

CONYERS, DILL & PEARMAN,

Advertisers at Law

SIR REGINALD CONYERS, KT.
N. B. DILL.
J. E. PEARMAN.

CABLE ADDRESS: "CODAN"
TELEPHONE 1284.

BERMUDA FIRE AND MARINE INSURANCE BUILDING,

HAMILTON, BERMUDA.



112

28th January, 1950

The Honourable
Colonial Secretary,
Hamilton

Sir:

We have the honour to enclose herewith for His Excellency's consideration Petition of The Bermuda Development Co. Ltd. praying for sanction to acquire a parcel of land in Pembroke Parish under the terms of its incorporating Act.

An extra copy of the plan is forwarded herewith.

We understand that there is no fee payable in respect of an application of this nature.

We have the honour to be,

Sir,

Your obedient servants,

Conyers Dill & Pearman
1st/1h

Encs. 2

P E T I T I O N
o f

THE BERMUDA DEVELOPMENT COMPANY LIMITED

--- 000 ---

TO HIS EXCELLENCY LIEUTENANT
GENERAL SIR ALEXANDER HOOD, C.B.E.
K. C. B., Governor and Commander-
in-Chief over the Bermudas or
Somers Islands.

THE PETITION OF THE BERMUDA DEVELOPMENT
COMPANY LIMITED humbly sheweth as follows:-

1. Your Petitioner was incorporated by an Act of the Legislature Number 19, 1920, entitled "The Bermuda Development Company Act, 1920" and its powers were further extended by an Act of the Legislature entitled "The Bermuda Development Company Act No. 2, 1920".

2. Under Section 28 of the latter of the two Acts referred to above Your Petitioner was by sub-section 1 of that Section empowered to purchase or acquire the lands set out in the First Schedule to the said Act, while under sub-section 2 of the said Section the Company was empowered, with the previous sanction of the Governor-in-Council, but not otherwise, to purchase or acquire by agreement with the owner or reputed owners any other land in these Islands bona fide required for the carrying on of the business of the Company under the powers contained in the first of the two Acts referred to above, not exceeding in the whole Fifty acres.

3. Under the provisions of an Amending Act to the Company's incorporating Acts, No. 17 of 1931, the amount of Fifty acres referred to in Section 28 (2) was increased to Seventy-five acres.

4. The Company acquired the land set out in the Schedule to The Bermuda Development Company Act No. 2, 1920, which has no reference to the power to acquire set out in Section 28 (2) of that Act.

5. On the 30th April, 1931, the Company acquired the property known as "the St. George Hotel property" comprising 48.33 acres.

6. The Hotel Bermudiana Company Limited, the present owner of the land described in the Schedule hereto, is a wholly owned subsidiary of Your Petitioner, and Your Petitioner has agreed with The Hotel Bermudiana Company Limited to acquire the parcel

of land described in the Schedule hereto at the price of £5,737.1.10, the book value thereof.

7. Your Petitioner desires to acquire the said parcel of land for a re-arrangement of the assets of the two Companies as between itself and its subsidiary and to continue to hold it bona fide for the purposes for which Your Petitioner was incorporated.

THE SCHEDULE ABOVE REFERRED TO

ALL THAT certain parcel of land in Pembroke Parish in the Islands of Bermuda delineated on the plan hereto annexed and thereon coloured pink containing 1.178 acres bounded NORTHERLY in part by land of Roy Conyers and in part by the public road known as the Pitts Bay Road and there measuring Four hundred and twenty-two feet EASTERLY in part by land of the heirs or devisees of Walter Cardy Bluck deceased or their assigns and in part by land of the Corporation of Hamilton and there measuring One hundred and forty-seven feet and six inches SOUTHERLY by the waters of Hamilton Harbour and there measuring Four hundred and thirteen feet and six inches and WESTERLY by land of the said Roy Conyers and there measuring Eighty feet TOGETHER WITH all appurtenances thereunto belonging.

Your Petitioner therefore
humbly prays that Your
Excellency-in-Council will
see fit to grant to Your
Petitioner sanction to acquire
in fee simple in possession
the parcel of land described
in the Schedule hereto.

AND YOUR PETITIONER (as in duty bound) WILL EVER PRAY etc.....

Wm. D. Appleton
Secy
Wm. D. Appleton
Secy

The Registrar General.
For information.
Colonial Secretary.
28th February, 1950.

Gentlemen,

I am directed to refer to your letter dated the 28th January, 1950, forwarding the petition of The Bermuda Development Co., Ltd, praying for sanction to acquire property in Pembroke Parish, and to inform you that His Excellency the Governor-in-Council has approved your petitioners request.

3. Formal warrant of approval is enclosed.

I am, Gentlemen,
Your obedient servant,

W. Brown
Colonial Secretary.

Messrs. Conyers, Dill & Peartman,
Barristers-at-Law,
Hamilton.

PYI/lmm

BERMUDA (alias)
Somers Islands)

By His Excellency Lieutenant General
Sir Alexander Hood, G.B.E., K.C.B.,
Governor and Commander-in-Chief in
and over these Islands, etc. etc.

