**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**

**AFTERNOON SESSION (e)**

**(**Continued from Afternoon Session (d)

**MR. WAYNE PERINCHIEF**  0:04 First, I see I have the originals here. I'd like to have the typewritten copy so that that can be...

**COUNSEL DIRK HARRISON** 0:11: I believe that is what has been produced, but it is a..

**MR. WAYNE PERINCHIEF** 0:15: Yes, I would not mark the originals.

**COUNSEL DIRK HARRISON** 0:17: Definitely not, Chairman.

**MR. WAYNE PERINCHIEF** 0:18: No I am not going to touch that, so I'll note that we view the Indenture and the deed of three (3) pages and if you will provide a copy of this witness, then I will endorse.

**COUNSEL DIRK HARRISON** 0:39: I believe the document to your right, Chair, is the copy and I'd ask that that document, I believe that there is writing on the reverse side, is endorsed that it is a true copy of the original which has been seen and dated on today's date. Certify that this is a true copy of the original. And you could just reference by way of a description the document that you're certifying.

And just for completeness, probably could have one of your Co-Commissioners cosign.

Robinsons’ armored car carried the deed here, so I asked you to carefully handle it, take care of it, send it right back. Chair, I can confirm and verily believe it's a true that the original has been returned to the Robinsons. And they appear to be satisfied that it's in the same condition as it was given to us.

**MS. BRITNEY ROBINSON** 5:32: Thank you. So the next exhibit that I had was a copy of a sketch plan by Annie Swan dated July 1925. And I showed this on **Slides 8, 9, 12 and 35**. And this was marked ***Exhibit B***.

**COUNSEL DIRK HARRISON** 5:57: Now importantly, this document that you seek to create support of the claim of ownership by your great-grandfather, it also has a certificate on it that is certified as a true copy of the original Deed dated August 1934, registered in Book Volume Conveyance No. 3 at page 200. 1st September, 1934.

**MS. BRITNEY ROBINSON** 6:32: Yes, that's correct.

**COUNSEL DIRK HARRISON** 6:33: That document you have, where did you receive that document?

**MS. BRITNEY ROBINSON** 6:42: So I found this document in the 1947 court case file in The Bermuda Archives. I apologize, not the 1947, it was the 1969 Supreme Court case.

**COUNSEL DIRK HARRISON** 7:09: May I see, have a look at the document. Is that a copy of the document you refer to?

**MS. BRITNEY ROBINSON** 7:15: Yes it is.

**MR. WAYNE PERINCHIEF** 7:18: Counselor, would you repeat the description of that exhibit for me?

**COUNSEL DIRK HARRISON** 7:26: Certainly, I’m just going to ask the witness could you send me the document.

Chairman the document is labelled ***Exhibit B,*** references made to it by the witness, Miss Robinson. She reminds us that she had made reference to it as ***B***. It is a sketch plan of a portion of land in Spanish Point, Pembroke Parish. The witness had referred to it as a copy of plan by N. A Swan and it's dated July 1925.

I had by reference to the said document drawn our attention to some other inscriptions on the reverse side of the document which indicates it's certified as a true copy of the original deed, certify as a true copy of original deed dated 31st August 1934. Registered in Book Volume Conveyance No. 3 at page 200 on 1st September, 1934.

**MR. WAYNE PERINCHIEF** 9:34: 1st September

**COUNSEL DIRK HARRISON** 9:35: 1934. There’s an inscription on the reverse side and it is signed, the signature I wouldn't start to try to indicate whose it is.

Now, madam, that document and what she has done importantly, just to ensure, she has affixed at the foot of each document her signature just to indicate that this is a document that she's referring to, which is also helpful. The application, Chairman, and the document will be handed to you momentarily, is that this document which is referred to by the witness as ***Exhibit B***, that it be tendered and admitted as Exhibit BR4.

**MR. WAYNE PERINCHIEF** 10:44: Yes sir, so entered.

**COUNSEL DIRK HARRISON** 11:09: You could actually just so endorse it at the end Exhibit BR4 and affix your signature and have one of your Co-Commissioners also sign, and I'd ask that we adopt that protocol going ahead.

