**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**COMMISSIONER:**

**JUSTICE NORMA WADE-MILLER**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: UNKNOWN**

**MONDAY, NOVEMBER 30, 2020**

**MORNING SESSION (a)**

**Justice Norma Wade-Miller**  0:00 This is a continuation of the

**(Madam Chair)** Brown matter. And I've not asked for the Browns to be re-sworn, but I must remind you that you are still sworn to tell the truth.

Counsel

**Mr. Dirk Harrison (Counsel)** 0:14 Good morning Madam Chair, good morning Commissioners, good morning, everyone.

**Mr. Dirk Harrison (Counsel)** 0:22 Thank you very much.

**Mr. Dirk Harrison (Counsel)** 1:14 Morning Mr. Brown Morning, Mr. Brown.

**Mr. Dirk Harrison (Counsel)** 1:22 We can continue along the path that we had taken the last time on the last occasion, you had taken us through the presentation, which is exhibited as CNLB Four Exhibit and wish to continue with the evidence at this time. You recall on the last occasion when we sat, you had by virtue of the said Exhibit number four, taken us through by way of summary, a number of documents, you had shared a number of comments, and you placed your hands on a number of documents. Today, we propose to go through those documents with a view ultimately of seeing the documents in support of the actual documents in support of the statements which have been made by you.

**Mr. Dirk Harrison (Counsel)** 3:14 Now, just before we start, I just remind you also on the last occasions, reference had been made to a number of documents what is Exhibit CNLB Two it lists, documents, tab numbers 1-18 it is just a schedule of evidence as a document is titled documents on which you intend to rely. And I wish just to remind you also that documents A through to N which you had drawn our attention to which are contained in letter written to the Commission of Inquiry dated June 1 2020. And in that document, the items upon which you wish to rely are also contained. I just wish to draw those to your attention.

**Mr. Dirk Harrison (Counsel)** 4:59 I wish also, what I refer to the documents, A through eighteen, A through N, I'm sorry, is contained in Exhibit three CNLB Three, so we have CNLB Two that has documents One through to Eighteen and CNLB Three that exhibits fifteen items, but they have the designation A through to N. I'm just reminded you of where we were the last time.

**Mr. Dirk Harrison (Counsel)** 5:53 Now I make reference to the presentation which you had shared with us, and I claim no judgments Madam Chair. Just, I wouldn't say recapping, but just trying to set the stage, you had referred to what is CNLB Four your presentation, I'm just going to take you through that document and ask you to provide the documents which you are relying on in support of each point that's made.

**Mr. Dirk Harrison (Counsel)** 6:32 You had on the last occasion in relation to the said CNLB Four indicated on page two that your purpose was one to show how parties conspired to execute a plan that there are two major transactions which are fraudulent and that your major plan partnered to obstruct justice and you wish to present what we have to share on conclusions. Just before I go any further out of an abundance of caution Madam Chair, on the last occasion, based on my application, and I know you had made an order in respect of adverse notices being issued to a number of individuals and or their estate. Also, some other institutions. I know that the order had been given in that regard. I am uncertain whether or not that they have all been served at this stage, however out of an abundance of caution, I wish to before we start to ensure that we just revisit that list, so that persons can be made aware in respect of what is happening. Importantly, I will just ask and I create no judgment. Out of an abundance of caution, because though we had expected from the last time that we were here, that these persons would have been served and or would have been in attendance, I noticed that is not so, but I think out of an abundance of caution, I wish to go through that exercise again. Because as we go through if and when issues arise, these persons would have been notified and would be given an opportunity to have standing and to put any questions to the witnesses based on evidence which has been given

