**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSSES**

**IN BERMUDA**

**COMMISSIONER:**

**MR. WAYNE PERINCHIEF, JP**

 **COUNSEL**

 **MR. DIRK HARRISON**

 **COMMISSIONERS**

 **MS. MAXINE BINNS (via Zoom)**

 **MS. LYNDA MILLIGAN-WHYTE**

 **MS. FREDERICA FORTH**

 **MR. JONATHAN STARLING**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: WARWICK CAMP**

**THURSDAY, JANUARY 21, 2021**

**MORNING SESSION (b)**

**Mr. Dirk Harrison (Counsel)** 0:00 So, Janet Richardson married Peter Stovell.

**Gladstone Lightbourne** 0:02 Yes.

**Mr. Dirk Harrison (Counsel)** 0:03 And they had a child by the name of Clementine. Clementine Stovell married Samuel Lightbourne.

**Gladstone Lightbourne** 0:15 There was no evidence that they were married.

**Mr. Dirk Harrison (Counsel)** 0:18 But they had a child.

**Gladstone Lightbourne** 0:19 Yeah, they had various children, two children, to be correct.

**Mr. Dirk Harrison (Counsel)** 0:23 And the names of those children are.

**Gladstone Lightbourne** 0:25 Alonzo Lightbourne and Charles Lightbourne.

**Mr. Dirk Harrison (Counsel)** 0:32 But Alonzo Lightbourne and Ruth Stovell, they had children?

**Gladstone Lightbourne** 0:38 Yes.

**Mr. Dirk Harrison (Counsel)** 0:40 And that child was Astin Denmark. That's correct.

**Gladstone Lightbourne** 0:46 Yes.

**Mr. Dirk Harrison (Counsel)** 0:46 That's your grandfather?

**Gladstone Lightbourne** 0:48 Yes.

**Mr. Dirk Harrison (Counsel)** 0:50 And then Astin Lightbourne, I'm sorry..

**Mr. Dirk Harrison (Counsel)** 1:06 What's your grandmother's name, your father's mother's name.

**Gladstone Lightbourne** 1:10 My father's mother, Gwendolyn Lightbourne.

**Mr. Dirk Harrison (Counsel)** 1:15 But Gwendolyn is not represented on that.

**Gladstone Lightbourne** 1:17 No, I did not do that at all.

**Mr. Dirk Harrison (Counsel)** 1:20 And then Gwendolyn and Astin had a wonderful child before us today.

**Gladstone Lightbourne** 1:26 Grandson.

**Mr. Dirk Harrison (Counsel)** 1:27 Grandson. Yes, grandson, thank you.

**Gladstone Lightbourne** 1:34 And granddaughter.

**Mr. Dirk Harrison (Counsel)** 1:36 And granddaughter, thank you very much.

**Mr. Dirk Harrison (Counsel)** 1:40 Left the best for last.

**Mr. Dirk Harrison (Counsel)** 1:42 Now, you also wish us to place reliance on, in proof of your lineage, the birth certificate of Astin Denmark Lightbourne, your grandfather, correct?

**Gladstone Lightbourne** 2:00 Correct, sir.

**Mr. Dirk Harrison (Counsel)** 3:20 I crave your indulgence. What do you have there, sir?

**Gladstone Lightbourne** 3:52 I have the birth certificate of my grandfather, Astin Denmark Lightbourne, which states his mother was Ruthanne Lightbourne.

**Mr. Dirk Harrison (Counsel)** 4:04 Just a moment I was going to ask that the certificate of birth that the witness wishes to place reliance on, the birth certificate of Astin Denmark which he wishes us to pray in aid of showing his lineage, I ask that it be tendered and admitted as Exhibit CL 12.

**Mr. Perinchief (Chairman)** 4:26 Yes, birth certificate of Astin Denmark Lightbourne tendered as evidence and indexed as CL 12.

