

**A COMMISSION OF INQUIRY
INTO HISTORIC LAND LOSSES
IN BERMUDA**

CHAIRMAN

JUSTICE NORMA WADE-MILLER, JP, OBE

COUNSEL

MR. DIRK HARRISON (via Zoom)

COMMISSIONERS

MR. WAYNE PERINCHIEF

MR. JONATHAN STARLING

MS. LYNDA MILLIGAN-WHYTE

MR. QUINTON STOVELL (via Zoom)

MS. MAXINE BINNS (via Zoom)

TRANSCRIPT OF PROCEEDINGS

LOCATION: WARWICK CAMP

THURSDAY, MARCH 11, 2021 (audio)

AFTERNOON SESSION (b)

(Continuation from Morning Session a)

JUSTICE NORMA WADE-MILLER 0:13: Counsel, I take it we'll follow your lead.

COUNSEL DIRK HARRISON 0:16: Well, I'm sorry, I wasn't, because I'm not seeing you. I wasn't able to know exactly what was happening. I wasn't aware that you had taken your seats. I'm sorry. My apologies. I just crave your indulgence.

Thank you very much, Chairman and Commissioners. I'd like to continue with the evidence for this Commission of Inquiry. I would like to have Mr. Carlton Adams sworn at this time. He is to give evidence which supplements earlier evidence he had given and also evidence from other witnesses in respect of the expropriation that took place in St. David's Parish. Could Mr. Carlton Adams be sworn at this time?

MR. CARLTON ADAMS 1:48: I swear by Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

COUNSEL DIRK HARRISON 2:03: Thank you very much. Could I just ask, Chairman, could you, just for the record indicate the Commissioners who are present so the record could so reflect?

JUSTICE NORMA WADE-MILLER 2:18: Certainly, we have Deputy Chair, Mr. Wayne Perinchief, and we have Mrs. Milligan-Whyte and Mr. Jonathan Starling. Mr. Stovell is on Zoom and Ms. Binns is on Zoom.

COUNSEL DIRK HARRISON 2:47: Thank you very much. Now Mr. Adams, you're a consultant who has been taken on as an investigator to the Commission of Inquiry into Historic Land Losses.

MR. CARLTON ADAMS 3:13: That is correct.

COUNSEL DIRK HARRISON 3:17: And, in that regard, you gave a statement today to the 7th of March, 2021 in this matter?

MR. CARLTON ADAMS 3:30: That is correct.

COUNSEL DIRK HARRISON 3:34: On the 29th of January of this year, 2021, you attended the Department of Public Lands and Buildings Estates Section in Parliament Street, Hamilton?

MR. CARLTON ADAMS 3:48: That's correct.

COUNSEL DIRK HARRISON 3:51: There you collected two large size charts entitled Arbitration Award Section 10, sir?

MR. CARLTON ADAMS 4:00: That's correct, sir.

COUNSEL DIRK HARRISON 4:03: And those charts that you collected and took possession of, they relate to compensation awarded to individuals whose lands had been expropriated to make way for construction of the US Bases in St. David's's Island and Southampton Parish?

MR. CARLTON ADAMS 4:22: That is correct.

COUNSEL DIRK HARRISON 4:25: As well as these maps also related to other expropriated lands in other areas of the island for the year 1941?

MR. CARLTON ADAMS 4:36: That's correct.

COUNSEL DIRK HARRISON 4:40: You then cause the charts to be mounted on boards for the purposes of display and ease of reference, sir?

MR. CARLTON ADAMS 4:47: Correct, sir.

COUNSEL DIRK HARRISON 4:50: I trust that you have those charts here today, sir?

MR. CARLTON ADAMS 4:53: I do, sir.

COUNSEL DIRK HARRISON 4:55: And are they mounted in the view of the Commissioners?

MR. CARLTON ADAMS 4:58: They are, sir.

COUNSEL DIRK HARRISON 5:01: On the last occasion that we had, had you here giving evidence, the charts had been retained by you for the purpose of the Department of Public Lands and Buildings certifying the actual document. Was that done, sir?

