**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**COMMISSIONER:**

**JUSTICE NORMA WADE-MILLER**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: UNKNOWN**

**MONDAY, DECEMBER 1, 2020**

**MORNING SESSION (a)**

**Justice Norma Wade-Miller** 0:01 Good morning,

**(Madam Chair)** everyone.

**Mr. Dirk Harrison (Counsel)** 0:01 Good morning Madam Chair, members, all persons present. We have our next witness, Dr. Edward Harris, just before he's either sworn or affirmed I would just like to place a matter on the record if anything needs to be on the record, as you're aware on the last occasion that Counsel Mr. Pettingill was here on behalf of Tuckers Point representatives, he had indicated a position of Tuckers Point he had indicated, and given an undertaking, which he has obviously followed through hand on the record asked whether or not he thought it appropriate or inappropriate, he had asked in terms of having some contact with Rev Wailing is that a way forward. I have been contacted by Reverend Wailing over the weekend to advise that contact had been made with him by Mr. Pettingill on behalf of his clients. With regards to a meeting taking place between the owner, the attorney, and representatives of the choice of the Marsden United Church. Upon seeing that letter that which had been sent to the Secretary and addressed to me I had written to Mr. Pettingill just inviting him to whether on his own on behalf of his clients or both of them appearing, upon the commission, which is still sitting, that they could indicate exactly what the position is. And we will take it from there because I thought that it best that seeing Reverend Wailing had reached out to us to say they had made contact with him. He wanted to know what he should do because he wasn't sure if it was appropriate or inappropriate, seeing that, the commission is sitting. I note importantly, that there is an email thread where a number of other government functionaries have been copied on the emails between the owner Reverend Wailing and others. And I certainly recognize and acknowledge the position of these persons, as they are constituted over the Commission that is sitting now out of the greatest respect to the commission, I think that traffic should directed in a particular way. And the commission. This is a form of convenience. The cemetery is as local as it go. But with all respect to all concerned? I think the appropriate setting is for persons to come before the commission. And the commissioners can have a say so just to share is just in the words of an email from Counsel which I just think it's appropriate for transparency that is brought to their attention and we have it on the record that the words are that they

**Justice Norma Wade-Miller**  3:58 Is that Counsel Mr. Pettingill?

**(Madam Chair)**

**Mr. Dirk Harrison (Counsel)** 3:59 Yes, he has written back I had indicated to him in my letter, that I had indicated that Reverend Wailing has bought to attention the fact that you have both given an undertaken, undertaken given that and before the commission of inquiry. Thereby you've made contact with him on behalf of your clients. I'm aware also that one of the owners Mr. Chris Maybury has shown a keen interest for an introduction and meeting with, Reverend Wailing and I have put "to invite whomsoever" this development is remarkable. I prefer however the form of convenience as being before the commission of inquiry, which is sitting rather than the historic Marsden Cemetery. At this time, we should invite you and your client or both to attend upon at the hearing at a mutual convenient time during the week of November 30th 2020, so this development can form part of a official record, I look forward to hearing from you yours respectfully. And I share the response I received. Many thanks for your email, which I discussed with the owners, they're anxious to discuss, discuss the concerns that have been raised ASAP. As these are a matter greater, they feel the most prudent and sensible approach is to meet Reverend Wailing and anyone who wishes to accompany him at the cemetery to discuss the previous proposal for mediation, and to make full note as to what is requested to be done and proceed from there. With respect there is more that can be added without further appearance that I did not address before the commission most significant a recommendation by the current owners of what has occurred and a desire to do what is practicable and reason the remedy matter expeditiously. And hopefully, we can arrange aforesaid meeting promptly. Respectfully, Madam Chair, this is a form of convenience. The locust, as I pointed out, is Marsden and with greatest of respect of all concerned, the commission is still sitting. And this is were anything that has been discussed or transparent and that has been said. It must be brought to our attention here. I respectfully don't like, even though I see the greatest of intention on what is being meant. Any meeting while the commission is still sitting, may it so please you. I just thought that would bring it on the record, because I didn't think it prudent for me to be having a back and forth writing letters. Making a negotiation with any owner. I don't think that's appropriate either. Or is it Madam?

