

Allan Titford Update, 11 April 2017

Prepared by Ross Baker, Researcher, One New Zealand Foundation Inc. 12/4/1017. (C)

For further information: www.onenzfoundation.co.nz Email: ONZF@bigpond.com.au



It must be remembered Allan Titford was a completely innocent victim when the Crown decided it wanted his freehold titled farm to help settle Te Roroa's "alleged" Treaty of Waitangi claim, but Allan refused to sell his farm until the Rural/National Bank joined forces with the Crown to bankrupt him over a 5 year period forcing him to sell his farm, under duress, without legal advice and well below its true market value. As his father's

farm was held as security by the Rural/National Bank for a loan Allan had on his farm, his father would also lose his farm that had been in the family for 100 years.

Allan's farm had an approved seaside subdivision on part of it and when sold would have repaid the Bank and made him debt free, but the Crown destroyed all this, including a young innocent family to satisfy Te Roroa's "alleged" Treaty of Waitangi claim. See letter below from the late Ngapuhi Chief, Mr Graham Rankin.

The original Sale Agreement to purchase Allan's 1650 acre freehold titled farm at Maunganui Bluff was drafted by **Philip Fox Solicitors** in 1994. On the 8 December 1995 Allan, on his New Zealand Lawyer Mr Clive Jackson's advice, decided he now had no other option than to sign this Agreement, under duress, or he would lose everything as well his father would lose his farm The Bank held as security.

On the 12 December 1995, and without legal advice, Allan was forced, under duress, to sign a new Sale Agreement drafted by the **Crown Law Office** that he had never seen before, this included many new clauses, especially a clause that Allan could not sue the Rural/National Bank for mismanagement of his farm when it was under the Bank's financial control. He made and signed a large amendment to page 11 of the new Sale Agreement that he was selling his farm, under duress, and as he was in Tasmania, he had a Tasmanian Notary Public, Mr Sam Samec, who was paid by the New Zealand Crown, witnessed this amendment.

Allan and Mr Samec also initialled pages 10 and 12 and both signed the execution page 13 but left the other pages uninitialled as they were not the pages Allan had agreed to sign on the advice of his New Zealand lawyer, Mr Clive Jackson, on the 8 December 1995. Allan's New Zealand lawyer, Clive Jackson said if he had seen this agreement before he signed it he would have advised Allan, "*Not to sign it*"! The Notary Public then sent the Sale Agreement back to the **Crown Law Office** later that morning.

Allan and his New Zealand lawyer, Clive Jackson, were refused copies of the fully executed Sale Agreement after being signed by the Commissioner of Crown Lands, Mr Sam Brown,

on behalf of Her Majesty the Queen, therefore, they had no idea the documents had been tampered with. If Mr Brown had known Allan was selling his farm, under duress, he would not have signed the Sale Agreement as an contract signed, under duress, cannot be enforced in a court of law.

When Allan and the One New Zealand Foundation eventually received a copy of the fully executed Sale Agreement under the Official Information Act in 2004, page 10, 11, and 12 that both Allan and Mr Samec had initialled had been substituted for clean pages. While every page of the fully executed Sale Agreement had been initialled by Mr Sam Brown, not one page was initialled by Allan or Mr Samec.

In 2010 Allan found a copy of the original agreement in a government file with page 10, the amended page 11 and page 12 that he and Mr Samec had both initialled but had been substituted for clean pages in the Agreement Mr Sam Brown, the Commissioner of Crown Lands, had been given to sign in 1995.