TO ALL TO WHOM THESE PRESENTS SHALL COME

WHEREAS The Bermuda Development
Company, Limited has presented a
petition to the Governor-in-Council
setting forth that the said Company is
desirous of purchasing and acquiring
the hereditaments hereinafter des-
cribed, and requesting that I, the
Governor and Commander-in-Chief-in-
Council would be pleased to sanction
the purchase of the said property:

NOW KNOW YOU that I, the
Governor and Commander-in-Chief-in-
Council, by virtue and in exercise of
the power in that behalf vested in me
by Section 2 of "The Bermuda Develop-
ment Company Act, 1931" DO HEREBY

Governor & Commander-in-Chief
SANCTION the purchase and acquisition by The Bermuda Development Company,
Limited of:

ALL THAT certain parcel of land in Pembroke Parish
Parish in the Islands of Bermuda delineated on the
plan hereto annexed and thereon coloured pink con-
taining 1.178 acres bounded NORTHERLY in part by
land of Roy Conyers and in part by the public road
known as the Pitts Bay Road and there measuring
four hundred and twenty-two feet EASTERLY in part
by land of the heirs or devisees of Walter Cardy
Bluck deceased or their assigns and in part by
land of the Corporation of Hamilton and there
measuring One hundred and forty-seven feet and six
inches SOUTHERLY by the waters of Hamilton Harbour
and there measuring Four hundred and thirteen feet
and six inches and WESTERLY by land of the said
Roy Conyers and there measuring Eighty feet TOGETHER
WITH all appurtenances thereunto belonging.

Given under my Hand and Seal-at-Arms
at Hamilton in the Islands of Bermuda
this 28th day of February, A.D., 1950.

By His Excellency's Command.

W. D. Rain
Colonial Secretary.

CONYERS, DILL & PEARMAN,

Administrators at Law

SIR REGINALD CONYERS, KT.

N. B. DILL.

J. E. PEARMAN.

CABLE ADDRESS: "CODAN"

TELEPHONE 1264.

BERMUDA FIRE AND MARINE INSURANCE BUILDING,

HAMILTON, BERMUDA.

110

RECEIVED
DEC 15 1947

13th December, 1947

The Honourable
Colonial Secretary,
Hamilton

Sir:

We have the honour to enclose herewith for
His Excellency's consideration petition of Bermuda
Development Company Limited.

We have the honour to be,

Sir,

Your obedient servants,

Conyers Dill & Pearman
Per H. E.

P E T I T I O N

OF

BERMUDA DEVELOPMENT COMPANY LIMITED

--- 000 ---

TO HIS EXCELLENCY ADMIRAL SIR RALPH
LEATHAM, Knight Commander of the Most
Honourable Order of the Bath, Governor
and Commander-in-Chief over the Bermuda
or Somers Islands.

THE PETITION OF THE BERMUUDA DEVELOPMENT
COMPANY LIMITED humbly sheweth as follows:-

1. Your Petitioner was incorporated by an Act of the Legislature No. 20, 1920, entitled "The Bermuda Development Company Act, 1920".
2. Under the provisions of Section 6 (1) of Your Petitioner's incorporating act it was provided that the business of the Company should be managed by a Board of Directors consisting of not fewer than seven and not more than eleven.
3. Your Petitioner is desirous of increasing the maximum number of Directors who may be elected from eleven to fifteen.

Your Petitioner therefore humbly prays that Your Excellency will be pleased to assent to any measure which may be passed by the other Branches of the Legislature providing for the amendment to Your Petitioner's incorporating Act increasing the maximum number of Directors who may be elected to manage Your Petitioner's business from eleven to fifteen and with such other incidental provisions as the Legislature may deem expedient.

AND YOUR PETITIONER (as in duty bound) WILL EVER PRAY etc.....

Attest
Wm. D. Smith
Secretary

W. G. Goring
Director

CABLE ADDRESS
MIDDOCLUB, BERMUDA

109
BERMUDA DEVELOPMENT CO. LTD.
(MID-OCEAN CLUB)
TUCKERS TOWN
BERMUDA

16th. July 1945.



The Honourable
The Colonial Secretary,
Hamilton.

Sir,

I have the honour to inform you that the Offices of this Company and of the Bermuda & West Indies S.S.Co.Ltd. have been transferred from the Bank of Bermuda Building to the First Floor of the Conyers Building on Front Street, Hamilton.

I have the honour to be
Sir

Your obedient servant,
A. N. Sinden
Secretary.

ASJ
16/7/45

108

2302/2.

10th January, 1935.

Sir,

I am directed to acknowledge the receipt of your letter of the 31st December, 1934, and to inform you that the effect of Act No. 25 of 1920 is to free the Company from any disabilities which might attach by reason of the Statutes or Doctrine of Mortmain in respect of the land described in the first schedule thereto.

