**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSSES**

**IN BERMUDA**

**CHAIRMAN**

**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**

**MONDAY, JANUARY 18, 2021**

**MORNING SESSION (a)**

**MR. WAYNE PERINCHIEF** 0:00: Good morning Justice Wade-Miller is not here today. As you know, she is the Chair of this Commission. However, she has requested that I chair the meeting today. And she will be away for a while. And in the interim, I will be the Chair of the Commission of Inquiry. Just for the record, my name is Wayne Perinchief, JP. I am a commissioner regularly now chairing The Commission of Inquiry. With the matter today, one of our commissioners has recused himself for professional reasons and will not be here. However, we do have a quorum, and Commissioner Binns is on zoom.

Counsel when you're ready, we'll commence proceedings for the day.

**COUNSEL DIRK HARRISON** 0:54: Thank you Chair and Commissioners. Good morning again. The matter to be heard at this time is a matter of a claim by Mrs. Gena Robinson and Ms. BRITNEY Robinson. It is a claim which touches and concerns what has been described as Spanish Point Boat Club illegally building a structure on their beach and claiming it as their property. I'd like to ask at this time Chair that the witnesses Mrs. Gena Robinson and Miss BRITNEY Robinson, that they are sworn or if they so choose, they may be affirmed to speak the truth.

**MR. WAYNE PERINCHIEF** 3:30: Yes we may proceed Ms. Swan if you wish to take care of that duty. The clerk will take care of it.

**COUNSEL DIRK HARRISON** 3:45: I just wanted to say that the witnesses are to swear one at a time.

**MS. BRITNEY ROBINSON** 4:04: I swear by the Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

**MR. WAYNE PERINCHIEF** 4:12: You may remove your mask

**MRS. GENA ROBINSON** 4:17: I swear by the Almighty God that the evidence I shall give shall be the truth, the whole truth and nothing but the truth

**COUNSEL DIRK HARRISON** 4:30: I just want to ask you, Mrs. Robinson, Miss Robinson, because the proceedings will be what is said here, will be reduced into writing by way of a transcript. I was going to ask you, whatever either of you speaks, just identify yourself before so that when the transcript was prepared, we know exactly who made what comment.

I am going to ask who will start? Who will start?

**MRS. GENA ROBINSON** 4:58: I will.

**COUNSEL DIRK HARRISON** 4:59: Just going to ask you to have the microphone... So your name is Gena Robinson is that correct and where do you presently reside Mrs. Robinson?

**MRS. GENA ROBINSON** 5:26: 2 Plaice's Point, Spanish Point, Pembroke West.

**COUNSEL DIRK HARRISON** Could you just spell for me?

**MRS. GENA ROBINSON** P L A I C E ‘ S

**COUNSEL DIRK HARRISON** 5:32: And that is Pembroke West. What Parish is that?

**MRS. GENA ROBINSON** 5:37: Pembroke

**COUNSEL DIRK HARRISON** 5:39: Okay thank you, I am from Jamaica, forgive me. Now on the ninth of June 2020, you submitted a claim to The Commission of Inquiry. Is that correct?

**MRS. GENA ROBINSON** 5:56: That's correct.

**COUNSEL DIRK HARRISON** 5:59: And since that time, you also assisted in the preparation of a statement, which was signed by your daughter, BRITNEY Robinson, which is dated the 6th January 2021. Is that correct?

**MRS. GENA ROBINSON** 6:20: That's correct..

**COUNSEL DIRK HARRISON** 6:30: Also, you submitted further an Addendum to the statement dated the 17th of January 2021. Is that correct?

**MRS. GENA ROBINSON** 6:44: That's correct.

**COUNSEL DIRK HARRISON** 6:54: Further, you have prepared and wish to present a PowerPoint presentation which outlines your claim here today?

**MRS. GENA ROBINSON** 7:05: That is correct.

**COUNSEL DIRK HARRISON** 7:18: Crave indulgence. My apologies.

Thank you Mr. Chair. Just one moment. Mrs. Robinson, I'd like to show Ms. BRITNEY Robinson, a statement dated the 6th January, 2021 and ask her if she recognizes her signature on it?

**MS. BRITNEY ROBINSON** 9:30: Yes I do.

**COUNSEL DIRK HARRISON** 9:33: And your signature appears on both pages?

**MS. BRITNEY ROBINSON** 9:36: Yes it does.

**COUNSEL DIRK HARRISON** 9:38: The statement Mr. Chair, a statement of witness, a statement of BRITNEY Robinson dated the 6th January, 2021, I am going to ask that this be tendered and admitted as Exhibit BR1.

