COMMISSION OF INQUIRY ON HISTORIC LAND LOSSES IN BERMUDA

COMMISSIONER: Justice Norma Wade-Miller

TRANSCRIPT OF PROCEEDINGS

LOCATION OF MEETING: Warwick Camp - Dining Hall

DATE: 14 January 2021

TIME: 9:30 am to

**Dubois** 00**:**00: It must have been about two years after that, I was, I went down there with a few friends and we visited. And I looked on the hill. I saw the clubhouse. And the next time I came down there, they were hitting balls into the, into, right into. In fact, they were, we were visiting, and they were hitting right into the graveyard. As if they were doing it on purpose. You see. Whatever happens with this thing. That's going to have to change. They're going to have to redirect that graveyard or, you're going to have a lot of problems.

**Mark Pettingill** 00:41: The driving range.

**Dubois** 00:42: Yeah, the driving range. You're gonna have to, you have to, that's that's. And they said, what the last time. I mean, the last time I met with Tucker's Point, they said that was nonnegotiable. But they're going to have to change that.

**Mark Pettingill** 00:54: When was that?

**Dubois** 00:55: That would have been probably in the early 2000s.

**Mark Pettingill** 00:59: Different people.

**Dubois** 01:00: Yeah, we met with them a couple of times, actually, with Marsden Church. But yeah, we, that's, that's gonna have, that's that's nonnegotiable. They're gonna have to redirect that. I mean this. They're just showing no respect at all. Especially since the grave, the driving range was supposed to go in another direction in the first place with the original plans. You know, there are a lot of people that feel very strongly about this. In some, in fact, some people from the Marsden Church also feel strongly about it. That's the issue that that's going to have to be dealt with. I, I can't see how you can't see. Pretty sure, I mean, where's the respect?

**Mark Pettingill** 01:49: I Sir, personally, I see. I've been down there and seeing this. I see it, yeah I see it, especially in those circumstances. That's why that's important.

**Dubois** 01:58: And it was a sensitive issue when they done it. I don't know which party was actually running the country when. I know that the um, Gerald Simon's actually, he was the one who pushed that, that he was the one that allowed this in the first place. Well, to build the club but, I don't know who allowed them to change the driving range to go across the actual graveyard. I don't know, who done that...

**Mark Pettingill** 02:23: No, and I have to say, put my legal hat on. I wish I'd have been the lawyer for you.

**Dubois** 02:37: Or which party.

**Mark Pettingill** 02:37: If I have been a lawyer for you, whoever at the time, I think that that potentially had you know, injunctive ramifications to it. Especially given the reservation historic site. And regrettably, you know, that's hindsight's great, but that that didn't happen. And how in the face of what you’re saying there, that that came to be. I don't know who the government was at the time, but without that being taken as a, either forceful political objection, or even a a legal action of which I could potentially think of a couple. In that regard, um that's unfortunate. But it it you know, that the point is well made, sir. And I will deliver the message, and I entirely um, you know appreciate your position on that.

**Dubois** 03:27: That's, that's, I mean, Marsden has covered everything else umm. You have to go. I mean, I have some other questions but, I won't bother right now.

**Madam Chair** 03:37: Well, please write me. I mean, I'll give you you can even have my contact. And that's a good way. I respond to email. If you want to raise anything with me um. I'd welcome them. So, but I will certainly; on this one which seems to be your most significant point if I may, I know there are others but, I've made a note and I will deliver that.

**Dubois** 03:38: I mean what would possess? what? I just don't understand that I really don't understand it.

**Mark Pettingill** 03:57: Sir, I don't, I don't either, but unfortunately, it is a case of the these current owners came to the mischief in 2017. And when it was it was it was done. I think we'd be having a very different conversation had they been the ones that had done it but, they are certainly the ones that are prepared going to recognize this and ensure that the right thing is done now.

