**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**COMMISSIONER:**

**MR. WAYNE PERINCHIEF**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: UNKNOWN**

**TUESDAY, JANUARY 19, 2021**

**MORNING SESSION (a)**

**Mr. Perinchief (Chairman)**  0:00    Good morning all

**Mr. Perinchief (Chairman)** 0:01    We are ready to proceed with the next tanche of our hearings of the Commission of Inquiry.  Counsel are you prepared to start.

**Mr. Dirk Harrison (Counsel**)  0:19    Good morning Chairman and Commissioners, good morning everyone. I am prepared to start, what I'm going to ask. I am going to start with the matter of a claim. What is known as claim number twenty-four. It is in respect of a claim, which will be led by evidence from Ms. Velda Sherlock Franco, Mrs. Cann and a third relative who will join us by Zoom. The name I shall share in a moment notwithstanding that Mr. Chair, I'm just going to ask that I am allowed, just before we do that, to hear from retired Assistant Commissioner of Police, Mr. Carlton Adams he is the Chief Investigator here at  Commission of Inquiry. And it is in respect of evidence, I wish him to lead it should not take us more than 10 or 15 minutes. It is in respect of evidence that is being led in respect of a map which will illustrate all expropriation that took place in St. David's Island. So I just asked that we start with Mr. Adams, I just ask the witnesses to remain where they are and I'll take Mr. Adams where he is sitting.

**Mr. Perinchief (Chairman)**  2:09    All right, Counsel for clarification Mr. Adams will not be giving evidence in the Franco matter, but he will be presenting a map showing lands that were dispossessed at St. David's Island during the 1941 approriation, is that correct?

**Mr. Dirk Harrison (Counsel)**  2:26    That is so.

**Mr. Dirk Harrison (Counsel)**  4:27    May I proceed Chairman.

**Mr. Perinchief (Chairman)**  4:28    Oh, yes, you may proceed Counsel.

**Mr. Dirk Harrison (Counsel)**  4:30    Thank you. Morning Sir, could you state your name?

**Mr. Carlton Adams**  4:36    My name is Carlton Adams.

**Mr. Dirk Harrison (Counsel)**4:38    I ask you just to remove your mask please.  You are Chief Investigator to the Commission of Inquiry into Historic Land Loss in Bermuda Sir.

**Mr. Carlton Adams**  4:50    Yes My Lord.

**Mr. Dirk Harrison (Counsel)**  4:51    You on Thursday the 15th of December 2020, you attended the Government Administration Building on Parliament.

**Mr. Carlton Adams**  5:01    That's correct.

**Mr. Dirk Harrison (Counsel)**  5:02    You spoke with the archivist Carla Ingemann.

**Mr. Carlton Adams**  5:08    That's correct.

**Mr. Dirk Harrison (Counsel)**  5:09    You spoke to her in relation to the acquisition of a copy of the parcel index map showing leased area St. David's Island.

**Mr. Carlton Adams**  5:20    Yes My Lord.

**Mr. Dirk Harrison (Counsel)** 5:22    You are then provided with a electronic image of a map by Miss. Ingemann.

**Mr. Carlton Adams**  5:27    That's correct.

**Mr. Dirk Harrison (Counsel)**  5:30    You then made arrangements for an image to be reproduced into a backing board by Bermuda Blueprinting.

**Mr. Carlton Adams**  5:39    That's correct.

**Mr. Dirk Harrison (Counsel)**  5:41    This you collected at a later date?

**Mr. Carlton Adams**  5:45    Yes My Lord.

**Mr. Dirk Harrison (Counsel)**  5:46    By relation to the map that was produced by Miss. Ingemann you then had her produce for you certified copies of the map, which were dated and stamped and signed by the archivist.

**Mr. Carlton Adams**  6:09    Yes My Lord.

**Mr. Dirk Harrison (Counsel)** 6:15    Now, particularly a Bermuda Airbase and Bermuda Island parcel index map, dated the 15th of March 1941, was what in fact, you received?

**Mr. Carlton Adams**  6:31    That is correct.

**Mr. Dirk Harrison (Counsel)** 6:34    And it depicts the St. David's Island from Stocks Harbor in the west to Grapebay in the East?

**Mr. Carlton Adams**  6:43    That's correct.

**Mr. Dirk Harrison (Counsel)**  6:44    And the ocean beyond?

**Mr. Carlton Adams**  6:46    Yes.

**Mr. Dirk Harrison (Counsel)**  6:48    They document it documents all parcels of land expropriated on St. David's Island.

