

**[ ]A COMMISSION OF INQUIRY  
INTO HISTORIC LAND LOSSES  
IN BERMUDA**

**CHAIRMAN  
MR. WAYNE PERINCHIEF, JP**

**COUNSEL  
MR. DIRK HARRISON**

**COMMISSIONERS  
HON. WAYNE PERINCHIEF, JP  
MS. LYNDA MILLIGAN-WHYTE  
MR. JONATHAN STARLING  
MS. MAXINE BINNS  
MR. QUINTON STOVELL  
MS. FREDERICA FORTH (via Zoom)**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: WARWICK CAMP  
FRIDAY, JANUARY 22, 2021  
MORNING SESSION (a)**

<b>Mr. Dirk Harrison (Counsel) 0:02</b>	Morning.
<b>Mr. Perinchief (Chairman) 0:01</b>	Good morning.
<b>Mr. Perinchief (Chairman) 0:02</b>	We are going to continue with the Commission of Inquiry into the loss of land.
<b>Mr. Perinchief (Chairman) 0:12</b>	Counsel, could you lead us with what you have for the day.
<b>Mr. Dirk Harrison (Counsel) 0:19</b>	Thank you, Chairman, Members, morning all.
<b>Mr. Dirk Harrison (Counsel) 0:22</b>	Welcome to Mr. Stovell again. Feels like I haven't seen him for a while.
<b>Mr. Dirk Harrison (Counsel) 0:27</b>	We have two matters today, Mr. Chairman, and Commissioners. The first matter as a matter of a claim being made by Miss Pattie Moore. It's in respect of the estate of her grandfather, Thomas Henry Smith, and in the afternoon at 1:30, we should hear from witness Mr. Christopher Swan,

Attorney at Law. I'll start now with the first matter at hand and I'll ask that Miss Pattie Moore is sworn or she could affirm to speak the truth depending on her religious conviction or any other conviction she has.

**Mr. Perinchief (Chairman)** 1:08

Yes, Counsel, you may continue.

**Pattie Moore** 1:33

I swear by Almighty God that the

**Pattie Moore** 1:36

evidence I shall give shall be the truth, the whole truth and nothing but the truth so help me God.

**Mr. Dirk Harrison (Counsel)** 1:44

Good morning, madam.

**Pattie Moore** 1:45

Good morning.

**Mr. Dirk Harrison (Counsel)** 1:48

Your name is, could you state it for us?

**Pattie Moore** 1:50

My name is Pattie Moore.

**Mr. Dirk Harrison (Counsel)** 1:52

Thank you.

**Mr. Dirk Harrison (Counsel)** 1:54

You live in what parish, madam?.

**Pattie Moore** 1:56

Camp Road, Warwick West.

**Mr. Dirk Harrison (Counsel)** 1:58

Thank you. Now on the 17th of March, 2020 you made a claim to the Commission of Inquiry into Historic Land Losses in Bermuda, madam?

**Pattie Moore** 2:11

Yes.

**Mr. Dirk Harrison (Counsel)** 2:12

Thank you.

**Mr. Dirk Harrison (Counsel)** 2:13

And at that time, you submitted a copy of a letter which you wish to rely on, a letter which was signed by the daughters of Louise Simmons?

**Pattie Moore** 2:29

Yes.

**Mr. Dirk Harrison (Counsel)** 2:31

Thank you, madam.

**Mr. Dirk Harrison (Counsel)** 2:35

Now, Louise Simmons is, are you related to Louise Simmons?

**Pattie Moore** 2:41

She's my grandmother, she was my grandmother.