**Justice Norma Wade-Miller** 6:50 Thank you, Counsel. And I'm sure certainly I and all

**(Madam Chair)** the Commissioners appreciate you bringing this matter to our attention and placing it on the record. And if I may say so myself I believe you're indeed correct, because we are still sitting. We have not concluded evidence. And we have not taken, you know, final decision. And so anything that transpires should be through the commission. Thank you. And I believe we could have Dr. Harris sworn now.

**Mr. Dirk Harrison (Counsel)** 7:23 Or affirmed.

**Justice Norma Wade-Miller** 7:30 And it's certainly good that you brought it to the attention of Dr, Harris as well because he needs to be put into the picture of what's going on. Dr. Harris, when you speak you can take off your mask.

**Dr. E. Harris** 7:59 Edward Cecile Harris. I swear by Almighty God, that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

**Mr. Dirk Harrison (Counsel)** 8:23 Good morning, Dr. Harris.

**Dr. E. Harris** 8:24 Good morning Sir.

**Mr. Dirk Harrison (Counsel)**  8:26 How are you today?

**Dr. E. Harris** 8:27 Very well, thank you.

**Mr. Dirk Harrison (Counsel)** 8:29 I'm not bad too, thanks for asking.

**Mr. Dirk Harrison (Counsel)**  8:35 I have a copy of your November 16th 2020 letter addressed to the Commission Council where you had written in response to her November 5 letter and an invitation to appear before the Commission of Inquiry into historic history losses of land in "verbatim" in Bermuda to give evidence on the top of stone cemetery. Your letter continues you also suggest that I may wish to apply for standing thee matter. And your letter continues as a matter of the cemetery was exhaustively examined by the Bermuda Ombudsman and you're referred to ombudsman report published in 2014 www.ombudsman.bm. At that time I gave my records ombudsman for that investigation. And you continue that due to the detailed nature of the study. I do not think it will be useful to discuss the matter further, nor do I think it serves for the purpose for me withstanding to question witnesses. In the interest of history, I wouldn't appear as an expert before the commission to speak to compulsory acquisition of land throughout Bermuda generally Yours truly, Edward C. Harris. You had written that letter.

**Dr. E. Harris** 10:07 Yes, Sir.

**Mr. Dirk Harrison (Counsel)** 10:08 Thank you.

**Mr. Dirk Harrison (Counsel)**  10:14 I have some questions to ask you in respect of the matter, as it touches and concerns, certain statements which had been made by witnesses before the commission and the statements made by the witnesses, which I shall bring to your attention shortly. So to , suggest a role played by you in respect of the removal of the sarcophagu, tombstones the material that cover the graves. So, I just asked you to bear with me, as I ask you a few questions. I take you first and foremost by way of just general introduction to evidence by witness Mr. Keith Dubois. He gave evidence on the 28th of October 2020 before the commission and for ease of reference, I'm going to ask that they transcript it projected on the screen to aid you. I have a copy here. But for ease of access one is being projected on the screen. And I just like to read from an extract from page 13 of the evidence of Mr. Dubois.

**Mr. Dirk Harrison (Counsel)** 13:20 I create an indulgence. I stand corrected Dr. Harris, I'm going of my head myself again. I'm going to share with you the evidence from witness Mr. Eugene Stovell, my apologies.

**Mr. Dirk Harrison (Counsel)** 14:52 While we search for it Dr. Harris, you are can you just share with me in 2001, whether or not you were Director of a Museum here in Bermuda.

**Dr. E. Harris** 15:06 In 2001.

**Mr. Dirk Harrison (Counsel)** 15:08 My apologues 2011.

**Dr. E. Harris** 15:11 Yes, sir.

**Mr. Dirk Harrison (Counsel)** 15:12 And how long were you Director of the museum.

**Dr. E. Harris** 15:14 37 years I gave public service to this country.

**Mr. Dirk Harrison (Counsel)** 15:19 And all of those as director.

**Dr. E. Harris** 15:21 Yes, sir.

**Mr. Dirk Harrison (Counsel)** 15:23 What is your former training?

**Dr. E. Harris** 15:29 I was trained as an archaeologist.

**Mr. Dirk Harrison (Counsel)** 15:35 You are familiar with the Marsden Memorial Methodist Church Cemetery and the ground penetrating radar survey project.