**Justice Norma Wade-Miller**  9:03 Certainly Counsel

**(Madam Chair)**

**Mr. Dirk Harrison (Counsel)** 9:07 At CN we shall project it shortly but at CNLB Four on page six of that document is being projected shortly. We had had and is presently on the screen. We have at the top left hand corner, Butterfield the Company, Bermuda's first Bank for the sole executors . We have the firm of Cox Hallett Wilkinson Limited who are identified as lawyers of Russell Levy Pearman. We have the Company of Appleby the designation that they are lawyers for John A. A. Virgil. We have in the second line the extreme left. Mr. Eric Arthur Jones, the family lawyer for the estate of John A. A. Virgil. We have Mr. David Wilkinson Counsel Cox, Hallett Wilkinson. We have Robert Moutier, Senior Counsel of Appleby Spurling & Kempe. We have listed Mr. Russell L. Pearman Justice of the Peace for a Member of Parliament. Mr. Edward E. T. Richards, MP and former Premier. We have Mr. John W. Swan, Realtor and former Premier, Mr. John Alfred Virgil from Somerset and first cousin to John A. A. Virgil, Mr. Arnold Francis, a lawyer from the law firm John W. Swan Limited and Mr. Leslie Earl Ming then an Associate at John W. Swan. I just wish to indicate that based on the record and the note that had been taken on the last occasion. Mr. Eric Arthur Jones is deceased and his estate or property to be advised based on notices that Junior Counsel Mr. Swan will send out. Mr. David Wilkinson deceased, Mr. Robert Haute deceased, Mr. Russell Pearman deceased, Mr. Edward Richards deceased, Mr. John Alfred Virgil deceased, Mr. Arnold Francis deceased for the record. Thank you Madam Chair.

**Justice Norma Wade-Miller**  12:19 Thank you. I see Mr. Swan is

**(Madam Chair)** coming but I did speak with him and while the notices are been prepared, I don't believe that notices have been served, but I suspect Mr. Swan is here and he can certainly speak for himself, but I suspect they will be served today. Mr. Swan, I see that you're here. We're talking to the adverse notices that where sent, let me let you have a seat and catch your breath.

**Charles Brown** 12:52 Yes Justice, they are all prepared I just need to finalize the last few names and then you will be able to send them out today.

**Justice Norma Wade-Miller**  12:59 So that's your state of play

**(Madam Chair)** Counsel.

**Mr. Dirk Harrison (Counsel)** 13:08 Thank you, Madam Chair.

**Justice Norma Wade-Miller**  13:34 Counsel I don't know if you

**(Madam Chair)** have noticed, but please give Mr. Brown a minute because he is speaking to PS he has left his seat. Can you give him a minute please. Thank you, Counsel, he has returned to his seat.

**Mr. Dirk Harrison (Counsel)** 14:03 Now, Mr. Brown on the last occasion you had indicated that reliance was being placed on three critical reports. The Bermuda Police Report 1976 a Bank of Butterfield Report 1978 and a Bermuda Caribbean Engineering Consultants Limited Report 1996. I am going to ask you. We're going to start first with the Bermuda Caribbean Engineering Consultants Limited Report 1996. I'm going to ask you to take us through that Report and you will be aided by questions from me. Now in respect of the Bermuda Caribbean Engineering Consultants Limited I report dated the 24th of July 1996. Are you aware whether the Beneficiaries of the Estate of John A. A. Virgil caused the report to be commissioned?

**Charles Brown** 15:56 Yes they did.

**Mr. Dirk Harrison (Counsel)** 15:58 Check if your microphone is on for me please.

**Charles Brown** 16:02 Thank you Counsel. Yes, it was the request of the Beneficiaries to retain the services of the Bermuda Caribbean Engineering Consultants to do the work that they did in 96.

**Mr. Dirk Harrison (Counsel)** 16:13 And the purpose of this report and the requests, what was the objective,

**Charles Brown** 16:18 The objective was to review and confirm title as well as transactions over the course of time that altered the title and the title within the seven acres of the footprint.

**Mr. Dirk Harrison (Counsel)** 16:40 This report you have produced to us and you have labeled it Exhibit C is that correct.

**Charles Brown** 17:03 We have provided

**Charles Brown** 17:06 C

**Mr. Dirk Harrison (Counsel**) 17:08 What you go ahead

**Charles Brown** 17:10 It should be Exhibit F

**Mr. Dirk Harrison (Counsel)** 17:56 Let me just show you the report. Okay, have a look at that document. You recognize it?

