

ATTEMPTED ABDUCTION  
OF  
SISTER MARY BASIL



Official Report of the Evidence  
of Sister Mary Basil in her action  
for \$29,000 damages against  
Archbishop Spratt, Dr. Phelan  
and others for attempted abduc-  
tion of the Nun from the House  
of Providence, Kingston, Ontario,  
to place her in an Asylum for the  
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## INTRODUCTION

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This pamphlet contains the official report of the evidence and cross-examination of Sister Mary Basil, taken at the trial of her action against Archbishop Spratt, Dr. Phelan, Police Constable Naylor, and Sister Mary Francis Regis, Mother Superior of the Sisters of Charity at Kingston. The trial took place at Kingston, Ont., from Nov. 13 to Nov. 17, before Mr. Justice Britton. The leading counsel in the case were W. N. Tilley, K.C., for Sister Mary Basil, and L. H. McCarthy, K.C., for the Archbishop and other defendants. The action was for \$29,000 damages because, by reason of the wilful and malicious persecution of the plaintiff after being a member of the Sisters of Charity of the House of Providence for 29 years, she was unable to return to any of the institutions of that Order, and in her declining years, was left penniless and unprovided for. In her statement of claim, Sister Mary Basil sets out that an attempt was made to abduct her from the Orphanage at St. Mary's-of-the-Lake, and carry her off to a lunatic asylum in the Province of Quebec. She charges that this was done upon the authority of the Archbishop, and that she was treated with much violence in the attempt to remove her. The result of the trial was that the jury awarded Sister Mary Basil \$24,000 damages, \$20,000 against the Archbishop and the Corporation of the Diocese and \$4,000 against Dr. Phelan. It was argued by the counsel for the Archbishop that he, in his capacity as Corporation of the Diocese of Kingston, could not be held responsible for acts committed by him in his personal capacity. The trial judge ruled against this contention, but an appeal has been taken on behalf of the Archbishop on this point.

The evidence as given in this pamphlet is the official report of Sister Mary Basil's testimony, and of her cross-examination, and has been certified as correct by the Court Stenographer. The evidence of the other witnesses is summarized to avoid unduly extending the volume of the pamphlet. It is, however, an accurate condensation, and it will be seen that it corroborates the evidence of the plaintiff.

Archbishop Spratt chose not to go into the witness box. It was afterwards stated that he had not been subpoenaed, and that was given as an excuse for his non-appearance as a witness, as it was within the judgment of the Archbishop whether he should be subpoenaed, it is reasonable to conclude that had he any desire to testify in his own behalf, he would have been able to do so. Another point is that if the counsel for Sister Mary Basil had subpoenaed the Archbishop, he could not have been cross-examined by him. It was by his own choice that he did not give evidence. The account of the case begins with the statement of claim issued by the plaintiff and the defence by the Archbishop.



# Statement of Claim by Sister Mary Basil

The full statement of claim as prepared by her counsel, A. B. Cunningham, is as follows:

- 1.—The Plaintiff is and has been for twenty-nine years a Sister, a member of the Order "The Sisters of Charity of the House of Providence."
- 2.—The Defendant, M. J. Spratt, is the Archbishop of Kingston, and in his official capacity is a corporation sole known as The Roman Catholic Episcopal Corporation of the Diocese of Kingston.
- 3.—The Defendant, Mary Francis Regis, is the Mother General of the Sisters of Charity of the House of Providence.
- 4.—The Sisters of Charity of the House of Providence is an Order of Sisters established in the Diocese of Kingston, governed by duly authorized Rules and Regulations.
- 5.—The Defendant, Daniel Phelan, is a Catholic physician, practising at the City of Kingston.
- 6.—The Defendant, John Naylor, is a Catholic and a member of the Police Force of the City of Kingston.
- 7.—The Defendants, Mary Vincent, Mary Magdalene, and Mary Alice, are Sisters, members of the Order, "The Sisters of Charity of the House of Providence."
- 8.—The Defendant, Mary Francis Regis, was elected Mother General of the Sisters of Charity of the House of Providence in or about the month of July, 1913. Her term of office was for three years, and another election took place in the month of July, 1916, when the Defendant, Mary Francis Regis, was again duly elected Mother General of the Order.
- 9.—According to the Regulations of the Order, three months prior to the election of the Mother General, each Sister must make to the Mother General a report stating how in her locality the works of charity are performed, and how the Constitutions and Rules are practised.
- 10.—In accordance with the Regulation the Plaintiff, on or about the eighteenth day of April, 1916, made a report to the Mother General, the Defendant, Mary Francis Regis, on the state of the house in which the Plaintiff resided, being St. Mary's-of-the-Lake Orphanage at Kingston, to which report the Plaintiff begs leave to refer the same as if herein fully set out.
- 11.—In this report the Plaintiff pointed out certain serious abuses and disorders that had arisen at St. Mary's-of-the-Lake Orphanage, and charged that the Defendant, Mary Francis Regis, as Mother General, had been guilty of several serious acts of maladministration.
- 12.—A few days after sending this report to the Defendant, Mary Francis Regis, the Plaintiff had a long consultation with the Defendant, M. J. Spratt, Archbishop of Kingston, in which she repeated to him the criticisms and charges set out in the above-mentioned report dated the eighteenth day of April, 1916, and pointed out in detail examples that would substantiate the criticisms and charges made by her.
- 13.—The Defendant, M. J. Spratt, Archbishop of Kingston, admitted to the Plaintiff that he had seen the report dated 18th April, 1916, and the Plaintiff thereupon notified him that unless improvements were made and abuses remedied she would be obliged to report the matter to the proper authorities at Rome.
- 14.—A few days later the Plaintiff had a further conversation with the Defendant, M. J. Spratt, Archbishop of Kingston, in which he asked her not to report the matter to Rome, and pointed out that it was not within the sphere of her duty to take such a step. The Plaintiff repeated to the Defendant, M. J. Spratt, Archbishop of Kingston, the statement that unless the abuses were remedied and improvements made, she would be obliged to report the matter to the proper authorities at Rome.
- 15.—The Plaintiff then wrote to the Defendant, M. J. Spratt, Archbishop of Kingston, a letter dated 8th May, 1916, to which letter the Plaintiff begs leave to refer the same as if herein fully set out, and in this letter she repeated the statement that unless matters were remedied she would be obliged to report the matter to the proper authorities at Rome.
- 16.—As a result of these reports, no steps were taken by either of the Defendants, M. J. Spratt, or Mary Francis Regis, to improve the condition of the Order, and as a result of her actions as above set out, the Plaintiff incurred the ill will of the Defendants, M. J. Spratt and Mary Francis Regis.
- 17.—Because no steps were taken by the Defendants, M. J. Spratt and Mary Francis Regis, to lead to the betterment of the Order, the Plaintiff, after weeks of preparations, on or about the thirteenth day of September, 1916, forwarded to his Eminence, Cardinal Falconio, Prefect of the Congregation of Religious at Rome a petition and report in regard to the affairs of the Order, to which report the Plaintiff begs leave to refer the same as if it were herein fully set out.
- 18.—The preparation and forwarding of the above petition and report to his Eminence, Cardinal Falconio, was known to the Defendants, M. J. Spratt and Mary Francis Regis, and in order to nullify the action of the Plaintiff they caused the steps herein-after set out to be taken, and entered into a conspiracy with the Defendants, Daniel Phelan, John Naylor, Mary Vincent, Mary Magdalene and Mary Alice, to damnify the Plaintiff as hereinafter set out.
- 19.—About ten o'clock at night on September 14th, 1916, the Defendant John Naylor broke into the Plaintiff's room at St. Mary's-of-the-Lake as the Plaintiff was undressing. He seized the Plaintiff with violence, threw her on the bed in utter nakedness and gagged her. Assisted by the Defendants, Mary Vincent, Mary Magdalene, and Mary Alice he forcibly dressed the Plaintiff in lay garb.
- 20.—The Plaintiff begged to be allowed to see the Rev. Father Mea, Chaplain of St. Mary's-of-the-Lake, there residing, and the Defendant, Mary Magdalene, promised the Plaintiff that as soon as she was dressed she would be allowed to interview Rev. Father Mea.
- 21.—The Defendants, John Naylor, Mary Vincent, Mary Magdalene, and Mary Alice, assisted by the Chauffeur, forced the Plaintiff to descend to an automobile waiting at the door and to enter the said automobile for the purpose of being transported to Kingston Junction, there to be transferred to the Grand Trunk Railway train to be carried to the city of Montreal for the purpose of being placed in a lunatic asylum in the Province of Quebec.
- 22.—The Defendants, John Naylor, Mary Vincent, Mary Magdalene and Mary Alice, in spite of the promise of the Defendant, Mary Magdalene, to the contrary, which was known to the other Defendants, refused to allow the Plaintiff to see the Rev. Father Mea, and rushed her into the automobile without permitting the interview.
- 23.—As the Plaintiff was being forced out of the door of St. Mary's-of-the-Lake she screamed, "Father Mea, Father Mea. I want to see Father Mea," or words to that effect, with the result that the Rev. Father Mea was aroused from his sleep and rushed to the door of the Convent clothed in bath robe and slippers. He there saw the Plaintiff in the automobile in which were also seated the Defendant, John Naylor, the Chauffeur and the Defendants, Mary Vincent and Mary Magdalene.



24.—The said Rev. Father Mea at once intervened by jumping on the running board of the automobile and demanded to know the meaning of the proceeding, and he was informed by the Defendant, John Naylor, in the presence of the three Defendants, Mary Vincent, Mary Magdalene and Mary Alice, that the plaintiff was insane and that he, under the orders of the Defendant, M. J. Spratt, was about to transfer her to an asylum in the Province of Quebec.

25.—The aforesaid Rev. Father Mea then stated that he would accompany them, garbed as he was, on the running board of the machine, and as a result of his making this statement, the Chauffeur stated that he would wait until the Rev. Father Mea had a chance to dress.

26.—St. Mary's-of-the-Lake Orphanage is situated in the extreme west end of the city of Kingston, and the main road from this Convent to Kingston Junction passes the House of Providence Convent, the Mother House of the Order, in which house the Defendant, Mary Francis Regis, at the time resided.

27.—Accompanied by the Rev. Father Mea, the automobile, in which was seated the Defendant, John Naylor, and the Defendants, Mary Vincent and Mary Magdalene, who had the Plaintiff clothed in lay garb under arrest, set out from St. Mary's-of-the-Lake Orphanage for Kingston Junction.

28.—The Rev. Father Mea threatened the Defendants, who were in the automobile, that when the automobile arrived at Kingston Junction he would appeal to the crowd on the platform for protection to the Plaintiff, and if that did not avail he would accompany them to the city of Montreal and would at once take proceedings in the courts of the Province of Quebec to punish them for their wrong doing. He also pointed out to the Defendant, John Naylor, the atrocious character of the outrage he was perpetrating and warned him as to the consequences.

29.—As a result of the statements of the Rev. Father Mea, the Chauffeur agreed to stop at the House of Providence for the purpose of telephoning to the Defendant, M. J. Spratt, and of interviewing the Defendant, Mary Francis Regis.

30.—On arrival at the House of Providence the Defendant, Mary Magdalene, got out of the automobile and had an interview with the Defendant, Mary Francis Regis. As a result of that interview she came back and stated that Mother Francis Regis ordered them to carry out the original programme and to go on to Montreal. The Rev. Father Mea again threatened to appeal to the crowd on the platform at Kingston Junction, and as a result, the Defendants, John Naylor and Mary Magdalene went back to interview the Defendant, Mary Francis Regis.

31.—The Rev. Father Mea was then asked to go into the House of Providence and interview the Defendant, Mary Francis Regis, who thereupon stated that the Plaintiff was a lunatic; that she had certificates from two doctors declaring the Plaintiff to be a lunatic and that they were going to remove the Plaintiff to a lunatic asylum in the Province of Quebec, and that the matter was being carried out with the sanction of the Defendant, M. J. Spratt, Archbishop of Kingston.

32.—The Rev. Father Mea then suggested to the Defendant, John Naylor, that he telephone the Defendant, M. J. Spratt, Archbishop of Kingston, narrating what had occurred, and the Defendant, John Naylor, thereupon telephoned to the Defendant, M. J. Spratt, Archbishop of Kingston, who replied that he had no further orders to give.

33.—As a result of this telephone conversation the Defendant, John Naylor, became very angry and stated that this was a dirty mess to get anybody into, and he agreed that the Plaintiff should be taken back to St. Mary's-of-the-Lake Convent, which was accordingly done.

34.—The Defendant, John Naylor, who is a constable on the Police Force of the city of Kingston, was employed by the Defendants, M. J. Spratt, Archbishop of Kingston, Mary Francis Regis and Daniel Phelan to act as aforesaid.

35.—The Defendant, Mary Francis Regis, did not have the certificates of two physicians declaring the

Plaintiff to be a lunatic, but she did have a certificate from the Defendant, Daniel Phelan, declaring the Plaintiff a lunatic.

36.—In the forenoon of the 14th September, 1916, the Defendant, Daniel Phelan, came out to St. Mary's-of-the-Lake and without even entering the room where the Plaintiff was working he had the following conversation with her. The Defendant, Daniel Phelan, asked the Plaintiff where Father Mea was. The Plaintiff replied that he had gone to town. The Defendant, Daniel Phelan, then asked, "How are you, Sister?" The Plaintiff replied, "I never felt better in my life," or words to that effect. The Defendant, Daniel Phelan, then withdrew his head from the door.

37.—Following this conversation with the Plaintiff the Defendant, Daniel Phelan, fraudulently and maliciously gave a certificate declaring the Plaintiff to be insane, and caused to be undertaken the steps aforementioned for the purpose of removing the Plaintiff to a lunatic asylum in the Province of Quebec, and engaged the Defendant, John Naylor, to carry out the same.

38.—After returning to St. Mary's-of-the-Lake the Plaintiff for some time was in terror of her life and liberty, so much so, that she did not undress herself for weeks.

39.—After residing at St. Mary's-of-the-Lake for a few weeks, until about the twenty-third day of October, 1916, the Plaintiff was persuaded to move to a Convent of the Order of the Sisters of Charity of the House of Providence situated in the city of Belleville, of which convent one Mary Gabriel was the Sister Superior.

40.—On her arrival in Belleville the Plaintiff was treated with great kindness and had many interviews with the Sister Superior, Mary Gabriel, in regard to her case. But some months after her arrival, commencing on or about the fifteenth day of February, 1917, at the instigation of and to the knowledge of the Defendants, M. J. Spratt, Archbishop of Kingston, and Mary Francis Regis, there ensued a systematic, malicious persecution by the Sister Superior of the Belleville Convent, and some of the Sisters therein residing.

41.—The Plaintiff was assaulted by the Sister Superior of the Convent and was violently assaulted by another Sister, both eyes being blackened, her teeth loosened, a bridge in her mouth broken, and her head seriously cut and bruised.

42.—The Plaintiff for a while was not allowed to attend the Chapel and was told by the Sister Superior to go to the Devil where she belonged, that she was no longer a member of the Community. She was given no work to do, and was left without heat or light in her rooms. Her letters were tampered with and the telephone was removed from the Convent in order to prevent her from telephoning. The Sisters were forbidden by the Sister Superior to hold any communication with the Plaintiff.

43.—Because she could stand it no longer, after fourteen weeks of persecution, the Plaintiff left the Convent at Belleville and proceeded to the city of Ottawa, and there threw herself at the feet of the Papal Delegate for Canada.

44.—The Plaintiff pointed out to the Papal Delegate what had occurred, but she was directed by the Papal Delegate to report to her Ordinary, the Defendant, M. J. Spratt, Archbishop of Kingston.

45.—The Plaintiff did return to Kingston and reported to the Defendant, M. J. Spratt, by letter dated May 22nd, 1917, that because of the persecution to which she had been subjected at St. Mary's-of-the-Lake and Belleville Convent she was afraid of her life and liberty, and that she could not return to her Convent unless she received from the Defendant, M. J. Spratt, Archbishop of Kingston, his Apostolic assurance that her life and liberty would be protected, and the Plaintiff begs leave to refer to her letter to the Defendant, M. J. Spratt, Archbishop of Kingston, the same as if it were herein fully set out.

46.—In reply to her communication as aforesaid the Defendant, M. J. Spratt, Archbishop of Kingston, by letter dated the 28th day of May, 1917, ordered the Plaintiff to at once return to her Convent, and the Plaintiff begs leave to refer to this letter the same as if herein fully set out.



47.—The Plaintiff again on the 28th day of May, 1917, wrote the Defendant, M. J. Spratt, Archbishop of Kingston, pointing out that because of the persecution to which she had been subjected she feared for her life and liberty, and that she could not re-enter her Convent, and the Plaintiff begs leave to refer to the said letter the same as if herein fully set out.

48.—By reason of the wilful and malicious persecution of the Plaintiff as above set out, the Plaintiff, after being a member of the Order of the Sisters of Charity of the House of Providence for twenty-nine years, is unable to return to any of the institutions of that Order, and in her declining years is left penniless and unprovided for.

49.—The Defendant, the Roman Catholic Episcopal Corporation of the Diocese of Kingston, is liable for

the wrongful acts afore set out of the Defendant, M. J. Spratt.

50.—The Defendant, The Sisters of Charity of the House of Providence, is responsible for the wrongful acts of its Mother General, Mary Francis Regis.

The Plaintiff accordingly claims:

(1) The sum of twenty-nine thousand dollars damages.

(2) Her costs of this action.

(3) Such further and other relief as may be deemed necessary.

The Plaintiff proposes that this action be tried at the city of Kingston.

Delivered this sixteenth day of October, 1917, by A. B. Cunningham, 79 Clarence Street, Kingston, Ontario, Solicitor for the Plaintiff.

## Statements of Defence by Archbishop Spratt and others

1. The Defendants admit the allegations set out in the following paragraphs of the Plaintiff's statement of claim, namely, 1, 2, 3, 4, 5, 6, 7, 8, 9, 26 and 39, and dispute the allegations set out in the remaining paragraphs thereof.

2. The Defendant, M. J. Spratt, specifically denies the acts set out in the statement of claim.

The Defendant, M. J. Spratt, states that if the acts therein set out, and particularly those alleged in paragraphs 19, 32 and 34, did take place, which he does not admit, but denies, the said acts were done without his privity, knowledge or sanction, and that neither himself nor his co-defendant, the Roman Catholic Episcopal Corporation of the Diocese of Kingston is liable.

3. The defendant, the Roman Catholic Episcopal Corporation of the Diocese of Kingston, denies all liability for any and all of the allegations set out.

4. The Defendant, Mary Francis Regis, specifically denies each and every of the allegations contained in paragraphs 16, 18, 31 and 34 of the statement of claim.

5. The Sisters of Charity of the House of Providence deny all the allegations contained in the statement of claim and in particular paragraph 50 thereof.

6. The Defendant, Daniel Phelan, admits the allegations in paragraph 36 of the Plaintiff's state-

ment of claim and specifically denies the allegations contained in the 37th and the other paragraphs thereof.

7. The Defendant, John Naylor, specifically denies the allegations contained in paragraphs 19, 21, 22, 24, 27, 32, 33 and 34 of the statement of claim.

The Defendant, John Naylor, states that what he did in connection with the various allegations set forth was done by him as a police constable of the city of Kingston and in discharge of his duties as such constable.

8. The Defendants, Mary Vincent, Mary Magdalene and Mary Alice, each deny the allegations set forth and particularly those contained in paragraphs, 19, 21, 22 and 24.

The said Defendants, Mary Vincent and Mary Magdalene state that they were appointed to assist and accompany the plaintiff and they did accompany her from St. Mary's-of-the-Lake Orphanage to the House of Providence Convent, and that the allegations set out as to what occurred both at St. Mary's-of-the-Lake Orphanage and on the road to and at the House of Providence Convent are false.

Delivered this twenty-ninth day of October, 1917, by T. J. Rigney, Exchange Chambers, Brock Street, Solicitor for the Defendants.



## Testimony of Sister Mary Basil

Evidence of the plaintiff, Sister Mary Basil, taken at the trial of this action before Mr. Justice Britton and a special jury at the city of Kingston, on the 13th and 14th days of November, 1917; taken in shorthand by the court reporter.

Sister Mary Basil sworn,

By Mr. Tilley:

Q.—Sister Basil, you are the plaintiff? A.—I am the plaintiff.

Q.—Your religious name is what? A.—Sister Mary Basil.

Q.—And your lay name was? A.—Johanna Curran.

Q.—Where did you reside? A.—When I entered the Community I came from Holyoak, Massachusetts.

Q.—When was that? A.—The first of May, 1888.

Q.—You entered this Community you said in 1888? A.—May, 1888.

Q.—And have you been in the Community ever since? A.—I have.

Q.—What was your age in 1888 when you entered the Community? A.—I entered the 1st of May, and I would have been 16 the 3rd of the August following.

Q.—And you are now in your 46th year? A.—I am.

Q.—Then is this the Constitution of your Community, Sister? A.—That contains the Constitution and the Rules of Custom. (Rules marked Exhibit 1.)

Q.—Have any amendments been made to this Constitution, Sister Basil? A.—Yes, changes were made in 1912 and 1913 by Archbishop Spratt.

Q.—And what was the nature of the changes? A.—Well, one was reducing the term of office of the Superior General.

Mr. McCarthy: If there are any changes in writing they should be produced.

Q.—The Mother General is now elected for three years instead of six years? A.—Instead of six.

Mr. McCarthy: That is true, but we do not admit it was made by Archbishop Spratt.

Q.—What was the other? A.—The other point was giving the Sisters who were eight years professed and living in the mother house at the time of the election a vote, to take part in the general chapter, in the election of the Superior General.

Q.—Those two changes? A.—Those were the changes.

Q.—First was the term of office only, and then the second one as to who should vote? A.—Who should take part in the election.

Q.—You say the sisters who were eight years professed? A.—And living at the Mother House.

Q.—The Mother House is in Kingston? A.—The House of Providence in Kingston.

Q.—Is that the head house of the Order? A.—That is the head house of the Order.

Q.—When you say "eight years professed" would you just tell the jury what you mean by that? A.—That means—

Q.—When you first enter you are what? A.—Well, when you enter you are a postulant, and after two years you make temporary vows for two years, and in two years' time you make perpetual vows. Well, eight years from the date if you are living at the Mother House you have a voice in the general chapter.

Q.—So it would be eight years from the time you take your perpetual vows? A.—Yes.

Q.—Then who is the head of the Order? What is the style given to the person who occupies the head position in your Community? A.—Well, in the Community, the Mother General.

Q.—And who is the Mother General at the present time? A.—Mother Francis Regis.

Q.—When was she first elected? A.—She was first elected on the 19th July, 1913.

Q.—And there was another election when? A.—In 1916.

Q.—Prior to Mother Regis being the Mother General who was Mother General? A.—Sister Mary Gabriel, now in Moose Jaw.

Q.—In a house of your Order there? A.—Yes.

Q.—Then the Mother General, I suppose, resides at the House of Providence in Kingston? A.—That is supposed to be the place of her residence.

Q.—Then are there others who consult with her or act with her? A.—She is supposed to have four assistants selected by general chapter to assist her in the administration.

Q.—She has four assistants to assist her, and what are they called? A.—They are called assistants. Well, they are given the title now of Mother. Previously the first assistants, the assistant first elected at the general chapter, was called Sister Assistant, but that has been changed and they are all assistants now, and go by the title of Mother, giving their name and religion, like Mother Vincent or Mother Francis.

Q.—Then would you tell me who are the assistants at the present time? A.—Mother Vincent. She is the first assistant.

Q.—Is that the defendant here? A.—Yes.

Q.—Who else? A.—Mother Francis Desalles, Mother Angela and Mother Rosalia.

Q.—Were they all elected in 1916? A.—Yes.

Q.—Then from 1913 to 1916 would you tell me who were the assistants? A.—Between 1913 and 1916 two of the assistants died, Mother Sacred Heart and Mother Philip died during that term of office, and while the rule says—

His Lordship: Never mind about the rule.

Q.—Never mind the rule, but who were in fact?

A.—Well, when Mother Sacred Heart died and Mother Philip, their places were taken by Mother Angela and Mother Rosalia.

Q.—So you have given me now the changes that have taken place since 1913? A.—Yes.

Q.—Now, then, just to indicate the way your Community is governed, there are five persons, the Mother General and the four assistants? A.—Yes.

Q.—They form a council, do they? A.—They do.

Q.—And hold meetings? A.—Supposed to hold meetings, yes.

Q.—I suppose other sisters do not attend the meetings, or do you? A.—No, the General Secretary is supposed to take down the minutes of the council if she is summoned.

Q.—She takes down the minutes if she is called for that purpose? A.—If she is called.

Q.—Then, in 1916, you say there was an election? A.—There was an election on the 19th July, 1916.

Q.—That is by the general chapter? A.—The general chapter.

Q.—And how is that composed? A.—The general chapter comprises the local superiors of the different houses, a delegate to represent each house.

Q.—A delegate from each local house? A.—From each local house, and the sisters eight years professed and living at the Mother House.

Q.—You have a representative from each local house plus those sisters who are eight years professed and live at the Mother House? A.—Yes, including the members of the council—the Superior General and the members of the council.

Q.—Then, besides the Mother House how many other houses are there, how many branch houses as you might say? Many? A.—Thirteen or fourteen.

Q.—And where are they situated? Are they situated in Ontario, all of them? A.—Not all in Ontario. Do you want me to enumerate them?

Q.—Well, possibly that would be the shortest way. A.—Well, St. Marys-of-the-Lake.

Q.—Now, that will be mentioned frequently. What is that? A.—St. Marys-of-the-Lake is at present the Orphanage. When built it was not built exclusively for an Orphanage, but now it is exclusively an Orphanage. Then Brockville.



Q.—What is that? A.—A hospital, and they have also a boys' school.

Q.—But that is one institution? A.—All one institution. Then Prescott, Smith's Falls.

Q.—What is that? A.—A hospital, and Perth, Ontario, and Chesterville and Trenton, and there is a house in Arnprior, and a house in Glennevis, Ontario.

Q.—Where is that? A.—I think it is in Stormont and Glengarry, and a house in Moose Jaw, Saskatchewan, a house in Daysland, Alberta, and a house in Tweed, Ontario.

Q.—You think you have given the list now? A.—I think I have.

Q.—At any rate is it right to say, just to sum up what you have said, that the houses are either in Ontario or in Alberta or Saskatchewan? A.—Yes.

Q.—And only one in Alberta and one in Saskatchewan? A.—One in Alberta and one in Saskatchewan.

Q.—And the rest in Ontario? A.—Yes.

Q.—Just to clear it up at this stage, is there any house of your Order having a Community in Quebec? A.—Oh, no; none in Quebec.

Q.—Then, prior to the election of 1916, did you take any steps in the month of April? A.—I did.

Q.—What did you do? A.—I wrote to the Superior General, the report exacted by the Constitution.

Q.—What does the Constitution require of you? A.—That each sister must report to the Superior General three months prior to the election how in her locality the rules and constitutions are observed and the works of charity performed.

Q.—How the rules and Constitutions are observed and how the works of charity are performed? A.—In her locality.

Q.—Let me have the report.

Mr. McCarthy: We have not got any. We do not admit it.

Q.—Have you a copy of the report you sent? A.—I have a copy of the report, but I haven't it here.

Mr. McCarthy: Of course I object to that report. We cannot investigate that in this action, whether the allegations are true or not. She made a report in the performance of her duty, but we cannot admit the truth of them, nor do I suppose your Lordship wants to try it.

His Lordship: I will allow the paper to go in to be marked as identified by the witness. (Report marked Exhibit 2.)

Mr. Tilley: Then I ask to be allowed now to show what communication the plaintiff made to the defendant Mother Regis in April, 1916, whether it is verbally or by letter.

His Lordship: I think I will have to allow that, Mr. McCarthy.

Mr. McCarthy: Only so far as it could possibly affect that defendant, my Lord, and any allegation referring to other people to whom it was never sent cannot possibly be made evidence as against them, if they knew nothing whatever about it, and it can only be with regard to anything that reflects on this particular defendant and nobody else, and for that reason I think your Lordship should see it and eliminate those portions that are not evidence. I think your Lordship should see that report and ignore those portions which do not relate to her.

Mr. Tilley: Everything relates to her. She is the Mother Superior of the Order.

His Lordship: I am only allowing it now because she is a party defendant, and in so far as it affects her as a party defendant I cannot reject it as it seems to me.

Mr. Tilley: Then I will read it. It reads this way: "In compliance with section 2. No. 80 of the second part of the Constitutions I hereby send you the report exacted three months before the general election to be presented to the members of the General Council, two of whom survive.

"That the Constitutions and Rules are totally disregarded at St. Marys-of-the-Lake no conscientious sister will deny. It would be a fruitless task for me to undertake the pointing out of those rules most frequently violated because no order but complete anarchy reigns in this house.

This is not surprising, as the Superior of this house has apparently treated every rule with contempt. To go back over eleven months I could count on the fingers of one hand the number of times she presented herself at any exercise of the Community, mass excepted. From three to six sisters usually attend the exercises. If half the Community is present it is considered a great crowd."

Mr. McCarthy: That, of course, does not refer to Mary Francis Regis at all, but to somebody else.

Mr. Tilley: It refers to the thing she is called upon to report on.

His Lordship: That may be, but if she is called upon to report, and if she does report on it, it ought to be shown in some other way. The other defendants besides herself had nothing to do with it, and may be prejudiced by it being admitted.

Mr. Tilley: I am building up my case in that way. I am seeking to show the continuity of events from April down to an attempt to abduct in September, and to do that I must show that certain complaints were made, and I must show the character of the complaints and certain communications passing between them.

His Lordship: I hope they would not draw any deductions against A. B. because of something said about D. C.

Mr. Tilley: I can assure your Lordship that that is not the point of this. The point is that a certain communication was made to the Mother Superior in April, 1916, and certain other communications were made to other persons who were also defendants, and then we prove that these people, acting together to some extent at any rate, brought about a certain result, and then we shall ask the jury to draw certain conclusions. In order to get my case before the jury I must press to be allowed to put in everything that passed between these two parties.

His Lordship: I adhere to the ruling to this extent that a paper of that kind may be handed to the witness and that evidence given as a statement of fact that this paper was handed to the defendant, but I am not admitting it as evidence against the other parties in this matter.

Mr. Tilley: No, but I am entitled to read the communication as a thing that was handed to her just as though it was set forth to her.

Mr. McCarthy: Anybody can write letters before litigation, and if that can be done for the purpose of reading them at the trial—

His Lordship: That, of course, is a matter of argument. A document is produced which is either true or false. It comes from a source nobody knows where, and the question is asked was that document as it is handed to her. I rule that I cannot refuse it being handed to her, as long as the jury understand the ruling that it must not be received as true, but it is something either true or false that was handed to the Mother Superior.

Mr. Tilley: Then it goes on:

"With regard to how the works of charity are here performed, I am sure that any impartial observer will admit that our hame of Sister of Charity is an empty title. The children in this institution are treated like little animals. The Sisters do their work in a most grudging manner. Not a smile, not a kind word do those sisters address to the Godforsaken children under their care, nor will they allow others to do so. Any person who speaks kindly to a child is interfering very seriously and must be attended to at once, it must be reported. In fact, the doors have been slammed in the chaplain's face, and he is outrageously and publicly insulted because he dared to speak kindly to them or visit them in their common recreation room. The chaplain is insulted because his attitude is one of kindness to those poor outcasts, perhaps the only kindness they will ever know. One thing is certain, the treatment they re-



ceive from the sisters here will not make them good Christians nor loyal citizens. The chaplain is too kind to the children, and he must by all means be kept off the premises, because his conduct towards the children is a reproach to the Sister of Charity who vows that she is a servant of the poor.

"One of these sisters, a novice, who a few weeks previously made her temporary vows, announced publicly that she was going to the Mother House to complain to that most powerful body that the chaplain was too kind to the orphan children of this institution. Needless to say, every sister eagerly awaited the result of this announcement, and in due time the carriage rolled away from the door to convey to the Mother House, ere the shades of evening fell, this worthy aspirant to the religious life. Did she receive the approval of her higher superiors there? Notwithstanding that he neither addressed a word nor a look of reproach to her, we must conclude that her superiors placed the seal of their approval on her attitude of rebellion and strike, because she returned bolder, more defiant, and in a higher state of rebellion, and with the knowledge and approval of her superiors has continued in this state of rebellion and strike for nigh one year. On more than one occasion lay persons threatened to call in the officers of the law to check the brutal treatment of helpless infants by this so-called Sister of Charity. The Superior of this house is aware of this. Has she tried to correct it? Or did she rush to the phone to lay the matter before the Superior General? Continuation of this conduct would lead us to suppose that she did neither. This novice has gone so far as to try and place children out in the absence and without the knowledge of any Superior.

"Our rule says that a novice cannot be in charge of an office, but must be in dependence on a Community Sister. Here are novices who are incapable of keeping themselves clean. They are placed in charge of helpless children. Why? We cannot tell, but circumstances would prove that it is done for the purpose of hiding from the Community the deplorable conditions of this house, and the neglect and dirt in which the children are living without enough clothing to cover them from the weather.

"The Superior of this house has not only violated every rule, but she has violated the laws of the land, and at the present moment is liable to prosecution. She has kept boys of school age habitually out of school standing for hours at the front door with the horse in all kinds of inclement weather, while she wandered aimlessly about the house. Were it not for the intervention of the Archbishop, moved by the intercession of a layman, one of her boy victims who had been in our Orphanage from infancy would have been thrown out supperless and homeless one of the coldest February nights of the past winter. This heartlessness is one of many samples of her utter unfitness for the position which she has degraded with your knowledge for almost three years.

"No man or woman, not even a tramp, can remain on the premises for a few days without being moved at the neglected condition of our orphans. In dark, subterraneous passages, where a ray of daylight never entered from meal time to meal time, without a Sister's eye upon them, little boys under school age, some of whom have not reached the age of reason, were left alone with tramps and grown-up imbeciles, and have become in some cases moral degenerates, as was often predicted, but any person

who made a suggestion was insulted. Our Lord said it would be better that a mill stone be tied about our necks, and we be cast into the depths of the sea, than scandalize one of these little ones. Surely the blood of those innocent children will be upon the heads of this administration?

"The term of office of this administration is, we hope, drawing to a close. It is but reasonable to suppose that every member of the institute would ask herself what has this administration been to the institute? Will the members of this administration ask themselves how they have discharged their obligations to the Community who placed them in office? What answer the conscience of each one will be we cannot tell, but every unselfish Sister will unhesitatingly answer they have lived in luxury and ease, and have dragged the Community down into the mud. If God looks with complacency on this administration then He certainly has deceived us, and He has allowed His Church to err. Elected by the Community to manage the affairs of the institute they have disregarded the Constitutions, and squandered thousands of dollars, the patrimony of the poor.

"Here was a beautiful property of which any Community should be proud. It is placed in charge of a Sister with the intelligence of a three-year-old child, lacking, however, the candor and innocence of a child, as she has no regard for the truth. She is a subject of ridicule, not only to the Sisters, but to the business men of the city, in fact, to all with whom she comes in contact. She is incapable of keeping herself clean, as you know.

"A gang of men is brought in who gut and destroy a beautiful building, and after living for some eight months on the premises they abandon it in a condition for which they should be prosecuted.

"The council, three of whom gave their hearty approval to the installing of a heating plant, the best that modern device could invent for a large building, in less than three years they agree to have this magnificent heating plant, worth thousands of dollars, thrown out in the yard, and an inferior one installed at the expense of thousands of dollars. These women are very guilty before God.

"I am in possession of information from the Protestant foreman who installed the present heating system, and who was shareholder in the firm for which he was working, both at the time of pulling out of the plant and at the time he was speaking to me. After examining the system he said to Frank McPherson it would be wrong for us to disturb this heating plant. It is better than anything we can give. McPherson replied: 'Mother does not want to pay an engineer.' The foreman answered, 'We can take off the dynamo, cut off the steam used in cooking, run the boiler under low pressure, and any boy who can shovel coal can do the work.' McPherson again answered: 'Mother wants the hot water.' The Protestant foreman replied: 'She does not know what she is doing; she does not know that she is throwing out a better article than she is getting. After all, these Sisters are not the people to make on, they have to work hard to make a living,' but the heartless McPherson replied: 'There is a lot of them to make it, pull it out.' Again the honest foreman remonstrated, 'Let us not disturb this plumbing, we can put in returns and turn those coils into hot water use, and save the Community thousands of dollars.' Again McPherson replied:



'Pull out the whole thing.' 'Well, then,' answered the Protestant foreman, 'we are making a serious mistake because steam heat is necessary to heat a large building such as this.'

"They pull out the plant to the disgust of the business men of the city. It is the topic of conversation with every man in the steam and hot water fitting business from Toronto to Montreal, and travellers hold up priests of the diocese on trains and elsewhere and ask what is the meaning of the strange deal perpetrated by McPherson at St. Marys-of-the-Lake. Did they but know that the woman who handed over the job was the aunt of McPherson their wondering would cease. Had tenders been called for we could make some excuse for the deal, but we know that he got it for so much per hour, board on the premises, or go down town, select your own hotel, and send your bill to the House of Providence. The time those men wasted was the talk of every man who came on the premises. In Smith's Falls they were the joke of the men working at other trades, but what odds, the Community is rich, and God's poor can suffer.

"I imagine I hear you say this is none of your business. It is my business, it is the business of every member of the institute to object to the patrimony of the poor being wasted, as we see here a seventy or eighty thousand dollars put into a building for a special purpose. After three years it is abandoned by the very Sisters who authorize its construction. Did they have anything to say in the abandonment of it? They should have, and if not, then they should have resigned the offices to which the Community elected them, and the duties of which, in violation of their solemn oath, they have so outrageously disregarded. Their obligations as emphasized by the Archbishop on the day of their election, consisted in seeing that justice was done the Community, and to see to it that the Superior General would govern according to the Constitutions. I refer to only two members of the so-called council, who were properly elected; the others are not regarded as such, having been placed there in violation of our Constitutions, section (3) No. 90.

"One word more, and I will bring my report to a close. Please do not accuse me of slander, or murmuring. I place before you plain facts as I see them before God, and believing them to be true. It is still in your power to investigate my charges.' If you show me where I am wrong, where I have made a false charge, I will gladly apologize, but I think I can get witnesses to substantiate every statement. These are the sentiments of every Sister if she will only speak candidly. But no, they are in mortal terror of you and therefore deceive you. Those you consider your best friends have deceived you, and are deceiving you to-day. They pretend friendship for the sake of receiving some favor from you, but, believe me, if self were forgotten you would not have so much as one sincere friend in the Community.

"Respectfully."

Q.—That was signed by you? A.—That was signed by me.

Q.—You refer to McPherson here. Was McPherson related to any of the defendants? A.—Mr. McPherson was a nephew of Mother Francis Regis.

Q.—Then did you get any report or reply from Mother Regis after you sent in that report? A.—No.

Q.—Under the Constitution what should be done with the report? A.—That report was supposed to be presented to the council, and the council, after con-

sidering the points of importance, were supposed to bring them—for instance, like the violation of a rule, they were supposed to bring them before the chapter.

Q.—And this report, as you point out, is sent out three months before the meeting to elect the Mother Superior? A.—Yes, that the council may have a chance to look it over and select from it any points they would place before the chapter who might devise means for the better keeping of those points.