**Dr. E. Harris** 15:47 Yes, sir.

**Mr. Dirk Harrison (Counsel)** 15:49 And in respect of that project, you were you played what role.

**Dr. E. Harris** 15:53 I helped organize it and bring the volunteer team from Canada to do the survey.

**Mr. Dirk Harrison (Counsel)**  16:00 And it terms of the help and the organization that you afforded the project, you are designated as a director. What was your designation?

**Dr. E. Harris** 16:13 I had no direct designation as such. I was assisting the church and the hotel property to coordinate the project.

**Mr. Dirk Harrison (Counsel)** 16:27 In Dr. Trigs report the your designated as a Bermuda coordinator, that would be accurate.

**Dr. E. Harris** 16:35 That's what I just said sir.

**Mr. Dirk Harrison (Counsel)** 16:37 And you heard my question. So, so that's a yes.

**Dr. E. Harris** 16:44 I coordinated the project.

**Mr. Dirk Harrison (Counsel)**  16:45 Thank you very much. Now, by way of the coordination of the project, you are familiar with the Royal Gazette. And a February 2014 an article entitled, Island Archaeologists refuses to comment on removal of graves.

**Mr. Dirk Harrison (Counsel)** 17:28 I'm just going to hand it to you so you can have a look at it, in terms of the actual article I am referring to.

**Mr. Dirk Harrison (Counsel)** 17:34 Give it straight to the Commissioners first, before you show it to him please.

**Mr. Dirk Harrison (Counsel)** 20:00 Just have a look at that document for me, sir.

**Justice Norma Wade-Miller**  21:10 Counsel I believe the witness has concluded looking **(Madam Chair)** at the document.

**Mr. Dirk Harrison (Counsel)** 21:15 Thank you very much and I hope that he could have alerted me, thank you very much. You are finished looking at documents sir?

**Dr. E. Harris** 21:23 Yes, sir.

**Mr. Dirk Harrison (Counsel)** 21:24 Thank you very much.

**Justice Norma Wade-Miller**  21:29 Would you like to have it returned to you Counsel, **(Madam Chair)** because Mrs. Swan is standing there, or are you

 preferred for him to hold on to it?

**Mr. Dirk Harrison (Counsel)** 21:39 I'll just ask him Madam Chair. I'll ask you some questions sir pertaining to that document would you wish to refer to while I ask the questions?

**Dr. E. Harri**s 21:49 Yes, sir.

**Justice Norma Wade-Miller** 21:52 Thank you Mrs. Swan.

**(Madam Chair)**

**Mr. Dirk Harrison (Counsel)** 21:52 Thank you Madam Chair.

**Mr. Dirk Harrison (Counsel)** 22:03 Just before I make reference to that document, I draw your attention to the Ombudsman for Bermudas own motion investigation into the demolition of tombs in the Marsden Methodist Memorial Cemetery at Tuckers Point is titled a grave error, and dates January 2014. At page 16, of the Florida Ombudsman's report, she says, and I quote, "the destruction of the tombs has struck a nerve and evokes an entire history of pain of slavery and a legacy of structural racism and white privilege in Bermuda". Let me just repeat the destruction of the tombs has struck a nerve and involves the entire history of pain of slavery and the legacy of structural racism and white privilege in Bermuda. Would you agree with that statement or disagree with it, sir?

**Dr. E. Harris** 23:44 I believe that's her opinion

**Mr. Dirk Harrison (Counsel)** 23:47 And I'm asking you to comment on her opinion, whether or not you agree or disagree, sir, respectfully.

**Dr. E. Harris** 24:00 Sorry, that's her opinion. Do you believe matters of white supremacy and so forth? Those are her opinions.

**Mr. Dirk Harrison (Counsel)** 24:09 Okay. Do you think the destruction of the tombs has struck a nerve? And evokes the entire. Do you think that struck a nerve sir destruction of the tombs?

**Dr. E. Harris** 24:14 I don't know. Sir.

**Mr. Dirk Harrison (Counsel)** 24:21 You don't know. Well, what do you think? Do you think that persons are angry? The Marsden United Church? Or persons in Bermuda who are upset with the disturbance and destruction of the tombs.