**Charles Brown** 18:42 Yes, I do, Sir.

**Mr. Dirk Harrison (Counsel)** 18:44 What is it?

**Charles Brown** 18:46 It is the report from the Bermuda Caribbean Consultants Limited 1996 reporting on their findings as a result of their investigation into the property ownership of the seven acres up at Spring Benny.

**Mr. Dirk Harrison (Counsel)** 19:10 Madam Chair and more importantly, Mr. Brown this was what was commissioned by the beneficiaries.

**Charles Brown** 19:16 Correct.

**Mr. Dirk Harrison (Counsel)** 19:19 Part of this document is tender admitted as Exhibit CNLB Five.

**Justice Norma Wade-Miller** 20:18 Bermuda Caribbean Engineers

**(Madam Chair)** report dated

**Mr. Dirk Harrison (Counsel)** 20:25 The 24th of July 1996.

**Justice Norma Wade-Miller**  20:32 Is hereby entered as CNLB

**(Madam Chair)** Five

**Mr. Dirk Harrison (Counsel**) 20:43 We're going to go to this document. Take us to page one of this document

**Charles Brown** 20:59 Yes.

**Mr. Dirk Harrison (Counsel)** 21:01 And it was prepared for whom?

**Charles Brown** 21:05 It was prepared for the Beneficiaries of John Augustus Alexander Virgil.

**Mr. Dirk Harrison (Counsel)** 21:13 And the beneficiaries who had requested this.

**Mr. Dirk Harrison (Counse**l) 21:16 The names of the beneficiaries who had requested this.

**Charles Brown** 21:18 Sure the names of the Beneficiaries Gladwyn Ming, Glen Ming, Sylvia Davis, Jewel Trott on behalf of her late mother, Ms. Marion Johnson it's a typo there it should be Johnston ston. Miss Barbara Brown and Miss Marie Spence.

**Mr. Dirk Harrison (Counsel)** 21:18 Could you tell me who all these persons are?

**Charles Brown** 21:51 Gladwyn Ming is a sibling to Glen, Barbara and Marion. And Gladwyn is

**Mr. Dirk Harrison (Counsel)** 22:02 Just a minute to Glen, Barbara and

**Charles Brown** 22:06 Marion and Marie a siblings.

**Mr. Dirk Harrison (Counsel)** 22:11 And their relation to John Augustus Alexander Virgil.

**Charles Brown** 22:17 His nephew and niece respectively.

**Mr. Dirk Harrison (Counsel)** 22:20 Thank you. Yes continue please

**Charles Brown** 22:25 And Miss Sylvia Davis and Eunice Trott his daughter was representing her at this time, they are the nieces and they are the nieces of John Augustus Alexander Virgil, and the first cousin to the other five that we just named. Gladwyn, Glen, Marion, Barbara and Marie, are first cousins to Sylvia and Eunice.

**Mr. Dirk Harrison (Counsel)** 22:56 So I'm just going to ask you just take us through that one last time. Gladwyn Ming they're siblings to Glen, Barbara and Marion.

**Charles Brown** 23:04 and Marie

**Mr. Dirk Harrison (Counsel)** 23:05 and Marie.

**Mr. Dirk Harrison (Counsel**) 23:11 and Sylvia Davis is a first cousin.

**Charles Brown** 23:17 to those you just mentioned, but a niece of John Augustus.

**Mr. Dirk Harrison (Counsel)** 23:39 Thank you. In respect of this report that was done on the request of the beneficiaries their support. What does it set out by way of introduction?

**Charles Brown** 24:07 It sets out the findings of how land came to be a part of the estate of John Augustus Alexander Virgil. It takes us back to 1885 and brings us forward.

**Mr. Dirk Harrison (Counsel)** 24:20 At page three of the document might I direct your attention there which starts at the heading purpose and ends on another heading chronology of land ownership.