Q.—That is, the Council are to look it over so that they can lay the matter before the chapter when it meets for the election that is to take place? A.—Yes.

Q.—And then they can devise means so that the rules will be observed. Now, what happens as to any points that are not violations of rules? A.—Well, how the works of charity are performed, the performance of the works of charity, if the works of charity are not properly carried out, because the works of charity are the works for which the Community was founded. That is the first duty of the Community, the care of the poor and the orphans.

Mr. McCarthy: The rules are in and they would be the best evidence.

Q.—Possibly you can point that out to me in the rules? A.—Yes.

Q.—You say these are provided for in the rules? A.—Yes.

Q.—Then following that what happened, Sister Basil? A.—Well, about a week later, the Archbishop came to St. Marys-of-the-Lake for the pastoral visitation.

Q.—How often is that made? A.—According to canon law it should be made annually.

Q.—That is the law governing your Church? A.—Yes.

Q.—But the practice has been? A.—Every three years.

Q.—How long was it since he had been there before? A.—It was four years.

Q.—Tell us what takes place at the Archbishop's visitation? What sort of a ceremony is that? A.—The purpose of the visitation is that the Archbishop may look into conditions in the Community and find out how the rules are being observed and how the works of charity are being performed, as is there in the statement, and every Sister has authority and is obliged to make known to the Archbishop what concerns the spiritual or temporal affairs of the institute.

Q.—You say that every Sister is bound to make known to the Archbishop when he comes on his visitation anything that makes for the welfare of the Community. A.—Yes, spiritually or temporally.

Q.—When you say makes for its welfare, makes for its detriment as well? A.—Yes.

Q.—How long does the visitation last? A.—Until the Archbishop has interviewed every member of the Community.

Q.—When the visitation takes place, is that a visitation at the Mother House or at the Orphanage? A.—It is supposed to take place in every House in his diocese.

Q.—So that his visitation to the Mother House would be separate to his visitation to the Orphanage? A.—Yes.

Q.—How many Sisters were there at the Orphanage? You say this would be the month of May, would it? A.—When he made his visitation? He began his visitation on or about perhaps the 25th or so of April.

Q.—Did you see him? A.—I saw him.

Q.—How many Sisters were at the Orphanage? A.—I think at the visitation that there would be probably seventeen.

Q.—Did you see the Archbishop who is a defendant here on that occasion? A.—I did.

Q.—What took place between you, Sister Basil? A.—When I went into the room where the Archbishop was the Archbishop asked me if I had any remarks to make, and I said yes, a great many remarks that I felt in conscience obliged to make, but I feel if I bring them before you I will incur your displeasure



and you won't listen to me. He said, well, I will thank you for your information, and I began to relate to him the conditions, how the rules were observed first, just as it is there, how the sisters attend the exercises, and went into detail.

Q.—This is the first time you saw him? A.—I couldn't tell you how far I went the first evening I saw him, because I was only a few minutes with him the first evening.

Q.—How soon after that did you continue it? A.—The next day I continued it, but I can't just tell you how much I said the first day.

Q.—What took place on either day? A.—Anyway, we continued it, and then I went into detail of how the children were being treated. I told him how the little infants from one to three years of age were handled in the first place, that in the afternoons for their little rest they were put to sleep on a hard wood floor, on a bare hard wood floor, to take their little rest in the afternoon; how, for a couple of hours, they were left there, and I also told him that one day in the week at least they were put to bed, between one and two o'clock perhaps, and they were left there until the next morning and they were given a crust of bread or a piece of bread in their little bed after supper.

Q.—What else? A.—I told him then that the boys under school age, between three and six or seven, wandered all day in dark passages underground where a ray of sunshine never entered, dark lonely passages, and from the hour they left the dining room until they returned, no Sister ever spoke to them, hardly. If a Sister happened to meet a child they might speak to him, but they didn't want any person to speak to the children, and that they were left alone with sometimes drunken men in the basement, and children who were not mentally well developed, and that I had learned from Sisters in the Orphanage that immorality existed between young children who really didn't know the meaning of it. At that time they didn't, because they were too young to know, and I told him that boys put the infants to bed and took them up, and that the same dirt remained for days on their faces because their faces were not washed. I also told him that the little infants were put to sleep on a cold rubber without a sheet or anything between them and the rubber.

Q.—Anything else that you told him? You have told me about the children, as to the way they were looked after or not looked after, as the case may be. Did your conversation lead to anything else? A.—I asked him if he had seen the report sent to the Mother General.

Q.—That would be the report I read? A.—That you read, and he said yes, I know all about it. He agreed to what I told him about the children, and I said, now, before you leave this house, I want you to go down to the basement and see where the little boys spend their days, and he did go to the basement.

Q.—Anything else? A.—And he agreed with me. At least, he did not contradict what I told him about the condition of the children, but he said that the novices and the Sisters who were there working were to blame. They were mostly novices at the time, and he said you know the novices should not be here because they really don't know how to take care of children.

Q.—Anything else? A.—Then I told him who was really responsible for the condition.

Q.—What did you tell him about that? A.—I told

him that the Superior General was really responsible for the condition.

Q.—The Superior General being whom? A.—Mother Francis Regis, because it was her duty to put competent Sisters in charge of the children, and that she had competent Sisters if she wished to use them.

Q.—Then what happened? A.—Then I told him—I related what happened about the heating apparatus.

Q.—What did you tell the Archbishop about the heating apparatus? A.—I told him that the heating plant that was put in three years before that, it was a new house. St. Marys-of-the-Lake was a new house.

Q.—You speak of St. Marys-of-the-Lake. We have been calling it the Orphanage. Is that the same place? A.—Yes.

Q.—In view of the suggestion by my learned friend of it being another institution, was it the heating plant at that institution? A.—Yes, for St. Marys-of-the-Lake.

Q.—The house you were in? A.—The house I was in at the time.

Q.—Tell us what you said to him about the heating plant? A.—I said you know that it was very wrong to disturb that heating plant, and he said, well, I don't think I did know.

Q.—He didn't know it was wrong? A.—He said you know you can't heat a big building like that with steam, and I said why, the plumbers say that steam is the proper thing for a large building. Then I told him what the foreman who installed the heating plant told me, and that I had that information from two other men also.

Q.—You told him what the foreman told you, and you had information from two other men also? A.—Yes, who told before the heating plant was disturbed—

Mr. McCarthy: Is this evidence?

Q.—This is what you told the Archbishop? A.—Yes.

Q.—You told him your statement could be verified by others. Then just go on about the heating plant, or anything else you said to him, and how the conversation ended? A.—Oh, yes, I said then if steam heating was not the thing for this building, why did you instal it in the college, because the college has just been built? I said all the buildings that have gone up in the city lately steam heating has been installed. He said he didn't know anything about it. I said, if there is one thing you pride yourself on it is on your expertness as a builder and heating plants. He said, I didn't know anything about that. Then I said if you did not know it was your duty to find out, and you could have found out by consulting some of the men in the city here who understood all about heating. Then he got angry and he said he would give her the same permission again.

Q.—Give who permission? A.—Mother Francis Regis.

Q.—You say he got angry and said he would give her the same permission? What permission? A.—To pull out the heating plant installed and instal another. I said that may be. I said you might give it to her, but I know you wouldn't give it to Mother Gabriel, you wouldn't allow her to spend \$5 without consulting you, or you wouldn't give her permission, because I knew of very minor improvements that Mother Gabriel wanted to make and he wouldn't allow her to make them.

Q.—What was the upshot of the conversation? A.—He got very much annoyed and he got up off the chair to leave, and I left, I think, and that finished the conversation. He got angry and jumped off the chair as though he was going to leave the room, and I left the room. But before I left the room I told him unless remedies were instituted that I would report matters to Rome.

Q.—You told him on that occasion that unless remedies were instituted you would report matters



to Rome? A.—Yes.

Q.—Did he say anything in reply to that? A.—He said he didn't care. At that time he said he didn't care if I did—at that particular time.

By His Lordship: Q.—Now, what was the date of that? A.—I have the date some place, but I think that would be probably the last of April. He closed the visitation I think about the last of April.

By Mr. Tilley:

Q.—Now, is there anything more in connection with that conversation? A.—A week later he came out to St. Marys-of-the-Lake and asked for me, the Archbishop did.

Q.—Did you see him? A.—I did.

Q.—And what took place? A.—He said, Sister, I came out to have a talk with you. I said, yes, Your Grace. He said it is not your duty to write to Rome. I said it is my privilege to write to Rome, it is the privilege of any subject to write to Rome.

Q.—Any subject? A.—Any member of the Catholic Church, from the highest to the lowest, may appeal to Rome. It is an appeal to a higher superior, and any subject may appeal to a higher superior.

Q.—That is what you told him? A.—Yes, that I had that right, and he said, now, don't you write to Rome, because that is for the Community, that is the duty of the Community. I said what you refer to as the Community will not report these instances to Rome, you refer to the Community as Mother Mary Francis Regis. I said, Mother Francis Regis is not the Community at all.

Q.—She is not the Community at all. Yes? A.—She is a member of the Community at present having authority because she is a Superior General. I said, she will never report those matters to Rome that I bring before you, and he said, now, don't write to Rome, and maybe I will do something for you, maybe I will give you something.

Q.—Did he indicate any more than that what he meant? A.—No, don't write to Rome and maybe I will do something for you, maybe I will give you something, and I said I want nothing from Your Grace, all I want is what the rule gives me. The rule gives me work, a bite to eat, clothes to wear and decent treatment, and that is all I want.

Q.—The rules give you work, a bite to eat, clothes to wear, and decent treatment? A.—And decent treatment, and that was all I wanted. I didn't come to the Community to look for any position or office, I have never sought it, and I don't want it now. I think the conversation terminated there, and I left him.

Q.—That, you say, was possibly with regard to that about the end of the first week in May? A.—No. Well, maybe it was, now.

Q.—You said a week after, and I want to keep you straight, that is all. A.—Yes, possibly a week after. I have the dates, and I will get the dates for fear that I might be out.

Q.—If you can fix the dates I will be very glad? A.—Yes.

Q.—Then what next happened with either the Archbishop or Mother Regis? A.—Then I wrote the Archbishop a letter. I think it is dated the 8th May, 1916.

Mr. Tilley: Have you that letter?

Mr. McCarthy: No. I haven't got it.

Mr. Tilley: This is a copy of the letter of May 8th, 1916.

Mr. McCarthy: I object to this letter, too. It is just making evidence.

His Lordship: It will be taken subject to the objection.

Q.—This is a copy of the letter:

"Your Grace: You will remember that I did not complete the remarks which I felt in conscience bound to make to you, during your pastoral visitation to this house. I was forced to discontinue my remarks because of the great displeasure and annoyance manifested by you when I began to bring to your notice the grave violation of the Constitution by the Superior General.

"I beg leave therefore to lay before you a matter that I think you should know. Many Sisters, myself included, and lay people, have asked what is the

meaning of this strange friendship which exists between the Archbishop and the Superior General, which leaves him in her hands as clay on the hands of the potter? Is it her virtue? No, she has none. She is a lazy, selfish, indolent woman, who never did a day's work in the Community, but has always sponged a living out of the institute, never satisfied with the ordinary fare or the common life. The explanation given by Sisters who lived in Trenton under Sister M. F. Regis during your pastorate is that it began when you began to massage Sister M. Francis Regis for her imaginary illness, going to her room any hour of the day and up to nine o'clock at night to rub and massage her. After some time the sisters became scandalized and wrote Mother Gabriel, then Superior General, telling her that they were shocked at the conduct of their Local Superior. The Superior General wrote Sister M. Francis Regis telling her to discontinue the massage and observe the rule, and that Sister M. F. Regis showed you this letter. This they say was the beginning of your strange friendship for Sister M. F. Regis, and your equally strange aversion for Sister M. Gabriel. How far this may be true yourself and God know. In all sincerity must you not admit that Mother Gabriel did only her duty in the matter? Would you now allow one of your priests to enter the room of a sister at will and rub and massage her for real or imaginary illness? Your sermons and pastoral letters indicate that you would not.

"Since you assert that you have no authority to enforce the observance of the Constitutions, sworn by the Superior General to be observed on the day of her election to office, our only recourse is to the Congregation of Religious, 'the authority resides somewhere.' The Constitution is our only protection, our vows are made in accordance with it. The Congregation of Religious will tell us where to look for redress, and whether or not the oath of the Superior General is binding. Our Catechism tells us that it is perjury to break a lawful oath, and that perjury is a grievous sin.

"You say you have no authority to interfere in the internal affairs of a house. It is a notorious fact that you have meddled in the most trivial affairs of the institute. The administration is referred to as 'himself and herself,' and ere long the Sisters will testify that you have interfered in the internal affairs of the Community.

"It is rumored that in order to ensure her re-election she contemplates cutting off this house from the Mother House. For five years and ten months this house has been part of the Mother House. To deprive the Sisters eight years professed of our voice in the election of the new General Officers would be a grave injustice. That this rumor is quite credible her illegal conduct on the eve of the last election, which I reported to you, clearly proves. Should this be carried out a detailed account of her administration, the report given you during your visitation, a copy of the document sent the Superior General and council three months before the election, and a copy of this letter which you now read, will be forwarded to the Sacred Congregation and to the Papal Delegate.

"The Sacred Congregation will know who has authority to investigate the sad condition of the Community.

"I therefore, in my own name, and in the name of the Sisters eight years professed, protest to you



against this injustice, and appeal to you to refuse your approval to this act.

"Respectfully,

"SISTER M. BASIL."

(Letter marked Exhibit 3.)

Mr. McCarthy: That is objected to, of course, for the same reasons.

His Lordship: Yes, your objection is noted.

Q.—Then that letter is dated May 8th, 1916? A.—Yes.

Q.—And was written from St. Marys-of-the-Lake? A.—Yes, it is the Orphanage.

Q.—Can you say now, without referring to whatever you were going to refer to during the adjournment—can you say now from recollection whether your conversation with him when he came out to St. Marys-of-the-Lake was before or after that letter? A.—Before the writing of that letter.

Q.—So that the order of events was the visitation in April? A.—Yes.

Q.—And the visit out to St. Marys-of-the-Lake afterwards? A.—A week later.

Q.—And then the letter? A.—And then the letter.

Q.—Now, did you get any reply? I think you have told me you got no reply from the Mother Superior to the letter you sent to her? A.—No, I got no reply.

Q.—Did you get any reply from the Archbishop to the letter you sent to him? A.—No, I got no reply from the Archbishop.

Q.—Then what did you do after that? A.—I did nothing till after the election.

Q.—When did the election take place? A.—On the 19th July.

Q.—That shows how matters stood until the 19th July? A.—Yes.

Q.—And then what happened on the 19th July? A.—Mother Francis Regis was elected for a second term of office. In the meantime no changes had occurred at St. Marys-of-the-Lake.

Q.—When you say no changes, no changes in what regard? A.—No improvement of the conditions I laid before the Archbishop.

Q.—Then what happened after July? A.—I began to prepare the report for Rome.

Q.—When did you commence to prepare it? A.—About the 1st of August, I think.

Q.—And what means did you take to prepare it? What did you do? A.—Well, I had to get a typewriter, because nothing written will be acceptable at Rome.

Q.—Nothing in handwriting? A.—Yes, everything has to be printed for Rome.

Q.—So that you got a typewriter, did you? A.—I got a typewriter.

Q.—Where did you take the typewriter to? A.—The typewriter was in Father Mea's office.

His Lordship: I do not see why it is necessary to carry this to any such extent.

Mr. Tilley: I want to show it was not until she was preparing the report for Rome. I am going to show she mailed this report to Rome on the 13th, and this assault happened on the 14th September.

His Lordship: What I say is you are bringing out in detail what seems to me is just to bring out there was some ill feeling.

Mr. Tilley: No, it was just to show what she was doing openly, and it could be known by any person that she was doing it.

Q.—Is that correct? A.—That is correct. I told some of the Sisters I intended to report to Rome.

Q.—And then you had the typewriter there and you used it there? A.—I used it there.

Q.—And when did you complete the report? A.—The report was mailed on the 13th to Rome, the 13th September, 1916.

Q.—You mailed it yourself, did you? A.—No, I did not mail it. I got a person to mail it for me.

Q.—Then what happened after you mailed the report to Rome? A.—Well, the next night—

Q.—That is on the 14th September? A.—The night of the 14th September.

Q.—What happened on the 14th September? A.—Between half past nine and ten o'clock a man came into my room.

Q.—Did you know who he was at the time? A.—

No, I didn't know at the time. There was a rap on the door, and I was sitting on the edge of my bed, and I had on me one article of clothing that covered my chest and arms, which I wear under my corsets.

Q.—Had you your corsets on at the time? A.—No, I had them off.

Q.—That was the only article of clothing you had on? A.—Just one article of clothing, and the rap came to the door, and as soon as the rap came—they merely rapped and the door knob turned, and as the door knob turned, if the door opened I would be facing whoever was at the door, and they would see me as I was. I thought it was a Sister, and I slipped off the side of the bed, and when the door was opened it opened back on me, because that would leave me behind the door.

Q.—I want to be right about that, when you were sitting? A.—When I was sitting on the edge of the bed I was right opposite the door. The head of the bed was up against one wall, but I was right opposite the door as the door opened.

Q.—Then you say you got off the side of the bed and stepped behind the door? A.—I merely had a step to take. When the door knob turned I slid off the side of the bed and just one step put me behind the door, and before I had time to think a man rushed in and threw his arm, his left arm, over my shoulders, and I began to scream, "Tramps, tramps," and he shook his finger at me and said, "Sh! sh!" and, of course, I kept on screaming, and then Sister Mary Magdalene stepped up to me and she said, we are going to take you, Sister, we are going to take you to a sanitarium in Montreal.

Q.—Now, who was Sister Magdalene? A.—She was the Local Superior of that house.

Q.—So she came in. How soon after the man? A.—Well, it wasn't very long. He came in and threw his arm around me, and the next thing I knew she was at my shoulder.

Q.—Then what happened? A.—She said we are going to take you to a sanitarium in Montreal. I said you are the one that should go to the sanitarium. Then I kept on screaming, and I made an effort to get out of the hands of the man, and the next thing I knew I was across the bed with my feet out, my feet and legs out of the bed.

Q.—Lying on your side or on your back? A.—On my back.

Q.—How did you come to be in that position on the bed? A.—He threw me in that position.

Q.—Who did? A.—The policeman.

Q.—Then what happened? A.—I wasn't very long on the bed when Sister Mary Vincent and Sister Mary Alice came in the room.

Q.—Sister Mary Vincent is a member of the council, you told us. A.—Yes, she usually goes by the name of Mother Vincent.

Q.—She came from the Mother House, then? A.—She came from the Mother House.

Q.—And Sister Alice? A.—Sister Mary Alice also came from the Mother House, and when I saw Sister Mary Vincent I was screaming, and I said, oh, my God, Sister Mary Vincent, are you in this, and you Sister Mary Alice? There never was anything dirty or mean in this Community from the day you entered but what you were in it. But they paid no attention to me, and I wasn't able to move my body because the policeman held my hands and held me down on the bed. Of course, I could move my feet and legs and my body, and then the policeman put his knee on the right side of my abdomen.

Q.—Did he continue to hold your hands? A.—Oh, yes, he still held my hands. I kept on screaming, and they began to dress me. Then I begged of them to let me see Father Mea, and Sister Mary Magdalene said you can't see him like this, get your clothes on, you get dressed and then you can see him, and I said, well, he might as well see me naked as this man here.

Q.—Then what else happened? A.—Then some Sister went to put on my stockings, and she was close enough to me, and I think I gave her a kick. I was able to use my legs, and Mary Magdalene came up to the policeman and she said, Oh, why didn't you bring another man with you? and then the policeman, to deprive me of the use of my legs, I



suppose, kind of sat over on my hips, which left me that I wasn't able to use my feet and legs so well, and they put on my shoes and stockings, and a black dress.

Q.—Did they put on your regular garb? A.—Oh, no, it was a dress that I don't think a scrub woman would wear.

Q.—Is this it? (Producing garments.) A.—That is it, that string pulls in.

Q.—It is just a skirt? A.—Just a straight piece and the string there.

Q.—And when the subject is inside you pull it that way? A.—Yes. Sister Mary Magdalene tied it around my waist.

Q.—Let us see the rest of the millinery that they had? A.—That was put on. That is the waist, and that has no button or anything to fasten the front of it. They merely had that placed around my waist, and I was exposed all up.

Q.—That was put around your waist? A.—Yes.

Q.—And strapped around it, and that strap was around the waist, but there are no buttons around it and nothing to fasten it in front? A.—No.

Q.—Well, there is one hook and an eye at the top. Possibly you didn't find that? A.—They didn't fasten it.

Q.—So that you had to keep that wrapped over you? A.—Yes, and they put that on my head.

Q.—What is this? A.—Well, it is a piece of a veil, it is a piece of what we wear every day, you know, what we call our veil. It is a piece of a veil, but that is only a piece.

Q.—And this is put over your head? A.—That was thrown over my head.

Q.—How thrown over? Can you tell us how it was thrown over? A.—It was thrown loosely over my head.

Q.—I believe that your hair is short? A.—Yes, my hair was short.

Q.—The same as all of the Sisters in that respect?

A.—Yes, I looked a show.

Q.—Were your shoes and stockings put on? A.—They were put on.

Q.—Of course they were your own shoes and stockings in the room? A.—Yes.

Q.—And they were put on by the Sisters while they were in your room? A.—Yes.

By His Lordship: Q.—They were taken off beforehand by you, were they? A.—Oh, yes, I was undressed.

By Mr. Tilley: Q.—You mean it literally, the only thing you had on was this one under garment? A.—Yes, that is all I had on.

Q.—And what were you in the act of doing when he came in? A.—I had my night dress in my hand. It was folded, and I was opening it up, in the act of getting into it as the rap came, and I thought I would get something on me. I thought it was a Sister, but still I didn't want her to come in.

Q.—Did you say "Come in?" A.—No.

Q.—You didn't say anything? A.—No, I hadn't time to say anything. I slipped off the side of the bed when I heard the door knob turn, and I dropped the night dress because the man bounded in. They stood me up then to tie those things around my waist. They lifted me up. I was across the bed all this time and they lifted me up, and they tied them around my waist.

Q.—Did they put these on you while you were lying on the bed? A.—Yes, they pulled the skirt up over my feet. They put it around my feet and pulled it up, and Sister Mary Magdalene tied it around my waist.

Q.—Then just to make it clear, adding Exhibit "4" to the one garment you had on before the man came into your room, that represents all the clothes they put on you? A.—Yes.

Q.—And that is all you had on in the later stages of going out to the automobile? A.—Yes, that is all I had on.

Q.—What happened after you were clothed in that way? A.—I was exhausted. I was pretty well exhausted, and I sank on the side of the bed as they went to put on the waist, but the policeman held me all the time, and when they got them on me I kept asking to see Father Mea. I still kept begging to see Father Mea, and Sister Magdalene promised me,

yes, I would see Father Mea, and when she got through dressing me she whispered something to this man, and she said, when will he be here, referring to somebody, and he took out his watch and looked at it, and he said, Oh, not for an hour or an hour and a half yet, and she said, in an annoyed tone, Oh, what is he waiting for? and she left the room. Sister Mary Magdalene left the room and Sister Mary Alice looked at me and got a towel and wiped my face, and she said she is exhausted.

Q.—Speaking of you or speaking to you? A.—Speaking to me. She had the towel wiping my face, and she said she is exhausted.

Q.—Who is? A.—Sister Mary Alice said this to me, referring to Mary Vincent.

Q.—Did she speak to you about Mary Vincent being exhausted? A.—No, she spoke to Mary Vincent about me. She said to Sister Mary Vincent that I was exhausted, and Sister Mary Vincent said, yes, and I said, Sister Mary Vincent, I ask you, for God's sake not to take me out of this house without letting me see Father Mea, and she said, I gave you my word of honor you will see Father Mea before you leave this house, and she left the room, and Sister Mary Alice also left the room, which left me and this man alone, and I was gasping because I was pretty well used up, and I said to him, will you tell me who you are, and he said I am a policeman. I said, Oh, my God, a policeman! Who sent you out here to me? And he said—

Mr. McCarthy: I object to what he said.

Mr. Tilley: He is a defendant. He cannot bind anybody else.

His Lordship: I think she has a right to say that because he is one of the defendants. It is just the same as the others we have had, it cannot possibly be evidence only against the man that spoke.

A.—He said the Archbishop and the Chief, and I said to him, and you are going to take me to an asylum? He said yes. Why, I said, I haven't seen a doctor, I don't know the day I spoke to a doctor; do you think I am crazy? He said no, you don't appear to be. I said, are you a Catholic? and he said yes. Did you ever hear of Naylor, the policeman? and I said yes. I said, have you any sisters of your own? and he said I have daughters; and I said, would you like to see anybody handle one of them as you have handled me to-night? and he said no, I would not. Then why do you do this? I said, Well, I can't help it, I was sent here. The Archbishop and the Chief sent me here. Well, I said, you see I am not crazy. Well, I can't help it, I was sent here. So we talked on like that.

Q.—Who was it said that? A.—That was the policeman.

Q.—The defendant Naylor? A.—Yes.

Q.—It turned out to be Naylor? A.—Yes. Then Sister Mary Magdalene came back into the room for a second, and I said, Sister, will you allow me to see Father Mea? and she said, Yes, you will see Father Mea, and she went out again. She didn't remain in the room for any length of time, and we were left alone again. We were there for a good while.

Q.—You and the policeman? A.—Me and the policeman, and then Sister Mary Alice came in and I said, Sister Mary Alice, will you ask them to let me see Father Mea before they take me out? and she said, well, you know I haven't any influence with them, I can't make them do it. No, but, I said, ask them, anyway, and she went out, and the next one that came in then was Sister Mary Vincent, and I said, Sister, will you take me out of this house without allowing me to see Father Mea, and she said Father Mea knows all about it. I said, Oh, no, he does not. Yes, she said, Father Mea knows all about it, because he got a letter to that effect this evening. I said, Oh, no, he didn't, if he did he would tell me about it, and I said, When I was talking to him last he didn't tell me. Well, she said, he knows all about it because I brought the letter to him myself, I brought it out from the House of Providence and he was not in the hall downstairs, and I gave it to Sister Mary, and asked her to take it to him.

Q.—Which one was it told you that Father Mea knew about it? A.—Sister Mary Vincent. She said she brought the letter out.



Q.—And he knew all about it? A.—Yes.

Q.—Was anything more said in your room about seeing Father Mea before you left the building? A.—Yes.

Q.—What more? A.—Sister Mary Magdalene came in again, and I wanted to get some handkerchiefs out of my trunk that was in the room. I asked the policeman while we were alone to let me go and get some handkerchiefs, and he said wait till they come in and they will get them for you, and I said it will be too late when they come in, and I said let me get the key, let me go to the other side of the bed to get the key out of my pocket. So he took hold of me by the arm and let me go to the other side of the bed to get the key, but he refused to let me open the trunk. Then Sister Mary Magdalene came in and I told her I wanted to get the handkerchiefs out of the trunk, and she said give me the key and I will get them for you, and to go to the trunk we had to move off the side of the bed. The policeman and myself were sitting all this time on the side of the bed. She said, I will have to move the bed down, and then the policeman sat me on a chair, and Sister Mary Magdalene went up to the trunk, but she just looked to see if it was open. She didn't open it at all, and she stuck the key into her pocket, and I said what are you putting the key into your pocket for? Well, she said, I want them to send you your trunk. Oh, I said, you have no notion of sending my trunk, and I said, anyway, you don't want my keys to send a trunk. Oh, yes, she said, you have to have the keys to send a trunk away. Now, I said, you know you don't mean a word of that. So I said, will you let me see Father Mea, and she said, yes, when you go downstairs you can see him in one of the rooms downstairs.

Q.—Did she give you the handkerchiefs? A.—No, she didn't give them to me.

Q.—And she kept the keys? A.—She kept the keys.

Q.—Then what happened? A.—They were all in the room, Sister Mary Alice, Sister Vincent and Sister Mary Magdalene, and another man entered, and the minute he entered he took hold of me by the other arm and they took me out of the room. I wasn't able to resist because I was exhausted, and I was unable to put up any fight.

Q.—They took you out of the room, and where did you go? A.—And as we were leaving the room Sister Mary Alice said, Ain't you going to put anything around her? and Sister Mary Magdalene said, Oh, it will be warm on the train. Then we moved on out, and we had two flights of stairs to go down, and I was crying as loudly as I could.

Q.—When you were coming out did they let you come out freely? A.—Oh, no, they held my arms. There was a man on each side of me at each arm.

Q.—And the other man turned out to be what? A.—The chauffeur, Mr. Gallagher.

Q.—Then you walked down the stairway, did you? A.—Yes. They held me all the time.

Q.—Down the stairs still holding you? A.—Yes, and then when we came within three or four steps of the second floor the policeman put his thumb under my chin and his hand over my mouth, and he kept it there until we got to the first floor.

Q.—When you say the first floor do you mean the ground floor? A.—The ground floor.

Q.—Now, you say he put his thumb under your chin two or three steps before you reached the ground floor? A.—No, before we reached the second floor, and kept it there until we got to the ground floor.

Q.—Had he done anything of that kind prior to coming down the stairs? A.—Oh, yes, in the room. He gagged me in the room.

Q.—In what way? A.—Put an article of clothing over my mouth. The first time he did it I said nothing. He didn't keep it over my mouth very long, but the second time that he did it I said to him, oh, you nearly killed me that time, you strangled me, you took my breath from me.

Q.—And was that the fact? A.—Oh, yes, he had. He kept it so long the second time that I thought I was dead, and I would never breathe again, and he said, well, you won't keep quiet. Then he did it the third time, and I said the same thing to him, but his

answer was, you keep quiet. While I talked to him quietly he didn't do that, but to prevent me screaming, it was only when I screamed he gagged me.

Q.—When you talked to him quietly he didn't? A.—No.

Q.—And when he put something over your mouth was it something that went over your mouth only or your mouth and nose only? A.—My mouth and nose. He pressed it in loosely. It was a piece of loose cloth that he pressed partly into my mouth and nose.

Q.—Now, then, you say going down the stairs he put his thumb under your chin? A.—And his hand over my mouth.

Q.—Just as you have indicated? A.—Yes.

Q.—Then what happened? A.—Then when we reached the ground floor he took hold of my left arm—that was the side he was at—with both hands. He took hold of me with both hands, and they marched out to the door, and as soon as he took his hand off my mouth I screamed, "Father Mea! Father Mea!"

Q.—Now, where is Father Mea's office in the building? A.—That was on the first floor.

Q.—On the ground floor? A.—Yes, on the ground floor as you go in.

Q.—So you were then on the same floor as his office? A.—Yes, very close to his bedroom. His suite of rooms began at the foot of the stairs.

Q.—He had his office, and besides that a bedroom, had he? A.—A bedroom and a bathroom.

Q.—Then was anything said? The last thing you have told us, as I remember it about seeing Father Mea, was you were told up in your room by Sister Magdalene that you would see him before you went out? A.—Yes. Then she also told me before I left the room I was going to the House of Providence, and he could go in the morning and see me there and stay as long as he liked.

Q.—You say she told you, or one of them told you, that you would see him in a room on the ground floor? A.—Yes, Sister Mary Magdalene.

Q.—Was it after that something was said about your going to the House of Providence that night? A.—Yes.

Q.—Who said it, and what was said? A.—Sister Mary Magdalene said—this was the last reference to Father Mea—she said you are going into the House of Providence, and he can go in the morning and stay with you as long as he wants to.

Q.—So the last thing that was said was you were going to the House of Providence? A.—Yes.

Q.—Which would be the Mother House? A.—Yes.

Q.—Where the Mother General was. A.—Yes.

Q.—And you were to stay there all night, and he could go? A.—He could go in the morning and I could talk to him as long as I wanted, and I said, Oh, no, I am not going to the House of Providence, because you told me you were going to take me to Montreal on the midnight, and she said, I told you nothing of the kind. I said, Oh, yes, you did, and the policeman told me that I was going to Montreal on the midnight to an asylum, and she turned to the policeman and she said, Did you say that, and he said, Yes, I did, and she said, Well, then, you will not see Father Mea.

Q.—Did she tell you that? A.—Yes, that was the last, and that was just as a chauffeur stepped into the room she said that.

Q.—Just as the chauffeur came into the room she told you you wouldn't see Father Mea? A.—I wouldn't see Father Mea.

Q.—As a result of that did you do anything as you were going down the stairs? A.—I was crying going down the stairs. I intended to call as loudly as I could going down the stairs so that Father Mea would hear me.

Q.—You intended to do that? A.—Yes, and I was crying from the time I left the room as loudly as I could until this time the policeman put his hand over my mouth. Then, of course, when he took his hand off my mouth I screamed as loudly as I could for the purpose of waking Father Mea.

Q.—Were you taken out of the door? A.—They rushed me out of the door.

Q.—Did they take you faster at that point? A.—Yes, they went quickly.



Q.—And what happened? A.—The doors were thrown open. There were two doors, and the doors were wide open.

Q.—As you came to them? A.—As we came to them, yes.

Q.—Was that usual? A.—Oh, no, not at all. One side of the door swung, and the doors were never opened. It swung in and out as you went in or out.

Q.—One side of the door would swing both ways? A.—Yes.

Q.—And the other was stationary? A.—Yes, the outside door was stationary. Of course, it didn't swing.

Q.—When you say both doors, there was an inside door and then the outside door? A.—Yes.

Q.—The inside door was a swing door? A.—Yes.

Q.—The outside door was a door that would swing one way? A.—Yes, it opened in two.

Q.—And they were both standing open? A.—Both wide open, yes.

Q.—Then when you went down, what did you find in the yard? A.—When I got out the automobile was at the foot of the steps. We had to go down some steps outside, and the automobile was at the foot of the steps, and when I got to the automobile Sister Mary Vincent was in it. She had got in ahead of me, and the policeman put me in, and Sister Mary Magdalene got in and sat at my left-hand side.

Q.—So you had Sister Vincent on one side and Sister Mary Magdalene on the other, and you were in between the two? A.—Yes.

Q.—And where did the policeman go? A.—He sat in the front facing me.

Q.—Not with the chauffeur, but facing you? A.—Facing me.

Q.—Then what did your chauffeur do? A.—The chauffeur got in in front, and as we were just about to start I noticed Father Mea's dressing gown in the door way, and I said, "Oh, Father Mea, Father Mea, they are taking me to an asylum," and he jumped on the mudshield of the auto, and he said, Is that Sister Mary Basil? and I said, Oh, yes, they are taking me to an asylum.

Q.—And what happened then? A.—He said, where are you going? He spoke to Mary Magdalene, and he said, Where are you going to, Sister? What are you doing? She said now, we are doing what we are told, we are obeying the Superior General, and he said, What Sister is that?

Q.—Who said that? A.—The Local Superior, Sister Mary Magdalene.

Q.—The Local Superior of St. Marys-of-the-Lake, the Orphanage, said what? A.—We are obeying the Superior General, and he said, What sister is that? and she said, That is Mother Vincent, and he said, Mother, where are you going to, Sister? and she said we are going to Montreal.

Q.—Anything else? Did she tell them where they were going there? A.—Yes. She said to the asylum, and then he spoke and said, What man is that? and the two Sisters answered, "A policeman." Mary Magdalene and Mary Vincent answered "A policeman," and he said, "What policeman are you? He was in plain clothes. He said, What policeman are you? and the man said, Naylon, I am Mr. Naylon. Father Mea knew Naylon, but being in plain clothes and in the dark, I suppose he didn't know him. He said, Mr. Naylon, where are you going to take Sister? He said, to Montreal, to an asylum. Then he said, Where is your legal authority? and he said, I have it in my pocket. Father Mea said, I want to see it, and the policeman hesitated for a moment. He said, Get out, I want to see it, and he hesitated for a moment.

Q.—The policeman did? A.—Yes. Well, he finally got out of the automobile.

Q.—And did he have a conversation? A.—He went then and had some conversation with Father Mea.

Q.—Did you hear it? A.—No, I didn't hear the conversation then. They moved away.

Q.—Then we will leave that. What happened after he had had this talk with Father Mea? A.—After some time they came back again to the automobile, and he said now—

Q.—Who said? A.—Father Mea said to the Sisters, Now, Mother, you can't do this, and she said, Oh, yes, we have to do what we are told. He said,

Now, Mr. Naylon, you know you have no authority for doing this, and Mr. Naylon replied, Yes, I have. I was sent here by the Archbishop and the Chief.

Q.—Then what happened? A.—The Sisters urged the chauffeur to drive on, but he didn't, and after talking for a little while the chauffeur turned around and he said, Father, you go in and dress and we will wait for you. Father Mea said, Now, wait till morning till we discuss this matter with the Archbishop, and the policeman replied the Archbishop knows all about it, because he sent me here. He said, Well, then, I will follow you, I will go with you now to the other end of the continent, and when we arrive there I will invoke the law on you people. If you go to Montreal I will accompany you there, and when we reach Montreal I will apply for a writ of habeas corpus, and I will have every one of you in court before ten o'clock to-morrow morning. Then they decided to go in and dress, and the chauffeur got out, and whether he went in to Father Mea's room or not I don't know, but I know while Father Mea was dressing the chauffeur left the automobile.

Q.—Did the policeman go with Father Mea? A.—Well, now, I am not quite clear about that. I know a part of the time that Father Mea was in getting dressed the policeman was in the auto. Whether he was there all the time or not I can't just place now, but he was there a part of the time, because this conversation took place. I said, You know, Mr. Naylon, I haven't seen a doctor, as I told you upstairs, for over a year. Why, it is fourteen months since I spoke even to a doctor, and Sister Mary Magdalene said, Yes, you saw a doctor to-day, because I was into the city and I know a doctor came out to see you, and he was talking to you, and it was then that I remembered that Dr. Phelan stuck his head in the door.

Q.—Of your room? A.—No, I was doing up Father Mea's room.

Q.—And he stuck his head in the door? A.—About ten o'clock that morning, between ten and eleven, there was a rap on Father Mea's office door, and I was in the bedroom, and by the time I got to the office—there was a door from the office to the bedroom—by the time I got to the office door Dr. Phelan had opened the door and stuck his head in, and he said, Oh, is Father Mea not in? and I said, No. Where do you think he has gone? Into the city? I think so, I said.

Q.—Now, then, that was, as you say, about ten o'clock on the morning of the 14th? A.—That was between ten and eleven o'clock on the morning of the 14th?

Q.—What did he do when you gave him that reply? A.—He withdrew from the door and closed the door, as I supposed, but I heard the voice behind me again, so I turned and took a walk back, and as I turned away the voice said, "How are you, Sister?" and before I had time to turn fully around I said, "Well, thank you," or "Very well, thank you," and Dr. Phelan had disappeared.

Q.—You turned around to go away, but you heard the voice of Dr. Phelan saying, "How are you, Sister?" A.—Yes, "How are you, Sister."

Q.—And you turned sideways and said, "Very well, thank you," but he had gone? A.—Yes, he didn't wait.

Q.—Now, does that represent every communication you had with Dr. Phelan on that day? A.—On that day.

Q.—Did he have any further conversation with you than that? A.—On that day? No, that was all. It was so insignificant that I had forgotten all about it until Sister Mary Magdalene said that the doctor was out to see me.

