

STATEMENT OF WITNESS

Statement of: Mrs. Barbara Brown

Date of Birth: Over 40

Address:

Phone:

Occupation/Employer: Retired

This statement consists of 4 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have willfully stated in it anything which I know to be false or do not believe to be true.

Dated the 25th day, of January 2021.

Signed: Barbara Brown

Signature witnessed by: _____

STATEMENT:

1. The purpose of this Statement is to facilitate communication between the Commission of Inquiry into historic Losses of Land in Bermuda and myself, Mrs. Barbara Brown. I am one of seven Beneficiaries of the Estate of my late Uncle John Augustus Alexander Virgil and have standing with the Commission. The other six beneficiaries are my siblings and cousins. Two siblings and a cousin have passed, leaving the four surviving beneficiaries whom I am representing.
2. The following is a set of documented memories and experiences that have occurred over the last 49 years during the pursuit of justice regarding real estate at Spring Benny Sandys Bermuda. These memories are categorized for ease of reference.

Residents of Spring Benny

3. In 1984 Mr. Kenneth Maybury came to my home in Spanish Point Pembroke to discuss his title to the property he lived on in Spring Benny. I asked him if he would show me the deeds to his property, he owned with his wife Pam. I wanted to see the title to his property as shown in his deeds. He refused to show his deeds. He said, "If I show you my Deeds, then John Swan won't give me anymore work".
4. In April 1982, at my daughter Deanna's wedding reception at the Bermudiana Beach Club on South Shore in Warwick, I spoke with Mr. Robert Horton about the matter of clear title to the property. Mr. Horton told me that the neighbours had been invited to a meeting with Mr. Stanford Richardson who was a representative of John W. Swan Ltd. Mr. Horton told me that the Spring Benny residents were told by Mr. Richardson that "there is nothing to worry about and everything is in order" regarding their concerns about the legitimacy of their property title.
5. I retained the services of Conyers, Dill and Pearman to draft a letter and send it to prominent Bermudian, Mr. Robert Horton who was a Spring Benny resident. The

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purpose of the July 14, 2000 letter was to invite Mr. Horton to show his title deeds to the Beneficiaries for review. There was no response to the letter.

6. The late, Mr. Lennett Edwards, was a distinguished public servant and former Commissioner of Police in Bermuda. Soon after he passed away in 2005, I filed a Caveat with the Supreme Court of Bermuda. This Caveat challenged the Estate of Mr. Edwards regarding the claim of legal title to his property at Spring Benny. This Caveat effectively stalled the transfer of the title of the Edwards property. To date, the Caveat has not been challenged by the Edwards family.

7. I placed a Legal Notice in The Royal Gazette in 1982 through our lawyer, Mr. Julian Hall was providing legal services to the Beneficiaries. This legal notice described the land in question and identified all the occupants of the land at the time. The occupants were all advised that the legal title to their respective lot of land was being challenged by us, the Beneficiaries.

Appleby

8. In the Spring of 1972, Mr. Robert Motyer from Appleby Spurling and Kempe telephoned me to invite the beneficiaries to his office for the reading of Uncle John's Will. We all went to the meeting. Mr. Geoffrey Bell, who was dressed in a really nice blue suit that day, read the will. He advised us that Uncle John owned real estate and that we should go to the Bank of Butterfield so the Will could be executed. Years later I telephoned Mr. Bell one day (in 1979/80 I think) to ask a question about the content of the will and at that time, Mr. Bell denied that he even read the will.

9. On the day of Uncle Johns death in January 1972, I went to Appleby and asked to speak with Mr. Robert Motyer. He came out to see me and I told him I was John Augustus Alexander Virgil's niece. Mr. Motyer said, "why come to me?" I replied, "You're his lawyer and I know my uncle has land but I'm not sure about any money." Mr. Motyer told me to go and give my Uncle a nice funeral and he would call in two weeks to invite the beneficiaries in for the reading of Uncle John's will.

10. During the 2010's, I decided to walk into Appleby to speak with someone that would listen and help with our outstanding claim. Although I did not have an appointment, I did meet with Ms. Kiernan Bell. During this meeting, I informed Ms. Bell that I understood that Appleby did something wrong regarding the settlement of the estate of my Uncle John. Ms. Bell asked me "are you trying to say that Appleby did something wrong?" I told her "that's exactly what I am saying."

Butterfield Bank

11. One afternoon in the early summer of 1974, I had an appointment with Mr. William King, a Trust Officer at the Bank of Butterfield to discuss the settlement of Uncle John's estate. Mr. King had previously said he would settle the estate 'soon'. Dissatisfied, with Mr. King, I then met with Mr. King's boss, Mr. Mann. I told Mr. Mann that I

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intended to go to the Chief Justice with my complaint. At that point Mr. Mann offered me \$154,000 "to settle this thing." I rejected this offer and explained that that amount (\$154K) was not enough to buy even one house on my uncle's property. This offer from the Bank was not put in writing.

