

COMMISSION OF INQUIRY ON HISTORIC LAND LOSSES IN BERMUDA

COMMISSIONERS:

Mr. Wayne Perinchief (Acting Chairman)

Lynda Milligan Whyte, BA., B. Ed., M. P.A., J.D.

Ms. Maxine Binns

Mr. Jonathan Starling

TRANSCRIPT OF PROCEEDINGS

LOCATION OF MEETING: UNKNOW

DATE: 15 March 2021

TIME: Morning Session

Court Attendant 00:22:

Miss Forth, we're getting ready to start in just a moment.

Madam Chair 02:05:

Good morning, everyone. We, on the 9th of February, we had to take an unexpected break. And last week Wednesday, the ninth we had a short hearing at our resumption. Our Senior Counsel, when we took the break, had to return immediately to his native Jamaica to deal with some unexpected matters. But with his assistance, we are now able to resume this inquiry with the hearing being facilitated by Zoom. We certainly trust that hereafter our hearings will go smoothly, so that we can conclude this inquiry. I now call in Senior Counsel.

Senior Counsel Harrison 03:02:

Good morning, Commissioners. Good morning Secretariat, members, witnesses. Good morning. I would like to introduce this morning the matter of claims 042. It is a matter regarding the estate of the great grandfather, Lemuel Norman Tucker. He is a great grandfather of the claimants who are before us this morning. It is in respect of land which the witnesses purport was leased by the Bermuda government and was subleased to the US Navy for the duration of World War II. And they posit that the land was called Tucker's Estate. They will give us evidence of the claim that they wish to submit without more I would ask that the witnesses are sworn or affirmed, depending on their conviction. We have Mr. Vance Patrick Talbot. We have Mr. Burch, Mr. David Burch, and we have Miss Kim White. I am advised that a fourth person, he is Mr. Sean Paul Crechmahal, I apologize if I have mispronounced his name, that he is also to join by Zoom. If and when he so does so I asked kindly that he also is subjected to either to swear on the Bible or to affirm to speak the truth. Could I ask that the Secretariat members at this time swear the witnesses who are present so that we may comment. I would like to Chairman and Commissioners, apologize for the late start. This was a matter beyond our control. The Secretariat and the Commissioners were in place at 9:30, half an hour before the start to start, but unfortunately some other matters caused us to start late. And we apologize for that. But everything was in place from the Secretariat for an early start. May the witnesses be sworn or affirmed kindly.

Vance Patrick Talbot 05:37:

Vance Patrick Talbot. I do solemnly and sincerely declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth. Thank you.

David William Burch 06:04: David, William Burch. I do solemnly and sincerely declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

Kim White 06:27: Kim White. I do solemnly and sincerely declare and affirm that the evidence I shall give shall be the truth, the whole truth, and nothing but the truth.

Madam Chair 06:44: Counsel, before you continue, may I just interject that Mrs. Forth is on Zoom. So, she's connected to the hearing but she's on Zoom.

Senior Counsel Harrison 06:55: Thank you very much, Chairman. Now, I'll start first with Mr. Vance Patrick Talbot. Mr. Talbot, where do you presently reside?

Vance Patrick Talbot 07:13: I presently reside at 58 Duncan Road in Warwick.

Senior Counsel Harrison 07:17: Okay. And are you familiar with the name Lemuel Norman Tucker?

Vance Patrick Talbot 07:24: Yes, that is my great grandfather.

Senior Counsel Harrison 07:29: And you have submitted a claim to the Commission of Inquiry in respect of the Estate of Lemuel Norman Tucker. Is that correct?

Vance Patrick Talbot 07:37: That is correct.

Senior Counsel Harrison 07:40: Now, in respect of the claim that you have submitted, can you share with us exactly where this area the es is situated?

Vance Patrick Talbot 07:55: The area that is in question is on the south shore in Warwick. It is on the south of South Shore Road. And it is in between the boundary of Southlands Estate and Tribe Road to the east as well. It was formerly known when I was young as the Tucker Estate and is now the Grand Atlantic or the Bermuda

Beach, Bermudiana Beach Resort is occupying that space now. This is in Warwick.

Senior Counsel Harrison 08:26:

Okay, thank you. Now, in respect of the claim that you have submitted and the area that you have just mentioned could you share with us what, what is your father's name?

Vance Patrick Talbot 08:46:

Father's name?

Senior Counsel Harrison 08:47:

Yes, sir.

Vance Patrick Talbot 08:48:

My father's name is Vance Coleman.

Senior Counsel Harrison 08:52:

And are you aware whether or not your father has also submitted information in relation to a claim before the Commission Of Inquiry.

Vance Patrick Talbot 09:00:

Yes, I am.

Senior Counsel Harrison 09:05:

Now, in respect. of the area that you speak of, that you just spoke of that is situated in Warwick, could you just share with us in terms of the basis of the claim that you are, you have made, sir, what is the basis of it?

Vance Patrick Talbot 09:23:

The basis of the claim is that when my great grandfather passed away in 1945, and I'm sorry, do not have evidence to show this. This is family talk, that that property did not come back to my grandfather's estate, and that it is unknown what happened to that property after World War II, after my grandfather died. Sorry, my great grandfather died. So what is in question is how did that property move from my great grandfather's ownership of which I'm sorry, I have no evidence. How did he get from his ownership to where it is today and having the the Bermudiana Beach Resort on it.

Senior Counsel Harrison 10:08: Now, you importantly you have indicated that you have no proof. What is the basis on which you say or rely to suggest that the property was owned by your great grandfather? What is that basis?

Vance Patrick Talbot 10:25: Just family talk. Um it is well known amongst my family that my great grandfather was very, very kind man and parceled off pieces of land to unfortunate individuals back in the 1930s and 1940s. And that talk amongst the family was that that land belonged to him, but all of a sudden it was gone. And I don't know how that happens. I do not know how that occurred. I do not know the circumstances of around of how that land transferred from, from ownership by my great grandfather, which I stated I don't have evidence of ownership by my great grandfather, to being presently owned by the Bermuda government today.

Senior Counsel Harrison 11:16: Now the, you have mentioned the Bermuda Government, and you have mentioned family talk, what is the basis and when you say family talk, is there any particular member of family that you're relying on for this oral history?

Vance Patrick Talbot 11:34: My brother, who will be presenting today has done some research into it plus, my co-witness, David Burch has extensively done research into the matter.

Senior Counsel Harrison 11:46: Okay, and your, what is your brother's name?

Vance Patrick Talbot 11:49: My brother's name is Sean Paul Crechmahal Sorry, even though I'm his brother, he still needs to tell me how to pronounce it.

Senior Counsel Harrison 11:58: Okay, thank you. And and you refer to Mr. David Burch, how is he related to you?

Vance Patrick Talbot 12:05: He is my second cousin. He is the grandson of Lemuel Tucker.

Senior Counsel Harrison 12:11: Thank you. And Miss Kim White, who is also seated at the witness table with you how she related to you?

Vance Patrick Talbot 12:19: She is his David Burch's niece so she will be a cousin of mine as well.

Senior Counsel Harrison 12:25: Thank you very much.

Vance Patrick Talbot 12:26: Your welcome.

Senior Counsel Harrison 12:28: Now, in respect of the what you have stated earlier, in respect of the information, you and you have said it a number of times, and we thank you for being forthright in terms of having evidence having no evidence to support what you are about to say, however, your place reliance on oral history from your other family members. But you did mention, however, sir, that the Bermuda Government, what exactly based on what you have been advised, um, through oral history, what is your understanding of the role if any regarding the Bermuda Government and the Landy Estate.

Vance Patrick Talbot 13:13: My understanding from oral history is that the property could not be leased by the US Government to a private landowner and had to lease it from Bermuda Government. So, my great grandfather's sublease the property to the Bermuda government so that they could lease it to the US Navy, for the purposes of war, World War II. At the end of that, the, I do not know the date that the US Navy left the property, but the land titles were conveyed back to someone, back to government and back to someone in the family. And I do not know who it was conveyed to. From oral history, the property should have gone to the surviving children, which was my grandmother, and my two great aunts Aunt Unis and Aunt Latoya and according to oral history it did not go back to them. So, the land deeds went to someone else probably in the family that did not have the right to make decisions on that land.

Senior Counsel Harrison 14:19: Okay. Now, when you made your submission to the Commission of Inquiry on the, on June 7, 2020. You had sent to us also some documents which you wish to place reliance on. Is that correct, sir?

Vance Patrick Talbot 14:37: That is correct. I submitted the uh, the will of my great grandfather, Lemuel Tucker.

Senior Counsel Harrison 14:45: Now, the will of your great grandfather, Lemuel Tucker, Norman Tucker. Where did you obtain that will from sir?

Vance Patrick Talbot 14:55: My brother provided it for me and he obtained it from the archives.

Senior Counsel Harrison 15:00: Okay. I'm going to ask that the document, which was submitted the will the, I'm going to ask for that document is shown to you. Could you have a look at the document? It has been shared with you, shown to you by Mr. Simons.

Court Attendant 15:28: I'm going to try and project on the screen for you as well.

Senior Counsel Harrison 15:33: Sorry?

Court Attendant 15:35: I'm going to also project on the screen for you.

Senior Counsel Harrison 15:37: Yes, please. I'll just asked him to identify a person and I'll make an application to the chairman before it is projected, please.

Court Attendant 15:45: Okay.

Senior Counsel Harrison 15:53: What do you have there? Mr. Talbot?

Vance Patrick Talbot 15:56: A copy of the will of Lemuel Norman Tucker dated the 7th of February 1945

Senior Counsel Harrison 16:04: How many pages does it consist of Sir?

Vance Patrick Talbot 16:17: It consists of 10 pages.

Senior Counsel Harrison 16:18: 10 pages. Madame Chair, I'm asking that the document which purports to be the will of Mr. Lemuel Norman Tucker.

Madam Chair 16:45: Could you spell that for me please Counsel?

Senior Counsel Harrison 16:48: L-E-M-U-E-L. No, no please not yet please don't project it please. L-E-M-U-E-L, Lemuel Norman Tucker. Consisting of 10 pages dated the 7th of February 1945. I'd ask that it be tendered, admitted as exhibit VPT 1, VPT 1. V as in Vance, P as in Patrick, T as in Talbot. VPT 1. May it be tendered and admitted as exhibit madame?

Madam Chair 17:38: Well.

Senior Counsel Harrison 17:42: I'm just going to ask you, Madam Chair, if you could remove your mask I'm not hearing you clearly.

Madam Chair 17:48: Repeat that please Counsel?

Senior Counsel Harrison 17:49: Could you remove your mask? I'm not hearing you clearly.

Madam Chair 18:01: Well as been entered as exhibit VPT 1?

Senior Counsel Harrison 18:09: VPT 1. Thank you very much.

Madam Chair 18:33: Go ahead please Counsel.

Senior Counsel Harrison 18:36: Very well. Now, Mr. Talbot, could I ask you to read the will of your great grandfather? Could I ask that the document is projected now on the screen Secretariat?

I ask you to take us to the sixth page, where the will appears. Thank you. Uh, Mr. Talbot, could you go ahead and read the will for us?

