**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**COMMISSIONERS**

**CHAIR: JUSTICE NORMA WADE-MILLER**

**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**

**WEDNESDAY, NOVEMBER 30, 2020**

**AFTERNOON SESSION (a) AT 1:41 PM**

(Continued from 11/30/2020

Morning Session (b)

**JUSTICE NORMA WADE-MILLER** 0:07: Pick up where we left off Counsel.

**COUNSEL DIRK HARRISON** 0:23: Ultimate abundance of caution Madam Chair. I wish just to alert Madam Chair, and forgive me for having my phone at hand as I speak, I am just referring to an article today in the Royal Gazette. I make reference to the article entitled "Family Claim". There were fleets of land dated Nov 30, 2020 but I just make reference to it; in the context of this morning at the start. I had indicated that as I follow up to the requests made, by me and you Madam Chair last Wednesday, regarding adverse formal notices being sent to a number of persons who we went through the list again this morning. I just implore the importance of us ensuring that these notices go out, especially in light of the article that appears in the Royal Gazette of today's date; because in light of what had been said on that occasion, is being said today, and is likely to be said, as we continue. It is also important that we ensure that the formal notice, is provided. Notwithstanding that one may argue, not me, but one may argue that this newspaper article is sufficient notice. Just also as an abundance of caution, I just bring it to the attention, and ensure that our posteriors are covered.

**JUSTICE NORMA WADE-MILLER** 2:33Thank you. Thank you, Counsel. I know that I spoke with Mr. Swan this morning regarding the notice and they were prepared; but have not given me to sign yet. Could you speak to it now Mr. Swan? Where are we?

**MR. BRUCE SWAN** 2:54:Yes Madam Chair, we've completed the documentation and we sent it off for printing, so it should be printed very shortly. On review of the notice last time we had sent it over.

**JUSTICE NORMA WADE-MILLER** 3:07: Would I be able to sign them before we leave the premises this afternoon?

**MR. BRUCE SWAN** 3:12: What I noticed was on the last occasion.

**JUSTICE NORMA WADE-MILLER** 3:19: So exactly yes or no. Are they being printed on the premises here?

**MR. BRUCE SWAN** 3:36**:** Yes they are.

**JUSTICE NORMA WADE-MILLER** 3:37: And if they're printed, all we have to do is just look at them very quickly, and I can sign off. Counsel do you need to inspect them before their signed? If there are any changes, we can change it and I will initial it. Would that work?

**COUNSEL DIRK HARRISON** 3:54: That works, Madam Chair.

**JUSTICE NORMA WADE-MILLER** 3:56: Thank you. You may proceed.

**COUNSEL DIRK HARRISON** 4:07: Thank you Madam Chair. Now Mr. Brown.

**JUSTICE NORMA WADE-MILLER** 4:16: Let me just give the usual caution Counsel - Messrs. Brown, you both are still on your oath and sworn to tell the truth.

**COUNSEL DIRK HARRISON** 4:35: I just prefer to deal with this before I continue where I left off. I recall that we had asked the Brown's to add their assumption to present the original

**JUSTICE NORMA WADE-MILLER** 4:49 Original document of the Will and copy, so that I can certify that it's a true copy of the original, and then we can move on.

**COUNSEL DIRK HARRISON** 5:02: Exactly, I just asked them to go through the process of removing the document from lock and key.

**JUSTICE NORMA WADE-MILLER** 5:11: Ok, so Mrs. Brown.

**COUNSEL DIRK HARRISON** 5:19: I think the only thing left for SWAT to bring and arrive with it in an armored car.

**JUSTICE NORMA WADE-MILLER** 5:31: I wonder if that's mommy's box because it looks,

**MR. CHARLES BROWN** 5:36: It is mommy's box and you may be interested to know that Bro. George is opening up a bag. This bag was custom made for a mother so that she could carry these deeds when she went to my sister's wedding.

There was concern back in the 80's about the security of the deeds; so she had this package specifically made up just to protect the deeds.

**JUSTICE NORMA WADE-MILLER** 6:05: It is a good thing. See we vintage people, we know how to do things.

**MR. CHARLES BROWN** 6:26: Okay, I'm going to have put them here on this table or there.

**JUSTICE NORMA WADE-MILLER** 6:34: So you're going to take a photocopy of it Mr. Swan, and that's perfectly good because that will never be destroyed. But what about a copy for my signature? I will be able to get it to sign this afternoon by comparing both.

