

**THE CORNWALL
PUBLIC INQUIRY**



**L'ENQUÊTE PUBLIQUE
SUR CORNWALL**

Public Hearing

Audience publique

Commissioner

The Honourable Justice /
L'honorable juge
G. Normand Glaude

Commissaire

VOLUME 261

Held at :

Hearings Room
709 Cotton Mill Street
Cornwall, Ontario
K6H 7K7

Thursday, July 24, 2008

Tenue à:

Salle des audiences
709, rue de la Fabrique
Cornwall, Ontario
K6H 7K7

Jeudi, le 24 juillet 2008

Appearances/Comparutions

Mr. Peter Engelmann	Lead Commission Counsel
Ms. Julie Gauthier	Registrar
M ^e Pierre R. Dumais	Commission Counsel
Ms. Maya Hamou	
Ms. Mary Simms	
Mr. John E. Callaghan	Cornwall Community Police
Ms. Reena Lalji	Service and Cornwall Police Service Board
Ms. Diane Lahaie	Ontario Provincial Police
Mr. David Rose	Ontario Ministry of Community and Correctional Services and Adult Community Corrections
Ms. Andrea Cole	Attorney General for Ontario
Mr. Peter Chisholm	The Children's Aid Society of the United Counties
Mr. Peter Wardle	Citizens for Community Renewal
Mr. Dallas Lee	Victims' Group
Mr. David Sherriff-Scott	Diocese of Alexandria-Cornwall and Bishop Eugene LaRocque
Mr. Giuseppe Cipriano	The Estate of Ken Seguin and Doug Seguin and Father Charles MacDonald
M ^e Danielle Robitaille	Mr. Jacques Leduc
Mr. William Carroll	Ontario Provincial Police Association
Mr. Frank T. Horn	Coalition for Action
Mr. Ian Paul	
Archdeacon Gordon Bryan	Archdeacon Gordon Bryan

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1 --- Upon commencing at 9:39 p.m./

2 L'audience débute à 9h39

3 **THE REGISTRAR:** Order; all rise. À l'ordre;
4 veuillez vous lever.

5 This hearing of the Cornwall Public Inquiry
6 is now in session. The Honourable Mr. Justice Normand
7 Glaude, Commissioner, presiding.

8 Please be seated. Veuillez vous asseoir.

9 **THE COMMISSIONER:** Thank you.

10 Good morning, all.

11 Mr. Engelmann.

12 **MR. ENGELMANN:** Good morning, Mr.

13 Commissioner.

14 I just wanted to say to start the day, I
15 understand you're to release your decision on the motion
16 brought by Mr. Horner or on behalf of Ron Wilson. Mr.
17 Horner was given notice, sir, and I spoke to him again this
18 morning. He's unable to be here in person, but he is
19 following on the webcast.

20 **THE COMMISSIONER:** Okay.

21 **MR. ENGELMANN:** So he was advised that the
22 decision would be released first thing this morning, and
23 the witness is available, sir, just waiting for the
24 decision.

25 **THE COMMISSIONER:** Thank you very much.

1 --- RULING ON MOTION BY RON WILSON TO BE EXCUSED AS A
2 WITNESS BY THE COMMISSIONER/DÉCISION SUR LA REQUÊTE PAR RON
3 WILSON D'ÊTRE EXCLU COMME TÉMOIN PAR LE COMMISSAIRE:

4 **THE COMMISSIONER:** This is a ruling on a
5 motion by Ron Wilson to be excused as a witness at the
6 Cornwall Public Inquiry.

7 On Thursday, July 17th, 2008, I heard a
8 motion brought by counsel for Ron Wilson for an order
9 excusing him as a witness at the Cornwall Public Inquiry.

10 For the reasons which follow, I have
11 concluded that the medical evidence provided in support of
12 the motion meets the test required and that I should grant
13 this motion.

14 The evidence for the motion is set out in a
15 Motion Record filed as CM-15-A1. The Motion Record
16 contains three medical reports, two from a specialist, Dr.
17 Solonyna and a medical report from Mr. Wilson's family
18 physician, Dr. Joanne Toop.

19 In addition, the Motion Record included an
20 Affidavit from Mr. Wilson's son, Allan Wilson.

21 Counsel for the moving party provided me
22 with a few legal authorities and also referred to my
23 decision in the Lefebvre motion. The authority referred to
24 in his oral submissions, the *TD Bank v. E. Goldberger*
25 *Holdings Limited* case is not helpful. The section he

1 referred me to of knowledge is the concession by counsel
2 for the bank. This is not the circumstance here where
3 three of the parties are opposed to the motion based on the
4 sufficiency of the medical evidence filed in support.

5 Counsel for the moving party acknowledged in
6 his submissions that the medical evidence provided does not
7 meet some of the requirements for medical evidence that I
8 set out as a standard in the Lefebvre decision.

9 In addition, he submitted that cases of this
10 nature must be viewed individually and he then proceeded to
11 distinguish his client's circumstances from those of
12 Officer Lefebvre.

13 He submitted that in cases where individuals
14 are completely and totally unable to work and to carry out
15 normal daily functions, the medical evidence required
16 should not have to meet the same strict standard.

17 In his submissions, counsel for the moving
18 party went through the medical evidence in some detail and
19 stressed the conclusion of the doctor that testifying
20 before the Inquiry would be detrimental to the health of
21 Mr. Wilson and it could be possibly life-threatening.

22 In addition, he referred to the medical
23 specialist's report wherein it was stated that testifying
24 would be detrimental and may result in an important
25 relapse.

1 Counsel for the moving party also submitted
2 that I should rely upon the fact that there was no evidence
3 to contradict the medical evidence he was tendering.

4 In a motion such as this, contradictory
5 evidence would be unusual without some form of independent
6 medical examination, and we are not at that stage with this
7 individual.

8 I heard submissions from counsel for the
9 Citizens for Community Renewal who indicated that while her
10 clients empathize with the situation of the moving party,
11 they were not satisfied that the medical evidence was
12 sufficient under the circumstances. She drew my attention
13 to the nature of the evidence and the fact that the
14 argument has been one of harm and not incapacity.

15 She referred me to the test I had set out in
16 the Lefebvre decision and, in particular, my comment that,
17 and I quote:

18 "Where the concern expressed is that
19 the act of testifying will cause harm,
20 it is important for the medical
21 professional to indicate the nature,
22 seriousness and likelihood of the harm
23 and to demonstrate through the report
24 knowledge of the Inquiry process."

25 In addition, she stated that the possibility

1 of accommodative measures was not canvassed.

2 I agree with counsel for the Citizens for
3 Community Renewal that in the strict sense of the word, the
4 test I set out in the Lefebvre case has not been met here.

5 While the medical professionals have clearly
6 given their opinion that giving testimony would be
7 detrimental to Mr. Wilson's health, they have not
8 elaborated as to how and why this would be the case and did
9 not do so in the context of knowledge of the Inquiry's
10 practices and procedures and possible accommodative
11 measures available.

12 While I clearly would have preferred to have
13 better medical evidence before me and, in particular,
14 medical evidence that addressed all the issues I set out in
15 the Lefebvre decision, I am of the view that further
16 medical evidence would still lead to the same result.

17 As I stated in the oral argument stage, this
18 is not a case where we have a motion from an individual who
19 is walking, talking and otherwise functioning relatively
20 normally in daily living. We are way past that with Mr.
21 Wilson.

22 Under the circumstances, therefore, I will
23 not require Mr. Wilson to obtain further and better medical
24 evidence but will instead grant the motion on the evidence
25 presented.

1 While I have stated I would prefer medical
2 evidence that fully meets the standards set out, the
3 medical evidence provided clearly indicates this is an
4 individual who suffers from a number of disabling
5 illnesses.

6 In addition, Mr. Wilson has been in the care
7 of this specialist continuously for approximately 10 years.
8 It is difficult for me to envision how, under the
9 circumstances, we could ever accommodate him as a witness
10 before the Inquiry.

11 In providing me with context for the motion,
12 Commission counsel referred to some of the reasons why Mr.
13 Wilson's evidence was considered of sufficient importance
14 to have him called as a witness at the Inquiry.

15 Whether called in the community context
16 stage or as part of the Cornwall Police Service's evidence,
17 it is unfortunate that I will not have the testimony of Mr.
18 Wilson to consider.

19 Having said this, I trust that Commission
20 counsel will consider the use of an Overview of Documentary
21 Evidence or, as we call them, the ODE, if in fact some of
22 Mr. Wilson's evidence can be gleaned from the documents
23 that are found in the Commission's database.

24 Accordingly, I wish to thank counsel for the
25 moving party and counsel for the Citizens for Community

1 Renewal for their able oral submissions.

2 That's dated this date, 2008. Thank you.

3 **MR. ENGELMANN:** Thank you, sir.

4 **THE COMMISSIONER:** Maître Dumais.

5 ---SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. DUMAIS :

6 **MR. DUMAIS:** Mr. Commissioner, before we
7 call back the witness, perhaps we can deal with the
8 objection that was raised by Mr. Callaghan yesterday ---

9 **THE COMMISSIONER:** Certainly.

10 **MR. DUMAIS:** --- on the questions that we
11 want to put to the Reverend relating to his involvement
12 with the Cornwall Police Services Board.

13 If I can start firstly with giving you a bit
14 of background. We met with Reverend Gordon Bryan initially
15 on March 7th of this year, and just to give you a bit of
16 context, right at about that time, we were calling the
17 evidence of Staff Sergeant Derochie in the hearings room.

18 At that time, we did not know that he is
19 part or had sat on the Board, although we subsequently
20 found out that documents certainly indicated that. We were
21 advised that he had been on the Board between 1989 and
22 1991. There's some qualification to the extent of time he
23 sat on the Board because of a medical condition.

24 **THE COMMISSIONER:** M'hm.

25 **MR. DUMAIS:** But certainly he was there

1 during the relevant period of time and we want to ask some
2 questions to him about his involvement on the Board because
3 a lot of things were happening in the 1990s.

4 The AE was prepared and disclosed to the
5 parties with a preliminary list of documents at the
6 beginning of June. The AE was finalized and the list of
7 our documents was finalized on July 18th of this year.

8 The Rule 38 Notice which occurs 48 hours
9 before the witness is to be called was on July 21st at noon,
10 and I think everyone became more alive as to the extent of
11 the issue when we received the cross documents from counsel
12 for the parties, which I will admit is extensive.

13 I think in hindsight we should probably have
14 brought in Mr. Callaghan and his team, address the issue,
15 permit him to review some of the relevant documents during
16 that period of time, but we did not do that.

17 We did meet last night, Mr. Commissioner,
18 and we did go through the questions that we want to put the
19 Reverend on this issue. We spent anywhere between 30 and
20 45 minutes last night, so not a whole lot of time. And we
21 still believe that his evidence is relevant and we intend
22 to put the questions to him.

23 Whether or not Mr. Callaghan wishes more
24 time to spend with this witness, I'll leave that to him,
25 but certainly in fairness to the witness, in fairness to

1 Mr. David Sherriff-Scott, he's retained to oversee the
2 institutional response of the Diocese, and I mean,
3 certainly although he did see some of the cross documents,
4 which are relevant, he didn't spend a whole lot of time
5 with them.

6 So those are the facts, those are the
7 issues. I'll just turn it over to Mr. Callaghan.

8 **THE COMMISSIONER:** Thank you.

9 Good morning, sir.

10 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. CALLAGHAN:**

11 **MR. CALLAGHAN:** Good morning, Mr.
12 Commissioner.

13 Let me just take this in little pieces if I
14 might in terms of the facts that were discussed by my
15 friend. Obviously there were documents that would have
16 indicated that Mr. Bryan was on the board when we provided
17 our disclosure.

18 The first objection I made yesterday, I
19 won't repeat it, sir, because you've heard it, that I would
20 have thought our institutional response was done. I would
21 maintain that objection. I don't know how many other
22 people are intended to call who are going to talk about our
23 institutional response, and as I said to you, Mr.
24 Commissioner, as opposed to his interaction with us with
25 respect to the institution for which he has been called.

1 In terms of the -- the AE basically
2 disclosed of course that there weren't any cases of an
3 institutional response to historic sexual assaults that
4 were discussed at the Board while he was a member of the
5 Board. And we yesterday had -- Commission counsel asked
6 the questions they wished to ask and they talked a lot
7 about -- to the extent there was a lot talked about in a
8 period of 30 minutes or so where we actually sat down and
9 talked to Mr. Bryan, about the operations of the Cornwall
10 police during a period of time, frankly, where he wasn't
11 dealing with historic sexual assaults.

12 So the relevance issue is a concern to us.
13 You know, the Inquiry here is in respect of the
14 institutional response by the Cornwall police, and others
15 of course, into the response to historic sexual assaults.
16 It's not into the Cornwall police operations generally.
17 Obviously that's not your mandate.

18 And so there was discussion by others with
19 the intent that it be linked back with how they might have
20 dealt with the DS investigation, as I understood it, but
21 that doesn't apply to this person. So from that
22 perspective I don't see how those types of questions would
23 be relevant.

24 Having said that, we sat with Mr. Bryan. I
25 don't -- and you'll hear from Mr. Sherriff-Scott, but I

1 don't -- I'm not going to object to his answering questions
2 in light of what I heard his answers to be because there's
3 not a great deal -- Mr. Bryan's not in the room I assume --
4 that he recalls because of age, because of illness he had
5 during the period of time, et cetera. I mean, I don't mean
6 his age but the passage of time, et cetera, sir.

7 But that -- so, I mean, there was nothing
8 that in the interview for the 30 minutes that would cause
9 me to say "Well, you know, you can't do this." I'm not
10 saying that, sir, but I don't know what's coming. You know
11 the problem. So you've got the first two objections and
12 I'm not going to stand here and say "Oh, well, pull the
13 plug on this fellow" in light of what I heard yesterday,
14 assuming it's consistent with what we hear today. And I
15 can't really speak for Mr. Bryan obviously because I
16 haven't had the relationship with him.

17 Thank you.

18 **THE COMMISSIONER:** Thank you.

19 Mr. Sherriff-Scott, did you wish to say
20 something?

21 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. SHERRIFF-SCOTT:**

22 **MR. SHERRIFF-SCOTT:** Yes. I just would add
23 this, Mr. Commissioner, that when Mr. Bryan was interviewed
24 with your counsel present there was a disclosure of his
25 prior time on the CPS Board, which was something I wasn't

1 aware of, and as of a result of the meeting he went and
2 searched out his actual notice of appointment which was
3 then produced indicating his time on the Board was from
4 sometime November'ish 1989 to November 1991.

5 As he's told your counsel during the
6 interview, he had a heart attack in December 1989 and was
7 away, having had open heart surgery, for a number of months
8 following that. He was on the Board therefore to the end
9 of his appointment, which is the resumption or the
10 completion of someone else's term for a short period.

11 The preparation with respect to him on this
12 issue with your counsel was probably all in the magnitude
13 of 15 to 20 minutes. I talked to him about this last
14 night. I don't think he remembers a whole lot but I'm
15 prepared to -- based on his instructions -- sort of see how
16 it goes. I'd be concerned if there developed a highly
17 detailed and animated examination which would leave him at
18 sea because of the absence of preparation, but I think he's
19 anxious to complete his testimony, if possible, all at
20 once. He is 73 and would like to not be returning if
21 that's necessary.

22 So what I'd suggest is that we proceed, see
23 how it goes, as it were, and if the matter develops into
24 something of concern we can address it then.

25 Thank you.

1 **THE COMMISSIONER:** Anyone else wish to
2 speak?

3 Thank you. We will go ahead with the
4 witness. I find that Mr. Callaghan's argument about
5 relevance is -- well, I guess I'm going to have to disagree
6 with him because not that strictly speaking Mr. -- the
7 witness in question dealt with an institutional response
8 per se, however, it's arguably relevant that the
9 relationship between all of the institutions and the
10 members that were floating between the boards be examined.

11 I know that Mr. Horn has raised in one of
12 his cross-examinations the fact that it seems that police
13 officers were on the CAS Board, member of the clergies on
14 the Police Services Board and that we should air that out
15 whenever possible.

16 Mr. Dumais has indicated that we should have
17 -- he should have or Commission counsel should have alerted
18 Cornwall police and that's unfortunate, but that doesn't
19 mean -- and I note that in the AE and for some time that
20 the parties were aware that there was something about this
21 witness' involvement in the Cornwall Police Services Board
22 that was on the table.

23 Again, it's unfortunate that Cornwall police
24 didn't twig to that but to exclude the evidence at this
25 time isn't -- it would be an overly drastic measure and

1 what we can do is resolve the difficulty by providing Mr.
2 Callaghan, after he's heard the examination in-chief, the
3 opportunity to come back and to ask for an adjournment so
4 that he can respond and properly cross-examine. But from
5 what I've been given to hear right now I don't know that
6 that will be all that necessary but we'll take our time and
7 decide that when the time comes.

8 Are we ready to call the witness now or do
9 you need a few minutes?

10 **MR. DUMAIS:** No, I think we're ready.

11 **THE COMMISSIONER:** All right.

12 **(SHORT PAUSE/COURTE PAUSE)**

13 **ARCHDEACON GORDON BRYAN, Resumed/Sous le même serment:**

14 **THE COMMISSIONER:** Reverend Bryan, good
15 morning.

16 **REV. BRYAN:** Good morning, sir.

17 **THE COMMISSIONER:** While you were waiting we
18 discussed to what extent you would be questioned about your
19 involvement on the Cornwall Police Services Board and I've
20 ruled that subject to some conditions that they will be
21 permitted to ask you questions about that, and depending on
22 the circumstances on how we go, we'll see how the cross-
23 examination will go.

24 **REV. BRYAN:** Okay.

25 **THE COMMISSIONER:** All right.

1 So I guess it's we'll cross the bridges as
2 we get to them.

3 **REV. BRYAN:** Okay.

4 **THE COMMISSIONER:** Thank you.

5 **---EXAMINATION IN-CHIEF BY/INTERROGATOIRE EN-CHEF PAR MS.
6 HAMOU (cont'd/suite):**

7 **MS. HAMOU:** Good morning, Reverend Bryan.

8 **REV. BRYAN:** Good morning.

9 **MS. HAMOU:** Before we start with specific
10 questions about your time on the Cornwall Community Police
11 Services Board I'd like to ask you a few questions about
12 your son-in-law, D'Arcy Dupuis.

13 **REV. BRYAN:** Yes.

14 **MS. HAMOU:** I understand that your son-in-
15 law is currently a staff inspector with the Cornwall Police
16 Service?

17 **REV. BRYAN:** Yes, he is.

18 **MS. HAMOU:** And at the time of you joining
19 the Board, he would have been a staff sergeant?

20 **REV. BRYAN:** Yes.

21 **MS. HAMOU:** I'd just like to take you to an
22 interview we looked at yesterday which would be Exhibit
23 1974.

24 Now, sir, if you can go to the Bates page
25 7011287. If it's easier, there's numbers at the top there.

1 It would be 347.

2 **REV. BRYAN:** Yes.

3 **MS. HAMOU:** Now, Mr. Hall asks you
4 questions, about midway through this page, and I'll read
5 you a few passages.

6 Mr. Hall asks:

7 "Are you related to Staff Sergeant
8 Dupuis?"

9 To which you answer:

10 "That's my son-in-law, yes."

11 Mr. Hall asks:

12 "Would this relationship have any
13 bearing on the investigation at all?"

14 And your answer is:

15 "No, never talked to him about it
16 because I felt that we should be at
17 arm's length from it all."

