

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

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

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

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

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

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

**The Declaration of Independence – A complete failure!**

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

### **Treaty of Waitangi – Hardly a Founding Document.**

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

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

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

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

British subject to be, *"In partnership with the Crown"*.

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

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

One month later, on the 16 November 1840 another beautifully prepared, written and presented Royal Charter/Letters Patent was issued by *"Victoria by the Grace of God"* under *"The Great Seal of the United Kingdom of Great Britain and Ireland"* that separated New Zealand from New South Wales. Lt. Governor Hobson became the second Governor of New Zealand on the 3 May 1841. See page 3.

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

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

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

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

## **Governments uses “lazy research” to defraud the taxpayers.**

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

## **Government hides Royal Charters/Letters Patent.**

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

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

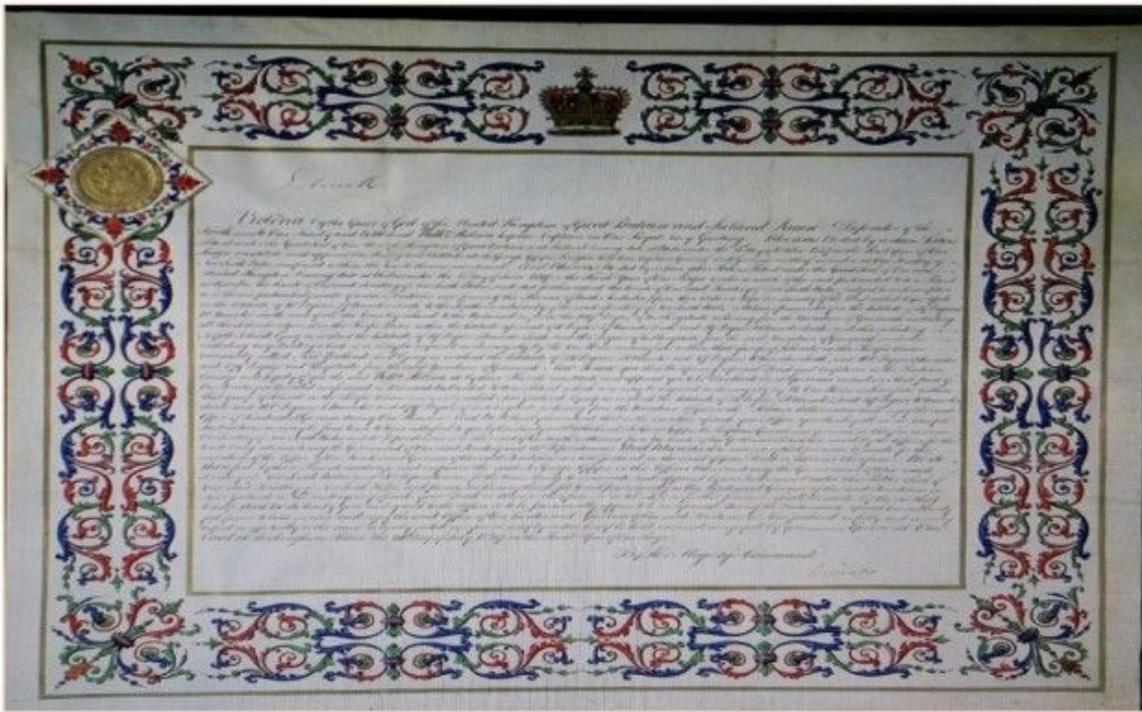
This would be the most corrupt act ever forced on the people of New Zealand by any government, but our so called “professional historians/researches” such as Claudia Orange have either deliberately misled the Government and people of New Zealand or have been too lazy to research our true history which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

