**COMMISSIONERS:**

**Mr. Wayne Perinchief- Acting Chairman**

**Ms. Maxine Binns**

**Mr. Jonathan Starling**

**Ms. Fredrica Forth**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION OF MEETING: WILLOWBANK, 126 SOMERSET ROAD, SOMERSET MA,06**

**DATE: 26 March 2021**

**TIME: Morning Session(b)**

**W. Perinchief-Chairman** 00:23: Good morning, everyone.

**Senior Counsel Harrison** 00:25: Good Morning.

**W. Perinchief-Chairman** 00:27: Everybody present? Those on Zoom. We're resuming the matter of Claim 015. The Brown matter. We're continuing from yesterday. And we were at a point where I believe Mr. Kim White, representing Mr. John Swan, even though I believe he had closed his initial question, and still wishes to continue questioning of Mr. George Brown and Mr.

**Charles Brown** 01:07: Charles

**W. Perinchief-Chairman** 01:08: Charles Brown. Pardon, my memory is good but it's short. And Counsel uh, you may start the proceedings or the morning.

**Senior Counsel Harrison** 01:23: Morning Chairman, Commissioners, Counsel, all parties present. I'll turn it over to Mr. Kim White. He is to continue his questioning.

**Kim White-Attorney** 01:34: Mr. Chairman, to remind you, we were last night at the point where I had asked a question. And to be fair, the Browns did suggest or, request a period of time to consider it. So, the question has been posed, and they may be in the position to provide the answer this morning. I don't know.

**W. Perinchief-Chairman** 01:52: Yes. For reference and to refresh any bodies allowing these proceedings? And of course, myself of what that question was. The question, I believe, Mr. White surrounded the issue of whether this was a civil hearing to hear matters of civil nature, or if it was in-fact a question of whether or not a fraud had been committed. I say then in the general way. And the Browns, Mr. White had that there could have been that his, his client could have been impugned. And he was requesting a clarification from the Browns. Is that correct, Mr. White?

**Kim White-Attorney** 02:38: Yes. Asking them?

**W. Perinchief-Chairman** 02:39: And if you would put the question again, sir, for clarity. And I must, I must say, to the witnesses. Mr. Brown and Mr. Brown, that we request that you answer as directly as possible, so that we get a clear indication of what you are saying about the matter of fraud. And we need to clear that up this this morning. So Mr. White, would you put the..

**Kim White-Attorney** 02:53: Do you need me to ask the question again? Are you clear what I was asking?

**W. Perinchief-Chairman** 03:11: I would ask I would, I would request that you put the question again Mr. White, because I don't want there to be any ambiguity. If..

**Kim White-Attorney** 03:26: You were asked you, as you recall, what evidence or view against my client of fraudulent activity in respect of this transaction you're complaining about?

**Charles Brown** 03:38: Thank you. And good morning all. The answer to the question is, is not a simple one. This is a complex matter. And it is a matter that involves several parties, as they indicated yesterday, to seek, to isolate the 1970 transaction is not in our view, appropriate when seeking to identify and illustrate instances of fraudulent behavior. And so my answer which I will read in point form, speaks to what we understand to be a fraudulent scheme, which we've mentioned from day one. And in this scheme, there are major players, no one player was able to effect the scheme independently of others. It is a, what we see as a systemic approach with respect to fraudulent dispossession of property. So, this was a fraudulent scheme involving bankers, lawyers and real estate agents. And Robert Modia of Appleby Spurling & Kempe was in our minds. He was the engineer.

**Senior Counsel Harrison** 05:00: I'm sorry, you're glad to fast Mr. Brown. We are trying to write what you're saying. Please.

**Kim White-Attorney** 05:06: Could you go slower?

**Charles Brown** 05:08: Okay, I

**W. Perinchief-Chairman** 05:08: I can make her I can ask the question. Mr. Brown. Is that all written?

**Charles Brown** 05:11: It is written? Yes.

**W. Perinchief-Chairman** 05:14: Counsel, with your advice, given is given evidence he does have it documented at the end of it is, is it prudent to have it entered as an exhibit sir?

**Senior Counsel Harrison** 05:28: Well, I will yield to Mr. White because he's cross examining the witness, but I will. I will differ on that answer and give it some thought. But because it's cross examination, I will just await the outcome.

**W. Perinchief-Chairman** 05:45: Thank you. And Mr. Brown, if you would give, deliver.. your

**Kim White-Attorney** 05:51: Mr. Chairman.

**W. Perinchief-Chairman** 05:52: response in a, in a moderated manner so we can..

**Kim White-Attorney** 05:55: Mr. Chairman, Mr. Chairman?

**W. Perinchief-Chairman** 05:56: .. record it.

**Kim White-Attorney** 05:58: You will recall what my question was focused on my client, your client, and what evidence they have produced against my client, what we are have hearing thus far, I don't know what else is going to say is regurgitation of their presentation before. They've already made those comments, I believe before and in the transcript. So, the question was confined to my client. Could they answer the question in respect of my client, and rather than this broad-brush approach, which Mr. Brown seems to be taking. We're just trying to focus on my client. That's all I am saying.

**W. Perinchief-Chairman** 06:34: Yes, Mr. White. Mr. Brown with all, fairness to the requests made by Counsel, Mr. Kim White, and representing, Sir John Swan. Would you at this point, answer the question directly? Is Mr. White's client, Sir John Swan being accused of fraud? And, and sir, that is not a difficult question to answer at this point. Having done the research that you've done. You may, then I believe, if you wish to paint the picture of it, it'd be a systemic matter, then. So be it. But I think in all fairness, and and for the process of this hearing, we must get a direct answer from you, either of you, to the answer Mr. White poses.

**Charles Brown** 07:23: Certainly. Just a comment before I seek to speak for others that the information that I've shared thus far today and the information I would like to continue to share, in response to the question that supports our claim of fraudulent behavior. That information has been entered into evidence, all of this information has previously been entered into evidence. We are simply connecting dots and sharing relationships as it is clear, then that is not the message that others have obtained from what has been presented. So, we have presented this information previously. I'm seeking to put it in the context of the question that's being asked. The short answer may very well be yes. But the context in which the yes is provided is just as important as the yes itself. Well, Mr. Brown, then, in the context that the question was pointed was very specific, and where Mr. White, and Mr. John Swan is concerned, they want to focus on their personal interest in at all conduct in this in this matter, and in fairness to the process, you should start with the definitive..

**Senior Counsel Harrison** 08:46: Chairman? Chairman, Chairman,

**W. Perinchief-Chairman** 08:49: Yes, sir.

**Senior Counsel Harrison** 08:51: Respectfully, I'm not one who readily accepts that witnesses must either the answer yes or no. The witnesses being asked. We may not like the way he puts it, but to confine somebody to a yes or no answer. Respectfully. And then I'm not sure that I'm quite there.

**W. Perinchief-Chairman** 09:12: Counsel, thank you for your learned advice.

**Senior Counsel Harrison** 09:16: He has he has just said the short brush short answer. may well be yes. He has said that. And let us we have gotten somewhere. He says the short answer is yes. And could you kindly let him continue?

**W. Perinchief-Chairman** 09:30: Mr. Brown would you continue?

**Senior Counsel Harrison** 09:32: I think Mr. White wants to say something now.

**W. Perinchief-Chairman** 09:34: Mr. White?

**Kim White-Attorney** 09:35: If, If the answer is yes, the question was, what evidence is there against my client of fraudulent conduct?

**Senior Counsel Harrison** 09:43: And now he's going on so now we hopefully will get the long answer now. Oh, he has given the short answer and…

**Kim White-Attorney** 09:51: I think he was talking about putting that in context as opposed to speaking the evidence. I just want the evidence.

**W. Perinchief-Chairman** 09:58: Yes. Counsel, yes. Counsel . Yes, you can continue.

**Senior Counsel Harrison** 10:09: I am just indicating that Mr. White has just now asked another question. He has now asked Mr., Mr. Brown to indicate what evidence. So, probably we could allow the witness to answer now, what evidence? Thank you, Counsel.

**Charles Brown** 10:23: So as indicated this was a fraudulent scheme, involving bankers, lawyers and real estate agents, and Robert Modia was the engineer. John W. Swan was a major player within this fraudulent scheme. The 1969 transaction is directly related to the 1970 transaction, which was offered yesterday as evidence of a legal claim to the property, the fraudulent transactions of 1968 and 1969, which have been entered into evidence. They are a crucial part of the basis upon which the 1970 transaction involving John Swan relies upon. John Swan is directly connected to both transactions. Russell Levi Pearman acted as the agent for John Swan when the 1969 transactions were being carried out.

**Senior Counsel Harrison** 11:25: Sorry, yeah, you're going too fast You're going too, too fast Mr. Mr. Brown.

**Charles Brown** 11:29: I'm sorry. My apologies.

**Senior Counsel Harrison** 11:31: Yes. Yes, you're at a crucial part. Nineteen-seventy, John Swan is directly connected. Yes, please.

**Charles Brown** 11:38: John Swan is directly connected to both transactions. Russell Levi Pearman acted as the agent for John Swan. When the 1969 transactions were being carried out, involving John Augustus Alexander Virgil and Emmanuel Augustus. Russell Pearman fraudulently submitted a plan to the planning department for a subdivision of the property into 8 lots. John Swan sold these lots to the current residents. We are curious to learn which deeds were used to support illegal claim of clear title to these lands by any of John Swan's clients. The January 11, 1969 sales agreement between John Augustus Alexander Virgil.

