**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**CHAIRMAN**

**MR. WAYNE PERINCHIEF**

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

**COUNSEL**

**MR. DIRK HARRISON**

**COMMISSIONERS**

**MR. JONATHAN STARLING**

**MR. QUINTON STOVELL (Recused)**

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

**MS. FREDERICA FORTH (Recused)**

**MS. MAXINE BINNS (Recused)**

**TRANSCRIPT OF PROCEEDINGS**

**LOCATION: UNKNOWN**

**FRIDAY, FEBRUARY 5, 2021**

**MORNING SESSION (a)**

**MR. WAYNE PERINCHIEF** 0:01: Good morning. Before we actually get into the business of the day, I wish to make a few announcements. Number one This Commission is sitting with three (3) Commissioners. The fact is that of the entire Commission four (4) Commissioners have recused themselves from hearing this matter due to what could have been conflict of interest. Those persons who have recused themselves are the Substantive Chair, Mrs. Norma Wade-Miller, Commissioner Binns, Commissioner Linda Milligan-White and Commissioner Frederica Forth, those persons have recused themselves from hearing this matter due to perceived conflicts of interests. So as a result, you now have remaining Commissioner Starling, Commissioner Stovell, and myself, Commissioner Perinchief sitting as Chair for this matter. Counsel if you would wish to make your input and start the matters for the day.

**COUNSEL DIRK HARRISON** 1:46: Thank you. Chair, morning. Commissioner’s morning, everyone present. Just indicate as a follow up Chairman, in terms of what has just been said, as a result of the announcement just made, the Commission has amended it rules and procedure to facilitate this posture that has been taken, because in the circumstances, a majority of the Commission has had to recuse itself for what may be perceived as conflict of interest in respect to the matter. The matter before us today, Chairman and members is a Claim No. 024, but before we have a substantive matter being heard on the last occasion after Exhibit 1, what was determined to be VF1 was made an exhibit. It was determined that an adverse notice should be sent to Sir John Swan. It arose out of the witness Miss Franco reading from Exhibit 1, and reference being made to a particular property being owned by a name person and a Supreme Court Case 1976:No.84. In that regard, we are asking or contact was made formally with Sir John Swan. This morning present is Mr. Nicolas Swan. He certainly can't speak for himself. But the matter is here this morning for standing formally to be done. We have no objection to any application for standing, but I will allow Mr. Nicholas Swan to address you and your Commissioners at this time. Good morning, commissioners.

**MR. NICHOLAS SWAN** 4:08: Good morning Commissioners. On behalf of my father Sir. John Swan, I'd like to thank the US Chairman and the rest of your Commissioners for allowing me to stand in his stead. He apologizes for not being here in person, but due to the COVID situation on the island he thought it would be prudent in this initial stage to have himself represented by me going forward he would certainly make himself available to the Commission as needs be. And I would like to thank you for considering us for standing in this matter.

**MR. WAYNE PERINCHIEF** 4:40: Yes Counsel, I seek direction as to whether the witness representing Sir John Swan shouldn't be put on oath at this stage?

**COUNSEL DIRK HARRISON** 4:56: It may not be necessary at this stage to do so, that would not be required. What I will ensure is done, which has been done partially is that the documentation will be shared with Mr. Swan he has already been given a document the document, which is an Exhibit, the only exhibit that will be copied and given to him before he leaves and the other supporting documents which the witness prays in aid of the claim which is being made, those will be made available electronically. And it will be done certainly within the hour.

**MR. WAYNE PERINCHIEF** 5:44: Alright, just again for clarification. If Sir John’s son would give you your full name for the record?

**MR. NICHOLAS SWAN**  5:57: In full. My name is John Nicholas Swan.

**COUNSEL DIRK HARRISON** 6:04: And I'd ask therefore that an Order could be made Chairman, given stand-in relevant documentation will be provided by the Secretary after for signature, but I just asked you to make the order. At this time,

**MR. WAYNE PERINCHIEF** 6:22: So ordered that John Nicholas Swan representing his father, Sir John Swan be given not only standing but also