Q.—Just to cover that point at the present moment as a convenient time, to what extent had you, before that day, say in the last four or five or six years, seen Dr. Phelan? A.—I had not seen Dr. Phelan in any place that I can remember for thirteen years until about fourteen months before this incident.

Q.—Until fourteen months before September, 1916, you had not seen him for about thirteen years at all? A.—I had not.

Q.—Then, to what extent did you see him from that time on? A.—I hadn't seen him at all. This four-



teen months before, in July, I think it was, of 1915, Dr. Phelan called at St. Marys-of-the-Lake and asked for me, and I came to see him to the parlor, and he said that he heard I was there, and being one of the older sisters he was anxious to see me, that he met a friend on mine on the car on such a day, on the street cars, as he was coming in from the penitentiary, and this friend told him she had been out to St. Marys-of-the-Lake to see me, and he said, Oh, how is Sister Basil? and she said she is very well. I think that is what she said to him, and he said, I am so anxious to see her. Well, I had my doubts about it when he was talking to me about it, so when we got through I went to the phone and called this person up—

Mr. McCarthy: That is not evidence.

His Lordship: No, not what she said to the other person.

Wednesday, November 14th, 1917, 9.30 a.m., resumed:

By Mr. Tilley: Q.—You were saying before the adjournment yesterday that you saw Dr. Phelan some 14 months before, but for a very short time, as you told us? A.—Yes.

Q.—He just wanted to see you? A.—Yes.

Q.—To what extent did you see him from that time on down to September, 1916? A.—I had never seen him.

Q.—So that except for the one occasion, fourteen months before, you had not seen him for a number of years? A.—For thirteen years.

Q.—And then you have told us that you saw him on the morning of the 14th September, I think you said? A.—Yes, on the morning of the 14th, between ten and eleven o'clock.

Q.—Then, continuing, what you were saying with regard to the events of the evening of the 14th, you say that Father Mea came out and then you had the discussion? A.—Yes.

Q.—I don't know just where you left your story at that point? A.—I think we discontinued where Father Mea went in to dress.

Q.—Then just go on with the story from there, Sister Basil? A.—When Father Mea and Mr. Gallagher, the chauffeur, returned to the automobile, we proceeded to the city. I don't think there was very much said on the way. Father Mea said to me, Was it you I heard crying all night? and I said, Yes, I cried until I wasn't able to cry any more.

Mr. McCarthy: What you said to Father Mea is not evidence.

Mr. Tilley: This was in the presence of the constable? A.—This was in the automobile before Mr. Naylor and the Sisters.

Q.—Then what happened after that? A.—I don't remember anything of interest until we came to the corner of Montreal and Ordinance Streets.

Q.—What is that corner? A.—Turning to the House of Providence.

Q.—That is where you turn off. You were on the road to the station on the main line? A.—Yes.

Q.—Of the Grand Trunk? A.—Yes.

Q.—And when you reached the corner where you would turn off to the House of Providence what happened? A.—Sister Mary Magdalene and Sister Mary Vincent spoke together and said we are not going to the House of Providence.

Q.—Did the chauffeur turn towards the House of Providence? A.—Yes.

Q.—He commenced to turn at any rate towards the House of Providence? A.—Yes.

Q.—And they said we are not going to the House of Providence? A.—We are not going to the House of Providence, and Father Mea said, Now, Mr. Naylor, you told me that we were going to the House of Providence, and Mr. Naylor said, No, I didn't tell you, I told you we were going to the Junction, and Mr. Gallagher turned around and said, Now, I told Father Mea that we were going to the House of Providence, and we are going, and they turned up to the House of Providence. They did not have very far to go on Ordinance Street.

Q.—Then what happened when you got to the House of Providence? A.—When the automobile stopped Sister Mary Magdalene got out, and I suppose went into the House of Providence, and she returned in a very few minutes and said, "Mother says we are to go to Montreal. Father Mea, you ha-

better go home." Father Mea said, No, I am going wherever you go.

By His Lordship: Q.—Was the constable still there? A.—Yes.

By Mr. Tilley: Q.—And, of course, the two Sisters were there? A.—Yes, Sister Mary Vincent hadn't left the automobile. The only one that got out was Sister Mary Magdalene.

Q.—And it was Sister Magdalene that told you this? A.—She returned and said, Mother says we are going to Montreal, Father Mea, you had better go home, and Father Mea said, No, I am going wherever you go, and then Sister Mary Magdalene returned to the House of Providence, and the policeman got out of the automobile at this time. Whether he went into the House of Providence or not I don't know. Father Mea also got out and Sister Mary Vincent and myself and the driver were in the automobile for a few minutes, but the driver got out of the automobile also, which left me and Sister Mary Vincent alone. After some time, then, the policeman returned to the automobile. Father Mea and the driver had got in because it was raining.

Q.—Got into the automobile? A.—Yes, and he said we are going to Montreal.

Q.—Who said? A.—The policeman said we are going to Montreal. Father Mea, are you going? And Father Mea said, Yes, and they were about ready to start, getting ready to start, and Sister Mary Magdalene hadn't got into the automobile, and Father Mea turned to the men and said, Now, one word more before we start. I appeal to you men, I appeal to your honor as Catholic men, not to lend yourselves to this act. You know it is wrong. Now, Mr. Naylor, you know the law and you know that you are doing wrong, you have no legal warrant for this; this is a case of illegal abduction, and you have no warrant for it; you are not going to-night as a policeman, because you are not in uniform, and the policeman replied, "Yes I am, once a policeman always a policeman." He said, "We never go out of the city in uniform." Then Father Mea asked them again to wait till morning till we could discuss the matter with the Archbishop, and the policeman replied, I am acting on the orders of the Archbishop. Then Father Mea said, Well, now, if you insist on going to the outer station, I will appeal to every man, woman and child on the platform for protection, and I will tell them what you people are doing, and if you insist on going to Montreal I will accompany you, and there I will apply to the best legal talent. I will apply for a writ of habeas corpus, and I will have every one of you in court to-morrow. Now, I don't think the Archbishop wants that scandal in Montreal, and I am sure I don't want it. Then the policeman got out of the automobile again, and I suppose he went to the House of Providence. I don't know, but he got out of the automobile.

By His Lordship: Q.—In following your story I do not understand whether that was said twice by Father Mea, or whether that was the second time he said it? A.—Oh, Father Mea repeated them.

Q.—Before he stopped at the House of Providence had he said that? A.—Yes, he said that out at the lake.

By Mr. Tilley: Q.—While you were in the automobile he said he would go to the end of the continent, or something like that, and I will get a writ of habeas corpus and have you all in court to-morrow morning at ten o'clock? A.—Yes, and then he repeated this when they said they were going on.

Q.—And at that time, on the second occasion, he threatened to make a disturbance at the station at Kingston Junction? A.—At the Junction, yes. Well, then the policeman got out of the automobile and was gone for a good while, and he came back to the automobile, and was standing on the running board talking to Sister Mary Vincent and myself, and



Sister Mary Vincent said, What does the Archbishop say? and he said—now, whether he said we are trying to get him or I am trying to get him, I don't know, but they tried to get him.

Q.—You don't remember whether the policeman's answer was, "We are trying to get him," or "I am trying to get him," but at any rate somebody was trying to get the Archbishop? A.—Yes, was trying to get him. Then I said to Father Mea, Now, the Archbishop will come over, I suppose, and order you to go home? and he said, Let him come now and I will be very glad to talk this thing out here with the Archbishop. The policeman went away from the automobile then, and in a little while he returned and Sister Mary Vincent repeated, what did the Archbishop say? and he said, The Archbishop has no order to give, he has nothing to say.

Mr. McCarthy: Of course, I object to that as evidence against the Archbishop.

His Lordship: Yes, I understand that.

By His Lordship: Q.—You had no communication yourself with the Archbishop? A.—No, I didn't get out of the automobile at all, and neither did Sister Mary Vincent.

By Mr. Tilley: Q.—Yes? A.—Then the policeman remained in the automobile for a little while and was talking to Sister Mary Vincent and myself for a time, and he said, Well, this is a dirty mess to get anyone into. It would take very little to send me and my family down to the Protestant Church in the morning, and I said, You know, Mr. Naylon, you shouldn't be in this thing, you know that I am not crazy, and he said, Well, I am just doing what I am told. I am sent by the Archbishop and the Chief, and Sister Mary Vincent spoke up and said he has to obey like the rest of us. I said, Well, you don't mean to tell me that you are obeying in what you are doing to-night, because there is no law in the Catholic Church that would compel you to do what you have done to-night? I said, addressing Mr. Naylon, Mr. Naylon, we make a vow of obedience, but not a vow to degrade religion, as Sister Mary Vincent is doing to-night.

Q.—Did anything else take place there? A.—Then I think they asked Father Mea to go back to the House of Providence again. The policeman asked Father Mea to go back. Now, I don't know whether anybody else asked him or not, but the policeman asked Father Mea to come in and talk to Mother Francis Regis again. I said, Father, don't you go, she will only insult you, and the policeman said, Will you hold your tongue—to me.

Q.—Did he go into the House of Providence? A.—The Father went back into the house again for a short time. He wasn't in very long, and coming up towards the end Sister Mary Magdalene returned again from the House of Providence, and she said to me, Sister Mary Basil, Mother wants you into the House of Providence; you have made your vow of obedience, and you have to do what you are told, and she said, Father Mea, you can't come in because they have no place for you. I said, When you and the Superior General dragged me naked through the city of Kingston by a policeman, as you have to-night, you have placed yourselves outside of all law, civil and ecclesiastical, and now I don't have to obey. Then Father Mea said, Drive us back to the Lake where you took us from; take us back to the Lake, and she said, You can't go back to the Lake, because you can't get in.

Q.—Who was that to? Father Mea, or you? A.—Both of us. She said you can't go back to the Lake because you can't get in. I suppose it was intended for me, because I suppose they would let Father Mea in, but that is what she said, You can't get in, and Father Mea said, Well, drive us to 122 Earl Street, and Captain Daly will take in Sister till the morning, he would take in both of us for that matter till the morning, they will take Sister at all events, and Sister Mary Vincent said, You know, Father, Sister has her vows, and she cannot go to a secular house, and I said, Yes, I have my vows to go to a decent respectable house, but I had no vows for you to throw me into an asylum.

Q.—To take you to Earl Street, to whose place? A.—Captain Daly's.

Q.—Friends of yours? A.—Yes, where I am staying at present.

Q.—What happened after he made that suggestion? A.—She went back into the Mother House again.

Q.—Who did? A.—Sister Mary Magdalene, and the policeman also went in. I don't know that I remember anything else of importance. The next thing I know about it was the policeman came out and got into the automobile, and Sister Mary Magdalene also came out and got into the automobile, and there wasn't a word spoken. When they were seated the chauffeur turned around and said, "Where now?" and the policeman said, Well, I guess that they have decided to go back. But before we came to this, as I remember it, before that point was reached, at the time the policeman announced that the Archbishop had no orders to give or no further orders to give—

Q.—Which was it as you remember it, no further orders, or no orders to give? A.—No orders to give. Father Mea said, You see, now, Mr. Naylon, do you see now that the Archbishop has no orders to give you, and why do you persist in going? And he said, Well, I have orders from the Chief, and Father Mea said, Let us drive around and see the Chief, and the policeman said, Oh, you couldn't see the Chief, because he is in bed long ago, and Father Mea said, Oh, well, he boards at the Randolph, and we can get him up, and the policeman said, Oh, no, you couldn't see him.

Q.—Then other than that is there any other incident until the time when the policeman said something about going back to the Orphanage? A.—I can't recall anything just now. There may be.

Q.—Then did they leave the place? A.—We were there a long time.

Q.—I was going to ask you, can you say how long it was from the time you reached the House of Providence until you left it? A.—Well, now, as Father Mea was in dressing at the lake the city clock struck eleven.

Q.—That would be at the Orphanage? A.—At the Orphanage, and it only took him a few minutes to dress, and we came out, and when we returned to the Lake when everything was over, it was two o'clock or a few minutes after two.

Q.—So that you were from eleven o'clock until about two o'clock in the morning? A.—Yes.

Q.—And after the policeman announced that you were going back to the Lake, did anything else take place? A.—There wasn't a word spoken. After a moment or so I said to the policeman, You know, Mr. Naylon, this is dislike on the part of the Superior General for me, and you should not be in it.

Mr. McCarthy: This is not evidence.

By His Lordship: Q.—Who are you speaking of now? A.—I was speaking to the policeman when they made up their minds to return to the Lake.

By Mr. Tilley: Q.—In the presence of whom? A.—In the presence of all the others.

Mr. McCarthy: Not in the presence of the person you are speaking of? A.—No, not in the presence of Mother Mary Francis Regis, because I hadn't seen her at all that night, and he said, Well, it isn't my fault, I am acting as an agent.

By His Lordship: Q.—The policeman said that? A.—Yes, the policeman said I am acting as an agent.

By Mr. Tilley: Q.—Then you went back to the Lake, to the Orphanage? A.—We went back to the Orphanage.

Q.—And nothing else until you get back there, I suppose? A.—Nothing that I recall.

Q.—Well, I do not want to take up time with too much detail, but when you got back there what happened? A.—Well, the policeman helped me out of the automobile.

Q.—Then what happened there? A.—The policeman helped me out of the automobile, and I went in and I asked Father Mea to come upstairs, that I wanted to get my clothes. I was afraid to go upstairs. I had two flights of stairs to go up, and I said, You come with me. I want to get my clothes, and he did come up, and the room was locked, but I looked around until I got a key and opened the door of my room.

Q.—Then what did you do? A.—Well, I got my clothes, and I took hold of my trunk and I pulled the



trunk down two flights of stairs.

Q.—To where? A.—I brought it down to Father Mea's office, intending to get out in the morning.

Q.—Intending to leave in the morning? A.—Yes.

Q.—Then what did you do from that time on? A.—Well, I was so exhausted that I sat in a chair. I wasn't able to change my clothes for a good while, and along about five o'clock I think I went in to another room and put on my costume. We sat there and talked.

Q.—Who? A.—Father Mea and myself.

Q.—And then about five o'clock you went into another room and put on your costume? A.—Yes.

Q.—And then you sat up all night? A.—Oh, yes.

Q.—You didn't go to your room? A.—Oh, no, I didn't. I was too much afraid to go any place.

Q.—Then you said you intended to leave in the morning? Did you leave in the morning? A.—Father Mea persuaded me not to. I told Father Mea I was going to the city now and apply to the civil courts for protection.

Q.—And he persuaded you not to? A.—He persuaded me not to, that he would get me justice from the ecclesiastical courts.

Q.—Just describe your life from then on in the institution, in the Orphanage?

His Lordship: Do you think that is proper? Doesn't that end it?

Mr. Tilley: My Lord, I don't think an incident of that kind ends just in that way.

Q.—Did you take your own room again? A.—Oh, no, I wouldn't go up to the third floor.

Q.—What was your condition of mind? A.—Oh, I never undressed for all the time I was at the Lake.

Q.—Why not? A.—I sat in an easy chair in Father Mea's room for five or six nights.

Q.—That is in his office? A.—In his office. And I was very, very sick. I was suffering from shock, I suppose, and exposure, and about ten days after the Superior knew that I was sick and she came into my room one night. I was lying on the bed, and she come in to me, and she said I will stay in the room next to you to-night because you are very sick, and I said, Oh, no, I won't want anything, go upstairs.

By his Lordship: Q.—When was the policeman dismissed? A.—After we got back to the Lake, to the Orphanage.

By Mr. Tilley: Q.—Then you say for some eight or ten days you sat up every night? A.—I sat in this chair in Father Mea's room for five or six nights.

Q.—Then did you get a room? A.—Yes, the Superior offered me a room across the hall in that flat that Father Mea was in, but she wouldn't give me a key for the door, and I was afraid to go to the room, but during the day I used to go in and lie down on the bed, because I was very sick, and finally I asked the Local Superior to let me see a doctor, that I was very sick and I would like to see the doctor, and she said, Certainly, who would you want to see? and I said I would like to see Dr. Morrison, and she said, Well, I will go to the phone and call him up, but I never saw Dr. Morrison.

Q.—Then what happened after that? A.—I remained on there until the 23rd of October, and then I went to Belleville.

Q.—Did you make the arrangements to go to Belleville, or were they made for you? A.—They were made for me.

Q.—Who was the Superior there? A.—Sister Mary Gabriel.

Q.—She was the Mother Superior before Mother Regis? A.—Yes.

Q.—And did you know her? A.—Sister Gabriel? Oh, yes, I did. We were good friends.

Q.—How did things proceed there? A.—Sister Mary Gabriel was very sympathetic towards me, and and in talking of the incident that occurred on the night of September 14th she used to cry.

Mr. McCarthy: Of course, that is not evidence.

Q.—How long did that condition last at Belleville? A.—Well, that condition lasted until about the 16th February, 1917.

Q.—So that from October until about the middle of February everything went smoothly at Belleville?

A.—Yes, there was nothing—

Q.—Then what change, if any, took place? A.—On

the 14th of February Sister Mary Gabriel was summoned to Kingston.

Q.—Sister Gabriel, the Superior at Belleville, was summoned to Kingston? A.—Yes.

His Lordship: Do you propose to follow it down to Kingston?

Mr. Tilley: Now, I propose to show that after she came to Kingston and saw Mother Regis certain things happened at Belleville.

His Lordship: Supposing they did? How long back do you propose to follow this thing? From what time to what time?

Mr. Tilley: I propose to follow it all the time of this occurrence, from April, when she wrote the letter to the Mother Superior, down to the time she left the Community.

His Lordship: What has that to do with this that we have been dealing with yesterday and to-day? You surely do not think that some damage or something resulting from her living at Belleville has to do with the assault that took place at Kingston?

Mr. Tilley: I think it has a good deal to do with it. I think it is all part of the same series of events which ended ultimately in her having to leave.

His Lordship: I would rather not prevent any evidence going in, but, on the other hand, I would rather not go into matters that seems to me clearly not involved in this investigation.

Mr. Tilley: Might I put it this way, my Lord. She has told now that she would have left the next morning, but she was prevailed on to stay on the expectation that Father Mea would get her redress.

His Lordship: But how is the fact that she was prevailed upon to stay anything to do with an assault or the matters that we have been investigating?

Mr. Tilley: In the first place there were other assaults later on. I am going to show that at Belleville she was assaulted again.

His Lordship: Supposing she was assaulted at Belleville or Toronto, or any other place, how has that to do with an assault that took place on the night of the 14th September?

Mr. Tilley: We are not suing merely for an assault. Our action is not merely for an assault, it is for being deprived of our rights and privileges in this Community.

His Lordship: I fail to see any connection at present. Perhaps I will see it later on. It is objected to and you can take it at your own risk.

Q.—Then you say something happened in Belleville? A.—Sister Mary Gabriel was summoned to Kingston on the 14th February.

Q.—That means summoned to the Mother House, does it? A.—Yes, to the Mother House.

Mr. McCarthy: Does the plaintiff know that?

Q.—When you are called to Kingston are you called to any place but the Mother House? A.—Just the Mother House.

Mr. McCarthy: How does she know she was called or who called her?

Mr. Tilley: We will read the evidence of Sister Gabriel.

By His Lordship: Q.—What do you know about the calling from Belleville to Kingston? A.—I knew that on that day Sister Mary Gabriel got a phone message from Kingston.

Mr. McCarthy: That must have been what somebody told her?

His Lordship: I suppose all she can say is that was what she understood.

A.—(Continued.)—She was summoned to Kingston to the Mother House.

Q.—Then what happened when she came back? A.—She returned the following day, which was Thursday evening, and she spoke to me after she returned. At least she spoke to me at the supper table passingly, and on the following day, Friday, she seemed very cold towards me, didn't seem to be like Sister Mary Gabriel had been, and on Saturday morning, the next morning, which would be the 17th, I was at the front door with a mop in my hand, a floor mop, and the mail man came up while I was there and he handed me the mail, and I threw it into the box that was in the door. There was a mail box attached to the door, and I threw the mail into the box, and he asked me to sign a book for a



registered parcel, and while in the act of signing the book Sister Mary Gabriel appeared at the door, and I handed the book back to the mail man and turned to her, and she said—

Mr. McCarthy: Of course, I object to what Sister Mary Gabriel said as being evidence against these people.

Q.—What happened? A.—She said to me, "You bold, impudent woman, what are you doing here?" and I said I was here and the mail man asked me to sign this book. She took hold of me by the arm and pulled me into the vestibule, and she said go to your room. I said, Why do you order me to my room? Then she struck me between the shoulders. My back was partly turned to her, and she struck me between the shoulders, and after that she put her two hands to me and threw me up against the door, but I saved my face by putting my hands between me and the door. She took hold of my arm and dragged me into the hall and ordered me to my room. I said, Why do you order me to my room? She said, Because I have authority to do so. I said, You have no authority for such a command as that. What have I done? She said, You are obliged to obey me, and I said, Yes, I will obey you, if you tell me why you give me this command; to give me a punishment like that you have to explain to me why, and she said, I order you to your room, and I forbid you to speak to any Sister. I forbid you to attend any exercises of the Community. I repeated, Why do you give me the order? and she said, Well, because you have to obey me. She took hold of me to push me upstairs, and I said, May I go to the chapel? and she said, No, the chapel is no place for you, go to the devil where you belong, you are no longer a member of the Community.

Q.—Then what happened after that? A.—I went upstairs and I met Sister Zeta.

His Lordship: Can you not deal with this in some wholesale manner? If you follow all the steps from that time to this you are involving a longer investigation than we contemplated.

Mr. Tilley: I do not know how I can help it.

His Lordship: I do not think this has anything to do with the original assault.

Mr. Tilley: But it is all part of the same series of events.

His Lordship: Everything that took place at Belleville it seems to me too remote to be part and parcel of the assault that took place in Kingston.

Mr. Tilley: I am not saying it is part of the assault. It is part of the line of conduct that was adopted.

His Lordship: We are only here because of something that took place on the 14th September.

Mr. Tilley: No, my Lord, we only had that event because of the larger issue, the line of conduct that was determined to be pursued with this sister, and we are here to investigate that line of conduct.

His Lordship: And you say the line of conduct which followed was because of the assault that took place in Kingston.

Mr. Tilley: No, I say the assault was part of the line of conduct, and I say the assault by Sister Gabriel was another feature of it, and another assault, which I shall describe, was still another. That is my contention.

His Lordship: Well, as I say, it would be better for me not to prevent the evidence going in, although I feel very strongly against that being evidence at all in a matter of this kind, but it is objected to, and let it go with the objection at present. If it so happens that I am wrong and there has to be another trial like this, much as it is to be regretted, I do not see how it can be helped if you persist in that way.

Mr. Tilley: Well, that is part of our case. We have pleaded it.

His Lordship: I do not think it is part of your case.

Mr. Tilley: We have pleaded it.

Mr. McCarthy: That is my objection, of course, to the pleadings.

Q.—Then what happened next? A.—Sister Zeta said to me, Don't blame me, we are forbidden to speak to you.

Q.—Well, you have told us what Sister Gabriel did, and she was the Superior in that institution? A.—Yes, the Superior.

Q.—Then, subsequently, did anything else happen to you while you were at Belleville after that circumstance you have told us about? A.—Then she held my counsel's mail. I had placed my case before Rome, and that entitled me in canon law to counsel.

Q.—When you make a complaint to Rome you are entitled under your canon law to appoint counsel to represent you? A.—Yes.

Q.—And did you appoint a counsel to represent you? A.—I asked permission of the Papal Delegate to select for my counsel Father Mea, or at least Father Mea asked for permission for me.

Q.—When was that? A.—That was immediately after the abduction, on the 18th of September, and the Papal Delegate replied Sister Mary Basil has a right to select any counsel.

Q.—I suppose this is your first experience, Sister Basil, in giving evidence. Whenever my learned friend makes an objection just stop the evidence until we discuss the point. At any rate, did you select counsel to help you? That is the point? A.—I did.

Q.—Who? A.—Father Mea.

Q.—Then what were you saying about communications between you and your counsel? A.—Sister Mary Gabriel held my counsel's mail then from that date, which was the 17th of February.

Q.—Did she keep them entirely or just delay them? A.—No, she kept them for about a week.

Q.—Then what happened after that, without giving the details at too great an extent? A.—About the 20th or 21st, Father Mulhall, a representative from Rome, came to Belleville.

Q.—About the 20th February? A.—Yes. I haven't the right date. He came to Belleville.

Q.—I do not know that we need get into that? A.—I think it will be necessary to explain matters. He asked to see me and told me that he was commissioned—

Mr. McCarthy: I do not know what that has to do with it.

Q.—You cannot tell us what he said to you, Sister Basil. That is excluded. You will have to eliminate that part of it? A.—Well, at all events, he was sent by Rome.

Q.—What happened after that? In the first place you have told us now that Sister Gabriel committed this assault on you, and she told you you were not to associate with the other Sisters or speak to them, and from that time on did you? A.—The Sisters didn't speak to me. Sister Mary Justina did just stealthily. The others did not.

Q.—Did you associate with them? A.—I wasn't allowed to go to any exercises of the Community. I was forbidden to, but I wanted Sister Mary Gabriel to make that announcement to me in the presence of the Sisters, and I went to the Refectory to see if she would order me out before the Sisters, but she didn't. She didn't order me out before the Sisters, but she told me privately again. She repeated to me three times I was not to go to any of the exercises of the Church.

Q.—Was there any other assault on you there? A.—Well, yes, one day Sister Mary Justina struck me in the face.

By His Lordship: Q.—Who is Sister Justina? A.—She was a Sister in Belleville.

Q.—How many Sisters were there at Belleville? A.—Seven or eight, I think.

By Mr. Tilley: Q.—Just tell us about that incident? A.—Well, I didn't know why Sister Mary Justina did that because Sister Mary Justina was always in sympathy with me, and we had no falling out in any way that I know of, and I couldn't explain why she did it. She did it on the impulse of the moment, I suppose, and perhaps under some annoyance that I didn't know. Will I tell how it happened?



Q.—Yes, tell how it happened?

Mr. McCarthy: Has that anything to do with us, what Sister Justina did?

His Lordship: I do not think so.

Q.—Then when did you leave the Belleville home?

A.—Well, I was broken down, and I felt I could no longer stand that, because I sat in a room all day looking at the four walls, and I had no one to speak to and nothing to do.

Q.—Had you no work to do there? A.—No, no work to do to speak of. After twelve weeks they gave me what purported to be work, but there wasn't fifteen minutes' work in connection with it.

Q.—Fifteen minutes in the day, do you mean? A.—In the day, yes. I had asked to see a doctor. My counsel was to see me, and I told him I didn't feel I could stand the strain any longer, and that I would like to see a doctor to see if I could possibly endure it any longer, and a petition was made for the doctor, but I wasn't allowed to see him. Then I left on the 14th of May.

Q.—Then you left in May? A.—I left Belleville on the 14th—the 15th of May.

Q.—How did you come to leave at that time? Why did you leave? A.—Because I was broken down, and I felt I couldn't endure it any longer.

Q.—Had you got any redress in the meantime? A.—I had got no redress at all.

By His Lordship: Q.—What did you say was the reason you left? A.—I was broken down in health and felt I could not continue that strain under which I was.

By Mr. Tilley: Q.—Where did you go? A.—I went to Ottawa to see the Papal Delegate.

Mr. Tilley: Then I put in a letter from Sister Basil to the Archbishop of May 22nd, 1917, which reads as follows:

"Your Grace: The special phase of the cruel and uncanonical treatment of me which began on February 16th last in the convent at Belleville when the Superior General received official notice that my case had been taken into consideration by the Sacred Congregation of Religious having reached its fourteenth week has now exceeded the limits of my physical strength to bear.

"On the verge of a physical collapse, I have, God knows, sorely against my will, and with no intention of abandoning the religious life or my rights and privileges in my Community, been forced to take temporary refuge with Catholic friends in the city.

"In an interview with the Apostolic Delegate on May 16, His Excellency informed me that you were my natural protector, and that it was your duty to give me the protection to which I had just claim.

"Having already notified Your Grace on the 16th and 29th ult. of this illegal and uncanonical treatment at the hands of my Superiors, and having received no substantial relief, notwithstanding the fact that I had received written assurance that I should, I respectfully beg leave again to notify you of this uncanonical treatment, the details of which were given you in my communications of the 16th and 29th ult., through my counsel, Rev. Father Mea, and respectfully to demand that I be restored to the rights and privileges of my Community, and that I be given written guarantee of protection from future injury, insult and other form of odious treatment, so that I may be enabled to live a peaceful religious life. My address is 122 Earl Street. Your respectfully,

"(Signed), SISTER M. BASIL."

(Letter marked Exhibit "5.")

Q.—Have you the reply to that letter, dated the 28th May? A.—Yes. (Produced.)

Q.—That letter of the 22nd May was written how soon after you left the Belleville home? A.—About six or seven days. I left on the 15th.

Q.—That was about a week afterwards? A.—Yes.

Mr. Tilley: Then I put in the reply from the Archbishop, dated the 28th May, 1917, to the Reverend Sister M. Basil, Earl Street, Kingston:

"Dear Sister Mary Basil: We have your letter dated the 22nd inst., conveying the distressing intelligence that you have left your convent home; and upon inquiry we find that you have taken this step without permission from any superior. Now, therefore, we command you in virtue of holy obedience, to

return forthwith to the house of your religious institute at Belleville, and therein, before seven of the clock on Tuesday afternoon, the twenty-ninth day of this current month of May, to resume your abode and there await our further mandate.

"Given from our Palace at Kingston, this twenty-eighth day of May, in the year of our Lord, nineteen hundred and seventeen.

"(Signed), MICHAEL J. SPRATT,

"Archbishop of Kingston."

"Richard S. Halligan, Sec."

(Letter marked Exhibit "6.")

Mr. Tilley: Then I put in the reply from Sister Basil to the Archbishop of May 28th, 1917:

"Most Rev. M. J. Spratt,

"Archbishop of Kingston, Ont.

"Your Grace: I acknowledge the receipt of your letter of the 28th inst., and beg leave hereby respectfully to notify you that:

"Whereas, the Superior General of our institute, Sister M. Francis Regis, and others, including Your Grace, have conspired to defame me and illegally to deprive me of my liberty and my rights and privileges as a member of our religious institute;

"And, whereas, on the night of September 14, 15, 1916, under the direction of Sister M. Francis Regis and others, including Your Grace, Policeman Naylor, Chauffeur Gallagher, Sisters M. Magdalene, M. Vincent and M. Alice, did unlawfully arrest, assault, gag and clothe me in lay rags barely sufficient to cover my nakedness, and forcibly abduct me from St. Marys-of-the-Lake, with the asserted intention of placing me in an asylum for the insane in the Province of Quebec;

"And, whereas, I was rescued on the streets of this city after three hours of effort by the chaplain of that institution;

"And, whereas, I am now suffering from serious internal injury which threatens to be permanent, the result of the aforesaid assault and three hours' exposure in inclement weather on the public streets;

"And, whereas, I am in possession of evidence to prove that the Superior General and others, including Your Grace, have, after the above-mentioned outrage, unsuccessfully sought from a physician a certificate testifying to my being insane with a view either to giving a fraudulent appearance of legality to this criminal act or to repeating the same;

"And, whereas, on February 14, 1917, the same date as Rev. Father Mulhall, C.S.S.R., by authority of the Apostolic Delegate, began his inquiry at the Mother House, Kingston, the Local Superior of the Convent at Belleville was summoned to Kingston, the day following she returned to Belleville, struck me, ordered me to my room, forbid me to have any communication with my sisters in religion and them with me, told me that I was no longer a member of the Community, and intercepted all letters to me from my counsel;

"And, whereas, Rev. Father Mulhall, having arrived in Belleville six days later to continue his inquiry, on my complaining to him of this extraordinary treatment, said the Superior had a right to do what she had done;

"And, whereas, since that time for over fourteen weeks I have been subjected to every manner of persecution, humiliation, and insult in the convent at Belleville without any restraint on it, but rather encouragement by the Superior. This treatment has gone to the lengths even of assaulting me and doing me serious bodily injury;

"And, whereas, I am advised that I could not possibly suffer these illegal and uncanonical conditions any longer without grave risk of serious consequences to my bodily health;

"And, whereas, I have made frequent but fruitless appeals to you for protection;

"And, whereas, by your act this day forbidding all communication with my counsel, I am deprived of all protection, I, much against my will, and solely to protect my natural right to good name and liberty within our rules and constitutions; and with no intention whatever of renouncing the religious life or my rights and privileges in my Community, am



forced respectfully to decline to accede to your command until I have received from you in writing promise and guarantee (1) of protection from further assault, insult or other form of odious treatment; (2) removal of prohibition of communication with my sisters in religion and attendance at the common exercises of the Community; (3) free and uninterrupted communication by letter or in person with my counsel, pending the consideration of my case which, as you already know, is now before the Sacred Congregation of Religious, Rome, Italy.

"Your persecuted subject,

"(Signed), SISTER M. BASIL.

(Letter marked Exhibit "7.")

Mr. McCarthy: Of course a great deal of that is objectionable, too.

Q.—Did you get any reply to that letter? A.—No, I got no reply.

Q.—Did you hear anything further from the Archbishop from that time? A.—No.

Q.—That is, May of this year? A.—Yes, that was the last communication.

Q.—You did not get any reply to that letter? A.—No.

Q.—From that time on you have been living at Earl Street? A.—I have been living at Earl Street.

Q.—Now, just a word or two as to your present position in life. Are your parents alive? A.—No.

Q.—What relatives have you? A.—I have two brothers living and two sisters in religion who would be no help to me. My brothers would be no help to me, either, because they have their own families to look after.

Q.—And you have two sisters that are in religion? A.—Yes.

Q.—And, of course, they would be no help to you? A.—They would be no help to me.

Q.—And as you have said, you have spent the whole of your life from between 15 and 16 years of age until you are 46? A.—In the convent, and I feel I am wholly unfitted to face the world after so many years. I am broken down in health, and 29 years spent in a convent is very different to 29 years spent in the world, because, after 29 years spent in a convent you are lost in the world and incapable of making a living for yourself.

## Sister Mary Basil Cross-Examined

Cross-examined by Mr. McCarthy: Q.—Now, Sister Basil, when did you say you left Ireland? How old were you when you left Ireland? A.—I left Ireland about eleven months before I came to the Community in Kingston.

Q.—And what age were you then? A.—I would be in my fifteenth year.

Q.—What part of Ireland did you come from? A.—I was born in County Kerry.

Q.—Did you come by yourself to Holyoak, Massachusetts? A.—I had a brother and two sisters there.

Q.—Living there? A.—Yes.

Q.—Were your parents dead at the time you came? A.—No.

Q.—Did they come with you? A.—No.

Q.—They remained in Ireland and you came out yourself, did you? A.—I came to my brothers and sisters.

Q.—And how long did you remain with them? A.—I remained there about eleven months when I entered the Community in Kingston.

Q.—They, I presume, were unable to maintain you, so that they sent you, did they, to Kingston? A.—Oh, no, they did not.

Q.—How did you come to go to Kingston? A.—My Director told me that I had a Religious vocation and advised me to enter a Community.

Q.—Who was that? A.—He was Father Fitzgerald who lived in Holyoak, Massachusetts.

Q.—He said you had a Religious—what did he call it? A.—A Religious vocation.

Q.—And advised you to enter at the age of fifteen, which you did? A.—I entered before I was sixteen.

Q.—How long were you in before you took your final vows? A.—Over four years.

Q.—And where did you take your vows? A.—In the House of Providence, Kingston.

Q.—Who was the Superior at that time when you were in office? A.—Mother Edward.

Q.—Then what year was it you took your final vows? A.—It would be October, 1892, the ninth of October.

Q.—Then where did you go? A.—I remained in novitiate for a year or so longer, and then I was sent on a mission to Brockville.

Q.—You said you remained in novitiate. What is that? A.—That is a place of preparation in which we spend two years before we make our vows. Then we make temporary vows for two years, and after the expiration of two years we make perpetual vows. Then we are recognized as members of the Community.

Q.—That is what I understood, but you said you remained in novitiate? A.—I made a mistake. I meant to say after the temporary vows.

Q.—After the temporary vows you remained in

novitiate, but after your final vows you were a member of the Community? A.—Yes.

Q.—And what did you do when you became a member of the Community? A.—I couldn't tell you now just what I did.

Q.—Where did you go? A.—I remained in the House of Providence for some time, and then I was sent to Brockville to the hospital.

Q.—What was your object in going to Brockville Hospital? A.—I was sent to the hospital as a nurse.

Q.—Had you qualified as a nurse at that time? A.—I had not.

Q.—What was your object in going to the Brockville hospital? A.—I was sent there to nurse.

Q.—To nurse, or to qualify as a nurse? A.—At that time the Sisters were not qualifying for nurses.

Q.—I didn't say what the Sisters were doing. I am asking about you. What were you sent for? A.—I was sent there to nurse the sick.

Q.—And did you qualify, or were you qualified when you went there? A.—I was not qualified when I went there.

Q.—How long were you at Brockville? A.—I don't know how long I remained that time, but I know that during that time I didn't qualify, or I didn't get a certificate because at that time the Sisters were not getting diplomas.

Q.—Were you there a year? A.—I guess I was.

Q.—More? A.—Yes, I was there more than a year.

Q.—More than two years? A.—I couldn't say. I couldn't give the dates exactly.

Q.—Did you have any trouble there, Sister? A.—Not that I know of. Our life does not go on very smoothly, and I might have had my difficulties, but I don't remember any.

Q.—You had your difficulties, but you don't remember them? A.—I may have had, I say.

Q.—Don't you know that you had? A.—I don't.

Q.—You don't know? Well, you may have had troubles which you do not know of? A.—No, I didn't say that, but I said our life does not go on so smoothly that we may not have disagreeable things in our lives, but I don't remember of anything disagreeable happening while I was there.

Q.—Why did you leave Brockville? A.—I suppose I was recalled.

Q.—You don't know why you were recalled from Brockville? A.—No.

Q.—Then, after being recalled from Brockville where did you go then? A.—I was in the Mother House in Kingston.

Q.—You were brought back to the Mother House at Kingston, and that would be 1895, wasn't it? A.—It would be '94 or '95. I couldn't give you the exact dates.



Q.—And you had some trouble, or they had some trouble with you there, then, hadn't they, Sister? A.—I don't know if they did.

Q.—Do you remember going on a hunger strike there? A.—No, I do not.

Q.—Do you remember refusing to eat? A.—No, I do not. I remember I had stomach trouble which began in Brockville. About a year before I left Brockville I had an attack of stomach trouble, and I developed a sore throat, and Dr. Kyle, who was a specialist, treated me for the sore throat, and he said it was from my stomach.

Q.—You do recollect, though, about refusing to take any nourishment for a very considerable length of time? A.—No, I didn't refuse to take nourishment. While I was vomiting I didn't take nourishment because I was not retaining anything, but I took what I could and retained it as long as I could.

Q.—That is your recollection of what took place at that time, I am speaking of 1895? A.—1895. I can't tell you what date it was.

Q.—But that is your recollection of what took place in reference to what I have said? A.—Yes, I do remember that I had an attack of stomach trouble from time to time, and vomiting.

Q.—You remember that, but it was regarded more seriously, was it not, by the Sisters in charge at that time, your condition? A.—Not that I know of.

Q.—How long did you remain at the Mother House on that occasion when you came back from Brockville on your first occasion? A.—I remained a number of years.

Q.—Any trouble there? A.—Not that I know of.