2. No portions of the land so described are liable to escheat by reason of reacquisition by the Company.

I have the honour to be,

Sir,

Your obedient servant,

Colonial Secretary.

The Hon. F.G. Gosling, O.B.E.,
Secretary, Bermuda Development Company, Ltd.,
Hamilton.

BERMUDA DEVELOPMENT CO. LTD.
(MID-OCEAN CLUB)
TUCKERS TOWN
BERMUDA

NEW YORK OFFICE
34 WHITEHALL ST.
CABLE ADDRESS
MIDDOCLUB, NEW YORK

December 31, 1934.

The Honourable
The Colonial Secretary,
Public Buildings,
Hamilton.

Sir:-

I have the honour to submit, for the consideration of His Excellency the Governor-in-Council, the following question which has arisen in connection with the Bermuda Development Company's land-holding powers at Tucker's Town.

Section 28 (1) of the Bermuda Development Company Act (No. 2), 1920, (No. 25), empowers the Company to purchase or acquire the lands in Bermuda described in the First Schedule to the Act, and to hold by its corporate name the lands so purchased or acquired.

On the 31st of July, 1929, the Company sold to Mr. Henry Curtis Blackiston, of New York, a Director of the Company, two adjoining parcels of land in Hamilton Parish, containing 3 acres 2 roods and 32 perches, which lands are comprised in the area described in the First Schedule to the above-mentioned Act.

Mr. Blackiston is retiring from the Company during the early part of next year, and the Company has agreed to re-purchase from him the two parcels of land.

The re-purchase of this land does not increase in any way the land-holding powers given to the Company by the Act.

Some years ago it was ruled by the Bermuda Government that an incorporated company cannot purchase or hold land in Bermuda without the previous sanction in each case of the Legislature, this ruling being based on the Statutes of Mortmain or the Common Law, or both, and that land purchased without such consent was liable to be escheated to the Government.

The questions which arise in the present case are whether the Company, having acquired certain land under the authority of Act No. 25 of 1920, and having sold a portion of it, can legally re-purchase such portion of land without obtaining the sanction of the Legislature, and whether the re-purchase of the land without such sanction would render the land liable to escheat.

It would appear on the face of it that the Company, having already received legislative sanction to hold the two parcels of land in question, may sell them and re-purchase them without

21302

105

CABLE ADDRESS
MIDDOCLUB, BERMUDA

BERMUDA DEVELOPMENT CO., LTD.
(MID-OCEAN CLUB)
TUCKERS TOWN
BERMUDA

NEW YORK OFFICE
34 WHITEHALL ST.
CABLE ADDRESS
MIDDOCLUB, NEW YORK

-2-

(Colonial Secretary)

transgressing the law, but the Company, being in doubt what attitude the Government might take in the matter and as other similar cases may arise in future, desires to obtain from the Government a ruling on the two questions raised in the preceding paragraph.

I have the honour to be,

Sir,

Your obedient servant,

Secretary.

MGG.W

S. G. Sneling

BERMUDA DEVELOPMENT CO. LTD.
(MID-OCEAN CLUB)
TUCKERS TOWN
BERMUDA

NEW YORK OFFICE
34 WHITEHALL ST.
CABLE ADDRESS
MIDDOCLUB, NEW YORK

June 30, 1933.

The Honourable
The Colonial Secretary,
Public Buildings,
Hamilton.

Sir:--

I am instructed by the Bermuda Development Company, Limited, to apply for the sanction of His Excellency the Governor-in-Council, under the provisions of Section 28 (2) of Act No. 25 of 1920, as amended by the Bermuda Development Company Act of 1931, to the purchase and acquisition by the Company, by agreement with the owner, Mr. R. Percy W. Tucker, of a parcel of land in St. George's Island near Fort St. Catherine, containing eight acres and twenty perches. This parcel of land is fully described in Enclosure "A" to this letter, accompanied by a plan in duplicate.

I should explain that the Development Company has rented this land from Mr. Tucker during the past few years for the purpose of providing sea-bathing facilities for the guests at the St. George Hotel, an arrangement which could have been continued had not the owner now decided to sell the property, so the Company, in order that these facilities may be continued to the guests of the hotel and to many other persons in St. George's, is obliged to purchase the land in question.

For the information of His Excellency, I may state that this Company has acquired, under the provisions of Section 28 (2) of the Act of 1920, 45A. 2R. 7P. 19 $\frac{1}{2}$ Y. Out of this total 12A. 3R. 9P. 16Y. have been sold. Deducting the area of these lots so disposed of from the total amount acquired, there is a balance of 32A. 2R. 3 $\frac{1}{2}$ Y. now held by the Company under the Act of 1920.

Under the Bermuda Development Company Act of 1931 the holding powers of the Company were increased from 50 acres to 75 acres, and the Company has acquired with the sanction of the Governor-in-Council two lots of land aggregating 25A. 0R. 24P. under that Act. The total sanctions obtained by the Company from the Governor-in-Council under both Acts amount to 70A. 2R. 31P. 19 $\frac{1}{2}$ Y. and after deducting the 12A. 3R. 9P. 16Y. which have been sold as stated above the total holdings of the Company outside of the Tucker's Town area are now 57A. 3R. 22P. 3 $\frac{1}{2}$ Y. For your convenience the whole of these transactions are shown on Enclosure "B" to this letter, with the respective dates of acquisition.