Vance Patrick Talbot 19:22:

Yes. I, Lemuel Norman Tucker of Warwick Parish on to Bermuda, retired grocer hereby revoke all former wills and testamentary dispositions. Sorry it's, it's kind of small. Made by me and declared this to be my last will and testament. I appoint my brother Philip Henry Tucker and my daughter Christina, Eunice Carol to be the Executor and exude Exeter, Executrix, respectively of this my will and I direct. I cannot read on to the ribbon. Executor and Executrix to pay all my just debts funeral and just marry expedite, expedite as soon as convenient may be after my decease. I bequeath to my son, Samuel Henry Tucker my two shares in the Quality Bakery Limited, excuse me. I bequeath all the rest of my personal estate onto my wife, Mabel Elizabeth Tucker, who should, but should my said wife predecease me, then I bequeath the same equally between my three daughters Jessie, Rosalie Crockwell, and said Christiana Eunice Ophilia Terrell nee, Etoile Elizabeth Burch or such of them as shall be living at the time of my decease share and share alike. For I devise all my real estate onto my wife to said Maybel Elizabeth Tucker, for and during the term of her natural life and from and after her decease, I devise a) That portion my property and Warwick Pass, designated as lot number one, on the plan hereto annexed together with the dwelling house or homestead they're on to directed, my daughter, and said Christina, Eunice Ophelia, Terrell her heirs and assigns forever. b) At portion of my said property in Warwick Parish aforesaid, designated as lot number two on the said plan onto my daughter the said Etoile Elizabeth Burch, her heirs and assigns forever. c) That portion of my property in Warwick Parish aforesaid and designated as lot number three on the said plan to my daughter the said Jesse Rosalie Crockwell her heirs and assigns forever. d) My

property in Sandy's Parish in these said islands together with the building, or hall there on erected onto my grandson, Norman Clifford James Burch, in free, in fee simple. e) My cottage and land in Warwick Parish purchased from Manuel Da Costa onto my three daughters the said Jessie Rosalie Crockwell, Christina Eunice Ophilia Terrell and Etoile Elizabeth Burch in fee simple as tenants in common. 5. I declare that all devices of real estate by this my will shall be construed as being subject to any existing mortgages there on which said mortgages are to be assumed and paid by the respective device, devices thereof. 6. I devise and all the rest residue and remainder of my real estate equally between my said three daughters to said, Jessie Rosalie Crockwell, Christina, Judith Ophelia Terrell and Etoile Elizabeth Burch or to such of them as shall be living at the time of my deceased and fee simple as tenants in common. In witness w hereof, I have hereon to set my hand to this my will, the seventh day of February 1945. Signed by the above-named Lemuel Norman Tucker, (his signature). And, as and for his list, last will and testament, in the presence of us both being present at the same time, read this, to at his request in his presence, and in the presence of each other have on to subscribed, Our names as witnesses. Two signatures here.

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Senior Counsel Harrison 23:19:

Thank you very much, Mr. Talbot. Thank you. Now, just to indicate in respect of the said exhibit, which is V, VPT 1, the other documents, which are included, you have at the very end, I asked you to return to the beginning of the exhibit secretariat? Just to be clear the, for the exhibit, we have the cover page. We then have the, could you just agree or disagree with me, Mr. Talbot, at the second page we have the probate. What appears to be the fact that the document was duly admitted to probate at, is that after the document is rotated. Could you just scroll down a bit for me please to the middle of the document? In the case,

the document, will was duly admitted to probate in this court and that the administration a person estate of the deceased is hereby granted by this court. And it is signed by the Chief Justice. Is that correct Mr. Talbot?

Vance Patrick Talbot 24:51:

That is correct.

Senior Counsel Harrison 24:52:

Okay, on the third page, we have a, an affidavit by Philip Henry Tucker in support of the.. Could I ask you to go to the next page secretariat? It is an affidavit. And could you just take it down to the foot of the page for me, please. Signed by Philering, by Philip. I'm sorry by P. Philip Tucker, an affidavit in support of the probate document. Is that correct, Mr. Talbot?

Vance Patrick Talbot 25:29:

That is correct.

Senior Counsel Harrison 25:30;

Can I ask you to take us to the next page? It is a mere cover page in respect of reference in the affidavit of Philip Henry Tucker, Executor. Is that correct sir?

Vance Patrick Talbot 25:48:

That is correct.

Senior Counsel Harrison 25:49:

Can I ask you to take us to the next page secretariat? It is an affidavit of Christina Eunice Ophelia Terrell, the Executrix. It's an affidavit in support. Could I ask you to take us to the foot of that page secretariat of the said exhibit VPT 1? That is an affidavit sir?

Vance Patrick Talbot 26:19:

That is correct.

Senior Counsel Harrison 26:20:

Thank you. Can I ask you to take us to the next page Secretariat? It's a cover page for the said affidavit of Lemuel, of Lemuel Norman Tucker specifically in respect of the affidavit of Christina Eunice Ophelia Terrell Executrix. Is that correct, sir?

Vance Patrick Talbot 26:43:

That is correct.

Senior Counsel Harrison 26:45: I ask you to take us to the next page. This is the actual will that you just read, a part of the exhibit of VPT 1. That's correct, sir? Can I ask you to take us to the next page Secretariat? Further, please. Further. Yes, could you just show this document in its entirety? Oh, what do you have? What do you have there, sir? What is that, that's attached to the said exhibit VPT-1, sir? Could you explain what that is?

Vance Patrick Talbot 27:01: That is correct. The plan, it's the plan of the plot of land situated near Southlands in Warwick Parish. So, this is either the plots that were parceled out through the will to my grandmother and her sisters.

Senior Counsel Harrison 28:16: Okay. Also, you had indicated earlier, but could you kindly remind us, where did you obtain these documents? Where did the family obtain these documents?

Vance Patrick Talbot 28:25: These documents were obtained by my brother from the Bermuda archive.

Senior Counsel Harrison 28:29: Thank you very much. Now, importantly, I'd ask you this question and anyone could answer who is on the witness at the witness table. Do you have any deeds or anything in support of the claim, in respect of the things that their great grandfather sought to devise and bequeath? Do you have any deeds to prove that he owned these things?

Vance Patrick Talbot 28:54: Vance Talbot. I do not have any?

David William Burch 28:59: The only deed I have...

Senior Counsel Harrison 29:01: I'm sorry, who's speaking now?

David William Burch 29:02: Oh, I'm sorry, David Burch speaking.

Senior Counsel Harrison 29:05: Yes. Go ahead, sir.

David William Burch 29:07: The only thing I have in my possession is that of my mother. who willed her land, which she was the last member of the family. And uh, she has willed it to myself, my brothers and my sister.

Senior Counsel Harrison 29:23: So the deed you refer to in respect, excuse me, of land for your mother. Is any of that land reference in the plot of land that, that is projected on the screen? Yes, it is. It's lot 11. I'm just going to ask with the aid of the cursor that we could be guided where lot 11 appears on the document which is projected on the screen.

David William Burch 29:48: Uh lot 11 appears right. Oh, okay.

Senior Counsel Harrison 30:00: On the document projected on the screen, we're seeing lot 1, lot 2 and lot 3.

Vance Patrick Talbot 30:04: Vance Talbot. There is no lot 11 on my great grandfather will. Not on this particular document.

Senior Counsel Harrison 30:12: Okay. So, thank you very much. So, Mr. Burch, you're referring to another document?

David William Burch 30:19: Yes, I am. um, This is the lot that covers pretty much the entire estate. It's lot 11, and it's at the top near Hutchinson Property, which is known as Far Away.

Senior Counsel Harrison 30:32: Okay. Thank you very much. Could I just pause for a moment? Could I just ask that the document is removed from the screen just for a moment?

Vance Patrick Talbot 30:45: Vance Talbot speaking. Just to this document, was just given to the Secretariat um, about half an hour ago. So, just before we started the meeting,

Senior Counsel Harrison 30:58: A document that Mr. Burch is referring to, lot 11 was just given. Your saying there's another document.

Vance Patrick Talbot 31:06: Correct. This document was just given to the Secretariat. It was just submitted about half a hour. Just before the proceeding started.

Senior Counsel Harrison 31:14: And just for clarity, that document is going to, purports to be what?

Vance Patrick Talbot 31:19: It shows lot 11 that.. Sorry. It lays out the lots that are further broken down, that belonged to my great, great sorry, my great grandfather.

Madam Chair 31:23: You may take off your mask mister.

Senior Counsel Harrison 31:37: And my understanding and for the Commissioners benefit. You're now saying you'd like to place reliance on this document, which you have just submitted this morning as part of your claim?

Vance Patrick Talbot 31:49: That is correct.

Senior Counsel Harrison 31:51: And it is by extension, you're saying that this is proof of ownership?

Vance Patrick Talbot 32:00: I'm saying that it helps with proof of ownership.

Senior Counsel Harrison 32:03: Okay, thank you. I'm just going to pause a minute. Could I just ask that the document on the screen be removed for a moment? Madam Chairman, might I just pause for a moment? Could I just ask that you would permit Mr. Sean Paul Crechmahal. I may have mispronounced his name. Could I just ask that he along with Ms., Ms. Jerrie Crockwell-Sequeros that they be admitted by way of Zoom to enter the hearing? Mr. Sean Paul Crechmahal. I apologize again. His name had been mentioned earlier. Mr. Vance, Patrick Talbot indicates that it is his brother and, Ms. Gerry Crockwell-Sequeros is Mr. Vance Talbot's, mother. They wish to join the proceedings. And if necessary, and are required to give evidence, they wish to be either sworn or affirmed. If they can

assist the proceedings by way of any explanations with your leave, Madam Chairman.

Madam Chair 33:46: So they are going to be joining us by Zoom?

Senior Counsel Harrison 33:51: That is so Madam Chairman.

Madam Chair 33:53: Certainly. Leave is granted.

Senior Counsel Harrison 33:58: Could I ask that they be so permitted, allowed to join and they could be sworn. We ask that after they are sworn that their microphones are muted. And they could; and we'll take it from there, Madam Chair.

Madam Chair 34:17: I believe that the Secretariat would have arranged that. And if they have their Bible, or affirmation then they can be sworn. Certainly, Counsel.

Court Attendant 34:31: Talk with um, list right here. Just confirming which would you like to start with?

Senior Counsel Harrison 34:36: We could start first with Mrs. Gerry Crockwell-Sequeros, please.

Court Attendant 34:49: Good Morning Mrs. Crockwell-Sequeros. Are you there?

Geraldine Crockwell-Sequeros 34:51: Good morning. I'm here. I don't know what I did. My screen is suddenly disappeared. But I can hear you.

Court Attendant 34:59: talk with me. Part of the deposition.

Geraldine Crockwell-Sequeros 35:02: I beg your pardon?

Senior Counsel Harrison 35:03: Yes, I am not. There's no, the camera is, appears to be. It is not viewing. It is just, shows an X across the, a stroke across the camera. But could you have her

sworn or affirm. Would you wish madam to swear on the Bible or, to affirm to speak the truth?

Geraldine Crockwell Sequeros 35:23: I confirm I don't have a Bible here with me. Can I verbally swear on the Bible?

