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THE BASIL-SPRATT CASE BEFORE SUPREME COURT

The Plaintiff In the Witness Box—Makes Startling Charges Regarding the Conduct of St. Mary's-of-the-Lake Orphanage—The Opposing Counsel Clash on Several Points.

Features of the Case. Letters read showing that Sister Mary Basil had complained to Archbishop Spratt and Mother Mary Francis Regis and made charges of a most sensational nature, regarding the management of the St. Mary's-of-the-Lake orphanage.

Sister Basil declared that these charges were never investigated. Plaintiff declared that among other things, that the children at the orphanage were being treated like little animals; that at times the treatment was nothing more than brutal; that they were not even kept clean; that on some occasions they were put to bed with nothing but a crust of bread to eat; that there was mismanagement of internal affairs; that thousands of dollars were squandered, while the Sisters lived in luxury on the money that was the property of the poor; that there was no regard for the truth on the part of some of the members of the order; that in one item alone there had been a great waste of money, in that a steam heating plant which had been satisfactory in every way, had been pulled out and another system installed, to give work to a nephew of the Mother Superior; that children were sometimes put to sleep on hard wood floors, and many other charges.

Further, Sister Basil declared that under the constitution, she was called upon to make such a report on the condition of affairs, and that on one occasion the Archbishop appealed to her not to write to Rome saying that he would do something for her. Plaintiff replied that she was not seeking an office, but simply wanted to do her duty, and desired things to be conducted as they should be conducted.

Sister Basil declared that her letter of protest to Rome was sent as a result of her charges not being investigated. Her letter was mailed on Sept. 13th, 1916, and that the attempt at abduction was made on the night following the sending of her letter to Rome.

Plaintiff also told the story of the assault made on her, and the attempt to take her off to an insane asylum in Montreal. She said she and the sisters and Constable John Naylon, that she was not insane, and pleaded with them not to take her away. Under oath, she swore that Constable Naylon broke into her room, at 10 o'clock at night, when she was about to retire, and grabbing hold of her, gagged her when she screamed and that with the assistance of some of the Sisters and a chauffeur, was taken into an automobile. The proposed trip to the railway station was interrupted by the appearance of Father Mea at the main entrance of the institution, just as the party was ready to drive off.

Plaintiff was on the stand for a couple of hours and her evidence had not been completed when court adjourned at 7 p.m. until 9.30 o'clock Wednesday morning.

Counsel for the defence moved for the striking out of certain paragraphs in the statement of claim, and there was quite a lengthy argument over this, but his Lordship waived his ruling on the point at this stage deciding that he would be guided by the evidence later on. Mr. McCarthy, for the defence, stated that while the Roman Catholic Episcopal Corporation of the Diocese of Kingston empowered the corporation to hold land and mortgages, it had no power to do an act complained of. In all, there were nine defendants, and a good deal of the statement of claim would be both embarrassing and prejudicial. Parts of the claim would be applicable to some, and not to others. The corporation of the diocese could not take part in the acts as alleged.

Mr. Tilley, for the plaintiff, stated that this was the first time he had ever heard an application made to dismiss certain things from the records. The corporation, he held, was a party to the wrongful acts alleged.

Opening of the Case. The action brought by Sister Mary Basil, against Archbishop Spratt, et al. for \$29,000 damages for assault, abduction, false arrest and imprisonment is now before the sittings of the Supreme Court of Ontario, presided over by Hon. Mr. Justice Britton, at the City Hall. The case was opened at 3 o'clock, on Tuesday afternoon before a crowd of deeply interested spectators, a large portion of whom were ladies.

The selection of a jury was then proceeded with, but owing to the fact that a special jury had been struck for the case, it was announced that A. B. Cunningham, K.C., and W. N. Tilley, K.C., of Toronto, appeared for the plaintiff, and T. J. Rigney and Lally McCarthy, K.C., of Toronto, for the defence. It was also announced that a special jury had been struck for the trial of this action. At this stage Mr. McCarthy moved that certain paragraphs in the statement of claim be struck out, and quite a lengthy argument followed. Mr. McCarthy, in the first place, held that the Roman Catholic Corporation

struck for the case, this preliminary took but a few minutes. Following is a list of the twelve men, chosen to listen to the evidence and render a verdict:

Cameron Hay, Pittsburgh; William Fisher, Portsmouth; Byron Gordon, Kingston; Edwin Lawson, Kingston; Thomas Power, Kingston; Angus Orr, Kingston; N. H. McLean, Pittsburgh; J. M. Blake, Loughboro; R. J. Bushell, Bath Road; A. E. Weller, Kingston; Phillip Hafner, Kingston; Richard Balden, Portsmouth.

