The Covenant of Kohimarama

A RATIFICATION OF THE TREATY OF WAITANGI*

IN SPITE of a number of books and articles on various aspects of the treaty of Waitangi, there has been little attempt to assess the meaning of the treaty to the Maori people. Any comment on Maori attitudes or understanding has usually been relegated to a position subordinate to a more general appraisal of the treaty.¹ An excellent recent publication on Waitangi, for example, incorporates the Maori viewpoint, but remains primarily a study of the origins of the treaty and the non-implementation of its promises up to 1847.² The best appreciation of Maori understanding can be found in two articles by Ruth Ross who examines in some detail the immediate circumstances surrounding the signing of the treaty. Mrs Ross introduces material from later years but only to cast new insights into the events of 1840 which remain her main concern.¹ Beyond the 1840s, then, lies almost uncharted territory.

One way of charting a course through this territory is to look at the crises that have occurred in Maori affairs. At such times there was a tendency for government to make use of the treaty in order to support and justify its policies. This is what occurred at the Kohimarama conference in 1860.

Originally the British government’s main purpose in making the treaty of Waitangi was to obtain sovereignty over New Zealand.⁴ The terms of

---

*This paper was originally given in the history section of the 49th ANZAAS Conference, held in Auckland in January 1979. It is presented here in more detail and with some corrections.


the treaty negotiated by Hobson, in brief, guaranteed to the Maori people the possession of their lands, estates, forests, fisheries, and other properties, in addition to granting them the rights of British subjects. In return, the Maoris ceded their country to the Queen, together with the sole right to purchase land. About 500 Maoris signed this agreement, a large number of them giving their assent at one or other of several major meetings in the north, beginning at Waitangi on 6 February 1840. The rest appended their signatures (or signs) to one of several copies of the document that were taken round the country over the following seven months. Most major tribes were represented amongst the signatories to the treaty, although Arawa and Tuwharetoa were notable exceptions, and Te Wherowhero, the senior Waikato chief, withheld his signature. Disregarding these omissions and anticipating the return of all copies of the treaty, Hobson proclaimed British sovereignty over the whole of New Zealand in May 1840—over the North Island by virtue of the treaty, and over the South Island on the grounds of discovery.

It is important to an understanding of the treaty to realize that there are really two treaties, (or more accurately, two texts), one in English, the other in Maori. Until recently the English text has customarily been accepted as the ‘real’ treaty, yet, with the exception of one document, Maoris in 1840 signed a Maori text. When ‘sovereignty’ was ceded to the Queen, for example, Maoris signed away te Kawanatanga (governorship) of New Zealand, in return for a guarantee of te tino rangatiratanga (chieftainship) of their lands, dwelling places, and other property.

It was an untidy treaty, ‘hastily and inexpertly drawn up, ambiguous and contradictory in content, chaotic in its execution.’ Thus, an exact definition of the rights and obligations contracted was ultimately to become the subject of unending debate for both Maori and Pakeha.

In the first years of British settlement in New Zealand this debate was mainly a Pakeha concern. Settler pressure to acquire Maori land as easily and as rapidly as possible gave rise to challenges to the treaty, especially its land clauses. Did the Maoris have the ownership in fee simple of all lands in the colony? What about the land the Maoris were not cultivating? Could the Crown claim this ‘unused’ land as waste land? Should the Crown retain the sole right of purchase? By 1848 this clamour had been almost stilled by a Colonial Office decision to uphold Maori rights to all land and to maintain the law that the Crown alone had the

5 Copies of the treaty in full are appended to this article. They are the texts used at Kohimarama.

6 Ross, ‘The Treaty on the Ground’, p.30. The fact that Te Wherowhero did not sign may have given rise to the belief, sometimes expressed in public, that Waikato had nothing to do with the treaty. Some Waikato, however, did sign; see Ross, ‘Te Tiriti o Waitangi’, p.136.

7 There were also several ‘versions’ of the English text.


9 For the best discussion of this debate, see Adams and McLintock.
right of purchase. The debate, of course, had been more an argument of principle than of practice, for, regardless of directions from England concerning interpretation of the treaty, an outright infringement of Waitangi (or at least its land guarantee) was impractical and unwise. From 1840 it had been customary in New Zealand to adhere to the interpretation which the Colonial Office finally confirmed. In the circumstances, the best that the government could do, and in this Grey was fairly successful, was to accommodate immediate settler needs for land; in the meantime, temporizing over the treaty and evading the various difficulties that it would ultimately present to establishing peaceful relationships between the races.

In the 1840s Maori treaty rights were ably defended in New Zealand by articulate and well-placed persons such as G.A. Selwyn, Bishop of New Zealand, and Chief Justice William Martin. But an attitude not untypical of the viewpoint of many colonists was that of J.C. Richmond: ‘I imagine that a day will come not long hence, when the preposterous Waitangi treaty will be overruled and the ridiculous claims of the native to thousands of ... acres of untrodden bush ... will be no longer able to damp the ardour & cramp the energies of the industrious white man’.

There appears to have been little comment at all on the treaty in the early 1850s, even though the principles of Waitangi were implicit in the tensions between settler and Maori that began to take shape in those years. At the end of the decade, however, the advent of a new governor, Thomas Gore Browne, and his responsibility for handling native affairs brought the treaty back into open debate. Two issues were mainly responsible for this, a disputed land purchase at Waitara in Taranaki and the growth of the King Movement in the Waikato. The principle at
issue in both cases was the extent to which Maori rights could be exercised without at the same time challenging government authority. In the first instance, at Waitara, Browne had rejected Wiremu Kingi’s right to exercise his chiefly power of veto over a land sale in which Kingi claimed to be an interested party. Tensions had erupted in open warfare between Taranaki Maoris and government forces. At the same time, the King Movement, a Maori inter-tribal grouping of a nationalist kind, was entrenching its position independent of government authority. Though the movement involved only a small core of central North Island tribes, mainly Waikato and Maniapoto, it retained the sympathy of a wider circle of tribes who had been involved in its foundation. It was the threat that Kingites would consolidate an alliance with Taranaki which finally persuaded the government to make a serious bid to win general Maori support.

In July 1860, over 200 Maori chiefs were invited by the governor to attend a conference at Kohimarama, near Auckland. Most districts were represented, although Taranaki was notably absent, and there were few Waikato representatives. The absence of chiefs from these two disaffected areas led to allegations of government ‘packing’ of the conference. Although the charge was officially denied, it was undoubtedly substantially true, for the government intended to use the conference as a means of confirming allegiance to the Crown of as many Maori tribes as possible, thereby isolating the Taranaki ‘rebels’ and the King Movement.

