

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



Colonization did not destroy the tangata Māori's way of life, it was Hongi Hika, Ngāpuhi who destroyed it when he returned from England in 1820 with over 500 muskets and went on the rampage south with 2000 of his followers, killing thousands of their unarmed countrymen, women, and children for the fun of it and the feasts that followed.

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

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



Queen Victoria's Royal Charter/Letters Patent dated 16 November 1840 is our true Founding Document and first Constitution as it made New Zealand into a British Colony on 24 May 1841 with a Governor and Constitution that set up New Zealand's Political, Legal and Justice Systems under one flag and one law, irrespective of race, colour or creed.

The six documents below made New Zealand into a British Colony. The Treaty of Waitangi only played a very small role in New Zealand becoming a British Colony but is being used today by the Government to mislead the people of New Zealand of their true legal rights given to them by Queen Victoria's Royal Charter issued under, "*The Great Seal of the United Kingdom of Great Britain and Ireland*".

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

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

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



Colonization did not destroy the tangata Māori's way of life, it was Hongi Hika, Ngāpuhi who destroyed it when he returned from England in 1820 with over 500 muskets and went on the rampage south with 2000 followers, killing thousands of their unarmed countrymen, women, and children for the fun of it and the feasts that followed. It was not long before the

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

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

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

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

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

Archives, plus the British Parliamentary Papers.

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

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

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

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

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

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

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

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

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

The Royal Charter/Letters Patent dated 16 November 1840 issued

by "*Victoria by the Grace of God*" under "*The Great Seal of the United Kingdom of Great Britain and Ireland*" is our true Founding Document and first Constitution. It made New Zealand into a British Colony with a Governor and Constitution that set up our political, legal and justice systems under one flag and one law, irrespective of race colour or creed.

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

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

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

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

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

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

## **DOCUMENT 1.**

### **Letter to the King of England by 13 Ngāpuhi Chiefs.**

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

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

**Letter from 13 Ngāpuhi chiefs asking King William for**

**protection in 1831.**

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

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

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

(Signed) William Yale,

Secretary to the Church Mission Society, New Zealand.

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

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

## DOCUMENT 2.

### Declaration of Independence.

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

### Declaration of Independence of New Zealand.

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

2) All sovereign power and authority within the territories of

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

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

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

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

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

English witnesses:

(Signed) Henry Williams, Missionary CMS

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

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

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

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

## **DOCUMENT 3.**

### **Queen Victoria’s 1839 Royal Charter/Letters Patent.**

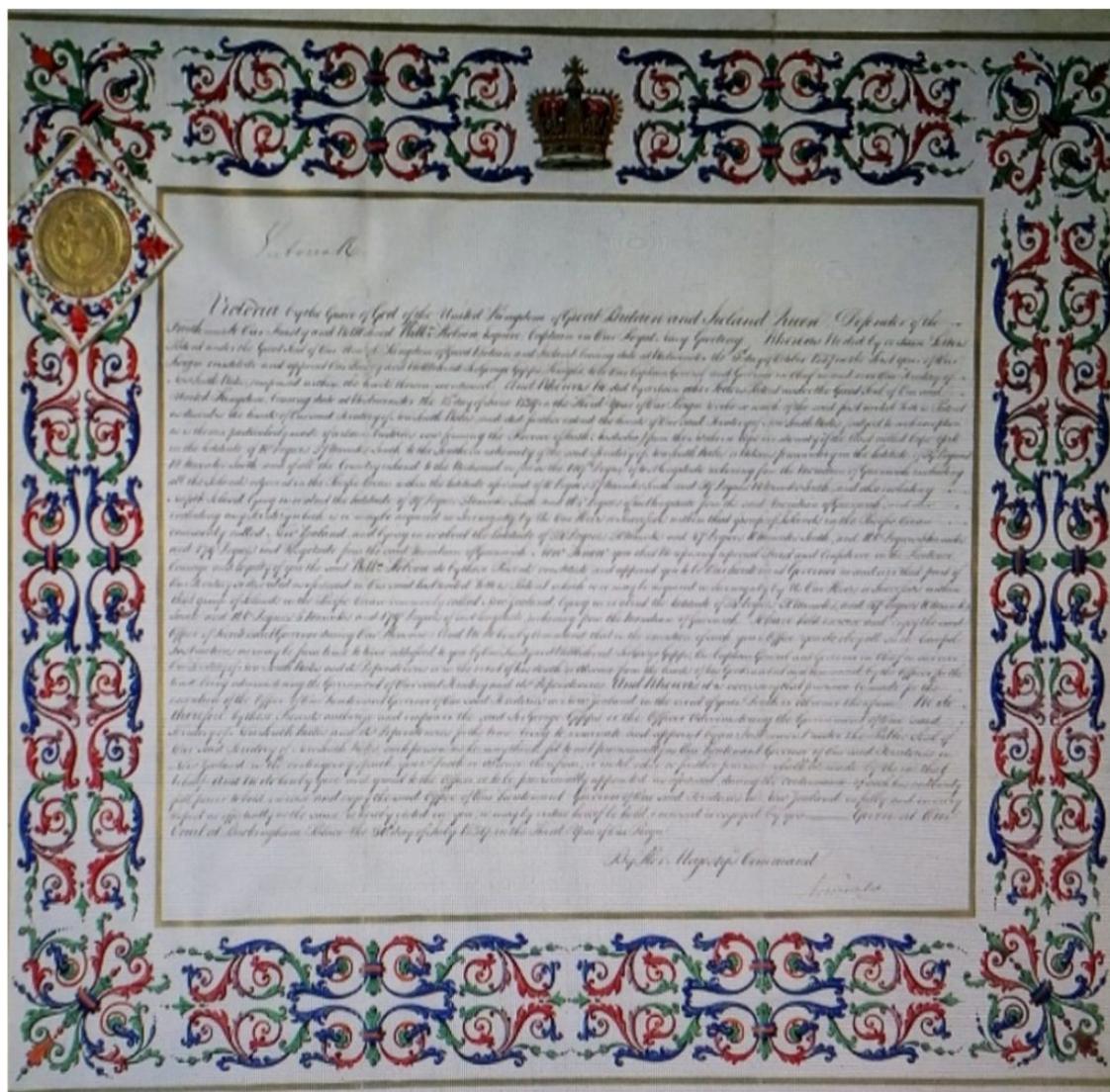
Britain claimed sovereignty over New Zealand by the **Law of Nations** (*jure gentium*). The Royal Charter/Letters Patent issued in 1839 by “*Victoria by the Grace of God*” under, “*The Great Seal of United Kingdom of Great Britain and Ireland*”, placed New Zealand under the laws and dependency of New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