18 So, sir, just to put you in context, you're
19 speaking here of the Father MacDonald investigation.

20 **REV. BRYAN:** Okay.

21 **MS. HAMOU:** Does this reflect your position
22 at the time of your service on the Board?

23 **REV. BRYAN:** Yes.

24 **MS. HAMOU:** And what did you mean by there
25 was a necessity to be at arm's length?

1 **REV. BRYAN:** Well, I felt that I could have
2 a conflict of interest with my son-in-law if I discussed
3 anything with him and so I was asked originally by the
4 Chair to ensure that I didn't. So I didn't.

5 **THE COMMISSIONER:** So I take it you
6 disclosed your potential conflict ---

7 **REV. BRYAN:** Yes.

8 **THE COMMISSIONER:** --- on your arrival to
9 the Board?

10 **REV. BRYAN:** I think everyone on the Board
11 was aware of it beforehand though.

12 **THE COMMISSIONER:** Sure.

13 **MS. HAMOU:** Now, sir, does this -- do I
14 understand by this that you never discussed investigations
15 ---

16 **REV. BRYAN:** That's right.

17 **MS. HAMOU:** --- pertaining to the Cornwall
18 Police Service?

19 **REV. BRYAN:** That's right.

20 **MS. HAMOU:** With D'Arcy Dupuis?

21 **REV. BRYAN:** That's right.

22 **MS. HAMOU:** Would you have discussed any
23 managerial matters with your son-in-law, D'Arcy Dupuis?

24 **REV. BRYAN:** I didn't discuss anything to do
25 with the police force with my son-in-law. When we were

1 together, it was usually family and that's the way it
2 remained.

3 **MS. HAMOU:** And, sir, I'd just like to take
4 you to another document. We haven't looked at this one
5 yet. It's Document Number 703889.

6 **REV. BRYAN:** Is that in this book?

7 **THE COMMISSIONER:** No, it's a new document,
8 sir.

9 Thank you. Exhibit 1977 is an audio-taped
10 interview -- well, transcript of an audio-taped interview
11 report of D'Arcy Dupuis, Staff Sergeant, dated 24th of
12 January, 2000.

13 **--- EXHIBIT NO./PIÈCE NO. P-1977:**

14 (703889) - Audio-taped Interview Report -
15 D'Arcy Dupuis with OPP Pat Hall and J.B.
16 Dupuis dated January 24, 2000

17 **MS. HAMOU:** Now, sir, I'll just take you to
18 Bates page, little numbers at the top, 7012907. And if you
19 look at the last question asked ---

20 **THE COMMISSIONER:** Just a second.

21 We're there. Okay.

22 **REV. BRYAN:** Yes.

23 **MS. HAMOU:** You have the right page?

24 **REV. BRYAN:** I believe so.

25 **MS. HAMOU:** The last question at the bottom

1 of the page by Mr. Hall is:

2 "Did you have a conflict of interest
3 being related to Gordon Bryan?"

4 To which your son-in-law, D'Arcy Dupuis,
5 answered:

6 "I don't believe so. Like I said, I
7 wasn't involved in the investigation.
8 I know he worked at the Diocesan Centre
9 but we never discussed the case because
10 of obviously where he worked and
11 because of where I worked. And because
12 I wasn't involved in the investigation
13 at all, I don't perceive -- I don't
14 believe I had a conflict with him."

15 So this, according to you, confirms the
16 position that you both took with regards to your work with
17 the Cornwall Police Service?

18 **REV. BRYAN:** Yes. Yes.

19 **MS. HAMOU:** Now, I would like to take you to
20 a document indicating your appointment to the Board, sir,
21 and this is a new document. It's Document Number 740727.

22 **REV. BRYAN:** Is that the one that I
23 provided?

24 **MS. HAMOU:** It is, sir.

25 **REV. BRYAN:** Okay.

1 **THE COMMISSIONER:** Thank you.

2 Exhibit Number 1978 is a letter dated --
3 well, November 29th, 1989 is the stamp on it -- to Mr.
4 Gordon Bryan from the Solicitor General, Steven Offer.
5 There it is. Okay. With the Order-in-Council on the flip
6 side.

7 **--- EXHIBIT NO./PIÈCE NO. P-1978:**

8 (740727) - Letter from Steven Offer to
9 Gordon Bryan dated November 29, 1989

10 **MS. HAMOU:** Now, sir, according to this
11 document, it appears you were appointed to the Board
12 starting on November 15th, 1989 for a period of two years?

13 **REV. BRYAN:** That's right.

14 **MS. HAMOU:** So that would have been until
15 the end of November -- well, until November 15th, 1991?

16 **REV. BRYAN:** Yes.

17 **MS. HAMOU:** Now, I'd like to ask you a few
18 questions relating to your role on the Board.

19 As a member of the Board, did you -- were
20 you involved in operational matters or was this left to the
21 Chief?

22 **REV. BRYAN:** Normally, the Chief would give
23 us a stats report on crime. We would discuss -- we would
24 discuss budgeting. We discussed taxi licensing, et cetera,
25 that kind of thing. In general, I don't believe we ever

1 discussed a particular case.

2 **MS. HAMOU:** And during your term on the
3 Board, was Claude Shaver the Chief of Police?

4 **REV. BRYAN:** Was I associated?

5 **THE COMMISSIONER:** No. Was he the Chief?
6 During your term, was Mr. Shaver the Chief of Police?

7 **REV. BRYAN:** Yes, he was.

8 **MS. HAMOU:** And, sir, were you aware of
9 concerns about the management of CPS that would have been
10 brought to the attention of the Board?

11 **REV. BRYAN:** I was aware that there was
12 dissention, yes.

13 **MS. HAMOU:** Can you explain a little what
14 you mean by dissention?

15 **REV. BRYAN:** As far as I knew, the rank-and-
16 file were not happy with the Chief's processes. I don't
17 know what particular part of that they were unhappy with
18 but they weren't happy.

19 **MS. HAMOU:** And is this a matter that would
20 have been discussed with the Board?

21 **REV. BRYAN:** I think the rumours -- Cornwall
22 is a very small place, so the rumours get around very
23 quickly about dissention within a particular group and
24 that, I think, was out in the community more than anything
25 else.

1 **MS. HAMOU:** So you think your knowledge came
2 from rumours in the community or ---

3 **REV. BRYAN:** I would think probably more so
4 the community than the Board, the Commission.

5 **MS. HAMOU:** Now, sir, I understand that a
6 Level 3 inspection was conducted by the CPS by Policing
7 Services Divisions of the Ministry of the Solicitor General
8 in 1991. I'd like to take you to this document and we're
9 just going to take a quick look at it, if we will.

10 Mr. Commissioner, this is already an
11 exhibit. It's 1391.

12 Sorry, Mr. Commissioner, I indicated it was
13 in 1991; I was mistaken. It's actually November of 1990.

14 **THE COMMISSIONER:** Yes.

15 **MS. HAMOU:** Now, sir, before we go into this
16 report, I understand you had some health problems while you
17 were on the Cornwall Police Services Board?

18 **REV. BRYAN:** Yes.

19 **MS. HAMOU:** And can you tell me ---

20 **REV. BRYAN:** In 1989, December 15th, I had a
21 heart attack.

22 **MS. HAMOU:** December 15th, 1989, and do you
23 have an idea when you returned to the Cornwall Police?

24 **REV. BRYAN:** I believe I returned ---

25 **MS. HAMOU:** Your Board work, sorry.

1 **REV. BRYAN:** I believe I returned to the
2 Board April or May of 1990.

3 **MS. HAMOU:** Is it possible you would have
4 returned a bit earlier?

5 **REV. BRYAN:** Earlier than April, no.

6 **MS. HAMOU:** Sir, I just want to take you to
7 -- I'm sorry, I'm skipping from document. I just want to
8 have Mr. Bryan identify when he was with the Board.

9 There's a document dated March 14th, 1990
10 that seems to indicate you were in attendance at the
11 meeting. Do you want to see this document, sir ---

12 **MS. HAMOU:** Yes, please.

13 **REV. BRYAN:** --- to refresh your memory?

14 The document number is on the cross list,
15 Madam Clerk, it's Document Number 128725.

16 **THE COMMISSIONER:** Thank you.

17 Exhibit 1979 is a Board of Commissioners of
18 Police for the City of Cornwall minutes of meeting dated
19 March 14th, 1990.

20 **---EXHIBIT NO./PIÈCE NO. P-1979:**

21 (128725) - Police Commission Meeting - Open
22 Session Minutes dated March 14, 1990

23 **REV. BRYAN:** Okay. Yes, I'm on there.

24 **MS. HAMOU:** So you see your name appears as
25 one of the members present?

1 **REV. BRYAN:** Yeah.

2 **MS. HAMOU:** So it's possible you didn't take
3 much time when you suffered health ---

4 **REV. BRYAN:** Yes, sure.

5 **MS. HAMOU:** --- issues? Okay.

6 **REV. BRYAN:** I knew I took three months
7 because the doctor required it, but I might have snuck in a
8 meeting in between.

9 **THE COMMISSIONER:** One would say that's
10 typical male reaction.

11 **REV. BRYAN:** Thank you.

12 **MS. HAMOU:** Now, sir, if you still have the
13 Exhibit 1391, we're going to go back to that one now.

14 **REV. BRYAN:** Yes.

15 **MS. HAMOU:** Do you still have it opened?

16 **REV. BRYAN:** Yes.

17 **MS. HAMOU:** So the first issue I'd like to
18 bring your attention to is on page 7180524.

19 **REV. BRYAN:** Yes.

20 **MS. HAMOU:** And if we look at the first
21 paragraph, the second sentence starting with "Interviews".
22 Do you have that, sir?

23 **REV. BRYAN:** Yes, I have.

24 **MS. HAMOU:** So I'll just read you the
25 passage.

1 "Interviews were conducted with 18
2 uniform and 6 civilian staff. Meetings
3 were held with Mayor Phil Poirier and
4 the following members of the police
5 governing authorities, Chairman Ron
6 Adams, Vice-Chairman Phil Poirier and
7 members Lorraine Robertson, Gordon
8 Bryan and Guy Léger."

9 Do you recall being interviewed, sir, with
10 regard to this Level 3 inspection?

11 **REV. BRYAN:** No, I don't. It probably
12 happened but I'm sorry, I don't remember.

13 **MS. HAMOU:** And do you recall this Level 3
14 inspection and why it would have happened?

15 **REV. BRYAN:** No. And again, perhaps as part
16 of my process, I was told by my doctor originally that my
17 short-term memory probably would be affected for three to
18 six months because of undergoing the anesthesia for my
19 operation. So it's quite possible, but I don't remember
20 it.

21 **MS. HAMOU:** And, sir, I'm going to take you
22 to another passage of this document; if you can refer to
23 Bates page 7180526?

24 **REV. BRYAN:** Yes.

25 **MS. HAMOU:** In the second paragraph, there

1 is an indication of a broader discussion about the problems
2 with communication and morale that had been ongoing at that
3 time. Do you want to take a moment to review that
4 paragraph, sir?

5 (SHORT PAUSE/COURTE PAUSE)

6 REV. BRYAN: Yes.

7 MS. HAMOU: You've reviewed the paragraph?
8 Does this bring back any memories with regards to why this
9 issue came up with the Board?

10 REV. BRYAN: I'm sorry. Again, it's not
11 coming through. I find that I've had a very difficult time
12 even going through the other report that was dated for --
13 I'm just trying to remember what the name of it was -- the
14 strategic planning document. I went through ---

15 MS. HAMOU: That you've reviewed in
16 preparation?

17 REV. BRYAN: I went through it last night
18 and for the life of me, I can't remember ever seeing it
19 before other than having read it in my file.

20 MS. HAMOU: So, sir, I'm just going to bring
21 you to a few other issues and if you don't recall, that's
22 fine, but I want to get your evidence on it.

23 If you turn the page to 7180527.

24 REV. BRYAN: Two-seven (27), yes.

25 MS. HAMOU: And if you look midway through

1 the paragraph ---

2 THE COMMISSIONER: Page?

3 REV. BRYAN: The first paragraph?

4 MS. HAMOU: Yes, sir.

5 REV. BRYAN: Okay.

6 MS. HAMOU: And there's an indication and
7 I'll read you the excerpt here.

8 "To the surprise of the Board members,
9 Chief Shaver announced at the meeting
10 that he had engaged the services of
11 management consultant Suzanne McGlashan
12 to address the internal problems of the
13 Cornwall Police Service. The Board was
14 in complete agreement that employing a
15 management consultant was a wise
16 approach but Board members were
17 considerably annoyed that they were not
18 consulted prior to the employment of
19 Mrs. McGlashan."

20 Now, sir, do you remember this meeting that
21 would have taken place on March 15th, 1990, shortly after
22 you returned?

23 REV. BRYAN: I don't, but I do remember the
24 fact that they were displeased with the Chief for hiring
25 someone prior to getting Board agreement.

1 MS. HAMOU: And how ---

2 REV. BRYAN: That's about it.

3 MS. HAMOU: I'm sorry?

4 REV. BRYAN: I say that's about it. I just
5 ---

6 MS. HAMOU: And how would you have learned
7 of this information?

8 REV. BRYAN: That is probably part of my
9 memory that I do remember about Mrs. McGlashan, very lovely
10 person who seemed to have a very good idea on how to
11 reorganize things. But again, it's all in bits in pieces
12 that I can't put together unfortunately.

13 MS. HAMOU: I'd like to show you a document,
14 sir. It's Exhibit 1389.

15 REV. BRYAN: Is this one finished?

16 MS. HAMOU: Actually you might leave it
17 opened, we might ---

18 REV. BRYAN: Okay.

19 MS. HAMOU: --- just go back to it.

20 REV. BRYAN: Oh, sorry. Yes?

21 MS. HAMOU: Now, sir, this is a document
22 entitled "The Morale Report". Have you ever seen this
23 report?

24 REV. BRYAN: If it was in my package, I
25 probably read it but I can't remember even for that. I've

1 been reading a heck of a lot in the last little while.

2 **MS. HAMOU:** I'm sorry. I'll rephrase that.

3 So before your preparation for testimony
4 before the Inquiry, do you recall having seen this
5 document?

6 **REV. BRYAN:** No.

7 **MS. HAMOU:** And when you reviewed it in
8 preparation for the Inquiry, did it refresh your memory?

9 **REV. BRYAN:** I'd hoped it would but it
10 didn't.

11 **THE COMMISSIONER:** Maybe we can try it
12 another way, sir. Do you recall your time on the Board
13 generally?

14 **REV. BRYAN:** Not a heck of a lot of it.

15 **THE COMMISSIONER:** Okay. Do you remember
16 that the rank-and-file were not pleased with the Chief,
17 generally speaking?

18 **REV. BRYAN:** Yes.

19 **THE COMMISSIONER:** Do you recall that the
20 senior officers would have signed a document as well,
21 saying, "Listen, we don't want him to leave but I think we
22 have to do a major overall and we've got to get going on
23 this"?

24 **REV. BRYAN:** That's another part that I
25 couldn't remember until I read it in the ---

1 **THE COMMISSIONER:** Do you know if you spoke
2 to your son-in-law about any of this during that time?

3 **REV. BRYAN:** I wouldn't have, no.

4 **THE COMMISSIONER:** You wouldn't have. Okay.
5 Okay, well, I don't know how much more
6 you're going to get but ---

7 **MS. HAMOU:** No, absolutely.

8 **THE COMMISSIONER:** During your stay on the
9 Board, did you establish a working relationship with the
10 Chief; do you recall that, if you did?

11 **REV. BRYAN:** I met the Chief generally at
12 meetings.

13 **THE COMMISSIONER:** Yes?

14 **REV. BRYAN:** That was fairly it. I wasn't
15 one that would go into the police station to discuss
16 things.

17 **THE COMMISSIONER:** Right.

18 **MS. HAMOU:** Sir, while we're on the topic of
19 the Chief, I'd like to take you to a document we looked at
20 yesterday which is Exhibit 1974.

21 **THE COMMISSIONER:** In the same book, sir.
22 Backwards. No, it's in the same book, 1974, sir.

23 **REV. BRYAN:** It's in this other one.

24 **THE COMMISSIONER:** Oh, is it? I'm sorry.
25 Thirteen-seventy-four (1374)?

1 **MS. HAMOU:** Nineteen-seventy-four (1974).

2 **THE COMMISSIONER:** Ah, okay, sorry.

3 Okay, so we're back to your statement given
4 to the police in 2000?

5 **REV. BRYAN:** Yes.

6 **MS. HAMOU:** And, sir, if you can refer to
7 the second last page which is Bates page 7011288.

8 **REV. BRYAN:** Yes.

9 **MS. HAMOU:** You will see the second question
10 that Mr. Hall asks you. He asks what are your impressions
11 of Chief Claude Shaver at the time, and he's speaking of
12 the time when you were on the Board.

13 **REV. BRYAN:** Yes.

14 **MS. HAMOU:** Now, I'd just like to read you
15 your answer and I'll ask you a few questions afterwards.
16 Your answer is:

17 "Well, I guess the easiest way to make
18 you aware of a little meeting that had
19 been held between the Board, the
20 Association and the Chief -- Chief and
21 the Assistant Chief, because some
22 difficulties between the Association
23 and the Chief, and I had come out with
24 a statement that I felt if it had been
25 a normal course of any business where a

1 company that -- that the Chief and the
2 superior officers would have been fired
3 and would have ended up with a new
4 slate, and the Chief was not very happy
5 with me from that point on."

6 **REV. BRYAN:** I don't think anybody would
7 have been happy with me saying that one.

8 **MS. HAMOU:** Sir, do you recall this ---

9 **REV. BRYAN:** I remember the interview but I
10 certainly can't remember the context. I know -- I know we
11 had a -- an open meeting, but when it was or how it
12 materialised to the point that I would have said that, I
13 don't remember.

14 **MS. HAMOU:** And you don't recall the
15 altercation with Chief Shaver?

16 **THE COMMISSIONER:** "Altercation" is a big
17 word there, but the heated -- was it a heated discussion or
18 do you ---

19 **REV. BRYAN:** No, it wasn't a heated
20 discussion. I think he was somewhat taken aback at -- by
21 my comment, but again I don't think it was something that
22 he -- he would have been very angry with, but ---

23 **MR. CALLAGHAN:** Mr. Commissioner, I rise --
24 probably delayed on that answer, but to point out that I
25 don't believe that comment was put to Chief Shaver, even

1 though obviously it was known before he testified, because
2 he testified at the end of June.

3 You'll obviously take that into
4 consideration. It's out now but, you know, you've been --
5 at times you've been very careful about, you know, the rule
6 in *Dunne v. Brown*, just out of fairness, but I raise that.
7 Mr. Shaver's counsel is not here but I thought I should put
8 that on the record.

9 **THE COMMISSIONER:** Certainly.

10 Carry on, please.

11 **MS. HAMOU:** That's it for my questions with
12 regards to the Board, sir.

13 I'd now like to move on to the last topic
14 I'd like to address in your testimony, which is your
15 knowledge of allegations against members of the clergy.
16 We're going to start with a document that's in the cross
17 documents, 737923.

18 **THE COMMISSIONER:** Exhibit number 1980 is a
19 letter addressed to Scott and Aylen, dated May 17th 1995,
20 signed by Reverend Gordon Bryan. Exhibit 1980.

