

Petition from The Furness Withy Company, Limited, for Incorporation of The Bermuda Development Company, Limited.

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To His Honour the Speaker and the Members of the Honourable House of Assembly:

The Petition of the Furness Withy Company, Limited, of Furness House, Billiter Street, in the City of London in England, humbly sheweth as follows:-

1. Your Petitioners, in furtherance of their declared policy of extending the resources of Bermuda for the accommodation, comfort and entertainment of tourists, have succeeded in securing the financial co-operation of certain capitalists and others in the execution of their plans.
2. These plans include the construction of first-class golf links and tennis courts, provision for sea bathing, yachting, fishing, riding, and other out-door sports, and the erection of a country club and hotels and cottages for winter and summer visitors to Bermuda.
3. Your petitioners are desirous of obtaining the incorporation of a company for these purposes in Bermuda, and of having the liability of the members thereof limited to the amount (if any) for the time being unpaid on their respective shares.
4. For the successful accomplishment of the objects of your petitioners it is essential that a site should be acquired capable of providing in one area accommodation for the whole of the facilities for outdoor sports referred to in paragraph 2 of this petition, with capacity for extension in future years.
5. With the object of selecting such a site a general survey of the Colony has recently been made by experts on behalf of your petitioners who have reported that by far the most suitable locality for the purpose is Tucker's Town and the immediate neighbourhood.
6. The configuration of the land is exceedingly well adapted for the construction of golf links, and it is conceived that a course equal to any in existence may be made, while the frontage of the area on the Ocean, Castle Harbour and Harrington Sound renders the locality particularly suitable for the other objects of your petitioners.
7. The total area of land required by your petitioners is somewhat less than 510 acres and is coloured pink on the six-inch scale plan which accompanies this petition. It includes the whole of Tuckers Town in St. Georges Parish, estimated at 300 acres, together with portions of Hamilton Parish to the north and west of Tuckers Town comprising the balance.
8. This land which your petitioners desire to acquire has been of little economic value to the Colony and has remained in a backward and undeveloped state for upwards of a century. Less than one-third of it is arable, the remainder being chiefly rocky hills and sand dunes. It is very sparsely populated, there being

9. The locality having been selected, agents of your petitioners began negotiations for the acquisition of the lands from the various proprietors.

At first considerable success was experienced, satisfactory agreements to purchase being made for approximately three-fourths of the required area, but later it was found that some owners, especially in the area of Tuckers Town, were opposed to parting with their lands, giving as reasons their unwillingness to leave their homes or to part with their freehold property and votes.

Your petitioners are in entire sympathy with these points of view, and it is not their policy to eject a single one of the inhabitants from the district, and your petitioners offered in every case, in addition to a liberal cash payment, to secure to those owners who are opposed to parting with their lands the right of residence in their homes free of rent for life, or to give them other land in exchange in the same area with a suitable cottage in fee simple.

10. With regard to other lands several cases were found of estates which had remained unsettled for a long period of time, resulting in very complicated titles. In other instances there were titles of doubtful validity and in still others absentee owners or part owners who cannot be communicated with.

11. The opposition referred to exists in a few cases only and is attributable, in the opinion of your petitioners, mainly to indifference, but partly to a failure to grasp the great advantages which will accrue to themselves and their neighbours by the intended development, and in some measure to the agitation of a few who for reasons of their own desire that the district shall remain in its present backward state.

12. In consequence of the legal difficulties referred to in paragraph 10 and of this attitude of some of the inhabitants of the area, your petitioners have desisted from attempting to acquire all the lands by the ordinary methods, and have decided to apply for legislation to assist them in their object by authorizing a limited measure of compulsion in cases where owners unreasonably refuse to bargain for the sale of their lands.

13. Your petitioners accordingly propose to have inserted in the Bill for the incorporation of their Company, if leave is granted for its introduction into Your Honourable House, provisions to the following effect:-

(1) That three commissioners shall be appointed by the Governor, through whom shall be taken up all the lands required by the Company in the area, except such lands as the Company shall purchase at private sale.

(2) That every offer to an owner of land by the Company shall be submitted to the Commissioners, who shall determine whether such offer is just and reasonable, having regard to all the circumstances of each case.