Browne opened the conference proceedings by stating plainly that, in
his opinion, Waitara and the King Movement constituted a rejection of British sovereignty. To support his argument he dwelt at length on the clauses of the treaty of Waitangi, the basis of British sovereignty, repeating the pledges made in 1840 by Maori and Pakeha. According to the governor, these had been faithfully observed on the part of the Crown.

In more general terms, Browne explained that, because of the treaty, there existed in New Zealand a unique situation—a new development in race relations:

I may frankly tell you that New Zealand is the only Colony where the Aborigines have been treated with unvarying kindness. It is the only Colony where they have been invited to unite with the Colonists and to become one People under one law. In other Colonies the people of the land have remained separate and distinct, from which many evil consequences have ensued. Quarrels have arisen; blood has been shed, and finally the aboriginal people of the country have been driven away or destroyed. Wise and good men in England considered that such treatment of Aborigines was unjust and contrary to the principles of Christianity. They brought the subject before the British Parliament, and the Queen's Ministers advised a change of policy towards the Aborigines of all English Colonies. New Zealand is the first country colonised on this new and humane system. It will be the wisdom of the Maori people to avail themselves of this generous policy, and thus save their race from evils which have befallen others less favored. It is your adoption by Her Majesty as her subjects which makes it impossible that the Maori people should be unjustly dispossessed of their lands or property. Every Maori is a member of the British Nation; he is protected by the same law as his English fellow subject; and it is because you are regarded by the Queen as a part of her own especial people that you have heard from the lips of each successive Governor the same words of peace and goodwill. It is therefore the height of folly for the New Zealand tribes to allow themselves to be seduced into the commission of any act which, by violating their allegiance to the Queen, would render them liable to forfeit the rights and privileges which their position as British subjects confers upon them, and which must necessarily entailed [sic] upon them evils ending only in their ruin as a race.

It is quite clear that Browne was determined that the Maoris should be impressed by the humanitarian idealism that had been, in part, a motivating factor in 1840. Of course the treaty promises had not been satisfactorily implemented, but, nevertheless, the treaty still remained 'a promissory note for racial equality.' Now, however, it was evident that the governor was threatening a withdrawal of Crown obligations under the treaty, by making that agreement conditional on a continuing Maori acceptance of government authority.

The implications of such a possibility were not lost on the chiefs.

22 AJHR, 1860, E-9, 4-5.
Friendly Maoris spoke in favour of the treaty. Tamati Waka Nene, for example, compared the New Zealand situation, where Maoris enjoyed advantages gained by treaty, with Tahiti, where Pomare and the Tahitians were less favoured under French control. And Tamihana Te Rauparaha, a Ngaititi from Otaki, pointed out that attempts had already been made in England to overthrow the treaty. He encouraged the conference, therefore, to accept Waitangi: ‘Do not consent that that Treaty should be for the Europeans alone, but let us take it for ourselves, and let it be a cover for our heads.’ This sentiment was endorsed by others who feared that the government would use the King Movement as the cause for abrogating the treaty, hence: ‘Let this meeting be joined to the Treaty of Waitangi. Let us urge upon the Governor not to withhold this institution from us. — Mete Kingi, (Wanganui).’ But in what sense did the Maoris at the conference really understand the treaty of Waitangi?

Conference sessions extended over four weeks as the Native Secretary, Donald McLean, who presided, attempted to sound out Maori opinion on Waitara and the King Movement. Other matters connected with Maori affairs were also discussed—a new legal code, the possibility of using mixed juries in certain circumstances, and the need to settle problems arising from Maori land title and land sales. But the meetings were seldom able to arrive at any unanimous decisions. In almost every case relating to land or to law, the same principle was involved—the degree to which Maori rights could be reconciled with government authority. Not surprisingly, then, the debate in many of the sessions tended to give rise to comment on the treaty.

The conference minutes reveal that there was a great variation of opinion about Waitangi amongst the assembled Maoris. A Ngatiawa (Wellington) chief, for example, indicated that his understanding of the meaning and intent of the treaty had always been vague: ‘As to that which is called the Treaty of Waitangi, I have heard nothing about it. . . . It is true I received one blanket. I did not understand what was meant by it; it was given to me without any explanation by Mr Williams and Reihana.’ But the same man went on to explain how his appreciation of the effect of the treaty had grown as government authority had extended into his district, thereby involving local Maori chiefs as assessors to assist European magistrates: ‘This it was which brought me into close association with the Europeans, and here I take my stand.

24 Te Karere Maori, 24 July 1860, p.17. Waka Nene, a Ngapuhi chief, had been one of the major signatories at Waitangi. Through close association with Europeans from the earliest days of settlement, Nene was undoubtedly better informed than many present.
25 ibid., 26 July 1860, p.32.
26 ibid., 27 July 1860, p.43.
27 See Ross, ‘The Treaty on the Ground’, p.25. Henry Williams took one of the Maori texts to the Cook Strait area. Blankets were usually given when the treaty was signed.
under the protection of the Pakeha."

Other chiefs debated the extent to which the treaty applied. Paora Tuhaere, a Ngatiwhatua from Orakei, supposed that it had definite limitations. He dismissed the treaty impatiently as 'Ngapuhi's affair'. Several other speakers voiced the same opinion, but with some disagreement. One chief considered that because Ngapuhi had broken the treaty it was no longer in force. Yet others argued that the protection (maru) of the Queen remained in spite of supposed treaty violations, not only by Ngapuhi, but by Te Rangihaeata, by the Wanganui tribes in 1847, and by Wiremu Kingi also. And finally, attention was drawn to the significance of the fact that, after all, the Europeans still did not ignore the Waitangi agreement.

By comparison, northern Maoris, especially Ngapuhi representatives, had a more developed understanding of the treaty. They defended their allegiance to the Queen and admitted their fault in breaking the treaty. They pointed out, however, that they had collected money to re-erect the flagstaff that Heke had cut down. Maihi Paraone Kawiti (the son of the chief Kawiti who had been Heke's ally in the northern war of the forties) pleaded with the conference not to condemn the treaty itself, because the wrong lay entirely in the action taken by his father, Kawiti, in alliance with Heke: 'Therefore I say let not this Conference uncover the old offences. When the flagstaff was set up I spoke two words. Let this be a symbol of union by which to acknowledge the Queen and also of the union of Ngapuhi with other tribes that we may together respect the Queen's name.' These sentiments were evidently shared by many of the Ngapuhi chiefs. Moreover, they also regarded the treaty as the covenant unifying Pakeha and Maori—te whakakotahitanga o nga iwi.