21 **--- EXHIBIT NO./PIÈCE NO. P-1980:**

22 (737923) Letter addressed to Scott & Aylen,
23 signed by Rev. Gordon Bryan - 17 May 95

24 **MS. HAMOU:** Reverend Bryan, do you remember
25 seeing this letter -- writing this letter?

1 (SHORT PAUSE/COURTE PAUSE)

2 REV. BRYAN: Yes, I do.

3 MS. HAMOU: Now, can you explain to me the
4 circumstances leading up to you writing a letter to Mr.
5 Annis about Father Francis Lefebvre?

6 REV. BRYAN: I think it was a request sent
7 to the Bishop, asking about the background of Francis
8 Lefebvre -- Father Lefebvre.

9 MS. HAMOU: And at that time did the Bishop
10 discuss with you what the allegations being made were?

11 REV. BRYAN: He mentioned about Mr. Gauthier
12 but he didn't indicate that -- Mr. Gauthier?

13 THE COMMISSIONER: Well, we'll ---

14 REV. BRYAN: Is that the wrong one?

15 THE COMMISSIONER: No, we'll try to refrain
16 from ---

17 REV. BRYAN: Oh, I'm sorry.

18 THE COMMISSIONER: He's not on the ---

19 REV. BRYAN: I wasn't aware.

20 THE COMMISSIONER: He's not on the list.

21 Yes, sir?

22 MR. LEE: I represent Mr. Gauthier. He's a
23 member of the victims group but we have no confidentiality
24 concerns.

25 THE COMMISSIONER: All right, good, so we

1 can talk about Mr. Gauthier, mention his name.

2 MS. HAMOU: So, sir, in your conversations
3 with the Bishop, what did the Bishop indicate to you with
4 regards to this matter?

5 REV. BRYAN: He indicated, I think, that
6 there was a charge that had been laid, and again I'm not
7 absolutely sure on that one, but I do know that he wanted
8 me to get the background for Father Lefebvre. I had been a
9 parishioner of Father Lefebvre's back at about that same
10 time. I was a teen with him when they first started the
11 church in the school.

12 MS. HAMOU: And on what basis were you asked
13 to provide this information? Was it ---

14 REV. BRYAN: Because I had -- I had a card
15 system there which would indicate all of his appointments
16 over the years, and when he died, et cetera, so my
17 secretary would have pulled all of that out to have me
18 draft this up for ---

19 MS. HAMOU: So that is to say ---

20 REV. BRYAN: --- drafts.

21 MS. HAMOU: --- a personnel file of some
22 sorts?

23 REV. BRYAN: No. It was a card index for --
24 we say like an interview with a newspaper, this kind of
25 thing, would give the sequence of -- of where he worked and

1 at -- at what particular parish at what time.

2 MS. HAMOU: So it's a sequence of
3 appointments for a priest in the Diocese?

4 REV. BRYAN: That's right.

5 MS. HAMOU: And, sir, are you aware of --
6 personally aware of what happened to the -- the civil
7 litigation claim presented to the Diocese in 1995?

8 REV. BRYAN: No, I'm not aware. Final
9 outcome, no.

10 MS. HAMOU: Do you want me to ---

11 MR. SHERRIFF-SCOTT: There's a premise there
12 that there was a piece of civil litigation and -- which is
13 not accurate, but ---

14 THE COMMISSIONER: Well, he used the word
15 "charge" and you can't charge a dead person, so ---

16 MR. SHERRIFF-SCOTT: No, exactly.

17 THE COMMISSIONER: That's all.

18 MR. SHERRIFF-SCOTT: But there was no civil
19 litigation. My friend has the documents and so she -- she
20 might want to refresh his memory.

21 MS. HAMOU: Well, sir, there was intended
22 civil litigation. If we can go to the document, it is
23 737922 and it is a cross document.

24 THE COMMISSIONER: That's a new document,
25 sir.

1 **REV. BRYAN:** Okay.

2 **(SHORT PAUSE/COURTE PAUSE)**

3 **THE COMMISSIONER:** Thank you.

4 **REV. BRYAN:** Thank you.

5 **THE COMMISSIONER:** Exhibit 1981 is a letter
6 dated May 5th, 1995, addressed to Bishop Eugene Larocque
7 from Howard Yegendorf.

8 **--- EXHIBIT NO./PIÈCE NO. P-1981:**

9 (737922) Letter to Bishop Larocque from
10 Howard Yegendorf - 5 May 95

11 **MS. HAMOU:** So, sir, would you have had
12 knowledge of this document? It came about 10 days before -
13 - 10 or 12 days before you sent your letter to Peter Annis.

14 **REV. BRYAN:** I don't remember seeing a
15 formal document about it. I think the Bishop -- when he
16 gave me instructions, this was basically what I produced
17 for him.

18 **MS. HAMOU:** And you see, sir, that the re:
19 line notes, "Intended action against the Diocese of
20 Alexandria-Cornwall."

21 **REV. BRYAN:** Yes.

22 **MS. HAMOU:** So it was a potential claim?

23 **THE COMMISSIONER:** Well, it was an
24 invitation to negotiate prior to commencing an action.

25 **MS. HAMOU:** You weren't aware of that?

1 **REV. BRYAN:** No.

2 **MS. HAMOU:** Now, sir, my last question with
3 regards to Father Francis Lefebvre; did you have any
4 knowledge of allegations of sexual abuse prior to receiving
5 these letters?

6 **REV. BRYAN:** No.

7 **MS. HAMOU:** Or these instructions from the
8 Bishop?

9 **REV. BRYAN:** No.

10 **MS. HAMOU:** And at that time did you know if
11 the complainant had brought his complaint forward to the
12 Cornwall Police Service?

13 **REV. BRYAN:** I wasn't aware of that, no.

14 **MS. HAMOU:** Was Father Lefebvre still
15 working in the Diocese?

16 **REV. BRYAN:** In 1995? I don't know. I
17 think he was -- was he dead ---

18 **THE COMMISSIONER:** Yeah.

19 **REV. BRYAN:** --- by that time?

20 **THE COMMISSIONER:** Oh, yeah.

21 **MS. HAMOU:** I believe you indicated that in
22 your -- the letter we were looking at just before, Exhibit
23 1980. You indicated he was deceased at that time.

24 **THE COMMISSIONER:** Well, he was deceased in
25 1978.

1 **REV. BRYAN:** Yeah.

2 **THE COMMISSIONER:** That's what you've
3 indicated.

4 **MS. HAMOU:** Sir, I'd now like to ask you a
5 few questions about Father Paul Desilets.

6 **REV. BRYAN:** Who?

7 **MS. HAMOU:** Father Paul Desilets.

8 **THE COMMISSIONER:** Paul Desilets.

9 **REV. BRYAN:** I'm sorry, I don't know the
10 name.

11 **MS. HAMOU:** You don't know the name? Well,
12 I'm just going to refer you to a document, and perhaps this
13 will refresh your memory.

14 Madam Clerk, this is a new document, Exhibit
15 -- Number 728161.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **THE COMMISSIONER:** Exhibit Number 1982 is a
18 general occurrence report dated in 2002, the fifth month,
19 third day.

20 **--- EXHIBIT NO./PIÈCE NO. P-1982:**

21 (728161) General Occurrence Report dated May
22 3, 2002

23 **MS. HAMOU:** Now ---

24 **THE COMMISSIONER:** Sir, do you see the name
25 there?

1 **REV. BRYAN:** Yes, I do.

2 **THE COMMISSIONER:** Do you recognize that
3 name?

4 **REV. BRYAN:** I didn't recognize it, but I
5 think, if I'm not mistaken, Constable Derochie came down --
6 -

7 **MS. HAMOU:** Pardon me?

8 **REV. BRYAN:** If I'm not mistaken, Constable
9 Derochie came down to the Diocesan Centre and asked me to
10 look up a personnel file.

11 **MS. HAMOU:** Actually, sir, if I can bring
12 you down to the last two paragraphs, I think there's a
13 record of what Derochie -- Sergeant Derochie says occurred.

14 So if we look, it notes:

15 "On May 3rd, I had a telephone
16 conversation with..."

17 **REV. BRYAN:** Okay.

18 **MS. HAMOU:** "...Deacon Gordon Bryan. I
19 informed him of my request from the
20 Bellingham PD and asked if he could
21 help with information with regards to
22 Father Désilets."

23 So does this refresh your memory with ---

24 **REV. BRYAN:** It basically was in a file, I
25 believe, in the Bishop's office and I photocopied those and

1 sent them on, yes.

2 MS. HAMOU: And is this similar to the card
3 index you referred me to earlier?

4 REV. BRYAN: No, that would have been in a
5 file of those that were no longer present in the Diocese, I
6 would assume. I'm not too sure.

7 MS. HAMOU: So are you saying that the
8 Bishop had personnel files for people who left the Diocese?

9 REV. BRYAN: Usually they were kept for
10 records, yes.

11 MS. HAMOU: And do you know if there were
12 current personnel files?

13 REV. BRYAN: In the Bishop's office, there
14 should -- he would normally have current ones, yes.

15 MS. HAMOU: Sir, did you have any further
16 involvement with this matter after providing letters to
17 Sergeant Derochie?

18 REV. BRYAN: Not that I can remember.

19 MS. HAMOU: And did you know of any
20 allegations made in the Diocese with regards to Father
21 Désilets?

22 REV. BRYAN: Other than the letters that I
23 had produced, no.

24 MR. CALLAGHAN: This issue has not been
25 canvassed. I think there was one question in all of our

1 time -- I think the public should be aware this was not --
2 because they don't have the documents -- this is a
3 situation where the Bellingham Police in the United States
4 were asking for assistance by the Cornwall Police, who were
5 communicating with the Diocese. I don't think it's been
6 explained. This is not any -- there's no allegations in
7 this community regarding this individual. This is
8 assisting a U.S. investigation.

9 Thank you.

10 **MS. HAMOU:** Sir, to your knowledge, did the
11 content of these letters reveal any allegations of sexual
12 abuse?

13 **REV. BRYAN:** I received the letters. I
14 photocopied them or I -- excuse me; I shouldn't say I
15 photocopied them. I think I sent them by fax and I
16 returned them to the file folder.

17 **THE COMMISSIONER:** So ---

18 **REV. BRYAN:** I wasn't curious.

19 **MS. HAMOU:** Sir, perhaps we can take a look
20 at the letters that were sent and you can let me know if
21 these are the ones you would have sent over?

22 **REV. BRYAN:** Those are the ones that were in
23 my file. I looked at them and it just doesn't ring any
24 bells for the reading other than the name that ---

25 **MS. HAMOU:** So, Mr. Commissioner, we'll just

1 enter those series of letters.

2 **THE COMMISSIONER:** M'hm.

3 **MS. HAMOU:** Madam Clerk, these in cross
4 documents, and I'll identify the numbers for you, 728141 --
5 do you want them all together -- 728143, 728145, 728147,
6 728149, 728153, 728155. That's the end of it.

7 **MR. SHERRIFF-SCOTT:** I don't want the public
8 left with any impression that -- if you look at these
9 letters you'll see their administrative. There's no
10 allegations contained ---

11 **THE COMMISSIONER:** Oh no, and I'm sure that
12 will come up, Mr. Sherriff-Scott.

13 **MR. SHERRIFF-SCOTT:** Thank you.

14 **(SHORT PAUSE/COURTE PAUSE)**

15 **THE COMMISSIONER:** Exhibit 1983 is a letter
16 to Father Lebrun dated July 27, 1966 from Paul Désilets.

17 **--- EXHIBIT NO./PIÈCE NO. P-1983:**

18 (728141) Letter to Father Lebrun from Paul
19 Désilets dated July 27, 1966

20 **THE COMMISSIONER:** Exhibit 1984 is a letter
21 to Reverend Paul Désilets dated July 30th, 1966 from Father
22 -- Vice Chancellor.

23 **--- EXHIBIT NO./PIÈCE NO. P-1984:**

24 (728143) Letter from Vice Chancellor to Paul
25 Désilets dated July 30, 1966

1 **THE COMMISSIONER:** Exhibit 1985 is a letter
2 dated September 4th, 1966 addressed to Reverend Father Paul
3 Désilets from Auxiliary Bishop Joseph Aurele Plourde.

4 **--- EXHIBIT NO./PIÈCE NO. P-1985**

5 (728145) Letter to Paul Désilets from Joseph
6 Aurele Plourde dated September 4, 1966

7 **THE COMMISSIONER:** And 1986 is a letter
8 dated November 19th, 1966 from -- addressed, sorry, to
9 Reverend Father Réjean Lebrun from Paul Désilets.

10 **--- EXHIBIT NO./PIÈCE NO. P-1986:**

11 (728147) Letter to Réjean Lebrun from Paul
12 Désilets dated November 19, 1966

13 **THE COMMISSIONER:** Exhibit 1987 is a letter
14 dated November 22nd, 1966 addressed to the Reverend Father
15 Paul Désilets from Réjean, priest -- Father Réjean, I
16 guess.

17 **MS. HAMOU:** I believe that's Father Lebrun,
18 sir.

19 **THE COMMISSIONER:** Oh, Réjean Lebrun. Okay.
20 Good. Thank you.

21 **--- EXHIBIT NO./PIÈCE NO. P-1987:**

22 (728149) Letter to Paul Désilets from Réjean
23 Lebrun dated November 22, 1966

24 **THE COMMISSIONER:** Exhibit 1988 is a letter
25 dated December 5th, 1966 to Father Paul Désilets from Réjean

1 Lebrun.

2 --- EXHIBIT NO./PIÈCE NO. P-1988:

3 (728153) Letter to Paul Désilets from Réjean
4 Lebrun dated December 5, 1966

5 **THE COMMISSIONER:** Thank you. And Exhibit
6 Number 1989 is a letter dated April 24th, 1967 to
7 Monseigneur Plourde from Paul Désilets.

8 --- EXHIBIT NO./PIÈCE NO. P-1989:

9 (728155) Letter to J.A. Plourde from Paul
10 Désilets dated April 24, 1967

11 **MS. HAMOU:** Now, sir, there appear to be
12 seven letters that I've just given to you. It appears that
13 you provided Garry Derochie with four letters, but it would
14 have been one of these -- four of these, sorry?

15 **REV. BRYAN:** I believe so. It would be
16 basically whatever one was named Father Désilets, yes.

17 **MS. HAMOU:** And can you review these
18 letters? Take a moment to review them. I just want you to
19 confirm that there are no allegations of abuse in these
20 letters, sir. I've reviewed them myself, but I just want
21 you to ---

22 **REV. BRYAN:** Which four do you want me to
23 review or all of them?

24 **MS. HAMOU:** Actually, review all of them
25 just to clear the air.

1 (SHORT PAUSE/COURTE PAUSE)

2 REV. BRYAN: Would you know what the J.E.M.
3 stood for?

4 MS. HAMOU: I'm sorry, sir, which letter are
5 you looking at?

6 REV. BRYAN: That's the November 22nd.

7 THE COMMISSIONER: Jeunesse en marche.

8 REV. BRYAN: Okay.

9 THE COMMISSIONER: Youth on the Move.

10 REV. BRYAN: I think I've heard of it.

11 THE COMMISSIONER: All right.

12 REV. BRYAN: Thank you.

13 I got my answer on the September 4th one.
14 Thank you.

15 (SHORT PAUSE/COURTE PAUSE)

16 REV. BRYAN: Yes.

17 MS. HAMOU: You've had an opportunity to
18 review the letters?

19 REV. BRYAN: Yes.

20 MS. HAMOU: And do any of the letters refer
21 to any allegations of sexual abuse?

22 REV. BRYAN: No, they don't.

23 MS. HAMOU: Sir, I'd now like to move to
24 another person, Father Lucien Lussier. Do you know a
25 Father Lucien Lussier?

1 **REV. BRYAN:** Yes, he was pastor of Moose
2 Creek before he retired I believe.

3 **MS. HAMOU:** And I would like to show you a
4 document -- Madam Clerk, it is a cross document, Number
5 119662.

6 **THE COMMISSIONER:** Thank you.
7 Exhibit 1990 is a letter dated August 17th,
8 1998 to Père Lussier to Bishop Larocque.

9 **--- EXHIBIT NO./PIÈCE NO. P-1990:**
10 (119662) - Letter from Eugene Larocque to
11 Lucien Lussier dated August 17, 1998

12 **MS. HAMOU:** Now, sir, this letter appears to
13 have been copied to yourself?

14 **REV. BRYAN:** Yes, it appears so.

15 **MS. HAMOU:** And it is an appointment of
16 Father Lussier to Villa St-Joseph in 1998?

17 Now, sir, do you know why this letter would
18 have been copied to you?

19 **REV. BRYAN:** I ended up being asked by the
20 Bishop to move Father into housing which was close to the
21 Villa, so that may have been the reason. Other than that,
22 no.

23 **MS. HAMOU:** And, sir, were you aware ---

24 **REV. BRYAN:** And I was on the board I think
25 of the Villa at that time too.

1 MS. HAMOU: Pardon me?

2 REV. BRYAN: I was on the board of the Villa
3 at that time.

4 MS. HAMOU: And, sir, do you know what the
5 circumstances leading up to this transfer were?

6 REV. BRYAN: I believe he was retired at
7 that particular time and I think Father Gordy Villeneuve
8 had died and they needed a chaplain at the Villa.

9 MS. HAMOU: And, sir, were you aware that
10 Father Lucien Lussier had gone to Southdown the year prior?

11 REV. BRYAN: No -- oh, yes, I did because it
12 was billed to me, that's true. It was billed to the
13 office.

14 MS. HAMOU: And do you know why Father
15 Lussier would have attended Southdown?

16 REV. BRYAN: I don't know whether it was
17 alcohol or anger management, but I knew that he had a very
18 light flashpoint. He got angry very easily.

19 MS. HAMOU: Now, sir, did you know of any
20 allegations of sexual abuse being made against Father
21 Lussier?

22 REV. BRYAN: Not that I can think of.

23 MS. HAMOU: Now, sir, I'd like to ask you a
24 general question in ending my examination.

25 I would like to ask you if you have any

1 knowledge of allegations of sexual abuse being made against
2 members of the clergy before these allegations are brought
3 to the police or to the Diocese -- not to the Diocese but
4 passed onto the Diocese by the police, or made through
5 public litigation or through the media.

6 So before it becomes public, did you ever
7 have any knowledge of allegations of sexual abuse against
8 members of the clergy?

9 **REV. BRYAN:** Well, I couldn't tell you. I
10 don't know. Even thinking back on that one, that's a tough
11 one to try and manage to say yes or no.

12 **MS. HAMOU:** Are you saying that because you
13 know of allegations?

14 **REV. BRYAN:** No, I'm saying it because I
15 don't know. I just don't know whether I would have known
16 of any or whether I didn't so -- and I don't know how to
17 put it unless I had a list of all the priests that were
18 charged and the dates and then I could tell you yes or no,
19 but I don't. I don't think I was aware of it that quickly
20 except if there was a claim laid and I sent it to our
21 insurers then perhaps yes, but ---

22 **MS. HAMOU:** Sir, I'm going to show you a
23 document and perhaps this will help. You asked about a
24 list. This is a list that one of my colleagues put to
25 witnesses but I will show you the list to see if it helps

1 your memory.

2 Madam Clerk, it's Exhibit 1855 and C-1856.

3 Reverend Bryan, the Document Number C-156
4 has names on the list, however, there is a confidentiality
5 order on those names so we cannot repeat them. So I would
6 just ask you not to repeat any of the names that are on the
7 shorter list.

8 **THE COMMISSIONER:** All right.

9 So what exhibit number are you on, sir?

10 **REV. BRYAN:** Eighteen-fifty-five (1855).