**Dubois** 04:20: Okay.

**Madam Chair** 04:23: Thank you, Mr. Dubois. Thank you. Uh, Commissioners have just a few questions. Ms. Forth. Go ahead please.

**Fredrica Forth** 04:35: Good morning, Mr. Pettingill.

**Mark Pettingill** 04:37: Good morning. My pleasure.

**Fredrica Forth** 04:39: Just two questions. After all is said and done. When all parties meet, both the church and others who are involved in ensuring that the maintenance and the necessary care for the cemetery is carried out, will that be reduced to uh? Will it be a legal binding document that all parties will be required to sign off on? Because I think that may just alleviate some of the fears of past experiences.

**Mark Pettingill** 05:07: I would say yes. I think it's important to do that. I'm not a conveyancer, so I don't, I, you know, but I know that certainly that any agreements that relate to land must be reduced to writing to have any kind of evidential, you know, force, if you will. So, I, while I take the, view and; I went away by the way and researched this myself and chased it down, so that the Commission knows that this was marked as a historic reserved site. Which creates in my view, a position um, of right over or, land or, an existence of land that should be properly recognized. That is there. The details of that, regrettably are not with any deed that I've been able to access and see. So, I think by you know, attachment of something along the lines of indicating. As I said, that you know, and as is pointed out in the note that this will be an easement in perpetuity is something um, that certainly will be undertaken. I think it's important for all sides. And it, and it shows certainly you know, the acknowledgement and intention of the current owners. And I think that that is something that could be created, that carries on.

**Fredrica Forth** 06:16: Good, because that ties into the next term. I'm not a lawyer as you know but, there is a legal term that is used in real estate law, that that runs with the land.

**Mark Pettingill** 06:27: Yep.

**Fredrica Forth** 06:27: So, at the end of the day, it will be part of the deed to prevent or restrict any future owners from not adhering to that restrictions or rights to that particular property?

**Mark Pettingill** 06:42: My own view is that, and I throw out the latin, nec,vi –

 clam precario. My own view is that right by way of easement actually exists. But that can be a matter of being construed in a matter of argument. It's always better if it can be something that attaches to that as an acknowledgement, so that easement exists. So, I being a lawyer but not a conveyancing lawyer, or an expert in property law, have some understanding of that, of litigating cases like that but, not a complete understanding of it. I believe that that is doable, and is not by any means a huge, significant legal endeavor to have that done.

**Fredrica Forth** 07:19: Great.

**Mark Pettingill** 07:19: I don't think it's necessarily by way of well, it is by way of agreement but it's going to be by way of that's what um, you know, attaches to.

**Fredrica Forth** 07:26: To the land. Yeah.

**Mark Pettingill** 07:27: Yeah, but I will have to take advice and direction on how that occurs.

**Fredrica Forth** 07:31: Wonderful. Thank you very much.

**Mark Pettingill** 07:33: Yes, that would be done because I believe I, you know, I don't know the right...

**Fredrica Forth** 07:36: Because you're not a conveyancing attorney.

**Mark Pettingill** 07:37: I believe that something can be done along that line.

**Fredrica Forth** 07:39: Okay. Thank you very much.

**Madam Chair** 07:42: Madam?

**Maxine Binns** 07:44: Good Morning Mr. Pettingill. My question relates to access to the gravesite. You've got different classes. You've got family members, you have members of other churches, you have just general public, wanting access to the site. Are there any protocols that you can share with us, that will ensure that a person who is not a member of the church can have has access to the site?

**Mark Pettingill** 08:28: Um, no. But I think that is something that that we can have raised by way of ensuring that it occurs. I think, that you know, the fact that putting it on the as a historic site, on the, on the trail and so on and creating the access to it, you know, is what the intention is. The how and when, you know um, that should occur. Should just be, you know, a completely, you know, open matter of anytime you wish. That which may well be the case. Or, or should you know, because of, you know other reasons, it it'd be that there are particular times, I don't know. But, I will say this, I think that is something to have um, that we're open to having a dialogue with the stakeholders on about what they would like to see in that regard.