Yes, madam.

**MS. BRITNEY ROBINSON** 12:25: The next exhibit is ***Exhibit C***, which I showed on **Slides 10 and 31**. And this was Mr. William Brown's will that was dated July 24, 1915. And I obtained a copy of this will in Bermuda Archives.

**COUNSEL DIRK HARRISON** 12:52: Can you say what state it was in? When I say state, where was it recorded, where was it stored at the time you saw it?

**MS. BRITNEY ROBINSON** 13:02: It was stored in a bounded book.

**COUNSEL DIRK HARRISON** 13:11: I ask you to have a look at that document that you refer to as ***Exhibit C*** and that you reference as slide, **Slide 10** earlier. What is that you have there? Do you have 10 and 31?

**MS. BRITNEY ROBINSON** 13:29: Yes, this is Mr. Brown's will.

**COUNSEL DIRK HARRISON** 13:33: Thank you very much. And you had placed reliance on that document why?

**MS. BRITNEY ROBINSON** 13:39: To show that Mr. Brown who obtained the land from Mr. Jeremiah Hinson in 1888, was then given it to his wife, Anne Elizabeth Brown.

**COUNSEL DIRK HARRISON** 14:05: Thank you. Chair, my application is a document which the witness has referred to that it be tendered and admitted as Exhibit BR5

**MR. WAYNE PERINCHIEF** 14:14: So noted.

**MS. BRITNEY ROBINSON** 15:44: So the last next exhibit would have been ***Exhibit D*** which I showed in my presentation on **Slides 11 and 31**. And this is Mrs. Anne D. Elizabeth Brown's will that was dated May 7, 1918 and I also obtained this will from the Bermuda Archives. I apologize because I'm not sure if this was in the exact same book as her husband's will, but in the Bermuda Archives they have categorized the wills by last name and they will bring you a book based on the index

**COUNSEL DIRK HARRISON** 16:24: Thank you, and ust remind me of the date of the document you refer to.

**MS. BRITNEY ROBINSON** 16:29: Yes, it was dated May 7, 1918.

**COUNSEL DIRK HARRISON** 17:01: We just asked you to identify that document and the date you referred to. Application is that document which the witness refers to, that she made mention at **Slide 11** of **31**, that it be tendered and admitted as Exhibit BR6.

Not certain if the other Commissioners wish to see them, I know that the document exhibited has been projected. I am uncertain that the other Commissioners wish to see the document, Chairman.

**MS. BRITNEY ROBINSON** 19:15: The next exhibit is ***Exhibit E***. And I displayed this copy of Mr. N.A. Swan’s plan that was dated September 1932 which was indicating Mrs. Adelia Robinson owning the land that Mr. Jeremiah Hinton once owned, and I displayed this on **Slide 12 and 35**. I was able to obtain this particular plan from Mrs. Renee Lewis who is the granddaughter of Mr. Albert Jones.

**COUNSEL DIRK HARRISON** 20:05: You recognize that document, that's what you're referring to.

**MS. BRITNEY ROBINSON** 20:07: I do

**COUNSEL DIRK HARRISON** 20:19: And I said that document, which the witness references, that it be tendered and admitted as Exhibit BR7. However, I notice that the witness has another exhibit on the reverse side. So I'm going to just ask after this document is presented, and my application finds favour with you Chairman, that it could be returned so the witness could identify the document on the reverse side.

**MR. WAYNE PERINCHIEF** 20:49: So noted.

**MS. BRITNEY ROBINSON** 20:52: So ***Exhibit F*** was the next exhibit and this has…

**COUNSEL DIRK HARRISON** 20:59: Just a minute, let’s just do it once, just a minute, let me just save you the trouble, please to F and then we just do it once.

**MS. BRITNEY ROBINSON** 21:13: So at ***Exhibit F*** I showed on slide 13. And this is the 1945 and 1946 Land Tax ledger for Mrs. Adelia N. Robinson and I was able to obtain copies of this from the Bermuda Land Registry.

