**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 (c)**

**(**Continued from Morning Session (b)

**MRS. GENA ROBINSON** 0:00: I was actually looking for any documentation pertaining to that area; and when she passed and her daughter was clearing out this stuff, she actually found this documentation, and they believed that quite a few other documents had already been destroyed before she had gotten this particular document.

**COUNSEL DIRK HARRISON** 0:18: Okay, thank you very much. You may proceed Madam.

**MS. BRITNEY ROBINSON** 0:27: On **Slide 34**, the heading says ‘Controversial Map’. And the reason why I put that is because although the map was geographically correct, the depiction of who owns the proportions of land were labelled incorrectly. And we will see another court proceeding in which the rightful owners were said to have proper title to these portions of land. As you can see, the map is coloured green, well in this it is yellow, pink and blue. And if you look directly across the right-of-way, that's supposed to be ten (10) feet wide, you also see that the Chiappa family was also trying to claim land that is now referred to as Shaw Wood.

**COUNSEL DIRK HARRISON** 1:23: Could you, I suppose with the help of the cursor, could you point us to the area that you referred to as a right-of-way?

**MS. BRITNEY ROBINSON** 1:31: Yes. So right there would have been the right-of-way which is now called Plaice's Point Road.

**COUNSEL DIRK HARRISON** 1:44: Plaice's Point Road. Sorry, just one moment.

**MS. BRITNEY ROBINSON** 2:00: I don't want to go into much detail regarding the portion of land that is to the east of that right-of-way, as I believe it is also going to come before you.

**COUNSEL DIRK HARRISON** 2:13: In another claim?

**MS. BRITNEY ROBINSON** 2:27: In another claim, yes.

**COUNSEL DIRK HARRISON** 2:42: Chairman, I do not know if that is the matter for tomorrow.

**MS. BRITNEY ROBINSON** 3:11: On **Slide 35**, I just wanted to do a quick reference as to where we are. So this is going to be the maps from 1932. So this is the map that I first displayed. That was a copy of is Mr. N.A. Swan's land. A copy of Mr. N.A. Swan dated July 1925, in which you saw Mr. Jeremiah Hinson owning that portion of land that we've been previously talking about. And then we also see another copy of Mr. Swan's plan showing that Mrs. Adelia Robinson owned that same portion of land as Mr. Jeremiah Hinson. And then I also refer to the 1934 Pembroke Parish map that depicts Lot 33-3 which is what my great-grandfather would have gotten from Mrs. Adelia Robinson.

**COUNSEL DIRK HARRISON** 3:49: Please continue, but not so fast, go on, we want the Commissioner to follow what you're showing us. So you're taking us back through the maps again?

**MS. BRITNEY ROBINSON** 4:03: Yes, just to do a quick recap of where we are.

**MS. BRITNEY ROBINSON** 4:08: And then we have this map that was produced on behalf of the Chiappa family by Mr. Clark indicating that a portion of Lot 33-3 is coloured in, in this view it looks yellow, so a portion of Lot 33 is yellow and a portion Lot 33 is in blue.

**MS. BRITNEY ROBINSON** 4:36: So there are other, I am now on **Slide 36**, there were other court cases and encounters that followed this 1945 Supreme Court case. I'm going to go through each one of them, but not into great detail because I do not want to take away from the importance of the 1947 Supreme Court case ruling. So in 1959, we have the Spanish Point Boat Club versus my great-grandfather. We have 1963 Windsor Development Limited, versus Albert Jones and Newbold Smith. And to the right hand side of this slide, we have a letter that was addressed to Appleby, Spurling & Kempe on behalf of my grandfather, my mom's dad, Newbold Smith, which would have been my great-grandfather, Heman Montgomery Bascome Smith's son. I'm going to read this letter a little bit later on. And then we also have…

**COUNSEL DIRK HARRISON** 5:38: Sorry, just one moment. Mr. Chair, we have been going for quite a while now. I don't know if you think it's convenient for us to take the lunch adjournment now. Because we have been going some time and I do give the witnesses a chance to gather themselves.

**MR. WAYNE PERINCHIEF** 7:41: Yes Counsel, I'm taking it on your advisement. This would be an appropriate time to adjourn. And would you like to resume at what time, 1:30 pm? What time would you suggest?

**COUNSEL DIRK HARRISON** 7:53: I will propose that, excuse me, propose that we resume at a 1:45 pm.

**MR. WAYNE PERINCHIEF** 7:58: At 1:45 pm. Yes. So noted and that is what we’ll do. Ladies we're going to adjourn now for our lunch break and we'll return at 1:45 pm.

**END OF TRANSCRIPTION JANUARY 18 (MORNING c) AT 8:19**