I have the honour to be,
Sir,
Your obedient servant,

FGG.W
ENCLOS.

F. G. G. W.
Secretary.

ALL THAT lot of land in the Island of St. George in St. George's Parish containing Eight acres and twenty perches or thereabouts, outlined in pink on the plan hereto annexed, bounded on the NORTHWEST and NORTH by the waters of Murray's Anchorage on the NORTH-NORTHEAST between War Department Boundary Stones 25 and 24 by lands of the War Department on the NORTHEAST between War Department Boundary Stones 24 and 23 by lands of the War Department on the SOUTHEAST by a War Department road known as the "East Road" on the SOUTH by a public road or street dividing the land now being described from lands of William Eugen Meyer Jr. and Frederick James Pearce and on the WEST by the waters of Goot Pond OR HOWEVER OTHERWISE the said parcel of land may be bounded or ought to be described TOGETHER WITH all walls, fences, ways, rights of way, rights, easements, advantages and appurtenances to the said parcel of land and premises appertaining or with the same hold or enjoyed or reputed as part thereof or appurtenant thereto.

Enclosure B

BERMUDA DEVELOPMENT COMPANY, LIMITED.

Lands Acquired Outside Tucker's Town Area
Under Section 28 (2) of Act of 1920 as amended by Act of 1931.

- - -

Approval Date	Parish	Area. A. R. P. Yds.	Description.
20 Sept '20	Hamilton	1.0. 0. 0	Patton's Point.
20 " "	do.	5.1.28. 0	Lot A on Western Boundary.
20 Nov. "	do.	1. 4. 0	Lots B1 & B2 West Boundary.
26 " "	do.	3.24. 0	Lot C West Boundary.
23 May '21	do.	3. 3. 0	Lot E West Boundary.
23 " "	St. George	11.0. 0. 0	Rose Hill Property (Hotel).
18 June "	Hamilton	4.0.19. 0	Lot D West Boundary.
23 Nov. '22	Smith's	3. 9.16	War Dept. West Boundary.
25 May '23	Hamilton	4.1. 0. 0	Mercer Property, West Boundary.
" '27	Smith's	1. 3. 6	Spurling Lot A.
" "	do.	36.28	Spurling Lot C.
Sept '30	St. George	11.0. 0. 0	Rose Hill.
" "	do.	<u>5.2. 0. 0</u>	Sommers.
	Total Acres	<u><u>45.2. 7.19$\frac{3}{4}$</u></u>	

Note: Out of the above lots the following have been sold, namely:-

Rose Hill	11.0. 0. 0
Patton's Point	1.0. 0. 0
War Dept. West Boundary	<u>3. 9.16</u>
Total	12.3. 9.16

Acquisitions Under Act of 1931.

May '31	St. George	7.1.24. 0	Secretary Hill.
" "	do.	<u>17.3. 0. 0</u>	Fort George Lot.
	Total	25.0.24. 0	

Total area acquired under Act of 1920,	A. R. P. Yds.
" " " " " 1931,	<u>45.2. 7.19$\frac{3}{4}$</u>
Grand total acquired	<u>70.2.31.19$\frac{3}{4}$</u>
Less total area sold as above,	<u>12.3. 9.16</u>
Present actual holdings	<u>57.3.22. 3$\frac{3}{4}$</u>

CABLE ADDRESS
MIDOCCLUB, BERMUDA

BERMUDA DEVELOPMENT CO., LTD.
(MID-OCEAN CLUB)
TUCKER'S TOWN
BERMUDA

NEW YORK OFFICE
34 WHITEHALL ST.
CABLE ADDRESS
MIDOCCLUB, NEW YORK

103

July 2, 1931.

The Honourable
The Colonial Secretary,
Hamilton.

Sir:-

I have the honour to notify you that the Office of this
Company for the purposes of Act No. 19 of 1920 is situated on
the fourth floor of the new Bank of Bermuda building, Pembroke
Parish.

I have the honour to be,

Sir,

Your obedient servant,

W. B. Manning
Secretary.

JGG.W

1032

1st May, 1951.

Sir,

I am directed to acknowledge the receipt of your letter of the 16th April applying for the sanction of the Governor-in-Council, as required by law, for the acquisition by your Company of certain land in the town and parish of St. George, and to transmit to you the accompanying instrument containing the sanction sought.

2. I am to request that in the circumstances explained by you, this office letter No. 2-02/3 of the 27th September last and the instrument which accompanied it may be considered as cancelled.

I have the honour to be,

Sir,

Your obedient servant,

Colonial Secretary.

The Secretary,
The Bermuda Development Company, Ltd.,
Tucker's Town,
Bermuda.