**Maxine Binns** 09:21: Because I can anticipate that you, someone like myself may decide to go down there one day and take a look and see and I would be stopped and saying you have to apply for access.

**Mark Pettingill** 09:38: Well, I'll give you my card and say call me if somebody did because I'd be pretty horrified. You know, I, I'd like to say that you know categorically that that wouldn't happen but having said that, the world can be a strange place. You know, but so I mean I always like to see these things where it's clear and unequivocal.

**Maxine Binns** 09:56: Yeah.

**Mark Pettingill** 09:57: So, I take your point. Yeah. But it's good to have though.

**Madam Chair** 09:58: Thank you. Mr. Perinchief?

**Wayne Perinchief** 09:58: Good Morning Mr. Pettingill.

**Mark Pettingill** 09:58: Mr. Perinchief!

**Wayne Perinchief** 09:58: I am happy to meet you, under these circumstances rather than under the old criminal court days.

**Mark Pettingill** 09:58: Yes.

**Wayne Perinchief** 09:58: Nevertheless, I'm, I wish to make a comment that I'm pleased to see the openness with which you have approached this issue. It has opened a doorway for some, for some resolution. And I would hope that other people who come before us would take a similar approach. This commission is one that is interested in truth, and eventually some sort of reconciliation of any issues that come before us. So, I wish to thank you on that issue. Thank you very much.

**Mark Pettingill** 10:51: My pleasure. Thank you.

**Madam Chair** 10:53: Mr. Starling?

**Jonathan Starling** 10:57: Thank you. Good morning. I just wanted to echo my fellow Commissioner. It sounds like the conversations are going in the right direction. And if, I hope a lot comes out of this commission, but if nothing else then resolving the Tucker's Town cemetery comes out then it's good. So, I'm glad that everyone has agreed on involving the key stakeholders and coming to consensual agreement.

**Mark Pettingill** 11:22: Thank you.

**Madam Chair** 11:23: Thank you. Uh, Counsel, anything arising from the questions?

**Commission Counsel** 11:28: Nothing Madam Chair. Well, I'd just like to endorse and thank Counsel, Mr. Pettingill, for his undertakings that he has given and that he has fulfilled, and we leave it to what follows in terms of the plans that are put but I'd like to thank you.

**Madam Chair** 11:44: Thank you, Counsel. Thank you, Mr. Pettingill, for accommodating us at short notice.

**Mark Pettingill** 11:49: Um, of course mum.

**Madam Chair** 11:50: And um pray in aid the Commission when you go to your other place. Thank you.

**Mark Pettingill** 11:58: I'm a big boy. I'll take my licks. I'll be fine. Thank you, Commissioner.

**Madam Chair** 12:02: Thank you. Uh, Counsel we do not have to rise. Couldn't we just move into the next matter?

**Commission Counsel** 12:13: That is the intention Madam Chair.

**Madam Chair** 12:15: Okay.

**Commission Counsel** 12:16: I'd like to announce the next matter. It is listed as claim number 31. It had been our, the claim was made by Miss. Marlene Warren. As a descendant of Solomon Thaddeus James Fox, and Rose Elizabeth Sinclair Fox. It is in respect of a home that had been lost when the US Base acquired land in St. David's. What is known as case 28, Lot D-66. I'd ask that Miss Marlene Warren be invited to continue to give some further evidence and ask that she either is sworn or affirmed to speak the truth.