**MR. WAYNE PERINCHIEF** 10:07: Sir, so recorded.

**COUNSEL DIRK HARRISON** 10:09: Thank you. Now in respect of the statement given dated the 6th January, 2021, at paragraph two (2) and I just ask you for a moment, Mrs. Robinson, I just take BRITNEY Robinson to this statement first and then I'll revert to you shortly.

Could you just take me through paragraph two (2) Ms. Robinson?

**MS. BRITNEY ROBINSON** 11:33: Recently, my mother Gena Robinson wrote to The Commission of Inquiry into Historic Land Losses relating to a piece of property on the western side of our house in Plaice’s Point Road. The property in question is ocean front, facing the Great Sound and consists of a small beach with a building on it.

**COUNSEL DIRK HARRISON** 11:56: You may continue.

**MS. BRITNEY ROBINSON** 11:58: In July 1946, my great-grandfather **Heman Montgomery Bascome Smith**, acquired the land from **Adelia Ann Robinson**, this was his aunt. I'm aware that he posted notice of his ownership of the property in the Royal Gazette. As far as I know, he was not challenged by anyone over the ownership of this property. However, in 1947, Amelia Chiappa took my great grandfather to court, accusing him of taking possession of our southern portion of land, and for damages consisting of having placed soil on the land. My great-grandfather lost the case and the land. My mother, Gena used to ask her grandfather, "This is supposed to be her father's, Newbold Smith, why we did not own waterfront property, when all of the other the other property owners in the neighbourhood did?" He would become upset and did not want to discuss the subject. My grandfather Newbold Smith passed away in 2011. The next year, in 2012, my mother reached out to Walton Brown, as there were talks of creating a Commission to look into 'Land Grabs', and she had just purchased our property from my grandparents. My mother began to research the background of our property ownership, but did not make any meaningful progress. My mother and I began to do further research after Mrs. Judith Chambers met us and my mother showed her an original Deed of Gift for the property in question. Mrs. Chambers, my mother and I, carried out extensive research, and we were able to obtain a large number of documents in support of our case which is that my great-grandfather was the owner of the land referred to earlier, and that the loss of it was a result of a Judgement in a Supreme Court based in part of a misleading document. My intention is to show that document and others which support our case to the Commission, when we were able to appear before them. I have made a PowerPoint presentation for that purpose, which will illustrate in some detail what took place resulting in the loss of my great grandfather's land.

**COUNSEL DIRK HARRISON** 14:14: And Chair, we actually have the signed copy of that statement. So what appears on, what's projected on the screen is not signed.

**MR. WAYNE PERINCHIEF** 14:25: Yes thank you, noted.

**COUNSEL DIRK HARRISON** Now back to Mrs. Robinson.

**MRS. GENA ROBINSON** 14:40: Firstly, I would like to acknowledge the late Honourable Walton Brown, because without his dedication and commitment to investigate the historic land grabs we would not be here today. Our family would also like to thank the Honourable Mrs. Norma Wade-Miller, JP, OBE., and the Commissioners for taking the time to hear the stories of the Bermudian people.

**COUNSEL DIRK HARRISON** 15:02: Now, Mrs. Robinson, the PowerPoint presentation that I alluded to earlier. You wish to present, make a presentation in that regard?

**MRS. GENA ROBINSON** 15:12: Yes that would be my daughter.

**COUNSEL DIRK HARRISON** 15:17: That would be the both of you. I am going to ask that the presentation which comprises of 46 Slides Mr. Chair, I’d ask that that document be tendered and admitted as ***Exhibit BR2***.

It is a PowerPoint Presentation, the hard copy of which comprises or represents 46 Slides for the actual document back and front, actually twelve (12) pages back and front. So it is 24 pages, but it depicts 46 Slides. So, let me just repeat, a hard copy of this PowerPoint presentation is on 24 pages. The cover page has Spanish Point Historic Land Loss presented on Monday, January 18, 2021 by BRITNEY and Gena Robinson great-granddaughter and granddaughter of Heman Montgomery Bascome Smith. I would ask that my application, a document comprising 24 pages, is tendered and admitted as ***Exhibit BR2.***

**MR. WAYNE PERINCHIEF** 16:50: So done

**MS. BRITNEY ROBINSON** 16:58: And so you would ask what actually prompted this inquiry. As a young child, I was always questioning my father and my mother as to why we did not have beach access rights when all the property along our lane had beach access rights. And my mom used to always tell us that we did but something had gone wrong. And then I did find later a pen letter from my great-grandfather Heman Montgomery Smith, which we will later show in the presentation. I had also discussed with Walton Brown how we can rectify the situation and you know research what had transpired. And we had even met with the Spanish Point Boat Club because at that time, we were also discussing why the public slip that's on the boat club's property was now fenced in.

