**A COMMISSION OF INQUIRY**

**INTO HISTORIC LAND LOSS**

**IN BERMUDA**

**CHAIRMAN**

**HON. WAYNE PERINCHIEF, JP**

**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**

**AFTERNOON SESSION (c)**

Continuation of afternoon session (b)

**HON. WAYNE PERINCHIEF**  0:00: Good afternoon, Counsel.

**COUNSEL DIRK HARRISON** 0:03: Good afternoon, Chairman and Commissioners.

**HON. WAYNE PERINCHIEF** 0:06: We're ready to resume the afternoon session of the Commission of Inquiry. Witnesses are now in place and I'm at your discretion.

**COUNSEL DIRK HARRISON** 0:17: Thank you Chairman. Ms. Franco, my I return to the slide 52 Secretariat.

I had asked you in relation to slides with to Miss Franco regarding the statement made in your notes, which is to be found at the fourth line of the notes as projected on the screen. But I will just read from the second line in Indenture: Abandonment and granted right-of-way signed between Clarendon new masters and others and Charlotte Wellman, Neil Saunders peered Charlotte Wellman only 500 pounds for the land for the right of way, which was an illegal transfer based on the stolen land. Lawyer Gray and Smith. I've asked you to provide for the commission proof in regards to your assertion that it was an illegal transfer based on stolen land. Could you answer that question, please?

**MS. VELDA FRANCO** 1:47: Yes Counsel. I would like to revert back to page 21 of the presentation.

**COUNSEL DIRK HARRISON** 1:57: And you mean slide 21? You may proceed

**MS. VELDA FRANCO** 2:15: Before I mentioned slide 21, on slide 52. Please note the date sealed and sworn the 31st December 1957. Now on slide 21.

**COUNSEL DIRK HARRISON** 2:30: I'm just going to just for completeness. Secretary, could you just take us back to Slide 52 first and then we will return to 21. All right. Yes, where are you pointed? What?

**MS. VELDA FRANCO** 2:46: The first line states "Date sealed and Sworn the 31st of December, 1957. Please keep that date in mind.

**COUNSEL DIRK HARRISON** 2:56: Just a minute. And where does that appear in the document? Do you have a document that shows the date 31st December, 1957 other than in your notes here?

**MS. VELDA FRANCO** 3:11: I'm referring to a document that is on the right of the abandoned and grant of right-of-way between Clarendon Hugh Masters and Charlotte Williams

**COUNSEL DIRK HARRISON** 3:29: words Word says the first three lines can you just read it first word and

**MS. VELDA FRANCO** 3:33: "THIS IS TO CERTIFY that the document hereto annexed marked "A" and initialed by me is a true and correct Photostat copy of the Deed of Conveyance dated the 31st December 1957"

**COUNSEL DIRK HARRISON** 3:44: That is the date that you have asked us to take note of?

**MS. VELDA FRANCO** 3:43: Yes

**COUNSEL DIRK HARRISON** 4:08: Thank you please refer to Secretary to slide 21.

**MS. VELDA FRANCO** 4:20: **Slide 21.** As I mentioned before, this is the list of documents in the possession and owned by Grace Charlotte Phillips Oates who owned property by inheritance. This documents dated July 23 1937. The Law firm at this time was Hallett and Whitney. These documents that Grace Charlotte Phillips Oates had in her possession with land property referred to as Boss's Cove and Shaw Wood Park. If you look on this document #8 Mortgage dated the seventh of June 1834. From Captain W.L. Lightbourne to Messrs. T & A Ewing. This is the document that we was referring to on page 54.

**COUNSEL DIRK HARRISON** 6:13: You wish to take us to slide 54 at this time.

**MS. VELDA FRANCO** 6:16: Slide 48 & 49.

**COUNSEL DIRK HARRISON** 6:59: Thank you.

**MS. VELDA FRANCO** 7:07: **Slide 48 and 49** refers to property that was in the possession and owned by Grace Charlotte Philip Oates which is the same property in which I mentioned.

**COUNSEL DIRK HARRISON** 7:29: Okay, I'm just going to passage just Secretariat members before we return to slide 48. Could you just take us back to slide 21? The terms of where the mortgages mentioned at item number eight. Mortgage dated 7th June 1834. From Captain W. Lightbourne to Messrs. T & A Ewing. Thank you Secretary could return to 48. Slide 48.

Yes, we are back at slide 48. And in respect of what you draw attention to earlier item 8 at slide 21 this is the said reference you are highlighting here madam.

**MS. VELDA FRANCO** 9:12: Yes, Counsel.

**COUNSEL DIRK HARRISON** 9:15: Please proceed in terms of the submission you're making madam.

**MS. VELDA FRANCO** 9:21: This is the document that shows that Grace Charlotte Philip Oates owned this property in Boss's Cove Shaw Wood Park at the time as of this date.

**COUNSEL DIRK HARRISON** 9:47: Yes. You are going further to point out to us why you believe that there was something which was unlawful.

**MS. VELDA FRANCO** 9:57: Yes Counsel. So I will be right back. To an earlier presentation, where I stated that in 1935 the document that was drawn by Joseph Burch Shaw Wood to say that he owned the property legally. And he then sold it to Mr. Gibbons in Shaw Wood Park. He then further sold it on to other land owners in Sherwood Park.

**COUNSEL DIRK HARRISON** 10:36: What document is that? That you refer to that you had made an earlier presentation by them?

**MS. VELDA FRANCO** 10:42: That is a Document Conveyance on page 22.

**COUNSEL DIRK HARRISON** 10:47: **Slide 22.** Can I ask the secretary to take us to slide 22? Whenever you're ready, Ms. Franco.

**MS. VELDA FRANCO** 11:15: Document shows that on the 26th day of May 1937, Joseph Burch Shaw Wood sold thirty-eight (38) acres of Shaw Wood property. The first part to Edmund Grant Gibbons in the City of Hamilton merchant, and Henry James Tucker (the younger) represented the secretary of the Bank of Bermuda Limited. And the second part, Edmund Gosling Gray of Paget Parish was the barrister and attorney.

**COUNSEL DIRK HARRISON** 12:07: Yes, and the point to make here is

**MS. VELDA FRANCO** 12:12: The point that I make. And as I mentioned earlier, that my great aunts, lawyers, were Hallett and Whitney, Gray and Smith, Charles Vaucrosson, Appleby, Spurling & Kempe, and Smith Bernard and Diel. And the reason why I'm stating this is because the attorney admin Gosling Gray was her lawyer back in 1956. And prior to that, when he put her death notice for her estate in the papers, and Hallett Whitney and Patton was her lawyer from 1934. I also would like to present a photocopy of the plan which I found in my documents. And it is a plan of the land belonging to the Shaw Wood property it says the deed of 1845. It was surveyed back in 1932. And then it was further amended in 1935.

**COUNSEL DIRK HARRISON** 13:49: This document as you refer to Yes. Have you presented this before to the commission?

**MS. VELDA FRANCO** 13:55: No Counsel, I just found it skimming through my documents.

**COUNSEL DIRK HARRISON** 14:02: Does it have a title?

**MS. VELDA FRANCO** 14:05: It says when it says item belonging to Shaw Wood property. But I'm referring to the entirety of the plan.

**COUNSEL DIRK HARRISON** 14:22: Does that document have a title? Secretary could you take us to the top of the document?

**MS. VELDA FRANCO** 14:27: This document has no title on it just have a title at the bottom.

**COUNSEL DIRK HARRISON** 14:40: Could you take us further down right, I surveyed

**MR. QUINTON STOVELL** 14:43: It looks like John Dale Counsel

**COUNSEL DIRK HARRISON** 14:58: Commissioner Stovell could you repeat that name

**MR. QUINTON STOVELL** 15:00: John Dale

**COUNSEL DIRK HARRISON** 15:02: Thank you, Chairman and commissioners. In terms of the document, which as I see describe a title surveyed by John Dale what appears to be John Dale I would ask that this document be tendered and admitted as Exhibit VF?

**MS. VELDA FRANCO** 15:27: VF9

**COUNSEL DIRK HARRISON** 15:29: VF9. Thank you.

MS Franco, could you just remind us what you purport this document to represent and hold it in your submission madam.

**MS. VELDA FRANCO** 15:47: This document represents the title deeds all conveyances and transfers that my great aunt Grace Charlotte Philip's Oates had in her possession. In 1934, this land was surveyed in October 1932. And was done by John Dale, as we were just told.

