

FOREWORD

It is openly acknowledged by our Treaty of Waitangi historians and experts that the final English draft of the treaty, which provided the text for the Maori translation, went missing in February 1840. From historical references, we know that this document was written by British Resident, James Busby. Captain William Hobson handed the final draft to Reverend Henry Williams at 4 p.m. on the 4th of February 1840 for translation into **Te Tiriti O Waitangi**.

In mid-March 1989 an English language version of the Treaty of Waitangi was found in Pukekohe, South Auckland, when members of the Littlewood family were sorting out the estate of their recently deceased mother. This old sheet of paper has, subsequently, been identified to be in the handwriting of **British Resident, James Busby** by New Zealand's leading handwriting expert of documents from the early colonial era, Dr. Phil Parkinson of the Alexander Turnbull Library.

An astounding feature of this newly found document is that it is dated the 4th of February 1840. It is also written on very old paper, bearing a **W. Tucker 1833 watermark**.

The document has an impeccable pedigree back to 1840's solicitor **Henry Littlewood** of the Bay of Islands and Auckland. By the 1850's, at least, **James Reddy Clendon**, Police Magistrate, was using Littlewood's legal services for conveyancy work and this seems to explain how Littlewood gained possession of the final English draft of the treaty. Clendon had been loaned the final draft original by **Lieutenant Governor William Hobson**, upon official request to the Colonial Secretary. It had been forwarded to him, in his capacity as U.S. Consul, between the 6th and 18th of March 1840 and seems to have remained in his possession permanently, thereafter, until lodged with his solicitor, Henry Littlewood.

Compelling evidence shows that James Reddy Clendon was in attendance when the final English draft of the Treaty of Waitangi was completed by Busby under Hobson's direction and that the final drafting session of the 4th of February 1840 took place at Clendon's Okiato home near Kororareka. Further evidence suggests that, at the same time, Clendon made his own transcribed duplicate of this finalised English text, again on **W. Tucker 1833** paper, which he later forwarded as **Despatch No. 6** to the U.S. Secretary of State on the **20th of February 1840**.

On the **5th of April 1840**, American Antarctic explorer, Commodore **Charles Wilkes** also sent this selfsame English version of the treaty in his **Despatch no. 64** to the U.S. Secretary of State. Wilkes, officially, requested that U.S. Consul J.R. Clendon supply him with treaty related materials for despatch, after arriving at the Bay of Islands on the 29th of March 1840. A copy of the final English draft of the Treaty of Waitangi, complete with Busby's spelling mistakes, was transcribed for or by Wilkes directly from Busby's original (the Littlewood Treaty). Clendon supplied the document to Wilkes on April 3rd 1840 and a transcribed copy was despatched to the United States two days later, with yet another copy being recorded in the **U.S.S Vincennes' letter book**.

Whereas our National Archives, in conjunction with Auckland Institute & Museum, seem to have retained all of the English draft notes of the treaty, written up until the 3rd of February 1840, there is no single body of text within those rough notes that could be defined as a **"final draft"**. The document that has come to be known as the Littlewood Treaty is, **singularly and uniquely**, the only complete body of text, incorporating a **Preamble, Articles I, II, III and Affirmation** section, fitting all of the expected **"final English draft"** criteria. Hobson and the other legislators who assisted him had an absolute obligation to supply the translators with a complete body of text, such that there would be no ambiguity or confusion related to what had to be translated and conveyed in the Maori tongue. The Littlewood document's text mirrors the Maori translation text perfectly throughout, in terms of the sequence of statements, word weight per sentence and the use of synonymous words in each language. Under the strictest criteria one wishes to apply scientifically, the Littlewood Treaty **fits the expected profile of the final English draft**.

Despite **promises** to the Littlewood family in 1989 and the general public in 1992 that a full forensic analysis would be undertaken by our experts to determine the pedigree and historical significance of the Littlewood Treaty document, **no such results have ever been released to the public**. This gross dereliction of duty requires a full explanation from our authorities, especially in view of the fact that traditional Treaty of Waitangi interpretations have undergone such radical revision in the past three decades.

Rediscovery of Hobson's final English draft offered the surprising and unexpected opportunity to fully clarify his intent at the outset, as well as the true and actual substance of the unification agreement he put in place between Maori chiefs and the British Crown on **February 6th 1840**.

In Article II of the Littlewood Treaty the rights spoken of and enshrined by treaty are guaranteed **'to the chiefs and tribes and to all the people of New Zealand'**. This is exactly what the Maori Tiriti O Waitangi says: **'ki nga Rangitira ki nga hapu - ki nga tangata katoa o Nu Tirani'**. The text, in both languages guarantees **equality** for all the people of New Zealand, with no special customary rights set aside, exclusively, for any one ethnic group. Under both the Tiriti O Waitangi and the final English draft from which it was derived, there is no provision for a partnership between Maori and the Crown (Queen Victoria). There is only provision for the Maori chiefs to cede their sovereignty to Queen Victoria, such that they and their people can become British subjects and the recipients of British laws, protections and justice.

The Treaty of Waitangi version that is used in all of our legislation today is based upon a **composite English text**, assembled by Hobson's secretary, James Stuart Freeman, from the early rough notes of the treaty. In the six months following the signing of the Treaty at Waitangi, Freeman concocted a variety of **"Royal Style"** versions, earmarked solely for overseas despatch. For these he did not consult the final English draft, probably because it lacked the necessary pretentious language, considered by him as befitting royalty or high stations within foreign governments. Our present day treaty legislation is, therefore, wholly based upon Busby's **3rd of February** rough draft, wherein he forgot to mention the "settlers" or **the rights of Ngati Wikitoria** (the family of Queen Victoria). In terms of the true treaty wording, this oversight was fully corrected by Hobson, with the essential, missing phrase added into the final English draft of the **4th of February 1840**. The earlier forgotten text, ensuring settler rights equal to Maori, was later incorporated into **Te Tiriti O Waitangi** by the translators, **Reverend Henry Williams** and his son **Edward**.

Our legislators are knowingly using a rejected and discarded, early rough draft treaty version when fashioning and interpreting our laws, which was **superseded by a final draft**.

Deliberate distortions of the treaty's meanings have, since 1975, been the source of much aggravation, division and hardship for the people of New Zealand. Social engineers, opportunists and political activists, in collusion with their highly paid lawyers, have spun such a web of legalese deceit around the treaty as to render its original intents incomprehensible. Despite acting as the foundation document for positive, unified progress in the century following its inception, our Treaty of Waitangi has been lately hijacked by malevolent's and reduced to a yoke of oppression and formula for apartheid...something that its creators and signatories never conceived it could ever become!

In actual fact, all that our legislators have ever had to do since February 6th 1840 is consult the crystal-clear wording of the Maori **Tiriti O Waitangi** for guidance when drafting laws and Acts of Parliament. Most New Zealanders aren't aware that the Maori text is benign and benevolent to all. No exploitation of the general public is possible under the friendly, all-encompassing, all-inclusive wording of its clauses, nor does it legally relegate anyone to the status of a second class citizen, bereft of any rights that are enjoyed by other New Zealanders. Unfortunately, the Maori **Tiriti O Waitangi** is never used in any of our legislation.

Our true Treaty of Waitangi has been removed and supplanted by a false treaty!

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