**Mr. Carlton Adams**  6:55    Yes My Lord.

**Mr. Dirk Harrison (Counsel)**  6:58    The parcels are marked with a letter followed by a number.

**Mr. Dirk Harrison (Counsel)**  7:03    Yes My Lord.

**Mr. Dirk Harrison (Counsel)**  7:06    The letters and numbers correspond to those marked beside names listed in a box below the map.

**Mr. Carlton Adams**  7:14    Yes Sir.

**Mr. Dirk Harrison (Counsel)**  7:20    There's a designation of C and D on the map. Is that correct?

**Mr. Carlton Adams**  7:27    Yes, sir.

**Mr. Dirk Harrison (Counsel)**  7:32    And there is a description as it relates to small islands listed as being owned by the Bermuda Colonial Government.

**Mr. Dirk Harrison (Counsel)**  7:45    The letter D as it appears on the map. It indicates individual property ownership with the exception of D 1 and D 89.

**Mr. Carlton Adams**  8:00    Yes, sir.

**Mr. Dirk Harrison (Counsel)**  8:02    D 1 and D 89 are listed as being owned by the Colonial Government.

**Mr. Carlton Adams**  8:09    Yes Sir.

**Mr. Dirk Harrison (Counsel)**  8:14    On the said map D 66, It describes a parcel of land to the north of Annie's Bay. And list an approximate acreage of .20 and the owner as Solomon T.J. Fox.

**Mr. Carlton Adams** 8:30    That is correct My Lord.

**Mr. Dirk Harrison (Counsel)**  8:43    You can recall that Miss Marlene Warren came before the Commission and presented evidence and a claim particular in relation to the said D 66 lot.

**Mr. Perinchief (Chairman)**  9:05    Yes, Sir.

**Mr. Dirk Harrison (Counsel)**  9:06    For the same owner Solomon T. J. Fox.

**Mr. Perinchief (Chairman)**  9:10    Yes, Sir.

**Mr. Dirk Harrison (Counsel)**  9:15    There are properties identified on the map with the letter W followed by a number and those indicate individual property ownership.

**Mr. Carlton Adams**  9:24    That is correct.

**Mr. Dirk Harrison (Counsel)**  9:30    The total number of parcels of land expropriated from St. David's Islanders is 114.

**Mr. Carlton Adams**  9:40    Yes, My Lord.

**Mr. Dirk Harrison (Counsel)**  9:41    And additionally, there are six parcels listed as those owned by the Bermuda Colonial Government bringing a total of 120 parcels.

**Mr. Carlton Adams**  9:55    That is correct My Lord.

**Mr. Dirk Harrison (Counsel)**  9:59    Do you have a copy of the map, which was dated, stamped and signed by Miss Carla Ingemann.

**Mr. Carlton Adams**  10:09    Yes, My Lord, it's here.

**Mr. Dirk Harrison (Counsel)**  10:14    I'll ask for that document. Mr. Chairman, the copy of the parcel index map, which depicts St. David's Island which has been dated stamped and signed by the archivist Carla Ingemann, that it is tended and admitted as an exhibit, Exhibit CA 1.

**Mr. Perinchief (Chairman)**  10:59    And Counsel while we have this opportunity I'd like to ensure that Mr. Adams has been sworn in the future ah in the past and he not be sworn again for evidence. And I also wish to let the Commission know that our Commissioner Ms. Binns is on by zoom she's listening in and is counted in our quorum.

**Mr. Dirk Harrison (Counsel)**  11:29    Thank you Chairman just for avoidance of doubt what I will do, I will also undertake that exercise now. And I will also have the statement which he gave tended as an exhibit just to ensure that we capture all that has been said.

**Mr. Perinchief (Chairman)**  11:50    Thank you Counsel.

**Mr. Carlton Adams**  12:19    I swear by Almighty God that the evidence I shall give shall be the truth the whole truth and nothing but the truth.

**Mr. Dirk Harrison (Counsel)**  12:56    Chairman statement dated the 18th of January 2021 of Mr. Carlton Adams it is being shown to him.

**Mr. Dirk Harrison (Counsel)**  13:19    Is that your statement Sir?

**Mr. Carlton Adams**  13:22    Yes, sir.

**Mr. Dirk Harrison (Counsel)**  13:22    Consists of two pages.

**Mr. Carlton Adams**  13:24    That's correct Sir.

**Mr. Dirk Harrison (Counsel)**  13:25    You see your signature there.

**Mr. Carlton Adams**  13:27    Yes, Sir I do.

**Mr. Dirk Harrison (Counsel)**  13:28    May I have it tended and admitted as Exhibit CA 2?

**Mr. Dirk Harrison (Counsel)**  13:28    Yes, it so indexed as CA 2.

**Mr. Dirk Harrison (Counsel)**  13:43    And just for the avoidance of doubt, because of my ???, the map that was dated, stamped and signed by the archivist Carla Ingemann tended and admitted as Exhibit CA 1.