Senior Counsel Harrison 35:31: No, I'd ask you to affirm then if you don't mind. Could you just raise your right hand and Mrs. Lister will read to you what you are expected and required to say, please.

Geraldine Crockwell Sequeros 35:43: Okay, I have my right hand up.

Court Attendant 35:45: Thank you. Miss. Crockwell, declare. If you can please state your name for the record and then repeat after me.

Geraldine Crockwell Sequeros 35:50: My name is Geraldine Rose Crockwell-Sequeros.

Court Attendant 35:54: Thank you. I do solemnly.

Geraldine Crockwell Sequeros 35:58: I do solemnly

Court Attendant 35:59: and sincerely

Geraldine Crockwell Sequeros 36:01: and sincerely

Court Attendant 36:02: declare and affirm,

Geraldine Crockwell-Sequeros 36:04: declare and affirm

Court Attendant 36:05: that the evidence I shall give

Geraldine Crockwell-Sequeros 36:07: that the evidence I shall give

Court Attendant 36:09: shall be the truth

Geraldine Crockwell-Sequeros 36:11: shall be the truth,

Court Attendant 36:12: the whole truth,

Geraldine Crockwell-Sequeros 36:13: the whole truth,

Court Attendant 36:14: and nothing but the truth,

Geraldine Crockwell -equeros 36:16: and nothing but the truth.

Senior Counsel Harrison 36:18: Thank you. Before you go further madam, I'm gonna ask you to spell your first name.

Geraldine Crockwell Sequeros 36:23: Geraldine. It's G-E-R-A-L-D-I-N-E.

Senior Counsel Harrison 36:30: And your other names.

Geraldine Crockwell Sequeros 36:34: My middle name is Rose. R-O-S-E.

Senior Counsel Harrison 36:37: Yes.

Geraldine Crockwell Sequeros 36:37: My surname is Crockwell hyphen Sequeros which is C-R-O-C-K-W-E-L-L hyphen S-E-Q-U-E-R-O-S.

Senior Counsel Harrison 36:54: Thank you very much madam. Could you now swear the other witness madam?

Court Attendant 37:04: Mr. Crechmahal are you present?

Sean Paul O. Crockwell 37:07: Yes, it's actually Crockwell, O. Crockwell.

Court Attendant 37:10: Okay. If you could please state your full name for the record please.

Sean Paul O. Crockwell 37:13: Certainly, Sean Paul O. Crockwell.

Court Attendant 37:19: I do solemnly and sincerely.

Sean Paul O. Crockwell 37:22: I do solemnly and sincerely.

Senior Counsel Harrison 37:25: Do you have a Bible Sir? I'm sorry. Do you have a Bible?

Sean Paul O. Crockwell 37:28: Um, actually I believe a New Testament if that will do.

Senior Counsel Harrison 37:32: Okay. Now, would you wish to affirm or to swear on the Bible?

Sean Paul O. Crockwell 37:36: Certainly, I can do that.

Senior Counsel Harrison 37:38: Which of them sir?

Sean Paul O. Crockwell 37:41: I can. As I said, If you accept the New Testament as being the Bible, then I can certainly use that.

Senior Counsel Harrison 37:45: That's fine. You may just hold the Bible in your right hand.

Court Attendant 37:51: My apologies.

Kim White 38:03: Okay, I don't know if that's important but.

Senior Counsel Harrison 38:05: Can I ask you to hold it in your right hand, please?

Sean Paul O. Crockwell 38:08: Sure. My right hand.

Senior Counsel Harrison 38:12: And please, please follow the instructions of Mrs. Lister. Please, you may proceed.

Court Attendant 38:17: Thank you. If you do want to state your name.

Sean Paul O. Crockwell 38:20: I'm sorry. Did you say to state my name?

Court Attendant 38:22: If you don't want to get...

Sean Paul O. Crockwell 38:25: The line is not very clear. It sounds like you're asking me to repeat my name Sean Paul O. Crockwell.

Court Attendant 38:32: Thank you. I swear by Almighty God.

Sean Paul O. Crockwell 38:35: I swear by Almighty God,

Court Attendant 38:38: That the evidence I shall give

Sean Paul O. Crockwell 38:40: That the evidence I shall give

Court Attendant 38:42: Shall be the truth

Sean Paul O. Crockwell 38:44: Shall be the truth.

Court Attendant 38:45: The whole truth,

Sean Paul O. Crockwell 38:47: The whole truth,

Court Attendant 38:48: And nothing but the truth

Sean Paul O. Crockwell 38:49: And nothing but the truth.

Court Attendant 38:51: Thank you.

Senior Counsel Harrison 38:55: Thank you very much, sir.

Sean Paul O. Crockwell 38:56: Thank you.

Senior Counsel Harrison 38:59: Madam Chair.

Madam Chair 39:02: Yes, Counsel.

Senior Counsel Harrison 39:04: Thank you. I would wish to return to Mr. Vance Patrick Talbot. We had paused the evidence that was being given by him to have the witnesses affirmed and sworn. I would like to return to Mr. Talbot at this time.

Madam Chair 39:27: Thank you.

Senior Counsel Harrison 39:31: Now, Mr. Talbot you had just indicated that there is a another document, which you submitted to the Secretariat just this morning before we started, and you indicated further you wish to place reliance on that document in support of the claim.

Vance Patrick Talbot 39:49: That is correct.

Senior Counsel Harrison 39:51: Now, could that document? Where was that document obtained from sir?

Vance Patrick Talbot 39:58: I would like David Burch to answer that.

Senior Counsel Harrison 40:01: Okay. Uh, Mr. Burch.

David William Burch 40:04: It's David Burch speaking. The lady is taking a picture of it. I assume it's gonna be on your screen shortly.

Senior Counsel Harrison 40:14: Pardon me?

David William Burch 40:15: where did I? I've obtained it from the archives.

Senior Counsel Harrison 40:19: Okay. Thank you very much. And you, what does it document purport to? what does it purport to say?

David William Burch 40:26: It refers to my grandfather's entire estate.

Senior Counsel Harrison 40:33: Okay, now do you have the document there with you sir?

David William Burch 40:37: Yes I do. It says plan of...

Senior Counsel Harrison 40:41: Just before we go there. The document consists of how many pages sir?

David William Burch 40:54: I believe five pages.

Senior Counsel Harrison 41:01: Could you share with me what is on the first page? What, what appears? What words appear on the first page as a..? What is the heading on the first page sir?

David William Burch 41:18: First page says Lemuel Norman Tucker and wife, Jessie Rosalie Tucker. Uh, this is my Aunt Jessie.

Senior Counsel Harrison 41:33: Okay, let me try to assist you. The first page indicates plan of a portion of land in Warwick Parish, Bermuda?

David William Burch 41:42: Yes. Yes, it does. In Warwick Parish Bermuda. Scale of 50 feet to one to one inch.

Senior Counsel Harrison 41:51: Just a moment, just a moment. Just a moment. Scale, scale of what sir?

David William Burch 41:56: Scale of 60 feet.

Senior Counsel Harrison 41:58: To one inch.

David William Burch 41:59: To one inch.

Senior Counsel Harrison 42:00: Okay, thank you. Now the second document. I must apologize, Madam Chairman, this document we only received this morning. So that's the reason for us taking this approach. We were not aware of this document. So I just crave your indulgence to allow me to...

Madam Chair 42:25: I understand.

Senior Counsel Harrison 42:25: ..to go through it. I think what is required at this time, the Secretariat who I'm in communication with, they just need to have all the pages scanned, because the witness has now indicated it is five pages. But we shall return to it shortly. And when we are ready to revisit it, I would kindly ask Chairman, and your Commissioners to allow us to revisit it but for the time being we will move on, Madam Chair.

Vance Patrick Talbot 42:52: Sorry to. Sorry, could you repeat that, please Counsel?

Madam Chair 42:52: Well done.

Counsel Harrison 43:01: I was just indicating that the document which has been handed to us, it consists of five pages as Mr. Burch has advised. However, to facilitate the ease

with which the Commissioners are able to view the document once projected on the screen, the Secretariat wishes some time to attend to some administrative matters, which will allow the document to be viewed, the complete document to be viewed by all persons. I just ask you to give us some time. We'll move on to some other questions and return to the document shortly.

Madam Chair 43:42:

Very well.

Senior Counsel Harrison 43:51:

Now, Mr. Vance, Patrick Talbot, is there any other document that you wish to place reliance on in respect of the claim at this time?

Vance Patrick Talbot 44:16:

At this time, no.

Senior Counsel Harrison 44:17:

Okay. Thank you. Mr. David Burch?

David William Burch 44:25:

Yes.

Senior Counsel Harrison 44:28:

Mr. David Burch?

David William Burch 44:33:

Yes, I hear you.

Senior Counsel Harrison 44:43:

Okay. We now have the document, the complete document that you had mentioned earlier Mr. David William Burch, which consists of five pages.

David William Burch 44:59:

Yes, sir.

Senior Counsel Harrison 45:08:

The first page of that document it is dated the 22nd; dated 22nd February 1939. Is that correct sir? At the top of the first page? Yes, s that correct?

David William Burch 45:38:

Yes, it is correct.

Senior Counsel Harrison 45:40:

It also says Lemuel Norman Tucker and wife to Jessie Rosalie Tucker Voluntary Conveyance of a lot of land in Warwick Parish in the islands of Bermuda. Registry

of Supreme Court Bermuda registered in a book of volume. Conveyance number 3, page 1073. dated, 7th March. Could you assist us with that date that you're placing reliance on?

David William Burch 46:24:

1939.

Senior Counsel Harrison 46:25:

Thank you. I'd ask Madam Chairman, that the document which the witness, Mr. David William Burch wishes to place reliance on. The document he indicated was shared with the Secretariat just this morning, consisting of five pages. I'd ask that it is tendered and admitted as exhibit DB1, Madam Chair.

Madam Chair 46:57:

BD1?

Senior Counsel Harrison 46:59:

Yes, Madam Chair.

Madam Chair 47:02:

And in terms of describing the document, I have it dated the 22nd of February 1930. The date of the document is dated, sir?

Vance Patrick Talbot 47:16:

Vance Talbot. Dated 1939.

Madam Chair 47:20:

Thank you.

Senior Counsel Harrison 47:24:

It consists of five pages, Madam Chair.

Madam Chair 47:26:

Five pages. And uh, it's found in the Book of Voluntary Convenience, 3810. And then I have slash 73. For identification purposes, it's entered as DB1.

Senior Counsel Harrison 47:46:

Thank you very much. Now Mr. Burch, could you indicate to us the, what is it that you wish us to take from this document, place reliance on kindly.

David William Burch 48:03:

Like I said earlier, this is pretty much the entire estate of my grandfather, Lemuel Norman Tucker, from

Hutchinson's property, which is known as Far Away Guest House.

Senior Counsel Harrison 48:15:

I'm going to ask, Mr. Burch, can you speak a little slower please, the notes are being taken, and we need to ensure that we hear you clearly. Can you just start again, and just slow if possible.