**COUNSEL DIRK HARRISON** 6:35: He has been given actually the access to the document that have been provided.

**MR. WAYNE PERINCHIEF** 6:41: Yes, given access to all documentation concerning this matter.

**COUNSEL DIRK HARRISON** 6:47: Thank you very much.

**MR. NICHOLAS SWAN** 6:49: Thank you all very much.

**COUNSEL DIRK HARRISON** 6:51: What we propose to do at this stage, we have some ways to go. But the witness, witnesses are here. And I understand a third witness is actually connected by zoom. We'd have all the witnesses sworn again, but we're actually going to commence or continue the process of leading evidence in this matter. With regards to the matter. I am of the opinion that at this stage, no disadvantage or unfair scenario, would present itself with regards to Sir John Swan or Mr. Nicholas Swan. With that regard, we have some way in terms of any evidence which would be led, which purports to in any way to be directed at Sir John Swan, it is to come. So even if he is not here today, as I understand his intention, we have some way to go, that he would not be disadvantage.

**MR. WAYNE PERINCHIEF** 8:06: Thank you very much, Counsel. And if you would proceed with swearing the witnesses at this time.

**MR. NICHOLAS SWAN** 8:13: Thank you.

**MR. WAYNE PERINCHIEF** 8:14: And taking note that further witness or third witnesses on zoom?

**COUNSEL DIRK HARRISON** 8:18: Could we just have at that point, we'll have that witness, actually acknowledge. So as the witnesses are sworn or are permitted to affirm to speak the truth.

Could you remove your mask and raise your right hand turn this way? Sorry you don't have to raise your right hand. Just hold the Bible in your right hand and you may go ahead, please

**MRS. CECILIA CANN** 9:12: I swear by Almighty God that the evidence that I shall give will be the truth, the whole truth and nothing but the truth.

**COUNSEL DIRK HARRISON** 9:34: Hold the Bible in your right hand please

**MS. VELDA FRANCO** 9:39: I swear by Almighty God that the evidence that I shall give will be the truth, the whole truth and nothing but the truth.

**COUNSEL DIRK HARRISON** 9:45: Thank you.

**MR. SIMMONS**  10:13: Sir would like to swear on the Bible or Affirm?

**COUNSEL DIRK HARRISON** 10:16: One minute...let's see, if we can get him on the screen first so the Commissioners can see him. Mr. Hugh Hollis. Good morning, sir.

**MR. HUGH HOLLIS** 10:36: Good morning.

**COUNSEL DIRK HARRISON** 10:38: Would you wish to swear on the Bible or Affirm Sir?

**MR. HUGH HOLLIS** 10:42: I can swear on the Bible.

**COUNSEL DIRK HARRISON** 10:44: You have a Bible with you, sir?

**MR. HUGH HOLLIS** 10:45: Yes I do.

**COUNSEL DIRK HARRISON** 10:47: Are you able at this time to allow us to have a video access just for swearing.

**MR. HUGH HOLLIS** 10:53: Yes Sir

**COUNSEL DIRK HARRISON** 10:55: I'm not seeing my apologies. Do you have the Bible in your right hand, could I just ask you to hold the Bible in your right hand and the oath will be read to you? I am just going to ask you to follow what is read as slowly and clearly as you can thank you very much.

**MR. HUGH HOLLIS** 11:19: I swear by Almighty God. *I swear by Almighty God*, that the evidence I shall give, *that the evidence I shall give:* shall be the truth *shall be the truth*; the whole truth, *the whole truth*: and nothing but the truth *and nothing but the truth*.

**COUNSEL DIRK HARRISON** 11:37: Thank you. Thank you very much.

**MR. HUGH HOLLIS** 11:46: You are welcome.

**COUNSEL DIRK HARRISON** 11:48: Good morning ladies, good morning Mr. Hollis. Now Mrs. Franco, on the last occasion, the document which is VF1 which is projected on the screen, a letter dated 16th March, 2020. I am just going to ask you to take us back there. Just to read that document again. You have a copy of it? One is being handed to you now if for your benefit. You have or do not have a copy.

**MS. VELDA FRANCO** 12:36: Yes Counsel, I have a copy.

**COUNSEL DIRK HARRISON** 12:37: Yes. Okay. Yes. I was meant to ask you to read that document again for us. So we may.

**MS. VELDA FRANCO** 12:45: This is my letter dated the 16th of March 2020. Addressed to the Secretary of the Commission reference to the Inquiry into Historic Land Loss in Bermuda.

