, James Freeman. It is also stated the signatures gained at Waikato – Manukau were 44. This would be the 5 on the CMS printed copy and the 39 on the unauthorised English version that was used to hold the overflow of signatures.

If this unauthorised English version is to be placed on Archives website, then it must be stated that only 39 tangata Maori chiefs out of more than 500 signed this version, therefore, it only relates to those who signed it or ruled as an unauthorised version signed in error.

Richard, I believe if you don't know our true history then you should not be the Chief Archivist at Archives New Zealand, which I also believe continues to mislead the people of New Zealand, either because you don't know our true history or maybe have a hidden agenda.

This is not "your" website, it is a website funded by the people of New Zealand who have the right to be told our true

history, not Archive's unfounded history!

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

The principles of the Treaty are to be applied, not the literal words. As is well known, the English and Maori texts in the first schedule to the Treaty of Waitangi Act 1975 are not translations the one of the other and do not necessarily convey precisely the same meaning. The story of the drafting of the Treaty and the procurement of signatures from more than 500 Maori chiefs, including some Maori women of appropriate rank – events in which no lawyer seems to have played a part – is an absorbing one, but not within the ambit of this judgment. 30

Instead of repeating the two texts scheduled to the 1975 Act, I set out what a distinguished Maori scholar, Professor Kawharu, calls his “attempt at a reconstruction of the literal translation” of the Maori text. It was put before us on behalf of the applicants. The Crown likewise accepted it for the purposes of this case: 35

“Victoria, the Queen of England, in her concern to protect the chiefs and subtribes of New Zealand and in her desire to preserve their chieftainship and their lands to them and to maintain peace and good order considers it just to appoint an administrator one who will negotiate with the people of New Zealand to the end that their chiefs will agree to the Queen’s Government being established over all parts of this land and (adjoining) islands and also because there are many of her subjects already living on this land and others yet to come. 40 45

“So the Queen desires to establish a government so that no evil will come to Maori and European living in a state of lawlessness. 50

“So the Queen has appointed me, William Hobson a captain in the Royal Navy to be Governor for all parts of New Zealand (both those) shortly to be received by the Queen and (those) to be received hereafter and presents to the chiefs of the Confederation chiefs of the subtribes of New Zealand and other chiefs these laws set out here.

“The first
“The Chiefs of the Confederation and all the chiefs who have not joined that Confederation give absolutely to the Queen of England for ever the complete government over their land.

“The second
“The Queen of England agrees to protect the chiefs, the subtribes and all the people of New Zealand in the unqualified exercise of their chieftainship over their lands, villages and all their treasures. But on the other hand the Chiefs of the Confederation and all the Chiefs will sell land to the Queen at a price agreed to by the person owning it and by the person buying it (the latter being) appointed by the Queen as her purchase agent.

“The third
“For this agreed arrangement therefore concerning the Government of the Queen, the Queen of England will protect all the ordinary people of New Zealand and will give them the same rights and duties of citizenship as the people of England.

Signed William Hobson
Consul and Lieutenant Governor

“So we, the Chiefs of the Confederation and of the subtribes of New Zealand meeting here at Waitangi having seen the shape of these words which we accept and agree to record our names and marks thus

“Was done at Waitangi on the sixth of February in the year of our Lord 1840

The Chiefs of the Confederation”

Page 663 of the 1987 Courts of Appeal documents showing the Court instead of using the 2 texts scheduled to the 1975 Treaty of Waitangi Act, accepted an, “Attempt at a reconstruction of the literal translation of the Maori text”. What right did this Court have “To accept an ‘unauthorised”

reconstruction of a literal translation of the Maori text” by a man who was going to gain most for his people with his translation when there is an ‘official’ translation by Mr T E Young of the Native Department for the Legislative Council in 1869, plus many others on record.

Another fraudulent translation of the Treaty of Waitangi, but this time for the 1987 Court of Appeal.

**The Treaty is NOT our
Founding Document**

There is nothing in the Treaty of Waitangi that could be taken as a “Founding Document”.

The Treaty of Waitangi had absolutely nothing to do with setting up our political, legal or justice systems or that Maori must be consulted, it only asked tangata Maori to give up their individual kawanatanga/government and in return, Queen Victoria would give them the *“same rights as the people of England”*. No more – No less. Tangata Maori became British subjects and a British subject cannot be in, *“Partnership with the Crown”*. Fact!

The One New Zealand Foundation Inc is concerned that the Government makes no mention of Queen Victoria’s Royal Charters/Letter Patent of 1839 and 1840, New Zealand’s true Founding Documents and first Constitution. Both these Royal Charters were issued by *“Victoria by the Grace of God”* under, *“The Great Seal of the United Kingdom of Great Britain and Ireland”*. **The Treaty of Waitangi was not!**

Queen Victoria or the British Government had no idea of what the Treaty said until it had been signed at Waitangi on the 6 February 1840. Even then, Britain received an unauthorised English version compiled by Lt. Governor Hobson’s Secretary, James Freeman from James Busby’s rejected notes and was not a translation of the Tiriti o Waitangi that over 500 tangata Maori chiefs signed in 1840. The 500 chiefs who signed the Treaty of Waitangi in 1840 were tangata Maori, **NOT** the tangata whenua or the Indigenous people of New Zealand. Fact.

In fact, in 1877 Chief Justice, Sir James Prendergast ruled the Treaty of Waitangi, *“A simple nullity because no political body existed capable of making cession of sovereignty”*. This ruling has never been over-ruled and remains in force today but is completely ignored by governments and the Waitangi Tribunal. Fact!

Royal Charter/Letters Patent of 1839.

The Royal Charter/Letters Patent dated the 30 July 1839 placed New Zealand under the laws and dependency of New South Wales.

Britain had already gained sovereignty under the **Law of Nations**.

Royal Charter/Letters Patent of 1840.

The Royal Charter/Letters Patent dated the 16 November 1840 separated New Zealand from New South Wales on the 3 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. Fact!

Both these Royal Charters/Letters Patent have been completely ignored by Governments. In fact, on the 17 April 2017 the Government allowed Archives New Zealand to dismantle the Constitution Room and place the Royal Charters of 1839 and 1840 in Archives 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?

The Treaty of Waitangi was placed in the new \$7.2 million **He Tohu** exhibition at the refurbished National Library, Wellington as, "*As an iconic constitutional document that shaped Aotearoa New Zealand*". There is no evidence in the Treaty of Waitangi that it was a Founding or Constitutional Document. This is just another lie by government to elevate the Treaty of Waitangi to something it was never intended to be by those who signed it in 1840. Fact!

Prepared for the One New Zealand Foundation Inc.

By Ross Baker, Researcher, One New Zealand Foundation Inc.

Minister has no idea of our true history, she's just another brainwashed puppet on a string!

Minister has no idea of our true history, she's just another brainwashed puppet on a string!

Hon Tracy Martin,

Minister of Internal Affairs,

Parliament Building,

Wellington.

Dear Minister,

Re: Official Information Act Request.

From the article posted in the New Zealand Herald on the 15 August 2019, it is obvious you have absolutely no knowledge of New Zealand's true history. See true documented history in red below now hidden from the public by Government in New Zealand Archive's Repository (Storage).

Treaty faces move to new home: NZ Herald, 15 August 2019.

The Treaty of Waitangi, the Women's Suffrage Petition and New Zealand's other most important historical documents could be moved to a \$200 million new home, the Government has announced. **The Declaration of Independence, the Treaty of Waitangi and the Women's Suffrage Petition are not New Zealand's most important documents and they were never authorised, drafted or approved by Queen Victoria or the British Parliament. In fact, Chief Justice Sir James**

Prendergast rule the Treaty of Waitangi, "A simple nullity" in 1877 and the Privy Council ruled in 1941, "If it was not in our legislation, then the Treaty of Waitangi was not legally binding".

New Zealand's most important documents are,

1. The Royal Charter/Letters Patent dated the 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 place New Zealand under the laws and dependency of New South Wales on the 30 January 1840.
2. The Royal Charter/Letters Patent dated the 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 its own Governor and Constitution that set up our political, legal and justice systems under one flag and one law, irrespective of race colour or creed.

