

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 Holyok, 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 Basil? 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 eight years.

Q.—When you first enter you are what? A.—Well, when you enter you are a postulante, 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 Desalies, 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.

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