"East Road" on the SOUTH by a public road or street dividing the land now being described from lands of William Eugen Meyer Jr. Praderick James Pearce and on the WEST by the waters of Coot Pond OR HOWEVER OTHERWISE the said parcel of land may be bounded or ought to be described TOGETHER WITH all walls, fences, ways, rights of way, rights, easements, advantages and appurtenances to the said parcel of land and premises appertaining or with the same held or enjoyed or reputed as part thereof or appurtenant thereto.

Given under my Hand and Seal-at-Arms
at Hamilton in the Islands of Bermuda
this eighth day of July, A.D., 1933.

By His Excellency's Command

Colonial Secretary.

1020

By His Excellency Sir Thomas Kelly
Cubitt, K.C.B., G.C.S., D.L.O.,
Lieutenant-General, Governor and
Commander-in-Chief in and over these
Islands, etc., etc., etc.

TO ALL to whom these presents shall
come:

WHEREAS the Bermuda Development
Company Limited, has presented an
application to the Governor-in-Council
dated the 16th day of April, Nineteen
hundred and thirty one, setting

forth that the said Company is desirous of purchasing and acquiring
the hereditaments and premises hereinafter described, and requesting
that I, the Governor and Commander-in-Chief in Council, would
be pleased to sanction the purchase of the said premises;

NOW KNOW YOU that I, the Governor and Commander-in-
Chief in Executive Council, by virtue and in exercise of the power
in that behalf vested in me by Section 28 (2) ^{of the Bermuda}
Development Company Act (No. 2), ^{1920, as amended by Act No. 17, 1931,} DO HEREBY SANCTION the purchase and
acquisition by the Bermuda Development Company, Limited, of:-

1.

ALL THAT certain parcel of land situate in the Town
and Parish of St. George in the Islands of Bermuda delineated on
the plan hereto annexed and thereon designated No. 3 and outlined in
yellow and known as "Secretary Hill" or "Cemetery Hill" estimated to
contain seven acres one rood and twenty-four perches or thereabouts
and bounded North-westerly by the Ocean Northerly and Westerly
partly by land formerly of John Brownlow Tucker and recently of
Arthur Ernest Bourne and there measuring on the two lines shown on

the said plan fifty feet and two hundred and twenty feet respectively and partly by the Military Cemetery and there measuring along the four lines shown on the said plan three hundred and ten feet, two hundred and eighty-nine feet, ninety-seven and seventy-four feet respectively southerly partly by the parcel of land outlined in red in the said plan and partly by land of Thomas O'Keefe and measuring southerly five hundred and seventy-one feet and westerly by the public road or land intended for a road and there measuring five hundred and fifty feet or thereabouts or however otherwise the said parcel of land may be bounded or may measure or ought to be described together with all buildings fixtures fences ways rights easements and appurtenances to the same belonging or with the same held or enjoyed or reputed as part thereof or appurtenant thereto.

11.

ALL THAT certain parcel of land situate in the Town and Parish of St. George in the Islands of Bermuda estimated to contain fifteen acres or thereabouts (be the same more or less) delineated on the plan hereto annexed and designated No. 4 thereon and outlined in green and bounded North-westerly partly by land formerly of Doctor Leith and now of his assigns and there measuring forty feet or thereabouts and in part by lands of the devisees of the Antio Stephen Richardson and others and there measuring one thousand one hundred and sixty feet or thereabouts North-easterly by the public street or road commonly called "Hyder Pass" and there measuring along two straight lines as shown on the said plan five hundred and one feet or thereabouts and two hundred and twenty-seven feet or thereabouts respectively South-easterly partly by the remaining portion of Lot No. 12 of the above

Land about to be conveyed in part to the Bermuda Government and in part to Salisbury Stanley Spurling and there measuring along two straight lines as shown on the said plan Two hundred and seventy-five feet or thereabouts and Six hundred and Thirty-three feet or thereabouts respectively and in part by land formerly of the said Doctor Leith and now of his assigns and there measuring One hundred and seventy-three feet southerly by the said land formerly of the said Doctor Leith and now of his assigns and there measuring Seventy-six feet and South-westerly partly by the said land formerly of the said Doctor Leith and now of his assigns and there measuring along two lines as shown on the said plan Ninety feet or thereabouts and Seventy-six feet or thereabouts respectively and in part by the land formerly of the said Doctor Leith and now of his assigns and there measuring Five hundred and Five feet or thereabouts or However otherwise the said parcel of land may be bounded or may measure or ought to be described Together with all houses buildings walls fences ways rights of way rights lights liberties privileges easements advantages and appurtenances whatsoever to the said parcel of land belonging or in anywise appertaining or usually held or enjoyed therewith or reputed to belong or be appurtenant thereto.

Given under my hand and seal-at-
Arms at Hamilton in the Islands
of Bermuda this day of
May, A.D. 1901.

By His Excellency's Command,

Colonial Secretary.

