**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**CHAIRMAN**

**HON. WAYNE PERINCHIEF, J.P.**

**COUNSEL**

**MR. DIRK HARRISON (via Zoom)**

**COMMISSIONERS**

**MR. QUINTON STOVELL**

**MS. LYNDA MILLIGAN-WHYTE (via Zoom)**

**MS. FREDERICA FORTH (via Zoom)**

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

**MR. JONATHAN STARLING**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: UNKNOWN**

**WEDNESDAY, MARCH 17, 2021**

**MORNING SESSION (a)**

**HON. WAYNE PERINCHIEF** 0:10: You may be seated. Good morning all, Good morning Counsel

**COUNSEL DIRK HARRISON** 0:28: Morning Chairman, Commissioners, Secretariat members, witnesses and support staff.

**HON. WAYNE PERINCHIEF** 0:36: Yes. This morning, we're going to continue. With the Commission of Inquiry hearings of a Franco matter No. 024. It was last heard on the 25th of February of this year when we adjourned and Counsel, I will have to lean on you and the witnesses to let us know where you're going to continue from, with what was I believe, a PowerPoint presentation by Ms. Velda Franco. But I'm at your mercy, Counselor, if you would guide us.

**COUNSEL DIRK HARRISON** 1:23: Certainly, chairman of just before I just like to ask you to allow me just to announce the matter and then I could provide that answer.

As you indicated, Chairman in respect of the claim number that is accurate. The matter is known as a claim. It is applicant is making a claim regarding seven (7) properties owned by her great grandmother, Charlotte Alice Wood Wellman and grandmother Margaret Genevieve Hollis. The matter this morning, Chairman. We are to continue from slide 20. **Slide 20** which is contained in Exhibit VF5 slide 20. Chairman.

**HON. WAYNE PERINCHIEF**  2:27: **Slide 20** Yes. I'm going to have that projected on the screen?

**COUNSEL DIRK HARRISON** 2:36: Yes thank you. Could I ask at this time, Chairman, that the witnesses who are present Miss Velda Franco that she could be sworn or affirmed in respect of the decision that she would make in that regard? Mr. Hugh Hollis, who is joining us by zoom, I would ask that he also be sworn or affirmed. And finally, I would ask that Mrs. Lynn Cann that she is also be sworn or affirmed depending on her decision, Chairman.

**HON. WAYNE PERINCHIEF** 2:50: Counsel that would be done, the administrator Mrs. Lister is taking care of that right now. And the witnesses will be sworn as you direct.

**COUNSEL DIRK HARRISON** 3:44: Thank you, Chairman.

**MS. VELDA FRANCO** 3:45: My name is Velda Franco, I swear by Almighty God, that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

**MRS. CECILIA CANN** 4:21: I'm Cecilia Lynn Cann, I swear by Almighty God, that the evidence I shall give shall be the truth, the whole truth and nothing but the truth.

**MRS. LISTER (Secty)**  4:49: Good morning, Mr. Hollis Would you like to give an oath or affirm this morning? Sorry if you could repeat that.

**MR. HUGH HOLLIS** 4:59: I'm sorry, I have the Bible here with me.

**MRS. LISTER (Secty)** 5:02: Okay, if you wouldn't mind holding the Bible up in your right hand. And again, please state your name for the record and repeat after me.

**MR. HUGH HOLLIS** 5:12: Hugh Hollis , I swear by Almighty God? That the evidence that I shall give shall be the truth, the whole truth and nothing but the truth.

**COUNSEL DIRK HARRISON** 5:34: Thank you very much. Now Ms. Franco, I'd like to continue where we left off on the last occasion, I would like to take you to slide 20 of the exhibit VF5 as is projected on the screen. Might I direct your attention to slide 20? Just by way of a refresher for want of a better term. Could you share with us what slide 20 illustrates Madam?

**MS. VELDA FRANCO** 6:13: These are years of researching.

**COUNSEL DIRK HARRISON** 6:27: I'm sorry, could I just ask you a little more volume from your microphone, I'm not hearing you.

**MS. VELDA FRANCO**  6:38: This document on paper on slide 20 was handed down to me from the research that my grandmother Margaret Genevieve Hollis had done over the years. It is a document that I believe was after 1935 or thereabouts. And the reason why I say this is because Joseph Burch Shaw Wood ended up with the property on Boss's Cove Shaw Wood, sold it in 1935, to a group of businessmen in Bermuda.

**COUNSEL DIRK HARRISON** 7:20: Thank you very much. You had also made mention of the boat, what appears to be a boat with a number 23 that appears on it kindly of just remind us of the reference to that boat and the timeline madam?

**MS. VELDA FRANCO** 7:41: With reference to the picture on the slide, boat No. 23 represents my father and his friends at #13 Boss's Cove curve where we reside at the time.

**COUNSEL DIRK HARRISON** 8:01: Okay, thank you very much. But I invite you to take us to slide 21.

**MS. VELDA FRANCO** 8:09: **Slide 21** represents a list of deeds, transfers, mortgages that was done back in 1934, and this list was done by Hallett and Whitney, when documents were received from Mrs. Oates. And these documents date back to 1794 and 1834 as a reference that's on this letter.

**COUNSEL DIRK HARRISON** 8:50: That word should be firm instead of fire, correct?

**MS. VELDA FRANCO** 8:54: That's correct.

**COUNSEL DIRK HARRISON** 8:56: But where did you obtain this document?

**MS. VELDA FRANCO** 8:59: This again was notes that my grandmother had, that she received from her aunt, Grace Charlotte Oates and was passed on to me to help with my research.