**Mr. Perinchief (Chairman)**  14:03    Correct I have it so indexed.

**Mr. Dirk Harrison (Counsel)**  14:07    Now, thank you, Chairman. Now Mr. Adams in respect of the, image which was reproduced onto a backing board by Bermuda Blueprinting, do you have that item here today?

**Mr. Carlton Adams**  15:18    Yes, My Lord.

**Mr. Dirk Harrison (Counsel)**  15:19    Where's that?

**Mr. Carlton Adams**  15:21    It is there on the easel in front of me.

**Mr. Dirk Harrison (Counsel)**  15:25    The item that is described as a

**Mr. Dirk Harrison (Counsel)**  15:38    well its the same map the parcel index map dated the 15th of March 1941.

**Mr. Carlton Adams**  15:46    It is My Lord.

**Mr. Dirk Harrison (Counsel)**  15:47    And which had been placed Chairman on a backing board. I'll ask that map is tended admitted as Exhibit CA 3.

**Mr. Perinchief (Chairman)**  16:05    It so indexed as Exhibit CA 3.

**Mr. Dirk Harrison (Counsel)**  16:16    And finally, in respect of that document, well not document, but Exhibit CA 3 Mr. Adams has that also been signed and stamped by the archivist.

**Mr. Carlton Adams**  16:32    No, My Lord

**Mr. Carlton Adams**  16:33    that one has not been since that was produced

**Mr. Carlton Adams**  16:36    electronically from the image that I provided.

**Mr. Dirk Harrison (Counsel)**  16:44    Thank you, I have nothing further Chairman. The document the exhibit, which is referred to as CA 1 is projected on the screen and also CA 3, which is the said map of which an attempt has been made to enlarge it. It is displayed on the easel at this time.

**Mr. Perinchief (Chairman)**  17:15    Is there going to be any further evidence advanced concerning this map today at this instance?

**Mr. Dirk Harrison (Counsel)**  17:21    Not at this time.

**Mr. Perinchief (Chairman)**  17:24    So, at this time, is the witness free to be released Mr. Adams.

**Mr. Dirk Harrison (Counsel)**  17:30    Thank you he is.

**Mr. Perinchief (Chairman)**  17:31    Thank you very much Mr. Adams for your representation.

**Mr. Perinchief (Chairman)**  17:33    And we will continue with the next matter which I believe is number 24 and that is led by Ms. Velda Franco and two other sisters.

**Mr. Perinchief (Chairman)**  17:35    And when you're ready Counsel.

**Mr. Dirk Harrison (Counsel)**  17:52    Sure, very well.

**Mr. Perinchief (Chairman)**  17:53    Counsel just for clarification, one of the Commissioner bought to my attention that the stamp on the map on the backing board if it was taken electronically from the original map that was signed by the archivist it should in actual fact have an imprint of the original stamp if Mr. Adams would check that just for identification. If there was a direct electronic transfer, it should have a transfer of that endorsement by the archivist.

**Mr. Dirk Harrison (Counsel)**  19:40    I would. Chairman thank you for that observation I'll have it done.  My understanding of  what had happened is that after the electronic copies had been generated, printed, it is after that that the archivist had actually put her signature and stamp on it. So, what had been sent initially by way it was sent electronically it had not then bee signed. So, in that regard the what has been the boust form to come up with a better term and put on the board would not reflect the stamp what needs to be done properly now is that the document which has been lifted on the board, the archivist now needs to now stamp and sign that.

**Mr. Perinchief (Chairman)**  20:34    Right Sir, in the interest of accuracy for the records if that could be done.

**Mr. Dirk Harrison (Counsel)**  20:39    And Mr. Adams returned with the documents, so done.

**Mr. Perinchief (Chairman)**  20:43    Yes, thank you very much. And I do thank the Commission for pointing that out.

**Mr. Dirk Harrison (Counsel)**  21:11    Thank you.

**Mr. Perinchief (Chairman)**  21:17    I might add that that commission was Miss Milligan-Whyte, I omitted to give her name  for the record.

