**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**CHAIRMAN**

**JUSTICE NORMA WADE-MILLER**

**COMMISSIONERS**

**MR. WAYNE PERINCHIEF**

**MS. MAXINE BINNS**

**MR. QUINTON STOVELL**

**MS. LYNDA MILLIGAN-WHYTE**

**MS. FREDERICA FORTH**

**MR. JONATHAN STARLING**

**COUNSEL**

**MR. DIRK HARRISON**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: UNKNOWN**

**FRIDAY, DECEMBER 1, 2020**

**AFTERNOON SESSION (c) AT 1:30 PM**

(Continued from 12/01/2020 (b)

**DR. HARRIS** 0:00:range area, obviously it would change the nature of what um the hotel would wish to do or not do or would say either move the cemetery of move the driving range,

**MR. JONATHAN STARLING** 0:12: if I can, if I can just follow up on that, in the GPR study they decided that Artificial Hill was created out of rubble, covering largely the east of the cemetery, again, everything from the east of the cemetery wall. And that was created sometime after the 1920s. They think about the 1960s. And based on the GPR study, they weren't able to continue along the east side. But that is they found indicated that the cemetery extends further to the east of the cemetery wall, but the rubble prevents that. Would it be, this might be a leading question on my part, would it be a hope of yours that the commission would recommend that we excavate that rubble?

**DR. HARRIS** 1:00: Absolutely, I mean, that's a very straightforward thing. And it was put there for whatever reasons to create a hill, or whatever. But it can be removed, and the ground underneath of it studded.

**JONATHAN STARLING** 1:16: Okay, I want to continue with the ground penetrating radar bit. There is on Page 26, of the ground penetrating radar, which is their summary recommendations section. 0.5, and I'm not going to read the whole bit, but that the relevant bit states that if the original grave features have been kept within the sarcophagi, they should be preserved, thus taking the cemetery back in part to how it would have appeared prior to the 1920s abandoned. And I'm struggling to understand the research process involved prior to your recommendations about removing the sarcophagi. And the reason I say that is there is a 1996 Bermuda Sun article. And I'm a bit amused that I don't have it in front of me because it was one of my evidences, and I handed it to a witness for their review; And then a commission looking at an appropriation of property I never got it returned. So, but the Bermuda Sun article of 1996, stated that the Marsden Church under the previous pastor, Pastor Tink, had overseeing the construction of the sarcophagi incorporating the original grades for the sake of protecting and creating a monument. That did not seem to factor into your decision-making, about or your analysis of the sarcophagi and I was just wondering, did you see that 96 article prior to it

**DR. HARRIS** 2:46:I'm not aware of.

**MR. JONATHAN STARLING** 2:48: And the church itself did not bring that to your attention seniors, they were the movers and shakers in creating this Sarcophagi

**DR. HARRIS** 2:54 I'm not aware of that.

**MR. JONATHAN STARLING** 2:56: Okay. I want to ask a final question. Sorry. In the great era of Appendix B, pages 44 and 45. Appendix B is a transcript of audio from a visit to the graveyard in 1989. I think it is, and what I find interesting there is, and I believe your background is more military archaeology, at least in Bermuda with the fortifications we have. There is a statement there by one of the groundskeepers citing that during the war, there were military troops garrisoned at the hotel, and the area was a camping ground, and he alleges that during that time, some of those soldiers I don't know if they were British, Canadian or American, but he alleges that the soldiers exhumed the graves for reasons unknown. Could you speak to whether there were soldiers that encamped in that area during World War II.

**DR. HARRIS** 4:06**:** Castle harbor hotel was taken over for by the US Army for the building Kindley Field. So it's possible that the military had tents or whatever, in that area. It's quite, it's quite possible; for which I can't consult my mother who came here to work at Castle Harbor with the US Army and but I was not aware of that interview, and I don't know when Miss Mallory was able to get it transcribed, but in her obituary, it said that it was a result of the interest of living memories that graves were to be maintained by the company for the first time in decades. She that's to say, Mallory did not say publicly, but she thought that the graves that is to say in the Tucker's Town cemetery could have been moved by some sort of solemn religious process rather than continue to be disturbed by golfers, I simply mentioned that come back to the point that in situations like this, often it is the grave and the contents of the burials that is moved in when it's in conflict with modern building requirements or whatever they might be.