<b>Mr. Dirk Harrison (Counsel)</b> 2:44	Thank you.
<b>Pattie Moore</b> 2:46	And what is your mother's name?
<b>Pattie Moore</b> 2:49	Winifred Jones.
<b>Mr. Dirk Harrison (Counsel)</b> 2:52	Now, thank you.
<b>Mr. Dirk Harrison (Counsel)</b> 2:55	Now did Louise Simmons, is it Simons or Simmons, how's it pronounced?
<b>Pattie Moore</b> 2:59	Simmons.
<b>Mr. Dirk Harrison (Counsel)</b> 3:00	Thank you very much. Did she have any other children?
<b>Pattie Moore</b> 3:06	Other than the five daughters?
<b>Mr. Dirk Harrison (Counsel)</b> 3:08	Well, she had five daughters. Could you name them please?
<b>Pattie Moore</b> 3:11	Sure.
<b>Pattie Moore</b> 3:14	Lydia Jones.
<b>Pattie Moore</b> 3:17	Eleanor Simmons Todd.
<b>Pattie Moore</b> 3:20	Winifred Jones, Edith Darrell.
<b>Mr. Dirk Harrison (Counsel)</b> 3:22	Sorry, I'm going to ask you to start again. I'm going to ask you to start again.
<b>Mr. Dirk Harrison (Counsel)</b> 3:37	Yes. Could you name the daughters again for me please, sorry?
<b>Pattie Moore</b> 3:41	Lydia Jones.
<b>Pattie Moore</b> 3:44	Eleanor Todd.
<b>Pattie Moore</b> 3:47	Winifred Jones, Dorothy White and Edith Darrell
<b>Mr. Dirk Harrison (Counsel)</b> 3:56	Lydia Jones, Dorothy White, Winifred Jones, Edith Darrell,
<b>Mr. Dirk Harrison (Counsel)</b> 4:03	And the fifth?
<b>Pattie Moore</b> 4:04	Eleanor Todd.

<b>Mr. Dirk Harrison (Counsel)</b> 4:06	Thank you so much.
<b>Mr. Dirk Harrison (Counsel)</b> 4:12	Now, the document which you submitted to the Commission of Inquiry on the 17th of March, 2020, if you see a copy of that document, would you recognize it?
<b>Pattie Moore</b> 4:26	Yes.
<b>Mr. Dirk Harrison (Counsel)</b> 4:28	It's dated March 30 <sup>th</sup> , 2008?
<b>Pattie Moore</b> 4:32	Yes.
<b>Mr. Perinchief (Chairman)</b> 4:35	Counsel, just a question. The letter that was, the copy letter, are you going to enter that as an Exhibit?
<b>Mr. Dirk Harrison (Counsel)</b> 4:41	It has just been handed to the witness.
<b>Mr. Perinchief (Chairman)</b> 4:43	That's the one now.
<b>Mr. Dirk Harrison (Counsel)</b> 4:44	Yes, to be identified by the witness.
<b>Mr. Perinchief (Chairman)</b> 4:47	It wasn't clear, I thought it was another document.
<b>Mr. Dirk Harrison (Counsel)</b> 4:50	Thank you very much.
<b>Mr. Dirk Harrison (Counsel)</b> 4:56	What is that document that you have there, madam?
<b>Pattie Moore</b> 4:59	The document is on behalf of....
<b>Pattie Moore</b> 5:01	No, just a minute, is that the said document that you submitted on the 17th of March, 2020 to the Commission of Inquiry?
<b>Pattie Moore</b> 5:08	Yes.
<b>Mr. Dirk Harrison (Counsel)</b> 5:10	And to whom is that letter addressed?
<b>Pattie Moore</b> 5:13	The letter is addressed to Mr. Vivian Thomas Wilson.
<b>Mr. Dirk Harrison (Counsel)</b> 5:18	And what, what date is it dated?
<b>Pattie Moore</b> 5:22	March 30 <sup>th</sup> , 2008.

<b>Mr. Dirk Harrison (Counsel)</b> 5:28	And can you say who has signed that letter, madam?
<b>Pattie Moore</b> 5:34	The letter is signed by my mother, Winifred Jones, my Aunty Edith Darrell.
<b>Mr. Dirk Harrison (Counsel)</b> 5:41	Not, not so fast.
<b>Mr. Dirk Harrison (Counsel)</b> 5:47	Yes, continue.
<b>Pattie Moore</b> 5:48	Lydia Jones.
<b>Mr. Dirk Harrison (Counsel)</b> 5:55	Yes.
<b>Pattie Moore</b> 5:56	Dorothy White.
<b>Mr. Dirk Harrison (Counsel)</b> 6:05	Yes.
<b>Pattie Moore</b> 6:06	And Eleanor Todd.
<b>Mr. Dirk Harrison (Counsel)</b> 6:07	I'm going to ask, Chairman, that the document that the witness refers to, that which has been placed, which was placed in her hand, be tendered and admitted as Exhibit PM 1.
<b>Mr. Perinchief (Chairman)</b> 6:28	So indexed letter tendered by Miss Pattie Moore.
<b>Mr. Dirk Harrison (Counsel)</b> 6:34	Could you read that letter for us please, madam?
<b>Pattie Moore</b> 6:36	Sure. I'm a bit emotional because I'm the one that was driven to make sure that this got heard.
<b>Mr. Dirk Harrison (Counsel)</b> 6:48	Take your time.
<b>Pattie Moore</b> 6:49	Okay. This is addressed to Mr. Vivian Thomas Wilson, the nephew of Thomas Henry Smith.
<b>Mr. Dirk Harrison (Counsel)</b> 6:59	Sorry, I'm going to ask to do, and just if you could fill in the gaps after who is each person. I was going to ask you to just read the letter first and then we fill in the gaps after, as to who each person is.
<b>Pattie Moore</b> 7:13	Okay.
<b>Pattie Moore</b> 7:16	Can I start?