There are probably a number of reasons for Ngapuhi's special regard

28 Te Karere Maori, 27 July 1860, p.44.
29 ibid., 10 July 1860, p.15; see also 13 July, p.41; Tuhaere, the main spokesman for Orakei, was more concerned about a Ngatiwhatua sale of land near Auckland. The most senior Orakei chief, Apihai Te Kawau, did not take an active part in the conference possibly because of his advanced age and ill-health.
30 ibid., 25 July 1860, p.28. Mohi Te Ahi A Te Ngu from Pukaki was apparently referring to the northern war of the forties precipitated by Heke cutting down the flagstaff at Kororareka.
31 ibid., 26 July 1860, p.34.
32 See e.g. ibid., 11 July 1860, pp.18ff.
33 Kawiti had died in 1854.
34 Te Karere Maori, 3 August 1860, p.71.
35 ibid., 11 July 1860, p.19. In 1858, M.P. Kawiti re-erected the flagstaff that Heke had destroyed in the forties. The new flagstaff was called 'te whakakotahitanga o nga iwi', the union of the two nations, and was placed once again on Maiki hill. Nene had erected a flagstaff some years earlier but the forces occupying Kororareka at the time had insisted that Nene site it on the beachfront. It should be noted that Nene and the old chief Kawiti (on opposing sides during the war) had been reconciled shortly before Kawiti's death. Information from Ruth Ross; An Encyclopaedia of New Zealand, ed. A.H. McLintock, Wellington, 1966, II, 212.
for the treaty. They were aware, for example, that they had played an
important part in the treaty-making. They understood that it was at their
request that Hobson had been sent from England, and they knew that
they, the northern Maoris, had been the first to sign the treaty, just as
they had been the first to have extensive contact with Europeans and to
have accepted Christianity. Since 1840 also, there had been a good deal
of discussion on the treaty, for instance, in 1844 when Henry Williams
had explained that Maori rights were guaranteed by the Waitangi agree-
ment. In addition, Heke’s war which had challenged British sovereignty
in the mid-1840s had no doubt renewed Ngapuhi consciousness of the
issues deriving from the treaty. This had been apparent in Kawiti’s move
to re-erect the flagstaff in 1858, a decision taken only after the principal
Ngapuhi chiefs had conferred and expressed a wish to unite under one
law and to be one with the Pakeha. (Perhaps Hobson’s words at
Waitangi ‘He iwi tahi tatou — We are one people’, had been taken by
the Maori signatories present there more literally than has sometimes
been supposed.) The new flagstaff was recognized by the Ngapuhi as a
symbol of their renewed commitment to the treaty and to the Queen,
and it was accepted as such by Browne when he visited the north in February
1858. From the nature of Ngapuhi speeches at Kohimarama it is clear
that these events were still fresh in memory and had contributed much to
the northern understanding of the treaty.

More generally amongst the Maoris, however, understanding of the
treaty was very limited. By the end of the first week of the conference this
must have been obvious to the government, since McLean presented
the governor’s opening address to the assembly once more. This time he took
care to emphasize the protective nature of the treaty and its relevance to
all the tribes: ‘Some have said that this Treaty was confined to the
Ngapuhi. I maintain that it was not a treaty with Ngapuhi only, but a
general one. . . . The treaty is binding on the whole. And further, I
believe that it has been a great boon to you, and one, therefore, which
you should not lose sight of nor disregard.’ Some two weeks later,
when Waitangi was still being raised in debate, McLean again offered to
explain any aspect of the treaty that was not understood. On this occa-
sion he read the Maori text of the treaty to the assembly.

37 The flagstaff move appears to have been initiated by Hara Hongi Hika at a meeting
at Mangonui on 2 October 1857. Te Karere Maori, 31 October 1857, pp.2-4. The task itself
was carried out by M.P. Kawiti and those groups who had been in opposition to the govern-
ment.
38 W. Colenso, The Authentic and Genuine History of the Signing of the Treaty of
Waitangi, Wellington, 1890, p.35.
39 At that time too, Kawiti gave the government a piece of land as a peace-offering ‘to
be given and received in token of complete reconciliation and perfect unity’ between the
Maoris and the government. Te Karere Maori, February 1858.
40 ibid., 13 July 1860, p.38.
41 ibid., 26 July 1860, pp.36ff.
Of the speeches that day, that of Tuhaere is the most interesting, because it presents some indication of the progression of thought on the treaty of at least one conference participant: ‘I will speak to you about the Treaty. The Treaty is right, but it came in the time of ignorance and was not understood. The assent of Ngapuhi was given in ignorance otherwise why did they not consider that they had acknowledged the Queen instead of turning round and stirring with their own chief [Heke]?’ Tuhaere went on to cast doubt on the extent of understanding shown by those Maoris who had agreed to the treaty, although they had not been at Waitangi. In his opinion, all the chiefs should have conferred in the original agreement. ‘But this (alluding to the Conference) is more like it; this is the real treaty upon which the sovereignty of the Queen will hang because here are assembled Chiefs from every quarter and even from the other Island, to discuss various questions and to seek out a path.’

Since McLean was attempting to confirm the treaty of Waitangi as the foundation of sovereignty and government authority, he was naturally unwilling to concede a lack of understanding in 1840, such as Tuhaere was suggesting. He reminded the Maoris that they themselves had taken the initiative in applying to the ‘King of England’ for protection, the result being the treaty. He chided the chiefs for under-rating the ability of the signatories in 1840: ‘It is folly to accuse your chiefs of the past generation of ignorance. Do not imagine that you are intellectually superior to them, or that they were less competent than yourselves to form a judgment as to what would benefit their people. Had they not the same faculties as you? And were they not quite as capable of using them? You should not impugn the wisdom of those chiefs who signed this Treaty.’ On the other hand, McLean was quite in accord with Tuhaere’s other proposal, that the treaty could be endorsed by the Kohimarama conference. McLean referred to the conference as ‘a fuller ratification’.

This idea was first voiced by Tamihana Te Rauparaha, however, and others repeated it: ‘Let this meeting be joined to the Treaty of Waitangi.’ Thus the proposal was incorporated in a major resolution passed unanimously at the final session: ‘That this Conference takes cognizance of the fact that the several Chiefs, members thereof, are pledged to each other to do nothing inconsistent with their declared recognition of the Queen’s sovereignty, and of the union of the two races, also to discountenance all proceedings tending to a breach of the covenant here solemnly entered into by them.’