David William Burch 48:25:

And it's just a clearer indication of my grandfather's property, which is southeast of Hutchinson's property, which is known as Far Away Guest House. And it's subdivided to the point where it shows the various lots that were given to his daughters, my Aunt Jessie, my Aunt Eunice and my mother, Edith Aubrey.

Senior Counsel Harrison 48:56:

I going to ask that the Secretariat could project the document. And I asked you to take us to page two of the said exhibit, which is DB1. I ask you to rotate it again for me. Now, this is page two of exhibit DB1, sir. You had mentioned earlier, Mr. Burch, that you wish to make reference to lot number 11. This document apart of exhibit DB 1, shows a number of lots. Can you give us some guidance in terms of what you're, I know you have said earlier, it shows to all of the land owned by Lemuel Norman Tucker. But you made reference to lot 11. Can you just give us some clarification in that regard, sir?

David William Burch 50:14:

Yes uh, now lot 11 was voluntarily conveyed to my mother, Etoile Aubrey Tucker Burch.

Senior Counsel Harrison 50:27:

Thank you. And uh.

David William Burch 50:28:

I'm not finished excuse me. And that was the starting point. Uh, which, we're going on this entirety of his estate. Lot 11 was the first piece that we achieved, and we have that back in our possession. And um, all the other lots that indicate Lemuel Norman Tucker have not been conveyed to anyone. So, there's still a

piece of the property that belongs to L. N. Tucker Estate.

Senior Counsel Harrison 51:04:

But your evidence? So your evidence now is that however lot 11 was conveyed however?,

David William Burch 51:11:

Yes, we have to come, we have lot 11. We have the deeds for lot 11 back in our possession.

Senior Counsel Harrison 51:19:

Now what I'm trying to get from you, you said that some lots were conveyed, and some are not. So, I'm trying to understand. You're saying lot 11 was conveyed to someone else?

David William Burch 51:29:

No, it wasn't. No, it wasn't. But it was just one that wasn't, it wasn't touched. It was our starting point to getting our land back. But what I'm saying further is that any piece of property on this plan that says Lemuel Norman Tucker, and it also verifies the property owned by Manuel DeCosta because it was first purchased just before my grandfather's passing or that the ownership of Jessie Crockwell, Eunice Terrell and Etoile Burch and their kids.

Senior Counsel Harrison 52:07:

Now, can you give us some guidance based on your evidence? Looking at this document we're looking at below the right of way eight foot wide. It has number seven Lemuel N. Tucker and also to the south of the public crossroad to the west of the south. To the east of the south longitudinal public road. It says Lemuel N. Tucker. Can you give us some guidance or can you comment on those areas Sir?

David William Burch 52:41:

Well uh, yes I can because the large piece you see to right.

Senior Counsel Harrison 52:48:

I'm not hearing you. Your voice is muffled. Not hearing clearly.

David William Burch 52:54:

I say the large piece that you see on your right.

Senior Counsel Harrison 52:57:

Yes sir.

David William Burch 52:58:

Lemuel Norman Tucker. That was uh, that was to be to be owned by Mister. We called him Pipples Furbert, Mr. Furbert. Anyway, Mr. Furbert had come to my mother, just before he passed and told her that he like many of the others cause my grandfather was selling the property for 200 pounds apiece to people that he really cared about in that area. So, he came and paid a down payment. And Mr. Mr. Furbert indicated to my mother not too, not too long ago, that he only paid 16 pounds through insistance on his bill assistance on his bill, so that his brother, David, and many others that purchase property from him never paid his full amount and when he passed Neville went to seek out his daughters to continue the payments. So as far as we're concerned if you add up at all these properties not conveyed on this paper here are still the ownership of Lemuel Norman Tucker, now his children's children, as the heirs.

Senior Counsel Harrison 54:14:

Now, your mother's name is as it appears as lot number 11?

David William Burch 54:19:

Yes. Yes it does.

Senior Counsel Harrison 54:21:

Your mother has since passed?

David William Burch 54:24:

She just passed last year.

Senior Counsel Harrison 54:27:

Thank you. Now, irrespective of the, what you have referred, what you're referring to here this plan of a portion of land as you can, as you would readily accept, because it says a portion of land, there's other land. What is the other land? Are you able to assist us in that regard?

Vance Patrick Talbot 54:57:

Vance Talbot. This portion of land indicated in this document is located to the south of the plan that is on the will and testament of Lemuel Tucker. On page nine, if you refer to the, the plots of plan, of plot of land on page nine to his lot, to his will, this is located to the south of that. So further delineates what was owned by my great grandfather.

Senior Counsel Harrison 55:27:

Okay, thank you. Now, the question in respect of the plan that appears, the document, which I ask the secretary just to scroll down. Is there any, an indenture appears below? Could you just guide us in terms of how it is that you wish the Commissioners to treat this document or what it is that you wish to place reliance on, in terms of your claim? Do you understand the question? This document was submitted by you this morning. And unfortunately, we did not have the benefit of reading it before. So, I'm merely asking you, excuse me cough. Could you clearly, kindly indicate to us what you read what, what how this document is assisting us and assist the process? Is there anything that you can do to assist us in that regard?

David William Burch 56:32:

Again, this document is followed by the last will and testament of my grandfather. So, it clarifies all the other lots and properties and spirits possession at his death to be given to three daughters. Jessie Crockwell, Eunice Terrell and Etoile Burch and their heirs.

Senior Counsel Harrison 56:59:

Okay. As I indicated we at this time we can offer what I can pursue no further question in this regard. However, I, could I just asked that the document. Madam Chair, the document consisting of five pages which is Exhibit DB1 I just ask that the witness be allowed to read pages three through to five. We had had the I just ask that the witness to be allowed to read pages three, three through to five.

Kim White 57:49: Free three and by himself and convey to Harvey James Furbert and,

Senior Counsel Harrison 58:08: I'm sorry. Could you just indicate for the record. Kim.,

Kim White 58:11: Kim White.

Senior Counsel Harrison 58:13: Thank you.

Sean Paul O. Crockwell 58:15: And by himself and convey to Harvey James Furbert. And there measuring 58 feet and eight inches or there about and westerly by the lot number 12 on the set plan of the set Lemuel Norman Tucker, and intended to be conveyed by an indenture of even date herewith to Christina Eunice Ophilia Tucker and there measuring 135 feet and 4 inches or thereabouts or however, otherwise the set lot of land may be founded may measure or ought to be described together with all houses buildings, fixtures, right of way and especially the right of way hereinafter described. Deputies (?) privileges, easements, advantages, and a pertinances whatsoever to the set lot of land belonging or in any way appertaining or usually held or occupied, therewith or reputed to belong or the apuritanice. appearance(?). Thereto and together with full free and unrestricted right, and liberty of way passing for said Jessie Roselee Tucker, her heirs and assignments and owners and occupiers from the time being of the lot of land above described and their respective tenants and servants and all other persons lawfully going to or from the set lot of land or any part thereof at her or their will and pleasure to come and repack with or without horses. cattle and other animals, carts carriages and vehicles of all descriptions over and along the said word or way. Twelve feet in width colored rating (?) on the said plan and forming a southern boundary of the lot of land above described and leading in an easterly direction to the public crossroad. Leading from south longitude, public road to the Ord Road and also

together with a like right of way. And along the said road or way or land, set apart from roadway. six feet in width, also colored green on the said plan and leading from the said road or way, twelve feet in width, colored gray on the said plan in the southerly direction to the south to the said public crossroad and all the estate right title and interest of the said Lemuel Norman Tucker and Maybel Tucker (?) in and to the same premises to have and to hold to heardemint (?) and premises hereby granted and release or express so to be onto and to through the use of the said Jessie Rosalie Tucker, her heirs who signs forever in witness whereof the parties to these persons appear to set their hands and seal the day and year first above written. Signed and sealed and, delivered by the above name, Lemuel Norman Tucker, and Maybel Elizabeth Tucker (?) in the presence of, I cannot recognize that. It's not legibl to me. Signed by Lemuel Tucker and Maybel E. Tucker, which was his wife.

Senior Counsel Harrison 1:02:03:

Thank you very much. Now, Mr. David Burch, you mentioned earlier evidence. In your evidence certain things that you had been advised. I just wish to know whether or not it is your, your mother who passed sometime last year. Whether she had shared with you the, particularly in respect of ither attempts to deal with the land you had mentioned earlier. That persons were to had sought to make down payments had sought to, sought to make deposits. How did you obtain this information?

David William Burch 1:02:58:

Well, that is why sir, that is why so many years ago, I tried to bring this thing forward. But it fell on deaf ears. Nobody. Nobody in government wanted to hear it or talk about it. At that time. Mrs. Evans who's passed. God rest her soul. At that time, Mr. Furbert was here. He passed also. God rest his soul. As well as my cousin, Grace Taylor, who has passed, and all these people would have offered very valuable information

towards this whole ordeal cause they were the ones that enlightened me and I was, as a result of that, I was squatting on that property in 1964. I was the one who allowed homeless people, homeless people to live on the property. And the book is never there. And they're the houses that were built by the Americans when they had the base the base theory. The anti-aircraft base there. And so, they were living there and sleeping on a bunch of cloths that people had given them. I also used them because they were harmless. And they will helpless as far as financial is concerned. I spent some \$30,000 on this project back in 1964. Giving these guy's money to survive with and also allowed them to scramble bikes over there. It goes further than that, as far as the scrambling is concerned, but I don't need to go into all that right now.

Senior Counsel Harrison 1:04:30:

Okay.

David William Burch 1:04:31:

I allowed them to be there. And as a result of that, I obtained their help for work. We cut down thousands of trees over there to create a path for, for all the measurements and stuff like that. Now grape trees, very hard to deal with. We cut them down. We kept the place clean, We cleared up all the trash that was all around, that was blowing all over the place. We just kept it, was like it was our backyard was very nice and kept clean. Until I ran away to America. And I stayed in America for quite a quite a bit of time. When I came back.

Senior Counsel Harrison 1:05:08:

Just a minute, just a minute. Um, In terms of the area that you refer to that you had sought to keep in a particular pristine way. How long? Where's this land? And how long have you done this for?

David William Burch 1:05:20:

That? That was what they call what they now call the Grand Atlantic.

Senior Counsel Harrison 1:05:26: And what, what areas is that? What, what size is it?

David William Burch 1:05:36: This is the lot that you see at the bottom? At the bottom of the paper where you see.

Kim White 1:05:45: Kim White.

Senior Counsel Harrison 1:05:45: But we're not seeing it. We're not certain what you're showing but what?

Kim White 1:05:48: Kim White. I apologize. He's referring to the back.

Senior Counsel Harrison 1:05:54: This is Miss Kim White speaking?

Kim White 1:05:56: Yes. He's referring to the second page that was given to the secretary this morning for the plan, fortunately.

Senior Counsel Harrison 1:06:05: Okay. So, you're referring to exhibit DB 1. And the second page is what is projected now on the screen?

Kim White 1:06:13: Yeah.

Senior Counsel Harrison 1:06:14: And what area of it is reference being made to? Could you assist us?

David William Burch 1:06:19: David Burch speaking again. It was at the bottom of the page. Where you see, South Long...what?

Senior Counsel Harrison 1:06:28: Longitudinal to the public road?

