

Hughes Inquiry tapes at issue in Mount Cashel civil trial

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Lawyers Mark Frederick and Susan Adam Metzler represent the Episcopal Corp. of St. John's.

It was uncertain Tuesday whether the Mount Cashel civil trial will include evidence entered from videotapes of some witnesses who testified at the Hughes Inquiry nearly 30 years ago.

Lawyer Mark Frederick, who represents the Roman Catholic Episcopal Corp. of St. John's, on Tuesday argued against an application made by lawyer Geoff Budden, who represents former orphanage

residents.

Newfoundland Supreme Court Justice Alphonsus Faour did not rule on the matter as of the end of the court day Tuesday.

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Faour is presiding over a civil trial to determine whether the church is liable for the physical and sexual abuse of boys by certain Christian Brothers at the orphanage during the late 1940s to early 1960s.

The church contends it did not run the orphanage, and therefore is not legally responsible.

Budden wants the court to see some tapes from the Hughes Inquiry — regarding some testimony of a former resident, the inquiry investigator, an RCMP officer and an archdiocese official. All are deceased.

But Frederick said the Hughes Inquiry can't be used for a collateral purpose in the civil trial.

The Hughes Inquiry, which began in 1989, was sparked when stories emerged about abuse of boys at the orphanage in the 1970s and 1980s.

Frederick said the inquiry was charged with a narrow focus — examining the failed police and justice system investigations of abuse allegations and how to improve the system to prevent future failings.

Frederick contends the inquiry did not examine the relationship between the lay order Irish Christian Brothers and the Catholic Church, and it is unfair and irrelevant to this trial on liability.

Faour did allow the entering into evidence of part of a deceased man's discovery evidence from 2010. A discovery is a process in which lawyers on both sides interview witnesses as part of case preparation.

Budden read into evidence portions of the discovery interview in which a former resident from around the 1950s claimed he tried to see the archbishop to report an incident at the orphanage. Crying, the boy asked the receptionist to see the bishop, but was told he was not in. He also stated he was brought back to the orphanage by a priest.

Today's testimony is expected to include a former resident, though he is not one of the four test cases before the court.

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