**Madam Chair** 13:05: Come forward please Miss Warren. Would Miss. Warren kindly swear?

**Marlene Warren** 13:46: My name is Marlene Warren.

**Attendant** 13:49: I swear by Almighty God.

**Marlene Warren** 13:51: I swear by Almighty Almighty God

**Attendant** 13:54: That the evidence I shall give.

**Marlene Warren** 13:56: That the evidence I shall give.

**Attendant** 13:58: Shall be the truth.

**Marlene Warren** 14:00: Shall be the truth.

**Attendant** 14:01: The whole truth.

**Marlene Warren** 14:02: The whole truth.

**Attendant** 14:03: And nothing but the truth.

**Marlene Warren** 14:04: And nothing but the truth.

**Commission Counsel** 14:26: Good morning Ma'am .

**Marlene Warren** 14:26: Thank you. Good Morning. Mr. Harrison.

**Commission Counsel** 14:34: How are you today?

**Marlene Warren** 14:41: Fine Thank you. Good Morning Justice. Good morning Commissioners. Thank you yes.

**Commission Counsel** 14:45:Good to see you. I trust you had a blessed rest for the Christmas and new year. Good to see you.

**Commission Counsel** 14:51: Now, the last occasion you were here we spoke about the claim that I referenced earlier.

**Marlene Warren** 14:58: Yes.

**Commission Counsel** 14:59: And you had given some evidence to us. Since the last time that you were here. You came upon some new documentation.

**Marlene Warren** 15:14: Yes.

**Commission Counsel** 15:16: And that document is a... What, what is that document?

**Marlene Warren** 15:23: It is an Indenture.

**Commission Counsel** 15:25: And that document, where did you obtain it? From whom?

**Marlene Warren** 15:29: I obtained it from one of my cousins in St. David's. One of my Fox cousins saw the initial presentation on television, called me and took me to meet the person who actually owns the home that we were talking about.

**Commission Counsel** 15:52: And that home that we're talking about, what could you just remind us what that home is?

**Marlene Warren** 15:57: This was the home that was built for my grandparents by the Public Works Department of Bermuda when they were, when they had to give up their home to the base. Their former home.

**Commission Counsel** 16:12: Thank you. So, the person that you met, and with whom you spoke, What was the name of that person? Do you recall?

**Marlene Warren** 16:19: Well, the initial person that called me is named Elaine Fox. Yes, and she took me to meet the owner of the property. I am not sure if he wants his name disclosed.

**Commission Counsel** 16:24: Yes, that's fine. So, having met the owner, you were handed a document? And that is also the document that is projected on the screen presently.

**Marlene Warren** 16:43: He emailed me the documents, yes.

**Marlene Warren** 16:46: Yes, yes. He is also a cousin.

**Commission Counsel** 16:47: Also a cousin? And this document it is three pages?

**Marlene Warren** 17:01: Yes, the second page is, is just, most of it is a repeat of the first page but, um.

**Commission Counsel** 17:09: Now, before we go.

**Marlene Warren** 17:10: Until what you see at the bottom.

**Commission Counsel** 17:12: Thank you. Before we go to the document, you consider having had a look at it, you can say it important?

**Marlene Warren** 17:19: I did.

**Counsel** 17:20: And why is that?

**Marlene Warren** 17:23: Towards the end of our last meeting Mr. Starling, I think it was, asked a..

**Commission Counsel** 17:29: One of the Commissioners.

**Marlene Warren** 17:30: One of the Commissioners yes, asked a question. He felt um well, he made a comment. But he also asked a question. Did I think that? Excuse me.

**Commission Counsel** 17:49: Would you like some water?

**Marlene Warren** 17:55: I’m fine. Um, I can't um repeat it verbatim but the gist of the question was that um, I should think that my um, grandparents um were blessed to receive a home in place of the one that they lost. Neither one of us knew if the home was free or, if it had, if my grandparents had to pay for it. So, in the amount they were given for their former home, the home that they lost, you will remember that my grandmother was anxious that they not be left in any type of debt. That they should at least have something to start over with.

**Counsel** 18:36: Yes.

**Marlene Warren** 18:55: Yes, so I think this indenture is very revealing. And I think it's a needed document, to be added to. Thank you Hon. To be added to the the other documents.