**MR. WAYNE PERINCHIEF** 19:05: BRITNEY, could you go just a wee bit slow please.

**MS. BRITNEY ROBINSON** 19:09: I have that problem, sorry.

**MR. WAYNE PERINCHIEF** 19:11: Thank you so that we can record it audibly and….

**MS. BRITNEY ROBINSON** 19:18: Okay no problem. Sorry And then it is also the Spanish Point Boat Club structure that's erected in front of the property. It also blocks the beach access and it depreciates the value of the property.

**COUNSEL DIRK HARRISON** 19:30: Chair, if it would be of any guidance, what the witness is reading from the PowerPoint is actually projected on the screen and the witness is reading exactly from the PowerPoint presentation.

**MR. WAYNE PERINCHIEF** 19:40: Yes.

**COUNSEL DIRK HARRISON** 19:50: What do we have there? What's the picture there madam?

**MS. BRITNEY ROBINSON** 19:52: This is just a Google Maps aerial view of the Spanish Point area. It's inserted into this PowerPoint just to give a landmark and contact reference so that you can kind of orient yourself as to the land that we're going to discuss. So you can see the Spanish Point Road; and if you come along it, you'll end up at the Spanish Point Park, also known as Pontoons. If you keep following...

**COUNSEL DIRK HARRISON** 20:24: In the absence of a pointer, could you just, are you referring to the east northwest - south? So could you just indicate?

**MS. BRITNEY ROBINSON** 20:36: Okay if you come along the road westerly you will end up at the Spanish Point Boat Club.

**COUNSEL DIRK HARRISON** 20:42: Okay, that's depicted at that green rectangular box?

**MS. BRITNEY ROBINSON** It is in the middle, Chair,

**COUNSEL DIRK HARRISON** You may proceed.

**MS. BRITNEY ROBINSON** 20:57: And so if you zoom into the area a little bit closer. You can see at the top of this Slide, the **Spanish Point Boat Club marked in green**. And then our house is in a triangle, I'm sorry, in a **rectangle marked in orange**. And the area in question is marked with a **purple arrow.**

**COUNSEL DIRK HARRISON** 21:20: Chair, I just think it's appropriate at this time even though we have not gone very far that it may be appropriate at this time for us to issue an Adverse Notice and the necessary documentation will be sent out today provided you agree with my submission to the Spanish Point Boat Club to give them adverse notice of the claim that is being presented here.

**MR. WAYNE PERINCHIEF** 21:48: Yes sir, as the Chair I don’t expect that Spanish Point Boat Club should in actual fact be issued an Adverse Notice that their reputation may be brought into question. And if you would instruct Junior Counsel to do so.

**COUNSEL DIRK HARRISON** 22:04: That will be done today, by lunchtime, the documents will be prepared for your signature.

**MR. WAYNE PERINCHIEF** 22:11: Thank you, carry on, Counsel.

**MS. BRITNEY ROBINSON** 22:16: Because there is an amount, a huge amount of documents that we have, I created this timeline of events as a reference point of the documents that I'm going to go through in this PowerPoint Presentation.

1. So for the first bullet point we see **Deed of Gift** from Jeremiah Hansen to William Brown,
2. Then we have **William Brown's Will dated July 24, 1915** giving the land to his wife, Anne Brown;
3. Then we have **Anne Brown's Will** **dated February 28, 1924**, giving the land to Adelia Robinson. In 1946 we have Adelia Robinson, which I would like to know that there was a change in the printed document, it would have 1947. This is an error. It is supposed to say 1946.

**COUNSEL DIRK HARRISON** 23:19: Just one moment, Chair just to indicate what is depicted as **Slide 6** and the penultimate item that is referenced as a timeline of events. The witness, BRITNEY Robinson has indicated that the property is dated 1946

**MS. BRITNEY ROBINSON** 23:48: On this document yes, but on the printed version it will say 1947.

**MR. WAYNE PERINCHIEF**  23:54: The correction is noted.

**MS. BRITNEY ROBINSON** 23:56: **4.** In 1947 we have a **Supreme Court Case No.18** involving Amelia Chiappa versus Heman Montgomery Bascome Smith, which was my great grandfather.

We're also going to go through some other litigations and encounters that we believe stemmed from the result of this 1947 Supreme Court case.

1. So pictured and in your packet would be labeled as ***Exhibit A.*** This is pictured the original **Deed of Gift** that we do have in our possession. However, in your packet, you will have the typed version that is registered in the Book of Deeds No. 47 pg. 85. And in this Deed of Gift, we see Mr. Jeremiah Hinson gifting William Brown a cottage and a parcel of land in Spanish Point.

