

# *The Truth About The Declaration Of Independence, 1835*

## **Background to the Declaration:**

In the early 1800's Europeans began arriving in New Zealand in numbers – explorers, whalers and adventurers – many lawless types amongst them. Many Maori-European interactions benefited both but, unsurprisingly, there were some misunderstandings followed by savage reprisals. At Whangaroa in 1810, all but four of the 70 aboard the *Boyd* were killed and eaten (right). Tragically, reprisals by English whalers led to the death of the innocent chief Te Pahi, not the culprit, Te Pahi.



In 1772, Ngati Pou had killed and eaten French explorer, Marion du Fresne, and 26 of his crew who had apparently broken a tapu. In subsequent encounters, about 250 warriors were killed; most of them when about 1,500 tribesmen attacked a vastly outnumbered French force defending its hospital camp on Moturoa Island.

French appearances in New Zealand waters were of concern to British and Maoris alike. The British in New South Wales feared their colonial intentions. Missionaries and Maori converts alike feared the spread of Roman Catholicism. Maoris knew that the French had not forgotten the Marion du Fresne (left) affair – they still referred to the French as “the tribe of Marion”.



The Secretary of the Church Missionary Society in New Zealand, William Yate, and Ngapuhi chiefs Rawiri Taiwhanga and Rewa in particular were anxious to have a more formal British presence in New Zealand. Yate and Rewa wrote a letter to this effect in both Maori and English versions. It was signed by thirteen Ngapuhi chiefs and sent

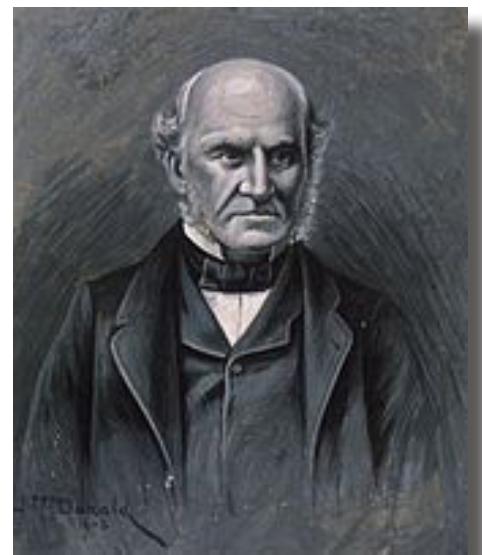
to King William IV of Britain on 16th November 1831.

This letter was received coolly in Britain. The British were reluctant to increase their involvement in New Zealand, as British parliamentary papers of the time show clearly. For one thing, they needed plenty of effort to put into their Australian colonies (Victoria, 1834, and South Australia, 1836).

The generally warlike behaviour of the Maoris also dissuaded them. However, the Yate/Rewa letter, along with continuing pleas by missionaries and others, induced British Colonial Secretary, Lord Goderich, to appoint James Busby as British Resident in the Bay of Islands. (right)

With little authority and no means of enforcing it, Busby was in a ludicrous position. However, he did make some efforts. For instance, Maori ships trading to New South Wales didn't have a flag by which they could be recognised. In 1831 some chiefs had flown a Union Jack to warn off French ships.

Busby decided that they needed their own flag and set out to provide it. Missionary Henry Williams sketched three designs. Busby had these made



up, raised them on three short poles where they hung limply, assembled fifteen chiefs and invited them to choose one. Mystified, the chiefs voted for all three. The impasse was broken by a Maori servant of Williams and one was chosen.

The other two being hauled down, Busby “haughtily declared [it] the National Flag of New Zealand” and rewarded all those present with a large meal. Flown occasionally and forgotten, it was rescued from oblivion by the Shaw, Savill and Albion shipping company and adopted as its house flag, serving as such as late as 1970.

Born in comic opera circumstances, it is this flag which was flown by the Tuhoe tribe in 2010 during their verbal exchanges with Prime Minister Key.

### **What Reputable Historians and British And New Zealand Government Officials Said About The Declaration**

In 1835 a genuine effort was made by Busby and the northern chiefs to form some sort of government for New Zealand. “This time”, wrote Michael King, “in exchange for a second cauldron of porridge, Busby persuaded the same chiefs and some additional ones [52 in total] to sign ‘A Declaration of the Independence of New Zealand’ by a ‘Confederation of United Tribes’” – a document which he himself had concocted ...

- *“a bloodless puerility”, wrote Pember Reeves in 1898*
- *“a second and equally contrived ceremony” wrote Michael King in 2003*
  - *“little more than a pebble” wrote Paul Moon in 2006*
- *“a paper pellet” said Governor Gipps in Sydney at the time, “silly and unauthorised”, said a Colonial Office official.*
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A congress or parliament was to meet in Waitangi each autumn but attendances soon fell to nothing and it was abandoned altogether in 1838.

This was precipitated in part by the outbreak of full-scale civil war amongst Ngapuhi and two adjacent tribes. Pomare and Titore, both Ngapuhi signatories of the “Declaration of Independence” less than eighteen months previously, were openly at war.