The Minister of internal Affairs, Tracey Martin, yesterday unveiled plans to replace ailing national archive in Wellington by 2024. The current facility and the nearby National Library hold about \$1.7 billion worth of the country's most precious records, such as Katherine Mansfield's original work and the 1835 Declaration of Independence signed by 52 Maori rangatira (chiefs). **The Declaration of Independence was a complete failure. It was only signed by 52 northern chiefs after 4 years, who never ratified it or honoured it and it was abandoned within 12 months without one meeting taking place. In fact, most of those that signed it were at war with each other before the ink had even dried.**

The archive is 50 years old and has run out of room. It leaks and needs earthquake strengthening. **Correct, but should have been address years ago.**

In 2017 the Government spent \$7.2m moving a version of the Treaty, the Suffrage Petition and the Declaration of Independence a few hundred metres from Archives to the National Library to better protect them. Martin said she had seen ceiling drips being caught in buckets. **Correct, but deliberately left our true Founding Documents; Queen Victoria's Royal Charters/Letters Patent of 1839 and 1840 in the old leaking, earthquake prone Archives building. Minister, there was also only one "official" version of the Tiriti o Waitangi.**

Under the proposal, a 22,000sq m archive will be built on the site previously home to the Defence Force headquarters. The Defence building came down after the Kaikoura earthquake. An air bridge will link the building to the National Library by an air bridge, setting up a "documentary heritage campus" in the capital city.

Martin said the structure would be privately built and leased to the Government.

It was estimated construction would cost the developer between \$200m to \$225m, with work to be completed by late 2024. A final decision rested on the final cost and available funds. So far. \$25m has been allocated for the planning.

This is another attempt by the Government to deprive the people of New Zealand of their true history. For 25 years Queen Victoria's Royal Charters/Letters Patent of 1839 and 1840; New Zealand true Founding Documents and first Constitution, were held in the Constitution Room at Archive New Zealand for all to see, but on the 17 April 2017, the Constitution Room was dismantled by Government with the Declaration of Independence, the Treaty of Waitangi and the Women's Suffrage Petition being moved to the \$7.2 million *He Tohu* exhibition at the National Library Wellington. Queen

Victoria's Royal Charters/Letters Patent of 1839 and 1840 were removed to Archives leaky and earthquake prone Repository where they must be ordered to research, that is, if future researchers know they exist.

Under the Official Information Act,

Will Queen Victoria's Royal Charters/Letters Patent of 1839 and 1840 issued by "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*", that made New Zealand into a British colony with its own Governor and Constitution that set up our political, legal and justice system under one flag and one law, irrespective of race colour or creed, be placed in Archive's new \$200 million home as our true Founding Documents and first Constitution?

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

This is an open letter to all interested parties.

ALLAN TITFORD'S APPEAL DENIED

Allan Titford has had his Appeal to an extension of time to file, An Application for Leave to Appeal, dismissed. This again is a deliberate attempt to deny justice to man that was never given a fair trial. See documents below.

Allan had freehold title to a 1650-acre farm at Maunganui Bluff in 1986. At the time of purchase unbeknown to him, Te Roroa had placed a claim on part of his farm called Manuwhetai.

For 7 years Allan fought this claim, but in 1995, the Crown forced him from his land. The payment he received barely paid for his legal fees to try and keep his farm.

In 2009 Allan's wife Susan became frustrated with Allan trying to get compensation for his lost property. She wrote to Barrister Greg Denholm asking him, *"If Allan was in jail would she get control of his Trusts"*. She also wrote to the Minister of Justice, Hon Simon Power asking how she could escape being charged with Perjury. The Minister said if she could prove she was forced to lie in Court she would be excused. Susan wanted control of the finances.

She then talked to Minister, Hon John Carter who said the Crown would give her immunity if she would help the Crown to find Allan guilty of charges that would put him in prison.

John Carter asked Susan to write a list of charges which she gave to him who forwarded it onto the Police. The Police removed some charges and added many others.

Susan also promised her children \$5000 each if they would testify against their father in Court. One child writing, *"And all the stuff we had to write and say about Dad. I didn't understand any of it. I tried to ask about it but just got told to do it"*.

Allan's trial began on the 2 September 2013 under Judge Duncan Harvey. Susan, her brother and her children gave their evidence without any documents or witnesses to substantiate it and with little, if any cross examination. What ever they said was taken as the truth.

Allan was refused any witnesses in his defence and everything he said was taken as a lie by the Court. His solicitor John Moroney spending little time preparing his case.

Before he was sentenced, Allan's sister-in-law, Sheryll Titford, who never really liked Allan and his aunty, Ileen

McGrath gave affidavits to the Police that Susan father Graham Cochrane had burn the house down at Maunaganui Bluff and not Allan, but this was withheld from the Court by the Police.

A claim for this land had also been lodged in 1939 by Te Roroa and after a full hearing, it was found by Chief Judge Shepherd that there was no evidence that Te Roroa still owned Manuwhetai. The whole block had been sold to the Crown without any mention of a reserve called Manuwhetai, only Taharoa. The claim was rejected by Parliament in 1942.

No fresh evidence was brought to the Waitangi Tribunal, but the Tribunal, as usual, twisted the truth and recommended the Crown not only return Manuwhetai but both Allan's and Mr Donny Harrison's farms to Te Roroa.

When the Minister of Justice and Minister of Treaty Negotiations signed Mr Titford's Deed of Sale he acknowledged on the Deed of Sale that Manuwhetai was only an "alleged" claim. No evidence had been presented to the Waitangi Tribunal that this land belonged to Te Roroa.

There is no doubt, Mr Titford is a "Political Prisoner" to stop him from telling of the corruption within the Crown and our Justice system to steal an innocent New Zealand Citizen's freehold titled farm for Te Roroa's "alleged" land claim, but the Crown still will not allow him a fair trial.

For further information, ***"Why Allan Titford was Jailed for Twenty-four Years"***, by the ONZF.

CLICK ON THE FILES BELOW TO DOWNLOAD...

22 January 2019

Auckland South Corrections Facility
21 Kiwi Tamaki Road
Wiri
Auckland 2104
PRN: 8350871
Allan Titford

Dear Mr Titford,

**TITFORD: Your application for leave to appeal to the Supreme Court
Our Ref: LTA365/840**

I refer to your application for **leave** to appeal your conviction and sentence to the Supreme Court.

I **attach** a copy of the submissions I have filed with the Supreme Court today. The Supreme Court usually deal with these **applications** on the papers (without a hearing), so you should expect to hear from **them** in due **course**.

Yours sincerely
Crown Law



Zannah Johnston
Crown Counsel

IN THE SUPREME COURT OF NEW ZEALAND

SC 104/2018

CA854/2013

IN THE MATTER OF

An appeal that a substantial miscarriage
of justice has occurred

BETWEEN

ALLAN JOHN TITFORD

Appellant

AND

THE CROWN

Respondent



APPELLANT'S SUBMISSION

To the Registrar of the Supreme Court

I, Allan John Titford, the *appellant* in the proceeding identified above, through this submission, wish to advance my application for the leave of the Supreme Court to appeal against the July 31, 2017, judgement CA 854/2013 NZCA 331 Titford v The Queen, which declined application for leave to adduce fresh evidence, and dismissed both my appeal against conviction and appeal against sentence. That appeal resulted from the guilty verdicts and cumulative sentences of over 24 years being CRI-2010-029-001480 Titford v The Queen that was tried in the Whangarei District Court starting September 2, 2013.

My appeal to the Supreme Court is that the trial process and misdirection by the Judge created a miscarriage of justice.

1. Basic facts

I was tried on 51 counts and two alternative counts in September of 2013 in the Whangarei District Court. Susan Cochrane and her brother Richard were the main sources of testimony against me. I was found guilty of 39 counts 11 of which were majority verdicts. The guilty counts were: Three of rape, four of violent offences against Susan Cochrane; 24 of violence against the children; one for arson, one for attempted arson; one for fraudulent use of a document; one of perjury and one of attempting to pervert the course of justice; one of threatening to kill Susan and one of threatening to kill Richard Cochrane; and one of reckless discharge of a firearm. The jury took about a day and a half to deliberate. Each charge was considered for around 10 minutes. I received a cumulative sentence of 24 years.

This case was appealed in 2017 on the following grounds: incapacity to plea due to mental illness; new evidence from witnesses; insufficient time to prepare an adequate defence; lack

ajt.

NOTE: ORDER PROHIBITING PUBLICATION OF THE INFORMATION IN [68] OF THE JUDGMENT OF THE COURT OF APPEAL IN NEWS MEDIA OR ON THE INTERNET OR OTHER PUBLICLY AVAILABLE DATABASE REMAINS IN FORCE. PUBLICATION IN LAW REPORT OR LAW DIGEST PERMITTED.