**Senior Counsel Harrison** 12:50: Too fast Mr. Brown. Too fast, too fast. Some of us are writing.

**Charles Brown** 12:58: Hopefully that's the last warning.

**Senior Counsel Harrison** 13:03: Yes, you're saying what deeds were used to..

**Charles Brown** 13:06: ..were be used to support a legal claim of clear title to these lands by any of John Swan's client's. The January 1969 sales agreement between John Augustus Alexander Virgil and Russell Pearman was fraudulent. Also, the April 15, 1969 conveyance between John Augustus Alexander Virgil

and Russell Pearman is fraudulent. These documents are used to claim a legal basis for the subsequent sale of the property to Emanuel Augustus and then on to John W. Swan. Russell Pearman, Emanuel Augustus and John Swan visited the property together just before Christmas 1968. Russell, the seller, was acting as agent for John Swan and John Swan was acting as agent for Emanuel Augustus, the purchaser.

 The sales agreement for the sale of John Augustus Alexander brother's Land to Russell Pearman was done in the backseat of a taxi, up on Government Gate on 42nd Street. The owner and purported seller of the land was not even present. This is another fraudulent voting bloc. The transaction between Emmanuel Augustus and John Swan depends on this earlier transaction to support legal claim to the property. The same documents just refer to item seven above contain a witness signature of Algernon Doars. His name appears on more than one sales agreement. However, he has adamant during a police investigation that he only signed his name once on a sales agreement in the taxi. This is fraudulent misrepresentation. Algernon Doars' signature and is also used to support the eventual claim by John Swan, to the legal title of the property

 In March 1969, Russell Pearman submitted a plan for subdivision to the Department of Planning for a second time. The first time was in 1968 before he claimed ownership. The 1969 submission contained documents with alterations by hand to the official record. This subdivision into 8 lots of land was the basis for subsequent sales of the property by John Swan. Russell Pearman was involved in two conveyances on the same day, April 15, 1969. Firstly, the fraudulently, the land fraudulently conveyed to him in 1969 from John Augustus Alexander Virgil and secondly, the conveyance he signed in the sale to Emmanuel Augustus in 1969. These transactions involving John Swan's agent and John Swan's client shows the relationship that enabled the fraud. John Swan took seven years to produce a conveyance between John Augustus Alexander Virgil and Russell Pearman. This conveyance was not provided to the police when they requested it as part of their investigation.

 Ten conveyances between John Swan and his staff member, Leslie Ming, between each other back, forth over four days this is understood to be fraudulent behavior. According to investigator Carlton Adams, this was the Wild Wild West. The ten conveyances were headline Heads...

**W. Perinchief-Chairman** 20:15: Uh, Counsel just I would just, just make one request. The the, your alluding to investigator Carlton Adams, has that Are you taking that from his report?

**Charles Brown** 20:29: No, it was when we met on my properties.

**W. Perinchief-Chairman** 20:33: That was personal

**Charles Brown** 20:34: That was when we met to discuss the matter.

**W. Perinchief-Chairman** 20:35: Thank you. Yes, because I know the report is supposed to be produced later on. I just didn't want to think that I was anticipated on your part. Nevertheless, you've cleared it up. You met

**Senior Counsel Harrison** 20:46: I met with him? It was not in the report yesterday. Okay. So, to recap, according to investigator, Carlton Adams, this was the wild, wild west. The 10 conveyances, were headlined as Heads of Terms. We understand an intent to complete transactions at a later date. And that is the detailed answer to the question of fraudulent behavior as submitted by the beneficiaries, and now recap in response to the question from Mr. White.

**W. Perinchief-Chairman** 21:37: Counsel. I do ask your advice. Once again, before we proceed further, that is quite a bit of testimony, which has been advanced by the witness, Mr. Charles Brown, he does have it documented and I was asking I've asked again, if it's prudent to get that document as an exhibit, because it no doubt will be referred to in questioning and cross examination of the witness.

**Senior Counsel Harrison** 22:06: Certain, Certainly Chairman, certainly.

**W. Perinchief-Chairman** 22:11: Therefore, I'll make the request of the Mr. Brown. Sir, if you would put your signature on that document, and I'll have the Secretariat enter that as an exhibit for yourself. So that you may be, so that it may be a record for the Inquiry.

**Charles Brown** 22:32: That's not a problem. Sir, I would like some advice to I did include two notes.

**W. Perinchief-Chairman** 22:36: Yes.

**Kim White-Attorney** 22:37: It's appropriate, sir. My respectful submission to submit that document as part of the evidence, because it needs to be checked to see whether or not that document is what he actually read. And he has quite rightly indicated, thank you, Mr. Brown. He has personal notes on there.

**W. Perinchief-Chairman** 22:51: It uh, Mr. White, that document will be if is admitted, shared with everyone present, including yourself for scrutiny, and uh, be aware of that, Mr. Brown. I am. And you accept that Mr. Brown and Mr. White, with advice from Counsel that may be entered as an example, as an exhibit as evidence given by the witness? I'm sure

**Senior Counsel Harrison** 23:21: Chairman, in fact, as Mr. White has alluded to and alerted us, if Mr. Brown has not given an evidence of the notes, then it couldn't be tendered in its current form. It will have to be without the notes because he hasn't made reference to the notes or read from the notes. Only what was referred to which as Mr. White says it is an aid for us just to ensure that what was said is what is written there. Without notes, I don't know if he has a clean copy of that document.

**Charles Brown** 23:56: The if I may.

**W. Perinchief-Chairman** 23:58: Mr. Brown? Yes, your response.

**Charles Brown** 24:00: And my response is that the notes that I referred to typed additional to what I've just read, they're not handwritten notes, as perhaps presumed, but they are. Everything is typed.

**W. Perinchief-Chairman** 24:17: So, are you going to produce it in its entirety? That's,...

**Charles Brown** 24:20: I'm happy to do so.

**W. Perinchief-Chairman** 24:23: Mr. White he's going to

**Charles Brown** 24:24: I can even read the notes like to assess the relative value as it relates to our submission.

**W. Perinchief-Chairman** 24:31: It's evidence it is evidence Mr. White and for all present Counsel included.

**Senior Counsel Harrison** 24:40: Probably, probably Chairman, probably the document could be shown before it's made an exhibit. It could be shown to Mr. White?

**W. Perinchief-Chairman** 24:47: Yes.

**Court Attendant -Lister** 24:48: Sir Counsel, also Miss Lister here for Secretariat. Would you like to preview it as well? We can send it to you offline.

**Senior Counsel Harrison** 24:55: Yes, please.

**Court Attendant -Lister** 24:56: Okay.

**Senior Counsel Harrison** 24:57: But please send it um and Mr. Hanson, and Miss Virgil. Please send it to all of us. But um, just so that there's a permanent copy Secretariat please also send it to Mr. Kim White's email now too after it's done. But please he can look at the hard copy. But please just send it to all of us immediately, please. Yes, I…

**W. Perinchief-Chairman** 25:24: I would request that Mr. White see it first for at this time to scrutinize the document to make sure that whatever is sent electronically is the same.

**Charles Brown** 26:06: It should say other notes number 13 and 14. See that sir?

**W. Perinchief-Chairman** 27:17: Counsel, what would that exhibit number be from Charles Brown?

**Kim White-Attorney** 27:49: Mr. Harrison, you were asked a question. Maybe you didn't hear it. What would the exhibit number be Counselor?

**Senior Counsel Harrison** 27:55: I'm sorry, My microphone was off. I had actually answered. I was asking the Secretariat to assist me with that number, please. I'm sorry.

**W. Perinchief-Chairman** 28:02: Yes. Uh Counsel, we now hear you. Thank you.

**Court Attendant -Lister** 28:22: Hi Counsel, we going to enter this under the prefix of CNLB?

**Senior Counsel Harrison** 28:27: That's correct.

**Court Attendant -Lister** 28:28: It would come as number 16.

**Senior Counsel Harrison** 28:31: CNLB 16 Chairman?

**W. Perinchief-Chairman** 28:35: CNLB

**Senior Counsel Harrison** 28:35: 16.

**W. Perinchief-Chairman** 28:45: Sixteen. So recorded. Yes, Mr. Brown you’re indicating.

**Senior Counsel Harrison** 29:13: I would um, like to know if I may be permitted to add to this answer by referencing some of the content of the witness statement that was previously entered. But it speaks to the same pattern of behavior that's just been discussed.

**W. Perinchief-Chairman** 29:36: What I would suggest at this time, I recommend that this document as it is submitted form Exhibit 16. Mr. White will have a chance to question you on that. And should there be any further responses or documentation that you continue after that. In order to keep the hearing, segmented, and orderly.

**Charles Brown** 30:08: That's fine.

**W. Perinchief-Chairman** 30:09: We'll proceed step by step through the through the evidence.

**Charles Brown** 30:14: Thank you, Chair.

**Court Attendant -Lister** 30:15: Chair?

**W. Perinchief-Chairman** 30:15: I don't wish to backtrack.

**Court Attendant -Lister** 30:17: Chair? Miss Lister here from the Secretariat. Just an administrative note. Apologies that exhibit should be listed as number 17. CNLB 17. And we can confirm that the email is being sent now to all adverse persons.

**W. Perinchief-Chairman** 30:31: That correction will be made that it is now exhibit as CNLB 17. And we'll make that correction.

**Kim White-Attorney** 30:43: Mr. Chairman?

**W. Perinchief-Chairman** 30:44: Yes, Mr. White.

**Kim White-Attorney** 30:45: I don't think Mr. Brown is suggesting you backtrack, he was actually suggesting that his answer was not yet finished. And he,

**W. Perinchief-Chairman** 30:54: Yes.

**Kim White-Attorney** 30:55: And so he should be allowed to complete his answer. So, the questions can be directed to his answer, I can put the complete thing. I would support Mr. Brown's application to continue.

