

Presentation by The Rt. Revd. Nicholas Dill, Bishop of Bermuda in his official capacity and also as a member of the Dill and Watlington families of Bermuda.

22<sup>nd</sup> April, 2021

I have been asked by Justice Norma Wade Miller to appear before the Commission of Enquiry to answer questions related to historic issues of land holding both in my capacity as Bishop of Bermuda and head of the Anglican Church of Bermuda and as a member of the Dill and Watlington families who had a varying degree of involvement in the development of Tuckers Town and the negotiated disposition of property in St. David's Island connected to the establishment of a United States Naval base.

What information I have been able to glean is taken from a variety of historic sources: Memorials of Bermuda Vol 1& 2 by Lefroy; Chronicle of a Colonial Church by Hallett; Statute Law of Bermuda 1620-1952 Vol IV; the Laws of the Anglican Church of Bermuda; files situated in the Diocesan Office at 29 Church Street on Glebe, Vestries, Land Holding Powers of the Church and the like, including an opinion written by T. M. Dill, H.M. Attorney General on the Legal Position of the Church of England in Bermuda and especially as to whether or not she is 'By Law Established'; personal files of the sad T.M. Dill; I have also reviewed personal files of Sir Bayard Dill during the time he was a MCP principally relating to Immigration Concerns and the use of US Naval bases during 1957 negotiations re the expansion on US base – the development of a bridge - none if which I have deemed relevant to the issue of land appropriation in St. David's.

I propose to deal with questions raised concerning the landholding issues of the Church of England in Bermuda (now the Anglican Church of Bermuda), namely Glebe Lands situated in and around Tucker's Town; the role of Vestries historically and in present times; allegations made of the churches holding of properties belonging to freed slaves and other matters related to deeds, trusts and the like.

Secondly, I propose to deal swiftly with information concerning my family's involvement and benefit from the compulsory purchase of lands in Tucker's Town and St. David's – in particular an allegation that I had 'confessed' to benefits accruing to my family surrounding these issues.

These responses are due to questions received from Justice Wade Miller – which questions are set out below in italics:

*'One such are unresolved questions about the Vestry and the Glebe Lands.*

*Commissioners have received material that informs that at the time of Emancipation land was purchased for the freed slaves – so that they could have a home and a small farm to feed themselves -- from monies collected by UK Friendly Societies et al to purchase the land to be given to the freed slave.*

*It appears that some locals suggested that these un- sophisticated freed slaves could not manage land ownership and would be taken advantage off.*

*The solution that was arrived at was for the Anglican Church of Bermudas – the church volunteered to so – Act as Trustee and to hold the land for the freed slaves. The land, which became known as the Glebe lands, was purchased and put in the name of the church.*

*If you are able, we would be grateful if you could give us the historical tenets of the Anglican Church as it related to the Glebe lands generally and more specifically, such lands located within the parishes in which you serve.*

*There seem to be some angst regarding no reporting by the Synod on Glebe Lands in Bermuda of which Tuckers Town was part of the Glebe Lands of St. Georges and Hamilton Parish.*

*In addition to hearing the historical information about the Glebe lands, I am to enquire if you would provide us with any personal information relating to your family's direct involvement and benefit from certain acquired/expropriation and property in Tucker's Town, for which some Commissioners understand was the basis of your public apology.*

*Also, I am to remind you that you were going to check with a family member to see if she had some documents on land holdings in St. David's.*

- 1) What year was it mandatory for undeveloped land and developed land to be recorded and administered by the vestry*
- 2) What are the roles and responsibilities of the vestry administration staff?*
- 3) If the vestry was responsible for collecting taxes on properties how were these funds managed and recorded?.*
- 4) What were the processes for releasing deeds to the land owners when the debt was repaid in full.*
- 5) If the deeds are held in Trust are the vestry members the trustees.*
- 6) What was the physical location of the deeds? If the deeds were held by a law firm can you identify which law firm or firms?.*
- 7) Did land owners loose their property as result of default in tax payments and if so what was the process for liquidating the assets?*
- 8) Was a valid signature required by the land owners when submitting the deeds to the vestry?*
- 9) We are trying to understand how the Vestry system works. When was it established. What was its function.*
- 10) Also we had a misunderstanding between the Glebe Land and the Vestry System. Would you kindly explain the distinction.*

I want to begin by thanking the Commission for the important work it is doing in trying to clarify issues around historic land appropriation/ misappropriation in Bermuda – to allow for the appropriate hearing of grievances and review of historical facts around any injustices perpetrated against individual. I want to apologize by saying that my comments are only partial, taken from what limited resources are available during the pandemic, from historical accounts and files. Many of the questions raised touch on matters that are either new or unknown – some seemingly based on a misunderstanding of the nature and extent of church ownership.