**COUNSEL DIRK HARRISON** 7:05: What we have Madam Chair is a document which is CNLB10.

I think it is important Madam Chair probably at this time, the documents may be required and photocopied, may or may not be the best option in terms of handling them. I just indicated that

**JUSTICE NORMA WADE-MILLER** 8:29: You have to do better, one by one and open up so that we can see the writing on the face of the document. It is no good to us if we do not know what the document says.

**COUNSEL DIRK HARRISON** 8:49: I agree Madam Chair, I just asked what could be done before each individual document is opened and is captured, a copy is made that all of them could be taken so at least we know how many are there first.

**JUSTICE NORMA WADE-MILLER** 9:02: Okay certainly, and I think Counsel my suggestion that Mr. Brown will pick up each one and identify them one by one and then it's copied after you do the collage.

**COUNSEL DIRK HARRISON** 9:18: Thank you, thank you. I'm just going to but I'm sure you haven't given Exhibit CNLB10

**JUSTICE NORMA WADE-MILLER** 10:18: Is it 10 or 11 is marked on this?

**COUNSEL DIRK HARRISON** 10:32: Our record indicates 10. I believe the witness, we had a difference of numbers the witness and I.

**JUSTICE NORMA WADE-MILLER** 10:51: Mr. Swan can you come around and collect this from me because I need to ask Counsel to look at it. Are you disregarding all of this Yes?

**COUNSEL DIRK HARRISON** 11:14: Can I ask what appears on the face of that document?

No disregard the pink bits of paper, our record indicates Exhibit 10.

**JUSTICE NORMA WADE-MILLER** 12:17: If we take what's written on the outside leaf of the document Mr. Brown, I'm looking at it and there's some paper markings

**COUNSEL DIRK HARRISON** 12:37: I don't know if we got from the witness this first one did we get on the record date, what it represents?

**JUSTICE NORMA WADE-MILLER** 12:42: Not at all

**COUNSEL DIRK HARRISON** 12:49: Mr. Brown I just have to ask you to use a microphone, I'm going to ask you because Madam Chair has to hear what you're saying. You could just sit there and use that microphone.

**JUSTICE NORMA WADE-MILLER** 13:12: May I call it document number one.

**COUNSEL DIRK HARRISON** 13:14: You may Madam Chair

**JUSTICE NORMA WADE-MILLER** 13:18: Are we going to use 1234.

**COUNSEL DIRK HARRISON** 13:24: May I ask us to use either Roman numerals or letters because we are at Exhibit #10.

**JUSTICE NORMA WADE-MILLER** 13:34: Counsel who told you I know how to write Roman numerals? Okay I will write it.

**MR. CHARLES BROWN** 13:56: So this is ….

**JUSTICE NORMA WADE-MILLER** 14:05: Counsel in order so we can marry the documents, could we write in pencil at the back of it. And the number one in the Roman numerals as well, as we keep a record that way. So then we interface them we know exactly what they're compared.

**COUNSEL DIRK HARRISON** 14:23: We can but I propose and I will like to give it something because you went further out.

Okay, so what do you have there? That first document?

**MR. CHARLES BROWN** 14:44: Yes.

**JUSTICE NORMA WADE-MILLER** 14:47: This is Roman numeral one. For us, and even

**COUNSEL DIRK HARRISON** 14:53: Mr. Brown could you tell us first what is written on that document on the face of it before we designate a letter to it? Are you able to?

**MR. CHARLES BROWN** 15:04: I am, I'm struggling, but I see George William Young, and I see 1880. So this would be the document that transferred the property from someone to George William Young in 1880, which isn't part of our ownership per se, but just proceeds. So this would be Roman numeral i, to George William Young, Sylvia, somebody Hill.