NOTE: PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF WITNESSES UNDER 17 YEARS OF AGE PROHIBITED BY S 139A OF THE CRIMINAL JUSTICE ACT 1985.

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 104/2018
[2019] NZSC 22**

BETWEEN	ALLAN JOHN TITFORD Applicant
AND	THE QUEEN Respondent

Court: Glazebrook, O'Regan and Ellen France JJ
Counsel: Applicant in person
Z R Johnston and Z A Fuhr for Respondent
Judgment: 5 March 2019

JUDGMENT OF THE COURT

The application for an extension of time to file an application for leave to appeal is dismissed.

REASONS

Introduction

[1] Mr Titford was convicted after a trial before a jury of 39 charges encompassing a range of offending over a 22 year period. Mr Titford was acquitted of 14 charges. He was sentenced to a term of imprisonment of 24 years with no minimum period of

**Minister of Internal Affairs
Supports False Documents in
He Tohu Exhibition.**

Minister of Internal Affairs Supports False Documents in He Tohu Exhibition.

Hon Tracey Martin

Minister for Children
Minister of Internal Affairs
Minister for Seniors
05 FEB 2019

Associate Minister of Education



David Seymour
MP for Epsom, ACT Leader
By email: david.seymour@parliament.govt.nz

Dear David

Thank you for your letter on behalf of Helen Moseley, raising a question about the selection of documents for He Tohu, the exhibition that features the 1835 Declaration of Independence, Te Tiriti o Waitangi, and the 1893 Women's Suffrage Petition, and the continuing requests of her and her associates to include in He Tohu two other documents in which they are interested.

Ms Moseley and Mr Baker have engaged in lengthy correspondence with my officials at Archives New Zealand and the wider Department of Internal Affairs about some archives they consider to be constitutionally significant: an office copy of an 1839 Commission to extend the boundaries of New South Wales to include New Zealand, and the Letters Patent of 1840, also called the Charter of 1840.

Archives New Zealand holds many constitutionally significant documents, of which these are but two. New Zealand's unwritten constitution consists of many pieces of British and New Zealand statute, agreements such as the Treaty, court decisions, conventions, expressions of the Sovereign's prerogative, and so on. He Tohu is not an exhibition charting the evolution of New Zealand's constitutional arrangements.

Because of the preservation environment created for the documents in He Tohu, in which the archives occupy custom-built cases inside a document room, there is no scope for including more documents; additionally the exhibition that surrounds the document room has been created specifically for the Declaration, the Treaty and the Petition. To rejig the exhibition would incur significant expenditure of taxpayer funds, which I am sure you would not welcome.

As I have noted in correspondence with Mr Baker, the documents in which he and Ms Moseley are interested remain highly visible via their online exhibition on Archives New Zealand's website, social media and catalogue. High resolution copies of them can be viewed and downloaded for free, and they can be viewed in person at Archives New Zealand's Wellington offices.

If you have not already visited He Tohu, my officials would welcome the chance to show you through at a time convenient to you so you can experience the exhibition. This can be arranged via contact@hetoahu.nz.

Thank you again for writing.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'T Martin', written over a horizontal line.

Hon Tracey Martin
Minister of Internal Affairs

One New Zealand Foundation Inc.

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

7 February 2019.

The Hon, Tracey Martin,
Minister of Internal Affairs,
Parliament Building,
Wellington.

Dear Minister,

RE: Your false information to the Hon David Seymour, MP for Epsom and Act Leader.

I am extremely concerned by the false information you gave the Hon David Seymour, MP for Epsom and Act Leader in your letter dated the 5 February 2019.

You state in your letter, "*Both Ms Moseley and Mr Baker consider some archives to be constitutional significant, an office copy of an 1839 Commission to extend the boundaries of New South Wales to include New Zealand, and the Letters Patent of 1840, also called the Charter of 1840*".

Queen Victoria's 1839 Royal Charter/Letters Patent was not, "*An office copy of an 1839 Commission to extend the boundaries of New South Wales to include New Zealand*". It was issued by "*Victoria by the Grace of God*", under "*The Great Seal of the United Kingdom of Great Britain and Ireland*" to extend the boundaries of New South Wales to include all the islands of New Zealand. To do this Britain had gained sovereignty over New Zealand by the "*LAW OF NATIONS*". Without sovereignty, Britain could not extend the boundaries of NSW to include New Zealand. A very significant document in New Zealand's history!

Queen Victoria's 1840 Royal Charter/Letters Patent dated the 16 November 1840 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 on the 3 May 1841 and made New Zealand into an independent British colony with its own Governor and "*first*" Constitution that set up New Zealand's political, legal and justice systems. This was the beginning of the political, legal and justice systems we have today. The most significant document by far in New Zealand's history.

To say these are not our most significant Constitutional document shows the lack of knowledge of New Zealand's true history by the Minister of Internal Affairs when writing to a fellow Member of Parliament.

The Declaration of Independence, Treaty of Waitangi and the Women's Suffrage Petition were not constitutional documents. They were not issued by, "*Victoria by the Grace of God*", under "*The Great Seal of the United Kingdom of Great Britain and Ireland*" and did not have anything to do with New Zealand coming under British sovereignty and later a British Colony with its own Governor and Constitution that set up our political, legal and justice systems. Absolutely nothing!

The Minister also seems to have overlook the fact that it cost the taxpayers \$7.2 million dollars to reburnish the Wellington Library to hold three documents that are not Constitutional documents or documents that set up our political, legal or justice systems. If you are concerned about the cost to place our true Founding Documents and first Constitution that set up our political, legal and justice systems in the *He Tohu* exhibition, then remove the documents that hold little significance as Constitutional documents in our history

and replace them with the two documents of most significance, namely, Queen Victoria's 1839 Royal Charter/Letters Patent and Queen Victoria's 1840 Royal Charter/Letters Patent, both issued by "*Victoria by the Grace of God*", under "*The Great Seal of the United Kingdom of Great Britain and Ireland*". These two documents placed New Zealand under the dependency and laws of New South Wales, then twelve months later separated New Zealand from New South Wales and made New Zealand into an independent British colony with its own Governor and "*first*" Constitution that set up New Zealand's political, legal and justice systems. New Zealand's most significant Constitutional Documents.

There is no doubt your staff at Archives New Zealand made an error of judgement and, hopefully, not a deliberate act to mislead those that visit He Tohu by placing these three documents in the *He Tohu* exhibition as, "*Three iconic constitutional documents that shaped Aotearoa New Zealand*".

I ask that you read the attached article and the information to support it which is held in your portfolio, Archives New Zealand, that is, if they have not been hidden away where you must ask to research them if you know they exist and from your letter it seems you have no idea!

Hopefully, after reading the attached article and the information held in Archives New Zealand you will put the Hon David Seymour straight on New Zealand's true Founding Documents and first Constitution as shown on the disk supplied by your Chief Archivist on page 9 of the attached article. They are New Zealand's most significant constitutional documents by far.

Yours sincerely,

Ross Baker.

Researcher, One New Zealand Foundation Inc.

cc. Hon David Seymour, MP for Epsom and Act Leader.

Helen Moseley.

There is far more to our history than the Treaty of Waitangi.

New Zealand's true Founding Document and First Constitution.

By Ross Baker, Researcher, One New Zealand Foundation Inc.

On the first page of Claudia Orange's 1987 book, "**The Treaty of Waitangi**" is written, "*Claudia Orange offers new interpretations of the Treaty in New Zealand History from 1840 to the present day*".

The problem is, they are her interpretations of the Treaty of Waitangi only and overlooks many of the vital events in New Zealand between 1840 and 1841. Most of our "professional historians and researchers", including Claudia Orange have failed to venture further afield to find the Treaty of Waitangi did not make New Zealand into an independent British Colony under one flag and one law.

Queen Victoria's Royal Charters/Letters Patent – Sovereignty by the Law Nations.

Six days before the Tiriti o Waitangi received its first signature/mark, Britain had claimed sovereignty over New Zealand by the "**Law of Nations**". This was achieved by a beautifully prepared, written and presented Royal Charter/Letters Patent dated the 30 July 1839 issued by, "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*". New Zealand came under the laws and dependency of New South Wales on the 30 January 1840 with the Governor of New South Wales, Sir George Gipps the first Governor of New Zealand and Captain William Hobson, his Lieutenant Governor to New Zealand. See page 3.

The Declaration of Independence – A complete failure!

