**COMMISSION INTO HISTORIC LAND LOSSES**

**IN BERMUDA**

**A COMMISSION OF INQUIRY**

**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 (g)**

**(**Continued from Afternoon Session (f)

**COUNSEL DIRK HARRISON** 0:00: So, to the Chairman. He just went to certify the first page. This is what happens when we have a lot of documentation. Those who have worked in the banking and financial sector can tell us about paper.

**MR. WAYNE PERINCHIEF** 0:22: Yes. So, these are copies as to originals. Yes.

**COUNSEL DIRK HARRISON** 0:26: The first page, I was going to ask, that first page that has a one numeral on the top, that that page is just certifying that the original has been shown just for that page.

**MR. WAYNE PERINCHIEF** 0:35: Make a notation.

**COUNSEL DIRK HARRISON** 0:36: And I appreciate that. As we would say in Jamaican terms, we are just around the corner, so, soon finish. Just around the corner.

**MR. WAYNE PERINCHIEF** 1:13: Original number has been tendered. Made a notation.

**COUNSEL DIRK HARRISON** 1:16: Thank you. The original could be returned to the witness. ??, Madam.

**MS. BRITNEY ROBINSON** 1:28: Yes. ***Exhibit S*** was shown on **Slides 40 through 42** of the presentation and it consists of the 1969 Supreme Court Case: No. 216 that is between John Henry Dallas versus Albert Jones, Newbold Smith. Heman Montgomery Bascome Smith, Carlton Wellman and Mr. and Mrs. Elliott Williams. It has 6 pages, 9 slides and we also have the original Notice of Discontinuation against the Second, Third and Fourth Defendants that we showed in the PowerPoint slide.

**COUNSEL DIRK HARRISON** 2:18: Thank you. I just want to distinguish between what you refer to as ***Exhibit S*** includes the extracts taken from the Gazette of the date that you are unaware of. Is that the part of ***Exhibit S*** that you..?

**MS. BRITNEY ROBINSON** 2:50: Yes. That is correct.

**MR. WAYNE PERINCHIEF** 4:39: Is that all ***Exhibit S***?

**COUNSEL DIRK HARRISON** 6:46: I’d ask that the document which the witness has added as ***Exhibit S***, that it be tendered as Exhibit BR21.

**MR. WAYNE PERINCHIEF** 8:42: Just to repeat. ***Exhibit S*** is BR21?

**COUNSEL DIRK HARRISON** 9:02: Final question, and I just ask, just to go over **Slide 32**.

 Now you had taken us to this extract that references a decision of this Special Jury in the case between Amelia Chiappa and Heman Montgomery Bascome Smith, the verdict, how did you describe the verdict, based on the number two of the question that I would have answered no. Has a Defendant and his predecessors in title or any of them had continuous possession of any part of the property shown in green and pink, on Exhibit A for a period of 20 or more years prior to the 3rd February 1947. Having presented all of this evidence to the Commission of Inquiry, would you have any description or any way you would comment on the verdict?

**MS. BRITNEY ROBINSON** 10:30: Yes. On Question number two. I would say that, well, we believe that they incorrectly answered the question, saying no, because we were able to demonstrate that the land did have a lineage dating back to 1888.

**COUNSEL DIRK HARRISON** 10:54: Thank you. I have nothing further at this time, Chairman and Commissioners. I'm sorry. I'm reminded of ***Exhibit T.*** Very important, which I asked to be tendered as Exhibit BR22. It's a photograph of what is described as Spanish Point Boat Club structure, Spanish Point Boat Club Structure and I asked that it be tendered as Exhibit BR22 and I have no further questions. To be designated BR22.

 Thank you. We are at that hour when the road does not fly in a straight line anymore, and despite the, if there are any questions, I wonder if, not necessarily tomorrow, whether another day could be so mutually agreed to put them to the witnesses. And also based on the Adverse Notices which are to be issued I would submit that probably it is best that the Commissioners could consider not advancing any questions at this time, because the persons to whom Adverse Notices have been issued may have questions and the Commissioners could, if you so desire, ask yours after that point in time.

**MR. WAYNE PERINCHIEF** 13:04: Yes, Counsel, I take your advice on this matter. It is a bit late. I want to thank the complainants for their presentation today. While it was lengthy, it was concise and clear. And we thank you for your contributions. And at this point, we'll adjourn until 9:30 tomorrow.

**COUNSEL DIRK HARRISON** 13:32: Until 10:00 tomorrow morning. But we would also like to thank the support staff and everyone present.

**MR. WAYNE PERINCHIEF** 13:39: Yes. We’d like to thank the staff for your indulgence and staying over the usual time. However, being what it is we like to complete cases within some time frame, keeping in mind that we have had other impediments to our progress. Thank you very much and we'll see you tomorrow 10 o’clock.

**COUNSEL DIRK HARRISON** 14:00: Thank you.

**END OF TRANSCRIPTION JANUARY 18 (AFTERNOON SESSION e) AT 14:02**