**I hope this clears up any misunderstanding of New Zealand’s true history. There is far more to our history than that**

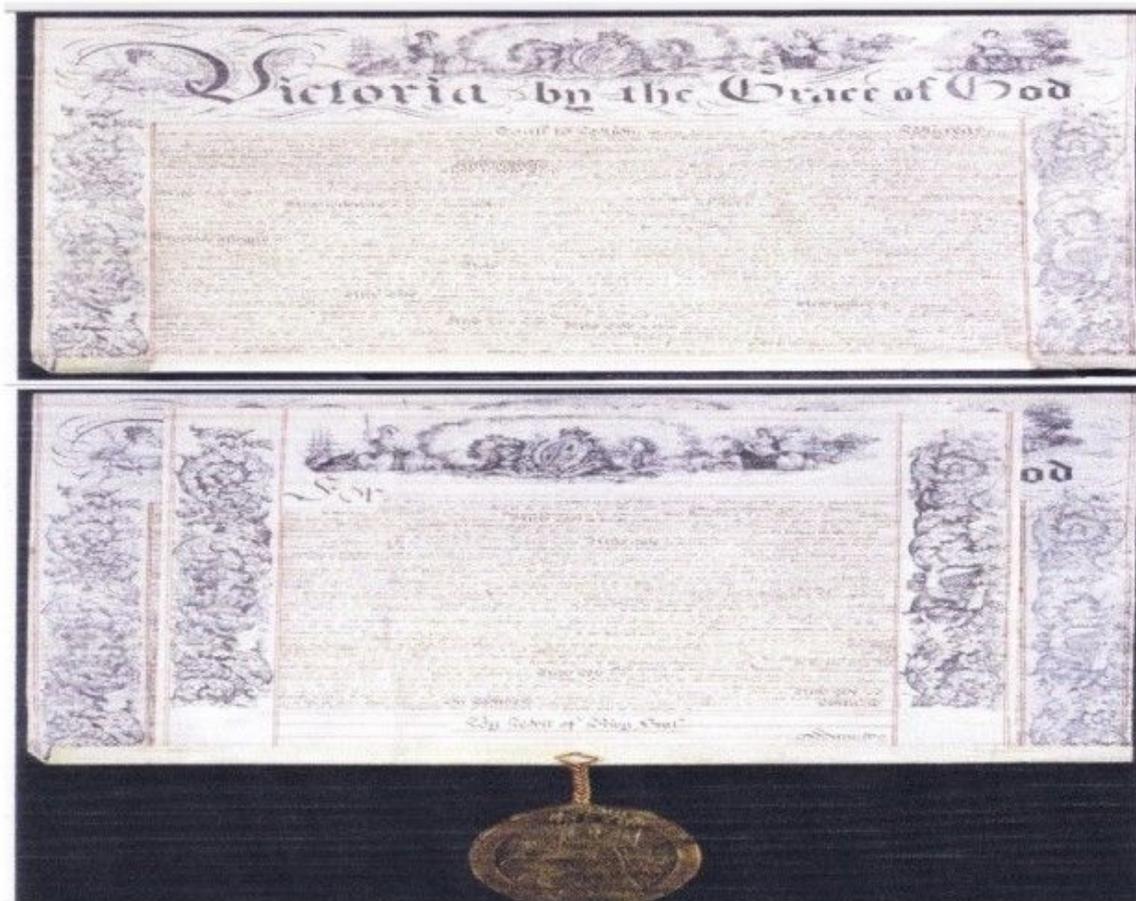
researched and written by Dame Claudia Orange and the so called “professional historians and researchers”. They have misled/lied to the people of New Zealand for far too long to cover up their “lazy and misleading research”.

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For documented evidence of the above:  
[www.onenzfoundation.co.nz](http://www.onenzfoundation.co.nz) or ONZF@bigpond.com.au.



**Queen Victoria's Royal Charter/Letters patent of 1839.**



**Queen Victoria's Royal Charter/Letters patent of 1840.**

## CONSTITUTIONAL CHARTER OF NEW ZEALAND

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

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

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

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

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

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

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

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

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

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

In witness, &c. witness, &c.

16 November 1840