**COUNSEL DIRK HARRISON** 9:15: Thank you very much. Could I take you to slide 22?

**MS. ELAINE FOX** 9:24: **Slide 22**. This is a document that was certified by the Registry General. That was done on behalf of Joseph Burch Shaw Wood the gentlemen that I mentioned a few minutes ago, who had sold the property back in 1935. So this document he was the sole owner for this property in the end through inheritance. So he did this document in 1937. To make it official that he was the owner of this property in Shaw Wood so that he can then sell it to the businessmen. At that time, the business men were Edmund Grant Gibbons, Henry James Tucker. My grandmother always said that before she can verify or find documents that we owned a property or parts of this property that this property was sold in 1935. That this is a false document.

**COUNSEL DIRK HARRISON** 10:48: Now the I'm not sure if I missed this, but did you give a reason as to the basis upon which you are advancing, submitting that this document is falsified? If you have not? Could you please share with the commissioners?

**MS. VELDA FRANCO** 11:06: The reason why I am stating that this document is falsified is because on page 21, the list of documents that Grace Charlotte Philipps Oates Wood I'm sorry, page 21 of the presentation.

**COUNSEL DIRK HARRISON** 11:23: It's like the one we just read before 20? Slide 21?

**MS. VELDA FRANCO** 11:27: Yes, that's correct.

**COUNSEL DIRK HARRISON** 11:28: So you'd like us to go back to it to allow you to make a submission, please proceed.

**MS. VELDA FRANCO** 11:39: On page 21. As I stated, this was a list of documents that my great aunt Charlotte Oates had in per possession to say that she inherited the property from her mother Ann Amelia Wood.

**COUNSEL DIRK HARRISON** 12:03: And you're saying that is not true?

MS. VELDA FRANCO 12:09

Yes, the document is not true. it's not correct it is is falsified.

COUNSEL DIRK HARRISON 12:22

So could I just ask you to read slide 22 if we could return to slide 22. And you could just read it in its entirety for us.

MS. VELDA FRANCO 12:30

OUR FAMILY LEGACY: Dated June 12 1937. Signed by Joseph Burch Shaw-Wood: Received 28th of June 1937. Do you want me to read the whole document Counsel.

COUNSEL DIRK HARRISON 12:52

I'd appreciate that. Thank you. The notes that you have made that you are using as an aid to guide the Commissioners in your submission.

MS. VELDA FRANCO 13:01

Copy of falsified document drafted by Joseph Burch Shaw-Wood during his return to Bermuda from Canada. When the land was stolen by this false document. The lawyers for shaw-Wood provided Shaw Wood Garden residents Carr and Masters with copies. Residents of Shaw-Wood Gardens had to pay double to ensure their paperwork appeared valid and all the information was the same from one owner to the next. Joseph Burch Shaw-Wood was paid by the residents of "Shaw Wood Gardens" to assist in illegally transferring land ownership for properties owned by Grace Charlotte Phillips Oats to "Shaw Wood Gardens" group. This took place while some of the deeds where in the hands of law firm office of Charles Vaucrosson. There is no documentation of a legal transfer of monies or documents from properties in Boss's Cove to "Shaw Wood Gardens" The property mentioned in this document was give to Ann Amelia Wood and Grace Charlotte Phillip Oates.

COUNSEL DIRK HARRISON 14:18

So that if we take it the fifth line from the end where you have stated in your notes; There is no documentation of a legal transfer of monies or documents from properties in Boss's Cove to "Shaw Wood Gardens" would you say that to say what in the audio what exactly are you submitting?

MS. VELDA FRANCO 14:41

Counsel, I am submitting that at no time the property owned by AnnAmelia Woods, Grace Charlotte Oates was sold or transferred from Boss's Cove.

COUNSEL DIRK HARRISON 15:02

Thank you very much. Now in respect of the document to the right of the slide that is headed Registrar's General's Office, is there anything in regard to that document that you'd like to bring to the attention of the commissioners or any part of the document?

MS. VELDA FRANCO 15:32

On the first page Counsel, which is slide 22. The yellow part

COUNSEL DIRK HARRISON 15:40

Yes madam

MS. VELDA FRANCO 15:44

It states partly down in the document.

COUNSEL DIRK HARRISON 15:48

Please just tell us how many lines down

MS. VELDA FRANCO 15:54

Seven starting with First Part,

COUNSEL DIRK HARRISON 15:58

Yes madam just please proceed.

MS. VELDA FRANCO 16:00

First Part EDMUND GRANT GIBBONS of the City of Hamilton in the Isles of Bermuda Merchant and HENRY JAMES TUCKER, (the younger) of the city, Secretary of the Bank of Bermuda Limited and the Second part and EDMUND GOSLING GRAY, of Paget Parish in the said Islands of Bermuda, Barrister and Attorney of the Third Part these gentlemen played a part with Joseph Burch Shaw-Wood to obtain 38 acres of Shaw Wood property.

COUNSEL DIRK HARRISON 16:50

Thank you. You may continue whether you wish to go to the following slide or anything further you wish to point out to us in relation to this document.

MS. VELDA FRANCO 17:16

Just give me a minute Counsel please

We can proceed to Slide 29

COUNSEL DIRK HARRISON 17:51

Thank you. You may proceed madam.

MS. VELDA FRANCO 18:00

On slide 29, here is another list dated May 1946. That was owned at that time, Law Firm: Hallett and Whitney received from Grace Charlotte Philip Oates of documents that she had in her possession for properties she received through inheritance which is similar to the list or it has been amended from the slide we saw previously.