**Mr. Dirk Harrison (Counsel)** 4:35 You may go ahead now, sir, and explain what you are about to explain.

**Gladstone Lightbourne** 4:39 Okay, based on the Certificate of Birth, states that Astin Denmark Lightbourne has his date of registration and his mother Ruth Anne Lightbourne Stovell and Alonzo Thomas Lightbourne.

**Mr. Dirk Harrison (Counsel)** 5:01 There's a note that says additional information. Could you just share that with us?

**Gladstone Lightbourne** 5:05 Yes, it says prior to 1910 it was not customary to register Christian names. Applicant who was

**Mr. Dirk Harrison (Counsel)** 5:13 Just read what is there.

**Gladstone Lightbourne** 5:15 Applicant states names are Astin Denmark.

**Mr. Dirk Harrison (Counsel)** 5:20 And this document is signed by the Registrar General.

**Gladstone Lightbourne** 5:23 Yes, the Registrar General.

**Mr. Dirk Harrison (Counsel)** 5:25 You also wish us, thank you. You also wish us to place reliance on the birth certificate of Gladstone Lightbourne but there are two, Gladston, I'm sorry, Gladstone Lightbourne. There's a Gladston and a Gladstone.

**Gladstone Lightbourne** 5:43 Yeah, that was a clerical error as well it should have been an ‘e’ on the end of his as well.

**Mr. Dirk Harrison (Counsel)** 5:47 Should have been.

**Gladstone Lightbourne** 5:49 It should have been an ’e’.

**Mr. Dirk Harrison (Counsel)** 5:50 We know about those things that happen at registration.

**Mr. Dirk Harrison (Counsel)** 6:25 Now what do you have there, sir?

**Gladstone Lightbourne** 6:29 I have the certificate of birth of my father, Gladstone Denmark Lightbourne.

**Mr. Dirk Harrison (Counsel)** 6:34 I'll ask that the document to be tendered and admitted as Exhibit CL 13.

**Mr. Perinchief (Chairman)** 6:46 Yes, birth certificate of… could you repeat?

**Gladstone Lightbourne** 6:50 Gladstone Denmark Lightbourne.

**Mr. Perinchief (Chairman)** 6:56 Yes, Gladstone Denmark Lightbourne as CL 13.

**Mr. Dirk Harrison (Counsel)** 7:00 And just for the avoidance of doubt, could you please spell ‘Gladstone’ for me because you did mention one is without an ‘e’ and one is with an ‘e’.

**Gladstone Lightbourne** 7:08 Yes, the correct spelling is GLADSTONE.

**Mr. Dirk Harrison (Counsel)** 7:13 That is what appears on the document.

**Gladstone Lightbourne** 7:14 No, sorry, what appears on this document, sorry, is GLADSTON.

**Mr. Dirk Harrison (Counsel)** 7:19 Yes, I want what is on the document.

**Gladstone Lightbourne** 7:21 Gladstone Denmark Lightbourne.

**Mr. Dirk Harrison (Counsel)** 7:29 Is there any other information on the document?

**Gladstone Lightbourne** 7:31 Yes, date of birth, 18th of April, 1932, place of birth, Southampton.

**Mr. Perinchief (Chairman)** 7:36 Could you repeat the date of birth please, sir?

**Gladstone Lightbourne** 7:39 The 18th of April, 1932, place of birth, Southampton.

**Mr. Dirk Harrison (Counsel)** 7:49 Does the document give any other information in respect of mother, father?

**Gladstone Lightbourne** 7:57 Yes, it gives his mother's name, first name Gwendolyn Louise Lightbourne whose maiden name was Raynor and also his father, Astin Denmark Lightbourne.

**Mr. Dirk Harrison (Counsel)** 8:11 My apologies, Chairman and Commissioners. We weren't able to project these documents, but the Exhibits and copies will be made.

