

# **Because of Ngapuhi's Atrocities, New Zealand Became a British Colony!**

While Ngapuhi are stating they did not give up their sovereignty in 1840, they initiated Britain becoming involve in New Zealand when their 13 chiefs wrote to King George IV asking him to be their guardian and protector. When James Busby offered tangata maori sovereignty over all the islands of New Zealand in 1835 he could only attract 52 chiefs to sign the Declaration of Independence with over 500 agreeing to British Sovereignty by the Treaty of Waitangi in 1840. While the Treaty of Waitangi confirmed British sovereignty over all the islands of New Zealand on the 21 May 1840, it was of little interest to Britain with no mention of the Treaty of Waitangi in the Royal Charters/Letters Patents of 1839 and 1840 or Lt. Governor Hobson's two Proclamations read at Waitangi on the 30 January 1840. Our true Founding Documents and first Constitution.

Why have governments and our academics overlooked these vital documents that made New Zealand into a British Colony under one flag and one law on the 3 May 1840 and have now hidden them amongst the 6 million other documents at Archives New Zealand?

There were many wars between the tangata whenua, the original inhabitants of New Zealand and the tangata maori tribes who arrived in the 14<sup>th</sup> century and after the tangata whenua were driven into the hills and disappeared, the tangata maori tribes continued to fight for territories but no more so than when Hongi Hika returned from England after helping Dr Samuel Lees with his Maori to English dictionary. Hongi Hika had an ulterior motive when travelling to England in 1819 with his friend Waikato and that was to purchase as many muskets as

possible. While he was in England he informing King George IV he was, "*The King of New Zealand*" or hoped to be after he returned to New Zealand with hundreds of muskets. See, "*The Musket Wars*" by R D Crosby.

While Hongi Hika was not allowed to purchase muskets while in England he did a secret deal with Frenchman, Baron Charles de Thierry by trading 40,000 acres of land in Northland for 500 muskets. He then had de Thierry ship these muskets to Australia under de Thierry's name to be pick up later on his way back to New Zealand in 1820.

Mainly on the instructions of his blind wife, Hongi Hika and his Ngapuhi followers went on a very cowardly rampage south slaughtering thousands of unarmed men, women and children just for the fun of it and the feasts that followed. Only moving on to the next village to repeat this cowardly act when the stench of rotting bodies became unbearable. While Hongi Hika was doing this in the North Island, Te Rauparaha was doing the same in the South Island where many of the South Island chiefs that had been defeated travelled to New South Wales to sell their defeated lands. Virtually the whole of the South Island and large areas of the North Island, about 2/3 of New Zealand had been sold before the Treaty of Waitangi was signed on the 6 February 1840. At the time the Treaty was signed, tangata maori only "occupied" about 1/3 of New Zealand although most of this land was returned to tangata maori by the government after the Treaty had been signed without compensation to the purchasers.

By 1831 the Southern tribes were arming themselves for utu/revenge against Hongi Hika's cowardly attacks before they had muskets. With Ngapuhi fearing these attacks, 13 Ngapuhi chiefs wrote to King William asking him to be their guardian

and protector. See letter below.

Britain responded by sending James Busby as Resident to bring peace between the tribes and protect the people of England and their investments that were beginning to settle in New Zealand. He also organised New Zealand first flag for New Zealand ships to sail under. Twenty five chiefs voted with 12 agreeing to a flag on the 20 March 1834, which had already been used by the Church Mission Society. See: <https://nzhistory.govt.nz/culture/taming-the-frontier/first-flag>

James Busby also drafted the Declaration of Independence in 1835 but was a complete failure as he could only attract 52 chiefs to sign it after three years of trying. The Declaration was to recognised tangata maori sovereignty over New Zealand and for the chiefs that signed it to meet annually to make laws, bring peace and to encourage trade, but the chiefs were more interested in continuing their fighting, as always and it was abandoned without one meeting taking place. Fifty two chiefs could hardly speak for the 100,000 tangata maori living in New Zealand at the time. The Declaration of Independence was a complete failure!

As tangata maori were not interested in forming their own government, Britain had to take a more active role in bringing peace between the tribes that were rapidly declining in numbers and to protect her people and their investments in New Zealand. After 3 years of debate, Britain reluctantly extended the boundaries of New South Wales to include all the island of New Zealand on the 15 June 1840 by the 1839 Charter/Letters Patent. Lt. Governor Hobson reading the two Proclamations in New Zealand on the 30 January 1840. While no mention of a Treaty was mentioned in any of these documents it did state, *"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*". This could also have been achieved by the **Law of Nations (1)**.

Governor George Gipps had told Hobson, tangata maori had sold large areas of New Zealand to people from other lands with many of the Deeds of Sale still held in the New South Wales Supreme Court. It is estimated over 2/3 of New Zealand had been sold by the tangata maori chiefs before the Treaty of Waitangi was signed on the 6 February 1840. This is the reason for "*all the people of New Zealand*" being represented in Article 2 of the Treaty of Waitangi.

Britain could have taken control of New Zealand by the **Law of Nations (1)** as she had most other countries but the **Clapham Sect (2)**, a very strong group of people had forced the British Parliament to ask tangata maori consent to give up the territories they still "occupied" by treaty. The instructions for the treaty being drafted by Sir James Stephens, the Undersecretary for the Colonies and a very strong supporter of the **Clapham Sect (2)**.

If tangata maori wanted protection and "*The same rights as the people of England*" as British Subjects, then they must sign the Treaty of Waitangi and place their territories they still "occupied" under British Sovereignty. Over 500 chiefs signed the Treaty of Waitangi on behalf of their people and Britain declared sovereignty over New Zealand on the 21 May 1840.

The Charter/Letters Patent of 1839 was a temporary measure until Britain found out how many chiefs would agree to give up the territories they "occupied". Over 500 chiefs agreed on

behalf of their tribes to give up their territories in favour of British sovereignty and became British Subjects, "*With the same rights as the people of England*". Article 2, Treaty of Waitangi.

The Treaty of Waitangi was an agreement between Queen Victoria and tangata maori with instructions drafted by Sir James Stephens, Undersecretary for the Colony's and a strong supporter of the **Clapham Sect (2)** in 1838 and before Britain had decided if or how to become further involved in New Zealand. It was decided tangata maori that gave up their territories to the Queen by treaty, would become British Subjects, "*With the same rights as the people of England*". It is interesting to note that the notice that Britain had gained sovereignty over all the island of New Zealand was published in the London Gazette on the 2 October 1840 and one month later produced the beautifully prepared, written and presented Royal Charter/Letters Patent dated the 16 November 1840, our true Founding Document and first Constitution. This document must have been "*sitting in the wings*" until Britain received notification the Treaty was successful. It could not have gone through the British Parliament, been legally discussed and written within one month. See Royal Charter page 7.

Once Britain found out that the majority of chiefs had given up the territories they still "occupied" to Britain, Britain separated New Zealand from New South Wales by Royal Charter/Letters Patent dated the 16 November 1840 with New Zealand becoming an independent British Colony with its own Governor and Constitution to make laws with courts and judges to enforce those law, under one flag and one law, irrespective of race colour or creed. See: <http://www.austlii.edu.au/au/journals/AUJlLawSoc/1985/10.pdf>

## **The National Government hides our true Constitutional Documents**

On the 17 April 2017 the National Government hid our Constitutional documents in favour of the failed Declaration of Independence and the Treaty of Waitangi that had nothing to do with New Zealand coming under the laws and dependency of New South Wales on the 25 June 1839 or a British Colony on the 3 May 1841.

While previous Governments have ignored the Royal Charter/Letters Patents of 1839 and 1840, our true Founding Documents and first Constitution that made New Zealand into British Colony, the National Government dismantled the Constitution Room on the 17 April 2017 that held our Constitutional Documents and has placed them in New Zealand Archives Repository among the 6 million other documents where they will soon be forgotten and lost for ever. All this to appease the Maori Party at the expense of all the people of New Zealand. **How corrupt is that!**

The government has built the \$7.2 million *He Tohu* exhibit at the National Library, Wellington with taxpayer's money to house the Declaration of Independence and the Treaty of Waitangi which they call, "***Our iconic Constitutional Documents***". This is a deliberate lie to elevate the Declaration of Independence and Treaty of Waitangi to something they were never intended to be. New Zealand was founded on four Constitutional Documents,

1. **The Royal Charter/Letters Patent of 1839.**
2. **Governor Hobson's two Proclamations on the 30 January 1840.**

### 3. The Royal Charter of 1840.

Now that you know how New Zealand became a British Colony under one flag and one law that governments and our academics have continued to hide from you, it's time to put pressure on the National Government to stop this corruption and display our true Founding Documents and first Constitution at the **He Tohu** exhibit at the National Library Wellington.

If the National Government will not agree to this, then we have no other option than to vote for a Political Party that will, therefore this question must be asked at the lead up to the upcoming elections, **"Will you support placing our Constitutional Documents in the He Tohu exhibit at the National Library, Wellington and at Te Papa our National Museum?"**

**Below is documented evidence to support this article.**

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

2. **The Clapham Sect** was a group of aristocratic evangelical

Anglicans, prominent in England from about 1790 to 1845, who campaigned for the abolition of [slavery](#), to protect indigenous peoples from colonial exploitation and to promote missionary work at home and abroad. The group centered on the church of [John Venn](#), rector of Clapham in south London. While little, if anything is published about the Clapham Sect in New Zealand's history, it had a great influence on the instructions given to Captain William Hobson on the drafting of the Treaty of Waitangi by Sir James Stephens, the Undersecretary for the Colonies and a very strong supporter and member of the Clapham Sect. Sir James Stephens had also drafted the "*Slavery Abolition Act of 1833*".

**Letter from 13 Ngapuhi chiefs asking King William for protection in 1831 New Zealand.**

(Enclosure 2 in No.1.)

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

Sir, I have the honour to forward to you, by His Majesties Ship, "Zebra" the enclosed New Zealand document, with its translation, and to request that you will lay it before the Governor for his information. I have further to request that it be transmitted through His Excellency to the Secretary of State, in order to it being laid before His Majesty.

I have, &c,

(Signed) William Yate.

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(Enclosure 3 in NO.1)

To King William, The Gracious Chief of England.

King William

To King William, the gracious Chief of England. King William, we, the chiefs of New Zealand assembled at this place, called the Kerikeri, write to thee, for we hear that thou art the great chief of the other side of the water, since the many

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

(Signed) William Yate, Secretary to the Church Mission Society, New Zealand.

Wererahi Chief of Paroa.

Rewa Chief of Waimate

Patuone & Nene Two brothers, Chiefs of Hokianga

Kekeao Chief of Ahuahu

Titore Chief of Kororarika

Tamoranaga Chief of Taiamai

Ripe Chief of Mapere

Hara Chief of Ohaiawa

Atuahaere Chief of Kaikohe

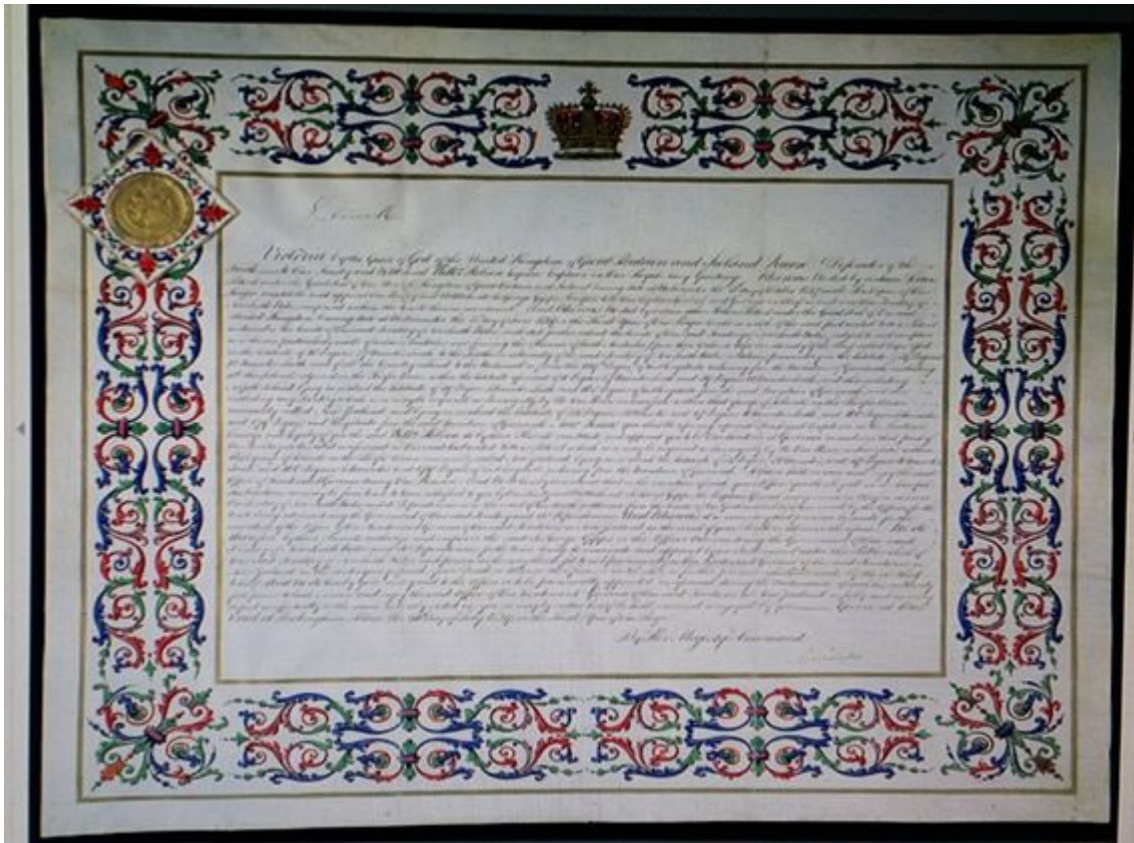
Moetara Chief of Pakanai

Matangi Chief of Waima

Taunai Chief of Hutakuta

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

Wales was in fact the first governor of New Zealand, but later delegated his powers to Lt Governor Hobson.



The document reads:

**Victoria R**

Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland Queen, Defender of the Faith – To Our Trusty and Well beloved William Hobson Esquire, Captain of the Royal Navy Greeting. Whereas We did by certain Letters Patent under the Great Seal of Our United Kingdom of Great Britain and Ireland bearing date at Westminster the 5th day of October 1837 in the First year of Our Reign constitute and appoint Our Trusty and Well beloved Sir George Gipps, Knight, to be Our Captain General and Governor in Chief in and over Our Territory of New South Wales, comprised within the limits therein mentioned. And Whereas We did by certain other Letters Patent under the Great Seal of Our said United Kingdom, bearing date at Westminster the 15th day of June 1839 in the Third Year of Our Reign revoke so much of the said first

recited Letters Patent as describes the limits of Our said Territory of New South Wales, and did further extend the limits of Our said Territory of New South Wales (subject to such exception as is therein particularly made of certain Territories now forming the Province of South Australia) from the Northern Cape or extremity of the Coast called Cape York in the latitude of 10 Degrees 37 Minutes South to the Southern extremity of the said Territory of New South Wales or Wilson's promontory in the latitude of 39 Degrees 12 Minutes South and of all of the Country inland to the Westward as far as the 129th Degree of East longitude reckoning for the Meridian of Greenwich including all the Islands adjacent in the Pacific Ocean within the latitude aforesaid of 10 Degrees 37 Minutes South and 39 Degrees 12 Minutes South, and also including Norfolk Island lying in or about the latitude of 29 Degrees 3 Minutes South and 168 Degrees of East Longitude from the said Meridian of Greenwich, and also including any Territory which is or maybe acquired in Sovereignty by Us Our Heirs or Successors within that group of Islands in the Pacific Ocean commonly called New Zealand, and lying in or about the latitude of 34 Degrees Minutes 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 Minutes 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

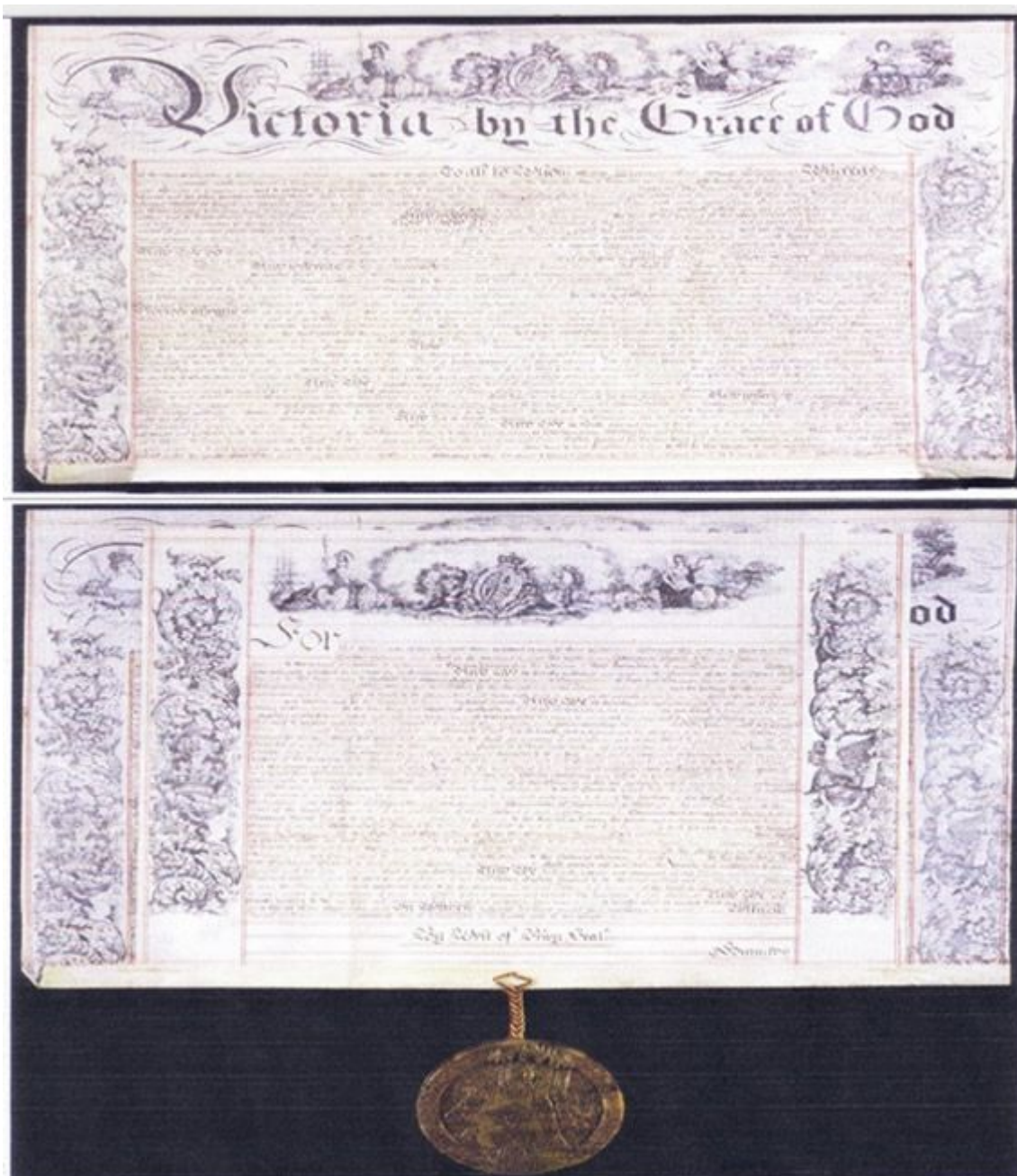
may be from time to time addressed to you by Our Trusty and Well beloved Sir George Gipps, Our Captain General and Governor in Chief in and over Our Territory of New South Wales and its Dependencies or in the event of his death or absence from the limits of his Government and command by the Officer for 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.

