**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSSES**

**IN BERMUDA**

**CHAIRMAN**

**JUSTICE NORMA WADE-MILLER, JP, OBE**

**COUNSEL**

**MR. DIRK HARRISON**

**COMMISSIONERS**

**HON. WAYNE PERINCHIEF, JP**

**MS. LYNDA MILLIGAN-WHYTE**

**MR. JONATHAN STARLING**

**MRS. MAXINE BINNS**

**MR. QUINTON STOVELL**

**MS. FREDERICA FORTH (via Zoom)**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: WILLOWBANK RESORT & CONFERENCE CENTRE, SOMERSET**

**WEDNESDAY, MARCH 24, 2021**

**AFTERNOON SESSION (b)**

**MATTER NO. 025**

**JUSTICE NORMA WADE-MILLER** 0:33: Good afternoon Counsel, everyone. It is now in your hands, Counsel.

**COUNSEL DIRK HARRISON**  0:41: Good afternoon, Commission Chairman and Commissioners. We have the matter which is Claim #025. The applicants have made a claim regarding the will and estate of their grandfather, Thomas Henry Smith. The claimants had indicated that the will of Mr. Smith left his daughter with an inheritance of only 100 pounds whilst his two (2) nephews and unborn heirs received a remainder of his entire estate. The claimants have alleged that the will and signatures are forgeries and they are due to Mr. Smith's known, the allegation of a forgery is because it is alleged that Mr. Smith had a fondness for his only child and grandchildren. The claimants have indicated that Mr. Smith would not have betrayed that fondness and the will as written would not have benefited the persons that did unless it was a forgery. Today, Madam Chair and Commissioners, we have the claimants who are in the witness box. We have Ms. Wanda Butterfield who, to whom an adverse notice has been issued. I propose at this time that the witnesses, the claimants, could be sworn or affirmed and their name stated. After that, I have one question for the claimants in respect of a document, a source document that they were to provide. After that question is answered. Madam Chair and Commissioners. Ms. Wanda Butterfield has some questions and suggestions she would like to put to the claimants. At the conclusion of that Questions and Answers session, Madam Chair and Commissioners, Ms. Wanda Butterfield would then propose to make a statement in relation to the entire matter and she being served an adverse notice. At the conclusion of that exercise, Madam Chair and Commissioners, if there are questions from the Commissioners, I would commend that they are put then, Madam Chair. May the witnesses be sworn, who are the claimants? I just indicate finally, that at the time that Ms. Wanda Butterfield would make a statement, at that time she could be sworn, but not at this stage.

**JUSTICE NORMA WADE-MILLER** 4:29: Thank you, Counsel.

**COUNSEL DIRK HARRISON** 4:38: May the witnesses be sworn.

**MS. JUANITA JONES** 4:39: I, Juanita Jones, do solemnly and sincerely affirm that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

**MS. PATTIE MOORE** 5:03: I, Pattie Moore, do solemnly and sincerely affirm that the evidence I shall give, shall be the truth, the whole truth and nothing but the truth

**COUNSEL DIRK HARRISON** 5:45: Now Ms Jones, on the last occasion, in respect of some evidence that you had provided, I had asked you to provide a source document for us. Do you have that source document today, madam?

**MS. JUANITA JONES** 6:03: Yes, I do.

**COUNSEL DIRK HARRISON** 6:07: And I'm sorry, we can't see. Could you just read this source document for me, please?

**MS. JUANITA JONES** 6:13: The story of Bermuda Adventists, "The Missing Mr. Read".

**COUNSEL DIRK HARRISON** 6:20: Okay, ‘The Missing Mr. Read’. I'm just going to ask, Madam Chair, that I be advised as to the last Exhibit number we had in the, this Moore matter. I'd like to have the cover page and the back page and two of the index pages tendered and admitted as Exhibit ..Could the Secretariat assist me with the last Exhibit number in the Moore matter. Thank you.

**PS O'BRIEN** 7:26: Yes Counsel, in the Pattie Moore matter, it is PM3 and in the Jones matter, it is JJ16

**COUNSEL DIRK HARRISON** 7:53: Thank you. Could I ask that this be tendered as Exhibit JJ16? How many pages does the Exhibit comprise of, could you assist me, PS O'Brien?