British Resident, James Busby had tried to get the chiefs to claim sovereignty over New Zealand by the 1835 Declaration of Independence. It stated the chiefs were to meet annually to form a united government to bring peace and trade between the tribes and settlers, but due to the ever-present intertribal fighting, it was abandoned 12 months later without one meeting taking place. The Declaration of Independence was a complete failure as the chiefs were not interested in forming a united government with a "Head of State" to claim sovereignty over New Zealand.

Treaty of Waitangi - Hardly a Founding Document.

Dame Claudia Orange and her other "professional historians/researchers" tell the people of New Zealand the Treaty of Waitangi was our Founding Document, when in fact, it was scribbled on a piece of paper by a sea captain, translated into a primitive language that continually changes depending on how many dollars can be extract from the taxpayers and then, transcribed onto a piece of dog skin that was later damaged by fire and rats. Hardly a Founding Document!

The Treaty only cleared up the sovereignty Lord Normanby thought the tribes may have had over their everchanging territories that they had not already sold before the Treaty was signed. The Treaty of Waitangi was never intended to cede sovereignty as there was no sovereignty to cede, be our Founding Document or "*A Partnership between Maori and the Crown*".

Tangata Maori gave up their kawanatanga/governments to become British Subjects.

Once the sovereignty issue had been solved, over 500 tangata Maori chiefs agreed to give up their kawanatanga/governments to the Queen and in return; the majority of tangata Maori became British subjects with, "*The same rights as the people of England*". No more – No less! English law does not allow a British subject to be, "*In partnership with the Crown*".

British Sovereignty over New Zealand was announced on the 2 October 1840 in the London Gazette and has never been challenged by any other country or Nation.

Queen Victoria's 1840 Royal Charter/Letters Patent – Our true Founding Document.

One month later, on the 16 November 1840 another beautifully prepared, written and presented 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*" that separated New Zealand from New South Wales. Lt. Governor Hobson became the second Governor of New Zealand on the 3 May 1841. See page 3.

This Royal Charter/Letters Patent made New Zealand into an independent British Colony on the 3 May 1840 with its first Constitution that set up New Zealand's first government to make laws with courts and judges to enforce those laws under one flag and one law, irrespective of race colour and creed.

The professional historian/researchers mislead the Government and the People of New Zealand.

Very few "professional" historians/researchers, including Dame Claudia Orange have ever researched or published this vital part of our true history as they make no mention of it in any of their many books on New Zealand history. This has allowed the Treaty of Waitangi to be taken as our Founding

Document by Governments, when in fact, it founded nothing except to clear up Lord Normanby's misunderstanding of tangata Maori having sovereignty over New Zealand and made tangata Maori, "*British subjects with the same rights as the people of England*".

As past historians have created a lot of damage to New Zealand with their "lazy research", it's time they apologised to the people of New Zealand and brought their research up to date.

Governments uses "lazy research" to defraud the taxpayers.

Their "lazy research" has been used by governments since the 1975 Treaty of Waitangi Act to allow breaches against the Treaty, but any breaches can only be against the laws of New Zealand as the Treaty had nothing to do with setting up our political, legal or justice systems. All claims by Maori should be heard in our Courts where the claimants can be cross-examined and not the apartheid Waitangi Tribunal where verbal evidence takes precedence over documented evidence and non-Maori cannot participate or lodge an appeal.

Government hides Royal Charters/Letters Patent.

Government has now supported this "lazy research" by dismantling our Constitution Room at Archives New Zealand on the 17 April 2017 and has filed/hidden Queen Victoria's Royal Charters/Letters Patent of 1839 and 1840 in Archive's Repository, where they must now be ordered if future researchers want to research our true history, that is, if they know Queen Victoria's Royal Charters/Letters Patent exist.

The most corrupt act ever forced on the People of New Zealand by any government

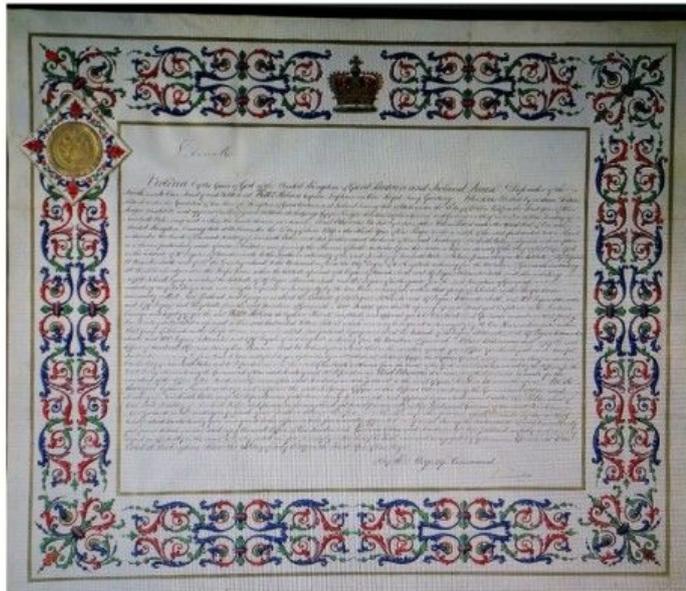
This would be the most corrupt act ever forced on the people of New Zealand by any government, but our so called "professional historians/researches" such as Claudia Orange have either deliberately misled the Government and people of New Zealand or have been too lazy to research our true history which must include Queen Victoria's Royal Charters/Letters Patent, our true Founding Documents and first Constitution that set up our political, legal and justice systems under one flag and one law, irrespective of race, colour or creed. See first Constitution page 4 and copy of disk supplied by the Chief Archivist, Archives New Zealand page 7.

I hope this clears up any misunderstanding of New Zealand's true history. There is far more to our history than that researched and written by Dame Claudia Orange and the so called "professional historians and researchers". They have misled/lied to the people of New Zealand for far too long to cover up their "lazy and misleading research".

Prepared by Ross Baker, Researcher, One New Zealand Foundation Inc. 30 August 2018. Copyright.

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Queen Victoria's Royal Charter/Letters Patent of 1839



The document reads:

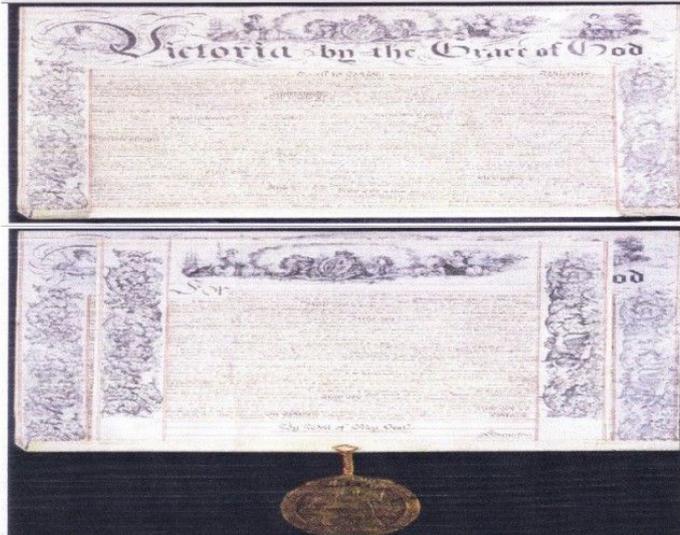
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Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith – To Our Trusty and Well-beloved William Hobson Esquire, Captain of the Royal Navy Greeting. Whereas We did by certain Letters Patent under 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.

The Royal Charter/Letters Patent dated the 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.

Queen Victoria's Royal Charter/Letters Patent of 1840.



Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 than made New Zealand into a British Colony on the 3 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. There is no mention of the Treaty of Waitangi in this documents.

"Our true Founding Documents and first Constitution".

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 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



Disk supplied by the Chief Archivist, Archives New Zealand.

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There is far more to our history than the Treaty of Waitangi.