**COUNSEL DIRK HARRISON** 16:30: In respect of where I had started on by way of question in asking about the assertion made by you, submission in respect of an unlawful act. This is in proof of that point, and how can you assist us?

**MS. VELDA FRANCO** 16:53: Yes, counsel, so to the left, the document where you see arable land,

**COUNSEL DIRK HARRISON** 17:02: Just a moment. Thank you. Where the cursor is below the cursor present.

**MS. VELDA FRANCO** 17:35: To your far left, where it says arable land, right there. Yes. This represent Shaw Wood Park, this whole area, the whole area that's denoted arable land. And this land goes from Boss's Cove, all the way out to the main road of Spanish Point that I'm referring to.

**COUNSEL DIRK HARRISON**  18:03: And yes, and further in terms of the reference to arable land, and the submission you're making can you assist us?

**MS. VELDA FRANCO** 18:16: Yes Counsel. I reference to this because 1934 Grace Charlotte Oates was in possession of a Conveyance to say that she owned this property. If you look to the right of the arable land, you'll see where it says Ms. Oates Cottage.

**COUNSEL DIRK HARRISON** 18:44: Could you ask them to use a cursor to assist you to identify for the Commissioner's please?

**MS. VELDA FRANCO** 18:56: Go up Yes right there.

**COUNSEL DIRK HARRISON** 19:04: below where the cursor is?

**MS. VELDA FRANCO** 19:07: Yes, that is the property owned by Grace Oates as denoted on the document

**COUNSEL DIRK HARRISON** 19:16: Just below yes where it is below. Could you take the cursor down just an inch? Yes, that those words you purport to be Miss Oates Cottage.

Yes, you may proceed.

**MS. VELDA FRANCO** 19:42: As I mentioned earlier, in reference to my claim, the abandonment of the right-of-way was an illegal because Grace Charlotte Philips Oats had in her possession from 1934 as I mentioned, when a document presented on slide 21 she was in possession of the deeds or conveyance of this property

**COUNSEL DIRK HARRISON** 20:26: Where are those deeds now?

**MS. VELDA FRANCO** 20:31: Counsel, if you remember in our last session, my aunt Lynn Cann had a document that had disintegrated because I started to put the document together which refers to this property? I now need to research further to see whether or not I can obtain a hopefully a copy of it.

**COUNSEL DIRK HARRISON** 20:59: Okay, thank you very much for that. And have you completed that exercise of putting it together either.

**MS. VELDA FRANCO** 21:09: No Counsel, but I can honestly say that from what I have, so far pertains to this property.

**COUNSEL DIRK HARRISON** 21:20: Thank you very much in respect of the said property, where it is labeled as arable land arising out of what is Exhibit VF9 can you say what is situate now, on that area, is it a residential Is it any other what is situated there today?

**MS. VELDA FRANCO** 21:51: Yes, Counsel. Further research I have obtained that this area in 1956 was rezoned from residential one to residential two.

**COUNSEL DIRK HARRISON** 22:16: Yes,

**MS. VELDA FRANCO** 22:20: It is prime real estate. And as I mentioned earlier, it is has been legally noted as Shaw Wood Estate.

**COUNSEL DIRK HARRISON** 22:39: Are you able to say to date what is actually on that area now today in 2021?

**MS. VELDA FRANCO** 22:51: Yes Counsel.

**COUNSEL DIRK HARRISON** 22:55: What is there now?

**MS. VELDA FRANCO** 22:59: There are residents, waterfront views waterfront properties.

**COUNSEL DIRK HARRISON** 23:11: Thank you in respect of what you pointed out to us earlier to the east of the surveyed plan as which is VF9 where you pointed out Miss Oates Cottage. Can you say what if anything is situated there today?

**MS. VELDA FRANCO** 23:43: Yes, Council Ms. Oates Cottage which is #13 Boss's Cove, which is presently owned by a family member. And we still have use of the property.

**COUNSEL DIRK HARRISON** 24:11: Thank you.

**MS. VELDA FRANCO** 24:13: Counsel. I like to make one more note in reference to this document.

**COUNSEL DIRK HARRISON** 24:19: The VF9 please proceed madam.

**MS. VELDA FRANCO**  24:23: The property adjacent to #13 Boss's Cove is #11 Boss's Cove, which I spoke about previously.

**COUNSEL DIRK HARRISON** 24:36: Could you just assist us with by directing the Secretariat member who has a cursor where exactly you are making reference to match them

**MS. VELDA FRANCO** 24:47: Go up a little bit. The next diagram right there.

**COUNSEL DIRK HARRISON** 25:00: Now, when you're just where the cursor is now, that is where #11 is.

**MS. VELDA FRANCO** 25:06: That's correct Counsel with the two apartments, north and south.

**COUNSEL DIRK HARRISON** 25:17: Could you repeat that? For me?

**MS. VELDA FRANCO** 25:19: This is #11 Boss's Cove, which consist of north and south apartments.

**COUNSEL DIRK HARRISON** 25:30: And particularly earlier you had referred to a photograph and aerial photograph, which seems to have been taken by way of satellite photograph. That's correct?

**MS. VELDA FRANCO** 25:50: That photograph was taken off of the Land Valuation website?

**COUNSEL DIRK HARRISON** 25:58: Yes. And that and that is a document which you will refer to shortly. That's the reference when you're pointed out to us where #11 lies.

Could I just ask you just for ease of reference for the commissioners, that you take us back to that document? I remember Commissioner Stovell had.

**MS. VELDA FRANCO** 26:25: Slide 49

**COUNSEL DIRK HARRISON** 26:56: This is what you make reference to when you're pointing out to us where number 11 is in relation to what was labeled Ms. Oates Cottage, madam?

**MS. VELDA FRANCO** 27:13: No Counsel #11 Boss's Cove is the Estate of her mother, Ann Amelia Wood.

**COUNSEL DIRK HARRISON** 27:23: I just make reference because earlier when we were looking at the slide at VF9 you had one point or towards what were number 11. Was what prior to us looking at number 11? We had been looking at where it indicated Miss Oates cottage.

**MS. VELDA FRANCO** 27:44: Ms. Oates Cottage on this diagram is #13.

**COUNSEL DIRK HARRISON** 27:51: Okay, probably just the way it was presented, I got the impression we were moving northerly in terms of you showing us #1. So I'm making I was making reference to something that was to the south of #11.

**MS. VELDA FRANCO** 28:17: References to the number VF9, #18 is were Shaw Park property starts.

**COUNSEL DIRK HARRISON** 28:29: Okay.

**MS. VELDA FRANCO** 28:31: Which is the arable land that I was speaking about.

**COUNSEL DIRK HARRISON** 28:41: I think it's just my if I were to probably turn the what is what is represented now in a anti clockwise direction Mr. Stovell, and have #15 as a base, I suppose it would represent what we're seeing earlier. I think it's just my view that we have now in terms of what the witness is indicating.

**MR. QUINTON STOVELL** 29:11: Chair if I may Counsel that would be correct. The orientation for the other historic plan is not oriented north so you have a right to be a little

**COUNSEL DIRK HARRISON** 29:30: Thank you.

So just in closing, Madam, for the benefit of the commissioners and in relation to the point submission you would like them to have a look at slide 49 and VF9 together in terms of understand exactly what you're saying, Would you adopt that madam?

**MS. VELDA FRANCO** 30:09: Yes, counsel.

**COUNSEL DIRK HARRISON** 30:11: Thank you. Could I ask you if there is anything further or would you wish to return to?

**MS. VELDA FRANCO** 30:29: I wish to proceed Counsel.

**COUNSEL DIRK HARRISON** 30:31: Thank you very much. Could you take us then back secretary to slide 52.

**MS. VELDA FRANCO** 30:43: Yes slide 52.

**COUNSEL DIRK HARRISON** 31:02: I will just make a note, as I remind, Ms. Franco in respect of the exercise, you're conducting to put together that deed which you had had on the last occasion, which you had indicated was in parts. In addition, you did mention that you were going to do some further research to obtain some further documentation in this regard.

**MS. VELDA FRANCO** 31:37: Yes.

**COUNSEL DIRK HARRISON** 31:41: Do you think you could complete that exercise in a week?

**MS. VELDA FRANCO** 31:47: I would do my due diligence.

**COUNSEL DIRK HARRISON** 31:50: Thank you we would appreciate it. I know it's a tough time is not all friend these days. Thank you so much.

Anything else you'd like to draw attention to in relation to slide 52? Or would you like to move along?

