**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**CHAIRMAN**

**MR. WAYNE PERINCHIEF**

**COUNSEL**

**MR. DIRK HARRISON**

**COMMISSIONERS**

**MR. QUINTON STOVELL (Recused)**

**MS. LYNDA MILLIGAN-WHYTE**

**MS. FREDERICA FORTH**

**MS. MAXINE BINNS (via Zoom)**

**MR. JONATHAN STARLING**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: UNKNOWN**

**THURSDAY, FEBRUARY 4, 2021**

**AFTERNOON SESSION (b)**

(Continuation of Afternoon Session a)

**COUNSEL DIRK HARRISON** 0:06: Thank you. Now the 5th August 1955, letter on the letterhead of Appleby, Spurling & Kempe is the next documentary you wish to place reliance on madam?

**MS. HALLE TEART** 0:23: Yes, sir.

**COUNSEL DIRK HARRISON** 0:44: The letter is addressed to Mr. George Wellington Darrell?

**MS. HALLE TEART**  0:48: Yes Sir.

**COUNSEL DIRK HARRISON** 0:47: I ask that the document be tendered and admitted as Exhibit HT24.

**MR. WAYNE PERINCHIEF** 0:50: Yes. First of all, it was letter dated 5th August, 1955 from Appleby, Spurling & Kempe to G.W. Darrell be Exhibited as HT24.

**COUNSEL DIRK HARRISON** 1:13: Please read the document madam.

**MS. HALLE TEART** 1:15: Appleby, Spurling & Kempe, Barristers at Law Reid House Hamilton, Bermuda

Dated: 5th August 1955.

 Mr. George Wellington Darrell.

 Southampton East. Bermuda.

 Dear Sir: Since you last spoke to our Mr. Montier last year we have had an interview with Mr. George A Williams, and also with Mr. G. Powell concerning the tract of land to which you claim to be entitled, in the vicinity of Camp Hill. Mr. Powell is speaking to us both as the as the Parish Vestry Clerk of Southampton, and also as I landowner in the vicinity of your property. He tells us that the Parish Vestry records show that a piece of land measuring approximately 100 feet by 70 feet, was in the possession of William Green Darrell in 1864. In 1881 it was in the possession of Daniel Davis Darrell, and in 1939, it was entered in the vestry books as being in the possession of Emelius Daniel Darrell and thereafter in your own possession. Within this long period of time, nearly 100 years, there was no record of any other land in the vicinity belonging to your predecessors entitled. Mr. George A. Williams confirmed these same facts to us at the time of his interview. We have today had a consultation with Mr. Peter Smith of Messrs. Hallett Whitney & Patton, Mr. Williams’ attorney, who has shown us Mr. Williams’s title deeds to a tract of land somewhat larger than five acres situated to the south of your small lot. Mr. Williams’ deeds show a clear title back to the year 1928 and recite a title going back to the latter part of the 19th century. On examining Mr. Williams title deeds, we are satisfied beyond any doubt that these deeds are in perfectly good order, and that there's no question that, at least against yourself, Mr. Williams has a good title to this tract of land. And these circumstances and in the absence of any concrete evidence from yourself, as to your title to any additional land we cannot see any useful purpose could be solved by continuing a dispute with either Mr. Williams, or Mr. Powell, especially since we feel that such a dispute would involve you in considerable expense, and would be bound to fail. If you wish to maintain your claim to this large tract of land you may of course, do so. But we have every reason to believe that both Mr. Powell and Mr. Williams with regard such action by you as being a trespass and would undoubtedly commence proceedings against you. If you wish to pursue the matter, we strongly suggest that you place the matter in the hands of another attorney before taking any further action. Since we feel that we cannot usefully help you further, we have enclosed our bill for professional services. We have in our possession various documents handed to us by yourself, and we'll be happy to return these on settlement of our account. Yours faithfully, Appleby Spurling & Kempe Limited.

**COUNSEL DIRK HARRISON** 4:21: You wish make any comments regarding this document?

**MS. HALLE TEART** 4:24P: Yes. So we first just want to draw attention to the name G. Powell. His name has been referenced previously as being, again one of the individuals that has contributed to this loss of land and in edition previously and one of the other pieces of evidence I believe it was in the newspaper John Darrell one of the authors of the letters in the newspaper cited that Mr. George A. Williams had given back a piece of his tract of land after acknowledging that this land did actually belong to Georg Wellington Darrell , and then finally, we just wanted to bring attention to the fact that this letter is dated 1955 and that our family has been trying to get back the pieces of land that we have lost or have been un-rightly taken from us since this date; and since George Wellington Darrell was alive.

