

# Charter of 1840 – Constitution of the Colony of New Zealand Into a Separate Colony

## New Zealand Charter of 1840 (Nov 16)



The Charter of 1840 with its distinctive seal. Archives reference: IA9/6. Click on the image to enlarge or download.

On 16 November 1840 New Zealand officially became a British colony, separate from New South Wales, Australia. Signed by Queen Victoria, the Letters Patent, commonly known as the Charter of 1840, vested the power of the British Government in a Governor.

The Charter followed a number of other steps claiming sovereignty for the British Crown. In July 1839, William Hobson had been appointed Lieutenant Governor of "any territory which is or may be acquired" by Britain. Hobson assumed this position on 14 January 1840.

After arriving in the Bay of Islands, Hobson proclaimed before 300 settlers and 100 Māori that his duties as Lieutenant Governor had begun, and that the boundaries of New South Wales had been extended to include any parts of New Zealand acquired by the British Crown. This was done at Kororāreka (Russell) on 30 January 1840.

On 21 May 1840, Hobson issued proclamations of Her Majesty's sovereignty over New Zealand. The North Island was claimed by cession through the Treaty of Waitangi (which was still being signed at the time), and the South Island on the basis of Captain Cook's discovery. The Charter of 16 November 1840 then separated New Zealand from New South Wales and made New Zealand a British colony of its own.

The Charter also authorised Hobson to form an Executive Council and a Legislative Council of seven people to make laws and ordinances "for the peace, order, and good government" of the colony.





The Charter of 1840. Archives reference: IA9/6. [Click on the image to enlarge or download.](#)

The elaborately decorated, handwritten document features the Royal Coat of Arms, as well as representations of Britannia (a symbol of Britain) and Justitia (justice). There are no images representing New Zealand on the document.

The Charter stated that the North, South and Stewart Islands were to be known as the provinces of New Ulster, New Munster and New Leinster respectively. New Zealand's northern boundary was mistakenly defined as 34 degrees north instead of 34 degrees south. The error can be seen on [page two](#) of the document, 10 lines down, nine words in.

This "slip of the quill" opened up a vast expanse of the Pacific Ocean to interests based in New Zealand. The area covered reaches up to just below Japan. In April 1842 another set of [Letters Patent](#) corrected the error.

The Charter of 1840 forms part of [Series 8341 - Constitutional Papers](#), which contains records relating to significant constitutional developments in New Zealand.

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