**MS. VELDA FRANCO** 32:17: I'd like to proceed to slide 56.

**COUNSEL DIRK HARRISON** 32:40: You may proceed madam.

**MS. VELDA FRANCO**  32:44: On the document on the far right. I would like to draw a reference to the name R.H. Bernard

**COUNSEL DIRK HARRISON** 33:34: It appears that M has been written over but there is no initial it appears Chairman Commissioners

**MS. VELDA FRANCO** 34:01: And the reason why I'm making reference to this counsel is because my great aunt also had a lawyer Bernard.

**COUNSEL DIRK HARRISON** 34:14: And what was the lawyers initials?

**MS. VELDA FRANCO** 34:24: I don't know Counsel. I cannot confirm what they were I just know the lawyers were Smith Bernard and Diel.

**COUNSEL DIRK HARRISON** 34:32: Okay, thank you. You may proceed.

**MS. VELDA FRANCO** 34:34: Proceed to Slide 58. This is still in reference to number 11 Boss's Cove. This is a document, sealed and sworn on the 27th of August 1957. Indenture dated the 27th of August 1957. Between Ambrose Ball, 1st Part and John MacMilliam Stevenson Patton, 2nd part. This was signed by Ambrose Ball and Eunice Ford and John Patton for one pound paid by John Patton. This document refers to the estate of Charlotte Oates Will that was made on the 10th February, 1956. Revised three months before her death on the 24th of May 1956.

**COUNSEL DIRK HARRISON** 36:09: Okay, no, you have stated here in the very last paragraph, this document could not have been a part of Charlotte Oates Will that was 10th February 1956. You're saying it could not have been or was not

**MS. VELDA FRANCO** 36:35: Was not a part of her Will

**COUNSEL DIRK HARRISON** 36:43: And you when you made the point that it was not a part of the will? You say that was exactly the fact, what exactly are you submitting?

**MS. VELDA FRANCO** 36:56: Because this Indenture refers to the Will of Grace Charlotte Philips Oates.

**COUNSEL DIRK HARRISON** 37:05: And by reference to the Indenture by reference to Charlotte, you're saying that is true or untrue.

**MS. VELDA FRANCO** 37:15: That it's not true. Because the property was transferred for one pound to John Patton.

**COUNSEL DIRK HARRISON** 37:33: Now the document that appears on the right hand side, do you have the entire complete document?

**MS. VELDA FRANCO** 37:43: Yes, it starts on slide 59.

**COUNSEL DIRK HARRISON** 37:54: And what appeared on the previous slide 58 was just an extract of what appears on 59.

**MS. VELDA FRANCO** 38:02: Yes.

**COUNSEL DIRK HARRISON** 38:10: Now do you know the names Ambrose Ball or Eunice Ford?

**MS. VELDA FRANCO** 38:17: Yes

**COUNSEL DIRK HARRISON** 38:18: Who are they?

**MS. VELDA FRANCO** 38:20: They are relatives, but my aunt confirm and further elaborate on the connection.

**COUNSEL DIRK HARRISON** 38:28: And before we have your aunt speak to elaborate on these persons, Ambrose Ball and Eunice Ford in terms of this Indenture, do you wish to make any comments regarding this Indenture and the transfer of land to John Patton?

**MS. VELDA FRANCO** 38:50: Yes, Counsel. So Ambrose Ball claim that he owned property in the area #11 was his and that he had the right to transfer or sell it for one pound to John Patton

**COUNSEL DIRK HARRISON** 39:18: And you're saying your view is that he did or He did not have the

**MS. VELDA FRANCO** 39:24: He did not right to the property.

**COUNSEL DIRK HARRISON** 39:29: And you I use him for that he then had no legal basis or right to transfer it.

**MS. VELDA FRANCO** 39:35: That's correct.

**COUNSEL DIRK HARRISON** 39:36: And so to Eunice Ford.

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

**COUNSEL DIRK HARRISON** 39:40: Yes. Thank you. Now, Mrs. Hollis. Can you your sisters, who are the names Ambrose ball and Eunice Ford, could you assist us who are these persons

**MRS. CECILIA CANN** 39:58: Cecilia Cann speaking. Because I have been around a lot longer than my elder. I knew of these people and I knew what the relationship to my great aunt Charlotte Oates was. She did have a half-sister who had children, and Eunice was a cousin to my mother on the same level as my mother. Ambrose Ball, I do believe was her father.

**COUNSEL DIRK HARRISON** 40:50: And then how would she be related to was a direct relation that would make her your

**MS. VELDA FRANCO** 41:01: Ambrose Ball would have been a cousin to or a nephew or something to Charlotte.

**COUNSEL DIRK HARRISON** 41:13: Thanks. Thank you. And Eunice Ford.

**MS. VELDA FRANCO** 41:15: Eunice.

**COUNSEL DIRK HARRISON** 41:16: Eunice Bob Ford would be related to Ambrose Ball. Yes. In what way? Can you say?

**MS. VELDA FRANCO** 41:39: I do believe that was his daughter.

**COUNSEL DIRK HARRISON**  41:43: Thank you, sir. Chairman in respect of His name's Ambrose Ball and Eunice Ford based on the evidence of the witness Ms. Franco and in relation to the names John MacMillian Stevenson Patton that adverse notices be issued, more than likely we'll have to do it in the tabloid for these named persons for adverse notices to be issued. This is going back some 63 years.

**HON. WAYNE PERINCHIEF** 42:47: Yes Counsel, I take note that you wish to have adverse notices sent to Ambrose Ball, Eunice Ford, and John McMillian Stevenson Patton. Noted.

**COUNSEL DIRK HARRISON** 43:13: You may proceed Ms. Franco. Would you like to take us to the slide 60 madam?

**MS. VELDA FRANCO** 43:35: Counsel I will fast forward.

**COUNSEL DIRK HARRISON** 44:25: Slide 68.

**MS. VELDA FRANCO** 44:33: This is the cover of the indenture which I just spoke about.

**COUNSEL DIRK HARRISON** 44:45: Thank you to the 26th of August 1957.

**MS. VELDA FRANCO** 44:58: Yes Counsel.

**COUNSEL DIRK HARRISON** 45:03: Give me a proceed madam. Could you take us to the I see the left side of this extreme left slide

In respect to the notes there. Do you wish to draw attention to anything there or you wish to move on?

**MS. VELDA FRANCO** 45:33: **Slide 68:** Dated sealed and sworn the 26th of August 1957. INDENTURE: Abandonment and Grant of Right-of-way between Clarendon Hugh Masters and Others and Ambrose ball: Lawyer: Conyers Dill and Pearman. This property was in the Conveyed to Grace Charlotte Philips Oates. So here is another Indenture Abandonment and Grant of Right-of-way. First one we saw is to my great grandmother. Now this is to Ambrose Ball

**COUNSEL DIRK HARRISON** 46:33: That I just said your microphone is adjusted. I'm not hearing you clearly. I'm not sure where you are in relation to the microphone on.

**MS. VELDA FRANCO** 46:42: Slide 68

**COUNSEL DIRK HARRISON** 46:44: Thank you.

**MS. VELDA FRANCO** 46:46: Dated: Sealed and Sworn 26th August 1957 INDENTURE: Abandonment and Grant Right of Way between Clarendon Hugh Masters & Ohers and Ambrose Ball. Lawyer: Conyers Dill and Pearman.

**COUNSEL DIRK HARRISON** 47:09: Now, in respect of this note that you have added in respect of slide 68 and specifically in relation to the Abandonment and Grant of Rights-of-way between Clarendon Hugh Masters and Others and Ambrose Ball. Are you contending by way of submission that they did not or did have the right to enter into this abandonment and grant a right-of-way?

**MS. VELDA FRANCO** 47:39: Ambrose Ball did not have the right to agree to this.

**COUNSEL DIRK HARRISON** 47:48: And you say that for the reason that the deed for this property ownership for this property vested in your relatives?

**MS. VELDA FRANCO** 48:04: Yes Counsel it was owned by Grace Charlotte Philip Oates.

**COUNSEL DIRK HARRISON** 48:10: And as far as you know, going further, there is no documentation or anything to suggest that permission was given authorization for Clarendon Hugh Masters and others and Ambrose Ball enter this Indenture, Is that what you're saying?