**Mr. Dirk Harrison (Counsel)** 7:16 Please.

**Pattie Moore** 7:18 There were many stories when we were growing up regarding our Papa's property at Cross Bay, Southampton.

**Pattie Moore** 7:25 That was willed to you and your brother, Granville Trimmingham Wilson.

**Pattie Moore** 7:31 We did ask questions about the authenticity of the Will, but were never satisfied with answers. Our mother, Louise Simmons, the only daughter of Thomas Henry Smith, and others had often asked for a copy of the Will and were told that you could not find it.

**Pattie Moore** 7:51 Just recently, we managed to get a copy of the Will of our grandfather, Thomas Henry Smith and our concerns have been verified as to the authenticity of our Papa's signature on the Will.

**Pattie Moore** 8:07 You may say why we graduate all this now. For one, the information needed has only recently been made available to us and we have sought legal counsel in regards to the Will and Estates in Bermuda.

**Pattie Moore** 8:24 It is remembered that our Papa could not read or write and therefore we were very concerned that the signature on the Will is not his signature.

**Pattie Moore** 8:37 We do not consider it to be a fraudulent signature, but a fraudulent act on your behalf.

**Pattie Moore** 8:46 The signature on the Will is much too legal from what we remember our Papa's handwriting.

**Mr. Dirk Harrison (Counsel)** 8:54 I think that's legible.

**Pattie Moore** 8:55 Legible sorry. It is known that our Papa was

**Mr. Dirk Harrison (Counsel)** 9:00 It is a known fact.

**Pattie Moore** 9:03 It's a known fact that our Papa was an alcoholic and had always been told that he was taken advantage of in that state. Remember that you used to have him living in your unfinished cellar enduring inhumane conditions. We also

remember going to wash Papa's hair, take him bottles of soup, so he can eat and all he slept on was a mattress that laid on a dirt floor. We still can't believe that you had him living in such a dilapidated state, thoughts have been haunting us all our lives. We are convinced that Papa loved his daughter, our mother Louise, and granddaughters and that he showed whenever he came to visit our home. When he came by, Mom always saw that he was fed. He always showed us love and for that, we cannot believe that he would leave his only daughter 100 pounds and the rest of his entire estate to two nephews, their children, then to their children's children, people who he would never know and some who were not even born. Now you tell us, why would our Papa in his right mind do such a thing? As a result of his apparent fraudulent act, my Ma's health was greatly affected. This was something she took to her grave. This has also left our children to struggle, living from paycheck to paycheck, not being able to finish high school or even attend college, which your children and grandchildren had the privilege of doing. We grew up as being classed as living in the poorhouse.

**Pattie Moore** 11:18

After seeing a copy of the Will, tears just continued to flow after seeing the written consent and the

**Mr. Dirk Harrison (Counsel)** 11:27

Content.

**Pattie Moore** 11:27

The content, I'm sorry. After seeing a copy of the Will, tears just continued to flow after seeing the written content and the supposed signature of our Papa. We are even more convinced that you and your brother Granville took advantage of our Papa's shortcomings. How would you feel if the roles were reversed? We all have had many restless nights over this matter and have always been told for years by our family members that our inheritance was stolen from us. We have proof in black and white. A copy of our Papa's Will is attached. We are sending you this letter in good conscience, hoping that we can come together and clear the air so this matter can be

settled once and for all and right thing can be done on behalf of our mother, Louise Simmons.

**Mr. Dirk Harrison (Counsel)** 12:34

Could you just finish the...