42 ibid., 26 July 1860, p.35.
43 McLean was probably referring here to the petition sent to William IV by a group of northern chiefs in 1831. See Buick, pp.10-11.
44 Te Karere Maori, 26 July 1860, p.36.
45 ibid., p.32.
46 ibid., 27 July 1860, p.43.
47 AJHR, 1860, E-9, 24.
This was, indeed, the kind of endorsement that the government was seeking. Not only did the resolution settle doubts about the allegiance to the Crown obtained in 1840, but it also committed tribes, such as Arawa, who had not signed the treaty. Having gained thereby the unanimous assent of most of the major Maori tribes to the Queen’s sovereignty the government had cause to feel reasonably satisfied that the conference had served its main purpose. This was probably some compensation for the absence of total Maori agreement on government policy towards Waitara and the King Movement. Two resolutions, one endorsing government policy regarding Waitara, and the other condemning the King Movement, failed to receive unanimous conference support. In fact, the response at the time was confused. Many Maoris had been quite critical of government failure to investigate Kingi’s case with due care. There was a general feeling that Waitara could have been avoided, if the government had sought the cooperation of the chiefs as mediators in the dispute. And the King Movement obviously presented a problem of divided loyalties for some Maoris: although they were willing to accept the Queen’s sovereignty, at the same time they were reluctant to indict the King Movement outright.

It would be easy to set aside an appraisal of the Kohimarama conference at this point. One might assume, for instance, that the records of the conference, printed in English, would provide the best guide to our understanding of proceedings. But this would be a serious mistake, for the conference was a Maori assembly, discussions were conducted in Maori, and whenever English was used, as in the governor’s addresses, a translation into Maori was immediately given by McLean. Translations in any language seldom capture precisely the nuances of meaning and comprehension. A comparison of the Maori and English records of Kohimarama indicates that the conference was no exception.

One suspects McLean, in fact, of engaging in deliberate linguistic manipulation in an attempt to guide his audience towards the attainment of his own purposes. This would hardly be surprising. In McLean were

49 This is not indicated in the AJHR report of the conference. Compare MA 23/10, Register of proceedings of conference, 10 August; and GBPP 1861, [2798], XLI, Browne to Newcastle, 7 September 1860, enclosing letters from Rev. R. Burrows and H.T. Clarke. Burrows, who was present at the conference, claimed that only a third of the chiefs supported the resolution endorsing government policy in Taranaki.
50 Browne noted the ‘great barrier’ between the races formed by the difference of language. He urged the conference to encourage the learning of English.
51 The discussion that follows relies on the account in Te Karere Maori where the proceedings are printed in double columns, one in English, the other in Maori. The Maori speeches (except those given on the first two days) were corrected by the chiefs before being submitted for publication. The task of reporting and translating the speeches was carried out by government officials—Walter Buller, W. Baker, and H.T. Clarke.
combined the offices of Native Secretary and Chief Land Purchase Commissioner, a position that gave him a large measure of responsibility for directing Maori policy. It had been, in part, his failure to counsel Browne adequately over Waitara and the King Movement that had allowed the colony to drift into the state of crisis. More than most men engaged in Maori affairs, McLean had an excellent grasp of Maori understanding and methods of thought—the result of almost twenty years of handling negotiations for government purchase of Maori land. Many of the chiefs at Kohimarama were personally known to him. Either consciously or unconsciously, then, McLean would naturally couch his language in terms that would most appeal to his listeners.

It should be no surprise, therefore, if we discerned something of a religious compact in the final resolution. This could be the result of McLean’s choice of language, for he had initially presented the treaty, in his translation of the governor’s opening address, as te kawenata o Waitangi — the covenant of Waitangi. Kawenata is used again in his later explanations of the treaty, as well as in the translation of the final speech delivered to the conference by Browne. Only when the Maori text of the treaty was read, did McLean use tiriti, which is the word used in that text.

Although his choice of kawenata in preference to tiriti may have been accidental, it seems very likely that McLean was endeavouring to imbue the treaty with something of religious significance. For both English and Maori, the word ‘covenant’ definitely has strong biblical associations. McLean must have known that his listeners would probably appreciate this biblical reference. Many of the chiefs were Christian, while others no doubt had some knowledge of the Bible. What, then, might ‘kawenata’ have suggested to the Maoris?

In the Old Testament a covenant was a solemn compact between God and His Chosen People, the Israelites. There were a number of such covenants, in fact, but these were summmed up in the ‘everlasting covenant’ made with Moses on Sinai. This was an expressly conditional covenant, whereby Israel had to be faithful and obedient if the covenant was to be fulfilled. A covenant, then, was more than just a promise. It was a

52 Ward, pp.114-5.
54 Te Karere Maori, 1860, July 10, pp.5-6; July 13, p.38; July 26, pp.36-7; see also appended Maori text of the treaty.
55 A further possibility, of course, is that the treaty has always been regarded as a covenant, or at least had been spoken of in that sense, but there is no evidence to support this suggestion. Immediately before the conference, however, reference was made to the treaty as a covenant in a letter that James Busby sent to the Native Secretary’s Office for publication in Te Karere Maori. McLean possibly adopted the idea from this source. The letter, an appeal to the Maori people for loyalty, was published in Te Karere Maori, 30 June 1860, though that issue was not in print until some weeks later. See letters on file MA 60/4-160.
sacred bond which regulated the relationship between God and His People. It stood for God’s sovereignty over the tribes of Israel, who were thereby united by the covenant, under the one law.\footnote{Encyclopaedia Britannica, Chicago, 1971, VI, 674-6; Everyman’s Encyclopaedia, London, 1967, IV, 135. Although the covenant was conditional on obedience it also presupposed God’s forgiveness, so that when Israel proved unfaithful to the Mosaic covenant a new covenant was promised which was fulfilled by Christ. Covenants were also known to regulate human relationships but in such cases they still had a religious significance.}

It is not difficult to perceive the biblical parallels that the word ‘covenant’ might have suggested. In the context of Browne’s address, these present some interesting possibilities. For example:

God cared for the Israelites as His Chosen People with whom he had made a special covenant.

The Queen was said to regard the Maoris ‘as part of her own especial people’ because of the covenant of Waitangi.

Between God and His People there was always a mediator, for example, Moses, the priest, or the King.