**Mr. Dirk Harrison (Counsel)** 8:47 Now, you also have another birth certificate there, sir.

**Gladstone Lightbourne** 8:53 I have the birth certificate of, my birth certificate, Gladstone Winston Craig Lightbourne, date of birth

**Mr. Dirk Harrison (Counsel)** 9:01 Just a minute.

**Gladstone Lightbourne** 9:05 Sorry.

**Mr. Dirk Harrison (Counsel)** 9:09 I don't wish this witness to give any hearsay evidence; he would only have been told when he was born. So I would just ask that the document just be tendered as an Exhibit. I won't ask him to read it because it was almost blasphemy. I just added that document, the birth certificate of Gladstone Lightbourne, that it is tendered and admitted as Exhibit CL 14. But I'll just ask him to repeat one detail he had previously given in evidence. Your middle names are?

**Gladstone Lightbourne** 9:52 Winston Craig.

**Mr. Dirk Harrison (Counsel)** 9:53 Thank you.

**Mr. Perinchief (Chairman)** 9:53 The birth certificate of Winston Craig Lightbourne tendered in evidence as Exhibit CL 14.

**Mr. Dirk Harrison (Counsel)** 10:13 And your name, is your name spelled with an ‘e’ or without an ‘e’?

**Gladstone Lightbourne** 10:21 My name is spelt with an ‘e’.

**Mr. Dirk Harrison (Counsel)** 10:23 And your name is registered with an ‘e’?

**Gladstone Lightbourne** 10:25 With an ‘e’.

**Mr. Dirk Harrison (Counsel)** 10:26 Okay registered with an E and spelt with an E.

**Mr. Perinchief (Chairman)** 10:35 And that's the surname Lightbourne you’re speaking about, Counsel?

**Mr. Dirk Harrison (Counsel)** 10:40 It is, Mr. Chairman.

**Mr. Dirk Harrison (Counsel)** 10:45 Now your surname Mr. Lightbourne, is it registered with an ‘e’ or without an ‘e’?

**Gladstone Lightbourne** 10:57 It's registered with an ‘e’.

**Mr. Dirk Harrison (Counsel)** 11:03 And your father's, was your father registered as Glandston even though you know he was Gladstone. Is his surname Lightbourne registered with an ‘e’?

**Gladstone Lightbourne** 11:18 Yes, it is.

**Mr. Dirk Harrison (Counsel)** 11:30 Now you also wish us, thank you. You also wish us to place reliance on a certificate of death of Astin D Lightbourne. Is that correct?

**Gladstone Lightbourne** 11:40 That is correct.

**Mr. Dirk Harrison (Counsel)** 12:04 What do you have there?

**Gladstone Lightbourne** 12:05 I have the certificate of death of my grandfather, Astin Denmark Lightbourne.

**Mr. Dirk Harrison (Counsel)** 12:10 I ask that that it be tendered and admitted as Exhibit CL 15.

**Mr. Perinchief (Chairman)** 12:18 It's so indexed as Exhibit CL 15, certificate of death of Astin Denmark Lightbourne.

**Mr. Dirk Harrison (Counsel)** 12:43 Now does that document, that certificate of death give any details in relation to any relations?

**Gladstone Lightbourne** 12:51 Yes, it's his mother's name, Ruth Anne Stovell and Alonzo Lightbourne.

**Mr. Dirk Harrison (Counsel)** 12:58 And Alonzo is recognized as wh?.

**Gladstone Lightbourne** 13:01 My great grandfather and his father, my grandfather's father, and also the name Lightbourne on the death certificate is without an ‘e’.

**Mr. Dirk Harrison (Counsel)** 13:25 You also wish us to place reliance on a certificate of marriage of Alonzo Lightbourne and Ruth Stovell.