11 **THE COMMISSIONER:** Okay. That's a longer
12 list with about 16 names on it.

13 So your question?

14 **MS. HAMOU:** So, sir, if you can review the
15 names on this list and tell me if you were aware of
16 allegations of sexual abuse laid against these people
17 before the matters were public?

18 **REV. BRYAN:** If they were on the website,
19 the one website that -- is this part of it?

20 **MS. HAMOU:** No, the website is considered
21 public I suppose. I want to know if you had personal
22 knowledge of allegations.

23 **REV. BRYAN:** Prior to the website then,
24 yeah.

25 **MS. HAMOU:** Yeah.

1 **REV. BRYAN:** Father -- number one, no.
2 Number two, I don't know.

3 **THE COMMISSIONER:** You don't know the
4 person?

5 **REV. BRYAN:** That's right.

6 **THE COMMISSIONER:** Okay.

7 **REV. BRYAN:** Number three, we dealt with
8 that one and that's in 1966. I didn't know the Father.

9 Father Deslauriers, I heard about it, first
10 of all I think in the media before.

11 The next one I was unaware, no.

12 Six, I'm not too sure of number six.

13 **MS. HAMOU:** You're not too sure ---

14 **REV. BRYAN:** No, I'm just trying to think
15 whether or not I was aware of anything.

16 No, number six, no.

17 Number seven, if anything it would have been
18 rumour. I never heard anything directly.

19 **MS. HAMOU:** Do you recall what those rumours
20 would have been?

21 **REV. BRYAN:** That was before I even went to
22 the Diocese. I think it was at -- it had something to do
23 with St. John Bosco at that time.

24 Number eight, no; number nine, no; number
25 10, well, I was aware from the payout after the fact.

1 **MS. HAMOU:** After you wrote the cheque?

2 **REV. BRYAN:** Yes, it would be after.

3 Eleven (11), no; 12, no; 13, no; 14, no; 15,
4 no.

5 Sixteen (16), probably at the same time as
6 the other one that I indicated, St. John Bosco, but again a
7 rumour.

8 **MS. HAMOU:** So, sir, you've indicated to me
9 you had heard rumours about Father Paul Lapierre and Father
10 Carl Stone?

11 **REV. BRYAN:** That's right.

12 **MS. HAMOU:** And you don't recall what those
13 rumours were about?

14 **REV. BRYAN:** About allegations against them,
15 but there was nothing fleshed out, you know.

16 **MS. HAMOU:** And you ---

17 **REV. BRYAN:** I was a parishioner there at
18 Bosco at that particular time, I think.

19 **MS. HAMOU:** So which period of time would
20 that have been in, sir?

21 **REV. BRYAN:** Good question. When I first
22 got married. I would think it was probably then. I'd
23 better remember my -- my marriage date, shouldn't I? It
24 was in the '56, '57; somewhere in there.

25 **MS. HAMOU:** And, sir, can you take a look at

1 the second letter, please?

2 **THE COMMISSIONER:** The next exhibit.

3 **MS. HAMOU:** The second document, I'm sorry.
4 One fifty -- 1856.

5 **THE COMMISSIONER:** So these -- these
6 gentlemen that are on this list, I'd rather that you refer
7 to them by number rather than by name.

8 **REV. BRYAN:** Okay.

9 **THE COMMISSIONER:** So did you know the first
10 one?

11 **REV. BRYAN:** Yes, I -- at the Villa when he
12 -- he was a chaplain there for about three months.

13 **THE COMMISSIONER:** Don't want to know about
14 that. I don't want you ---

15 **REV. BRYAN:** Okay.

16 **THE COMMISSIONER:** --- talking about him.
17 So have you ever heard rumours of any improprieties ---

18 **REV. BRYAN:** No.

19 **THE COMMISSIONER:** --- about this man?

20 **REV. BRYAN:** In fact, in Glengarry he was a
21 great man, period.

22 **THE COMMISSIONER:** Okay.

23 **REV. BRYAN:** Number 2, no. Number 3, that
24 was the one I think on docket before. Number 4, definitely
25 not. I don't know the next one, 5.

1 **THE COMMISSIONER:** Okay. Thank you.

2 **MS. HAMOU:** Now, sir, my final question for
3 you today, up to this point, we ask all witnesses before
4 the Inquiry to provide the Commissioner with
5 recommendations with regards to his report on the
6 institutional response to allegations of sexual abuse.

7 Do you have any recommendations, sir?

8 **REV. BRYAN:** Not at this particular time.

9 **THE COMMISSIONER:** No words of wisdom for me
10 then?

11 **REV. BRYAN:** No. I'll have to get my joke
12 book out for that one.

13 **THE COMMISSIONER:** All right. Thank you.

14 **MS. HAMOU:** So, sir, I will now pass the
15 microphone to my colleagues who will be asking you some
16 questions.

17 **REV. BRYAN:** Thank you.

18 **MR. SHERRIFF-SCOTT:** Mr. Commissioner, I
19 wonder if we could just take a break before the cross-
20 examination to give the witness a little rest ---

21 **THE COMMISSIONER:** Sure.

22 **MR. SHERRIFF-SCOTT:** --- before he goes on.
23 Thank you.

24 **THE COMMISSIONER:** All right, let's take the
25 morning break.

1 **THE REGISTRAR:** Order; all rise. À l'ordre;
2 veuillez vous lever.

3 This hearing will resume at 11:10 a.m.

4 --- Upon recessing at 10:52 a.m./

5 L'audience est suspendue à 10h52

6 --- Upon resuming at 11:13 a.m./

7 L'audience est reprise à 11h13

8 **THE REGISTRAR:** Order; all rise. À l'ordre;
9 veuillez vous lever.

10 This hearing is now resumed. Please be
11 seated. Veuillez vous asseoir.

12 **THE COMMISSIONER:** Mr. Wardle, good morning.

13 **MR. WARDLE:** Good morning, Mr. Commissioner.

14 **MR. WARDLE:** Good morning, Reverend Bryan.

15 **REV. BRYAN:** Good morning.

16 --- **CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR**

17 **MR. WARDLE:**

18 **MR. WARDLE:** My name is Peter Wardle and I'm
19 here on behalf of Citizens for Community Renewal, which is
20 an organization of concerned Cornwall citizens determined
21 to promote needed institutional reforms so as to ensure the
22 protection of children and justice for all.

23 So I'm going to have a few questions for you
24 about a couple of different areas and I want to just start,
25 if I may, just by asking you a few questions about your

1 role as Bursar for the Diocese.

2 And first of all, just to place us in
3 context, I understand that you were Assistant Bursar from
4 1978 to 1982?

5 **REV. BRYAN:** Yes, that was one of my roles
6 but I was sort of a lot of other roles at the same time.

7 **MR. WARDLE:** And then you were Bursar from
8 1982 to 2000?

9 **REV. BRYAN:** That's right.

10 **MR. WARDLE:** Okay. And you described it as,
11 "Fiscal management of the affairs of the Diocesan Centre
12 and also of various parishes". Is that correct?

13 **REV. BRYAN:** That, plus I also looked after
14 the priests' pension fund. I also looked after the
15 cemeteries and the group requirements for *Cemeteries Act* to
16 have a single financial statement every year as well.

17 **MR. WARDLE:** So as I understand it, one of
18 your roles would be in connection with the sale of property
19 by the Diocese?

20 **REV. BRYAN:** Yes.

21 **MR. WARDLE:** And would it also include
22 individual parishes if a parish sold property?

23 **REV. BRYAN:** Parish could not sell property.

24 **MR. WARDLE:** Only the Diocese could sell
25 property?

1 **REV. BRYAN:** That's right. Parish could
2 recommend and the Diocese then would normally agree.

3 **MR. WARDLE:** So that all property within the
4 Diocese is actually the property of the Diocese. Is that
5 correct?

6 **REV. BRYAN:** That's right.

7 **MR. WARDLE:** Okay. And as well if -- I
8 understand repairs was one of the issues that would come to
9 you occasionally?

10 **REV. BRYAN:** If it's over \$10,000, yes.

11 **MR. WARDLE:** So individual parishes, if it
12 was relatively minor, could deal with it on their own, but
13 if it was a major thing it would come through you?

14 **REV. BRYAN:** Yes, generally.

15 **MR. WARDLE:** And you also, I took it -- you
16 didn't actually say this but I took it that you oversaw the
17 bookkeeping for the Diocese?

18 **REV. BRYAN:** Yes.

19 **MR. WARDLE:** And you had cheque-signing
20 authority?

21 **REV. BRYAN:** Yes, I did.

22 **MR. WARDLE:** And who else could sign cheques
23 on behalf of the Diocese?

24 **REV. BRYAN:** I think the Bishop, the
25 Chancellor, Vicar General.

1 **MR. WARDLE:** And was there joint cheque-
2 signing authority, do you recall, or could any one of those
3 individuals sign cheques?

4 **REV. BRYAN:** I believe any one of those
5 could.

6 **MR. WARDLE:** And typically would you be
7 handling banking on behalf of the Diocese in your role as
8 Bursar?

9 **REV. BRYAN:** Normally the bookkeeper would
10 do the banking unless he was absent, and then I would look
11 after it.

12 **MR. WARDLE:** And did you also have a role in
13 the preparation of annual financial statements?

14 **REV. BRYAN:** Yes, usually with the auditors
15 asking the various questions if they were unsure of what a
16 particular item was.

17 **MR. WARDLE:** And would you consider yourself
18 in a -- we may not use this word normally in connection
19 with a religious institution, but did you consider the
20 Bursar to have a sort of a managerial role?

21 **REV. BRYAN:** I would say as far as the
22 buildings et cetera, yes.

23 **MR. WARDLE:** So we could -- in connection
24 with financial matters?

25 **REV. BRYAN:** Yes.

1 **MR. WARDLE:** Now, if there was a payment
2 made from the Diocese, would -- of any significant sum, is
3 that something that would normally come to your attention?

4 **REV. BRYAN:** Yes, normally.

5 **MR. WARDLE:** So even if the Bishop or the
6 Chancellor signed a cheque, if it was for a significant sum
7 would it be normal practice for you to be made aware of it
8 at some point?

9 **REV. BRYAN:** Yes, the bookkeeper normally
10 would, if the bookkeeper prepared the cheque for them prior
11 to that, yes.

12 **MR. WARDLE:** And I understand -- and I'll
13 come back to this a little bit later, but you were the
14 person who had responsibility and knowledge of insurance
15 for the Diocese?

16 **REV. BRYAN:** Yes.

17 **MR. WARDLE:** So if, for example, the roof
18 caved in at a -- within a parish, a church within a
19 particular parish; if a tree fell on the roof and there was
20 an insurance claim, the parish priest or someone from that
21 parish would come to you?

22 **REV. BRYAN:** In most instances, but they
23 were -- they also had the numbers for the -- the insurance
24 company itself so that they could phone direct.

25 **MR. WARDLE:** But ---

1 **REV. BRYAN:** Usually then the insurer would
2 send me a note indicating there was a problem.

3 **MR. WARDLE:** So at some point in that
4 process you'd become involved in the ---

5 **REV. BRYAN:** I'd be in the loop, yes.

6 **MR. WARDLE:** In the loop, okay.

7 And was there occasionally civil litigation
8 within the Diocese? And I'm thinking of things like a
9 slip-and-fall, for example. Did that kind of thing come up
10 from time-to-time?

11 **REV. BRYAN:** I think there were some, yes.
12 I think one that I remember was a lady indicating that she
13 had fallen and -- in a nativity parking lot after bingo.
14 The insurance adjuster came down, got witnesses and found
15 that she'd fallen on actually the city property in the
16 middle of the road on McConnell. So that kind of thing,
17 yes.

18 **MR. WARDLE:** So in terms of -- and I'm going
19 to come to this in a moment -- but your relationship with
20 lawyers, it wouldn't be in relation to civil litigation, it
21 would be in relation to sale or purchase of property?

22 **REV. BRYAN:** That's right.

23 **MR. WARDLE:** Okay.

24 And you -- I'm not sure you actually
25 completely agreed with my friend's suggestion that you were

1 the right-hand man of the Bishop in financial matters.
2 Maybe we can re-characterize that a little bit.

3 The Bishop, I take it, relied on you to some
4 extent in connection with financial matters?

5 **REV. BRYAN:** Yes, he did.

6 **MR. WARDLE:** And would seek your advice on
7 those kinds of things?

8 **REV. BRYAN:** Not all the time but, yes.

9 **MR. WARDLE:** Okay. During the period you
10 were the Bursar, can you recall any occasions where the
11 Bishop made important financial decisions without your
12 involvement?

13 **REV. BRYAN:** No.

14 **MR. WARDLE:** And I -- my friend didn't ask
15 you this, but I'm going to. Does the Bursar have what I
16 would call a stewardship role, did you consider yourself to
17 have a responsibility to, you know, parishioners, to the
18 laity in connections with financial matters?

19 **REV. BRYAN:** You must have been talking to
20 some of the priests.

21 **(LAUGHTER/RIRES)**

22 **REV. BRYAN:** Because generally, they felt
23 that I tied the strings so tight that they thought that it
24 must be my money rather than the Church's. But ---

25 **MR. WARDLE:** Okay. But that's ---

1 **REV. BRYAN:** --- generally, I kept -- tried
2 to keep control.

3 **MR. WARDLE:** So I take that as you're
4 agreeing with me that you thought you had a role as Bursar
5 to make sure that the money of the Diocese was managed
6 properly.

7 **REV. BRYAN:** That's right. Just as a matter
8 ---

9 **MR. WARDLE:** So let's just talk ---

10 **REV. BRYAN:** Just as a matter of interest,
11 prior to my coming to the Diocese, we had headlines in the
12 Freeholder that the Diocese was close to bankruptcy. So
13 there was a need for very strict controls.

14 **MR. WARDLE:** Thank you. So I'm going to ask
15 you a few questions now about the Father Deslauriers
16 matter.

17 And first of all, I understand from your
18 evidence yesterday that you were in Africa when the matter
19 blew up. And you only found out about it after you came
20 back from Africa in the fall of 1986.

21 **REV. BRYAN:** Actually, it was the Christmas
22 of '85 that I came back.

23 **MR. WARDLE:** Well, maybe now I'm confused.

24 **REV. BRYAN:** I left in '84.

25 **MR. WARDLE:** Yes?

1 **REV. BRYAN:** Came back in '85.

2 **MR. WARDLE:** Okay.

3 **REV. BRYAN:** Christmas to Christmas.

4 **MR. WARDLE:** I think we're pretty clear that
5 the Deslauriers matter happened in 1986. And that it first
6 came up, in terms of the Diocese, in January or February.

7 **REV. BRYAN:** Yes.

8 **MR. WARDLE:** And I thought your evidence
9 yesterday was that you first learned about it in late 1986?

10 **REV. BRYAN:** I would say probably when it
11 appeared in the papers, I would have been aware of it.

12 **MR. WARDLE:** All right. So, at some point
13 during that period after Father Deslauriers was charged
14 criminally, you read about it like everyone else in the
15 newspaper?

16 **REV. BRYAN:** At that particular time, yes.

17 **MR. WARDLE:** And prior to that time, you
18 knew nothing about it?

19 **REV. BRYAN:** That's right.

20 **MR. WARDLE:** And what about the fact that
21 Father Deslauriers had left his position very suddenly and
22 gone elsewhere, did you know about that?

23 **REV. BRYAN:** I'm trying to remember that one
24 but I'm not too sure whether, you know -- I don't think so
25 but it's possible.

1 **MR. WARDLE:** All right.

2 **REV. BRYAN:** Because normally if he's moved
3 to another diocese, pension funds, et cetera, have to go to
4 the new diocese, so at that point I would probably be
5 advised.

6 **MR. WARDLE:** Well, I think we know from the
7 correspondence, and I'll come to it in a minute, that in
8 late 1986, you're discussing with the Bishop whether Father
9 Deslauriers should continue to receive a salary.

10 **REV. BRYAN:** That's right.

11 **MR. WARDLE:** And we know from other
12 documents that have been filed at the Inquiry that the
13 process of excardination and incardination in another
14 diocese took a significant period of time right into 1987.

15 **REV. BRYAN:** Yes.

16 **MR. WARDLE:** So I'm really focusing on the
17 1986 period in my questions.

18 **REV. BRYAN:** Okay.

19 **MR. WARDLE:** So I just want to deal briefly
20 with this issue of the bank account.

21 And as I understood from your evidence
22 yesterday, you discovered through really a routine audit
23 inquiry that came back to you that there was a bank account
24 in Father Deslauriers' name that no one knew about?

25 **REV. BRYAN:** That's right.

1 **MR. WARDLE:** And he had sole cheque signing
2 authority over that account?

3 **REV. BRYAN:** Yes.

4 **MR. WARDLE:** And did the bank actually --
5 like, I assume the bank must have given you enough
6 information so that you knew roughly how much money was in
7 the account?

8 **REV. BRYAN:** Yes. Actually, they gave me
9 the bank statement, I believe, for that time.

10 **MR. WARDLE:** And you then brought this to
11 the Bishop's attention and we went through the
12 correspondence with the Bishop yesterday.

13 And I just wanted to be clear. This is
14 after Father Deslauriers has left the Diocese. In other
15 words, do you recall that he had gone at that point and he
16 was no longer working in any capacity within the Diocese of
17 Alexandria-Cornwall? Do you recall that?

18 **REV. BRYAN:** I'm not too sure of the
19 timeline.

20 **MR. WARDLE:** Okay.

21 **REV. BRYAN:** But I certainly communicated
22 with Father Deslauriers about that account.

23 **MR. WARDLE:** And can we just turn up Exhibit
24 1957, just to orient you.

25 **THE COMMISSIONER:** Sorry, 1967?

1 **MR. WARDLE:** Sorry, I have it as 1957.

2 **THE COMMISSIONER:** Sorry. Okay. All right.

3 This is the note you would have sent to the
4 Bishop about that, sir.

5 **REV. BRYAN:** Yes.

6 **MR. WARDLE:** And do you recall discussing
7 this with my friend yesterday?

8 **REV. BRYAN:** Yes.

9 **MR. WARDLE:** So I took it from reading this
10 note that this discovery would have been of great concern
11 to you as Bursar of the Diocese?

12 **REV. BRYAN:** It was.

13 **MR. WARDLE:** And obviously, you express that
14 concern in the note. And then my understanding, from what
15 you told us, is that you gave the note to the Bishop. And
16 as far as you can recall, you never had any further
17 discussion with him about it?

18 **REV. BRYAN:** As far as I can recall, no.

19 **MR. WARDLE:** Okay. And you were shown some
20 correspondence between the Bishop and Father Deslauriers
21 about the subject and you'd never seen that correspondence
22 before?

23 **REV. BRYAN:** That's right.

24 **MR. WARDLE:** Okay. And ---

25 **REV. BRYAN:** Actually, I assumed that my

1 little note was not going to be something that the Bishop
2 would put into a letter to Father Deslauriers. So that was
3 kind of a revelation for me.

4 **MR. WARDLE:** All right. But you're not
5 surprised that the Bishop took some steps to try to deal
6 with it?

7 **REV. BRYAN:** That's right. I would have
8 assumed that he would have.

9 **MR. WARDLE:** Okay. What I wanted to ask you
10 about was this. You were unclear, I think, yesterday as to
11 whether the money had been repaid. And I took you to say
12 that from the records available to you, you're pretty sure
13 that it wasn't. Is that right?

14 **REV. BRYAN:** That's right.