**JUSTICE NORMA WADE-MILLER** 15:07 I am in favor of it

**COUNSEL DIRK HARRISON** 15:36: I want to ask in light of the evidence given by the witness, specializing the fact that this is not an exhibit and a document that upon its reliance has not been placed, that that item could be marked for identification

**JUSTICE NORMA WADE-MILLER** 16:30: So would it be CNLB10i. for identification?

**COUNSEL DIRK HARRISON** 16:39 Yes Madam Chair

**JUSTICE NORMA WADE-MILLER**17:09 And how it's characterized Counsel, I have documented that George William Young, transferred the property to George William Young transferred property to who

**COUNSEL DIRK HARRISON** 17:24: Your assistance Mr. Brown

**MR. CHARLES BROWN** 17:26: It was received by George William Young in 1880, who then moved it to Samuel David, Robinson. Samuel D Robinson and that was in 1880.

**JUSTICE NORMA WADE-MILLER** 17:59: And that's 1880. Oh, the first assignment

**COUNSEL DIRK HARRISON** 18:04: 1880 Madam Chair. When did you last see this? Could I just ask that we be allowed to copy the documents. Mr. Brown could you just open the documents. Could you just go on to the next one please?

**MR. CHARLES BROWN**  18:26: Yes it has been copied

**COUNSEL DIRK HARRISON** 18:29: Could you go to the next one?

**JUSTICE NORMA WADE-MILLER** 18:35: Counsel at what stage are we planning to connect the Commissioners.

**COUNSEL DIRK HARRISON** 18:43: Well at this stage, when we get to the next one because that one was marked for identification it is not an exhibit, Madam

**MR. CHARLES BROWN** 18:54: Okay so the next one is dated the 13th of November, 1880 and it's between George W. Young to Samuel D. Robinson, 13th of November.

**JUSTICE NORMA WADE-MILLER** 19:42: to Selma

**MR. CHARLES BROWN** 19:44: Samuel. And this is in your handout for today as well.

**COUNSEL DIRK HARRISON** 19:51: Can I just ask that it is shown to the Commissioners. I ask that it be tendered and admitted as Exhibit CNLB10ii, Madam Chair

**JUSTICE NORMA WADE-MILLER** 20:01: Entered as CNLB10ii

**COUNSEL DIRK HARRISON** 20:06: The photocopy that exists in the end of the document I ask that also be given to you Madam Chair, so the photocopy can be certified as a true copy of the document and then returned to you.

**JUSTICE NORMA WADE-MILLER** 21:25: Oh, it was inside of something, the cover of the mortgage document. Yes

See what happened Mr. Brown it is between the leaves of a mortgage document. So I’ll have to certify each page as a true copy of the original, but there it is, but it is an Indenture behind the mortgage document, but the way it was presented to the Commissioners, and I speak collectively for everyone, it was presented as a mortgage document. You can show it to the Counsel if you wish, when you finish you can come back to me.

**MR. CHARLES BROWN** 23:20: That's understood, Madam Chair

**JUSTICE NORMA WADE-MILLER** 24:42: What we have done Counsel, I made a note on it that this is hereby a true copy of the original and I signed Norma Wade-Miller on November 30 2020, and I've had it witnessed by a Commissioner to my left.

**COUNSEL DIRK HARRISON** 24:57: Thank you very much.

**JUSTICE NORMA WADE-MILLER** 25:00: We can go to the next

**MR. CHARLES BROWN** 25:10: Okay, the next link in the chain of ownership is made on the 18th day of June 1885, between Samuel David Robinson and John Augustus Virgil.

**JUSTICE NORMA WADE-MILLER** 25:42: And Mr. Brown you said that this was18th day of June, 1885, between Samuel David Robinson and John Augustus Virgil.

**COUNSEL DIRK HARRISON** 25:54: You need to take pictures of all of it all of the pages. Just open them up and you will find it.

**JUSTICE NORMA WADE-MILLER** 26:41**:** You’re taking pictures of all of the pages?

**COUNSEL DIRK HARRISON** 26:44 Yes all of the pages. Could you open it again Mr. Brown

**JUSTICE NORMA WADE-MILLER** 26**:**52: Mr. Swan because I have to see the copies of that document as well and certified, I have to do them. It seems tedious, but it has to be done. Because that's how one you get challenges you can show in the face of the challenge what you have done.

**COUNSEL DIRK HARRISON** 27:00: Madam Chair, Mrs. Swan is going to assist us.

**JUSTICE NORMA WADE-MILLER** 27:03 Ok. This is the Conveyance of a parcel of land, Mr. Brown,

**MR. CHARLES BROWN** 28:03: I believe so yeah

**JUSTICE NORMA WADE-MILLER** 28:05: That's what it says on the face of it. It says Page one, two and three. So I make a note of that.