**There is no mention in any of these 4 Constitutional documents of a Treaty between Queen Victoria and tangata maori. Britain had extended the boundaries of New South Wales on the 15 June 1839, *“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”*, while the Treaty had little, if any part in New Zealand becoming a British**

## Colony on 3 May 1841.

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

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



# This is New Zealand true Founding Document and first Constitution.

## The Constitution Reads:

### CONSTITUTIONAL CHARTER OF NEW ZEALAND

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

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

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

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

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

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

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

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

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

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

In witness, &c. witness, &c.

16 November 1840

## PROCLAMATION.

By His Excellency WILLIAM HOBSON, Esquire, Lieutenant-Governor of the British Settlements in progress in New Zealand, &c., &c., &c.

WHEREAS, Her Majesty VICTORIA, Queen of the United Kingdom of Great Britain and Ireland, has been graciously pleased to Direct, that Measures shall be taken for the Establishment of a Settled form of Civil Government over those of Her Majesty's Subjects who are already Settled in New Zealand, or who may hereafter resort hither. And, Whereas, Her Majesty has also been graciously pleased to Direct Letters Patent to be Issued, under the Great Seal of the said United Kingdom, bearing Date the Fifteenth Day of June, in the Year One Thousand Eight Hundred and Thirty nine, by which the former Boundaries of the Colony of New South Wales, are so extended, as to comprehend any part of New Zealand, that is, or may be, acquired in Sovereignty by Her Majesty, Her Heirs, or Successors. And, Whereas, Her Majesty has been further pleased, by a Commission under Her Royal Signet and Sign Manual, bearing Date the Thirtieth Day of July, One Thousand Eight Hundred and Thirty nine, to appoint Me, WILLIAM HOBSON, Esquire, Captain in Her Majesty's Navy, to be Lieutenant-Governor in and over any Territory which is or may be acquired in Sovereignty by Her Majesty, Her Heirs, or Successors, within that Group of Islands in the Pacific Ocean, commonly called New Zealand, and lying between the Latitude Thirty-four Degrees Thirty Minutes and Forty-seven Degrees Two Minutes, South, and One Hundred and Sixty-six Degrees Five Minutes and One Hundred and Seventy-nine Degrees, East Longitude, from the Meridian of Greenwich: Now therefore, I, the said WILLIAM HOBSON, do hereby Declare and Proclaim, that I did, on the Fourteenth Day of January, instant, before His Excellency SIR GEORGE GIPPS, Knight, Captain-General and Governor in Chief, in and over the Territory of New South Wales and its Dependencies, and the Executive Council thereof, take the accustomed Oaths of Office as Lieutenant-Governor as aforesaid. And I do hereby further Proclaim and Declare, that I have this Day Opened and Published the Two Commissions aforesaid, that is to say, the Commission under the Great Seal extending the Boundaries of the Government of New South Wales, and the Commission under the Royal Sign Manual appointing Me Lieutenant-Governor, as aforesaid. And I do hereby further Proclaim and Declare, that I have this Day entered on the Duties of my said Office, as Lieutenant-Governor, as aforesaid. And I do call upon all Her Majesty's Subjects to be Aiding and Assisting Me in the Execution thereof.

GIVEN under my Hand and Seal at Kororareka, this Thirtieth day of January, One Thousand Eight Hundred and Forty, and in the Third Year of Her Majesty's Reign.

(SIGNED.)

WILLIAM HOBSON, Lieutenant-Governor.

By His Excellency's Command,

GEORGE COOPER.

GOD SAVE THE QUEEN.





# PROCLAMATION.

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By His Excellency WILLIAM HOBSON, Esquire, Lieutenant-Governor of the British Settlements in progress in New Zealand.

WHEREAS, Her Majesty VICTORIA, Queen of the United Kingdom of Great Britain and Ireland, has been graciously pleased, by Instructions under the hand of the most Noble the Marquis of Normanby, one of Her Majesty's principal Secretaries of State, bearing date the Fourteenth day of August, One Thousand Eight Hundred and Thirty nine, to Command, that it shall be notified to all Her Majesty's Subjects settled in or resorting to the Islands of New Zealand, that Her Majesty, taking into consideration the present, as well as future Interests of Her said Subjects, and also, the Interests and Rights of the Chiefs and Native Tribes of the said Islands, does not deem it expedient to recognise as valid any Titles to Land in New Zealand which are not derived from or confirmed by Her Majesty. Now, Therefore, I, WILLIAM HOBSON, Esquire, Captain in Her Majesty's Navy, and Lieutenant-Governor in and over such Parts of New Zealand as have been or may be acquired in Sovereignty by Her Said Majesty, do hereby Proclaim and Declare to all Her Majesty's Subjects, that Her Majesty does not deem it expedient to recognise any Titles to Land in New Zealand, which are not derived from or confirmed by Her Majesty as aforesaid. But in order to dispel any apprehension that it is intended to dispossess the Owners of any Land acquired on Equitable Conditions, and not in Extent or otherwise, prejudicial to the Present or Prospective Interests of the Community, I do hereby further Proclaim and Declare, that Her Majesty has been pleased to Direct that a Commission shall be appointed, with certain Powers to be derived from The Governor and Legislative Council of New South Wales, to enquire into and report on all Claims to such Lands. And that all Persons having any such Claims will be required to Prove the same before the said Commission, when appointed. And I do further Proclaim and Declare, that all Purchases of Land in any Part of New Zealand, which may be made from any of the Chiefs or Native Tribes thereof, after the Date of these Presents, will be considered as absolutely Null and Void, and will not be confirmed or in any way recognised by Her Majesty.

GIVEN under my Hand and Seal at Kororareka, this Thirtieth day of January, One Thousand Eight Hundred and Forty, and in the Third Year of Her Majesty's Reign.

(SIGNED,)

WILLIAM HOBSON, Lieutenant-Governor.

By His Excellency's Command,

GEORGE COOPER.

GOD SAVE THE QUEEN.

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PAIHIA: Printed at the Press of the Church Missionary Society.

The Question that must be asked; ***"Why have our academics not researched and published this vital documentation that established the Colony of New Zealand"?***

Have they been paid by Government to ignore it or have they been too lazy to do their own researched and just followed those before them? Whichever way, they have a lot of explaining to do, they have destroyed New Zealand society as intended by our ancestors both tangata maori and Pakeha when they signed the Tiriti o Waitangi in 1840 with a hand shake

and the words,

***“He iwi tahi tatou – We are now one people”.***

Prepared by the One New Zealand Foundation Inc. 29 July 2017.  
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For further information: [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz) or email:  
[ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au).

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## **He Tohu – The Lie!**



*“He Tohu is a new permanent exhibition of 3 iconic constitutional documents that shaped Aotearoa New Zealand”,*  
Archives New Zealand. **This is a lie!**

On the 17 April 2017 the Constitution Room at Archives New Zealand was dismantled and our historic documents separated with the Declaration of Independence, the Tiriti o Waitangi and the Women’s Suffrage Petition being moved under darkness to the new taxpayer funded \$7.2 million *He Tohu* exhibit at the National Library, Wellington, while all our true Constitutional documents being filed away with over 6 million documents in Archive’s repository where the government hopes

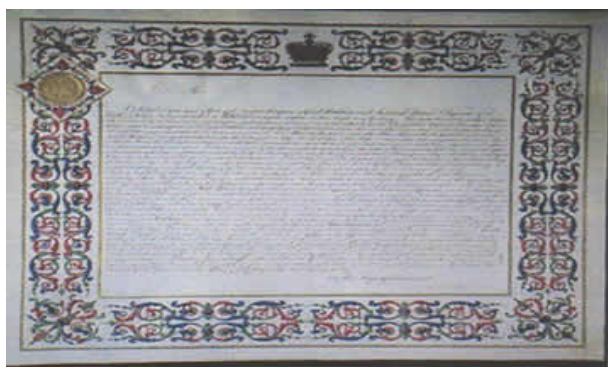
they will soon be forgotten and lost for ever.

The three documents moved to the *He Tohu* exhibit had nothing to do with, “*Our constitutional documents that shape New Zealand*”. **Absolutely nothing!**

The Declaration of Independence was a failed attempt by James Busby to have tangata maori sovereignty recognised over New Zealand and the Tiriti o Waitangi to cede to Britain the remaining territories “still occupied” by tangata maori. Documents held in the NSW Supreme Court show tangata maori had sold 2/3 of New Zealand before the Treaty was signed.

The Women’s Suffrage Petition was a milestone in women gaining the right to vote and deserves recognition, but it still had nothing to do with our Constitution or New Zealand becoming a British Colony under one flag and one law, irrespective of race, colour or creed. This was achieved by the Charters of 1839 and 1840 below.

## Our true Founding Documents and first Constitution.



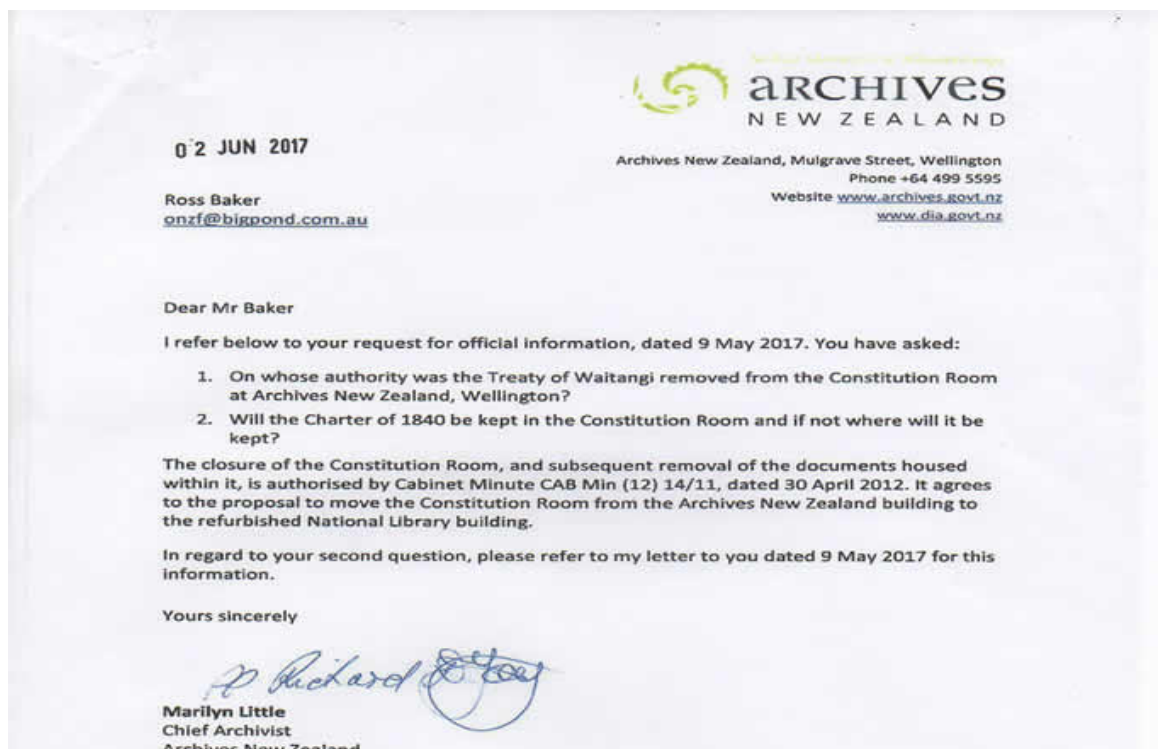
*The Charter of 1839 with its Royal Seal that extended the boundaries of New South Wales to include all the islands of New Zealand on the 14 January 1840. New Zealand came under the laws and dependency of New South Wales.*



*Queen Victoria's Royal Charter of 1840 with its Royal Seal that separated New Zealand from New South Wales and made New Zealand into a British Colony under one flag and one law, irrespective of race colour or creed.*

Below are three letters, one from the Chief Archivist, Marilyn Little and the second from the Chief Archivist (Acting),

Richard Foy and the reply from the One New Zealand Foundation Inc.



**ONE NEW ZEALAND FOUNDATION INC.**

**P0 Box 7113, Pioneer Hwy, Palmerston North. Email:  
[ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au)**

15 June 2017.

Mr Richard Foy,  
Chief Activist (Acting),  
Archives New Zealand.

Att. Marilyn Little, Chief Activist, Archive New Zealand.

Dear Sir,

RE: Official Information Act Request.

Thank you for your letter attached dated the 15 June 2017.

Your reference to the attached letter I received from Marilyn Little, Chief Archivist dated the 2 June 2017 stated, *"The closure of the Constitution Room, and subsequent removal of the documents within it, is authorised by Cabinet Minute CAB Min (12) 14/11 dated the 30 April 2012. It agrees to the proposal to move the Constitution Room from the Archives New Zealand building to the refurnished National Library building"*.

While the Constitution Room was to be dismantled, there is no

mention in the Cabinet Minute that the documents it held would be separated and the refurnished library building renamed, *He Tohu*. The documents moved to this new *He Tohu exhibit* have nothing to do with our Constitution, the first of which was issued by Queen Victoria on the 16 November 1840 that set up our political, legal and justice systems under one flag and one law, irrespective of race colour or creed. Therefore, Marilyn Little's letter of the 2 June 2017 **does not** answer the ONZF's Official Information Act request. See attached disc title supplied by the Chief Archivist, Archives New Zealand.

The information below on the Declaration of Independence, the Treaty of Waitangi, the Charter of 1839 and the Charter of 1840 are all taken from the documents held at Archives New Zealand, which I am sure you as Chief Activist (Acting) and Marilyn Little as Chief Activist will be fully aware of our true history and the role each document played in New Zealand becoming a British Colony; a Nation in its own right under one flag and one law, irrespective of race, colour or creed.

Why was the Declaration of Independence moved to the *He Tohu* exhibit when it was only an unauthorised document written by James Busby that was a complete failure as he could only gather 52 signatures over 4 years? This document was to recognise tangata maori sovereignty over New Zealand and the signatures to this document pledged to assemble annually to form laws for the promotion of peace, justice and trade, but the ever present inter-tribal tension and fighting took precedence over political co-operation, as always and it was abandoned without one meeting taking place. This document had nothing to do with our Constitution or New Zealand becoming a British Colony; a Nation under one flag and one law, irrespective of race, colour or creed.

While the Treaty of Waitangi ceded sovereignty over the territories of the tribes/chiefs that signed the Treaty of Waitangi in 1840, it had nothing to do with our Constitution or New Zealand being placed under the laws and dependency of New South Wales as this was achieved by the Charter of 1839 on the 14 January 1840, 4 months before Britain declared sovereignty over **all** the islands of New Zealand. Tangata maori had sold over 2/3 of New Zealand before the treaty was signed with many Deeds of Sale still held in the New South Wales Supreme Court. Most of this land was returned to the tangata maori after the treaty was signed, but at the time the treaty was signed, these were acknowledged as "legal" sales by the Governor of New Zealand at the time, Sir George Gipps, the reason that, "*all the people of New Zealand*" were referred to in Article 2 of the Tiriti o Waitangi.

Some say the Treaty of Waitangi was a, "*Partnership between Maori and the Crown*" but there is no documentation to say tangata maori would be in partnership with the Crown and Britain. The most powerful Nation at the time, would never have formed a partnership with a scattered group of primitive people without out any form of unity, constantly at war with each and still practicing cannibalism. Britain did give tangata maori the same rights as the people of England and were treated as British Subjects under one flag and one law.

It must also be remembered neither of these documents were issued by, "***Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Defender of the Faith***", under "***The Great Seal of the United Kingdom and Ireland***". The Declaration of Independence was an unauthorised document drafted by James Busby and the Treaty of Waitangi instructions

were drafted by the Under Secretary for the Colonies, Sir James Stevens who was a very strong support of the Clapham Sect.