**Gladstone Lightbourne** 13:40 Yes.

**Mr. Dirk Harrison (Counsel)** 13:43 And I ask that that be tendered and you have that document there. .

**Gladstone Lightbourne** 13:46 Yes, I do have the document here.

**Mr. Dirk Harrison (Counsel)** 13:47 I'll ask that that document be tendered and admitted as CL 16.

**Mr. Perinchief (Chairman)** 13:55 Marriage Certificate of, name again, sir.

**Mr. Dirk Harrison (Counsel)** 13:59 Alonzo Lightbourne and Ruth Stovell.

**Mr. Perinchief (Chairman)** 14:08 Tendered as Exhibit CL16.

**Mr. Dirk Harrison (Counsel)** 14:23 Now sir, I asked you this question before, but I'll ask it again out of an abundance of caution. You have submitted this claim to the Commission of Inquiry. You have also shared with us these documents upon which you wish to place reliance. Adverse Notices have been issued to three persons or entities who were named, not persons, but first interest. What exactly, Mr. Lightbourne, would you and your family members, wish regarding the claim that you have put forward?

**Gladstone Lightbourne** 15:17 At the end of the day we would like to see it comes to fruition, that this whole land situation which has been going on for a few decades now be sorted out and come to some conclusion.

**Mr. Dirk Harrison (Counsel)** 15:36 And recognizing that the Commission of Inquiry is not a court of law and cannot make an award, is there any recommendation that you would like to be made with regard to the estate of James Richardson? Is there any recommendation that you would wish.

**Gladstone Lightbourne** 15:56 I would like to see that the estate be handled by the family, the direct family? And let us work out the details?

**Mr. Dirk Harrison (Counsel)** 16:08 Now, I recognize that you placed reliance earlier on your presentation and in aid of that presentation you had relied on the 1932 Bermuda Supreme Court Judgment #4. And that judgment, you made reference to, the judgment you read, you made reference to the fact that the judgment was in favour, my words, of the Richardson family.

**Mr. Dirk Harrison (Counsel)** 16:47 However, who would be your great, great aunt? he died before judgment had been passed.

**Gladstone Lightbourne** 16:59 Yes.

**Mr. Dirk Harrison (Counsel)** 17:02 Now you also gave evidence that having relied on and shown us the a Google Map impression, you indicated and showed us, and it's displayed now, that cottages had been built on the southern side and you made reference to the Coral Beach Club. But on the northern side, you also made reference to Honey Hill. And so

**Mr. Perinchief (Chairman)** 17:47 Just as a recollection, on the southern side were those properties in existence or just renovated or were they built?

**Gladstone Lightbourne** 17:54 I think they were in existence from what I understand.

**Gladstone Lightbourne** 17:57 For clarification.

**Mr. Perinchief (Chairman)** 17:58 And then they were renovated later.

**Mr. Perinchief (Chairman)** 18:00 Yed, so the witness has clarified that the cottages were in existence, already built and renovated by the Coral Beach, on the southern side of the road.

**Mr. Dirk Harrison (Counsel)** 18:16 Thank you

**Mr. Perinchief (Chairman)** 18:17 And then I'll continue discussion about northern portion. Thank you, sir.

**Mr. Dirk Harrison (Counsel)** 18:23 Thank you

**Mr. Perinchief (Chairman)** 18:23 For clarification.

**Mr. Dirk Harrison (Counsel)** 18:26 And on the northern side, you made mention of condominiums in an area known as Honey Hill built by developers. Is there an thing you'd like to say to the Commissioners regarding these cottages and the persons who either built or occupy them now, sir.

**Gladstone Lightbourne** 19:04 I can't speak onto the occupants, but I know who the developers were at that time. It was Kitson & Company who developed the area.

**Mr. Dirk Harrison (Counsel)** 19:17 Could you repeat that name?

**Gladstone Lightbourne** 19:17 Kitson & Company; they developed that area.

**Gladstone Lightbourne** 19:17 There are also some ruins on there where the old cottages that were built by, I guess by James Richardson, and there are ruins still on that property to show where the old houses were.

**Mr. Dirk Harrison (Counsel)** 19:30 I'll just asked Chairman that the Adverse Notice could be sent also to the Kitson Company Group that is referenced by the witness.