**COUNSEL DIRK HARRISON** 28:35: Thank you Madam Chair. And just for completeness, I ask that that document be tendered and admitted as Exhibit CNLB10iii.

**JUSTICE NORMA WADE-MILLER**  29:04: Exhibit CNLB10iii

**COUNSEL DIRK HARRISON** 29:16: I ask that you certify the copy as a true representation of the original

**MR. CHARLES BROWN** 30:50: The next link in the chain is dated 1887 and this is in part of mortgage to August Virgil and his wife to Henry Robert Hursk 1887 and here is the copy.

**JUSTICE NORMA WADE-MILLER** 31:15: Would you be kind enough to give the wife's name

**MR. CHARLES BROWN** 31:21: They might have had it.

**JUSTICE NORMA WADE-MILLER** 31:22 Is it not there? It just says Augustus Virgil and his wife.

**MR. CHARLES BROWN** 31:29: It is here. His wife is Elizabeth Virgil. Sorry.

**JUSTICE NORMA WADE-MILLER**  31:34: It's gone.

**MR. CHARLES BROWN** 31:35: It's here but it was not on the cover

**JUSTICE NORMA WADE-MILLER** 31:37: Please just repeat her name for the exhibit

**MR. CHARLES BROWN** 31:39: It's Elizabeth.

**JUSTICE NORMA WADE-MILLER** 31:41: Elizabeth Virgil

**MR. CHARLES BROWN** 31:42: Yes.

**COUNSEL DIRK HARRISON** 31:44: Madam Chair, if I may. I think the witness is paraphrasing and I don't in the document. You can’t see why, but he knows the name, and he may be making a connection between the name and the relationship of the person. It is better for him to read exactly what he can see.

**JUSTICE NORMA WADE-MILLER** 32:03: What you see says and his wife,

**MR. CHARLES BROWN** 32:05: Correct.

**JUSTICE NORMA WADE-MILLER** 32:06 Counsel. I guess probably in this new era, we would have to put the actual name of the individual.

**COUNSEL DIRK HARRISON** 32:24: We would we would add, I think that the copying in process that is being undertaken, I think would catch all of that for us.

Yes, first proceed. Okay.

**JUSTICE NORMA WADE-MILLER** 32:49: So Mr. Brown can you give me the date of this one please

**MR. CHARLES BROWN** 32:54: This is dated the first of September 1887.

**JUSTICE NORMA WADE-MILLER** 33:09: Mr. Augustus Virgil and his wife Elizabeth Virgil and is there another name?

**MR. CHARLES BROWN** 33:17: Henry Robert Hurst

**JUSTICE NORMA WADE-MILLER** 33:33: Ok

**COUNSEL DIRK HARRISON** 33:34 I would like a copy we have not copied yet Madam Chair.

**JUSTICE NORMA WADE-MILLER** 33:47: You don't have a copy

**COUNSEL DIRK HARRISON** 33:49: That process has not yet been undertaken.

**JUSTICE NORMA WADE-MILLER** 33:53 So, what can we do we can go through the label give them the exhibit number and later on I interface a copy with the original. Does that work?

**COUNSEL DIRK HARRISON** 34:06: It does. I was just trying to find a method that will utilize to ensure that we are all able to individually go through the process.

**MR. CHARLES BROWN** 34:20: Thank you, Sir.

**JUSTICE NORMA WADE-MILLER** 36:13: So we are still copying Document first of September 1887 document.

**COUNSEL DIRK HARRISON** 36:18: Mr. Brown the Chairman is speaking

**MR. CHARLES BROWN** 36:21: I'm sorry. Yes

**JUSTICE NORMA WADE-MILLER** 36:22: You are still copying papers from the 1st of September 1887 document, because it has not been entered as an Exhibit yet.