**The Clapham Sect** was a group of aristocratic evangelical Anglicans, prominent in England from about 1790 to 1845, who campaigned for the abolition of slavery, to protect indigenous peoples from colonial exploitation and to promote missionary work at home and abroad. The group centered on the church of John Venn, rector of Clapham in south London.

The 1839 Charter declared British sovereignty over New Zealand by the Proclamation read by Lt. Governor Hobson in New Zealand on the 14 January 1840. The Treaty was only to cede the territories still "occupied/owned" by the tangata maori to Britain, although no instruction were given under "**The Great Seal of the United Kingdom or Ireland**" on how this would be achieved in the 1839 Charter. These instructions drafted by Sir James Stephens were given to Captain Hobson by Lord Normanby, Secretary of State for the Colonies before Captain Hobson sailed for Australia and New Zealand on the 25 August 1839.

Lt. Governor Hobson drafted the Treaty of Waitangi on the 4 February 1840, read the final English draft and its translation, the Tiriti o Waitangi to the gathering at Waitangi for the first time on the 5 February 1840 and signing of the Tiriti o Waitangi began on the 6 February 1840. Even before the Tiriti was signed on the 6 February, Britain had extended the boundaries of New South Wales on the 14 January 1840 to include all the islands of New Zealand. If tangata maori had not ceded their territories to Britain, Britain could still have claimed sovereignty under, **The Law of Nations**

to protect her people and their property now living in New Zealand.

At the time, **The Law of Nations** recognized no other mode of assuming dominion/sovereignty in a country of which the inhabitants were ignorant of the meaning of sovereignty, and therefore incapable of ceding sovereignty rights. This was the case with the people inhabiting New Zealand, for whom it would have been impossible for Captain Cook or Captain Hobson to have obtained British sovereignty by cession. Tangata maori consisted of hundreds of small individual tribes without any form of united government continually at war with each other for territories and by James Busby's failed Declaration of Independence, not interested in claiming sovereignty for themselves.

While the Declaration of Independence and the Treaty of Waitangi are part of our history, they had nothing to do with our Constitution or New Zealand coming under the laws and dependency of New South Wales on the 14 January 1840 or an Independent British Colony, a Nation on the 3 May 1841 with its own Governor and 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.

The documents that place New Zealand under the laws and dependency of New South Wales on the 14 January 1840 and made New Zealand into an Independent British Colony; a Nation on the 3 May 1841 with its own Governor and Constitution to form a government were the Charters of 1839 and 1840 issued by, "**Victoria by the Grace of God of the United Kingdom of Great Britain and Ireland, Defender of the Faith**" under "**The Great Seal of the United Kingdom and Ireland**", but

then I am sure holding the positions you and Marilyn Little hold at Archives New Zealand, you would both know this only too well.

Richard, the Charters of 1839 and 1840 made New Zealand into an independent British Colony; a Nation in its own right and both these documents that were held in trust by Archives New Zealand in the Constitution Room at Archives New Zealand on behalf of the people of New Zealand must also be moved to the refurnished building at the National Library as instructed by Cabinet Minute, *CAB Min (12) 14/11 dated the 30 April 2012*.

**Under the Official Information Act,**

- 1. Why are the Charters of 1839 and 1840 not in a refurnished building at the National Library, Wellington as instructed by *Cabinet Minute CAB Min (12) 14/11 dated the 30 April 2012*?**
- 2. On whose authority was the *He Tohu* exhibit built and only the Declaration of Independence, Treaty of Waitangi and the Women's Suffrage Petition placed in this exhibit when no mention of this was made in the *Cabinet Minute CAB Min (12) 14/11 dated the 30 April 2012*?**

**Who gave the authority to place our Constitutional documents, previously held in trust in the Constitution Room at Archives New Zealand with the other 6 million documents in Archive New Zealand's repository where they will soon be lost and forgotten for ever when no mention of this was made in the**

**Cabinet Minute CAB Min (12) 14/11 dated the 30 April 2012?**

Yours sincerely,



Ross Baker.

Researcher, One New Zealand Foundation Inc.

1. Other interested Parties.

Email: [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au)

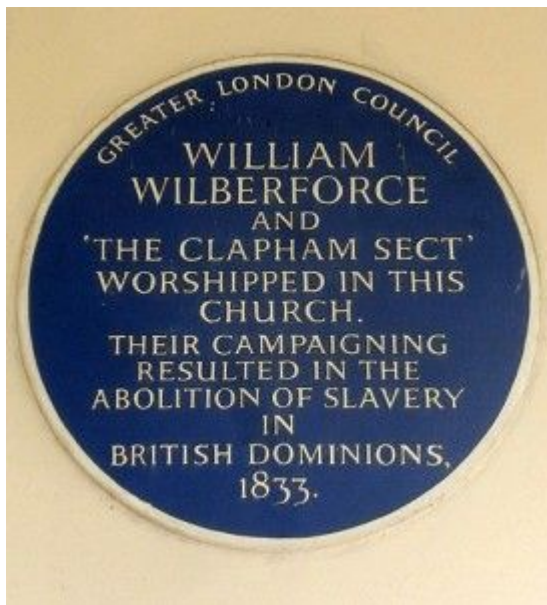
For further information: [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz)

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# The Clapham Sect and the Treaty

Part 3 of 3 of “Creating the Colony of New Zealand” by the ONZF.

This is another vital part of our history that governments have completely ignored. The people of New Zealand have a right to know why the Treaty of Waitangi was drafted, by whom and whether it deserves the recognition it is given as our “Founding Document”.



The Clapham Sect was a group of aristocratic evangelical Anglicans, prominent in England from about 1790 to 1845, who campaigned for the abolition of [slavery](#), to protect indigenous peoples from colonial exploitation and to promote missionary work at home and abroad. The group centered on the church of [John Venn](#), rector of Clapham in south London.

While little, if anything is published about the Clapham Sect in New Zealand’s history, it had a great influence on the instructions given to Captain William Hobson on the drafting of the Treaty of Waitangi.

The instructions given to Captain Hobson by Lord Normanby before he left New Zealand on the 25 August 1839 was drafted by Sir James Stephens, the Undersecretary for the Colonies and a very strong supporter and member of the Clapham Sect. Stephens had also drafted the “*Slavery Abolition Act of 1833*”.

From the time the 13 Ngapuhi chiefs asked King William IV to

be their guardian and protector in 1831, the British Parliament had discussed ways to become involved in New Zealand but as Britain had other problems in its own country at the time, they were reluctant to become involved. In 1833 they sent a Resident, James Busby to stop the intertribal fighting that had destroyed half their population since 1820, but without forces it was soon found that Britain would have to take a more active role if the tangata maori were to survive. It was decided in 1837, the best way to take a more active role would be to extend the boundaries of New South Wales to include all the islands of New Zealand.

At the time, **The Law of Nations** recognized no other mode of assuming dominion/sovereignty in a country of which the inhabitants were ignorant of the meaning of sovereignty, and therefore incapable of ceding sovereignty rights. This was the case with the people inhabiting New Zealand, for whom it would have been impossible for Captain Cook to have obtained British sovereignty by cession.



Tangata maori consisted of hundreds of small individual tribes without any form of united government continually at war with each other for territories. It was not realized at the time the people inhabiting New Zealand were not the indigenous people of New Zealand but a race/group of people that had arrived in New Zealand in the 14th century to find it already inhabited by another race/group of people called, tangata whenua or the indigenous people of New Zealand who were mostly driven in to the hills where they disappeared for good.

When Sir James Stephens learnt that Parliament was planning to extend the boundaries of New South Wales to include New Zealand, he drafted instructions for a treaty between the inhabitants of New Zealand and Queen Victoria in 1838, which was accepted by Lord Normanby, the Secretary of State for the

Colonies.

This was the first time Britain had a treaty between the people of a country it was about to become involved, but the 1839 Charter included a clause stating, "*All the territories acquired in Sovereignty by Treaty within that group of Islands in the Pacific Ocean commonly called New Zealand*", to satisfy the Clapham Sect.

While letters patent were issued under the Great Seal of the United Kingdom on the 15th June 1839 to extend the boundaries of New South Wales to include New Zealand there were no instructions issued by the British Parliament for the Treaty of Waitangi. By the Law of Nations, Britain had already gained sovereignty over all the islands of New Zealand when Captain Cook set foot in New Zealand in 1769, plus many New South Wales Acts that included New Zealand before the Treaty was signed. Over 2/3 of New Zealand had also been sold by the chiefs, some even travelling to New South Wales to sell their land with many of these pre-Treaty Deeds of Sale still sitting in the New South Wales Supreme Court. By 1840, many farms, townships and settlements had been established by the New Zealand Company in the lower North Island by British immigrants, colonisation was well underway by 1840. There was talk of forming republics if Britain did not become involved.

The Treaty was not a Charter issued by "*Victoria by the Grace of God*" or letters patent issued under the Great Seal of the United Kingdom, it was a very simple document that had been drafted to satisfy the Clapham Sect. Lt. Governor Hobson had been given instructions by Lord Normanby drafted by Sir James Stephens, a member of the Clapham Sect on drafting a treaty to obtain as many territories from the chiefs as possible, "*but without force*", and that is exactly what Lt. Governor Hobson achieved, sovereignty over all the Islands of New Zealand on the 21 May 1840 for the boundaries of New South Wales to be extended to include all the islands of New Zealand, which was accepted by all other Nations.

Another reason a treaty was entered into, the instructions given to Hobson stated,, "*I have already stated that we acknowledge New Zealand as a sovereign and independent state so far as at least possible to make that acknowledgement in favour of a people composed of numerous dispersed petty tribes, who possess few political relations as to each other, and are incompetent to act or even deliberate in concert*". The Law of Nations recognized no other mode of assuming dominion in a country, of which the inhabitants are ignorant of the meaning of sovereignty.

Stephen also wrote, "*Sovereignty of New Zealand had been recognized by the British Government*". The British Government believed sovereignty had been claimed by the tangata maori by James Busby's Declaration of Independence but it had been a complete failure. The signatures to this Declaration pledged to assemble annually to form laws for the promotion of peace, justice and trade, but the ever present intertribal tension and fighting took precedence over political co-operation, as always, and it was abandoned within 12 months without one meeting taking place. As only 52 northern chiefs had signed the Declaration, there is no way they could have claimed sovereignty over all the islands of New Zealand, the Declaration was a complete failure in recognizing tangata maori sovereignty.

By 1840, 2/3 of New Zealand had been sold to people from other lands and tangata maori were only minor land owners, therefore could hardly claim sovereignty over all the islands of New Zealand.

Without the Clapham Sect taking an interest in New Zealand, it is unlikely there would have been a treaty between tangata maori and Queen Victoria. No other country Britain had declared sovereignty had the inhabitants been given, "*the same rights as the people of England*" or after the treaty had been signed, had the land they wanted to sell given titles then purchased by the Crown, in some cases, many times over. Even

the 2/3 of land that had been sold by the chiefs before the treaty was signed, in most was returned without compensation and repurchased by the Crown at a later date once the true owners were known and titles issued.

So the question must be asked, "Was the Treaty of Waitangi, "a *legal necessity*" or just a document without any real authority to satisfy the Clapham Sect"? If the Clapham Sect had not become involved in a treaty between the tangata maori and Queen Victoria, Britain could have "legally" ceded New Zealand under the Law of Nations as it had with all the other countries it had declared sovereignty.

There is no mention of the Treaty of Waitangi in Queen Victoria's Royal Charter/Letters Patent of 1840. After the treaty had served its purpose on the 21 May 1840 and Britain had declared sovereignty over all the islands of New Zealand, the treaty was filed away by the British Government; tangata maori had become British Subjects, therefore, "*Given the same rights as the people of England*". There was no mention of a, "*Partnership between tangata maori and the Crown*" in the Treaty of Waitangi or Queen Victoria's Royal Charter of 1840 because, "**British Subjects cannot be in Partnership with the Monarchy**"!

Did Britain need to claim sovereignty by treaty? There is no doubt Britain had gained sovereignty over all the islands of New Zealand by the Laws of Nations long before the Declaration of Independence, the Clapham Sect became involved or the Treaty of Waitangi was drafted and signed. The Treaty of Waitangi was a document drafted by Sir James Stephens to satisfy his members of the Clapham Sect and while it was not required to claim sovereignty over all the islands of New Zealand, it certainly did as confirmed by Queen Victoria's Royal Charter of 1840 that made New Zealand into British Colony on the 3 May 1841.

There are only two Letters Patent issued by the Great Seal of

the United Kingdom that made New Zealand into a British Colony.

1. The Charter of 1839 that extended the boundaries of New South Wales to include all the islands of New Zealand.
2. Queen Victoria's Royal Charter/Letters Patent that separated New Zealand from New South Wales and made New Zealand into an independent British Colony.

Queen Victoria's Royal Charter/ Letters Patent dated the 16 February 1840 being the document that founded New Zealand as a British Colony on the 3 May 1841 under one flag and law, irrespective of race colour or creed, **our true Founding Document and first Constitution and the day we *all* must celebrate as our Independence Day!**

This document is Part 3 of; "Creating the Colony of New Zealand" by the ONZF. 25/5/17 (C).

Email: [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au). Website: [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz)

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## **The Tiriti o Waitangi played a very small role in New Zealand becoming a British Colony.**

This document is Part 2 of; "Charter of 1839" by the One New Zealand Foundation Inc.

After researching the Charter of 1839 and the Royal Charter of 1840, both documents completely ignored by Government and our National Museum Te Papa, I found the Treaty of Waitangi only

played a very small role in New Zealand becoming a British Colony. The discussions by the British Government to become involved in New Zealand had continued since 1831 when 13 Ngapuhi chiefs had asked the King to be their Guardian and Protector.

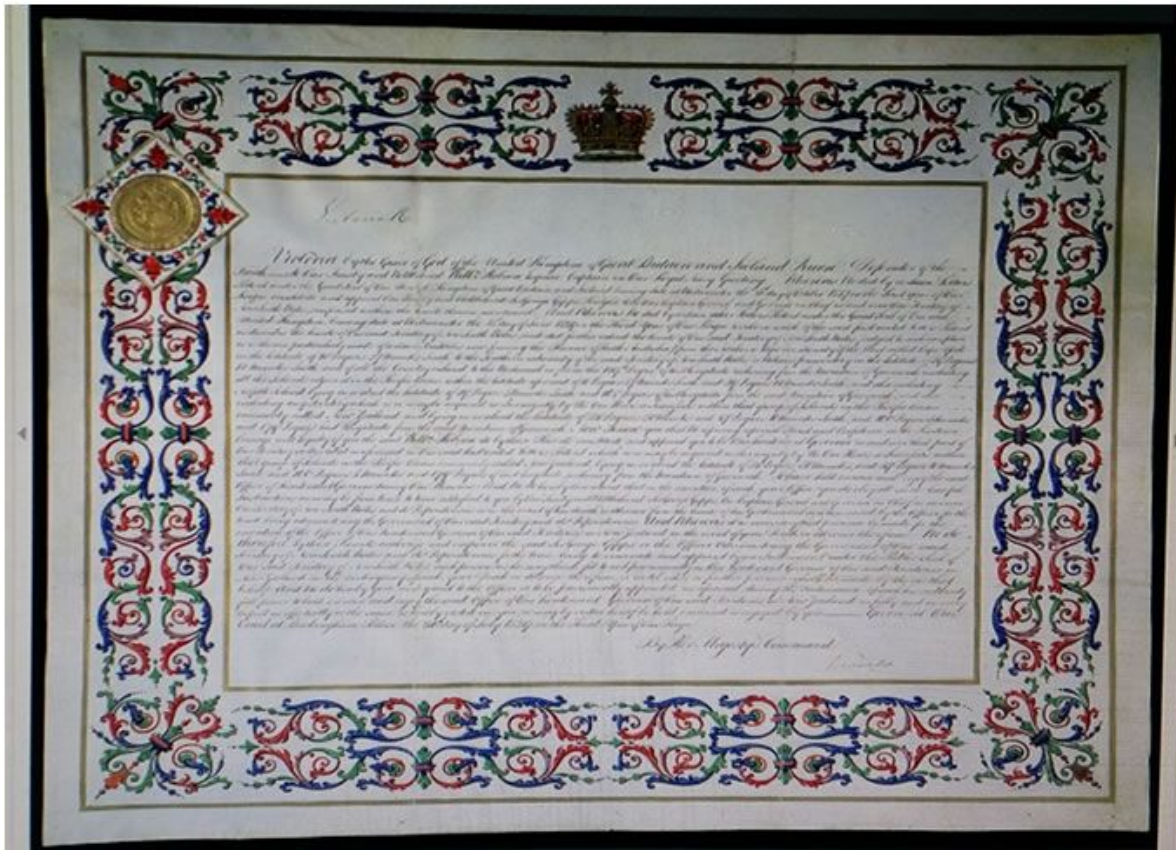
Both the Charter of 1839 and the Royal Charter of 1840 were beautifully prepared, presented and written documents in pristine condition, whereas the Tiriti o Waitangi was badly prepared, badly presented and very badly written for a document issued by Great Britain, but then it only played a small part to satisfy the "Clapton Sect", a group of people that sought to protect "*indigenous people from colonial exploitation*".