**MS. VELDA FRANCO** 48:28: Yes, counsel.

**COUNSEL DIRK HARRISON** 48:30: Thank you. You may proceed.

**MS. VELDA FRANCO** 48:45: We can continue on to slide 73.

**COUNSEL DIRK HARRISON** 49:11: You ever seen.

**MS. VELDA FRANCO** 49:14: **Slide 73** represents a Civil Jurisdiction and the Supreme Court of Bermuda dated June 1962. Judgment in the Supreme Court of Bermuda Civil Jurisdiction 1961. Case 148 before the Honorable Miles John Abbot, Chief Justice. Charlotte Alice Saunders Wellman, the legal owner who was my great grandmother. I will read the document,

In the Supreme Court of Bermuda Civil Jurisdiction 1961 No. 148

In the matter of Section 36 of the Parish Vestries Act 1929 and in

The Matter of Section 19 of the Supreme Court Act 1905 and in

The Matter of the Transfer of certain lands previously registered in the name of Ambrose Ball to Charlotte Oats and in In The Matter of an Application by Eunice Ford to transfer the remainder of the life estate and the refusal of the Paris Vestry to transfer the same lands and in

The Matter of an Objection by Charlotte Alice Elizabeth Wellman to the said Applications. Mr. J.M.S. Patton, for Eunice Ford the Applicant, Mr. Robert H. Moyer for the Respondent, Pembroke Parish Vestry Mr. R.L. Bernard, and Mr. Donald Smith, for the Respondent, Charlotte Wood. Before the Honorable Miles John Abbott, Chief Justice

JUDGEMENT: This is an application to make absolute a rule granted under Section 36 of the Paris Vestries Act 1929. (hereinafter called "the Act") calling upon the Pembroke Parish Vestry to show cause why the transfer of certain land at Boss's Cove, Spanish Point (hereinafter called "the land in dispute") should not be made to one Eunice Ford (hereinafter called "the applicant") in accordance with the notice given by her.

The land and dispute is shown in blue collar on the plan (hereinafter called "the plan") here official the plan, annexed to the probate of the will of one Grace Charlotte Philip Oates (hereinafter called "Mrs. Oates").

**COUNSEL DIRK HARRISON** 52:33: Take us to the next slide. Do you have a copy of this Judgment separate from what appears on the slide here madam?

**MS. VELDA FRANCO** 52:45: Yes, I do have a copy of the judgment separate.

**COUNSEL DIRK HARRISON** 52:49: Okay, I'm going to just ask the Secretary to at a convenient time to be given a copy. So a copy can be made. Thank you, you may proceed

**MS. VELDA FRANCO** 53:00: The History of the case is briefly this. This the whole of the land colored pink and blue on the plan was at one time the property of one Ann Amelia Wood who died intestate 1898, leaving a husband and three married daughters, Mrs. Oates, Susan Saunders and Emeline Ball her surviving. The husband of Mrs. Wood died so that his life estate by the courtesies, mostly determined by his death does not concern us here. Susan Saunders died intestate in 1904. Leaving her husband, Arthur and her son Robert her surviving. Arthur's estate by the courtesies also terminated by his death. Emeline Ball, then the owner of one undivided third share of the land colored pink and blue on the plan died intestate in 1902, leaving her husband Daniel (hereinafter called "Daniel") and her son Ambrose (hereinafter called "Ambrose") her surviving. It is common ground that on the 6th June, 1927 Robert Saunders conveyed his one undivided third share in the property colored pink and blue on the plan to Miss Oates, although the deed like the majority of the deeds relative to this case is lost and cannot be traced. Thus on the 6th June 1927, Mrs. Oates it is accepted became the owner of two undivided third shares in the land and dispute.

It is also accepted that Daniel Ball died, his life estate thereby determining. Sometime in 1950. As a result of certain happenings Mrs. Oates consulted her lawyer Mr. Richards, who on her instructions, informed Pembroke Parish Vestry clerk that he had been sending Vestry Tax notices to Ambrose or to an agent of his instead of to her (see Ex. P.P.V.I. to Affidavit of Mr. Murray, the present Vestry Clerk). Lot 2 referred to in Mr. Richard's letter is the land in dispute. The opinion which accompanied Mr. Richards' letter is Ex. P.P.V.2 to Mr. Murray's Affidavit. The Parish Vestry acting under the provision of Section 34 of the Act, considered Mr. Richard's letter and the enclosed thereto and on 22.12.50 caused then the then Vestry clerk to notify Mrs. Oates of the intention of the Vestry to transfer the registration of the land in dispute to her name. Mrs. Oates naturally not objecting. The intention was carried out and registration of the land was transferred into her name. Section 34 provides that such a transfer is valid for purposes of assessment, but not for no other purpose. So it cannot be said that the transfer of itself gave Miss Oates any title to the land in dispute. Mrs. Oates died on the 24th May 1956 at what this may have aptly described as the ripe old age of 102. And by her Will report it to device land and dispute, Ms. Charlotte Wellman is variously referred to in this proceedings as the objector and the respondent. I shall hereafter use the letter designation on 26.8.57 in order to determine what precision certain rights-of- way they're said, or thought to be vested in Ambrose who left Bermuda for the United States over 30 years ago, and has never returned.

The then owners of the servant tenement and Ambrose entered into a deed whereby Ambrose gave up what was alleged in the Deed to be his right-of-way up to that time, Ill-defined over the servant tenement and was an exchange granted a defined right-of- away as shown on the plan and annex to this deed. On the following day 27.8.57. Ambrose reported by a voluntary conveyance to use the grant and convey the land in dispute, not I must point out merely has undivided third share therein to the solicitor, Mr. J.M.S. Patton. Under this deed, Mr. Patton was to hold the property to the use of Ambrose for his life and after his death to the use of the applicant who thus became entitled and remainder. Ambrose I gather is still alive. The applicant's case is that Ambrose acquired absolute sole ownership of the land in dispute by virtue of a deed that have been executed in July 1927. And made between Mrs. Oates and her husband John Oates, Daniel and Ambrose were by the parties of the third of the first three parts release all their respective interests in the land and dispute Ambrose.

The Respondents case is briefly that Mrs. Oates required one undivided third share in the land colored pink and blue from the plan by this descent, as one of the heirs at law of her mother, this would undivided third share by conveyance, there have by Robert Saunders and the third undivided third undivided third share, by conveyance from Ambrose, and that she thus becomes became so owner of the whole property of the island, sorry, of the land.

Now, what is it that this Court has to decide in this case? As I see it, I have to decide on the evidence before me if the rule calling onto the best to show cause, why the transfer to the applicant should not be made, should be made absolute or to be discharged. It would be wrong of me, in my opinion, to express in this judgment, any view as to the validity, or otherwise, of the numerous documents, whose validity has been called in question before me, that may fall to be decided thereafter in another kind of proceedings. I deliberately refrain from expressing any such view. I hold on the evidence before me that the ruling called upon the best to show cause must be discharged. The applicant must pay the cause to both the vestry and the respondent, I desire to emphasize and coming to this decision. In case I have not already made that clear that the judgment does not confirm or impugn the validity of the title sought to be set up by the acting and the respondent. Chief Justice June 1962.

**COUNSEL DIRK HARRISON** 1:01:39 Now, Madame, you refer to this judgment.

**MS. VELDA FRANCO** 1:01:48: Counsel

**COUNSEL DIRK HARRISON** 1:01:49: I’m just waiting on the chairman who was having a quiet word. Before I got to

**HON. WAYNE PERINCHIEF** 1:01:55: I was having the sidebar if you could repeat that

**COUNSEL DIRK HARRISON** 1:01:59: Yes, sir. Miss Franco, this judgment that you brought our attention to? And especially more so the ruling of the Honorable Chief Justice said you bring it to our attention to say what exactly do you wish to bring to the attention of Commissioners at this time illusions is judgment.

**MS. VELDA FRANCO** 1:02:27: I wish to bring to attention counsel that Grace Charlotte was the legal owner of this property even though the Chief Justice didn't come to a conclusion.

**COUNSEL DIRK HARRISON** 1:02:44: And based on your understanding, and if I could just be taken up the page said page just if you could scroll up a bit. Thank you. Scroll down. A little back down a bit and thank you. The rule we're calling on the vessel to show cause must be discharge. Could we scroll back to the beginning for me please? The beginning of a judgment please?

Sorry, not so far that I just wish to I'm sorry. Yes. Where it says judgment. Could you scroll, please? Thank you.

Good. So just a scroll up for the phone please. to the very top. Thank you. I was just taken or Chairman and Commissioners as to the party's JM s pattern. For units for the applicant, Mr. Robert Moytier for the respondent, Mr. RL Barnard and Mr. Dan Smith for the respondent. Charlotte Wellman. I was just taking a note also, could we return to the end of the judgement please?