COUNSEL DIRK HARRISON 18:41

Now the document which appears to the on the right where did you obtain that document and what is it

MS. VELDA FRANCO 18:52

This document was obtained from the notes my grandmother received from Grace Charlotte Philip Oates which is now in my possession. As we continue to Slide 30, here is another list of documents that was in the possession of Grace Charlotte Oates Philip Oates dated May 1946 which contained her Will dated 23rd July, 1934 and her Will of 24th December 1948.

MRS. LISTER (Secty) 19:57

As we see on slide 30 So presently on screen, you're seeing the document, which has the says all family legacy dated me 1946. Correct.

We have lost internet. Are you back with us?

COUNSEL DIRK HARRISON 21:42

Yes, I am. Thank you. You lost an internet connection on your side?

MRS. LISTER (Secty) 21:50

Yes, but our tech team has sorted us out so we are ready to go.

COUNSEL DIRK HARRISON 21:55

Okay. Thank you very much.

Chairman, may I proceed? Chairman?

HON. WAYNE PERINCHIEF 22:08

Yes, you may our Counsel to see the last communication but it's back.

COUNSEL DIRK HARRISON 22:16

Now. Thank you, Chairman and commissioners. Mr. Franco. We were at slide 30. I had asked you to share with the commissioners. The source of the document that is is displayed to the right of the slide.

MS. VELDA FRANCO 22:36

The source for me this document from notes that my grandmother had, which she had received from her great aunt Grace Charlotte Phillips Oates. This document is dated May 1946. It has on Aunt Grace signature on this document. It says that she has received from Hallett Whitney the law firm. Her will dated 23rd of July 1934. And her will dated the 24th of December 1938.

COUNSEL DIRK HARRISON 23:16

Thank you very much. And I know we have gone over it but just ensure that we continue to share with the commissioners your train of thought the basis for you for making this slide form part of your presentation. The two Wills, what is the purpose of you sharing this with the commissioners or what exactly do you wish them to take away in that regard?

MS. VELDA FRANCO 23:47

In 1946, Grace Charlotte Philip Oates had a will drawn up. This Will was probated in 1956, when she passed. This Will stated that all her possessions and property were willed to her neice my great great grandmother, Charlotte Alice Wellman.

COUNSEL DIRK HARRISON 24:20

Thank you very much. Could we unless you have anything further in relation to slide 30 Could you take us to the next slide, which you wish to make reference to?

MS. VELDA FRANCO 24:31

The next few slides that I will make reference to are:- letters from various law firms stating that documents were received or given to them; this one states to my grandmother Margaret Hollis from Vaucrosson's Law Firm on behalf of her mother Charlotte Wellman.

COUNSEL DIRK HARRISON 25:03

Thank you very much. Now the Wills that you make reference to here, do you have the actual copies of wills exhibited.

MS. VELDA FRANCO 25:16

I have in my possession a copy of the Will Counsole. But I don't have them exhibit because I just received them yesterday.

COUNSEL DIRK HARRISON 25:27

I'm just going to ask if you could allow one of the members of the Secretariat to borrow the documents, I know they will take good care of them, that they will scan them for the purposes of the exercise, to have them projected, and so that copies may be left for the benefit of the commissioners to have a look at as they consider your claim that has been submitted.

MS. VELDA FRANCO 25:59

Yes Counsel, give me a minute.

COUNSEL DIRK HARRISON 26:02

Well, we can, we could go on and either you could share if it's not too much, you could share it with them now, or at a convenient time. When we take a break, it could be done so as not to break or flow. But we will certainly make a note that in respect of slide 30, that we would need to return to it for the Wills, dated 23rd July 1934 and 24th December 1938, to be exhibited, for the attention of the Commissioners.

HON. WAYNE PERINCHIEF 26:54

Copy of the will has been obtained from the administration by the administration staff from the witness and is now being reproduced.

COUNSEL DIRK HARRISON 27:06

Thank you, Chairman.

Could I whenever you're ready, Ms/ Franco, you could just proceed. I'm not presently seeing you I'm having a view of the commissioners. They could I ask you to take us to the next slide which you wish to draw attention.

MS. VELDA FRANCO 27:45

Next slide is on page 32.

This slide is a newspaper ad. That was also part of my grandmother's notes. Margaret Genevieve Hollis. It is a noticed by Mr. Colin Rees of Spanish Point Pembroke to develop a hangar and apartment on property in Spanish Point Zoning Order #13.

COUNSEL DIRK HARRISON 28:38

And what is the relevance of this document that you wish to have the commissioners consider?

MS. VELDA FRANCO 28:46

The relevance of this document which relates to Places Point in Spanish Point which I will further elaborate later on in the presentation.

COUNSEL DIRK HARRISON 29:04

Well, you wish to take us to the next slides and until such time. What is the date of this position was the date of this NOTICE OF INTENTION TO DEVELOP LAND

MS. VELDA FRANCO 29:22

September 29 1973. in 1973, my grandmother is stating that this property was still owned by our family. But for some reason Mr. Colin Rees has obtained it and has a notice in the newspaper to develop it.

COUNSEL DIRK HARRISON 29:57

I crave your indulgence could I ask the Secretariat to guide us whether or not Mr. Colin Rees, though this matter was 47 years ago, just to indicate whether or not an adverse notice had been sent to Mr Colin Rees.

MRS. LISTER (Secty) 30:22

Just one moment Counsel we will confirm that.