Dear Justice Miss Norma Wade-Miller OBE, JP Chair, Commission of Inquiry into Historic Land Loss in Bermuda.

I Velda S. Franco write on behalf of our living and deceased family, for the unjust we have suffered in reference to the above mentioned my great-grandmother, Mrs. Charlotte Ellis Wood-Wellman and my grandmother, Miss Margaret Genevieve Hollis, nee Wellman fought to the death to have the following land returned to them that was passed down to them.

**1.** Originally owned by Grace Charlotte Philip Oates, who left the property to Charlotte Ellis Wood-Wellman, in her Last Will and Testament the property was left to her grandson, Mr. George Stanford Llewellyn Hollis. Then it describes the property at #1 Bosses Cove.

**2.** Property owned by Charlotte Ellis Wood-Wellman which is now according to

**COUNSEL DIRK HARRISON** 14:01: Before you go any further the description that you refer to just above where it says the property is currently owned by the Cabral family. Below did you have the Description, the Assessment Number, Building Name, Address and Grid reference that correct?

**MS. VELDA FRANCO** 14:19: Yes Counsel.

**COUNSEL DIRK HARRISON** 14:25: Please proceed madam.

**MS. VELDA FRANCO** 14:27: **2.** Property owned by Charlotte Ellis Wood-Wellman and according to the research that I've done, it states that the Minors currently reside in this property which is now No. 18 Boss's Cove

**COUNSEL DIRK HARRISON** 14:48: And Charlotte Alice Wood-Wellman any relation to you?

**MS. VELDA FRANCO** 14:54: My great-grandmother.

**COUNSEL DIRK HARRISON** 14:56: Thank you and before you go any further When you had mentioned the very first property, where you have the properties currently owned by the Cabral family any relation to you?

**MS. VELDA FRANCO** 15:10: No Counsel the Cabrals are not related to me.

**COUNSEL DIRK HARRISON** 15:14: Thank you. Please proceed.

**MS. VELDA FRANCO** 15:21: **3.** Property owned by Miss Charlotte Ellis Wood-Wellman Plaintiffs. Supreme Court Case 1976: No. 84. between Mr. Leroy Pyke, First Defendant and Mr. John W. Swan Limited Second Defendant.

**COUNSEL DIRK HARRISON** 15:45: Yes, please continue.

**MS. VELDA FRANCO** 15:47: **4.** Property owned by Miss Margaret Genevieve Hollis nee Wellman in the area of Boss's Cove, Pembroke Parish that was sold to Mr. Carl Hugh Piva.

**COUNSEL DIRK HARRISON** 15:59: Before you go any further, in relation to No. 4 Mrs. Margaret how do you pronounce that

**MS. VELDA FRANCO** 16:05: Genevieve

**COUNSEL DIRK HARRISON** 16:06: Thank you, Hollis nee Wellman any relation to the family?

**MR. HUGH HOLLIS** 16:10: Yes Counsel, she was my grandmother.

**COUNSEL DIRK HARRISON** 16:12: Thank you. Please proceed.

**MS. VELDA FRANCO** 16:17: **5.** Property owned by Ms. Margaret Genevieve Hollis nee Wellman Lot of land on East Side of Boss's Cove, now called High Point Road, Pembroke Parish holding deeds of the inlet on both sides east and southwest of Boss's Cove re the Land Application Number 20558 Applicant the Dallas Family Trust February 28, 1992.

**6.** Property owned by Margaret Genevieve Hollis nee Wellman buildings erected on the entire Places Point Road to Bluck's Point Road to Shaw Wood Park, Spanish Point, Pembroke by Mr. Kenneth Simmons and others.

**COUNSEL DIRK HARRISON** 17:06: Before you go any further in respect of mention Mr. Kenneth Simmons and others, any relation to you or your family?

**MS. VELDA FRANCO** 17:17: No Counsel.

**COUNSEL DIRK HARRISON** 17:21: You may proceed.

**MR. HUGH HOLLIS** 17:23: **7.** Property was owned by Margaret Genevieve Hollis nee Wellman and pass onto her daughter who is currently the owner Mrs. Cecilia Lynn Cann, and the property in question #1 Newman's Lane Pembroke.