MR. CARLTON ADAMS 5:22: Yes, sir. The bottom right-hand corner of the chart facing the Commissioners now has the certification by the Senior Surveyor and it's a stamp which he signed.

COUNSEL DIRK HARRISON 5:38: With your leave, Chairman, I'm just going to ask you to permit Mr. Adams to point out to us on the map, if he could be permitted to step out of his seat, just to point to the area on the map that he indicates has the stamp on it.

JUSTICE NORMA WADE-MILLER 5:57: Certainly, Counsel, Mr. Adams. He has pointed out this section, Counsel.

COUNSEL DIRK HARRISON 6:17: Thank you very much. You could return to your seat, sir. Well, the second map, how many do you have there, sir?

MR. CARLTON ADAMS 6:24: Two.

COUNSEL DIRK HARRISON 6:25: Could you point out where does a stamp appear as certification on the second one? Could I just get the assistance of Ms. Swan, what Exhibit number is that, please?

I just wanted for the purposes of the record, for the record to indicate the Exhibit number that the witness has actually pointed to. I know we have made reference, Chair and Commissioners, to an actual document; but prior to this, my recollection is that it had an Exhibit number. I'm just trying to ensure for the purposes of the exercise we have that documented.

I can move on for the time being, Madam Chair, I'll just take us back to Mr. Adams and when the information is available, I just ask it to be communicated.

JUSTICE NORMA WADE-MILLER 7:50: Counsel, can you hear me? Are you hearing Ms. Swan?

COUNSEL DIRK HARRISON 7:56: I am. Thank you.

MS. SWAN (Sect) 7:59: The last Exhibit that I have from January 19 was **CA3**, was a Map not signed.

COUNSEL DIRK HARRISON 8:10: Thank you very much. Madam Chair, the witness is, had been shown **Exhibit CA3**. I just ask that the record could so reflect, as he had been asked on the last occasion to retrieve the document and to have it certified as has been done. Thank you, Ms. Swan.

JUSTICE NORMA WADE-MILLER 8:38: Very well,

COUNSEL DIRK HARRISON 8:43: Now, Mr. Adams, in terms of the said **CA3**, importantly, on the document there's a number of headings, or what, I'll call it charts. **CA3** has a number of headings on it which provide certain information. Could you assist us with the information, just remind us how information is provided on this chart?

MR. CARLTON ADAMS 9:17: Yes.

COUNSEL DIRK HARRISON 9:18: Please, by the columns, yes., please go ahead.

MR. CARLTON ADAMS 9:23: Would you like me to point them out?

COUNSEL DIRK HARRISON 9:25: Yes. No, you're good from where you sit. Well, you have a copy of the **CA3** in front of you, correct?

MR. CARLTON ADAMS 9:31: I do not.

COUNSEL DIRK HARRISON 9:33: Okay, but the actual, the actual information that appears on the document.

MR. CARLTON ADAMS 9:42: Yes.

COUNSEL DIRK HARRISON 9:44: Yes, please share that with me if you have that with you.

MR. CARLTON ADAMS 9:46: The headings at the top of each of the charts coincides with the Provisions of the Acquisition of Land Act 1941: Sections 10 and 11a to be inclusive.

COUNSEL DIRK HARRISON 10:04: And specifically, are you able to recall that information or would you like the Justice to? Now specifically in relation to Section 11 and the document is referenced, but I think the prints are too small for us to see. It has on it the market value of the land?

MR. CARLTON ADAMS 10:27: Yes, sir.

COUNSEL DIRK HARRISON 10:29: The reasonable cost of value equivalent reinstatement?

MR. CARLTON ADAMS 10:35: That's correct, sir.

COUNSEL DIRK HARRISON 10:38: Any damage likely to be sustained by the person interested?

MR. CARLTON ADAMS 10:44: Yes sir. Those headings are abbreviations and so, if one is using the chart, one has to be

careful of what it is. One is comparing to the items on the, in the...