**Dr. E. Harris**  24:38 Some people may have been.

**Mr. Dirk Harrison (Counsel)** 24:40 And some persons may not have been.

**Dr. E. Harris** 24:43 I don't know, sir.

**Dr. E. Harris** 24:45 Okay.

**Mr. Dirk Harrison (Counsel)** 24:49 Do you believe that the destruction of the tombs evolved the Entire History and the pain of slavery. I'll break it down. Do you think that happened sir?

**Dr. E. Harris** 25:15 I'm afraid that's her opinion. I can't answer to what population thinks.

**Mr. Dirk Harrison (Counsel)** 25:21 So even though somebody has an opinion, you can say whether you will agree or disagree with their statement made. Having had 30 odd years in government, you can't say. It really doesn't matter, does it? what people think?

**Justice Norma Wade-Miller**  25:47 I noticed, Dr. Harris, that you gesticulate sometimes

**(Madam Chair)** when you answer but of course, we don't have a record of that. So rather than gesticulate, if you have any comments, please do sir.

**Dr. E. Harris** 26:02 Well Madam Chair is asking me to comment on other people's opinions, of which I'm not a party to it's most unfair to be asking these questions.

**Mr. Dirk Harrison (Counsel)**  26:20 And actually, Madam Chair with the greatest of respect when one has been asked questions that courtesy can be extended to the person who's asking the questions its not a turn away, and cross your legs and look away, a common courtesies we extend to each other. I just asked that they are afforded to me, thank you. Dr. Harris as an archaeologist, have you ever relied on other people's works to form an opinion?

**Justice Norma Wade-Miller** 26:52 Of course.

**Mr. Dirk Harrison (Counsel)** 26:56 And the works of other people their opinions. You have relied on them? And adopted them?

**Dr. E. Harris** 27:08 I would presume so,

**Mr. Dirk Harrison (Counsel)** 27:09 Presume, either yes or no sir. It's either you have done it or you have not. Presume you don't know if you have done so. Have you relied on other people's works? In order for you to make a decision our determination sir.

**Dr. E. Harris** 27:22 Yes sir.

**Mr. Dirk Harrison (Counsel)** 27:23 Good. So let's not waste time, sir. We can get through quickly. Do you believe the destruction of the tombs has struck a nerve? Especially let us just break it down. With regards to the Marsden United Church congregation population do you believe it has struck a nerve.

**Dr. E. Harris** 27:53 I can't see how I can speak for the population, the congregation.

**Mr. Dirk Harrison (Counsel)** 28:00 Sir. Are you aware enough to answer whether or not the fact that it has been attributed to you, Dr. Edward Harris, having been instrumental in the removal of the tombs from the grave sites of the Marsden Cemetery United grave site that people were upset about it hence are you aware of that sir.

**Dr. E. Harris** 28:30 Yes, sir.

**Mr. Dirk Harrison (Counsel)** 28:34 And you became aware of this? You became aware of it after the Ombudsman 2014 report or before the issuance of that report sir.

**Dr. E. Harris** 28:53 Probably before we had a meeting at the church.

**Mr. Dirk Harrison (Counsel)** 28:57 And at that meeting at the church prior to the meeting at church is it correct to say that yourself members from Tucker's Point.

**Mr. Dirk Harrison (Counsel)** 29:14 Agreed to remove the tombs. Is that correct or inaccurate? Did you have an agreement with persons from Tucker's Point establishment to remove the to disturb my word not disturb, I wont use disturb. Did you have an agreement with Tucker's Point personnel with regards to the removal of the tomb stones?

**Dr. E. Harris**  29:53 I believe it was agreed in the meeting with the hotel and the church.

**Mr. Dirk Harrison (Counsel)** 30:00 Can you say, who from the church was a part of that meeting if anyone?

**Justice Norma Wade-Miller**  30:06 I don't recall.

**Mr. Dirk Harrison (Counsel)** 30:12 As far as I understand it was Reverend Wailing who represented, and had attended here for the Marsden United Church. He has rejected the notion of the church being part of any decision to remove or disturb any part of the grave site rather then what they wish, was the maintenance of it. So, let me ask the question very long run on.

