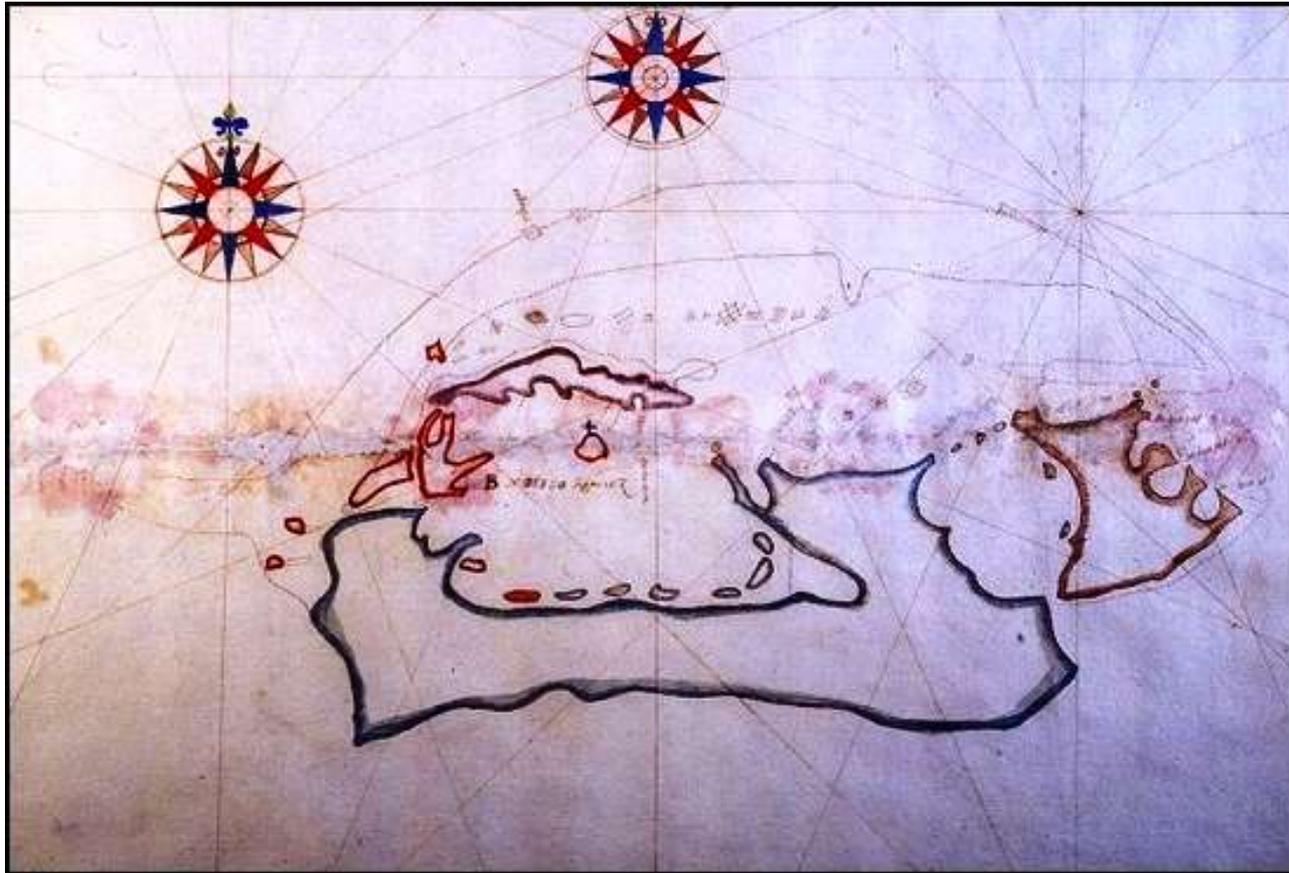


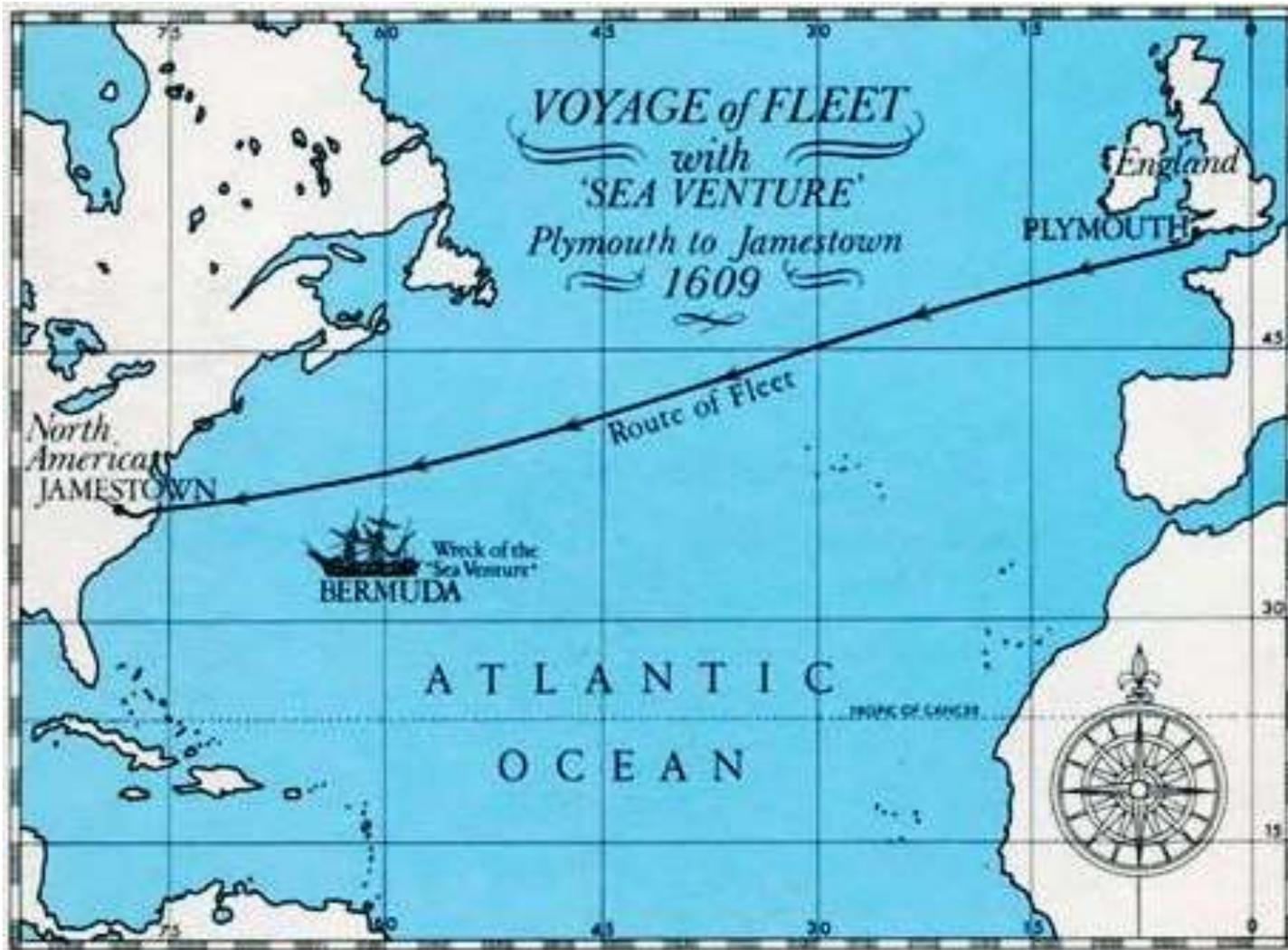


From Clergy to Companies 150 years of Bermuda Jurisprudence in the Privy Council

Catherine Newman QC



The 1603 Diego Ramirez map





Map made by Admiral Sir George Somers – two copies exist – one is in Bermuda and the other in the British Library





William Strachey
A True Reportory



For four and twenty hours the storm in a restless tumult had blown so exceedingly as we could not apprehend in our imaginations any possibility of greater violence. Yet did we still find it not only more terrible but more constant, fury added to fury, and one storm urging a second more outrageous than the former, whether it so wrought upon our fears or indeed met with new forces.



The waters like whole rivers did flood in the air. And this I did still observe that whereas upon the land when a storm hath poured itself forth once in drifts of rain, the wind, as beaten down and vanquished therewith, not long after endureth. Here the glut of water, as if throttling the wind erewhile, was no sooner a little emptied and qualified but instantly the winds, as having gotten their mouths now free and at liberty, spake more loud, and grew more tumultuous and malignant. What shall I say? -- Winds and seas were as mad as fury and rage could make them.



