**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**CHAIRMAN**

**JUSTICE NORMA WADE-MILLER (Recused)**

**ACTING CHAIRMAN**

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

**COUNSEL**

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

**COMMISSIONERS**

**MR. JONATHAN STARLING**

**MR. QUINTON STOVELL**

**MS. LYNDA MILLIGAN-WHYTE (Recused)**

**MS. FREDERICA FORTH (Recused)**

**MS. MAXINE BINNS (Recused)**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: WILLOWBANK CONFERENCE CENTER**

**MONDAY, MARCH 22, 2021**

**MORNING SESSION (a)**

**HON. WAYNE PERINCHIEF** 0:05: Good afternoon, resuming the Commission of Inquiry hearing of the Franco matter, which was adjourned at 12 o'clock today. The witnesses are in place Counsel, Good afternoon.

**COUNSEL DIRK HARRISON** 0:25: Thank you, Chairman. Good afternoon, gentlemen. I'd like to resume where we left off. Chairman we had been add slide 133. We have all three witnesses who are present and accounted for. And we'd like to continue at slide 133. Exhibit VF15.

**HON. WAYNE PERINCHIEF** 1:07: Yes, Counsel we are aware of that

**COUNSEL DIRK HARRISON** 1:08: We'd like to continue. Thank you. Now Ms. Franco, you had indicated in respect of some documents that you had shared with the Commission yesterday, and which are compiled on slides, we would like to return to those set of documents. This was one of them. The next one that you'd like to refer to Ms. Franco it relates to what property madam

**MS. VELDA FRANCO** 1:42: It relates to #9 Boss's Cove, Pembroke.

**COUNSEL DIRK HARRISON** 1:49: Thank you. Can you tell us about the document does it have any markings on it? This one is an exhibit already Secretariat. We are going to move to the next document. That should be along with this one. If you could scroll on this page. This is a document you refer to Madame

**MS. VELDA FRANCO** 2:24: Yes Counsel, I would like for this to be submitted as an exhibit.

**COUNSEL DIRK HARRISON** 2:33: Chairman the document which is on screen has number two #9 Boss's Cove Road, Pembroke HM01. Pembroke Parish Map dated October 16 1936, by Assistant Surveyor Robert H. Clark. I would ask Chairman that the document be tendered and Exhibited as VF16.

**HON. WAYNE PERINCHIEF** 3:07: Yes, Counsel. There's a copy of a map of #9 Boss's Cove Road, Pembroke HM01. And the map is dated October 16 1936. Drafted by Robert R. Clarke no Robert H. Clark has submitted now as Exhibit VF16.

**COUNSEL DIRK HARRISON** 3:44: Thank you Chairman, you may proceed Ms. Franco.

**MS. VELDA FRANCO** 3:48: The map that you're now seeing is for reference only that as of October 16, 1936. This map also showed #9 Boss Cove Road which is circled in the **red** on the map.

**COUNSEL DIRK HARRISON** 4:10: Okay. And by way of illustration, you have just shown us a different view or is there anything else in particular you wish to bring to our attention?

**MS. VELDA FRANCO** 4:23: This is to say that in 1936 #9 Boss's Cove Road was an existence.

**COUNSEL DIRK HARRISON** 4:37: Thank you very much. The significance of you pointed out to us that in 1936 number that was in existence, can you share with us what submission you wish to make in that regard?

**MS. VELDA FRANCO** 4:55: My submission is that the previous map that I shared and also showed which was 1934 that showed Cove View that #9 was on that map; and also #9 is on this map in 1935. Which at the time was someone else other than a member of our family?

**COUNSEL DIRK HARRISON** 5:21: In the area in red that you refer to as #9 is it written on the document?

**MS. VELDA FRANCO** 5:33: #9 is within that circle of houses at Boss's Cove.

**COUNSEL DIRK HARRISON** 5:44: I was asking is it written on an actual map?

**MS. VELDA FRANCO** 5:48: No, It's written on the actual map as number 30.

**COUNSEL DIRK HARRISON** 5:53: Okay. That's fine. I think Chairman, we have seen enough of these diagrams on documents that the Commissioners may if they wish drawing inferences in respect of the map shown, and take judicial notice of the previous maps they have seen. So I'll move along.

**MS. VELDA FRANCO** 6:18: Next slide.

**COUNSEL DIRK HARRISON** 6:20: Would you wish to go to the next slide Madame.

**MS. VELDA FRANCO** 6:22: Yes, please Counsel.

**COUNSEL DIRK HARRISON** 6:27: Please scroll down secretary please. I would like to rely on this document now.

**MS. VELDA FRANCO** 6:42: Yes, I would like to enter it as an exhibit

**COUNSEL DIRK HARRISON** 6:49: Chairman the diagram that is displayed with an A user words Clarke & Doidge? Thank you very much Chairman dated August 12 1957. I'd ask that this document be tendered admitted as Exhibit VF17.