**Commission Counsel** 19:14: Okay. I crave your indulgence.

**Marlene Warren** 19:18: And I think it will answer Mr. Sterling's question. Um, Starling, sorry.

**Commission Counsel** 19:28: I'm going to ask therefore, thank you Miss Warren. I want to ask that the document of three pages, which is in possession of Miss Warren, which I have a copy of, that it be tendered, and admitted as exhibit, MW 15.

**Madam Chair** 19:55: MW 15, thank you.

**Commission Counsel** 19:56: I'm just going to ask the forbearance of the hearing just to allow Miss... That is correct. I'm going to ask the witness just to read the document. I just...

**Madam Chair** 20:03: I enlisted it Counsel as Indenture dated the 20. What date did I put on it the 23rd of July, 1943?

**Marlene Warren** 20:25: You want me to read it now?

**Commission Counsel** 20:27: I 'd appreciate it. Slowly please. I'd appreciate that.

**Marlene Warren** 20:30: Okay.

**Commission Counsel** 20:34: With your permission Madam Chair.

**Marlene Warren** 20:36: Okay.

**Madam Chair** 20:36: Yes, yes please.

**Marlene Warren** 20:40: This indenture made the 23rd day of July 1943, between Cyril Hilton Smith, Director of Public Works of the islands of Bermuda of the one part, and Solomon Thaddeus James Fox, of St. David's Island in St. George's Parish, in the islands of Bermuda of the other part. Whereas, under the provisions of the United States Bases Acquisition of Land Rehabilitation Act 1941, a parcel of land known as Texas, of which the parcel of land herein after described formed a part was acquired by the Bermuda government, for the purposes of sale to the dispossessed St David's Islanders. And whereas the Director of Public Works is executing these presents for the purpose of vesting the parcel of land herein after described in Solomon Thaddeus James Fox. And whereas of the total award of the said, Solomon Thaddeus James Fox, as determined by the official arbitrators, the sum of 652 pounds and 10 shillings is accepted by the Bermuda government in full satisfaction of the cost of the parcel of land and dwelling house hereby conveyed. Now I, Cyril Hilton Smith, Director of Public Works of the islands of Bermuda do hereby in accordance with the Public Works Department Act 1930. And in consideration of the sum of 652 pounds, and 10 shillings this day, paid by Solomon Thaddeus James Fox into the public Treasury, grant and release onto the said Solomon Thaddeus James Fox. All that certain parcel of land situated in the St. David's island in St. George's Parish, in the islands of Bermuda. Delineated on the plan here to annexed sharing as lot number 12 E of the Texas Lots containing naught decimal two six that is 0.26 of an acre or there abouts bounded northeasterly by lot number 12. Remaining in the possession of the Bermuda government, southeasterly by lot number 11. Intended to be conveyed to William Thaddeus Lambe and there measuring 93 feet or there abouts, southwesterly by lot number 14 remaining in the possession of the Bermuda government and there measuring 105 feet or there abouts and northwesterly by a public road leading to the Texas lots or however otherwise the said parcel of land may be bounded may measure or ought to be described, together with the dwelling house thereon erected and all the appurtenances to hold the said hereditaments hereby granted and released unto and to the use of the said, Solomon Thaddeus James Fox his heirs and the signs forever. Witness my hand and seal, the 23rd day of July 1943. Signed, sealed and delivered by the said, Cyril Hilton Smith, in the presence of these two witnesses. Whose names, I'm not sure of the first one but, the second one is R.M. Sivier.

**Commission Counsel** 25:41: Madam Chair, but as indicated I think what has been projected on the screen, there is a page that may have been missing? Because what the witness has read from is actually different from what is projected. I just wish to state that for the record. Miss Miss Miss Warren, the, thank you for reading what is exhibit MW 15. Do you recognize any of the names there in that document?