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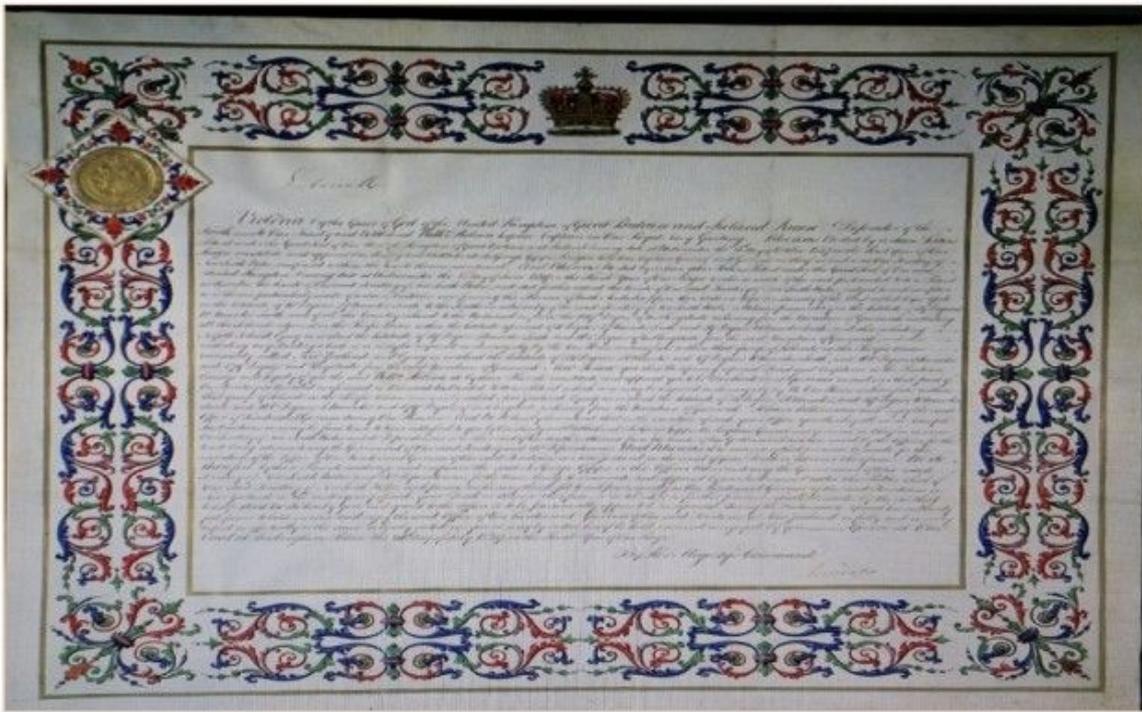
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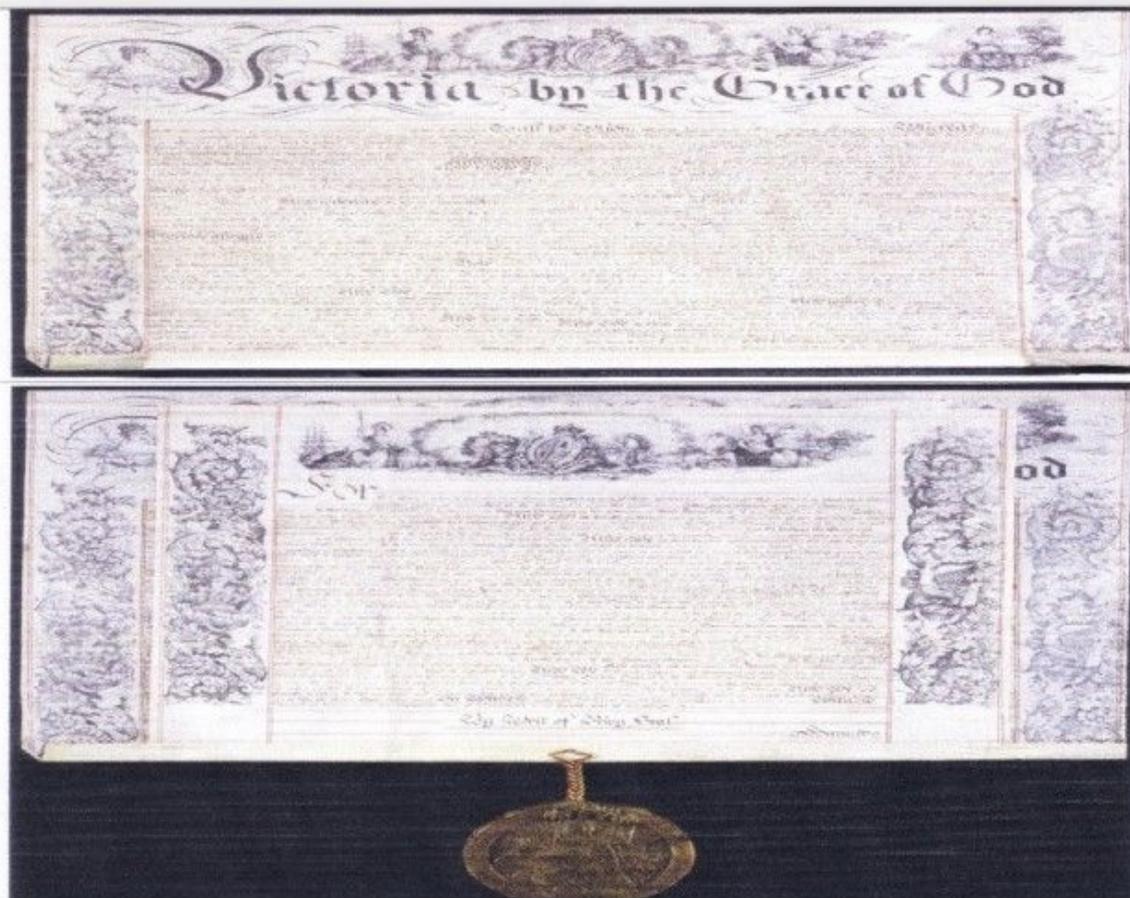
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Victoria, & c. to all whom these presents shall come, greeting.

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 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



Letter to Members

Dear Members and other interested parties.

Shortly you will see a new political party called, "***The One New Zealand Party***". While your committee opposed this name, this new party agreed to make Queen Victoria's Royal Charter/Letters Patent of 1839 and 1840 its main platform when dealing with Treaty of Waitangi issues. This Party has no association with the ONZF, but we wish them well if they honour their commitment to promote Queen Victoria's Royal Charters/Letters Patent.

It's a concern when virtually all other parties and organisations refuse to recognise Queen Victoria's Royal Charter/Letters Patent of 1839 and 1840 as the documents that made New Zealand into a British Colony with its own Governor and Constitution that set up our political, legal and justice systems. These documents were issued by, "*Victoria by the Grace of God under the Great Seal of the United Kingdom of Great Britain and Ireland*". In fact, one man that was a Crown researcher for the Waitangi Tribunal called me a "*disgusting bastard*" when questioned why he had not mentioned or used Queen Victoria's Royal Charters when investigating and reporting on Treaty of Waitangi claims.

The people and organisations who continue to support the Treaty of Waitangi as our founding document are traitors to their fellow New Zealanders. They give recognition to a

document that was never intended to be our founding document when it was signed by over 500 tangata Maori chiefs and Lt. Governor Hobson in 1840.

While the Treaty of Waitangi cleared up any misunderstandings by Lord Normanby on British sovereignty over New Zealand when he gave his instructions to Captain Hobson, it did make tangata Maori British subjects, *"With the same rights as the people of England, if they gave up their kawanatanga/governments to the Queen"*. It also explained to tangata Maori the Queen would guarantee to them, *"Their lands, settlements and property, the same as, all the people living in New Zealand"*, but the Treaty of Waitangi did **not** make New Zealand a British Colony with a Governor and Constitution to set up our political, legal and justice systems under one flag and one law.

Many people/organisations have asked me to remove their names from our email list or no longer reply to my emails. They are the problem, they continue to recognise the Treaty of Waitangi as our Founding Document. **It was not!**

The One New Zealand Foundation Inc has extensively researched Queen Victoria's Royal Charter/Letters Patent of 1839 and 1840 and found they were the documents that made New Zealand into a British Colony with its own Governor and Constitution that set up our political, legal and justice systems; Our true Founding Documents and first Constitution, but the government does not want the public to know and went to the extent of dismantling the Constitution Room at Archives New Zealand and filing/hiding Queen Victoria's Royal Charter/Letters Patent of 1839 and 1840 in Archive's Repository where they must be ordered to research, that is, if future researchers know they

exist.

While this is bad enough, government also spent \$7.2 million dollars of taxpayer's money to refurbish the National Library in Wellington to house three documents in the new *He Tohu* exhibit, stating they are, "**Iconic constitutional documents that shaped Aotearoa New Zealand**". The three documents are,

1. **The Declaration of Independence** was a failed attempt by James Busby to get tangata Maori sovereignty recognised over New Zealand, but tangata Maori were more interested in fighting than political co-operation.
2. **The Treaty of Waitangi** only made tangata Maori into, "*British subjects with the same rights as the people of England if they gave up their kawanatanga/governments to the Queen*". No more, no less.
3. **The Women's Suffrage Petition**. While the Women's Suffrage petition was a great achievement for women worldwide, it was not a constitutional document that shaped New Zealand. It allowed women to vote on matters affecting our political, legal and justice systems that Queen Victoria's Royal Charter/Letter Patent/Constitution dated the 16 November 1840 had set up on the 3 May 1841.