**MR. JONATHAN STARLING** 5:23: And I know I'm verging.

**JUSTICE NORMA WADE-MILLER** 5:26:I'm sorry go ahead

**MR. JONATHAN STARLING** 5:29: I just have one quick follow up.

**JUSTICE NORMA WADE-MILLER** 5:31**:** Please.

**MR. JONATHAN STARLING** 5:35: Verging into cultural anthropology rather than archaeology, but from your speculation, why would soldiers interfere with the burial grounds?

**DR. HARRIS** 5:44**:** I have no idea. And I, you know, again, with some of these things, these are maybe a hypothetical stories in order to interfere with the actual bones they'd have had it dug down, and most Bermuda graves are five (5) or six (6) foot below the surface and so on. So I can't imagine they actually dug things up but I can't answer that, and I've seen no reference to it.

**MR. JONATHAN STARLING** 6:09:Thank you, Madam Chair

**JUSTICE NORMA WADE-MILLER** 6:12:Ms. Binns

**MS. MAXINE BINNS** 6:15: Good morning Dr. Hill

**DR. HARRIS** 6:16**:** Good morning Madam

**MS. MAXINE BINNS** 6:18: Referring to Marsden Methodist Church 70 GPR Survey, as my colleague or Commissioner referred to on page 10, it said that the readings that were taken along the lines, as indicated in that report, um the depth of the fill, although it was recognized that there was a strong possibility that the readings would be unreliable because of the heterogeneous, nature of the rubble deposit. Why do you think that, rubble was actually placed over or around the outside of the wall, which may have been part of the gravesite? How now is that possible that you'll be able to identify whether the bodies actually exist beyond the wall area toward the east if, if that is the case, using the ground penetrating survey.

**DR. HARRIS** 7:38: Well having done the ground penetrating survey, which indicates the nature of the rubble being homogenous, you would do an excavation. So you would cut through part of the mound of rubble. And to see how deep it was, and where the, what we normally call the original ground surface would appear, which would be quite obvious. And then if it was a large amount of rubble, you would probably remove it by machine. Although in some instances, you would sift that having removed it by machine, but it was placed there in the 20s and 30s is unlikely to be any artifacts of interest in the rubble. So the ground penetrating grouting gives you a nature of the composition or the solidity of the thing that you're penetrating. But once you've done that, you have to do the the archaeology otherwise you just can't sort it out.

**MS. MAXINE BINNS** 8:38: And is there a real danger now that we know that this ground around the cemetery has been landfill that could be possibly desecrating breeds that may be existing um outside of the wall.

**DR. HARRIS** 8:56: Yes, that's why I'm suggesting that if you if you if you wanted to do a thing, an excavation, which would give you full knowledge of the scope of the graveyard, that's, that's what you'd have to do. And you would remove the rubble, excavate underneath of it. And again, you wouldn't be you don't have to totally do that total excavation and dig up the actual burials. You take it down to where the burials are cut into the rock. And then you will know exactly the extent of the graveyard and how many graves are within it.

**MS. MAXINE BINNS** 9:32:I think this is partially done within the six (6) feet boundary

**DR. HARRIS** 9:38: Well, they did the ground penetrating radar, but they didn't do any excavation.

**MS. MAXINE BINNS**  9:44: Okay

**DR. HARRIS** 9:44**:** But it's the excavation that's um

**MS. MAXINE BINNS**  9:47**:** For any type of work like that you would need to have permission. Do we know who permission was granted to who's in charge of the project, who would have been granted that permission?