**COUNSEL DIRK HARRISON** 36:35: Not yet Madam Chair. But I would tender it and Exhibit as CNLB10iv

**JUSTICE NORMA WADE-MILLER** 36:50: That is the 1887 document?

**COUNSEL DIRK HARRISON** 36:57: Yes Madam Chair

**MR. CHARLES BROWN** 38:39: Yes

**COUNSEL DIRK HARRISON** 40:48: You go on to the next document, Mr. Brown.

**MR. CHARLES BROWN** 40:52: The next link is dated the 25th of July 1896. And it's between Augustus Virgil and his wife to David

**JUSTICE NORMA WADE-MILLER** 41:07: Just one moment Mr. Brown, did you say 1896

**MR. CHARLES BROWN** 41:10: Yes I did, 25th July 1896

**JUSTICE NORMA WADE-MILLER** 41:10: And it is Augustus Virgil and his wife

**MR. CHARLES BROWN** 41:10: Yes, and his wife to David Trimmingham. It speaks to a mortgage of a cottage and parcel of land.

**JUSTICE NORMA WADE-MILLER** 42:10: Counsel In order to expedite matters, perhaps you could ask Mrs. Dyer-Tucker to bring it across to me while someone takes photocopy of the other documents

**COUNSEL DIRK HARRISON** 42:21: Very well.

The document and copy which is being handed to you Madam Chair, I would ask that it be tendered and admitted as Exhibit CNLB10v. And a copy be certified as a true copy of the original.

Before you proceed with anything is the one which will next be given to Madam Chair

Madam Chair, I will just have Mr. Brown announce the document that reference being made to that I wish to make an application for it to be tendered and I will make it an Exhibit for the record to be reflected.

**MR. CHARLES BROWN** 46:00: It is the 29th of August, 1924. August Virgil and wife to Carrie Lloyd Griset

**JUSTICE NORMA WADE-MILLER** 46:39: Did you say Carrie and the name after Carrie

**MR. CHARLES BROWN** 46:52: is Lloyd

**JUSTICE NORMA WADE-MILLER** 46:48: How do you spell the Griset

**MR. CHARLES BROWN** 46:52: G r i s e t

**JUSTICE NORMA WADE-MILLER** 46:56: Correct so Carrie Griset,

**MR. CHARLES BROWN** 46:59: Is Carrie Lloyd Griset - Lloyd is the middle name

**JUSTICE NORMA WADE-MILLER** 47:14: This document is dated the 29th of August 1924. Augustus Virgil and wife to Carrie Lloyd Griset

**MR. CHARLES BROWN** 47:25: Correct

**JUSTICE NORMA WADE-MILLER** 47:26: Good.

**COUNSEL DIRK HARRISON** 47:26: And I submit and tender it and Exhibit CNLB10vi.

Okay, the next document you have there.

**MR. CHARLES BROWN** 49:37: It's dated to 12th of November 1926.

**JUSTICE NORMA WADE-MILLER** 49:46: And what is the actual day and month

**MR. CHARLES BROWN** 49:49: 12th November, 1926 and it's from Carrie Lloyd Griset to Roderick Alexander Fergusson

**JUSTICE NORMA WADE-MILLER** 50:57: Yes, I have that, no Fergusson.

**MR. CHARLES BROWN** 51:03: It's the surname of the second person

**JUSTICE NORMA WADE-MILLER** 51:04: The second person, is Roderick Alexander Fergusson right?

**MR. CHARLES BROWN** 51:09: Right

**COUNSEL DIRK HARRISON** 51:24: And I will ask that the document be tendered and admit as Exhibit CNLB10vii.

**JUSTICE NORMA WADE-MILLER** 52:54: Alexander Fergusson Exhibit CNLB10vii

**COUNSEL DIRK HARRISON** 54:48: Thank you, Mr. Brown. What do you have there?

**MR. CHARLES BROWN** 54:53: This is the Reconveyance of 1945 from Roderick Alexander Fergusson to John Alexander Virgil

**JUSTICE NORMA WADE-MILLER** 55:03: Mr. Brown can you repeat the date

**MR. CHARLES BROWN** 55:07: 19th of March 1945, between Roderick Alexander Fergusson to John Alexander Virgil

**COUNSEL DIRK HARRISON** 55:55: The document with pages. The numbering we'll get shortly. I would like it to be tendered and admitted as Exhibit CNLB10viii

**JUSTICE NORMA WADE-MILLER** 56:26: Mr. Brown just to verify this document is 19th of March 1945, between Roderick Alexander Fergusson to John Alexander Virgil

**END OF TRANSCRIPTION NOVEMBER 30, 2020 AFTERNOON (a) AT 56:29**