15 **MR. WARDLE:** Okay. And it's possible that
16 the Bishop received the money back and deposited it
17 somewhere that you know, you wouldn't have known about.
18 But you think that's unlikely.

19 **REV. BRYAN:** It's a possibility though.

20 **MR. WARDLE:** Okay. And we'll have an
21 opportunity to ask the Bishop that when he comes here.

22 But assuming for a moment that the money
23 wasn't repaid, would it not have been a concern to you that
24 some steps should be taken to formally demand the money
25 back from Father Deslauriers?

1 **REV. BRYAN:** I would say yes. But
2 generally, with vocation legacies, the problem there is, if
3 somebody has been mandated to look after them, legally, I
4 believe they can.

5 **MR. WARDLE:** So you think there may have
6 been an issue about whether -- who had control over this
7 money, whether the Diocese had a right to it for example.

8 **REV. BRYAN:** That's right.

9 **MR. WARDLE:** Okay. Do you know whether the
10 Bishop sought any advice on this subject?

11 **REV. BRYAN:** He never talked to me on it.

12 **MR. WARDLE:** And you certainly never sought
13 legal advice about this issue?

14 **REV. BRYAN:** No.

15 **MR. WARDLE:** And is it fair to assume, sir,
16 that once you notify the Bishop about this, you left it to
17 him to deal with; is that correct?

18 **REV. BRYAN:** That's right.

19 **MR. WARDLE:** And you never heard anything
20 more about the subject?

21 **REV. BRYAN:** No.

22 **MR. WARDLE:** And I take it it goes without
23 saying that this never became public in any way within the
24 Diocese? It wasn't reported in some fashion in the
25 financial statements; it wouldn't have been shared with any

1 members of the laity as far as you know?

2 **REV. BRYAN:** As far as I know, no.

3 **MR. WARDLE:** And is it also fair to say that
4 had it become public, the missing money would have added to
5 the publicity that already surrounded Father Deslauriers'
6 departure from the Diocese?

7 **REV. BRYAN:** I would expect it would have,
8 yes.

9 **MR. WARDLE:** Now, just a few questions about
10 sort of the aftermath of Father Deslauriers' departure.
11 You testified yesterday that from time to time, the Bishop
12 would approve requests for counseling. And that you were
13 asked to sign cheques in connection with counseling;
14 correct?

15 **REV. BRYAN:** Yes, they would be billing from
16 a particular counsellor. The Bishop would put his initials
17 on it and would leave it with the bookkeeper to make a
18 cheque out for, and I would normally sign the cheque, yes.

19 **MR. WARDLE:** Now, do you recall how far back
20 in time that process extended? In other words, was that
21 something that was being done through the whole period you
22 were Bursar or ---

23 **REV. BRYAN:** No.

24 **MR. WARDLE:** --- just towards the end?

25 **REV. BRYAN:** Towards the end.

1 **MR. WARDLE:** Okay. Do you recall any
2 request for counselling in the period after Father
3 Deslauriers' departure?

4 **REV. BRYAN:** I don't recall, but there
5 possibly could have been.

6 **MR. WARDLE:** Okay. And I guess we'd have to
7 ask the Bishop and he might be able to help us more on
8 that?

9 **REV. BRYAN:** Probably.

10 **MR. WARDLE:** All right.

11 And if there was a request for counselling
12 during the period you were a Bursar, I take it you wouldn't
13 get the name of the person who was asking for counselling;
14 you'd just get the name of the counsellor and the amount?

15 **REV. BRYAN:** We'd normally get the billing,
16 yes, period.

17 **MR. WARDLE:** Okay. Just a few questions for
18 you, sir, about insurance, if I may. First of all, I
19 understand that the Diocese did not have its own policy.
20 In other words, it shared in a provincial policy. Is that
21 correct?

22 **REV. BRYAN:** In the early years, yes.

23 **MR. WARDLE:** Okay. So we can maybe
24 distinguish it. At one period of time there was one policy
25 for the Province arranged through the Ontario CCB. Is that

1 correct?

2 REV. BRYAN: OCCB, yes.

3 MR. WARDLE: And did that change at some
4 point?

5 REV. BRYAN: Well, that was before my time
6 because it had changed. During the time that I was there,
7 it started -- they started issuing individual policies ---

8 MR. WARDLE: All right. So at one point --
9 -

10 REV. BRYAN: --- to each parish.

11 MR. WARDLE: So at one point there was a
12 province-wide policy and at some point there was a diocese-
13 by-diocese policy?

14 REV. BRYAN: Parish-by-parish billing. I
15 think there were policies sent to every one of the parishes
16 originally.

17 MR. WARDLE: And you told us that you had an
18 interest in the subject of insurance and that at some
19 point, and I've got in my notes 1987, you began to
20 participate in a management board established by the OCCB.
21 Is that correct?

22 REV. BRYAN: That's correct.

23 MR. WARDLE: Okay. And you also dealt with
24 the broker on behalf of the Diocese?

25 REV. BRYAN: Yes. And then eventually with

1 the insurance company themselves.

2 MR. WARDLE: And I took it from what you
3 said yesterday about -- perhaps what we should do is turn
4 up a document and we can go from there.

5 I'll just ask you to turn up Exhibit 1970.

6 REV. BRYAN: Yes.

7 MR. WARDLE: So this is the document that
8 starts with the little note "Malpractice insurance." Do
9 you have that?

10 REV. BRYAN: Yes.

11 MR. WARDLE: And then there's some
12 correspondence from Reid Stenhouse, June 2, 1989.

13 So I understood one of your answers that
14 there was, at least at this period of time, 1989, there was
15 coverage for the Diocese for -- arising out of sexual abuse
16 allegations against priests provided that they were
17 current. Did I get that right?

18 REV. BRYAN: I would think yes.

19 MR. WARDLE: Okay. But with a historical
20 claim, the issue would be the policy would only respond for
21 the period when the actual event occurred.

22 REV. BRYAN: Yes.

23 MR. WARDLE: So if the event occurred back
24 in the 1970s, for example, you'd have to go back and figure
25 out what the policy was in the '70s and who the insurance

1 company was?

2 **REV. BRYAN:** That's right.

3 **MR. WARDLE:** Okay. Am I right though that
4 certainly this letter indicates that there is coverage of a
5 sort as set out here, and on the last page, Reid Stenhouse
6 offers some recommendations under the heading "What should
7 we watch out for?" Do you see that?

8 **REV. BRYAN:** Yes.

9 **MR. WARDLE:** And those aren't very
10 surprising recommendations. One of them, obviously, is to,
11 "avoid making any admission of liability or responsibility;
12 avoid any form of reimbursement or payment without the
13 consent of the insurer."

14 And you would also know, I take it, from
15 your background in this area that in order for a claim to
16 be honoured by the insurance company, it was important to
17 notify the insurer of the claim promptly?

18 **REV. BRYAN:** That's right.

19 **MR. WARDLE:** All right.

20 And then I note here at the very bottom it
21 says:

22 "Guidelines should be given to priests
23 and employees to avoid situations where
24 allegations could later be made against
25 them in the area of sexual misconduct,

1 especially if there are no witnesses
2 present who could refute such
3 statements."

4 Do you know whether this may have been part
5 of the sort of -- one of the things that led to the
6 establishment of a Diocesan policy, this kind of
7 recommendation from Reid Stenhouse?

8 **REV. BRYAN:** I would say it probably was one
9 of the intentions of the OCCB at that time, yes, to
10 establish something.

11 **MR. WARDLE:** And when was it you determined
12 that there was this issue potentially with historical
13 claims? Is that much later on in the late '90s or ---

14 **REV. BRYAN:** No, earlier we were trying to
15 discover those -- basically, the Insurance Management Board
16 was looking for something that would be an historical
17 document of listing these insurers at the particular time.

18 **MR. WARDLE:** And there ---

19 **REV. BRYAN:** But it was simply for their
20 archives at that particular time when it first arose.

21 **MR. WARDLE:** Okay. So it wasn't anything
22 specific to the Diocese of Alexandria-Cornwall? It was
23 just something being done at this management board level?

24 **REV. BRYAN:** That's right.

25 **MR. WARDLE:** Okay. Do you recall ever being

1 told by your agent or by the insurer that an apology to an
2 alleged victim would be problematic from an insurance point
3 of view?

4 **REV. BRYAN:** Not offhand, no.

5 **MR. WARDLE:** Okay. So let me turn then, if
6 I may, to the Silmsler matter. And I just -- before we get
7 into the details, I want to ask a few questions about two
8 individuals. First of all, Malcolm MacDonald, I understand
9 you knew Mr. MacDonald?

10 **REV. BRYAN:** I knew him to see him. I knew
11 he was a lawyer.

12 **MR. WARDLE:** And that's all you knew about
13 him?

14 **REV. BRYAN:** I knew he was a Knight of
15 Columbus, so that was about it, yes.

16 **MR. WARDLE:** Did you know that he was a
17 member of a particular parish or did you just assume that?

18 **REV. BRYAN:** I assumed he was St. Columban's
19 Parish, yes.

20 **MR. WARDLE:** Okay. And did you know that he
21 had acted as lawyer for that parish?

22 **REV. BRYAN:** I wasn't aware, no.

23 **MR. WARDLE:** Okay. And did you know ---

24 **REV. BRYAN:** I thought it was Adams. I
25 thought it was Adams that had looked after that.

1 **MR. WARDLE:** Okay. And I'm sorry, I may
2 have forgotten this; were you also active in the Knights of
3 Columbus?

4 **REV. BRYAN:** Yes.

5 **MR. WARDLE:** And so you had run into him in
6 connection with Knights' business; is that correct?

7 **REV. BRYAN:** No, I was at another council at
8 that particular time.

9 **MR. WARDLE:** So he was on a different
10 council, but you simply knew he was somebody associated
11 with the Knights of Columbus?

12 **REV. BRYAN:** That's right.

13 **MR. WARDLE:** And did you know that Malcolm
14 MacDonald was a friend of Father Charles MacDonald?

15 **REV. BRYAN:** I think after the fact, yes.

16 **MR. WARDLE:** But not at that time?

17 **REV. BRYAN:** No.

18 **MR. WARDLE:** And I have some questions for
19 you about Mr. Leduc. My friend asked you yesterday whether
20 he was the Diocesan lawyer generally, and your response
21 was:

22 "He was not on a general retainer.
23 When there was a matter, he was
24 called."

25 **REV. BRYAN:** Yes.

1 **MR. WARDLE:** And so is it fair to say he was
2 the lawyer the Diocese used generally for matters that they
3 needed a lawyer for? In other words, if a specific matter
4 came up, you would normally go to Mr. Leduc?

5 **REV. BRYAN:** Not exclusively because we had
6 dealt with other ones as well. Particularly in the
7 Alexandria area, we had -- and I can't remember the firm,
8 but it was used for properties out there as well.

9 **MR. WARDLE:** But in Cornwall matters ---

10 **REV. BRYAN:** Yes.

11 **MR. WARDLE:** --- he would be the person that
12 you would normally go to?

13 **REV. BRYAN:** Yeah.

14 **MR. WARDLE:** Okay. Unless of course he was
15 conflicted out or there was some other reason to go
16 elsewhere?

17 **REV. BRYAN:** Yeah.

18 **MR. WARDLE:** And did you establish a working
19 relationship with Mr. Leduc over the years?

20 **REV. BRYAN:** I would say yes; to some degree
21 a friendship. I like Jacques and I've been to dinner a
22 couple of times at his place, particularly on insurance
23 matters because he was acting for another insurance firm
24 that we were looking at to perhaps look after a risk pool
25 for a change for us.

1 **MR. WARDLE:** And was Mr. Leduc familiar with
2 the insurance policy for the Diocese?

3 **REV. BRYAN:** I don't believe I ever gave him
4 a copy of the insurance policy, no.

5 **MR. WARDLE:** Did you ever discuss insurance
6 matters with him?

7 **REV. BRYAN:** Other than the possibility of
8 moving over to another, no.

9 **MR. WARDLE:** But I take that he did act for
10 the Diocese on real estate transactions?

11 **REV. BRYAN:** Yes.

12 **MR. WARDLE:** And is it fair to say that you
13 trusted him and relied upon his advice?

14 **REV. BRYAN:** Certainly.

15 **MR. WARDLE:** And would that also be true of
16 the Bishop?

17 **REV. BRYAN:** I would think so, yes.

18 **MR. WARDLE:** Did the Bishop have as much to
19 do with Mr. Leduc as you did?

20 **REV. BRYAN:** I don't believe so, but Mr.
21 Leduc was also on the marriage tribunal, so it's possible
22 that he had some extra contacts with the Bishop that I
23 wasn't aware of. He was someone who gave a lot of time to
24 the Church.

25 **MR. WARDLE:** So certainly with respect to

1 financial matters or real estate transactions, things of
2 that kind, you would be the person who would have most of
3 the dealings with Mr. Leduc?

4 **REV. BRYAN:** That's right.

5 **MR. WARDLE:** And do I take it that if it was
6 a real estate transaction, for example, there would be
7 correspondence between the Diocese and Mr. Leduc's firm?

8 **REV. BRYAN:** I would say at the closing,
9 yes.

10 **MR. WARDLE:** And there would be a reporting
11 letter?

12 **REV. BRYAN:** Yes.

13 **MR. WARDLE:** And, of course, there would be
14 an account?

15 **REV. BRYAN:** Yes.

16 **MR. WARDLE:** Or if the matter was stretched
17 over a long period of time, there might be more than one
18 account?

19 **REV. BRYAN:** He generally was very generous
20 with the Diocese. So there were times when he didn't
21 charge anything at all.

22 **MR. WARDLE:** Okay. And you would assume in
23 those cases that he opened a file of some kind?

24 **REV. BRYAN:** I would think so.

25 **MR. WARDLE:** So in connection with the

1 Silmsers matter, you told us yesterday that your first
2 involvement began at the beginning of September of 1993;
3 correct?

4 **REV. BRYAN:** Yes.

5 **MR. WARDLE:** And all of the steps that we've
6 heard about that took place relating to Mr. Silmsers and the
7 Diocese before that time, and we heard some evidence from
8 another witness earlier this week about that, a number of
9 individuals, you know, connected to the Diocese involved in
10 those steps, you didn't know anything about any of that, as
11 I understand it?

12 **REV. BRYAN:** I knew there was a committee
13 but I wasn't aware when they functioned or even for dates.

14 **MR. WARDLE:** So you knew that -- you knew
15 there was a policy and you knew the Diocese had set up a
16 committee but you weren't involved in that committee?

17 **REV. BRYAN:** That's right.

18 **MR. WARDLE:** Okay. And you had no idea that
19 Mr. Silmsers had approached the Diocese or that the
20 committee had been involved or what had taken place in that
21 period of time?

22 **REV. BRYAN:** No.

23 **MR. WARDLE:** First thing you know about this
24 is you get a communication from Mr. Leduc asking for a
25 cheque; correct?

1 **REV. BRYAN:** Yes, a communication in the
2 sense that he came over.

3 **MR. WARDLE:** Okay. And that was going to be
4 one of my first questions. He didn't phone you up. He
5 actually came over?

6 **REV. BRYAN:** Yes.

7 **MR. WARDLE:** And I may have this wrong but
8 he came over to ask for the cheque?

9 **REV. BRYAN:** Yes.

10 **MR. WARDLE:** He then came back and picked
11 the cheque up?

12 **REV. BRYAN:** No, I think the Bishop came in
13 just about a few minutes after Mr. Leduc arrived. He was
14 going up to his office and so I went up. And I mentioned
15 yesterday I think I went up alone, but I'm not absolutely
16 sure.

17 **MR. WARDLE:** Okay. So but let me break this
18 down a little bit because I think I understand you.

19 We know the cheque is dated September the 2nd
20 I believe?

21 **REV. BRYAN:** Yes.

22 **MR. WARDLE:** And I think what you're saying
23 is that morning or that day, Mr. Leduc came to your office,
24 you had a discussion with him about the request for the
25 cheque. While he was waiting, you went up and spoke to the

1 Bishop and then you came back, wrote the check out and gave
2 it to him and he went away?

3 REV. BRYAN: That's right.

4 MR. WARDLE: Okay. And then a short period
5 later, as I understand it, Mr. Leduc comes back within a
6 few days with the envelope that you told us about
7 yesterday?

8 REV. BRYAN: Yeah. I don't know how many
9 days but, yes.

10 MR. WARDLE: So both those interactions are
11 person-to-person. He drops in and you told us yesterday
12 that his office is not that far, or was at the time, not
13 far from the Diocesan Centre; correct?

14 REV. BRYAN: That's right.

15 MR. WARDLE: Okay. So as I understand it,
16 when Mr. Leduc came to see you, he asked you to prepare a
17 cheque to his firm in Trust; correct?

18 REV. BRYAN: Yes.

19 MR. WARDLE: And he told you the amount?

20 REV. BRYAN: Yes.

21 MR. WARDLE: Obviously, and then I have that
22 you asked him what it was for and he told you that it was -
23 - and I may have this wrong -- that it was a suit against
24 Father Charles MacDonald?

25 REV. BRYAN: I believe ---

1 **MR. WARDLE:** Actually, you used two
2 different words. You used "suit" at one point and then you
3 used the word "liability claim"?

4 **REV. BRYAN:** Yeah. I believe it was a
5 liability claim. It should have been.

6 **MR. WARDLE:** All right. So Mr. Leduc wasn't
7 implying that there had been a lawsuit. He was just saying
8 there was a claim of some kind relating to Father Charles?

9 **REV. BRYAN:** Yes.

10 **MR. WARDLE:** And some point in this
11 conversation, he also told you that Malcolm MacDonald was
12 acting for Father Charles and was dealing with the claim.
13 Have I got that right?

14 **REV. BRYAN:** I think you're -- yes.

15 **MR. WARDLE:** And then I have you saying to
16 us yesterday you asked for more details and Mr. Leduc said
17 to you, "You don't really want to know"?

18 **REV. BRYAN:** That's right.

19 **MR. WARDLE:** And I take it that's something
20 you recall fairly vividly from this ---

21 **REV. BRYAN:** It was some -- because I
22 normally would be aware of all of these things.

23 **MR. WARDLE:** Okay. And that was going to be
24 my next question. This was pretty unusual because normally
25 you would be in the know; correct?

1 **REV. BRYAN:** That's right.

2 **MR. WARDLE:** Anything of a financial matter
3 you would be briefed about?

4 **REV. BRYAN:** Yeah.

5 **MR. WARDLE:** And is it fair to say that you
6 would have understood from that comment, "You don't really
7 want to know", that there was some allegation of
8 impropriety involving Father Charles MacDonald?

9 **REV. BRYAN:** I didn't know; period. I
10 didn't take anything from it other than what Mr. Leduc said
11 -- "You really don't want to know" -- so I didn't want to
12 know.

13 **MR. WARDLE:** You didn't think anymore about
14 it?

15 **REV. BRYAN:** Not really, no.

16 **MR. WARDLE:** Okay. You would have
17 understood though, I take it, that there was somewhere out
18 there an individual who was making some kind of claim?

19 **REV. BRYAN:** Yes.

20 **MR. WARDLE:** And you also would have
21 understood, I suggest, that this was something Mr. Leduc
22 did not want shared with a large number of people?

23 **REV. BRYAN:** I would think you're right in
24 that one.

25 **MR. WARDLE:** He certainly didn't want to

1 share the details with you?

2 REV. BRYAN: Yes.

3 MR. WARDLE: And if he didn't want to share
4 the details with you, he wouldn't be sharing it with the
5 general public or his secretary?