**COUNSEL DIRK HARRISON** 5:54: The next document you wish to rely on is which one madam?

**MS. HALLE TEART** 6:00: The next document it's a Civil Rights letter from Civil Rights (UK).

**COUNSEL DIRK HARRISON** 6:10: How many pages does it comprise of?

**MS. HALLE TEART** 6:13: One (1) page.

**COUNSEL DIRK HARRISON**  6:39: Is this a note or a letter?

**MS. HALLE TEART** 6:42: This is a letter, and within the letter it's addressed to Your Majesty the Queen

**COUNSEL DIRK HARRISON** 6:57: Does it have a date?

**MS. HALLE TEART** 6:59: No, there's no date listed here.

**COUNSEL DIRK HARRISON** 7:07: Where was this document obtained?

**MS. HALLE TEART** 7:10: This document was obtained from again the several of the many documents that John Darrell has accumulated during his fight against this case.

**COUNSEL DIRK HARRISON** 7:27: Do you know if this document was delivered to anyone or sent to anyone?

**MS. HALLE TEART** 7:32: I believe that this document was sent to the Queen.

**COUNSEL DIRK HARRISON** 7:35: of England?

**MS. HALLE TEART** 7:36: Yes.

**COUNSEL DIRK HARRISON** 7:39: The documents starts by saying, "*That in further amplification*"? and it ends, *"before the law*"?

**MS. HALLE TEART** 7:50: Yes, it does.

**COUNSEL DIRK HARRISON** 7:48: Application chairman is for one (1) page document headed Civil Rights (UK), First paragraph reads "That in further amplification and ending, "before the Law" that it be tendered and admitted as Exhibit HT24. I'm sorry HT25.

**MR. WAYNE PERINCHIEF** 8:32: You're requesting that one page document headed Civil Rights UK document a purporting a letter Her Majesty the Queen taken from the belongings from John Darrell entered as Exhibit HT25. Did you wish to have the document read?

**COUNSEL DIRK HARRISON** 8:57: Yes Chairman I wish to have it read. Thank you.

**MR. WAYNE PERINCHIEF** 9:00: Yes. If you wish to direct the

**COUNSEL DIRK HARRISON** 9:03: Go ahead madam.

**MS. HALLE TEART** 9:04: Civil Rights UK, Justice House,

400-402 Brixton Road, London SW 978.

 That in further amplification of your Petitioners most respectful submissions, Your Majesty should mandate Your Majesty's Prime Minister, the Hon. Margaret Thatcher, MP to instruct the Government of Bermuda in your name, that the entire case of the Crown vs Darrell Case No. 124 of 78 should be withdrawn on the grounds that the Bermudian High Court misled itself into the factual findings at the Bermuda Government had lawfully acquired the state of Emelius Daniel Darrell and George Wellington Darrell's property when the Vestry records of 1971 prove that no such lawful acquisition was possible before 1971, and that such finding of fact is wholly erroneous, in fact and in law that the Attorney General was wrong to contend, and that the High Court perverse to ignore the fact that Mr. Walter H. Robinson, Attorney at Law, as he would then was acted for the Estate of George Wellington Darrell on the basis that such property was lawfully owned by the Darrell family. Then in 1978, sitting as Mr. Justice Robinson gave a judgment upon the very same property, which was indirect and perverse contradiction of the professional acts he committed in 1964. That Your Majesty's Prime Minister, Mrs. Thatcher's visit to Bermuda on the 13th of April is consistent and wholly a product of the rule of law within your Majesty's realm and colonies and that your Majesty should so instruct the Bermuda Government as an act of constitutional celebration of the rule of law and to the proposition that all are equal before the law.

**COUNSEL DIRK HARRISON** 11:08: Thank you. Another letter from the Civil Rights, UK Her Majesty Queen Elizabeth II, dated 27th of February 1990.

**MR. WAYNE PERINCHIEF** 11:45: Clarification would you repeat the date please Counsel?

**COUNSEL DIRK HARRISON** 11:47: The 27th of February, 1990. I would ask that it be tendered and admitted as Exhibit HT26.

**MR. WAYNE PERINCHIEF** 12:22: The document headed up Civil Rights (UK) dated 27 February, 1990 be tendered as Evidence as Exhibit HT26 and if the witness could read the said document.