**DR. HARRIS** 10:01: In terms of ground penetrating radar,

**MS. MAXINE BINNS** 10:03: I'm just in the area of working around a burial ground under the Public Health Act, there are some criterias that you would have had to follow in terms of getting permission for any sort of excavation.

**DR. HARRIS 10:21**

Yeah that's very possible. A lot of work takes place in graveyards all the time, as you probably know, we reuse them time and time again. And they're probably our health requirements.

**MS. MAXINE BINNS** 10:33: Okay, this was done in what year, the excavation, on the

**DR. HARRIS** 10:37**:** On 2012

**MS. MAXINE BINNS** 10:40: Okay this Act was 1949 so these provisions actually apply

**DR. HARRIS** 10:44: Yes Mam

**MS. MAXINE BINNS** 10:49: Do you know how deep, because you're part of the process, how deep the penetration of that area that you just talked about?

**DR. HARRIS** 10:59**:** Down penetrating radar

**MS. MAXINE BINNS** 11:01: How deep

**DR. HARRIS** 1:02: Down penetrating radar, depending again, on the soil is, is very good up to about six (6) foot, and then it decreases from that, depending on the nature of the soil. In that area, there's a lot of hard rock, which means that the signal will bounce off of the Hard Rock. And then when it comes to a grave or hole, it drops down into it. And that's what you see on the computer screen.

**MS. MAXINE BINNS** 11:30: Why I ask is that during that time they didn't use coffins they wrapped the bodies and then placed them in the in the ground is that correct? So that's why I'm asking how far down you have to go in order not to disturb the bodies that were

**DR. HARRIS**  11:47: No, no, the ground penetrating radar is done exactly from the surface. You don't do any digging beforehand, you go straight through the grass as it were,

**MS. MAXINE BINNS** 11:56: Okay. I just needed to understand the process as well so that we understand, what actually took place in terms of further of the remains were disturbed.

**DR. HARRIS** 12:08: No remains was seen or ever disturbed.

**MS. MAXINE BINNS** 12:11: Okay, alright thank you Dr. Harris

**MR. QUINTON STOVELL** 12:13: Good morning Dr. Harris

**DR. HARRIS** 12:17Good morning, Sir

**MR. QUINTON STOVELL** 12:20: Thank you for assisting us today. I just have a few questions. You had touched on earlier code of ethics, in archaeology and you're struggle to try and establish some global aspect to that. I'm a professional land surveyor, so our professions are jumped at times, so I would think as Council would say, this is a little there's a medium run-up not a long run up. If I came on an archaeological site, I would have to follow certain guidelines and instructions and govern myself in a certain fashion. By that same token, I would and you can, I stand to be corrected or you can perhaps clarify. I would think that there are some best practices and or principles, which are adhered to in your profession. Is that a fair assessment?

**DR. HARRIS**  13:29: In certain areas there is yes**.**

**MR. QUINTON STOVELL** 13:31: Okay. When it came to the activity that was undertaken at the Tucker's Town burial site, were those best practices and principles adhered to?

**DR. HARRIS** 13:46**:** Yes Sir, in terms of doing and ground penetrating radar, we could have done a better job on the Sarcophagi

**MR. QUINTON STOVELL** 13:55**:** Okay fair enough. In your opinion, in your professional opinion of your thirty-seven (37) years as the Director of the National Museum of Bermuda. What is the historic significance of Tucker's Town burial ground?

**DR. HARRIS** 14:24: Well, it's one of the two known graveyards, which were dedicated to a few people of recent African origin. If you tie it into a more global picture, then it stands as a part of such graveyards say in the eastern United States, so it does have significance. We have a lot of other things in Bermuda that have significance, many of which have been destroyed since the Second World War and our record, generally speaking of preservation of historical material up to and including I might add houses on St. David’s is not a good one.

**MR. QUINTON STOVELL 1**5:18:Okay and sort of connected or related to that significance, how impactful would you consider the expropriation of Tucker's Town and St. David's within the anthropological and cultural perspective of Bermuda?