In this case, Mr. Chairman, the Chief Justice indicated the applicant must pay the costs of both the vestry and the respondent. I just wish though, I hold no brief for the Miss Franco and her claim. The parties in this matter, the applicant was missed was for and the respondent in this case is Mrs. Charlotte Wellman. The ruling of the court was that the applicant does forward was pay the cost of both the vestry and the respondent. However, the court had made no determination here, as I said, to confer our beauty interview the validity of the titles. Thank you very much, Miss Franco.

The copy of this judgment you have it there that you could pass to the Secretariat. So they may copy it?

**HON. WAYNE PERINCHIEF** 1:07:07: Yes, that's being done. Counsel.

**COUNSEL DIRK HARRISON** 1:07:10: Thank you. How many pages does this document consist of Ms. Franco?

**MS. VELDA FRANCO** 1:07:21: Four (4) pages

**COUNSEL DIRK HARRISON** 1:07:25: Four (4) pages? Take us back to the beginning first page Secretariat.

So Chairman, I just asked that the document could just be assigned to the Supreme Court or Bermuda Civil Jurisdiction Judgement of 1961. Number 148. I'd ask that it be tendered and admitted as VF10.

**MS. ELAINE FOX**  1:08:12: Yes Counsel the Matter in the Supreme Court of Bermuda Civil Jurisdiction Judgement of 1961 No. 148. That be entered as **Exhibit VF10.**

**COUNSEL DIRK HARRISON** 1:08:27: Thank you very much. You'd like to take us to the next slide. You may proceed.

**MS. VELDA FRANCO** 1:08:27: One moment Counsel I need my reading presentation back.

**HON. WAYNE PERINCHIEF** 1:09:28: She's just gathering her thoughts Counsel

**COUNSEL DIRK HARRISON** 1:09:32: Sure. Thank you.

**MS. VELDA FRANCO** 1:09:33: Thank you we are on slide 77

**COUNSEL DIRK HARRISON** 1:09:54: Yes

**MS. VELDA FRANCO** 1:09:59: Slides. 77 refers to Last Will and Testament of Charlotte Ellis Wood Wellman dated the 7th of February 1967. From paragraphs 3a inclusive dates of her death, the above-mentioned project is left to her grandson, George Stanford Llewellyn Hollis fee simple.

**COUNSEL DIRK HARRISON** 1:10:25: You're reading from the document. Okay, just direct us that we're reading from.

**MS. VELDA FRANCO** 1:10:33: No. 3b. Which is just halfway past the Middle

**COUNSEL DIRK HARRISON** 1:10:52: I'm sorry, what paragraph Are you in?

**MS. VELDA FRANCO** 1:10:54: Item 3. It says starting all that.

Which states: All that certain parcel of land being the 1/3 portion of the estate of the said Ann Amelia Wood together with the portion of the dwelling house thereon and situated at Boss's Cove. I give and Device to my grandson George Stanford Llewellyn Hollis in fee simple. This is referring to #11 Boss's Cove, Pembroke.

**COUNSEL DIRK HARRISON** 1:12:08: And why do you say this refers to #11.

**MS. VELDA FRANCO** 1:12:12: Because number 11 is the estate is the original homestead. Ann Amelia Wood, it is the dwelling in which Grace Charlotte Philips Oates was born.

**COUNSEL DIRK HARRISON** 1:12:32: Thank you. Now can you just take us back to 3b can you indicate George Stanford Llewellyn Hollis. How is he related to Mr. Hugh Hollis?

**MS. VELDA FRANCO** 1:12:46: He was our late father.

**COUNSEL DIRK HARRISON** 1:12:55: Thank you. Just before you do that, just for completeness, this is the Last Will and Testament of who?

**MS. VELDA FRANCO** 1:13:26: Last Will and Testament of my great grandmother. Charlotte Alice Wood Wellman nee Saunders.

**COUNSEL DIRK HARRISON** 1:13:48: Thank you very much. You have this document by itself with you. Yes. Thank you. When to ask Mr. Hollis to turn off his microphone or probably we could mute him.

I want to ask the Secretary to also be given a copy of this document so that it may be scanned and made an exhibit in a separate from the other from the exhibit as it is displayed in your site.

**HON. WAYNE PERINCHIEF** 1:15:31: Also, I take it that you wish to have the secretary copy the last will and testament of Charlotte Alice Wood Wellman?

**COUNSEL DIRK HARRISON** 1:15:41: I do chairman. Yes. Could I just ask that the screen is modified to the first paragraph please? Thank you. Could you take us to what slider you'd like to take us to know Ms. Franco 79?

**MS. VELDA FRANCO** 1:16:39: **Slide 79** refers to In the Last Will and Testament of Grace Charlotte Philip Oates, dated 10th of February 1956. From paragraphs four to seven inclusive states on her death. The above mentioned property is left to Charlotte Alice Wood Wellman absolutely, her niece. In the Supreme Court of Bermuda dated 28th September 1956. Probate for the Last Will for Grace Charlotte Phillip Oates.

**COUNSEL DIRK HARRISON** 1:17:33: There's nothing else that you wish to refer to unsaved tonight you'd like to go to 80

**MS. VELDA FRANCO** 1:17:37: Yes counsel,

**COUNSEL DIRK HARRISON** 1:17:38: okay. Please. You may proceed madam

**MS. VELDA FRANCO** 1:17:49: They read: **FOURTH:** My two story dwelling house and my laundry with the parcel of land held therewith situate at Spanish Point in Pembroke Parish aforesaid and bounded Northeasterly by land of the estate of my mother Ann Amelia Wood deceased now in the possession of Joseph's Soares Figueiredo South-Easterly by the Waters Boss's Cove South-Westerly by land formerly of Richard Shaw Wood and North-Westerly by a roadway leading to the Main Public road. I devise to he said Charlotte Wellman absolutely but in the event that the said Charlotte Wellman shall predecease me than I DEVISE the same to the said Genevieve Hollis absolutely. **FIFTH:** All that certain parcel of land being the one-third portion of the estate of my mother Ann Amelia Wood, deceased, together with the portion of the dwelling house thereon now in my possession The plan hereto annex and they're colored blue and designated as Lot #2 to devise to the said Charlotte Wellman but in the event that the said Charlotte Wellman shall pre-deceased me that I DEVISE the same to the said Genevieve Hollis absolutely.

**SIXTH:** 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 off the said Joseph Soares Figueiredo and that at no time have I received any money from the said Joseph Soares Figueiredo and payment of the same. **SEVEN:** 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 of testamentary disposition I DEVISE to the said Charlotte Wellman absolutely but in the event that the said Charlotte Wellman shall predecease me, then I DEVISE the said the same to the same Genevieve Hollis absolutely. IN WITNESS WHEREOF I have to this will, set my hand, this 10th day of February 1956, signed by Charlotte Philip Oates as her Last Will and Testament in the presence of us both present at the same time, who at her request in her sight and presence and in the presence of each other have hereunto subscribed our names as attesting witnesses. Elsa Gosling and Donald Smith.

**COUNSEL DIRK HARRISON** 1:21:30: Thank you. Anything that you wish to comment on in respect of this slide?

**MS. VELDA FRANCO** 1:21:43: This Last Will and Testament of Grace Charlotte Phillip Oates is another example of her owning the property from her mother Ann Amelia Woods.

**COUNSEL DIRK HARRISON** 1:22:07: And in respect of in respect of intention, is there anything that you wish to comment on?

**MS. VELDA FRANCO** 1:22:15: Yes Counsel. In reference to this will. Number six. I will mention once again. Joseph Soares Figueiredo at no time purchase this particular property from my great aunt Grace Charlotte Phillips Oates, and at no time did he give her any money for payment for the same property and that this property was passed on to my great grandmother, Charlotte Ellis Wood Wellman absolutely; and my grandmother Charlotte Ellis Wood Wellman passed this property through her Last Will and Testament to my father, her grandson George Stamford Llewellyn Hollis.

**COUNSEL DIRK HARRISON** 1:23:24: I don't know if I'm getting ahead of myself. I knew in respect of your father prior to his passing did he leave a Will.

**MS. VELDA FRANCO** 1:23:33: No Counsel. He died intestate.

**COUNSEL DIRK HARRISON** 1:23:40: Have you even as I'm going ahead. Have you done anything in terms of planning for letters of administration in that regard?