**Charles Brown** 24:30 Yes

**Mr. Dirk Harrison (Counsel)** 24:38 Just by way of guidance on an introduction, can you take us through that section?

**Charles Brown** 24:43 Since this report sets out the findings of how land came to be a part of the estate of John Augustus Alexander Virgil and the subsequent ownership and subdivision of that parcel of land as ownership of land occurs in a chronological manner. This report has been organized in the same way relevant documents or correspondence have been annexed to this report and marked by letter. All plans have been identified by a number were documentation is not available or research has proven inconclusive. This has been noted.

**Mr. Dirk Harrison (Counsel)** 25:27 Thank you. Now, under the section contingent limited and conditions. Could you just share that with us? I know it's projected but could you just take us through that.

**Charles Brown** 25:44 This is the original title deeds and title deeds of the parcels of land derived there from have not been available. Thorough searches have been made of the applicable registries in Bermuda in the Old Parish Vestry Records, Supreme Court Records and The Ministry of Works & Engineering Records. Information obtained from these sources has been relied upon the determining of the authenticity of any recorded document is beyond the scope of the report.

**Mr. Dirk Harrison (Counsel)**  26:20 Now on the last occasion, you had mentioned to us here certain concerns and you made specific reference to the original title deed, where is the original title deed.

**Charles Brown** 26:36 The title deeds are in a safe space at this time.

**Mr. Dirk Harrison (Counsel)** 26:45 And I'm going to ask you for the afternoon session too, if you can produce those title deeds we ask the chair of the commission to verify that it's a true copy. A copy will be made and the original will be returned to you, so I ask you for the afternoon session to produce that report.

**Charles Brown** 27:09 And we intend to do

**Mr. Dirk Harrison (Counsel)**  27:11 now in respect of the said original

**Justice Norma Wade-Miller**  27:13 Mr. Counsel, Counsel. Could he

**(Madam Chair)** bring copies of the originals so that I could note on the copy that once it's inspected that it's a true copy of the original.

**Mr. Dirk Harrison (Counsel)** 27:29 Thank you Madam. You have a copy of the original or one could be made.

**Charles Brown** 27:35 Copies have been provided to the commission. Or a copy has been provided to the commission. Its a fairly significant number of pages.

**Mr. Dirk Harrison (Counsel)** 27:48 Fine. So we will have it verified at that time Madam Chair.

**Charles Brown** 28:09 Counsel it's Exhibit D.

**Mr. Dirk Harrison (Counsel)** 28:11 Thank you very much.

**Charles Brown** 28:11 Early submission.

**Mr. Dirk Harrison (Counsel)** 28:16 Now on the last occasion Mr. Brown, you had made mention that there fact. You have made mention of a concern in respect of ownership which had been vested in persons in circumstances that have caused you in my words to think that something untoward has happened because of the fact that you are in possession of the original title deed. That original title deed can you say from whom it was obtained.

**Charles Brown** 28:59 Yes. In 1880 George W Young conveyed to Samuel David Robinson the subject property and in 1885, the same Samuel David Robinson conveyed the property to Augustus Virgil, so from 1885 the Virgil family has held those deeds that was referenced on page eight of the presentation from last week.

**Mr. Dirk Harrison (Counsel)** 29:43 Before we go there, the Will of John Augustus Alexander Virgil dated the. The date was.

**Charles Brown** 30:05 21st of May 1964.

**Mr. Dirk Harrison (Counsel)**  30:15 I clear your indulgence

**Mr. Dirk Harrison (Counsel)** 30:31 Kindly have a look at that document for me please. What do you have there?

**Charles Brown** 30:40 I have a copy of the cover of the May 21, 1964 Will that was signed off by Robert Moutier.

**Mr. Dirk Harrison (Counsel)** 30:50 And they actual Will how many pages is it. Do you have a full copy there?

**Charles Brown** 30:56 Two

**Mr. Dirk Harrison (Counsel)** 30:56 I'll ask Madam Chair that that document which is the Last Will and Testament of John Augustus Alexander Virgil dated the 21st of May 1964. Let it be tender admitted as Exhibit CNLB Five, Six I'm sorry. It had previously been marked with Exhibit A however I wish to apply to have it tended as Exhibit CNLB Six.