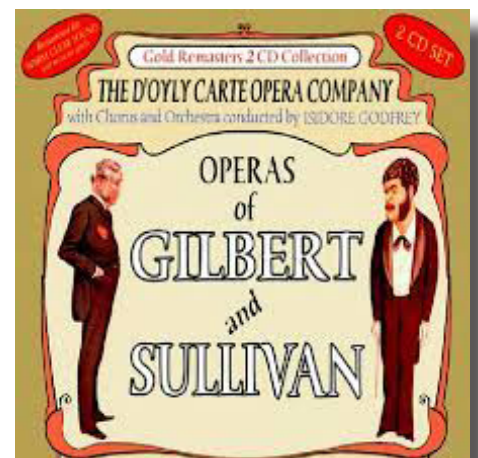
Titore attacked Pomare’s pa with 800 warriors, though a little later Titore himself was killed. With efforts by the missionaries and others, the conflict simmered down after several months.

“The ‘Declaration’ was not even acting as a regional goodwill agreement, let alone a national document of constitutional significance.”

It is this absurdity, this short-lived, long-dead paper tiger, the “Declaration of Independence” that Ngapuhi now seek to measure against the standing of the Treaty of Waitangi. “The hearings [of the Waitangi Tribunal]”, it has been reported, “will be divided into two stages, beginning with four weeks on the issue of sovereignty, the Declaration and the Treaty.”

By descending thus to the puerilities of Busby, the proceedings of the Waitangi Tribunal have become a Gilbert and Sullivan opera.

Indirectly the ‘confederation’ did have significance as it led to discussion between Maori chiefs on one hand and Busby and the missionaries on



the other, of constitutional and other European political concepts, such as sovereignty, which were new to Maori thought. Even before Busby arrived it had been found necessary to invent Maori terms for some ideas unfamiliar to them.

Thus in 1833, missionary William Williams coined the term 'tino rangatira' for 'high chieftain'. We may be sure that there was much discussion to clarify the meanings of such terms, no doubt conducted at times in both Maori and English.

Then in 1837, Captain William Hobson (right), Royal Navy, was sent to New Zealand in HMS Rattlesnake to protect British settlers caught between warring Maori factions. In his report on this visit he recommended that a British colony be established in the country.



The lukewarm British attitude to this idea began slowly to change. Becoming aware of the plans of Edward Gibbon Wakefield and others for large-scale, systematic, British colonisation and the need to protect existing law-abiding settlers and also the Maoris themselves from both lawless settlers and each other, the British Government decided to act.

They also wanted to check the rapid expropriation of Maori land which many Maoris had been only too willing to exchange for European consumer goods.

The timing was fortunate for this country. The few decades before 1840 had seen a remarkable increase in humanitarian awareness and social conscience amongst the middle and upper classes of Britain, beyond anything elsewhere in the world ~ prison reform, reduction in the use of the death penalty, regulation of child labour, electoral reform.

Perhaps the greatest of all, was the abolition of slavery throughout the British Empire, a five year process that culminated in August 1838.

The House of Lords is often criticised for being undemocratic, which it is, but it should be borne in mind that its members or their forebears were chosen for their distinguished service or achievements. It should be no surprise therefore if some of them are or were men of ability and human qualities.

One such was the Marquess of Normanby (right), Colonial Secretary in 1839, under whose instructions James Stephen, Permanent Under-Secretary to the Colonial Office, drafted a 4,200-word brief. Stephen, an Evangelical, was a nephew of William Wilberforce, a leader of the campaign to end slavery. In fact, it was Stephen who had drafted the Act to abolish slavery.



Normanby's brief was clear, explicit, intelligent and humane. It stated for instance that New Zealand was not to become a penal settlement and 'that no convict is ever to be sent thither to undergo his punishment'.

Anybody who wants to understand British intentions towards this country should read it carefully.

If, in the 1980s, our politicians had bothered to look at this brief, instead of concocting their ignorant and ill-considered reference to undefined "principles of the Treaty", the situation would not have descended into its

present confused and corrupted muddle.

The brief says quite explicitly that the task was: “to treat with the aborigines of New Zealand in recognition of Her Majesty’s sovereign authority over the whole or any part of those Islands which they may be willing to place under Her Majesty’s dominion.”

There was an important proviso: “The Queen ... disclaims to seize on the Islands of New Zealand ... unless the free intelligent consent of the natives, expressed according to their established usages, shall first be obtained.” 17 This was the primary task in a nutshell.

Free consent to the transfer of sovereignty to the Queen was the sine qua non.

For this task that reliable, experienced and conscientious officer - Captain William Hobson R.N., was chosen again. We may be sure that Hobson read his brief many times on his passage here and, as we shall see, he carried out his instructions faithfully and well.

The rest is history, the Treaty of Waitangi, which I tell about in my seminars and our Stop Co-Governance New Zealand 2023.

So don’t get sucked in by people waiving the Declaration of Independence around, crying “See, Maori never ceded sovereignty to the Queen!”

It’s nonsense.

They did - in the Treaty of Waitangi.

**STOP**   
**CO-GOVERNANCE**