In 1877 Chief Justice Sir James Prendergast had ruled the Treaty of Waitangi, "*A simple nullity*", which the Ministry of Justice stated has never been over-ruled. During the claims by Maori in the 1930's and 40's the Treaty of Waitangi was never mentioned, they were heard and settled by the courts where all could participate, but since the introduction of the 1975 Waitangi Tribunal Act and the Hon Geoffrey Palmer's, "*Five Principles for Crown Action on the Treaty of Waitangi*", the

Waitangi Tribunal bases all its claims on its interpretation of the Treaty of Waitangi.

The Treaty of Waitangi only gave tangata Maori, "*The same rights as the people of England*", but since the 1975 Treaty of Waitangi Act, this has completely changed; those that can claim a minute trace of tangata Maori ancestry can use the taxpayer funded apartheid Waitangi Tribunal to hear their claims without the right of non-Maori to participate or appeal a finding by the Tribunal, which in most cases, are approved by Parliament without question.

It would be very difficult for government to now recognise Queen Victoria's Royal Charter/Letters Patent of 1839 and 1840 that set up our political, legal and justice systems since it has completely ignored it when it enacted the 1975 Treaty of Waitangi Act that created the Waitangi Tribunal. Most of the alleged Treaty of Waitangi claims that have cost the country billions of dollars would have failed if they were held under the justice system created by Queen Victoria's Royal Charter/Letters Patent of 1840 as they did in the 1930's and 40's. The alleged Te Roroa Wai 38 claim a shining example as it was rejected by Chief Judge Shepherd and Parliament in 1942 but recommended by the Waitangi Tribunal in 1992 and settled by Parliament a few years later.

We now have two options,

1. Ignore Queen Victoria's Royal Charter/Letters Patent of 1839 and 1840, as the majority of people and organisations are doing and let the Waitangi Tribunal use a document that only gave tangata Maori, "***The same rights as the people of England***" to allow part-Maori to

steal our country from under our noses.

OR,

2. Force the Government to honour Queen Victoria's Royal Charter/Letters Patent of 1839 and 1840 that set up our political, legal and justice systems under one flag and one law, irrespective of race, colour or creed and place it in the *He Tohu* exhibit, "***As our true Founding Document and first Constitution that shaped New Zealand***". The Declaration of Independence and the Treaty of Waitangi renamed as, "***The documents that made tangata Maori British subjects with the same rights as the people of England***".

The One New Zealand Foundation Inc. can only do so much. We have brought extensive research to the public's attention to show Queen Victoria's Royal Charter/Letters Patent of 1839 and 1840 were our true Founding Documents and first Constitution that 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.

**USE IT OR LOSE IT, THE CHOICE IS
YOURS.**

For further information: www.onenzfoundatuin.co.nz OR email:
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Prepared by the One New Zealand Foundation Inc. 16/12/2018.
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Queen Victoria's Royal Charter/Letters Patent of 1839.
Sovereignty over New Zealand by the "Law of Nations".



Queen Victoria's Royal Charter/Letters Patent of 1840.
Made New Zealand into, "A British Colony".

Issued by: *"Victoria by the Grace of God under the Great Seal of the United Kingdom of Great Britain and Ireland"*.

There is far more to our history than the Treaty of Waitangi.

By Ross Baker, Researcher, One New Zealand Foundation Inc.

On the first page of Claudia Orange's 1987 book, "The Treaty of Waitangi" is written, *"Claudia Orange offers new interpretations of the Treaty in New Zealand History from 1840 to the present day"*.

The problem is, they are her interpretations of the Treaty of Waitangi only and overlooks many of the vital events in New Zealand between 1840 and 1841. Most of our "professional historians and researchers", including Claudia Orange have failed to venture further afield to find the Treaty of

Waitangi did not make New Zealand into an independent British Colony under one flag and one law.

Queen Victoria's Royal Charters/Letters Patent – Sovereignty by the Law Nations.

Six days before the Tiriti o Waitangi received its first signature/mark, Britain had claimed sovereignty over New Zealand by the **Law of Nations**. This was achieved by a beautifully prepared, written and presented Royal Charter/Letters Patent dated the 30 July 1839 issued by, "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*". New Zealand came under the laws and dependency of New South Wales on the 30 January 1840 with the Governor of New South Wales, Sir George Gipps the first Governor of New Zealand and Captain William Hobson, his Lieutenant Governor to New Zealand.

The Declaration of Independence – A complete failure!

British Resident, James Busby had tried to get the chiefs to claim sovereignty over New Zealand by the 1835 Declaration of Independence. It stated the chiefs were to meet annually to form a united government to bring peace and trade between the tribes and settlers, but due to the ever-present intertribal fighting, it was abandoned 12 months later without one meeting taking place. The Declaration of Independence was a complete failure as the chiefs were not interested in forming a united government with a "Head of State" to claim sovereignty over New Zealand.

Treaty of Waitangi – Hardly a Founding Document.

Dame Claudia Orange and her other "professional historians/researchers" tell the people of New Zealand the Treaty of Waitangi was our Founding Document, when in fact, it was scribbled on a piece of paper by a sea captain, translated into a primitive language that continually changes depending on how many dollars can be extract from the taxpayers and

then, transcribed onto a piece of dog skin that was later damaged by fire and rats. Hardly a Founding Document!

The Treaty only cleared up the sovereignty Lord Normanby thought the tribes may have had over their everchanging territories that they had not already sold before the Treaty was signed. The Treaty of Waitangi was never intended to cede sovereignty as there was no sovereignty to cede, be our Founding Document or "*A Partnership between Maori and the Crown*".

Tangata Maori gave up their kawanatanga/governments to become British Subjects.

Once the sovereignty issue had been solved, over 500 tangata Maori chiefs agreed to give up their kawanatanga/governments to the Queen and in return; the majority of tangata Maori became British subjects with, "*The same rights as the people of England*". No more – No less! English law does not allow a British subject to be, "*In partnership with the Crown*".

British Sovereignty over New Zealand was announced on the 2 October 1840 in the London Gazette and has never been challenged by any other country or Nation.

Queen Victoria's 1840 Royal Charter/Letters Patent – Our true Founding Document.

One month later, on the 16 November 1840 another beautifully prepared, written and presented 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*" that separated New Zealand from New South Wales. Lt. Governor Hobson became the second Governor of New Zealand on the 3 May 1841.

This Royal Charter/Letters Patent made New Zealand into an independent British Colony on the 3 May 1841 with its first Constitution that set up New Zealand's first government to

make laws with courts and judges to enforce those laws under one flag and one law, irrespective of race colour and creed.

The professional historian/researchers mislead the Government and the People of New Zealand.

Very few “professional” historians/researchers, including Dame Claudia Orange have ever researched or published this vital part of our true history as they make no mention of it in any of their many books on New Zealand history. This has allowed the Treaty of Waitangi to be taken as our Founding Document by Governments, when in fact, it founded nothing except to clear up Lord Normanby’s misunderstanding of tangata Maori having sovereignty over New Zealand and made tangata Maori, *“British subjects with the same rights as the people of England”*.

As past historians have created a lot of damage to New Zealand with their “lazy research”, it’s time they apologised to the people of New Zealand and brought their research up to date.

Governments uses “lazy research” to defraud the taxpayers.

Their “lazy research” has been used by governments since the 1975 Treaty of Waitangi Act to allow breaches against the Treaty, but any breaches can only be against the laws of New Zealand as the Treaty had nothing to do with setting up our political, legal or justice systems. All claims by Maori should be heard in our Courts where the claimants can be cross-examined and not the apartheid Waitangi Tribunal where verbal evidence takes precedence over documented evidence.

Government hides Royal Charters/Letters Patent.

Government has now supported this “lazy research” by dismantling our Constitution Room at Archives New Zealand on the 17 April 2017 and has filed/hidden Queen Victoria’s Royal Charters/Letters Patent of 1839 and 1840 in Archive’s Repository, where they must now be ordered if future researchers want to research our true history, that is, if

they know Queen Victoria's Royal Charters/Letters Patent exist.