Q.—No disagreement of any kind with anyone? A.—Not that I know of.

Q.—And you say there were no troubles. Then, admitting you would know of them, you say there were no troubles of any kind? A.—I would know of them if there were, and I don't know of any.

Q.—And with that understanding do you pledge your oath there were no troubles of any kind between you and other Sisters during that time? A.—I swear that there was no trouble between me and any Sister that I know of during that time.

Q.—Then where was your next move, Sister Basil? A.—I remained in Kingston for a number of years and I returned to Brockville, but I couldn't tell you the date.

Q.—Can you give me about the date? A.—I was sent there to assist during the retreat by the Superior General while some of the other Sisters came home for the annual retreat.

Q.—Can you give me about the date? A.—I think I was left there for some time.

Q.—Can you give me about the date? A.—I believe I could.

Q.—Will you give it to me, please? A.—Wait till I think it. Would it be in 1902?

Q.—I don't know. I wasn't there, Sister, but I am asking you? A.—I think that would be about the time.

Q.—You think about 1902 you returned to Brockville? A.—Yes.

Q.—Between 1895 and 1902, when you were at the Mother House, what class of work were you engaged in? A.—I was engaged in different works.

Q.—Of what nature? A.—I was among the old people, and I was in the kitchens. I couldn't tell you. We are changed from different works in the House, you know.

Q.—And you say, during that time, you have no recollection of any difficulties or trouble with anyone in connection with that institution? A.—No.

Q.—No acts of disobedience? A.—I don't know of any.

Q.—Will you say there were none? A.—I will say there was none to my knowledge. I will say that I did not refuse to do anything I was asked.

Q.—Any difficulty with the Reverend Father Duffus? A.—I don't know that I had.

Q.—Why smile about it? You say you don't know that you had? A.—Because I heard I had. That is what makes me smile.

Q.—You heard you had? When did you hear you had? A.—Not very long ago.

Q.—How long ago? A.—About a week ago.

Q.—That is the first time you heard you had trouble with him? A.—That was the first time.

Q.—Where did you hear that rumor? A.—My counsel told me.

Q.—That it was alleged you had had difficulty with Father Duffus in January of 1901? A.—Yes, I think that was the date.

Q.—But apart from that you have no recollection of having given trouble to him at all? A.—I have no recollection of having any difficulty with Father Duffus, except something that I described to my counsel which had no bearing on it, my legal counsel told me.

Q.—And you remember Father Duffus consulting the Ecclesiastical Superior, as a result of which you were asked to apologize to him and did apologize? A.—The Ecclesiastical Superior never asked me to apologize to anybody.

Q.—Did you apologize to Father Duffus? A.—I did not. I wasn't asked to. I wouldn't mind apologizing to anybody if I thought I did anything.

Q.—Do you remember having failed to keep certain appointments that you made with Father Duffus in reference to the apology, and in reference to the Confessional, which you declined to keep? A.—I made no appointments with him to my knowledge.

Q.—Did anybody make them for you? A.—Not that I know of.

Q.—Then do you remember Father Duffus declining to have anything further to do with you in any way while he remained at the House? A.—No, I don't know that. As long as Father Duffus remained the Confessor of the House I went to Confessional to him, and I don't know of anything.

Q.—Do you remember him leaving? A.—I remember that he did go away to some springs, and then another Confessor was appointed.

Q.—But you were not aware personally of any complaints which Father Duffus made to the council and to the Superior General in regard to your conduct towards him? A.—The first I heard of it was when my counsel told me.

Q.—You never heard of it before? A.—Never heard of it before.

Q.—Then were there any complaints by the Superior at that time in reference to your refusing to do work which was assigned to you, and against the attitude which you assumed of doing just what you liked, and ignoring all law and order? A.—I didn't refuse to do any work that the Superior ever asked me to do.

Q.—Then you don't remember those complaints? A.—I do not.

Q.—This is away back in 1902? A.—No, I never refused to do what the Superior told me to do.

Q.—You never questioned her authority in any way, you say? A.—No.

Q.—And you say you never refused to do any work that was asked of you to do? A.—I never refused to do any work that she asked me.

Q.—So that if they were under the impression that you had taken an arbitrary stand on all these matters it was purely imagination on their part? A.—Well, to my knowledge, I don't know it.

Q.—So that you have no recollection during the period from 1895 to 1902 when you were at Kingston of the disagreements which you had with different persons who were members of the Community, and of any difficulties which you caused by a refusal to obey your superiors? A.—I didn't refuse to obey.

Q.—You went to Brockville in 1902, in what capacity? A.—I think that was the year that I was sent down to replace some Sister during the retreat.

Q.—To the hospital? A.—To the hospital.

Q.—As a nurse? A.—I don't think I was nursing during that time.

Q.—How long were you there during that period? A.—I was left there after the retreat. The Superior sent word for me to remain for some time.

Q.—How long were you there on that occasion? A.—I remained there about a year.

Q.—Then where did you go after that? A.—I came home to Kingston for the annual retreat, and remained at home.

Q.—Still at the Mother House, were you? A.—I was at the Mother House.



- Q.—And you remained there then for how long?  
A.—I remained there until the summer of 1906.
- Q.—And what happened then? A.—I was sent to Brockville to the Hospital.
- Q.—Was that at your own request? A.—No.
- Q.—At whose suggestion was that? A.—The Superior General.
- Q.—Who was Mother Superior at that time? A.—Mother Scholastica.
- Q.—Now that in 1906 you went to Brockville in the summer, and you qualified as a nurse there, did you? A.—I did.
- Q.—How long were you there? A.—I think I was there about four years.
- Q.—Till about 1910, or what date? A.—No, it was in 1911.
- Q.—How long did you stay in Brockville, then? A.—I stayed there until the latter part of 1909, or the early part of 1910.
- Q.—Well, 1909 or 1910? A.—Yes.
- Q.—And you qualified there as a nurse, did you? A.—I did.
- Q.—And got your diploma? A.—I did about the time, but the time I spent qualifying for a nurse meant that I went in after having done my day's work. I went in and listened to the doctors' lectures, and the Community never gave me one hour to study the lectures or prepare for it. The time that I spent qualifying as a nurse I took from my sleep.
- Q.—Discriminating against you there, were they?  
A.—No, that was the rule. They did not discriminate against me personally. That was their custom. The Sisters had their work to do, and any time they spent in study they had to take from their sleep.
- Q.—But weren't you working in the wards? A.—I was working in the wards.
- Q.—Attending patients? A.—Oh, yes.
- Q.—And taking your lectures at night? A.—Taking the lectures at night.
- Q.—And you took a four-year course there? A.—Studying at night.
- Q.—You took a four-year course there? A.—Well, the term is two years, I think for the Sisters, and three years for the lay nurses.
- Q.—And you took a four-year course, did you not?  
A.—I was there for nearly four years.
- Q.—And you came out with your diploma as a fully qualified nurse? That is true? A.—Yes, I got a diploma.
- Q.—And you are a fully qualified nurse, I believe?  
A.—Yes. I don't know if you would recognize it, if I am a qualified nurse. In the Community I would be recognized as a nurse, but I don't know that I would be recognized as such out in the world.
- Q.—Then do you recollect any troubles at Brockville while you were there qualifying as a nurse?  
A.—No.
- Q.—Absolutely none? A.—I don't remember any.
- Q.—No incident of any kind you remember there with the patients or with the doctors while you were there? A.—No, I don't think there was another Sister who took better with the patients.
- Q.—And no trouble with the medical men attached to the hospital? A.—No.
- Q.—You have no recollection of any? A.—No.
- Q.—Will you say that none took place? A.—Yes. None took place to my knowledge.
- Q.—Then after leaving Brockville you went where?  
A.—I was in Kingston.
- Q.—For how long? A.—I don't know.
- Q.—Any idea at all? When did you go west? A.—Oh, in the summer of 1913.
- Q.—When were you at Smith's Falls? A.—I think it was in the summer of 1911 or 1910. I was asked to go to Smith's Falls during the retreat.
- Q.—Then you would be in Smith's Falls after leaving Brockville? A.—For a few months, yes.
- Q.—How many months? What do you mean by a few months, a year or more? A.—Oh, no, I wasn't there that long. I was asked to go there during the retreat while some of the sisters were in Kingston making their retreat, and I was asked to go by the Superior to assist during the retreat.
- Q.—And how long do you say you were there? A.—I was there from perhaps some time in August until—
- Q.—August of 1910? A.—Well, I wouldn't give you that definitely, but I think it was either 1910 or 1911. I think I was there until perhaps the 1st of November.
- Q.—Of the same year? A.—Yes.
- Q.—Then back to Kingston, did you go? A.—I went back to Kingston.
- Q.—Any troubles in Smith's Falls at all during the time you were there? A.—I didn't hear it then. I heard some reports later.
- Q.—And what was the nature of the troubles you heard you had there? A.—Well, I heard that Sister Mary Francis Regis made some complaints to the Superior General.
- Q.—Who was the Superior General at that time?  
A.—Mother Gabriel, and I asked Sister Mary Francis Regis when I met her if it was the case, and she denied it most emphatically.
- Q.—Then your next change was to the west, was it? A.—Yes.
- Q.—You were asked to go to Perth at one time, I believe? A.—I think I was.
- Q.—And refused? A.—No, I told the Superior I didn't feel able to go, and if she wanted to send me after that, all right.
- Q.—At any rate you were asked to go and didn't go? A.—Yes, she told me—
- Q.—Who was Mother Superior, then? A.—I think that was Scholastica. I told her I didn't feel able to do the work.
- Q.—Then, after these few months at Smith's Falls you came back to the Mother House again? A.—Yes.
- Q.—In November, you say, of 1910? A.—Yes.
- Q.—And remained there for how long? A.—Until 1913, when I was sent to the west.
- Q.—Where did you go west? A.—I went to Daysland.
- Q.—Then there was some disagreement about your going to Daysland, wasn't there? A.—Well, I told the Superior I didn't like to go to Daysland, and I had reasons for objecting to go to Daysland.
- Q.—And by reason of your objection they appointed somebody else to go, so I understand it, but when you got to the time of going they found you sitting in the cab ready to go? A.—I did not refuse to go to Daysland. I had some objections to offer to the Superior about going to Daysland.
- Q.—And on account of those objections they appointed somebody else? A.—I was entitled to offer my objections.
- Q.—On account of those objections they appointed somebody else? A.—I didn't hear that.
- Q.—At any rate, you made up your mind very suddenly to go? A.—I was going. I was going, anyway. I was not told not to go.
- Q.—I thought you said you had objections you were entitled to urge? A.—I didn't urge them. I told the Superior why I disliked going to Daysland.
- Q.—How long did you stay there? A.—About three months, perhaps.
- Q.—Any troubles there? A.—I heard since that there was some trouble there.
- Q.—You always hear of these events after they happen, I notice? A.—Yes.
- Q.—At any rate, the Mother Superior or Mother General had to go out there and bring you home, did she not? A.—I didn't know that.
- Q.—Well, she did go out there and bring you home? A.—No, she didn't bring me home. She went out there.
- Q.—And you came home together? Let us put it that way? A.—No, we did not.
- Q.—You came home separately? On the same train? A.—I came home with another Sister, and she came home some days later. She took three Sisters out of the House in Daysland, and said she intended to close the House.
- Q.—She sent you home in charge of another Sister, did she? Who was the Sister you came home with? A.—I came home with Sister Mary Patrick, and Sister Mary Edmund came part of the way, and went to Moose Jaw.
- Q.—And you have no idea what the trouble was there at all? A.—I have. I know what the trouble was.



Q.—The trouble was with the physician there, was it? A.—Well, yes, I was blamed for the incident. Will you allow me to relate it?

Q.—I only want to know if it has no connection or any connection with the Institute. It was with the physician, I believe? A.—I think it would leave the jury and judge under a false impression, and I think you had better allow me to relate the incident.

Q.—If it does not take too long? I do not mind hearing your version of it? A.—It won't take too long. There was an operation to be performed, supposed to be an illegal operation, and it is contrary to the rules of the Catholic Church for the Sisters to assist at those operations. More than that, those operations were forbidden by the Archbishop of Alberta. This patient was brought in and was in the hospital for about two weeks, and the attending physician brought in another man to consult with, and the stranger, after seeing the patient, told me that he was coming in the next day to perform this operation, and he said I think it is against the rules of your Church to assist, and I said it is. He said will you prepare. Now, as a matter of fact, the Catholic Church does not even allow me to prepare the operation or the operating room for such an operation, but I said if the Superior says so, I will. He says, you will see the Superior? I said yes, I will see the Superior, and if she tells me to go to work and prepare the operating room for that case I will prepare the operating room. I saw the Superior, and she said well yes, I suppose you might as well go and prepare. He said he would bring in one of his own nurses to assist at the operation, and I prepared the operating room and the dressings, and the next morning about nine o'clock—that was the morning on which the operation was to be—I was going to the operating room and the Local Superior met me and she said I don't think I will allow them to perform that operation. And I said well, there isn't very much time to consider it. You had better hurry up, because the doctor will be here. And she said come here and we will phone. And she took me in to where the phone was and she took down the receiver and called the doctor's number. That was the doctor of the place, not the doctor who was going to perform the operation, but our own doctor. I forget his name just now, and as she took down the receiver and got the number she said to me, would you speak to him? And I said no, you do the talking yourself, you know what you want to say, and she said, Oh, I get nervous at the phone, you take the receiver, and I took the receiver out of her hand and I repeated at the phone what she told me to say to the doctor.

Q.—As a result of what took place the patient was taken from the hospital and the operation was performed in the man's house. It was on a man's wife? A.—Yes. Well, I was blamed for the interference when I did what the Superior told me to do.

Q.—That is your account of it. At any rate, as the result of that the Mother Superior or the Superior General was telegraphed for, and she had to come out? A.—I didn't know that.

Q.—You didn't know anything about that? A.—No, I knew nothing at all about that.

Q.—It is again a question of your being blamed for what took place? A.—I didn't know that.

Q.—I say it is a question of your being blamed for what took place on that occasion? A.—I may be blamed.

Q.—I mean that is your idea of it? A.—I didn't feel I should be blamed for it, because I did what the Superior told me.

Q.—That is your explanation of why you were asked to leave there? A.—No, I don't think so.

Q.—Is there any other reason, then? A.—I understood the reason why we were taken out was that there were three Sisters taken out, the Superior General said she was going to close that House because the reasons for which it was opened and established did not exist. That was as a hospital.

Q.—As a matter of fact, it is still in existence, as you know? A.—I don't think as a hospital.

Q.—And conducted as a hospital, too? A.—I think they have some Government patients, because in Alberta—

Q.—Do you know anything about it, or are you guessing? A.—Nobody is allowed in Alberta—I think the Government sent there a good many patients.

Q.—Are you just guessing, or do you know? A.—I know they have no Provincial Home in Alberta, and I know the Government during the time I was there sent two or three in.

Q.—Do you know anything about it now? A.—Yes, I have been told that they have some Government patients.

Q.—I am afraid what you are told is not evidence. Then, after you came back from Daysland, in 1913 or 1914, would it be? A.—Still 1913.

Q.—And where did you go then? A.—I went to the Mother House in Kingston.

By Mr. Tilley: Q.—What month did you come back? A.—I think it was the last of October. I was in Kingston the 1st of November.

By Mr. McCarthy: Q.—Where did you go from the Mother House? Where was your next place? A.—After some months spent in the Mother House I was told to go to Smith's Falls.

Q.—Then you went back to Smith's Falls? When you got back from Daysland, and in the Mother House, were there any disagreements there at all? A.—I was never recognized from the time I came back from Daysland. I got no recognition in the Mother House. I got nothing to do, I was merely there as a boarder, as far as I could see.

Q.—Then, in what capacity did you go to Smith's Falls? Would that be in 1913? A.—No, that would be in January of 1914. The Archbishop advised me to go to Smith's Falls.

Q.—What was the occasion of the Archbishop giving you that advice? A.—I was there in the House of Providence, ignored and treated as a boarder, and I wrote a note to the Archbishop telling him I could not stand a continuance of this treatment, and as a result, he came over and had some conversation with me, and advised me finally to go to Smith's Falls, and that he would protect me.

Q.—What was the need of protection at that time? I don't just see that? A.—Well, I knew then, from the attitude of the Superior General towards me, that I had incurred her displeasure.

Q.—Between the time you got back from Daysland in January of 1914, you were conscious of the fact you had incurred the displeasure of the Superior General? A.—I came to that conclusion.

Q.—And exactly when did you come to that conclusion? A.—About that time.

Q.—About which time? A.—In January, 1914.

Q.—What was it made you come to that conclusion then? A.—Because I had been ignored for so many weeks in the House of Providence, and had no employment, and was practically treated as a boarder. I had no status in the Community.

Q.—What do you mean by status? A.—Well, I mean the recognition which the rule gives me.

Q.—And the Archbishop treated you kindly at that time? A.—He did, very kindly.

Q.—You were very much attached to him at that time? A.—I had great respect for him, yes.

Q.—You were very much attached? A.—Well, I don't know whether you would call it attachment. I had great regard for the Archbishop and a great deal of respect for him.

Q.—Then you went at his suggestion to Smith's Falls, and who was the Local Superior then at that date? A.—Sister Mary Austin.

Q.—And what was the nature of the work there? A.—I was in the Sacristy. I was given the chapel.

Q.—Did you have any trouble while you were there at all? A.—Oh, yes, plenty of it.

By His Lordship: Q.—When was it you say you had trouble? A.—During the time I was in Smith's Falls.

Q.—It began in 1914? A.—Yes.

By Mr. McCarthy: Q.—In January, 1914, while you were at Smith's Falls, under Sister Mary Austin you say you had plenty of trouble? A.—Sister Mary Austin wasn't there all the time.

Q.—Who was? A.—Sister Mary Beatrice.

Q.—Sister Mary Austin and Sister Mary Beatrice were the ones there at that time, and you were there



from January, 1914, until what time? A.—February or March—the last of March, 1915.

Q.—And you say you had plenty of trouble all the time? A.—There was disagreeableness.

Q.—And who was that disagreeableness with? A.—I think Father Raume was the cause of it.

Q.—You think he was the cause of it? A.—I am sure of it.

Q.—Who was the difficulty with? A.—Father Raume.

Q.—Only him? No difficulties with anybody else? A.—No. He brought Sisters in to do the work in the Sacristy that I was supposed to do, and I expressed displeasure at that.

Q.—Which one? A.—I told one of them. I think I told Sister Mary Desalles. She had no right to go into the Sacristy and do my work while I was on the ground and willing to do it.

Q.—You wouldn't call that plenty of trouble all the time? That is only one incident? If you had plenty all the time from January, 1914, to March of 1915, that one little incident wouldn't hardly fill up all that time? A.—I considered that all that year I was not treated as a member of the Community.

Q.—By whom? A.—By the Superior.

Q.—Which Superior? A.—Sister Mary Beatrice.

Q.—And what did you complain of in regard to her? A.—I asked Sister Mary Beatrice for something more to do. I had about fifteen minutes' work in a day, and I asked Sister Mary Beatrice for something more to do, and she told me she could not give it to me, that she was forbidden by the Superior General.

Q.—They evidently didn't want people to do any work there? That is your idea, is it, that they wanted idle Sisters? A.—That is the treatment that was accorded me. I don't know what they exacted of the others.

Q.—And you thought they had discriminated against you in regard to work? A.—I did.

Q.—Had you any trouble apart from this discrimination in regard to work with the Sisters there at all? A.—No.

Q.—None at all? On perfectly amicable terms? A.—Yes, I think so.

Q.—You think so? A.—I am sure.

Q.—You cannot recollect any trouble of any kind with the Sisters? A.—No.

Q.—You didn't know whether the Sisters had asked to have you removed and sent back to Kingston? A.—I didn't know.

Q.—No trouble there in regard to disobedience of rules? A.—No. If you are more specific—

Q.—Now, during that period in Smith's Falls the Archbishop was your friend throughout? A.—He was up till the last. Up to about the time or a little before I left there.

Q.—You were apparently on very good terms with him? A.—I was.

Q.—And wrote to him constantly? A.—I had confidence in the Archbishop.

Q.—And you wrote to him constantly? A.—I wrote to him in the hope that he would—

Q.—Will you answer my question and give your hopes afterwards? You did write to him constantly? A.—I wrote to him from time to time, yes.

Q.—Before you went to Smith's Falls in January, 1914, you had asked his Grace the Archbishop for dispensation from your vows, had you not? A.—I told the Archbishop.

Q.—Will you answer my question, please? I will read what you told him. You had asked him for dispensation, I believe? A.—No, I had not.

Q.—Perhaps you can identify this letter and tell me if it is yours? A.—Yes, that is mine.

Q.—Written in your own hand? A.—Yes, that is my writing.

Q.—From Kingston? A.—From Kingston.

Q.—On the 15th January, 1914? A.—Yes.

Q.—"Most Reverend M. J. Spratt, D.D., Archbishop of Kingston.

"Your Grace, I respectfully ask you for a dispensation from my vows because of my unhappiness in this House. I asked for a change of residence, which the Community ignored, but which, after some time, your Grace kindly granted, but I feel it is too

late to accept it now.

"Thanking your Grace for the great kindness I have received from you, and asking pardon for the trouble I have given, I am,

"Gratefully,

"SISTER M. BASIL."

A.—That would not be an application for a dispensation.

Q.—I put it in for what it states. I do not know sufficiently to say what the effect of it was, except it asks for "a dispensation from my vows." (Marked Exhibit 8.)

Q.—Did you receive a reply to that, Sister? A.—That was the time the Archbishop came over to see me.

Q.—Did you receive a reply to that? A.—I did not. The Archbishop came and spoke to me.

Q.—But you received no written reply? A.—No, I received no written reply.

Q.—No reply of any kind whatsoever? A.—That is 1914. No, I received no written reply.

Q.—You say the Archbishop came to see you? A.—At the House of Providence.

Q.—At the House of Providence in Kingston, and did he grant your request? A.—No, that would not be a request.

Q.—I didn't ask you that. Whatever it is, did he grant it to you? A.—No, he advised me to go to Smith's Falls.

Q.—And you went to Smith's Falls in January of 1914? A.—I went to Smith's Falls on the assurance that I would receive recognition as a member of the Community.

Q.—Had you any reason to think in going to Smith's Falls that you would not be? A.—I wouldn't have gone to Smith's Falls if I thought I would.

Q.—Had you any reason to think that either Sister Mary Beatrice or Sister Mary Austin would have treated you otherwise than as a Sister of the Community before you went there? A.—No, I didn't.

Q.—Then why ask for that guarantee? A.—I didn't think that Sister Mary Beatrice would, or Mary Austin would, but I knew they were governed by Sister Mary Francis Regis, and she would compel them to discriminate against me.

Q.—And you understand the rules to allow the Superior General to discriminate in a local house, to order the others to discriminate? A.—There is no such rule.

Q.—Do you understand the rules to allow the Superior General to order the local Superiors to discriminate against the Sisters? A.—The rules do not say she will. The rule does not tell her.

Q.—Then, apparently, there is a letter which is undated, Sister, which I will be glad if you will look at and see if you can identify, and perhaps you can place the date? A.—This was written on the 4th March.

Q.—Of what year? A.—1915.

Q.—How do you fix that date? A.—From the fact that on that date I received a letter from the Archbishop.

Q.—I understood you to say you had received no letter from the Archbishop? A.—Not in reply to the one you mentioned.

Q.—What letter do you refer to that you received from the Archbishop? Have you got it? A.—No.

Q.—Have you got the letter from the Archbishop that this is an answer to? A.—I don't understand you.

Q.—You say this is an answer? You identify the date as the 4th of March because it is an answer to a letter you received from the Archbishop on that date? A.—Yes.

Q.—Where is the letter you received from the Archbishop on that date? A.—That is the date he told me on the form of dispensation.

Q.—Where is it? A.—I haven't got it.

Q.—What did you do with it? A.—I returned the formula or form of dispensation to the Archbishop.

Q.—Where is his letter, though? A.—Well, there was just a note with it telling me he sent it.

Q.—Where is it? A.—I kept it for a time and destroyed it. There wasn't much in it. Just a few lines in it.

Q.—Well, you speak of a form you sent back? A.



—I returned it to the Archbishop. He has it, I suppose.

Q.—You returned it to him, when? A.—I sent it back to Kingston.

Q.—in what way? A.—By mail.

Q.—With a letter? A.—With that letter

Q.—You say this is the letter that you wrote? A.—That I returned.

Q.—This is what you say: "Smith's Falls. Most Reverend M. J. Spratt. Your Grace: I have not sent you the application for a dispensation from my vows." You say, "I have not sent it." "I ask you to do me a favor by asking for a change for me. I expected Your Grace would grant me an answer. I return the enclosed form." Now, what is that form? A.—That was the form of dispensation from two vows.

Q.—You first say, "I have not sent you the application for a dispensation." I see what you mean. "I ask you to do me a favor by asking for a change for me. I expected Your Grace would grant me an answer." See if I understand this right? In this letter you do not treat your letter of the 15th January as an application for a dispensation? A.—No, that would not be a formal application.

Q.—Does this letter contradict that view? A.—That is not a form.

Q.—I didn't say it was. If you will listen to my question, please. Is this letter an explanation of that, stating you do not consider that as an application for a dispensation? Is that what this letter means? A.—Yes.

Q.—"I ask you to do me a favor by asking for a change for me. I return the enclosed form. I will give you timely notice to get the same ready when I am prepared to leave the Community. Your Grace, you change very quickly towards me. I am not going now, so you can wait for a little while, and you may know many things that you do not now know. Respectfully, Sister M. Basil?" A.—Will you allow me to explain that?

Q.—Doesn't it explain itself? A.—No. (Letter marked Exhibit 9.)

Q.—These letters which you sent to the Archbishop, were they sent through the ordinary course of mail? A.—Those come under the head of privileged letters. They came by the mail, yes.

Mr. Tilley: They would come under the head of a certain class of letters.

Q.—Did they go through the post, or did they not? A.—Oh, yes, they went by mail.

Q.—Now, then, I find two other letters to the Archbishop about the same time that you will perhaps be able to identify for me, Sister? They both appear to be written on the same day. No, perhaps one is the 21st. I thought they were the second. That, I think, is the 2nd March, 1914, which possibly you can identify? A. Yes.

Q.—That is one of your letters dated the 2nd March, and that you say was written before the one that was just put in as Exhibit "9"? A.—I think so. Maybe I could tell from the reading of it.

Q.—I will read it to you? A.—I will be able to tell you.

Q.—"Most Reverend M. J. Spratt, Archbishop of Kingston, Smith's Falls, 2nd March, 1914:

"Your Grace: Will you please give me now what I have already asked you for? It grieves me to give trouble to one who has lavished so much kindness on me. Your Grace, don't think I have forgotten all you have done for me. I would give my life this moment contented to receive no other reward than the fact that I contributed to your happiness in a small degree. It would be much easier to die than to live. Your Grace, I did not think there was much use sending me here. Please do not ask me to go to any other House as there isn't a mission in Ontario I would prefer to here. The Superior is kind to me. Every Sister here is kind to me, but I cannot get interested. I cannot put my mind on anything I do, although I do very little. There is no use trying. I can't content myself, I have become too unhappy, my heart is broken. But I should not complain. I have only myself to blame. I was warned that Sister Mary Francis Regis was the only enemy I had in the Community. I did not heed the warn-

ing. I could not believe I had an enemy, but it was only too true. She has punished me, and what is worse, God has punished me. Evidently I did wrong. Your Grace, don't ask me to come to Kingston. I have no desire to see it again, although I spent 25 happy years connected with that House. It is true that I had my Cross, there is no person without it, but it weighed lightly on me, and in less than twenty-four hours was forgotten, but I was dealing with Superiors who had human hearts. Allow me to remain here until you get the document."

Q.—What document is it you refer to? A.—The dispensation from Rome which the Archbishop was to get.

Q.—"Your Grace, as I am aware that you have many demands on your precious time I will not expect you to answer this letter. Wait until you send me the final letter."

Q.—The final letter is one granting the dispensation from Rome? A.—Which should come from Rome.

Q.—"Once more I thank Your Grace for all your patience with me, hoping a day will come when I will not be a nuisance to you. Asking your blessing and prayers, I remain, very gratefully, Sister M. Basil." (Marked Exhibit 10.)

Q.—Now, after having heard that read, Sister, could you tell me whether that was written before or after the undated one? A.—That was written before. You don't want me to explain?

Q.—I think the letters explain themselves? A.—Yes, previous to that.

Q.—Now, the Archbishop wrote to you between this date and the 21st March? A.—The 21st March.

Q.—Between the 2nd March and the 21st the Archbishop wrote to you. Why I say so, Sister, is because I have a letter here of yours which you will perhaps identify for me? A.—I acknowledge I would mention it.

Q.—I just want you to identify this letter as your letter for me? A.—Yes, that is mine.

Q.—And that is written on the 21st March again to the Archbishop of Kingston, in which you say, "Beloved Archbishop, I have been sick or I would have answered your letters received two days ago." That would be a letter received apparently about the 19th March. Have you got that? A.—No, I haven't.

Q.—Where is that? A.—I guess I destroyed it. There wasn't much in it, anyway.

Q.—Whether there was much or little you destroyed it? A.—I am very sorry I did.

Q.—If there wasn't much in it I suppose it might only encumber the record?

By His Lordship: Q.—Why are you sorry? A.—Because I would like to have it.

Mr. Tilley: We are without a copy, unless the Archbishop has a copy.

Mr. McCarthy: No, we have no copy.

Q.—"I have been sick or I would have answered your letter received two days ago. Your Grace, it is the wish of the Community"? A.—That should be "if it is the wish."

Q.—The original letter is "if is"? A.—"If it is."

Q.—"If it is the wish of the Community that I should leave by all means I will get out. Don't ask any favor for me. Take the step they desire. The fondest wish of Mother F. Regis will be accomplished. I have confided to Your Grace the cause of my uneasiness here. That cause should be made known to the members of the council, as I came here with Your Grace's sanction and under your assured protection. This is why I address myself to you, not because I would expect any person to uphold me in wrong, but you have the name of being just, of wanting to do God's will, and I hope you would not allow me to be wronged, which I feel I have. From the first week I spent here Father Raume said I was here against the wishes of the Superior General, and he would see I left it. He has kept his word, and many times repeated the threat, and Your Grace would guarantee that Mother F. Regis would not resent the fact that I came here with your permission, which she did, as the Local Superior will tell you, and has told others she was forbidden to recognize me in any way."

Q.—What Local Superior did you refer to there?



A.—I refer to Sister Mary Beatrice.

Q.—She is still here, isn't she? A.—She is in Smith's Falls.

Q.—"This is not the first time the Archbishop asked to have a Sister transferred to another House, but it is the first time in the history of the Community that the Local Superior of that House was obliged to ignore the Sister that is placed in her charge. This could not escape the notice of the Sisters. It has reached the other Houses and has confirmed the opinion that the present Superior General would have revenge at any cost. This did not in any way disturb my peace of mind, because I liked the work I had, I felt able to do it, and if you knew my feelings to-day you would realize that I am anxious to keep it because I do not feel able to do much more, but for the sake of the degradation to lay persons, and even Protestants, who will tell them that the dog was spoken to when they heard me addressed in the passages and corridors, when it has continued so long, and no hope of improvement, I do not think Your Grace should take it so ill of me for seeking some remedy. Beloved Archbishop, I am, I trust, writing to you my last letter. I will never again look to any human being for justice. I am now convinced that justice is reserved for the strongest party. In this, my last message to Your Grace, I take God for my witness, that I have never thought of deceiving you, that what I have told you is the truth, although you did not believe me nor trust me. I could not approach our Lord Himself with more confidence, respect and veneration, and I am disappointed more than I can tell. I will not tell, I can keep it. For the last time I thank you for your many words of sympathy and kindness. I hope you will enjoy many years of health and happiness, that you will find true friends, and as the day must come when the greatest earthly power will need a friend, that an all powerful Judge will meet you not only with justice, but as a most merciful friend. I looked for a friend in the hour of need. I looked for a friend, I will not need another." (Marked Exhibit 11.)

Q.—Now, these letters correctly represent your state of mind when you were at Smith's Falls in 1914 till March of 1915? A.—There were some letters in between there which are not produced.

Q.—Will you answer my question, please? A.—Yes.

Q.—They are going to be produced. Do those letters I have read to-day indicate your state of mind at the time they were written? A.—Yes.

Q.—Then that letter which I have just read was said to be your last letter, but I see you repented and wrote the Archbishop again towards the end of your stay in Smith's Falls, and I find two letters, one dated the 9th and the other the 24th March of 1915, or of February, rather, which you might please identify for me, Sister? A.—Yes, the 9th of the second month of 1915.

Q.—Apparently there were no letters passing between March of 1914, the one I just read, and the 9th of February, 1915? A.—There were some letters, but I notice he has not produced them.

Q.—What letters were written? A.—They were more pointed. They were stating to the Archbishop—

Q.—Never mind if you haven't copies? A.—No.

Q.—You had not taken to the typewriter at that time? A.—They were representing to the Archbishop my treatment at Smith's Falls.

Q.—I see he has numbered these, and this is the fourth one he received? A.—He got letters in between those.

Q.—You say he did? A.—Yes, I will prove to you later I wrote them.

Q.—Why do you say he got them? A.—I wrote them.

Q.—And because you wrote them you say he got them? Is that the only reason for saying he got them? A.—Later I might produce reasons.

Q.—You didn't keep copies in those days, or did you? A.—No, not in those days. I didn't anticipate any trouble.

Q.—When did you begin to keep copies? A.—You have the first there on the record.

Q.—Have you got a copy of this one? A.—No, I haven't a copy of any of those.

Q.—In 1914 or 1915? Then the 9th February, 1915, you wrote, "Most Reverend M. J. Spratt, D.D., Archbishop of Kingston. Most Beloved Archbishop: Your letters are received with sympathy and consolation, but it does not seem there is any consolation to me." Now, apparently, the Archbishop had written you some letters which you describe in that way? A.—Yes, he was very sympathetic.

Q.—Have you got those? A.—No.

Q.—Did you destroy them? A.—I did.

Q.—When did you destroy them? At the time, or since? A.—I destroyed them at the time. I just read them and destroyed them.

Q.—"It does not seem there is any consolation for me. There is no peace of mind, day or night. I can't interest myself. I have a few moments' work in the Sacristy, it does not take my attention. I cannot remain. I may find something out in the world which will take my mind off myself. There is no use trying any longer. Your Grace, as I do not wish it known that I am leaving I thought, with your permission, I might get the dispensation through some other source, because you know Mother F. Regis will be glad, but she is welcome to every gratification as far as I am concerned. Your Grace, if I can't get the dispensation through any other source I will send it to you in a few days." A.—That is, send you the application.

Q.—See if I am reading correctly: "Your Grace, if I can't get the dispensation"? A.—I must have left the word "application" out, "I will send you the application."

Q.—See if I am reading it correctly, please? A.—I left out the word, I say.

Q.—I am reading it correctly? A.—Yes, you are.

Q.—"Your Grace, if I can't get the dispensation through any other source I will send it to you in a few days?" A.—Send you the application.

Q.—I am reading your letter? A.—Yes, you are reading the letter.

Q.—"I will send it to you in a few days. I will do nothing without Your Grace's knowledge, because you have been kind to me, and I am sure I will never receive so much kindness from another. Trusting, beloved Archbishop, that you are well. Gratefully, Sister M. Basil." (Marked Exhibit 12.)

Q.—Then another letter of the 24th February, which you will please identify? A.—Yes.

Q.—"Smith's Falls.—Most Reverend M. J. Spratt, D.D., Archbishop of Kingston. My Most Beloved Archbishop: I am feeling better. Thanks for your more than paternal interest in me. It is the greatest mystery in my life how you, the Archbishop, can have so much endurance with me. Your Grace, I am in a most desperate state of mind. I would not wish my greatest enemy to experience it for one hour. Don't blame me, then, if I end the conflict quickly by getting away. It is the only remedy I see. Your Grace, it is with the greatest reluctance that I write this letter, and because I am obliged to do so, not, however, through any lack of confidence in Your Grace, but it is so easy to be uncharitable, it is so easy to injure another. Yielding to the pleading request of my director that I should represent matters to Your Grace." Who is your director? A.—The director I refer to there was Father Hogan, of Perth.

Q.—How was he your director at that time? A.—He was extraordinary confessor.

Q.—Of what? A.—Of the Institution in Smith's Falls.

Q.—That is the man you refer to as your director? A.—That is the man who advised me on that occasion.

Q.—"That I should represent matters to Your Grace. It would be much easier for me to leave the House without doing so. Your Grace, during my time here I have concealed from you the cause of my discontent, not through want of confidence, but through fear of being uncharitable, and in the second place I know you had so much trouble. Your Grace, I must tell you that Father Raume has been the cause of my discontent, and because I could see



no other end or hope it would end I thought there was no use holding out any longer. Beloved Archbishop, with the thought of what you have been to me and the knowledge that in my difficulties of mind or body there was one person I could always approach I thought I could persevere and endure, but someone must yield. Some day he may realize his conduct. After going to Your Grace last fall he came to me some time after and acknowledged he had been unjust to me and begged to be forgiven. This I could easily do, but I said it will always be a mystery to me what you could complain of against me who had been so kind to you. Here is his answer: I acknowledge you are the kindest mortal that ever lived. My mother could not have been more to me, but it is what you have done to my friends, you complained to Mother Francis Regis of the Sisters who are my friends."

Does that refer to your complaint to Mother Francis Regis of the Sisters? A.—Father Raume—

Q.—Will you please answer my question? Does that refer to a complaint which you made to Mother Francis Regis in regard to the Sisters at Smith's Falls? A.—Yes, that is the charge.

By Mr. Tilley: Q.—That is the charge that Father Raume made against you? A.—That Father Raume made against me.

By Mr. McCarthy: Q.—Oh, you are quoting Father Raume, is it? A.—Yes.

Q.—This is a quotation from what Father Raume said? A.—From what he said to me.

Q.—This is what Father Raume said, "I acknowledge you are the kindest mortal that ever lived, my mother could do no more for me, but it is what you have done to my friends. You complained to Mother F. Regis of the Sisters who are my friends, but things have grown worse since." Now, where does this quotation end there? A.—That is the end of what he said to me.

Q.—He said, "But things have grown worse since," did he? A.—Yes.

Q.—"Your Grace, a day will come when you will learn many things, but it will be too late. No doubt the thought has often come to you that I did not try to follow your advice, but, beloved Archbishop, you will never know in this world how I have fought, how I have struggled, in order to follow your advice, because I was convinced God spoke to me. If at this moment I were told that in one place our Lord himself would speak to me and in another, Your Grace, I think I would go to you confident that there I would receive the same kindness, the same advice, and if I am not wrong, I imagine Your Grace would understand me better. I have one suggestion to make, if I am permitted I would try night work for a time. I will be out of sight during the day. The night will pass quickly, because I will not be altogether by myself, and I know from experience that time passes more quickly. I propose it to Your Grace with the greatest indifference. Perhaps, as you say, the sooner I will get away the better; but I have tried to please everybody and have failed to satisfy even one. Hoping that you are well. Gratefully and respectfully, Sister Mary Basil."

(Marked Exhibit 13.)

Q.—That was written on the 24th February, 1915? A.—Yes.

Q.—Now, that is the last letter you wrote His Grace while you were in Smith's Falls? A.—No, I wrote other letters.