**PS O’BRIEN** 8:32: It's five (5) pages.

**COUNSEL DIRK HARRISON** 8:36: Five. Thank you. Could I ask that JJ16 be tendered and admitted as Exhibit, it consists of five (5) pages, I’m sorry, JJ16. It had already been in evidence and the evidence lists it on the last occasion, so this is just a formality to have this source document included.

**JUSTICE NORMA WADE-MILLER** 9:01: So the note that I’ve made, Counsel, is that the source document consisting of five (5) pages, the cover page and the back page and two other pages..

**COUNSEL DIRK HARRISON** 9:20: And it's three other pages.

**MS. JUANITA JONES** 9:23: ‘The Missing Mr. Read’.

**JUSTICE NORMA WADE-MILLER** 9:32: ‘Missing Mr. Read’, shall we say appended to Exhibit JJ16, Counsel?

**COUNSEL DIRK HARRISON** 9:49: That's correct, Madam Chair.

**JUSTICE NORMA WADE-MILLER** 9:52: Yes, thank you.

**COUNSEL DIRK HARRISON** 9:56: Madam, I have no further questions at this time. The adverse notice that had been sent to Ms. Wanda Butterfield, Ms. Wanda Butterfield is now here. I just invite her to turn on her camera. She may now put questions if she wishes to the claimants. I just ask the claimants to remove their masks at this time and Ms. Butterfield, we have to see, if you could just adjust your mic so the Commissioners can actually see. Yes, thank you. Ms Butterfield has been given the necessary documents and she, you may proceed Ms. Butterfield.

**MS. WANDA BUTTERFIELD** 10:44: Yes, I would like to address Juanita Jones just in regard to her knowledge of me being the daughter of Berkeley Wilson. Is that appropriate? Miss Juanita Campbell, is that her name?

**COUNSEL DIRK HARRISON** 11:17: No, Jones.

**MS. WANDA BUTTERFIELD** 11:22: Yes, yes. I'm asking her does she know that I am the daughter of Berkeley Wilson?

**MS. JUANITA JONES** 11:36: Good morning I know now that she is the daughter of Berkeley Wilson.

**JUSTICE NORMA WADE-MILLER**  11:40: Your response is?

**MS. JUANITA JONES** 11:42: I know now, I didn't know before.

**MS. WANDA BUTTERFIELD** 11:46: So can I be excused?

**COUNSEL DIRK HARRISON** 11:54: Madam Chair, what the witness is saying, she's asking a question and the witness Ms. Jones has answered that she knows now that Ms. Butterfield is the daughter of Berkeley.

**JUSTICE NORMA WADE-MILLER**  12:14: She said yes, she now knows that she is the daughter..

**MS. WANDA BUTTERFIELD** 12:16: Of Berkeley Wilson.

**JUSTICE NORMA WADE-MILLER** 12:25: Is that what you said, Ms. Jones?

**MS. JUANITA JONES** 12:26: Yes, I now know. I did not know before.

**JUSTICE NORMA WADE-MILLER** 12:28: The response is yes, she agrees that..

**COUNSEL DIRK HARRISON** 12:33: Madam Chair, no, she didn't say that, Madam Chair, she didn't say yes, she didn’t say yes, Madam, she says knows now, she didn't use the word ‘yes’, Madam Chair.

**JUSTICE NORMA WADE-MILLER** 12:48: I now know. The record speaks. Go ahead please, Counsel

**COUNSEL DIRK HARRISON** 12:59: And the next thing that the witness said, she's asking now may she be released? That's the next question from Ms. Butterfield. May she then be released?

**JUSTICE NORMA WADE-MILLER** 13:14: And who is that question directed to, Counsel?

**COUNSEL DIRK HARRISON** 13:21: Madam Chair, if I may assist. The evidence from the witnesses earlier indicated that Ms. Wanda was Wendy Butterfield and in fact it was suggested that she was the daughter of someone else. That's why the witness is putting it this way, Madam Chair.

**JUSTICE NORMA WADE-MILLER** 13:49: Counsel, Deputy Counsel is going to speak.

**HON. WAYNE PERINCHIEF** 13:55: Counsel was just trying to explain that previously, in another hearing, the lady Ms. Wanda Butterfield was presumed to be the daughter of another person. She is now making a clarification that she is the daughter of Berkeley Wilson and that is now, that has changed significantly the first position that was assumed. And Ms. Jones, Juanita Jones is now, is saying she now knows that she is in fact the daughter of Berkeley Wilson and we're going to continue from that point, Madam Chair, to now explain why that is relevant.