See,

<https://paperspast.natlib.govt.nz/newspapers/NZGWS18390906.2.7>

## **Charter of 1839.**

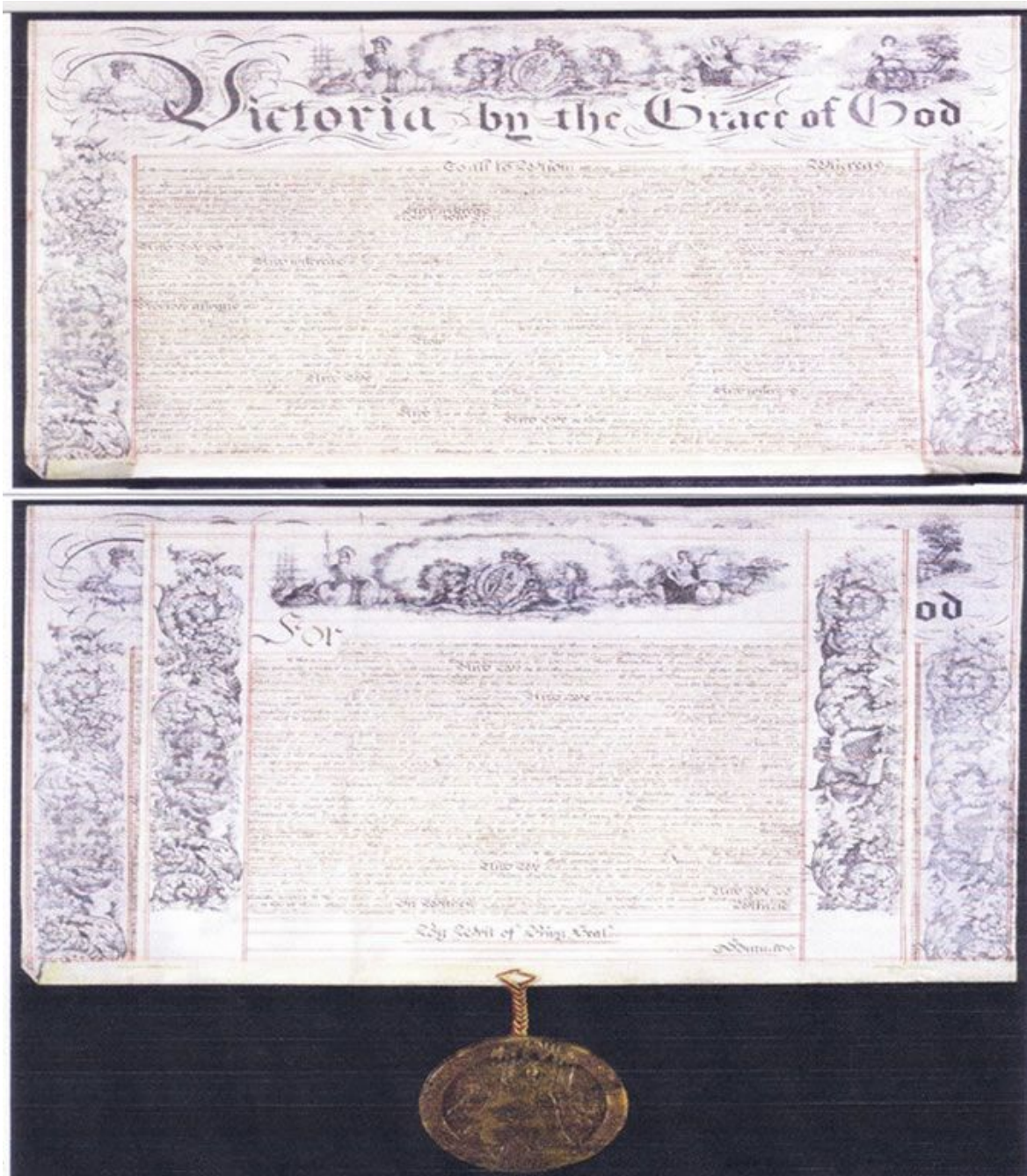
The 1839 Charter was a beautifully presented document issued by "*Victoria by the Grace of God*" that extended the boundaries of New South Wales to include "*All the territories acquired in Sovereignty by Treaty within that group of Islands in the Pacific Ocean commonly called New Zealand*", under the laws and dependency of New South Wales.



The beautifully prepared, presented and written Charter of 1839 that extended the boundaries of New South Wales to include New Zealand.

## Queen Victoria's Royal Charter/Letters Patent

Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 was also a beautifully prepared, presented and written document issued by "Victoria by the Grace of God" that separated New Zealand from New South Wales on the 3 May 1841 and made New Zealand into a British Colony in its own right with political, legal and justice systems under one flag and one law, irrespective of race, colour or creed.

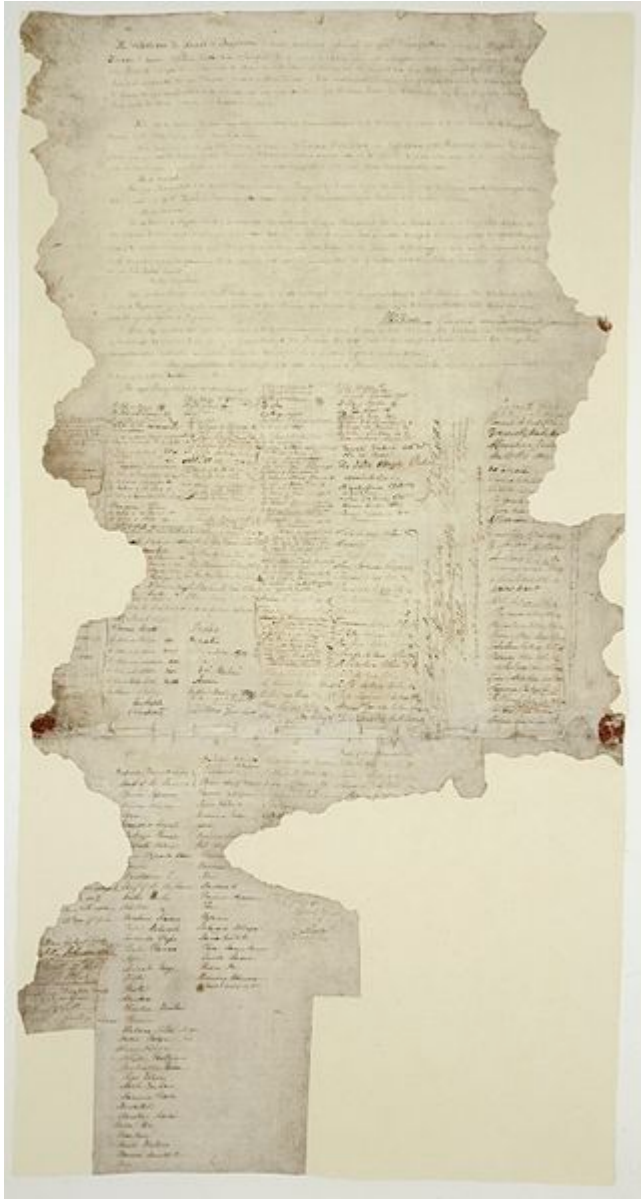


**The beautifully prepared, presented and written Royal Charter of 1840.**

**Our true Founding Document and first Constitution ignored by government!**

**The Tiriti o Waitangi played a very small**

## role in New Zealand becoming a British Colony.



The Treaty of Waitangi was not issued by "*Victoria by the Grace of God*". In fact, the Treaty of Waitangi was a very badly prepared, presented and written document on 2 pieces of dog-skin sewn together. A very primitive document when compared with the 1839 Charter and the 1840 Royal Charter. Once it had achieved its purpose of gaining sovereignty over all the islands of New Zealand on the 21 May 1840, it was filed away in a storage shed where it was later damaged by fire and rats.

The Treaty's main purpose was to satisfy the Clapton Sect who were a group of people that sought to protect indigenous people from colonial exploitation and were becoming a very strong group in England at the time. Amongst other British politicians, Sir James Stephens, Undersecretary to the Colonies was a member of the Clapton Sect. Sir James Stephens had drafted the, "*Slavery Abolition Act of 1833*".

Instructions for a Treaty with the tangata maori was also drafted by Sir James Stephens, Undersecretary for the Colonies

and was given to Captain William Hobson by Lord Normanby, Secretary of State for the Colonies, before Hobson sailed for New Zealand in 1839.

As the boundaries of New South Wales had been extended to, *"All the territories acquired in Sovereignty by Treaty within that group of Islands in the Pacific Ocean commonly called New Zealand"*, Captain Hobson was dispatched to New Zealand with Sir James Stephen's instructions to acquire as many territories as possible from the tangata maori, *"without force"*.

The people that signed the Tiriti o Waitangi in 1840 were not tangata whenua or the indigenous people of New Zealand, they signed their names as *"tangata maori"*!

When Captain Hobson reached New South Wales he was sworn in as Lt. Governor to New Zealand under the command of Governor Gipps of New South Wales. Hobson then sailed to New Zealand and issued a Proclamation to the settlers on the 30 January 1840 that, *"The boundaries of New South Wales had be extended to include, all the territories acquired in Sovereignty by Treaty"*.

With the help of the British Resident to New Zealand, James Busby, Hobson drafted the Treaty of Waitangi. The treaty was based on the instructions drafted by Sir James Stephens, *"To acquire as many territories without force and in return, tangata maori would be given the same rights as the people of England"*, Tiriti o Waitangi, Article 3.

While Hobson's final draft dated the 4<sup>th</sup> February 1840 was translated into the tangata maori language by Rev Henry Williams and his son Edward, then transcribed onto dog-skin by Rev Richard Taylor, it seems to have been a very low key document only to satisfy the Clapton Sect, a group of people who sought to protect indigenous people from colonial exploitation. It was the only document of its type ever issued

by Britain that gave the inhabitants of a country, in this case the tangata maori, *"The same rights as the people of England"*. See Tiriti o Waitangi, Article 3.

After each chief had signed the Tiriti o Waitangi at Waitangi on the 6 February, Lt. William Hobson shook their hand and repeated, *"He iwi tahi taou – We are now one people"*. At the end of the Tiriti o Waitangi signing at Waitangi on the 6 February 1840, the whole gathering gave 3 hearty cheers.

When Lt. Governor Hobson became ill with a stroke and delegated the signing of the Tiriti o Waitangi to others, he gave these instructions, *"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 never made or authorized an English versions and no English version was signed on the 6 February 1840 at Waitangi. Although Hobson did have 200 copies of the Tiriti o Waitangi printed by the Church Mission Society of which one was read, discussed and signed at Waikato, although an unauthorized English version compiled by Hobson's secretary, James Freeman from James Busby's rough notes was used, but never read or discussed to hold further signatures when the CMS printed copy of the Tiriti o Waitangi could hold no more. Both copies were attached to each other when signed by Lt. Governor Hobson.

## **Conclusion.**

Britain took little interest after Captain James Cook set foot on New Zealand shores in 1769 until the Rev Samuel Marsden in 1814 and other missionaries that joined him later, starting

teaching Christianity to the tangata maori living in New Zealand. Again little happened until Rev Thomas Kendall invited Hongi Hika to England to help Professor Samuel Lees complete the tangata maori to English dictionary in 1818. Hongi Hika agreed to go with the ulterior motive of purchasing muskets while in England. While he was not allowed to take muskets out of England, he did a secret deal with Barron de Thierry and purchased over 500 muskets for 40,000 acres of land in New Zealand. He had de Thierry ship the muskets to Australia where Hongi Hika picked them up on the way back to New Zealand in 1820.

Hongi Hika with his Ngapuhi followers then went on a rampage south slaughtering thousands of his unarmed country men, women and children for utu/revenge or the fun of the fight and the feasts that followed. By 1831 Ngapuhi were afraid the southern tribes were now gathering musket and would in turn travel north for utu so 13 Ngapuhi chiefs wrote to the King of England asking him for protection and to be their guardian.

At the time Britain was having enough problems around the world and did not want to get involved in another country half a world away, but did decide to send a Resident, James Busby to New Zealand in 1833 to sort out the intertribal fighting and bring peace amongst the settlers and the tangata maori. As Busby had no forces at his disposal he was soon named the, "*Man of war without guns*".

As the intertribal fighting increase with Waikato annihilating Taranaki in 1835 and the Taranaki that fled south traveling to the Chatham Islands, slaughtering and farming the unarmed Moriori men women and children like swine into virtual extinction and the settlers being threaten, killed and their farms ransacked by the "rebel tangata maori", Britain had to take a more active role in protection its people, their farms and the law abiding tangata maori Britain had promised.

From 1937 Britain reluctantly discussed how it would become

more involved in New Zealand and it was decided in 1839 to extend the boundaries of New South Wales to include all the islands of New Zealand. With the Clapton Sect becoming powerful in England at the time and the Undersecretary for the Colonies, Sir James Stephens being a member, it was decided in 1839 to, *"To extend the boundaries of New South Wales and acquire as many territories in Sovereignty by Treaty within that group of Islands in the Pacific Ocean commonly called New Zealand"*.

It was decided in 1839 by the Secretary of State, Lord Normanby to send Captain William Hobson to New Zealand with quickly drafted instructions for a treaty with the tangata maori by Sir James Stephens. Lt. Governor Hobson gained sovereignty over all the islands of New Zealand on the 21 May 1840, which was posted in the London Gazette on the 2 October 1840.

Once Britain had gained sovereignty over all the Island of New Zealand on the 21<sup>st</sup> May 1840 under the laws and dependency of New South Wales, it was decided some 4 months later by Queen Victoria's Royal Charter dated the 16 November 1840 to separated New Zealand from New South Wales into an independent British Colony on the 3<sup>rd</sup> May 1840 with its own political, legal and justice systems under one flag and one law, irrespective of race, colour or creed.

While it took Britain years to decide on the best way to intervene in New Zealand, the Tiriti o Waitangi only took 3 days to draft and 4 months to gain sovereignty over all the islands of New Zealand, therefore, played a very small role in New Zealand becoming a British Colony, which would have happened eventually, with or without the Tiriti o Waitangi.

It may be the Tiriti o Waitangi was only a "courtesy or goodwill" agreement between Queen Victoria and tangata maori to satisfy the Clapton Sect as Britain had never had a treaty

with any other country it had taken over but the Tiriti o Waitangi did give Britain sovereignty over all the islands of New Zealand which has never been disputed by any other country to this day!

In 1975 the New Zealand Government passed the 1975 Waitangi Tribunal Act that set up the Waitangi Tribunal by misleading the people that an unauthorized English version of the Treaty of Waitangi was our Founding Document and from this, wrote the *"Five Principles for Crown Action on the Treaty of Waitangi"*. This would be the most corrupt Act ever passed by a New Zealand government by deliberately ignoring the 1839 Charter and Queen Victoria's Royal Charter/Letters Patent in our legislation. The Treaty of Waitangi is not our Founding Document!

All New Zealand's important historical documents were held in the Constitution Room at Archive New Zealand, Wellington, but when the One New Zealand Foundation Inc. brought the 1840 Royal Charter to the attention of the public in 2015 the government spent \$7.2 million setting up the He Tohu Exhibit at the National Library, Wellington in April 2017 to hold the Tiriti o Waitangi and dismantled the Constitution Room to separate our historical documents by filing Lt Governor Hobson's final draft of the Treaty of Waitangi, the 1839 Charter and Queen Victoria's 1840 Royal Charter with the other 6 million documents at Archive's repository were they will soon be forgotten forever.

The Declaration of Independence was also moved to the National Library Wellington with the Tiriti o Waitangi. The Declaration of Independence was a failed attempt by Resident, James Busby to form a united government in New Zealand. The signatures to this declaration were to assemble annually to form laws for the promotion of peace, justice and trade, but the ever present inter-tribal tension and fighting took precedence over political co-operation, as always and it was abandon without one meeting taking place. Why would this failed attempt to get

the chiefs to form a united government be put on display in the \$7.2 million National Library He Tohu Exhibit when Busby could only get 52 chiefs to sign it? The only document that was also moved to the National Library that fits this new location was the "1893 Women's Suffrage Petition".

There is only one true Foundation Document and first Constitution and that is the beautifully prepared, presented and written Royal Charter/Letters Patent dated the 16 November 1840 that was issued under, "*Victoria by the Grace of God*", and we must all be extremely proud of this document by displaying it in all government building, schools and our National museums.

We must also celebrate the day it was enacted, the 3<sup>rd</sup> of May and honour the sacrifices our ancestors, both tangata maori and the settlers made to bring peace to a country completely out of control!

While all this information can be found in Archives around the world, the government, Te Papa and our historians have completely ignore it, until the One New Zealand Foundation Inc. brought the Charter of 1840 and the Royal Charter of 1840 to the public's attention. These vital documents had never been included as part of our history or legislation. This must end now, they are a vital part of our true history and legislation and must no longer be ignored to satisfy one small group of New Zealand citizens that can claim a minute trace of tangata maori ancestry.

These documents completely change the true history of New Zealand and honour the true meaning of the agreement Lt. Governor Hobson made with the tangata maori chiefs at Waitangi on the 6 February 1840 with a handshake and the words;

***"He iwi tahi tatou – We are now one***

**people” – New Zealanders .**

This document is Part 2 of; “Charter of 1839” by the One New Zealand Foundation Inc.

By Ross Baker, Researcher, One New Zealand Foundation Inc.  
Email: [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au) (C). 20/5/2017.

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## **Judge and Jury convict Allan Titford without defense!**

**Judge and Jury convict Allan Titford without defense!**



It is hard to understand how the Jury found Allan Titford guilty when they had only heard from the Crown’s witnesses, but after reading, The Summing Up of Judge Duncan G Harvey which included a 91 page Issues Tree, we believe they had no other option?

The 91 page **Issues Tree** Judge Duncan Harvey gave the Jury during his **Summing Up** and the instructions on how to use it with a **yes/no** questionnaire gave little chance of the jury deliberating with each other over each of Mr. Titford’s 58 charges. Especially when Allan Titford was not allowed one witness in his defense. The Judge also mentions “**beyond**

***reasonable doubt***" numerous times in his **Summing Up** but without witnesses in Mr. Titford's defense, medical records, documented evidence and Susan being given immunity to help the Crown lay charges, we cannot see how the Jury could find Mr. Titford, "***guilty beyond reasonable doubt***". Mr. Titford pleaded, "***Not guilty to all charges***"!