**Marlene Warren** 26:15: Yes, um.

**Commission Counsel** 26:18: Thaddeus James Fox, who is he?

**Marlene Warren** 26:20: Thaddeus James Fox was my grandfather.

**Commission Counsel** 26:20: Thank you, thank you.

**Marlene Warren** 26:25: Cyril Smith was also mentioned in one of the other documents that I presented as the public works, from the Public Works Department, Director of The Public Works Department. And the other the witness at the bottom, R.M. Sivier, I think was the author of one of the letters. um.

**Commission Counsel** 26:30: Thank you.

**Marlene Warren** 26:53: I have it but don't know exactly right now.

**Commission Counsel** 26:57: And importantly, I'm not sure you can recall what, you could assist me. If so, the case number 28, lot D 66.

**Marlene Warren** 27:08: Yes.

**Commission Counsel** 27:09: It's significant because at a later stage today, we intend to have evidence from a witness that speaks to the map, which delineates all the expropriation in St. David's. So, I just asked you to.

**Marlene Warren** 27:25: Yes.

**Commission Counsel** 27:26; By way of reference case 28 lot D 66. is, you, you're familiar with that designation.

**Marlene Warren** 27:32: Thank you very much. Is there anything else you would wish to share with us?

**Marlene Warren** 27:42: I would, I would just like to say, if I'm looking for the um the exhibit, okay. So would it be exhibit number 10? I don't know if you have the exhibits from my last. Where the um,

**Commission Counsel** 28:02: Just a minute please.

**Marlene Warren** 28:10: Just going back to Mr. Starling's question or, original statement.

**Commission Counsel** 28:21: MW. MW 10 gave a description of your grandfather's property.

**Marlene Warren** 28:27: Yes.

**Commission Counsel** 28:28: You may go ahead

**Marlene Warren** 28:28: And at the....

**Commission Counsel** 28:30: Just one moment

**Marlene Warren** 28:31: I'm sorry.

**Commission Counsel** 28:50: I just asked you for a moment Miss Warren. I'm just going to see if we can project it on the screen to assist. We... Just give us a moment please.

**Marlene Warren** 29:00: Let's do 13 instead.

**Commission Counsel** 29:04: We will. Just a moment. MW 13 was the final offer letter dated May 19, 1942?

**Marlene Warren** 29:22: Yes.

**Commission Counsel** 29:22: Okay, just give us a moment for us to locate it. Crave your indulgence. You may proceed for now. We will identify it shortly. Please, go ahead.

**Marlene Warren** 31:02: All right. I have a copy. So, um, the final offer letter dated the 19th of May 1942, says, The Chairman, The Board of Works, Hamilton. Dear Sir, and this is a letter to my grandfather. I have the honor to transmit in accordance with the provisions of Section 10 of Act 11/1941, the following award of the arbitrators in the matter of the claim of Solomon T. J. Fox, in respect of Lot D.

**Commission Counsel** 31:43: I do ask you to slow down a little. Uh. Forever writing but not too fast please thank you.

**Marlene Warren** 31:49: Do you want me to start over?

**Commission Counsel** 31:51: I'd appreciate that.

**Marlene Warren** 31:54: This is dated the 19th of May 1942. The Chairman, The Board of Works, Hamilton. Dear Sir, I have the honor to transmit in accordance with the provisions of Section 10 of Act 11/1941. The following award of the arbitrators in the matter of the claim of Solomon, T. J. Fox, in respect of Lot D 66 on St David's Island. Section 10 1(a) 488 pounds, Section 10. 1(b) 153 pounds. Section 10, 1(f) 10 pounds, Section 10, 2, 97 pounds. Total award 748 pounds. Yours faithfully, Chairman. It's not signed. So, this proves that the total award was 748 pounds. The indenture that I just read,

**Commission Counsel** 33:36: Which is MW 15.

**Marlene Warren** 33:38: Yes.

**Commission Counsel** 33:39: Exhibit.

**Marlene Warren** 33:40: It shows that for the new property my grandfather paid 652 pounds and 10 shillings. Of that 748 pounds, leaving a balance of 97 pounds and 10 shillings.