**MS. HALLE TEART** 12:42: 27th day of February, 1990. Her Majesty Queen Elizabeth II, Buckingham Palace, London S.W. Dear Your Majesty: First of all our most respectful appreciation of the Most Gracious message you were pleased to honor us with upon the occasion of our Annual Dinner at the House of Commons London on the 27th of January 1990. Your Royal message was read out to our assembled guests and received with fervent expressions of loyalty and high and dutiful appreciation. We ventured to write to you most respectfully, because we have been troubled of late by complaints of what appears certainly at first glance to be serious and indigenous erosion of Civil Rights and your Majesty's right royal Colony of Bermuda in the matter of the conduct of Your Majesty's judiciary. In the matter of one Jonathan Nathaniel Darrell versus Your Majesty's Attorney General, acting on behalf of Your Majesty's Government of the said colony of Bermuda. It is recorded thus, that one of your Majesty's Judges of the High Court of Bermuda the Honorable Mr. Justice Hull presided over the case of Attorney General of Bermuda versus John Daniel Darrell, in August 1989. And whatever legal arguments may or may not be advanced in good time in the Bermudian Court of Appeal, or even your Majesty's Privy Council. It is now February 1990, and there is still no sound or sign of the delivery of the Judgment of the said Mr. Justice Hull, Justice delayed is justice denied. And we would most respectfully represent to Your Majesty and we hope your Majesty would not deem it unreasonable of us to ask that such Judgment should be delivered now, without further delay to Your Majesty's most loyal subject John Nathaniel Darrell.

**MS. HALLE TEART** 14:41: The other aspect of our deep concern is that Civil Rights UK is most anxious to be present in the High Court of Bermuda at the time and day of the delivery of said judgment by the Hon. Justice Hull, and we shall most certainly need some prior intimidation of the occasion, but it would certainly seem that such prior notice is to be denied us.

**MS. HALLE TEART** 15:04:Thirdly, the Bermuda Court of Appeal having first promised to deliver judgment and a related matter regarding the very same parties in March 1990, has now stated that such judgment is delayed until July 1990. Judgment delayed is just justice denied, and we Your Majesty's most humble and loyal subjects here at Civil Rights UK, our most anxious and apprehensive as to the reasons for this most extraordinary and seemingly well-orchestrated delay by Your Majesty's Judiciary, and what William Shakespeare called 'the vexed Bermoothes'. It would appear that the Bermoothes is still vexed indeed, with the litigants of (the I don't know what that word is) John Nathaniel Darrell. It would also appear most timely to us to refer your majesty to what we found upon visiting Bermuda last year, the very colony in which your Majesty's Governor was once shot some years ago, and we're very many black people believe that the wrong men were convicted. There's absolutely no doubt that there is active alive and seething just below the cosmetic surface of Bermuda in politics, a potentially wild resentful seething range by many black families that they have had their land stolen most blatantly by the whites and that the legal profession and your Majesty's Judiciary in Bermuda are distinguished only by their current connivance and condemnation of such large scale lands stealing and your most loyal block subjects believe rightfully or wrongly, that your Majesty's Judiciary will pile delay upon delay and the black Bermudians quest for justice. Since this accords with the unspoken and unwritten silence but well known conspiracy to preserve the white man's larceny of black people's land in Bermuda.

 To this extent, therefore, I would respectfully invite your Majesty's right royal consideration, to the reasons real or imaginary as to why the Bermudian Judiciary is seemingly deliberately delaying judgment and a case which could affect the juror’s prudential fortunes of Your Majesty's black subjects. Your Majesty's humble and obedient and loyal subject Signed: Rudy Narayan, Director Council Civil Rights (UK).

**COUNSEL DIRK HARRISON** 17:39: You wish to place reliance on the 16th March 1990 letter from the Chief Justice Sir James Astwood to Rudy Narayan, Esq. of Civil Rights (UK)?

**MS. HALLE TEART** 17:59: Yes I do.

**COUNSEL DIRK HARRISON** 18:02: And you have that document there?

**MS. HALLE TEART** 18:04: I do not.

**MR. WAYNE PERINCHIEF** 18:09: Counsel would you describe that correspondence once more for my edification and the record?

**COUNSEL DIRK HARRISON** 18:15: Certainly I crave indulgence. It is a letter on the letterhead of the Chief Justice Chambers signed then by the Chief Justice Sir James Astwood. It is addressed to Rudy Narayan, Esq, Director Council Civil Rights (UK) dated the 16th March, 1990. It consists of two (2) pages.

**MR. WAYNE PERINCHIEF** 18:17: Now with that description Counsel, you wish to now give it an Exhibit #HT27, I would presume.

**COUNSEL DIRK HARRISON** 19:39: Thank you.

**MR. WAYNE PERINCHIEF** 19:40: I did not presume to repeat all of that

**COUNSEL DIRK HARRISON** 19:39: That's fine. You may proceed to read the letter of the Chief Justice Chambers.

**MS. HALLE TEART** 20:02: Chief Justice Chambers,

21 Parliament Street Hamilton, Bermuda HM 12 Dated the 16th of March 1990,

 Rudy Narayan Esquire, Director Counsel, Civil Rights (UK),

 Justice House, 400 -442, Brixton Road, London S.W. 97, West England.