Between the Queen and her subjects stood the governor who was instructed by the Queen to maintain the stipulations of the covenant inviolate.

The Old Testament covenant was conditional on the Israelites being faithful and obedient.

Browne threatened to make the Waitangi covenant conditional on Maori obedience.

In the Old Testament, the covenant united the tribes under the one God.

Under the Waitangi covenant the chiefs were pledged to each other and to the union of the two races.\footnote{Cf. the agreement of Kingite tribes to unify under the King as a special protector. Language used at King Movement meetings also tended to have biblical associations. See also Southern Cross, 31 July 1860, where it is suggested that a biblical parallel, involving a covenant of peace, be used by anyone engaged in dealings with the King Movement.}

Maoris did not necessarily make these associations, but Maori speakers at the conference certainly referred to Waitangi as te kawenata on a number of occasions. One Waikato chief was quite explicit: Ngapuhi had broken te kawenata, therefore, ‘That Treaty (tiriti) is not now in force, for it has been made void.’\footnote{Te Karere Maori, 25 July 1860, p.28.} Ngapuhi, in particular, used the term kawenata more than other participants at Kohimarama, and it is perhaps significant that a northern representative, Paikea, proposed the...
final resolution. Nevertheless, that resolution was finally adopted by everyone present. It stood for the Maoris, therefore, as a solemn pledge, a kind of new covenant of Kohimarama—a 'fuller ratification' of Waitangi.

Another point with regard to McLean's use of the Maori language which was to have particular importance in later years was his specific inclusion of forests and fisheries under the guarantee of Crown protection. McLean referred to these when he translated Gore Browne's opening address. Although the English text of 1840 had mentioned forests and fisheries, they do not appear in the Maori text, which guaranteed Maori possession only of whenua (land), kainga (dwelling places) and taonga katoa (possessions of all kinds). Perhaps taonga had been intended to include forests and fisheries, but there is no evidence to prove this. At Kohimarama, however, McLean's translation left no doubt about the matter. When he read the Maori text of the 1840 treaty later in the conference, the omission of forests and fisheries passed without comment. It seems reasonable to assume, then, that after the initial speech the guarantee was understood to apply to the missing items. That McLean included forests and fisheries in the translation of the governor's speech might also suggest that their inclusion had always been understood since 1840. In fact, this discrepancy between the original Maori and English texts of 1840 may never have been noticed. Though other aspects of the treaty were debated from 1840 on, fishery rights do not seem to have become an issue until the 1870s. Only then did Maoris draw attention to the violations of these rights guaranteed to them under the treaty.

The issue of more immediate concern in 1860 was the government's problem of the crisis in Maori affairs. During the conference, British sovereignty somehow had to be confirmed; but it was essential to obtain Maori assent without appearing to trespass on Maori rights, or mana, particularly those relating to land. Implicit in a European understanding of sovereignty is the acquisition and exercise of territorial rights. Yet to dwell on these aspects would surely have been as unwise in 1860 as it had been in 1840. Almost certainly, then, the Maori chiefs were encouraged

59 See AJHR, 1860, E-9, 24; on p.25, Paikea is listed as a Ngapuhi, but cf. MA 24/16, Miscellaneous Papers, May 1861, where he is recorded as an Uriohau from Kaipara. The final resolutions had been mooted and discussed at a social gathering organised by Kaipara chiefs on 8 August. New Zealander, 15 August 1860, p.3.
60 See e.g. AJHR, 1879 Sess. II, G-8, Paora Tuhaere's Parliament at Orakei, pp.3, 24.
61 Te Karere Maori, 10 July 1860, p.6. The translation in Maori guaranteed: Ko o ratou oneone, me o ratou whenua, me o ratou ngaherehere, me o ratou wai matinga ika, me o ratou taonga ake; cf the Maori text of Waitangi.
62 For a discussion of this point, see Ross, 'Te Tiriti o Waitangi', p.141.
63 Te Karere Maori, 26 July 1860, p.36.
64 AJHR, 1879, Sess. II, G-8; cf. Ross, 'Te Tiriti o Waitangi', p.142. Ross states that Maori fishing rights were not an issue 'until the present century'.
to understand ‘sovereignty’ in the protective sense, as the Crown’s benevolence. This is suggested in the Maori records.

In 1840, ‘all the rights and powers of sovereignty’ that were ceded to the Queen was rendered in Maori as te kawanatanga katoa o o ratou whenua. Ross argues that kawanatanga—a coined word with a meaning approximating ‘governorship’—obscured the real intent of cession. The word mana would more accurately have conveyed the concept of sovereignty. In 1860, McLean translated ‘sovereignty’ as nga tikanga me nga mana kawanatanga katoa, the authority and all the powers of governorship, a rendering that expanded on kawanatanga, yet added little of the sense of ‘sovereignty’. Later in the conference he omitted any reference at all to kawanatanga, emphasizing instead the protection, or maru, that derived from sovereignty.

It should also be noted that Browne’s speech reversed the order of the Waitangi clauses, stressing first the protective benefits gained by Maoris, in return for which they had ceded sovereignty. Significant alterations to the original draft of this speech further suggest an attempt to obscure the transfer of power by treaty and to emphasize protection. It is hardly surprising, therefore, that the sense of sovereignty as te maru Kuini, was accepted by the conference.

Perhaps this gives a new insight into the meaning of those oft-cited words of Nopera Panakareao at the signing of the treaty at Kaitaia in April 1840, that ‘the shadow of the land will go to him [Hobson] but the substance will remain with us’. That Nopera reversed his point of view is well-known. What remains unknown is Nopera’s choice of words in Maori. It has been variously suggested that the ‘shadow’ was te atarangi, te aria, or te wairua. But whatever expression Nopera may have used in 1840, it was maru, a word often chosen to express ‘sovereignty’, that was invariably used at Kohimarama: ‘It was at that time [1840] that this Island was taken under the shadow (maru) of the Queen.’

Yet ‘sovereignty’ was also translated at the conference as mana. Tuhaere, in referring to the conference, claimed that it was ‘the real

---

65 Cf. the Canadian experience where Indians regarded treaties as protective engagements as a result of this emphasis being conveyed by government agents during negotiations. See Indian Claims in Canada. An Introductory Essay and Selected List of Library Holdings, Research Resource Centre, Indian Claims Commission, Ottawa, 1975, pp.10-15.