**HON. WAYNE PERINCHIEF** 7:43: Yes Exhibit VF 17 shows a diagram drawn by Clark and Doidge. Dated August 12 1957.

**COUNSEL DIRK HARRISON** 8:02: Could you just explain to us exactly how this document assist you madam.

**MS. VELDA FRANCO** 8:08: This survey was done on August 12, 1957 by Clark and Doidge I've marked on the diagram #9 Boss's Cove which shows the name Joseph Henry Soares

**COUNSEL DIRK HARRISON** 8:25: Where have you marked the document can you go to the cursor. Now you say you marked it where did you made the markings by them?

**MS. VELDA FRANCO** 8:37: Right where the cursor is?

**COUNSEL DIRK HARRISON** 8:40: Okay, thank you. Thank you. You may continue

**MS. VELDA FRANCO** 8:46: At the bottom of this map. It says a gift from Joseph Figuerido Soares in 1945.

**COUNSEL DIRK HARRISON** 9:04: You did not write that.

**MS. VELDA FRANCO** 9:05: I did write that and I will explain it on the next slide.

**COUNSEL DIRK HARRISON** 9:10: You wrote that? Yes I did Counsel. So what else other than #9 and you writing a gift from Joseph Figu... was that name madam?

**MS. VELDA FRANCO** 9:26: Figuerido.

**COUNSEL DIRK HARRISON** 9:29: Was Soares Okay. Yes. Could you indicate what because you have asked us by way of application I will ask the Chairman to admit which he has so done on the document of Clark and Doidge. I'm just asking you to indicate everything what you wrote on the document please before we go to the next slide.

**MS. VELDA FRANCO** 9:56: Yes, Counsel at the top of the slide I made Note #9 0.57 Hector's or 0.14 acres; come down to #7 which shows that #7 is the residence of John Kyle for my reference; and as you come down to the bottom of the map, I wrote gift from Joseph Figuerido Soares in 1945.

**COUNSEL DIRK HARRISON** 10:29: Why did you write those things on a document?

**MS. VELDA FRANCO** 10:33: For references so that I had a clear picture of that this was #9 at Boss's Cove and that in 1945, John Henry Soares obtained it from Joseph Figuerido Soares in 1945.

**COUNSEL DIRK HARRISON** 10:53: Yes but what I am asking you, please don't take the question out of context. I'm just asking, why did you write these things here, and the things that you wrote, which you're referring to, what is the source of these things, I just trying to understand why you wrote it, for what purpose,

**MS. VELDA FRANCO** 11:14: I wrote it as a note so that I could understand and so that the Commission can understand that this refers to #9 Boss's Cove on this particular map, that was surveyed in 1957.

**COUNSEL DIRK HARRISON** 11:35: Now, just where you wrote #9 above it, you have .57 Hector's now this is a document from Clark and Doidge. How did you arrive at 0.57 Hector's right in there? So that's what I'm trying to understand you have given us a document which is

**MS. VELDA FRANCO** 11:55: I had taken that information off of the Conveyance but I had taken the information written on there from the Conveyance of the 0.57 Hector's a 1.4 or five acres

**COUNSEL DIRK HARRISON** 12:13: Okay, all right, because that's what that would ask you just to explain each because I'm sure at least one person in the room now with you who is an expert in this area would normally not, so I'm asking you this and to indicate where you got information from each the persons who are skilled in this area Miss Franco they are very jealous of their profession and they like to rely only on that typed in black and white. Yes, could you could you just share with me that you got the .57 Hector's from the Conveyance?

**MS. VELDA FRANCO** 13:07: Yes Counsel.

**COUNSEL DIRK HARRISON** 13:12: And which Conveyance is that? And where is it found?

**MS. VELDA FRANCO** 13:16: That was the Conveyance that was attached to the Notice for Carl Michael Soares Carl Soares from Marguerite Winifred Soares.

**COUNSEL DIRK HARRISON** 13:34: Thank you. And below it you have .45 acres you also got that information from

**MS. VELDA FRANCO** 13:43: Yes, that's correct.

**COUNSEL DIRK HARRISON** 13:48: You have #7 John Kyle Did you also write in that information to the east of what you indicate as #9?

**MS. VELDA FRANCO** 13:57: Yes Counsel.

**COUNSEL DIRK HARRISON** 14:03: And information to the south of #9 Gift from Joseph Soares 1945?

**MS. VELDA FRANCO** 14:12: Yes It's in my handwriting

**COUNSEL DIRK HARRISON** 14:18: Thank you very much. You may move to the next slide if you wish madam.

**MS. VELDA FRANCO** 14:29: Next slide I would like to submit this as an exhibit as well Counsel.

**COUNSEL DIRK HARRISON** 15:00: Chairman the document which bears the title A LOT PLAN is dated 4th December, 1985, I would ask that this be tendered and admitted as Exhibit VF18. Can you tell us the source of this document madam?