Q.—When did you leave Smith's Falls? A.—The last of March, 1915.

Q.—And you say you wrote other letters? A.—Yes.

Mr. Tilley: Mr. McCarthy, that undated one she identifies as being after that last letter you read, No. 9.

Mr. McCarthy: We have got that very much confused, then.

Mr. Tilley: Yes, I think so. She identified that as the 4th of March, 1915.

Q.—I misunderstood you, Sister Basil, very much, because I gave you No. 10? A.—You gave them in the wrong order.

Q.—I gave you No. 10, which is dated the 2nd March, 1914, and I asked you whether this one

which was undated followed it, and you said it did?

Mr. Tilley: Yes, it is a year after, you see.

Q.—As a matter of fact, the undated one was not written until 1915, you say? A.—Yes, in the spring of 1915. Will you let me look at it, please?

Q.—And you identified it by a letter you say you received from the Archbishop about that date? A.—Yes, Mr. McCarthy, this letter would be written on or about the 4th day of March, 1915. (Referring to Exhibit 9.)

Q.—Now, are you sure you are right about that, Sister? A.—Yes.

Q.—Just refer to these other letters and let us get it straightened out. Just listen to me for a moment. On the 15th January of 1914 you wrote to His Grace respectfully asking for a dispensation from your vows? A.—Yes.

Q.—Giving as a reason your unhappiness. Now, then, on the 2nd March of that year you wrote to His Grace again? A.—Would that be 1915?

Q.—1914, I am speaking of? You wrote to him again, "Will you please give me what I have already asked you for? It grieves me to give trouble to one who has been lavish," and so on. Then this undated letter is, "I have not sent you the application for the dispensation from my vows." I may be wrong, but it occurred to me, Sister, and perhaps you will straighten it out for me, that those letters followed in sequence. Apparently there was a letter from the Archbishop to you somewhere about March of 1914, and then this undated letter, which I have no means of identifying, except by these two which I have? A.—Will you let me see them, please?

Q.—Yes. (Hands to witness.) Let me call your attention, also, Sister, for a moment—do you see in the second paragraph where you say, "I ask for a change, I ask you to do me a favor by asking for a change"? A.—Yes.

Q.—Wasn't that the change you asked for at Smith's Falls? A.—Of residence? No, I didn't ask at Smith's Falls.

Q.—Didn't you ask at the time of that interview? First you asked for a dispensation, and then I understand you retracted that and you asked for a change at his Grace's suggestion? A.—Yes.

Q.—Wasn't that change in 1914? Wasn't the change in March of 1914? A.—In March of 1914?

Q.—From Kingston to Smith's Falls? A.—I went to Smith's Falls in January.

Q.—What change do you refer to there, then? A.—I asked the Archbishop here.

Q.—I wanted to get the year of that Exhibit "9" if we can? A.—This was the time I asked the Archbishop to ask the Superior General for some work away from Father Raume. I suggested Arnprior. I suggested that, and that was the change.

Q.—"I ask you to do me a favor by asking for a change for me"? A.—Yes.

Q.—"I expected Your Grace would give me an answer"? A.—Yes.

Q.—Now, what change do you refer to there? A.—I refer to a change there to Arnprior to the kitchen.

Q.—That refers to a change from Smith's Falls, you say, to the kitchen at Arnprior? A.—Yes.

Q.—So that you would identify that as March of 1915. Is that right? A.—Yes, I would, the 4th of March, I think it was written.

Q.—Then that would be the last letter which you wrote to His Grace from Smith's Falls, would it? A.—No, that would not be the last. I wrote two other letters, but they are not there. If you want me to tell you I could tell you what they contained.

Q.—I don't think you can unless they are produced. What dates were they? A.—One was written on the 17th of March.

Q.—That is a good day? A.—In which I told the Archbishop—

Q.—You cannot tell us what you told him unless you produce copies. The other was written, when? A.—Later.

Q.—Then after you left this place at Smith's Falls, the Community there, you went where? Did you go to the kitchen at Arnprior? A.—No, I was instructed by the Superior General to come to Kingston.



Q.—To where? A.—To St. Mary's-of-the-Lake Orphanage.

Q.—And that would be in March of 1915? A.—The last of March, 1915.

Q.—And you were there until the time of the incidents which you have related to my friend, Mr. Tilley? A.—Yes.

Q.—Had Father Mea appeared on your horizon, as yet? A.—Father Mea was chaplain of St. Mary's-of-the-Lake when I got there.

Q.—Is that really what he was? Had he any official position there at all, as a matter of fact? A.—He was chaplain and confessor to the institution.

Q.—Appointed by whom? A.—By the Archbishop.

Q.—Do you know that? A.—Well, I know he couldn't be confessor without.

Q.—Do not reason, just tell me if you know it, and why? A.—I am telling you why I know he was.

Q.—That is only argument. I mean, do you know whether he was appointed or not, or what he was doing there? A.—From the position he held I know he had to be appointed.

Q.—That is the only thing you can judge from? A.—Yes.

Q.—Had you met him before? A.—Oh, yes.

Q.—And had any conference with him at all in regard to your position? A.—Not lately, no.

Q.—I say prior to the time you came to St. Mary's-of-the-Lake, had you any conference at all with Father Mea in reference to your position or condition? A.—No.

Q.—None at all? A.—No.

Q.—But when you got to St. Mary's-of-the-Lake you found Father Mea installed there in some capacity, and occupying a suite of rooms on the ground floor? A.—Yes.

Q.—Subsequently, I believe, he added to those rooms by getting two more upstairs? A.—I didn't know that. I didn't think he had two rooms upstairs.

Q.—And what were your duties at St. Mary's-of-the-Lake? A.—I had none.

Q.—Who looked after Father Mea? A.—I think Sister Mary Lewis was looking after him when I came.

Q.—I am speaking after you came? A.—After I came, yes, Sister Mary Lewis kept on in charge of Father Mea.

Q.—For how long? A.—For seven or eight months, seven months, anyway.

Q.—And what were you doing during that period? A.—I was doing nothing.

Q.—What do you mean? A.—I mean to say that I was treated at St. Mary's-of-the-Lake as a boarder. I was allowed to go to the exercises of the Community, and then sit in my room all day. I had no status in the Community.

Q.—What do you mean by status? Do you mean work? A.—I mean that I had no recognition.

Q.—What do you mean by recognition? A.—I mean by recognition that I was supposed to get work.

Q.—And the work there at that time is the work of an Orphanage, was it not? A.—Yes.

Q.—Looking after children? A.—Yes.

Q.—Who was the Local Superior when you arrived? A.—Sister Mary of the Annunciation.

Q.—And how many other Sisters were there? A.—Really, I don't know how many were there when I went there, but I know before I left.

Q.—Fifteen or sixteen? A.—Before I left there there were seventeen or eighteen, or sometimes twenty.

Q.—An average of about seventeen, would it be? A.—Yes.

Q.—Any novices there? A.—When I went there? Oh, yes, there were some novices there.

Q.—And you think shortly after your arrival they were removed to the Mother House? A.—The novices were recalled to the Mother House in May, 1916, after the Archbishop's visitation.

Q.—Then when did you first take charge of Father Mea's apartment? A.—I was told to take charge.

Q.—I didn't ask you if you were told. I am only asking when you took charge of them? A.—That

would imply that I took charge of them myself.

Q.—We understand you still had the vows of obedience. When did you first take charge of Father Mea's apartment? A.—About the 1st November, 1916.

Q.—Do you mean 1915 or 1916? A.—1916. Oh, no, 1915. I am wrong.

Q.—So that you went there in March of 1915, and you took charge of Father Mea's apartments in November of 1915? A.—Yes.

Q.—And that involved looking after his rooms. Just what work did that involve, if you can tell me? A.—There wasn't very much work attached to it.

Q.—Just tell me what work? A.—To look after his room, keep them clean, and bring him his meals.

Q.—And when was it you acquired the typewriting machine? A.—I got the typewriter in August. I couldn't tell you the exact date.

Q.—August of what year? A.—Of 1916, but I think it would be about the 1st of August.

Q.—Oh, no, not August of 1916? A.—The typewriter, did you say?

Q.—Yes? A.—Yes, 1916, that I got the typewriter, the last of July or the first of August—about the first of August, 1916.

Q.—1916? A.—Yes, I got the typewriter about the 1st of August, 1916.

Q.—Not before then? So that you knew nothing about typewriting up till that time? A.—Well, I had used a typewriter, but not to any great extent.

Q.—When? A.—In the House of Providence some years ago.

Q.—And you say your object in getting the typewriter was to prepare a report which you proposed to send to Rome? A.—Yes.

Q.—Because you say reports in going to Rome have to be in typewriting? A.—Have to be printed.

Q.—Typewriting is sufficient, is it? A.—Yes, that is sufficient.

Q.—Now, then, during the time you were at St. Mary's-of-the-Lake, and up to the time of the three months preceding the elections, did you have any trouble with the sisters there at all? A.—Well, there were a few Sisters insulted me, two Sisters particularly.

Q.—How did you avenge yourself for their insults? A.—I don't think I did anything to them.

Q.—Was that the occasion you pulled the Sister's hood and veil off one time? A.—That was on a different occasion.

Q.—Tell us about that one first? A.—Yes, I will tell you. I asked the Sister who was in the kitchen—

Q.—Which Sister was it? A.—Sister Mary Winnifred. I went to ask Sister Mary Winnifred a question.

Q.—What were you doing in the kitchen? A.—I was getting Father Mea's breakfast.

Q.—Go on, then? A.—I went to the store room to a box that Sister Mary Winnifred had put there for me in which I kept some bread, some stale bread for Father Mea. She put it there herself, and told me to leave it there and get the bread whenever I wanted it.

Q.—Never mind the details?

Mr. Tilley: If we have to get the story let us have it.

A.—When I went in to get the bread this morning another Sister had the loaf or piece of a loaf of bread in her hand that I had in this box, which I didn't think that any Sister knew, or Sister Mary Winnifred didn't think that any Sister knew about it, and I walked out to the kitchen, and I said nothing to the Sister who had the loaf of bread in her hand, or the piece of a loaf. I walked out to the kitchen and I asked Sister Mary Winnifred if there was no other brown bread in the house but what I had, and Sister Mary Winnifred was doing something at the stove and she turned to look at me to listen to the question, and I could see her looking over my shoulder, and she asked me to repeat the question. She said what is it? And I repeated the question. I said is there no bread but what I have in that box, and I could see her looking over my shoulder, and the Superior had her hands up to the Sister warning her not to answer me, and she didn't answer.



Q.—Well, go on? A.—And on the impulse I turned around quickly and I caught the Superior with her hands up.

Q.—What Superior? A.—Sister Mary of the Annunciation.

Q.—Caught her with her hands up? A.—Warning the Sister not to speak to me.

Q.—That is what you interpreted her action by going like that? A.—Not to speak to me.

Q.—That is what she was doing, shaking her hands? A.—That is what I interpreted it to be.

Q.—You interpreted that not to speak to you? A.—Yes, and the Sister turned around to the stove and didn't answer me, and on the impulse of the moment I grabbed her headdress and caught it and pulled it.

Q.—And the effect of the pull was to pull it off? A.—It didn't come all off. It was disarranged.

Q.—There were parts on you think? A.—It was disarranged.

Q.—Some Sisters had to come to her rescue, hadn't they? A.—I don't know if they came to her rescue, because it was done in a second.

Q.—But they did come, anyway? A.—There was no need of a rescue.

Q.—They perhaps may have thought so? A.—Maybe.

Q.—Did you make any threats at that time? A.—With regard to what?

Q.—What you would do to this Sister? A.—I don't think so.

Q.—Or what you would do to Mother Francis Regis if you could get her? A.—Oh, no, I did not.

Q.—Did you repeat any threats the next day either in regard to Mother Francis Regis or the Sister you had torn the headdress from the day before? A.—No, I did not. If you tell me maybe I would remember.

The Court rose for lunch.

Q.—Sister Basil, just when court rose you suggested to me possibly if I reminded you of any remarks you made as to the Sister or Superior General you might remember them? Do you remember in Smith's Falls, when you were there between January, 1914, and March of 1915, in the presence of Sister Mary Beatrice, making the remark, "I am willing to go down to hell to put Mary Francis Regis behind the bars"? A.—No, I never made that remark.

Q.—Anything similar to that? A.—Not to Mary Beatrice. But I think to another Sister I said, because the Sister had made remarks—that was after this incident occurred?

Q.—No, this is before? A.—Oh, no, not before that.

Q.—Do you remember pounding on the walls of your room or dormitory at Smith's Falls to the annoyance of the other Sisters, at all? A.—No, I did not.

Q.—You say you did not? A.—No, I did not.

Q.—Who occupied the room next to you there? A.—Sister Mary Cyril and Sister Mary Dominick were in the room next to our room.

Q.—Who was on the other side? A.—Well, the elevator shaft was on the other side.

Q.—Then do you remember refusing food when you were at Smith's Falls, between January, 1914, and March, 1915? A.—No, I do not. I remember having a cold in March of 1914.

Q.—You remember having a cold? A.—Yes.

Q.—I understand you constantly accused people of taking your mail while you were at Smith's Falls? A.—I did not.

Q.—Never? A.—I remember making a remark to the Local Superior in Smith's Falls to the effect that a Sister of the Community communicated to me news contained in a letter which had not yet reached me.

Q.—Did you deduce from that that the letter had been extracted from the mails? A.—No, the Superior had the privilege of opening the mail.

Q.—Was that the deduction you drew from that remark? A.—No, that wasn't a conclusion. The Superior opened the letter and laid it out of her hand, I suppose, which would give any Sister—

Q.—I was only asking what your conclusion was. Never mind what you supposed. Then, in reference

to the remarks which you made after your action in regard to Sister Mary Winnifred, I think that was the Sister whose headdress you removed? A.—No, Sister Mary Annunciation.

Q.—Did you, after that incident on the 21st July, say to Sister Mary Winnifred, if the Superior was around again you would give her a better woolling than you gave her yesterday? A.—No, I did not.

Q.—Did you make any remarks to that effect? A.—No, I don't think the incident was really spoken of after.

Q.—Then you say you did not make any remark similar to that of any kind? A.—No, I did not.

Q.—Never to anyone? A.—I don't think the incident was spoken of afterwards.

Q.—I am asking if you made that remark to any of the Sisters? A.—No.

Q.—Particularly Sister Mary Winnifred? A.—No, I did not.

Q.—Did you make any remarks while you were at St. Mary's-of-the-Lake, and before the 14th September, did you make any remark derogatory to the Superior General Mary Francis Regis? A.—I suppose that I referred to her manner of treating me.

Q.—I am not asking you that. Did you make any remark derogatory to her in any way openly among the Sisters? A.—I don't think I understand you.

Q.—I don't know how else I can put it. Did you make any remarks referring or reflecting in any way on the Superior General, either in regard to her treatment of you or your opinion of her while you were at St. Mary's-of-the-Lake after you left Smith's Falls? A.—Yes.

Q.—Before September 14th, 1916? A.—I might have said that a change should be made in the administration. I might have said that she hadn't the qualifications necessary for a Superior General.

Q.—And you spoke openly, did you, in regard to those things? A.—There were a few sisters to whom I might say that.

Q.—Which ones? A.—Well, Sister Mary Winnifred now would be one to whom I would say a thing like that.

Q.—Why would you select her? A.—Because we had more dealings with one another than I had with the others.

Q.—How did you come to have more dealings with her? A.—She was in the kitchen, and I had to go to the kitchen for Father Mea's meals, and in that way we were together more.

Q.—Then coming to the 18th April, 1916, when you addressed this report to the Reverend Mother Francis Regis, was that written in longhand? A.—That was written in my writing. Would you like to see it?

Q.—Have you got the original of that? A.—I have. (Produced.)

Q.—That is the original, is it, or is this a copy? A.—That is a copy of what I sent to the Mother.

Q.—This is a copy in your own handwriting of what you sent? A.—Not what I sent. A copy in my own handwriting of what I sent.

Q.—And the envelope? A.—That envelope was put on that letter by Sister Mary Gabriel's sister, Sister St. Thomas, in Kingston. Sister Mary Gabriel asked me to allow her to send that report to her sister, St. Thomas, at the convent, and I gave it to Sister Mary Gabriel, and she sent it to her sister.

Q.—That is only what she told you? A.—That is the envelope that was on the letter when it returned.

Q.—This envelope is addressed to the Reverend Sister Gabriel, Superior, St. Michael's Convent, Belleville? A.—Yes.

Q.—281 St. John Street, and mailed to her on the 28th December of 1916. Am I to infer from this that this was enclosed in this envelope? A.—Yes.

Q.—And mailed to the Reverend Sister Gabriel? A.—Yes.

Q.—And you say it was sent to her at the request of someone, was it? A.—I had that copy with me in Belleville.

Q.—It was sent to her? Why was it sent to Sister Gabriel? A.—Because Sister Mary Gabriel sent it to her sister.



- Q.—Why did you send it to Sister Mary Gabriel?  
A.—Why did I send it? You don't understand me.
- Q.—Isn't that your writing? A.—No, that is Sister St. Thomas's writing, as I understand it.
- Q.—Where was Sister St. Thomas? A.—In the Congregation Convent here in Kingston.
- Q.—And you gave this to her? A.—No, I did not give it to her. Sister Mary Gabriel asked me to lend it to her till she would send it to her sister. I didn't send it to Sister St. Thomas. Sister Mary Gabriel sent it to her sister St. Thomas, to read.
- Q.—And Sister Mary St. Thomas sent it back to Mary Gabriel in this envelope? A.—Yes.
- Q.—That is what you understand? A.—Yes.
- Q.—So this was being circulated pretty well by you about the Community? A.—Oh, no.
- Q.—It was shown to those people you have mentioned? A.—Yes, one Sister read it at the Lake. (Copy marked Exhibit 14.)
- Q.—Then, at the time you wrote that letter of the 18th April, which has been called a report, who was the Local Superior at St. Mary's-of-the-Lake? A.—Sister Mary of the Annunciation.
- Q.—Was there anybody who was deputy, or anybody who stood in the next highest position to her? A.—I don't think so. There was no assistant.
- Q.—What position did Mary Teress occupy? A.—She was teaching in the Portsmouth School. I didn't know she held any position in the Community.
- Q.—Was she at St. Mary's-of-the-Lake at the time? A.—Yes.
- Q.—But teaching at Portsmouth? A.—Teaching out at Portsmouth.
- Q.—Now, you refer to the treatment of the man you call the chaplain. Who was that? A.—That was Father Mea.
- Q.—That is whom you refer to as chaplain in that letter of April 18th? A.—Yes.
- Q.—And in the same letter you refer to a Sister? You say one of these Sisters, a novice, who a few weeks previously made her temporary vows, announced publicly that she was going to the Mother House to complain in reference to the chaplain's kindness to the children? What Sister was that? A.—Sister— Wait till I get her name now, if I can recall it.
- Q.—Well, perhaps it will call it to your mind where the public announcement was made? What was the occasion when this public announcement was made? A.—She announced it around the house to the Sisters.
- Q.—Where? A.—In St. Mary's-of-the-Lake.
- Q.—You said she announced publicly? A.—One place she announced it was in the Refectory.
- Q.—And who is she? What is the name of the person that made this public announcement? A.—It is strange that I cannot think of her name. I will remember her name.
- Q.—Let us go over their names and see if you can pick out the one that did it? A.—Yes, I know it well.
- Q.—But I don't you see, and there is my trouble? A.—She is at present in Moose Jaw.
- Q.—Well, tell us her name? How do you know she is in Moose Jaw when you don't know her name? A.—I know she is there.
- Q.—Then you must be able to tell me who she is? A.—Yes, I can tell you who she is. I wasn't familiar with her name because I had never met her before I went to St. Mary's-of-the-Lake.
- Q.—You said you knew who it was? A.—Yes, I know her well, but I can't recall her name.
- Q.—When did she go to Moose Jaw? I want to place her if I can? I want to find out anyone who heard that public announcement? A.—She went to Moose Jaw in May, I think, of 1916.
- Q.—And when was it she made this announcement? A.—Previous to that.
- Q.—Naturally? I didn't think she made it in Moose Jaw. Where did she make it? You said she made a public announcement someone whose name you can't remember? A.—I want to remember her name.
- Q.—Tell me what the public announcement was, and where it was made and in what form this announcement was?
- His Lordship: I guess we had better get on with the information.
- Q.—Are you able to tell me, Sister? A.—If I could think of the name.
- Q.—I want the occasion on which she made this public announcement, and what the announcement was? A.—She told—
- Q.—Where, first? A.—At St. Mary's-of-the-Lake.
- Q.—But that is a large place? A.—In the Refectory.
- Q.—On what occasion? A.—In the afternoon, about three o'clock. That was one occasion.
- Q.—And who was present? A.—Sister Mary Scholastic was present.
- Q.—Is she here still? A.—She should be. I think she is at the Lake.
- Q.—And who else? A.—I was there, and Sister Mary Winnifred heard it. I don't remember the others.
- Q.—And yet you cannot get me the name of the person who made it? A.—It is strange.
- Q.—It is. A.—It is very familiar, too. She came from Tweed originally, and she was French.
- Q.—Then, in reference to this letter of yours, did you ever call the Superior General's attention to the alleged treatment of the children? A.—I called the attention of the Local Superior at the Lake to it.
- Q.—But never the Superior General? A.—Not previous to that letter, because I had never spoken to her.
- Q.—I understand, and probably during your time, that this House of Providence is visited from week to week, and month to month, and year to year, by good ladies from Kingston who inspect the place, and by inspectors from the Government, and by other people who are largely interested in these children? Is that so? A.—Well, I can assure you that no more than—
- Q.—Will you answer my question, please? A.—Yes.
- Q.—That is so? A.—Yes, the Government official is supposed to visit, and has.
- Q.—Then what about the ladies from Kingston who have taken an interest in this institution, and have visited it from time to time? I am told that two ladies are appointed every week or every fortnight who visit it? A.—They did previous to my going to the Lake.
- Q.—Did they while you were there? A.—They did not while I was there.
- Q.—Now, what period are you speaking of? A.—I am speaking of from March, 1915, till October 23rd, 1916.
- Q.—Then you say during that period none of these good ladies visited this institution at all? A.—They may have gone to the parlor.
- Q.—I am not speaking of inspecting the parlor. I want to know whether you are prepared to pledge your oath that none of these ladies from Kingston, who are known as weekly visitors, had visited this institution during that period for the purpose of seeing the little children who were there? A.—I don't think so.
- Q.—Will you say they didn't? A.—I didn't see them.
- Q.—That is as far as you can go? A.—I didn't see them.
- Q.—They did not inspect Father Mea's room? A.—No, nor a great many other places that were very necessary.
- Q.—Well, you didn't see them, Sister Basil, and how do you know what they did or what they did not do? A.—I think an inspection would be very necessary.
- Q.—I didn't ask you that? I say, if you didn't see them how do you know where they went or where they did not go? A.—I did not see them.
- Q.—Then, how do you know where they didn't go or where they did go? Do you know anything about it at all? A.—I do know there were places they wouldn't allow any visitors to see.
- Q.—Name those places? A.—One place was the little infant boys' dormitories, and the basement where the children under school age spent their days.
- Q.—Those are the places you say they never allowed them to go? A.—That visitors did not go.



Q.—You are perfectly satisfied of that? A.—I am satisfied that visitors did not go to those places. There might be a time—

Q.—Now, just a moment. I don't want any "mights." I want this absolutely and positively. You are prepared to pledge your oath that the visitors never visited—when you speak of the underground places you mean the playroom in the basement for the little boys? A.—I don't say that they were never visited, because the Government official, when he went there—

Q.—I am not speaking of the Government official. I am speaking of the ladies now? A.—I don't think the ladies ever went.

Q.—I don't want you to "think." You have said they never went there. Now, is that so or is it not? A.—Through the passages and corridors that I refer to the ladies did not go.

Q.—Give us the passages and corridors that you refer to? A.—The dark passages in the basement.

Q.—Leading from where? A.—From the boys' dining room. You went down a back stairs and you strike on a corridor in which you went down around the elevator engine.

Q.—Leading to where? A.—It leads into a room that was one time used as a class room and latterly has been used as a recreation room for the boys.

Q.—The passage you refer to is a passageway between the boys' dining room and their recreation room? A.—Yes.

Q.—That passage is the one you refer to? A.—That is the passage that the little children spent their time in.

Q.—That is the passage? Just answer my question please? A.—Yes, that is the passage.

Q.—That is the passage you refer to that was never inspected, the passage between the boys' dining room and the room that was afterwards used as a recreation room? A.—I mean to say—

Q.—You mean to say that passageway was never inspected by anyone? A.—I didn't say by anyone.

Q.—By the good ladies who went there? A.—By the ladies. The ladies didn't inspect it to my knowledge.

Q.—Tell us some other place, now, that was not inspected? A.—They may have gone to the children's room.

Q.—Some other place that wasn't inspected, please?

Mr. Tilley: She is going on to another place.

A.—The little boys' dormitory, that it was necessary to visit at a certain time. That was about when the children were going to bed in the afternoon. I say no visitors were allowed.

Q.—Which boys? A.—The little infant boys' dormitory.

Q.—Which was that? A.—On the second floor.

Q.—Above Father Mea's room? A.—Yes.

Q.—Oh, those were the rooms that Father Mea occupied, and they turned him out of to put the little infant boys in? A.—Oh, no.

Q.—What room do you mean, then? A.—I mean a room on the second floor, which was used as a dormitory for the little infant boys.

Q.—Two little boys you refer to? A.—Oh, there were a number.

Q.—How many? A.—There were seven or eight.

Q.—I understand those rooms Father Mea at one time occupied in addition to the suite downstairs, and that he rather resented being turned out? They wanted them for the young boys who are larger than the boys usually taken to the institute or House of Providence? A.—You mean the sun parlor.

Q.—You heard what I said? A.—There is no room—

Q.—You don't recognize that? A.—That is not the room I have reference to.

Q.—Do you recognize the room I have reference to? A.—I recognize the sun parlor to which you have reference now, in which two infant children were put.

Q.—Those were rooms once occupied by Father Mea? A.—It was cold. It wasn't fit for infants.

Q.—I didn't ask you that. Those were the two rooms occupied by Father Mea? A.—I don't know that he occupied them. He sat there sometimes.

Q.—That is one way of occupying rooms? A.—Yes.

Q.—Now, there is another incident I want to ask you about. The Superior of the House, you have told me who she was. You referred to an incident here of one of the boys who had been in the Orphanage from infancy who had been thrown out supperless and homeless one of the coldest nights in February of the past year. Were you there that February? A.—I was there that February. That was February of 1916.

Q.—Now, will you tell me who that boy was? A.—That was Julius Hessler.

Q.—What age was that boy? A.—I suppose he would be 14.

Q.—Do you know the circumstances in connection with that case? A.—I think I do. Do you want to hear them?

Q.—Who told you? A.—The child told me.

Q.—And when did he tell you? A.—He told me at the time that the incident occurred.

Q.—That is the boy you refer to? A.—That is the boy I refer to.

Q.—You say he was thrown out supperless and homeless? A.—I didn't say he was. I say he would have been were it not for the intervention of the Archbishop.

Q.—Oh, he would have been. I see? A.—Yes. The Archbishop interceded for him.

Q.—How do you know that? A.—The child told me that Mr. Naylor went to the Archbishop.

Q.—Who? A.—Mr. Michael Naylor went to the Archbishop.

Q.—He was working for Mr. Naylor at the time? A.—Yes.

Q.—Could you give me the names of all of the ladies who were visiting the institution, the ladies from Kingston who were visiting in your time? A.—I could not.

Q.—You also refer to tramps being on the premises? A.—Yes.

Q.—What? A.—Some men they took in from time to time.

Q.—Tramps? A.—They had no place to go to and they kept them passingly in this basement that I refer to.

Q.—And imbeciles? A.—Among the children.

Q.—What imbeciles? You said tramps and grown-up imbeciles? A.—No, I said they were among the children.

Q.—Listen to my question. Do you say they kept tramps and grown-up imbeciles at this orphanage? A.—I say they kept those men for nights at a time, sometimes for weeks. Do you understand me now?

Q.—Do you say they kept tramps there for any length of time? A.—I said yes.

Q.—Tell me when? A.—Well, during 1915, when I went there, there were some.

Q.—1915? A.—1915, when I went there, there were two men there, two Englishmen. Some time after I went there to St. Mary's-of-the-Lake there were two men at St. Mary's-of-the-Lake who were drinking, and on one occasion they had to send for a policeman to take them away.

Q.—What were they doing there? A.—Well, they worked around the house sometimes when they were sober.

Q.—In 1915, was it? A.—Yes.

Q.—Before or after September? A.—Of 1915?

Q.—Yes. A.—I couldn't say definitely.

Q.—What position were they supposed to occupy?

A.—They worked out around the garden and did a few chores around the house.

Q.—They were employed and paid, were they? A.—No, they were not paid. They got their board.

Q.—They worked for their board? A.—Yes.

Q.—Are those the tramps or the imbeciles? A.—Those are the tramps.

Q.—You call those tramps. Then the grown-up imbeciles, now? A.—Well, they were in the Orphanage, some of the children.

Q.—I am speaking of the grown-up imbeciles? A.—They were children in the orphanage.

Q.—You said grown-up imbeciles? A.—They were grown-up.

Q.—You don't understand the connection. You



say the little boys were left alone with tramps and grown-up imbeciles? A.—Yes.

Q.—You have told me who the tramps were, and I understand now. I want to know who the grown-up imbeciles were? A.—The grown-up imbeciles were children taken to the orphanage.

Q.—They were children? They were not grown-up? A.—Not mentally developed.

Q.—Then they were not grown-up, they were children? A.—I refer to children under school age there.

Q.—What do you mean by school age? A.—I mean children under six years of age, who were left to wander in those dark subterraneous passages with those grown-up imbeciles and drunken men.

Q.—And the grown-up imbeciles you refer to are children, which you say were mentally deficient? A.—Yes, but older.

Q.—Now, how many of them were there? A.—Well, there were three there anyway.

Q.—Do you know what their names were? A.—I don't know if I can recall them all.

Q.—Can you recall any of them? A.—Yes.

Q.—Well, tell me one? A.—One was Bedard.

Q.—What was his trouble? A.—He was not mentally developed, and for that reason was not fit to be with those children.

Q.—Is he there still, do you know? A.—I couldn't tell you now.

Q.—Any others that you can remember? A.—Yes, there were two others, but I can't remember their names.

Q.—Now, then, you go on further in this letter, and you say, "Here was a beautiful property. It is placed in charge of a Sister with the intelligence of a three-year-old child." Which Sister? A.—I refer to Sister Mary Annunciation, who was there as Superior.

Q.—Just to come to the heating plant, were you there when the steam heating plant was used? A.—I was not.

Q.—So you are not able to speak as to its efficiency at all except from what you have heard? A.—From what I have heard, that is all.

Q.—Who was the Protestant foreman you refer to? A.—Mr. Jamieson, here in Kingston. He belonged to Kingston, but was working for Frank McPherson as foreman.

Q.—And he is the man who gave you the information? A.—Yes.

Q.—Could you describe him a little more particularly to me, please? A.—Mr. Jamieson? I don't know as I could. This is the first time I had met him. He was a low sized, thin featured man. I think he wore a moustache. He wasn't very stout.

Q.—You said something about thin featured? A.—Yes.

Q.—About what age? A.—Well, I suppose between forty and fifty. I am not much of a judge of age.

Q.—And you only saw him, you say, on one occasion? A.—I saw him on more than one occasion, but on this one occasion I had a conversation with him.

Q.—Only had one conversation with him? A.—That is, for any length of time. I spoke to him several times, but on this occasion I had a lengthy conversation with him.

Q.—In regard to the plant, and it is this conversation you have detailed in your letter? A.—That is the conversation.

Q.—Did these letters you wrote occupy much of your time? A.—What letters have you reference to?

Q.—April 18th and May 8th, 1916? A.—Oh, I suppose that first one perhaps took me about an hour and a half to write. It is lengthy and it took a long time to write it out in long hand.

Q.—Where were these letters written? A.—I wrote them in my room at St. Mary's-of-the-Lake.

Q.—Any of them written in Father Mea's room at all? A.—No sir.

Q.—Where was the typewriting machine? A.—The typewriter was in Father Mea's office.

Q.—What do you mean by his office? A.—Where he usually sat and read.

Q.—And do you say the typewriting machine was there? A.—Yes.

Q.—Were these letters submitted to him? A.—Which letters do you mean?

Q.—The letters of April 18th, 1916, and May 8th, 1916? A.—I showed them to him as I was sending them out.

Q.—As you were sending them out? A.—I did.

Q.—Did he revise them in any way? A.—No.

Q.—Or alter them? A.—He did not.

Q.—They just went as you sent them, but you showed them to him before they went? A.—I had them in my scribbler and from the scribbler I copied them myself, and when I was sending them out I showed them to Father Mea.

Q.—And the copy that is put in here was made when? A.—Which do you mean?

Q.—The exhibit? A.—That was a copy I had written out to send to the Archbishop on that occasion, but when he came to St. Mary's-of-the-Lake and announced the visitation, I didn't send the copy, do you understand?

Q.—Is the scribbler in existence still? A.—Well, I don't know whether I have it or not. I will look for it if you wish.

Q.—Then you say the Archbishop made his visitation? A.—He did.

Q.—At the end of April, was it? A.—I think the Archbishop closed his visitation on Sunday, the 30th of April, 1916.

Q.—And you had before that sent this letter to him of April 18th? A.—No, I hadn't sent it.

Q.—You had sent the letter to the Mother Superior, I mean? A.—Yes, I did.

Q.—You sent that to him prior to the visitation? A.—I sent that to her prior to the visitation.

Q.—Then the Archbishop came down and you had two interviews with him? A.—Well, I don't think you could call it two interviews, for the simple reason that it was a continuation of the first.

Q.—We will put it this way, on two occasions? A.—On two occasions.

Q.—And the first occasion you say lasted how long? A.—It wasn't very long because the time wasn't up.

Q.—Do you remember who followed you? A.—I couldn't tell you.

Q.—On the occasion of the first interview, I think it was a Saturday? A.—Yes, Saturday evening.

Q.—Did anybody follow you on that occasion, or did the Archbishop leave immediately the interview with you was over? A.—Well, he gave me to understand that he was going home then. But I couldn't tell you.

Q.—As soon as the interview was over? A.—Yes.

Q.—And am I wrong in saying that that interview lasted for over an hour? A.—Well, I think so. I had no idea it lasted anywhere near an hour.

Q.—What would you say? A.—Well, I thought it was only a few minutes.

Q.—What do you mean by that? How many minutes, when you say a few minutes? A.—Well, what I mean by that is, whatever Sister had been in with the Archbishop before me told me when she came out that he hadn't very long to wait.

Q.—That is not evidence, what other people told you. Can you give us any idea when you went in and when you left? A.—I couldn't tell you.

Q.—Do you know when it concluded? A.—I know it was coming to five or six o'clock. I couldn't tell you whether he wanted to be at the palace at five or six.

Q.—Never mind what he wanted. Just tell us when the interview was concluded? A.—I couldn't tell you.

Q.—Then you were first the next morning to interview him? A.—When he came in I think he told the portress—

Q.—Never mind what you think he told anybody? A.—The portress was sent after me.

Q.—You were the first, I asked? A.—I was the first.

Q.—And who came after you? A.—I couldn't tell you, but regularly—

Q.—I don't care about regularly? A.—On Sunday afternoon.

Q.—You were the first on Sunday, and you remained there how long on that occasion? A.—I was there an hour.

Q.—Now, you rehearsed these things very fully



with his Grace? A.—I went over every detail in them.

Q.—And you found him as sympathetic as you had always found him? A.—No, I did not.

Q.—Not on the first visit, on Saturday? A.—He quietly listened to me the first day. We didn't go into any detail. On the second day he threw all the blame on the novices who were there working.

Q.—Never mind what he did or who he threw the blame on. I say you rehearsed everything to him? A.—Yes, we went over every paragraph in that letter and fully developed it.

Q.—And I think, perhaps, I am fair in assuming that you left nothing unsaid? A.—Yes, I did, because the Archbishop wouldn't listen to me.

Q.—I mean while you were having your talk, you left nothing unsaid? A.—Well, I didn't intend to leave anything unsaid.

Q.—And you say you didn't? A.—There were things I left unsaid.

Q.—Was that because time did not permit? A.—The Archbishop showed displeasure and I could not continue.

Q.—Then you notified His Grace on that occasion you intended to appeal to Rome? A.—I did.

Q.—And you have appealed to Rome? A.—I have appealed to Rome.

Q.—And your case is still with Rome? A.—No. Had I been protected—

Q.—You say it is not? Is it or is it not? Please answer my question? A.—As far as I am concerned the case is closed with Rome. If you will let me explain that to the jury, I will be glad.

Q.—Certainly, if it requires any explanation? A.—I asked the Archbishop and the Papal Delegate to protect me in my convent pending consideration of the case.

Q.—Could you cut it short by telling the jury as shortly as you can why your case is closed at Rome without going into the preliminary details? A.—For the simple reason that I was thrown on the street penniless and homeless, and by appealing to the civil courts, which was my only recourse, it closed my case with Rome as far as I am personally concerned.

Q.—Because, you say, of the fact that you were compelled to leave the Belleville House and resort to civil courts, therefore, as far as you are concerned, your case is closed with Rome? A.—Yes.

Q.—Has it been withdrawn? A.—I did not withdraw it, but I could not live on the public streets. I had nothing to live on.

Q.—Please let us address ourselves to one thing at a time. Is it withdrawn? A.—I did not withdraw it, but the fact that I appealed to the civil courts cancels it with Rome.

Q.—Why? A.—Because I appealed to the civil courts for protection.

Q.—Why does it cancel it with Rome? You are still a member of the Order, I understand? A.—I suppose you could call me that in a sense.

Q.—You are still wearing their uniform to-day? A.—I am.

Q.—And you are still a member of the Order and so consider yourself? A.—I am still a member, I suppose.

Q.—In good standing? A.—You could recognize me as that.

Q.—It is what you recognize yourself as. I have no knowledge of these things, so I am afraid I could not recognize you. Do you recognize yourself as such? A.—As a member of the order? I don't think I do.

Q.—You do not recognize yourself as a member of the Order? A.—No.

Q.—Are you outside the Order entirely? A.—I consider myself outside of the Order.

Q.—And outside of the Community? A.—Outside of the Community.

Q.—Well, is that the reason your appeal to Rome is treated as abandoned or withdrawn? A.—I don't think I understand you. What do you mean?

Q.—I will repeat what you said to me. You told me that you did not recognize yourself as a member of the Community or a member of the Order, and I am asking you is it because you don't recognize yourself as such that you consider your case is

withdrawn or abandoned at Rome? A.—No.

Q.—Then why, please? I just want to clear it up, and I am sure you can do it in a very few minutes.

By His Lordship: Q.—The question is if you have not withdrawn it, and if you are still a member of the Order, how do you consider it is closed? A.—Well, from the procedure that has ensued, it would lead me to think that it was useless for me to wait for a reply from Rome. I had no means of support pending the consideration of the case, and it would take a year, or two years, perhaps, to settle the case at Rome. In the meantime I had no place to keep me, I had no means of support. I was living on charity.

By Mr. McCarthy: Q.—Let me interrupt you. I don't know where you are living or what your living has to do with whether your appeal is still before Rome. A.—I don't know.