**COUNSEL DIRK HARRISON** 17:41: Thank you. Now in respect before you continue in respect of these based on my count, seven (7) properties. How many of them actually are presently occupied by your family?

**MR. HUGH HOLLIS** 18:10: None of them Counsel.

**COUNSEL DIRK HARRISON** 18:19: Thank you. Could I just ask you to read the paragraph, starting with we thank you.

**MS. VELDA FRANCO** 18:41: We thank you for giving us the opportunity to have a voice. And we would also like to inform you there were other parcels of land taken from our family from Boss's Cove to Shaw Wood Park, Spanish Point Boat Club to Mills Creek Pembroke.

**COUNSEL DIRK HARRISON** 18:57: But in respect of these, you require some more time do some more research.

**MS. VELDA FRANCO** 19:05: Yes, Council. Thank you.

**MR. QUINTON STOVELL** 19:15: Excuse me Counsel, just a point of clarification back to your previous question. You inquired as to whether the family occupied any of the listed properties. Is that the one through seven?

**COUNSEL DIRK HARRISON** 19:31: Yes that was my question.

**MR. QUINTON STOVELL** 19:34: So does this occupy mean own as well? Because your aunt owns the last one, is that correct? Number seven,

**MS. VELDA FRANCO** 19:44: My aunt, for #7 which refers to #1, Newman's Lane she owns it, but she doesn't occupy it.

**MR. QUINTON STOVELL**  19:51: Okay, I just wanted to make that distinction. Thank you.

**COUNSEL DIRK HARRISON** 19:55: Thank you. And in respect of number seven, and where you have stated In Exhibit VF1, that it is owned by the current owner, Mrs. Cecilia Lynn Cann who is seated next to you? She has all the rights of access and to do what she wishes with that property?

**MS. VELDA FRANCO** 20:22: Yes.

**COUNSEL DIRK HARRISON** 20:24: However, the other properties that you have listed, the family is claiming an interest in all but does not have the rights to do as they wish legally with the properties. Is that correct?

**MS. VELDA FRANCO** 20:40: That's correct Counsel.

**COUNSEL DIRK HARRISON** 20:44: Now, having written that 16th of March, letter to the Commission of Inquiry. You received that letter on the 4th May 2020, from the Commission of Inquiry, acknowledging your 16th March, 2020 letter and asking you to provide some information is that correct?

**MS. VELDA FRANCO** 21:14: That's correct Counsel.

**COUNSEL DIRK HARRISON** 21:20: A copy of that document is being shown to you, Madame. The 4th May, 2020 letter which was sent to you. Is that a copy of a letter which was sent to you? And you have the original that was sent to you?

**MS. VELDA FRANCO** 21:44: Yes Counsel.

**COUNSEL DIRK HARRISON** 21:45: Mr. Chairman the 4th May, 2020. Letter from the Commission of Inquiry consisting of two pages, acknowledging receipt of a claim of Miss Franco on behalf of her family. I'd ask that it would be tendered and admitted as Exhibit VF2.

**MR. WAYNE PERINCHIEF** 22:26: For the record a response letter from the Commission of Inquiry to Ms. Velda Franco dated 4th May, 2020 **Exhibit VF2** consisting of two (2) pages.

**COUNSEL DIRK HARRISON** 22:50: Now, in respect of that document which I sent you can I just draw your attention to and ask you to read for us first from one through to seven.

**MS. VELDA FRANCO** 23:25: Yes Counsel.

**1.** In your letter, your referenced several pieces of property, please set out who the original owners for each of the properties and the facts on which you rely to assert that current owners of these properties are not legally entitled to such ownership.

**2.** Are the seven (7) properties part of the original estate was their subdivision, and if so, who applied for a subdivision?

**3.** Where the seven (7) properties purchased from the original owners or his or her descendants? And if so, how much was paid for the properties.

**4.** Please provide The Supreme Court Decision in 1976 between Charlotte Ellis Wellman Plaintiff and Leroy Pike and John W. Swan Limited, Defendants.  **5.** Was the 1976 Decision appealed?  **6**. If you are asserting that the 1976 decision was in error, on what base do you make this assertion?

**MS. VELDA FRANCO** 24:45: **7.** Are there any other facts that in your view the Commission should take into account in deciding whether standing ought to be granted?