**Mr. Dirk Harrison (Counsel)** 31:06 The sarcophagu was disturbed. Are you saying that it was part of an agreement between the church yourself and the Tucker's Point personnel?

**Dr. E. Harris**  31:20 That is my recollection.

**Mr. Dirk Harrison (Counsel)** 31:24 And based on the your recollection, you made arrangements and had heavy equipment brought to the area.

**Dr. E. Harris** 31:34 The hotel made such arrangements.

**Mr. Dirk Harrison (Counsel)** 31:37 After the arrangements were made by the hotel, you were present when the equipment arrived on the area at the site?

**Dr. E. Harris** 31:45 The equipment was already there.

**Mr. Dirk Harrison (Counsel)** 31:49 You gave instructions as to what the operator of equipment should do?

**Dr. E. Harris** 31:54 Yes, sir.

**Mr. Dirk Harrison (Counsel)** 31:56 What did you indicate to the operator for the equipment what was he told? Can you recall?

**Dr. E. Harris** 32:01 Not to remove the sarcophagu of the tombs as preferred not the burials.

**Mr. Dirk Harrison (Counsel)** 32:11 And the purpose of the removal of it was for what purpose to what end.

**Dr. E. Harris** 32:16 So that a monument could be placed in the middle of the cemetery. As the tombs were largely modern works.

**Mr. Dirk Harrison (Counsel)** 32:27 How many of them were removed?

**Dr. E. Harris** 32:30 Nine I believe. I'm not sure.

**Mr. Dirk Harrison (Counsel)** 32:34 Were they destroyed and thrown away?

**Dr. E. Harris** 32:39 As far as I know.

**Mr. Dirk Harrison (Counsel)** 32:40 As far as you know, they were not or they were.

**Dr. E. Harris** 32:44 As far as I know. I don't know what the hotel did with them.

**Mr. Dirk Harrison (Counsel)**  32:52 Prior to the, after they were removed, as an archaeologist, did you determine the age of the material that had been removed whether it was 50 years old or 30 years old, were any test done?

**Dr. E. Harris** 33:10 Most of it was concrete, modern material, placed there by the hotel.

**Mr. Dirk Harrison (Counsel)** 33:16 Did you determine the age of the material prior to it being removed from the site?

**Dr. E. Harris** 33:27 By the looks of it.

**Mr. Dirk Harrison (Counsel)** 33:29 And what was by the look of it. What was your assessment as to the age of the modern material.

**Dr. E. Harris** 33:36 Modern material?

**Mr. Dirk Harrison (Counsel)** 33:38 Sir, with out of the greatest respect I may deter myself as being modern, but I'm certainly not 30 years old. What does modern mean? Don't be cheeky sir.

**Mr. Dirk Harrison (Counsel)** 33:47 What does it mean?

**Dr. E. Harris** 33:52 That the tombs were placed there by the hotel in the 1990s on what they believe were sites of graves. There were no evidence whatsoever of graves underneath the sarcophagu.

**Mr. Dirk Harrison (Counsel)** 34:08 So in 2014 while you are now telling me when it is based on information you received the hotel placed the coverings there. So by my simple math, you're saying at the time of removal. They were probably 24 years old.

**Dr. E. Harris** 34:31 About that. Yes.

**Mr. Dirk Harrison (Counsel)** 34:35 Thank you. That wasn't so hard now sir. So by modern you mean the material was about 24 years old.

**Dr. E. Harris** 34:45 Yes, sir.

**Mr. Dirk Harrison (Counsel)** 34:46 Thank you. Now also on page 12 of the report of the learning Ombudsman as she then was, at page 9 I stand corrected she made the statement the decision to remove the ancient tombstones was made by agreement of owners of the property Bermuda Properties Limited Castle Harbor Limited and Managers Rosewood Hotels and Resorts Marsden First United Church

**Mr. Dirk Harrison (Counsel)** 35:58 Dr. Edward Harris, Director of the National Museum and Bermuda's Premier Archaeologists, they've learned up almost one continues. The decision was based on the mistaken assumption that the graves were false. This mistaken assumption was based in part on aerial photographs. Ariel photographs taken in 1962 did not reveal the cemetery which was completely obscured by vegetation, however aerial photographs from 1973/partial clearance and some visible burials. Aerial photographs of 2003 reveal a cemetery comparative and free of overgrown vegetation with whitewash an I strain to pronounce the word and I know you can do it better than I can sarcophagu. Do you agree with that statement sir of the Ombudsman. The decision to remove the ancient tombstone was based on the mistaken assumption that the graves were false. Can you comment on that, sir?