**DR. HARRIS** 15:42**:** Okay speak to St. David's First, the use of appropriation of the land in St David’s to build the airfield, which gave us a major advance over other small islands and countries after the Second World War cannot be gain said. Without that airport, we would never have developed a successful tourism which gave employment to many people in Bermuda or after the Second World War. The other aspect of it from a social biological point of view, and I was only discussing the other night that I think I'm going to do an article on this. And I spoke of this the other night and I'm going to I'm going to show what Bermuda would have been like had the Americans gone ahead with their original plans to bulldoze half of Warwick Parish into the water towards Darrell's Island to make the airfield there. It would have divided Bermuda in the two countries, you would have had to wait at stoplights like they do in Gibraltar to get across the airfield. And fortunately, some of the leaders in Bermuda at the time, appreciated the disaster this would have on the social sociology of Bermuda if you will and they went to London to advocate the move to save the people of St. David’s lost out. But the fact of the matter is that the benefit, in that particular case has been enormous. In the case of Tucker's Town obviously, you're dealing with a private company, doing something as opposed tothe central authorities. So it has a different cast and so on. But throughout Bermuda as I said earlier, in the case, from Watford Bridge to the north, **it** was eventually removed from that property, and it eventually passed into the hands of the Bermuda Government. So historically, there's been a lot of displacement major displacements in Devonshire and in Pembroke, people's houses taken away from them for no reason, etc., etc. So again, I would suggest that maybe a further commission to look into other areas so that we all understand how things happen and how they develop, sorry to go on.

**MR. QUINTON STOVELL** 18:03: It just says to put a finer point on it and not to speak in generalities, love were the common, what were the commonalities with regard to both those populations in St. David’s and Tucker's Town. From a cultural from a sociological makeup, what were the common in your, in your opinion on the lifestyle, you know, business, cultural family, you know, what were the common threads

**DR. HARRIS** 18:50: Well both of them were sort of a unique communities, and certainly people in St. David's, thought that of themselves, until the seven bridge was put there that they have nothing to do with the rest of Bermuda. So there are two unique communities that have grown up in those areas. I'm looking forward to your report, because I would like to see some decent figures on population size houses, conveyances in both areas. And so what was actually there at the time of transfer. So looking anthropologically as Mr. Starling said these very interesting areas of Bermuda, there are of course, other interesting areas, as well that haven't been studied. So hopefully this might be the start of detailed looks for which you could use PhD students throughout Bermuda, to look at the development of the land through time over the last 400 plus years.

**MR. QUINTON STOVELL**  19:53: Madam Chairman, that completes my questions. Thank you very much.

**JUSTICE NORMA WADE-MILLER** 19:56: Thank you. Anything arising from commissioners Question, counsel.

**COUNSEL DIRK HARRISON** 20:04**:** Nothing thank you Madam Chair

**JUSTICE NORMA WADE-MILLER** 20:04**:** Very well. I think at this point, we will adjourn. Thank you, Dr. Harris. We'll adjourn we're through with you. I don't think we will need to recall you. We have another matter Brown matter that should have been following closely on this parish. Now this Parish matter has taken a little longer than we anticipated. What I propose to do I'll give commissioners a short health break, perhaps 10 minutes or so. And then thereafter, we'll hear from Mrs. Brown family. And we'll hear from you for an hour. And then after that, I'll just asked him to crystallize his thoughts because that's what I was going to be giving him after Dr. Harris concluded his evidence, and thereafter commissioners I know lunch has been served already, but I just asked him to hold their stomach. And so they'll eat later, and then we'll adjourn the matter for a date to be advised, and then we'll pick up from there. So, commissioners, we'll take a short health break, and then we'll resume and say 10/15 minutes. So that I can hear from the Browns.

**END OF TRANSCRIPTION DECEMBER 1 AFTERNOON (c) AT 21:30**