**COUNSEL DIRK HARRISON** 24:55: Thank you very much. Now I'm going to share with you I'm going ahead of myself a little. I'm aware that you would agree with me on 29 June 2020, you sent a response to those questions to the Commission of Inquiry. Agreed?

**MS. VELDA FRANCO** 25:34: Yes Counsel.

**COUNSEL DIRK HARRISON** 25:36: However, I just wish to first and foremost bring to your attention, an email, which you sent dated July 5, 2020, to the Commission of Inquiry, setting out your efforts to research and collect information for the submission. You recall sending an email on the fifth of July 2020?

**MS. VELDA FRANCO** 26:10: Yes Counsel.

**COUNSEL DIRK HARRISON** 26:12: So I would just show you a copy of the email

Is that a copy of the email and thread that you had sent to the Commission of Inquiry?

**MS. VELDA FRANCO** 26:39: Yes Counsel.

**COUNSEL DIRK HARRISON** 26:50: Chairman, I'm going to ask that document and the email thread dated 5th July, 2020. It consists of two pages be tendered and admitted as Exhibit VF3; and ask that the witness be allowed to read it?

**MR. WAYNE PERINCHIEF** 27:13: Yes the document as described an email dated 5th July, 2020 from Velda Franco consisting of two (2) pages, **Exhibit VF3**.

**COUNSEL DIRK HARRISON** 27:22: This is not projected but the witness will read from it so indicate her efforts.

**MRS. CECILIA CANN** 27:31: The subject of the email is Registered Letter dated May 4, 2020. From myself to the Secretary of the Commission. Good morning, Miss O'Brien. I refer to our recent conversation on June 30, 2020, when I dropped off the packet. I would like to advise my experience in trying to research and collect information for my submission. I will start with the Land Title Registry Office. First, let me say thank you to Mrs. Debbie Reed and staff who were very helpful and accommodating. Here are my concerns to do search which was not an easy task.

**1.** I used the land Tax Valuation site to get the correct address and the assessment number. Now I need to know whose name the property house property is registered to. The Land Tax Department is unable to provide this information.

**2.** I then have to sort through an index starting from 1972 to date to find a name and/or an assessment number that was relevant to my search.

**3.** Once I found what I was looking for, I then had to look into a filing cabinet for documents photocopies photocopy then use that document to work to the present to find further information or documentation and work backwards to obtain information or documentation to help with my research.

**4.** The documentation and the filing cabinets only go back as far as 1972. And any date earlier was in heavy, big heavy binders that were not user friendly. You'd have to look through each page in the binder to find what you were looking for.

**5.** I also had to look in the Alien Registry Books, the Mortgage Books, the Land, Transfer books, the Voluntary Conveyance books, etc.

**6.** If all of this information was entered into the system database, using this assessment number or a unique number to just land, each person cross reference to the assessment or a neat unique number for just land, this would be a better system for searching. Also, all the information entered, just as if you were completing a hardcopy form, the person's first name and the middle names, last name, and the aliases.

**7.** Every person name on the document should be entered into the system. *i.e.* the property in question I was researching the property was acquired by Mr. Joseph and Winifred Soars in the reference index, it only had one person's name and if you are not aware of the names involved in your research, you will very easily miss the information.

**8**. Every time a change is made to the record, it should be a new page to the record or the information should be added on a new line to be searchable.

**9.** The information added should also include all law firms on a separate line.

**10.** The information added should include all banks involved on a separate line.

**11.** Also, the information should be checked and signed off as there were many inconsistency in the names i.e. "*Mr. Pyke*" was found as "*Mr. Lyke*." That's my submission.

**COUNSEL DIRK HARRISON** 31:41: Thank you. I just thought it important Chairman and Commissioners in the scheme of things that we're doing to share that email.

**MR. WAYNE PERINCHIEF** 31:51: Counsel, I appreciate that. And I'm certain that the witnesses found that the complexity of research and information was convoluted and difficult; and as a Commission especially if our Administration Staff have found the same thing, so we are grateful to you for your research and no doubt that some of this will end up in our report. Thank you.