 Dear Sir: I received on 16th March 1990 the copy of your letter dated 27th of February 1990, which you have address to Her Majesty complaining about a number of things but in particular, making the most unfortunate assertion that the legal profession and your Majesty's Judiciary in Bermuda are distinguished only by their credible connivance and commendation of such large scale land stealing, and your most loyal block subjects believe rightly or wrongly, that your Majesty's Judiciary will pile delay upon delay in the black Bermudian's quest for justice, since this accords with the unspoken and unwritten and silent but well known conspiracy to preserve the white man's larceny of black people's land in Bermuda.

**MS. HALLE TEART** 21:12: I find the allegations concerning the Judiciary of Bermuda most repulsive, it is completely unfounded. I readily accept that there has been some delay in the court of appeal and the Supreme Court in rendering these judgments, but improperly reasoned and considered judgments are to be given the need to necessarily take time. But I'm satisfied that the judgments of both courts will be rendered within the proper time limits open to these courts. You should be informed that our Court of Appeal is in an Itinerant Court and sits normally in Bermuda three (3) times a year. The judges of the Supreme Court render their considered judgments as quickly as they are able to within the time available to them. Public notice will be given by the court when the judgments are to be delivered, you may care to avail yourself of it. I would expect to receive from you as soon as possible an apology for your unfounded and unsupported attack on the Judiciary of Bermuda. Yours faithfully, Sir James Astwood, Chief Justice

 **MS. HALLE TEART** 22:15: The response 20th Of March 1990. Dear Sir James, I must say I'm profoundly grateful for your swift and direct response. You will appreciate that from this distance we are very much at the mercy of information supplied to us by persons in Bermuda, as to the truth or untruth of what we asserted to Her Majesty. That is why the phrase rightly or wrongly was most carefully inserted. However, the belief is that in the minds of black Bermudians is without any shadow of a doubt, because I was most conscientious in the nature and extent of my inquiries when on the island. Whether such belief is well founded or not may have to be in the subject of further inquiry, and probably more in line with persons of your Lordships eminence and distinction rather than lie with my humble self. Nevertheless, in the context of the shooting of the Governor, and the Commissioner of Police in this not too distant past, I thought it right to draw this widespread in detail feeling among black Bermudians to Her Majesty. Believe it or not, I preferred to speak out and let the steam out of the kettle rather than allow steam heat to become violence and assassination. I'm sending if you don't mind copies of this correspondence to Her Majesty so that she should know firstly of your finest repudiation and rejection of what I've written. And secondly, that she should have this clarification of my own first letter to her. Should you please note my respect and appreciation of the clear stand you have taken in these matters I do hope I've not been misled or misinformed, at least I very much hoped not. Your Lordships miss-respectful servant, Rudy Narayan Esquire, Director Counsel, Civil Rights (UK) to PS if you can actually convince me that I've been wrong, and then of course we would gladly apologize.

**MR.DONALD McMAHON** 24:01: My name is Donald McMahon, I would like to speak to that if possible. Okay, Mr. Rudy came to the island, and they came up my grandmother's house, and basically my uncle had arranged a lot of people that have land problems, and they all came to your house and they were all telling him about their problems. That's where this letter came from.

**COUNSEL DIRK HARRISON** 24:26: Thank you. How do you know this?

**MR.DONALD McMAHON** 24:29: I was up there. I was at the house when this happened. And I was surprised that a lot of the issues you know, that when people bring stuff up was like mind blowing for me and all the areas that they were talking about.

**MR. WAYNE PERINCHIEF** 24:42: Thank you. Counsel would the witness further expand on that, with perhaps a timeline, just for the record. If you could remember as close as you can.

**MR.DONALD McMAHON** 24:55: I can't remember the date, exactly. If there was any it was in the late '80's, I can't remember exactly what date, but I can show pictures of the Brown Family they were there to the meeting and they had been around difference areas and taking pictures and stuff like that.

**MR. WAYNE PERINCHIEF**  25:19: Counsel you may continue. I didn't wish to break in but I wanted to get some timeline of when this event occurred if possible.