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

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

### Queen Victoria's 1839 Royal Charters/Letters Patent.

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



Queen Victoria's 1839 Royal Charter/Letters Patent reads,

Victoria R

Victoria by the Grace of God of the United Kingdom of Great

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

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

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

## **DOCUMENT 4.**

### **The Treaty of Waitangi.**

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

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

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

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

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

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

If the tangata Maori had sovereignty in 1840, Lt. Governor Hobson would have signed the Treaty with their Head of State, but the tangata Maori in 1840 consisted of hundreds of small tribes constantly at war with each other over territories, revenge or to settle old scores. This was confirmed by Chief Justice Sir James Prendergast in 1877 when he ruled, *"So far indeed as that instrument (The Treaty of Waitangi) purported to cede sovereignty, it must be regarded as a 'simple nullity'. No political body existed capable of making cession of sovereignty"*.

**Which Treaty?**

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

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

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

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

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

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

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

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

## The First

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

## The Second

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

## The Third

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

Signed, William Hobson, Consul and Lieutenant – Governor.

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

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

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

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

## Documents 5.

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

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

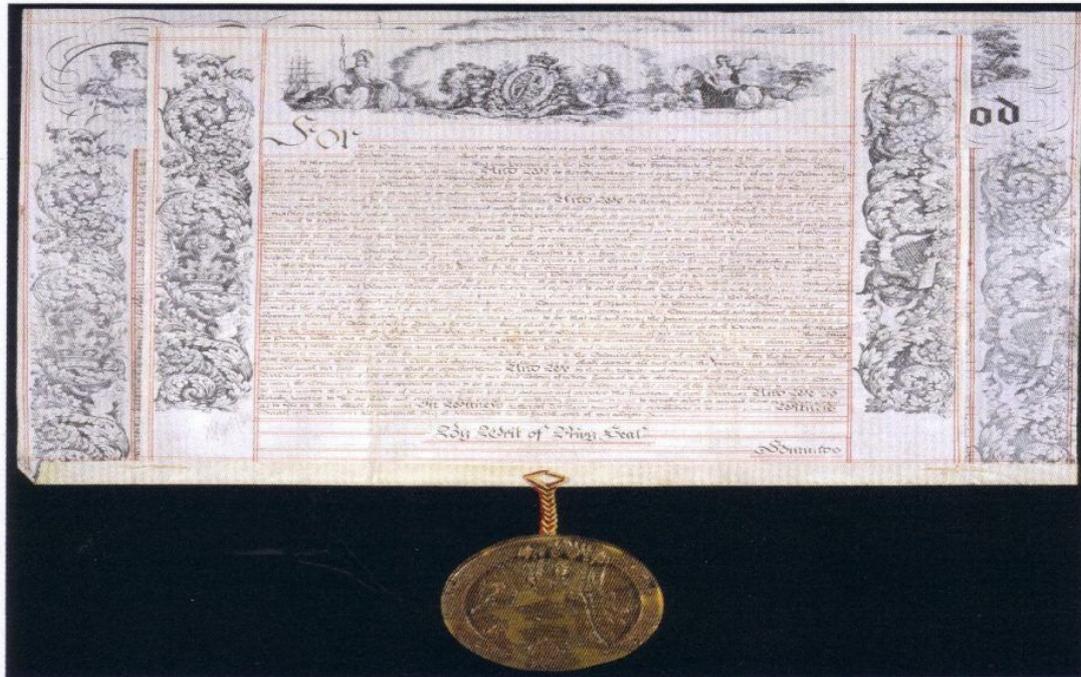
While in some instances land was confiscated in payment for breaking the law, this was explained by Sir Apirana Ngata, Minister of Native Affairs in 1923. "*Some have said that these confiscations were wrong, and they contravened the articles of the Treaty of Waitangi, but the chiefs placed in the hands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