- COUNSEL DIRK HARRISON** 11:04: Okay, thank you. Now, specifically, how many properties does the document reference it to? How many pieces of plot, how many plots were expropriated based on the map that you have provided?
- MR. CARLTON ADAMS** 11:24: The number of plots is equivalent to those which were to be found on the bottom of the map.
- COUNSEL DIRK HARRISON** 11:37: Okay, you don't have a copy of it, you'd have to reference the map itself to read information. You don't have a copy in front of you at your table? That's correct?
- MR. CARLTON ADAMS** 11:51: I do, not of the map, no.
- COUNSEL DIRK HARRISON** 11:53: Okay. I'll move on because we had gone through it. I'm just, I'll just by way of reference, drawing your attention to what we had done before. Now, importantly, I just draw your attention, but probably what could be done for the purposes of projecting, we could just stop it, stop there, please. You could stop there and enlarge that point, please. Thank you.
- COUNSEL DIRK HARRISON** 12:25: Now what is projected on the screen, no, no, I'm sorry, the smaller because the left, the extreme left column needs to be shown also. Thank you. Now, Mr. Adams, you're seeing the screen?
- MR. CARLTON ADAMS** 12:44: Yes, sir.
- COUNSEL DIRK HARRISON** 12:45: And what is represented on this screen? Is that what appears on **CA3** which you pointed out in front of us?
- MR. CARLTON ADAMS** 12:52: That is correct.
- COUNSEL DIRK HARRISON** 12:53: Okay, so let us use this document. So, could you just share with us what are the columns there at the top, just the columns?

MR. CARLTON ADAMS 13:02: Permission of the Chair to move over to the large one...

COUNSEL DIRK HARRISON 13:08: The only thing is that if you move we won't have, the microphone won't be there to assist you. Can you read from it, just read from the document that is exhibited here? Just before you go. Chair, with your leave?

MR. CARLTON ADAMS 13:28: I would have to move closer.

COUNSEL DIRK HARRISON 13:30: Just before you go. Madam Chair, the document that is exhibited on the screen, my understanding it is, it is not an Exhibit, but it is a replica of what is **CA3**. I'm asking through you, Madam Chair, that it could be tendered and admitted as **Exhibit CA3A**. Once you're satisfied, Madam Chair that it is the very same thing, that way, the witness could just look at the document from the screen and assist us rather than going back and forth to the actual Exhibit which is mounted.

JUSTICE NORMA WADE-MILLER 14:36: We're satisfied, Counsel, that it is the same, so I'll enter it as **Exhibit CA3A**. Thank you.

COUNSEL DIRK HARRISON 14:51: Mr. Adams, could you just assist us, just reminding us where it says reference number it has letters and numbers. Are you able to assist us what those mean?

JUSTICE NORMA WADE-MILLER 15:04: Could you give us the one under, please? Yes, Counsel, we have it.

COUNSEL DIRK HARRISON 15:19: Mr. Adams, where it says reference number in some cases it has letters and numbers M1T286. Can you tell us what those mean?

MR. CARLTON ADAMS 15:30: I need to get, I need to see the chart itself, sir.

JUSTICE NORMA WADE-MILLER 15:35: Mr. Adams, come across please, Mr. Adams.

MR. CARLTON ADAMS 16:11: Sir, to speak to what those references are, this chart here is what was referred to as the Large Award Chart and this relates to land expropriated primarily in Southampton and

Sandys Parishes and these were properties that were used to put various infrastructure bits related to the Southampton Base in particular. None of these people were residents of St David's, but I brought this chart along as I had received it with the first one and the amounts paid out in this chart were significantly greater than was on the first chart. There's only two, there are only three (3) payouts from St. David's and the letter 'D' describes those. These others have 'H' and I'm not sure what code that relates to and I haven't been provided with any information on what the H code means.