David William Burch 1:06:30: Longitudinal to the public road. Yes. At the bottom, had you seen signature on our property, Lemuel Norman Tucker.

Senior Counsel Harrison 1:06:31: Yes.

David William Burch 1:06:40: 1939.

Senior Counsel Harrison 1:06:42: To Surveyed by N.A. Swan. 1939. So, can you just repeat the point you're making, sir?

David William Burch 1:06:50: That is the property that was rented, by way of the Bermuda Government to the United States for their anti aircraft school.

Senior Counsel Harrison 1:06:59: Yes, but I'm just trying to understand the point you're making.

David William Burch 1:07:02: The point I'm making is I was, when I knew about that in 1964, the information given to me by Miss Edness. Mr. Furbert and Miss Taylor. I moved in on the property.

Senior Counsel Harrison 1:07:16: One of those persons. Let's, let's take it slowly. Who are those persons?

David William Burch 1:07:21: Mrs. Edness was a good friend of my family she's up in age. And my cousin Grace was my mother's age. And, and Mr. Furbert was also my mother's age.

Senior Counsel Harrison 1:07:35: Yes. And you make reference to those persons to say what? We're just trying to understand.

David William Burch 1:07:40: They were the ones that enlighten me about the property and the fact that it was my grandfather's property, and what I should do towards retaining it.

Senior Counsel Harrison 1:07:50: Okay.

David William Burch 1:07:51: So, I immediately went to work. I put up 18 signs, no trespassing, I put my number, my name and phone numbers and everything on it. And I got amazing. I got a few calls a couple of years later. People that was trying to trick me into making me believe they were interested in buying the land. But it was to find out where I really stood with the land, I guess.

Senior Counsel Harrison 1:08:15: Okay.

David William Burch 1:08:16: Eventually, I went over there and I saw some people just don't work over there. It was Mr. Punch and his crew, and they had taken my signs down and an argument ensued as a result. Uh cause my size were removed, and work had begun on the property by Mr. Hunt and his company.

Senior Counsel Harrison 1:08:37: Okay. Just before you go further, can you share with us, what is the total acreage what's the total area of land that the claim is being made by the beneficiaries of Lemuel Norman Tucker? What size is, is a total acreage based on the understanding of the family.

Vance Patrick Talbot 1:09:00: This is Vance Talbot speaking. That is not indicated on the plan. We do not know what the total acreage is.

Senior Counsel Harrison 1:09:12: Okay. Now, just for clarity in respect of understanding where we're going. When we, you mentioned just now, a Mr. Hunt, you're mentioning um, does that pertain to the claim here or is this another matter?

David William Burch 1:09:32: Well, I know one thing I know that when the paperwork came back from the United States,

Senior Counsel Harrison 1:09:37: Oh, just listen to, listen carefully to the question. Listen carefully to the question. Irrespective of the claim that has been submitted today that is being heard by the Commission of Inquiry this morning, you just mentioned a difference of opinion and signs taken down. Does this relate to the matter that you are here today or is this another matter?

David William Burch 1:10:02: No, we're interested in the matter where it is today, because we're also including where, what is included is the granted land.

Senior Counsel Harrison 1:10:10: Right, because why I ask, just to be careful. Just wait, just just take this too slowly with me. In terms of the documents that you have submitted to us. Is there anywhere where you have mentioned this matter before or, this is the first time you're mentioning it?

David William Burch 1:10:25: No. I've mentioned it many times before.

Senior Counsel Harrison 1:10:27: No, no, no, listen to me carefully. In respect of this statement, even a statement that you have given to us dated the 12th of March, is there anywhere in it where you mentioned this matter visa v. Mr. Hunt, or is this the first time that you're mentioning it? Listen carefully to the question.

David William Burch 1:10:50: I think it's the first time we've gotten down to that part.

Senior Counsel Harrison 1:10:53: Right, look. But respectfully, Mr. Burch, that's why we spoke this morning, all we need to do is ensure we need to be prepared, we need to ensure that there is nothing that we are unaware of, and we need, if necessary, to be advised beforehand. So, we'll um, know what we're going to do. I'm going to take you to your statement. Let us go to the statement and then we will come back to these matters. Because I am not aware of what you're speaking about, because this is the first time hearing about it. And we need to be very careful the direction in which we're going. Do you understand that? We're not saying you can't say but we need to have, first and foremost a document from you outlining what it is you wish to say. We can just go there without more. So, no one is saying you can't give it, but we need to be forewarned.

David William Burch 1:11:51: Also, excuse me. With all due respect. When I first started this here this investigation, I started with the Grand Atlantic, which, which was the L.N. Tucker Estate. I later as I pursued the investigation in the archives, I came on lot 11. And all the other rest and lots of which is very interesting. But I started originally

with the Grand Atlantic that you all would know it as. That's where I back in 1964, and I began work on that property to get it ready for production, as we were having.

Senior Counsel Harrison 1:12:37: So the question to you Mr. Burch, I'm just asking and believe you we're on the same page. But I'm just trying to understand. You have not submitted any documents to us, particularly about what you are raising now which you have admitted your raising for the first time.

David William Burch 1:12:53: No.

Senior Counsel Harrison 1:12:54: Okay. Let us, we will come to it after what we will do. Let us go to your statement. Let us just deal with what is before us. What we'll arrange is that if there's anything else you wish to add, I'm going to allow you through the Secretariat just to speak to them, reduce it into writing, and then we'll take it from there. Let us just deal now with what is before us. Okay, sir?

David William Burch 1:13:18: Okay. So you like me to read my statement?

Senior Counsel Harrison 1:13:20: I'm going to take you to it, and then we'll take it from there, sir. And then, I'll thereafter invite Mr. Sean Crockwell or Mrs. Geraldine Rose Crockwell-Sequeros, if they have anything to add But let us just take you now to your statement. You gave a statement Mr. Burch, dated the 12th of March 2021. Is that correct, sir?

David William Burch 1:13:49: Yes, it is correct.

Senior Counsel Harrison 1:13:50: Okay. And that statement, have you signed that statement? May I ask that you just sign that statement now please? To be given a blue ink pen to sign in blue ink pen?

David William Burch 1:13:57: No, I haven't. I should read it before I sign it correct?

Senior Counsel Harrison 1:14:13: No, please, please just excuse me. If you can confirm kindly that that is a statement you give and you're satisfied, it is a statement and, it is as you have set it out. Please sign it.

David William Burch 1:14:28: Okay. I would like to just glance it very quickly if you don't mind.

Senior Counsel Harrison 1:14:33: You'd like to do what, sir?

David William Burch 1:14:34: I'd like to flash it over it again.

Senior Counsel Harrison 1:14:36: Please do read over it. We will wait until you're finished. We'll just with your lead, Madam Chair and Commissioners.

David William Burch 1:14:42: I just read it aloud?

Senior Counsel Harrison 1:14:44: Just a minute Mr. Burch. Madam Chairman and Commissioners. I just asked her to be allowed to read quietly the statement to himself before he signs it and he could indicate to us when he has done so and then we will continue thereafter.

Madam Chair 1:14:59:
Very well. Mr. Burch, you heard what Counsel said. Read the statement quietly to yourself. If you agree that that is it, then you've signed it, then you can share it with us.

David William Burch 1:18:58: Okay, I've done it.

Senior Counsel Harrison 1:19:01: Okay. You have read it and, you have, you're satisfied that it is the statement that you gave, Mr. Burch? And have you signed it? Have you signed each page then sir? Blend by two to sign each page?

David William Burch 1:19:23: Yes, I have.

Senior Counsel Harrison 1:19:28: Thank you, sir.

David William Burch 1:19:30: Thank you.

Senior Counsel Harrison 1:19:30: So the statement you gave to the Commission of Inquiry consists of two pages. The statement is dated the 12th of March 2021, sir?

David William Burch 1:19:42: Yes sir.

Senior Counsel Harrison 1:19:45: Do you have any documents in support, attached to this said statement consisting of two pages?

David William Burch 1:19:54: I have documents of support, lot 11.

Senior Counsel Harrison 1:19:58: No. Just, I'm just doing a procedure seeing just to understand this statement consisting of two pages. Are they, are there any other pages that you have attached to this statement which you wish to rely on, sir?

David William Burch 1:20:10: No.

Senior Counsel Harrison 1:20:12: Okay. Madam Chair, the statement of Mr. David William Burch dated the 12th of March 2021, consisting of two pages, which has been signed by the witness in your presence. My application is that the document is tendered and admitted as exhibit DB 2, Madam Chair.

Madam Chair 1:20:38: Thank you. And that the statement is dated the 12th of March?

Senior Counsel Harrison 1:20:45: That is, so Madam Chair.

Madam Chair 1:21:07: Entered as DB 2. I crave your indulgence.

Senior Counsel Harrison 1:21:27: I apologize. I'm just trying to ensure some communication with the Secretariat re some administrative matters but I just crave your indulgence in that regard. Mr. Burch, could I invite you to read exhibit DB 2? That's your statement dated the 12th day of March 2021. Please read the document as it appears exactly. Please, please proceed.

David William Burch 1:21:59: Statement of David William Burch. Date of Birth, 27th August 1945. Address, 13 Tribe Road number 1. Ord Road Warwick WK 09. Phone. Home Phone. 441 705 3034.

Senior Counsel Harrison 1:22:18: Uh, Mr. Mr. Burch, please don't read out your home phone number please. Nobody needs to know how to contact you, please.

David William Burch 1:22:26: Okay. So uh, I go right to the statement then. I am David Burch. The above-named person and would like to tell my story of the proof of ownership of properties previously owned by my family in Warwick. My family who lost the title to prime piece of land said a Commission of Inquiry into Land Grabs may not be able to compensate them. Etoile Burch, 98 years old my mother...

Senior Counsel Harrison 1:23:06: I asked you to read exactly as you see sir, please don't insert anything. You don't have 98 years there. Please read it as it is stated, please sir.

David William Burch 1:23:16: Etoile Burch 98. My mother said her family could even pull a claim to then now occupied by the Grand Atlantic Condominium Development in Warwick, which is now restored. My mother said that she fought an unsuccessful legal bid to gain another plot of property, a Warwick property that didn't hurt. left to her by her father, Lemuel Tucker, who died in 1945. In 2011, she said she and her family discovered the records involving land on Dunscombe Road. She said it was conveyed to me Etoile, in 1939. But that she

was married and had a big family and that she had, she and her husband kept moving from place to place to another and she didn't know about it for years. I tracked down records in the Bermuda Archives in early 2000, suggesting that the family-owned property in a Warwick area, which included the Grand Atlantic Development. This information surfaced at a funeral. In the Supreme Court, no. The Supreme Court ruled in 2016, that a portion of Dunscombe Road property that had been occupied by West End Properties Limited, part of the Fairmont Southampton was now owned by the firm. The court ruled that the land had been held so long by West End Properties without any action by the Burch family to recover it. That the original owner's title had become void. The family said they believed that there was other properties in the area that were owned, that they owned but were discovered. Oh, I'm sorry. But were discouraged by the expensive legal fees and slow pace of the courts. For a long time, the courts just kept us at bay, tried to wear us down. My mother said that she had little hope that the Commission of Inquiry could assist the family and not to get our hopes up high, as the family had had so many lawyers over the years. I have some relatives and on financial assistance and if I have properties out there, I could sell it. Waiting and waiting through pain and suffering, I should get something. This lawsuit has been very stressful, especially when I tried to call one of my boys and I've got no money for the phone.