**Commission Counsel** 34:12: And in that regard, what comment if any would you make with regards to what he had to expend and what had been given to him before?

**Marlene Warren** 34:27: First of all, I would like to say, that whereas the home that the um, that was built for them was of a better structure. It had a bathroom where they didn't have a bathroom before. But, as I pointed out before, they lost their rights, their water rights. They lost their crops. They lost their trees, their fruit trees and their access to the water. As I said before, um, they were elderly. And that did not leave them much to start over again, in a new location. I, when I read this, I said wow, um. They they really didn't gain much for what they had to give up. It was a true sacrifice. And my purpose, I think, for writing the letter, I did initially was, so that the community, the commissioners, and the community at large would understand. Would get a vision of just how these St. David's islanders sacrificed for this country. It's not about reparations or anything like that. You know, I'm not interested in anything like that but, I think the story has to be told.

**Commission Counsel** 36:33: And the difference between 748 and six. Could you just remind me of the figure?

**Marlene Warren** 36:40: Six hundred, fifty-two. 652 pounds and 10 shillings. The difference is 97 pounds, 10 shillings.

**Commission Counsel** 36:55: Is there any other way you would describe or the difference of 97 pounds. Is there any comment you would make in that regard?

**Marlene Warren** 37:07: I don't think it can begin to um, be of much help for my grandparents having to start over a new life in a new location.

**Commission Counsel** 37:30: For 97 pounds. Thank you Miss Warren.

**Marlene Warren** 37:39: Welcome.

**Commission Counsel** 37:41: Madam Commissioner?

**Madam Chair** 37:42: Thank you. I'll just check with commissioners. Any questions? Any questions? Go ahead please Mr. Starling?

**Jonathan Starling** 37:52: Good Morning Miss Warren and everyone else. Uh, thank you for bringing this additional document. Just for clarity for those listening in. When you presented earlier in the last year now, the documents were ambiguous to a degree about the total compensation. Uh, one reading, which was the reading I voiced to you which has led to this new document was that the compensation was for 748 pounds in addition to a house gratis. And the house was valued in the presentation given prior at 400 pounds. Which if you add that gratis to the compensation given, was more than your family had originally asked. This new evidence shows that you didn't get the new house of gratis you had to pay for it. And I would say that based on that the actual compensation given was was a 97 pounds, you said it was?

**Marlene Warren** 38:53: That was the difference.

**Jonathan Starling** 38:55: Yeah, but that would have been the net, the actual compensation. So, I'm gonna have to reflect on this. But, I would just say thank you for bringing the additional information. It's a key missing piece of the puzzle which ends the ambiguity which led to my question and rather fundamentally, potentially fundamentally, changes the nature of the compensation. So, I just want to say thank you for bringing that to us.

**Marlene Warren** 39:19: You're welcome. I was very, very excited…

**Wayne Perinchief** 39:23: Thank you. I can imagine.

**Marlene Warren** 39:25: ...to have it and it's amazing.

**Jonathan Starling** 39:30: You got it for Christmas, I believe.

**Marlene Warren** 39:31: Yeah, and a whole tour...

**Wayne Perinchief** 39:36: Nice.

**Marlene Warren** 39:37: ... of the area. Remind you I know St. David's but I found out some other information about exact locations of the properties that were given up and um, I’m hoping that that cousin will also be presenting to the commissioners.

**Jonathan Starling** 39:59: Thank you, Miss Warren.

**Marlene Warren** 40:00: You’re welcome.

**Madam Chair** 40:02: Things arising Counsel?

**Commission Counsel** 40:04: Yes, I may. Madam Chair, I know Miss Warren indicated that she would prefer not at this stage to share the name of the cousin but, I'm just asking whether she could through the secretariat provide us with the contact details for that person, because based on what has now arisen, even though it appears that that person has not previously submitted a claim, I think in all the circumstances, it may be proper for us to be in contact with that person, based on what has arisen.