**Mr. Perinchief (Chairman)** 19:42 Yes, I believe that that was one the original Adverse Notices.

**Mr. Perinchief (Chairman)** 19:48 Kitson & Company.

**Mr. Perinchief (Chairman)** 19:50 Described as Kirk Kitson, the second being Coral Beach Club and the third being the James Richardson Trust.

**Mr. Dirk Harrison (Counsel)** 19:58 Thank you very much.

**Mr. Perinchief (Chairman)** 19:59 We have already covered those people.

**Mr. Dirk Harrison (Counsel)** 20:02 Thank you, thank you very much.

**Mr. Dirk Harrison (Counsel)** 20:02 My Alzheimer’s moment, Chairman. Thank you. I have nothing further from this witness at this time, Mr. Chairman.

**Mr. Perinchief (Chairman)** 20:19 Thank you, Counsel. At this time, I'll ask any of the Commissioners if they wish to put any questions to the witnesses. And also keeping in mind that we do have another Commissioner, Ms. Binns, who is on zoom, who may wish to ask a question.

**Ms. Forth** 20:46 Good morning Mr. Lightbourne, with regard to the court case that took place in 1932, at that time, who had possession of the deeds?.

**Gladstone Lightbourne** 21:03 If I'm correct, the Trustees did.

**Ms. Forth** 21:14 And you indicated that the land tax had been paid by the which entity, which persons paid?

**Gladstone Lightbourne** 21:21 By the, they used the Richardson Trust to pay the land tax.

**Ms. Forth** 21:27 And how was the Trust funded?

**Gladstone Lightbourne** 21:29 I guess the Trust was funded through the rentals of gardens and the other properties they had there.

**Ms. Forth** 21:38 So the Trustees were actually managing the rental.

**Gladstone Lightbourne** 21:41 As far as we understand, yes, they were managing as well.

**Ms. Forth** 21:50 That was my two questions, thank you very much.

**Mr. Perinchief (Chairman)** 21:54 Ah, yes, Mr. Lightbourne, who were the persons who managed the Richardson Trust, the actual names of the Executors.

**Gladstone Lightbourne** 22:05 The Trustees’ names were.

**Mr. Perinchief (Chairman)** 22:12 And are they still the Executors of the Trust?

**Gladstone Lightbourne** 22:16 They most likely have passed, but there were other, I guess self-appointed Trustees. I know one was Durham Stevens, Mr. Stevens, Mr. Rance and there was one other gentleman that I didn't get the full name of.

**Mr. Perinchief (Chairman)** 22:37 I would beg you in the interest of assisting this Inquiry if you would provide this Commission with the specific names of any members of the Richardson Trust, say alive or passed away or dead, for clarity and for specificity.

**Gladstone Lightbourne** 23:00 The three I can give you, the ones that are passed, I can give you those three names directly.

**Mr. Perinchief (Chairman)** 23:07 Yes. And are you able find out who the existing members are?

**Gladstone Lightbourne** 23:13 Yes we can do some more research into that.

**Mr. Perinchief (Chairman)** 23:15 And at that time, Counsel, I believe the witness may have to return to give that evidence.

**Mr. Dirk Harrison (Counsel)** 23:23 Very well, Chairman, what the witness was about to direct us to, that on Exhibit CL 3, I believe, the Supreme Court judgment, the Trustees are named there as parties to the matter.

**Mr. Perinchief (Chairman)** 23:38 Oh, yes.

**Mr. Dirk Harrison (Counsel)** 23:38 Those are the persons that he refers to, that they may have passed. And the information that you are asking him now is to provide us with any existing Trustee but he has named the original Trustees. The document is CL 3, I believe it’s being displayed on the screen now, Sir Reginald Gray, Joseph Trounsell Gilbert, Edmund Gosling Gray. They were the original Trustees of the estate of James Richardson.