Court Attendant 1:26:37;

Counsel are you needing his help?

Senior Counsel Harrison 1:26:41:

Thank you very much. Mr. Burch, my apologies. Mr. Burch, is there anything else at this time that you'd like to share with the Commission before I refer to Mr. Vance Patrick Talbot, and then to Mr. Sean Crockwell and Mrs. Geraldine Rose Crockwell-Sequeros.

David William Burch 1:27:11:

Sir, I'd like to say that I've made statements in the past suggesting that I don't think that I'd get much help from this situation unless the Commission, inquire and investigate my grandfather's entire property, entire estate. And uh, to show conveyance and whatever, which will lead us to the settlement where the Grand Atlantic was. I remember, as a young man, the paperwork that showed us going from Hutchinsons property right across the road to, into the ocean. Twenty feet into the ocean. I remember that. So that's why it has to be investigated in its fullest. The entire estate in order to get what you need to get out of this situation. Otherwise then that there, it's been over whelmed by a paper trail.

Senior Counsel Harrison 1:28:00:

Now, Thank you, sir. Now, Mr. Burch in respect of any investigation that you wish the commission to undertake. Do you have any other documentation, which would assist us specifically, any deeds or any of these titles? Anything that would assist us to prove ownership by your family?

David William Burch 1:28:23:

Yes, I do. I have a session of at least two deeds. I am getting assistance from a few others in the area that will show who is to the north, south, east and the west, which will indicate the properties that takes us right across the street to the Grand, so called Grand Atlantic and 20 feet into the ocean.

Senior Counsel Harrison 1:28:46:

Do you have those deeds here with you today or you wish to bring to or wish to re... Just wait, wait for my question, sir. Just, we have a lot of time. Just give me a little time, please. Do you have those deeds here today, or you wish to return another day to share them with us?

David William Burch 1:29:04:

Yes, I wish to return because I'm in the process of getting assistance from a few others.

Senior Counsel Harrison 1:29:10: Okay. So, so at this time, you have no documents to support the, the ownership but you wish to return on another date to share them with us.

David William Burch 1:29:21: Yes, I do.

Senior Counsel Harrison 1:29:23: Okay. Thank you.

David William Burch 1:29:25: Thank you.

Senior Counsel Harrison 1:29:26: Now, Mr. Vance Patrick Talbot in respect of the document that you had submitted to the Commission of Inquiry and what is, what consists of exhibit VPT 1, you had placed reliance on a number of other documents which are contained in your submission. I'd like to take you to that document which, that which is VPT 1. The document. If the Secretariat could assist us? It was the very first document, which we looked at this morning. Ask her to take us to the second page, please. Please don't show that page. Please don't show that page. Take us from that page, please? Thank you. The second page. Second page. Ask the said document be placed on the screen again to the second page. No, no. The document that you exhibited earlier, that was the actual document what I was saying not the first page, but the second one. So, you're, you actually had shown the correct document. Not this one that's on the screen now.

Court Attendant 1:32:09: Compliments (?) listed here. I'm just checking that is that the original application by Mr. Talbot?

Senior Counsel Harrison 1:32:16: Yes, it is.

Court Attendant 1:32:17: A Gmail. Yeah.

Senior Counsel Harrison 1:32:29: Yes. Thank you.

Court Attendant 1:32:53: Is that where you'd like it Counsel?

Senior Counsel Harrison 1:34: Please scroll for me. Scroll from this, away from this page, please. Away from this page. Yes, keep going, please. Keep going. Yes, thank you. Now Mr. Talbot, Mr. Vance Talbot you had supplied us. This is a part of exhibit VPT 1.

Vance Patrick Talbot 1:33:35: That is correct.

Senior Counsel Harrison 1:33:37: So what is it that you're, this that you are showing us here? What is this, sir, that you purport to share with us?

Vance Patrick Talbot 1:33:44: This may be better explained by my brother, as these are the documents that he had given to me

Senior Counsel Harrison 1:33:51: Okay. Mr. Sean Crockwell?

Sean P 1:34:01: Sorry this sets on mute. Uh, this was basically meant to keep an understanding of what I received in wisdom basically from the family over the years as being the original extent of the property on Dunscombe Road that belonged to my great grandfather Lemuel Norman Tucker. Unfortunately, the only definite things I had known were the southwestern boundary against Southlands. And the southeastern boundary, which is the Atlantic Ocean, obviously, what we had been led to understand growing up here as children from our forebears was that his property had extended from the water up and over the hill, including the Faraways Estate which J.F. Hutchings purchased from Lemuel Norman Tucker. The boundary in the northeast is speculative. It's been somewhat confirmed by the document entered this morning which I've never seen before. I've never really been told whether or not he owned land east of the Dunscombe Road, but I assume that based on the...

Senior Counsel Harrison 1:35:08: Sorry, Mr. Crockwell. What document I was shown this morning by your, family...

Sean O. Crockwell 1:35:12: The document entered by my cousin, I believe uh, just jot it down. That was the document from 1939, with a separate map from the one included in the will which actually showed the property actually being subdivided. That actually also showed the property at the lower end of the Dunscombe Road on the eastern side as being given to his son, my great uncle Lemuel Norman Tucker. I had surmised that that belonged to him, but I didn't actually know for certain. And part of the reason was because the property on the southern side of the South Shore Road on the east end of the property occupied by the US Navy during the Second World War that extends further east in the Dunscombe Road, hence, I concluded he must have gone further to the eastern both sides of the South Shore Road. There's also a property marked in sort of an orangey color on the south side of the South Shore Road, you know with dashed yellow line?

Senior Counsel Harrison 1:36:19: Yes, yes.

Sean Paul O. Crockwell 1:36:21; There used to be a house there, which I believe was demolished when they built the Grand Atlantic. I haven't lived in Bermuda since 2004, and so I am not one hundred percent certain of the timeline there. That house was there when I was born, as far as I know. And it appears in the photograph that I also sent to Larry Smith, I believe. That photograph is showing US Naval facility there, but you can actually see a house in that location. There was a man living there when I was a child. He went over the edge of the cliff, about 1970. Or, I should think, may have been 75. Or, I was actually not in Bermuda in 1974 to 75. I believe we lived in Spain, but otherwise, we lived on Dunscombe Road between 1970 and 1979. In any case, the fellow lived in that house went over the edge of the cliff, died, and the house had been

derelict ever since. Ballick Bitts.(?) So that definitely was not Lemuel Norman Tucker's property at the time of his death in 1945. But my mother has led me to understand that the person who built that house actually purchased it from him. Further confirming the land on that side of the road belonged to him. The reason for that dashed yellow line is that as long back as I can remember, there was a vacant lot between that dashed yellow line and the southwestern periphery of the Flamingo Beach Hotel Resort, they had a wall or a fence, if I remember correctly and in between the land was just left wild. I can never be certain whether that wild patch of land was connected to that house or not, as it was never maintained in any way that made it look as if it was part of the garden. So I'm not a hundred percent certain whether the land between the dashed yellow line and that speculative red line which establishes the eastern boundary line, say of the property was still part of Lemuel Norman Tucker's property in 1945, at the time of his death or, whether that had been sold with the property the house was built on or in fact belongs to the neighboring property to the northeast, which I believe belonged to the Astwood family, where Flamingo Beach was ultimately built. On the north of the South Shore Road, I've marked a few properties inside the red boundary line. As far as I know, the northern boundary of his property, follow the Dunscombe Road till there's a, if you look on his will, which a was the first document that we looked at today, I believe there's a map there and it shows a property roughly in that location that's marked in light blue on this map at the top, which is named for Grace Louise Taylor. That's actually my, his daughter, Jessie Crockwell. I should mention, it's actually my grandmother, and she had a first cousin. They were related in the maternal side. And that's actually Grace Louise Taylor, who was actually born Adcock. They're related by the Wainwright family, not by the Tucker family. In any case, that piece of property marked in light blue was

marked as belonging to my cousin Grace. Property marked in a sort of violet color to the south of that is actually where her house was, where she lived. From time I can remember up until her death about 10 years ago. Never gotten the chance to ask anybody how it is that she came to live in one plot instead of the plot that was named for her in 1945. The plot named for 1945, in fact, has a house in it that belongs, rather not belong to but was occupied by a Hayward by marriage to a friend of my mother's when I was a child. But immediately next to that, there's a back entrance going into Faraways to a small carpark there and just past that there's a little, there was a bare earth lane the last I checked that parallels the rear boundary of the property which is marked in red going up to the Southlands Estate. I've never been told definitely that that was the actual limit of his property just that to be included, Southlands is possible that it did actually go beyond that. But I do believe the property north of that belongs to the Baptiste family, Baptiste building supply. On the inside of that is envision the Hutchings estate Faraway. So, it's my understanding that that was purchased from my great grandfather, Lemuel Norman Tucker, before the war. And the yellow circle in the top righthand corner, that would be the property mentioned in his will. which is divided into three lots including his house. Actually, sorry, I misspoke when I said a little purple circle, there was Grace Louise Taylor's house that's actually the yellow circle. Further down the purple circle is actually that house that was last occupied by my grandfather, Lemuel Norman Tucker, and his wife, Mabel, at the time of his death in 1945. I've not been able to work out anything about the actual timing of this property coming into his hands. My grandmother tells me that when she was a child, they actually lived on Chapel, Chapel Street, Chapel Road in Paget. And the house she lived in, she's pointed out to me it belongs to the Kirk family, I believe now. From the way she's described it, she effectively grew up there.

So, my assumption is that Lemuel Norman Tucker did not move into this house marked in this map until probably the late 1920s, early 1930s. I'm going to assume that that's when the property came into his hands. I wasn't terribly clear as to how he came by the property, whether he inherited or purchased it. From my mother's advice, it seems that he actually purchased it from the estate, we're relatively sure, believers not have no proof of that. Definitely. I have tried to trace back the history of the property. There's an advert I also sent to Larry Smith from I believe 1886, showing cell phones for sale, and along with the sale was also property called Beans Land to the east of that. So, I don't know.

Senior Counsel Harrison 1:42:19: The lines that appear on the document that is being projected on the screen, the red lines, how did you, how did the family determine where these red lines would fall?

Kim White 1:42:36: A that's just based on the description, as I said, what I've been definitely taught was that me Lemuel Norman Tucker's property extended from the shore up over and including the Faraway Estate. That the western boundary basically of its property was the eastern boundary of Southlands. So I'm simply assuming that the boundary line continued on the same path on the southern side of the South Shore Road, as it was on already on the northern side, you can see...

Senior Counsel Harrison 1:43:04; So, you have no actual document which, it's really oral history that you're relying on from family members or other persons that has determined where the red line appears, is that correct?

Kim White 1:43:17; That's all based on what I've heard from various relatives over the years, so none of us in our branch of the family have ever had any documents. The only

reason I had the will was because I have to go into the archives in 2006 and hunt it out.