6 REV. BRYAN: You're right.

7 MR. WARDLE: Right? You understood this was
8 a matter that was to be kept secret; correct?

9 REV. BRYAN: Yes.

10 MR. WARDLE: And I would suggest as well
11 that Mr. Leduc must have told you that the Bishop was aware
12 of this and had approved the settlement amount?

13 REV. BRYAN: That's right.

14 MR. WARDLE: Now, you told us a little later
15 in your evidence yesterday that the settlement you knew
16 would void insurance coverage?

17 REV. BRYAN: That's right.

18 MR. WARDLE: So you clearly -- from your
19 recollection, you weren't being asked to report this to the
20 insurer at this point; correct?

21 REV. BRYAN: It may have -- it may have come
22 up but I was aware that it was useless to even report the
23 claim.

24 MR. WARDLE: Okay. And you certainly
25 weren't aware that anyone had reported it prior to that

1 time?

2 **REV. BRYAN:** That's right.

3 **MR. WARDLE:** So someone, I suggest, had made
4 a decision, either the Bishop or Mr. Leduc or perhaps the
5 two of them, that this was not going to be dealt with
6 through the insurance company?

7 **REV. BRYAN:** I would think you're right.

8 **MR. WARDLE:** And again, normally insurance
9 matters would be your responsibility and you weren't being
10 involved in the decision-making here?

11 **REV. BRYAN:** That's right.

12 **MR. WARDLE:** And I also took it from what
13 you told my friend yesterday that from this conversation
14 with Mr. Leduc, you understood that there would be a
15 release obtained as part of this settlement?

16 **REV. BRYAN:** Yes.

17 **MR. WARDLE:** So you knew at some point in
18 that conversation that there would be a piece of paper
19 coming later. Is that fair?

20 **REV. BRYAN:** Yes.

21 **MR. WARDLE:** Now, you then go upstairs and
22 speak to the Bishop, and I take it you did that just
23 because -- to satisfy yourself that -- not that you needed
24 to, but that Mr. Leduc was telling you the truth?

25 **REV. BRYAN:** Yes.

1 **MR. WARDLE:** Right?

2 **REV. BRYAN:** Yeah. I wanted to make sure
3 the Bishop was satisfied with what was -- the cheque to be
4 written.

5 **MR. WARDLE:** And you told us that he wasn't
6 always the most receptive early in the morning and that you
7 had a very brief discussion with him?

8 **REV. BRYAN:** That's right.

9 **MR. WARDLE:** Okay. And he told you that
10 he'd reluctantly agreed to it, and that's really all he
11 told you?

12 **REV. BRYAN:** Yes.

13 **MR. WARDLE:** And is it fair to say that you
14 understood from that interaction that he was not going to
15 share anything about this with you and not to ask any more
16 questions?

17 **REV. BRYAN:** Yes.

18 **MR. WARDLE:** So you then prepared the
19 cheque, and as we've talked about, Mr. Leduc left with the
20 cheque. And would you agree with me that \$27,500 in 1992
21 or perhaps even today was a large amount of money for the
22 Diocese? It's not a small number?

23 **REV. BRYAN:** It's not a small number, no,
24 but in any kind of liability claim, with legal fees, et
25 cetera, probably about common.

1 **MR. WARDLE:** No, I'm -- and I'm not
2 suggesting it's not. I'm really thinking more in terms of
3 Diocese finances.

4 **REV. BRYAN:** Yes.

5 **MR. WARDLE:** Twenty seven thousand, five
6 hundred dollars (\$27,500) is a significant number?

7 **REV. BRYAN:** A big chunk, that's right.

8 **MR. WARDLE:** Is that a fair way of putting
9 it?

10 **REV. BRYAN:** Certainly.

11 **MR. WARDLE:** Okay. And would I be right,
12 sir, in suggesting that it would have been uncommon for you
13 as Bursar to prepare a cheque for that kind of amount
14 without some supporting documentation?

15 **REV. BRYAN:** Generally, yes.

16 **MR. WARDLE:** So, for example, an invoice,
17 you know, if there were repairs to the Diocesan Centre,
18 you'd have an invoice. You'd put a copy of the invoice in
19 your file as part of the paper trail for the cheque?

20 **REV. BRYAN:** Yes.

21 **MR. WARDLE:** Okay. And if you had a matter
22 involving a lawyer and a real estate closing, you might
23 expect something from the lawyer asking ---

24 **REV. BRYAN:** A reporting letter, yes.

25 **MR. WARDLE:** --- for the funds?

1 **REV. BRYAN:** Yes.

2 **MR. WARDLE:** Okay. You had nothing like
3 that in this case; correct?

4 **REV. BRYAN:** No, other than I was advised
5 that a release would be signed prior to a cheque being
6 given and that we would get the release after that.

7 **MR. WARDLE:** But what I'm really asking is
8 you had no document for your file at this point?

9 **REV. BRYAN:** That's right.

10 **MR. WARDLE:** And this was highly unusual, I
11 suggest?

12 **REV. BRYAN:** Yes, but of course the occasion
13 was unusual -- very unusual too. It would be the first
14 time, actually.

15 **MR. WARDLE:** Okay. And it's correct as well
16 that the bookkeeper was not in the know and was never in
17 the know about what this was about; correct?

18 **REV. BRYAN:** Correct.

19 **MR. WARDLE:** So that, for example, if we
20 look at Exhibit 1961 for a moment, this I understand it to
21 be a cash disbursement journal for the Diocese of some
22 kind. Is that correct?

23 **REV. BRYAN:** Yes.

24 **MR. WARDLE:** So we have the entry because
25 every cheque written by the Diocese would have to have a

1 journal entry of some kind; correct?

2 REV. BRYAN: Actually, as I mentioned
3 yesterday, it was a dual entry. He'd put it into his
4 computer but was very worried about computer crashes, et
5 cetera, so he did dual entries. He did this, which would
6 be something we had before the computers.

7 MR. WARDLE: So there was a backup system?

8 REV. BRYAN: A backup.

9 MR. WARDLE: And this is the backup we're
10 looking at?

11 REV. BRYAN: That's right.

12 MR. WARDLE: Okay. And we'll see on this
13 entry we've got written beside it the word "medical" and I
14 think you told us you didn't know who wrote that word.

15 REV. BRYAN: Yeah.

16 MR. WARDLE: But would that suggest that the
17 bookkeeper certainly didn't know that this was to settle a
18 claim of some kind relating to Father Charles MacDonald?

19 REV. BRYAN: Yes, you're right.

20 MR. WARDLE: Is that fair?

21 REV. BRYAN: Yeah.

22 MR. WARDLE: And do you know how this was
23 accounted for internally at the end of the day, the
24 \$27,500? Do you know what account it came out of?

25 REV. BRYAN: I would think something along

1 the lines of when he put medical, I think we had a line for
2 that, for priests' medical problems, et cetera.

3 **MR. WARDLE:** Okay. So it would have come
4 out of some kind of an account to deal with medical
5 expenses for priests?

6 **REV. BRYAN:** That's right.

7 **MR. WARDLE:** Okay. And is it fair to say
8 that if the auditor saw that, you know, no one would ask
9 any questions about it?

10 **REV. BRYAN:** I would think probably,
11 although it would have bounced that particular column up
12 quite a bit.

13 **MR. WARDLE:** It would be a large amount for
14 medical expenses, I agree.

15 **REV. BRYAN:** That's right.

16 **MR. WARDLE:** I agree.

17 But that was a convenient place to put it.
18 Is that fair?

19 **REV. BRYAN:** I would say yes.

20 **MR. WARDLE:** Okay. And do you know who gave
21 the instructions to put it in that kind of account?

22 **REV. BRYAN:** Not offhand, no.

23 **MR. WARDLE:** Okay. So we've dealt with the
24 first meeting, and as I understand it, Mr. Leduc comes back
25 a few days later and he personally drops off this envelope?

1 **REV. BRYAN:** Yes.

2 **MR. WARDLE:** Okay. So there's no letter
3 coming with the envelope. There's no secretary or anyone
4 else at his end with the envelope. It's person to person,
5 from him to you?

6 **REV. BRYAN:** That's right.

7 **MR. WARDLE:** And at your end you don't have
8 anything for your file except the envelope itself, right?

9 **REV. BRYAN:** Yes.

10 **MR. WARDLE:** Okay. And he says to you -- he
11 gives you the instructions about sealing it. And I'm not
12 going to take you through all that. You gave evidence
13 about it yesterday, but he says, "File it for posterity's
14 sake."

15 **REV. BRYAN:** Yes.

16 **MR. WARDLE:** And he also told you it was a
17 release?

18 **REV. BRYAN:** Yes.

19 **MR. WARDLE:** Which you were expecting at
20 that point?

21 **REV. BRYAN:** That's right.

22 **MR. WARDLE:** Okay. And you then filed it in
23 -- and I may not have gotten this exactly right, but you
24 didn't file it in a particular file for anybody, like a
25 Father Charles MacDonald file or ---

1 **REV. BRYAN:** No, because we wouldn't ---

2 **MR. WARDLE:** You filed it in a ---

3 **REV. BRYAN:** We wouldn't have had any of
4 those files in our system downstairs.

5 **MR. WARDLE:** Okay. The Bishop had personnel
6 files for the individual priests who had worked in the
7 Diocese and that was upstairs?

8 **REV. BRYAN:** That's right.

9 **MR. WARDLE:** Downstairs you would have had
10 all the general files relating to all the financial
11 matters?

12 **REV. BRYAN:** Yes.

13 **MR. WARDLE:** And did you also have a general
14 historical file that went back to the 1800s?

15 **REV. BRYAN:** Yes.

16 **MR. WARDLE:** And what kind of things would
17 be kept in that file?

18 **REV. BRYAN:** Basically mortgages sometimes,
19 but usually the copy of the original filing of the change
20 of ownership of the land.

21 **MR. WARDLE:** So important ---

22 **REV. BRYAN:** So land title.

23 **MR. WARDLE:** Important things, for example,
24 relating to title?

25 **REV. BRYAN:** That's right.

1 **MR. WARDLE:** Okay. Any other kind of
2 document you can think of that would have gone into that
3 file?

4 **REV. BRYAN:** There would have been some
5 legacies given to the Diocese, it would be in that file.

6 **MR. WARDLE:** So is it fair to say this was a
7 file, a general file of things that might be of historic
8 interest?

9 **REV. BRYAN:** Yes.

10 **MR. WARDLE:** Okay. And would it -- it
11 wouldn't be the logical place to look for a release; is
12 that fair?

13 **REV. BRYAN:** I guess you'd say it wouldn't
14 be a logical place, but we, both the bookkeeper and myself,
15 knew the file itself, so yes.

16 **MR. WARDLE:** All right.

17 So you and the bookkeeper ---

18 **REV. BRYAN:** It was the most convenient
19 drawer to put it in.

20 **MR. WARDLE:** Okay. All right.

21 I don't want to put words in your mouth.
22 You're saying -- it sounds to me like you're saying you
23 didn't give it a lot of thought in putting it in this file.

24 **REV. BRYAN:** That's right.

25 **MR. WARDLE:** It was just somewhere to put

1 it?

2 REV. BRYAN: You're right.

3 MR. WARDLE: All right.

4 Is it fair to say though that once it was in
5 that file, there were only two people who knew it was
6 there, you and perhaps the bookkeeper?

7 REV. BRYAN: Yes.

8 MR. WARDLE: Not even the Bishop knew it was
9 there?

10 REV. BRYAN: No. One of those historic
11 mistakes that I should have given it to him back then.

12 MR. WARDLE: And I'm not here to criticize
13 you, sir, for doing that. We're just really, I think,
14 interested in the sequence of events.

15 Can you agree with me that once this
16 transaction, if I can put it this way, is finished, you get
17 the envelope; you put it away, aside from the envelope
18 there's not a single piece of paper exchanged between the
19 Diocese and the Leduc firm ---

20 REV. BRYAN: That's right.

21 MR. WARDLE: --- except for the cheque,
22 right?

23 REV. BRYAN: That's right.

24 MR. WARDLE: There's no file, as far as you
25 know?

1 **REV. BRYAN:** No. In fact, Mr. Leduc
2 indicated because he didn't have a file that he didn't make
3 any copies or anything of the document.

4 **MR. WARDLE:** In fact, as I understand it,
5 when he came in the second time with the envelope he told
6 you at that time he did not have a file?

7 **REV. BRYAN:** That's right.

8 **MR. WARDLE:** And, again, would that be to
9 suggest to you that this, from his perspective, was
10 considered to be highly confidential?

11 **REV. BRYAN:** No, I think because he
12 mentioned that Malcolm had the file on it that he didn't
13 need to.

14 **MR. WARDLE:** So he told you that Malcolm
15 MacDonald had the file and he didn't need to have a file?

16 **REV. BRYAN:** Yeah, he didn't want to open a
17 second one.

18 **MR. WARDLE:** Okay. You obviously got no
19 reporting letter with respect to this matter?

20 **REV. BRYAN:** That's right.

21 **MR. WARDLE:** And you never got a bill -- and
22 when I say "you" I mean the Diocese never got a bill for
23 Mr. Leduc's services at that time; correct?

24 **REV. BRYAN:** No.

25 **MR. WARDLE:** And you understood, I suggest,

1 that the confidentiality around this transaction was aimed
2 in some way at protecting Father MacDonald?

3 **REV. BRYAN:** Protecting his integrity, yes.

4 **MR. WARDLE:** And I take it, from what you
5 told me earlier, that you never turned your mind to what
6 might -- what this might all be about; you just preferred
7 not to know and so you didn't think about it?

8 **REV. BRYAN:** Well, the problem was our
9 volume of work between the two of us was fairly heavy so
10 you forget about these other things; it's filed away, it's
11 finished, you go on to something new.

12 **MR. WARDLE:** Now, not long after this Father
13 MacDonald left his parish. And were you aware of that,
14 that that had taken place?

15 **REV. BRYAN:** I'm trying to remember whether
16 the Bishop advised me that he was going to Southdown at
17 that particular time. He probably did because I would have
18 had to pay for it.

19 **MR. WARDLE:** Did you connect his going to
20 Southdown with the events that we've just been talking
21 about?

22 **REV. BRYAN:** No.

23 **MR. WARDLE:** And I take it, sir, that you
24 never thought about whether you personally had any
25 obligations in connection with what had taken place; you

1 were satisfied it was being handled by others, the Diocesan
2 lawyer and of course the Bishop. Is that fair?

3 **REV. BRYAN:** Yes, that's fair.

4 **MR. WARDLE:** And although as a prudent
5 Bursar you probably were concerned about the lack of
6 paperwork, because you had authorization from the Bishop
7 you were content to let it go at that. Is that fair?

8 **REV. BRYAN:** That's right.

9 **MR. WARDLE:** I have only a few more
10 questions. I want to just take you back to a letter that
11 we discussed yesterday, it's Exhibit 1963.

12 Do you have that in front of you, sir?

13 **REV. BRYAN:** Yes, I have.

14 **MR. WARDLE:** And it's really the first page
15 I just wanted to direct you to. I understand that you told
16 us yesterday that you didn't see this letter at the time;
17 correct?

18 **REV. BRYAN:** That's right.

19 **MR. WARDLE:** I just want to ask you some
20 general questions about the practice of the Diocese during
21 the years you were the Bursar. You'll see here that the
22 sequence seems to be that Father MacDonald is asking for
23 help in connection with his legal fees and the Bishop says
24 in this letter, and I'll quote:

25 "You undoubtedly remember that at the

1 time of the case with Father Gilles
2 Deslauriers the Senate was adamant on
3 the fact that the Diocese must not pay
4 for the lawyer's fees when a priest is
5 charged with sexual demeanours."

6 And we know, going forward, that there were
7 criminal charges brought against other priests at the
8 Diocese, and do you know whether the same policy was
9 followed in those cases; that is, their legal fees were not
10 covered?

11 **REV. BRYAN:** I believe in this case what
12 happened is that there was a group of the priests that were
13 worried that false accusations could mean that they had big
14 legal bills and so they drafted a policy asking the Bishop
15 to approve which would pay the legal costs. I don't know
16 whether that applied to Father Charles MacDonald or not.

17 **MR. WARDLE:** Okay. And do you know during
18 the period when you were bursar whether there were priests
19 whose legal expenses for criminal proceedings were covered
20 by the Diocese?

21 **REV. BRYAN:** Yes.

22 **MR. WARDLE:** And what about civil
23 proceedings, were those being covered by insurance at that
24 point?

25 **REV. BRYAN:** I believe so, yes.

1 **MR. WARDLE:** And you think there's a
2 specific policy that deals with that issue?

3 **REV. BRYAN:** I believe there is.

4 **MR. WARDLE:** Okay. But you weren't involved
5 in the creation of that policy?

6 **REV. BRYAN:** No, I think that was a group of
7 the priests.

8 **MR. WARDLE:** And lastly, I think you've told
9 us that, as far as you're aware, the only two settlements
10 relating to allegations of historic sexual abuse against
11 priests were the Silmsler matter and the matter involving
12 the gentleman whose known here as C-3. And other than
13 that, during your period as Bursar, you're not aware of any
14 others?

15 **REV. BRYAN:** That's right.

16 **MR. WARDLE:** And is it fair to say that if
17 the only other person aside from you who could have made
18 such a payment on behalf of the Diocese really would be the
19 Bishop?

20 **REV. BRYAN:** I would say yes.

21 **MR. WARDLE:** Okay. Thank you, sir. Those
22 are all of my questions.

23 **THE COMMISSIONER:** Thank you, sir.

24 Mr. Paul.

25 ---CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MR. PAUL:

1 **MR. PAUL:** Reverend Bryan, my name is Ian
2 Paul. I appear for a citizens group called the Coalition
3 for Action, and the Coalition for Action is a, as
4 indicated, a citizens group that was involved in advocating
5 for the public Inquiry.

6 Now, the first thing I wanted to ask you
7 about, just one brief question in relation to your role as
8 a Bursar, and it's in relation to your interaction with the
9 auditors.

10 **REV. BRYAN:** Yes.

11 **MR. PAUL:** I understand that in the Diocese
12 you're the individual responsible for dealing with the
13 auditors?

14 **REV. BRYAN:** Yes, although they would come
15 in to do the auditing so the staff as well would be
16 interacting with them.

17 **MR. PAUL:** And are you the main focal point
18 in terms of a person to give them the information
19 ---

20 **REV. BRYAN:** Yes.

21 **MR. PAUL:** --- they need or direct them
22 where to go to find information?

23 **REV. BRYAN:** Yes. Either that or the
24 bookkeeper would forward whatever they requested ---

25 **MR. PAUL:** And the auditors ---

1 **REV. BRYAN:** --- if it was in our file.

2 **MR. PAUL:** I'm sorry?

3 **REV. BRYAN:** If it was in our files the
4 bookkeeper had the ability to look after it.

5 **MR. PAUL:** Now, did you indicate as well
6 that the auditors prepare financial statements?

7 **REV. BRYAN:** That's right.

8 **MR. PAUL:** Now, as part of that, do you need
9 to advise the auditors of any not only liabilities but
10 potential liabilities in order that they can reflect that
11 in the financial statements?

12 **REV. BRYAN:** That's right.

13 **MR. PAUL:** So if you're aware of any
14 potential lawsuits that would be information you'd have to
15 tell the auditors?

16 **REV. BRYAN:** That's right.

