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Testimony before the Virgin Islands of the U.S. Senate

“The proposed bill to swap of land from the Government of the Virgin Islands, Whistling Cay to the United States of America Estate Catherineberg for a school on the island of St. John, Virgin Islands”

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Ida Smith, 6th generation Native Ancestral Virgin Islander

Chairman, Francis and Members of the Senate: thank you for the kind invitation to testify before you today.

My name is Ida Smith. I am a sixth generation Native Ancestral Virgin Islander with documented proof of my lineage from the year 1779. I have traveled to the Moravian Archives, Danish Archives, National Archives and Records Administration in New York City, College Park Maryland and Washington D.C., Library of Congress, Columbia University Archives for research and obtained valuable information.

There has been an overwhelming amount of documentation which makes it necessary to **manifest Isaiah 10:1-3- Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and withhold justice from the oppressed of my people, making widows their prey and robbing the fatherless.**

Most all the documents of land transfers to the United States of America, Department of the Interior, National Park Service and Government of the Virgin Islands or Corporations/LLC's are from widows of the Danish West Indies now known as the Virgin Islands of the United States in violation of article 8 of the Treaty between Denmark and the United States of America.

Case and point, from 1949 to 1958, Emily Creque as widow of Herman Creque allegedly transferred land totaling over 697 acres to Jackson Hole Preserve Inc (Laurence Spelman Rockefeller) in 1954 by warranty deed for one (\$1) United States dollar. In the matter of Herman O. Creque, probate no. 5-1949 Little St. James Island is listed as belonging to the United States,

yet, there is a property tax bill which lists Nautilus Inc. as being the owner. And has the media has reported, Jeffrey Epstein, was the alleged owner.

Ethel Bishop allegedly transferred her interest in Estate Catherineberg to United States in the year 1968. In 1955, Claudina Viola Mathias Joshua allegedly transferred all 150 acres of Estate Concordia to Laurence Spelman Rockefeller's Jackson Hole Preserve Inc, again for one U.S. dollar. The attorneys listed on the transfers are George H.T. Dudley, Louis Hoffman and Joseph McGowan. The same attorneys also claim to have received 27.3 acres of Estate 13 Friis parcel 13aa and 13ab, Coral Bay Area from widow Lucy Mathias Smith, yet, the United States Court of Appeals for the Third Circuit ruled that they are without title to the 27.3 acres. See, Dudley v. Meyers, 422 F. 2d 1389 (1970). In the recent case of United States v Roberts, DCVI 2014-cv-0095, the United States asks the Roberts family, 57 times to show their ownership interest on a survey, knowing that the official original government surveys are the duty of the U.S. Secretary and isn't on record. In a letter to the then Delegate for Congress, Donna Christian Christensen, The United States General Accounting Office (GAO) asked the Department of Interior (DOI) for official legal views and additional factual information as to the Ownership and Control of U.S. Virgin Islands Lands, the DOI declined to provide input. See, GAO Letter B-287626

This Land Exchange Between the National Park Service and the Government of the Virgin Islands bill recommended to this legislature by the present Governor Albert Bryan Jr. is provided for in Sec 11 of the Revised Organic Act of 1954. The proposal to swap Whistling Cay with a portion of Estate Catherineberg is in conflict with 1 Virgin Islands Code page 27, 39 stat. 1706, also known as Treaty Series No. 629, Title 43 U.S.C. section 751, the statute of frauds also known as UCC subsection 2A-201 which is applicable law. Pursuant to Section 7(c) of The Revised Organic Act of 1954, proviso, limits this Senate's jurisdiction if and when there is any inconsistency with any law of the United States applicable to the Virgin Islands, subject to the power of Congress to annul any such Act of the legislature.

The Treaty conveyed to the United States all property that Denmark possessed, and it so contracted to in Article 1. Private property rights of the inhabitants, citizens, individuals, persons, remained and were made with reference to the official government surveys as done by the United States Coast and Geodetic survey department. These surveys are the starting point for all subsequent surveys, Title 43 USC 773.

I. STATUTE OF FRAUDS VIOLATIONS; THE OWNERSHIP AND LEGAL DESCRIPTION OF WHISTLING CAY IS AN ISSUE

The proposed bill to swap Whistling Cay for a portion of Estate Catherineberg is stated as, "Whistling Island a/k/a Whistling Cay, Cruz Bay Quarter, St. John,... , identified as OLG Property I.D. 3-01701-0101-00;" . **The point is Whistling Cay is not In Cruz Bay Quarter of St. John** as written in the Bill before this Senate and the OLG Property I.D. 3-01701-0101-00 is listed as 5I LEINSTER BAY WATERMELON CAY and the owner is United States of America . The Cays adjacent to St. John are Cocoloba Cay, Booby Rock, Perkins Cay, Trunk Cay, Cinnamon Cay, Whistling Cay and Watermelon Cay for a total acreage of 24.775. Whistling Cay being the largest Cay of all that are adjacent to the island of St. John not a part of St. John. This information is as per the Federal agency, Department of Commerce, United States Coast and Geodetic Survey department and reported in the special publication no. 103, Geographic Dictionary of the United States Virgin Islands. There exists a violation of the Statute of Frauds-1677;UCC § 2A-201 because Whistling Cay is listed as being 18.608 acres in size and is ADJACENT to St. John, Island.

The statute of frauds requires certain contracts to be in writing to avoid fraudulent claims. If a conveyance of an interest in real property does not sufficiently describe the land to be conveyed, it is void and under the statute of frauds. Courts have looked at multiple writings in making this analysis, but any documents referred to and incorporated in the contested agreement must exist at the time the agreement was executed. If the agreement and other incorporated writings fail to sufficiently describe the property, then the conveyance violates the statute of frauds and is voidable. The fact that the parties, in this instance NPS and GVI may have known what was intended, is irrelevant as the knowledge and intent of the parties does not give validity to an agreement that contains an invalid description. The Cays also known as the offlying islands, inclusive is Whistling Cay boundaries are created on the United States Official original government surveys Register numbers T3772, T3778a, T3783, and T3797 and are indisputable as per the Supreme Court of the United States and Congress. See, *Cragin v. Powell*,; 58 U.S. 23; *United States v. California* and Title 43 USC 751, respectively.

II. TENTATIVE BOUNDARY LINES-

The Statute Title 16 Virgin Islands Code section 398a states that the Virgin Islands National Park boundary lines are tentative. The question of what constitutes a boundary line is a matter of law while the location of that boundary line is a matter for the trier of fact. There exist official original government surveys which by federal law, The Land Act of February 11, 1805 is the mandate of the U.S. Secretary of Interior to

ensure is on record at the place of sale, the Virgin Islands. These official original government surveys, Register No. T3772 for Whistling Cay and Estate Catherineberg are without error and are not judicial matters. In 1956, Acting Secretary of the Interior Fred A. Seaton, accepted a deed of gift from Laurence Spelman Rockefeller to form the Virgin Islands National Park, however, without a legal description of the lands donated. That is a clear violation of the Act of Congress. The reversionary clause states the lands go back to Rockefeller. The same holds true in this case where the NPS and GVI wants to swap lands, there is a reversionary clause. There is not a lawful description of Estate Catherineberg nor Whistling Cay in the proposed bill. Furthermore, the bill is not signed by all parties.

WHEREAS, I say NO to the proposed bill and 39 STAT. 1706 and section 7c of the ROA binds this Senate from agreeing to the swap of lands between the GVI and NPS.

I thank you again for the opportunity to testify before you. It is a distinct privilege to speak with you about such an important topic. I look forward to answering any questions you may have.