BERMUDA DEVELOPMENT CO., LTD.
(MID-OCEAN CLUB)
TUCKERS TOWN
BERMUDA

NEW YORK OFFICE
34 WHITEHALL ST.
CABLE ADDRESS
MIDDOCLUB, NEW YORK

April 16, 1931.

The Honourable
The Colonial Secretary,
Public Buildings,
Hamilton.

Sir:-

With reference to my letter to you of the 9th of September, 1930, I am now instructed by the Bermuda Development Company, Limited, to apply for the sanction of His Excellency the Governor-in-Council, under the provisions of Section 28 (2) of Act No. 25 of 1920, as amended by Section 2 of Act No. 17 of 1931, for the purchase and acquisition by the Company, by agreement with the owner, Furness, Withy & Company, Limited, of the two parcels of land in the town and parish of St. George described in the Schedule to this letter. A plan in duplicate, on which these lands are numbered 3 and 4 and coloured *yellow-green* is also enclosed.

The object of the acquisition of these two parcels of land by this Company from Furness, Withy & Company, Limited, is fully explained in my letter under reference. I should call your attention to the fact that in my previous letter referred to above the Company applied for and obtained the sanction of the Governor-in-Council to its acquisition of the lot marked No. 3 on the enclosed plan. This sanction was conveyed to me in your letter 2302/3 of the 27th September, 1930, but was not used, as the Company's lawyers advised that inasmuch as there was a possible doubt as to the interpretation of Section 28 (2) of Act No. 25 of 1920 and as the Company in any case had to apply to the Legislature for increased land-holding powers to enable it to hold Lot No. 4, it would be preferable to await the passing of the new Act and then apply again for sanction for the acquisition of Lot No. 3 under that Act.

If the sanction now applied for is granted the fact that two sanctions have been obtained for the same lot would not appear to be harmful, as the first sanction will not be used and I suggest that it be cancelled.

I have the honour to be,
Sir,
Your obedient servant,

EGG. W
EMCI.

H. G. G. W.
Secretary.

1302

BERMUDA DEVELOPMENT CO., LTD.
(MID-OCEAN CLUB)
TUCKERS TOWN
BERMUDA

NEW YORK OFFICE
34 WHITEHALL ST.
CABLE ADDRESS
MIDDOCLUB, NEW YORK

-2-

SCHEDULE.

ALL THAT certain parcel of land situate in the Town and Parish of St. George in the Islands of Bermuda delineated on the plan hereto annexed and thereon designated No. 3 and outlined in *yellow* and known as "Secretary Hill" or "Cemetery Hill" estimated to contain Seven acres one rood and twenty-four perches or thereabouts and bounded North-westerly by the Ocean Northerly and Easterly partly by land formerly of John Brownlow Tucker and recently of Arthur Ernest Bourne and there measuring on the two lines shewn on the said plan Fifty feet and Two hundred and twenty feet respectively and partly by the Military Cemetery and there measuring along the four lines shewn on the said plan Three hundred and ten feet, Two hundred and eighty-nine feet, Ninety-seven and Seventy-four feet respectively Southerly partly by the parcel of land outlined in *red* in the said plan and partly by land of Thomas O'Keefe and measuring Southerly Five hundred and seventy-one feet and Westerly by the public road or land intended for a road and there measuring Five hundred and fifty feet or thereabouts Or However Otherwise the said parcel of land may be bounded or may measure or ought to be described Together With all buildings fixtures fences ways rights easements and appurtenances to the same belonging or with the same held or enjoyed or reputed as part thereof or appurtenant thereto.

ALL THAT certain parcel of land situate in the Town and Parish of St. George in the Islands of Bermuda estimated to contain Eighteen acres or thereabouts (be the same more or less) delineated on the plan hereto annexed and designated No. 4 thereon and outlined in *green* and bounded North-westerly partly by land formerly of Doctor Leith and now of his assigns and there measuring Forty feet or thereabouts and in part by lands of the devisees of the late Stephen Richardson and others and there measuring One thousand one hundred and sixty feet or thereabouts North-easterly by the public street or road commonly called "Khyber Pass" and there measuring along two straight lines as shewn on the said plan Five hundred and one feet or thereabouts and Two hundred and twenty-seven feet or thereabouts respectively South-easterly partly by the remaining portion of Lot No. 12 of the Globe land about to be conveyed in part to the Bermuda Government and in part to Salisbury Stanley Spurling and there measuring along two straight lines as shewn on the said plan Two hundred and seventy-five feet or thereabouts and Six hundred and thirty-three feet or thereabouts

CABLE ADDRESS
MIDOCCLUB, BERMUDA

BERMUDA DEVELOPMENT CO., LTD.
(MID-OCEAN CLUB)
TUOKERS TOWN
BERMUDA

NEW YORK OFFICE
34 WHITEHALL ST.
CABLE ADDRESS
MIDOCCLUB, NEW YORK

-3-

respectively and in part by land formerly of the said Doctor Leith and now of his assigns and there measuring One hundred and seventy-three feet Southerly by the said land formerly of the said Doctor Leith and now of his assigns and there measuring Seventy-six feet and South-westerly partly by the said land formerly of the said Doctor Leith and now of his assigns and there measuring along two lines as shewn on the said plan Ninety feet or thereabouts and Seventy-six feet or thereabouts respectively and in part by the said land formerly of the said Doctor Leith and now of his assigns and there measuring Five hundred and five feet or thereabouts Or However Otherwise the said parcel of land may be bounded or may measure or ought to be described Together With all houses buildings walls fences ways rights of way rights lights liberties privileges easements advantages and appurtenances whatsoever to the said parcel of land belonging or in anywise appertaining or usually held or enjoyed therewith or reputed to belong or be appurtenant thereto.