**MR. WAYNE PERINCHIEF** 24:15: Counsel, at this point, even though we have personally and privately discussed the deeds and exhibits…

**COUNSEL DIRK HARRISON** 25:03: Chair I am having difficulty hearing you clearly with the mask on.

**MR. WAYNE PERINCHIEF** 25:09: Yes we have spoken about the exhibits etc. and copies being replaced, not being replaced by originals at this point. However, would you like to make a note about that situation?

**COUNSEL DIRK HARRISON** 25:28: Yes, certainly. What I propose, Chair is that, because the presentation is quite extensive, and it has a number of exhibits, I'm proposing that we could allow the presentation to go to the end. And at the end, I would then ask for and make an application to have the exhibits tendered rather than breaking the flow of the presentation. What I would indicate, however, is that the witnesses have produced copies here. There are originals I am advised that they have secured at home. And I'm going to make an application that the copies be made exhibits at this time. And we ask them to produce originals. At that time, I'd ask you to certify the copies, as true copies of the original.

**MR. WAYNE PERINCHIEF** 26:22: Thank you very much Counsel, we'll proceed continue Ms. Robinson.

**MS. BRITNEY ROBINSON** 26:30: So, in this **1888 Deed of Gift** between Jeremiah Hinson I have observed the description of the land to the right hand side of the Slide. Noted in ***Exhibit D*** is a plan that we will use to go along with the description of the land. I want to draw your attention to the compass at the far left hand side of the plan as I read out the description of the land. So it says:

All that certain parcels of land situate and being at Spanish Point in Pembroke Parish, bounded north by land formerly of Peter Tucker deceased, and now in the occupation or possession of Richard Henry Darden south by land of Richard Sherwood, which is marked on this plan as Mrs. Matilda Fatty Plaice, deceased. It's also bounded easterly by land formerly of the said Peter Tucker and devised by him to Julia Smith. On this plan is marked Mrs. Julia Calder because at the time of this plan, she had married a Calder. It's bounded westerly by the sea, together with the cottage thereon erected, and all other houses, etc. And especially a right-of-way, three (3) feet wide to and from the parcel of land, hereby granted and released over and above the northern part of the land, devised by the said Peter Tucker to the said Julia Smith. It goes on to describe Mrs. Julia Smith's land. It says from and to the public road, and on the east, running from the main Spanish Point Road to the land of Richard Sherwood. It says subject to a perpetual right-of-way, three (3) feet wide, to and from the sea, over and across the most northern part of the said parcel of land from and to the land devised by the said Peter Tucker to the said Julia Smith.

**COUNSEL DIRK HARRISON** 28:37: Just before you go any further Ms. Robinson, the purpose of you exhibiting this Deed of Gift you'll exhibit is to say what?

**MS. BRITNEY ROBINSON** 28:50: Because we believe that the area in question stemmed from this 1888 Deed of Gift.

**COUNSEL DIRK HARRISON** 28:57: And you're using it to speak to ownership or something else.

**MS. BRITNEY ROBINSON** 29:01: We're using it to speak to the area that it's located in and the ownership yes. And to just, we just did a Google overlay onto that plan, just to give a little bit more context as to the area in question. So then the next step in the lineage of this land, we go to

1. **Mr. William Brown's will** that was recorded on **July 24 1915**, and this is ***Exhibit C*** in your packet. And it states this is the Last Will and Testament of me, William Brown of Pembroke, Parish, in the Island of Bermuda - Stonecutter. I hereby revoke all Wills and Testamentary writings therefore made and executed by me. I Devise and Bequeath all my real and personal estate unto my wife Anne Elizabeth Brown Absolutely. And I appoint my wife the said Ann Elizabeth Brown the sole executrix of this My Last Will and Testament.
2. And then we have **Mrs. Anne Brown's Will,** which was **recorded on February 28, 1924** and this is ***Exhibit D*** in your packet.

It states: I Anne Elizabeth Brown of Pembroke Parish, Bermuda Isles. Make and execute this my **Last Will and Testament, on the 7th day of May, 1918.** I hereby revoke all Wills and Testamentary writings heretofore made and executed by me and I appoint John Heman Smith and William Francis Wilson, my executors to their estate and of this my Last Will and Testament. I Devise and Bequeath all my real and personal estate unto Adelia Anne Robinson absolutely. Mrs. Brown died on March 30, 1921 and we have her actual Certificate of Death in our possession.