**Pattie Moore** 12:38

Yours truly, the daughters of Louise Simmons: Lydia Jones, Winifred Jones, Dorothy White, Edith Darrell. And the other, Eleanor Todd, did not wish to sign.

**Mr. Dirk Harrison (Counsel)** 12:54

Thank you. And that letter had been copied to whom?

**Pattie Moore** 12:57

The immediate family of Vivian Thomas Wilson, the immediate family of Granville Trimmingham Wilson.

**Mr. Dirk Harrison (Counsel)** 13:06

Thank you very much. Now, can you say in terms of the daughters of Louise Simmons, is Lydia Jones alive?

**Pattie Moore** 13:17

Yes.

**Mr. Dirk Harrison (Counsel)** 13:18

Where is she?

**Pattie Moore** 13:20

She is at Riddells, Bay at home.

**Mr. Dirk Harrison (Counsel)** 13:23

Winifred Jones?

**Pattie Moore** 13:25

She's at Camp Road, Warwick.

**Mr. Dirk Harrison (Counsel)** 13:28

And Winifred Jones is your mother?

**Pattie Moore** 13:30

Yes.

**Mr. Dirk Harrison (Counsel)** 13:32

Dorothy White?

**Pattie Moore** 13:33

Dorothy White is deceased.

**Mr. Dirk Harrison (Counsel)** 13:37

Edith Darrell?

**Pattie Moore** 13:38

Edith Darrell is living in Andros, Bahamas.

**Mr. Dirk Harrison (Counsel)** 13:42

Now, the persons who had signed, the daughters of Louise Simons who had signed this letter.

**Pattie Moore** 13:50

Simmons!



**Mr. Dirk Harrison (Counsel)** 13:51 Thank you, my apologies. Are they aware of the claim which you have submitted?

**Pattie Moore** 13:56 Yes.

**Mr. Dirk Harrison (Counsel)** 13:57 And with regards to the claim, have they, you do it on behalf of them?

**Pattie Moore** 14:04 I'm doing it on behalf of my aunties and all my liliving cousins and descendants of Louise Simmons.

**Mr. Dirk Harrison (Counsel)** 14:14 Thank you. Now, the letter is written to...

**Mr. Dirk Harrison (Counsel)** 14:26 Is written to, it is written to Mr. Vivian Thomas Wilson, to your knowledge, is he alive?

**Pattie Moore** 14:34 No, he's deceased.

**Mr. Dirk Harrison (Counsel)** 14:37 And in the letter it mentions Granville Trimmingham Wilson. Can you say if he's alive?

**Pattie Moore** 14:46 No, he's deceased.

**Mr. Dirk Harrison (Counsel)** 14:50 Now the, before we go to the Will in which the letter refers to as being attached, the property that reference is being made to in respect of your claim, are you able to say if any family member, anyone related to Vivian Thomas Wilson resides there now?

**Pattie Moore** 15:19 The house at Sinky Bay pink house on the water down below across from where Sonesta use to be.

**Mr. Dirk Harrison (Counsel)** 15:27 I'm sorry, I apologize, you're speaking too fast. Across from where?

**Pattie Moore** 15:30 Across from where Sonesta used to be, the pink house that's laid out on the property below, Sinky Bay, is occupied by Wendy Wilson Butterfield, Vivian Thomas Wilson's daughter.

**Mr. Dirk Harrison (Counsel)** 15:50 Before I go any further, Chairman, I'm just going to ask that an Adverse Notice is sent to Wendy Butterfield. What's the name before Butterfield.

**Pattie Moore** 16:01 Wilson.

**Mr. Dirk Harrison (Counsel)** 16:02 Wilson Butterfield

**Mr. Perinchief (Chairman)** 16:05 So noted, Counsel.

**Mr. Dirk Harrison (Counsel)** 16:09 Now, thank you. Now you mentioned in the, what is Exhibit PM 1, a Will which is attached to the document.

**Mr. Dirk Harrison (Counsel)** 16:25 Now madam, I was going to show you a copy of that Will.

**Mr. Dirk Harrison (Counsel)** 16:44 Is that the copy of the Will which you provided to the Commission of Inquiry in support of the claim that is being made, madam?

**Pattie Moore** 16:54 Yes, it is.

**Mr. Dirk Harrison (Counsel)** 16:58 And the document, the first two lines read: This is the Last Will and Testament of me, Thomas Henry Smith of Sinky Bay.