- COUNSEL DIRK HARRISON** 17:32: Okay, on the last occasion, you had shared with us some indication of codes which differentiates Government land from private land. Do you recall giving evidence in that regard?
- MR. CARLTON ADAMS** 17:46: I'm sorry, I couldn't hear you that time.
- COUNSEL DIRK HARRISON** 17:47: Do you recall on the last occasion that you gave evidence, you had shared with us that there was a distinction between the lettering and there's a distinction as it relates to Crown Land as against other type land held other than by the Crown? Do you recall that?
- MR. CARLTON ADAMS** 18:07: I do recall that.
- COUNSEL DIRK HARRISON** 18:09: And do you recall what you had said then, what the distinction was in terms of the lettering?
- MR. CARLTON ADAMS** 18:15: I do not, sir. What I can say about these letterings here is that none of this property was Crown Lands. This property here was all owned by various organizations and individuals scattered throughout Bermuda and this was not residential properties either.
- COUNSEL DIRK HARRISON** 18:38: Okay, thank you very much. Now the other map, the other document you have to, the maps that are in front of you, the ones that you're looking at, are they the exact thing or they're different things? What you're there looking at now?

MR. CARLTON ADAMS 18:54: These charts here are the same as were placed on the screens.

COUNSEL DIRK HARRISON 19:01: Okay, I mean that they are exact replica of each other, it's not two different things? That's what I mean.

MR. CARLTON ADAMS 19:07: These are two different charts.

COUNSEL DIRK HARRISON 19:09: Let's go to the second one now. Tell us what the second one?

MR. CARLTON ADAMS 19:17: This relates entirely to residents of St. David's.

COUNSEL DIRK HARRISON 19:24: And it starts reference L1 and L2, the reference C3.

MR. CARLTON ADAMS 19:31: I see L1 and L2. Yes, and these were all residential places.

COUNSEL DIRK HARRISON 19:43: Now what appears on the screen is a, I want to ask if it is magnified, kindly? What is projected on the screen with a heading of Arbitration Award Section 10, and even my print is very small, where did you receive this document that's displayed on a screen?

MR. CARLTON ADAMS 20:43: From the Government Estates offices in Parliament Street, Hamilton.

COUNSEL DIRK HARRISON 20:48: And it actually is one, it's a copy, what's projected on the screen is a copy of the chart that is being displayed now, is that correct? Is that your impression? I'll ask the Chairman eventually, but I'm just asking you to look at what is projected on the screen, where it starts with Reference L1 and ends with reference C3, if it is the same thing?

MR. CARLTON ADAMS 21:24: I believe it, yes, to be that. What's projected on the screen is in fact the one that's in front of the Commissioners now.

COUNSEL DIRK HARRISON 21:32: Madam Chair, I just ask once yourself and your Commissioners are satisfied that the Exhibit which has been, which is displayed in front of

you, **CA3** which I need to confirm if both are **CA3** or one is **CA1**, if they are different, that once it is confirmed that, well before I go there, Madam Chair, could I ask the guidance of once again, Ms. Swan, are both documents displayed, are both of them **CA3** or is one other than **CA3**? If both mounted boards are **CA3**. I'd like to distinguish the second one that we're not dealing with, that's the reason for the question.

MS. SWAN (Sect)

22:31: Counsel, **CA3** is the unsigned map and **CA3A** is the signed map.

COUNSEL DIRK HARRISON

22:41: Right, but we have two, two things displayed on the board and we're on to the second one. So I want to know if that one was given a number. Could you tell me what was **CA2** and what was **CA1**, please?

MS. SWAN (Sect)

22:55: **CA1** is a copy of Parcel Index Maps, St. David's Island, dated and signed by Karla Ingemann. **CA2** is a statement from Mr. Carlton Adams, two pages, **CA3** is a map not signed.

COUNSEL DIRK HARRISON

23:20: Okay. Thank you very much, Madam Chair, I'm going to ask now that the chart that is mounted which has at the top left corner Reference L1 and at the foot reference **C3** and which also has some columns at the very top, Arbitration Awards Section 10D/PW Appraisal Rehabilitation by B/PW, that chart is tendered and admitted as **Exhibit CA4**.