**Justice Norma Wade-Miller**  31:08 Is the date of the Will the 21st

**(Madam Chair)** of May 19?

**Mr. Dirk Harrison (Counsel)** 31:53 64 Madam Chair.

**Justice Norma Wade-Miller**  32:01 Did I get the date correct please

**(Madam Chair)** is it the 25th or the 21st?

**Mr. Dirk Harrison (Counsel)** 32:05 The 21st Madam Chair.

**Justice Norma Wade-Miller**  32:22 It's entered as Exhibit CNLB

**(Madam Chair)** Six.

**Mr. Dirk Harrison (Counsel)** 32:28 Thank you. Now on the last occasion, Mr. Brown you had shared also with us the name of the Executor of the said Will. Who was the executor of that Will based on your information?

**Charles Brown** 32:56 The executive was the Bank of N.T. Butterfield & Son Limited, Executor and Trustee Company.

**Mr. Dirk Harrison (Counsel)** 33:07 And just for clarification, you said N.T initials N.T.

**Charles Brown** 33:12 Yes.

**Mr. Dirk Harrison (Counsel)** 33:28 And in respect of the said Will you wish to place reliance on it toward end.

**Charles Brown** 33:39 Well, the Will provides evidence that he had a Will in the first instance and also demonstrates that Moutier provided legal advice to our Uncle John and signed off on the Will. The Will also shows that Butterfield is the Sole Executor as of May 21, 1964. And it shows an authentic signature of John Augustus Alexander Virgil.

**Mr. Dirk Harrison (Counsel)** 34:12 What you purport to be an authentic signature.

**Charles Brown** 34:15 Correct, and it also identifies the seven beneficiaries.

**Mr. Dirk Harrison (Counsel)** 34:23 Now, just for ease of reference Madam Chair I claim no judgments Mr. Brown.

**Mr. Dirk Harrison (Counsel)** 34:29 You'll provide us with a schedule of evidence something that corresponds to the documents and a explanation by way of purpose of the documents. Madam Chair, there is a document it is headed schedule of evidence by letter or tab number reference, Madam Chair it list in eighteen tabs under on the references a description of the item, a source and reference and the purpose that document I would now ask to be tender admitted as Exhibit CNLB Seven, so the other witness could be guided.

**Justice Norma Wade-Miller**  35:52 For short, how do you

**(Madam Chair)** characterize this document Counsel.

**Mr. Dirk Harrison (Counsel)** 35:56 It is headed schedule of evidence by letter or tab number reference, Madam Chair. I'm advised that the commissioners ought to have one in their possession.

**Justice Norma Wade-Miller**  36:22 The schedule of evidence by

**(Madam Chair)** letter or tab is hereby entered as Exhibit CNLB Seven.

**Mr. Dirk Harrison (Counsel**) 36:33 Thank you.

**Mr. Dirk Harrison (Counsel)** 37:03 Now also with reference your CNLB Seven that exhibit you make reference to some other pages. Pages 27 to 30, Madam Chair in respect of what we have as CNLB Four the presentation. Could you take us, Mr. Brown back to the presentation pages 27 to 30?

**Charles Brown** 37:41 Certainly. The reference to page 27 and 30 is merely to indicate for the commissioner's benefit, how the value of the Will fits into the story that we're telling so it is the reference within the presentation when it's used and don't want to revisit the presentation.

**Mr. Dirk Harrison (Counsel)** 38:10 Pardon me!

**Charles Brown** 38:11 I don't want to revisit the presentation. But I wanted to indicate to the commissioners that pages 27 to 30 and then pages 48 and 52 of the presentation is where reference is made to the Will were we are relying upon the Will to tell part of the story.

**Mr. Dirk Harrison (Counsel)** 38:35 Yes. Thank you because you had gone to the presentation already. So we need not go through it again.

**Charles Brown** 38:41 Right

**Mr. Dirk Harrison (Counsel)** 38:45 Thank you. Now what's the second document you wish don't rely on.

**Charles Brown** 39:11 Exhibit B reference B which is the report from BEDC from The Bank of Butterfield Company Limited, Executor and Trustee Company Limited sorry. We'd like to rely on, we will rely on that Exhibit B which has also been provided to the commissioners previously.