Under the Official Information Act and with Allan Titford's authority, we requested a copy of Judge Duncan Harvey's 91 page "***Issues Tree***", but we were refused this request by a Judge of the Whangarei District Court. **What are they hiding; "A miscarriage of Justice"?**

In June 2009 Susan Titford decided to leave her husband because she had had enough of fighting the Crown for compensation when it took their freehold titled farm under duress, without legal advice then tampered with the documents in 1995 to help settle Te Roroa's "*alleged*" Treaty of Waitangi claim and the constant harassment before, during and after by the claimants, the Police, the Crown and the Rural/National Bank. On the 7 July 2009 Susan emailed Barrister, Mr. Greg Denholm asking, "*For instance, if he was jailed would I be able to get control of the Trust back or would he still hold the title of Trustee*".

Then on the 13 October 2009 Susan wrote to the Minister of Justice, Hon Simon Upton asking him how to escape from being charged with Perjury. The Minister replied, "*I note Section 24 of the Crimes Act provides that where a person commits an offence under "compulsion" they will be protected from criminal responsibility. Compulsion means that the person commits the offence only because someone else, who is present when the crime is committed, has threatened them with immediate death or grievous bodily harm*". Was this the basis of Susan's charges against her estranged husband? Susan now knew if she could make out Allan had raped her and physically abuse her and the children, then the Police would give her immunity.

Once the Crown found Susan was divorcing her husband, Allan Titford, the Crown gave her immunity to help it lay as many charges as possible against Allan. In total 58 charges! Susan stating in an email to Ross Baker, Researcher, One New Zealand Foundation Inc. on the 3 July 2010, "*And I think when they (The Crown) go to get him, they are going to get him for as much as they can*", then on the 15 March 2011, "*The hold up now is the Crown have taken over so they will look into it, change charges, either throw some out, add new ones and whatever they think is right*". And the Crown certainly did with 58 charges in total that resulted in Allan Titford being jailed for 24 years without a fair trial.

As Susan had been given immunity she could now virtually say whatever she wanted without fear of prosecution. Even helping her children write statements to testify against their father with a promise of \$5000 each as mentioned during the trial. Young Ulanda Titford writing on the 2 February 2011, "*And all the stuff we had to write and say about dad. I didn't understand any of it. I tried to ask, but was told just to do it*". Then on the 3 February 2011, "*I want to see my dad more than anything. It hurts me not to be able to spend time with him. I want my dad back, I miss him and love him*".

The whole trial revolved around evidence from Susan Titford, who had been given immunity by the Crown and wanted "*control of the Trust*", her children and her brother Richard Cochrane. Allan Titford, on the other hand, was not allowed one witness in his defence by his Crown paid lawyer Mr John Moroney, of Thode Utting Lawyers, Whangarei. Mr. Titford had given his lawyer a list of witnesses he wanted to call but his lawyer failed to call one in his defence! Mr Moroney charged the taxpayers/Mr Titford \$130,000 to "represent" him.

How did the Jury hand down a guilty verdict when they had only heard evidence from the Crown's witnesses? Did the jury base its guilty verdict on, **Judge Duncan Harvey's Summing Up** and his 91 page **Issues Tree**? Judge Duncan Harvey had also only

heard evidence from the Crown's witnesses, so how could he sum up the case and issue his 91 page **Issues Tree** without hearing from Mr Titford's witnesses?

A fundamental principles of our legal system states, *"One of the most crucial aspects of a fair legal trial is the right to call witnesses on both sides"*. Mr Titford was never given this right by his lawyer at his trial, which was accepted by Judge Duncan Harvey.

One main witness that was denied to appear was Allan's sister-in-law, Sheryll Titford who had no time for Allan but was a good friend of Susan's but could not allow Allan to be convicted of burning down his house and wrote a statement for the Police that Susan had told her, Susan's father, Graham Cochrane, had confessed on his deathbed to burning down the house to get Susan and the children away from the never ending threats by the claimants. This vital piece of evidence was withheld from the Court by the Police, Graham Cochrane being a retired Police Officer. How many other witnesses were denied giving evidence in Allan Titford's defence who may have cleared him of any wrong doing?

The Supreme Court has held that a trial court cannot deny an accused the right to summon witnesses he/she has cited for examination at any stage of a trial. *"A fair trial entails the interests of the accused, the victim and of society, and therefore, includes the granting of fair and proper opportunities to the person concerned, and the same must be ensured as this is a constitutional as well as a human right. Denial of such right would amount to denial of a fair trial. It is a "cardinal rule of the law of evidence that the best available evidence must be brought before the court to prove a fact"*. Why didn't Judge Harvey ask Mr. Titford if he had any witnesses, he was in control of the court and it was Mr. Titford's constitutional as well as human right, but the Judge failed to do so resulting in Mr. Titford being jailed for 24 years without a fair trial?

**So the question that must be asked, "How did the jury come to a guilty verdict when they had only heard from the Crown's witnesses? Was it based on Judge Duncan G Harvey's Summing Up and his 91 page Issues Tree who had also only heard from the Crown's witnesses that had contradicted each other many times? There was no evidence of physical abuse that must surely have required hospital treatment, especially when it was "alleged" young James had his back and neck jumped on by his 90 kilogram father, Alyssa when it was "alleged" Allan had punched her in the mouth or when it is "alleged" Allan punched and kicked Susan. But no forensic evidence was given with hospital records, school records of abuse of his children, photos or documented evidence by the Crown's witnesses or the Crown. It was all based on verbal evidence by the Crown's witnesses without one document of evidence!**

The One New Zealand Foundation's Researcher, Ross Baker, who has stayed with the Titford's on many occasions in New Zealand and Tasmania while researching the "alleged" Te Roroa claim and the methods used by the Crown to acquire the Titford's farm, stated, *"I have never seen any physical abuse or signs of physical abuse on Susan or the children whenever I have stayed with them". Susan and the children never showed any fear of Allan and while they gave each other verbal abuse, this seemed normal in the Titford household and never escalated into physical abuse in any way while I was there". At the time, Susan was just as keen as Allan to fight the Crown for compensation when it took their freehold titled farm under duress and without legal advice, even writing to the Prime Minister and the Queen for help. They were a young innocent family just starting out in life, but this was all taken away from them when Te Roroa place an "alleged" Treaty of Waitangi claim on their farm.*

How could the Judge and the Jury convict Allan Titford to 24 years jail based on the verbal evidence from his estranged wife who had been given immunity and hoped, *"to get control of*

*the Trust if Allan was in jail, the children that did not understand what they were told to say or write and Susan's brother Richard who disliked Allan. Off course not, it seems they just went along with the **Judge's Summing Up** and his 91 page **Issues Tree!***

Allan Titford has waited over three and a half years for an Appeal, but the Crown has him where they want him and there they want him to remain; **"A Political Prisoner"!**

### **Conclusion.**

We believe Mr Titford's trial must be declared null and void and an inquiry held into the way the charges were laid by the Crown and the trial was conducted by Judge Duncan Harvey not hearing any witnesses in Mr Titford's defence. What started as a matrimonial dispute turned into a *"witch hunt"* by the Crown to clear it of any wrong doing when it took an innocent farmer's freehold titled farm under duress and without legal advice then tampered with the documents to help settle Te Roroa's *"alleged"* Treaty of Waitangi claim. A claim that had been rejected by Parliament in 1942 after a full judicial inquiry by Chief Judge Shepherd.

In a letter to the Minister of Treaty Negotiations at the time, the late and respected Ngapuhi chief, Mr Graham Rankin, who knew the history of this land and its people far better than anyone else was completely ignored when he stated, *"No living person should suffer the pain he (Allan Titford) and his wife and children, at the hands of Government, its associates and Ministers in particular. Te Roroa people are only squatters, living on the edge of Waipoua Forest. They don't even know what they are! Ngatiwhatua or Ngapuhi. The work of the claim was shoddy, unclean and destructive in the eyes of our New Zealand Society. My question Minister, the land can never be given to Maori, sitting as a "crown jewel" when it should be returned to Allan Titford, now"!* But the Government, its associates and the Ministers failed to listen!

**An innocent family destroyed, “at the hands of Government, its associates and Ministers in particular”!**

**“A malicious prosecution of a political nature to pervert the course of justice”!**

Prepared by the One New Zealand Foundation Inc. 24/4/2017.  
[www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz)

Copies of; **The Summing Up of Judge Duncan G Harvey** can be obtained from, [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au)

This article, with others are posted on our website,  
[www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz). (c) 24/4/2017

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# **Govt. deliberately hides our true history**

By Ross Baker for the One New Zealand Foundation Inc.  
28/4/2017 (Copyright)

**While the Declaration of Independence, the Tiriti o Waitangi and the 1893 Women’s Suffrage Petition were moved from the Constitution Room at Archives New Zealand under darkness to the Wellington Library on Friday 21 April 2017, Queen Victoria’s Royal Charter/Letters Patent of 1840, our true Founding Document and first Constitution was not mentioned. Where is it? Has it and the Hobson’s final draft been deliberately left behind to continue to hide our true history from the Public?**

**A pristine copy of Queen Victoria’s Royal Charter of 1840 should be in pride of place in every school and government building in New Zealand instead of the Treaty of Waitangi. It**

**is our true Founding Document and first Constitution, a document all New Zealanders should be extremely proud to honour. Let's all join forces and make it happen.**

The One New Zealand Foundation Inc. has spent over 30 years researching New Zealand's history and we have found many parts have either been overlooked by previous researchers or today's researchers are just too lazy to do their own research and follow the *"sheeple before them like lambs to the slaughter"*!

The One New Zealand Foundation Inc. researched the final draft of the Treaty in 1990 which was named the Littlewood Treaty and found it was Lt. Governor Hobson's final draft written by James Busby that was translated into the Tiriti of Waitangi by the Rev Henry Williams and his son Edward. But Dr Claudia Orange stated, *"It was just another translation of the Maori version by an unknown author"*, and most believed her. It took others 14 years to realise it was the final draft that went missing soon after it was read to the gathering at Waitangi on the 5<sup>th</sup> February 1840. By then too late as the government had organised its \$6.5 million Treaty 200 Exhibition to destroy the Final Draft in the public's eye, the only true record of what the Treaty really said.

We have recently stated the Treaty was signed by tangata Maori and not tangata whenua, something many researchers are still trying to prove when in fact over 500 tangata Maori chiefs agreed they were tangata Maori when they signed the Treaty so why waste time on something over 500 tangata Maori chiefs freely admitted.

Our latest research shows Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 was our true Founding Document and first Constitution that the government and Te Papa completely ignores, but many of our researchers still insist the Treaty is our Founding Document including our Governor General. How can it be when all it did was place New Zealand under the control of New South Wales until Britain

made New Zealand into a British Colony in its own right with a political, legal and justice system under one flag and one law, irrespective of race colour or creed.

Wake up you modern day researchers and authors, New Zealand research has advanced since the likes of Dr Claudia Orange, Lyndsay T Buick, Dr Peter Adams, Keith Sinclair, James Belich and many others that wrote of their research they completed 50 to 100 years ago. Things have changed and you need to catch up. History never changes but further research can change what researcher thought 50 to 100 years ago.

Below is up-to-date research by the One New Zealand Foundation Inc. If you don't believe it, then get off your backside and research it for yourself, you will be amaze of what you will find!

By repeating research from over 50 to 100 years ago, you will only allow government to deny the people of New Zealand their true history and one small group of our population special rights and privilege over the others. The Treaty of Waitangi or Queen Victoria's Royal Charter of 1840 made sure we were all treated the same under one flag and one law irrespective of race colour or creed. **Fact!**

**If you are going to put pen to paper today, then make sure it's based on today's research and not research from many years ago. To do otherwise does more harm than good and helps today's governments and Maori continue to take what was never theirs in the first place! Fact!**

## **What was the Treaty of Waitangi?**

The Treaty of Waitangi was an agreement between Queen Victoria and tangata Maori where tangata Maori gave up their individual territories to Britain in 1840 in exchange for, "***the same rights as the people of England***". No more, no less!

The Treaty of Waitangi was signed by over 500 tangata Maori

chiefs and Lt. Governor Hobson in 1840 and consisted of a Preamble, 3 Articles/Laws, and a Consent.

While we are told the Treaty only contains 3 short articles but this is not correct. Check all the copies of the Treaty and you will find they all have a Preamble, 3 Articles/Laws and a Consent. All documents of this nature have a Preamble attached to clear up any ambiguities in the Articles/laws. Without the Preamble the Treaty can be and has been distorted until it is no longer the document intended by our ancestors. *"He iwi tahi tatou- We are now one people"* See Tiriti o Waitangi below.

Once the Treaty was signed tangata Maori became British Subjects. **Fact!**

## **Who were the people that signed the Treaty of Waitangi?**

We are told Maori were the tangata whenua or the indigenous people of New Zealand and many have spent a life time trying to prove they were not, but the 500 chiefs that signed the Treaty of Waitangi agreed they were tangata Maori when they signed the Treaty. While tangata Maori were a distinct race of people in 1840, today they are a mixed race of many nationalities called "Maori". **Fact!** See Tiriti o Waitangi below

## **There was no Partnership!**

We are also told the treaty was a "partnership" between "Maori and the Crown" but once the Treaty was signed tangata Maori became British Subjects and British Subjects cannot be in "partnership with the Monarchy or the Crown. **Fact!**

## **Tangata Maori not major land owners in 1840!**

By 1840 the tangata Maori chiefs, especially in the South

Island had sold virtually 2/3 on New Zealand to foreign buyers. After Te Rauparaha invaded the South Island, many South Island chiefs fled to New South Wales and sold virtually the whole of the South island to foreign buyers. Many of the Deed of Sales still remain in the New South Wales Supreme Court. When the Treaty was signed most of this land was returned to tangata Maori without compensation to the foreign buyers and repurchased by the government with large compensation payments to Maori to this day. **Fact!**

## **Treaty is not our Founding Document!**

The Treaty of Waitangi was not our Founding Document. It was an agreement between Queen Victoria and the tangata Maori chiefs that gave sovereignty over all the island of New Zealand to Britain. No More, no less! **Fact!**

## **The Treaty had served its purpose.**

The Treaty had served its purpose on the 21 May 1840 when Britain declared sovereignty over all the islands of New Zealand. The treaty was then filed away where it should have remained. It was later damaged by fire and rats. **Fact!**

## **New Zealand placed under the dependency of N. S.W.**

New Zealand was placed under the laws and dependency of New South Wales once the Treaty was signed until Britain decided how it would treat with New Zealand. **Fact!**

## **New Zealand became a British Colony.**

On the 16 November 1840 Queen Victoria granted Her Royal Charter that made New Zealand into a British Colony with its own Governor and Constitution to form a government to make laws with courts and judges to enforce those law under one flag and one law, irrespective of race colour or creed. **Fact!**

See Constitution below.

## **Our True Founding Document and first Constitution.**

Queen Victoria's 1840 Royal Charter/Letters Patent was our true Founding Document and first Constitution as it set up our political, legal and justices systems on the 3 May 1841. It referred to all the people of New Zealand and guaranteed to them; their lands, their settlements and all their property which they could prove they owned or was occupied by them at the time the Treaty was signed. **Fact!** See Queen Victoria's Royal Charter our true Founding document and first Constitution below.

## **Tiriti o Waitangi**

Ko Wikitoria te Kuini o Ingarani i tana mahara atawai ki nga Rangatira me nga Hapu o Nu Tirani i tana hiahia hoki kia tohungia ki a ratou o ratou rangatiratanga me to ratou wenua, a kia mau tonu hoki te Rongo ki a ratou me te Atanoho hoki kua wakaaro ia he mea tika kia tukua mai tetahi Rangatira – hei kai wakarite ki nga **tangata maori** o Nu Tirani – kia wakaaetia e nga Rangatira maori te Kawanatanga o te Kuini ki nga wahikatoa o te Wenua nei me nga Motu – na te mea hoki he tokomaha ke nga tangata o tona Iwi Kua noho ki tenei wenua, a e haere mai nei.

Na ko te Kuini e hiahia ana kia wakaritea te Kawanatanga kia kua ai nga kino e puta mai ki te **tangata maori** ki te Pakeha e noho ture kore ana.

Na, kua pai te Kuini kia tukua a hau a Wiremu Hopihona he Kapitana i te Roiara Nawi hei Kawana mo nga wahi katoa o Nu Tirani e tukua aianeia, amoa atu ki te Kuini, e mea atu ana ia ki nga Rangatira o te wakaminenga o nga hapu o Nu Tirani me era Rangatira atu enei ture ka korerotia nei.

## KO TE TUATAHI

Ko nga Rangatira o te wakaminenga me nga Rangatira katoa hoki ki hai i uru ki taua wakaminenga ka tuku rawa atu ki te Kuini o Ingarani ake tonu atu – te Kawanatanga katoa o ratou wenua.

## KO TE TUARUA

Ko te Kuini o Ingarani ka wakarite ka wakaae ki nga Rangatira ki nga hapu – ki nga tangata katoa o Nu Tirani te tino rangatiratanga o ratou wenua o ratou kainga me o ratou taonga katoa. Otiia ko nga Rangatira o te wakaminenga me nga Rangatira katoa atu ka tuku ki te Kuini te hokonga o era wahi wenua e pai ai te tangata nona te Wenua – ki te ritenga o te utu e wakaritea ai e ratou ko te kai hoko e meatia nei e te Kuini hei kai hoko mona.

## KO TE TUATORU

Hei wakaritenga mai hoki tenei mo te wakaaetanga ki te Kawanatanga o te Kuini – Ka tiakina e te Kuini o Ingarani nga **tangata maori** katoa o Nu Tirani ka tukua ki a ratou nga tikanga katoa rite tahi ki ana mea ki nga tangata o Ingarani.