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

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

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





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

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

**While there are six documents that made New Zealand into a**

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

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



**The Constitution Reads:**

## CONSTITUTIONAL CHARTER OF NEW ZEALAND

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

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

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

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

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



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

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

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

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

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

In witness, &c. witness, &c.

16 November 1840

## DOCUMENT 6.

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

(From the New Zealand Government Gazette)

His Excellency the Governor, according to notice, opened the first session of the legislative council of New Zealand on the 24th May 1841. Hon. W. Shortland, Colonial Secretary, Hon. Francis Fisher, Attorney General, Hon. George Cooper, Colonial Treasurer, E. S. Halswell, Esq., one of the three senior justices, being present, received the oaths and took their seats in the Legislative Council accordingly. James Coates, Esq., was appointed Clerk of the Council, and took the oaths of office. His Excellency then delivered the following speech :- Gentlemen-I have availed myself of this early period to assemble the members of the legislative council for the purpose of bringing under consideration certain measures which the altered circumstances of the Colony seem to me urgently to require. At this our first meeting I deem it proper to draw your attention, not only to the Royal Charter, but to the highly, important instructions under the Royal Signet and Sign Manual which accompany it. The Charter, as you are already aware, erects the islands of New Zealand and certain dependencies into a separate Colony, under the Superintendence of a Governor and Commander-in-Chief. It constitutes a

Legislative Council, who are empowered to enact laws and ordinances for the local government of the Colony; it authorises the establishment of Courts of Justice, and the issue of Commissions of the Peace; and, in fact, brings into complete operation British laws throughout the whole Colony of New Zealand. The instructions under the Royal Signet and Sign Manual more particularly define the functions of the Governor and Council, and in a clear and conspicuous manner point out the duties of each. In order that you, gentlemen, may have an opportunity of acquainting yourselves with those particular duties, I have directed the instructions to be laid on the table, and kept open for your perusal in the Council Chamber. I regret that I cannot at the present meeting lay before you the Estimates of the ensuing year, which, although in a forward state of preparation, are in-complete, owing to the non-arrival of directions from the Lords of the Treasury, of which I am advised, and which may be daily expected. I shall lay before you an ordinance for the present re-adoption of all such acts of New South Wales as were in force previous to our separation, and are now applicable to this colony. It is not my intention, however, eventually to propose for your adoption the laws of New South Wales, but it will be my endeavour, during the recess, aided by the advice and assistance of the Law Officers of the Crown, to prepare for your consideration such laws as will best provide for the administration of justice, and the contingencies of social life, which may be expected to arise in New Zealand ; therefore the measures now proposed to you must be deemed temporary and contingent, as re-sulting from the present peculiar condition of the Colony. By Command of Her Majesty I will bring under your consideration the repeal of the Land Commission Act, and submit for your adoption an ordinance for the same general purposes, but granting to the Governor of New Zealand the same powers as those heretofore enjoyed by the Governor of New South Wales. I will likewise lay before you bills for the regulation and collection of the revenue of Her Majesty's Customs, for establishing courts of quarter sessions and

requests, and for the prohibition of distillation. These, gentlemen, are the only subjects for the present on which I shall require you to deliberate. We have, gentlemen, a solemn and important duty to perform ; by our means conflicting interests are to be reconciled ; harmony and tranquility established, and measures are to be adopted for improving the condition and elevating the character of the aboriginal inhabitants. In this salutary work I confidently look for your cordial assistance and co-operation, and I trust under Divine Providence we shall be enabled to accomplish these important objects, and to give effect to Her Majesty's Gracious and benign views for the welfare, prosperity, and civilization of this Colony. After laying on the table the Indemnity Bill, the Governor adjourned the Council until Thursday, the 27th May, 1841.