COUNSEL DIRK HARRISON 30:32

Out of the abundance of caution Chairman and Commissioners, though, I had indicated last occasion that I would advise myself what has been happening, we have been, I have been using the 20 year mark in terms of advising persons with regards to any adverse notice, however, in keeping with the submissions that have been made, and the chronology that has been shared with us, although an abundance of caution, the named persons have been added to the list and have been instances notified of the adverse notice, because claimants have in fact, been making a presentation. And they have indicated that they're still in possession of deeds. However, they have been by way of their chronology outlining the persons institutions or corporations or bodies who have been in possession based on the documentation. So I just out of an abundance of caution, I've added the names just to ensure for the purposes of the exercise, we do not miss any links. Chairman

MRS. LISTER (Secty) 31:55

Counsel Mrs. Lister here. I can confirm that an adverse notice has been served on Mr. Colin Rees.

COUNSEL DIRK HARRISON 32:02

Chairman, I then ask in respect of the the name Colin Rees, I'm not sure if it is the estate or the any family relation that that name is added. And by we make an application for an adverse notice to be sent. Mr. Chairman,

HON. WAYNE PERINCHIEF 32:23

Counsel that will be done the name Colin Rees will be added to our list of persons to which adverse notices must be sent.

COUNSEL DIRK HARRISON 32:34

Thank you, Chairman. Could I just ask that they were taken back to the slide. Thank you very much.

MR. QUINTON STOVELL 32:54

In that same vein, there were three persons mentioned in the registra's certificate. Would it be prudent to at the same consideration for those persons named in light of the allegation that has been made with regard to that document?

COUNSEL DIRK HARRISON 33:18

It would Chairman Stovell, could I just ask that we retrace our steps to the slide that references being made to? Thank you Commissioner Stovell. Can I just ask that we Secretariat return to those earlier slides thank you.

MRS. LISTER (Secty) 33:51

Counsel when you're ready for Secretariat purposes, can you highlight the names for us please?

COUNSEL DIRK HARRISON 33:56

Thank you. I just asked you to also check the list in terms of Joseph Burch Shaw Wood. I believe the name had previously been added but I just asked you to confirm.

MRS. LISTER (Secty) 34:10

We do have the list here in live, so I will be able to tell you in just one moment. No Sir, no adverse notice was served on Mr. Joseph Burch Shaw Wood

COUNSEL DIRK HARRISON 34:21

Chairman and Commissioners. I asked for an order to be made in respect of that named person Joseph Burch Shaw Wood Chairman or his estate if it's otherwise

HON. WAYNE PERINCHIEF 34:37

Yes counselor that name will be added Joseph Burch Shaw Wood would added to the names of persons who an adverse notice would be sent. I also want to know if the name Charles Vaucrosson had been added the lawyer?

MRS. LISTER (Secty) 34:55

I can confirm Chairman that that name was not added

COUNSEL DIRK HARRISON 34:59

I'd ask that it be added chairman.

MRS. LISTER (Secty) 35:03

Can you repeat the name for Counsel.

HON. WAYNE PERINCHIEF 35:05

That will be Charles Vaucrosson

COUNSEL DIRK HARRISON 35:08

Charles Vaucrosson. Thank you. And in respect of the document, which is in yellow excuse me in yellow on the, to the right side of the screen the name that the cursor is passing over. Could I get some assistance? I'm not seeing clearly the very first name, I see Graham Gibbons, but I'm not seeing clearly the first name that appears

MS. VELDA FRANCO 35:55

Edmund Graham Gibbons Counsel.

COUNSEL DIRK HARRISON 35:58

Thank you very much, Edmund Graham Gibbons

MRS. LISTER (Secty) 36:02

And Counsel. I once again, I will say that that adverse notice was not previously served.

COUNSEL DIRK HARRISON 36:08

The name had been given but it has not been served. So there's a note an order had been made by the chairman for Edmond Graham Gibbons earlier.

MRS. LISTER (Secty) 36:18

No, that's incorrect. We don't have records reflect that.

COUNSEL DIRK HARRISON 36:22

Okay. Well, I was just trying to understand you say and not served. Well. Thank you. So I'd asked Chairman that the names Edmund Graham Gibbons and Henry James Tucker that an order is made for them to be added. I just asked Secretary the name that is highlighted no by the cursor. Could you check your master list that name rings a bell that it may previously have been on the list, could I just asked you to check your list. Your master list

MRS. LISTER (Secty) 36:58

Counsel we have just checked and it does not appear in relation to this matter. Once again, confirmed that it has not been ordered previously for this matter.

COUNSEL DIRK HARRISON 37:15

Chairman and commissioners could I ask for the name Edmund Gosling Gray that an order is made in respect of an adverse notice being sent to him or his estate as the case may be.

HON. WAYNE PERINCHIEF 37:29

Yes Counsel the name Edmund Gosling Gray to be added to the list of adverse notices.

COUNSEL DIRK HARRISON 37:39

And or his estate. And finally, in regards to this slide, the name Henry James Tucker an order to be made

HON. WAYNE PERINCHIEF 37:53

Yes the name Henry James Tucker, but that name also will be added to the list of adverse notices sent.

COUNSEL DIRK HARRISON 38:09

Thank you. Could you take us back secretary to the slide that we were on, I believe it was slide 32. And you had indicated Ms. Franco that you would make the connection to this slide 32 at a later time in your presentation. So you'd like us to move on from slide 32 now?

MS. VELDA FRANCO 39:00

Yes Counsel.