**W. Perinchief-Chairman** 31:05: But nevertheless, the document that we have will exist institute as it is, and he can continue with his evidence. Mr. White, is that correct?

**Kim White-Attorney** 31:13: Except that we do need to deal with the notes which have not been entered into evidence yet. Unless you want to take them as read on the document. If you read through the document there in the evidence? That's fine.

**W. Perinchief-Chairman** 31:23: I would like to have scrutiny . The Commission would like to see that document. with it is the Secretariat would take it, Mr. White, and let us see what notes you took. I'll make a comment, the notes and then separate that...

**Senior Counsel Harrison** 33:04: Could I, could we just be given some guidance on where the notes appear?

**W. Perinchief-Chairman** 33:12: The notes appear at, after item 12 on the document and it shows up as 13 and...

**Senior Counsel Harrison** 33:19: Okay. All right. Thank you.

**W. Perinchief-Chairman** 33:21: Thirteen and fourteen at the bottom of the page.

**Senior Counsel Harrison** 33:24: Thank you very much.

**W. Perinchief-Chairman** 33:25: Yes, and I'm inclined to allow him to, Mr. Brown to read those notes. Since they are part of the record.

**Senior Counsel Harrison** 33:44: Chairman, just for the record, CNLB 17 consists of paragraphs 11 to; 1 to 12 and your now permitting the witness to read, notes 3 to 4; to 13 and 14.

**W. Perinchief-Chairman** 34:00: Yes, Counsel. Mr. Brown, if you would start from 12 and continue for continuity 13 and 14.

**Charles Brown** 34:20: Certainly.

**W. Perinchief-Chairman** 34:20: The notes on your document and

**Charles Brown** 34:22: And Yes, certainly. Chair before I do that, I've noticed that the administration has the reference CMLD, 1 7?

**Kim White-Attorney** 34:32: It may have been my mistake. And what I thought that's what they said. I wrote, I wrote, I wrote it on there. Yeah. My apologies.

**W. Perinchief-Chairman** 34:42: Yes. And if that could be shared on the screen as well. That document. It's not an exhibit Counsel.

**Senior Counsel Harrison** 34:55: Very well Chairman. I was thinking of the 13 and 14 I have not been...

**W. Perinchief-Chairman** 34:59: Oh Yes, would you read 13 and 14 Mr. Brown? And then we can show the completed document on the screen. Yes, sir, if you could continue.

**Charles Brown** 35:02: Certainly. Thank you. Item 13. Under other notes, Mr. David Kessaram of Cox & Wilkinson penned an article in the Bermuda Sun dated February 23, 2001. It was entitled, One Good Deed Deserves Another. The article speaks to the relationship between deeds and how they should link over time. Item 14, The Bank wrote to Mrs. Brown to inform her that 6800 pounds had been deposited into John Augustus Alexander Virgil's account for the sale of his land. Mrs. Brown said that the money had been into the account for years after the sale around July 4, 19. She couldn't remember. After the case had been closed. And because she had asked them about the money, time and time again. The Bank's Mr. Collier wrote up the slip, for the sale. David Wilkinson claims in his statement to police that the payment for the property was made by cheque. While lawyer Robert Modia previously stated in a letter, February 1969, that the transaction was paid for in cash.

**W. Perinchief-Chairman** 37:17: Thank you, Mr. Brown. And your signature appears at the bottom of that document?

**Kim White-Attorney** 37:22: He did sign it sir.

**Charles Brown** 37:23: It does sir.

**W. Perinchief-Chairman** 37:26: If the Secretariat could show that exhibit on the screen, so that all can see it.

**Kim White-Attorney** 37:34: It would be easier if I had the hardcopy, sir, I'll just collect it from Mr. Brown.

**W. Perinchief-Chairman** 38:05: At this point, I believe Mister.

**Kim White-Attorney** 38:07: He was going to complete, I'd suggested that we write for him to complete.

**W. Perinchief-Chairman** 38:10: Yes, Mr. Brown , have you further addendum response to this document I submitted?

**Charles Brown** 38:21: What I'd like to do is refresh memories with respect to the police statement from Algernon Doars, where he cites same players and their behavior. So, it goes to the case of this scheme, this environment, this this this climate of fraudulent activity. And so, Mr. Algernon Conway Doars reinforces the message. And I would like to refer to this as it has already been submitted.

**W. Perinchief-Chairman** 38:57: Hey Counsel, he referred the position of the, of the witness, Mr. Charles Brown. That he wishes to continue and fill out, sandbag the testimony that is already given with exhibits and evidence already presented.

**Senior Counsel Harrison** 39:21: I'm sorry, which, which Counsel are you referring to Chairman?

**W. Perinchief-Chairman** 39:25: Mr. Brown wishes to..

**Senior Counsel Harrison** 39:27: Oh me.

**W. Perinchief-Chairman** 39:28: Mr. Brown's wishes to support comments of systemic, of the systemic fraud that he alleges by referring to other exhibits. He hasn't named the exhibit, has given the number but he mentions Algernon Doars transaction. And Mr. Brown, if you would um, clarify which documents you...

**Senior Counsel Harrison** 39:51: Chairman, the only way he could at this stage, based on the question, put by Mr. White be permitted to lead any other evidence is that it must be some way connected to this document CNNB 17. And if it's not connected to it, then properly speaking he, it's a matter for the tribunal if they allow him to say something else.

**W. Perinchief-Chairman** 40:14: Yes, Mr. Brown, would you provide the nexus to this document?

**Charles Brown** 40:17: Certainly.

**Senior Counsel Harrison** 40:18: As you wish to lead now?, Certainly. Thank you for the. The, the testimony. The witness statement of Algernon Doars speaks directly to the fraudulent activity that John Swan's agent carried out. And this transaction that Mr. Doars speaks to connects directly to the 1970 transaction in question.

**Kim White-Attorney** 40:44: Mr. Chairman, there is no evidence before this Commission that Mr. Russell Pearman was an agent of John Swan. They are alluding to the fact that he, are asserting the fact that he was but, there is no evidence in any document that I've seen that suggests that. There's no statement from Russell Pearman. There's nothing in Sargent Cassin's report. There's nothing in Mr. Doar's statement, and there is certainly nothing in the last statement, which escapes my memory right now. But the ones that they've submitted as evidence so where is the basis for this assertion that Russell Pearman is an agent of John Swan, particularly in respect to the any of these transactions at all?

**W. Perinchief-Chairman** 41:26: Mr. Brown, your response?

**Charles Brown** 41:27: My response is that under oath, Mr. Emanuel Augustus, in this police statement,..

**Kim White-Attorney** 41:38; That was the name I forgot.

**Charles Brown** 41:39: .. acknowledged that John' Swan, that Russell Pearman sorry, was agent for John Swan. We took his word for it under oath. And Manuel Augustus also under oath in his statement indicated that John Swan was his agent. In fact, it was John who told him, take the property and eventually sold it to John. So, we see the connection. Mr. Manuel Augustus, stated that Pearman was agent and that John was his agent. And so we talk with..

**Kim White-Attorney** 42:00: With respect sir. Can you point that out in the statement of Mr. Augustus, please, which I'll assist you with CMLB 14, in your bundle.

**Senior Counsel Harrison** 42:49: Chairman might I just indicated at this stage just for a note of the Commissioners. It's in terms of what has been alluded to by the witness, in light of the fact that the person he refers to, I have the initials E.A. And in his words, under oath, in his statement, I just remind the Commissioners though the evidence is given, he has not given evidence himself. And importantly, the principle of it should be considered that it is being considered that it was something said, not for the truth of it. It's a principle, legal principle needs to be considered at this stage, because the witness has not been called as a witness. So, you need to be mindful of that fact going along.

**W. Perinchief-Chairman** 43:49: So it be considered hearsay evidence, in fact, hearsay?

**Senior Counsel Harrison** 43:55: It is in fact, and I just I just direct your minds to it at this time as to how you treat with it. But it is, as a witness has said under oath in a statement. But I just, I just wanted to place it on the record. So, it's there.

**W. Perinchief-Chairman** 44:13: Thank you, Counsel. And we are aware that under our rules as a Commission, we may hear all evidence. We're not bound by strict rules of evidence as in a court indeed, sir, I want to refer to our rules. So, we may hear certain evidence.

**Kim White-Attorney** 44:32: But to be clear, Sir, this was not under oath,

**W. Perinchief-Chairman** 44:34: Not under oath yes.

**Kim White-Attorney** 44:36: When they made the statement, that the statement that is referring to CNLB 14 was not under oath. That's the point I'm making.

**W. Perinchief-Chairman** 44:44: And CNLB 14 to refresh our memory. What does that refer to Mr. Brown?

**Kim White-Attorney** 44:49: It's a police statement of ...

**W. Perinchief-Chairman** 44:51: A police statement...

**Kim White-Attorney** 44:51: ..of Mr. John Emanuel Augustus dated the 25th day of October 1976.

**W. Perinchief-Chairman** 45:00: Yes, sir, I see if you were to highlight that document I'm aware of. I'm familiar with these types of documents when witnesses make statements. And I see. And if you, Mr. Brown if you could read that certificate at the top of the police statement. Read the whole, read the whole document that's produced on the screen. Start from the top please.

**Kim White-Attorney** 45:37: Sir, it's actually more efficient if he could point in the document to where the document says Pearman is an agent for John Swan. It doesn't exist.

**W. Perinchief-Chairman** 45:46: I think we did have we did have the issue of whether it was under oath or whether the statement was made under any form of music(?). Excuse me Yes, yes, I that CNLB 14, the police statement has been produced, and has been referred to

**Charles Brown** 46:11: Yes.

**W. Perinchief-Chairman** 46:12: As a document which, which, Mr. Augustus made a statement that was recorded on as we can see, the statement of a witness on police had had noted paper.