[signed] William Hobson Consul & Lieutenant Governor

Na ko matou ko nga Rangatira o te Wakaminenga o nga hapu o Nu Tirani ka huihui nei ki Waitangi ko matou hoki ko nga Rangatira o Nu Tirani ka kite nei i te ritenga o enei kupu, ka tangohia ka wakaaetia katoatia e matou, koia ka tohungia ai o matou ingoa o matou tohu.

Ka meatia tenei ki Waitangi i te ono o nga ra o Pepueri i te tau kotahi mano, e waru rau e wa te kau o to tatou Ariki.

# Queen Victoria's Royal Charter of 1840.

## OUR 'TRUE' FOUNDING DOCUMENT AND 'FIRST' CONSTITUTION

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

By 1831 intertribal fighting had devastated the "tangata Maori" population and 13 Ngapuhi chiefs asked King William IV to be their guardian and protector, but it was soon found this could only be successfully achieved by Britain obtaining sovereignty over all the Islands of New Zealand and "tangata-Maori" becoming British Subjects.

During 1840, starting on the 6th February the Treaty of Waitangi was signed between 512 "tangata Maori chiefs" and Queen Victoria where the chiefs gave up their territories and governments to legally allow British Sovereignty over all the Islands of New Zealand under the dependency and laws of New South Wales. This arrangement only lasted for 12 months before New Zealand separated from New South Wales by Royal Charter and became a British Colony on the 3 May 1841



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

With British Sovereignty firmly asserted, Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 ratified that Sovereignty had been legally and morally obtained by Great Britain over all the Islands of New Zealand. This was recognised and accepted by the rest of the world, including the hundreds of Chiefs that attended the Kohimarama Conference in 1860 and Maori Parliament in 1879.

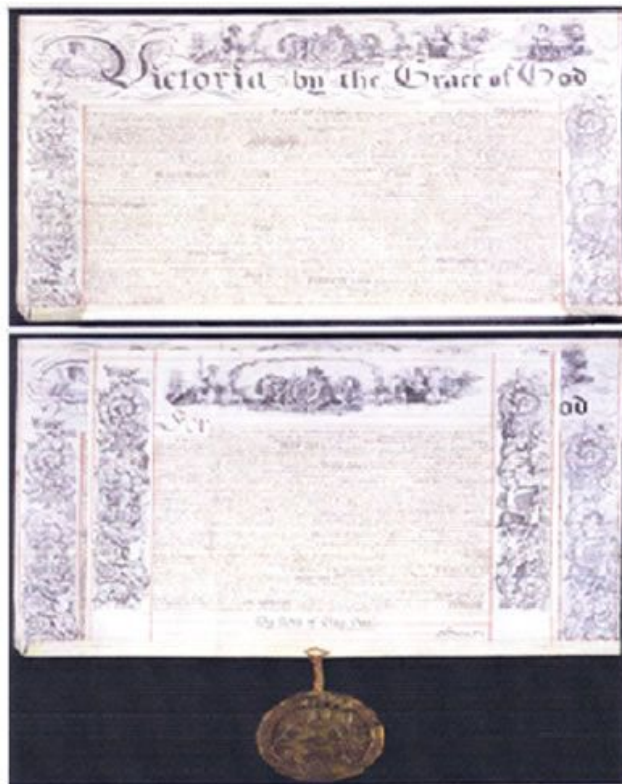
Queen Victoria's Royal Charter/Letters Patent with its Royal Seal attached separated New Zealand from New South Wales on the 3 May 1841 and New Zealand became a British Colony with a Governor and a Constitution to form a legal government to make laws with courts and judges to enforce those laws, all under the watchful eye of Great Britain. **Lt. Governor Hobson was sworn in as our first Governor on the 3 May 1841 and the first sitting of the Legislative Council (Government) was held on the 24 May 1841.**

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

The Treaty of Waitangi was an agreement between "tangata

Maori" and Queen Victoria for Britain to gain sovereignty over the Islands of New Zealand. Queen Victoria's Royal Charter/Letters Patent was our 'true' Founding Document and 'first' Constitution that set up our political, legal and justice systems under one flag and one law for all.

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



*Queen Victoria's Royal Charter/Letters Patent with its Royal Seal, separated New Zealand from New South Wales and New Zealand became a British Colony of the 16 November 1840 under one law and one flag, irrespective of race, colour or creed.*

It is interesting to note that Te Papa and the Ministry of Justice Electoral and Constitutional Policy Unit do not hold copies or any information on the Royal Charter/Letters Patent. We asked Te Papa under the Official Information Act (OIA), "Does Te Papa have a copy of Queen Victoria's Royal Charter and if so, why is it not given its rightful place at Te Papa"? Claire McClintock, Senior Advisor, Office of the Chief Executive, Te Papa, Museum of New Zealand replied. "Te Papa does not have a copy of the Charter".

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



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

*Archives New Zealand's disc of the, "Charter of 1840, Constitution of the Colony of New Zealand into a separate colony, 16 November 1840".*

*Use it or lose it!*

Our governments and academics have completely ignored the Royal Charter/Letters Patent as our 'true' Founding Document and 'first' Constitution since the 1975 Treaty of Waitangi Act.

There is no doubt the Government and some part-Maori do not want this document made public as it would show how the people of New Zealand have been misled by their Politicians and Governments since the 1975 Treaty of Waitangi Act and the apartheid Waitangi Tribunal it created. Queen Victoria's Royal

Charter/Letters Patent is our true Founding Document and first Constitution as confirmed by the New Zealand Gazette Notices below.

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

**THE NEW ZEALAND GOVERNMENT GAZETTE.**

(PUBLISHED BY AUTHORITY)

No 12] KORORAREKA BAY OF ISLANDS, MAY 6, 1841 [ GRATIS.

DECLARATION OF THE INDEPENDENCE OF NEW ZEALAND, AND THE  
APPOINTMENT OF HIS EXCELLENCY, CAPTAIN WILLIAM HOBSON, RN  
AS GOVERNOR IN CHIEF IN AND OVER THE SAME.

**THE CAPITAL.**

By the latest accounts from Auckland we learn that the "James" had arrived from London bearing HIS EXCELLENCY'S Commission as Governor in Chief, in and over the Islands of New Zealand, and her Majesty's Order in Council for their separation from New South Wales. His EXCELLENCY was pleased to appoint Monday last for Proclaiming the same, and shortly afterwards a Levee was to have been held. In the Evening HIS EXCELLENCY was to have given a grand Dinner at Government House, to which all the *elite* of Auckland and the surrounding country have received invitations.

**KORORAREKA.**

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

Edney and Hemmings, and also at the Flag Staff Hill.

### **THE ILLUMINATIONS.**

It is impossible for us in our limited space to describe the demonstrations of joy the inhabitants manifested in the evening on the happy occasion. Illuminations – fire-works – burning of tar barrels – firing of muskets and pistols from the hills and all parts of the Town – the parading of a band of music through the streets – the rejoicing of the Mauries – their war and other dances – all tended to make it one of the happiest possible. Among the best illuminated premises we noticed the Russell Hotel, which was very brilliant, as were those of Messrs Edney and Hemmings, on the Beach Mr. Dunn's Inn, York street, Wood's Hotel, the Gazette Printing Office, Captain Clayton's new house, Mr Fenton's &c., &c. The night was remarkably clear – the reflections of the red blaze from the Town mingling with the softened light from the "young May moon" falling upon the sparkling waters of the Bay produced a charming effect. There could not be less than two hundred Mauries on the Beach during the evening. We regret that His Excellency had not witnessed the fervour of their rejoicing. Several of the men carried muskets and powder flasks – many Maurie boys carried small flags on handsomely carved batteaus(?) – and the females, also, vied with their partners in their manifestations of delight. The entire proceedings happily passed over without the slightest accident.

A party of Gentlemen were entertained at dinner by Henry Thompson, Esq., at his residence, Kororareka, – for the particulars of which we are indebted to a gentleman who was present. Although the party consisted of Mr. Thompson's own friends, yet it was purely a public dinner, and was given by him in honor of His Excellency's Appointment to the Governorship-in-Chief of New Zealand. The guests were – Captain Beckham, our Police Magistrate, Robert Fitzgerald, Esq., the newly appointed Police Magistrate, Frederick Whittaker, Esq., Captain Anwyl, John Scott Esq., W. S. Graham

Esq., Captain Peil, Alexander Kennedy, Esq., Eugene Cafler, Esq., Daniel Pollen Esq., M.D. and John Hoggard Esq. Mr Thompson acted as Chairman, and Mr Grahame as vice Chairman. The cloth having been removed the usual toasts of – The Queen and the infant Princess – Prince Albert and the Royal Family – and the Army and Navy – were proposed and drank with all the honors. John Scott Esq., replied to the last toast on behalf of the Army with all the enthusiasm which should belong to every British Officer, and which he strongly felt at the announcement of the toast, as it recalled to his recollection those happy days of his life when he had the honor of belonging to that glorious establishment. The Chairman now called for bumpers – rose to propose the Toast of the Day and spoke as follows: Gentlemen, – we have assembled here this day for the purpose of celebrating an event of the highest importance in our admired land. At noon of this day His Excellency the Governor proclaimed New Zealand a distinct and independent Colony – an event which will live long in our memories, and will form the subject of conversation of many a future and happy hour. But, gentlemen, we have met here more particularly for the purpose of doing honor to His Excellency Captain Hobson, on his appointment to the Governorship-in-Chief of New Zealand – a measure, which has produced in my breast, and which I am certain, will be responded to by every heart present – but one feeling, namely, that of unmingled delight. Had there been time since our arrival here, which was only yesterday, to have called a public dinner, it certainly would have been done, and even yet if one is got up, I have no doubt all present will be happy to attend. But it seemed to me that our rejoicings at Kororareka should be simultaneous with those at Auckland. Accordingly, Gentlemen, I avail myself of the pleasure of your company on this day, to what may be termed a private public dinner. Gentlemen, – His Excellency, previous to his arrival in this Colony, had already earned for himself a name, which guaranteed its descent into posterity. It was his good fortune to distinguish himself in an elevated position in the service of his Country. He belongs, Gentlemen,

to the most glorious Establishment – to the most formidable armada that ever graced and terrified the world. His Excellency has now, however, entered on an entirely different sphere, and there can be no doubt that the same energy – the same judgment, and the same ability that qualified him so well for Naval Command will fit him for the high office to which it has pleased Her Majesty to appoint him.

To Captain Hobson's amiability, to his love of justice, to his strict regard for economy, and to his sterling integrity. I can bear witness; and that he may be an excellent Governor, it is only necessary that he should have around him good and faithful Councillors – men of informed and independent minds –

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

(PUBLISHED BY AUTHORITY)

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

### **PROCLAMATION**

**BY HIS EXCELLENCY CAPTAIN WILLIAM HOBSON, GOVERNOR AND  
COMMANDER IN CHIEF IN AND OVER THE COLONY OF NEW ZEALAND AND  
ITS DEPENDENCIES.**

WHEREAS HER MAJESTY has been pleased by Letters Patent under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the Sixteenth Day of November, in the Year of our Lord One Thousand Eight Hundred and Forty, to erect the ISLANDS of NEW ZEALAND into a SEPARATE TERRITORY by the Name of HER MAJESTY'S Colony of NEW ZEALAND: Now, therefore I THE GOVERNOR AND COMMANDER IN CHIEF, by COMMISSION under the GREAT SEAL appointed, do hereby Notify and Proclaim

that under Her Majesty's said LETTERS PATENT the ISLANDS of NEW ZEALAND are henceforth to be designated and known as HER MAJESTY'S Colony of NEW ZEALAND and its DEPENDENCIES. And I do hereby further Notify and Proclaim, that Her Majesty has been pleased to direct that the Three Principal Islands of NEW ZEALAND hereafter or commonly Called – "THE NORTHERN ISLAND," "THE MIDDLE ISLAND," AND STEWART'S ISLAND" shall henceforth be designated and known respectively as "NEW ULSTER," "NEW MUNSTER" AND "NEW LEINSTER," of which all Her Majesty's Subjects are hereby required to take Notice. GIVEN UNDER MY HAND AND SEAL AT GOVERNMENT-HOUSE, AUCKLAND, THIS 3RD DAY OF MAY, IN THE FOURTH YEAR OF HER MAJESTY'S REIGN, AND IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-ONE.

By His Excellency's Command, (SIGNED)

WILLOUGHBY SHORTLAND. W. HOBSON, GOVERNOR.

GOD SAVE THE QUEEN.

## **PROCLAMATION.**

BY HIS EXCELLENCY CAPTAIN WILLIAM HOBSON, GOVERNOR AND COMMANDER IN CHIEF IN AND OVER THE COLONY OF NEW ZEALAND AND ITS DEPENDENCIES. &c., &c., &c,

WHEREAS HER MAJESTY has been graciously pleased, by Commission under the Great Seal of the United Kingdom of Great Britain and Ireland, bearing date the sixteenth day of November, in the Year of our Lord 1840, to constitute and Appoint me, WILLIAM HOBSON, ESQUIRE, CAPTAIN IN HER MAJESTY'S ROYAL NAVY, to be GOVERNOR AND COMMANDER IN CHIEF in and over Her

Majesty's Colony of New Zealand and its Dependencies.

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

THE COLONIAL SECRETARY OF THE SAID COLONY FOR THE TIME BEING

THE ATTORNEY GENERAL OF THE SAID COLONY FOR THE TIME BEING

THE COLONIAL TREASURER OF THE SAID COLONY FOR THE TIME BEING

And I do hereby Proclaim and Declare, that Her Majesty has been further pleased to Appoint a LEGISLATIVE COUNCIL for the said Colony of New Zealand and its Dependencies, – and to Appoint and Direct that such Legislative Council shall be formed and shall consist of the following Members:-

HIS EXCELLENCY THE GOVERNOR FOR THE TIME BEING

THE COLONIAL SECRETARY FOR THE TIME BEING

THE ATTORNEY GENERAL FOR THE TIME BEING

THE COLONIAL TREASURER for the time being, AND

THE THREE SENIOR JUSTICES OF THE PEACE, nominated as such in any Commission of the Peace to be issued by me, the said GOVERNOR AND COMMANDER- IN-CHIEF, or by the Governor or Acting-Governor for the time being. The GOVERNOR, fully impressed with the magnitude and importance of the duties thus confided to him, is supported by the hope that Almighty God will bless his best efforts to give full effect to these Her Majesty's most gracious measures for the establishment of Peace and Order in this important Colony; and he relies with

confidence on the loyalty of the Colonists, and on their hearty cooperation with the Government in cultivating those feelings of mutual good will which alone can insure to them the future benefit of Her Majesty's solicitude for their welfare and prosperity.

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

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

(signed)

WILLIAM HOBSON,

GOVERNOR.

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

HIS EXCELLENCY, THE GOVERNOR has been pleased to appoint the undermentioned Gentlemen to the MAGISTRATES of the Territory of New Zealand, viz.:

Beckham, Thomas Hanson, R. Davis Bunbury, Thomas Hunter, George Clarke, George Johnson, John Coates, James Mair, Gilbert Wakefield, William Cooper, George McDonogh, Arthur Edward Symonds, William Cornwallis, Dawson, Gilbert Francis Martin, S., M.D. Clendon, James Reddie Fisher, Francis Mathew, Felton Fitzgerald, Robert A. Murphy, Michael Godfrey, Edward Lee Powditch, William Halswell, Edward Store Richmond, Mathew

# THE NEW ZEALAND GOVERNMENT GAZETTE.

(PUBLISHED BY AUTHORITY)

No 17] KORORAREKA BAY OF ISLANDS, June 24, 1841 [ GRATIS.

First Sitting Of THE LEGISLATIVE COUNCIL OF NEW ZEALAND.

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

Honorable. W.SHORTLAND, Colonial Secretary,

Honorable FRANCIS FISHER, Attorney General,

Honorable GEORGE COOPER, Colonial Treasurer,

E.S.HALSWELL, Esq., one of three Senior Justices,

Being present received the Oaths and took their Seats in the Legislative Council accordingly.

JAMES COATS, Esq., was appointed Clerk of the Council, and took the Oaths of Office.

HIS EXCELLENCY then delivered the following SPEECH :-

I have availed myself of this early period to assemble the Members of the Legislative Council for the purpose of bringing under consideration, certain measures, which the altered

circumstances of the Colony seem to me urgently to require. At this our first Meeting, I deem it proper to draw your attention, not only to the Royal Charter, but to the highly important Instructions under the Royal Signet and Sign Manual, which accompany it. The Charter as you are already aware, erects the Islands of New Zealand, and certain Dependencies, into a separate Colony, under the Superintendence of a Governor and Commander-in-Chief. It constitutes a Legislative Council, who are empowered to enact Laws and Ordinances for the **Local Government of the Colony**. It authorises the establishment of Courts of Justice, and the issue of Commissions of the Peace—and, in fact brings into complete operation, **British Laws**, throughout the whole Colony of New Zealand.

The Instructions under the Royal Signet and Sign Manual more particularly define the functions of the Governor and Council, and in a clear, perspicuous manner point out the duties of each. In order that you, Gentlemen, may have an opportunity of acquainting yourselves with those particular duties, I have directed the Instructions to be laid on the table, and kept open for your perusal in the **Council Chamber**.

I regret that I cannot at the present Meeting, lay before you the estimates of the following year, which, although in a forward state of preparation, are incomplete, owing to the non-arrival of the directions from the Lords of the Treasury, of which I am advised, and which may be daily expected.