And I ask also, Madam Chair, that what is projected on the screen now, this copy, once yourself and your Commission are satisfied that what appears on the screen now is a copy of **CA4**; I'm asking that what appears on the screen now would be **Exhibit CA5**. If I need to repeat, you could just indicate so, Madam Chair.

JUSTICE NORMA WADE-MILLER

24:50: I'll repeat what I understand, Counsel, and correct me please if I've stated it incorrectly. So I have the chart, the top Reference L1, Reference: **C3**, Arbitration Number, Section 10 entered as **Exhibit CA4**?

COUNSEL DIRK HARRISON 25:17: That's correct, Arbitration Award Section 10 Arbitration Award, you had indicated Arbitration Number, Arbitration Award Section 10.

JUSTICE NORMA WADE-MILLER 25:27: Okay, Award, and that's entered as, Section 10 entered as **Exhibit CA4**?

COUNSEL DIRK HARRISON 25:46: Correct.

JUSTICE NORMA WADE-MILLER 25:47: Copy of **CA4** to be entered as **CA5**.

COUNSEL DIRK HARRISON 25:52: That's correct, Madam Chair.

JUSTICE NORMA WADE-MILLER 25:54: So entered, Counsel.

COUNSEL DIRK HARRISON 25:55: Thank you, because Commissioners will have the benefit of **CA5**, but I don't think that you can take home **CA4** comfortably, Madam Chair. Thank you very much.

Now, Mr. Adams, in respect of **CA5**, sorry **CA4** as you see it for the purpose of the exercise, Madam Chair, see **CA5** is really to assist the Commissioners to have the information readily at hand. In relation to **CA4**, Mr. Adams, are you able to share with us the designation here in terms of the reference numbers or letters and numbers the 'D's, L1, are you able to assist us in that regard?

MR. CARLTON ADAMS 27:00: Yes, L1, I believe, the use of the words 'L', they're not really explained but I can tell from some of this that these are things that happened in St David's, but there are only two (2) with L1 and L2. All of these 'D' designations relate to properties in St. David's' and what the owners claimed when the St. David's Committee, it was called, were trying to price them, what the Americans valued it at and agreed price, if that happened, their market value and then there are columns called Reinstatement 1B and I believe that that has to do with Section B that's on the Acquisition of Land Act at Section 11.

COUNSEL DIRK HARRISON 28:06: Okay, what about W? Are you familiar with it at the foot of the page, the reference W?

MR. CARLTON ADAMS 28:27: Those are also residences in St. David's. That's discernible by the names of the, they're all Fox. One person had three (3) pieces of property, and for whatever reason, they have used the Letter 'W' for that purpose.

COUNSEL DIRK HARRISON 28:52: Okay, thank you very much, and also based on your research, you provided us with a copy of the Acquisition of Land Act 1941.

MR. CARLTON ADAMS 29:04: Yes, that's correct.

COUNSEL DIRK HARRISON 29:09: Do you have a copy of that with you there?

MR. CARLTON ADAMS 29:11: I do.

COUNSEL DIRK HARRISON 29:16: Madam Chair, though the witness makes reference to it, it's projected on the screen, but I just ask the Commissioners and yourself to take judicial notice of the Acquisition of Land Act 1941. I just ask you to take judicial notice of it. I won't tender it as Exhibit, the law, but I just ask you to take judicial notice of it.

MR. JONATHAN STARLING 30:03: Reference the letters, the L, D, W and C, are they referring to the islands that composed St. David's, that were taken over for the Base? So 'L' refers to Long Bird Island; 'D' to St. David's Island; 'C' to, I think, Castle Harbour Islands and 'W' for Wescott Island and it refers to the properties on those islands, just to add that clarity. Thank you.

COUNSEL DIRK HARRISON 30:36: Thank you very much, Commissioner Starling. Thank you very much. Now, Madam Chair, also I'd ask in respect of taking judicial notice of the Acquisition of Land Act, I'd also like to add, Mr. Adams, you shared with us also the United States Rehabilitation Deferred Purchase Scheme Act 1942.