**COUNSEL DIRK HARRISON** 25:28: That's fine. Chairman. Okay.

**MR.DONALD McMAHON**  25:32: Not to interrupt, but my cousin just showed me it was in 1989.

**COUNSEL DIRK HARRISON** 25:35: What is that document?

**MR.DONALD McMAHON** 25:39: It is just a newspaper clipping

**COUNSEL DIRK HARRISON** 25:42: A newspaper clipping is in reference to what?

**MR.DONALD McMAHON** 25:45: Darrell family cleared the road and it says Rudy Narayan Esquire, Director Counsel, Civil Rights (UK).

**COUNSEL DIRK HARRISON** 25:52: I'm sorry do you wish to rely on that document?

**MR.DONALD McMAHON** 25:54: Oh yes

**COUNSEL DIRK HARRISON** 25:55: And you wish to rely on it for what purpose?

**MR.DONALD McMAHON** 25:57: The Commissioner asked me when he was here and when did he come the timeline.

**COUNSEL DIRK HARRISON** 26:03: You would like to use that document as a timeline?

**MR.DONALD McMAHON** 26:06: Yes.

**COUNSEL DIRK HARRISON** 26:09: And what is the extract? Is it taken from any newspaper?

**MR.DONALD McMAHON** 26:16: The headline just says Darrell family clears the road, it doesn't have the name of the paper, and I would guess the Royal Gazette.

**MR. WAYNE PERINCHIEF** 26:52: Counsel would you want to label this as an exhibit?

**COUNSEL DIRK HARRISON** 26:57: I would like to see first I crave indulgence Chairman

**MR. WAYNE PERINCHIEF** 26:59: Yes.

**COUNSEL DIRK HARRISON** 27:00: Chairman this is an extract from what it appears to be uh tabloid and I'm not certain which tabloid it is. It's just titled February 23, 1989. I'm sorry Friday, June 23, 1989. The title is, "Darrell Family Clears the Road." We'd like to have it tendered and admitted as an Exhibit #HT28, and while it is being projected on the screen at ask the witness could read the document for us.

**MR. WAYNE PERINCHIEF** 29:11: Yes, we record that a copy of photo showing, "The Darrell Family Clears the Road” taken from a photograph document dated June 23 1989. Being tendered as Exhibit HT28.

**COUNSEL DIRK HARRISON** 29:32: Thank you. Crave Indulgence. You may go ahead and read madam.

**MS. HALLE TEART** 30:26: Friday, June 23 1989 "Darryl Family Clears the Road". A leading English Civil Rights Activist yesterday claimed up to 30 Bermudian families may have been cheated out of millions of dollars of real estate during the past three decades. London Barrister Mr. Rudy Narayan Esquire, Director Counsel, Civil Rights UK, further alleged those responsible for cheating Bermudians held respected positions within the local community. Mr. Narayan has been hired by Mr. John Darrell, the man involved in a 27 year land dispute with the Bermuda Government. Mr. Darrell and his family yesterday claimed a major victory in their marathon battle, when they officially opened Tribe Road #4 in Warwick. Mr. Darrell said two generations of his family had argued Government boundaries were incorrect, and the road belong to them. "It has only been within the last seven (7) days the Government has moved boundary markers back to show we were right all along," he said. During the ceremony, Mr. Darrell's mother, Mrs. Bernice Darrell, cut a ribbon held across the road by Mr. Darrell's two (2) sons, Nathan and John. The Darrell family said the road would be open to all.

**MS. HALLE TEART** 31:42: Mr. Darrell said the ceremony which was watched about by about six (6) other Bermudian families who also claim to be victims of unfair land deals, was to mark the beginning of another phase of his fight. The road represented just a portion of his battle to regain land he claimed belonged to him, he said. He will appear in the Civil Court on August 14th to continue the fight, he said. In the lead up to the case, Mr. Narayan, along with several other international civil libertarians will meet with other Bermudians who claim unfair treatment at the hands of Government and property developers. "When Mr. Darrow blocked this road many years ago, he was threatened with prosecution. Now 27 years later, he has been proved to be in the right," Mr. Narayan said. "How many other land boundaries are wrong? And how many other Bermudians are going to have their land returned to him to them?" Mr. Narayan said a meeting of all other families who believe they had a rightful claim to land would take place next Thursday at the Darrell's residence. He said he would issue a press statement after the meeting detailing what occurred, and what further action might be taken. Mr. Darrell said he was forced to sell a house he had given to his son to finance Mr. Narayan's trip to Bermuda. He believed the cost and effort were worth it, because so many Bermudians had complained of unfair treatment regarding land deals. "People have come to me in the street and asked how I could help them," he said.