**COUNSEL DIRK HARRISON** 31:16: **8.** Certificate of Death?

**MS. BRITNEY ROBINSON** 31:17: Yes.

And on this Slide we are depicting the copy of the **plan by Ernest Swan dated July 1925**, which I originally showed in the previous Slides - ***Exhibit B*** - where we see Mr. Jeremiah Hinson owning the portion of land.

1. And then we have another copy of **Mr. Ernest Swan's plan, dated September 1932** – And this is ***Exhibit E*** which is depicting Mrs. Adelia Robinson owning the same piece of land.
2. We also were able to find the **Land Tax Ledger** at the Bermuda Land Registry. In a penned letter from my great-grandfather Heman Montgomery Bascome Smith, he states that Mrs. Robinson was paying land tax for Mrs. Brown from 1915 to 1921. And paid for herself from 1921 to 1946. But due to some of the documents being damaged at the Parish Vestry, the earliest tax ledger that we were able to find was 1945. So that was ***Exhibit F*** has Mrs. Adelia Robinson, paying land tax in 1945 and 1946 in the red boxes on this exhibit.

**COUNSEL DIRK HARRISON** 32:46: Just before we go any further, you had mentioned a number of documents. Do you have the originals for these documents or copies?

**MS. BRITNEY ROBINSON** 32:56: We have copies, but some of these documents will be in the Bermuda Archives or the Bermuda Land Registry.

**COUNSEL DIRK HARRISON** 33:06: And others, some are there and are there any other documents?

**MS. BRITNEY ROBINSON** 33:10: Yes there's some other documents and we do have originals

**COUNSEL DIRK HARRISON** 33:13: Do you have those here with you today? Those are secured somewhere.

**MS. BRITNEY ROBINSON** 33:19: Yes

**COUNSEL DIRK HARRISON** 33:24: Now, just take taking you back to the previous Slide, the land tax ledger that is represented there. You did mention that some of the documents had been damaged. Where did you receive that information?

**MRS. GINA ROBINSON** 33:44: I'm not exactly certain where I did. I know, I believe that was mentioned in the newspaper and then by word of mouth. The documentation had actually been transferred from the Vestry to I believe at that time it was a hotel across from where the XL building is right now. And then those documentations were then sent to Bermuda Archives. But there was a fire and a flood and most of the documentation was lost and in actual fact the Bermuda Archives...

**COUNSEL DIRK HARRISON** 34:11: Slow please

**MRS. GINA ROBINSON** 34:12: The lady at the Bermuda Archives, she did mention that some of the documentation had been destroyed.

**COUNSEL DIRK HARRISON** 34:18: So you were unable to produce this ledger that you represent here? Is this ledger that you refer to early in time or late in time based on your account? So the ledger that is represented in the Slide, based on what you have been advised as some of the documentation not being available, is this ledger representative of something that was earlier in time or late in time based on your lineage that you represent.

**MRS. GINA ROBINSON** 34:49: I believe it would be recently.

**COUNSEL DIRK HARRISON** 35:02: What Slide are you on for the record.

**MS. BRITNEY ROBINSON** 35:04: So this is **Slide 14**. So we were then able to actually find the property transferred from Adelia Robinson to Heman Montgomery Bascome Smith in the Bermuda Archives, and I'm just going to read what the document says.

**COUNSEL DIRK HARRISON** 35:23: And just before you go there, just ensure that we have it on the record Heman Montgomery Bascome Smith, that is your great-grandfather. There is a spelling of his name does 'Montgomery have 2 e's or one.

**MRS. GINA ROBINSON** 35:43: One.

**COUNSEL DIRK HARRISON** 35:52: Thank you. You may proceed.

**MS. BRITNEY ROBINSON**  35:56: So the document reads:

**To the Parish Vestry Clerk** **of Pembroke Parish**. In accordance with the requirements of the Parish Vestry Act 1929, I hereby give you notice that on the 7th day of June 1946, I became entitled in simple feat to all that parcel of land in Spanish Point in Pembroke Parish bounded on the north by land formerly of Peter Tucker, deceased, and now in occupation or possession of Richard Henry Darwin. On the south by land of Richard Sherwood, on the east by land formerly of the said Peter Tucker, and devised by him to Julia Smith, and on the west by the sea, together with a cottage now in ruins. Thereon by purchase from Adelia Anne Robinson, and I request that the same may be transferred to me in the Parish Assessment Book accordingly. This document was dated the 24th day of June 1946. And it was submitted to the Parish Vestry Clerk by his attorneys at the time Appleby & Spurling.

**COUNSEL DIRK HARRISON** 37:08: Excuse me the document you have exhibited there, that's just an extract of it that's projected?