**MS. VELDA FRANCO** 1:23:48: We have not probated this estate as yet it is in the making. Thank you.

**COUNSEL DIRK HARRISON** 1:23:56: Well, just as a reminder, when did he pass? Excuse me?

**MS. VELDA FRANCO** 1:24:03: He passed on the 24th September, 2020.

**COUNSEL DIRK HARRISON** 1:24:08: Oh my condolences. You may proceed.

**MS. VELDA FRANCO** 1:24:16: Thank you Counsel. On slide 82.

This is a plan that was done by Clarke and Doidge (Engineers & Surveyors Hamilton Bermuda) on August 12, 1957. Showing the Estate of Grace Charlotte Philipps Oates, and the properties also denoted by Alfred Soars who was living there at the time in the house in which she grew up, sorry, where she was born, and also Ambrose Ball that is one property. That was the Estate of Ann Amelia Woods. Annexed to Joseph Henry Soares.

**COUNSEL DIRK HARRISON** 1:25:30: Thank you. Just one moment please. You may proceed.

**MS. VELDA FRANCO** 1:25:45: **Slide 83.** This is part of the slide that I shared on 82. Is the plan of land of Shaw Wood Spanish Point, Pembroke? It was done in August 12 1957 by Clark and Deutsch Engineers and Surveyors of Bermuda.

**COUNSEL DIRK HARRISON** 1:26:34: And you wish to rely on this plan in submission of what point?

**MS. VELDA FRANCO** 1:26:44: That the property at #11 Boss's Cove was owned by Grace Charlotte Philips Oates.

**COUNSEL DIRK HARRISON** 1:26:59: Do you have any notes at the foot of the document? Could we just scroll? Do you have the actual plan?

**MS. VELDA FRANCO** 1:27:13: Yes, Counsel.

**COUNSEL DIRK HARRISON** 1:27:19: Just going to ask if you could show it to the commissioners, please?

**MS. VELDA FRANCO** 1:27:26: No, I have the copy of the plan. I don't have the actual plan. Sorry.

**COUNSEL DIRK HARRISON** 1:27:30: And you wish to rely on the copy of the plan? How many pages does it comprise of?

**MS. VELDA FRANCO** 1:27:43: This presentation there's a few pages

**COUNSEL DIRK HARRISON** 1:27:59: May we have the actual number of pages. I know it may be embedded in your presentation but I still wish to have it made an exhibit separate and have the commissioners look at a copy of it. Thank you.

**MS. VELDA FRANCO** 1:28:34: seven (7) pages

**COUNSEL DIRK HARRISON** 1:28:58: The cover page. Does it bear a title?

**MS. VELDA FRANCO** 1:29:02: Cover page on 79. Yes, last will and testament of Grace Charlotte Philip Oates.

**COUNSEL DIRK HARRISON** 1:29:21: The survey plan you refer to is a next to the probate documents

**MS. VELDA FRANCO** 1:29:28: as part of my submission for the perfect

**COUNSEL DIRK HARRISON** 1:29:42: Chairman we have a document comprising of seven (7) pages a copy of the plan at Shaw Wood, Spanish Point, Pembroke Parish, Bermuda. Dated August 12 1957, to be tendered and admitted as an Exhibit VF12 and I'd ask that it be show to the Commissioners today to yourself and your fellow Commissioners.

**HON. WAYNE PERINCHIEF** 1:30:27: That number would be 11. Well, Don,

**COUNSEL DIRK HARRISON** 1:30:42: Thank you. Ask the Secretary to make a copy for our files and return the copy will keep a copy and return a copy to Ms. Franco.

**HON. WAYNE PERINCHIEF** 1:31:26: Counsel, I just wanted to double check the number of the exhibit what was VF11?

**COUNSEL DIRK HARRISON** 1:31:35: VS 10 was the Judgement.

**HON. WAYNE PERINCHIEF** 1:31:46: This would be 11

**MS. VELDA FRANCO** 1:31:50: The Will was 11

**COUNSEL DIRK HARRISON** 1:32:34: The Last Will of great-grand mother, Charlotte Alice Hollis Wellman. That was not made an exhibit is that correct?

**HON. WAYNE PERINCHIEF** 1:32:52: Or designated as an exhibit? That's correct.

**COUNSEL DIRK HARRISON** 1:32:57: It was not.

**MRS. CECILIA CANN** 1:33:01: Excuse me Counselor. Can I just correct you? No, he just said Hollis. Hollis doesn't belong with that name.

**COUNSEL DIRK HARRISON** 1:33:12: My apologies. I was just trying to see what is projected on the screen. The Charlotte Alice Wood Wellman this document was this made an exhibit earlier Chairman this is what I am trying to ascertain.

**HON. WAYNE PERINCHIEF** 1:33:56: The experts are indicating that that's correct.

**COUNSEL DIRK HARRISON** 1:34:05: Okay, so 12 is the plan thank you. I said this document the copy of this Will and also the plan that they are copied borrowed from Ms. Franco copied and returned to her kindly

**HON. WAYNE PERINCHIEF** 1:34:36: Yes Counsel that will be done.

**COUNSEL DIRK HARRISON** 1:34:39: You may proceed.

**MS. VELDA FRANCO** 1:34:47: Counselor on slide 80. For the next few slides, we're only referencing reiterating the property of brace Charlotte Hello.

**COUNSEL DIRK HARRISON** 1:35:04: Thank you Ms. Franco you may proceed.

**MS. VELDA FRANCO** 1:35:05: **Slide 84** the next few slides will be referencing reiterating the property of Grace Charlotte Philips Oates in reference to #11 Boss's Cove

COUNSEL DIRK HARRISON 1:35:25: Thank you.

**MS. VELDA FRANCO** 1:35:26: **Slide 86** this refers to plan of land dated the 4th June, 1958. Surveyed and plotted by T M du Godet, for Boss's Cove Lot-A #18. And Lot-B #7. Note: three months later the estate of Ann Amelia Wood had been drafted with the name of Joseph Soares.

**COUNSEL DIRK HARRISON** 1:36:09: And you made the point that this is three months after she made her Will and had distinctly indicated that Joseph Soares Figueiredo did not pay, nor did him in any way. Own the land.

**MS. VELDA FRANCO** 1:36:32: That's correct Counsel.

**COUNSEL DIRK HARRISON** 1:36:40: Do you have an independent copy of this plan?

**MS. VELDA FRANCO** 1:36:46: Yes.

**COUNSEL DIRK HARRISON** 1:36:59: How many pages does it consist of?

**MS. VELDA FRANCO**  1:37:21: Two pages Counsel

**COUNSEL DIRK HARRISON** 1:37:27: So Chairman the plan of land in Pembroke Parish referred to as it is labeled referenced to in the annexed Indenture surveyed and plotted by T.M. Gooday?

**HON. WAYNE PERINCHIEF** 1:37:52: G O D E T

**COUNSEL DIRK HARRISON** 1:38:01: Thank you. That application I ask that it be tendered and admitted as Exhibit VF13

**HON. WAYNE PERINCHIEF** 1:38:10: That will be done Counsel.

**COUNSEL DIRK HARRISON** 1:38:14: So the secretaries also make a copy of this document. Anything else you'd like to bring to our attention in relation to this slide 86. Madam

**MS. VELDA FRANCO** 1:38:39: No Counsel. In reference to slide 87, it's just another version of slide 86. With more notation, of persons who alleged to have owned the property.

**COUNSEL DIRK HARRISON** 1:39:22: Now based on the area that is now I'm sorry, could you just take me back to that area that has a name Joseph Soares. That area is what appears to be the beachfront area.

**MS. VELDA FRANCO** 1:39:51: Yes, council that is to date. That is prime waterfront real estate

**COUNSEL DIRK HARRISON** 1:40:00: Thank you. You may proceed with the next slide

**MS. VELDA FRANCO** 1:40:12: **Slide 88.**

**COUNSEL DIRK HARRISON** 1:40:19: Yes, ma'am.

**MS. VELDA FRANCO** 1:40:25: In 1947, in the Supreme Court of Bermuda, No. 11. Between Grace Charlotte Philip Oates, Plaintiff and Joseph Soares Figuerido, Defendant I was not able to obtain the judgment on this Counsel, but here is where my great aunt grace Charlotte, Philip Oates made a Supreme Court application against Joseph's Soares Figuerido to have her property legally returned to her.