**Mr. Dirk Harrison (Counsel)**  21:26    And credit.

**Mr. Perinchief (Chairman)**  21:27    And credit.

**Mr. Dirk Harrison (Counsel)**  21:41    Crave your indulgence. Chairman and Commissioners I like to turn now to what is known as claim what has been assigned number claim 24 it is a presentation to be made by three persons. It is a claim to be made. One person will be given evidence by way of zoom platform. The other two witnesses are present before us here.  I'm gong to ask that they are sworn or affirmed as they deem fit.  I ask that we start that process with Mr. Hugh Hollis, who is joining us via zoom platform.  I'll just asked that he listens to Mrs. Lister she'll advise him and ask him certain questions, if he chooses to swear on the Bible, she will read the oath to him he ought properly to have a Bible in place.  I'll ask that his picture if it is available or his voice is shared with us. If he wishes to affirm, I wish him also to follow the guidance of Mrs. Lister and repeat after her. After that we can then have the other witnesses sworn. Thank you.

**Mrs. Lister**  23:36    Good morning, Mr. Hollis.

**Hugh Hollis**  23:39    Good morning Mrs. Lister.

**Mrs. Lister**  23:41    Would you like to give an oath or affirm this morning?

**Mrs. Lister**  23:52    And repeating after me please. I swear by Almighty God.

**Hugh Hollis**  23:57    I swear by Almighty God

**Mrs. Lister**  23:59    that the evidence I shall give

**Hugh Hollis**  24:01    that the evidence I shall give

**Mrs. Lister**  24:03    shall be the truth

**Hugh Hollis**  24:04    shall be the truth

**Mrs. Lister**  24:05    the whole truth

**Hugh Hollis**  24:07    the whole truth

**Mrs. Lister**  24:07    and nothing but the truth.

**Hugh Hollis**  24:09    and nothing but the truth.

**Mrs. Lister**  24:10    Thank you.

**Mrs. Lister**  24:13    Counsel care to announce the next witness.

**Mr. Dirk Harrison (Counsel)**  24:15    Have them remove their mask and stand please.

**Mrs. Lister**  24:25    I swear by Almighty God

**Velda Franco**  24:27    I swear by Almighty God

**Mrs. Lister**  24:29    that the evidence I shall give

**Velda Franco**  24:33    that the evidence I shall give

**Mrs. Lister**  24:33    shall be the truth

**Velda Franco**  24:35    shall be the truth

**Mrs. Lister**  24:35    the whole truth and nothing but the truth.

**Velda Franco**  24:36    the whole truth and nothing but the truth.

**Cecilia Cann**  24:52    My name is Cecilia Lynn Shernette Cann.

**Mrs. Lister**  24:55    I swear by Almighty God

**Cecilia Cann**  24:57    I swear by Almighty God

**Mrs. Lister**  25:00    that the evidence I shall give

**Cecilia Cann**  25:01    that the evidence I shall give

**Mrs. Lister**  25:03    shall be the truth

**Cecilia Cann**  25:04    shall be the truth

**Mrs. Lister**  25:07    the whole truth and nothing but the truth.

**Cecilia Cann**  25:09    the whole truth and nothing but the truth.

**Mr. Dirk Harrison (Counsel)**  25:10    May you remove your mask.

**Mr. Dirk Harrison (Counsel)**  25:35    Mrs. Franco I would start with you, could you state your full name.

**Velda Franco**  25:37    Velda G. Sherletta Franco.

**Mr. Dirk Harrison (Counsel)**  25:45    On the 16th of March 2020. You submitted

**Mr. Dirk Harrison (Counsel)**  25:49    Thank you

**Mr. Dirk Harrison (Counsel)**  25:49    Mrs. Franco on the 16th of March 2020. You submitted in writing a claim to the Commission of Inquiry into Historic Land Loss in Bermuda.

**Velda Franco**  26:12    Yes Counsel.

**Mr. Dirk Harrison (Counsel)**  26:17    And in respect of that claim made by you, you signed that document?

**Velda Franco**  26:27    Yes Counsel.

**Mr. Dirk Harrison (Counsel)**  27:10    And if you see that, March 16 2020, letter again, would you be able to recognize your signature?

**Velda Franco**  27:20    Yes Counsel.

**Mr. Dirk Harrison (Counsel)**  27:27    In respect of the letter sent by you dated 16th March 2020. You made a claim on behalf of whom.

**Velda Franco**  27:40    On behalf of my living and deceased family.

**Mr. Dirk Harrison (Counsel)**  27:51    And the names of those members are presenting today.

**Velda Franco**  27:58    Grace Charlotte Flood Oats, Charlotte Alice Wood Wellman, Margaret Genevieve Anastasia Hollis, Richard Wood, Anna Melia Wood.