HIS EXCELLENCY THE GOVERNOR, continues: GENTLEMEN, —I shall lay before you an Ordinance for the present re-adoption of all such Acts of New South Wales as were in force previous to our separation, and are now applicable to this Colony. It is not my intention, however, eventually to propose for your adoption, the Laws of New South Wales, but it will be my endeavour, during the recess, aided by the advice and assistance of the Law Officers of the Crown, to prepare for your consideration, such Laws as will best provide for the

Administration of Justice, and the contingencies of social life, which may be expected to arise in New Zealand, therefore the measures now proposed to you, must be deemed temporary, and contingent as resulting from the present peculiar condition of the Colony. By command of Her Majesty I will bring under your consideration, the Repeal of the Land Commission Act, and submit for your adoption, an Ordinance for the same general purposes, but granting to the Governor of New Zealand, the same powers as those heretofore enjoyed by the Governor of New South Wales. I will likewise lay before you, Bills for the Regulation and Collection of the Revenue of Her Majesty's Customs, for establishing Courts of Quarter Sessions and Requests, and for the prohibition of Distillation. – These, Gentlemen, are the only subjects for the present, on which I shall require you to deliberate.

GENTLEMEN, –We have a solemn and important duty to perform: by our means conflicting interests are to be reconciled; Harmony and Tranquility established, and measures are to be adopted for improving and elevating the character of the Aboriginal Inhabitants. In this salutary work, I confidently look for your cordial assistance and cooperation, and I trust under Devine Providence, we shall be enabled to accomplish these important objects, and give effect to Her Majesty's gracious and benign views for the welfare, prosperity, and Civilization of this Colony.

After laying on the Table the Indemnity Bill, THE GOVERNOR adjourned the Council until

Thursday, 27th May 1841.

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



A pristine copy of Queen Victoria's Royal Charter of 1840 should be in pride of place in every school and government building in New Zealand instead of the Treaty of Waitangi. It

**is our true Founding Document and first Constitution, a document all New Zealanders should be extremely proud to honour. Let's all join forces and make it happen.**

**CONCLUSION by Ross Baker, Researcher, ONZF.**

Any breach against the Crown after the 21 May 1840 can only be a breach against the laws of New South Wales or New Zealand and not the Treaty of Waitangi. New Zealand did not come under the laws of England until the 21 May 1840, after the Treaty had served its purpose. All alleged claims against the Crown since 1975 should have been heard by our Justice System where all New Zealand citizens could have participated as they were in the 1930's and 1940's when most of the recent claims were "fully and finally" settled. They should not have been heard by the apartheid Waitangi Tribunal or the Crown that allows our history and the Treaty of Waitangi to be continually distorted to allow these claims to proceed. The Treaty of Waitangi and/or Queen Victoria's Royal Charter/Letters Patent gave **no** exclusive rights to Maori; we were all given the same rights under one flag and one law, irrespective of race, colour or creed!

**A pristine copy of Queen Victoria's Royal Charter of 1840 should be in pride of place in every school and government building in New Zealand instead of the Treaty of Waitangi. It is our true Founding Document and first Constitution, a document all New Zealanders should be extremely proud to honour.**

**Let's all join forces and make it happen!**

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# Allan Titford Update, 11 April 2017

Prepared by Ross Baker, Researcher, One New Zealand Foundation Inc. 12/4/1017. (C)

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



It must be remembered Allan Titford was a completely innocent victim when the Crown decided it wanted his freehold titled farm to help settle Te Roroa's "alleged" Treaty of Waitangi claim, but Allan refused to sell his farm until the Rural/National Bank joined forces with the Crown to bankrupt him over a 5 year period forcing him to sell his farm, under duress, without legal advice and well below its true market value. As his father's

farm was held as security by the Rural/National Bank for a loan Allan had on his farm, his father would also lose his farm that had been in the family for 100 years.

Allan's farm had an approved seaside subdivision on part of it and when sold would have repaid the Bank and made him debt free, but the Crown destroyed all this, including a young innocent family to satisfy Te Roroa's "alleged" Treaty of Waitangi claim. See letter below from the late Ngapuhi Chief, Mr Graham Rankin.

The original Sale Agreement to purchase Allan's 1650 acre freehold titled farm at Maunganui Bluff was drafted by **Philip Fox Solicitors** in 1994. On the 8 December 1995 Allan, on his New Zealand Lawyer Mr Clive Jackson's advice, decided he now had no other option than to sign this Agreement, under duress, or he would lose everything as well his father would lose his farm The Bank held as security.

On the 12 December 1995, and without legal advice, Allan was forced, under duress, to sign a new Sale Agreement drafted by the **Crown Law Office** that he had never seen before, this included many new clauses, especially a clause that Allan could not sue the Rural/National Bank for mismanagement of his farm when it was under the Bank's financial control. He made and signed a large amendment to page 11 of the new Sale Agreement that he was selling his farm, under duress, and as he was in Tasmania, he had a Tasmanian Notary Public, Mr Sam Samec, who was paid by the New Zealand Crown, witnessed this amendment.

Allan and Mr Samec also initialled pages 10 and 12 and both signed the execution page 13 but left the other pages uninitialled as they were not the pages Allan had agreed to sign on the advice of his New Zealand lawyer, Mr Clive Jackson, on the 8 December 1995. Allan's New Zealand lawyer, Clive Jackson said if he had seen this agreement before he signed it he would have advised Allan, "*Not to sign it*"! The Notary Public then sent the Sale Agreement back to the **Crown Law Office** later that morning.

Allan and his New Zealand lawyer, Clive Jackson,

were refused copies of the fully executed Sale Agreement after being signed by the Commissioner of Crown Lands, Mr Sam Brown, on behalf of Her Majesty the Queen, therefore, they had no idea the documents had been tampered with. If Mr Brown had known Allan was selling his farm, under duress, he would not have signed the Sale Agreement as an contract signed, under duress, cannot be enforced in a court of law.

When Allan and the One New Zealand Foundation eventually received a copy of the fully executed Sale Agreement under the Official Information Act in 2004, page 10, 11, and 12 that both Allan and Mr Samec had initialled had been substituted for clean pages. While every page of the fully executed Sale Agreement had been initialled by Mr Sam Brown, not one page was initialled by Allan or Mr Samec.

In 2010 Allan found a copy of the original agreement in a government file with page 10, the amended page 11 and page 12 that he and Mr Samec had both initialled but had been substituted for clean pages in the Agreement Mr Sam Brown, the Commissioner of Crown Lands, had been given to sign in 1995.

Once we presented the original Sale Agreement with the amendment to page 11 and the initialled pages 10 and 12 to the **Crown Law Office** and a letter from Mr Samec and Mr Jackson stating that neither of them had given Allan legal advice before he was forced to sign the new **Crown Law Office Sale Agreement**, we believe the Crown had no other option than to:-

1. Admit the documents had been tampered with by the **Crown Law Office** and pay Allan compensation for having his farm

- taken for an “alleged” claim using corrupt documents, or
2. Convict Allan on “alleged” assault charges against his children, burning down his house and assaulting and raping his wife. **The Crown chose this option! Surprise, surprise!**

When the Crown found Allan’s wife Susan was divorcing him because she had had enough of the claim, the constant harassment by the Crown and the Police and wanting to take control of the family Trusts; the Crown gave her immunity in February 2010 to help the Police lay 58 charges against Allan. The court breaching 3 fundamental principles of our legal system to convict and jail Allan for 24 years!

1. *The criminal justice system must be, and must be seen to be, free from political interference.* I attended the meeting where the Hon John Carter gave Allan’s estranged wife Susan immunity from prosecution to help the Crown and Police lay charges against Allan. Susan Stating, “*I think when they go to get him they are going to get him for as much as they can*”, and they certainly did!
2. *One of the most crucial aspects of a fair legal trial is the right to call witnesses on both sides.* Although Allan had given his Crown paid lawyer a list of witnesses, he refused to call any in Allan’s defence.
3. *A man is innocent until proven guilty.* Allan was not found guilty, he had a guilty verdict handed down by Judge Duncan Harvey who had only heard the Crown’s witnesses.

Allan has waited over 3 years for a hearing date for his appeal, but as the Crown has him where they want him and are in no hurry to allow him an appeal. In fact, he should be completely exonerated because of the way his trial was

conducted; it was no more than,

**“A malicious prosecution of a political nature to pervert the course of Justice”.**

In September 2015 Chief Ombudsman, Dame Beverley Wakem, made another unforgivable mistake when she stated Allan had been convicted of sexually assaulting his children, the worst crime any father can be accused. While she apologised, this seems to have been picked up by Allan’s Case Manager Erica Hiyama at Corrections and Allan’s 5 year old son Leo was immediately refused visiting rights to his father. Since then, the ONZF has been trying to have Leo’s visiting rights restored, but Corrections and the Crown seems to want to make Allan’s prison term as miserable as they possibly can. Both Erica Hiyama and Chief Ombudsman, Dame Beverley Wakem have now “left” their employment and the new Chief Ombudsman, Judge Peter Boshier, refuses to reply to our letters as does the **Crown Law Office**.

This was the first claim by the apartheid Waitangi Tribunal which stated, *“This land must be returned to Te Roroa at whatever cost”*. The Crown did not want egg on its face with its first claim and decided to take Allan’s farm, *“At whatever cost”*, including tampering with the Sale Agreement.

The Minister of Justice, Hon Doug Graham, who signed the Deed of Sale on behalf of Her Majesty the Queen, initialled Allan’s amendment to page 2 of the Deed of Sale stating, that Te Roroa’s claim was only an *“alleged”* claim because he knew there was no evidence to prove otherwise.

This claim had already been heard by Chief Judge Shepherd in

1939 and after a full investigation by the court, it was found there was no case to answer and Parliament rejected the claim in 1942.

As Allan has no family or friends in Auckland he asked if he could be moved to Ngawha Prison in Northland, but so far has been refused. What else can the Crown do to break this man! A man that has not only fought for his own rights but for the rights of every New Zealander who owns land, therefore, he needs and deserves our support for a fair re-trial or to be completely exonerated.

Allan Titford has suffered enough at the hands of the Crown and its bureaucrats, especially those in the Waitangi Tribunal, the Police, the Crown Law Office, the Ombudsman's Office and the courts; they all helped to put Allan where he is today, teaming up to protect each other when the Crown stole Allan's freehold titled farm for Te Roroa's "alleged" Treaty of Waitangi claim. *"The work of the claim was shoddy, unclean and destructive in the eyes of our New Zealand Society. Bad research coupled by greed and inefficiency"*, the late Mr Graham Rankin, see letter below, therefore, there is no doubt that Allan Titford's trial was;

**"A malicious prosecution of a political nature to pervert the course of Justice".**

Allan not only fought for his rights, he fought for every land owner's rights in New Zealand by initiating the **1993 Treaty of Waitangi Amendment Act**, *"That private land is sacrosanct and totally excluded from Treaty claims and the settlement process"*, but the Crown still took his land, two years after the Act was passed.

**We must now fight for Allan to be completely exonerated, he was not the villain here!**

For further information, the following two books can be purchased from, ONZF, P.O. Box 7113, Pioneer Hwy, Palmerston North. \$10-00 each, incl. P & P. **"STOLEN LANDS AT MAUNGANUI BLUFF"** and **"WHY ALLAN TITFORD WAS JAILED FOR TWENTY FOUR YEARS"**, both a must read for the truth.

It's time the Government and the media told the truth on why Allan Titford was jailed for twenty four years!

*June 4th 2001.*

*Minister of Treaty  
Claims,*

*Hon Margaret Wilson.*

*Tena koe,*

*Eighteen months ago I met a man of good Bohemian stock. I have met him several times later, a young man with a terrible bile in his belly, and rightfully so.*

*No living person should suffer the pain he and his wife and children, at the hands of Government and Associates, Ministers in particular. From the time the Te Roroa claim took effect, I asked, "could this be the land of our fathers".*

*In my view, how could Te Awha Parore and Tiopira own so much land, when Maori, at some time in our history had communistic*

laws? The Chief only apportions a small parcel of land for family requirements, no more, no less. The land belonged to the Tribe not the chief.

Te Roroa people are only squatters, living on the edge of Waipoua Forest. They don't even know what they are!! Ngatiwhatua or Ngapuhi. Like the Israelites, driven out of the Bay of Islands to Whangaroa, then fled with Hongi Hika in chase to Waipoua.

My Ngaitu people were the earlier settlers, our Tupuna, Chief Kohuru of the funerary chests at Kohekohe. I am angry that the chests were never returned to Kohekohe, but interred in a simple ceremony at Waimamaku without permission.

I have read the Te Roroa report, also attended the findings at Waikara Marae, men and women in the finery, Ministers, Members of the Tribunal, others in country apparel, gumboots, oilskins, horses, tractors and dogs, out for a great day. The big tops, a large dining area, all at the expense of the Government of the day.

Before the seal had set, this 15th day of May 1990, the great philosophers found there was a grave mistake. Accordingly, a prompt change to the Act was pushed through by Parliament, "land that was owned by private ownership should not be challenged". The work of the claim was shoddy, unclean and destructive in the eyes of our New Zealand Society.

My question Minister, the land can never be given to Maori, sitting as a "crown jewel" when it should be returned to Allan Titford, now.

I asked Titford to bring me copies, various deeds, Court minutes, successions before writing. I am satisfied what I have witnessed, by the sequence of events, from the time the Crown purchased Maunganui lands from Te Awha Parore in successions, or lease, is compatible with the standard within the law of our country.

*Also let it be known to the Tribunal and yourself, in permanent storage, Turnbull Library had "an epitome" of official documents, relative to native offers and land purchases in the North Island of New Zealand. A very useful follow up guide for claims. Compiled and edited by N.Hansen Turton. There is a large section contained about Maunganui lands.*

*Enclosed, is exhaustive research provided by Titford. Maps and Deeds can be supplied if required. I am a devoted protector of my Maori Peoples interests if a case is fair and accurate, same goes for Pakeha people.*

*I must reiterate, this must be the saddest case I have come upon. Bad research coupled by greed and inefficiency. Please have the Tribunal sight this letter. Be guided by extra care in the future.*

*Tena Koe Hoi ano*

*Signed, Graham Rankin, Ngapuhi Elder.*

*Regards to our Great Prime Minister.*

The late Graham Rankin was a respected Ngapuhi Chief who knew the whakapapa and history of this land and its people far better than the claimants, the Crown or the Waitangi Tribunal, but the Crown failed to listen and gave Allan Titford's land to Te Roroa, **"when they were only squatters living on the edge of the Waipoua Forest"**! **FACT!**

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# Hon Nick Smith Breaches Queen Victoria's 1840 Royal Charter

5 March 2017.



Hon Dr Nick Smith,  
Minister for the Environment,  
Parliament Building,  
Wellington.

Dear Sir,

**RE: Queen Victoria's Royal Charter of 1840 and the RMA Bill.**

I have just read a copy of your letter below which seems to be your standard reply to those concerned about the apartheid RMA Bill before Parliament.

The One New Zealand Foundation Inc. is concerned that it seems you have no idea that the Tiriti o Waitangi only gave tangata Maori, *"The same rights as the people of England"* on a temporary basis under the laws and dependency of New South Wales from the 21 May 1840 when Britain declared sovereignty over all the Islands of New Zealand until the 3 May 1841 when New Zealand became a British Colony of one flag and one law. **Fact!**

Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 made New Zealand into an independent British Colony on the 3 May 1841 with its own Governor and 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. Queen Victoria's Royal Charter was New Zealand's "true" Founding Document. **Fact!**

Unfortunately, governments have completely ignored Queen Victoria's Royal Charter/Letters Patent which has caused the Treaty to be used as our Founding Document giving Maori special right that were never intended by those that signed the Tiriti o Waitangi or Queen Victoria's Royal Charter dated the 16 November 1840.

Over 500 tangata Maori chiefs gave up their tribal or iwi territories to Great Britain in 1840 and every tangata Maori became a British Subject in 1840 confirmed by the 1865 Natives Rights Act. Governments should know that a British Subject cannot be in "Partnership with the Crown or the Monarchy". **Fact!**

What document gave iwi the right to be consulted on New Zealand law, especially the RMA Bill?

While the One New Zealand Foundation Inc. has discussed the Royal Charter with Te Papa they refuse to display it, therefore denying its 1.5 million visitors per years of our true history, including it seems, our Prime Minister, the Hon Bill English.

Our Governor Generals since the Most Rev Sir Paul Reeves have continued to grant Royal Assents to apartheid Bills that give Maori special rights over their fellow New Zealand Citizens. See attached article.

Sir, there is absolutely nothing in our history that gave iwi special rights not enjoyed by all the people of New Zealand. To do so is to dishonour those that signed the Tiriti o Waitangi in 1840 and Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840.

It is interesting to note, Prime Minister, Hon Bill English had never heard of Queen Victoria's Royal Charter until we brought it to his attention last year. How could this man be Prime Minister without knowing how New Zealand separated from New South Wales and became a British Colony with its own Constitution to form its own political, legal and justice systems?

I would imagine you and many other MP's would also be completely unaware of Queen Victoria's Royal Charter of 1840,

otherwise you and the rest of the MP's would not continue down this path of separatism by giving iwi Consultation Rights in the RMA Bill or any other Bill or Act of Parliament that the Tiriti o Waitangi and Queen Victoria's Charter Royal Charter made perfectly clear, must never happen!

You state in your final sentence in your letter below, "*It is important that the Bill is clearly understood as the benefits are significant*". The only benefit the One New Zealand Foundation Inc. can see, is the benefit to one small group of New Zealand citizens that can claim a minute trace of tangata Maori ancestry that was never intended by those that signed the Tiriti o Waitangi in 1840 or by Queen Victoria in Her Royal Charter of 1840. **Fact!**

See attached articles for your information which both appear on our website, [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz). Please feel free to pass this on to other MP's who are possibly also ignorant of out true history.

Yours sincerely.

Ross Baker.

Researcher, One New Zealand Foundation Inc..

## Standard letter from Hon Nick Smith.

Dear Ian,

Thank you for your email of 2 April 2017 regarding the Government's Resource Management Act (RMA) reforms through the Resource Legislation Amendment Bill (Bill).

The Resource Legislation Amendment Bill contains significant gains that will reduce costs and get better outcomes, including:

- Faster, simpler plan making
- Thousands fewer consents required
- Fewer opportunities for appeals
- Less duplication with other Acts
- Better management of natural hazards
- Increased legal weighting for property rights.