**Dr. E. Harris** 37:23 I believe later in her report, she agrees that a lot of the sarcophagu were infect modern creations of the hotel.

**Mr. Dirk Harrison (Counsel)** 37:33 So what is your answer to my question?

**Dr. E. Harris** 37:36 I don't agree entirely to what she says.

**Mr. Dirk Harrison (Counsel)** 37:38 Thank you very much.

**Mr. Dirk Harrison (Counsel)**  37:49 Now did you at any time after the removal of the tombstones, this modern material? Have you documented that anywhere that the material was approximately 24 years old? Have you documented that were in the museum of Bermuda?

**Dr. E. Harris** 38:16 No, sir.

**Mr. Dirk Harrison (Counsel)** 38:19 Have you documented anywhere. What happened on the day that you attended at the grave site? The heavy duty machinery was there, and you gave instructions for the operator of the heavy duty machinery to remove the modern material? Have you documented that anywhere at the museum?

**Dr. E. Harris** 38:41 No, sir, I did not take any minutes.

**Mr. Dirk Harrison (Counsel)** 38:46 Is there an living record in the museum of what happened on the day of the heavy equipment removing the modern material from the grave site? Is there any note any record anywhere in the museum on what type one?

**Dr. E. Harris** 39:04 We would have to search sir I don't know what files.

**Mr. Dirk Harrison (Counsel)** 39:06 Did you make any?

**Dr. E. Harris** 39:08 Pardon

**Mr. Dirk Harrison (Counsel)**  39:09 Did you make any note, let me repeat it in respect of the heavy equipment which was facilitated my word by the Tuckers Point Organisation?

**Mr. Dirk Harrison (Counsel)** 39:25 The same heavy equipment that was on location when you arrived there at the cemetery.

**Mr. Dirk Harrison (Counsel)** 39:35 You given instructions to operator of heavy equipment to carry out work. Did you make any record and place it in the museum to indicate to the people of Marsden United Church of Bermuda generally what happened on that day? Is there, did you make a record.

**Dr. E. Harris** 39:59 No sir, I did not.

**Dr. E. Harris** 40:00 I did not make a record that day.

**Mr. Dirk Harrison (Counsel)** 40:08 Did you consider it unimportant?

**Dr. E. Harris** 40:18 No, sir, I just did not make a record that day.

**Mr. Dirk Harrison (Counsel)** 40:20 Do you consider it important? Let's go back to the quotation I asked earlier probably this will assist.

**Mr. Dirk Harrison (Counsel)** 40:38 The destruction of the lands had struck a nerve and invokes entire history and pain of slavery and the legacy of structural racism and white privilege in Bermuda. I going to ask you again. Would you like to comment on that statement?

**Dr. E. Harris**  40:57 No, sir, I would not like to comment on that statement.

**Mr. Dirk Harrison (Counsel)** 41:00 Okay. Now, do you think it is important for us to and for historians to have documented a record of what took place on the day of the removal of the tombstones, at the Marsden Cemetery giving us support on post a document?

**Dr. E. Harris** 41:31 It should have been documented.

**Mr. Dirk Harrison (Counsel)** 41:37 Because you agree, is a very important part of history. Do you agree, sir?

**Dr. E. Harris** 41:50 It should have been documented.

**Mr. Dirk Harrison (Counsel)** 41:53 Thank you. Do you think that it is something that it really doesn't matter? That part of history? I know your answer is it should have been documented. And my question actually was whether or not it was thought to be important or unimportant. So let me ask the question in a different way. You probably did not understand. Do you think that the fact of the removal of the grave, disturbance I'm sorry, of the grave site is an important piece of the history as it touches on concerns the Marsden, Cemetery which is located along the driving range of the Tuckers Point golf course. Do you think that's important?