**Mr. Perinchief (Chairman)** 24:12 But certainly there is, I believe, still the Richardson Trust in existence.

**Gladstone Lightbourne** 24:17 As far as I know, yes.

**Mr. Perinchief (Chairman)** 24:18 And those are the persons that I'd be interested in providing their names. That was my point, Counsel.

**Mr. Dirk Harrison (Counsel)** 24:28 Yes, I had it.

**Mrs. Milligan-Whyte** 24:38 Counsel.

**Mr. Dirk Harrison (Counsel)** 24:40 Madam.

**Mrs. Milligan-Whyte** 24:41 I have a question which relates to the Trustees.

**Gladstone Lightbourne** 24:48 Yes.

**Mrs. Milligan-Whyte** 24:50 Mr. Lightbourne, has the family, either yourself or other members of the family, taken a court action against the Trustees or requested something from the Trustees?

**Gladstone Lightbourne** 25:01 Yes, we

**Gladstone Lightbourne** 25:02 There's a document to that affect, if I can recall correctly.

**Mrs. Milligan-Whyte** 25:04 And what sort of response did you get?

**Gladstone Lightbourne** 25:15 Going back on that, my uncle did approach them through the courts and I think the lineage came up as well back then and their saying there we weren't related.

**Mrs. Milligan-Whyte** 25:32 So this is where the spelling of the name Lightbourne?

**Gladstone Lightbourne** 25:35 Yes.

**Mrs. Milligan-Whyte** 25:37 Did they put that in writing?

**Gladstone Lightbourne** 25:46 That I can't remember, but I can check with that again.

**Mrs. Milligan-Whyte** 25:47 That would be helpful.

**Mr. Dirk Harrison (Counsel)** 25:54 Madam Milligan-Whyte, the witness was making reference to the documents that just by, that were tendered as Exhibits in terms of correspondence between the law firms Amicus as also the Conyers, they are exhibited.

**Mr. Perinchief (Chairman)** 26:18 Counsel, there are other questions I know that will arise from evidence or documents that have been tendered that the Commissioners would wish to address. It may be an appropriate time to have an adjournment.

**Mr. Dirk Harrison (Counsel)** 26:40 Very well.

**Mr. Perinchief (Chairman)** 26:41 So that we can confer on the status of the matter and if we could resume at an appropriate time, say 1:30 pm, is that appropriate?

**Mr. Dirk Harrison (Counsel)** 26:58 I was thinking that at this time it may be better to have an adjournment for the day.

**Mr. Perinchief (Chairman)** 27:04 Yes. for the day.

**Mr. Perinchief (Chairman)** 27:07 So this matter is still open and we'll continue

**Mr. Dirk Harrison (Counsel)** 27:11 Once the Adverse Notices are issued.

**Mr. Perinchief (Chairman)** 27:14 Yes.

**Mr. Dirk Harrison (Counsel)** 27:14 And I'll ask yourself and Commissioners to reserve any other questions respectfully that you may have arising out of the Adverse Notices and the persons who may attend in that regard.

**Mr. Perinchief (Chairman)** 27:30 Yes, I'll take your guidance and at this point, I just wish to thank the witnesses for the evidence so far and we will adjourn, this Commission will adjourn until 1:30 pm..

**Mr. Dirk Harrison (Counsel)** 27:45 No no, until tomorrow.

**Mr. Perinchief (Chairman)** 27:48 Correction again,

**Mr. Perinchief (Chairman**) 27:50 Until tomorrow.

**Mr. Dirk Harrison (Counsel)** 27:51 But they will not be required to attend tomorrow. We will advise them once the requisite Notices have been issued, contact has been made and we have a mutually convenient date very soon.

**Mr. Perinchief (Chairman)** 28:02 So for clarification, I would say you’re released from, released from the evidence right now and return after you get appropriate notice a s to when we will resume the hearing of this matter. But I do thank you for your morning's testimony.

**END OF TRANSCRIPTION AT 28:02**