

IN THE SUPREME COURT OF BERMUDA  
CIVIL JURISDICTION  
1992 : NO.

B E T W E E N :

JOHN NATHANIEL DARRELL  
Plaintiff

-and-

THE MINISTER OF WORKS AND ENGINEERING  
(DR. THE HONOURABLE CLARENCE R. TERCEIRA)  
Defendant

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STATEMENT OF CLAIM

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PHILIP J. PERINCHIEF ASSOCIATES  
Barristers & Attorneys  
Osgoode Hall  
Second Floor  
Melbourne House  
11 Parliament Street  
Hamilton HM 12

Attorneys for the Plaintiff

904B

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-and-

THE MINISTER OF WORKS AND ENGINEERING  
(DR. THE HONOURABLE CLARENCE R. TERCEIRA)

Defendant

L.S.

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SPECIALLY ENDORSED WRIT OF SUMMONS

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ELIZABETH II, By the Grace of God of  
the United Kingdom of Great Britain  
and Northern Ireland and of Our  
Other Realms and Territories, Queen,  
Head of the Commonwealth, Defender  
of the Faith.

TO: THE MINISTER OF WORKS AND  
ENGINEERING

of 56 Church Street  
Hamilton HM 12

WE COMMAND YOU that within fourteen days after the service of this  
Writ on you, inclusive of the day of such service, you do cause an  
appearance to be entered for you in an action at the suit of JOHN  
NATHANIEL DARRELL and take notice that in default of your so doing  
the Plaintiff may proceed therein and judgment may be given in your  
absence.

WITNESS the Honourable

of Our said court, the                      day  
of                      in the year of our Lord One thousand nine  
hundred and ninety-two.

N.B.- This Writ is to be served within twelve calendar months from  
the date thereof, or, if renewed, within six calendar months from  
the date of the last renewal, including the day of such date, and  
not afterwards.

The Defendant may appear hereto by entering an appearance, either  
personally or by attorney, at the Office of the Registrar of the  
Supreme Court at Old Town Hall, Hamilton.

IN THE SUPREME COURT OF BERMUDA

CIVIL JURISDICTION

1992 : RO.

B E T W E E N :

JOHN MATHEWIEL DARRELL

Plaintiff

- v -

THE MINISTER OF WORKS AND ENGINEERING  
(DR. THE HONOURABLE CLARENCE R. TERCEIRA)

Defendant

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STATEMENT OF CLAIM

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1. The Plaintiff is the son of GEORGE WELLINGTON DARRELL, who in turn was the son of EMELIUS DARRELL, who in turn was the son of DANIEL DAVIS DARRELL.
2. The Plaintiff's grandfather, EMELIUS DARRELL died on 8th August, 1947.
3. A plan attached to the deed of 1912 describes the land on the 1939 deed showing EMELIUS DARRELL'S ownership of the three parcels of land as one.
4. The Defendant obtained portions of two parcels of the aforementioned lands.
5. Further the Defendant obtained the entirety of FOSTER MALLORY COOPER'S lands.
6. The Defendant's acquisition of the aforementioned parcels of land was affected by fraud.

PARTICULARS

7. Deeds of 1922 and 1924 fraudulently show the ownership of the said lands by the Defendant.
8. The J.H. DALE Plan of 1932 shows that the aforementioned deeds of 1922 and 1924 are fraudulent. It refutes the 1930 plan and

Defendant acquired lands that were never sold by EMELIUS DARRELL.

9. The 1939 conveyance from MS. JOAN O'FLEHERTY to MR. GAYOUS POWELL, drawn by Messrs. Conyers, Dill and Pearman refutes the Railway Company's ownership and the Defendant's subsequent ownership of lands properly belonging to EMELIUS DARRELL.
10. The 1943 conveyance from GEORGE ARNOLD WILLIAMS to HERMAN JARVIS drawn by DAVID TUCIER, Attorney, as well as a 1943 plan by WOLIFF STOWELL confirms the west boundary to be that of the estate of EMELIUS DARRELL.
11. The Southampton Vestry, the highest authority in land ownership confirmed the estate of EMELIUS DARRELL and the portion of property of GEORGE WELLINGTON DARRELL which at this time was still the property of GEORGE WELLINGTON DARRELL.
12. Due to fraud on the part of the Government and the Southampton Vestry, the Department of Planning was misled by a 1953 plan.
13. In 1962 the Government posed its' first resistance to the ownership of the portion of property which it alleges to have received from the Railway Company.
14. The 1959 deed a conveyance from GAYOUS POWELL acknowledges the Government's ownership to the Railway Company portion of property, but goes on to contradict the 1953 plan and the 1922 conveyance to CLAUDIA DARRELL and from CLAUDIA DARRELL to PERCY A. DOUGWELL; it also contradicts the deed of 1924. This same 1959 deed further contradicts the assertion of the Southampton Vestry that EMELIUS DARRELL owned only 75' x 100' of lands - but rather very much more.
15. The aforementioned instances of fraud show that Government never owned in law or in equity the Railway portion of property which it alleged to own in 1939. The same property in this conveyance is that of EMELIUS DARRELL.
16. By reason of the above instances of fraud, the Plaintiff has suffered loss.

PARTICULARS OF LOSS

Loss of lands	\$ _____
Attorney's Fees	\$ _____

THE PLAINTIFF'S claim is for:-

- (1) Damages
- (2) Alternatively restitution of lands
- (3) The aforementioned interest pursuant to statute
- (4) Declaratory Relief

*Philip J. Perinchief Associates*  
 PHILIP J. PERINCHIEF ASSOCIATES  
 Attorneys for the Plaintiff

This Writ was issued by Messrs. Philip J. Perinchief Associates of Osgoode Hall, Second Floor, Melbourne House, 11 Parliament Street, Hamilton. Attorneys for the Plaintiff, whose address for service is the same. The Plaintiff resides at No. 23 Radnor Estate, Hamilton Parish CR 01.

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Plaintiff

-and-

THE MINISTER OF WORKS AND ENGINEERING  
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Defendant

SPECIALLY ENDORSED WRIT OF SUMMONS



PHILIP J. PERINCHIEF ASSOCIATES

Barristers & Attorneys

Osgoode Hall, Second Floor

Melbourne House, 11 Parliament Street

Hamilton HM 12

Attorneys for the Plaintiff

PJP/DAW/srd

This Writ was served by me at  
on the

day of

on the Defendant.  
1992

Indorsed the

day of

1992

I,