The most corrupt act ever forced on the People of New Zealand by any government

This would be the most corrupt act ever forced on the people of New Zealand by any government, but our so called "professional historians/researches" such as Claudia Orange have either deliberately misled the Government and people of New Zealand or have been too lazy to research our true history which must include Queen Victoria's Royal Charters/Letters Patent, our true Founding Documents and first Constitution.

I hope this clears up any misunderstanding of New Zealand's true history. There is far more to it than that researched and written by Dame Claudia Orange and the so called "professional historians and researchers". They have a lot to answer for, but will they do it?

Prepared by Ross Baker, Researcher, One New Zealand Foundation Inc. 30 August 2018. Copyright.

For documented evidence of the above:
www.onenzfoundation.co.nz or ONZF@bigpond.com.au.

How the Fourth Labour Government Destroyed New Zealand



Ever since the 1975 Treaty of Waitangi Act we have been led to believe that the Treaty of Waitangi was our Founding Document that made New Zealand into a British Colony, but the Treaty of Waitangi only made tangata Maori, whose chiefs signed the Treaty of Waitangi on their behalf, British subjects with the same rights as the people of England. No more – No less.

So, let's start at the beginning.

In 1820 New Zealand was made up of hundreds of small tribes constantly at war with each other. Ngapuhi were the first to obtain large quantities of muskets and had gone on the rampage south slaughtering thousands of the unarmed southern tribes. The southern tribes were now gaining muskets for utu/revenge against Ngapuhi.

In 1831 thirteen Ngapuhi chiefs wrote to the King of England asking him to be their guardian and protector, not only from the French, but also from the tribes gaining muskets for utu/revenge.

Tangata Maori were not interested in claiming sovereignty over

New Zealand.

British Resident, James Busby tried to get the tribes of New Zealand to unite in 1835 with the Declaration of Independence to claim sovereignty over New Zealand and to form a united government. This government was to meet annually to encourage peace and trade amongst the tribes and the new settlers, but tangata Maori were more interested fighting and the feasts that followed, and it was abandoned with only 35 signatures and not one meeting taking place. Britain had no other option now than to claim sovereignty if Britain was to honour the request Ngapuhi had made to be their guardian and protector.

Britain gained sovereignty over New Zealand by the Law of Nations seven days before the first marks appeared on the Treaty of Waitangi.

Before Britain could intervene in New Zealand, Britain had to gain sovereignty over all the islands of New Zealand. Britain gained sovereignty under the **Law of Nations** by Royal Charter/Letters Patent issued by, "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*" dated the 30 July 1839. British sovereignty over New Zealand was ratified on the 30 January 1840 when Lt. Governor Hobson read the two Proclamations at Kororareka/Russell. This was recognised internationally when it was published in the London Gazette on the 2 October 1840 and has never been challenged by any other Nation.

From the 30 January 1840, New Zealand was under the laws and dependency of New South Wales until the 3 May 1841. Sir George Gipps, Governor of New South Wales was New Zealand's first Governor and Captain William Hobson became his Lt. Governor to New Zealand.

Before Lt. Governor Hobson had left Australia, Governor Gibbs had told him that over 2/3 of New Zealand had been sold by the chiefs, some ever travelling to New South Wales to find

buyers. By 1840 over 700 Deeds of Sale were held at the New South Wales Supreme Court where they remain today. Most of these sales were investigated by the government after 1841 with many being disallowed and returned to the chiefs that had sold the land without compensation to the buyers. Those allowed were reduced to 2650 acres.

Drafting the Treaty of Waitangi

In 1838, the Under Secretary for Colonies, James Stephens a strong supporter of the Clapham Sect, a group of prominent Englishmen that campaigned for the protection of people from colonial exploitation had written a draft document on how these people should be treated. Lord Normanby, the Secretary of Colonies used this as a draft for a treaty with the tangata Maori, but as he was not quite sure whether tangata Maori had sovereignty over New Zealand or not, he made a couple of contradictory additions about sovereignty and gave it to Captain Hobson before he left England. Lt. Governor Hobson used Stephens draft document with Lord Normanby's additions to write the Treaty of Waitangi that was translated into the tangata Maori language by Rev. Henry Williams and his son Edward to become, Te Tiriti o Waitangi. Rev. Williams had lived in New Zealand since 1823 and knew the people and their language well and made changes to the Treaty translation. "*The people of New Zealand*" to "*tangata Maori*" as he knew they were not tangata whenua and "*sovereignty*" to "*government/kawanatanga*" as he also knew tangata Maori did not have sovereignty over New Zealand, therefore, could not cede sovereignty to Britain. Over 500 chiefs confirmed they were not "*tangata whenua*" or "*the indigenous people of New Zealand*" when they signed the Treaty of Waitangi as "*tangata Maori*". Check the Tiriti o Waitangi for evidence.

Now that New Zealand was under British sovereignty, tangata Maori were offered the Tiriti o Waitangi to sign on the 6 February 1840. If they wanted to become British subjects with the same rights as the people of England they must give up

their governments/kawanatanga to the Queen". Over 500 chiefs, mainly from the North Island agreed to the Tiriti o Waitangi on behalf of their tribes making an estimated 80,000 tangata Maori British Subjects under one flag and one law – English law.

In 1860 the Kohimarama Conference was held where over 200 tangata Maori chiefs unanimously agreed, *"That they alleged to each other to do nothing inconsistent with their declared recognition of the Queen's sovereignty, and of the unions of the two races"*. Why is Ngapuhi claiming sovereignty today when their ancestors, ***"Declared recognition of the Queen's sovereignty"***?

The Tiriti o Waitangi was never intended to cede sovereignty of New Zealand from the tangata Maori as they had never had a political body capable of holding sovereignty. Britain claimed sovereignty under the **Law of Nations** on the 30 January 1840.

From the 30 January 1840, New Zealand and most of its people were under the dependency and laws of New South Wales. Some chiefs had refused to sign the Tiriti o Waitangi but still use it to claim against the Crown today, therefore, accepting the Treaty terms of giving up their governments/kawanatanga in exchange for becoming British Subjects.



On the 16 November 1840 Britain issued another Royal Charter/Letters Patent by, *"Victoria by the Grace of God"* under *"The Great Seal of the United Kingdom of Great Britain and Ireland"*. This Royal Charter/Letters Patent separated New Zealand from New

South Wales laws and dependency on the 3 May 1841 and made New Zealand into an Independent British colony with its own Governor, Governor Hobson and New Zealand's first Constitution to form a Government to make laws with courts and judges to enforce those laws under one flag and one law, irrespective of race, colour or creed.

In 1877 the Treaty of Waitangi was ruled a "*Simple nullity*" by Chief Justice Sir James Prendergast and in 1941 the Privy Council ruled, "*That if it was not in our legislation, then the Treaty of Waitangi was not legally binding*", which have never been over-ruled. The National Government overlooked both legal rulings in 1975 and introduced the Treaty of Waitangi Act which created the Waitangi Tribunal to hear claims by Maori against the Crown **that occurred after 1975**. For ten years it had very little to do until the Labour Government took office in 1984. The Hon Geoffrey Palmer became Attorney General, the Hon Koro Wetere Minister of Maori Affairs and the Rev Sir Paul Reeves, Governor General. A very dangerous team was established between the Attorney General, the Minister of Maori Affairs and the Governor General both of Maori descent.

The Hon Geoffrey Palmer stated, "*I was utterly opposed to the Privy Council having anything to say about what the Treaty meant in New Zealand*".

Surely, the Attorney General knew that the Privy Council had ruled in 1941, "*That if it was not in our legislation, then the Treaty of Waitangi was not legally binding*" or had he just taken it upon himself to overrule the Privy Council to change New Zealand forever!

How the Fourth Labour Government destroyed New Zealand.

The Labour Government with the Hon Geoffrey Palmer as Attorney General instigated the 1985 Treaty of Waitangi Amendment Bill that allowed claims **dating back to 1840**, which was given its

Royal Assent by the Governor General, the Rev Sir Paul Reeves. *"The Five Principles for Crown Action on the Treaty of Waitangi"* soon followed. This allowed the Attorney General, Sir Geoffrey Palmer a free hand to make his many Acts of Parliament based on his time in America studying American Civil Rights that had nothing to do with New Zealand, its people or its politics. Nothing!

The Hon Geoffrey Palmer then had the State Owned Enterprise Act passed. Section (9) stated, *"Nothing in this Act shall permit the Crown to act in a manner that is inconsistent with the Principles of the Treaty of Waitangi"*, but the principle had not been discussed at this time. No one knew what they were. This opened the door to the flood of alleged claims that are still being settled today with no end in sight.