COUNSEL DIRK HARRISON 39:01

Thank you what was the next slide that you wish to make reference to

MS. VELDA FRANCO 39:06

Slide 33 May 28 1976. Another list of documents that was received by my grandmother, Margaret Genevieve Hollis, from her great aunt.

COUNSEL DIRK HARRISON 39:26

I'm sorry. I'm just going to ask you. Just before we move on further, I just want us to return to slide 30. I believe we now have the documents the two (2) Wills that you had mentioned I'd like them to be projected on the screen so that we may just ensure that we keep them together at assets The first one is projected

What document is that?

MS. VELDA FRANCO 40:31

This is the Will of Grace Charlotte Philips Oates

COUNSEL DIRK HARRISON 40:38

Sorry, just a minute. I think it may be the probate that makes reference to the Will that is annexed.

Could I ask that we scroll to the end for this.

Can you keep scrolling for me please?

MS. VELDA FRANCO 41:09

I think you have to go to the top.

COUNSEL DIRK HARRISON 41:12

Yes, that's okay. Could I just ask that we continue scrolling please?

Chairman, I'm just going to ask that what here consists of two pages. It is a probate of the will which is a annexed in respect of Grace Charlotte Phillip Oates. Yes, I'd ask that it be tendered and admitted as exhibit VF8 two (2) pages.

HON. WAYNE PERINCHIEF 42:19

You're making a request that the copy of the Probate of the Will of Grace Charlotte Phyllis Oates be tendered as exhibit VF8 and consist of two (2) pages.

COUNSEL DIRK HARRISON 42:44

Ms. Franco may I just asked the name Grace Charlotte Philips Oates as stated in the document?

MS. VELDA FRANCO 42:51

Yes, counsel. Okay. Thank you.

COUNSEL DIRK HARRISON 43:07

Please proceed. Secretariat with the next document?

MRS. LISTER (Secty) 43:20

It's a two page document.

COUNSEL DIRK HARRISON 43:21

Yes, I'm aware.

MS. VELDA FRANCO 43:30

The second page of the probate page 347. outlines the Last Will and Testament of Grace Charlotte Philip Oates of Spanish Point.

COUNSEL DIRK HARRISON 43:59

The first two (2) pages class asked what is exhibited? No Secretariat consists of seven pages or two pages. What is VF8? We are just seeing two pages. What is that document how many pages does it consist of

MRS. LISTER (Secty) 44:16

Two pages the two that are displaying now on the screen as VF8 Okay,

COUNSEL DIRK HARRISON 44:24

Can I see the other scan document which

MRS. LISTER (Secty) 44:28

It is just this one document Counsel.

COUNSEL DIRK HARRISON 44:32

Sorry.

MRS. LISTER (Secty) 44:32

Ms. Franco provided us with the one document to scan and it was a copy in the second so it's just one document that we're looking at that consists of two pages.

COUNSEL DIRK HARRISON 44:41

Could you just take me back because I am seeing the Will now but before the document which is VF8 it I was not seeing the Will, I was just seeing the probate that's what I'm just trying to get. It is the probate

MRS. LISTER (Secty) 44:54

It's the probate not the Will itself.

COUNSEL DIRK HARRISON 44:58

No, this is now the Will. Can I just ask you to take me back to the top?

MRS. LISTER (Secty) 45:05

Yes, we'll scroll to the top. But it's all one document. So you see, point two at the bottom of the first page and then transitions to point three at the beginning of the second page.

COUNSEL DIRK HARRISON 45:29

That's good. Could you take me all the way to the top please?

MS. VELDA FRANCO 45:38

Counsel that is the Will of John Oates so we need to scroll down a little bit to get to the Probate of Charlotte Philip Oates.

COUNSEL DIRK HARRISON 46:04

Keep going, please.

Miss Franco, if you could assist the document, which consists of the Will how many pages does it consist of?

MS. VELDA FRANCO 46:28

It is three pages and the Will of her husband is two pages John Oates.

COUNSEL DIRK HARRISON 46:37

And the three pages they're back in front?

MS. VELDA FRANCO 46:41

No Counsel they are three separate pages.

COUNSEL DIRK HARRISON 46:48

I crave your indulgence.

Chairman, I just asked for a moment to document as the witness indicated, the Will she had just obtained it recently. We have just had sight of it. It has just been sent to me electronically. So I'm just trying to have a look at it.

HON. WAYNE PERINCHIEF 47:13

Yes, Council, Mrs. Lister is at present photocopying the relevant parts that you've missed.

COUNSEL DIRK HARRISON 47:30

So the document which is VF8 have it we have the first page being the probate?

MS. VELDA FRANCO 47:42

Yes Counsel of John Oates

That's going to be later in the presentation

COUNSEL DIRK HARRISON 47:50

So the first document is the probate in respect of Grace Charlotte Phillip Oates which reviewed it consists of three pages and the second page has a number 347 at the top right hand corner.

MS. VELDA FRANCO 48:20

Yes, Counsel.

MRS. LISTER (Secty) 48:25

Counsel you do not have that one, but we can show on the screen if you'd like.

COUNSEL DIRK HARRISON 48:30

Yes thank you Mrs. Lister. So what I'm just trying to ensure, especially for the commissioners, that we just have the correct document identified as VF8 in fact, Chairman, the document, which is VF8, which is now displayed on the screen, it consists of three pages. So I'd ask that that amendment is made initially I had indicated that VF8 consists of two (2). It actually consists of three (3) pages. At the top left hand corner, it has a number 346 at the top right hand corner, the second page 347. And I ask that it be tendered just to make the correction that this document, as projected now is VF8 which consists of three pages chairman.