**JUSTICE NORMA WADE-MILLER** 14:43: Yes, thank you. Counsel, if you can go ahead, please. You may continue.

**COUNSEL DIRK HARRISON** 14:52: No, no, I am not, remember, it is Ms. Butterfield who is asking questions at this time. I was just trying to provide a clarification. I had concluded my questions of witness Ms. Butterfield. I was just trying to be an intermediary in terms of the matter at this stage.

**JUSTICE NORMA WADE-MILLER** 15:10: Go ahead Ms. Butterfield, continue asking your questions.

**MS. JUANITA JONES** 15:17: My question was, now that the witnesses understand that I'm the daughter of Berkeley Wilson, the question is, can I be excused? I have no case to speak about, so basically, cousins, I got to go. I was just trying to, actually let me just speak it like this. I was trying to clear my father Berkeley Wilson's name because I guess someone got it confused. Berkeley Wilson was the one, one brother of the family that was very kind to the two ladies’ grandma which is the daughter of Uncle Tom and I was trying to clear his name because my neighbours thought it was, it was, Vivian Wilson who was my father, but it is actually Berkeley Wilson.

**JUSTICE NORMA WADE-MILLER** 16:26: Counsel, if I may, our position as we understand it as Commissioners is that she has no case to answer and she would like, and she's asking if she may leave.

**COUNSEL DIRK HARRISON** 16:45: Yes, I would be, understand what has been said. I’ll just ask for an answer from the witnesses before Commissioners arrive at that position and that’s something that consideration should be had in that regard. Could we just have the witnesses respond, what Ms. Butterfield is saying in respect of the earlier evidence of Ms. Pattie Moore in respect of who she gave the name Wendy Butterfield. Probably the witnesses could answer in terms, in that regard and then we could, probably could answer first, Madam Chair.

**JUSTICE NORMA WADE-MILLER** 17:26: Thank you, Counsel. We have not taken a position. It's just that we were trying to amplify or explain our understanding of what the witness is saying, i.e., I don't feel I have anything else to say because there is no case. But I'll ask it then Counsel, if you so wish to continue. And Madam. Butterfield, you've heard what Counsel had to say. If you continue, please.

**COUNSEL DIRK HARRISON** 17:57: No, Madam Chair. I'm asking the witnesses, the claimants, for them to answer because in respect of what Ms. Butterfield has said, I think it would be appropriate for the witnesses, Ms. Jones or Ms. Moore, to answer in respect of what the witness has said.

**MS. PATTIE MOORE** 18:17: Okay. No disrespect to you, Ms. Butterfield, but somebody has to be held accountable for the loss of all my family's inheritance. All the sisters of my mother are living from paycheck to paycheck and they're suffering. And I'm very sorry, but somebody has to be held responsible. Very sorry. And I'm doing this for my grandmother and Thomas Henry Smith. I think it's a shame what happened to him and I will never get over it. It’s trauma to the whole family.

**COUNSEL DIRK HARRISON** 19:27: Madam Chair, at this time probably the witness, I’m sorry, Ms. Butterfield, could be asked if she has any further questions at this time. And we could then proceed.

**JUSTICE NORMA WADE-MILLER** 19:40: Miss Butterfield, do you have any further questions at this time?

**MS. WANDA BUTTERFIELD** 19:44: No, ma’am, thank you very much.

**COUNSEL DIRK HARRISON** 20:02: Now, Madam Chair, Ms. Butterfield, I propose at this time that you could make a statement, a final statement to the Commissioners, in terms. of how you wish them to treat any evidence where you were named or any other person was named. Now is the time that you're being invited to make a closing statement in that regard.

**MS. WANDA BUTTERFIELD** 20:33: I can only speak for myself and my father, Berkeley Wilson, who was very kind to the Simmons family. But I don't think that I should, be even thought of as being made responsible for something that had nothing to do with me and I would appreciate if you would, excuse me, excuse me from this meeting.