**Dr. E. Harris** 42:57 Yes, sir.

**Mr. Dirk Harrison (Counsel)**  43:33 Based on what you had said earlier, and if I incorrectly summarize what you said please certainly correct me. The Marsden Methodist church people I'll call them that I know they won’t be offended. It is your contention that they were a part of a decision making process. To remove tombstones from the gravesite.

**Dr. E. Harris** 44:08 Yes, sir.

**Mr. Dirk Harrison (Counsel)** 44:16 Is it more in line with the Marsden Methodist church people had the expectation that the graveside and its environs would be maintained and improved? The general appearance? Is that your understanding?

**Dr. E. Harris** 44:39 I can't speak for them.

**Mr. Dirk Harrison (Counsel)** 44:42 Is it your understanding sir, to what end, then was the removal of the tombstones. To what end, what was the objective?

**Dr. E. Harris** 44:54 The objective was to place a monument in the middle of the graveyard for which the church made a planning application following the removal of the sarcophagu.

**Mr. Dirk Harrison (Counsel)** 45:08 Why did you need to remove sarcophagu to place a monument?

**Dr. E. Harris** 45:15 Because there were modern additions to the graveyard.

**Mr. Dirk Harrison (Counsel)** 45:21 And you thought that the sarcophagu was not modern? You see, I'm confused now. You told me the sarcophagu was modern material, but you wanted to replace it with modern material. So you want to replace with more modern material. I'm actually confused.

**Dr. E. Harris** 45:42 No, sir. It was the agreement with the church to replace it with a monument, a dedicated monument with an inscription on it to mark the site of the graveyard.

**Mr. Dirk Harrison (Counsel)** 45:57 So I'm trying to understand why remove the tombstone then was that part of the discussion with the church members that in order to facilitate the erection of the monument, you had to remove the tombstones. Was that an understanding?

**Dr. E. Harris** 46:15 It may have been I can't recall.

**Mr. Dirk Harrison (Counsel)**  46:18 So it may not have been also.

**Dr. E. Harris** 46:20 Yes, sir.

**Mr. Dirk Harrison (Counsel)**  46:29 I'm going to take you sir, to the evidence of our witness, Mr. Eugene Stovell. On the 20th of October of this year, where he appeared before the commission of inquiry.

**Mr. Dirk Harrison (Counsel)** 46:55 And I just await the transcript being projected on the screen to assist you. You may read along if you wish. I'm going to start reading at line 20. So I just ask you to follow along. Witness who performed it says here pastor Reverend Joseph Wailing Jr. and also Tony Robinson, Mr. Thomas Smith, great grandson of Dianna Smith. Mr. Brian Young, Managing Director of Rosewood Tucker's Point Dr. Ed Harris, Director of Maritime Museum, Mr. Danny Richardson, Vice Chairman Tucker's Town Historical Society, Mrs. okay, solo selection by Mrs. Tony Robinson.

**Mr. Dirk Harrison (Counsel)** 48:31 The reflections by Reverend Joseph Wailing Jr. and then laying of the wreath was Mrs. Helen Wainwright.

**Mr. Dirk Harrison (Counsel)**  48:41 She was one of the oldest living descendants of Tucker's Town at the time when she may have been in her 90s at that Point, but when she went and her group went and had an interview with her. She was about to turn 100. I'm getting to rustle with times and days. I told my friend the other day, I'm sorry, I didn't keep a time log these things. You know, now, this is a time that it's important to have those time logs. Only some stuff I have is dated.

**Mr. Dirk Harrison (Counsel)** 49:16 This was the same ceremony at the cemetery. The person on the left here I think is Reverend Wailing holding the wreath. The lady in the center is Mrs. Wainwright. Mrs. Helen Wainwright?