**COUNSEL DIRK HARRISON** 21:41: Chairman, what I propose because the documents, as they are are copies and what the witness has indicated the source of the documents, that they had to be obtained, they're not originals, I’m just going to ask that the witness could identify the documents and make my application to you in respect of a designation to the exhibit. And then when we are complete with exercise, I'll have all of them taken. What they have done, the witness has had them on the front and reverse side of a page. So rather than having the back and fro, I just complete exercise and then present all of them.

**MR. WAYNE PERINCHIEF** 22:21: Yes, and I will sign twice.

**COUNSEL DIRK HARRISON** 22:31: We spoke about what you will recognize as ***Fxhibit F*** which my application was for ***Exhibit F*** to be BR8, but could you just continue regarding Exhibit F? How many pages does ***Exhibit F*** comprise of?

**MS. BRITNEY ROBINSON** 22:54: It will be on two pages.

**COUNSEL DIRK HARRISON** 23:08: You may continue, madam.

**MS. BRITNEY ROBINSON** 23:11: So the next exhibit is ***Exhibit G*** and this is the Notice to the Parish Vestry Clerk of Pembroke Parish from Appleby & Spurling on behalf of my great-grandfather, Heman Montgomery Bascome Smith, notifying the transfer of property from Mrs. Adelia Ann Robinson to my great-grandfather. We were able to obtain a copy of this document from the Bermuda Archives. And it's labeled **Exhibit G**. And I showed this on **Slide 14**.

**COUNSEL DIRK HARRISON** 23:47: Just want to have a look at that document please? What is that?

**MS. BRITNEY ROBINSON** 23:54: Yes, this is ***Exhibit G***.

**COUNSEL DIRK HARRISON** 23:57: Could you just put your signature on it. You may continue

**MS. BRITNEY ROBINSON** 24:23: So the next exhibit I have is ***Exhibit H*** which was a copy of the 1946 Pembroke Parish Vestry Assessment Book that is indicating the transfer of land for plan 33-3 from Mrs. Adelia Ann Robinson to Heman Montgomery Bascome Smith. And I displayed this on **Slide 15** and I was also able to obtain this from the Bermuda Achives.

**COUNSEL DIRK HARRISON** 24:51: This comprises of how many pages?

**MS. BRITNEY ROBINSON** 24:57: This would be on one page document, back to front.

**COUNSEL DIRK HARRISON** 25:01: Chairman, application is that the, what is described by the witness as ***Exhibit H,*** which is back to front two (2) pages. Application is that is tendered as Exhibit BR9.

Chairman, I'm just trying to look at the chronology that we had in terms of the designation by the witness of G and H. And we have by way of what is represented on Exhibit BR2, the PowerPoint presentation that we had had the Parish Vestry Assessment Book, what the witness refers to as H, two (2) pages, that it came before in time. Based on our record, what is now being referred to had been given the designation G. The Parish Vestry Assessment Book entries had had H. However, the order of presentation of them, we're just trying to clarify and seeing that one came before the other, even though alphabetically, the one that should have been before was not. I'm just trying to ensure we have that all in place. That's the reason for the apparent delay. I just crave your indulgence.

**COUNSEL DIRK HARRISON** 29:27: What we are trying to clarify, Chairman, is that, I had been, we all had been following in an order as the evidence had been given of the exhibits and as it relates to the slide numbers that the witness makes reference to. We are just trying to ensure that as our note indicates, it is as the evidence is being given, that is the reason for the delay. But what certainly is clear is that the witness had had previously labelled all of the potential exhibits. And that certainly we will just continue along that line. We're just trying to clarify what our note has in terms of the chronological order. So we just continue with the witness's account.

**MR. WAYNE PERINCHIEF** 30:22: Once you sorted that out and you present the exhibits to me, I'll give the records its signature, then we'll go through one by one and cross reference to make sure we haven't made a mistake.

**COUNSEL DIRK HARRISON** 30:34: Thank you very much. Miss Robinson, the last exhibit that you had a look at was the exhibit labelled 'H' correct?