MR. CARLTON ADAMS 31:10: That's correct, sir.

COUNSEL DIRK HARRISON 31:13: The United States Rehabilitation Deferred Purchase Scheme Act 1942. Madam Chair, I just ask that this also for yourself and your Commissioners, that judicial notice is taken of it. It has, the document and its Schedule, I think, are pertinent that in the course of deliberation, it is something that judicial notice of it ought to be taken and necessary relevant questions or answers provided, Madam Chairman and Commissioners.

JUSTICE NORMA WADE-MILLER 32:00: Counsel, the judicial notice should be taken notice also, but just for the record, it is the US Deferred?

COUNSEL DIRK HARRISON 32:09: It's a United States Bases Rehabilitation Deferred Purchase Scheme 1942.

JUSTICE NORMA WADE-MILLER 32:32: Thank you.

COUNSEL DIRK HARRISON 32:49: I have no further questions for this witness. I thank Mr. Adams for his industry in terms of locating these pieces of legislation and obtaining the information from the Government Office. I have no further questions at this time for this witness.

JUSTICE NORMA WADE-MILLER 33:15: I'm asking, Commissioners, do you have any questions for Mr. Adams? Mrs. Milligan-Whyte, any questions for Mr. Adams?

COUNSEL DIRK HARRISON 33:39: Madam Chair. I'm just reminded that there's Ms. Binns and Mr. Stovell who are also present, Justice.

JUSTICE NORMA WADE-MILLER 33:49: Repeat that for me, please Counsel. I was a bit...

COUNSEL DIRK HARRISON 33:51: I was just reminded there are two (2) other Commissioners who are online who may be invited to ask questions.

JUSTICE NORMA WADE-MILLER 33:57: Thank you, thank you Ms. Binns, Mr. Stovell, any questions for Mr. Adams?

MR. QUINTON STOVELL 34:04: I don't have any questions at this time.

JUSTICE NORMA WADE-MILLER 34:08: Okay, and Ms. Binns, do you have any questions?

MS. MAXINE BINNS 34:11: No, I don't have any questions for Mr. Adams.

JUSTICE NORMA WADE-MILLER 34:14: Thank you, Counsel. None of the Commissioners have any questions, so I wish to thank you, Mr. Adams, and that will be the end of your evidence for the time being. Thank you. Counsel, anything else?

COUNSEL DIRK HARRISON 34:30: Madam Chair, those are the matters that we have listed for today. I am guided by PS O'Brien. I believe the next set of matters are for Monday. I believe that the schedule is being finalized, but just to advise Commissioners that we have been having meetings with the attorneys and other matters, including this morning as you're all aware, but we are ensuring that we will be ready to go full steam ahead on Monday, but I just ask for your patience. What has happened takes a little doing trying to schedule all the lawyers in different matters to be available at the same time, it takes a little bit of doing, so I just ask you to bear with the Secretariat as they complete that task.

JUSTICE NORMA WADE-MILLER 35:32: Thank you, Counsel. I believe that is all in respect of this, this witness. Thank you, Mr. Adams and yes, I am advised that we will be resuming on Monday, but Counsel I wish to indicate that [REDACTED] who is here for an adverse notice application in respect of the Moulder matter, I think the Moulder matter, so I withdraw so that you and Deputy Chair, Mr. Perin chief can get on with that matter. Thank you.

COUNSEL DIRK HARRISON 36:07: Very well, could I just ask that what appears on the screen, if it could just be removed for me please. Thank you.

JUSTICE NORMA WADE-MILLER 36:19: Alright. If you'd be kind enough to remove the United State Base Rehabilitation information on

the screen, please remove it. And then Counsel will be dealing with one other matter. Thank you.

[REDACTED]

END OF TRANSCRIPTION MARCH 11 2021 (AFTERNOON SESSION b) AT 42:09