**Mr. Dirk Harrison (Counsel)** 49:29 And next to her is Mr. Danny Richardson. Yes, yes. While I was at work doing my chores, and while I was there working,

**Mr. Dirk Harrison (Counsel)** 49:44 I had my phone there and the phone went of and I picked it up. And somebody was on the other end screaming. Hey, you got to come down here to the cemetery, man. They're down they're desecrating the cemetery. They're pulling it apart I couldn't believe it. You know, I says what? They just restored the thing. What do you mean? They're down here desecrating it? Yeah, man. They're pulling up there. Everything is pulled up down there. They've dug it all up. So I said, Oh my gosh. Well, at first I had to go down there and see what you know what the person was talking about? So then me and Danny, and Mr. Duvall managed to get down there because and then when we got there, this is this is what we saw. Well my understanding was that there was a decision made between Dr. Harris, and the Methodist church people. That is what I heard. Did you base on the instructions that you gave to the operator for heavy duty equipment, either destroy or desecrate? parts of the graveside Dr. Harris.

**Dr. E. Harris**  51:02 We destroyed Yes.

**Mr. Dirk Harrison (Counsel)** 51:07 And what was destroyed. I’m no archeologist, so please tell me what was destroyed.

**Dr. E. Harris** 51:17 The sarcophagu?

**Dr. E. Harris** 51:21 The stonework under which there are no apparent graves.

**Mr. Dirk Harrison (Counsel)** 51:32 In archaeological terms, and please guide me in asking a question I certainly don't want the answer to. Is there an importance attached to modern materials that are 24 years old, somewhat so that you would seek to restore them or keep them.

**Dr. E. Harris** 51:52 Not generally.

**Mr. Dirk Harrison (Counsel)** 51:54 So these things were probably thrown away.

**Dr. E. Harris** 52:01 Probably

**Mr. Dirk Harrison (Counsel)** 52:03 You think as an archaeologist and as director of the Museum of Bermuda in line with sentiments which I had been expressed by residents of Marsden United Church you think looking back now that was a prudent decision to make.

**Dr. E. Harris** 52:36 No, they wouldn't have appreciated the depth of the political situation at the graveyard.

**Mr. Dirk Harrison (Counsel)** 52:41 Do you appreciate it now.

**Dr. E. Harris** 52:44 Yes sir.

**Mr. Dirk Harrison (Counsel)** 52:46 And if you had to go back you would not have well let me put it another way. You don't know what happened to the, modern material that was taken from the grave site you don't know what has happened to it.

**Dr. E. Harris** 53:00 No, sir.

**Mr. Dirk Harrison (Counsel)** 53:01 But looking back hindsight has taught you that this modern material should have been kept.

**Mr. Dirk Harrison (Counsel)** 53:14 Pardon me.

**Mr. Dirk Harrison (Counsel)** 53:15 No, sir it should not have been kept.

**Mr. Dirk Harrison (Counsel)** 53:22 Did you agree with me a while ago that there was actually destruction.

**Dr. E. Harris** 53:28 Yes, I did sir.

**Mr. Dirk Harrison (Counsel)** 53:30 And if you destroy something that means that something that was a part of something is no longer there agreed.

**Dr. E. Harris** 53:38 Yes sir.

**Mr. Dirk Harrison (Counsel)** 53:40 So why would you not keep what was there for 24 years that was part of history of a church for over 100 years.

**Mr. Dirk Harrison (Counsel)** 53:54 We would have to repeat the question or we would have to repeat the question.

**Dr. E. Harris** 54:02 Oh, yes sir.

**Mr. Dirk Harrison (Counsel)** 54:03 Let me start another and my mind is not as good as yours but forgive me. At the time that you gave instructions to operate of the heavy machinery. The said machinery that destroyed your words agreement of mine destroyed parts of the graveside you were not aware at that time. Of the political underpinnings that existed in Bermuda, visa vie. The visa vie that cemetery. Is that what you just said?

**Dr. E. Harris 54:51** Yes, sir.

**Mr. Dirk Harrison (Counsel)** 54:54 You had not been aware that residents sorry the congregation especially the historical society with whom you had met. They were concerned that that graveside had graves of persons who were their forefathers dating back 100 years. You are not aware of that.

**Dr. E. Harris** 55:18 Of course I was aware.

**Mr. Dirk Harrison (Counsel)** 55:19 So what political my word on opinions were you not aware at the time that you gave instructions to the operator of heavy machinery to remove the graves modern material. What were you not aware what political underpinnings were you not aware of?

**END OF TRANSCRIPTION AT 55:19**