**Madam Chair** 40:37: Okay. Mrs. Warren you've heard what Counselors had to say. Will you be able to supply the secretariat with the information? You know his name? That's what you're seeking Counselor?

**Marlene Warren** 40:44: Yes.

**Commission Counsel** 40:53: Yes. Not publicly no, but privately to the secretariat after the break here. Not here but later.

**Marlene Warren** 41:01: Alright now, I have talked, I have talked about two different cousins. You recognize that right?

**Commission Counsel** 41:07: What? Yes, I just ask for clarification in that regard.

**Marlene Warren** 41:12: Alright. The first cousin, the one that contacted me, and took me to meet the present owner, who is also a cousin. It's the first one that would have most of the information about this property. And her name is Elaine Fox. I don't think she would mind me sharing her name. Now the owner of the property has spent several years abroad. I don't know how much he knows about this issue. But I would have to get his permission to give you his name.

**Commission Counsel** 41:59: Thank you. Could I just, before you close, you had indicated just now that not only were you facilitated by way of a tour but you learned a little more in respect of the area. Could you share that with us? What if anything did you learn?

**Marlene Warren** 42:19: Um, I learned um, I don't know. Have any of you been to Clearwater Beach? I think most of us have been to Clearwater Beach. So, at Clearwater Beach.

**Commission Counsel** 42:34: And this is in which parish?

**Marlene Warren** 42:36: In St. David's, in St. George's Parish. Just between Clearwater Beach and Turtles, Turtle Bay there's a huge tree. Can you visualize that tree? Right. If you stand by that tree and look directly across the water, you will see a water catchment, right. That is the area where the Fox family lived. There were lots of homes there. Lots of Foxes and other St. David's Islanders. So that is the basic area the land that was taken. I didn't know also that on the shoreline, below that land was a beautiful beach. It is now covered with boulders, dark, big brown boulders. That was the beach that this family had access to. I was told that it's prettier. That it was prettier than Horseshoe Bay, this particular beach. So now it is covered with boulders. That is something I learned.

 A personal, I have a copy of the map. I've misplaced it but, the cousin also had a map that she showed me so I could almost identify the, the particular lot where, that my grandparents owned. And then she took me to meet this cousin who had all the documents. I actually got to walk into my grandparents’ home. The house is still standing and it's being renovated. Um, so the owner gave me permission to actually go in and have a look. I took photos of it. I was young as I said when, my my grandmother died last, um. She died in 48. I was still a toddler. I was still two. And um so I don't remember ever being in the house. You know, I would have been. But I don't remember that. So, it was very um awesome tour. She showed me some other properties where people would have planted crops and etc.

**Commission Counsel** 45:45: Thank you very much Miss Warren.

**Marlene Warren** 45:46: You’re welcome.

**Madam Chair** 45:48: Thank you, Miss. Warren for coming and expanding on the information to assist us. Thank you.

**Marlene Warren** 45:57: You’re welcome.

**Madam Chair** 45:59: Counsel I believe that we'll adjourn now and take the morning break, and then we move right into lunch. And then we resume at one o'clock.

**Commission Counsel** 46:09: Well, I believe we're waiting.

**Madam Chair** 46:12: Yeah, we're really waiting.

**Commission Counsel** 46:13: Mr. Adams, he's on way as far as I have been advised. So, once he gets here, we will, after the lunch break we will continue.

**Madam Chair** 46:22: Agree. We will. We will continue at one o'clock. Thank you. Well, if he gets here, and if we take a shorten lunch, that would be quite fine I believe with commissioners, but we'll see how it unfolds.

**Commission Counsel** 46:37: Very well.

END OF TRANSCRIPTION at TIME 46:39