**Charles Brown** 46:31: Yes.

**W. Perinchief-Chairman** 46:31: I wish for you now to read that document. So that the Commission can get a sense of the conditions under which that statement was taken.

**Charles Brown** 46:45: Okay.

**Kim White-Attorney** 46:45: You mean the certificates.

**W. Perinchief-Chairman** 46:47: Read, read the

**Kim White-Attorney** 46:49: Certificate starts off this statement consisting of Yes, in bold.

**W. Perinchief-Chairman** 46:53: Read the certificate that would be sufficient to answer the question of whether it was so under oath or not on under oath but under what conditions was that statement taken. So, if you read the certificate.

**Charles Brown** 47:07: This statement consisting of blank 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.

**W. Perinchief-Chairman** 47:37: And this. It was signed by whom? If you will continue.

**Charles Brown** 47:42: Signed.

**W. Perinchief-Chairman** 47:42: The date and the sign…

**Charles Brown** 47:43: The date is 25th day of October 1976. Sign, John Augustus. Signature Witness I. T. Casin Sergeant 55

**W. Perinchief-Chairman** 47:58: Right. You need not read the entire document but if you refer to any part of that document, point specifically to it in your response. Mr. White, if you wish to, make any comments on the process.

**Kim White-Attorney** 48:13: So, I was asking Mr. Brown to point in the document where Mr. Augustus has said in this document that he was an agent; said Russell Pearman was agent for John Swan.

**W. Perinchief-Chairman** 48:25: Right. If you would do that, Mr. Brown, if you may, if you can.

**Charles Brown** 49:05: On page three, the second paragraph ends with a sentence that says I accepted that John Swan was dealing as agent for me, and he would know this.

**Kim White-Attorney** 49:36: That was not the question I put to you, sir. I asked you to show in that document your assertion that Russell Pearman was an agent of John Swan and you cannot do that. Can you sir?

**Charles Brown** 51:03: Chair the, the the the statement on page two. It says at the top of page two says Pearman said, John, I'll have to do this my way. And I said, What do you mean? He said, John Swan likes to keep everything in his office. So what I'm going to do is make out a bill of sale, so I can protect you. And Counsel is correct in that the statement does not say that Russell Pearman was agent for. We took this exchange and concluded that he was acting as his agent in the context, what he was saying. And we also know that Mr. Pearman went directly to Swan's office with these pieces of paper all through this transaction. So, Counsel is right that it does not specifically state what we stated earlier in the fraudulent activity. In terms of Mr. Pearman clearly being articulated as an agent for John Swqn.

**Kim White-Attorney** 52:40: No, Mr. Brown, there is no evidence that Mr. Russell Pearman was agent for John Swan. That's the correct answer, is it not?

**Charles Brown** 52:48: That may be an answer, my answer is that we have taken the information that has been...

**Kim White-Attorney** 52:55: And extrapolated out and connected 2 and 2 to make 82.

**Charles Brown** 52:58: I would like to finish my answer like two feathers back, that's what you've done. So,

**W. Perinchief-Chairman** 53:01: If I, I hear of what I deduce from the exchange, Mr. Brown has said that he got the opinion that Mr. Swan was the agent of Mr. Pearman.

**Kim White-Attorney** 53:20: Mr. Pearman was agent for John Swan.

**W. Perinchief-Chairman** 53:22: Mr. Pearman was the agent for John Swan, but it was not conclusively stated. That he was in fact, I get that. And at this point, it's not just a matter of opinion, it's not been my humble opinion, proven conclusively that that was the case, Mr. Brown. As it's as as stated in this statement, nevertheless, you may continue, and we'll on the balance of the facts presented with all the evidence presented, we'll have to come to whatever conclusion we might, but it is at this point, not conclusive, in my opinion.

**Charles Brown** 54:05: The, the police report, as you said is the document we've relied upon to make these assertions. And it goes on to talk about the that he did not sign the yellow sheet of paper and it was arranged that Pearman will go to John Swan's office with Augustus to make the arrangements and so this to us as all association. Although the statement does not overtly state as I have interpreted the facts. I invite the Commissioners to draw their own conclusions.

**Kim White-Attorney** 54:42: So, you accept for me that the police statement does not say either, that Russell Pearman is an agent of John Swan.

**Charles Brown** 54:49: I've answered.

**Kim White-Attorney** 54:51: It does not say expressly that Russell Pearman is an agent of John Swan. As you have expressly said he was. That's correct, isn't it, Mr. Brown?

**Charles Brown** 55:02: I have answered...

**Kim White-Attorney** 55:04: No, you haven't.

**Charles Brown** 55:06: The question. My answer, if I may repeat it is that the assertion that Russell Pearman acted as agent for John Swan is not expressly articulated in

 joining Emanuel Augustus police statement of October 25, 1976. But it is our conclusion from the facts contained in this statement that Mr. Russell Pearman was acting as the agent for John Swan during this transaction.

**Kim White-Attorney** 55:42: So now you're resigning from your earlier statement saying it's your opinion, which is not based on a fact.

**Charles Brown** 55:49: The facts as entered into evidence and contained in the statement, which I've read excerpts from those facts, are, in part used to draw the conclusion that we've drawn and taken alongside the 12 points that we shared with you earlier today. Our conclusion based on this suite of evidence is as we articulated that Russell Pearman was acting as agent for John Swan in this transaction.

**Kim White-Attorney** 56:28: Do you accept Mr. Brown that your conclusion could be wrong based on your conclusion about what these asserted asserted facts amount to, it could be wrong, couldn't it? Well,

**Charles Brown** 56:40: Well, conclusions are unique. And we're all entitled to we're entitled to our own opinions.

**Kim White-Attorney** 56:47: Equally entitled to be wrong.

**Charles Brown** 56:48: But we are not entitled to our own facts. And the facts are as entered. And we have chosen to draw our conclusions from these facts as we've presented them, and others are welcome to draw their conclusions from the same facts, as they see appropriate.

**Kim White-Attorney** 57:05: And just to finish this line of questioning off. There is nothing in the what I want to call the Casin Report CNLB 16, that supports the factually, the assertion that you've made, or the conclusion that you've come to that Mr. Pearman was an agent of John Swan. Any more so than in the previous statement?

**Charles Brown** 57:29: With respect Counsel. It appears that, that matter, we've just discussed that matter and that the facts are not in dispute, we can agree on the facts. We're free to draw our own conclusions.

**W. Perinchief-Chairman** 57:48: Uh gentlemen, I believe you're both at this point. agreeing that any conclusions drawn from the document, the police document will still only with other information lead one to have an opinion one way or the other. So, this Commission certainly, this Commission certainly, will draw it's own conclusion from what, not just this statement, but all the information led, will will lead us to conclude. So we will have in actual fact three conclusions in the room at this point. And I'm not being I'm not trying to obfuscate or, or demean or anything else anybody's opinion but, It is at this point a matter of opinion of us or, will be when we come to our final conclusions. And I would, I would seek to move on if it's possible.

**Kim White-Attorney** 58:49: I would like to sir.

**W. Perinchief-Chairman** 58:50: And Mr. White may have his...

**Kim White-Attorney** 58:51: Just one more thing.

**W. Perinchief-Chairman** 58:53: You can have your comments and another bite of the cherry? Not a problem.

**Kim White-Attorney** 58:57: Just to be complete because Mr. Brown was seeking to..

**W. Perinchief-Chairman** 58:59: Yes,

**Kim White-Attorney** 59:00: .. refer to CNLB 15 which is Mr. Doars statement. Mr. Brown, can you confirm for the Commission that Sir John Swan's name is not mentioned at all on that statement ither? CNLB 15.

**W. Perinchief-Chairman** 59:17: Can the Commission now move to CNLB Exhibit 16 is up.

**Kim White-Attorney** 59:24: Fifteen, 15, 15.

**W. Perinchief-Chairman** 59:24: Fifteen.

**Kim White-Attorney** 59:26: So, two page statement? Yes,

**W. Perinchief-Chairman** 59:28: It's already up. Thank you.

**Charles Brown** 59:30: Mr. Doars' statement is what you're asking about?

**Kim White-Attorney** 59:33: Yes, please. Yeah.

**Charles Brown** 59:35: Just give me a moment.

**W. Perinchief-Chairman** 59:39: It's a statement of the witness. Algernon Conway Doars.

**Charles Brown** 59:47: Um, just to be clear Algernon Conway Doars witness statement is the basis of your question?

**Kim White-Attorney** 59:52: Yes, you are seeking to refer to it earlier on to, to show a fraudulent scheme. My question to you sir, is does Sir John Swan's name appear in it? Yes or no is a simple answer, but you may want to elaborate on that.

**Charles Brown** 1:00:08: I'll have. If I may have a quick scan.

**Senior Counsel Harrison** 1:00:12: Sure.

**Charles Brown** 1:00:12: You seem confident that it's not. Okay.

**Kim White-Attorney** 1:00:18: Give you the chance to check it.

**Charles Brown** 1:00:38: Chair, I believe the question was, do I see what is John Swan's name mentioned in Algernon Doars police statement? And the answer is no.

**Kim White-Attorney** 1:00:52: Thank you, sir. In your written documents, CNLB 17 you said you wanted to know, one second. I can probably find it.

