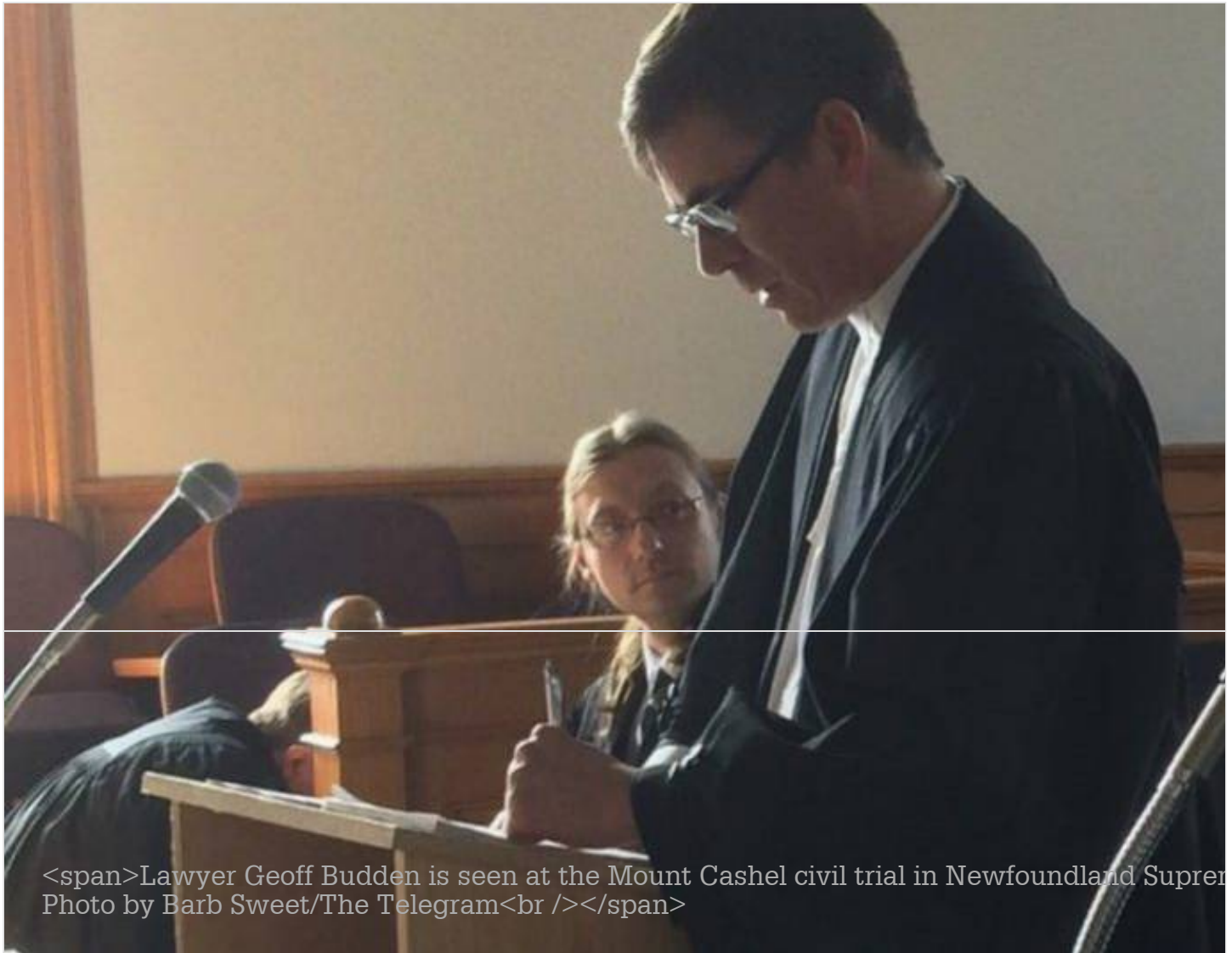


# Mount Cashel civil trial starts

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<span>Lawyer Geoff Budden is seen at the Mount Cashel civil trial in Newfoundland Supreme Court. Photo by Barb Sweet/The Telegram<br /></span>

# A civil trial is underway at Newfoundland and Labrador Supreme Court to determine whether the Roman Catholic Episcopal Corp. of St. John's, is liable for physical and sexual abuse by Christian Brothers of boys at the former Mount Cashel Orphanage from the 1940s to 1960s.

In opening statements, lawyer Geoff Budden, said the church owes a duty to the boys who were abused there. There are four test cases, representing about 60 claimants who are clients of Budden's firm. He also said church officials were the lead when it came to dealing with government, in the orphanage's founding and setup.

But Toronto lawyer Mark Frederick said the Christian Brothers were the wardens of the boys, and his client, the Roman Catholic Church, isn't liable because it wasn't involved in the facility's operation.

The first witness in the John Doe case began testimony this morning, recalling how life was happy for him and his four brothers until his mother died of cancer at age 31, when he was seven. He recalled how the boys kissed their mother in the coffin each night during the wake, then after she died, his inconsolable father stayed away from home a lot and drank.

Eventually the boys, with one suitcase between them, were sent to the orphanage. His brother slipped on a wax floor and the man, now in his 70s, recalls thinking that was not a good omen.

The boys had been reported to a community welfare official for being unkempt and he was told by the family priest, he would like it at Mount Cashel because there were horses there. The man was seven and lived at the orphanage from 1948-55.

The trial is expected to take all of this month, break in April for a while, and extend into June, Justice Alphonsus Faour said.

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