**COUNSEL DIRK HARRISON** 1:41:36: Thank you. Now, is there anybody who can speak to we're going back such a long time, I'm not sure if your Aunt could speak to it. In terms of how Joseph Soares Figuerito came to be a tenant, and whose tenant was he

**MRS. CECILIA CANN** 1:42:12: Counsel, I can speak Cecilia Lynn Cann, I can speak to the fact that I remember. As far as I can remember, he mortgaged his boat at the property. And the property at that time, I remember it being used by Mr. Soares. He was, you know, living there. And I know he did, maybe some odd jobs like mow the grass and that sort of thing. But that's a normal thing if you're renting someone's property. And I do know that Aunt Charlotte Oates, always said that that was her homestead that I do remember.

**COUNSEL DIRK HARRISON** 1:43:05: Thank you. Ms. Franco, could you share with us a note that you have on this slide in respect of your attempts to locate a copy of this Judgment?

**MS. VELDA FRANCO** 1:43:34: Yes, Counsel, I was physically unable to obtain further documents for this Supreme Court Case due to the precautionary measures in place for COVID-19. However, I did email Supreme Court requesting assistance in obtaining the documents

**COUNSEL DIRK HARRISON** 1:43:52: Could I just asked that this screen is made smaller. The slide Could I just ask that through the Secretariat, Chairman and the clerk today, commission that we could ask PC Obrien for the assistance of the relevant stakeholder to obtain a copy of the Supreme Court of Bermuda Judgment 1947 No. 11 between Grace Charlotte Phillip Oates and Joseph Soares Figureido.

**HON. WAYNE PERINCHIEF** 1:44:37: Yes Counsel that request will be granted

**COUNSEL DIRK HARRISON** 1:44:48: Thank you. Could you take us to the next slide that you wish to highlight.

**MS. VELDA FRANCO** 1:44:54: Slide 90

**COUNSEL DIRK HARRISON** 1:45:15: You may proceed but

**MS. VELDA FRANCO** 1:45:18: **Slide 90** represents the property in question No. 11 Boss's Cove, Pembroke. Dated Monday January 6, 1947: A note written in the handwriting of Grace Charlotte Philip Oates, states "Lawyer Hallett got Mr. Swan to survey two parcels of land in three lots 1927 it was not sold was rented 1929 1930.

**COUNSEL DIRK HARRISON** 1:46:02: Now this note written in the handwriting of Grace Charlotte Philip Oates who identified this handwriting as being Grace Charlotte Philips Oates?

**MS. VELDA FRANCO** 1:46:16: My grandmother, this notebook was handed to my grandmother and part of her notes that I have, this is what I found. And this is in the handwriting of Grace Charlotte Philip Oates and I will proceed further to the next slide to validate it.

**COUNSEL DIRK HARRISON** 1:46:39: Just before you go further, who handed this diary, this book?

**MS. VELDA FRANCO** 1:46:45: This diary belong to my great aunt Grace Charlotte Philip Oates And it was given to my grandmother, Margaret Genevieve Hollis and the documents in helping me to put together this presentation. This was found amongst it.

**COUNSEL DIRK HARRISON** 1:47:07: Thank you. You may proceed.

**MS. VELDA FRANCO** 1:47:13: On page 95, slide 91. Dated Wednesday, January 15th 1947. A note written in the handwriting of Grace Charlotte Philip Oates states, How Soares got the deeds he has in his possession with the others. I never draw them out from any lawyer’s hands to give to give to Joseph Soares. I would like to be informed how he got them without me being present to draw them out" Signed Charlotte Oates

**COUNSEL DIRK HARRISON**  1:48:06: This madam is for the submission by you. Following on from your early submission. Where VF13 the plan which appears I'm sorry, on the screen now with 91 where the name Joseph Soares appears what you describe as prime real estate as to how it is that he acquired the land.

**MS. VELDA FRANCO** 1:48:38: Yes, Counsel. I would also like to note that her signature on slide 91 one can also be verified on her will that I presented earlier.

**COUNSEL DIRK HARRISON** 1:48:58: So you wish are still in relation to slide 91. You wish the commissioners to compare the signature that appears on the Will

**MS. VELDA FRANCO**  1:49:12: On slide 77? Sorry, not 77.

**MR. QUINTON STOVELL** 1:49:20: Chairman, Counsel alternatively it appears that her signature may appear on the very next page 92.

**COUNSEL DIRK HARRISON** 1:49:30: I'm sorry Commissioner Stovell could you repeat that for me?

**MR. QUINTON STOVELL** 1:49:33: I was just suggesting alternatively, her signature appears to be on the next slide 92.

**COUNSEL DIRK HARRISON** 1:49:42: Thank you. You agree with that Ms. Franco?

**MS. VELDA FRANCO** 1:49:52: Yes Counsel, but I will further state that her signature on slide 81 is closer To the signature on 91.

**COUNSEL DIRK HARRISON** 1:50:14: Secretary just to take us back to slide 81. Please, thank you. Ask you to take us back to slide 91.

**MS. VELDA FRANCO** 1:51:04: Counsel before we proceed to slide 92, I would like to make a further submission. Another written note that I found in this diary recently.

**COUNSEL DIRK HARRISON** 1:51:19: Please proceed

**MS. VELDA FRANCO** 1:51:22: Written note that I have written by Grace Charlotte Philip Oates dated Monday, March 17 1947. On the note wrote to Bob to come home to settle the house next Door Soares never paid me signed Charlotte Oates.

**COUNSEL DIRK HARRISON** 1:51:49: I just going to ask you, because we're not seeing that to follow you. Could you just repeat that for us?

**MS. VELDA FRANCO** 1:51:56: Counsel is not in the presentation, I would like to make a submission of this note that I found dated Monday, March 17 1947, an additional information

**COUNSEL DIRK HARRISON** 1:52:11: Please proceed by repeating the what you refer to as a note.

**MS. VELDA FRANCO** 1:52:20: The note was written by Grace Charlotte Philip Oates, and in her handwriting it states wrote to Bob to come home to settle the house next door, referring to number 11 Boss's Cove Soares never paid me signed, Charlotte.

**COUNSEL DIRK HARRISON** 1:52:44: And your claim, Miss Franco is that that note that you're now reading from is taken from the said book that is reference at slide 90 to one. And this note that you are now reading from is it on a particular page that you could identify either by way of a date or number that

**MS. VELDA FRANCO** 1:53:09: It says Monday, March 17, 1947.

**COUNSEL DIRK HARRISON** 1:53:25: I'm just going to ask you to allow the Secretary to make a copy also of that page. Is that the only page that you wish now to add by way of submission? As new evidence by them? Yes. I'm just going to ask that you could have the secretary I'd show the book to the commissioners. If it could be just be shown to them now, please.

**MS. VELDA FRANCO** 1:54:49: Yes Counsel

**COUNSEL DIRK HARRISON** 1:55:07: Thank you. Chairman and commissioners. I want to ask that the note that the witness Ms. Franco makes reference to written in what she describes as the handwriting of Grace Charlotte Philip Oates on a page which has the date Monday, March 17 1947. My application Chairman and members, is that it be tendered and admitted as Exhibit VF 14.

**HON. WAYNE PERINCHIEF** 1:55:55: Yes, Counsel notes in the handwriting of Charlotte Oates, dated March 17, 1947. A copy on one sheet of paper now tenders as VF14. Thank you.

**COUNSEL DIRK HARRISON** 1:56:25: Thank you, Chairman. With your lead, I'm just going to ask them also to inform the witnesses and our concern that we continue for another 15 minutes and then break for the day.

**MS. VELDA FRANCO** 1:56:40: Yes Counsel

**HON. WAYNE PERINCHIEF** 1:56:41: Yes, the witnesses says and I've indicated that that is fine. And I imagine we'll be starting to be finished out about a quarter to five no four I've gotten ahead of myself.

**COUNSEL DIRK HARRISON** 1:56:59: Thank you Now are you able to indicate what appears on page nine one, slide ninety-one I just ask Secretary to have these pictures enlarged around the area where we have the name of what appears for Colonial Secretary. William.

Just above the date. Thank you. Chairman and commissioners just to the left of what appears for the Colonial Secretary's name and signature and beneath #13 we have the name Mrs. Charlotte Oates.

**HON. WAYNE PERINCHIEF** 1:58:16: Yes we noted that Counsel.

**COUNSEL DIRK HARRISON** 1:58:24: Thank you very much. You may proceed. Miss Franco what slide would you wish to draw the commissioners Attention to next?

**MS. VELDA FRANCO** 1:58:42: **Slide 92:** List of Documents in the possession of Oates, Grace Charlotte Philip dated ted May 1964. Just to reiterate that Grace Charlotte Philip Oates is in possession or owner of the mentioned properties on this list.