Q.—At any rate, you have not formally withdrawn it? A.—I have not said one word, one way or the other.

Q.—Have you any knowledge of whether your appeal has reached Rome? A.—I had knowledge that the appeal reached Rome because Father Mulhall instituted an investigation in Belleville.

Q.—The investigation which was instituted by Father Mulhall, you gathered, was the result of your appeal to Rome? A.—Yes. I would understand it was a result of my appeal to Rome.

Q.—Was your appeal to Rome in writing? A.—My appeal to Rome was typewritten.

Q.—And sent through the mails? A.—Certainly.

Q.—Mailed by you? A.—No, not mailed by me.

Q.—By whom? A.—Father Mea mailed it for me.

Q.—Was it registered? A.—Registered, certainly.

Q.—Have you got the registry receipt? A.—No, I haven't.

Q.—Has Father Mea? A.—I don't think we kept them. I did of some.

Q.—Where was it mailed from? A.—From Kingston.

Q.—And the date? A.—The first letter was mailed on the 13th September, 1916, the day previous—

Q.—That is what Father Mea tells you, is it? A.—I know that is true.

Q.—You know it because he tells you? A.—He mailed it that day.

Q.—He told you he did? A.—I saw the slip from the Post Office.

Q.—The registry office slip? A.—The registry office slip showing that it was mailed on that day.

Q.—To whom was it addressed? A.—It was addressed to Cardinal Falconio, Prefect of the Congregation of Religious, Rome, Italy. That was the first.

Q.—And you say you had a receipt? A.—That it was mailed, yes.

Q.—That is, the Post Office receipt, a registered letter receipt? A.—A Post Office receipt.

Q.—A registered letter? A.—Yes, it was mailed as a registered letter.

By His Lordship: Q.—That was the 13th September, 1916? A.—1916, Your Lordship, the day before the abduction.

By Mr. McCarthy: Q.—Now, then, you remained at St. Mary's-of-the-Lake till October, and you have related the incidents that took place on the 14th September to us? A.—I did, yes.

Q.—You knew, of course, that the Superior General contemplated having you placed in a sanitarium? A.—I had nothing definite for that. I thought that to discredit me and spread that slander, she was saying I was crazy.

Q.—That is not my question. I say you knew that the Superior General had in contemplation in 1915 having you placed in a sanitarium? A.—I didn't know it.

Q.—You had heard rumors? A.—I heard rumors. Will you allow me to tell the jury and the Judge?

Q.—If you will answer my question, please, you will have plenty of opportunity of telling. You knew that in 1915? A.—In 1915 I heard a rumor, which was later denied.

Q.—Who told you that? A.—The Archbishop told Father Mea, and instructed Father Mea to give me the message that I would find myself in an asylum. That is the way I got it, and when I asked the



Archbishop about it he denied that he ever said any such thing to Father Mea.

Q.—When you asked the Archbishop? What did you ask the Archbishop? That he had said you would find yourself in one? A.—Yes, and he denied that in the presence of a witness.

Q.—He denied having said that? A.—He denied positively that he ever said that. That was the only intimation I had.

Q.—You wrote the Archbishop about it? A.—I wrote the Archbishop after Father Mea had given me the message, and he denied it.

Q.—In writing? A.—Not in writing, verbally.

Q.—Where? A.—In a conversation at Mrs. Daly's on Earl Street, in the presence of Mrs. Daly.

Q.—Now, what was the denial on that occasion? What was the conversation? A.—I told him that Father Mea gave me the message.

Q.—When was this? A.—That was in October, 1915, between the 12th and 20th, October, and he denied that he ever said anything about putting me in an asylum or referring to me as insane in any way, in the presence of a witness. That was after I had written the letter.

Q.—Quite so. Then, was that in response to a letter in which you asked him to come and see you? A.—That was in response to a letter. Well, I don't think I asked him to come and see me.

Q.—Did you write to him in September of that year? A.—September? I did, yes.

Q.—Asking him to come and see you at St. Mary's-of-the-Lake? A.—Well, I don't think I asked him to come and see me, exactly. I haven't a copy of the note, but I think I asked for an explanation of the extraordinary treatment that I was receiving.

Q.—Then this conversation took place, as you say, in front of Mrs. Daly? A.—Yes.

Q.—Now, then, at whose suggestion was it that you went to Belleville? A.—The Archbishop sent that message by Father Mea.

Q.—Had Father Mea interviewed the Archbishop on your behalf at that time? A.—I wanted to go out and enter a civil action.

Q.—Couldn't you answer my question and give all the explanation afterwards? Did he or did he not interview the Archbishop at your request—Father Mea? A.—I don't think it was a request on my part. Father Mea told the Archbishop what I contemplated doing.

Q.—Will you just answer the question? Did you or did you not request Father Mea to interview the Archbishop on your behalf with a view to your being removed to Belleville? A.—I may have. I can't place it.

Q.—Why did you select Belleville? A.—I preferred Belleville. I didn't select it, exactly.

Q.—Did you suggest it? A.—I don't think so. I liked Belleville because Mother Gabriel was there.

Q.—Then there was a reason for your wanting to go to Belleville? A.—Yes, because I was afraid to trust anyone else.

Q.—You then did suggest and select Belleville as the place you would like to go? A.—I don't think I said I wanted to go to any place.

Q.—You said you were afraid of all the other institutions? A.—I was afraid to remain in the institute at all, and I wanted to go out and institute civil proceedings against the Community for the act of September 14th.

Q.—You wanted to go out then? A.—I did, yes.

Q.—And instead of going out, you say you went to Belleville? Then, to get back to my question, did you not select Belleville as the place you would most prefer to go to? A.—I did not want to go to any house of the institute because I felt that the same treatment would continue.

Q.—How was it you were persuaded to go to Belleville? A.—Father Mea persuaded me to go to Belleville in the belief that I would get justice from the Ecclesiastical Courts.

Q.—Was Father Mea acting as counsel for you at that time? A.—He was.

Q.—When had you appointed him your counsel? A.—I asked him to act as counsel for me the day after the abduction.

Q.—The morning after the abduction, you asked

him to act as your counsel, and named him as your counsel in your petition to Rome?

Q.—I only want to find out if you notified Rome of the appointment of Father Mea as your counsel? A.—In the original document I did not.

Q.—Now, if you will just answer my question, did you at any time notify Rome of the appointment of Father Mea as your counsel? A.—I did later.

Q.—But he was actually appointed by you as your counsel on the 15th September? A.—After the abduction, yes. I had a right to select counsel.

Q.—Then you went to Belleville on the 24th October, I think? A.—I did.

Q.—And you say all was peace and quietness there until February? A.—Yes.

Q.—Do you remember the occasion of Father Mea's visit to Belleville on the 7th or 10th of November of that year? A.—What about it?

Q.—I am asking whether you remember? A.—I remember that he was there.

Q.—This is a small convent, I am told, in Belleville? A.—Yes.

Q.—And Father Mea came there and stayed there for three or four days and nights? A.—On the invitation of the Superior of the House.

Q.—Just answer my questions, please. He did, did he? A.—Yes.

Q.—Whose invitation was it? A.—The Superior, Mary Gabriel.

Q.—He stayed there for three or four days, did he? A.—I think part of three days.

Q.—And then was requested to leave, I believe? A.—Oh, no.

Q.—Do you say no, or you don't know? A.—That he was requested to leave? No.

Q.—Do you say no? A.—That he was requested to leave?

Q.—That is what I said? A.—Oh, no.

Q.—You say no, positively? A.—As far as I know.

Q.—Then do you know or do you not know? A.—Well, I think if it occurred I would know.

Q.—Perhaps this will recall it to your mind, that the parish priest objected, and that he was asked by the Local Superior to leave? A.—I knew nothing about it. He will be able to answer that himself.

Q.—I understood you were very much perturbed at his leaving? A.—I don't know as I was any more so than usual.

Q.—I didn't say that. That is quite possible. I asked you the question, I understand you were very much perturbed at his leaving? A.—I don't think so. I remember telling Father Mea on that occasion that it was foolish for me to try.

Q.—Never mind what you told him. What I am asking you is whether you were very much perturbed at his leaving? A.—Not that I know of.

Q.—You were not that you know of? A.—No.

Q.—I am told that you burst into tears and continued in tears, and remained in your room for a week afterwards? A.—That is a lie.

Q.—That is a lie? A.—Yes.

Q.—Nothing of that kind occurred at all? A.—No.

Q.—Absolutely nothing? A.—No.

Q.—Were you in any way perturbed? A.—At that time?

Q.—That is the time we are speaking of, you know, no other time in mind just now. A.—I suppose I was worrying about my condition in the Community.

Q.—I am not asking your condition. A.—Not about Father Mea leaving Belleville. Oh, no.

Q.—So you were not as much perturbed as you were on other occasions? A.—About his leaving?

Q.—Yes? A.—That did not affect me. I knew he didn't go there to stay.

Q.—And I am told that trouble occurred shortly after that between you and other Sisters there? A.—I don't think so.

Q.—And there was a continual state of unrest and unhappiness there while you were there? A.—I don't think so. Nearly all the Sisters were sick from time to time and I looked after them.

Q.—Then do you remember another incident about Christmas time, in which, to use a common express-



ion, you got in wrong with the Sisters again? Do you remember the incident of the clock? A.—No. I said nothing—there was nothing between the Sisters. I remember Christmas Eve Sister Mary Justina and myself talking about some subject, and I think Sister Mary Zita took offence at it, but it was not intended to give offence to anybody.

Q.—It was an unintentional remark you made on Christmas Eve that gave offence? A.—I understood that Sister Mary Zita took offence at it.

Q.—Then we come to the incident of the letters. I understood at the time of the incident of the letters the Sisters were at breakfast at the time the letters came? A.—You mean when?

Q.—At Belleville we are speaking of now? A.—It was after breakfast, because I had had my breakfast and left the Refectory.

Q.—I understand you left the breakfast room and went straight to the front door? A.—No, I had the mop in my hand.

Q.—I don't know whether you had the mop in your hand or not. You might have had the mop in your hand at breakfast for all I know. Did you leave the breakfast room and go straight to the front door? A.—No, I did not.

Q.—How long an interval elapsed? A.—Well, there might be five minutes.

Q.—Or one minute? A.—It would be five minutes, anyway. I went upstairs to my room and came down.

Q.—Then you did as an actual fact take the letters from the postman that morning? A.—He handed them to me.

Q.—And you took them? A.—I took them and threw them into the box in the door.

Q.—You threw them into the box in the presence of the Local Superior? A.—No, they were in the box when she appeared.

Q.—You are sure she did not see you throw them into the box? A.—I don't think she did.

Q.—And on that occasion you told us she took you by the arm and ordered you to your room, and you declined to go? A.—Until I got an explanation. I did go, though.

Q.—That has been rather your attitude throughout, has it not? Whenever you were ordered to do things you wanted an explanation and wouldn't do anything until you got it? A.—No. For an extraordinary treatment such as that was, I certainly wanted an explanation.

Q.—But I mean that has been your attitude in regard to other things you considered extraordinary? A.—No. I considered that was a most extraordinary command.

Q.—I understand that, but I say in regard to other matters which you have also chosen to consider extraordinary, that has been your attitude towards the Local Superiors and the General Superior? A.—No.

Q.—Never questioned their authority before? A.—No. If I got an extraordinary command of that nature I would ask for an explanation.

Q.—You have said that three times, but I want to go on to something else. Did you never question their authority in any way before? Any of the Local Superiors or the Superior General? A.—They never told me to do anything like that.

Q.—I didn't say they did. Will you please answer the question? Did you ever question their authority in any order or command that was given you before? A.—I can't place any.

Q.—Are you prepared to say you have never? A.—I wouldn't say that. Twenty-nine years is a long time.

Q.—Well, let us put it within the last three years, Sister Basil. Let us put it since January of 1914. What do you say as to that? A.—Well, tell me the incident.

Q.—I asked you have you ever questioned any order outside of this one we are speaking of at Belleville, or any direction given to you by any Local Superior or the Superior General in reference to any duty which you had been asked to perform in connection with the institution? A.—I don't think the Local Superiors gave me any orders.

Q.—Then, if you didn't get them you couldn't very well question them? A.—In Smith's Falls I never got an order from the Local Superior.

Q.—What about St. Mary's-of-the-Lake? A.—I remember at St. Mary's-of-the-Lake, after having asked several times for employment, finally the Local Superior told me that the Mother General had named me to do the white sewing for the Sisters. Now, as a matter of fact, white sewing for Sisters did not exist, and, therefore, there was no work to be done, and I said to the Local Superior, "What sewing have you to do?" and she said, "We have bands to make," and I said, "Have you got them?" and she said, "We are going to get the material." I said, "When you get it, get the machine," but it was never presented to me.

Q.—When was that? A.—Some time in 1915, in the summer.

Q.—And that is the only order you can remember getting which you questioned in any way? A.—I got no orders from the Superior that I know of.

Q.—That is the only order you can remember, January of 1914, you questioned in any way? A.—That is the only one.

Q.—You told my learned friend of an incident there in which you apparently came to blows, or somebody came to blows, when you were in Belleville. Who was that with? A.—That was Sister Mary Justina, the best friend I had in Belleville.

Q.—Do you remember telling Sister Mary Justina the incident of the abduction? A.—I did.

Q.—Did you tell her correctly what took place on that occasion? A.—I did, as I have related it to the judge and jury here.

Q.—Did you tell her correctly what took place? Did you or did you not? A.—I told her exactly.

Q.—Did you tell her what you had on that night, when the police constable went into your room? A.—I told her.

Q.—Did you tell her the truth? A.—I told her the truth, just as I have told the jury.

Q.—Well, it differs somewhat; but you say you did tell her on that occasion? A.—I told Sister Mary Justina what I had on.

Q.—Did you tell her on that occasion you had just removed your habit and you had your towel and sponge box in your hand preparatory to going to the wash room before retiring? A.—No, I never told that to anybody.

Q.—Never mind anybody. Did you tell it to Sister Justina? A.—I may have said I intended to go to the bath room afterwards.

Q.—You heard what I said? A.—I didn't tell it to Sister Mary Justina.

Q.—Now, coming to that little trouble you had with Sister Mary Justina, where did that take place? A.—In the kitchen at Belleville.

Q.—And what led up to it? A.—I went out to the kitchen and asked Sister Mary Justina—we were alone in the house. Sister Mary Gabriel had held my counsel's mail for the week before that. I had written three letters to my counsel, and he had received none of them, as I found by a letter received from him Monday.

Q.—Has this anything to do with the occurrence? A.—Yes, I am explaining the incident, and on that morning I went to Sister Mary Gabriel and asked her for the letters she held from me to my counsel, seeing she did not see fit to mail them to him.

Q.—You asked Sister Mary Justina? A.—Sister Mary Gabriel.

Q.—I am asking about Sister Mary Justina? A.—I am coming to the point. She said, "I have no letters belonging to you, I mailed them." I said, "If you mailed them, you mailed them very recently, but let us find out whether you did or not." Then Mary Gabriel knew the only way I could find out would be to telephone Father Mea, and I did go to the phone about half-past eight, and Central told me that it would be some time—

Q.—Never mind what Central told you. What Central told you is not evidence, you know. A.—I went out to Sister Mary Justina and I said, "If I am asked for at the phone you tell me, will you? I will be in the chapel," and she said, "I will have nothing to do with you or the phone." I said, "Sister, the reason why I asked you, was I heard you answering the phone yesterday." There was no one else in the house, and she didn't let me finish it. She up with her hand and struck me in the face.



Q.—She did not let you finish? A.—I said, "The reason why I asked you"—I think that was as far as I got—"the reason why I asked you was I heard you answering the phone yesterday."

Q.—Is that all that took place on that occasion? A.—That was all that took place on that occasion.

Q.—Absolutely all? A.—On that occasion.

Q.—I am speaking of that occasion. You pledge your oath to that? A.—It was between eight and nine o'clock.

Q.—You pledge your oath that was all that took place? A.—That was all that took place on that incident.

Q.—As a result of that, what do you say happened to you? A.—She struck me twice with her fist in the face in quick succession.

Q.—And you did nothing? A.—No, I was so taken by surprise.

Q.—She got the start of you that time. And what injuries do you say you received? A.—My face was blackened and the bridge was broken, and two teeth behind it were loosened. (Indicating teeth.)

Q.—And you went to the dentists? A.—No.

Q.—And saw the doctor? A.—I wouldn't be allowed to see a doctor.

Q.—Did you see the doctor? A.—I did not.

Q.—How long was that before you left? A.—Oh, that was in March, I think, or April, perhaps. I have the dates. I think it was the latter part of March. There are some letters in the brief that would indicate when it occurred.

Q.—I am told that on many occasions you were very offensive to the Sisters at the different houses where you have been—Brockville, Smith's Falls, Kingston and Belleville—and that it was not an unknown thing for you to shake your fist in their faces and threaten them? A.—I never remember doing that.

Q.—Will you say you never did it? A.—I never did it. I never shook my fist in any Sister's face to my knowledge.

Q.—Or make threatening remarks to them, either, in regard to themselves or in regard to the Superior General? A.—What do you mean?

Q.—Just what I said? A.—Threatening remarks? I don't know that I could threaten the Superior General in any way.

Q.—With legal proceedings, or anything of that kind? A.—Oh, certainly, I said I would take legal proceedings.

Q.—Or by an attempt to injure her as far as the Ecclesiastical Courts were concerned? A.—No, I didn't intend to injure her.

Q.—I didn't ask you that. Whether you threatened it? A.—Oh, no, I didn't mean to injure her.

Q.—I didn't say what you meant. Did you ever say to anyone words in the nature of what was threats in regard to steps you would take in the Ecclesiastical Courts? A.—I said I had placed the matter before the Ecclesiastical Courts, and if it went correctly before the Ecclesiastical Courts that she would certainly be punished by the Ecclesiastical authorities.

#### Re-examined by Mr. Tilley.

Q.—When did conversations of that character take place, Sister Basil, when you said your complaint had gone to Rome, and if they heard your case she would certainly be punished? A.—After the abduction.

Q.—Not before, of course? A.—Oh, no, not before.

Q.—My friend has asked you about the incident with Sister Justina. Were you there when Sister Gabriel returned to the Home? Was she out at the time? A.—She was out when the incident occurred.

Q.—And were you there when she returned? A.—I was in my room upstairs over the Refectory.

Q.—Did you know when Sister Justina and Sister Gabriel met? A.—I knew when Sister Gabriel came in, because I heard her laugh.

Q.—Did you know what at? A.—I couldn't say. I was upstairs.

Q.—You don't know what the laugh was about, but you heard them laughing? A.—I heard Mary Gabriel laugh very loudly.

Q.—Do you know whether Sister Justina was with her at the time? A.—Sister Justina was the only Sister in the house at the time.

Q.—You spoke about your face being blackened? Did it remain blackened long? A.—Oh, yes.

Q.—How long, approximately? A.—Father Mulhall returned to Belleville on the 16th April.

Q.—This would be 1917? A.—Yes, 1917, and around my eyes, particularly my left eye, still retained a mark.

Q.—And you think this happened at what time? A.—The latter part of March. I wouldn't be sure of that date now, but I will get it for you.

Q.—That is your best estimate? A.—Yes.

Q.—Was there any bleeding? A.—It bled profusely. The blood spurted from my nose in the kitchen, and Sister Mary Justina, I suppose, wiped it up. There was a stream from that to my room.

Q.—Did you ever hear of any reprimand to Sister Justina of what happened on that occasion? A.—I did not.

Q.—My friend has gone back to the year 1895 and asked you about every difference that has happened from 1895 to date, except the one of the 14th September. Just let me ask you this. I see at page 42 of your Constitution there is this, "In case of a Sister who is manifestly beyond correction, the following mode of procedure shall be pursued: First, the Superior General will order prayers to be said in all houses of the institute for the reformation of that Sister's conduct without, however, revealing her identity," and then certain other provisions follow that I need not repeat. You are familiar with all of these? A.—Yes.

Q.—Has any such procedure ever been taken in your case? A.—No, positively no.

Q.—Have you ever, from the beginning to the end, had any trial or anything approaching a trial? A.—No, never.

Q.—Or had your complaints investigated? A.—Never.

Mr. McCarthy: Isn't this rather suggestive?

His Lordship: Strictly speaking, it is a leading question, of course.

Q.—Going back to 1902, you were asked about going to the Mother House in Kingston for the retreat, and you said Sister Scholastic sent you? A.—I was brought from Brockville, I think. No, I was sent from Kingston to Brockville, I think, in 1902, and in 1903 I came back for the retreat, and remained at home. I was told to take care of Sister Mary Rosalia who was dying of consumption.

Q.—But you were asked whether you made these changes from one place to the other at your request. A.—No, they were not at my request.

Q.—Are the Sisters moved about from one place to another? A.—Oh, yes, that is a common thing. The Superior General may move us around.

Q.—So you have given here the move you made from time to time, but other Sisters would be making moves? A.—Oh, yes. But I have never been told any reason for any move with the exception that in 1903, when I came home from Brockville, Sister Mary Rosalia asked Sister Scholastic to ask me to nurse her, as she was dying of consumption. That was the only explanation or any reason that was given to me as to why I was changed from one house to another, because the explanation is not usually given.

Q.—You say it is not usually given? A.—No.

Q.—You were asked about going west to Daysland? A.—Yes.

Q.—You say you went there in 1913? A.—In 1913.

Q.—Was that before or after the election at which Mother Regis was elected to be the Mother Superior? A.—That was a couple of weeks after Mother Francis Regis' first election.

Q.—So that it was two weeks after her election you were ordered to Daysland? A.—Yes.

Q.—Where? A.—It is in the Province of Alberta, in Western Canada.

Q.—I think you said you gave some objections to going there? A.—I did. The objections were stated.

His Lordship: Does that signify? She went subsequently.



Mr. Tilley: Except my learned friend seemed to make some point of it.

A.—(Continued.)—The reason of my objection is stated in my letter to Rome which was not read.

Q.—The letter is in Rome, so we cannot read the letter. A.—That was an incident that took place in Daysland.

Q.—Quite so, but we will pass that over. Later on you say that Mother Regis came out to Daysland? A.—Yes.

Q.—To what extent was there any communication between you and her when she reached Daysland? A.—When she reached Daysland I met her in the hall, and I said, "Good morning," and I think that was the only time we spoke until she told me to go home to Kingston.

Q.—She gave you the command to return to Kingston? A.—Yes.

Q.—And that was the only communication you had with her? A.—That was the only communication we had.

Q.—A Sister came back with you? A.—Sister Mary Patrick came back with me.

Q.—My learned friend was asking as to the circumstances under which you left Daysland. Was there any complaint told you? A.—No. I demanded of the Archbishop when I saw him after I came home what the Superior General had against me, and he said she had nothing. I said, "What have I done, Your Grace? Have I done anything wrong?" And he said, "No, no one has any fault to find with you." Now, the Archbishop on several occasions repeated that the Superior General had nothing against me.

Q.—From the time that you say you came back from Daysland, what has been the attitude of the Mother General towards you? A.—To ignore me in the Community.

Q.—You were asked about instances in 1914 and 1915, and certain correspondence was put in, and my friend referred to the letter of the 15th January, 1914, as to a request for dispensation, and you said it was not a request for dispensation? A.—No, that was not.

Q.—Let me read the letter, "I respectfully ask you for a dispensation from my vows because of my unhappiness in this house." Why do you say that is not a request for dispensation? A.—For the simple reason that the Archbishop could not give me a dispensation from my vows without first referring the matter to Rome. The Archbishop, then, with the approval of Rome, could give me a dispensation from the vow of poverty and obedience, but Rome would have to give me the dispensation from the vow of chastity. What I wanted the Archbishop to say to me was, "Send your request and I will forward it to Rome." In that request for a dispensation, I would have to state all the reasons for my unhappiness, and why I made the request. That statement, signed by me, would be forwarded to the Congregation of Religious, and would eventually institute an enquiry, because I would describe in that application my treatment in the Community. The Archbishop didn't want, evidently—

Q.—Never mind what he wanted. You say to have an application properly made for dispensation from your vows, it would have to be made out and the reasons given and sent forward to Rome? A.—Yes.

Q.—And that would result in an investigation? A.—In an investigation.

Q.—Was that what you were looking for? A.—That is what I was looking for.

Mr. McCarthy: In 1914.

Q.—My friend was asking you about the typewriter. He asked you where you wrote these letters of April and May, one to the Mother Superior and the other to the Archbishop. You remember the two letters? A.—Yes.

Q.—And you said you wrote them yourself? A.—I wrote them myself in my room.

Q.—And then he asked you after that where was the typewriter, and you said in Father Mea's office? A.—When we got the typewriter.

Q.—Was it there at the time you were writing these letters in April and May? A.—Oh, no.

Q.—It wasn't there until the time you have told

us later on? A.—No, I borrowed it later.

Q.—Have you been able to think of the name of the novice to which you referred? I suppose the Order would have the names of the Sisters that are now at Moose Jaw? A.—Yes.

Q.—If you were given the names you could pick out the one? A.—Certainly.

Q.—It has just left your memory for the moment? A.—Yes.

Q.—Then a word or two about this Exhibit "14." You produce a copy of your letter addressed to Mother Regis dated April 18th. Is that in your own handwriting? A.—That is in my own handwriting.

Q.—Why did you make this copy out? A.—I made that copy out to send to the Archbishop.

Q.—And why did you not send it to him? A.—Before I mailed it, the Archbishop went to the St. Mary's-of-the-Lake, and announced his visitation.

Q.—Because he announced his visitation, you knew you would see him? A.—Yes.

Q.—And then you didn't mail it? A.—I didn't mail it then.

Q.—What was the next thing you did with it? A.—I kept it.

Q.—Until when? A.—Until I went to Belleville.

Q.—That is in 1917? A.—In 1916.

Q.—What time? A.—Very soon after I went there.

Q.—In November? A.—Well, yes, November.

Q.—What happened to it then? What did you do with it? A.—Sister Mary Gabriel asked me to let her read it.

Q.—Is Sister Mary Gabriel the Superior? A.—Yes.

Q.—She asked you to let her read it? A.—Yes, I gave it to her to read, and then she asked me to let her send it to her sister, Sister St. Thomas, in Kingston, that she might see what a grand thing it was that those complaints—

Mr. McCarthy: I object to that.

Q.—She wanted you to let her have it, so that she could send it to her sister?

Q.—And this envelope was the envelope in which it was returned? A.—Returned to Belleville.

Q.—By Sister Mary Gabriel's sister? A.—Yes.

Mr. Tilley: It is stamped December 28th, 1916, postmarked.

Q.—Then my learned friend asked you about letters that you wrote to the Archbishop.

Mr. Tilley: Will you let me have the letter of September 8th, 1915, to the Archbishop, and also the letter of the 8th July?

Mr. McCarthy: Should not these have gone in chief?

His Lordship: I do not think the examination should be re-opened.

Mr. Tilley: It is not re-opening it. My friend has gone over the events of 1914.

His Lordship: As I understand it, you are asking for letters that were not produced on the cross-examination.

Mr. Tilley: I am asking for letters that were referred to but not produced, and I want to produce them.

His Lordship: How were they referred to in order to let them in?

Mr. Tilley: Surely I can cross-examine about any incident that my friend has examined about? My friend went back in his evidence to the years 1914 and 1915. I commenced my evidence with 1916.

His Lordship: Of course, anything he went into that needs explanation.

Mr. Tilley: I want to explain it by producing the letters, and I ask my learned friend about producing the letter of the 8th July, 1916.

Mr. McCarthy: I did not refer to any such letter. The 8th September is the only one I referred to.

Mr. Tilley: I am not limited to what you referred to. You have gone back to incidents in 1914.

His Lordship: I think the re-examination should be only explanation of what was brought out on cross-examination. If it is new matter, you ought not to do it without the leave of the court.

Mr. Tilley: This is incidents in the year 1915 that I did not ask a word about in opening, and my learned friend has asked a great deal about in his



cross-examination, and I want to show what the incident was.

His Lordship: Does the matter not stand this way, if he did refer to a letter dated the 8th September?

Mr. McCarthy: I did to that letter, and my learned friend has it. I did not refer to any other letter because I didn't see any other letter.

His Lordship: If he refers to any letter that is not produced and put in, and you ask for it, and he hasn't got it, isn't that an end to the matter.

Mr. Tilley: But he has got it. It is an exhibit on Archbishop Spratt's examination, marked Exhibit E.

His Lordship: You know marking it on an examination is not putting it in as evidence.

Mr. Tilley: Your Lordship said if he hadn't got it, but I am saying he has it, and I would like to have it produced.

Mr. McCarthy: I have never seen it. If he knows of it, he could have produced it on his examination in chief. I have not referred to it in any way.

Mr. Tilley: I could have commenced this story in 1895 or at some other date years ago, if I thought it was material, but my learned friend is the one who has carried the evidence back to these dates prior to 1916. Now, I did not ask anything about it in opening. My learned friend has asked about these things, and I am just in the position of taking up a matter that has been raised in cross-examination to clear it up and show what the transaction was.

His Lordship: What is it you want to do?

Mr. Tilley: I want the letter that my friend has in his possession. It is produced on his affidavit on production, and it was produced on the examination of his client, and it is marked Exhibit "E" to that examination. Now, I would ask him to let me have it so that I can use it. They furnished us with a copy of it.

Mr. McCarthy: There is no objection to my learned friend having it in the slightest. The point is, should he have put it in, in chief, or can he re-open the matter now, because it may re-open the cross-examination? I have not cross-examined on that point at all. I examined on the letter of the 8th September.

Mr. Tilley: I am not re-opening anything. I am simply re-examining on a matter that my learned friend raised.

Mr. McCarthy: I didn't raise that.

Mr. Tilley: You raised the incident and asked about it. The point is, am I to have the letter?

Mr. McCarthy: I am in the dark to know what you are referring to.

Mr. Tilley: It is the letter that reads this way. "Please do not use the honorable members of the council to screen—"

Mr. McCarthy: I did not ask you that. That, I should think, would be rather a gross breach of faith, because I asked my learned friend what I had asked, to justify him in reading the letter, which, I submit, of course, is absolutely improper.

Mr. Tilley: My friend came to the year 1915, and he asked what communications there were between the Archbishop and Sister Basil in that year, as to any conversations they had and the communications, and did she write the Archbishop. She said she did, and the Archbishop, Your Lordship will remember, denied certain things in the presence of Mrs. Daly. That is as to whether she was to be put in an asylum, and so on. He has raised the question as to what happened in 1915, and I desire to put in the communications that were sent to the Archbishop in 1915. It will take me only a moment to put them in, if I am given the documents.

His Lordship: I think you ought to have leave to put it in. It prolongs the examination, of course.

Mr. McCarthy: Here it is. (Produced.)

Q.—Will you just look at that date, Sister Basil, and say whether that was a letter written in 1915? Is the date right? A.—Yes, the 8th of the seventh month, 1915.

Q.—1915 is the proper year? A.—Yes.

His Lordship: Let me understand what it is?

Mr. Tilley: It is a letter dated the 8th July. It appears to be 1919, but the witness says that should be 1915. It commences just as I read:

"Please do not use the honorable members of the

council to screen M. Francis Regis' tyrannical treatment and persecution of me. I absolutely deny the charge, and am prepared to meet you at any time. When I was in Smith's Falls absolutely under your protection where you pledged your word that you would give security and guarantee that M. Francis Regis would treat me kindly, a man bearing the dignified character of the sacred priesthood lent himself as a tool to persecute me. You took part with those who were driving me to desperation because they were the stronger party. In the presence of many conflicting evidences I did not yet lose confidence in my Archbishop, but with unwavering faith and the advice of an experienced director I made my first advance to expose to you a little of the treatment I had received, and since you have afforded me your protection in that position I respectfully asked you to request the council for a change of office. Your answer was that the council positively refused to comply with your request. This message from my Ecclesiastical Superior did not alter my opinion of the council, whom I still regarded as an honorable body, anxious to do right. My opinion was formed and I would hold it until evidence of the contrary. Now, I can prove to you that it was never placed before the council for approval, so called, neither was the scandalous treatment I received. I have no doubt that the council in your opinion consists of Archbishop Spratt and M. Francis Regis. Evidently her opinion is all sufficient for Your Grace. Will her conduct which you now uphold justify you before the judgment seat of God? I will leave that for a great and just Judge to decide, and while I will not pray, because I do not pray, I will fondly hope that the Judge, although he is Judge, will be more charitable to you than my Archbishop has been to me. Therefore, place the blame and responsibility where it belongs, not with the council, not with the Community, but solely on the shoulders of Archbishop Spratt and M. Francis Regis. Your Grace, I could specify many other instances where I have been deceived, but it is not worth the trouble.

"I have the honor to be your much deceived and persecuted subject,

"SISTER M. BASIL."

(Marked Exhibit 15.)

Then the other letter is dated 8th September, 1915, also to the Reverend Archbishop Spratt:

"On the 2nd inst. I addressed a letter to you requesting you to be kind enough to come to St. Mary's-of-the-Lake at your convenience. This, I suppose, you could readily understand, knowing that I was a prisoner here, and could not go to you. Your Grace, do you refuse to hear me, and shall I communicate the same to my family, who, as I have told you, are waiting a message from me? Kindly let me know."

(Marked Exhibit 16.)

Then another letter from Sister Basil to the Archbishop, dated the 13th October, 1915:

"I hereby notify you of my condition as prisoner at St. Mary's-of-the-Lake in gross violation of our Constitution, Chapter 10, page 40. Every section has been trampled under foot from first to last, and has now become unendurable. I am forced, God knows against my will, to seek relief amongst my Catholic friends in the city, after repeated and unanswered appeals to you for justice. Now, in God's name I demand from you, as my Superior, a fair trial, according to the canons of the Holy Church, or the restitution to the rights and privileges of my Community of which I have been deprived for two years to your knowledge. My present address is 122 Earl Street, Kingston. Yours respectfully."

His Lordship: Of course, that was read and commented on. I think this is not the first time I have heard it read in court on the trial of this case.

Mr. Tilley: No, my Lord, I don't remember it being read before.

Witness: There was a letter similar to it, but not it. (Marked Exhibit 17.)

Q.—That is a letter written from Earl Street. Has that letter been read before? A.—No, that letter was not read before. There are some extracts in the letter of May 22nd, to the Archbishop.



Q.—It was quoted, probably? A.—Yes, quotations from it.

Q.—That letter was written from Earl Street? A. Yes.

Q.—And who lived at Earl Street, do you say? A.—Captain Daly.

Q.—Was it there you had the conversation with the Archbishop that my learned friend asked you about, when he denied that he had said to Father Mea that they were considering, or you would find yourself in an asylum? A.—Yes, that was the house in which I was.

Q.—And was it on that occasion? A.—On that occasion he made the denial.

Q.—Then did you return from there to the Community? A.—Yes, he told me to go back and I would get my status in the Community.

Q.—That is, the Archbishop? A.—Yes.

#### FATHER MEA HAD FREQUENT CLASHES WITH ARCHBISHOP.

Father Mea, who took such a courageous stand throughout the case on behalf of Sister Basil, was then called to the stand. He is a handsome man, middle-aged, with curly gray hair, which sets off his well-shaped head. His story was given in a calm, clear, good-natured fashion, and was never once deviated from. He displayed a wonderful command of language, which surpassed anything heard throughout the trial, and under close cross-examination he showed a thorough knowledge of the Constitution of the Church.

Asked how long he had been a priest, he answered 19 years, almost all of which time has been spent in Kingston. He was chaplain at the Orphanage from May, 1912, to January, 1914, and again from September, 1914, to October 23, 1916. Asked if he was there in March, 1915, when Sister Mary Basil went there from Smith's Falls, he replied in the affirmative.

#### Sister Basil Had no Employment .

Q.—What was your first conversation with the Archbishop in 1915 concerning Sister Basil?

A.—When Sister Basil had been about 10 days at St. Mary's, I heard she was differently treated and without employment. I spoke to the Archbishop, and asked him to give her employment. He promised to look into the matter. After two weeks he came again, and promised to speak to the Mother Superior. Later in the spring and summer we had other conversations. Anonymous letters had gone around, and Sister Basil was blamed. The Archbishop was incensed, and came to see me. I tried to convince him that Sister Basil would not do that. He showed me a postcard, and said it was a product of a diseased mind, AND TO TELL SISTER BASIL SHE WOULD FIND HERSELF IN AN ASYLUM. I didn't want to tell her, but later did. She was pained, and later she showed me a letter to His Grace, about June, 1915. The Archbishop told me he had received her letter, and denied he had said he would put her in an asylum. The Archbishop then warned me not to interfere.

Q.—Did you talk with the Local Superior about Sister Basil? A.—Yes. The Local Superior used to bring me in my meals, and I said to her, "Sister, it is not good not to give Sister Basil employment." She said, "It is out of my hands. I have to do as I am told."

Q.—Is it hard for a Sister to be without employment? A.—Yes. Everything is done by rule. Each one should be at certain work or else in her room. Deprivation of work is about the same as solitary imprisonment.

Took Matter up with Archbishop.

Q.—Was it because of your views that you took the matter up? A.—Yes.

Q.—Were there any other such discussions? A.—Yes. On July 15, when the Archbishop came to me and asked about St. Mary's. He was annoyed and said, "Father, Sister Mary Basil is lying to you." I said, "I don't think so. I see her frequently." The next day the Archbishop said, "Father, I don't know what I can do. I can't ask the council to back down after all those anonymous letters." I said, "Well, I am sure she didn't write them. If I had your authority I would settle the matter in 24 hours."

Q.—Is it the duty of the Archbishop to supervise the institutions and restrain Superiors from ill-treating those under them in their natural and civil rights? A.—Yes.

Q.—Did any change take place prior to September 14, 1916? A.—Yes. When she returned from Smith's Falls, she took charge of my rooms, taking the place of the nurse who had cared for me in a long illness of some months' duration. That took up a good portion of her time while I was an invalid, later, much less.

#### The Abduction.

"About 10 o'clock at night, on September 14, 1916, I was awakened by cries. I thought it was an orphan crying. I got up, went into the corridor, stood at the foot of the stairs, and heard footsteps upstairs. I thought everything was all right, went back to bed, and fell asleep. One hour later I heard a number of people going downstairs, and heard a scream, 'Father Mea, Father Mea, I want to see Father Mea.' I put on my bathrobe and ran out. A person cried out from the automobile, 'They are taking me to an asylum.' She was sitting in the auto with her bare head. I ran down the steps and jumped on the running board and tried to pull her out. But I noticed that a man was holding her, and I asked him who he was. He said, 'Mr. Naylor.' I asked him if he had any right to do this? He said, 'Yes, I have authority.' I said, 'I protest. Show me your authority.'

"The policeman jumped out, and said he was acting under the instructions of the Archbishop to take her to Montreal. He said, 'Let her go to Montreal and fight it out there.' But I refused. The policeman came in with me and I phoned to the Archbishop, but he was in bed. So I came back to the auto, and Naylor gave the order to go. I said, 'I can't go in my night clothes,' and I am going to accompany you to the station. So they agreed to wait until I dressed. Constable Naylor then agreed to call at the House of Providence and discuss the matter with the Mother Superior. The chauffeur did not want to go, but we finally went to the Mother House, where Sister Mary Magdalene got out, coming back later with the command of the Mother Superior to go on to Montreal. I appealed then to the two men, saying, 'You are two Catholic men, and have wives and daughters of your own. Don't do this thing.' I went in then to see the Superior, keeping near the door, so that the car could not get away without me. The Mother Superior was angry at me for interfering, but I said I was only protecting a Catholic girl, as the Mother didn't know she was insane. I returned to the auto, and we discussed it again in the rain, and I said to them, 'You are two men to one, but I will go to Montreal with you. I will appeal to the crowd and



have this in the courts in the morning.'