66 Ross, ‘Te Tiriti o Waitangi’, pp.139-41. Ross makes use of an explanation given by Sir William Martin who suggested that ‘kawanatanga’ constituted ‘such rights as were necessary for the Government of the Country, and for the establishment of the new system.’

67 See MA 60/70a, Draft speech to Natives to assemble at Kohimarama.

68 Ross, ‘The Treaty of Waitangi’, pp.22-3. In Sir Apirana Ngata’s view ‘the shadow’ was te atarangi e.g. Kua roa ke te atarangi o te tangata. Another suggestion was te aria, the spirit entity of New Zealand; Ross’s choice was te wairua, the unsubstantial image or shadow.

69 Te Karere Maori, 26 July 1860, p.32.
treaty upon which the sovereignty (mana) of the Queen will hang'. The final resolution recognized the Queen's sovereignty (mana). And individual letters from various tribal groups also acknowledged the Kuini mana. One might have assumed that the word mana would have caused a degree of unease amongst the chiefs had they considered the Queen's mana to be a challenge to their own. But apparently this was not so. Commitment to the Kuini mana was seen only in terms of benefits to be received. And later, Maoris would claim that their mana had been guaranteed to them at the 1860 conference.

How can these apparent contradictions be reconciled? Perhaps the answer lies in the understanding of 'sovereignty' and mana conveyed during the conference?

It seems very likely that several meanings for mana were understood; the first was the mana of the Queen who personified the sovereignty, or maru, ceded in 1840 (an understanding either conveyed during the conference or confirmed by conference discussion); secondly, beneath this stood the mana kawanatanga, the benevolent governorship deriving from the Queen; and then, alongside kawanatanga existed the Maori mana or rights—the whole confirmed in their relationships by the treaty of Waitangi. That this understanding was possible is suggested by Te Hapuku's exposition of Maori rights. He seems to have believed that Maori chiefs could enjoy a similar, if not equal status to that of governors under the Queen: 'If only a position like that of a Governor were claimed for their King, [Tawhiao] there being one Queen, it would be well; and let Taiaroa also be made King for the other Island, for he has a separate Island. The Europeans have many Islands, and many Kings; but all derive their authority from the Queen alone.'

Other chiefs, such as Waka Nene, expressed similar points of view indicating a belief that under the sovereignty of the Crown it would be possible for authority [or mana] in New Zealand to be shared by the two races—one people under one law. Hence many chiefs at Kohimarama sought a greater Maori involvement in European runanga, or councils.

70 See e.g. the letters from Ngatiwhakaue and Ngatikahungungu, printed at the rear of Te Karere Maori, 1860, Nos 13-18, pp.13 and 34 respectively.
71 AJHR, 1879, Sess. II, G-8; see e.g. the speeches of 29 February especially those of Te Retimana Waiho and Te Hemara.
72 See Te Karere Maori, 15 March 1860, pp.6-9, for a discussion of mana. The government paper argued that acceptance of the Queen's mana constituted merely a 'right to protect' and that the mana of the land had not passed to the Pakeha.
73 Tawhiao had succeeded to the Kingship at the death of Te Wherowhero, the first king, on 25 June 1860.
74 Taiaroa, the Ngaitahu chief, was present at the conference. He had extensive land rights in the South Island, though by 1860 he had parted with vast tracts such as the Otago Block.
75 Te Karere Maori, 27 July 1860, p.45. Te Hapuku was one of the most senior representatives of the Ngatikahungungu, Ahuriri (Napier). He had been closely associated with McLean through land sales in the preceding ten years.
McLean's rather patronizing deferral of such requests must have occasioned some puzzlement. In view of the official emphasis on the union of races under the Queen, one can also appreciate the disappointment expressed by many Maori chiefs that the law did not apply equally to Maori and European.76

But these inconsistencies in applying the principles of Waitangi were not perceived by Maoris in 1860 with the sharp awareness of later years. The experiences of the 1860s and 1870s would create a new sense of Maori disillusionment, a feeling that Crown protection had been withdrawn and Maori mana lost. Maoris would then turn back to the 1860 conference to query the principles that they understood had been guaranteed. But that lay in the future.

In 1860 it was still just possible that government might give effect to the ideals expressed in the Waitangi treaty which Kohimarama had reconfirmed. The conference itself, for example, might have been interpreted by the Maori chiefs as Crown recognition of their mana. It was the first time that government had attempted to sound Maori opinion by convening such a representative formal Maori gathering. The chiefs petitioned Browne to make the meeting a permanent institution. The governor agreed and promised to reconvene the assembly the following year—'first steps towards that self-government which they will comprehend and enjoy.'77 This promise partly fulfilled the general Maori aspiration to share in the authority of government by greater participation. The words of Parakaia, a Ngatiraukawa from Otaki, reveal a sense of satisfaction: 'Now, perhaps, for the first time, shall I fully enter into the arrangements of the English Government, and now, perhaps, for the first time, will what I have to say be heard.'78 This idea that the conference in some way confirmed Maori rights under the Crown was repeated by others, for instance, Tuhaere: 'This conference is a proper means by which we may come under the sovereignty (mana) of the Queen. All the people have been enclosed in the Queen's net.'79

Tuhaere's confidence in government benevolence was misplaced. The conference promised for the following year was not convened, nor were any further conferences of such a representative kind ever called by the government. Some twenty years later, another Maori conference was held in Auckland, but the initiative on that occasion came from Tuhaere.80

Historians have passed over the Kohimarama conference with barely a

76 The main objections were to restrictions on the sale of spirits and ammunition to Maoris.
77 AJHR, 1860, E-9, 21, 25.
78 Te Karere Maori, 27 July 1860, p.40; see also Martin's comment on the favourable Maori response to the conference, Sir William Martin, The Taranaki Question, p.119.
79 Te Karere Maori, 3 August 1860, p.71.
80 See AJHR, 1879, Sess. II, G-8, for the report of Tuhaere's conference.
mention, evaluating the gathering correctly as just one more government attempt to manipulate Maori affairs to secure the government’s position. This, however, ignores its significance in Maori history.

At the time, the conference served the government’s purpose tolerably well, but when the proposal to reconvene the meeting was shelved, official interest in Kohimarama undoubtedly faded. Indeed, the conference was probably forgotten in the hurly-burly of the following years, with the wars, the land confiscations, and the wrangles over the transfer of responsibility in Maori affairs to the settler government.