This reform is critical to addressing housing supply and affordability by making it easier, faster and less costly to create new sections. Section prices in Auckland have gone from \$100,000 in 1990 to \$530,000 today and are the core reason housing has become excessively expensive. It addresses this core issue by opening up land supply, reducing the time taken to get consents, reducing the cost of land subdivision and enabling the construction of infrastructure. Parties that are opposing this Bill are blocking the very changes that will make housing more affordable.

An assertion which has been made about the process is that iwi participation arrangements will impose onerous multiple consultation requirements on councils and consent applications. This is not correct. Current requirements for consulting iwi are cumbersome and cause a lot of frustration. The new arrangements will clarify which iwi need to be consulted, and on what issues. Some councils already have these arrangements and they are proving to work well. By agreement, large numbers of consents are not referred to iwi, as they are not related to issues in which iwi have an interest.

The Bill requires that the iwi participation arrangements support timely consent decisions and that compliance costs must be minimised. The law makes plain that these arrangements are about participation, not control. The law would require councils to discuss with iwi a participation arrangement, but it gives ample flexibility to ensure the arrangements are practical and workable and does not compel agreement and arrangements cannot be imposed onto a council.

There has been a claim made that there has been no consultation on these arrangements and that they are just there to appease the Māori Party. This is also untrue. Iwi Participation Arrangements were included in the 2013 public discussion paper on the RMA reforms when Minister Adams was leading the RMA reform and before the Māori Party was in discussions with the Minister for the Environment. The 2014 National Party election policy specifically referred to iwi participation arrangements saying we would "Improve Maori participation to specify clear requirements for councils to involve iwi/hapu in early stages of planning". They were then

included in the Bill that was introduced in December 2015 and in the Next Steps for Freshwater documentation released in February 2016. This has provided three opportunities for public consultation.

There has also been a claim that the Māori Party has sought and gained exemption for Māori farmers to need water permits for stock water. The facts are that the current RMA provides for an exemption for a water permit for stock drinking water for a natural person, but if the farm is a company or Māori Incorporation a permit may be required. The Bill makes plain that no water permit is required for stock drinking water whether the farm is owned by an individual, a company or a Māori Incorporation.

It has also been claimed that the Bill allows iwi to become resource consenting authorities. There is no provision in the Bill that allows iwi to become consent authorities. The existing law already allows transfer of powers of joint arrangements at a council's discretion, but very few councils use them.

In summary, there are three important things to be aware of regarding the Bill:

1. This is the largest shake up of the RMA since its inception in 1991 and will make a big difference to reducing the unnecessary delays and costs of the Act.
2. The fact that Labour and the Greens are opposing the Bill because it reduces consultation requirements, appeal rights and makes development too easy, just

reinforces why the Government needs to pass it.

3. The provisions around iwi participation arrangements are a small part of the Bill that will make existing iwi consultation requirements work better.

Thank you again for writing. It is important that the Bill is clearly understood as the benefits are significant.

Yours sincerely,

Hon Dr Nick Smith

**Minister for the Environment**

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**Governor General Dame Pasty  
Reddy must not continue to  
grant Royal Assents to  
Government's Apartheid  
Legislation!**



The One New Zealand Foundation Inc. would like to bring to your attention the deal between the National Party and the Maori Party to get the Resource Legislation Amendment Bill through Parliament.

To get this Bill through Parliament, the National Government must rely on the support of the Maori Party to get a majority but in return, the Maori Party demanded the inclusion of an iwi participation clauses, which would require local government to invite un-elected local tribal trusts into co-governance arrangements, creating apartheid and unconstitutional legislation.

Even if Parliament passes the Resource Legislation Amendment Bill it must still receive its Royal Assent from the Governor General before becoming an Act of Parliament or Law.

If a Bill passes its third reading by Parliament, it is passed by the Clerk of the House of Representatives to the Governor-General, who will (assuming constitutional conventions are followed, which in this case are not) grant a Royal Assent and the Bill then becomes an Act of Parliament or Law.

Some constitutional lawyers, such as Professor Philip Joseph believes the Governor-General retains the power to refuse to grant a Royal Assent, especially if the Bill is based on false information or apartheid legislation as in this case.

**A Royal Assent is the final check of legislation by our Head of State!**

The problem we have, in **March 1990** our Governor General, the Most Rev Sir Paul Reeves threatened to joined Maori leaders in violence or even a civil war if Maori did not get their own way. **Hardly the comment expected from the Queen's Representative to New Zealand.**

Since this time, Governments in fear have given in to Maori's every demand and Governor Generals have granted Royal Assents to some the most apartheid legislation approaching that of South Africa and Bolivia. See attached threat of violence or a civil war by the Most Rev Sir Paul Reeves and the Maori Leaders below.

Our new Governor General, Dame Pasty Reddy stated in her Swearing-in-Speech on the 28 September 2016 *"That **in exercising her functions as Governor-General she would respect and honour the unique partnership between the Crown and Māori, as enshrined in our founding document, Tē Tiriti o Waitangi**".*

The 1865 Native Rights Act confirmed Maori as British Subjects and British Subjects cannot be in "partnership" with the Crown or the Monarchy.

**If Dame Patsy Reddy, the Queen's Representative does not understand that Maori cannot be, "In partnership with the Crown", then she should resign!**

Dame Patsy also overlooks the fact, the Tiriti o Waitangi cannot be our "Founding Document" as it only placed New Zealand under the laws and dependency of New South Wales on a temporary basis until Britain declared sovereignty over all the territories of New Zealand. If only a few territories had been given up by the chiefs to Britain, these territories would have remained under the laws and dependency of New South Wales.

Britain declared sovereignty over all the islands and territories of New Zealand on the **21 May 1840** and the Proclamations were published in the London Gazette on the **2**

**October 1840.** Queen Victoria issued Her Royal Charter/Letters Patent on the **16 November 1840** that separated New Zealand from New South Wales and made New Zealand into a British Colony on the **3 May 1841** with a Governor and 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.

**Queen Victoria's Royal Charter/Letters Patent is OUR true "Founding Document"!**

Governor General Dame Patsy Reddy must understand the Tiriti o Waitangi had served its purpose by the **21 May 1840** by ceding all the islands and territories of New Zealand to Britain, then Queen Victoria's Royal Charter/Letters Patent dated the **16 November 1840**, our true Founding Document and first Constitution made New Zealand into a British Colony on the **3 May 1841** that set up New Zealand's political, legal and justice systems of one flag and one law, irrespective of race colour or creed. **Our true "Founding Document"!**

**Governor General Dame Pasty Reddy must not continue to grant Royal Assents to Government's Apartheid Legislation.**

**Sir Paul and Government differ over treaty on screen**

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

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

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

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

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

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

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

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

Even though change "scares the pants off"

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"That is why our ancestors signed the treaty."

For further information, [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au) or [ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au). 30/3/17.

# **Government Ignores Constitutional Charter**

## **An Election Discussion Paper, 2017**

To: All Members of Parliament.

From: The One New Zealand Foundation Inc. Email:  
[ONZF@bigpond.com.au](mailto:ONZF@bigpond.com.au).

### **“Government Ignores Constitutional Charter”**

**By Ross Baker, One New Zealand Foundation Inc. 1/2/2017.  
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There is no excuse for the government and people such as Attorney General, Hon Christopher Finlayson and Leading Constitutional Lawyer Sir Geoffrey Palmer, the man trusted to write a new Constitution ignoring Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840. Surely they are not that ignorant of how New Zealand separated from New South Wales and became an independent British Colony with its own political, legal and justice systems. They must know the Treaty of Waitangi only placed New Zealand under the laws and dependency of New South Wales from the 21 May 1840 until the 3 May 1841, just 12 months!

## **“Ignorance is no excuse for committing an unlawful act!”**

The Government, including Te Papa and our new Governor General, Dame Patsy Reddy should know better than to refer to the Treaty of Waitangi as our **“Founding Document”** and **“A partnership between Maori and the Crown”**. Te Papa, our National Museum refusing to display Queen Victoria’s Royal Charter.

While the Treaty of Waitangi gave Britain sovereignty over all the islands of New Zealand and tangata Maori, *“the same rights as the people of England”*, it was not our **“Founding Document”**. It was an “agreement”, not a “partnership” between tangata Maori and Queen Victoria.

Queen Victoria and/or Lt. Governor Hobson did not have the power or authority to give tangata Maori any special rights or privileges in the Treaty of Waitangi not already enjoyed by all the people of England, and none were given.

After each tangata Maori chief signed the Treaty of Waitangi on the 6<sup>th</sup> February 1840 at Waitangi, Lt. Governor Hobson shook their hand and repeated the words *“He iwi tahi tatou – We are now one people”*. Tangata Maori became British Subjects and British Subjects cannot be in “partnership” with the Queen or the Monarchy.

The Treaty of Waitangi placed New Zealand under the laws and dependency of New South Wales on the 21 May 1840, therefore was not our **“Founding Document”**.

At the time the Treaty of Waitangi was being signed, Britain had no idea of whether it would gain sovereignty over the whole country or only parts of the country, therefore, Britain could not make any formal plans of how Britain would rule New Zealand until Britain knew the results of the Treaty, so temporarily place New Zealand under the laws and dependency of

New South Wales.

Once Britain confirmed over 500 North Island chiefs had signed the Treaty, sovereignty over the North Island was declared by Treaty and over the South Island by discovery as virtually the whole of the South Island had been sold before the Treaty was signed by the South Island chiefs travelling to New South Wales to find buyers. Over 700 Deeds of Sale still remain in the New South Wales Supreme Court.

On the 21 May 1840 when Britain declared sovereignty over all the island of New Zealand and tangata Maori had become British Subjects, the Tiriti o Waitangi had served its purpose and was filed away as it was of no further use except as an historic document.

The 1975 Treaty of Waitangi Act dragged it out of storage and has continually allowed its translation to be distorted to give Maori special rights and privileges over their fellow New Zealand Citizens never intended by those that signed it in 1840. The Waitangi Tribunal allowing the Treaty to be interpreted to make it fit the claim before it to succeed.

Academics such as Dr Margaret Mutu, Professor of Māori Studies at the University of Auckland, have continued to distort the translation of the Tiriti o Waitangi to benefit Maori only until they have completely destroyed a once noble language. To tamper with a document of National importance must surely be fraud.

Once Britain declared sovereignty over all the islands of New Zealand, which has never been challenged by any other country, all the people of New Zealand came under the laws of New South Wales until the 3 May 1841 when the Royal Charter made New Zealand into a British Colony and all the people of New Zealand came under the laws of New Zealand.

The Treaty cannot be breached as it made no laws, it made tangata Maori British Subjects, *“with the same rights as the*

*people of England*”, under one flag and one law. The Treaty was unique to New Zealand as it gave tangata Maori, “*the same rights as the people of England*” without so much as lifting a finger.

The only claims Maori have against the Crown are either alleged breaches of the laws of New South Wales or New Zealand, which should only be heard under normal court procedure, not by the apartheid Waitangi Tribunal that interprets and twists the Treaty to make sure the claim is successful.

The Treaty of Waitangi was never intended to be our “**Founding Document**”, it was solely to find out whether tangata Maori would give up their sovereignty to Britain and become British Subjects under British rule. Over 500 tangata Maori chiefs signed their names or their marks for them and their people to become British Subjects under British rule of one flag and one law.

From 21 May 1840 until the 16 November 1840, the British Parliament debated whether to leave New Zealand under the dependency of New South Wales or become a separated British Colony with its own Governor and Constitution to form a government. This could only be established by Royal Charter.

On the 3 May 1841, Queen Victoria’s Royal Charter/Letters Patent dated the 16 November 1840 separated New Zealand from New South Wales with a Governor and Constitution to form a government under one flag and one law, irrespective of race, colour or creed.

Queen Victoria’s Royal Charter/Letters Patent is held in the Constitution Room at Archive New Zealand under the title, “ACG083411A19R21434434. Charter of 1840. Constitution of the Colony of New Zealand into a separate colony. 16 November 1840”. See below.

The Constitution of the Colony of New Zealand was our true

**“Founding Document”** and first **“Constitution”** as it separated New Zealand from New South Wales and made New Zealand into an independent British Colony with a Governor and Constitution to form a government to make laws with courts and judges to enforce those laws.

The government, its agencies and Te Papa our National Museum have for some reason deliberately keep Queen Victoria’s Royal Charter/Letters Patent from the People of New Zealand, completely ignoring it in favour of the Treaty of Waitangi. But in so doing have racially divided the People of New Zealand into Maori and non-Maori that was never intended by those that signed the Treaty in 1840 with the words, *“He iwi tahi tatou – We are now one people”*.

Without Queen Victoria’s Royal Charter/Letters Patent, New Zealand would have remained under the laws and dependency of New South Wales without a **“Founding Document”** or its own **“Constitution”**, but the British Parliament decided to separate New Zealand from New South Wales and make New Zealand into an independent British Colony on the 3 May 1841. **The day we must all honour and celebrate with pride, the day we became an “Independent Colony”**.

It is now over to the People of New Zealand, both Maori and non-Maori that they honour our ancestors wish in 1840 to become one people under one flag and one law, *“He iwi tahi tatou – We are now one people”*. Not allow a few self-appointed Maori leaders and a past Governor General, the Rev Sir Paul Reeves threaten the government with violence and/or a civil war if Maori did not get their own way, which was aired on the ABC TV Four Corners Programme called *“Trick or Treaty”* screened in Australia on the 5 March 1990.

The Governor General is the Queens Representative in New Zealand. They are responsible in giving Her Majesty’s Royal Assent to Bills for the Bills to become Acts of Parliament, but with racial comments like this and our new Governor

General having no idea of New Zealand true history, no wonder we have and will continue to have, racial problems in New Zealand.

All New Zealand's laws had to be in accordance with the **Constitution** provided by Queen Victoria's Royal Charter and examined and approved by the British Parliament, but without the government recognising Queen Victoria's Royal Charter as our true **Founding Document** and first **Constitution**, it has continued to give Maori special rights and privileges over all others citizens never intended by the Treaty of Waitangi or Queen Victoria's Royal Charter.

Maori today refer to their ancestors as "tangata whenua" but over 500 chief that signed the Treaty of Waitangi in 1840 signed it as "tangata Maori" because they knew they were not the "tangata whenua" or the "Indigenous People of New Zealand".

It is unbelievable how governments have continued down this path without acknowledging Queen Victoria's Royal Charter. This can only be taken as a criminal act by those involved that should have known better.

**"Ignorance is no excuse for committing an unlawful act!"**

Governments have lead New Zealand "*down the garden path*" to end up where we are today, "**A complete bloody shambles**" that must be sorted out by first recognising and adopting the Royal Charter as New Zealand's true **Founding Document** and first **Constitution**.

The Treaty of Waitangi had nothing to do with making New Zealand into a British Colony with a Governor and Constitution to set up our political, legal and justice systems, it was only an agreement between the Queen and tangata Maori that gave sovereignty of New Zealand to Britain and made Maori British Subjects with the "*Same rights as the people of*

England", no more, no less!

After the 21 May 1840 New Zealand and its People were under the laws and dependency of New South Wales until the 3 May 1841 when Queen Victoria's Royal Charter gave New Zealand its own political, legal and justice systems under one flag and one law, irrespective of race, colour or creed, but under the watchful eye of Great Britain.

In 1947 we adopted the Statute of Westminster which granted full sovereign powers to New Zealand in domestic as well as foreign affairs with all the people of New Zealand becoming New Zealand Citizens under one flag and one law, irrespective of race, colour or creed.





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

Queen Victoria's Royal Charter/Letters Patent dated the 16 November 1840 is held in the Constitution Room at Archive New Zealand, Wellington with Governor Hobson's Final Draft dated the 4 February 1840 and the 7 copies of the Tiriti o Waitangi that were signed by Lt. Governor Hobson and over 500 tangata Maori chiefs in 1840.

There is also one copy of a CMS printed Tiriti o Waitangi authorised by Lt. Governor Hobson that was read and discussed at Waikato because the "official" copy of the Tiriti o

Waitangi had not arrived and the first 5 Waikato tangata Maori chiefs signed this copy and had it witnessed by Rev Robert Maunsell.

Unfortunately, space ran out on the CMS printed copy and another 39 chiefs signed an unauthorised English version of the Treaty that had been compiled by Hobson's secretary, James Freeman from James Busby's early draft notes that Robert Mausell must have had on hand. These 2 documents were to be treated as one. One, the "office" copy that was read and discussed at Waikato and the other, just to hold the overflow of signatures when the CMS printed copy could hold no more signatures

When the Waikato Tiriti o Waitangi was handed into Lt. Governor Hobson to be signed, it was record that 44 signatures had been collected at Waikato, 5 on the authorised CMS printed copy and 39 on Freeman's unauthorised English version.

Lt. Governors Hobson's signature on Freeman's unauthorised English copy is either a forgery or was signed when Hobson was extremely ill with a stroke when he would have had no idea of what he was signing. Lt. Governor Hobson never made or authorised an English version of the Treaty to be signed by the tangata Maori chiefs, stating, "*All signatures that are subsequently obtained are merely testimonials of adherence to the terms of that original document*". That document being, the Tiriti o Waitangi signed at Waitangi on the 6 February 1840".

**We must all honour and celebrate with pride Queen Victoria's Royal Charter on the 3 May every year as our "Independence**

**Day". The day we became one people under one flag and one law, irrespective of race, colour or creed. "*He iwi tahi tatou – We are now one people*".**

For further information, [www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz) or [onzf@bigpond.com.au](mailto:onzf@bigpond.com.au)

## CONSTITUTIONAL CHARTER OF NEW ZEALAND

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

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

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

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

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

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

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

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

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

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

In witness, &c. witness, &c.

16 November 1840



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

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