

Nfld. & Labrador

Cemeteries will not be sold to help compensate Mount Cashel victims, says archdiocese

Lawyers for victims not so flexible, however, when it comes to church-owned school properties

[Terry Roberts](#) · CBC News · Posted: Mar 14, 2022 3:11 PM NT | Last Updated: March 14



A new agreement in principle has been reached that will protect cemeteries in the Archdiocese of St. John's from being sold as part of a liquidation process aimed at raising millions of dollars to compensate sexual abuse survivors at the former Mount Cashel orphanage. (Terry Roberts/CBC)

[comments](#)

Uncertainty about the fate of cemeteries in the Roman Catholic Archdiocese of St. John's has been put to rest following an agreement in principle that excludes the sacred properties from a historic and ongoing liquidation process.

Evelyn Grondin-Bailey, a member of the St. Patrick's cemetery committee in Burin, said Monday she was "absolutely elated" that the restored cemetery in her community will not be sold.

"We were extremely happy to get that news," she said.

But lawyers for the dozens of survivors of sexual abuse at the former Mount Cashel orphanage say they won't be as lenient when it comes to the roughly 35 schools owned by the Catholic Church that were seized by the government after the dismantling of denominational education in the 1990s.

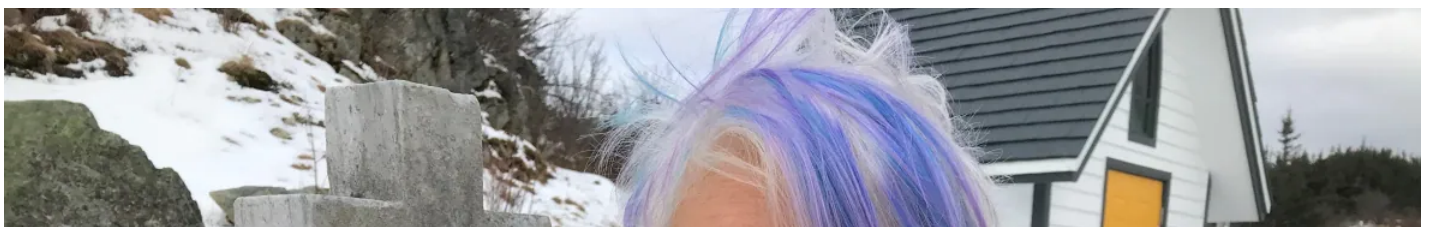
"If churches are being seized and sold to satisfy judgments, what about the schools?" lawyer Geoff Budden, who represents more than 70 abuse survivors, asked Monday.

"What about the schools that to this day are owned by the [Roman Catholic] Episcopal Corporation [of St. John's], by the archdiocese, however, which are being used by the government to educate our children? So that has to be part of the discussion as well."

Cemeteries removed from tender package

In a statement published on its website Friday, the archdiocese stated "no existing cemetery lands will be marketed for sale" and that cemeteries previously included in a court-approved tender package "have been removed."

The agreement was reached following discussions last week between officials from the archdiocese, legal counsel for the abuse victims, and Ernst & Young, the court-appointed trustee for the archdiocese.





Evelyn Grondin-Bailey is a member of a committee that has restored and enhanced the old St. Patrick's Roman Catholic cemetery in Burin. (Terry Roberts/CBC)

It followed an outcry in some parishes that cemeteries were being included in the list of assets being considered for sale to help raise millions of dollars to compensate victims of abuse at the hands of members of the Irish Christian Brothers during their stay at Mount Cashel in the 1940s and '50s.

The archdiocese, following a lengthy legal process, has been found vicariously liable for the abuses, and is now selling off assets, including the Basilica Cathedral of St. John the Baptist in St. John's.

But in a statement, the archdiocese said, "Ownership of existing cemetery lands will be retained by the Catholic community."

When contacted, Archbishop Peter Hundt wrote, "We have no further information to add at this time."

No commercial potential

But Budden said there was never any intention to include cemeteries in the sales process. He explained there are many commercial, legal and moral reasons why cemeteries are being excluded, including the fact they have very little commercial potential.

"Nobody has ever viewed the cemeteries as possible sites for commercial ventures so it was never seen as being part of the estate from a commercial point of view, and it's not seen that way now," said Budden.

That's welcome news for Evelyn Grondin-Bailey and other members of the St. Patrick's cemetery committee in Burin.

The committee has invested some \$500,000 — money raised through a successful chase the ace lottery and other initiatives — to restore St. Patrick's, an ancient cemetery that hadn't been used for more than half a century.



St. John's lawyer Geoff Budden represents more than 70 survivors of abuse from the former Mount Cashel Orphanage. (Mark Quinn/CBC)

The centrepiece of the restored cemetery is a new columbarium in which families can inurn the cremated ashes of their loved ones, at a cost of \$2,250 for up to three urns.

There are 17 vaults, also known as niches, still available in the granite structure, and the footing is in place for two more columbariums. The committee was worried a potential investor might see a business opportunity in the cemetery, and make a bid for the property. Now that appears unlikely, and the committee plans to resume its restoration work, including the addition of a memorial wall.

While the matter of cemetery ownership appears to have been settled, the St. Patrick's cemetery is still in a dispute with the archdiocese over money.

After the archdiocese filed a notice of insolvency in December, it seized the funds of all 34 parishes in the archdiocese, including \$200,000 raised by the St. Patrick's cemetery committee

Grondin-Bailey said the committee plans to meet with a lawyer on Wednesday to determine whether it has legal grounds to challenge the archdiocese.

"We want to get our money back, or at least as much of it as we possibly can," she said.



The old St. Patrick's Roman Catholic cemetery in Burin has been restored, and enhanced to include a new columbarium, storyboards and park-like features such as benches and lookouts. (Terry Roberts/CBC)

Meanwhile, lawyers for the victims are laying the groundwork for a legal challenge that could involve about three dozen school properties in the area served by the archdiocese.

Budden says the schools — including Gonzaga High School in St. John's, O'Donel High School in Mount Pearl and Marystown Central High School — are owned by the archdiocese's episcopal corporation.

He said the schools were seized by the government after the non-denominational schools act became law in 1997.

"The government, for its own purposes, seized those schools and is using them free of charge to carry out an important social purpose. And another important social purpose is to compensate survivors of abuse. And how those things interact, we will find out," said Budden.

[***Read more from CBC Newfoundland and Labrador***](#)

©2022 CBC/Radio-Canada. All rights reserved.

Visitez Radio-Canada.ca