

## COMMISSION OF INQUIRY INTO HISTORIC LOSSES OF LAND IN BERMUDA

4<sup>th</sup> May 2020

Ms. Velda Franco  
#4 Channel View Lane  
Hamilton Parish CR 02

Dear Ms. Franco:

The Commission has received your application for standing dated 16<sup>th</sup> March 2020, and has reviewed the information and documents you have filed with the Commission Secretariat.

You should be aware that at this preliminary stage, the Commission must determine whether it has jurisdiction to hear your case. The Commission is not a court of law, and it cannot issue any orders that will address individual land losses or attempt to provide an individual remedy for such loss. Rather, the Commission must determine whether your case is but one example of some systemic “land grab” and/or whether it should make a report to the Director of Public Prosecutions for further action.

As a general proposition, I may say that the Commission cannot base its decision on broad allegations without supporting evidence; ultimately, its conclusions must be supported by the evidence and submissions of the parties. I may add that because of the current pandemic, the Commission has extended the time to file any additional materials until 30<sup>th</sup> May 2020 or such time when the Government has terminated the current shelter-in-place regime, whichever is the later.

For the purpose of deciding whether or not to grant you standing, and considering on what terms should such standing be granted, we would ask that you advise whether you are prepared to commit the legal and human resources as may be required by the Commission to fairly present your claim and to resist any challenge by any party opposed to your claim.

In addition to the above, please provide the following information to the Commission for the purpose of deciding whether or not to grant you standing:

1. In your letter, you reference seven pieces of property. Please set out who were the original owners for each of the properties and the facts on which you rely to assert that the current owners of these properties are not legally entitled to such ownership.
2. Are the seven properties part of the original estate? Was there a subdivision and if so, who applied for the subdivision?
3. Were the seven properties purchased from the original owner or his or her descendant(s) and if so, how much was paid for the properties?
4. Please provide the Supreme Court decision in 1976 between Charlotte Alice Wood Wellman Plaintiff and Leroy Pike and John W. Swan Ltd Defendants.

5. Was the 1976 decision appealed?
6. If you are asserting that the 1976 decision was in error, on what basis do you make this assertion?
7. Are there any other facts that in your view the Commission should take into account in deciding whether standing ought to be granted?

Once the Commission has the above referenced information from you, it will again consider your application for standing and determine how the case will be conducted during the evidentiary phase of the Commission hearings.

As you will appreciate, in order to fully canvass this matter, the Commission will have to put on notice the individuals or corporations who are alleged to have misconducted themselves. This is necessary so that the Commission can come to a full understanding of the case before completing its report to the Government of Bermuda.

Yours Truly



The Hon. Mrs. Norma Wade-Miller OBE JP  
Chair, Commission of Inquiry

Cc: Commissioners, Commission Secretariat