**Mr. Dirk Harrison (Counsel)** 39:47 Kindly have a look a that document for me. You recognise that document?

**Charles Brown** 39:58 Yes I do.

**Mr. Dirk Harrison (Counsel)** 39:59 What is it?

**Charles Brown** 39:59 This is the report that The Bank N.T. Butterfield Executor & Trustee Company Limited produced in response to a request for the beneficiaries to engage in an investigation on the true title.

**Mr. Dirk Harrison (Counsel)** 40:15 How many pages is that document?

**Charles Brown** 40:24 Nine pages.

**Mr. Dirk Harrison (Counsel)** 40:26 And I say that document Madam Chair nine pages report dated the 1st of November 1978. A report from The Bank of Butterfield who are executors and the Executor & Trustee Company Limited and ask that it be tendered and admitted as Exhibit CNLB Eight.

**Justice Norma Wade-Miller**  41:32 So, the report to the

**(Madam Chair)** beneficiaries from the NTB Bank dated November 1, 1978. Executors and Trustees Company is hereby entered as Exhibit CNLB Eight.

**Mr. Dirk Harrison (Counsel)** 41:56 Thank you Madam.

**Mr. Dirk Harrison (Counsel)** 42:01 Now Mr. Brown can you share with us why you place reliance on this report or what if anything you place reliance on this report?

**Charles Brown** 42:11 Sure, this report was written by Appleby Spurling and Kempe we've concluded that the Chief Author was Robert Moutier. Who was also retained as Counsel by the Bank and he signed the Will. This report seeks to make the case that John Augustus Alexander Virgil owned no real estate up in Spring Benny and it is our position that that is a false narrative and that report seeks to prove that which is untrue. It also provides insight into the plan by Robert Moutier, John Alfred Eric Jones, that was targeting the Southern and Northern portions of the property. We believe that this report makes pronouncements regarding the authenticity and reliability of data that's used to prepare to report questionable pronouncements. It also in our view does not properly address the historical ownership of the land in question. It this report asserts that the Bank had no legal obligations as Executor until Uncle John died in 1972. This report does not acknowledge the Trustees Act of 1876, Section 50 and the responsibilities that are associated with that piece of legislation and it also this report announces that during its investigation, the critical instruments that ought to have been provided to support transactions, but those documents are missing. So those are some of the takeaways for the beneficiaries. From the report prepared by the Bank and how it has been used in the telling of our story.

**Mr. Dirk Harrison (Counsel)** 44:30 Thank you.

**Charles Brown** 44:37 Counsel, if I can add

**Mr. Dirk Harrison (Counsel)** 44:38 Please

**Charles Brown** 44:40 This report also demonstrates the in our minds the conflicting interests that Robert Moutier would have had as Counsel to John Augustus Alexander Virgil, as Counsel to or providing some advice to John Alfred Virgil and then offering the report. We see that as a conflict and it sets the report up for a taint.

**Justice Norma Wade-Miller**  45:16 Counsel one of the

**(Madam Chair)** commissioners has pointed out that in the schedule of evidence be page 2 of 11 the witness spoke to the schedule and he used under F he says does not acknowledge the Trustees Act of 1876 but it says 1976, so I would like to know which is correct.

**Charles Brown** 45:48 Yes, thank you for that. I just corrected it myself its a typo and it should be one 1876.

**Justice Norma Wade-Miller**  45:55 Okay.

**(Madam Chair)**

**Charles Brown** 45:56 Yes, it's a comforting observation. Thank you for sharing that with us.

**Mr. Dirk Harrison (Counsel)** 46:00 Thank you Madam Chair. Could you just repeat that point for us in respect of the conflict of interest that you were mentioning?

**Charles Brown** 46:29 Moutier was providing legal services to John Alfred Virgil, John Augustus Alexander Virgil, The Bank of N.T. Butterfield. He was involved in the transactions and then he was invited to author the report that was intended to prove a false narrative. So he was in our minds attached on four different levels to key players who were not necessarily on the same page so to speak.