**COUNSEL DIRK HARRISON** 33:18: Thank you. Now earlier you had made mention of the Judgment of Justice Robinson. When we sat yesterday, you made mention also of concerns of Mr. John Darrell. Today, you also made mentioned reading correspondence that Mr. John Darryl, was concerned that Justice Robinson before he became Justice Robinson he was Mr. Walter, and still is Walter N. H. Robinson, Attorney Barrister at Law and he appeared for Mr. George Darrell. I want to show you a letter which you have shared with us dated the 17th June 1963. It's on the letterhead of Walter N.H. Robinson. Temple Bar Building Church Street You have a copy of that document there madam?

**MS. HALLE TEART** 35:03: Yes Sir.

**COUNSEL DIRK HARRISON** 35:06: I'd ask that the document on the letterhead of Walter N.H. Robinson, Barrister at Law of Temple Bar Building, Church Street dated 17th June 1963, be tendered and admitted as Exhibit HT29.

**MR. WAYNE PERINCHIEF** 35:33: There was a letter on letterhead dated 17th June 1963. From lawyer Walter N.H. Robinson of Temple Bar Building, Church Street, Hamilton dated 17th June, 1963 Limited, and Church Street tendered in evidence as HT29, so done.

**COUNSEL DIRK HARRISON** 36:06: Madam.

**MS. HALLE TEART** 36:08: Walter N.H. Robinson Barrister at Law,

Temple Bar Building, Church Street, Hamilton, Bermuda.

 Dated: 17th June, 1963.

 Mr. George Darrell Riviera Estates

 Mr. Rivera Estates Southampton East Dear Sir: I have not completed my searches relative to the boundaries of your property at Southampton, and I am continuing to investigate the same. In the meantime, I should be pleased if you would pay me a retaining fee of 10 pounds and 10 pence shillings pardon me, for this matter as per the enclosed bill. Should this matter go to the Supreme Court the retainer will be taken into account and fixing fees at that time. Yours faithfully, Walter N.S. Robinson

**COUNSEL DIRK HARRISON** 37:02: Do you wish to male comment on this document?

**MR.DONALD McMAHON** 37:11: I'm sorry. Donald McMahon. This is basically showing that he worked for my grandfather doing the searching for the boundaries for the land.

**COUNSEL DIRK HARRISON** 37:25: And in respect of it is more or less said. What a similar issue that was before when he was judged that he dealt with?

**MR.DONALD McMAHON** 37:37: Dealt with the same conflict of interest.

**COUNSEL DIRK HARRISON** 37:39: Mrs. Fishing ton has spoken to that matter earlier today also and this is sufficient on had spoken to that matter earlier today also.

**MS. HALLE TEART** 38:02: Halle Teart Yes, this letter supports not only John Darrell's claim that Mr. Robinson was wrong to judge on the matter related to the Darrell property, but also the Civil Rights. Individuals who also wrote to the Queen saying that the Judgment should be thrown out because Walter Robinson had previously worked for the Darrell family in relation to the same land that was rolled on in that court case.

**MR.DONALD McMAHON** 38:34: Donald McMahon: And he also worked for the Sunnyside Park before he worked for us. So there's two (2) areas that's affecting the same property.

**COUNSEL DIRK HARRISON** 38:41: And Sunnyside Park is just

**COUNSEL DIRK HARRISON** 38:47: And who did?

**MR.DONALD McMAHON**  38:49: Walter Robinson was the one doing the search up there too.

**COUNSEL DIRK HARRISON** 38:53: And were you in dispute with Sunnyside Park?

**MR.DONALD McMAHON** 38:56: No sir. What I'm saying is the property goes right up to the Sunnyside Park. So he was aware of both situations as well as I am referring to.

**MS. HALLE TEART** 39:06: Haley Teart: The property actually includes certain few lots of Sunnyside Park.

**COUNSEL DIRK HARRISON** 39:11: Thank you. The next document you wish to rely on madam? What is that?

**MS. HALLE TEART** 39:31: This is an Indenture made between George Arnold Williams and it also includes Gerald Alexander Simmon's and Walter Nathaniel Harvey Robinson.

**COUNSEL DIRK HARRISON** 39:47: What is the date of it Madam?

**MS. HALLE TEART** 39:52: This is the 11th day of March 1953

**COUNSEL DIRK HARRISON** 40:00: Thank you. It consist of how many pages?

**MS. HALLE TEART** 40:20: Consists of 10 pages.

**COUNSEL DIRK HARRISON** 40:29: Thank you. Document Indenture consisting of 10 pages dated 11th day of March 1953. It has or appears to be a yellow circle No 5a. I'd ask that it be tendered and admitted as Exhibit HT30.

**MR. WAYNE PERINCHIEF** 41:07: You'd like to tender the 10 page Indenture dated the 11th of March 1953. With a yellow mark No 5a attached? And who is it between?