Once we presented the original Sale Agreement with the amendment to page 11 and the initialled pages 10 and 12 to the **Crown Law Office** and a letter from Mr Samec and Mr Jackson stating that neither of them had given Allan legal advice before he was forced to sign the new **Crown Law Office Sale Agreement**, we believe the Crown had no other option than to:-

1. Admit the documents had been tampered with by the **Crown Law Office** and pay Allan compensation for having his farm taken for an "alleged" claim using corrupt documents, **or**
2. Convict Allan on "alleged" assault charges against his

children, burning down his house and assaulting and raping his wife. **The Crown chose this option! Surprise, surprise!**

When the Crown found Allan's wife Susan was divorcing him because she had had enough of the claim, the constant harassment by the Crown and the Police and wanting to take control of the family Trusts; the Crown gave her immunity in February 2010 to help the Police lay 58 charges against Allan. The court breaching 3 fundamental principles of our legal system to convict and jail Allan for 24 years!

1. *The criminal justice system must be, and must be seen to be, free from political interference.* I attended the meeting where the Hon John Carter gave Allan's estranged wife Susan immunity from prosecution to help the Crown and Police lay charges against Allan. Susan Stating, "I think when they go to get him they are going to get him for as much as they can", and they certainly did!
2. *One of the most crucial aspects of a fair legal trial is the right to call witnesses on both sides.* Although Allan had given his Crown paid lawyer a list of witnesses, he refused to call any in Allan's defence.
3. *A man is innocent until proven guilty.* Allan was not found guilty, he had a guilty verdict handed down by Judge Duncan Harvey who had only heard the Crown's witnesses.

Allan has waited over 3 years for a hearing date for his appeal, but as the Crown has him where they want him and are in no hurry to allow him an appeal. In fact, he should be completely exonerated because of the way his trial was conducted; it was no more than,

"A malicious prosecution of a political nature to pervert the

course of Justice”.

In September 2015 Chief Ombudsman, Dame Beverley Wakem, made another unforgivable mistake when she stated Allan had been convicted of sexually assaulting his children, the worst crime any father can be accused. While she apologised, this seems to have been picked up by Allan’s Case Manager Erica Hiyama at Corrections and Allan’s 5 year old son Leo was immediately refused visiting rights to his father. Since then, the ONZF has been trying to have Leo’s visiting rights restored, but Corrections and the Crown seems to want to make Allan’s prison term as miserable as they possibly can. Both Erica Hiyama and Chief Ombudsman, Dame Beverley Wakem have now “left” their employment and the new Chief Ombudsman, Judge Peter Boshier, refuses to reply to our letters as does the **Crown Law Office**.

This was the first claim by the apartheid Waitangi Tribunal which stated, *“This land must be returned to Te Roroa at whatever cost”*. The Crown did not want egg on its face with its first claim and decided to take Allan’s farm, *“At whatever cost”*, including tampering with the Sale Agreement.

The Minister of Justice, Hon Doug Graham, who signed the Deed of Sale on behalf of Her Majesty the Queen, initialled Allan’s amendment to page 2 of the Deed of Sale stating, that Te Roroa’s claim was only an *“alleged”* claim because he knew there was no evidence to prove otherwise.

This claim had already been heard by Chief Judge Shepherd in 1939 and after a full investigation by the court, it was found there was no case to answer and Parliament rejected the claim

in 1942.

As Allan has no family or friends in Auckland he asked if he could be moved to Ngawha Prison in Northland, but so far has been refused. What else can the Crown do to break this man! A man that has not only fought for his own rights but for the rights of every New Zealander who owns land, therefore, he needs and deserves our support for a fair re-trial or to be completely exonerated.

Allan Titford has suffered enough at the hands of the Crown and its bureaucrats, especially those in the Waitangi Tribunal, the Police, the Crown Law Office, the Ombudsman's Office and the courts; they all helped to put Allan where he is today, teaming up to protect each other when the Crown stole Allan's freehold titled farm for Te Roroa's "alleged" Treaty of Waitangi claim. *"The work of the claim was shoddy, unclean and destructive in the eyes of our New Zealand Society. Bad research coupled by greed and inefficiency"*, the late Mr Graham Rankin, see letter below, therefore, there is no doubt that Allan Titford's trial was;

"A malicious prosecution of a political nature to pervert the course of Justice".