"The policeman then phoned to the Archbishop, who said he 'had no orders to give.' When he returned, I said to him, 'Why don't you get under cover too, Naylor?' I went in again to see the Mother Superior, and repeated to her my threat to go to Montreal, after which she commanded Mary Basil to come in and remain there for the night, but Sister Basil was afraid to go, and we returned to St. Mary's-of-the-Lake."

#### Policeman Claimed He Had Authority.

Father Mea swore that the policeman had told him he was acting under instructions from the Chief of Police and the Archbishop. He had since discovered, however, that the policeman had had no authority from the Chief of Police.

#### Letter From Mother Superior.

When Father Mea returned to his room after the return to St. Mary's, he found a letter from the Mother Superior on his desk, explaining that she found it necessary to send Sister Basil to Montreal, as she was insane. The letter stated that certificates (declaring her to be insane) had been obtained. The letter, said the witness, had been placed there after he had gone to bed. They had had every opportunity to get it to him throughout the evening.

Asked as to Sister Basil's condition on her return to St. Mary's, witness said she was agitated and frightened, and that, being afraid to go to bed, she spent the night on the couch in the outer room of his suite.

The following day, Sister Basil appointed the witness as her counsel. She wished to carry her case to the civil courts, but Father Mea persuaded her to wait a while. He promised her that no harm would come to her while he was there. He also promised to report it to Rome and the Apostolic Delegate. Sister Basil then prepared a document for Rome which the witness mailed and registered, and he had since received word that Rome had received it. He attached a letter of his own to the report.

#### Mea Was Warned Not to Interfere.

The attempt at abduction took place on Thursday night, September 14, and on the following Monday the Archbishop visited Father Mea and asked him why he was interfering with his administration. The Archbishop complained that he would be injured if the affairs were given publicity, whereupon Father Mea said, "The only appeal you can make to me is 'is it right or wrong?' It was against both the civil and religious law. You have laid violent hands on a religious. You have thereby incurred excommunication, and you should thank me instead of trying to intimidate me." The Archbishop replied to this, "You had better leave this house at once." "All right," said Father Mea, "but the moment I step out, Sister Basil steps out also, and places herself under the protection of the civil courts." The Archbishop's reply was, "Well, you had better stay, then." (Laughter.)

#### Father Mea's Proposal.

Father Mea then suggested to the Archbishop four places in which he offered to take a curacy, and to place Sister Basil in a convent in one of them so that he would be within call, and he would not be likely to go to the civil courts. The Archbishop promised to see about it, but the matter dragged off, and the Archbishop urged the witness to leave St. Mary's-of-the-Lake, but he pointed out to the Arch-

bishop the danger of Sister Basil seeking the protection of the civil courts. "After five or six weeks," said Father Mea, "I called upon the Archbishop and asked him if he wished me to leave. He said, 'Yes.' 'What do you propose to do with Sister Basil?' I asked. He said, 'To send her to the Mother House.' I said she was afraid to go there. Then he proposed that she go to Belleville. When I told Sister Basil she said she would go, but she was afraid there would be trouble, so I promised her that if she did not get justice, and had to seek the protection of the civil courts, I would be present and tell the truth. So she agreed to go to Belleville, and I accompanied her to the station. No Sister was at the station to accompany her, and no money was supplied for her fare. So I paid her fare and went with her. The Archbishop had promised to notify the Local Superior at Belleville, but when we arrived, we learned that no notification of the Sister's coming had been given.

The witness then returned to Kingston, but remained in communication with Sister Basil. For a while their letters were regularly received, and once Father Mea visited Belleville. On March 28 he received a letter from the plaintiff describing an assault on her by Sister Justina. He immediately went to Belleville and found Sister Basil in a pitiful condition. Both eyes were blackened—the right eye almost closed. Her jaw was swollen and inflamed. He put his finger in her mouth and found her teeth broken.

#### Was Living up to Her Ideal of Religion.

Mr. McCarthy, in his cross-examination of the witness, asked if he had ever heard complaints against Sister Basil? The witness admitted that he had heard complaints, but he formed the opinion that she was one of the best religious in the house, and had the clearest conception of the idea of religious life, and was living up to it. She did not take kindly, however, to the idea of blind obedience. The witness admitted that he was no longer counsel for the plaintiff, having been forbidden by the Archbishop in May, 1916, to act for her. Sister Mary Basil, shortly after the abduction, accompanied him to Smith's Falls to attend the funeral of his brother-in-law. He had, however, secured the permission of the Archbishop for her to go, and she stayed at a house of the Order while there.

#### Commission Evidence Taken.

The evidence of Sister Mary Gabriel, taken November 5, by a commission at Moose Jaw, was read by Mr. Tilley. The witness had known Archbishop Spratt and the Mother General for 25 years. She had been Mother Superior when Archbishop Spratt was a parish priest, and Sister Francis Regis a Sister in Trenton. She had known Sister Mary Basil ever since her admittance to the Order, and had always found her a troublesome subject.

With regard to the conduct of Archbishop Spratt, while in Trenton, the following testimony was given:

Q.—Do you remember in Trenton issuing any order in reference to Rev. Father Spratt using a form of massage for effecting the cure of neurasthenic patients? A.—Yes, I issued an order to prevent it.

Q.—At that time, as Sister Mary Regis was troubled with rheumatism, was Father Spratt accustomed to call at the convent and treat her? A.—Yes. So I was informed, I wasn't there.

Q.—Well, you issued the order because of the complaints? A.—Yes.

Q.—The Sisters were scandalized by it? A.—They were dissatisfied.



Q.—And you issued an order that it should stop?  
A.—That was my duty.

Q.—That, of course, was before Father Spratt was consecrated as Archbishop? A.—Yes.

Q.—Did Father Spratt administer this treatment in the convent, or did she go out to him? A.—She was laid up with rheumatism. He called on her. He was parish priest.

Q.—Was your order to stop him from going to see her? A.—No. He was not to see her alone. One of the Sisters must accompany them. I just quoted the rule.

Q.—Did you think if you issued this order, this massage treatment would not be administered when another Sister was required to be present? A.—Yes.

Questioned as to the steam heating plant at the Orphanage, the witness described it as first class and estimated its cost at \$10,000. It had been quite satisfactory during her stay in Kingston. She thought the removal of the plant unnecessary and wrong.

Witness had met Sister Basil again at Belleville. Father Mea, then assistant to the Archbishop, had visited the convent. He was a respected priest in every way. She was on good terms with Sister Basil during the first winter of the plaintiff's stay in Belleville. In the middle of February she had visited Kingston to answer some questions regarding Mary Basil's case, and had seen Father Mulhall, who was investigating the case. She received instructions in regard to the plaintiff from Sister Regis.

She had heard from Sister Basil that one of the Sisters at the institute had given birth to a child, and that the election of 1916 had been manipulated.

Witness acknowledged having ordered the plaintiff to her room, for having taken the mail from the postman. There was a clause in the Constitution which stated that the Superior must read all the mail. Up to that time witness had not exercised that right. Sister Basil had raised objections and called Father Mea on the phone. The witness then instructed the Sisters to have nothing to do with her. The Sisters did not speak to her at the table, and she was in the building without communication with anyone.

Witness had told the plaintiff to "go to the Devil," as she no longer belonged to the Community. She had noticed that Sister Basil's eye was black after her quarrel with Sister Justina.

Witness' friendliness towards the plaintiff had ceased after the investigation. After that, witness had held back two letters of Sister Basil's to Father Mea. One she put in the stove, the other she gave to Mary Francis Regis. The plaintiff tried frequently to telephone Father Mea, but the witness had put a stop to that. She had received instruction from the Mother Superior not to allow Sister Basil to use the telephone. She put the letter in the stove because in it everything that was said in the house was reported to Father Mea, and mention was made of the Archbishop and the Mother Superior. While in Kingston, the witness had heard of the abduction from the Mother Superior, who said that Dr. Gibson had refused to sign a certificate. When the witness heard that Dr. Phelan had given a certificate, she remarked that "he was a hangman." She did not approve of the abduction, and told Mary Basil so. It was not right in a civilized country. The Mother Superior had told her that Mary Basil would be cared for as an insane woman. In a conversation with the witness in April the Archbishop had denied having anything to do with the affair.

After the witness' return from Kingston, the Sisters had treated Sister Basil differently. They did not allow her to do any work, and all intercourse with her was forbidden.

#### The Superior General on the Stand.

Examined by Mr. McCarthy, Sister Mary Francis Regis testified that she was the Superior General of the Sisters of Charity, and had held that office for four years. Before that she was Local Superior at Belleville, spent four years in Brockville, and was successively Local Superior at Trenton and Smith's

Falls. She had been a member of the Community for thirty years. She had known Sister Mary Basil ever since she entered the Community, and had always been on friendly terms with her. In many respects, she was not satisfactory, her conduct being peculiar. She had refused food and necessary medicine from the doctors. Sister Mary Basil had been engaged on hospital work. Asked if she was peaceable, the witness replied "Yes."

The witness described the organization of the Sisters of Charity. In addition to the Superior General, there is a council composed of four mother assistants, a treasurer and a secretary.

After she had been elected Superior General Sister Mary Basil was looking after the sick Sisters. There were complaints that she had been unkind to her patients. Sister Mary Basil showed a preference for nursing, but the council would not appoint her to Smith's Falls or Brockville because of the complaints. She showed reluctance to going to Daysland, Alberta, and she had gone to Sister Mary Basil's room and talked to her kindly about going, but did not urge her to do so, when she said to her, "If you can't go in the right disposition, don't got at all." The next day she met the plaintiff in the secretary's office crying. She complained in the presence of the Archbishop that she was being forced away, saying, "I'll never forgive you for sending me." She said "goodbye" to His Grace, who told her not to go. Later she met the plaintiff in the office, where she was looking out of the window. Witness then named another Sister to go in her place, and the next thing she saw was the plaintiff seated in the carriage in the back yard. She went out and bade her goodbye. After Sister Mary Basil had been in Daysland five or six weeks, witness received a telegram from the Superior. She went west and found that the plaintiff had been making trouble. In consultation with the Superior it was considered better that she should return to Kingston. The plaintiff returned with Sister Mary Patrick, witness coming back two weeks later. On her return, the witness' attitude was very cold. She did not remember seeing her at any of the religious exercises. She did not go to the dining room. In January, 1914, as a result of the Archbishop's conversation, she went to Smith's Falls. The Archbishop came to see her many times. The Local Superior at Smith's Falls sent complaints about the plaintiff, both from the Sisters and nurses. While she was at the Mother House, witness tried to be kind, and told her to take some work, but she said, "It is too late." As the result of the complaints at Smith's Falls, the plaintiff asked the Archbishop to be removed. She returned to Kingston, and was sent to St. Mary's-of-the-Lake, in March, 1915. She remained there until October, 1916. When she applied for a dispensation from her vows, the council decided it should be granted, owing to her having lived outside her vows so long.

Q.—Did you have any complaints of Sister Basil while at the Lake? A.—I don't remember any from herself. In reply to her letter asking for work, I wrote her: "When you are prepared to repair the scandal you have made by your unworthy example, you may be received as a member of the Community." This was on August 5, 1916.

Q.—Plaintiff asked for work and got it? A.—No Sister wanted to work in the same office with her. She was given sewing to do.

Q.—How were matters at St. Mary's? A.—She refused the work given her and had much spare time.

Q.—Were there any further complaints? A.—Complaints all the time.

Q.—Before the general election in September, 1916, she wrote and charged you with lack of management. The Constitution and Rules, she said, were disregarded at St. Mary's. Had she mentioned this to you before? A.—She complained to the Local Superior that the rules were disregarded and that few Sisters attended the exercises.

Q.—Had she made verbal complaints to you before this? A.—No.

Q.—Was this written report all news to you? A.—Yes. I think Father Mea made a report once. I am not sure whether it was before or after.



Q.—How often were you at St. Mary's? A.—Not often. Occasionally. No set time. Not very frequently.

Q.—Was it visited by anyone else? A.—By ladies. I met them there.

Q.—Were you able to deal with the complaints? A.—I knew they weren't true, from the Sisters themselves. Regarding the attendance at mass, I inquired from the Superior. I made inquiries regarding the treatment of the children.

Q.—She complained that the chaplain was publicly insulted? A.—I inquired, and learned that these things were not true.

Q.—Was any complaint made that the chaplain was too kind to the children? A.—No.

Q.—What about the complaint that novices were in charge of offices against the rules? A.—There was one novice there, but the Local Superior was supposed to supervise that office.

Q.—What office? A.—With the boys.

Q.—What about the complaint that the boys were dirty? A.—That is false.

Q.—Were boys of school age out of school? A.—Occasionally they missed, but they were not kept away.

Q.—If it had not been for the intervention of the Archbishop, one boy would have been thrown out supperless and homeless in the winter. You knew of that? A.—Yes. I first heard that he shouldn't be kept with the rest. I heard complaints about him and decided not to keep him.

Q.—What is the age to which children are kept? A.—Up to 13, but they are usually placed out in foster homes.

Q.—Are there subterranean passages where the boys are kept? A.—There is a basement for recreation—a large room, partly below the ground, but well lighted.

Q.—When are they there? A.—On stormy days. They are there until bed time.

Q.—What passages are there? A.—A passage to the recreation room, down the back stairs.

Q.—Have they toys and playthings? A.—Yes.

Q.—What grown-up tramps and imbeciles worked about? A.—I couldn't say.

Q.—Did you investigate? A.—Yes. There was one about eight. He is placed out now. He is not very bright, but not imbecile.

Q.—What system of heating did you have at first?

A.—A steam plant with two boilers.

Q.—On whose instructions did you change? A.—We had one meeting of the council. I had not been in Kingston, and did not know the conditions at St. Mary's. The heating was poor, and it was very uncomfortable for the Sisters and children. They had to keep the steam boiler going in the summer, and it made an expense all the year round.

Q.—Was the city system available when it was installed? A.—I think so.

Q.—What was done after the meeting of the council? A.—The system was changed, and hot water was put in. It was satisfactory.

Q.—Can you give me the date of that? A.—Soon after I came into office.

Q.—What happened after Sister Basil's report was sent in? Did you see her? A.—No.

Q.—Did you see Father Mea? A.—He came twice to the house to complain before the election.

Q.—Were there any complaints against Sister Basil between the report and the election? A.—Yes, for unkind remarks and interfering with the work of others.

Q.—Who made the complaints? A.—The Superior and the Sisters.

Q.—Were you re-elected? A.—Yes. In July 19, 1916. About the 21st or 22nd there was trouble at St. Mary's. The plaintiff attacked the Superior. She tore off the Superior's head dress.

Q.—What did you do? A.—Nothing. She came to the retreat. Each one should present herself to the Mother General to give an account and complaints. The plaintiff did not present herself. On the morning of the close of the retreat, the plaintiff was not at the table. I sent for her, but she said she had had her breakfast. She did not report.

Q.—How did matters continue at St. Mary's? A.

—They were growing worse. The complaints continued.

Q.—On May 2 were the young Sisters removed for fear Sister Basil would interfere with their final vows? A.—Yes.

Q.—On July 16 there is another note in the minutes regarding the advisability of removing Sister Mary Basil to Montreal owing to her refusal to obey the rules. As a result of this resolution, did you take any steps in reference to that before the election? A.—No.

Q.—You were re-elected on July 19. What steps were taken? A.—I wrote to the Superior of the Hospital of St. John of God in Montreal, on July 22 asking for a favor. The letter read: "One of our Sisters has been a cause of anxiety to the Sisters owing to her mental condition during the last six months. We would like her to be where she would be well cared for. Kindly send the necessary papers to be signed." The answer came on July 25: "Glad to do anything to assist. I discussed it with the council. We knew the Sisters would need somebody to help them. I asked Dr. Phelan to give a message to Mr. Naylor.

Q.—What about legal papers? A.—I didn't do anything.

Q.—Why? A.—There was no necessity to fill them out here to admit her to a house in Montreal.

Q.—What kind of a house? A.—There were different departments. There are patients under observation, insane patients.

Q.—Did you want to get rid of her? A.—That is not true. It became impossible for us to keep her in the Community. Yet we couldn't dismiss her. We couldn't say whether her mind was all right or not.

Q.—Can you dismiss a Sister? A.—We can take steps to dismiss her.

Q.—You could have her dismissed? A.—Yes.

Q.—Did she want to leave? A.—She asked for a dispensation. It was given her, and then she refused. For a dismissal, the Archbishop would have to be referred to.

Q.—Why? A.—Dispensation from vows can only be given by the Archbishop. She is then free to leave, and she cannot remain. When it is given, and she accepts it, she is no longer a member.

Q.—Did you know then about the appeal to Rome?

A.—No.

Q.—Why did you try to send her to St. John? A.—Because there she would be under observation, and away from Father Mea's influence.

Q.—Could you dismiss her if mentally unbalanced? A.—No. Because she couldn't support herself. The Community must keep the sick and infirm members.

Q.—With what object? A.—She could receive proper treatment and observation, so we could decide what to do about it.

Q.—You thought it advisable to separate her from Father Mea? Why? A.—From a conversation with him which turned on the plaintiff. He praised her, and told me of things which he couldn't have knowledge of himself—as to how the work was done, etc. I knew there must be some tale-bearing. He spoke of postcards, saying that one time he had thought the plaintiff wrote them. Now he didn't. He said she was a good nurse and a good cook—a better cook than the one before.

Q.—Anything about mental trouble? A.—No.

Q.—Any other conversation? A.—Not after. There was another before that. He complained about two babies being put in his room.

Q.—Complaints were still coming in? A.—Yes.

Q.—Did you fix the day for her to be taken to Montreal? A.—Yes.

Q.—Who was in charge? A.—Mother Vincent.

Q.—Who fixed the time of the train? A.—I left it to the Sisters.

Q.—Did you communicate with Father Mea? A.—I wrote a note to Father Mea, telling him. I gave it to Mother Vincent.

Q.—When? A.—That evening at 8.30.

Q.—Was she at the Mother House? A.—Yes.

Q.—What instructions did you give her? A.—It was to be delivered to Father Mea.

Q.—Did you take any further part? A.—No.



Q.—Why did you say you had two certificates in the letter to Father Mea? A.—Dr. Phelan gave me a note of recommendation. Dr. Gibson had promised me one, but never sent it.

Q.—What was the object of getting the certificates in Ontario, when papers should be made out in Quebec? A.—I wanted to give them to Father Mea.

Q.—Why? A.—The Superior had said that Father Mea would not let her go. In June Dr. Gibson had given me the impression that he thought her of un-sound mind. On September 14 he promised to send a note.

Q.—What was the next you heard? A.—I went to the telephone and received the information that they had left the Lake. Sister Mary Magdalene came in. I opened the door, went upstairs, finished dressing, and came down.

Q.—You had a conversation with her? A.—Yes.

Q.—After some time Father Mea came in? A.—No, I don't think so. He just came in. The door was open. He seemed excited. Didn't stay two minutes. He seemed to want to watch outside, and hurried out again.

Q.—Was there any conversation? A.—I don't remember what we said.

Q.—Was anyone else in? A.—Mr. Gallagher. Mr. Naylor came in later. Both were in the house together.

Q.—Was there any conversation with Father Mea? A.—He said if plaintiff was sent to Montreal he would go and get a habeas corpus. Mr. Naylor said, "Why don't you let the Sisters do what they want, and take legal action after?" Father Mea said, "I won't do that." I said he had no authority, after which Father Mea went out.

Q.—What else? A.—I invited the Sister in for the night, but said, "I don't want Father Mea."

Q.—What next did you do? A.—I received a letter warning us.

Q.—Where was Sister Basil? A.—At St. Mary's.

Q.—For how long? A.—Until October 23.

Q.—Did she remain there constantly? A.—No. Father Mea's brother-in-law died in September. Father Mea asked for the plaintiff and another Sister to go. I said the plaintiff could go if she went to the hospital first and got a Sister to go to the house with her.

Q.—Then she returned? A.—Yes. In October a message came that plaintiff was to go to Belleville.

Q.—Who was the Superior? A.—Sister Mary Gabriel.

Q.—While she was there, did you receive any communication regarding the plaintiff from Sister Mary Gabriel? A.—Yes. But not when she first went.

Q.—When did you see Mother Gabriel after? A.—In February, 1917, she came to see Dr. O'Connor about her ear.

Q.—Did you issue any orders regarding plaintiff? A.—No.

Q.—Did you speak of her? A.—Yes. Certainly.

Q.—What did you say? A.—I don't remember.

Q.—Did you see Mother Gabriel again? A.—A short time after. She came to see Father Mulhall.

Q.—Was there any conversation regarding the plaintiff? A.—Yes, about trouble in Belleville. I gave a recommendation that the telephone be removed as so many messages were being sent to Kingston.

Q.—Plaintiff left Belleville when? A.—May 18.

Q.—Was there any application to you? A.—No.

Q.—When did she go to Mrs. Daly's? A.—November, 1915.

Q.—Had she permission to go? A.—No.

Q.—How long was she there? A.—November 12-23.

Q.—Where did you learn of the appeal to Rome the day after the attempt at removal? A.—I first got knowledge through Father Mulhall in February.

Cross-Examined by Mr. Tilley.

Q.—How long was the plaintiff in Smith's Falls under you? A.—Just a few months in 1919. I didn't see her much till 1913.

Q.—What conversation did you have with her at Daysland? A.—I asked her to return to Kingston. She turned and walked out of the room. On the night they were to leave, a porter came for the Sister's trunks. I heard that the Sister's trunk was

locked in her room and she couldn't be found. I found her in the Refectory and told her to open her room and let the man get her trunk.

The witness had not examined the minute book to see what was in it about the plaintiff until it was decided to remove her. The Sister had held various offices. At St. Mary's she had charge of the white sewing and cleaned Father Mea's room. Pressed, the witness admitted that there had been no appointment to white sewing before or after Sister Basil.

The complaints regarding her conduct at St. Mary's had been constant. Witness had investigated by asking other Sisters. The worst thing to her knowledge which the plaintiff had done was to run away when she saw the witness coming.

Asked if she had visited the orphanage between April and the election in July the witness couldn't remember. She was unable to remember whether she had visited St. Mary's between the report and the election.

Q.—Was that the first written report received from Mary Basil regarding affairs? A.—That was the first and the last.

Q.—Was it her duty to send in a report? A.—She was free to do that.

Q.—Was it her duty? A.—Yes.

Q.—What was your duty? A.—It should be presented before the council and discussed before laying it before the chapter.

Q.—Did you lay it before the council? A.—I mentioned it to them.

Q.—Did you show it to them? A.—No. I kept it and later tore it up and threw it in the waste basket.

Q.—Before the chapter met for election? A.—I couldn't say.

Q.—Why did you deal with this report differently? A.—Because it came from a Sister who was not observing the rules herself, and because it was untrue.

Q.—Did you show it to anyone? A.—No.

Q.—Not to the Archbishop? A.—No.

Q.—Did you discuss it? A.—I told him I had received it.

Q.—How often did he call? A.—I couldn't say. There was no special time for him to call.

Q.—What investigation did you make? A.—I questioned the Sisters.

Q.—How many? Give me the names. Was it a formal investigation? A.—I discussed it with them one at a time when they happened to come.

Q.—Were all those Sisters at the orphanage? What did you ask the Local Superior? A.—How they were looked after. She said they were well cared for.

Q.—Did you speak to Sister Carmelita? A.—Yes.

Q.—After the report? A.—No.

Q.—Oh, you spoke about the charges before they were made to a Sister who left before that—a Sister in Moose Jaw. Is it fair and right to say that you made no investigation of charges because you knew they were false? A.—I spoke to the Superior.

Q.—Only the Superior? A.—Yes.

Q.—And the Sister you discussed it with was a person whom the report said had the intelligence of a three-year-old child, but not the innocence of a child? A.—Yes.

Q.—When did reports commence to come to you regarding Sister Basil's remarks against the management? A.—I couldn't say.

Q.—In 1915? A.—I guess so.

Q.—Did Father Mea also make a report to you regarding the treatment of the children? A.—Yes.

Q.—The charges are serious? A.—If they were true.

Q.—Yet all the investigation was what you have told us? Why didn't you give the chapter a chance to decide? A.—None of the reports go to the chapter. The council should decide what should go on before the chapter.

Q.—Do you determine whether they are true first? A.—Yes.

Q.—How many did you get? A.—Sixty or seventy.

Q.—How many were placed before the council?

A.—None.



Q.—Were summaries of the other reports placed before them? A.—Summaries of some.

Q.—How many times have you seen the children being put to bed? A.—I couldn't say.

Q.—Did you ever see the children downstairs? A.—Yes.

Q.—How many times have you been there? A.—I couldn't say.

Q.—Did you go there as a result of the report? A.—No.

Q.—Did you know about the novice before you got a report? A.—No.

Q.—Did you enquire who it was? (No answer.)

Q.—Did you know there was a good deal of talk about the heating plant? A.—The plaintiff talked.

Q.—How old was it? A.—Since 1909.

Q.—When was it taken out? A.—1914, five years.

Q.—On whose advice did you pull it out? Did you get any expert advice on the subject? The building you built later than the orphanage has steam heating, has it not? A.—Yes.

Q.—Who in the world told you to take out a steam heating plant and put in hot water heating in these days? A.—My own common sense would tell me.

Q.—Did you consult with your nephew before you decided to make the change? A.—I did not ask this advice. We couldn't get the place warm. The Sisters found the water frozen in the morning.

Q.—They couldn't get it warm with steam, so you changed your plant, and your nephew got the job? A.—I beg your pardon.

Q.—Isn't that the fact? (No answer.)

Q.—What did it cost? A.—I don't know.

Q.—Was it done by contract? A.—No.

Q.—Did it amount to \$10,000? A.—I couldn't say.

Q.—Did you know from Archbishop Spratt that he got a letter on May 8? A.—I couldn't say. I suppose so, if it concerned us.

Q.—Do you remember it? A.—I do.

Q.—Did the Archbishop show it to you? A.—No.

Q.—Did he tell you of it? A.—No.

Q.—Did you know he got reports from her? A.—I did not.

Q.—Did you discuss getting Mary Basil in an asylum with him? A.—Once or twice.

Q.—After it was in the minute book? A.—After.

Q.—Had you discussed her conduct with him before? A.—Yes.

Q.—Several times? A.—I wouldn't say so.

Q.—How many times? A.—I couldn't say. Not very many.

Q.—And didn't he tell you of any communication from her? A.—No. He never told me of it.

Q.—Did he tell you she had threatened to send her complaints to the Sacred Congregation at Rome? A.—No.

Q.—You knew she was preparing something for Rome? A.—I didn't know.

Q.—You suspected? A.—I don't know.

Q.—Weren't you told? A.—I was not. It might have been Father Mea's work.

Q.—When did you know? A.—The day after September 14, a Sister told me Father Mea posted a large document to Rome. She saw the envelope.

Q.—Did she tell you she saw it on the day she saw it? A.—Yes.

Q.—On July 6 the minute says, "The council discussed the vicious conduct of Sister Basil? What was this? A.—She tore off a Sister's head dress and threatened to "break the faces" of several other Sisters.

Q.—What did you discuss? A.—It wasn't necessary to bring all things about her up at this meeting because it had been going on so long.

Q.—When did you first think of getting rid of her? A.—I couldn't say?

Q.—In 1915? A.—I don't remember.

Q.—Had the removal to Montreal been discussed for long? A.—It was mentioned.

Q.—Why was that step necessary? For your good or hers? A.—For both.

Q.—Why hers? Did you make sure she was insane? A.—That is why we were sending her there.

Q.—Why not observe her in Kingston? You had an expert in insanity (Dr. Phelan) to visit her for nothing? A.—We wished to get her away from Father Mea's influence?

Q.—Did he make her more insane? A.—No. But he encouraged her in breaking rules.

Q.—Why didn't you find out in Kingston? A.—In Montreal she would get good care, be under observation, and have leisure.

Q.—She had leisure in Kingston. But you had to put her with friends. You wouldn't dare put her in any other Community, would you? She would be out in a day? A.—I don't understand.

Q.—I think it is perfectly plain, Mother Regis?

Q.—What caused the delay from the report to the letter to Montreal in September? A.—Those were busy months.

Q.—But there were months of delay. Why months? Somebody must have been trying to restrain you. Did you discuss it several times with the Archbishop? A.—Not several times. Perhaps once.

Q.—Didn't the Archbishop try to restrain you for a time? A.—He did not.

Q.—Did he advise you? A.—No. We were left free to do as we thought best.

Q.—Could you send her out of the province without his consent? A.—I don't know.

Q.—Oh, you know. You got his consent, didn't you? A.—He said nothing. He knew we had decided to do that.

Q.—Silence meant consent? A.—I won't say.

Q.—When was your conversation? A.—In July, I suppose.

Q.—What did you say to him? Did you tell him you were sending her to Montreal? A.—Yes.

Q.—To an insane asylum? A.—It wasn't mentioned.

Q.—You came away believing he had no objection? A.—Yes.

Q.—Did you speak to him after the July meeting? A.—I don't remember.

Q.—Did you communicate with the Papal Delegate about it? A.—No.

Q.—Didn't you write to him about it? A.—I wrote to him in July.

Q.—After your talk with the Archbishop? A.—I couldn't say.

Q.—Did you ask his approval? A.—No.

Q.—Did you think his approval was necessary. A.—I didn't think so.

Q.—Did you tell him your intention with regard to Sister Basil? A.—No.

Q.—Did you get a reply from him? A.—The Archbishop received a letter.

Q.—Did he read it to you? A.—Yes.

Q.—When? A.—In August.

Q.—Didn't you discuss the case again with him? A.—Yes. He referred to the letter. His Excellency in the letter said, "The responsibility rested on the Community."

Q.—Did you ever take the matter up with the Archbishop again before September? A.—I don't remember.

Q.—Did you tell him when it would take place? Remember, he interviewed the doctor. A.—I don't remember.

Q.—Would you say you didn't? A.—I would say so.

Q.—Did someone ring him up the night of the abduction? A.—Yes. I did.

Q.—What happened? A.—Father Hanly, the rector, answered, and came back and said His Grace said he didn't know what to do.

Q.—What did you say? A.—I said the car was outside.

Q.—Did you tell Father Hanly so that he would know what it was about? A.—I must have, or he couldn't convey the matter intelligently to His Grace.

Q.—To whom did you tell what His Grace said? A.—I don't know.

Q.—Did you tell Naylor or Father Mea? A.—Father Mea was not in there then.

Q.—Did you give any instructions? A.—I told Mr. Naylor to go on.

Q.—Did they come back again, or was it further discussed? A.—I couldn't tell you.

Q.—Did you give instructions to go back to the orphanage? A.—No.

Q.—Who did? A.—It was decided outside.

Q.—Why did you ask Dr. Phelan's advice? A.—



He had known her for many years.

Q.—Did you ask his advice? A.—No.

Q.—Did you tell him that you wanted to get rid of her? A.—Well, yes, for her good.

Q.—Now don't say that. Wasn't she to be examined? A.—Yes, in Montreal.

Q.—By whom? A.—By the doctors in the hospital. The decision of the doctors in 1895 made us suspicious, and her extravagant conduct.

Q.—When did you first see the minutes of the action taken in 1895? A.—One day in the summer of 1916.

Q.—The extract from the minutes in 1895 reads as follows: "Dr. Fenwick advised Mother Edwards to send Sister Mary Basil home to her people, as she would eventually become insane." It is not signed, and is written in a small space at the bottom of a page. It is also in a different handwriting, and Sister Edwards has been dead for twelve years. Did you base your action on that entirely? A.—Well, yes.

Q.—You knew she was perfectly sane, didn't you? A.—I couldn't say.

Q.—You wouldn't say she was insane would you? A.—No. I wouldn't say so.

Q.—When Sister Mary Gabriel came to you in February she says you told her "to remember the rule." What does that mean? Why did you let Mary Gabriel go away out to Moose Jaw in September when you knew this trial was coming on? A.—Well, I don't know. The council decided it.

Q.—Did you know then this trial was coming? A.—I did not. She said she thought there would be no trouble.

Q.—Did you discuss the letters with Sister Mary Gabriel? Sister Mary Gabriel told you that Sister Basil showed her her mail. Did you give her instructions? A.—I don't remember.

#### Mr. McCarthy.

Q.—Did Sister Gabriel tell you that Sister Basil showed her her mail? A.—Yes. Sister Gabriel said she thought there were other letters that went out which she didn't see.

Q.—Have the Sisters any similar institute of that kind in Ontario? A.—Not that I know of.

Q.—What was the expense of maintaining the heating plant? A.—We had to keep a certified engineer at \$60 a month.

#### The Constable's Story.

Examined by Mr. McCarthy, Constable Naylor described the part played by him in the attempt at abduction on September 14, 1916. Two or three days previously to that date, he had been informed by the Chief of Police that he was to escort a woman to Montreal, and that he was to see Dr. Phelan for instructions. He went to see Dr. Phelan at his home who told him that the Mother General wanted to get a man to help two Sisters take a woman to Montreal. Dr. Phelan didn't say whether she was to be taken to a hospital or an asylum, and was to let the constable know when he was needed. On the night of September 13, the doctor had left a message for him, and on the afternoon of the 14th the policeman went to Dr. Phelan's house. The doctor told him to be ready to go to St. Mary's between 9.30 and 10 o'clock that night. The policeman was to go to see him before he went.

On his arrival at the orphanage he was met by Sister Mary Magdalene, who was angry because he hadn't come earlier, and said the Sister had gone to her room. She said, "Let us go upstairs and see if she'll open the door." Sister Magdalene went to a door on the second floor and rapped, and called Sister Basil. The witness said he did not open the door, but followed the Sister in, and there he found Sister Basil. She was all clothed with the exception of her habit, and was all in white. "As soon as I made my appearance," said Mr. Naylor, "she ran around the bed, and screamed 'A man! A man!' I asked her to keep quiet as I wasn't going to hurt her. She pulled the bed around between herself and me, and I was afraid she would jump out of the window. I couldn't say whether the window was open or not. I went round the bed and took hold of her arms, the plaintiff still screaming and struggling.

I set her on the bed, sat down beside her, and spoke to her quietly. One Sister got her shoes and stockings. As soon as she tried to put them on the plaintiff kicked her back against the wall. I laid her down on the bed until they succeeded in putting them on, and then stood her up while they put a waist and skirt on her, and a black cloth over her head. She was still screaming and wanting to see Father Mea, so she was promised by one of the Sisters that if she kept quiet she would see Father Mea."

Asked if he had gagged her by placing a cloth over her mouth so that she couldn't breathe, the witness denied doing so. He admitted, however, that she said, "You are smothering me." The witness also denied putting his knee in her abdomen.

The plaintiff was then escorted down stairs, and half-way down the second flight she again commenced struggling and screaming. Two Sisters, the policeman and the plaintiff, then proceeded to the automobile which was waiting outside, Sister Basil being placed in the back seat between a Sister and the constable. She was still screaming for Father Mea, who came out just as the car was starting and jumped on the running board.

"Father Mea asked me who I was?" said the witness. "I told him, and he ordered us not to proceed and asked if we had any papers. One Sister said she had nothing to do with it. He asked me if the Archbishop knew, and I said he did, thinking it might prevent him from interfering.

"I then called Father Mea to one side and told him he had better let the Sister go. He threatened legal proceedings. He asked us to wait until he dressed, and he went into the house, where he phoned to some one. He returned and sat in the front seat and I sat on the door. Father Mea held Sister Basil's hands all the way, and she kept repeating that Regis and the man on Johnson Street were responsible for it.

"When we approached the House of Providence, Father Mea ordered the chauffeur, Gallagher, to stop there, and an argument ensued as to whether we should stop there or proceed to the station at Kingston Junction. Finally the chauffeur turned in to the House of Providence, where Sister Mary Magdalene alighted and went in. Father Mea absolutely refused to go in unless the chauffeur went with him. Later the priest came out, and sat in the car. Sister Mary Magdalene then came out and suggested that Sister Basil remain at the House of Providence for the night. She (Basil), however, refused to go in, and Father Mea threatened a habeas corpus. The Mother Superior then gave orders for us to proceed to Montreal, but I went in and told her that if she insisted, she would have to assume all the responsibility. Father Mea suggested going to Mrs. Daly's on Earl Street, but we finally returned to St. Mary's. With the Sisters on one hand, and the priest on the other, I decided to do nothing." The witness denied phoning to Dr. Phelan.

Cross-examined by Mr. Tilley, Mr. Naylor maintained that he at first really thought he was dealing with an insane person. After conversations in the automobile at the House of Providence, however, he became suspicious.

Q.—Was there any question raised about it before that you heard? A.—Yes. I heard Father Mea and the Sisters discussing it.

Q.—Had you ever discussed it with Dr. Phelan? A.—Never.

Q.—Were tickets bought? A.—I don't know.

Q.—What train were you to take? A.—The 12.20 a.m.

Q.—Who told you the train? A.—Dr. Phelan.

Q.—How were you to travel? A.—I don't know.

Q.—Do you mean to say you didn't know what accommodation you would have in order to take a crazy woman to Montreal? A.—I don't know.

Q.—Who else were going. A.—Two Sisters. I don't know of any one else.

Asked as to what instructions he had received from Dr. Phelan, the witness said he was given no tickets, parcels, or papers.

Q.—What did you say when you phoned Phelan and told him it was all off? asked Mr. Tilley. A.—



I said, "Father Mea has interfered," and he said, "I can't help that." I had asked the Doctor for papers, but he said there were none.

Many times during his cross-examination Constable Naylon expressed regret for his part in the affair, and said if he had known what was going to happen, he would never had done it.

Asked as to how the Sister was attired when he entered her room, he swore she wore a garment of white covering her body from her neck to her knees.

Q.—Were her shoes and stockings off? A.—Yes.

Q.—Those are generally the last things to come off, are they not? asked Mr. Tilley, to which the witness blushing replied, I suppose so.

Q.—From the time you took hold of her was she under your control? A.—Yes.

Q.—Did you lay her on the bed lengthwise or crosswise? A.—I don't know.

Q.—I suppose your modesty prevented you looking that way? was Mr. Tilley's sarcastic remark.

Q.—Did she appear to be crazy? A.—I don't know. She was crying all the time, and I formed no opinion.

Q.—Were you ready to take her away at 10 o'clock? A.—Yes.

Q.—Well, what were you to do between 10 o'clock and the 12.20 train? Was she to sit out in the car all that time? A.—I don't know.

Q.—Did the promise to allow her to see Father Mea quiet her? A.—Yes.

Q.—When did you discover that you were going to pass Father Mea without seeing him? A.—When we went down stairs, and she again called out.

Q.—Did you protest against this deception? A.—No. I had nothing to do with it.

Q.—You knew that Father Mea said she wasn't insane? A.—Yes.

Q.—You knew Father Mea, and that you could take his word? A.—Yes.

Q.—Yet you deceived him as to your authority? Who was responsible for the lie? A.—I was responsible.