**MS. HALLE TEART** 41:30: George Arnold Williams. Gerald Alexander Simmons and Walter Nathaniel Harvey Robinson.

**MR. WAYNE PERINCHIEF** 41:38: And that is the same person who was the lawyer previously?

**MS. HALLE TEART** 41:40: Yes.

**MR. WAYNE PERINCHIEF** 41:38: And that is the standard in evidence Exhibit HT 30.

**MR. WAYNE PERINCHIEF** 42:23: Counsel, I just wanted to make mention that I intend to continue this matter until four o'clock so that two (2) of our commissioners can take care some personal business.

**COUNSEL DIRK HARRISON** 42:48: Very well. Miss Teart follow up on the question of the Chairman. The name you just read was Walter Nathanael Harvey Robinson.

 And it says, of the City of Hamilton in the islands aforesaid Barrister at Law. What is the purpose of this document?

**MS. HALLE TEART** 43:27: The purpose of this document is to further explain or give proof of Mr. Walter Robinson's dealings with not only property in the area, but also with George Arnold Williams, who has also come up several times in relation to his claim to property that actually belong to Emelius Daniel Darrell.

**COUNSEL DIRK HARRISON** 43:55

Forgive me. So before you were bringing into our attention, the fact that before Walter Robinson Esq. became a Judge of Bermuda. He acted for Mr. George Darrell and he was here requesting that he'll be pleased if you repaid his fees. We then have a complaint by Civil Rights UK written to the Queen then Chief Justice Sir Astwood chose the ‘*Pruden route’* of writing to the Civil Rights (UK) and not the Queen, of course, to complain about the letter written to the Queen, but now you're exhibiting a document which please just repeat it for me? Who are the parties and what is happening?

**MS. HALLE TEART** 45:27: The parties are George Arnold Williams, Gerald Alexander Simmons and Walter Nathaniel Harvey Robinson and this is an Indenture. So this is transfer of property.

**COUNSEL DIRK HARRISON** 45:40: Now, this Indentures dated 11th March 1953. The letter written demanding my apologies for choice of words inviting payment of fees due is dated the 17th of June 1963. And the judgment in the case is 1978. You may, you may continue Madam in terms of that. You don't need to go through the full Indenture but if you could just highlight for us the past that you think are relevant?

**MS. HALLE TEART** 46:42: So we actually could go back to the page where the map is,

**COUNSEL DIRK HARRISON** 46:51: I'm sorry, what do you mean it is the same Indenture?

**MS. HALLE TEART** 46:52: Yes, the same Indenture, there's a map attached.

**COUNSEL DIRK HARRISON** 47:07: Yes, you may proceed at the top of the map. So just before going further, just to indicate that in the bottom left hand corner it indicates Plan of land known as Sunnyside Park, Southampton Parish, Bermuda, I think yes. What do you want to show us somewhere else?

**MS. HALLE TEART** 47:33: Yes. I just wanted to draw attention to the top where it say the land of the Colonial Government. Old boundary stone wall.

**COUNSEL DIRK HARRISON** 47:41: Yes speak a little louder for us please? At the top it has Gerald Alexander Simmons Yes, proceed.

**MS. HALLE TEART** 47:50: And there's specifically is at the end of this document, there is a receipt dated 1954. And this is from 1953. And so it says the land of the Colonial Government and pardon me because we are trying to piece together this evidence left behind by John Darrell. But one of the things that he wanted us to pay attention to was the fact that this area of land which is recorded in other maps, the land of the colonial government, which is recorded and other maps as being that of John Nathaniel Darrell or George Wellington Darrell. Here is the land of the Colonial Government 1953 but the receipt shows that taxes was paid to the Vestry in 1954 on that land, and that's evidence on the last page of the receipts of the Estate of Emelius Daniel Darrell 1954. And so that was just to outline one part of inconsistency, not only with the names Robinson, and his relation to George Williams in the Indenture, but also what the map that was used in that Indenture where the Colonial Government is cited as having ownership to that land, but tax was paid on that land on the Estate of Emelius Daniel Darrell as early in this point as 1954.

**COUNSEL DIRK HARRISON** 49:32: If you could just guide us I know you had drawn our attention first and foremost to the map. And you had by way of speaking highlighted the area, almost rectangle that speaks to the land of the Colonial Government. You're saying that was appears to be almost rectangular the area stone, you're saying that the receipt which follows evidence is payment by Mr. Darrell for that land?

**MS. HALLE TEART** 50:14: Yes.

**COUNSEL DIRK HARRISON** 50:15: And how in terms of the receipt, how are you sure is that piece of land that is being paid for and not another in terms of the lot numbers, or the other numbers given?