Allan not only fought for his rights, he fought for every land owner's rights in New Zealand by initiating the **1993 Treaty of Waitangi Amendment Act**, *"That private land is sacrosanct and totally excluded from Treaty claims and the settlement process"*, but the Crown still took his land, two years after the Act was passed.

We must now fight for Allan to be completely exonerated, he

was not the villain here!

For further information, the following two books can be purchased from, ONZF, P.O. Box 7113, Pioneer Hwy, Palmerston North. \$10-00 each, incl. P & P. **“STOLEN LANDS AT MAUNGANUI BLUFF”** and **“WHY ALLAN TITFORD WAS JAILED FOR TWENTY FOUR YEARS”**, both a must read for the truth.

It's time the Government and the media told the truth on why Allan Titford was jailed for twenty four years!

June 4th 2001.

*Minister of Treaty
Claims,*

Hon Margaret Wilson.

Tena koe,

Eighteen months ago I met a man of good Bohemian stock. I have met him several times later, a young man with a terrible bile in his belly, and rightfully so.

No living person should suffer the pain he and his wife and children, at the hands of Government and Associates, Ministers in particular. From the time the Te Roroa claim took effect, I asked, “could this be the land of our fathers”.

In my view, how could Te Awha Parore and Tiopira own so much land, when Maori, at some time in our history had communistic laws? The Chief only apportions a small parcel of land for

family requirements, no more, no less. The land belonged to the Tribe not the chief.

Te Roroa people are only squatters, living on the edge of Waipoua Forest. They don't even know what they are!! Ngatiwhatua or Ngapuhi. Like the Israelites, driven out of the Bay of Islands to Whangaroa, then fled with Hongi Hika in chase to Waipoua.

My Ngaitu people were the earlier settlers, our Tupuna, Chief Kohuru of the funerary chests at Kohekohe. I am angry that the chests were never returned to Kohekohe, but interred in a simple ceremony at Waimamaku without permission.

I have read the Te Roroa report, also attended the findings at Waikara Marae, men and women in the finery, Ministers, Members of the Tribunal, others in country apparel, gumboots, oilskins, horses, tractors and dogs, out for a great day. The big tops, a large dining area, all at the expense of the Government of the day.

Before the seal had set, this 15th day of May 1990, the great philosophers found there was a grave mistake. Accordingly, a prompt change to the Act was pushed through by Parliament, "land that was owned by private ownership should not be challenged". The work of the claim was shoddy, unclean and destructive in the eyes of our New Zealand Society.

My question Minister, the land can never be given to Maori, sitting as a "crown jewel" when it should be returned to Allan Titford, now.

I asked Titford to bring me copies, various deeds, Court minutes, successions before writing. I am satisfied what I have witnessed, by the sequence of events, from the time the Crown purchased Maunganui lands from Te Awha Parore in successions, or lease, is compatible with the standard within the law of our country.

Also let it be known to the Tribunal and yourself, in permanent storage, Turnbull Library had "an epitome" of official documents, relative to native offers and land purchases in the North Island of New Zealand. A very useful follow up guide for claims. Compiled and edited by N.Hansen Turton. There is a large section contained about Maunganui lands.

Enclosed, is exhaustive research provided by Titford. Maps and Deeds can be supplied if required. I am a devoted protector of my Maori Peoples interests if a case is fair and accurate, same goes for Pakeha people.

I must reiterate, this must be the saddest case I have come upon. Bad research coupled by greed and inefficiency. Please have the Tribunal sight this letter. Be guided by extra care in the future.

Tena Koe Hoi ano

Signed, Graham Rankin, Ngapuhi Elder.

Regards to our Great Prime Minister.

The late Graham Rankin was a respected Ngapuhi Chief who knew the whakapapa and history of this land and its people far better than the claimants, the Crown or the Waitangi Tribunal, but the Crown failed to listen and gave Allan Titford's land to Te Roroa, **"when they were only squatters living on the edge of the Waipoua Forest"**! **FACT!**