HON. WAYNE PERINCHIEF 49:35

What's the final count? The Exhibit VF8 consists of how many pages Counsel three (3)?

COUNSEL DIRK HARRISON 49:41

Chairman three correct. And just for completeness, Chairman, the document that VF8 which consists of three pages at the foot of the document, it has recorded the 1st October 1956.

HON. WAYNE PERINCHIEF 50:42

I'm going to repeat that date.

COUNSEL DIRK HARRISON 50:44

At the footer of the document it has recorded the 1st of October 1956.

HON. WAYNE PERINCHIEF 50:52

By the registrar 56 or 66

COUNSEL DIRK HARRISON 50:56

As projected on the screen chairman.

HON. WAYNE PERINCHIEF 51:00

My eyes are not that good.

COUNSEL DIRK HARRISON 51:02

I'm sorry. I'm sorry, Chairman, 1st October, 1956.

HON. WAYNE PERINCHIEF 51:07

That's better and thank you.

COUNSEL DIRK HARRISON 51:08

Thank you. And just also for completeness. Now, the document was signed by Charlotte Oats on the 10th of February 1956.

MRS. LISTER (Secty) 51:27

Counsel Mrs Lister here. Just a quick query in the document its states here name is Grace Charlotte Philips Oates. Would you like to go by that name or Charlotte Philip Oates?

COUNSEL DIRK HARRISON 51:38

I'm just going to make reference, we will retain the name as stated because if at the very start of the document, the full Charlotte Phillip Oates is stated in the document in the probate, whereas where she has signed she has signed differently. I don't think there's a an issue on that. I think it's best just to leave it as is because the court documents reflect two different ones and I think we could leave it as is.

MRS. LISTER (Secty) 52:15

Okay. Thank you.

HON. WAYNE PERINCHIEF 52:17

Chairman. I was just indicating in respect of the date just for certainty of the document. The witness Charlotte Oates, the name appears beneath the date 10th day of February 1956. Just a bit up Mrs. Lister. Thank you.

COUNSEL DIRK HARRISON 52:58

Chairman. I'd take you now to the second document. It consists of two pages. At the top right hand corner it has a number 493. The first one is a Probate in relation to the last Will which is of John Oates; It makes reference further to an affidavit by Grace Charlotte Philip Oates. it's dated Chairman recorded the 28th of November 1933 by the Registrar General and it's signed by the Honorable Chief Justice S.O. Rowan-Hamilton I'd ask that this two page document be tendered and admitted as VF8a Chairman.

HON. WAYNE PERINCHIEF 54:42

Two page document the number 493 Probate Last Will and Testament of John Oates. signed 28th November 1933. That document be tendered and admitted as VF8a

COUNSEL DIRK HARRISON 55:20

Thank you, Chairman. These are the two documents. Mr. Franco that reference was made to earlier. Could I just ask that we returned to this slide presentation we were at slide 32.

Could I just ask that were taken to the next slide? Thank you. Not that this one the default one fall in this sanku. Thank you. This is where you wish to continue on this Franco slide 33

MS. VELDA FRANCO 56:11

Yes Counsel

COUNSEL DIRK HARRISON 56:15

Proceed Madam.

MS. VELDA FRANCO 56:17

This is another list of documents that were ownned by my great aunt, Grace Charlotte. Philip Oates passed down to my grandmother, Margaret Genevieve Hollis dated May 28 1976. And I refer to item three which says certified copy Last Will and Testament of John Oates dated the 13th of July 1927. I don't have a certified copy of the last month testament, but I do have the probate which I presented a few minutes ago as a two page document 493 VF8a

Slide 34.

COUNSEL DIRK HARRISON 58:13

I'm just taking you back to the VF8a you're saying that is its Last Will and Testament of John Oates is dated the 13th of July 1927. You're saying that is we have it is reference to here VF8a.

Yes, that's correct. Could I just for ease of reference, Chairman and commissioners just to ensure that we are following Could I just ask the Secretary to return to slide the exhibit VF8a and just before we do so, just before we do so sorry. The slide that appears on the screen. The third item that the witness has made reference to Can I just take you out there first I just wish to illustrate something Chairmsan and Commissioners. The witness has made reference here chairman and commissioners the item three indicates that is a certified copy of the last will and testament of John Oates, dated the 13th of July 1927. Could I just ask now that we will take on the exhibit VF8a

Just ask you to scroll down please. Stop here for me please. Chairman and commissioners just below where the name john Oates appears. To lines up it says I have here onto set my hand to this Last Will and Testament, this 13th day of July 1927 John Oates. I've just illustrated for the commissioners that this is a reference the witnesses is making to the document. And it is the same date.

HON. WAYNE PERINCHIEF 1:01:29

Yes, so.

COUNSEL DIRK HARRISON 1:01:32

Thank you. Could you return to the slide Secretariat? 33.

Ms. Franco you may continue Do you wish to refer to anything else on this slide or do you wish to proceed to another slide?

MS. VELDA FRANCO 1:02:06

Counsel I would like to revert back to VF8 the Probate of Grace Charlotte Oates. on page 347

COUNSEL DIRK HARRISON 1:02:35

Yes page 347

MS. VELDA FRANCO 1:02:45

Starting with third item half way down the page

COUNSEL DIRK HARRISON 1:02:52

third item Okay. Where it says third.