Senior Counsel Harrison 1:43:32: And you would agree with me, Mr. Crockwell, I just have to put this question to you, because it's very important in terms of the remit of the Commission of Inquiry, that in respect of what you have been told by way of oral history or by persons sharing with you information to delineate any area to suggest for us that you're, that the, the Mr. Lemuel Norman Tucker owned this area. You recognize that we need to be shown or provided with some documentation in support of this whether by way of a deed or any other conveyance or document, you will accept that.

Sean Paul O. Crockwell 1:44:22: Yes, I've been looking for such a document, but it's difficult as I'm in Scotland. And I also don't know the exact date, but I've been trying to narrow down when that may have happened. So, I can actually perhaps guide...

Senior Counsel Harrison 1:44:35: Because, I could take it to a point just a realization. Just what we have here now is a document which is being viewed public well, it's being viewed as part of your evidence. It includes areas presently occupied and in possession of persons and you recognize that if in fact these persons. Well, if in fact, we have no, you have no your claim, does not have any document in support of the very claim that the persons whose property that they occupy or they're in possession of his delete, delineated in this area, we need to advise them and they in turn may wish to be given an opportunity to question the document as displayed.

Vance Patrick Crockwell 1:45:37: Sorry, that would make sense obviously, there. I actually have no idea of the ownership of that property. Now, as it's understood by the government, I know that when they looked at building a resort in the 1990s, became an issue for us. As whoever was developing that in connection with Southlands, and

the hotels to the east, put a sign up at the entrance which used to be opposite Dunscombe Road, more or less. So in private property, no entry, which came as quite a shock to us. We've always used that land as basically a common property, people who've lived on Dunscombe Road. And at that point, I do remember my grandmother saying pretty sad with my grandmother that that was actually our father's land then his last person who legally held title to it. That hotel died a quick death due to the recession in the early 1990s. And we didn't really have any more thought to it, but then it turned into another development of the Jumeirah Resort. And as far as I know, everybody in my family and many of my friends signed protest against that, when that was exchanged that land for US Navel Annex. For myself, I was happy to let that go. When the government promised that the entire joint properties would remain public park and are not developed. But I'm extremely unhappy in regards to this parcel of land. Gone back on their words, and obviously built houses on it. And I'm assuming that these properties have been sold now to the people that occupy them, and if so, obviously, many people will be inconvenienced. But fortunately, there

Senior Counsel Harrison 1:47:04:

Is there anywhere in the, in the area projected on the screen presently occupied by any member of your family at this time?

Vance Patrick Crockwell 1:47:16:

Yes, the white circle. I believe that was plot four. I saw that very briefly in the map that was shown from 1939. That was entered by David Burch I believe this morning. That is actually my brother, Patrick. So I'm obviously but that was the house built by my grandparents, Jessie Roselyn Crockwell and her husband, my grandfather obviously Joe Rudolph Crockwell. I'm led to understand that that piece of

property did belong to her father, Lemuel Norman Tucker, but he actually sold it to someone outside of the family.

Senior Counsel Harrison 1:47:50: Let us. Before we go any further the area to the, to the west, just a moment, please.

Sean Paul O. Crockwell 1:48:00: Yes, right there. That one. I've been led to understand that that was sold by Lemuel Norman Tucker outside of the family and the person that he sold it to then sold it to my grandparents who then built that house, about 1945/46 they started. The other circles are many of them connected with relatives. So the two purple circles to the south of that one immediately south. That property, as far as I know, still belongs to my. There's mentioned of a about . Sorry trying to remember his full name. My Uncle Henry is actually my grandmother's brother. His full name was Lemuel Henry Tucker. Not to be confused with his own uncle, which is Philip Henry Tucker. Lemuel Henry Tucker has a daughter. I should mention that he died about 1980 but, one of his children has a daughter named Rosie, Rosalind. She's now an Anderson and she used to live in that house with her husband, Colin. But I believe they now live in Pembroke. I don't know if they've sold that property or if they still own it, but that was theirs. And the other property to the south of that. There was a woman living there with a son when I was a child, who I was told were related to us. But I've never quite worked out exactly how. I forget her name, but I remember that her son's name is Bruce. And then the blue circle near the center. That's actually my grandmother's brother's home. Again, his name was Lemuel Henry Tucker. He died young. Died about 1980, was a bus driver. He's mentioned in the will and the property immediately to the west of that between that and the dashed green line, that I have left kind of off because I wasn't quite certain about that. That's

never been developed in my recollection. I had assumed that that was his land, but he never managed land in any fashion that would indicate it is but, looking at the 1939 map looks like that might actually have been meant for your sister. The yellow line I mentioned is already, it's circled around the house that belongs to Grace Louise Taylor or that did. I'm assuming that she, in fact, I believe in the 1939 map that has someone else's neighborhood entirely. So I don't know, she purchased it from him. She and her husband or, how that came to be in their hands. The circle up at the top, the yellowish mustard colored circle, that's going around the properties specifically identified on the map in his 1945 will. The will by the way, I should mention if you read through, it mentions two other properties. The cottage purchased from Manuel DeCosta in Warwick, and the property and sounds including a hall which is separate from this property. But it also mentions in part six of the rest and remainder of his real estate to be left in common basically to his three daughters, but doesn't specify what real estate that that actually is. But, this area is what's specifically noted on the map, in that will, which is divided between his three daughters. The purple, around the house, obviously, of being part of the first lot, which went to one of my grandmother's sisters. My grandmother had the northern part, which is just to the east of the house circled in light blue, within that yellow line. And when I was a child, I was actually occupied by her sister-in-law, which is my grandfather's sister. My Aunt Harriet basically. So, I'm assuming that they must have sold her, my grandfather the land to her sister in law, or they just asked her to ...

Senior Counsel Harrison 1:51:44:

Could you give me one just just pause for one minute, please. There's certain administrative matters of one minute please. Please continue sir.

Sean Paul O. Crockwell 1:52:22:

Certainly. The area to the east of Dunscombe Road and the immediate north of South Shore Road which is circled in orange. As I said, I had the impression from various things that this area was part of Lemuel Norman Tucker's property. And that's been confirmed by the map from 1939. I didn't know who precisely that might have been assigned to when I was a child, the building which is right in the corner shows most recently I think Swizzle Inn, Warwick. This, the Palm Cafe and then I believe McHermans and possibly another business occupied that. But that was a commercial enterprise with a house attached. The house immediately to the north have not circled I believe was occupied by cousins of ours in 1970s. But unfortunately, my recollection of the relationship with some of the people in the area is it's a bit vague, but I do believe they were related. The property was circled now belongs to my cousin. This is actually one of my cousin Grace's daughter's, Laquita. I believe she's got the surname Pelep if I remember correctly at this point. She came about an inheritance, but it was not from obviously this side of the family. She's not actually a descendant of the Tucker's so she would have gained that from someone who purchased it, presumably from him or from one of his descendants. The land to the east of that, to the east of the car park that served the Swizzle Inn when I was a child, I think there were maybe only two houses there. So, the rest of that saltan (?) built quite recently. And I've got no idea, as I said exactly where the precise line of the property was. There have just drawn that in as a speculative boundary, but I reckon it was somewhere in that area.

Senior Counsel Harrison 1:54:12:

Thank you

Vance Patrick Talbot 1:54:13:

Sorry, man, Vance Talbot. May I make a comment please.

Senior Counsel Harrison 1:54:19:

Please go ahead Mr. Talbot.

Vance Patrick Talbot 1:54:21: Yes, the red boundary line that my brother put in there are some...

Senior Counsel Harrison 1:54:26: It's not a boundary line. It's a, it's a what is a line created that you have shown what is not an actual boundary line?

Vance Patrick Talbot 1:54:33: I'm just referring to the boundary line as inferred, I know it's not an actual boundary line. So the red line on the map. If you look at the documentation that was submitted this morning, by my cousin David Burch with the planned portion of land, it shows that the eastern red boundary line. Sorry, the eastern red surmised line of the boundary does fall on that map to where the white circle is and the purple circle on the map. Part number one, number four and, number 10 fall right along that line.

Senior Counsel Harrison 1:55:08: So just to repeat. The document Mr. Burch shared with us this morning one, which I, on behalf of the Commissioners, we may bold to say you just gave us. We have not had a chance to look at them even though they have been read. You're saying if one were to virtually place one on top of the other, the document, which is referred to as exhibit, crave your indulgence.

Vance Patrick Talbot 1:55:46: DB 1?

Senior Counsel Harrison 1:55:50: DB1. Sorry, I think because of it just been received, it was just sent to my phone. I don't have an actual. I just look at it for a moment. The document that is projected on the screen, now. You're saying that if one places this, this is this on properly to represent what is also what your brother, Mr. Crockwell was speaking to?

Vance Patrick Talbot 1:56:51: Right. It shows a portion of that red line, which is the southern boundary, sorry, which is the western boundary. So the portion of the western boundary of my great grandfather's property that he owned in 1945.

Senior Counsel Harrison 1:57:05: Okay. But you'll agree with me, Mr. Talbot and as I indicated earlier, we had to ask this question. So I'm going to ask it, nonetheless. The document which was just displayed on the screen, which is now projected again, you recall earlier shared with us. That at this time, you have no further document which would substantiate that this ownership, as it stated in this document. You'd agree that you said that earlier?

Vance Patrick Talbot 1:57:37: Yes that is correct.

Senior Counsel Harrison 1:57:39: Okay. In just the same way that (coughs), Excuse me Mr. Crockwell. Your brother is speaking about the what appears to be a Google shot. It is relying on what oral history is from family members and others. But, your family at this time has no proof of ownership, other than what you have been told by family members and friends. Is that correct?

David William Burch 1:58:12: David Burch speaking, as I said, we wish to return..

Senior Counsel Harrison 1:58:17: I like the question answered first. Mr. Burch, I have no problem with you speaking. I asked a question. Please allow the question to be answered. Are you answering it?

Vance Patrick Talbot 1:58:28: Sorry, was that question directly at my brother Sean Crockwell?

Senior Counsel Harrison 1:58:33: No, well, well, it is directed at anyone. That's why I just asking Mr. Burch if he was answering it, because I was making specific references which was a showing a part of the exhibit, which shows the the lots 1 through to 13. I was just trying to ascertain which

you already said that there is no proof of ownership. Even though we have here a document, which is a survey by N. E. Swan. I was just trying to ensure because as you appreciate a Commission of Inquiry needs to ensure that we follow a procedure because as I indicated to Mr, Crockwell, what has happened here. An area has been delineated based on what the family has been told, but it covers areas and houses belonging to other persons. So I'm just registering to ensure that we are certain as to what is being said.

Vance Patrick Talbot 1:59:45:

Yes, that is correct.

Senior Counsel Harrison 1:59:46:

So let me just repeat it just for certainty, excuse me. As a follow up to my earlier question, which you had agreed Mr. Talbot. That, in respect of the evidence that you had submitted, you had no proof of ownership, no deeds, no documents to show that Lemuel Normal, Norman I'm sorry, Tucker actually owned the lands. What I'm going further, looking at this document here, which is a Google, appears to be a Google impression, a photograph taken. And in respect of where the lines have been drawn, especially the red line that has been drawn, there is no documentation that the family has at this time to prove actual ownership within the red line. That's the question.