In this presentation, I am to establish what Glebe Lands are, how the land came to be in possession of the Church, then to look at the role of Vestries. In doing so, I hope to address some of the issues raised in the specific questions outlined above.

An in summary distinction between Glebe Land and Vestry land holding is that Glebe land was given by the Bermuda Company, the Crown and by individual donors to help endow and pay the stipend of clergy. The Vestries are bodies that work alongside the incumbent in the parish in the oversight and stewardship of churches, ecclesiastical buildings and the ministry of the parish. Historically, Vestries also had certain civic responsibilities alongside the ecclesiastical responsibilities. These lapsed in or before 1867. Only in later years have Vestries held land.

## Glebe Land

Glebe - comes from the Latin word 'Gleba' meaning soil or turf. It was a name applied to land held in various parishes for the use of incumbents of different church livings to help provide a living/ stipend for incumbents – who held the land in their own name as proprietors – with the right to receive income – but no power to alienate or dispose of it. This practice occurred from the earliest days.

In 1619 – according to Lefroy's 'Memorials of the Bermudas', Norwood's maps etc and supported by an opinion written by R. W. Appleby on 6<sup>th</sup> December 1640 - three portions of Glebe Land in St. George's, Pembroke and Southampton/Sandys (Overplus) were initially vested in the incumbents of the various parishes, having been granted them initially by the Bermuda/Somers Company. The Rev Lewis Hughes was sent out by the Company in 1615 charged to care for the spiritual welfare of the early settlers, and suggested the establishment of Glebe Land in all parishes – which he wrote about to the company in 12<sup>th</sup> August 1619. Governor Butler liked the proposal and ordered that 2 shares in Southampton two shares in Pembroke, two shares in St. George's Island and two in Tucker's Town be set aside. This order was not acceptable to the settlers and was challenged that there should be a church in each tribe. Thereafter Glebe land was given by the Company or by private donors. I have no record of any Glebe Land given outside of St. George's Island (ie in Tucker's Town). The St. George's Glebe was located to the west of St. George's town but over time and certainly by 1790's it had vanished within the growth and development of the town.

In November 1622, Samuel Trott of Walsingham gifted a portion of land known at the Harris' Bay/ Tuckers Town land (now Glebe Hill) for a church to be built and Glebe provided. A small half-timbered building was built that year and a stone parsonage but in 1623 an exchange occurred moving the church to the current location in Bailey's Bay. This was because another church was built in Smith's parish. The original church was a ruin by 1635. The parsonage remained occupied by successive ministers until 1689.

Other land was donated to the various parishes – for example, Hinsons' and Hawkins Island to Paget parish. This was subsequently exchanged.

Glebe Land was often partitioned into lots – but with very poor rates of return. It was sold off by Act of the Legislature in fee simple conditional – in St. George's from 1791 onwards by public auction – but the condition was that the purchaser would pay to the rector 7% per annum interest. In default the Rector could take the land back. (Similar legislation for Paget in 1795, Hamilton parish in 1805, Pembroke 1852).

However in 1707 there was an act (For Quieting Estates and Preventing Lawsuits) providing that if someone lived on a property for 20 years 'quietly and enjoyed' it passed to them. It seemed to suggest that the rector could not claim after 20 years.

Also, the income derived from the Glebe was so minimal and the fee simple conditional process cumbersome that it was decided it should end – leading to the Glebe Act 1931 which said that upon application any holder of Glebe Land Conditional could apply to have it become fee simple absolute.

The Glebe lands from the start were given for the purpose of providing the incumbent with a stipend, alongside pew rents. As the land was often undeveloped and unproductive – it was sold pursuant to a series of Acts of the Legislature starting with the St. George's Glebe Act of 1791 – outlined variously in chapter 92 of Volume IV of the Statute Law of Bermuda 1620-1952. In the various acts – they refer to selling off Glebe lands in St. George's (1791) Paget (1795), Hamilton

Parish (1805). In 1863 the parishes west of St. Georges were divided into 8 with 4 shared livings- and what Glebe Land or interest from the sale therefore (per Smiths and Haimlton Parish and Tuckers Town) by virtue of the Church Livings Act 1864. Sale of Glebe Lands continued in 1881 (Pembroke). By 1921 Glebe Lands were Vested in the Synod in trust for the benefit of the living of the incumbent (1921 – Devonshire & Pembroke, Southampton & Sandys. In 1926 – the fee simple conditional owner of what had been Hamilton and Smiths Parish Glebe – namely the Bermuda Development Company took the land in fee simple absolute. In 1927 Paget and Warwick Glebe land was discussed. In the Glebe Act of 1931 any application to purchase the fee simple conditional properties absolutely no longer require the involvement of the Legislature but could be determined by the Synod. Proceeds of sale held by the Synod on trust for the parish(es) concerned. Prior to the Glebe Act of 1931 – if land was held in fee simple conditional – if the condition of paying interest was not met, if technically reverted to the incumbent The Church Livings and Glebe Land Consolidation Act 1967 vested all glebe land, proceeds of sale, and rents and other income from the glebe land in Synod on trust for the parishes concerned.