**MS. VELDA FRANCO** 32:16: Thank you.

**COUNSEL DIRK HARRISON** 32:19: I had indicated Ms. Franco that I had gone ahead of myself. So I'd like to take you back to 29 June, 2020 letter document which you had sent to the Commission of Inquiry. It is in response to the 4th May letter that we spoke of earlier, which was VF3. Now on the 29th June. 2020. You sent a response to the Commission of Inquiry comprising of 20 pages. You signed that document and dated it? That's correct madam?

**MS. VELDA FRANCO** 33:02: Yes Counsel.

**COUNSEL DIRK HARRISON** 34:33: Now the 29th June, 2020 document which you sent to the Commission of Inquiry you have that there Madam?

**MS. VELDA FRANCO** 34:46: Yes Counsel.

**COUNSEL DIRK HARRISON** 34:49: I am going to ask Chairman that the twenty (20) page document sent by Ms. Franco sent to the Commission of Inquiry expanding on her claim submitted which I reference in VF1. I'd ask that it be tendered and admitted as **Exhibit VF4**. Thank you.

**MR. WAYNE PERINCHIEF** 35:28: Yes, document 20 pages tendered by Ms. Velda Franco 29th July, 2020 be tendered as **Exhibit VF4**. Thank you.

**COUNSEL DIRK HARRISON** 35:46: Thank you, you may proceed madam.

**MS. VELDA FRANCO** 35:50: This is my letter addressed to the Secretary of Commission dated the 29th of June 2020. Re: Inquiry into the Historic Land Loss in Bermuda addressed to Justices Norma Wade-Miller OBE, JP Chair of the Commission of Inquiry into Historic Losses of Land in Bermuda. I have noted the content of your letter dated 4th May. 2020. Please be advised I have researched and obtained as much information as humanly possible during these unprecedented times to support this Inquiry into the Historic Land Loss of my family. As I mentioned in my letter dated the 16th March 2020, I am Velda G. C. Franco submitting this information and or documentation on behalf of my living and deceased family for the unjust we have all suffered in reference to the above-mentioned. My great-grandmother Miss Charlotte Alice Wood-Wellman and my grandmother Mrs. Margaret Genevieve Hollis nee Wellman fought to the death to have the following properties returned to them that was legally willed to them. **1.** #11 Boss's Cove Pembroke Estate of Miss Anna Amelia Wood? Willed to her daughter, Grace Charlotte Philip Oates nee Wood. I lived and grew up at #13 Boss's Cove next door to No. ll. And I remember very clearly the following families that lived there, the Soars family, the Burgess family and the family of Stephen and Valerie Cabral. **2.** #9 Bosses Cove The Estate of Anna Amelia Wood

**COUNSEL DIRK HARRISON** 37:33: Please read exactly as you see in terms of Pembroke HM01

**MS. VELDA FRANCO** 37:43: **2.** #9 Bosses Cove, Pembroke HM01 the Estate of Anna Amelia Wood willed to her daughter Miss Grace Charlotte Philip Oates nee Wood. During my childhood I also remember the following family living at this property the Soares Family.

**3.** #7 Boss's Cove Road, Pembroke HM 01, Lot B the Estate of Anna Amelia Wood willed to her daughter Grace Charlotte Philip Oates nee Wood. I remember this family very vividly as I used to babysit for their daughter Tamara, the family of Nigel and Gloria Prescott.

**4.** #18 Boss's Cove Road, Pembroke HM 01 Lot A. The estate of Anna Amelia Wood willed to her daughter Grace Charlotte Philip Oates nee Wood. This property was not built at the time I grew up in Boss's Cove, however, I remember the area very clearly.

**5.** Additional supporting documentation for #11, #9, #7 and #18 Boss's Cove.

**6.** Lot of Land on East side of Boss's Cove, High Point Road, Pembroke Parish. During my time in Boss's Cove and the surrounding area High Point Road was not that developed. It was just a dirt path that I walked daily to get to St. John's Hill Road to walk to nursery school later to primary school and high school. I also took this route to my grandmother's house/store. Margaret Genevieve Hollis nee Wellman Curve Lane Variety, which was across from Admiralty House where the Bermuda Regiment was first located and stored their vehicles. I remember the Petty family living at the top of the hill of Boss's Cove on the left and right sides, just pass #7 Boss's Cove as you walked towards Northcote Road.