**HON. WAYNE PERINCHIEF** 15:42: Counsel Yes, you requested that document on the slide bears the title A LOT PLAN is dated 4th December, 1985,

**COUNSEL DIRK HARRISON** 16:05: Now Ms. Franco the document has in a number of places. What appears to be handwritten ink blue ink over certain numbers, did you do this or is this how you obtain a document.

**MS. VELDA FRANCO** 16:24: That document on the screen? Only has #9 printed on it. I wrote it in ink. #9, #11, #7, and the date of 1985.

**COUNSEL DIRK HARRISON** 16:42: What about the #7?

**MS. VELDA FRANCO** 16:44: #7

**COUNSEL DIRK HARRISON** 16:45: This is #7?

**MS. VELDA FRANCO** 16:48: Yes. #7 is the property.

**COUNSEL DIRK HARRISON** 16:52: So what did you write over that?

**MS. VELDA FRANCO** 16:54: No, I put that number seven there in my own handwriting. And number 11. In my own handwriting, it was not there before.

**COUNSEL DIRK HARRISON** 17:05: Okay, so is there another document? Why did you write these numbers in these places?

**MS. VELDA FRANCO** 17:14: I wrote these numbers in these places for reference. So I understood exactly what property this document referred to. And #11, it says James Pearman Number, which is #11 Boss's Cove; #7 is the property of Wendy Kyle Boss's Cove; and the property outlined in the middle is #9 Boss's Cove. The top of the diagram says Boss's Cove.

**COUNSEL DIRK HARRISON** 17:50: What's the source of this document madam?

**MS. VELDA FRANCO** 17:53: The source of this document was part of the Conveyance from Marguerite Winifred Soares to Carl Soares.

**COUNSEL DIRK HARRISON** 18:04: And where did you obtain this document?

**MS. VELDA FRANCO** 18:06: I obtained this document from the Land Title Registry Office.

**COUNSEL DIRK HARRISON** 18:17: What about where it has December 4, 1985? Did you write in blue ink tracing those words or numbers?

**MS. VELDA FRANCO** 18:25: I did not trace those numbers and words. I hand wrote it in. It was actually on the original or part of the Conveyance. From Marguerite Winnifred Soares to Carl Soares.

**COUNSEL DIRK HARRISON** 18:48: Original, do you have that in your possession?

**MS. VELDA FRANCO** 19:01: Yes Counsel.

**COUNSEL DIRK HARRISON** 19:08: I was going to ask the Secretary to take that document from you, could it be taken to the Commissioner so they could have a look at it to satisfy themselves that what is displayed on the screen as VF18 that original is what purports to be an original is one on the same please?

**HON. WAYNE PERINCHIEF** 19:33: That's being done Counsel. Secretary is taking possession of that document

**COUNSEL DIRK HARRISON** 19:44: Thank you.

**HON. WAYNE PERINCHIEF** 20:47: It's been shown right now, Counsel, we've got it in our possession.

**COUNSEL DIRK HARRISON** 22:09: Thank you, Chairman. I just said Commission in light of the evidence of the witness that the document which is the exhibit she has traced some other numbers and letters in blue ink.

**HON. WAYNE PERINCHIEF** 22:36: Yes Counsel, we've seen the original without the tracings, and it appears to be the same as what's on the screen right now.

**COUNSEL DIRK HARRISON** 23:03: Thank you. Could I move to the next slide then?

**HON. WAYNE PERINCHIEF** 23:12: And just for reference, that was VF18 Counsel that map?

**COUNSEL DIRK HARRISON** 23:22: That is correct, Chairman. Madam, this slide was the three different document on this slide or is it the same?

**MS. VELDA FRANCO** 24:15: Your question again, counsel, Counsel your question can you repeat it please?

**COUNSEL DIRK HARRISON** 24:33: Madam I'm sorry, this slide which is presented which has #9 Boss's Cove Road, Pembroke HM1, which also has Hallett and Whitney received from Mrs. Oates, dated July 23 1934. Are these three (3) different documents which are embedded in the slide?

**MS. VELDA FRANCO** 25:05: Yes. Counsel, there are three (3) different documents that I would like to submit as evidence.