**MR. NATHAN DARRELL** 50:34: Nathan Darrell: By looking at the plan, it doesn't show any estate of Emelius Darrell. And the plan is dated in 1953. And also the area where it says Arnold Williams, which is going to be on the left hand side inside there, because

**COUNSEL DIRK HARRISON** 50:59: Arnold Williams.

**MR. NATHAN DARRELL** 51:02: It is kind of cut off but the assumption is George Arnold Williams.

**COUNSEL DIRK HARRISON** 51:10: Okay. Can you just assist me in terms of the area that you're referring to where it has at the top, the lot that has No. 6040, is that what you're referring to that rectangular,

**MR. NATHAN DARRELL** 51:26: No sir, to the left of that. Were the dark shading is on the other side of that

**COUNSEL DIRK HARRISON** 51:35: Where Arnold Williams appears on the right there.

**MR. NATHAN DARRELL** 51:40: Yes, this land that says Arnold Williams it's actually part of the Emelius Darrell Estate. And this plan does not show Emelius Darrell to own anything on this plan. But getting back here is paying taxes on land.

**COUNSEL DIRK HARRISON** 51:59: He's allowed to pay taxes and your view is that the Southampton Vestry would not allow someone to pay taxes unless their owner, is that what you’re saying?

**MR. NATHAN DARRELL** 52:12: That is correct.

**MR.DONALD McMAHON** 52:19: Donald McMahon: Okay, going back to the police report in the Mid Ocean. Just listen read from a section of it?

**COUNSEL DIRK HARRISON** 53:00: Just one moment. Witnesses drawn our attention, thank you, Chairman to Exhibit HT12. So the witness is drawing our attention to that document just one moment, we're having a document projected on the screen. Okay

**MR.DONALD McMAHON** 53:41: Yes. Reading from Inspector Carr,

**COUNSEL DIRK HARRISON** 53:47: You're reading from the current document on the ……

**MR.DONALD McMAHON** 53:48: Yes the current document on the far right, a 1943, that is where I am reading from. In 1943, the subdivision is respected of property, then in the ownership of George Arnold Williams, formally owned by Horace Cooper 1928; and then owned by Ralph Kopplin. After that shows that property to the north was owned by the Estate of Joseph DeRosa. And to the west by the Estate of Emelius Darrell. In 1956 Deed in respect of Mr. Anthony Rabain, his house was right up on the top corner where the Colonial Government land is or where it says it is their land, Mr. Rabain further confirmed ownership of the property belonging to the claimants Emelius Darrell. So that there in essence is showing that in 1956, it was recognized as the Estate of Emelius Darrell right up top of the hill; and Mr. Rabain's house will be No. 31 or 32? That's where his house is 32, just 32. That's just to draw a reference to.

**COUNSEL DIRK HARRISON** 55:12: Thank you, go ahead Madam.

**MS. HALLE TEART** 56:13: I just wanted to draw attention to the bottom of the plan. The person who drew this plan was Mr. Wycliff Stovell and as Nathan said a portion of George Arnold Williams property was also a part of Emelius Darrell's estate and in some of the previous documents be put into evidence. It was said why Wycliffe Stovell not only made this plan but also performed some things that was too in the benefit for George Arnold Williams to make some of that property his own and as you can see it says to be Conveyed to Wycliffe Stovell the bottom portion or below George Arnold Williams property, which would be considered the Estate of Emelius Darrell.

**COUNSEL DIRK HARRISON** 57:02: I was going to ask you to repeat that point for us please?

**MS. HALLE TEART** 57:07: So we previously in some of the previous evidence it was said that a portion George Arnold Williams property was actually a part of Emelius Darrel's property. And there was also evidence showing that Wycliffe Stovell did some things to the benefit of himself with the help of George Arnold Williams property to place some of that property in his name. And here below we see that in this document itself, which was drawn by Wycliffe Stovell, right below George Arnold Williams property what's been sectioned off to be his property, it says to be conveyed to Wycliffe Stovell.

**COUNSEL DIRK HARRISON** 57:56: You said to be conveyed to? Where?

**MS. HALLE TEART** 58:02: It's the lot where you see 60 is right below what it said to be George Arnold Williams property on the far left of the map. This is the map

**COUNSEL DIRK HARRISON** 58:24: Just one moment please. You are referring to where that measurement is 60

**MS. HALLE TEART** 58:32: Yes.

**COUNSEL DIRK HARRISON** 58:38: So where the cursor is now.

**END OF TRANSCRIPTION FEBRUARY 4, 2021 (AFTERNOON SESSION b) AT 58:43**