**7.** #16 Places Point Road, Pembroke, HM 01, the Estate of Richard Wood.

**MS. VELDA FRANCO** 40:16: **8.** #18 Places Point Road, Pembroke HM01, Estate of Richard Wood. #16 and #18 at Places Point Road was not developed during my childhood. This area was originally called Burnt House, Blucks Point Road; that was owned by Mr. Richard Wood where his wife, Nancy died in the house because of a house of fire. I remember visiting relatives in this area, Mr. Bascome Smith and son, Mr. Newbold Smith Family and other family and friends. We would also have family gatherings, picnics played on the cricket field and swam at the nearby beach area that was part of the Smith family property.

**9.** #1 Newman Lane Pembroke HM01, the estate of Charlotte Alice Wood-Wellman willed to her daughter, Estate of Margaret Genevieve Hollis nee Wellman. I visited #1 Newman Lane property several times with my grandmother, Mrs. Margaret Genevieve Hollis nee Wellman, who also told me that if anything happened to her the property belongs to our family.

**10.** eight (8) acres of land at Boss's Cove and Mills Creek. My grandmother, Margaret Genevieve Hollis nee Wellman spoke about the above-mentioned properties belonging to our family and she had the deeds to it from her aunt, Ms. Grace Charlotte Philip Oates nee Wellman. We thank you for giving us the opportunity to have a voice and would also like to inform you there were other parcels of land taken from our family from Boss's Cove to Shaw Wood Park, Spanish Point Boat Club to Mills Creek , Pembroke to name a few.

**COUNSEL DIRK HARRISON** 42:06: Now, do you have a an idea or an estimation or even an actual number of what is the acreage that we are speaking about here you have named 10 in your 10 bullet points was the acreage we're speaking about here?

**MS. VELDA FRANCO** 42:29: My initial inquiry Counsel is eight (8) to ten (10) acres in the Boss's Cove area. For research of other properties mentioned, I haven't gotten that far yet.

**COUNSEL DIRK HARRISON** 42:44: Now, before we take you, I allow you to go further into your presentation, I realize that there are three (3) of you here today family members, one person joining your brother by zoom yourself on your aunt. What is it that other than what you already stated? Can you share with us exactly what has brought the family here to make this claim? And why you feel strongly again indicate what why you feel that this is necessary?

**MS. VELDA FRANCO** 43:22: Counsel, I grew up listening to stories from my great-grandmother and my grandmother, how, these properties mentioned belong to us and they were hoping that one day soon during their lifetime, but now they have passed that we would actually gain ownership would have ownership. My aunt Cecilia Lynn Can she can give more in depth information. She lived it more than I did in that area or close to that area. My brother, Mr. Hugh Hollis, he can elaborate more on the ancestry side of the family because he's done that research. And I am the person who put the presentation together and what I put together is stated by facts.

**COUNSEL DIRK HARRISON** 44:23: Thank you very much. But before we continue would your aunt like to say anything in opening, or should we just go ahead.

**MRS. CECILIA CANN** 44:34: Just go ahead.

**COUNSEL DIRK HARRISON** 44:35: Mr. Hollis would you wish to say anything or should we just proceed?

**MR. HUGH HOLLIS** 44:39: Just simply Counsel, I would like to just think that over the years, particularly our ancestors have put a lot of effort into retaining some of the property that we felt that was incorrectly taken from us. My grandmother in particular and family search

**COUNSEL DIRK HARRISON** 45:09: Please state your grandmother's name?

**MR. HUGH HOLLIS** 45:15: My grandmother, Margaret Genevieve Hollis nee Wellman, which she conducted a lot of research, as you will find out during the proceedings. She represented her family in court proceedings and documented a lot of things that she'd done in reference to the property that we're going to speak about today. On behalf of our ancestors, we feel that it's prudent that we follow through on some of the things that they started and hoping that we can get some sort of result based on the things that we know of and things that they felt strongly about, and the property that we felt that was taken from us.