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2502

TO HIS EXCELLENCY E. W. EVANS, ACTING GOVERNOR
AND COMMANDER-IN-CHIEF IN AND OVER THE BERMUDAS
OR SOMERS ISLANDS:

THE PETITION OF THE BERMUDA DEVELOPMENT COMPANY, LIMITED, humbly
sheweth as follows:-

1. That Section 28 (2) of The Bermuda Development Company Act (No. 2), 1920, empowered your Petitioners, with the previous sanction of the Governor-in-Council, to purchase or acquire by agreement with the owner or reputed owner any other land in these Islands bona fide required for carrying on the business of the Company under the powers contained in its Act of Incorporation not exceeding in the whole 50 acres of land outside of the area described in the First Schedule to the said Act.

2. That your Petitioners, with such sanction, have acquired 29 acres 0 roods 7 perches 19 $\frac{3}{4}$ yards, as shown in detail on Schedule A. hereto annexed. Of this acreage 12 acres 3 roods 9 perches 16 yards have been sold, also as shown on Schedule A., and your Petitioners therefore now hold 16 acres 0 roods 38 perches 3 $\frac{3}{4}$ yards.

On the 27th day of September, 1920, the Governor-in-Council sanctioned the acquisition by your Petitioners of two tracts of land aggregating 16 acres 2 roods 0 perches, as shown in detail on Schedule B. hereto annexed, and upon the transfer of these two tracts the total acreage held by the Company of the land required under this section of the Act aggregates 32 acres 2 roods 38 perches and 3 $\frac{3}{4}$ yards.

3. That your Petitioners obtained the sanction to the transfer of the said two parcels aggregating 16 acres 2 roods in pursuance of a plan for the financing of the construction and equipment of your Petitioners' new Hotel Castle Harbour at Tucker's Town. The said two parcels were purchased from Furness, Withy &

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sheweth as follows:-

1. That Section 28 (2) of The Bermuda Development Company Act (No. 2), 1920, empowered your Petitioners, with the previous sanction of the Governor-in-Council, to purchase or acquire by agreement with the owner or reputed owner any other land in these Islands bona fide required for carrying on the business of the Company under the powers contained in its Act of Incorporation not exceeding in the whole 50 acres of land outside of the area described in the First Schedule to the said Act.

2. That your Petitioners, with such sanction, have acquired 29 acres 0 roods 7 perches 19½ yards, as shown in detail on Schedule A. hereto annexed. Of this acreage 12 acres 3 roods 9 perches 16 yards have been sold, also as shown on Schedule A., and your Petitioners therefore now hold 16 acres 0 roods 38 perches 3½ yards.

On the 27th day of September, 1930, the Governor-in-Council sanctioned the acquisition by your Petitioners of two tracts of land aggregating 16 acres 2 roods 0 perches, as shown in detail on Schedule B. hereto annexed, and upon the transfer of these two tracts the total acreage held by the Company of the land required under this section of the Act aggregates 32 acres 2 roods 38 perches and 3½ yards.

3. That your Petitioners obtained the sanction to the transfer of the said two parcels aggregating 16 acres 2 roods in pursuance of a plan for the financing of the construction and equipment of your Petitioners' new Hotel Castle Harbour at Tucker's Town.

The said two parcels were purchased from Furness, Withy &

Company, Limited, and are occupied by the St. George Hotel and part of the adjacent golf links. Eleven acres of the said land were formerly owned by your Petitioners.

In summary, the present situation is as follows:

Acreege heretofore acquired as described in Schedule A. . . . 29A. OR. 7P. 19 $\frac{3}{4}$ Y.

Acreege heretofore sold as described in Schedule A. . . . 12A. 3R. 9P. 16Y.

Acreege held as shown in Schedule A. 16A. OR. 38P. 3 $\frac{3}{4}$ Y.

Acreege recently acquired from Furness, Withy & Company, Limited, in connection with St. George Hotel property, described in Schedule B. . . . 16A. 2R.

Acreege now held 32A. 2R. 38P. 3 $\frac{3}{4}$ Y.

4. That further in pursuance of the plan of financing the said Castle Harbour Hotel your Petitioners now desire to acquire the remaining portions of the land comprised in the St. George Hotel Golf Links, being a lot near Fort George containing 17 acres 3 roods and the parcel known as the Secretary Hill tract, containing 7 acres 1 rood 24 perches, to be purchased from Furness, Withy and Company, Limited.