The various incumbents were initially appointed by the Bermuda company and later by the Governor - who was the 'Ordinary' until the Vacant Benefices Act 1882 – when the ecclesiastical benefice or church livings vested in the Synod and Bishop and land was part of the living of the benefice. Prior to then the incumbents held title to the church property as 'corporations sole', passing ownership to their successors. In 1921 and thereafter the combined living of Hamilton/Smiths; Pembroke/Devonshire; Paget/Warwick and Southampton/ Sandys were separated into separate livings with the freehold held by the incumbent – with the exception of the Glebe Lands which was held in trust for the two parishes jointly. There are no deeds of which I am aware for the Glebe Lands. Initially they were west aside by the Bermuda/ Somers Company. Then by the crown. When the Synod took over as trustee for Glebe Lands any subsequent sale was devised by way of deed. These are held in the Diocesan Office.

The allegation outlined above that the Church added to its Glebe land belonging to freed slaves is entirely new and unsubstantiated. The donations of Glebe land preceeded emancipation by 200 years. At the time of Emancipation, land was donated by the church from Glebe Land to establish schools for the freed slaves. Bishop Inglis and Archdeacon Spencer worked with the Society for the Promoting Christian Knowledge managed to establish some local schools from 1826 onwards for white and for coloured children. Upon Emancipation the Colonial Office assisted with funds to purchase buildings - usually on Glebe Lands.

In a toast given to the Governor, the Speaker to the Clergy in Bermuda by the Attorney General Thomas Melville Dill he wrote: 'I do feel it important to note, however the work the Clergy did in connection with education. In 1834 when the slaves were freed, there arose a great need for schools. The SPG in England provided some funds and the clergy of several parishes dedicated a portion of the Glebe Land for the purpose of building schools. You will realize that the rents from the Glebe Lands were devoted toward providing a stipend for the clergy, so that is considered a considerable sacrifice. Added to this there is on record where one of the Clergy devoted the whole of his Glebe rents to help pay the salary of the teachers. In the days when ministers were so badly pai this appears to me to be a matter of untold generosity and exhibits a sense of public responsibility and duty which unhappily cannot often be parralled in this day and age.'

There is very little actual Glebe Land still under church ownership – most of it sold or donated by the church over the years to generate better returns for the stipend of incumbents and also to provide local schools (ie Central School, Paget Glebe, Southampton Glebe). What land and/or proceed of sale, thereof is held by the Syond of the Anglican Church of Bermuda on trust for the Vestries of the joint parishes, pursuant to the Glebe Land Consolidation Regulations. (A copy of the Regulations is

attached). I am aware that in Pembroke, In the early 1970's sitting tenants were given an option to purchase their holding with a mortgage scheme provided by the church. The Bermuda Housing Corporation also purchased swathes of Glebe Land in Pembroke to build affordable housing. The person with the great knowledge of this is Mr. Wentworth Christopher.

Currently, the only Glebe Lands in existence are: a plot of farm land on the Southampton/Sandy's border. Currently farmed by a local farmer, and intersected by the new access right of way to the Morgan's Point Development; the plot of land in Paget on Ord Road occupied by the Rectory of St. Paul's Paget and three plots in Pembroke, two on St. Augustine's Hill and one small lot with a house on St. Monica's Road. All other Glebe land has either been sold or gifted. The Synod hold these alongside proceeds of the sale of Glebe Lands – which is invested and income paid out on an annual basis to the various parishes, in accordance with the amount initially remitted. In some cases, this is minimal (ie St. George's receive about 500.0 per annum)