**Charles Brown** 1:01:13: Chairman. Could I just have a moment?

**W. Perinchief-Chairman** 1:01:17: Yes. Just What's your question? Mr. Brown? Yes.

**Charles Brown** 1:01:20: I want to confer with?

**Kim White-Attorney** 1:01:24: Who's giving evidence, sir, which Brown, which Brown brother is giving evidence?

**W. Perinchief-Chairman** 1:01:27: At this, at this point, at this point? I believe that they are cooperating Mr. White. And they've both been sworn, and are both at liberty to give evidence in the matter. Nevertheless, if you direct a question to a specific person, or the Brown's collective. Mr., Mr. Brown brothers for want of a better response. Are you assisting each other in giving evidence? Have you both given evidence to this Commission independently? And collectively? Now? Uh, Mr. White?

**Kim White-Attorney** 1:02:05: I'm just mindful of Counsel's affirmation to Mrs. Brown not to be speaking.

**W. Perinchief-Chairman** 1:02:09: Yes. I will. I will ask the question. I'll put the question to Counsel. And for clarification, I don't wish to breach any rules. Uh Counsel, in this, in this matter at this particular time, are the brothers Brown allowed to confer on giving evidence to this Commission in response to any questions from Counsel White?

**Senior Counsel Harrison** 1:02:36: Uh Chairman, I think probably where we are right now, probably if Mr. George Brown has anything that he wishes to add he could add it but, probably, probably this is not the best time in the circumstances. If there's something that he wishes to add, probably, he could be allowed to do so. And Mr. White could question him on that but. So, Mr. White would be allowed to question either or both brothers? No, no, I'm just indicating that Mr. Charles Brown is answering questions at this time. If it is that he is asking Mr. George Brown to assist him. He could just indicate to Mr. White that he wishes to have his brother assist him. But, in respect of the conversation at this time, probably it is not the most prudent thing at this time I think Chairman.

**Charles Brown** 1:03:33: So, is it permissible for either one of us to respond?

**W. Perinchief-Chairman** 1:03:42: Counsel?

**Senior Counsel Harrison** 1:03:44: Yes. I'm saying just if it is that the other brother wishes to respond, give an answer that one can't give. I'm sure Mr. White would not strenuously object to that. I don't have the want....

**W. Perinchief-Chairman** 1:03:57: All right. I'll ask directly. Mr. White?

**Kim White-Attorney** 1:03:59: I'm content with that sir.

**W. Perinchief-Chairman** 1:04:00: Would you wish to have clarification of which brothers answering. Is that correct?

**Kim White-Attorney** 1:04:05: Yes, yes. The record should show that.

**W. Perinchief-Chairman** 1:04:08: Yes. We will wish for the record to show when Charles is answering that it, we clearly indicated and you put the question, put the response directly to Mr. White, and in the instance where the brother, George is responding that that be made clear, so that we don't have appropriately like of, of answers.

**Charles Brown** 1:04:37: Okay. Thank you.

**W. Perinchief-Chairman** 1:04:37: Counsel has indicated that you may confer. But you must indicate that clearly to Mr. White, and Mr. White has to agree. Mr. White in this instance, is that clear enough? It would appear that there's nothing much between the two when it comes to any response that you would get. If you would agree, they seem to be twinned in this effort.

**Kim White-Attorney** 1:05:05: Tag Team, sir.

**W. Perinchief-Chairman** 1:05:07: You believe sir? Yes, thank you Mr. White.

**Charles Brown** 1:05:10: So thank you Counsel and Chair and with that I'd like to have my brother respond, my brother George respond to this question now.

**W. Perinchief-Chairman** 1:05:20: And would you put the question again Mr. White.

**Kim White-Attorney** 1:05:23: That in Algernon Doars statement, sir John Swan's name does not appear. Which you've already confirmed that it doesn't.

**George Brown** 1:05:48: No it doesn't. But I'd like to expand on, no it doesn't, if possible.

**Kim White-Attorney** 1:05:51: With respect, Mr. Chairman, we're never going to get finished with this hearing unless we

**W. Perinchief-Chairman** 1:05:54: Let's get the substantive answer that ..

**Kim White-Attorney** 1:05:56: He says no.

**W. Perinchief-Chairman** 1:05:57: No Mr. John Swan's name does not appear, is not appear.

**Kim White-Attorney** 1:06:00: That's it.

**W. Perinchief-Chairman** 1:06:01: In the statement of Algernon Conway Doars, the police statement? That's the short answer.

**George Brown** 1:06:08: Yes, that's the short answer but I'm not finished.

**W. Perinchief-Chairman** 1:06:10: And Mr. Brown wishes to extrapolate on his answer.

**Kim White-Attorney** 1:06:14: Sir, he's given us evidence in chief now in cross examination. I'm the one asking the questions. It's not for them to be making further statements. We're never going to get finished this sir.

**W. Perinchief-Chairman** 1:06:25: Well, Mr. White with respect. As I said, this is not a court of law. And we do wish to elucidate as much information as we can as a Commission and within reason, an expansion of his...

**Kim White-Attorney** 1:06:37: Within reason as you directed sir.

**W. Perinchief-Chairman** 1:06:38: I believe, it's allowable.

**George Brown** 1:06:41: And just to echo what was said yesterday, was said that this is a fact finding mission. And it shouldn't just be a yes or no answer, because that type of yes or no answers doesn't crack open the truth here. And the truth of the matter is that we have two police reports here and they are interrelated. So when you ask us to answer one question, it blindsides the other, so we need to read the Algernon Doars' police statement that my brother was trying to get to but you kept asking a whole bunch of different other questions. So now it's time to read the Algernon Doars' police statement that connects along with Mr. Emanuel Augustus Virgil.

**Kim White-Attorney** 1:07:18: Are you referring to that? That is CNLB 15. Is that what you're referring to?

**George Brown** 1:07:22: So, would you be kind enough to let me read it now?

**Kim White-Attorney** 1:07:24: Yeah.

**George Brown** 1:07:27: Is that fair enough?

**Kim White-Attorney** 1:07:28: I just wanna make sure we're talking the same.

**W. Perinchief-Chairman** 1:07:29: Yes, Ms. Mr. Brown. I'll um say that you may read the Algernon Doars statement Conway Doars' statement those same results on the screen, if you would read it from the top to the bottom sir.

**George Brown** 1:07:44: Statement of witness statement of Algernon Conway Doars. I'm a taxi driver of the statement. This statement consists of blank pages each signed by me is true to the best of my knowledge and belief.

**Senior Counsel Harrison** 1:07:59: I'm sorry. Could you just indicate who is speaking now for the record?

**W. Perinchief-Chairman** 1:08:02: Mr. George Brown, Counsel. Mr. George Brown. Yes, continue Mr. Brown, George Brown.

 **Senior Counsel Harrison** 1:08:05:

 Thank you. Yes. This statement consisting of blank pages each signed by me is true to the best of my knowledge and belief. And I make it knowing that it is tendered in evidence. I shall be liable to prosecutions if I willfully stated in anything, which I know to be false, or do not believe to be true. Dated the 26th day of November 1975, signed by Algernon Doars, witnessed by T. Casin, DD 55.

 I'm a taxi driver. And I live at the above address. I am divorced. I remember that some time ago. I was driving my taxi. And I had the occasion to sign a document for Mr. Russell Pearman. I knew Mr. Pearman. As I used to drive him many times. On this day, on this one occasion, I picked up Mr. Pearman somewhere in town. I cannot say where. It was in the morning time, and I drove him to the rear of Government Gate. That's to the left of St. Monica's Mission. He told me to stop nearby, a man standing on the bank looking towards the north shore. Mr. Pearman went over to this man and I saw him showing this man a piece of paper. This man is named Smith. I think it's Howard Smith. Mr. Pearman then came back to the taxi with this paper, he had shown Smith. And the paper was filled in over a couple of times. Mr. Pearman asked me to sign the paper as a witness. And I did. I saw no names or writing on this paper. I knew Mr. Pearman was in real estate. And I figured he was doing a deal with Mr. Smith. And he wanted me to be their witness to it. Mr. Pearman then went back to Mr. Smith, showed him the paper. As if to say is this all right? Then he came back to the taxi and told me to drive him back to town. He had this paper with him when he came to the taxi. I took him back to town. I cannot say where I dropped him off to. I definitely only signed my signature once. And that's the only time I've ever signed my name for Mr. Pearman. I have never had any dealings with Mr. Pearman except driving him in my taxi. I was paid nothing for my signature. I have been shown a copy of a sales agreement by Detective Sergeant Cassin. My signature is on the agreement. I have been told by Detective Sergeant Cassin that he had two agreements with my signature on both and both signatures are originals. That cannot be right. I only signed one form. I only signed my signature once. I'm sure about this. I now think that the paper I signed was a bigger one than the one that was shown to me by Sergeant Cassin. I really cannot be definite on this point. I am definite. I only gave one signature and the other one I've been shown looks like mine If there's two signatures then one of them was made by someone else. Algernon Doars statement recorded as dictation of Doars and on completion it was read to him. He read and signed it. And signed same, T. Cassin and DS 55.

**Kim White-Attorney** 1:12:52: Mr. Brown, Mr. Brown did so John Swan's name appear on anything you read?

**George Brown** 1:12:57: I said that no before I read it.

**Kim White-Attorney** 1:12:59: So why did you read it?

**George Brown** 1:13:00: Because it's all connected and that's for the Commission to make inference from it it's all connected to two police...

**Kim White-Attorney** 1:13:05: So, you accept that John Swan's name does not appear in any one of those. It does not appear in that Algernon Doars statement, yes?

**George Brown** 1:13:12: Let's let's clarify when you say any one of those.

**Kim White-Attorney** 1:13:15: I said Algernon Doars.

**George Brown** 1:13:16: On the Algernon Doars, it is not on there.

**Kim White-Attorney** 1:13:18: Nor does it appear in mister, just to be complete because you did ask your brother and you're giving evidence now. It does not appear as in Mr. Augustus' statement where he, Mr. Augustus' says Russell was an agent of John Swan that's correct, right?