MS. VELDA FRANCO 1:02:57

Yes. And it states if the said Charlotte Wellman shall pre deceased me then I BEQUEATH my residuary personal estate to my great-niece Geneive Hollis absolutely. FOURTH: My two storey dwelling house and my laundry, with the parcel of land held there with situated at Spanish Point in Pembroke Parish aforesaid and bounded North Easterly by land of the estate of my mother Ann Amelia Wood, deceased, now in the possesion of Joseph Soares Figuerido South-Easterly by the Waters of Boss's Cove South-Westerly by land formerly of Richard Shaw Wood and Northwesterly by a roadway leading to the Main Public Road. I Devise the said Charlotte Wellman absolutely but in the event that the said Charlotte Wellman shall predecease me. Then I DEVISE the same to the said Genieve Hollis absolutely.

COUNSEL DIRK HARRISON 1:04:19

Can you just remind us once again, Charlotte Wellman, the relation between Charlotte Wellman and Geneive Hollis.

MS. VELDA FRANCO 1:04:28

Charlotte Wellman was my great grandmother, and Geneive Hollis was her daughter, my grandmother

COUNSEL DIRK HARRISON 1:04:40

Thank you. And you have drawn attention to this area third and fourth, to say what madam?

MS. VELDA FRANCO 1:04:53

Were it mentiones in the 'Fourth' ....the land of the estate of my mother Ann Ameilia Wood deceased, now in the possession of Joseph Soares Figuerido SOUTH-EASTERLY by the waters of Boss's Cove. I will mention further in my presentation or number 11 Boss's Cove where Mr. Joseph Soares Figuerido said he owned a property.

COUNSEL DIRK HARRISON 1:05:34

Thank you very much. You wish to take us to another slide, madam?

MS. VELDA FRANCO 1:05:43

One moment Counsel

I would like to take you to the next page item six

I hereby declare that I am the owner of the portions of the estate of my mother Ann Amelia Wood, deceased, delineated on the said plan and thereon colored pink and designated Lots 1-A and 1-B now in the possession of the said Joseph Soares Figuerido and that at no time have I received any money from the said Joseph Soares Figuerido in payment for the same

SEVENTH: The said Lots 1-A and 1-B and all other real estate to which I may be entitled at the time of my death or over which I may have any power or testamentary deposition I devised to the said Charlotte Wellman absolutely but in the event that the said Charlotte Wellman shall predecease me, then I DEVISE the same to this said Genieve Hollis absolutely.

COUNSEL DIRK HARRISON 1:07:22

And you make reference to this to say what?

MS. VELDA FRANCO 1:07:25

I make reference to that I represent. And another presentation number 11 Boss's Cove which mentions here now in the possession of said Joseph Soares Figuerido, and at no time did my great aunt, Grace Charlotte Philip Oats received any money from the said Joseph Soares Figuerido in payment for the same property. Number 11 Boss's Cove.

COUNSEL DIRK HARRISON 1:07:56

And just to be clear,your family's not aware of any payment being made. As against no payments being made, which would you wish to qualify that?

MS. VELDA FRANCO 1:08:07

Yes, Counsel To date, we have not received any payment in reference to any payment from Joseph Soares Figuerido or his estate in reference to #11 Boss's Cove.

COUNSEL DIRK HARRISON 1:08:22

Before I ask the chairman, to issue an adverse notice, do you have any evidence which which you wish to present to the commissioners or which you have with would suggest that Joseph Soares Figuerido has in fact taken possession of any property, which is part of your claim.

MS. VELDA FRANCO 1:08:47

Yes, Counsel, as I mentioned in a previous presentation, I have in my possession, the original deed

COUNSEL DIRK HARRISON 1:08:59

and Mr. Joseph Soares Figuerido based on your claim, he claims the owner had possession at some point of land, which is part of your claim and where's that land?

MS. VELDA FRANCO 1:09:14

This is with reference to #11 Boss's Cove, Mr. Joseph Figuerido lived in the property as a tenant and at no time did my great aunt Grace Charlotte Philip Oats receive payment to purchase the property.

COUNSEL DIRK HARRISON 1:09:39

Chairman I'd ask that the name Joseph Soares Figuerido that an adverse notice be sent to this person and or his estate.

HON. WAYNE PERINCHIEF 1:09:54

Yes Counsel as requested Joseph Soares Figuerido will be sent an adverse notice as requested.

COUNSEL DIRK HARRISON 1:10:14

Thank you. You may proceed.

MS. VELDA FRANCO 1:10:26

We can proceed from slide 34. On slide 34 dated May 28 1976 is another list of documents received from a law firm not mentioned to my grandmother, Margaret Genevieve Hollis a list of documents that she had obtained from my great aunt, Grace Charlotte Philip Oats.

Slide 35. There is another list of documents that my grandmother had received from her great aunt Charlotte Grace Philip Oates dated the 12th of July 1976. Law Firm Appleby, Spurling & Kempe that they received from Margaret Genevieve Hollis the following deeds and documents relating to the land at Boss's Cove, Pembroke Parish Counsel as you can be aware now that I have given an outline of documents that were in the possession of Grace Charlotte Philip Oates and coming forward to this one which is dated May 28 1976, which is basically the same documents that she had in her possession from day one. So I have a session from day one coming to present a time.

**COUNSEL DIRK HARRISON** 1:12:48: Thank you.

**MS. VELDA FRANCO** 1:12:54: Slide 36: just to take you back to 35

**COUNSEL DIRK HARRISON** 1:13:00: Just to take you back to 35 the documents listed there you print the documents the commissioners to those five documents and you're note indicates that these are received from received from Genevieve Hollis. Is there any comment you wish to make further in respect of these documents and how you would like the commissioners to view them?