**Pattie Moore** 17:08 Yes.

**Mr. Dirk Harrison (Counsel)** 17:09 The document is three pages.

**Pattie Moore** 17:12 Yes, sir.

**Mr. Dirk Harrison (Counsel)** 17:17 I ask, Chairman that the document which the witness refers to, which reads 'This is The Last Will and Testament of me, Thomas Henry Smith of Sinky Bay in Southampton Parish', it consists of three pages, I'm going to ask that it is tendered and admitted as Exhibit PM 3, I'm sorry 2, PM 2.

**Mr. Perinchief (Chairman)** 17:48 Ah, yes Counsel, copy of Will, Last Will of Thomas Henry Smith, consisting of three pages, indexed as Exhibit PM 2.

**Mr. Dirk Harrison (Counsel)** 18:01 Thank you very much, madam, could I just ask you to read the document for me? I know it's hard, but I'm just going to ask you, just to take your time.

**Pattie Moore** 18:14 This is very touching for me. This is the Last Will and Testament of Thomas Henry Smith of Sinky Bay, Southampton Parish in the Islands of Bermuda. I hereby revoke all Wills and

Testimony, depositions here thereof made by me and I appoint my nephews, Vivian Thomas Wilson and Granville Trimmingham Wilson, to be the executors thereof subject to the payment of my funeral and testimony expenses and my just debts. I bequeath to my natural daughter, Louise Simmons, the widow of Earl Simmons, the sum of 100 pounds and subject thereto I bequeath the residue of my personal estate to the said Vivian Thomas Wilson for his use and benefits. My parcel of land at Cross Bay in Southampton Parish aforesaid, together with all other real estate to which I may be entitled at the time of my death. I devise unto the said Vivian Thomas Wilson and his heirs to the use of the said Vivian Thomas Wilson during his life and subject thereto the use in equal shares of such, two of the daughters of the said Vivian Thomas Wilson who shall first attain the age of 21 years or if only one such daughter shall attain the age of 21 years, then to the use of that daughter, her heirs and assigns forever and in the event of none of the daughters of the said Vivian Thomas Wilson attaining the age of 21 years, then the use of the said Vivian Thomas Wilson his heirs and assign forever. I witness thereof, I have this my Will set my hand 31st day of August, 1935. Thomas Smith, signature (supposed) signed by the above-named Thomas Henry Smith, his last Will and Testament in the presence of us both present at the same time, who at this request in his sight and presence and in his presence of each other have hereunto subscribed our names as attesting witnesses. And I cannot make out the signatures.

**Mr. Dirk Harrison (Counsel)** 21:54

That's fine.

**Mr. Perinchief (Chairman)** 21:56

Counsel, there are two matters which I wish to raise. I just wish to let the Commission know that Ms. Binns, Commissioner is online on Zoom but more importantly, one of our Commissioners, Mr. Quinton Stovell, upon hearing certain evidence has asked to be recused from this matter and I am so moved to allow him to recuse himself because of a perceived or possible conflict.

**Mr. Dirk Harrison (Counsel)** 22:44 We, I just wonder whether or not it may be better to just break for two minutes, a moment. just to, not to break the transmission, but just to let it look as though the transition is smoother.

**Mr. Perinchief (Chairman)** 23:02 Yes, in that case, we can retire.

**Mr. Dirk Harrison (Counsel)** 23:06 I don't think you need to rise, Chairman, but just to allow the smooth transition, I don't know what is the smoothest way to have it done. I don't think you need to rise.

**Mr. Perinchief (Chairman)** 23:17 We don't need to rise at this time, is that correct?

**Mr. Dirk Harrison (Counsel)** 23:19 No, you don't. The rest of you.

**Mr. Perinchief (Chairman)** 23:21 All right.

**Mr. Dirk Harrison (Counsel)** 23:22 I just, I just didn't, I was hoping to find the tidiest way rather than having one person step out, but if that's the only way. You may proceed, Chairman. I was just trying to find the neatest way to do it.

**Mr. Perinchief (Chairman)** 23:43 Yes, well, what we'll do, we'll rise for just one minute until we resolve this issue and then return. The witness can stay in place.

**Mr. Dirk Harrison (Counsel)** 23:52 I have a simple solution. They will cut the feed for a minute, so you need not move.

**Mr. Perinchief (Chairman)** 23:57 So we can stay in place. Yes.

**END OF TRANSCRIPTION AT 23:57**