**George Brown** 1:13:36: That was already spoken to.

**Kim White-Attorney** 1:13:37: But not by you sir. Since you're doing this tag team I have to put it to you.

**George Brown** 1:13:41: And I read the Augus the Algernon Doars statement.

**Kim White-Attorney** 1:13:46: Yeah, but I'm putting it to you that in the Pearman sorry, the Augustus' statement Augustus' statement does not say that Mr. Pearman is agent for John Swan.

**Senior Counsel Harrison** 1:13:58: Well yeah, your a smart man. We already referred to that. My brother said it wasn't in there and the Commission will make a determination on that.

**Kim White-Attorney** 1:14:04: And you're confirming that?

**George Brown** 1:14:05: I'm confirming what was said..

**Kim White-Attorney** 1:14:07: Okay, that's fine. Okay, thank you.

**W. Perinchief-Chairman** 1:14:09: Thank you.

**George Brown** 1:14:13: Thank you.

**Kim White-Attorney** 1:14:16: If you go to paragraph 4 of the CNLB. Am I talking to you sir now? Yes? Yes, I'm talking to you now. At paragraph 4 of your document CNLB 17? You say John Swan sold these 8 lots in the current, to the current residents where Kessaram would learn what docs deeds were used to support the legal claim of clear title in, to these lands by any of John Swan's clients. You are familiar with JS-1? The document that was put in yesterday? And that document had on it or, the memorandum which you recall. I think it was you I pointed out to. It might have been your brother. I do apologize,

**W. Perinchief-Chairman** 1:14:59: Mr. White Just, just indicate that you're speaking to Mr. Charles Brown.

**Kim White-Attorney** 1:15:04: Yes. Thank you.

**W. Perinchief-Chairman** 1:15:05: eliciting a response from Mr. Charles Brown.

**Kim White-Attorney** 1:15:07: That's correct. Thank you. That's correct. And it's J S-1 for the Secretariat. Do you have it there, sir?

**Charles Brown** 1:15:13: I do.

**Kim White-Attorney** 1:15:14: Okay. And I believe I believe it was you I was speaking to and you confirm there were eight memoranda on that?

**Charles Brown** 1:15:21: Correct.

**Kim White-Attorney** 1:15:22: In which each lock was removed from that deed as they were sold off to various people.

**Charles Brown** 1:15:31: That's what the memoranda speaks to.

**Kim White-Attorney** 1:15:33: And that the JS-1 speaks to in the recital (a) to an indenture dated April 1969, made between Russell Levi Pearman and the vendor, Mr. Augustus and Mr. David Wilkinson. And also, in the description of paragraph 2, you'll recall me putting to you that mentions an indenture dated the 15th day of April 1969, made between John Augustus Alexander Virgil of the first part and Russell Levi Pearman of the second part. Yes?

**Charles Brown** 1:15:36: Yes, sir.

**Kim White-Attorney** 1:15:39: Okay, thank you. Paragraph 12. You say the conveyance is between John Swan and staff member, Leslie Ming back and forth every 4 days, this is understood to be fraudulent behavior. Why is that fraudulent behavior in your opinion? Since you're not asserting any fact.

**Charles Brown** 1:16:59: We concluded this is fraudulent in as much as we believe that the property in question was obtained by fraudulent means. And so, what we call the gatekeeper transaction from 1969, the questions we've raised above that transaction, our position is that all the transactions that flow from that, because they are rooted in what we believe to be fraudulent activity, then the branches, metaphorically speaking of that route, are also categorized in the same way. And just as we've identified and concluded, evidence of fraud with this transaction, and we see the 10 conveyances as an extension of, or a set of transactions that rely upon the 1969 transaction. So, we say 1969 is not good. And what standing on 69 is likewise, rooted in the fraud of 69.

**Kim White-Attorney** 1:18:07: Mr. Brown. Look at what you wrote and what you said. You said 10, conveyances, between John Swan and his staff member, Leslie Ming, between each other back and forth, that were days 4 this is understood to be fraudulent behavior, you are saying specifically, that those transactions, not the 69 transaction, those transactions are fraudulent behavior. They're not are they?

**Charles Brown** 1:18:30: If you take it out of...

**Kim White-Attorney** 1:18:31: They are not fraudulent behavior. Are they Mr. Brown, those transactions? I'm very specific, limiting to that.

**Charles Brown** 1:18:39: I understand your preference for specificity and limitations. But I took an oath to share the whole truth. And I think the answer should reflect the whole story. And so while we like to focus on item 12, and the trans, the conveyances of 1970, it is important to know and to note, that those transactions are rooted in what we assert to be fraudulent activity. And if the route is fraudulent, then so too, are the branches that flow thereafter.

**Kim White-Attorney** 1:19:13: But there is no fraud, Mr. Brown between John Swan and a staff member, Leslie Ming. Is there, in doing that transaction? That conveyance which you refer to in your statement.

**Charles Brown** 1:19:26: I could repeat my answer but the...

**Kim White-Attorney** 1:19:28: Chairman, I've just asked the Commission though that the witness were refusing to answer the question and evading the direct question, and I'm gonna move on. I see no profit in continuing to do that. I'll put to him one last question. Mr. Brown, is it not possible that those transactions are designed to create deeds for each one of the eight lots from the main deed?

**Senior Counsel Harrison** 1:19:51: It theoretically, that may be true, but we haven't seen the deeds and we don't know which deeds are referred to but we do know that There's questions surrounding the deeds that were used. And this is one of the reasons why we provided an opportunity to review deeds of the current occupants. And that has not yet happened.

**Kim White-Attorney** 1:20:14: Mr. Chairman, I don't think I am in a position to ask any questions on paragraph 14 of this document that relates to Bank of Butterfield doing alleged to have been doing anything doing something, and also whether or not there's no clarity to when the 1600 pounds was put in Mr. Virgil's account to the Bank of Butterfield. But what is clear from what Mr. Brown is saying is that 6800 pounds was in Mr. Virgil's Bank of Butterfield account, doesn't say when.

**W. Perinchief-Chairman** 1:20:57: Mr. White, the entire document has now been entered as an exhibit. And as such, I believe that Mr. Brown made those notes and he should be able to, you should be able to question them on that.

**Kim White-Attorney** 1:21:14: I don't think Mr. Brown can give us he's relying on information he received from his mother, who didn't give any evidence about this. That's that that's all I don't think I should ask him anymore. Because he's been very honest and saying he doesn't know the date.

**W. Perinchief-Chairman** 1:21:30: Oh, he doesn't He doesn't know the date.

**Kim White-Attorney** 1:21:31: It says it right in his statement. So yes. Right. What he does say is that the money was in the bank account.

**W. Perinchief-Chairman** 1:21:36: So, you have asked him the question of that item 14. And his answer has been as fulsome as you could do with this knowledge, is that correct? Maybe

**Kim White-Attorney** 1:21:46: Maybe a better way of putting it is you can't add to the date any more than what you've actually said here. Can you?

**Charles Brown** 1:21:53: I perhaps could.

**Kim White-Attorney** 1:21:54: Okay, fair enough.

**W. Perinchief-Chairman** 1:21:55: I, if you're willing to make an attempt at it, Mr. White, you'll have to accept his answer. I mean, tentative as it might be or speculative as it.

**Charles Brown** 1:22:16: It was in the mid 70s, mid to late 70s.

**Kim White-Attorney** 1:22:23: And that's based on hearsay evidence from somebody else. But you don't know personally, the day.

**Charles Brown** 1:22:34: I do not know.

**Kim White-Attorney** 1:22:36: Fair enough. Thank you, Mr. Brown. That's okay.

**Charles Brown** 1:22:39: They might.

**Kim White-Attorney** 1:22:40: They might Thank you. You're quite right. That makes sense.

**Charles Brown** 1:22:44: And if I could just add, the transaction that supposedly attracted to 6800 was paid for, either by cash or cheque, depending on which lawyer is being interviewed by the police.

**Kim White-Attorney** 1:23:03: And it doesn't doesn't resound from the fact that cash or check, the money was in Mr. Virgil's account.

**Charles Brown** 1:23:09: It may very well be the case.

**Kim White-Attorney** 1:23:16: You've asserted that it was. You said here the bank wrote to Mr. Brown to inform him that 6800 had been deposited into the account for the sale of his land.

**Charles Brown** 1:23:24: And the letter that Mr. Modia penned to Mr. Wilkinson. And speaking to the sale in February, he said that the full purchase price will be paid in cash to Mr. Virgil. And...

**Kim White-Attorney** 1:23:25: And do you think Mr. Virgil...

**Charles Brown** 1:23:51: You would suggest that the cash was paid 7, 8 years after the transaction supposedly took place?

**Kim White-Attorney** 1:24:01: I didn't suggest that at all. Sir, you're suggesting that, and on which you have no knowledge, personally, that that was the case.

**Charles Brown** 1:24:08: What I do know is that...

**Kim White-Attorney** 1:24:10: Do you accept what I just said, Sir, before you go off on another tangent?

**Charles Brown** 1:24:16: With respect, Mr. White, you asked me if I accept.

**Kim White-Attorney** 1:24:28: That you do not know personally when the money went into the account.

**Charles Brown** 1:24:32: I do not.

**Kim White-Attorney** 1:24:33: Thank you. Okay. He may have one added to that.

**Charles Brown** 1:24:35: No.

**Kim White-Attorney** 1:24:36: Thank you. So you cannot point to anywhere in this statement that you have made, or in any of the other documents that you have submitted, that John Swan engaged in a fraudulent activity. With any specificity other than this broad-brush approach called a fraudulent screen, scheme.