**MS. BRITNEY ROBINSON**  30:50: Yes, that's correct.

**COUNSEL DIRK HARRISON** 30:55: The exhibit that you refer to as ***Exhibit I*** . What is that?

**MS. BRITNEY ROBINSON** 31:05: This is going to be 1946 property transfer record for Adelia Ann Robinson and Heman Montgomery Bascome Smith that was recorded in Book B: Folio 17 and I obtained this document from the Bermuda Land Registry and I had referenced this on ***Slide 16***.

**COUNSEL DIRK HARRISON**  31:26: I’m just going to ask you to sign I and you could just reference it the slide number there. I was going to ask also at the same time, just to ensure we have the supporting document, that the slide is projected at the same time. So we have **Slide 16** which is projected, the slide presentation had been made exhibit two, that is the document projected that you are making reference to?.

**MS. BRITNEY ROBINSON** 32:05: Yes, that's correct.

**COUNSEL DIRK HARRISON** 32:18: The item that you referred to as ***Exhibit J***. Tell me how many pages that comprises of.

**MS. BRITNEY ROBINSON** 32:27:***Exhibit* J** would be one page, on back of it has ***Exhibit K***.

**COUNSEL DIRK HARRISON** 32:35: Thank you. I pray random…Also trying to ensure that I revert to the designation of the BR because the last two or three I had not made application. I am just trying to ensure we have the numbering correct. So that even thought it had been shown, I’m just trying to ensure that.

What I am trying to clarify and I think we have gotten it now, the witness had indicated a letter, the letter which she had referenced as ***Exhibit G*** in her note. I would just like to start there because it had not been produced to the witness. There are about three (3) other items that had been shown to the witness which she had labelled as ***Exhibits G, H*** and ***I*** that I am about to make an application to have them designated an exhibited number. So I'm just trying to ensure we have that. So what I'd like the witness to be shown…

Chairman, does your notation indicate any designation for what is labelled as ***Exhibit G*** which is an entry in the, not an entry, a letter to the Parish Vestry Clerk?

**MR. WAYNE PERINCHIEF** 37:29: I don't recall about that.

**COUNSEL DIRK HARRISON** 37:32: So I’d ask that that’s documented. The witness had given a designation ***Exhibit*** G. It is addressed to the Parish Vestry Clerk and is dated the 24th June, 1946.

**MR. WAYNE PERINCHIEF** 37:54: Please repeat the first date?

**COUNSEL DIRK HARRISON** 37:55: 24th June, 1946. And the application is that document, that it is tendered and admitted as Exhibit BR9.

**MR. WAYNE PERINCHIEF** 38:25: So noted. Letter the Parish Vestry Clerk dated 24th June. 1946. Exhibit BR9.

**COUNSEL DIRK HARRISON** 38:35: Thank you. What the witness, Chairman, has designated as ***Exhibit H,*** which is an entry in Parish Vestry Assessment Book. It is two (2) pages an entry and I would ask that that document is tendered and admitted as Exhibit BR10.

And I want to just ask that I pause here and that these documents are shown to us to let us do them one at a time so that there is no other confusion.

**MR. WAYNE PERINCHIEF** 40:24: Yes. As I indicate. I say that this is a double-sided exhibit so I'll make two signatures, one on ***Exhibit F*** and ***Exhibit E*** separate signatures would be required?

**COUNSEL DIRK HARRISON** 40:38: Thank you, Chairman. I think, Chairman, you may have been handed ***Exhibits***…

**MR. WAYNE PERINCHIEF** 42:09: ***E, F, G*** and another ***F.***

**COUNSEL DIRK HARRISON** 42:24: So, you have Exhibits BR7, BR8 and BR9.

**MR. WAYNE PERINCHIEF** 42:42: Right. So I have ***Exhibit F and E*** on one page. I will cross out the signature on ***Exhibit F***, the backside of…