**COUNSEL DIRK HARRISON** 21:14: Thank you. That's it, madam?

**MS. WANDA BUTTERFIELD** 21:19: That's all I have to say. What else can I say?

**COUNSEL DIRK HARRISON** 21:26: Madam Chair, the witness has indicated that that's all she has to say.

**JUSTICE NORMA WADE-MILLER** 21:31: So Counsel, Commissioners, do we ask if any questions. Are we at that stage?

**COUNSEL DIRK HARRISON** 21:41: Yes we are, Madam Chair.

**JUSTICE NORMA WADE-MILLER** 21:43: Thank you. Any questions?

**HON. WAYNE PERINCHIEF** 21:51: Yes, I would just ask one question of Ms. Butterfield. Ms. Butterfield, in view of the time that has passed, what is your memory of the situation with Berkeley Wilson and Vivian Wilson? Which side of the family are you descended? Can you indicate again? You say you’re Berkeley Wilson's daughter? Is that correct?

**MS. WANDA BUTTERFIELD** 22:18: Yes. And my grandmother was named Ellen Wilson.

**HON. WAYNE PERINCHIEF** 22:22: Yes.

**MS. WANDA BUTTERFIELD** 22:24: She was the sister of Uncle Tom Smith.

**HON. WAYNE PERINCHIEF** 22:33: And were you a party to any actions that would have deprived the claimants of any property to your knowledge? You personally?

**MS. WANDA BUTTERFIELD** 22:48: I was a child when he died? What can I say? If I said anything, it would be definitely hearsay.

**HON. WAYNE PERINCHIEF** 23:02: I wasn't, I didn't hear you very clearly. Repeat. It was a yes or no that would be sufficient. No, you can state that.

**MS. WANDA BUTTERFIELD** 23:22: No.

**HON. WAYNE PERINCHIEF** 23:25: So what is your response exactly? No, you do not know or no, you're not a part of it.

**MS. WANDA BUTTERFIELD** 23:29: Absolutely not.

**HON. WAYNE PERINCHIEF** 23:31: Thank you. That's sufficient answer for me, madam. Thank you.

**JUSTICE NORMA WADE-MILLER** 23:45: Those are all the questions from Commissioners, Counsel.

**COUNSEL DIRK HARRISON** 23:51: Thank you very much. May Ms. Butterfield then be released?

**JUSTICE NORMA WADE-MILLER** 24:01: Yes, certainly. Ms. Butterfield, you are released. You may go if you so wish.

**MS. WANDA BUTTERFIELD** 24:09: And thank you so kindly.

**COUNSEL DIRK HARRISON** 24:16: But Madam Chair, at this time…

**JUSTICE NORMA WADE-MILLER** 24:20: But just one moment, Counsel. Do you have anything further to ask, Ms. Jones or Ms. Moore, anything further to ask or say?

**MS. JUANITA JONES** 24:33: I just want to clarify that Berkeley Wilson and Vivi..

**JUSTICE NORMA WADE-MILLER** 24:39: One moment before you go, Mis Butterfield, kindly remain and hear this please.

**MS. WANDA BUTTERFIELD** 24:47: I can do that for a moment.

**JUSTICE NORMA WADE-MILLER** 24:50: She's gone?

**MS. WANDA BUTTERFIELD** 24:51: No I am here...can you hear me?

**JUSTICE NORMA WADE-MILLER** 24:53: Go ahead please, Ms. Jones.

**MS. JUANITA JONES** 24:54: I just want to get clarity that Berkeley Wilson, Vivi Wilson were brothers and the children of Ellen Wilson.

**MS. WANDA BUTTERFIELD** 25:10: Ellen Wilson, Tom Smith's sister, had Josiah, David, Isaiah, Granville, of course, Berkeley, there were seven (7) boys, Ledrew, I know the history quite well and then there were two (2) sisters. And, I will say too, Ms. Jones, your mother has a bevy of history and knowledge and any further questions, you can speak with her and ask. So I'm going to leave now and due respect to you all, have a great day.

**JUSTICE NORMA WADE-MILLER** 26:11: Ms. Butterfield if you would wait a moment, please and let me hear from the other witness..

**COUNSEL DIRK HARRISON** 26:18: Madam Chair, she has left, Madam Chair.

**JUSTICE NORMA WADE-MILLER** 26:22: She has left.

**MS. JUANITA JONES** 26:23: Can I just make one comment. Her last statement, she said my mother has a lot of information. Hence, that's why we're here today, because of my mother and the information that she does have and she has presented to the family and she is also an eyewitness to everything and too many things that went on back in those days. So Ms. Butterfield is absolutely right. My mother does have a lot of information. That's why we are here today.

**JUSTICE NORMA WADE-MILLER** 26:54: Thank you, Counsel.

**MS. WANDA BUTTERFIELD** 26:58: Can I be still heard? Am I still here? Because I had two devices on by mistake. Am I being heard? Just to mention, do any of you two ladies know anything about the Pelens, ‘P E L E N S’, another sister of your grandpa?