17 **MR. PAUL:** So I would understand that you
18 weren't initially aware in December '92 of any potential
19 lawsuit from Mr. Silmsen?

20 **REV. BRYAN:** That's right.

21 **MR. PAUL:** Your first inkling of any
22 potential lawsuit would be September of '93?

23 **REV. BRYAN:** That's right.

24 **MR. PAUL:** So I was going to ask you, a
25 delay in receiving information about potential lawsuits,

1 does that make it more difficult to do your job as far as
2 instructing auditors?

3 **REV. BRYAN:** I would say yes.

4 **MR. PAUL:** And it potentially risks
5 inaccuracies in the financial statements?

6 **REV. BRYAN:** I don't believe it would be
7 inaccuracies but probably difficult to peg where it should
8 go.

9 **MR. PAUL:** Right. Or in terms of potential
10 lawsuits that might not be reflected in the financial
11 statements?

12 **REV. BRYAN:** That's right.

13 **MR. PAUL:** And do the financial statements
14 go out beyond the Diocese to third parties?

15 **REV. BRYAN:** It just went to the parishes
16 and their financial committees.

17 **MR. PAUL:** Now, moving ahead, I wanted to
18 ask you just one question in relation to the timeframe when
19 you see Mr. Leduc and then you go to the Bishop to get
20 approval to write the cheque. And I wanted to ask you
21 about a portion of your statement -- I believe that's
22 Exhibit 1974, and it would be the Bates page ending in 280.

23 It's towards the -- the period I wanted to
24 ask you about was towards the bottom of the page. You were
25 asked, "Who requested the cheque be made out?"

1 **REV. BRYAN:** Yes.

2 **MR. PAUL:** And you make reference to Jacques
3 Leduc, and then you indicate ---

4 **REV. BRYAN:** "Phone me."

5 **MR. PAUL:** Pardon me?

6 **REV. BRYAN:** You indicate that it shows
7 "phone me."

8 **MR. PAUL:** Yes.

9 **REV. BRYAN:** Okay.

10 **MR. PAUL:** And you indicate:

11 "I checked with the Bishop to find out
12 exactly what it was and he indicated
13 that it was to pay, 'alleged problem
14 between Father Charlie and someone'."

15 And then over to the next page, it
16 indicates:

17 "But it was so that Father Charlie
18 would not be embarrassed by all of this
19 kind of allegations coming out in the
20 press."

21 Do you remember indicating that to the
22 Ontario Provincial Police ---

23 **REV. BRYAN:** Yes.

24 **MR. PAUL:** --- in your interview? And would
25 you agree that apart from what you may have received from

1 Mr. Leduc, you received some information as well from the
2 Bishop in terms of what was going on with the case of
3 Silsmer and Charlie MacDonald?

4 **REV. BRYAN:** Yes. Mr. Silmsmer was not
5 mentioned but yes.

6 **MR. PAUL:** You certainly did not at that
7 point have any information on the name Silmsmer.

8 **REV. BRYAN:** No.

9 **MR. PAUL:** But you knew there was some --
10 something involving Charlie MacDonald. Correct?

11 **REV. BRYAN:** Yes.

12 **MR. PAUL:** And not only did you see it as
13 perhaps some kind of potential liability but you also -- it
14 was referred to the Bishop as something as perhaps
15 potentially embarrassing if it was out in the public.

16 **REV. BRYAN:** Yes.

17 **MR. PAUL:** Now, being referred to as
18 potentially embarrassing -- and certainly the words "sexual
19 offence" were never mentioned at that point.

20 **REV. BRYAN:** That's right.

21 **MR. PAUL:** But the wording "embarrassing" or
22 "embarrassed," did that cause you in your mind to think
23 that there was a potential that it might be some kind of
24 sexual matter?

25 **REV. BRYAN:** I thought it may have been a

1 problem between a lady and himself but I wasn't too sure.

2 **MR. PAUL:** All right. At least with the
3 information you had from the Bishop at that point, you
4 obviously knew the Bishop was familiar and involved somehow
5 in the case?

6 **REV. BRYAN:** He would be advised of it for
7 sure. He was aware of it.

8 **MR. PAUL:** And the comments about potential
9 for embarrassment, did that not indicate to you that this
10 situation was of significance to the Bishop?

11 **REV. BRYAN:** I don't know whether I drew
12 that conclusion or not.

13 **MR. PAUL:** The potential for embarrassment
14 of a priest, would you not have thought that it was of
15 significance not only to Father MacDonald but it was of
16 significance to the parish ---

17 **REV. BRYAN:** To the Diocese?

18 **MR. PAUL:** --- in general?

19 **REV. BRYAN:** I would say yes.

20 **MR. PAUL:** Would that not have caused you
21 later, when you received these -- the release form in the
22 package, to think back to that conversation with the Bishop
23 and lead you to believe that he should certainly be advised
24 of the release and given those documents to review for
25 himself?

1 **REV. BRYAN:** Unfortunately I didn't think it
2 at that particular time but I should have. Yes, you're
3 right.

4 **MR. PAUL:** Now, as far -- I'm sorry, sir, as
5 I'm moving ahead a bit to the point in time when -- later
6 when you do receive the envelope from Jacques Leduc that
7 would have contained the release forms.

8 I would understand that in terms of what is
9 done with the package, with the release forms, you received
10 no instructions from the Bishop on that?

11 **REV. BRYAN:** No.

12 **MR. PAUL:** The only instructions are from
13 Jacques Leduc?

14 **REV. BRYAN:** Yes.

15 **MR. PAUL:** And obviously Malcolm MacDonald
16 doesn't provide any instructions to you on what to do with
17 the release?

18 **REV. BRYAN:** No.

19 **MR. PAUL:** And in terms of the decision to
20 leave it unopened, are you saying essentially that that's
21 not so much your decision; it's a direction from Jacques
22 Leduc?

23 **REV. BRYAN:** It was a direction of Mr.
24 Leduc, yes.

25 **MR. PAUL:** And as far as writing

1 "confidential" on it, are you saying it's not what ---

2 **REV. BRYAN:** He -- he suggested it should be
3 in larger print than what it was on the envelope.

4 **MR. PAUL:** So initially it's not your idea,
5 it's his idea that you agreed with.

6 **REV. BRYAN:** Yes.

7 **MR. PAUL:** Now, as far as the document,
8 regardless of what you viewed more recently, back at the
9 time when you first get the envelope do you appreciate or
10 see that it's Jacques Leduc's envelope -- sorry, not
11 Jacques Leduc's envelope, it's Malcolm MacDonald's
12 envelope.

13 **REV. BRYAN:** Malcolm MacDonald's envelope,
14 yes.

15 **MR. PAUL:** And as a result of seeing it
16 being Malcolm MacDonald's envelope, does it cause you to
17 ask Jacques Leduc whether he actually reviewed and looked
18 at the documents?

19 **REV. BRYAN:** Unfortunately I didn't think of
20 it there. I assumed he had.

21 **MR. PAUL:** Now, you would agree that as a
22 Bursar you have some responsibility for the financial
23 aspects of the Diocese?

24 **REV. BRYAN:** Yes.

25 **MR. PAUL:** Including dealing with auditors,

1 as we discussed, correct?

2 REV. BRYAN: Yes.

3 MR. PAUL: Would you not have wanted to
4 actually see the release forms and documentation yourself
5 as part of your duty as a Bursar and your responsibilities
6 with respect to auditors, to actually see the document
7 itself?

8 REV. BRYAN: I actually assumed that Mr.
9 Leduc had reviewed it, so that I depended on his say-so.

10 MR. PAUL: Now, throughout this meeting in
11 relation to the envelope, I would take it that there was
12 never any discussion about any criminal aspect of the case.

13 REV. BRYAN: No, there wasn't.

14 MR. PAUL: So Mr. Leduc never mentioned
15 whether there was a criminal aspect to it that was either
16 resolved or unresolved in any way?

17 REV. BRYAN: No.

18 MR. PAUL: Now, again in terms of the
19 envelope with the release documentation, I was going to ask
20 you was the purpose of sealing -- taping it and leaving it
21 sealed, was the purpose to keep the matter secret and
22 hidden from other persons?

23 REV. BRYAN: I would say more to keep it
24 confidential in the -- in the file, so that anyone who went
25 through the files would not open it unintentionally.

1 **MR. PAUL:** This is filed in the filing
2 system and not in the Bishop's part of the office but ---

3 **REV. BRYAN:** That's right, in ours, and ours
4 was you -- quite often others would look in it for historic
5 documents for the parish, et cetera.

6 **MR. PAUL:** I want to ask you about that. I
7 thought you mentioned yesterday in your evidence something
8 about a safe, and I didn't understand what you ---

9 **REV. BRYAN:** Yeah, well, it is -- it is a
10 filing cabinet safe, yes.

11 **MR. PAUL:** Okay.

12 **REV. BRYAN:** It's a -- insulated against
13 fire.

14 **MR. PAUL:** Okay. And the safe, I would
15 assume it either has a combination or a key.

16 **REV. BRYAN:** It's a key, yes.

17 **MR. PAUL:** And who would have the keys to
18 the safe?

19 **REV. BRYAN:** The bookkeeper normally would
20 have the key in his drawer.

21 **MR. PAUL:** And does anybody else have access
22 to the safe other than the bookkeeper?

23 **REV. BRYAN:** I usually would open it, and
24 also we kept the parish envelopes that were exchanged in
25 the top drawer so one of the secretaries could easily open

1 it. We were aware the key was in the drawer.

2 **MR. PAUL:** So your concern about access is
3 access from the secretary or ---

4 **REV. BRYAN:** I would say from anyone because
5 we even had -- sometimes we had a parish priest would want
6 to look for their historic documents in their parishes, so
7 -- so they would go through the files.

8 **MR. PAUL:** Now, in contrast to that system,
9 is the Bishop's filing system more secure?

10 **REV. BRYAN:** I would say yes.

11 **MR. PAUL:** So really if it was there, there
12 wouldn't be anyone else that would have access other than
13 the Bishop?

14 **REV. BRYAN:** That's right.

15 **MR. PAUL:** So that would have been the
16 natural place to deposit a document.

17 **REV. BRYAN:** You're right.

18 **MR. PAUL:** Now, just wondering -- and are
19 you certain, looking back, that the purpose of sealing the
20 document was to maintain confidentiality as opposed to
21 sealing it for the purpose -- so that certain persons would
22 not have to read it?

23 **REV. BRYAN:** It -- it was basically because
24 it was marked confidential, yes.

25 **MR. PAUL:** There was never any -- are you

1 saying there was any decision to seal it for the purpose of
2 avoiding some people having the opportunity to read it?

3 **REV. BRYAN:** Even I didn't read it, so I
4 would assume yes, you're right.

5 **MR. PAUL:** Is the sealing to avoid having
6 the Bishop read it?

7 **REV. BRYAN:** No, I think basically if you --
8 if you notice on envelopes, quite often if you stick them
9 in and they are not -- the flap is not sealed other than
10 with the glue, it catches on the file folders quite often
11 and could have inadvertently been opened.

12 **MR. PAUL:** Now, in this case it was sealed
13 with tape, I understand.

14 **REV. BRYAN:** Yes. Well, Scotch tape across
15 it.

16 **MR. PAUL:** Now, we'll move ahead and a few
17 questions on another stage, which is the news conference
18 we've referred to in Exhibit 1965, and I believe this would
19 be on the 24th of January.

20 **REV. BRYAN:** So that's a second news
21 conference?

22 **MR. PAUL:** Yes. I'm assuming that because
23 the letter -- the article is dated the 25th of January.

24 **REV. BRYAN:** Okay.

25 **MR. PAUL:** Now, as far as your recollection

1 of the events here, I just wanted to ask you, first of
2 all, were you aware that the matter appeared in the front
3 page of the Freeholder the next day after the news
4 conference?

5 **REV. BRYAN:** Yes.

6 **MR. PAUL:** And I would assume that you
7 likely would have reviewed the article in the newspaper
8 when it came out?

9 **REV. BRYAN:** I read it, yes.

10 **MR. PAUL:** And would you agree that you
11 likely read it and didn't have any obvious objection to the
12 accuracy of what was in the article?

13 **REV. BRYAN:** No, there's always some
14 mistakes in those so ---

15 **MR. PAUL:** Did the article -- is your
16 recollection, when you read it, when the article came out
17 did it appear to be a fair and accurate depiction of the
18 news conference?

19 **REV. BRYAN:** I would think so.

20 **MR. PAUL:** And prior to the news conference
21 did you meet anybody, such as Jacques Leduc, the Bishop or
22 Malcolm MacDonald, prior to the news conference?

23 **REV. BRYAN:** Just prior to the news
24 conference when everyone was waiting for the different
25 reporters to come in, I was usually at the front door to

1 allow them in and they were early.

2 MR. PAUL: Did Malcolm MacDonald have any
3 involvement in a meeting prior to the news conference?

4 REV. BRYAN: Not that I know of.

5 MR. PAUL: So just before the news
6 conference you would have met with who?

7 REV. BRYAN: They'd have met downstairs,
8 yes.

9 MR. PAUL: With -- sorry, with who?

10 REV. BRYAN: There would have been the ones
11 that were requested to be at the news conference. That
12 would be Jacques, Mr. MacDonald, the Bishop would come down
13 and I would wait till I'd got all of the news people in the
14 door.

15 MR. PAUL: I guess what I'm asking is prior
16 to the news conference, were there any meetings at the
17 Diocese to discuss how it was going to be presented?

18 REV. BRYAN: No. That was the Bishop who
19 did the writings.

20 MR. PAUL: Now, in terms of what was
21 presented at the news conference, was it your recollection
22 that you presented, as far as the release documentation,
23 that it was filed and sealed because that was the normal
24 course of what would be done with those type of documents?

25 REV. BRYAN: With the private and

1 confidential, yes.

2 MR. PAUL: And would it be fair to say that
3 you didn't come right out and say in the news conference
4 that Jacques Leduc -- the individual seems to be beside you
5 at the news conference -- "Jacques Leduc was the one that
6 instructed me to leave it unopened"? You didn't say that
7 at the news conference?

8 REV. BRYAN: I don't think so.

9 MR. PAUL: And you wouldn't have come right
10 out and indicated at the news conference that Jacques Leduc
11 told you to write "confidential" on the documentation?

12 REV. BRYAN: I don't remember but I don't
13 think so.

14 MR. PAUL: Would you agree that perhaps at
15 the news conference a full accounting of how the matter
16 proceeded wasn't given at the news conference, there were
17 some details that were left out?

18 REV. BRYAN: I would say they were drafted
19 by the Bishop so it would have been his decision where --
20 what he wanted to put in it. I believe the second news
21 conference, if I'm not mistaken, he sent a copy to Mr.
22 Leduc. I didn't get one.

23 MR. PAUL: I'm not talking about a news
24 release at this point; I'm talking about a news conference.

25 REV. BRYAN: The conference. Sorry. Okay,

1 at the conference.

2 MR. PAUL: If there was any suggestion to
3 the effect that it was a normal course to file those types
4 of documents in a sealed fashion ---

5 REV. BRYAN: Yeah, it would have been the
6 first for me.

7 MR. PAUL: --- would you think that that
8 would have been somewhat misleading, given that there was
9 an instruction, a specific instruction from Mr. Leduc?

10 REV. BRYAN: I never thought of it that way.

11 MR. PAUL: Was it revealed at the news --
12 sorry, I believe those are my questions on that area.

13 I know you were asked in relation to Mr.
14 Leduc's retainer by the Diocese and I just wanted to
15 clarify who makes the decisions in terms of maintaining Mr.
16 Leduc on the retainer. Is that your sole decision as to
17 Bursar or is the Bishop involved in that as well?

18 REV. BRYAN: The Bishop would also be
19 involved.

20 THE COMMISSIONER: Technically, he's not on
21 a retainer but ---

22 MR. PAUL: Oh, I'm sorry.

23 THE COMMISSIONER: I mean, who he would
24 consult whenever he needed legal advice.

25 MR. PAUL: Yes, in terms of him continuing

1 on periodically, being retained from time-to-time ---

2 **REV. BRYAN:** Yeah.

3 **MR. PAUL:** --- is that the decision of the
4 Bishop as well as your decision, depending on the
5 circumstances?

6 **REV. BRYAN:** Yes, but if I'm not mistaken,
7 Mr. Leduc suggested that we seek another lawyer to continue
8 on, but I don't know what timeframe that was.

9 **MR. PAUL:** I have a couple of questions.
10 You were asked about your connections with various people
11 and there were a couple of other individuals I wanted to
12 ask you about.

13 You mentioned at one point that Chief Shaver
14 and Luc Brunet come to meet the Bishop in the fall of '93
15 and I just wanted to ask you; Luc Brunet, is he someone
16 that you were familiar with or knew at all at the time?

17 **REV. BRYAN:** I knew many of the different
18 staff sergeants, yes.

19 **MR. PAUL:** And was Luc Brunet -- was he
20 someone you'd socialize with or a personal friend, or how
21 would you ---

22 **REV. BRYAN:** No. No.

23 **MR. PAUL:** And Chief Shaver was not a friend
24 of yours. He's just someone you knew ---

25 **REV. BRYAN:** No.

1 **MR. PAUL:** --- as the Chief of Police?

2 **REV. BRYAN:** I knew his Dad more than I
3 would have known him.

4 **MR. PAUL:** I just wanted to clarify your
5 relationship with Charles MacDonald. Apart from knowing
6 him as a priest, would you socialize with him or were you a
7 personal friend?

8 **REV. BRYAN:** No.

9 **MR. PAUL:** And Sean Adams, would he be a
10 personal friend or someone you'd socialize with?

11 **REV. BRYAN:** His father was the one I
12 socialized with. Sean, not really, no.

13 **MR. PAUL:** And, finally, Bishop Larocque,
14 apart from the situation of working closely with Bishop
15 Larocque were you friends apart from the work in the
16 Diocese?

17 **REV. BRYAN:** It was more of a bishop and
18 steward connection, but I certainly appreciated him,
19 whenever we needed anything in particular he usually agreed
20 to different things.

21 **MR. PAUL:** All right. But ---

22 **REV. BRYAN:** And as I mentioned before, we
23 did have our dinners for the staff, usually two a year, at
24 our house and two a year at the Bishop's house.

25 **MR. PAUL:** Those are my questions. Thank

1 you.

2 **REV. BRYAN:** Thank you.

3 **THE COMMISSIONER:** Thank you.

4 Let's take the lunch break. We'll come back
5 at 2:00, sir.

6 **THE REGISTRAR:** Order; all rise. À
7 l'ordre; veuillez vous lever.

8 This hearing will resume at 2:00 p.m.

9 ---Upon recessing at 12:26 p.m./

10 L'audience est suspendue à 12h26

11 ---Upon resuming at 2:02 p.m./

12 L'audience est reprise à 14h02

13 **THE REGISTRAR:** Order; all rise. À l'ordre;
14 veuillez vous lever.

15 This hearing is now resumed. Please be
16 seated. Veuillez vous asseoir.

17 **THE COMMISSIONER:** Good afternoon, Mr. Lee.

18 **MR. LEE:** Good afternoon, Mr. Commissioner.

19 ---**CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR. LEE:**

20 **MR. LEE:** Reverend Bryan, my name is Dallas
21 Lee. I act for the Victims' Group.

22 **REV. BRYAN:** Yes.

23 **MR. LEE:** I have a few areas that I'd like
24 to talk to you about today and I'd like to start picking up
25 on something you touched on in-chief, and that relates to a

1 meeting that a woman named Lise Brisson had with Bishop
2 Larocque. Do you recall being asked a little bit about
3 that in-chief?