(3) That every owner shall be supplied with a duplicate of such offer and shall be entitled to appear in person or by counsel before the Commissioners to represent any objection he may desire to make to the terms of the offer or any

(4) That after hearing any opposition the Commissioners may alter or increase any offer in favour of the owner and any such alteration or increase shall be binding on the Company.

(5) That if after any such hearing the owner shall agree to the terms of the offer he shall sign and deliver to the Commissioners a declaration to that effect, together with the particulars of his title and any deeds or other documents of title in his possession relating to the lands.

(6) That if after any such hearing the owner shall not agree to the terms of the offer, notice in writing shall be served on him by the Commissioners that unless he shall notify to the Commissioners his acceptance within thirty days thereafter, the compensation for the lands shall be assessed as in cases of disputed compensation under The Public Land Acts.

(7) That parties under disability to sell or convey shall be placed in a similar position to such parties under the provisions of section 6 of The Public Land Act, 1880.

(8) That in cases of unsettled estates, or where there is more than one owner, the Commissioners shall decide the proportion of the purchase money to be paid to each owner or person entitled.

(9) That payments by the Company for all lands taken up whether by agreement or otherwise shall be made to the Commissioners who shall pay the several sums to the persons entitled to receive the same; and in the case of persons absent from these Islands who cannot be communicated with, and persons under legal disability, the Commissioners shall pay the said sums into Court to be dealt with as the law in such cases provides.

(10) That lands and roads the property of the Colonial Government, lands held in trust for church, cemetery, or school purposes, and land the property of the War Department, shall be exempt from this procedure.

(11) That all lands taken up shall be vested in the Company by the Commissioners by an order in a form to be prescribed by the Act.

(12) That all hearings of the Commissioners shall be held publicly and in some convenient place after due notice in each case to the owners concerned.

(13) That the Commissioners shall be empowered to take evidence on oath regarding all matters material to any hearing.

(14) That the remuneration of the Commissioners, which shall include travelling expenses, and the clerical and other expenses of the Commission, shall be borne by the Company.

14. Your petitioners submit that the above plan will adequately safeguard all the interests of property owners, and feel sure that the mediation of the Commissioners will in most cases result in a satisfactory mutual adjustment of the matters in difference.

15. Your petitioners have already expended a very large sum to purchase steamers for the New York-Bermuda service and contemplate increasing their fleet in the near future, and feel strongly that the apathetic or unreasonable attitude of a few small land holders should not be permitted to block an enterprise of such great importance to the full development of the Colony as a tourist resort, and thus to prevent the Company from reaping a reasonable financial benefit from their investment.

16. The proposals of Your Petitioners will not interfere with the construction of the golf links in some other part of the Colony to the cost of which your petitioners have undertaken to contribute £15,000 on certain conditions,

17. Unless the above course of procedure or some other procedure which Your Honourable House may consider preferable is adopted your petitioners will be compelled to abandon their intended scheme of development as no other area in the Colony present similar advantages or means of fulfilment of their objects.

18. Your petitioners propose immediately on the conclusion of the work of the proposed Commission to begin the construction of the golf links and country club and are willing that the Act of incorporation of the proposed company shall prescribe a limit of time within which such works shall be commenced and completed.

Your Petitioners Therefore Pray that Your Honourable House will be pleased to allow a Bill to be brought in providing:-

(1) That such members of your petitioners' Company and such other persons as shall become shareholders in the proposed Bermuda Company shall thereupon become a body corporate under the name of "The Bermuda Development Company, Limited";

(2) That the Company shall be empowered to acquire the aforesaid lands in Tuckers Town and the vicinity in the manner set forth above for its purposes in connection with the development of the tourist and hotel business;

(3) That the liability of the shareholders shall be limited to the amount (if any) unpaid on their shares;

(4) That the provisional Directors of the Company shall be the five persons whose names shall be first subscribed to the Memorandum of Association of the Company to be filed in the Colonial Secretary's Office within the time to be limited by the Act of incorporation, with such powers as are usual and necessary, and with power to add to their number and

(5) For such other incidental matters as are usually dealt with in incorporating Acts in Bermuda and as the Legislature may see fit to adopt.

And Your Petitioners Will Ever Pray, Etc.

THE FURNESS WITHY COMPANY, Ltd.,
Per WATLINGTON & CONYERS,
Agents.

23rd February, 1920.