**COUNSEL DIRK HARRISON** 25:15: Thank you.

**HON. WAYNE PERINCHIEF** 25:50: Counsel we lost you momentarily.

**COUNSEL DIRK HARRISON** 25:54: No, I am actually still frozen and I'm seeing you are all in a frozen state.

**HON. WAYNE PERINCHIEF** 26:12: Right. It seems as if we're having communication problems.

**COUNSEL DIRK HARRISON** 26:29: Probably I could repeat the question again, Chairman. Ms. Franco can you hear me?

**MS. VELDA FRANCO** 26:42: Yes Counsel.

**COUNSEL DIRK HARRISON** 26:51: As I asked you in respect of this slide as projected on the screen, those are three different documents, correct?

**MS. VELDA FRANCO** 26:57: Yes, Counsel

**HON. WAYNE PERINCHIEF** 27:36: Just for information, we are having some transmission problems. We are contacting console via direct telephone.

**COUNSEL DIRK HARRISON** 28:02: Good chairman. As I was advised that there are some challenges.

**HON. WAYNE PERINCHIEF** 28:34: Yes, that appears that is interference and it is not easily corrected. But we've gotten through quite a bit of the evidence. I'll just confirm with the witnesses very rapidly. Witnesses. What percentage of the evidence do we have to complete?

**MS. VELDA FRANCO** 29:07: Chairman reference to the whole presentation or this particular section. How much

**HON. WAYNE PERINCHIEF** 29:13: Are we 50% through?

**MS. VELDA FRANCO** 29:15: Yes.

**HON. WAYNE PERINCHIEF** 29:17: Counsel we are 50% completed. Should you wish to have another hearing or have another start time perhaps in the future tomorrow or the day after?

**COUNSEL DIRK HARRISON** 29:33: I will just need to ascertain from the secretariat the schedule

**MRS. LISTER (Secty)** 29:54: So Counsel tomorrow there is one matter in camera the Moulder matter. I'm not sure how long that's going to be. And it's packed for the rest of the week. Jarvis is on Wednesday, which will not take that long. I'm just tried. I don't think it is. But where I'm more concerned about even if we come back the networking system here is not operating as it should. Hear me Counsel. Can you hear me?

**COUNSEL DIRK HARRISON** 30:54: There was a pause after Wednesday.

**MRS. LISTER (Secty)** 30:59: Okay. So Wednesday, Just one matter the Jarvis matter. The issue that we're having is that the network it is not consistent in the area, not necessarily. So we might still have this problem which is with Digicel.

**COUNSEL DIRK HARRISON** 31:33: I appreciate that the issue is outside the control of the technicians. What I ask at this time, could we set another date for the continuation of this matter with the expectation that the communication that we are experiencing in that area will be addressed.

**HON. WAYNE PERINCHIEF** 32:17: What day would you propose?

**COI Secty** 32:23: Adjourn until Wednesday, because we are going to be here tomorrow Tuesday

**HON. WAYNE PERINCHIEF** 32:38: Yes Counsel, Wednesday does seem to be more convenient. At this point I propose we adjourn and I'll just ask the claimants of their availability. Miss Franco would you be available?

**MS. VELDA FRANCO** 33:13: I will make myself available. But my Aunt said she may not be available.

**HON. WAYNE PERINCHIEF** 33:19: Counsel Ms. Velda Franco said she would be available, nevertheless, I think that can be negotiated later on.

**COUNSEL DIRK HARRISON** 33:39: Also ascertain Chairman availability of Mr. Hollis.

**HON. WAYNE PERINCHIEF** 33:45: Can we locate Mr. Hollis if he would be available.

**MR. HUGH HOLLIS** 33:49: Yes, Commissioner, I can make myself available.

**HON. WAYNE PERINCHIEF** 33:53: Yes. Mr. Hollis can

**COUNSEL DIRK HARRISON** 34:02: Thank you very much. And Commissioners,

**HON. WAYNE PERINCHIEF** 34:06: Keeping in mind the technical difficulties that we're having at this time Counsel and witnesses, we will adjourn the Commission of Inquiry this time and resume with the amount of time to be ascertained between the Secretariat and the witnesses. So Counsel at this point I will call an adjournment to this session.

**COUNSEL DIRK HARRISON** 34:40: We will adjourn until tomorrow on Wednesday, Chairman?

**HON. WAYNE PERINCHIEF** 34:43: No until tomorrow as proposed by the Secretary tomorrow 10 o'clock.

**COUNSEL DIRK HARRISON** 34:54: Thank you Chairman.

**HON. WAYNE PERINCHIEF** 35:00: Yes, tomorrow is in camera Counsel.

**COUNSEL DIRK HARRISON** 35:08: Thank you very much.

**HON. WAYNE PERINCHIEF** 35:12: Yes, You're quite welcome Counsel.

 This session is now adjourned until tomorrow morning at 10:00 am.

**END OF TRANSCRIPTION MARCH 22, 2021 (AFTERNOON SESSION A) AT 35:31**