Q.—Did the Archbishop ever mention this to you? A.—Yes. Once. He came to my house two or three days after. I wasn't home, so he left word that he wished to see me, and in a day or so I went to see him. He asked me if it was true that I had ill-treated Sister Basil, and I denied it. He asked me how I came to mention his name, and I told him that I had mentioned his name as my authority.

Q.—Was any penance ordered for the lie? A.—No.

The witness had met Dr. Phelan the next day and told him what had happened, but could not tell whether he was glad or disappointed.

#### Dr. Phelan's Memory Failed.

Dr. Phelan's excuse for making his evidence inaudible was a severe cold in the throat. He claimed to have been the physician at the House of Providence for 27 years, the position being entirely an honorary one. He had met Sister Basil several times between 1888 and 1895, when she was ill and refusing to eat. There was nothing organically or physically wrong with her.

Questioned by Mr. McCarthy as to the plaintiff's mental condition at that time, he thought she was a little erratic, slightly unbalanced.

Q.—In 1916, what occasion did you have to discuss her? A.—On occasions the Mother Superior mentioned having trouble with her refusing to eat. She didn't know what to do.

Q.—Did you advise her? A.—No.

Q.—What was the first intimation of the intention to take her to Montreal? A.—The Mother General told me at the House of Providence, where I was making a call. The Mother General said the Sisters in council had decided to send her to the Sisters' Hospital in Montreal. On September 13 the matter was brought up again, when I was told that she was to be removed on the 14th. Mother Regis asked me to get a man to assist, and suggested Constable Naylon, who was a Catholic. I said I would try to get him, so I called on Chief of Police Baillie and said, "Mother General has asked for Mr. Naylon to assist the Sisters to take a Sister to Montreal." The Chief asked me if she was crazy, and I answered,

"More troublesome than crazy." I phoned to Naylon that day and he came to see me. I told him to go to the orphanage that night. Later that night the policeman telephoned me saying that he wasn't going to Montreal as there had been some difficulty, and I said, "I can't help it." The next day I met him and he told me that Father Mea had interfered.

The witness admitted having talked it over with the Mother Superior.

#### Cross-Examined by Mr. Tilley.

Under cross-examination by Mr. Tilley, Dr. Phelan denied meeting a mutual friend of Sister Basil's on the street. He had always been on friendly terms with her. Dr. Phelan had some very curious lapses of memory throughout his testimony, but claimed that it was generally very retentive. His answer to so many questions being "I don't know," he was finally asked by Mr. Tilley if his memory was failing.

Q.—Were you asked for a certificate in regard to this case? A.—No. I was asked for a personal letter.

Witness said he couldn't say whether the request was made in 1916 or not, whereupon counsel for the defence remarked, "Tell it to me in confidence. Surely you can remember something?" which caused much laughter throughout the audience.

Dr. Phelan professed not to know the name of the asylum to which Sister Basil was to be sent, and seemed to have great difficulty in remembering anything about the case.

Q.—Are you an expert on diseases of the mind?

Q.—The Long Point Asylum is one of the largest in Canada is it not? A.—I don't know.

Q.—Yet you are an expert, are you? (Laughter.)

Q.—When you wrote the letter as to Sister Basil's condition, did you base anything you said on a conversation with Sister Basil in 1895? A.—I might have.

Q.—When did you write it? A.—On the evening of September 14.

Q.—When did you give it to the Mother General?

A.—At the House of Providence about 6.30. She wanted to give it to Father Mea.

Q.—Why did you have to placate Father Mea? A.—I don't know.

Dr. Phelan remembered writing a letter, since lost, which he sent to Mother Regis. The letter stated that Sister Basil was a little ill-balanced and erratic, but not insane, and that her symptoms were about the same as those shown in 1895.

Dr. Phelan admitted meeting Dr. Gibson at the Hotel Dieu, where they conferred regarding a certificate. He said Dr. Gibson had had two "passages of arms" with Sister Basil.

Q.—Why didn't you go to see Sister Basil? Why didn't you have a talk with her and find out about her insanity? A.—I have no reason.

Q.—Yet you knew she was to be taken away that night? A.—Yes, replied the doctor.

Q.—You knew she was sane? A.—I can't answer.

Q.—So far as you knew, she was sane? A.—I can't answer.

Q.—Did you know her to be insane? A.—I never examined her. I never considered it.

Q.—Did you tell Dr. Gibson that it was not necessary to examine a person before giving a certificate? That all that was necessary was to see them? A.—I did not.

Q.—Did you make inquiries regarding the way the patient was to be taken away? A.—I did not.

Q.—Did you ask Sister Regis to destroy your letter? A.—No.

Q.—When did you last see it? A.—I have never seen it.

Q.—Your memory is much better now than when examined before. You said you didn't know when or how often you saw Naylon on those days. Did you hear Naylon's evidence? A.—I couldn't say.

Q.—You did? A.—Yes, part of it.

Q.—So that your evidence now agrees with Mr. Naylon's.

#### Sister Mary Magdalene Examined by Mr. McCarthy.

Q.—Had you ever lived in a house with Sister



Basil? A.—For a short time in Brockville Hospital.

Q.—Any place else? A.—At the Mother House on two occasions. The first time was about 18 years ago, when we were together for about two years.

Q.—Did you have any trouble with her? A.—No. Occasionally she murmured with regard to her Superior.

Q.—In Brockville were you on good terms? A.—Yes.

Q.—Was there any trouble? A.—Sister Mary Fidelis complained that she couldn't get along with Sister Basil.

Q.—In August you went to St. Mary's? A.—Yes.

Q.—What work was she doing? A.—Caring for Father Mea and his apartments.

Q.—Did that take all her time? A.—It seemed to. She couldn't come to exercises or to bed on time.

Q.—Did she take her meals with the other Sisters? A.—Sometimes.

Q.—Did she greet you on your arrival? A.—She gave me a very warm welcome.

Q.—How did you find the children? A.—On the third day I inspected the class rooms. All the larger children were there except some who went to school in Portsmouth. They were in good condition—neat, tidy, and very plain.

Q.—How many suits of clothes did each have? A.—Two, three and four.

Q.—Were they clean? A.—Yes.

Q.—What about the accommodation and the subterranean passages? A.—I never saw them. It must be the passage to the recreation room. The children were in good condition, and always had a Sister with them.

Q.—Did she complain to you about conditions at first? A.—After a week, Father Mea lodged a complaint against the treatment of Sister Mary Basil by the Mother Superior. He said, "Observation."

Q.—What did you say? A.—I said, "Father, don't say anything to me. Don't let's say anything about the past. I don't know anything about it, and don't want to."

Q.—What then? A.—I received constant complaints from the Sisters—two in the boys' department—that the plaintiff and Father Mea were constantly interfering with the boys. Father Mea told me to come to him with all complaints and let him settle them. I told him that they complained of him, and he got excited. I don't think he ever went to the boys' department after.

Q.—Did you tell him of the complaints of the Sisters? A.—Yes. But he didn't settle them. She was always worse after.

Q.—How long did that go on? A.—Until she left.

Q.—Did she make any complaints to you? A.—Once, that Mother Francis Regis and the Archbishop didn't treat her properly, and that she hadn't been given an office.

Q.—Father Mea complained? A.—Yes, about the government of the Superior General.

Q.—Was there any complaint of affairs at the orphanage? A.—None to me.

Q.—Did Father Mea ever discuss Sister Mary Basil? A.—Yes. He said if he ever got a good parish he would take her with him. He knew she was abnormal, but he could manage her. I said she was all right till she got under his control. I never knew she was going to Belleville until the day she was going. I said, "What is this? Where are you going?" She said, "We're off for a trip." I said, "I'm glad," and she said, "So am I."

Q.—Did you know anything of a report she was making? A.—No.

Q.—Did you ever see Father Mea with documents in his hand? A.—Yes, on the 14th and 15th. I met him in the hall, and he came in. He said, "This is our report to Rome." "Well," I said, "you had better offer it up."

Q.—Did you know anything of the suggested removal to Montreal? A.—The day of the removal I went and reported to the Mother General that the Sisters couldn't stand it any longer. She said that they were taking her to Montreal that evening, and that I should go with them.

Q.—Did she ever threaten you? A.—I tried to

change Father Mea's work. She met me on the stairs, shook her fist in my face, and threatened what she would do if I tried to get him out. Sister Mary Vincent was to come too. I told the Mother that we should have a man to come. Mr. Naylor was late in arriving. I said to him, "Why didn't you come earlier?" and he said, "I came at the time I was told." We went to her door and the Sister knocked at her door. We went in together.

Q.—What did she have on? A.—She had on all her underclothes, a black underskirt with white showing beneath. I tried to put on her shoes and stockings, and she kicked me over by the wall. I got her a heavy cloak, and said, "Sister, if you keep quiet you shall see Father Mea." But she wouldn't keep quiet.

Q.—Will you corroborate what Mr. Naylor says? A.—Yes.

Mr. Tilley.

Q.—There was lots of tattle? A.—Yes.

Q.—You never took any part in it? A.—Very seldom. I didn't approve of it.

Q.—Oh, come now, are you sure? A.—Yes.

Q.—Surely she was entitled to complain after they tried to run her to Montreal? I'm told you were a good listener, and gave some information, too. Who was making the business arrangements for Montreal? A.—I don't know.

Q.—What? Didn't you know what train you were to go on? A.—I didn't know.

Q.—Who was looking after that? A.—Mother Vincent.

Q.—If the Superior told you to put a girl in the lunatic asylum, would you do it? A.—I would.

Q.—If you knew she was sane? A.—That would have nothing to do with it.

Q.—You would obey anyway? A.—I would obey.

Q.—Did she ever do anything really vicious to you? A.—I can't remember anything except one threat.

Q.—What way was she put on the bed? A.—Cross-wise.

Q.—Did Mr. Naylor hold her only by the hands? A.—Yes.

Q.—Oh, you don't say? Her skirt was perfectly square? And how did he keep her down while her shoes and stockings were put on? A.—He held only her hands.

Q.—Did you ever hear of any medicine that was to be administered to Sister Basil? A.—I never did.

Q.—Did you help to make it or prepare it? A.—No.

Q.—Did you ever hear it discussed? A.—No.

Sister Mary Vincent—By Mr. McCarthy.

Sister Vincent had been a member of the Order for 32 years, and had been assistant to Mary Magdalene. In 1913 she was elected to the council, and in 1916 re-elected. For the first nine years she was at the House of Providence, and while there had no trouble with Sister Basil. They were together in Brockville, and had no trouble there. She had heard complaints before she went to Daysland, but took no notice of them.

Q.—When the plaintiff returned from Daysland, did she report to you? A.—Yes. She complained of being sent home.

Q.—Whom did she blame? A.—The Mother General.

Q.—Did you have anything to do with her while at St. Mary's? A.—I met her and went with her to St. Mary's. I never had any more to do with her?

Q.—On September 14, where did you get your instructions? A.—From the Mother Superior. She called a council meeting to discuss the case on July 16.

Q.—Between July 16 and September 14 was there any other discussion? A.—I don't remember any. On the day previous to her removal the Mother asked me to accompany her to Montreal. The Mother gave me money for the expenses on the evening of leaving. No previous arrangements were made. I was told a man would come, too.

Q.—What did you do on the 14th? A.—I left the Mother House at 7 with Sister Mary Alice. I had a



letter from the Mother General to hand to Father Mea.

Q.—To whom did you give it? A.—Sister Mary Scholastica.

Q.—When? A.—As soon as I got there, and I asked her to pass it into his room. I went to Sister Basil's room and waited there still nearly 10, when she came in.

Q.—Is the conversation correct as reported by Mr. Naylor? A.—Yes.

Q.—You remained in the auto? A.—Yes. I went to the orphanage and remained there that night, and returned the next day.

Q.—Did the council discuss her case again? A.—I don't remember.

**Cross-Examined by Mr. Tilley.**

Q.—Have you the same views of obedience as Sister Mary Magdalene? A.—I would not want to do anything wrong.

Q.—Do you know this was wrong, now? A.—No, not taking everything into consideration.

Q.—Did you inquire as to the kind of hospital? A.—No.

Q.—What were you going to do from 10 to 12.20? A.—I don't know.

Q.—Who phoned for the chauffeur that night? A.—I don't know.

Q.—What was the plan? A.—To go to the station.

Q.—What time did you intend to leave the house for the station? A.—In time for the midnight train.

Q.—Wasn't some one to give her a hypodermic injection? A.—I never knew of any.

Q.—You had no plans to keep her quiet? A.—No. I anticipated no trouble.

Q.—Was it dishonorable to break the promise to let her see Father Mea? A.—I never gave it a thought.

Q.—You knew it wasn't right? A.—I was doing what I was told.

Q.—Wasn't it wrong? A.—I never made the promise.

Q.—Did you read the letter of the Superior to Father Mea? A.—No. The Superior read it to me.

Q.—When? A.—The day previous, the 13th.

Q.—What time? R.—I couldn't say.

Q.—Did you notice that she said two certificates had been received? A.—No. I did not understand there were any papers.

Q.—Didn't you know they couldn't get a certificate from Dr. Gibson? A.—I knew afterwards. I knew nothing about letters.

Q.—Did you have nothing to say? A.—We are free to give our opinions.

Q.—Oh, yes, to give your opinions, and then do as you are told. You knew she wasn't insane? A.—I knew she wasn't insane, by any means.

Q.—Why didn't you give the letter to Mea? A.—I thought the plaintiff was in the room and he was going to bed.

Q.—If you had handed it to him he would have got it? A.—The Mother General blamed me for not passing it in myself.

Q.—Did she intend Father Mea to know beforehand that Sister Basil was going? A.—She did.

Q.—You don't say so? A.—Yes I do.

Q.—Did she have on a black or a white skirt? A.—I believe she had a dark skirt on.

Q.—Would the Mother Superior be able to control your evidence? A.—She certainly would not.

Q.—You heard it from others than Sister Basil? A.—Yes.

Q.—Are you influenced? A.—By no one.

Q.—Has there not been considerable complaint against "himself and herself government"? A.—I suppose so.

Q.—Did you not tell Sister Basil that the Superior ordered her going and returning to Daysland, without consulting her council? A.—I did not.

**Sister Mary of the Annunciation Examined by Mr. McCarthy.**

Sister Mary of the Annunciation had been a member of the Order for 22 years, and was Local Superior at the orphanage from 1913 to 1916. Previous to that, she was at the House of Providence in charge of the poor men's ward for 10 years. She had nothing to do with the plaintiff before she was

at St. Mary's. Sister Basil had come there in March, 1915.

One morning there was disagreement in the kitchen. I stepped out of the kitchen and she ran after me and said, "I have been waiting for this chance," and snatched my hood off my head. Later she said, "I'm not through with you yet."

The witness testified that the children in the orphanage were treated kindly, and were well cared for. On one occasion Sister Mary Basil had called her a fool.

Q.—Were you the Sister in charge when she wrote to the Superior that "you should be tarred and feathered"? What were you doing? A.—Nothing. I don't know what she meant.

Q.—Were the children ever ducked in cold water? A.—I never heard of it. Never knew it to be done.

Q.—You are pledging your oath? A.—Yes.

Q.—Were the children ever left on the bed without clothes? A.—Not that I know of.

Q.—Did a boarder, Mrs. Brown, ever threaten to call in the police if the children weren't attended to differently? A.—Not that I know of.

Q.—Are you sure? A.—I am.

**Sister Mary Justina Examined by Mr. McCarthy.**

Sister Mary Justina, examined by Mr. McCarthy, said she had been a member of the Order for 28 years, and had been at St. Mary's-of-the-Lake since May, 1917. Previous to that she was in Belleville for one and a half years. She was in Belleville when Sister Basil arrived there, but not when she left. She had known the plaintiff for 28 years, during all of which time they had been intimate friends. Sister Mary Basil was her closest friend. Sister Basil had got along fairly well until Father Mea came in November. He was asked to stay at the rector's house and not at the convent. She was angry and depressed for four or five days, and didn't attend the exercises. She came for her meals irregularly, and spoke only to the witness. She had words with Mother Gabriel in March. I was alone in the kitchen when the plaintiff came in and stood before me. She said, "Sister Mary Justina, when the telephone rings, tell me, and don't say I am not in the convent." I told her to attend to the telephone herself. She said, "I will not. That is your work," and I said, "Sister Basil, I have taken all the orders from you that I am going to." I stooped down to get some dishes, and she was standing over me. I hit her with two fingers. That is all.

Q.—Did her nose bleed? A.—It did bleed. I was so stunned that I didn't know what happened. She went into the Refectory and let the blood drop on the floor. After five minutes, I went in, went on my knees and said, "Sister, I am sorry from my heart. But why did you tantalize me so?" She said, "I did not." I went upstairs with her to see what I could do, but she wouldn't let me do anything. The telephone rang and she answered it. Then she came into the kitchen and said, "Look at my eyes and don't forget." After that we were together and I never again did anything to hurt her. We were firm friends again in spite of all.

Q.—Were any orders issued not to speak to her? A.—Not when I was there.

Q.—Later? A.—Yes.

Q.—When she was ordered to her room, did she go? A.—I don't know.

Q.—What about Father Mulhall? A.—He investigated.

Q.—Were you punished? A.—Yes. I had to kiss the feet of seven Sisters and apologize to the Mother General.

**Cross-Examined by Mr. Tilley.**

Q.—Did you acknowledge your fault in front of Sister Basil? A.—No.

Q.—You apologize to some one else and hit another? A.—That is the rule.

Q.—When were you punished? A.—In April, 1917, after Father Mulhall's visit.

Q.—The event took place in March. You were hasty? A.—I was that time.

Q.—Did you hear Sister Basil's evidence in that regard? A.—Yes, the first part was very true.

Q.—Were Sister Basil and Sister Gabriel good?



friends at first? A.—Yes. Until Sister Gabriel went to Kingston there was no friction to mention.

Q.—After that there was a noticeable change? A.—Certainly.

Q.—That lasted? A.—As long as I was there.

Q.—During that time she was seldom spoken to? A.—That is true. I always spoke to her, and passed things to her.

Q.—There was no speaking to her at the table? A.—No.

Q.—Did you know of any message that Mother Gabriel was to keep the Superior informed regarding Sister Basil? A.—Yes, I remember it.

Q.—She was singled out? A.—Yes.

Q.—You knew she had complained of affairs at the orphanage? A.—Yes. She told me. After Mother Gabriel came to Kingston in February, when she saw Mother Regis, she returned to Belleville, called the Sisters together and told them to observe the rule and obey. This was either on the first or second Sunday in February.

Q.—Did she say there was to be no communication with Sister Basil? A.—After the affair of the mail?

Q.—When you went walking, did she have to go alone? A.—I walked with her, and was glad to.

Sister Mary Zeta, Examined by Mr. McCarthy.

The witness had been a member of the Order for 19 or 20 years, and had been in Belleville. She had no personal difficulty with the plaintiff. She hadn't heard of any difficulty between the plaintiff and the Superior. They seemed on friendly terms.

Q.—Was there any order until February, 1917, in reference to not associating with her? A.—No.

Q.—She was treated just the same? A.—As far as I know.

Q.—Did you see or hear anything of the trouble about the mail at Christmas? A.—I heard loud talking, that was all.

Q.—Was any order issued after? A.—Yes. That on account of deliberate disobedience we were to have no further intercourse.

Q.—Were you friendly? A.—Not like Sister Justina.

Q.—What work was she doing? A.—She worked around.

Q.—Did she ever call the Sisters names? A.—I heard the Local Superior called a scoundrel.

Mr. Tilley had no questions.

Sister Mary Clair, Examined by Mr. McCarthy.

Sister Mary Clair had been a member of the Order for 23 years, and had a class in the school at Belleville. She had known Sister Basil before and had had no trouble with her. She had treated her like the other Sisters until the order of the Superior.

Q.—Did you hear her speak disrespectfully to the Sisters? A.—I heard her use the word "scoundrel" regarding the Superior, and the word "rascal" about the Sisters or Superior.

Q.—What importance is attached to that? A.—Contempt for authority.

#### Mr. Tilley.

Q.—Did she call the Superior "scoundrel" to her face? A.—Not to her face. But of her.

Q.—Who was the rascal? A.—I don't remember.

Q.—Was that the only time you had heard the Sisters say things? A.—Yes.

Q.—Did you run away once? A.—No.

Q.—Didn't you go without permission to your sister's last Christmas? A.—I had permission from Sister Gabriel.

This ended the presentation of evidence, and deliberations started between counsel and judge.

#### Argument by Counsel.

Mr. Tilley was asked by the judge about his cause for action. The former replied that Sister Basil had entered young in life, put up \$300 on entry, and at forty-six was deprived of her rights and privileges and could not return. He claimed the plaintiff had made out a case against the Order for depriving Sister Basil of her rights and privileges in the Order.

The judge remarked that the defence claimed they had done what they did because they claimed she had been disobedient and broke the rules of the

Order. Would what Sister Basil had done justify what the Order had done in regard to her?

Mr. Tilley pointed out that the Order did not speak about expulsion, but they took a different tack by persecuting Sister Basil.

Mr. McCarthy asked if Sister Basil had cause for action because she could not bear the punishment inflicted upon her at Belleville for breaking the rules of the Order? He held not. He was quite ready to meet the plaintiff on what occurred on the 14th of September, 1916.

Mr. McCarthy claimed the right to reply last as to the case against the Episcopal Corporation, as he had put in no defence. Mr. Tilley disputed this, claiming that evidence had been put in for all the defendants.

Mr. McCarthy held that there was no ground for conspiracy on the part of the two corporations charged.

#### Mr. McCarthy Addresses Jury.

Mr. McCarthy began his address to the jury at 11.30 o'clock. He remarked that the case took the jury into another world, and he would have to take up some time reading rules of the Order to show how serious disobedience was regarded by the members of that Order.

Mr. McCarthy explained how the land of the diocese was vested in an Episcopal Corporation which had nothing to do with the spiritual affairs of the diocese. This latter authority was vested in the Archbishop.

Mr. McCarthy said that he felt that the trouble in the case was that Sister Basil had never been intended that she should enter this religious life. She entered at the age of fifteen years, and when she awoke to the rules and regulations she had a rebellious spirit.

Mr. McCarthy submitted some of the rules to the jury, referring to them as "high bound rules." The Sisters gave their all to the poor, and the only thing they ask is that they be cared for in their old age. The Sisters passed out of the world. Money was forgotten, and their whole life was given over to the care of the poor and relief of the suffering. They were kept very strict, in that they could not hold up their heads walking.

Mr. McCarthy referred particularly to the laws of obedience. There must be perfect obedience on the part of the Sisters. The authority of the Mother General emanated from God.

Mr. McCarthy said the only comparison he could draw to the obedience to the Superior was that of the soldier in the army, who had to obey the command of his superior. With the Sisters, it was a most solemn affair. They had taken vows of obedience.

Sister Basil, from the very time she entered the Order, showed a rebellious spirit, and there was so much trouble with her that her case came before the council. Doctors were consulted about her case. In this community there was a lot of hard work; there was no fun or nonsense about it.

Counsel for the defence then referred to some of the letters which had been written by Sister Basil. He said that these showed perhaps better than anything else, her spirit. Witness showed blind obedience, and when she was called to task for her conduct complained of being persecuted. The plaintiff was filled with hatred for the Mother General, and this was the cause of the continued trouble.

Continuing, Mr. McCarthy stated that it had been shown that the Archbishop had been kind to Sister Basil, and read letters in which the plaintiff thanked His Grace for his kindness, and this was the person who was now suing the Archbishop. Plaintiff showed the spirit that she wanted to be free from her vows. Reference was made by counsel to one letter in which the plaintiff stated that she could not put her mind on anything. At this time she said that she only had herself to blame. Plaintiff said that the Mother General had punished her for disobedience and that God had also punished her. She had admitted that she had done wrong.

Touching further on the letters already referred to in evidence, counsel said that all showed the rebellious spirit towards Mother Regis. At the or-



phanage she met Father Mea, who appeared to fall in line with her views. Father Mea, no doubt, was a clever and most agreeable companion. Continuing, Mr. McCarthy spoke of a report put in by the plaintiff complaining of the treatment of the children and other things, already published. The report formed a general attack on the management of the Mother General, and also included a spirit of hate towards the Mother General. This report set things on fire. Counsel then followed events from that time on. Plaintiff tried to make petty scandal between the Archbishop and the Mother General. Later the conduct of the plaintiff was such that the Sisters met in council, and after the matter was investigated it was decided to remove the plaintiff. This action had been regarded by the plaintiff as a piece of spite.

Mr. McCarthy held that the case of the plaintiff against Mother Regis was one of spite. It was a case of one woman trying to get back at another woman.

#### Argument for the Plaintiff.

In opening, Mr. Tilley said that counsel for the defence had carried the case back as far as 1895. This had been the means of making the case for the plaintiff stronger. The more one went into the case the plainer it could be seen just what was at the back of all the trouble. He wanted to correct the impression given by Mr. McCarthy. The plaintiff was not making a separate claim for damages for what happened in Belleville. Affairs at Belleville showed that conditions were continuing the same as before Sister Basil went to Belleville.

Mr. Tilley asked as to whether the removal of Sister Basil was for the purpose of carrying out the rules, or was it the intention to place her in an insane asylum and TREAT HER AS A LUNATIC, SO THAT HER WORD WOULD COUNT FOR NOTHING. It had been shown that Mother Regis and Sister Basil had cut off all conversation, and that there had been no effort on the part of Mother Regis to have a proper understanding with Sister Basil.

THE ARCHBISHOP HAD NOT BEEN CALLED AS A WITNESS, AND THE JURY COULD DRAW ITS OWN CONCLUSIONS. Counsel took up the complaints of Sister Basil that she had no work to occupy her mind, and also her complaints about the treatment of children and the working in general of the orphanage.

The more one enquired into relations between plaintiff and the Mother General, and the plaintiff and the Archbishop, the more clearly one saw what lay behind it all. The complaints which the plaintiff made to the Archbishop regarding the treatment she was receiving not resulting in permanent improvement, she came to the conclusion that the Archbishop was dominated by the Mother Superior, instead of him exercising proper authority over her. If the Archbishop had paid attention to the plaintiff's complaints there would never have been any occasion for the present action.

Plaintiff had a perfect right to report on such things as the expense when the steam heating plant was torn out and a hot water plant put in. Mother Regis could not say what the cost amounted to, but it developed that the change was made to give a nephew of Mother Regis a job. Surely this was a great waste of money, which had been set aside for the poor. It was well known that for such a big building a steam plant would be the best, and Mother Regis had been advised by practical men that the old system was the best.

Mr. Tilley produced the minute book of the council containing the entry about the condition of Sister Basil in 1895. The minute book was not signed. Mr. Tilley said he wanted the jury to examine this entry and see for themselves. He had asked the Mother General when the entry was made and she could not tell.

"I claim that Dr. Phelan is one of the prime movers in this affair," said Mr. Tilley. "A man who would try to send a woman to an insane asylum based upon a report in a minute book twenty years ago would do almost anything."

As to the attempted abduction, Mr. Tilley said that the cruel thing about the matter was the breaking into Sister Basil's room. He would give Constable Naylor the credit of thinking that in ordinary conditions he would treat a woman kindly. But on this occasion he was informed that he was dealing with a crazy person. The garb provided for Sister Basil to be worn on the train would in itself be a proof to people that she was an insane person going to an asylum.

Sister Basil called for an investigation, and stated that she would produce evidence. No investigation was held. Mother Regis did not think the charges were true, and would not hold one. Instead of taking Sister Basil into her confidence and making an investigation, Mother Regis absolutely refused to take action. Then Sister Basil appealed to the Archbishop, and still there was no investigation forthcoming.

Mr. Tilley continued to show how the Archbishop was connected with the case, and how the Archbishop had failed his partner, the Mother General.

Everybody involved in the attempted abduction was running to cover "when they were caught with the goods." The Archbishop wanted to throw the entire burden upon the women, and he was not the first who has done that. In the absence of an explanation from the Archbishop, who chose to let the thing go when he could give an explanation, the jury was entitled to draw its own deductions.

"I asked if any dope was prepared for Sister Basil by Sister Mary Alice, and Sister Mary Alice does not come into the witness box. Again you gentlemen are entitled to draw your deductions on that point," said Mr. Tilley, who argued that the Archbishop had issued an injunction to Father Mea, commanding him to have no further intercourse with Sister Basil.

With regard to Sister Gabriel likening Dr. Phelan to a "hangman," Mr. Tilley said he would not join with her in calling the doctor that, but he would say that Dr. Phelan was the most to blame of the three, the Archbishop, and the Mother General being the other two. Dr. Phelan in the witness box said he was only carrying out the wishes of the Mother General.

It had been stated in evidence that there had been no truth in the reports made by Sister Basil. At any rate, why not have an investigation and find out how the orphanage has been managed?

#### Saving the Archbishop.

It appeared rather strange how everyone was trying to save His Grace. It must be most striking to the jury. Why had Dr. Gibson not been called? The Archbishop knew what transpired, as he had a conversation with Dr. Gibson, and why not call the Archbishop?

The Archbishop, after the attempt had been made at abduction, had called at the home of Constable Naylor, to see if his (the Archbishop's) name had been mentioned in connection with the affair. Naylor said that his name had been used, but only to deceive Father Mea. The Archbishop was not called to give evidence on the trial, and appeared as the weak man in the case.

The Archbishop's purpose, counsel said, was shown by the fact that he told Father Mea he would not stand for his interfering. Why? Because he had interfered with something he had set his heart on.

Father Mea had played the part of a man in carrying out his promise to Sister Basil. There was no blind obedience about Father Mea. If there had, Sister Basil would now have been in an asylum, or suffering some other punishment as bad or perhaps worse.

Mr. Tilley took up the question of blind obedience on the part of the Sister to those in authority. He read Rule 20, which said they were to obey their superiors in all things not in themselves sinful. The rules did not provide that a Sister was to be cut off from her comrades by being placed in an asylum.



The ultimate tribunal was the Archbishop in respect to the expulsion of a Sister, Mr. Tilley said, reading further from the rules of the Order. The course of conduct prescribed in the rules had never been carried out. Sister Basil could not be expelled by the Community itself, but only upon the sanction of the Archbishop.

Mr. Tilley held Police Constable Naylor responsible for keeping Sister Basil out in an automobile for three hours and causing her much distress. Mr. Tilley claimed that Naylor was really Dr. Phelan's man. The doctor was taking part in an act he knew to be improper. He held that the Archbishop should not be distinguished from the Episcopal Corporation. The two should not be separated. Then the Sisters of Charity were directly responsible. Each Sister entering paid \$300 and had a fund for life for performance of charitable work.

Mr. Tilley asked the jury to award damages for these reasons: The plaintiff was forty-six years of age, she had never been out in the world since she was sixteen years of age; she was not equipped to battle with the world; she was depending entirely on this litigation for her future welfare. "Is she to be deprived of this livelihood and to battle with the world in the ordinary way, or to be given a sum of money to keep her so she will be comfortable and safe and be able to develop her religious life and do works of charity?" asked Mr. Tilley. "You have under consideration one of the most outrageous wrongs ever perpetrated in Canada. If some of the Order's money is taken and given to Sister Basil it is not going to be less devoted to the purposes for which the corporation holds it."

Mr. McCarthy resented the accusation against Sister Mary Alice, and offered to put her in the witness box. The reason why he had not called her as a witness was to shorten the trial. Sister Mary Alice was prepared to swear unreservedly that she knew nothing whatever of any plan to give dope to the plaintiff. Mr. Tilley expressed himself as satisfied with the explanation.

#### Judge's Charge to the Jury.

Justice Britton occupied half an hour in charging the jury. He was glad to know that the law here, so far as he knew it and believed it, was impartially delivered. He was led to make this remark because of some demonstrations that occurred in the court room during the trial, and they were demonstrations that were perhaps calculated to affect the conclusions to be reached in the case. His Lordship was grateful to the counsel of both sides for their help in framing the questions. The verdict was not to be one for the plaintiff or the defendant, but the court would enter the verdict according to the answers. The fact that counsel had agreed upon the questions relieved His Lordship considerably, as he had prepared a set of questions himself.

His Lordship said that it would appear that Sister Basil during the later years of her long service in Orders had become a little irritable, and at times she lost her temper. That was the most charitable construction. It appeared that Mother Regis had treated Sister Basil's report with scant courtesy. Anyone who aided or abetted the originators of the alleged abduction were liable. To be guilty of an assault it was necessary to be present. It was his opinion, as a matter of law, that the defendants at the Belleville Institution were not liable in this action for what occurred up there.

The plaintiff was a clever woman, and she might have been exceedingly useful in her calling. It was for the jury to say if it was designed to wipe her out entirely or if she was being transferred for her own good. Did Dr. Phelan know what was in contemplation for Sister Basil? If he did not do anything to bring himself into agreement with the other defendants to send Sister Basil to Montreal, then he would not be responsible.

His Lordship explained that a conspiracy is a thing to do an unlawful thing or do an unlawful act by unlawful means. What was the unlawful act? Was it to take the plaintiff to Montreal or to wear her out by not giving her work in the house?

The chief wrong done in this case appeared to be the assault. "How can you fix damages when the loss is not yet sustained?" asked his Lordship. No bones were broken, no skin was cut. A wrong was done, however, and the plaintiff was entitled to recover for that. His Lordship explained that the jury could give what were termed "vindictive damages," but to do this the whole position must be looked at and decided if such damages were to be given.

#### Some Questions for the Jury.

Before addressing the jury in the evening, Mr. McCarthy said that counsel on both sides had agreed on certain questions to be submitted to the jury. The questions and the answers given are as follows:

1. For what purpose was the plaintiff being taken from Kingston to Montreal? Answer—To place her in an insane asylum.

2. Which, if any, of the defendants authorized the removal? Answer—M. J. Spratt, the Roman Catholic Episcopal Corporation of the diocese of Kingston, Mary Francis Regis, the Sisters of Charity of the House of Providence, Mary Vincent, Mary Magdalene and Mary Alice.

3. Was there any justification or excuse for such removal? Answer—No.

4. If so, what was the justification or excuse? Answer—None.

5. Was the defendant, Dr. Phelan, responsible in any way for the removal of the defendant? Answer—Yes.

6. If so, in what way did he make himself responsible? Answer—As an accomplice by issuing the alleged authority and arranging with the Chief of Police to have Constable Naylor on hand when the time came for the removal of the plaintiff to an asylum.

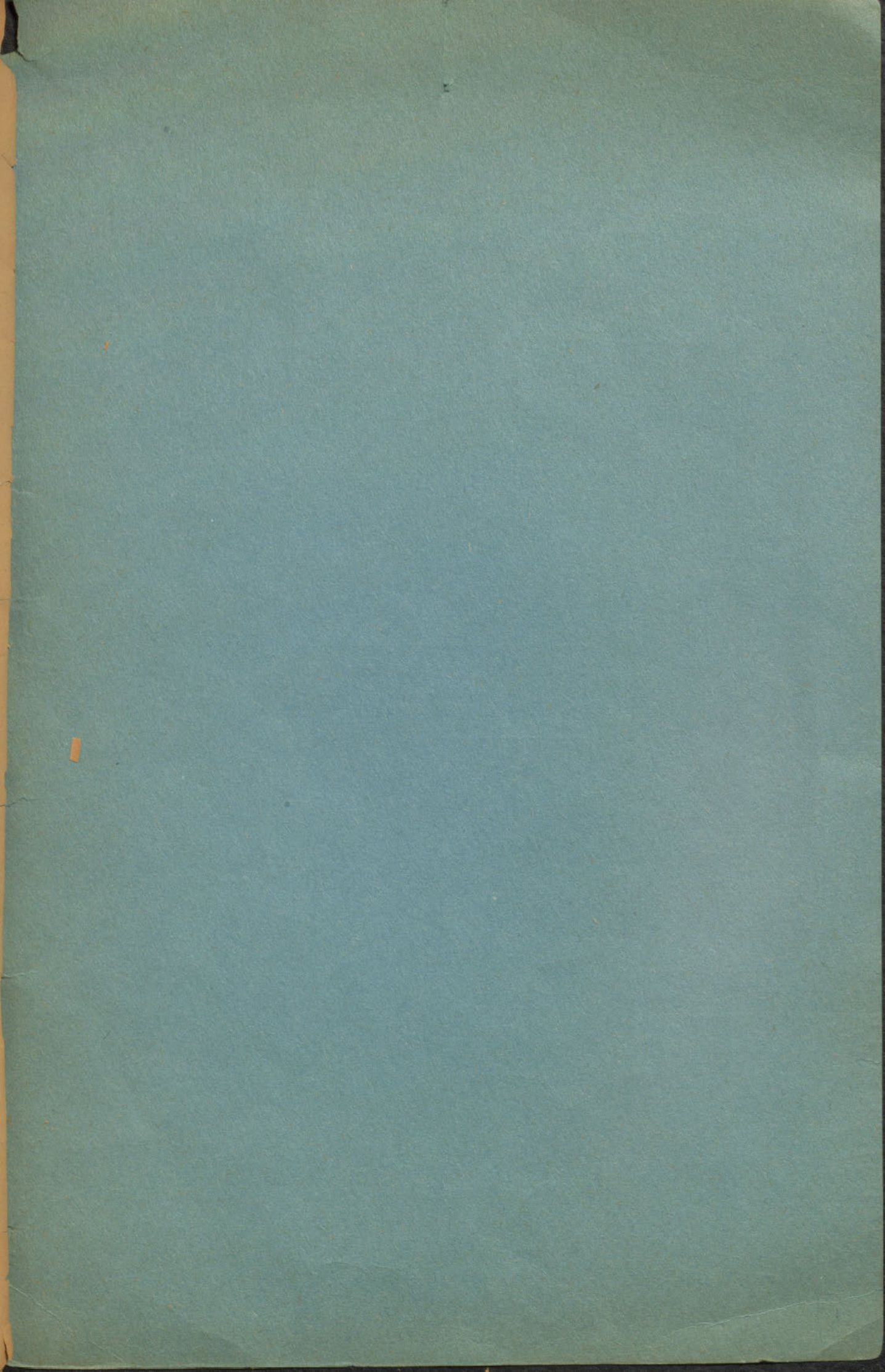
7. Did the defendant, Constable Naylor, at the time he entered the plaintiff's room, have reasonable ground to believe her insane, and did he have grounds later for believing plaintiff was sane. If so, when? Answer—To the first question, yes; to the second question, yes; to the third question, after she quieted down in her room on the promise of being allowed to see Father Mea.

8. How do you assess damages? Answer—\$20,000 on those mentioned in question 2; \$4,000 on Dr. Phelan; on Constable Naylor, nil.

#### Verdict Given for \$24,000.

Sister Mary Basil was awarded \$24,000 by the jury. Of this amount the Archbishop, the Roman Catholic Corporation, Mother Superior Francis Regis and the Sisters of Charity are to pay \$20,000, and Dr. Daniel Phelan \$4,000. The other defendant, Policeman Naylor, was assessed nothing. The jury after being out for two hours and three-quarters, brought in their finding at 11.45 Saturday night. The City Hall was unable to hold all who remained for the final proceedings. When the foreman of the jury, Mr. A. E. Weller, announced their finding the audience applauded vigorously for several seconds. Immediately after court was adjourned throngs of people gathered around the victorious and happy plaintiff and warmly congratulated her. Her lawyers, Mr. W. N. Tilley, K.C., Toronto, and Lieut.-Col. A. B. Cunningham, Kingston, also received many congratulations.







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