**COUNSEL DIRK HARRISON** 1:59:21: Thank you. We should push to proceed to the next slide.

**MS. VELDA FRANCO** 1:59:28: **Slide 93:** The conveyance cover for a parcel of land at Boss's Cove in Pembroke Parish, dated the third of July 1884 between Ann Amelia Wood and another To John Oates, recorded in the Book of Deeds, number 32, pages 323, 324, 325 326, I have the original Title deed in my possession.

**COUNSEL DIRK HARRISON** 2:00:21: And by stating that you have the original title deed, I'm sorry, in your position. What exactly are you saying our wish to say in relation to the transaction? Ma'am?

**MS. VELDA FRANCO** 2:00:36: This refers to #11 Boss's Cove

**COUNSEL DIRK HARRISON** 2:00:44: By virtue of the fact that you have the original title deed, are you challenging the Conveyance man?

**MS. VELDA FRANCO** 2:00:52: Yes, Counsel.

**COUNSEL DIRK HARRISON** 2:00:54: The validity of it.

**MS. VELDA FRANCO** 2:00:55: Yes, Counsel.

**COUNSEL DIRK HARRISON** 2:00:56: Thank you. Well, just before we go further, the name Ann Amelia Wood you recognize to be whom?

**MS. VELDA FRANCO** 2:01:21: Yes Counsel. She was my great, great, great grandmother.

**COUNSEL DIRK HARRISON** 2:01:33: The name John Oates.

**MS. VELDA FRANCO** 2:01:37: Yes, Counsel

**COUNSEL DIRK HARRISON** 2:01:38: Recognize that to be whom

**MS. VELDA FRANCO** 2:01:41: He was my great, great uncle He was my aunt Charlotte's husband.

**COUNSEL DIRK HARRISON** 2:02:07: This document that convinced that you refer to it, it without more. I think I'd like us to go through the document. It seems to be suggesting that they your great-great grandmother. And another was transferring land to

**MS. VELDA FRANCO** 2:02:34: My great uncle, husband of my great aunt, Grace Charlotte Philip Oates.

**COUNSEL DIRK HARRISON** 2:02:45: Do you have that document that the cover is shown at slide 93? The original.

**MS. VELDA FRANCO** 2:02:59: Yes Counsel.

**COUNSEL DIRK HARRISON** 2:03:03: You may proceed.

**MS. VELDA FRANCO** 2:03:11: As I mentioned earlier in my presentation, my great-great grandmother Ann Amelia Wood died intestate. But before her death, she had transferred by this Indenture, she owned the property with her husband, Richard Wood my great-great-grandfather, they transferred this property to John Oates who was the husband of my great aunt, Grace Charlotte Philip Oates and on his death, and in his Will, which we learned about earlier, his estate went and his wife, Grace Charlotte Philip Oates.

**COUNSEL DIRK HARRISON** 2:03:59: So that's what I'm trying to understand in terms of what you have indicated as a challenge to the validity of this conveyance staff trying to understand you're ready set your challenge the validity of this conveyance? Is there anything further you can expand as to why then you're saying that it would have it passed by way of intestacy. So for that reason, you're saying that this conveyance is not valid is that it?

**MS. VELDA FRANCO** 2:04:34: No, the conveyance is valid. But the ownership of the property number 11 Boss's Cove is being challenged.

**COUNSEL DIRK HARRISON** 2:04:44: Okay. Okay and just for completeness, you're saying that this conveyance is valid. However, the ownership by whom

**MS. VELDA FRANCO** 2:04:57: The ownership present today and everyone before them.

**COUNSEL DIRK HARRISON** 2:05:03: Okay. I now understand okay, thank you proceed

**MS. VELDA FRANCO** 2:05:26: Counsel, we can proceed to page 113 previous pages refer to the Deed. Dated the 10th of March

**COUNSEL DIRK HARRISON** 2:05:56: Just one moment. Just for our note, Chairman, the witnesses is indicating that slides 93 to 112 relate to the Conveyance I just think for the purposes of the commissioners as you will come to some point to deliver it that note could be taken for your consideration.

**HON. WAYNE PERINCHIEF** 2:06:23: So, the slides between 93 to 112 all to be taken together.

**COUNSEL DIRK HARRISON** 2:06:34: Thank you. Proceed Ms. Franco.

**MS. VELDA FRANCO** 2:06:40: Slide 113. Dated the 10th of March 1882. Bond and Warrant for the Judgement between Richard Wood and Reginal Gray. This witness Bond was given as Collateral security for payment of a loan of 35 pounds with interest secured by a mortgage of the same date. For the above mentioned property number 11. Bosses Cove

**COUNSEL DIRK HARRISON** 2:07:24: Any comments you wish to offer madam?

**MS. VELDA FRANCO** 2:07:27: This is just for reference purposes.

Number 11 Boss's Cove was paid for by Ann Amelia Wood and Richard Wood were the illegal owners.

**COUNSEL DIRK HARRISON** 2:07:5: Thank you. Chairman. We are at slide one on three. We are also at 3:45 pm in the afternoon in Bermuda, wonder if you would consider it a convenient time for us to break. And I would propose at that time and you did indicate a venue.

**HON. WAYNE PERINCHIEF**  2:08:31: Yes, Council. With consideration of yourself and the availability of witnesses we would adjourn at this point and reconvene to continue the evidence of the witnesses in this Franco matter.

**COUNSEL DIRK HARRISON** 2:08:51: I am proposing Mr. Chairman Monday which is the 22nd March, 2021

**HON. WAYNE PERINCHIEF** 2:09:02: Yes Counsel and it will be a 10 o'clock start time at a new venue. The new Willowbank it wouldn't matter to you Counsel but would matter to the witnesses and the rest of the commissioners and our secretary to be reconvened at Willowbank 10 am on Monday, March 22, 2021.

**COUNSEL DIRK HARRISON** 2:09:28: Thank you. Thank you, Chairman and commissioners, thank you to the witnesses and the Secretariat and also the technical support team.

**MR. HUGH HOLLIS** 2:09:38: Counsel if I may.

**COUNSEL DIRK HARRISON** 2:09:41: Yes, Mr. Hugh Hollis.

**MR. HUGH HOLLIS** 2:09:43: Whew stuff. I just have a quick question. And this is probably going to be directed at the commissioners and maybe I'm getting ahead of myself and they can certainly answer this at a later date. But During our last session, you had put forward a question to us. And you had indicated at the time that it was a difficult question. And you had mentioned or asked the question, what did we want to get out of this in the end? So I guess my question is, and I guess it's directed more towards the commissioners, and they probably will maybe state this at a later date. We were just curious. And for the record, what was the ultimate goal of the Commission in regards to these proceedings? And what were they looking to get out of this? What's the Commission's mandate regarding these proceedings?

**COUNSEL DIRK HARRISON** 2:10:40: Chairman, if you'd allow me Chairman, Mr. Hollis, what we have are the gazette documents which appear on our website, as also the rules that govern the powers of the of the Commission of the Inquiry. I would all be too happy after to have the secretary forward those documents to you to indicate or remit under jurisdiction of the commission of inquiry. In light of the fact Mr. Hollis this thing is actually being just for convenience is still live. I think that's something that administrative matter I could assist you with to share with you the actual remit

**MR. HUGH HOLLIS** 2:11:22: Sure that is fine, and we can go over that.

**COUNSEL DIRK HARRISON** 2:11:24: Okay, so I'm sure that I'll have a secretary, I'd share that with you. Thank you. Okay, thank you so much.

**HON. WAYNE PERINCHIEF** 2:11:34: And Counsel, before we adjourn, I just want to remind everyone that we will be here tomorrow to convene to have a hearing of another matter.

**COUNSEL DIRK HARRISON** 2:11:47: All right, great, Mr. Chairman.

**HON. WAYNE PERINCHIEF** 2:11:49: Just to remind other folks other than the witnesses present.

**COUNSEL DIRK HARRISON** 2:11:53: Yes, we continue tomorrow with a different matter. Thank you, Chairman. At the same time, we thank also the media and other stakeholders who made this possible.

**HON. WAYNE PERINCHIEF** 2:12:08: Yes. Thank you, Ms. Franco and Mrs. Cann and Mr. Hollis. We'll see you again on Monday. Thank you.

**END OF TRANSCRIPTION MARCH 17, 2021 (AFTERNOON SESSION B) AT 2:12:28**