**Mr. Dirk Harrison (Counsel)** 47:02 Thank you. You may continue on through your schedule on the next item.

**Charles Brow**n 48:00 Tab C

**Mr. Dirk Harrison (Counsel**) 51:34 Now Mr. Brown.

**Mr. Dirk Harrison (Counsel)** 51:41 I refer to January 26, 1962 letter

**Charles Brown** 51:53 Yes Sir

**Mr. Dirk Harrison (Counsel)** 51:53 Purportedly written by Mr. Robert Moutier to John Virgil you have a copy of that.

**Charles Brown** 52:18 I have a, I call it a copy

**Mr. Dirk Harrison (Counsel**) 52:26 Madam Chair I wish to ask that document be tender admitted as Exhibit CNLB Nine.

**Justice Norma Wade-Miller**  52:43 This is a letter dated

**(Madam Chair)**

**Mr. Dirk Harrison (Counsel)** 52:45 The 26th of January 1962.

**Justice Norma Wade-Miller**  52:54 Written by Mr. Moutier

**(Madam Chair)**

**Mr. Dirk Harrison (Counsel)** 52:56 Reportedly written by Mr. Robert Moutier to Mr. John Virgil.

**Charles Brown** 53:10 Counsel if I may it is instructed that reference to Somerset be made at this stage John Virgil from Somerset that is significant.

**Mr. Dirk Harrison (Counsel)** 53:20 Thank you.

**Mr. Dirk Harrison (Counsel)** 53:21 So John Virgil from Somerset. Thank you .

**Justice Norma Wade-Miller**  53:32 Do I make a note of that

**(Madam Chair)** Counsel?

**Mr. Dirk Harrison (Counsel)** 53:32 Please Madam. It is also contained in. I ask you to but also Exhibit CNLB Seven. At page two that reference appears that was written to John Virgil from Somerset in January 1962. Could you proceed by telling us the purpose for which you seek to place reliance on this document Sir?

**Charles Brown** 54:08 Certainly this matter from

**Mr. Dirk Harrison (Counsel)** 54:10 I'm sorry could you read it first then I'll ask that question after

**Charles Brown** 54:13 The letter reads as follows. Is dated the 26th of January 1962, which is a good day. It's addressed to Mr. John Virgil Somerset. It says we enclose herewith our check, made by

**Mr. Dirk Harrison (Counsel)** 54:34 I'm sorry, can you just go back after, just read exactly as it appears there for me

**Charles Brown** 54:43 We enclose

**Mr. Dirk Harrison (Counsel)** 54:45 No it says dear Mr., I mean everything that's contained as it appears

**Charles Brown** 54:50 Please quote, RHM/JWF/V89, 26th of January 1962. Mr. John Virgil Somerset. Dear Mr. Virgil, we enclose herewith our check made payable to you for 1025 pounds, representing the balance due to you from Mr. E. Jones on the sale from you to Mr. Jones for a portion of your property.

**Mr. Dirk Harrison (Counsel)** 55:29 I'm sorry it says of a portion. I'm just asking you just to pay close attention.

**Charles Brown** 55:38 Of a portion

**Mr. Dirk Harrison (Counsel)** 55:40 Read from the actual document.

**Charles Brown** 55:45 We enclose here with a copy of the statement from Mr. Jones to us, which shows the payment to us of 1030 pounds. We enclose also our receipted account for the professional services for five pounds, and the enclosed check provides the balance of 1025 pounds. We propose therefore to deliver the deed of Conveyance to Mr. Jones. We will keep the previous title deeds to the property for the time being since Mr. Jones will be preparing a covenant for production, which our Mr. Moutier discussed with you at your recent interview. Yours faithfully, Robert H. Moutier.

**Mr. Dirk Harrison (Counsel)** 56:46 Thank you. And the purpose for which you'll seek to rely on this document could you share with us.

**END OF TRANSCRIPTION AT 56:46**