

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 Naylon, specifically denies the allegations contained in paragraphs 19, 21, 22, 24, 27, 32, 33 and 34 of the statement of claim.

The Defendant, John Naylon, 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.