12. Later that day I decided to pay a visit to the Chief Justice Mr. James 'Rufus' Astwood – unannounced. Surprisingly, I was granted an audience with the Chief Justice. After discussing the matter, his legal advice to me at that time was "You should put a match to those deeds."
13. I attended a meeting at the Bank of Butterfield in the spring of 1974 to discuss our concerns about the unsettled estate of Uncle John. When I returned home after the meeting, Mr. David Dodwell from the Bank of Bermuda phoned me. Keep in mind that I held a consumer loan from the Bank of Bermuda at that time. Mr. Dodwell informed me that the consumer loan with the Bank of Bermuda would have to be paid in full by the end of the next day. I told Mr. Dodwell, "I didn't know that the Bank of Bermuda and the Bank of Butterfield were combined. I also told Mr. Dodwell "I'll tell you where you can go to get the money, go ask Arnold Francis, John Swan and David Wilkinson..."and tell them I sent you!" David Dodwell said he would look into it. He called back the next day and told me to carry on as usual with the loan payments.
14. I made an appointment to meet with the Banks general counsel, Mr. Stephen Kempe in the mid to late 1970's. I showed up along with my two brothers Glen and Gladwin Ming and my cousin Genevieve Hollis. When we arrived, Mr. Kempe was notified and eventually came out to the public reception area. In a strong voice, Mr. Kempe's legal advice was to "Go and get yourself a lawyer."
15. During the early 2000's I received a letter from the Chairman of the Bank, Mr. James King. The letter restated the Bank's position of having no responsibility or obligations to the beneficiaries of the estate of John Augustus Alexander Virgil. Consequently, I called the Bank and spoke with Ms. Tammy Richardson. During the phone call, Ms. Richardson rudely said to me "Mrs. Brown, what?! - you don't get it? Which part of the 1974 Estates Act don't you understand?"

David Wilkinson

16. I had worked as a Waitress at the Hog Penny restaurant since 1970, serving lunch and dinner. One evening in the spring of 1975, Mr. David Wilkinson, from Cox Hallet and Wilkinson, lawyer for Russell Pearman showed up, unannounced to the Hog Penny Restaurant. This was strange because I had never seen him in there before. He made his way to my workstation and took a seat, so I approached him as I would any other customer. He asked me if anything had been settled with my Uncle's estate. He did not order any food or drink. It seemed to me that he was trying to intimidate me. He said, "you better watch your step" and then he left.

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Sir Dudley Spurling

17. In the late 1970’s I went to the office of Sir Dudley Spurling, a founding member of Appleby and eventual Chair of the Bermuda Law Reform Committee. I showed up unannounced at his office to encourage him to address the outstanding estate of my Uncle John. During our meeting I told him that I would be going to the House of Assembly to complain about the treatment I had been experiencing. He ended the meeting by telling me “the ball is in your court and you had better be very careful with what you say!”

Sir John Swan

18. During 1975, I called John Swan at his home one evening. I wished to speak with him about how he claimed ownership of my uncle’s property. I wanted to meet with him to discuss his claim to the land at Spring Benny. John Swan said “I ain’t having no meeting with you and don’t call here no more.” Then he abruptly hung the phone up in my ear.

Eric Jones

19. In the early 1980’s I telephoned Mr. Eric Jones at his office after hearing that he was on island. He said to me over the phone, “I didn’t come here to do any business with you” and he hung up in my ear. I then went to see him at his office in Washington Mall. Ms. Charlotte Cann was the receptionist at the time, and she told me that Mr. Jones was not in office. I replied, “then I will take a seat and wait for him.” Mr. Jones eventually showed up later that day. We spoke and I asked him about my uncle’s property. His explanation about the property did not make any sense to me.

Other Memories

20. The safety and security of the Title Deeds to the property has always been of high importance to me and my family. Because of the consistent dishonesty, the behaviour of the people involved as well as the critical value of the deeds, I decided to keep them as close to me as possible. In preparation for my daughter Deanna’s wedding in 1982, I decided to have a custom-made pouch prepared by a seamstress to hold and secure the title deeds. This pouch filled with the title deeds would fit comfortably inside the mother of the bride’s dress.

21. Uncle John and his good friends Mr. Algernon Blakeney and Mr. Kenneth Simmons used to travel by train or bus to visit the land quite often. He proudly talked about the land he owned and how he intended to will it to his seven nieces and nephews. When his nephew Gladwin Ming was getting married in 1962, it was suggested by family friend Ms. Olive Bean that Uncle John gift Gladwin a piece of his land as a wedding present. Uncle John said “no, I will leave it all to the seven of them.” Ironically, Eric Arthur Jones, the Virgil family lawyer claimed ownership in 1962.

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COMMISSION OF INQUIRY INTO HISTORIC LOSSES OF LAND IN BERMUDA

22. The Beneficiaries retained Browne and Wade Chambers in 1989. Browne and Wade Chambers wrote to the Commissioner of Police on June 16, 1989 requesting that the 1976 Investigation conducted by Detective Sergeant 55 Thomas Cassin be reopened with specific reference to the circumstances under which John Augustus Alexander Virgil's signature was obtained upon a conveyance dated the 15th of April 1969.
23. Over the years I have written letters to both the Bank of Butterfield and or Appleby on at least six occasions to address the fact that the Estate of John Augustus Alexander Virgil was not settled despite the beneficiaries holding title deeds and Uncle John's will. On each occasion, the message was essentially the same - your Uncle had no property, and the Bank nor Appleby had any responsibility to the Beneficiaries.

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