New Zealand. Anno quarto Victoriae Reginae. No. 1. An Ordinance to declare that the laws of New South Wales, so far as they can be made applicable, shall extend to, and be in force in, Her Majesty's Colony of New Zealand from and subsequent to the date of Her Majesty's Royal Charter and Letters Patent, erecting into a separate Colony the Islands of New Zealand, and to indemnify the Lieutenant Governor and other officers thereof for certain Acts done and performed between the date of the said Royal Charter and Letters Patent and the day of passing this ordinance. Whereas by an Act of the Governor and Legislative Council of New South Wales, made and passed in the third year of the reign of Her present Majesty, entitled " An Act to declare that the Laws of New South Wales extend to Her Majesty's Dominions in the Islands of New Zealand, and to apply the same, as far as applicable, in the administration of justice therein, and to indemnify certain Officers for Acts already done." After reciting that Her Majesty had been pleased to annex Her Majesty's Dominions of New Zealand to the Government of New South Wales, it is enacted that all Laws and Acts or Ordinances of the Governor and Legislative Council of New South Wales, which then were, or thereafter might be, in

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

1. Be it therefore enacted and ordained by his Excellency the Governor in and over the Colony of New Zealand, with the advice of the Legislative Council thereof, that so much of all and every of the Laws, Acts, and Ordinances heretofore made by the Governor and Legislative Council of New South Wales, and now in force therein, as have already been, and can hereafter during the continuance of this Ordinance be, applied within the said Colony of New Zealand shall be, and the same are hereby, adopted and declared and directed to be extended to and applied in the Administration of Justice in the said Colony of New Zealand, in the like manner as all other the Laws of England, and as if the same had been repeated and re-enacted in this Ordinance. And whereas doubts may arise as to the validity of Acts done and performed in the said Colony of New Zealand since the date of her said Majesty's Royal Charter and Letters Patent by his Excellency as the Lieutenant Governor of the same, and by Justices of the Peace, Officers of the Customs, Constables, and other officers, under and by virtue of the said in part recited Act of the Governor and Legislative Council of New South Wales ; for the removal
2. Be it therefore further enacted that the said Lieutenant Governor of the Colony of New Zealand, and all Justices of the Peace, Officers of the Customs, Constables, and other officers, and all persons whomsoever therein who may have acted under and by virtue of any commission or appointment of her Majesty, or of the governor of New South Wales, or of the said lieutenant governor of the said colony of New Zealand, or under any orders and directions of the same Lieutenant Governor, or of his Excellency the Governor, since his assuming the Government of the said Colony of New Zealand, previous and up to the passing of this Ordinance, shall be, and they, and each and every one of them, are hereby indemnified against, and freed and discharged from, all damages, penalties, and forfeitures to which they, or

any one of them, may have heretofore, or may now otherwise be liable for any act so done or performed.

3. And be it further enacted that no act done or performed by any such officer or other person aforesaid, shall be questioned or avoided in any Court of Law, by reason of any supposed want of power and authority, and that all such acts so done and performed shall be, and they are declared to be, as valid and effectual in Law, to all intents and purposes, as if each of such officers and persons aforesaid had done and performed such acts within and under, or by virtue of, any Law or Statute of the Parliament of Great Britain and Ireland.

And be it further enacted and ordained that in all or any of the said Acts of the Governor and Legislative Council of New South Wales, which shall under and by virtue of this ordinance be brought into operation, and extended to and applied to the said Colony of New Zealand, whenever the words " Governor, with the advice of the Executive Council, Governor, Justice, or Justices of the Peace, or Government Gazette, of New South Wales," are used in such Act or Acts, the same words shall be construed to mean, and shall include and extend to " the Governor, with the advice of the Executive Council of New Zealand," or "Governor for the time being," or " all or any Justices or Justice of the Peace, and to the Government Gazette of the said Colony of New Zealand;" and that all words or expressions referring, and having relation, to New South Wales shall be, and the same are hereby directed to be, applied and construed to extend to the said Colony of New Zealand. WILLIAM HOBSON, Governor. Passed the legislative council this 3rd day of June, in the year of our Lord one thousand eight hundred and forty-one.

JAMES COATES, Clerk of Councils.

### **Government Removes Royal Charters from the Public's View.**

In 2015 the One New Zealand Foundation Inc. decided to

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

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

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

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

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

See:

<http://onenzfoundation.co.nz/queen-victorias-two-royal-charter-s-letters-patent/>

Prepared by the One New Zealand Foundation Inc. from the New Zealand, Australian and American Archives, plus the British Parliamentary Papers.

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

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