**MS. BRITNEY ROBINSON** 37:14: No that's the actual document.

**COUNSEL DIRK HARRISON** 37:16: That's what you just read?

**MS. BRITNEY ROBINSON** 37:17: Yes But as you can see, the description of the land is exactly the same as that 1888 Gift between Jeremiah Hinson and William Brown that I read previously.

**COUNSEL DIRK HARRISON** 37:30: Okay, and you say that to say, that description is the same meaning it is one of the same?

**MS. BRITNEY ROBINSON** 37:37: Yes. That the same piece of land was being transferred to him.

1. This is ***Exhibit G*** in your packet. And as the request, it was ledgered in **the Parish Vestry Assessment Book** which we found in the Bermuda Archives as well. This was in the 1946 Book for Pembroke Parish. And as you can see, it's for Transaction No.103 and it is between Heman Montgomery Bascome Smith

**COUNSEL DIRK HARRISON** 38:09: Not so fast, not so fast. Transaction 103 that's in the second column to the left.

**MS. BRITNEY ROBINSON** 38:15: Yes, and then we see name in Name charged being Heman Montgomery Bascome Smith

**COUNSEL DIRK HARRISON** 38:21: Yes. - Heman Montgomery Bascome Smith, you have highlighted the red rectangle. Is it here that you'd like us to pay close attention to?

**MS. BRITNEY ROBINSON** 38:34: Yes.

**COUNSEL DIRK HARRISON** 38:36: What is there beneath the column name charged?

**MS. BRITNEY ROBINSON** 38:39: And that's another transaction for another individual.

**COUNSEL DIRK HARRISON** 38:43: Just before we go any further the book that you refer to as a Parish Vestry Assessment Book. Is there any notation, please just take us through at the very top of the page?

**MS. BRITNEY ROBINSON** 38:58: It says, I believe that's Page No. 57; and it's in the book 1946.

**COUNSEL DIRK HARRISON** 39:06: Yes, okay thank you. Could you just take us back to the entry 103 and the area highlighted in the red rectangle what it is that you'd like us to pay attention to?

**MS. BRITNEY ROBINSON** 39:20: It is for Transaction No. 103. The name charged would be my great-grandfather, Heman Montgomery Bascome Smith. The Plan No. which is important is 33-3 and the name credited would have been Adelia Anne Robinson. In this document you see that it says Ardelia but the 'r' was stricken because her name was Adelia - A D E L I A.

**COUNSEL DIRK HARRISON** 39:52: Thank you. This document you have exhibited… you have a clearer copy than this is? What we're seeing projected is not very clear. The copy you have is much clearer than this?

**MS. BRITNEY ROBINSON** 40:08: We do.

**COUNSEL DIRK HARRISON** 40:10: But we'll get to it, I just did not want to break the flow Chairman, then we'll come to the actual exhibits after and seek to have them entered as exhibits. You may proceed, slowly.

**MS. BRITNEY ROBINSON** 40:28: In ***Exhibit I* i**n your packet, you will see the 1946 property transfer for Mrs. Adelia Anne Robinson, you'll see at the top of the page marked in the black rectangle.

**COUNSEL DIRK HARRISON** 40:45: Sorry you are on **Slide 16**, just to ensure we have another record year and on **Slide 16**?

**MS. BRITNEY ROBINSON** 40:52: That's correct. You'll see the date that they put in her land for **January 1, 1936**. And this is for Plan No. 33-3.

Then on **July 19, 1946**, the land was transferred to Heman Montgomery Bascome Smith, with the same Plan No. 33-3. And then this picture is from the end of…

**COUNSEL DIRK HARRISON** 41:24: Which picture are you referring to?

**MS. BRITNEY ROBINSON** 41:29: The top part. Okay, so this top picture we found in the Bermuda Land Registry, and it's in the book, the Property Transfer Records in Book B Folio 72. And then the bottom picture, we also found in Book B and this is my great-grandfather's page in which we see that land being transferred into his page on the same day, July 19 1946 for the same Plan No. 33-3. And another

**COUNSEL DIRK HARRISON** 42:08: You're moving now to **Slide 17**.

**MS. BRITNEY ROBINSON** 42:12: Yes, this is **Slide 17.**

**The Parish Vestry Ledger** shows the transfer of property being referred to as Lot 33-3. This, as I said is an important piece in our application. In ***Exhibit J*** on the far left hand side, we see the property transferred particulates also referring to Plan No.33-3; and this was signed off by an individual named Mr. Robert H. Clark.

**COUNSEL DIRK HARRISON** 42:54: The significance of that name?

**MS. BRITNEY ROBINSON**  42:58: We will get to it in another Slide.

So in 1934, we have a plan of Pembroke Parish.