**COUNSEL DIRK HARRISON** 46:05: Thank you very much. Thank you. Now Mrs. Franco could I ask you to continue. We are at page two of your presentation at the foot of the document. But I take you to page three for you to continue the presentation

**MS. VELDA FRANCO** 46:36: Page 3 of my presentation Counsel?

**COUNSEL DIRK HARRISON** 46:39: Yes.

**MS. VELDA FRANCO** 46:40: Where it starts with our family legacy?

**COUNSEL DIRK HARRISON** 46:46: Oh no, I'm still with a document which is VF4 just going through that document.

**MS. VELDA FRANCO** 47:01: I have gathered as much supporting information and documentation that was readily available. However, it was not able to easily correlate the information due to the missing supporting information and or documentation for the above-mentioned properties as follows:-

**11.** #1 Boss's Cove, Pembroke HM 01, and the Estate of Anna Amelia Wood willed to her daughter Grace Charlotte Philip Oates nee Wood. There is a picture of the Assessment numbers for the property #11 Bosses Cove which consists of two (2) a north apartment and south apartment.

**COUNSEL DIRK HARRISON** 47:56: Thank you now before you take us through that, you mentioned the Estate Mrs. Ann Amelia Wood who willed to her daughter Grace Charlotte Philip Oates nee Wood. As we go through could you just remind us who these persons are? Ann Amelia Wood

**MS. VELDA FRANCO** 48:19: Counsel, she was my great-great-great grandmother.

**COUNSEL DIRK HARRISON** 48:23: She was great-great-great - three times removed?

**MS. VELDA FRANCO** 48:26: Yes.

**COUNSEL DIRK HARRISON** 48:29: Thank you and she willed to her daughter Grace Charlotte Philip Oates nee Woods, who is your great-great grandmother.

**MS. VELDA FRANCO** 48:34: Yes.

**COUNSEL DIRK HARRISON** 48:35: Thank you. You may proceed.

**MS. VELDA FRANCO** 48:44: Property was willed to Grace Charlotte Philip Oates nee Wood. On her death and her Last Will and Testament dated the 10th February 1956. Left the property to her niece, my great-grandmother, Charlotte Alice Wood Wellman. Charlotte Ellis Wood Wellman on her death in her Last Will and Testament dated the 7th February, 1967 left to my father George Stamford Llewellyn Hollis fee simple. Who was her grandson?

**COUNSEL DIRK HARRISON** 49:16: Alright, thank you. Could I just ask you to take us back to the appears to be a Google picture an impression of a map taken, It shows what appears to be the ocean it shows roadway it shows houses that have numbers on them, can you just take us through that what appears on the screen?

**MS. VELDA FRANCO** 49:45: So this picture depicts the area in question Boss's Cove. #11 is outlined in red and this is the property that was owned by Anna Amelia Wood.

**COUNSEL DIRK HARRISON** 50:04: Thank you. Now in respect of 11 appears on in relation to a house, and in your presentation you have referenced as #11 Boss's Cove, Pembroke HM 01. I remind you that earlier in your evidence you had been asked that all the properties reference only one (1) which is owned by your aunt who is seated next to you, actually there is an illegal right, which is freely exercised with regards to ownership. Now, can you say in respect of this #11 Boss's Cove Road, who resides here presently?

**MS. VELDA FRANCO** 50:56: At the time of my research, the property was owned by Mr. Kevin Manual Cabral But I have learned most recently that this property is in the process of being sold.

**COUNSEL DIRK HARRISON** 51:13: Can you just repeat the full name?

**MS. VELDA FRANCO** 51:26: Kevin Manual Cabral.

**COUNSEL DIRK HARRISON** 51:34: Thank you. And you have recently been advised that there is a process to sell the property?

**MS. VELDA FRANCO** 51:41: Yes, Council.

**COUNSEL DIRK HARRISON** 51:55: Now respect of the. Crave Indulgence. Chairman, the copies of the exhibit that are going through now is being shared.

**MR. WAYNE PERINCHIEF** 52:05: Thank you Counsel.

**MR. QUINTON STOVELL** 52:20: Excuse me Counsel, Chair I have a question pertaining to this recent submission. And I would like to get some clarification on amongst us. So, if we can have a brief recess, perhaps a minute?

**MR. WAYNE PERINCHIEF** 52:44: Sure Commissioner Stovell. A brief recess of 15 minutes so that the Commissioners can confer on this matter. We'll rise for 15 minutes, we'll return at a half past 11.

**COUNSEL DIRK HARRISON** 52:58: Thank you Chairman.

**END OF TRANSCRIPTION FEBRUARY 5, 2021 (MORNING SESSION a) AT 53:02**