### Vestries

Vestries are voluntary bodies of members appointed at the Annual General Meeting of the parishes. Historically this happened at Easter. They existed from the earliest days of settlement. In 1622 there were 5 incumbents – and each was supported by their Vestries – which acted in accordance with common practice of the Church of England. In 1627 there was an act of assembly to establish Vestries in each tribe – of up to 13 men – a kind of executive committee for each tribe. At that time the Vestry had a role as a kind of local government. In 1693 they took on new responsibilities – with the handover from the Company they were responsible for paying the assessment for the repair of churches, payment of salaries of Assembly, jurors, local officers (wardens, constable etc) and could be called upon to raise funds for things like fortifications. They acted on an ad hoc basis. From 1760's they met more regularly – with three meetings per year. In 1793 an Act entitled For the Better Regulation of Vestries was approved. Civic responsibility was removed from the Vestries in 1813 & 14 – and by Act of 1867 Church Vestries dealt only with Ecclesiastical affairs, parish councils were formed to deal with civic affairs. Thereafter Vestry responsibilities were spelled out in the Church Vestry Acts of 1867, 1890, 1899 & 1901 (see Statute Law of Bermuda 1620-1952 Vol IV). Currently their responsibilities are set out in the regulations flowing from the Church of England in Bermuda Act 1975 (attached).

Prior to 1813, 14 and then 1867 Vestries could levy support for civic projects and office holders. This they did through assessments. Under the Vestry Act 1867 the Vestries constitution and powers were regularized across the Island as a body to support the work of ministry, regulate pew rents and otherwise provide the stipend for the incumbents and support for the poor. By virtue of the Church Vestries Act 1899 they became bodies corporate – with power to hold land and investments. Under the Church of England in Bermuda act 1975 all ecclesiastical land (except the Glebe land) was vested in the Vestries of the parish as bodies corporate. 'The Chronicles of a Colonial Church' by Dr. Hallet explain the historic role of Vestries as ecclesiastical and also civic organizations – becoming completely ecclesiastical by 1867 (see also Statute Law of Bermuda 1620-1952).

Vestries were not landowners, nor authorized to hold land until 1899. The Vestries as bodies corporate may hold property on trust. The individual members of the Vestries are not trustees in this case; the Vestry as a body corporate is the trustee.

The Ecclesiastical properties held by Vestry relate to the Churches, Halls, Graveyards and Rectories. Not many of the churches had deeds. But, if there are any deeds they would have been kept as part

of the individual Parish records. There is no central repository of deeds. Each parish would have retained their own records. When Synod assumed role as trustee of Glebe land and proceeds of sale it did not receive any deeds.

### **Dill & Watlington Family involvement in Tucker's Town and St. David's and my 'confession'**

I have never claimed nor am aware of any familial interest or benefit by my family from the acquisition or expropriation of property in Tucker's Town. It is true that my great Grandfather (on my paternal grandmother's side), the late Sir Henry Watlington was a principal in the shipping agency 'Watlington and Conyers', who I believe were agents for Furness Withy – which built Midocean and Castle Harbour. What is left of Sir Henry's personal files are kept at his former home, 'Woodside', but as far as I have seen they do not include information about that aspect of his business life. The house and its contents are vacant and under lock and key, and the older relative who has access to them who until last week was nursing her 85 year old husband in advanced stages of Parkinson's disease. He has recently passed away and she is unable to assist in providing further information at this time.

I know that my grandfather, the late Sir Bayard Dill was also a shareholder in the Midocean Club. Beyond that I am unaware of any active involvement or benefit received. My family has only ever held land in Devonshire parish.

With respect to St. David's, my Grandfather, Sir Bayard Dill was the MCP who was party to negotiations between the US Government and the Bermuda Government and Foreign Office. He was responsible for setting up the three committees formed to handle the matter - from his *'Reminiscences of an Islander'* he wrote about the three bodies established, the first - a legal one to decide who was 'morally, equitably or legally entitled to the piece of land on which they lived (headed by the Attorney General), the second a compensation committee (headed by Sir Herbert Henniker-Heaton) and the third named the St. David's Island Committee which determined how to apply funds – either by being paid directly to the person concerned, or applied on their behalf – this was headed by my Grandfather. All of these bodies reported to the Government of the day and their records should be available. We do not have any of his papers relating to this period. We have in our possession papers from the early 1950's concerning buildings and bridges as part of the negotiations between the US and UK Governments – marked 'Secret' – but none relate to the appropriation of property. There aren't any further documents relating to St. David's, I am afraid.

My recent apology arose out of historical researches that I undertook to discover the nature and holding of slaves by my Bermudian Dill ancestors, and also the observation that certain of my forebearers exhibited what can only be described as racist attitudes – principally my great Grandfather, Col. Thomas Dill, who was the Attorney General for many years and an MCP for Devonshire, who publicly expressed his approval of a white male oligarchy as the best mode of Governance for Bermuda and also explored the issue of eugenics. A copy of my address is also attached.