The Hon Geoffrey Palmer admitted in his book, **"New Zealand's Constitution in Crisis"**, *"For the situation we are in, I blame neither my former opponents nor my friends. It is a book written with sorrow, although with convictions that things can change"*. He also stated, *"I was wrong"*, giving this advice, *"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"*.

Luckily, the Palmer/Wetere/Reeves team had a falling out in 1990 when the Government and to the Governor General differed over the Treaty on screen. On the Australian Broadcasting Corporations programme Four Corners on the 6 March 1990, the Hon Geoffrey Palmer, now Prime Minister 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", while the Attorney General, Hon David Lange said, *"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"*. The Governor General, Rev Sir Paul Reeves

replied by hinting, "He would join Maori leaders that failure to address 'injustices' under the treaty would lead to violence, even civil war". Not the sort of comment you would expect from the Queen's Representative. Soon after this programme aired, Palmer and Lange disappeared from front line politics, but it was too late; the Hon Geoffrey Palmer, "Had opened the gate and the horse had bolted"!

Conclusion.

The Tiriti o Waitangi had nothing to do with, "*addressing injustices*". The Tiriti o Waitangi only offered tangata Maori; to become British subjects with the same rights as the people of England, they must give up their individual governments/kawanatanga to the Queen. Over 500 chiefs signed the Tiriti o Waitangi on behalf of their tribes making an estimated 80,000 tangata Maori British Subjects.

Sovereignty was gained by the **Law of Nations** under the laws and dependency of New South Wales on the 30 January 1840. New Zealand became a British Colony on the 3 May 1841 with its first 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 1975 Treaty of Waitangi Act created the Waitangi Tribunal, but the Fourth Labour government enacted the 1985 Treaty of Waitangi Amendment Act that change New Zealand for ever!

Either Mr Palmer knew what Chief Justice, Sir James Prendergast and the Law Lords at the Privy Council had ruled, and ignored it, or he deliberately overruled them to satisfy his own ego. Either way what he did was wrong, and he is now trying to put right his wrongs by making the Treaty of Waitangi part of our Constitution to overrule the Chief Justice and the Privy Council's rulings.

The Treaty of Waitangi was never intended to be part of our Constitution. Our true Founding Documents and first

Constitution that set up New Zealand's political, legal and justice systems under one flag and one law were the Royal Charters/Letters Patent of 1839 and 1840 issued by, "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*". New Zealand's true Founding Documents and first Constitution!

Prepared by: **TheOne Zealand Foundation Inc.**

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How can Intelligent People be so Stupid?

I cannot believe how so many intelligent men and women, many having spent years at University still think the Treaty of Waitangi is a living document, our Founding Document and a "*Partnership between Maori and the Crown*". These people must have been brain-washed by their University Professors, then too brain-dead afterwards to do their own research.

Many of these people do not know the instructions for the Treaty of Waitangi were written by the Undersecretary for Colonies, James Stephens in 1838, who was a strong supporter of the Clapham Sect, a group of prominent people in England campaigning for the protection of people in countries Britain was colonising in the 18th century.

This document drafted by Stephens to satisfy the Clapham Sect was never intended to be a document to cede sovereignty of New Zealand to Britain or to form a "*Partnership between tangata Maori and the Crown*". It was not authorised by, "*Victoria by the Grace of God*" under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*" as were the Royal Charters/Letters Patent of 1839 and 1840, our true Founding Documents and first Constitution.

This document was then amended by the Secretary for Colonies, Lord Normandy, before giving it to Captain Hobson with this contradictory statement, "*We acknowledge New Zealand as a sovereign and independent State, so far at least as it is possible to make such acknowledgment in favour of a people composed of numerous, dispersed, and petty tribes, who possess few political relations to each other, and are incompetent to act, or even to deliberate in concert*". It is obvious from this contradictory statement Lord Normanby had no idea whether tangata Maori had sovereignty over New Zealand or not.

British Resident James Busby had tried in 1835 to have tangata Maori recognise sovereignty over New Zealand by the Declaration of Independence and to meet annually to make laws for peace and trade, but because tangata Maori were more interested in fighting each other than political co-operation, it was a complete failure and was abandoned with only 35 signatures.

In 1877 Chief Justice Prendergast responded to Lord Normanby's statement by insisting that Lord Normanby had simply contradicted himself by stating. "*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*". Chief Justice Prendergast ruled in 1877, "*The Treaty of Waitangi was a simple nullity*", which has never been overruled by our courts, a fact admitted by the Ministry of Justice under the OIA.

In 1941 the Privy Council ruled, "*That if it was not in legislation, then the Treaty of Waitangi was not legally binding*". The Treaty of Waitangi is not in our legislation, therefore, is not legally binding but is used by the Waitangi Tribunal when settling claims.

Britain gained sovereignty over all the islands of New Zealand under the **Law of Nations** by Queen Victoria's Royal Charter/Letters Patent dated the 30 July 1839 and New Zealand came under the laws and dependency of New South Wales on the 30 January 1840 when the Royal Charter/Letters Patent was ratified by Lt. Governor Hobson after he had read the two Proclamations at Kororāreka/Russell, seven days before the first signature appeared on the Tiriti o Waitangi.

The 1840 Tiriti o Waitangi made tangata Maori British Subjects with the same rights as the people of England if they gave up their individual governments/kawanatanga to the Queen. No more – no less!

The Treaty of Waitangi did not cede sovereignty from tangata Maori as tangata Maori did not have sovereignty over New Zealand to cede. It also did not give tangata Maori a "*Partnership between Maori and the Crown*" as English law does not allow a British Subject to be in "*Partnership with the Crown*". Surely, our academics know this, they cannot be that stupid!

Over 500 chiefs, when they signed the Tiriti o Waitangi in 1840, acknowledged they were tangata Maori and not tangata Whenua or the Indigenous People of New Zealand, but many academics seemed to have never read the Tiriti o Waitangi

One year later, Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 made New Zealand into a British Colony on the 3 May 1841 with its own governor, Governor Hobson, and a Constitution to set up New Zealand's political, legal and justice system under one flag and one law,

irrespective of race, colour or creed.

Once the One New Zealand Foundation Inc. brought the Royal Charters/Letters Patent to the public's attention in 2014, the academics quickly dismantled the Constitution Room at Archive New Zealand in 2017 and filed the two Royal Charters amongst the other 6 million documents in Archives Repository, while the Declaration of Independence and Treaty of Waitangi were moved to the new \$7.2 million *He Tohu Exhibit* at the National Library Wellington as, "*Iconic constitutional documents that shaped Aotearoa New Zealand*". How corrupt was that, the two Royal Charters/Letters Patent, our true Founding Documents and first Constitution belong to all the people of New Zealand and must always be available to the public. Where are the honest academics, surely there must be one or two around to put the record straight or are they too afraid to go against their colleagues or their University Professors?

Sir Geoffrey Palmer, who was in-charge of the Treaty of Waitangi reforms in the 1980's when Attorney General is now trying to have the Treaty of Waitangi part of our Constitution to make all his reforms legal. If only he had listened to Chief Justice Prendergast and the Privy Council, we would not be in the mess we are in today, Palmer even admitting, "*I was utterly opposed to the Privy Council having anything to say at all about what the Treaty meant in New Zealand*". Mr Palmer, the Law Lords at the Privy Council had ruled in 1941, "*That if it was not in legislation, then the Treaty of Waitangi was not legally binding*"!

The Professors at Universities teaching Maori history are either too lazy to do their own research or what they are to gain from teaching their students this corrupt history.

But would our academics admit they were wrong – this is the problem. Unfortunately, most of these people have been told what to do, what to think and what to say from cradle to the grave and are too afraid to step outside the square and

contradict what their Professors taught them at University. How would they get letters after their names if they did not agree with what they had been taught by their brainwashed/corrupt Professors?

I am not an academic and I don't believe anyone when it comes to our history, but I have spent 45 years doing my own research and have found the academics' lack of doing their own research by looking outside the square, is the problem. They must teach what they have been told by their Professors to be able to add letters after their name and the pay packets that go with it with no thought of the harm they are doing to New Zealand and its people by distorting and/or hiding our history in Archives Repository. Future researchers must now order these documents to research, that is, if they know they exists, but it's hardly likely their Professors will tell them and show how corrupt our Universities have become.

If you have not done your own research and have your own evidence to back it up, then don't try to brainwash others with your unsubstantiated "rubbish". This is treason, but the academics had the death penalty for treason removed from our legislation. I wonder why?

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