**Charles Brown** 1:25:10: With respect counsel, I think you're rephrasing and they're rephrasing an earlier question. And I gave you my answer, then I can give it again. But I don't I don't describe the facts as presented in the same vein. So, I'm not. It seems the same question that we've spent quite some time on.

**Kim White-Attorney** 1:25:36: And because you've not provided any specific incidents of fraudulent activity by John Swan, isn't that correct?

**Charles Brown** 1:25:43: Well, as I indicated earlier, we presented what we believe to be a series of facts through our evidence, and we like we look at the facts in total, the whole truth and connect the facts as we see fit, and present our conclusions of those facts. Now, as I indicated earlier, we can have our own opinions and our own conclusions. But the facts are not optional. And the facts that we've relied upon to draw our conclusions around fraudulent activity have been presented.

**Kim White-Attorney** 1:26:23: And none of that which has been presented, you will accept from me involves a specific activity by John Swan.

**Charles Brown** 1:26:34: I cannot accept that.

**Kim White-Attorney** 1:26:36: Point to the specific activity, that specific fact not your opinion, the specific fact, which does that.

**Charles Brown** 1:26:43: The specific facts, as we've outlined, clearly demonstrate the involvement of Mr. John Swan in the 1969 transaction from accepting and relying upon fraudulent documents, although he may not have prepared them. They were relied upon. We know this because the 1970 transaction relies upon the fraudulent activity of Mr. Russell Levi Pearman, and others as we've articulated.

**Kim White-Attorney** 1:27:23: You will accept when you say relied upon, then you also accept that he did not prepare the documents that the documents were prepared, sorry, the document here, which is J S 1, which we just refer to the conveyance from Mr. Augustus, to John William David Swan, was not prepared by John William David Swan, but rather by a lawyer.

**Charles Brown** 1:27:49: I accept that the document was prepared by. Which lawyer was that?

**Kim White-Attorney** 1:27:53: Peter Smith, sir? Peter Smith.

**Charles Brown** 1:27:56: I thought I saw Mederios.

**Kim White-Attorney** 1:27:57: No, no, it's if you look, if you just have a quick look,

**Charles Brown** 1:27:59: That's one of the back page? The back page of the. The very back.

**Kim White-Attorney** 1:28:06: That's the Registrar General's stamp,

**Charles Brown** 1:28:08: And what's the, what's in the stamp there, but the law firm that received it.

**Kim White-Attorney** 1:28:11: We see received March 16, 1977.

**Charles Brown** 1:28:15: And which name?

**Kim White-Attorney** 1:28:16: Madeiros Law Firm.

**Charles Brown** 1:28:17: Madeiros Law Firm?

**Kim White-Attorney** 1:28:17: But that was not the person who prepared this document. Because if you look at the first paragraph, look at the first paragraph, and Peter Smith, Chalmers Smith of Peter James Chalmers Smith, barrister was the person who prepared that document. Okay? Looking for the backing sheet. Doesn't appear to have one maybe that's practice in those days. And in fact, Peter Smith signed this document too. So, Sir John relied on a lawyer to prepare this document and produce good title to the property he was paying $60,000 for. Isn't that correct?

**Charles Brown** 1:29:13: The real estate transaction would require a series of deeds as Mr. Kessaram articulated, one good deed deserves another. And so, the position of the beneficiaries is that that document to which you refer is not aligned with the deeds that have been pre, that have been held by the beneficiaries.

**Kim White-Attorney** 1:29:37: The deeds that the beneficiaries have are over 60 years previous, going back in time starting 60 years previous to that deed, right? Going back to 1850s. I'm not quite sure.

**Charles Brown** 1:29:48: Eighteen, eighty.

**Kim White-Attorney** 1:29:49: All right. So those are the things you're talking about. Okay.

**Charles Brown** 1:29:52: Those are the deeds that speak to the parcel of land that Russell Pearman claimed ownership, sought to subdivide. The subdivision was eventually used to sell the lots which are now occupied.

**Kim White-Attorney** 1:30:11: So the question was, sir, Sir John Swan hired a lawyer to produce good title to the, to the land that he was purchasing. And that lawyer was Peter Smith, I put to you. Okay. And do you accept that the lawyer would review the deeds of title and report to his client that you have good title of the property.

**Senior Counsel Harrison** 1:30:35: I cannot speak to the posture of the lawyers. But what I do know is that this was during the apartheid era. This was an era when blacks were often intimidated, and whites tended to rule by money, muscle and power. We saw that we presented evidence to that effect. And we also know that the deeds that should have been relied upon, were not relied upon because they were held by the beneficiaries.

**Kim White-Attorney** 1:31:13: You know that Peter Smith is a white lawyer?

**Charles Brown** 1:31:17: I do know that.

**Kim White-Attorney** 1:31:18: And Sir John is, is a black man.

**Charles Brown** 1:31:23: He's a he is

**Kim White-Attorney** 1:31:24: And you're using apartheid?

**Charles Brown** 1:31:26: Sure. Are you denying that apartheid and segregation existed in Bermuda at that time?

**Kim White-Attorney** 1:31:29: I'm not here to answer your question and I don't deny anything. I'm wondering how that fits into John Swan relying on Peter Smith to produce good title. That is what the question was about.

**Charles Brown** 1:31:44: You're, you're asking how I mean?

**W. Perinchief-Chairman** 1:31:45: Uh, let me interject with with respect. I think we may be getting off on a tangent that this that doesn't seem to have probative value in the matter. Uh, would you agree Mr. White and Mr. Brown?

**Kim White-Attorney** 1:32:06: Agree, agree to what sir? Sorry.

**W. Perinchief-Chairman** 1:32:08: It's not. I do not believe that this tangent. This line of questioning is of probative value.

**Kim White-Attorney** 1:32:15: I don't I don't agree with the greatest respect sir or otherwise, I wouldn't have answered the, asked the question.

**Charles Brown** 1:32:22: Mister.

**Kim White-Attorney** 1:32:23: And I've asked the question He's given us answered the Commission has it for its record.

**W. Perinchief-Chairman** 1:32:28: I'm just I'm just putting the question. whether, we need to continue on this line of question. We might like to get back on the main track.

**Charles Brown** 1:32:39: I certainly. Certainly.

**W. Perinchief-Chairman** 1:32:42: Agree?

**Charles Brown** 1:32:42: I do agree. But as we said, previously, that you know, this was a, a triangle of trickery, where we had bankers, lawyers, and real estate agents, working in partnership, my brother spoke about it in the House of Assembly at the time this Commission was being debated. And so, we see this at play. And we're describing what we see at play.

**W. Perinchief-Chairman** 1:33:08: Yes, we're not nevertheless, that all of that has been entered into evidence. And it's very obvious. And I think that if we go too far on a tangent, on the basis of what has been presented, if we stick more closely to the facts and evidence that has been entered, I think we'll be on safer ground when it comes to coming to a resolution.

**Charles Brown** 1:33:31: Certainly.

**W. Perinchief-Chairman** 1:33:33: I dare say that when we submit our report, we may be at liberty to make such comments on a broad basis. But I think we should stay more focused on this issue at this point, with respect.

**Charles Brown** 1:33:45: Certainly.

**Kim White-Attorney** 1:33:46: So as a result of the questions I've been asking you, Mr. Brown, plural, you have not been able to point to a single fact, as opposed to opinion or conclusion that shows that John Swan engaged in a fraudulent activity in respect to the transaction that you're complaining about. Which is particularly, let us be clear, the you're complaining about the sale of the land to Mr. Pearman by Mr. Virgil, for which you have accepted, 6800 pounds went into Mr. Virgil's bank account.

**Charles Brown** 1:34:24: We don't accept that representation of of the facts at all.

**Kim White-Attorney** 1:34:30: Now, I'm asking you to point to a fact.

**Charles Brown** 1:34:34: Yeah.

**Kim White-Attorney** 1:34:34: And you're not able to do so.

**Charles Brown** 1:34:35: What, what we've pointed to and I'll add that. As a realtor of some years experience, one would expect that, at least a reasonable person would expect that a realtor would know the value of the deeds that are required to complete a legal land transfer. That did not appear to have occurred in this instance. And again, you mentioned that we have not pointed to a single fact. What we have pointed to and maintain is that there are a series of facts that speak to a scheme that was at play. And Mr. Swan was intricately involved in those activities, as part of the triangle of trickery. He's the real estate agent.

**Kim White-Attorney** 1:35:25: Intimately involved in the triangle of trickery? Because he went and looked at a piece of land at the invitation of the potential purchaser and advised them that's a good piece of land buy it. That's trickery. It's trickery, when his client who had money with him came to borrow money or take money out. whenever we went, to pay for that land. That's trickery. With the greatest respect sir, I put to you it is not trickery, at all.

**Charles Brown** 1:35:53: The, fair enough, the facts, you select are fine. We've select we've we've presented our story. And we maintain that the fraudulent activity of 1968 attributable to Mr. Pearman an associate of Mr. Swan and the subsequent fraudulent activity.

**Kim White-Attorney** 1:36:18: Associate? How is he associated with Mr. Swan? You've given no evidence. He's an associate of Mr. Swan. There's been no evidence slight of that. You just throw these things out, like casting nastursiums into the air. Sir, they have to be rooted in fact, where is the fact.

**Charles Brown** 1:36:33: There is a real strong relationship between the players it's evidenced by the comments, the reports and the police statement. And that's the conclusion we've drawn that the, that Algernon Doars was witness to transaction. Manual Augustus was the purchaser and then the seller, John Swan's client. And so we've presented what we believe to be the evidence that speaks to the environment that enabled these fraudulent activities to florish. And when, it was time to cooperate with the police on this matter. There was avoidance.