Asked for Investigation Following the swearing in of the jury, Mr. Tilley addressed the members, giving a review of the statement of claim. He remarked at the opening that, in this action, parties were being tried who very seldom came to court. He referred to the vow taken by the Sisters of Charity, and said that each member of the order was under the direction and control of a Mother Superior and the Archbishop. The Mother Superior was elected by members of the order. This did not mean an individual, but the system such as would be explained. The Mother Superior was elected every three years. Prior to 1913, the Mother Superior of the order was Sister Gabriel, whose evidence would later on be read in the court, and who at present was connected with one of the branch homes in western Canada. In 1913 Sister Mary Francis Regis was elected for three years. In 1916 she came up for re-election and was duly elected.

It was the duty of each member of the order, to make a report on the institution. It was also the duty of each member to state frankly any charges of improper management. Prior to the election of 1916 when Sister Francis Regis came up for re-election, the Mother Superior, certain things should be brought to the attention of the Mother Superior. This was in April of the year 1916. She put the matter fairly before the Mother Superior, and asked for an investigation, but she thought should be done. Her audience with the Archbishop, and she thought should be done. Her audience with the Archbishop, and she thought should be done. Her audience with the Archbishop, and she thought should be done.

Then followed the sending of a report to Rome, on the conditions existing in the orphanage by Sister Basil. A medical certificate was necessary to have Sister Basil admitted to an insane asylum. Dr. Daniel Phelan acted on information of twenty-five years ago. He wrote a letter, but not one that would warrant action, but at the best, would act as a cloak. Sister Basil was known to everyone as a person who was not insane. Dr. Phelan was used as the "go between," and arranged for the attendance of a police constable. He called for John Naylon, a member of the Roman Catholic church, to assist the sisters in the job of removing Sister Basil. Continuing in his address, Mr. Tilley told of steps taken to remove Sister Basil from the orphanage at 10 o'clock on the night of Sept. 14th, 1916. The attempt at abduction was made the night following the mailing of the letter to Rome by Sister Basil.

Sister Basil was about to retire, when a man in plain clothes broke into her room. He had nothing to show that he was a police constable, or that he was an ordinary or even an extraordinary man, tramp, or gentleman. Sister Basil was scantily clad, as she was about to get into her bed, and as the door opened she stepped behind it in terror and called out "tramps." The man then grabbed hold of her, and placed her on the bed. Later on some of the Sisters came in, and when she was dressed in old clothes and preparations made for taking her off in an automobile to the railway station, to board a train for Montreal, where she would be placed in an asylum. Sister Basil declared that she had the right to see the Mother Superior, and she had a perfect right to do this, as Father Mea was her confessor and she had a right to see him when she so desired. She was told that if she remained quiet, she would be allowed to see Father Mea before she was taken away.

Mr. Tilley told of the step in the proceedings when Father Mea appeared on the scene, and in conclusion said:

"The plaintiff is a woman forty-two years of age, and outside of this institution, she has no means of support. She has spent twenty-nine years in this work, doing good and developing her religious life. As an outcome of the conditions, it is entirely impossible for her to return, and under the circumstances there is nothing left for her to do but to bring her case before a civil court."

The Jury Selected. The selection of a jury was then proceeded with, but owing to the fact that a special jury had been struck for the case, it was announced that A. B. Cunningham, K.C., and W. N. Tilley, K.C., of Toronto, appeared for the plaintiff, and T. J. Rigney and Lally McCarthy, K.C., of Toronto, for the defence. It was also announced that a special jury had been struck for the trial of this action. At this stage Mr. McCarthy moved that certain paragraphs in the statement of claim be struck out, and quite a lengthy argument followed. Mr. McCarthy, in the first place, held that the Roman Catholic Corporation

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