**COUNSEL DIRK HARRISON** 43:10: You are now on **Slide18**?

**MS. BRITNEY ROBINSON** 43:11: Yes **Slide 18.**  In your packet you will have ***Exhibit K***. The first page is going to be the large scope of the Pembroke Parish, but in this PowerPoint I have zoomed in to the area in question. So this plan is actually based on an 1898 1901 Ordinance Survey that was done by Lieutenant AJ Savage. And this whole map of Bermuda was conducted by Dale of London, he was an architect and surveyor and Mr. R. H. Clark, Mr. Robert H. Clark, the assistant Engineer and Surveyor of Hamilton Bermuda. And this map was done on October 18, 1934. And when you look at this map, you can see that Lot 33-3 would be the area that has the red arrow marked towards it. Which also fits the same description of all of those deeds and transfers that I have previously discussed.

**COUNSEL DIRK HARRISON** 44:17: So before we go any further than what you're showing us at Slide 18, there's a 33 and there's a 34, the numbers with a circle around them. Also in the area delineated with the 33, there are some smaller numbers running one through 28. You are directing us to the orange arrow at the left where the number 33-3?

**MS. BRITNEY ROBINSON** 44:47: Yes, that's correct. So the next few Slides which will be ***Exhibit L*** is going to depict the land over time. So…

**COUNSEL DIRK HARRISON** 45:03: Sorry, so you're on Slide?

**MS. BRITNEY ROBINSON** 45:05: I am sorry, I'm now at **Slide19.** So in 1941, this is pretty much what the land would have looked like when my grandfather, my great grandfather would have acquired it, it was pretty much undeveloped land at the time; and you can see that the land takes on that very irregular shape, as seen in the aerial views.

**COUNSEL DIRK HARRISON** 45:30: What is represented at **Slide 19**? On the Slide it's depicted as ***Exhibit L*.** Can you tell us where you got that photograph from which is embedded in the Slide presentation?

**MS. BRITNEY ROBINSON**  45:47: Yes, this is from our Bermuda Government website that provides the aerial views of the times it is also referenced in your packet as well.

**COUNSEL DIRK HARRISON** 46:03: And in respect of the said, **Slide 19**, on the left hand side of the Slide, that smaller picture that is just a smaller version of what had been displayed as **Slide 18**. Showing 33-3 it's just showing this three.

**MS. BRITNEY ROBINSON** 46:32: Yes.

**COUNSEL DIRK HARRISON** 46:35: Thank you. Forgive me for the exercise I'm going through. We just have to ensure it is clear for the record and that the Commissioners can follow.

**MS. BRITNEY ROBINSON**  46:45: Yes. Then in 1962, we see part of 33-3 having a building on it, I want you to kind of, it's going to be a quite extensive explanation, but if you can tell Lot 33-3…

**COUNSEL DIRK HARRISON** 47:04: Just a moment. My attention is being brought to the ***Exhibit L*** which was**Slide 19,** at the foot of the map on the right hand side, whereas what is exhibited as 1962, it has 2012.

**MS. BRITNEY ROBINSON** 47:37: Yes, so, it is an overlay but when the document would have been printed, it would have given you just 2012 as the only image on the Slide.

**COUNSEL DIRK HARRISON** 47:48: So you superimposed it?

**MS. BRITNEY ROBINSON** 47:53: Correct.

**COUNSEL DIRK HARRISON** 47:56: So the correct year that should appear beneath ***Exhibit L*.** What year is it depicting? A 1962 aerial picture of it was superimposed with the 2012 version. Is that what happened?

**MS. BRITNEY ROBINSON** 48:12: So this Slide has aerial views from 1941, 1962, 1973 I believe and 2012. But when the document would have been printed, it would have only printed the most recent, the top image.

**COUNSEL DIRK HARRISON** 48:27: The most recent image.

**MS. BRITNEY ROBINSON** 48:32: Sorry about that. So on **Slide19 *Exhibit L***, we then see for 1962 there being a structure or building on part of Lot 33-3. And if you can notice that Lot 33-3 was pretty much landlocked except for the three (3) foot right-of-way that was included in the 1880 deed. So at the time that I was…

**COUNSEL DIRK HARRISON** 49:04: What are you, can you point out the right-of-way you're referring to?

**MS. BRITNEY ROBINSON** 49:08: All we know is that, we believe from the documents that it says that their right-of-way was on the most northern part of the parcel of land. The exact placement of that right-of-way, I am not entirely certain.