**MS. JUANITA JONES** 27:31: I've heard the name.

**MS. WANDA BUTTERFIELD** 27:34: She was named Helen Jones and she and Tom Smith were to share any properties that he got and it would be nice for you to contact that family and get more history from them. Anyway. I better go, have a great day.

**COUNSEL DIRK HARRISON** 28:09: Madam Chair.

**JUSTICE NORMA WADE-MILLER** 28:14: Go ahead please, Counsel.

**COUNSEL DIRK HARRISON** 28:17: Probably at this time, we could just invite the witnesses if they have any closing statements that they each would like to make before we deem this matter of hearing evidence at a close.

**JUSTICE NORMA WADE-MILLER** 28:33: Do you wish to make any closing statement, madam? You may go ahead, please?

**MS. PATTIE MOORE** 28:42: I wish that this Inquiry will come to some conclusion.

**COUNSEL DIRK HARRISON** 28:45: Identify yourself, please.

**MS. PATTIE MOORE** 28:56: Pattie Moore. Okay?

**COUNSEL DIRK HARRISON** 28:57: Thank you.

**MS. PATTIE MOORE** 28:58: I wish the Inquiry would come to some conclusion and things get settled and I hope that my family will have some type of recognition and compensation due to all the suffering they've been through. Thank you.

**JUSTICE NORMA WADE-MILLER** 29:14: Ms. Jones.

**MS. JUANITA JONES** 29:15: Yes, I'm Juanita Jones and I must say this has been very interesting to me, this whole process. Um, again, I will, I'm speaking for my mom, Lydia Jones, who is present here today and she is the daughter, the oldest daughter of Louise. Louise is the only daughter of Thomas Henry Smith. My mother is an eyewitness of the inhumane treatment that was shown to her grandfather by his sister Ellen's children which included Vivi and Josiah and Berkeley and Ledrew, the rest of them, the rest of the family. From what I've gathered, from the research that I've done, it is clear to me that my great grandfather's property was actually stolen from him. That's my conclusion. He was a very kind man and like Ms. Butterfield said, my mom would have a lot of information and she loved her grandfather and her grandfather loved his daughter Louise and he loved her and her sisters, my mom and her sisters. And it's no way, no way under God's Heaven that Thomas Henry Smith would left, would have wrote a will to leave his daughter, his only daughter, 100 pounds, and the rest of his entire estate to nephews and especially Vivi Wilson, and his daughters, daughters that Thomas Wilson, he wasn't even around them and didn't really know them. So, why in the world would Papa, as mom would call him, do that when he doted over his own daughter and his granddaughters.

 When it comes to the signature of his will, my grandfather couldn't read nor write and that was indicated about Granville and Thomas Smith, about their education, or lack of, in the book ‘The Missing Mr. Read’ which was written by Nellie Musson who is the daughter of Granville Wilson. She spoke of her own father's inability to read and write. My grandfather, Thomas Smith, who was the eldest of the whole of his siblings, he couldn't read nor write so I cannot comprehend or see him even able to write in cursive ‘Thomas Smith’, as it has said, as it appears on his will according to my mom who used to feed her grandfather several times through the week, who saw him sleeping in a cellar on a mattress and they were all up in the main house. But they didn't care. They did not care. All they wanted was what he had. And they took it. They stole it. So for him to be able to write his name as clear as that, Thomas Smith, in cursive, I don't see it. And my mom who's sitting right here today, every time she looks at it, she says my Papa did not write that. That's all I have to say. Thank you.

**JUSTICE NORMA WADE-MILLER** 33:17: Thank you, Counsel.

**COUNSEL DIRK HARRISON** 33:22: Thank you, Madam Chair and Commissioners, that is the end of the matter of #025, that’s the end of the matter, Madam Chair and Commissioners.

**JUSTICE NORMA WADE-MILLER** 34:05: Thank you, Counsel, Ms. Moore and Ms. Jones, that’s the end of our proceedings for today and we.will adjourn and resume tomorrow morning at 10 o'clock.

**MS. JUANITA JONES** 34:12: Thank you very much.

**MS. PATTIE MOORE** 34:13: Thank you.

**END OF TRANSCRIPTION MARCH 24 (AFTERNOON SESSION AUDIO) AT 34:18**