

COMMISSION OF INQUIRY INTO HISTORIC LOSSES OF LAND IN BERMUDA

Sofia House
48 Church Street
City of Hamilton, Bermuda
HM12

Friday, May 7, 2021

BY EMAIL

Mr. Ben Adamson,
Director of Litigation
Conyers Dill & Pearman Bermuda Ltd.
Clarendon House, 2 Church Street
Hamilton HM 11
Bermuda

Dear Mr. Adamson,

RE: Mid-Ocean Club Ltd.

On **Friday, November 19th, 2020**, a representative of Mid-Ocean Club Ltd attended the Commission of Inquiry in response to a claim by the Marsden First United Methodist Church.

A review process of evidence heard at the inquiry is being undertaken by the Commission. Commissioners require your client to respond to questions that have arisen. Please kindly, review and respond to the following set of questions by May 14th, 2021.

1. After the purchase of land previously held by Furness Withy in Tucker's Town by Mid-Ocean Club Ltd, was the land sold to Bermudian purchasers?
2. What criteria was used by the Mid-Ocean Club Ltd. to determine who could purchase said land?
3. Was there any Legislation or Policy condition which required that previous Bermudian land owners be given first refusal to purchase said land?
4. May you provide a list of Members of the Mid-Ocean Club that can provide a historical context to the Club's practices in 1951 or before?
5. May you provide the 1951 Acquisition Plan of Mid-Ocean Club and/or the 1951 Master Plan of Mid-Ocean Club?
6. What were the names of the attorneys for Mid-Ocean Club for the 1951 Acquisition Plan?
7. By the Mid-Ocean Club Act 1951, Mid-Ocean purchased 200 acres of Tucker's Town property from the Bermuda Development Company Limited and since that initial purchase, did Mid-Ocean purchase any other property, which increased their landholding in Tucker's Town (proper) and/or in the immediate vicinity?
8. Was any additional property purchased by Mid-Ocean or in the name of any other person, corporate entity or by Private Act, for and on behalf of Mid-Ocean?
9. Historically, how many of the 200 acres of the property purchased from BDC were originally obtained by compulsory purchase?

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10. In addition to the 200 acres, how many additional acres of property acquired by Mid-Ocean were originally obtained via compulsory purchase, if at all?
11. From whom were the additional acreage purchased (individuals and/or company), total acreage purchased and the year of purchase?
12. Approximately, how many acres of property owned by Mid-Ocean were located in each adjoining St George's, Hamilton and Smith Parishes? Has there ever been a boundary adjustment in either Parish since Mid-Ocean's ownership?
13. Have there been any amendments made to the Mid-Ocean 1951 Act and the reason for such amendments?
14. By the 1951 Act, Mid-Ocean had the power to acquire by purchase or otherwise as a going concern the whole or any part of the undertaking and business then carried on by the BDLC. Have there been any restrictions of any kind imposed on Mid-Ocean or the land itself with respect to its original or subsequent purchases of property or on-selling of such property to Bermudians or Non-Bermudians?
15. What is the total acreage of property currently held by Mid-Ocean? What is the total acreage of the golf course (including property on which Club House is situated)?
16. How many acres designated as residential have been retained by Mid-Ocean and can be sold off in the future, if necessary, for development? Would the opportunity to purchase such property be equally available to both Bermudians and non-Bermudians?
17. Was prior consent required from any government authority on each subsequent purchase or sale of Mid-Ocean property for residential development? Was this consent always obtained prior to each purchase or sale of property? If not, how many instances was retroactive approval sought from such authority in respect of the purchase by Mid-Ocean for its purposes or sale by Mid-Ocean of property to Bermudians or Non-Bermudians?
18. In the past, was there a requirement that before purchasing such residential property one would have to be or become a member of Mid-Ocean? Is this still the case?
19. Further to a request made of Mr. Sullivan, President of the Mid-Ocean at the Commission of Inquiry Hearing on November 19, 2021, please provide the Commission with copies of any and all correspondence between Mid-Ocean Club Limited, The Bermuda Development Company Limited and the (Acting) Colonial Secretary, in connection with the sale of Tucker's Town property to Bermudians and Non-Bermudians. A letter dated 20th October 1954 from the (Acting) Colonial Secretary to Mid-Ocean enquiring into the sale of property as stated was referred to in the House of Assembly on 14 July 2014.

If you have any questions or concerns, do not hesitate to contact us.

Best Regards,



Secretariat

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