**MS. VELDA FRANCO** 1:13:41: So this is the list that was received by the law firm Appleby, Spurling and Kempe from my grandmother, Margaret Genevieve Hollis. I also would like to point out that these documents were taken to various law firms, which I have mentioned Hallett Whitney and Patton, Vaucrosson Law Firm, Appleby Spurling now Appleby Spurling & Kempe where she was trying to get help to sort out ownership of the property

**COUNSEL DIRK HARRISON** 1:14:37: You may take us now to slide 35 is it 36

**MS. VELDA FRANCO** 1:14:46: Once again, here is another list of documents dated May 17 1977. This law firm was Smith, Barnard and Diel and now she's going to another law firm asking for help.

We can proceed to slide 37, dated May 8 1978. This law firm Appleby Spurling and Kempe and is Dated not all documents are given back to Ms. Hollis.

**COUNSEL DIRK HARRISON** 1:15:50: No not all,

**MS. VELDA FRANCO** 1:15:52: Not all documents are given back to Mrs. Hollis

**COUNSEL DIRK HARRISON** 1:15:57: And you made that point to say exactly what madam.

**MS. VELDA FRANCO** 1:16:01: To state that the documents that were received by Appleby, Spurling and Kempe. Some of them were missing when they gave her document pack.

**COUNSEL DIRK HARRISON** 1:16:18: Are you able to see what was not given back?

**MS. VELDA FRANCO** 1:16:34: Just consulting here with my aunt Lynn Cann she said documents referring to Shaw Wood Park.

**COUNSEL DIRK HARRISON** 1:16:46: Okay, because I just pause that we may need to return to slide 36. Because in reference to what is said here, and as it touches on concerns the law firm clients ask you to take us back Secretary that says not all paid not all documents.

**MS. VELDA FRANCO** 1:17:30: Slide 37. Thank you.

**COUNSEL DIRK HARRISON** 1:17:33: Yes, I was saying that in respect of your note that not all documents are given back to Mrs. Hollis. And what you have just stated based on what you have been advised by your aunt Mrs. Lynn Cann, who is next to you. She makes reference to the document of Shaw Park. Could I ask that the page is enlarged.

Are you making reference to item number 10 madam or some other document?

**MRS. LISTER (Secty)** 1:18:19: Chairman and Counsel I apologize once again to sort out some technical issues. Counsel are you back with us. Yes our tech team have sort everything out and we are ready to go.

**COUNSEL DIRK HARRISON** 1:19:18: Thank you very much. The question for either yourself Miss Franco or Mrs. Lynn Cann. Your earlier statement in respect of document relation to Shaw Wood not be in amongst the documents which was which were returned. Are you making reference to what is noted as item 10 as displayed on the screen or are you referring to another document think your microphone, maybe half madam. Please identify yourself before you speak.

**MS. VELDA FRANCO** 1:20:24: I identify myself as Cecilia Lynn Hollis Cann. And I am the daughter of Margaret, generally, Anastasia, the grand-daughter of Charlotte Wellman nee Saunders. I can only go by my experience, back in the day, I put it that way. I was a youngster. And as a result, I, my mom was a very busy lady, and as an only daughter at that time under 11 daughter. And so she took me everywhere. And if anyone knows at that time you have seen and not heard. But I do remember being in law firm offices, and hearing my mother plead for the rest of her papers, documents that she had given to the law firms. And I promise to tell the truth. So I can tell it as I knew it to be. And I even questioned if I might go on for just a short period, even questioned my mother at one time. I said, Mom, we've gone to so many law firms, and they're all saying that it's a conflict of interest. They can't do anything. It's, you know, why don't you give up on this? And I know a lawyer Mr. Bernard said to me, don't ever doubt your mother. So whether it was these papers or not, but I also do know that I overheard a conversation with land owners in Shaw Wood that said that they had to pay twice to get the clear title of their land

**HON. WAYNE PERINCHIEF** 1:22:43: Counsel are you still with us.

**COUNSEL DIRK HARRISON** 1:22:50: I'm sorry. Could you share with us Mrs. Lynn Hollis Cann Even though we have not been told who the persons are, excuse me, who said that? What is the significance you add to that point? Could you share with us in respect of having to pay twice? I'm not understanding.

**MS. VELDA FRANCO** 1:23:24: Okay. I'll go back and say, in order for those persons were living at Shaw Park, in that at that time. It was my understanding as a young person, and I was in my late teens. That effect I was older and that I was in my 20s. I go back to that they did not at that point, have a clear title deed to the properties that they were residing upon. And it wasn't until they got the original deeds, that they were able to get a clear title to the property. That to me says that what we have been researching and I was with my mom doing a lot of researching as well. She did a lot of this herself. That they who was reciting at the property only got their pure title deed upon the lawyers that kept the documents required to attain them.. Thank you again, Counsel. If I may in chair, we could pause for just one moment we need to do.

**COUNSEL DIRK HARRISON** 1:24:56: Chairman, I was meant to ask at this time that we Take a 10 minute break. There is a matter that the Secretary needs to attend to. I just ask that we take a 10 minute break at this time.

**HON. WAYNE PERINCHIEF** 1:25:12: Yes Counsel you have requested that we take a 10 minute break, I recommend that we come back at quarter to 12. We'll come back at a quarter to 12. Thank you very much. You'll now adjourn for that 10 minute period.

**END OF TRANSCRIPTION MARCH 17, 2021 (MORNING SESSION A) AT 1:25:45**