The boatswain sounding at the first found it thirteen fathom, and when we stood a little in, seven fathom; and presently heaving his lead the third time had ground at four fathom. And by this we had got her within a mile under the southeast point of the land, where we had somewhat smooth water. But having no hope to save her by coming to an anchor in the same, we were enforced to run her ashore as near the land as we could, which brought us within three quarters of a mile offshore; and by the mercy of God unto us, making out our boats, we had ere night brought all our men, women, and children, about the number of one hundred and fifty, safe into the island.



We found it to be the dangerous and dreaded island, or rather islands, of the Bermuda.....



And hereby also I hope to deliver the world from a foul and general error: it being counted of most that they can be no habitation for men, but rather given over to devils and wicked spirits; whereas indeed we find them now by experience to be as habitable and commodious as most countries of the same climate and situation, insomuch as if the entrance into them were as easy as the place itself is contenting, it had long ere this been inhabited as well as other islands.



In September and at Christmas I saw young birds, and in February, at which time the mornings are there, as in May in England, fresh and sharp.

.....It is like enough that the commodities of the other western islands would prosper there, as vines, lemons, oranges, and sugar canes.



They are full of shaws (copses) of goodly cedar....

Likewise there grow great store of palm trees in the top grow leaves, the most inmost part whereof they call *palmetto*, so white and thin as it will peel off into pleats as smooth and delicate as white satin into twenty folds, in which a man may write as in paper, where they spread and fall downward about the tree like an overblown rose or saffron flower not early gathered. So broad are the leaves as an Italian *umbrello*. A man may well defend his whole body under one of them from the greatest storm rain that falls. For they being stiff and smooth, as if so many flags were knit together, the rain easily slideth off.



The shore and bays round about, when we landed first, afforded great store of fish, and that of divers kinds and good.

.... I think, no island in the world may have greater store or better fish



The contents for the most part of all our preacher's sermons were especially of thankfulness and unity, etc.



...We had knowledge that there were wild hogs upon the island at first by our own swine preserved from the wrack and brought to shore.

For they straying into the woods, an huge wild boar followed down to our quarter, which at night was watched and taken in this sort: One of Sir George Summers' men went and lay among the swine. When the boar being come and groveled by the sows, he put over his hand and rubbed the side gently of the boar, which then lay still, by which means he fast'ned a rope with a sliding knot to the hinder leg, and so took him, and after him in this sort two or three more.



The tortoise is reasonable toothsome, some say wholesome meat. I am sure our company liked the meat of them very well. And one tortoise would go further amongst them than three hogs. One turtle, for so we called them, feasted well a dozen messes, appointing six to every mess. It is such a kind of meat as a man can neither absolutely call fish nor flesh, keeping most what in the water, and feeding upon sea grass like a heifer in the bottom of the coves and bays, and laying their eggs (of which we should find five hundred at a time in the opening of a she-turtle) in the sand by the shore side....



... Safely in harbour

Is the king's ship; in the deep nook, where once
Thou call'dst me up at midnight to fetch dew
From the still-vex'd Bermoothes, there she's hid:
The mariners all under hatches stow'd;
Who, with a charm join'd to their suffer'd labour,
I have left asleep; and for the rest o' the fleet
Which I dispersed, they all have met again
And are upon the Mediterranean flote,
Bound sadly home for Naples,
Supposing that they saw the king's ship wreck'd
And his great person perish.





Jenkins v Att-Gen of Bermuda
(1868) UKPC 26

Kelly v Cooper [1995] AC 205

Re Application for Information about a Trust
[2014] 2 WLUK 129



Singularis Holdings Limited v Price Waterhouse Coopers
[2014] UKPC 36



Per Lord Sumption:

...It is right for the Bermuda court, within the limits of its own inherent powers, to assist the officers of the Cayman court to transcend the territorial limits of that court's jurisdiction by enabling them to do in Bermuda that which they could do in the Cayman Islands. But the order sought would not constitute assistance, because it is not just the limits of the territorial reach of the Cayman court's powers which impede the liquidators' work, but the limited nature of the powers themselves. The Cayman court has no power to require third parties to provide to its office-holders anything other than information belonging to the company. It does not appear to the Board to be a proper use of the power of assistance to make good a limitation on the powers of a foreign court of insolvency jurisdiction under its own law. This was in substance the ground on which the liquidators failed in the Court of Appeal when they characterised the present application as "forum-shopping". In the opinion of the Board it is correct.