**Kim White-Attorney** 1:37:16: By whom?

**Charles Brown** 1:37:17: By Mr. Swan.

**Kim White-Attorney** 1:37:19: And they sat on what?

**Senior Counsel Harrison** 1:37:21: There was a request for a copy of documents and they said we'll look for them. At the conclusion of the police investigation, they concluded that they were still waiting for the documents to be provided by Mr. Swan's office.

**Kim White-Attorney** 1:37:38: That doesn't mean he's avoiding anything, does it? It means they couldn't be found possibly doesn't it Mr. Brown.

**Charles Brown** 1:37:44: It's an interpretation of the facts,

**Kim White-Attorney** 1:37:46: So, an interpretation. Thank you.

**Senior Counsel Harrison** 1:37:47: A seasoned, a seasoned, seasoned real estate agent, soon to be Premier ought to have known, a reasonable person would suggest, ought to have known that the title to a piece of property that he was seeking to claim ownership of or to be free and clear of any encumbrances, any, any claims of what we've spoken to.

**Kim White-Attorney** 1:38:09: And you accepted that Mr. Swan was relying on a lawyer to provide good title.

**Senior Counsel Harrison** 1:38:15: Mr. Swan is a seasoned realtor, the realtor, the lawyer may have drafted but he's drafted. But it is unreasonable to suggest that the realtor was unaware and unconcerned with the legitimacy, lack thereof, of the title to the property which he laid claim to the in 1970.

**Kim White-Attorney** 1:38:40: Doesn't the fact that he used a lawyer speak to the fact that he was concerned about the legitimacy of anything he purchased by having the, having the lawyer produce a document which has good title to that property.

**Charles Brown** 1:38:52: If this was...

**Kim White-Attorney** 1:38:53: It, no answer the question sir.

**Senior Counsel Harrison** 1:38:55: I'll answer the question in the way in which it needs to be answered because context is important. We spoke about money, muscle and power. And to suggest that a lawyer in 1960 would do a transit.

**Charles Brown** 1:38:55: In the 60s, 70s that a transaction would be completed and it be taken for granted that it is a legitimate transaction is, is perpendicular to the climate in Bermuda at the time. We've heard several instances of lawyers come before this Commission of

**Kim White-Attorney** 1:38:56: In the 1970s

**Senior Counsel Harrison** 1:39:35: Um. The Chairman.

**Charles Brown** 1:39:40: Okay.

**Senior Counsel Harrison** 1:39:41: We're going along a line now that in terms of what the witness is saying, and I must say a broad brushing. All lawyers know in Bermuda, I think we there's a point where we need to draw the line Chairman.

**W. Perinchief-Chairman** 1:39:59: Yes, Counsel. I'm taking your advice. And I have asked that the witnesses and, and Counsel for Mr. Swan be as concise and precise as possible I believe that the Commission at this point have they been magnanimous, if you like when it comes to gathering information and evidence, and I believe that the horses been flogged virtually to death on this issue. I believe that we've gathered a preponderance of relevant facts. I believe that we have given certainly, Mr. White his full opportunity to question the witnesses. And at this point, and it does draw close to the lunch and all, but at this point, at this point, at this point, I believe that we'll move to certainly some sort of closure on the salient questions of the, Mr. Swan being involved in some business suite. As a matter of opinion, I believe that all sides have been a long, full opportunity to present the case. We're not closing it but I will say this, that we will move on after the lunch period to further evidence to support the Commission fact, finding exercise, and we do intend in anticipation that we'll have Mr. Adams' report, which will give certainly opportunity for those who have given adverse notice to ask questions of him, the investigator.

**Kim White-Attorney** 1:42:16: Would it be helpful Mr. Chairman?

**W. Perinchief-Chairman** 1:42:18: Yes. And also, counsel needs to have an opportunity to question everyone present. But I would think that the line of question to and fro at this time, has probably been exhausted and is becoming secular, and slightly redundant. And um I just want to pick up the pace.

**Kim White-Attorney** 1:42:19: If. Would it be helpful just before lunch break is to find out if Mrs. Virgil has any questions for him, so at least you can cross that name off? I think Mr. Hanson certainly has questions for them, necessary might be.

**W. Perinchief-Chairman** 1:42:54: Yes, I'll ask those who are in the wings. Miss Virgil, Mr. Hanson. If you wish to have questions on the witnesses at this point, or Mr. Hanson has raised his hand. What Yes, yes sir.

**Michael Hanson-Attorney** 1:43:11: Good morning, Mr. Chairman. Yeah, I do have I do have a couple of questions. I don't think I'll be very long on the back of what's been said this morning. But those questions do of course, focus in a bit on the Adams' report, as discussed yesterday.

**W. Perinchief-Chairman** 1:43:26: Yes. And Miss. Virgil, will you have questions this afternoon, because I'm going to break and then come back at one o'clock. So Miss. Virgil?

**Senior Counsel Harrison** 1:43:36: Yeah. So um, I don't have any questions, because I think it could continue to be quite circuitous. And um, I just don't see these things being supported by actual evidence. And I'm going to table a full statement when I'm when I'm permitted to do so in writing and submit it as evidence.

**W. Perinchief-Chairman** 1:43:53: Yes, counsel, I didn't want to preempt anything you wish to say. But if you would wait, no, please.

**Senior Counsel Harrison** 1:44:01: I have nothing to add Chairman.

**W. Perinchief-Chairman** 1:44:05: At this point.

**Senior Counsel Harrison** 1:44:06: At this point.

**W. Perinchief-Chairman** 1:44:09: Yes. Therefore,

**Charles Brown** 1:44:13: Mr. Chair.

**W. Perinchief-Chairman** 1:44:14: We've had a full morning. So thus far, Mr. Brown, you wish to.

**Charles Brown** 1:44:17: I have a quick question. Yes. Yes, sir.

**W. Perinchief-Chairman** 1:44:19: Yes. yes sir. Your question.

**Charles Brown** 1:44:20: I understand that the Carlton Adams report is to be I'm not sure if it is to be presented this afternoon?.

**W. Perinchief-Chairman** 1:44:28: Yes sir. Mr. Adams will, will present his report as was requested yesterday. And later on, we will have another witness that I think you have in support of your case.

**Charles Brown** 1:44:44: Will there be an opportunity for dialogue with Mr. Adams regarding his submission?

**W. Perinchief-Chairman** 1:44:53: After his presentation, certainly. Everyone will have an opportunity to question and Mr. Mr. Adams. Yes.

**Charles Brown** 1:44:59: Okay. Thank you.

**W. Perinchief-Chairman** 1:44:59: Yes, that's just the preamble to what, precursor to what's gonna happen this afternoon.

**Michael Hanson-Attorney** 1:45:06: Mr. Mr. Chairman? Yes, could it I think it would be a great assistance to the Commission. I didn't realize Mr. Adams was presenting evidence and was going to be made available today. I my understanding was that the parties would receive the report and read it and I could ask the questions. And if anyone else had a different understanding, please, please let me know. But that was my understanding from yesterday.

**W. Perinchief-Chairman** 1:45:29: Yes, Mr. Mr. Adams report is going to be read by him and you had another ...?

**Senior Counsel Harrison** 1:45:37: Chairman

**W. Perinchief-Chairman** 1:45:37: Yes, Counsel.

**Senior Counsel Harrison** 1:45:40: What I propose is that Mr. Hanson has questions that he intends to put to the witnesses, the Browns dependent. I don't know what Mr. Hanson, plans to put. But after he puts his submission, submission, what after he puts his whatever he's put it to the witness? I have asked Mr. Adams to be on standby. And based on what Mr. Hanson says, I may then invite Mr. Adams to present his report, because I may have some questions, especially of Mr. Adams. Depending on what Mr. Hanson says. So, I think that Chairman, just to alert Mr. Hanson that's what is happening. And we all have the report now what, as I indicated, I was able to digest it yesterday, as everybody did. So that is a proposed plan. At this hour, on a Friday afternoon. The speed that we're going, I'm not sure how far we'll get to that exercise after counsel puts their, submit the statement whatever they're saying. And we also had had the document examiner waiting and so I am in your hands Chairman.

**W. Perinchief-Chairman** 1:47:04: Yes Counsel?

**Michael Hanson-Attorney** 1:47:05: Sorry, Mr. Chairman.

**W. Perinchief-Chairman** 1:47:07: Yes, Counsel, we will break for lunch, and we'll come back at one o'clock. And at that point, because Mr. Hanson seems to have his focus locked closely on the report of Mr. Adams. I'm of the opinion that Mr. Hanson should put his question and at that point, Mr. Adams will be on standby and he can, we can dispatch that report very rapidly. And after that, get a wrap up from the Browns and then move on to the expert witness after that. Should you agree with that process? I'll continue in that vein.

**Senior Counsel Harrison** 1:47:57: Mr. Hanson, Mr. Hanson, I leave it to you.

**Michael Hanson-Attorney** 1:48:00: Oh yes, that seems fine. Mr. Chairman, my only point would be I hope that my questions wouldn't be more than 15/20 minutes so I didn't know whether you wanted to do that before lunch or still wait till after lunch.

**W. Perinchief-Chairman** 1:48:13: After lunch.

**Michael Hanson-Attorney** 1:48:14: Okay.

**W. Perinchief-Chairman** 1:48:15: It'll be after lunch. Yes. And at this point, I am reminded by my fellow Commissioners that it is the luncheon time and I hope that everyone present will have a quick, have a repast and come back refreshed at one o'clock. Thank you very much.

END OF TRANSCRIPTION at 1:48:43