**COUNSEL DIRK HARRISON** 42:48: It is two pages. It comprises two pages.

**MR. WAYNE PERINCHIEF** 42:51: Yes. I will make it F1 and F2 if that is alright with you.

**COUNSEL DIRK HARRISON**  42:59: That is, or the Roman numerals I and II, but that is not incorrect, Chair.

**MR. WAYNE PERINCHIEF** 47:18: Counsel for the witnesses. Question. ***Exhibit K,*** was that produced by the witnesses? It wasn't countersigned on the back. If they could do that. ***Exhibit K.***

**COUNSEL DIRK HARRISON** 47:31: We're just trying to ensure that we correct you.

**MR. WAYNE PERINCHIEF** 47:38: Just sign yes

**COUNSEL DIRK HARRISON** 47:43: I think what has caused the delay is the fact that it has been done on the reverse of a document. So whereas if we had single documents, what appears to be a delay that is occurring would not have occurred.

**MR. WAYNE PERINCHIEF** 48:00: That's not a problem When it's laid out, then take it back and sign it.

**COUNSEL DIRK HARRISON** 50:07: Thank you, Chairman.

Thank you for your patience, Mrs. Robinson, Ms. Robinson, yes, let us continue. We have just completed **Exhibit H**.

**MS. BRITNEY ROBINSON** 50:42: So we are now on ***Exhibit I*** in which I demonstrated on **Slide 16**...

**COUNSEL DIRK HARRISON** 50:44: Let us not go too fast. Very slowly, thank you.

**MS. BRITNEY ROBINSON** 50:51: On **Slide 16** of the presentation, and it has the 1946 Property Transfer Records for Mrs. Adelia Ann Robinson and Heman Montgomery Bascome Smith that was recorded in Book B: Folio 72

**COUNSEL DIRK HARRISON** 51:10: Too fast, too fast. You may continue.

**MS. BRITNEY ROBINSON** 51:21: This was recorded in Book B: Folio 72 that we were able to obtain from the Bermuda Land Registry.

**COUNSEL DIRK HARRISON** 52:02: Yes, please repeat what you just said for me.

**MS. BRITNEY ROBINSON** 52:05: So, it is a 1946 Property Transfer Records for Mrs. Adelia Ann Robinson and Heman Montgomery Bascome Smith that was recorded in Book B: Folio 72 that we were able to obtain from the Bermuda Land Registry. And I demonstrated this ***Exhibit I*** on **Slide 16**.

**COUNSEL DIRK HARRISON** 52:34: Thank you. Just for completeness, this will be Exhibit BR11.

**MR. WAYNE PERINCHIEF** 53:11: So noted.

**MS. BRITNEY ROBINSON** 53:18: The next exhibit is ***Exhibit J*** which I displayed on **Slide 17**. And this has the 1946 Property Transfer Particulars for Serial No. 103. Plan No 33-3, between Adelia Ann Robinson and Heman Montgomery Bascome Smith. It was assessed by the surveyor Robert H. Clark and we were able to obtain this document from the Bermuda Archives.

**COUNSEL DIRK HARRISON** 54:31: I would like the designation for the ***Exhibit J*** is BR12.

**MR. WAYNE PERINCHIEF** 54:34: So noted, BR12.

**MS. BRITNEY ROBINSON** 54:51: ***Exhibit K*** is the Pembroke Parish portion of the 1934 Bermuda Parish Map that was created on October 16, 1934. This ***Exhibit K***, part of it is on the back page of ***Exhibit J*** and then the other portion is on the front page that also has ***Exhibit L*** on the back. We were able to obtain this map from Mrs. Margie Lloyd of the Bermuda National Trust.

**COUNSEL DIRK HARRISON** 55:36: I would ask that these two (2) pages which are being presented to you, Chairman, be tendered and admitted as Exhibit BR13A and BR13B.

**MR. WAYNE PERINCHIEF** 55:58: Yes, so recorded.

**COUNSEL DIRK HARRISON** 56:05: What is referred to as K two (2) pages, just the pages that refer to K. Just the pages that refer to K.

**END OF TRANSCRIPTION JANUARY 18 (AFTERNOON SESSION e) AT 56:38**