Yet the 1860 conference was possibly the most important gathering of chiefs since Waitangi. It was almost certainly the first time that such a representative group had ever reviewed the treaty. This review indicated that initially most chiefs had only a vague and confused comprehension of Waitangi. Conference discussions clarified understanding, however, with the better-informed Ngapuhi promoting their belief in the 1840 compact. Under McLean’s careful and deliberate guidance the conference ultimately became a ‘fuller ratification’ of Waitangi: for some, a re-affirmation of the consent originally given; for others, a new commitment. The final resolution bound those present in the pledge—the covenant of Kohimarama.

Maori treaty rights confirmed in 1860 became a point of reference for the expression of organized Maori protest in a series of conferences beginning in 1879. The first were convened by Ngatiwhatua, then Ngapuhi gatherings at Waitangi followed two years later. Referring back to 1860, Maoris once again debated the treaty and the explanations contained in Browne’s speech. There was little of the vagueness shown at the earlier conference; speakers had a good grasp of treaty clauses. The rights understood as guaranteed were now seen to be unfulfilled. Yet the assurances about the benefits of the treaty, given in 1860, were still so firmly believed in, that Maoris were hesitant to find fault with the treaty, or to perceive that its clauses were impossibly contradictory. They

81 Two conferences held prior to 1879 in the Kaipara area are referred to in AJHR, 1879, Sess. II, G-8, 22, but no other record has been found; MA 23/12, Orakei Parliament, 1879; MA 23/12 Orakei Parliament, 1880; New Zealand Herald, 1881, 12 March, p.4, 14 March, p.5, 21 March, p.5, 22 March, p.6, 23 March, p.5. In 1869 there was a proposal by a number of kupapa chiefs that the Kohimarama conference be revived, but no further action appears to have been taken. See Ward, p.272.

82 For reports on the 1881 gathering, see New Zealand Herald, 1881, 24 March, p.5, 25 March, p.6, 26 March, p.5; The Northern Luminary, 1881, 12 February; 5, 12, 19, 26 March; 2, 23 April.

83 Particular attention was given to the speech at the 1879 conference, AJHR, 1879, Sess. II, G-8, 8-10. Printed copies of the Governor’s address had been distributed amongst the chiefs at the opening of the 1860 conference. See T.H. Smith’s report in GBPP, 1861, [2798], XLI. A wider circulation of the address was also ensured by its publication in Te Karere Maori which had several hundred Maoris on its mailing list in 1860. In addition, nearly 150 chiefs had received bound copies of the conference proceedings, MA 24/16, Miscellaneous Papers.
sought instead for the 'real' meaning of Waitangi and Kohimarama, to see if the 'spirit' of the treaty had been carried out: 'Let us see whether the stipulations made in the Treaty of Waitangi are still in force or not. Do not let our grievances be attributed to the wrong causes.'

It was apparent from the grievances voiced at these conferences that Maoris were intensely disturbed by the direction of events affecting their lives: legislation was constantly whittling away Maori land; local government was intruding into Maori areas with roads and taxes; individually and collectively, Europeans were encroaching on Maori fishing preserves; and confiscated Maori land was finally being forcibly taken for European settlement; everywhere chiefly mana was being trampled underfoot.

Under the full impact of this assertion of government authority and European dominance, Maori confidence in the goodwill of Waitangi was shaken. Maoris felt that the mana guaranteed to them over land, forests and fisheries had been lost. More generally, the sense of Maori mana lost was confirmed by the exclusion of Maoris from various government positions in a general retrenchment of expenditure in Maori affairs that began at the end of the seventies. The representation of Maori interests in the Wellington parliament by the four Maori members, judged generally to be ineffectual, was no compensation.

Maoris searched for a reason to explain why the promised benevolence of the Crown had been withdrawn from them. Failing to find any satisfactory answer and becoming increasingly suspicious of all government legislation, Maoris turned to the Queen. After all, she was still that same special person to whom they had committed the sovereignty of New Zealand. Surely she would not desert 'her own especial people'? Abandon those in whose welfare she took 'so deep an interest'? She had, in

84 AJHR, 1879, Sess. II, G-8, 16.
86 See An Encyclopaedia of New Zealand, I, 842-3; in the 1870s legislative provision for improved local government (for example, the Counties Act 1876) effected substantial changes in New Zealand, especially in rural areas.
87 The rights to land between low and high water mark became a point of issue for Maoris from about 1870 as Harbour Boards began to assert control over various foreshores. Other fishery areas were also affected through the activities of acclimatization societies and drainage boards; see e.g. AJHR, 1885, G-1, Notes of a meeting between Ballance and Tauranga Natives, 21 February 1885, 59, 62; AJHR, 1885, G-2, 7; AJHR, 1887, I-2, Petitions Nos. 28, 29, 140; AJHR, 1888, G-1, 8, Report on Middle Island Native Land Question, p.8. Compare fn.64 above for a contrary view.
88 A number of areas were affected, but the major upset was in Taranaki; see Dick Scott, Ask that Mountain, the Story of Parihaka, Auckland, 1975.
91 AJHR, 1860, 4, 25.
fact, ‘granted her protection to the Maoris in order to prevent their destruction.’

Appeals were made to the Queen, therefore, to uphold the promises of Waitangi and to curb the violations being carried out by the New Zealand government. Two groups of Maoris even visited England to plead personally before the ‘great mother’. But the appeals inevitably had to be referred back to the New Zealand government which had held responsibility in Maori affairs since the 1860s. In spite of a number of such rebuffs in the 1880s, Maoris continued to grasp at that elusive shadow, the promised protection that they believed the Queen, or the Imperial Parliament, might yet accord them. Their hopes were sustained by successive governors and politicians who, possibly inadvertently, persisted in postulating a special relationship between the Queen and the Maori people. As a consequence, a full appreciation of the impersonal quality of the ‘Crown’ was evaded, while the myth of Crown benevolence continued.

By the end of the 1880s it was apparent to many Maoris that, if Maori interests were to be protected, Maoris themselves would have to bury old antagonisms and act as a unified body. Foundations of unity had been established to some extent already: the Repudiition Movement had been active in Hawke’s Bay in the 1870s; large meetings had been held in many districts in the 1880s; and the Ngatiwhatua and Ngapuhi parliaments had established some tradition of Maori cooperation.