Vance Patrick Talbot 2:00:52:

Yes, at present time, no.

Senior Counsel Harrison 2:00:54:

Okay. All right. Thank you very much. Now, just before we go any further, Mr. Burch, you're about to say something?

David William Burch 2:01:05:

I was just trying. David Burch speaking. I was trying to add that we have a session of some of the deeds, that will, like I said, refer to all the property and my grandfather's estate. And once we produce that, you'll see that it shows to the north, south, east and, the

west, that will identify that these properties were not conveyed.

Senior Counsel Harrison 2:01:33: Okay, well, we look forward to having that information as provided by you, the family. Before we go any further could I have Mr. Crockwell? Will you wish to continue or you wish to allow your mother to speak at this time?

Sean Paul O. Crockell 2:01:58: Sorry, I set on mute. I think that really sums up everything I have to contribute. My mother's the source of some of my information, so she's definitely better informed better. I should mention also the little green dashed line in case you were wondering about that. Going down Faraways to Dunscombe Road, there is actually a footpath at the upper end of it. To the west of the undeveloped lot. It's basically grown over now has been throughout my life, and there has been no footpath there. But there evidently had been there's been a flight of steps and sloped area to the west of Grace Louise Taylor's property going down to Dunscombe Road. The curious about that, as that appears to be crossing over Tucker land still after the Faraway property was sold to J.F. Hutchings. but evidently, from what my mother has said that the path is actually put in by Faraways to give guests access to the South Shore Road or shorter access

Senior Counsel Harrison 2:02:56: Okay, thank you very much Mr. Crockwell for your assistance. Mrs. Geraldine Rose Crockwell-Sequeros, my apologies for my pronunciation, of your name. Is there anything that you wish to add, at this time?

Geraldine Crockwell-Sequeros 2:03:16: There's not very much that I can add, actually, my my cousin David, and my two sons probably have a lot more information than I do. Um, I'll give. If I can

give you just a little bit of background that. I don't know whether this will help or not. But, my grandfather, Lemuel Tucker was actually born in the Turks and Caicos Island, of Bermudian parents. And they returned to Bermuda when he was quite a small, quite a small child. My understanding from my mother was that this property in Warwick, he purchased from an aunt. I do not know that aunt's name, and I don't know exactly when he purchased it. I do know my mother was uh, I think my mother was probably in her either preteen or early teen years, when they moved to Dunscombe Road. They had lived in Paget previously. As far as the property when, when David started inquiring regarding this property some years ago, I questioned my mother on it. My mother didn't really have a lot of information. What she had told me was that my grandfather did own that property to the shore, but that the deeds had gone missing. And that's all I can tell you about that as far as the rest of the property that he previously owned. My grandfather sold quite a bit of it, he gave some way. He sold quite a bit of it. My grandfather was a very religious man. He was a, he was a minister. He started several churches in Bermuda. And I think he was really helping out people that he felt needed the help in the neighborhood. I don't have any quarrel with any of the land that's shown north of the South Shore Road. The only and as far as I was concerned, the only question was the property where they granted Logic Development is, is now. I was told that that was my grandfather's, but that the deeds had gone missing. And I don't really have very much to add other than that.

Senior Counsel Harrison 2:05:23:

Okay, so in respect of the um, us given notice to the Grand Atlantic Consortium, that Madam Chair, we will review at this time, however, importantly Mrs. Sequeros, you are indicating that even the area that you're referring to which is to the south, occupied by the Atlantic Consortium Group, you have note the

deeds, as far as you know, went missing. So you actually cannot prove that ownership, is that correct?

Geraldine Crockwell Sequeros 2:06:03: That's true. That's correct.

Vance Patrick Talbot 2:06:05: So in terms of our view, we certainly will review whether, in fact, we do give notice to Atlantic. But I think that's very important evidence you have given in respect of the deed. Based on what has been handed down to you by way of oral history, were you advised at all the circumstances under which the deeds went missing?

Geraldine Crockwell-Sequeros 2:06:27: No, I didn't. I didn't understand until, I don't remember when. But I know that that property had been used by the, by the US military, when they were just just at the start of the Second World War. They used that as a, an engine aircraft practicing. They had gun guns mounted, mounted there. And as I said, that property then remained vacant for, from my childhood, until the Grand Atlantic property was was built on there, there was nothing there. And in the, we are in that neighborhood, used it as a playground up until then. And as I said, I did, I didn't even know about the missing deeds until I questioned my mother years later about it. And as I said, my mother simply said that, as far as she understood, it was my grandfather's property, but that the deeds had gone missing. And as I said, I'm sorry, I don't think I can add any more than that to, to these.

Senior Counsel Harrison 2:07:32: Thank you. And I asked you to permit me on this occasion to breach one of the cardinal rules. Could I ask your age?

Geraldine Crockwell-Sequeros 2:07:42: Yes. I am. How old am I? I'm 76 years old. I'll be 77 in July.

Senior Counsel Harrison 2:07:49: Okay, thank you very much. And in respect of your mother, your mother has since passed?

Geraldine Crockwell-Sequeros 2:07:55: My mother passed in 2008, at the age of. In her 96th year.

Senior Counsel Harrison 2:08:00: Okay. Thank thank you very much. Now, thank thank you so much. Now, I just like to ask Mr. Burch or Miss White, is there anything you wish to say because at this time, based on the evidence, especially of Mr. David Burch, that he is awaiting some further information, which will add the commission with regards to ownership, proof of ownership. At this time, we'd like to find out if there's anything else which would be shared in furtherance of the claim until such time.

David William Burch 2:08:43: This is David Burch speaking. I had to put one of my family's close, close family friend in court to rectify the situation regarding the piece of property that they have taken over one of the family friends when they saw me.

Senior Counsel Harrison 2:09:05: Do you have a copy of that judgment? Do you have of a copy of the judgment?

David William Burch 2:09:10: Yes, it's on the um..

Senior Counsel Harrison 2:09:14: I'm just going to ask you before we go into it, what I prefer to do, Mr. Burch. I'm just going to ask you to share all of that with us with the further information you intend and when we get all of that, we will then take that evidence. Okay, sir?

David William Burch 2:09:30: Thank you.

Senior Counsel Harrison 2:09:31: Thank you. Anything from you, Miss White?

Kim White 2:09:35: Nothing further to add. Thank you.

Senior Counsel Harrison 2:09:37:

Okay. Unless there is anything further. I'm going to thank you all for attending today. We certainly will have the Secretariat contact you with regards to those areas which are, which I'd call respectfully at this time, gray areas in terms of documentation. Also, as I indicated earlier, Mr. Burch in respect of that information that you're about to share when I stopped you. I'm just going to ask also the Secretariat will be in touch with you in that regard, because that statement will be required from you, which will be signed. Which we will review prior to you going any further in that regard because I am advise and verbally believe it to be true, that it touches and concerns a matter, which is in the public domain, which we need to importantly have a look at first. So, we certainly will be in touch with you, and we thank you all today for attending.

Kim White 2:10:37:

May I just say?

David William Burch 2:10:38:

Thank you very much.

Sean Paul O. Crockwell 2:10:38:

A little bit of information. This is Sean Paul Crockwell okay? It's not really to do with our family specifically, but uh, in relationship to the US Navy. They obviously came into Bermuda 1940/ 1941 and started identifying properties. They wanted to be sited temporarily or in long term. The Bermuda Government worked it out because it didn't want the US or anyone else in London, Bermuda, so that they would be responsible, as far as I understand for all lands used by the US Forces, any lands that were actually required to be purchased, they were purchased in the Bermuda Government's name, and I believe they spent the next 10 years paying for those properties. But many other properties were obviously least short term. So for the Southlands estate, according to; It's a typescript history that you'll find in the archives of Bermuda in the Second World War. It refers to the sartorious dates and assuming it no longer belonged to Morgan at that point. That's Torry it

says, that the US Navy rented that for \$750 a month I'm assuming that was paid via the Bermuda Government. Certainly, I've seen evidence of other properties, Bermuda Government insisted and everything being funneled through them rather than directly between the US Navy or army and private citizens. The US Navy took prop occupation of this specific property on the south shore with Southlands property as well as the property that we're just getting at some point in 1942. I don't have a specific date for that. And they decommissioned the aircraft training school on the first of April 1945. Obviously, Lemuel Norman Tucker self actually died on the 26th of October 1945. The two executors in his will were his daughter, my aunt Eunice and his brother, my great uncle, Philip Henry Tucker. And my great uncle, unfortunately, himself actually died on the 23rd of March 1947, which I suspect may have complicated the family's ability to identify properties that his brother held as he probably was, the one was most familiar with them. But any case, I've been researching this, and I figured that information might be useful. If Bermuda Government itself, presumably has records somewhere referring to all the properties that it was handling in relationship to the US Navy occupation. But I haven't been able to identify if those documents actually exist or where they might be I'm in Scotland. But the archives potentially might actually have something on that. If so, I would imagine that they would have a list of precisely who they were basically leasing the property from before they sublease it to the US Navy.

Senior Counsel Harrison 2:13:19:

Thank you very much, Mr. Crockwell for that. That's some, something that we look forward to hearing from you in that regard. And certainly, if the information is at hand we certainly will. The Commissioners, certainly, I'm sure. I will advise accordingly once we add to the list. While we, I had advised Mr. Burch, Mr. David Burch in terms of the information which he has

undertaken to share with us. Also, what I advocated was a statement required from him in respect of what he had been saying and I stopped him. What we certainly also do is follow up on the information, which is exhibited by way of photographs, some photographs that we had not touched, but which has been shared with us. And also, we will follow up with those matters on the next occasion. Thank you very much for attending, unless the Commissioners I'm sorry, Commissioners may have questions for you at this time. I revert to the Chairman. I have no questions at this time. But I just indicate Chairman, in light of the fact that claimants have indicated that they wish to supply other information, which will inform the claim that they're submitted. I wondered whether commissioners at this time would consider reserving any questions they have until such time. A matter for you, Chairman and Commissioners.

Madam Chair 2:14:50:

Thank you, Counsel. I have canvassed the Commissioners. They don't have any question at this time. I wasn't able to speak to Miss Forth. Miss Forth you out there? Mrs. Forth?

Fredrica Forth 2:15:03:

Yes, I'm here.

Madam Chair 2:15:05:

Yes. I don't believe you have any questions at this time. Certainly, Counsel says it would be imprudent for us to start asking questions.

Fredrica Forth 2:15:09:

No. Absolutely.

Madam Chair 2:15:17:

We will take the adjournment now Counselor. And we'll resume tomorrow.

Senior Counsel Harrison 2:15:22:

Thank you very much until tomorrow, Tuesday. Thank you.

Madam Chair 2:15:26:

Thanks.

Fredrica Forth 2:15:26:

Thank you.

Kim White 2:15:29:

Thank you.

**END OR TRANSCRIPTION March 15 (MORNING SESSION) at 2:15:29 PM
(Time as noted on audio)**