**COUNSEL DIRK HARRISON** 49:24: When we get to the actual document, we’ll read that portion that speaks to the right-of-way. We’ll go back to it

**MS. BRITNEY ROBINSON** 49:31: Yes. So because this land was pretty much land-locked except for that three (3) foot right-of-way, my grandfather, my great grandfather and Mr. Albert Jones, who would have owned portion where we see 33-2, decided to swap a portion of the land to kind of allow Mr. Jones who would have only had land, he wouldn't have had beach access. To allow him to have beach access, and then to also allow my great-grandfather the ability to have land that also went to the main Spanish Point Road, so it basically squared off the land. So in 1949, this is when my great-grandfather, Heman Montgomery Bascome Smith, would have done a Voluntary Conveyance with Mr. Albert Jones who at the time, would have owned that back part of 33-2.

**COUNSEL DIRK HARRISON** 50:32: Just to understand Ms. Robinson, even using the 1962 depiction that is there for Lot 33-3, what did you have as regarding Peter Tucker's Bay? Was it the beach, was it rock, what was it - What did you have there?

**MS. BRITNEY ROBINSON** 50:57: What was there was pretty much undeveloped land. But where the arrow is on that, in 1962 it's indicated that it was a beach there. And hen in 1973, we see the beginning portion, this is still **Slide 19** of that Spanish Point Boat Club shed being built. I'm not exactly certain as to the exact date that this structure was built; but I know that it’s between 1963 and 1970.

**COUNSEL DIRK HARRISON** 51:38: And what structure are you referring to? The one that you're saying you not sure about the timeline of the building? Which structure are you referring to?

**MS. BRITNEY ROBINSON** 51:45: It's the building that takes on that irregular shape in which the arrow is pointing towards it.

**COUNSEL DIRK HARRISON** 51:57: There are a number of them there that's irregular.

**MS. BRITNEY ROBINSON** 52:01: So at the right hand side, the arrow is facing towards that building that's taken on an 'L' kind of shape. I wish I had my pointer to kind of circle.

**COUNSEL DIRK HARRISON** 52:17: Chairman, we're just going to try to get a pointer or a cursor on this. The cursor from the computer it is not in colour, but I'm not certain if you're able to see. Chairman, I'm just going to ask if you could move that slowly. It is presently just in front of the arrow The cursor is in black. I'm not sure if you can see. Could you just make a small circle so you could see it? Are you able to see the cursor, Chairman? Mrs. Robinson, Ms. Robinson, are you able to see it?. I'm not sure if the Chairman can see it yet. But could you just point to what you refer to as an irregular building? Is that above the arrow or is it directly or straight ahead of the arrow?

**MS. BRITNEY ROBINSON** 53:25: Directly straight ahead of the arrow.

**COUNSEL DIRK HARRISON** 53:29: Could you take the arrow to the right in a straight line from the arrow. And that's what you refer to as irregular?

**MS. BRITNEY ROBINSON** 53:38: Yes. It's not a complete rectangle. It’s got a hook.

**COUNSEL DIRK HARRISON** 53:42: Okay.

**MR. WAYNE PERINCHIEF** 53:49: Just for information. I am a Spanish Point boy and I do know what the configuration of that area roughly looks like. I'm following you okay.

**MS. BRITNEY ROBINSON** 53:59: Oh, thank you.

**COUNSEL DIRK HARRISON** 54:02: I can’t state the same. Yes, you may proceed.

**MS. BRITNEY ROBINSON** 54:09: This is also the aerial view of 1981. This is also on **Slide19** and 2003**,** and then this is the most recent aerial view that I was able to obtain from our Bermuda Government website of 2012 with that structure clearly in view.

**COUNSEL DIRK HARRISON** 54:43: Now, ould you just take us back to that Slide? Now it says 2012. What is that, a present day representation?

**MS. BRITNEY ROBINSON** 54:58: It's pretty accurate. Yes I would say it's accurate, but this is the most recent aerial view that I was able to obtain from our Government website.

**COUNSEL DIRK HARRISON** 55:23: Could you take us back. Using this impression here, where exactly is your house in relation to the arrow?

**MS. BRITNEY ROBINSON** 55:28: In relation to the arrow if you go directly eastward, so you would hit the shed first and then right directly behind that shed is my house now.

**COUNSEL DIRK HARRISON**  55:36: Could I just ask if we could just use a cursor to assist us though?

**MS. BRITNEY ROBINSON** 55:39: So that's the shed and then that's my house.

**COUNSEL DIRK HARRISON**  55:47: Yes. And immediately in front of your house what you have described early on in he earliest Slide as an irregular shaped building. Could you just…

**END OF TRANSCRIPTION JANUARY 18 (MORNING A) AT 56:03**