Your Petitioners having previously acquired 29 acres 0 roods 7 perches 19 $\frac{3}{4}$ yards, and having recently acquired 16 acres 2 roods, and seeking to acquire two additional tracts aggregating 25 acres 0 roods 24 perches, making a total of lands acquired and to be acquired of 70 acres 2 roods 31 perches 19 $\frac{3}{4}$ yards, will need authority to acquire additional acreage in excess of the 50 acres which they are empowered to acquire under the Act.

5. That if such increase in the allowance is granted by the Legislature and the sanction of the Governor-in-Council is obtained by your Petitioners to the acquisition of the St. George Hotel property mentioned in the preceding paragraph, your Petitioners will hold a total of 57 acres 3 roods 22 perches 3 $\frac{3}{4}$ yards, all of which, with the exception of the 16 acres 0 roods

38 perches $3\frac{1}{2}$ yards now held by the Company, will have been acquired from Furness, Withy & Company, Limited, so that the present petition does not involve the acquisition of any land by your Petitioners not now held by them or Furness, Withy & Company, Limited.

6. That all the lands about to be acquired are required for carrying on the Company's business of operating hotels under the powers granted to it by the Bermuda Development Company Act, No. 19 of 1920.

7. Your Petitioners therefore now desire to obtain authority for an increase in their allowance of from 50 acres to 75 acres.

8. Your Petitioners further desire to obtain an amendment to their Act of Incorporation similar to the provision inserted in several recent Acts of Incorporation, providing that the Company shall have power to divide the shares in its capital, whether original or increased, into several classes, and to attach thereto respectively any preferential, deferred, qualified or special rights, privileges or conditions.

Your Petitioners therefore humbly pray that Your Excellency will be pleased to assent to any Bill which may be passed by the Legislative Council and the House of Assembly providing: (1) for an amendment to Section 28 (2) of The Bermuda Development Company Act (No. 2), 1920, increasing the power of the Company to purchase or acquire lands, other than those described in the First Schedule of that Act, from a maximum of 50 acres to a maximum of 75 acres; and (2) for an amendment to the Bermuda Develop-

ment Company Act, No. 19 of 1920, granting powers to the Company to divide the shares in its capital, whether original or increased, into several classes, and to attach thereto respectively any preferential, deferred, qualified or special rights, privileges or conditions.

AND YOUR PETITIONERS AS IN DUTY BOUND WILL EVER PRAY, ETC.


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Secretary.

On behalf of Bermuda Development Company,
Limited.

3rd February, 1931.

SCHEDULE A.

BERMUDA DEVELOPMENT COMPANY, LTD.

Lands acquired outside area under provisions
of Section 28 (2) of Act of 1920.

Date	Parish	Area		Description		
		A.	P.		Yds.	
A 1920	Smith's	1.	0.	0	Patton's Point - Purchased for yachting purposes.	
B 1920	Hamilton	5.	1.	28.	0	(Lots on Western boundary
C 1920	do.	1.	4.	0	0	(of the Tucker's Town Area
D 1920	do.	3.	24.	0	0	(purchased at the request
E 1921	do.	3.	3.	0	0	(of owners whose lands lay
						(partly within and partly
						(without the boundary.
F 1921	St. George's	11.	0.	0.	0	(St. George Hotel Land
						(Rose Hill)
G 1921	Hamilton	4.	0.	19.	0	(Three more lots on West-
H 1922	Smith's	3.	9.	16		(ern boundary. (See B to
I 1923	Hamilton	4.	1.	0.	0	(E above)
J 1927	Smith's	1.	3.	6		(Two lots purchased to
K 1927	Smith's		36.	28		(house ex-owners of Tucker's
						(Town land as life tenants.
	Total	29.	0.	7.	19 $\frac{3}{4}$	

Lots Sold by Company.

	A.	B.	P.	Yds.	
A Patton's Point, Smith's Parish	1.	0.	0.	0	Sold to private purchaser at cost, no longer being required for its original purpose.
F Rose Hill, St. George's	11.	0.	0.	0	Sold to Furness, Withy & Co.
H War Department Land Smith's Parish	3.	9.	16		Exchanged with an owner of land within the area.
Total	<u>12.</u>	<u>3.</u>	<u>9.</u>	<u>16</u>	
Balance now held	A.	R.	P.	Yds.	
	16.	0.	38.	3 $\frac{3}{4}$	

SCHEDULE B.

Lands forming a part of St. George Hotel
property recently acquired from
Furness, Withy & Co., Ltd.

A. R. P.

Rose Hill 11. 0. 0
Somers 5. 2. 0

Total: 16. 2. 0

SCHEDULE C.

Land connected with the St. George Hotel
proposed to be acquired from Furness,
Withy & Co., Ltd.

A. R. P.

Secretary Hill 7. 1. 24
Additional
Fort George lot 17. 3. 0

Total: 25. 0. 24