Tuhaere once more took the initiative in 1889 by holding another major Kohimarama conference. It was almost thirty years since the 1860 conference but the principles of the treaty of Waitangi understood

92 AJHR, 1879, Sess. II, G-8, 18.
93 AJHR, 1883, A-6, Papers respecting a Petition from Maoris to the Queen; The Aborigines Friend and Colonial Intelligencer, October 1882, pp.505-19. For the visit of King Tawhiao, see A. Parsonson, ‘Te Mana o te Kingitanga Maori — a study of Waikato-Maniapoto relations during the struggle for the King country 1878-1884’, unpublished M.A. thesis, University of Canterbury, 1972, Ch.vii.
96 See e.g. GBPP 1868-69, (307), The Governor’s speech to the Maoris assembled at the meeting at Ngaruawahia 20 May 1868, p.136: the Queen sent her ‘love and protection’; see also Notes of meetings between His Excellency the Governor (Lord Ranfurly), the Right Hon. R.J. Seddon, and the Hon. James Carroll, 1898, 1899, Wellington, 1900, p.3.
98 See e.g. AJHR, 1883, G-1a, S.W. von Sturmer to Undersecretary Native Department; AJHR, 1886, G-2, Native meeting at Hastings; AJHR, 1886, G-3, Native meeting at Taupo.
99 Representatives from each of these groups appear to have attended the main meetings from 1879 on.
100 New Zealand Herald, 1889, 28 March, p.6; 29 March, p.6; Ko te Pukapuka o te tiriti o Kohimarama, Auckland, 1889.
then were expounded again: the conference aimed at the unity of the two races, as Waitangi had intended; and it sought to consolidate the unity of the Maori race so that the fight to establish treaty rights could be more effective. Thus the pledge of the whakakotahitanga o te tiriti o Waitangi,¹⁰¹ taken at this conference, became the basis of union upon which the kotahitanga parliaments of the 1890s were established.¹⁰² Maoris insisted that these parliaments were within the rights granted to them by the treaty, and, of course, in Maori understanding of the treaty this was quite true. Under the sovereignty of the Queen, Maori and Pakeha were understood to be united, but equal. This had been confidently expressed by Waka Nene in 1860: ‘I am walking by the side of the Pakeha.’¹⁰³ But by the 1880s it was clear to many Maoris that they were failing to achieve this aspiration. The Kohimarama covenant, therefore, became the foundation of the new struggle for Maori self-government.

CLAUDIA ORANGE

University of Auckland

¹⁰¹ The pledge had been drawn up at a meeting at Waitangi in early March 1889.
¹⁰² John A. Williams, Politics of the New Zealand Maori: Protest and Cooperation, 1891-1909, Auckland, 1969, Chapter 4; see MA 28 4/5 Box 7, A.T. Ngata to T. Lindsay Buick, 18 October 1932, where Ngata notes that from the 1880s the term 'Kotahitanga' was understood as an abbreviated form of Te Kotahitanga o te Tiriti o Waitangi, The Union of the Treaty of Waitangi.
¹⁰³ Te Karere Maori, 10 July 1860, p.15.
The Treaty of Waitangi

The Treaty of Waitangi, also known as the Treaty of Waitangi, is a legal document signed on 6 February 1840 between the British Crown and various Māori groups representing different tribes or chiefdoms in the present-day New Zealand. It provided for British sovereignty and protection of Māori rights and interests in the country. The document contains different sections as follows:

Ko te tuatahi

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

Ko te tuarua

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

Ko te tuatoru

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

(Signed) William Hobson, Consul and Lieutenant-Governor.

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

Ka meatia tenei ki Waitangi, i te ono o nga ra o Pepure, i te tau kotahi mano, ewaru rau, ewa tekau, o to tatou Ariki.

The Treaty of Waitangi

Her Majesty Victoria, Queen of the United Kingdom of Great Britain and Ireland, regarding with Her Royal Favor the Native Chiefs and Tribes of New Zealand, and anxious to protect their just Rights and Property, and to secure to them the enjoyment of Peace and Good Order, has deemed it necessary in consequence of the great number of Her Majesty's Subjects who have already settled in New Zealand, and the rapid extension of Emigration both from Europe and Australia, which is still in progress, to constitute and appoint a functionary properly authorised to treat with the Aborigines of New Zealand for the recognition of Her Majesty's Sovereign authority over the whole or any part of those islands. Her
CLAUDIA ORANGE

Majesty, therefore, being desirous to establish a settled form of Civil Government with a view to avert the evil consequences which must result from the absence of the necessary Laws and Institutions alike to the native population and to Her subjects, has been graciously pleased to empower and authorise me, WILLIAM HOBSON, a Captain in Her Majesty's Royal Navy, Consul, and Lieutenant-Governor of such parts of New Zealand as may be, or hereafter shall be, ceded to Her Majesty, to invite the confederated and independent Chiefs of New Zealand to concur in the following Articles and Conditions.

Article the First

The Chiefs of the Confederation of the United Tribes of New Zealand, and the separate and independent Chiefs who have not become members of the Confederation, cede to Her Majesty the Queen of England, absolutely and without reservation, all the rights and powers of Sovereignty which the said Confederation or Individual Chiefs respectively exercise or possess, or may be supposed to exercise or to possess over their respective Territories as the sole Sovereigns thereof.

Article the Second

Her Majesty the Queen of England confirms and guarantees to the Chiefs and Tribes of New Zealand, and to the respective families and individuals thereof, the full, exclusive, and undisturbed possession of their Lands and Estates, Forests, Fisheries, and other properties which they may collectively or individually possess, so long as it is their wish and desire to retain the same in their possession; but the Chiefs of the United Tribes and the Individual Chiefs yield to Her Majesty the exclusive right of Pre-emption over such lands as the proprietors thereof may be disposed to alienate, at such prices as may be agreed upon between the respective Proprietors and persons appointed by Her Majesty to treat with them in that behalf.

Article the Third

In consideration thereof, Her Majesty the Queen of England extends to the Natives of New Zealand Her royal protection, and imparts to them all the Rights and Privileges of British subjects.

W. Hobson, Lieutenant-Governor.

Now, therefore, We, the Chiefs of the Confederation of the United Tribes of New Zealand, being assembled in Congress at Victoria, in Waitangi, and We, the Separate and Independent Chiefs of New Zealand, claiming authority over the Tribes and Territories which are specified after our respective names, having been made fully to understand the Provisions of the foregoing Treaty, accept and enter into the same in the full spirit and meaning thereof: in witness of which, we have attached our signatures or marks at the places and the dates respectively specified.

Done at Waitangi this sixth day of February, in the year of Our Lord one thousand eight hundred and forty.

Texts of the Treaty of Waitangi used at the Kohimarama Conference.

*Te Karere Maori*

July 26 1860.