**Mr. Dirk Harrison (Counsel)**  28:16    Thank you. Could you have a look at that document that is handed to you do you recognise it?

**Velda Franco**  28:21    Yes Counsel.

**Mr. Dirk Harrison (Counsel)**  28:24    Do you see your signature?

**Velda Franco**  28:25    Yes Counsel, that's my signature.

**Mr. Dirk Harrison (Counsel)**  28:27    And that is the 16th March 2020 letter.

**Velda Franco**  28:35    Yes.

**Mr. Dirk Harrison (Counsel)**  28:37    And in fact that is the initial claim you submitted to the Commission of Inquiry.

**Velda Franco**  28:42    Yes.

**Mr. Dirk Harrison (Counsel)**  28:48    Chairman this is my application and document be made an exhibit and be marked VF 1.

**Mr. Perinchief (Chairman)**  29:01    V as in victory?

**Mr. Dirk Harrison (Counsel)**  29:03    That is so Chairman. Consider it indexed

**Mr. Dirk Harrison (Counsel)**  29:15    Thanks you.  Mrs. Franco could you read that document for me please?

**Velda Franco**  29:23    This is my letter dated the 16th of March 2020, addressed to the Secretary of the Commission reference to the Inquiry to Historic Land Loss in Bermuda, addressed to Dear Justice, Mrs. Norma Wade-Miller OBA. JP.  I Velda G. Sherletta Franco write on behalf of our living and deceased family for the injust we have suffered in reference to the above mentioned.  My great grandmother Miss Charlotte Alice Wood Wellman and my grandmother, Miss Janet Margaret Genevieve Hollis nee Wellman faught to their death to have the following land returned to them that was passed down to them. One Originally owned by Grace Charlotte Philip Oats who left the property to Charlotte Alice Wood Wellman in her last will and testament. That property was left to her grandson.

**Mr. Dirk Harrison (Counsel)**  30:18    Sorry just a moment. I'm just trying to have it projected.

**Mr. Dirk Harrison (Counsel)**  30:38    You may continue.

**Velda Franco**  30:40    The property was left to her grandson, Mr. George Stamford Llewellyn Hollis. This property is currently owned by the Cabral family. My second claim property owned by Miss Charlotte Alice Wood Wellman which is currently owned by the Minors' who currently reside there. My third claim owned by Miss Charlotte Alice Wood Wellman, the plaintiff, Supreme Court case 1976 number 84 between Mr. Leroy Pyke the first defendant and Mr. John W. Swan Limited the second defendant for his property owned by Miss Margaret Genevieve Hollis nee Wellman in the area of Bosses Cove, Pembroke Parish that was sold to Mr. Carl Hugh Paiva. Number five property owned by Miss Margaret Genevieve Hollis nee Wellman lot of land on the east Bosses Cove, Highpoint Road, Pembroke Parish holding deeds of the inlet on both the east and southwest side of  Bosses Cover. This is reference to the land application number 20558 applicant, the Dallas Family Trust, dated February 28th, 1992. Sixth claim property owned by Miss Margaret Genevieve Hollis nee Wellman buildings erected on the entire Places Point Road to Blocks Point to Shawl Park Spanish Point, Pembroke by Mr. Kenneth Simmons and others. Number seven property was owned by Miss Margaret Genevieve Hollis nee Wellman and passed on to her daughter who is the current owner, Miss Cecilia Lynn Cann, JP our family would like to appear in person at the Bermuda Government Planning hearing on Thursday, March 19th 2020. We thank you for giving us the opportunity to have a voice and we would also like to inform you that there were other parcels of land taken from our family from Bosses Cove to Shawl Park Spanish Point Boat Club to Mills Creek, Pemborke. Should you require any further information and or clarification please do not hesitate to contact me via email email address given or my mobile, mobile number given on behalf of our family we look forward to hearing from you. Sincerely, Velda G. Sherletta Franco.

**Mr. Dirk Harrison (Counsel**)  33:33    Thank you. Chairman, I'm just going to ask, something has arisen I'm just going to ask if we could break for about 15 minutes and ask that we. I just need to clarify something at item three of the of the letter. I just ask for 15 minutes that we can break for 15 minutes and then resume thereafter.

**Mr. Perinchief (Chairman)**  34:00    Yes Counsel I can oblige.  This Commission is in adjournment for 15 minutes while Counsel discusses a pertinent matter.  We will return at 11 o'clock.

**Mr. Dirk Harrison (Counsel)** 34:16    Thanks

**END OF TRANSCRIPTION AT 34:16**