4 **REV. BRYAN:** Yes.

5 **MR. LEE:** As I understood your evidence
6 yesterday, the majority of the meeting between Bishop
7 Larocque and Lise Brisson was in your absence. Is that
8 correct?

9 **REV. BRYAN:** I'm not too sure how long the
10 meeting was before me but when the Bishop called me up I
11 went up, yes.

12 **MR. LEE:** By the time you arrived Ms.
13 Brisson was already there and had had some discussion with
14 Bishop Larocque?

15 **REV. BRYAN:** Yes.

16 **MR. LEE:** And had Bishop Larocque advised
17 you of that meeting in advance?

18 **REV. BRYAN:** No.

19 **MR. LEE:** The first you learned of it was
20 when he called down to your office and asked you to come
21 upstairs. Is that correct?

22 **REV. BRYAN:** That's right.

23 **MR. LEE:** And did you have any idea what
24 that meeting was about before you walked in?

25 **REV. BRYAN:** No.

1 **MR. LEE:** And what you told us yesterday was
2 that when you walked into that meeting you were introduced
3 to Ms. Brisson -- Mrs. Brisson and Bishop Larocque asked
4 you whether you could look at whether we -- meaning the
5 Diocese -- could look after a mortgage for Mrs. Brisson.
6 Was that right?

7 **REV. BRYAN:** That's right.

8 **MR. LEE:** And you have a recollection of
9 that conversation today?

10 **REV. BRYAN:** Yes.

11 **MR. LEE:** And prior to that or following
12 that, did Bishop Larocque recap his meeting with Madame
13 Brisson with you?

14 **REV. BRYAN:** No.

15 **MR. LEE:** He just asked you if the Diocese
16 was in a position to give her a mortgage?

17 **REV. BRYAN:** Yes, that's right.

18 **MR. LEE:** Were you told why she needed a
19 mortgage?

20 **REV. BRYAN:** I wasn't advised, no.

21 **MR. LEE:** Were you specifically told what
22 the money was to be used for?

23 **REV. BRYAN:** No, I assumed.

24 **MR. LEE:** And you told us ---

25 **REV. BRYAN:** So I wasn't ---

1 **MR. LEE:** The reason you assumed that is
2 that you had known her husband, Hubert. Is that correct?

3 **REV. BRYAN:** That's right.

4 **MR. LEE:** And you knew that they had some
5 kind of small farming operation ---

6 **REV. BRYAN:** Yes, truck garden.

7 **MR. LEE:** --- and a little bit of land?

8 **REV. BRYAN:** That's right.

9 **MR. LEE:** Sorry, I missed your answer there?

10 **REV. BRYAN:** A truck garden, yes.

11 **MR. LEE:** So they would grow vegetables
12 essentially?

13 **REV. BRYAN:** That's right.

14 **MR. LEE:** That was your ---

15 **REV. BRYAN:** And also seedlings for people
16 to buy as well.

17 **MR. LEE:** Okay.

18 **REV. BRYAN:** I think landscaping as well.

19 **MR. LEE:** And so you assumed that if she
20 were asking for a mortgage, it must relate to that?

21 **REV. BRYAN:** That's right.

22 **MR. LEE:** And is it fair for me to say that
23 you weren't particularly concerned with what the money was
24 to be used for but rather whether or not the Diocese could
25 afford to lend it?

1 **REV. BRYAN:** Yes, once the Bishop asked.

2 **MR. LEE:** Did you ask Mrs. Brisson why she
3 had approached the Diocese rather than a bank?

4 **REV. BRYAN:** No, I didn't.

5 **MR. LEE:** And Ms. Hamou, yesterday, asked
6 you whether or not the money might have been intended to
7 pay for therapy for Mrs. Brisson's son, and the answer you
8 gave was "That never came up."

9 **REV. BRYAN:** That's right.

10 **MR. LEE:** And I take it from that you mean
11 that never came up while you were there?

12 **REV. BRYAN:** That's right.

13 **MR. LEE:** And that's because there were no
14 details discussed while you were there?

15 **REV. BRYAN:** That's right.

16 **MR. LEE:** And I believe you told us
17 yesterday that you never discussed this matter with Bishop
18 Larocque again?

19 **REV. BRYAN:** No.

20 **MR. LEE:** And I take it you never discussed
21 this matter with Lise Brisson again?

22 **REV. BRYAN:** No.

23 **MR. LEE:** And so would you agree with me
24 then that if we want to ask anyone about what was discussed
25 at that meeting, it would be Lise Brisson or Bishop

1 Larocque?

2 **REV. BRYAN:** That's right.

3 **MR. LEE:** Are you aware that Mrs. Brisson
4 testified here?

5 **REV. BRYAN:** No. Oh, excuse me, I think I
6 had a file on something.

7 **MR. LEE:** You may have been given a
8 transcript of her testimony or something along those lines?

9 **REV. BRYAN:** I don't think so though.

10 **MR. LEE:** One of the things she testified to
11 in addition to the meeting we've just discussed is that a
12 few years later -- she estimated three to three and a half
13 years later -- she telephoned Bishop Larocque and again
14 asked him for financial assistance. And I'm wondering
15 whether you had any knowledge of that telephone call?

16 **REV. BRYAN:** No.

17 **MR. LEE:** You never discussed that with
18 Bishop Larocque at any point?

19 **REV. BRYAN:** No.

20 **MR. LEE:** Reverend Bryan, I understand that
21 you were the assistant chaplain at St. Joseph's Villa from
22 1972 to 1989?

23 **REV. BRYAN:** St. Joseph's Villa, yes.

24 **MR. LEE:** Can you explain to us just briefly
25 what the Villa is?

1 **REV. BRYAN:** The Villa is a home for the
2 aged.

3 **MR. LEE:** And is it administered by the
4 Diocese in some way?

5 **REV. BRYAN:** No, it's by the religious
6 hospitals of St. Joseph.

7 **MR. LEE:** And what were your duties as
8 assistant chaplain?

9 **REV. BRYAN:** Basically to assist the priest
10 who was there for Mass. Most of them were invalids that
11 came into the villa. And so they needed help for the Mass.

12 **MR. LEE:** Did you exercise any sort of
13 management function?

14 **REV. BRYAN:** No. I was there usually at
15 9:30 and gone by -- or 9:00 and finished by 9:30.

16 **MR. LEE:** So you spent some time on Sundays
17 and that's about it?

18 **REV. BRYAN:** No, Sundays and weekends I was
19 in a parish.

20 **MR. LEE:** Okay. It's my understanding that
21 Father Carl Stone spent some time working at the Villa
22 during your tenure. Is that correct?

23 **REV. BRYAN:** If he did, he was on his own
24 because I wasn't there for him. I never saw him at the
25 Villa.

1 **MR. LEE:** My understanding is that he was
2 appointed chaplain of the Villa in late 1981?

3 **REV. BRYAN:** If he was -- if he was at that
4 point, whoever I had before would have been the last one
5 until another chaplain came who was in need of assistance.

6 **MR. LEE:** So you might ---

7 **REV. BRYAN:** So I went for assistance only
8 at the different ones.

9 **MR. LEE:** You went for assistance upon
10 request?

11 **REV. BRYAN:** On request, yes.

12 **MR. LEE:** And you were never requested to
13 attend and to assist Father Stone, I take it?

14 **REV. BRYAN:** No.

15 **MR. LEE:** And you had no contact with Father
16 Stone at all at St. Joseph's Villa?

17 **REV. BRYAN:** No.

18 **MR. LEE:** Were issues with Father Stone at
19 the Villa ever brought to your attention?

20 **REV. BRYAN:** There's a good question. I'm
21 not too sure whether the Sisters mentioned something about
22 it and whether he disappeared at that point.

23 **MR. LEE:** Let's back up for a moment. In
24 1981, the information we have, late 1981, Father Stone was
25 appointed by Bishop Larocque to be chaplain there, okay?

1 **REV. BRYAN:** Okay.

2 **MR. LEE:** We have documents in the record
3 about that. I'm not going to put them to you.

4 At the time that he was -- prior to his
5 appointment, rather, did Bishop Larocque discuss Father
6 Stone with you?

7 **REV. BRYAN:** No.

8 **MR. LEE:** He didn't bring you in since you
9 were the assistant chaplain and ask you what the Villa was
10 like, if it was an appropriate place for him, anything like
11 that?

12 **REV. BRYAN:** No.

13 **MR. LEE:** Did he talk to you at all about
14 Father Stone's return to the Diocese in 1981?

15 **REV. BRYAN:** No.

16 **MR. LEE:** Had you known that Father Stone
17 had been in the Diocese in the late '50s and early '60s?

18 **REV. BRYAN:** Yes.

19 **MR. LEE:** And had you had any contact with
20 him at that time?

21 **REV. BRYAN:** With Father Stone?

22 **MR. LEE:** Yes.

23 **REV. BRYAN:** No, other than I think he said
24 Mass at Saint-John Bosco on the odd occasion and I was a
25 parishioner there.

1 **MR. LEE:** Did you have any knowledge in the
2 late '50s or early '60s about any problems in the Diocese
3 with Father Stone?

4 **REV. BRYAN:** Other than what was mentioned
5 in rumours around the parish, no.

6 **MR. LEE:** And can you help me out with what
7 the rumours were, sir?

8 **REV. BRYAN:** Well, basically that Father
9 Stone was -- how would I put it -- involved with children,
10 but I don't know in what capacity, so ---

11 **THE COMMISSIONER:** Well ---

12 **REV. BRYAN:** They were -- well, we had one
13 of our neighbours who used to attend quite often and his
14 mother was very concerned about it.

15 **THE COMMISSIONER:** So he was involved with
16 children ---

17 **REV. BRYAN:** But they didn't say what it
18 was.

19 **THE COMMISSIONER:** --- and it wasn't in a
20 positive way?

21 **REV. BRYAN:** That's right. And I don't know
22 exactly what it was, but it was a rumour about all kinds of
23 possibilities. So I accepted a rumour as a rumour.

24 **THE COMMISSIONER:** M'hm.

25 **MR. LEE:** And I take it back in the early

1 '50s or -- sorry, late '50s or early '60s you weren't
2 involved in an official capacity in the Diocese?

3 **REV. BRYAN:** That's right.

4 **MR. LEE:** You were a parishioner?

5 **REV. BRYAN:** I was a parishioner at Bosco
6 until I moved, which was probably '61. I bought my own
7 house at that point.

8 **MR. LEE:** And I think you told us earlier
9 today that you had heard rumours about Paul Lapierre around
10 that same timeframe?

11 **REV. BRYAN:** Yes.

12 **MR. LEE:** And again, you were a parishioner
13 at the time?

14 **REV. BRYAN:** At the beginning, yes.

15 **MR. LEE:** Do you recall ever having
16 discussed these rumours with any representative of the
17 Diocese, be it a priest, a chaplain, a bishop around that
18 time?

19 **REV. BRYAN:** No.

20 **MR. LEE:** Do you have any knowledge of
21 anyone else having discussed -- brought these rumours to
22 the attention of anyone from the Diocese?

23 **REV. BRYAN:** Not offhand, no.

24 **MR. LEE:** That's nothing you know anything
25 about?

1 **REV. BRYAN:** No.

2 **MR. LEE:** And so if we move forward to 1981,
3 there's no discussion between you and Bishop Larocque at
4 that time about his previous stay in Cornwall -- Father
5 Stone's previous stay?

6 **REV. BRYAN:** No, no.

7 **MR. LEE:** And you're not asked to keep an
8 eye on Father Stone at the Villa or anything like that?

9 **REV. BRYAN:** No. I knew he was an American,
10 and that was about it, that he was over in the U.S. for
11 quite some time and was going to come in here to fill that
12 function, I guess, after he was appointed.

13 **MR. LEE:** And our understanding is that
14 Father Stone left the Diocese in 1985. Do you have any
15 information at all about his departure from the Diocese?

16 **REV. BRYAN:** No.

17 **MR. LEE:** That wasn't anything you were
18 involved with?

19 **REV. BRYAN:** It doesn't ring any bells at
20 all.

21 **MR. LEE:** You didn't have discussions with
22 Bishop Larocque about ---

23 **REV. BRYAN:** No. Well, in '85 I was in
24 Africa.

25 **MR. LEE:** Right. That's right.

1 You spoke to us during your evidence in-
2 chief about the process whereby the \$27,000 cheque was
3 requested and you sought approval from the Bishop.

4 What I haven't -- what I'm not clear on is
5 whether or not the Diocese had a finance committee in 1993?

6 **REV. BRYAN:** Yes, they did.

7 **MR. LEE:** And what was the role of the
8 finance committee at that time?

9 **REV. BRYAN:** Usually to review the expenses
10 and any particular project that was coming up, and they
11 would make a recommendation to the Bishop. The Bishop made
12 the decision final because they were -- the finance
13 committee, unless it was a huge amount of money, were an
14 advisory committee rather than a function committee.

15 **MR. LEE:** When would matters typically come
16 to the attention of the advisory committee, after the
17 expenditure had been made or in advance?

18 **REV. BRYAN:** Generally before, unless it was
19 in the middle of the month or something of that nature and
20 was required to be filled.

21 **MR. LEE:** So if something came up suddenly
22 and a meeting of the advisory -- or of the finance
23 committee wasn't scheduled, they wouldn't be notified in
24 advance is what you're saying?

25 **REV. BRYAN:** No.

1 **MR. LEE:** Do you know whether or not the
2 \$27,000 payment was presented to the committee before it
3 was made?

4 **REV. BRYAN:** It wasn't.

5 **MR. LEE:** It was not?

6 **REV. BRYAN:** No.

7 **MR. LEE:** Should it have been?

8 **REV. BRYAN:** It should have been, yes.

9 **MR. LEE:** As a matter of policy?

10 **REV. BRYAN:** As a matter of process, yes.

11 **MR. LEE:** Was there a requirement for
12 disbursements above a certain amount to go before the
13 committee?

14 **REV. BRYAN:** It was usually for large
15 projects, yes, but I don't think there was a set amount.

16 **MR. LEE:** Well, that's one of my questions
17 because you used the word "projects" and ---

18 **REV. BRYAN:** Yes.

19 **MR. LEE:** --- we have things like
20 improvements to buildings, for an example, purchases of
21 buildings and things along those lines. Then we have -- on
22 the other side we have this payment, which certainly isn't
23 related to that at all.

24 Was there anything in writing or any
25 protocol that you understood that some kind of unusual or

1 unexpected or extraordinary disbursement would be brought
2 before the committee if it exceeded a certain amount?

3 **REV. BRYAN:** No, there was no particular
4 amount. I generally brought them all -- anything that was
5 10,000 or more.

6 **MR. LEE:** So there was a general practice in
7 the Diocese?

8 **REV. BRYAN:** General practice by myself,
9 yes.

10 **MR. LEE:** And you said \$10,000 was the
11 threshold you ---

12 **REV. BRYAN:** Yes.

13 **MR. LEE:** Can we -- I want to have you take
14 a look at a document, please. It's Exhibit 1889.

15 **(SHORT PAUSE/COURTE PAUSE)**

16 **MR. LEE:** Do you have that before you,
17 Reverend Bryan?

18 **REV. BRYAN:** Yes, I do.

19 **MR. LEE:** This is what's known as a
20 transcript from an examination for discovery, and this is
21 in relation to the lawsuit that was ultimately brought by
22 David Silmser against the Diocese. And as part of that
23 lawsuit, Bishop Larocque would have attended to answer
24 questions under oath and posed by the other party; okay?

25 If you can take a look at page 97, please?

1 **MR. SHERRIFF-SCOTT:** Just so you understand,
2 Commissioner, the notice -- my friend has two transcripts
3 that approximate 500 pages and we have in the past, as
4 notices were coming in, asked people to identify page
5 numbers which my friend may not have had time to do, but
6 the witness has had these for two days and I don't think
7 he's had an opportunity to review 500 pages. He's trying
8 to get through as much as he can.

9 **THE COMMISSIONER:** M'hm.

10 **MR. LEE:** I, Mr. Commissioner, can't tell
11 you as a matter of fact whether we provided specific Bates
12 page numbers or not. We try to do our best when there's
13 something obvious in there and I think probably if we did
14 not, we likely could have with this one and going forward,
15 I'll make sure. I intend to put one passage to the witness
16 and certainly if he needs some time to read around the
17 passage for context, he can do that.

18 Reverend Bryan, are you at page 97?

19 **REV. BRYAN:** Yes, I am.

20 **MR. LEE:** And on line 2, the witness refers
21 to Bishop Larocque; okay? And what he says is:

22 "I have since told my Bursar, 'Why
23 didn't you oblige me to go through the
24 ordinary procedures because anything
25 over \$10,000 must go the Finance

1 Commission?' If he had done that, I am
2 sure that they would have been able to
3 talk me out of and I would have
4 probably agreed with them, but we
5 didn't. That's hindsight."

6 Do you see that?

7 **REV. BRYAN:** It doesn't seem to be on my 97.

8 **THE COMMISSIONER:** Oh, no, see he's
9 referring to the Bates page.

10 **MR. LEE:** Yeah.

11 **THE COMMISSIONER:** Madam Clerk, could you
12 help him out?

13 **MR. LEE:** You're doing things the way it
14 should be done, sir. The Bates page is page 452, ending in
15 452.

16 **(SHORT PAUSE/COURTE PAUSE)**

17 **REV. BRYAN:** I don't remember that
18 conversation with the Bishop.

19 **MR. LEE:** You don't recall a conversation
20 like that with the Bishop at all?

21 **REV. BRYAN:** No.

22 **MR. LEE:** But he does seem to suggest that
23 he had a similar understanding that anything over 10,000
24 should go to the Finance Committee?

25 **REV. BRYAN:** Yes.

1 **THE COMMISSIONER:** I guess he -- if I
2 understand this correctly, what he's telling the lawyers is
3 that after all of this was done, he went and saw you and
4 said, "Why didn't you oblige me to do that?"

5 **REV. BRYAN:** As far as I can remember, that
6 never happened. He may have thought it happened but it
7 didn't.

8 **THE COMMISSIONER:** Thank you.

9 **REV. BRYAN:** To the best of my knowledge,
10 sir.

11 **MR. LEE:** I'd like to ask you just briefly
12 about this insurance issue to make sure that I understand
13 what your evidence is.

14 You spoke to us in-chief and with Mr. Wardle
15 about some of the problems you envisioned with coverage for
16 historic sex abuse claims ---

17 **REV. BRYAN:** Yes.

18 **MR. LEE:** --- relating to old policies and
19 being able to figure out who had coverage, when and
20 companies having amalgamated things along those lines. Do
21 you recall that?

22 **REV. BRYAN:** Yes.

23 **MR. LEE:** So I took your evidence to be that
24 you would have appreciated by 1993 or 1994 that it would
25 not have been an easy task to figure out which insurer

1 would have been responsible for the allegations being
2 raised by David Silmser. Is that right?

3 **REV. BRYAN:** That's right.

4 **MR. LEE:** In-chief you were asked however
5 what you would have done had you been asked to notify the
6 insurer and you told us that you would have contacted the
7 broker to see if he could figure it out, essentially?

8 **REV. BRYAN:** That's right.

9 **MR. LEE:** Is that right? And I take you had
10 never had occasion to contact your broker about an historic
11 sex abuse claim prior to 1993 or 1994?

12 **REV. BRYAN:** You're right.

13 **MR. LEE:** And so I take it from your
14 evidence that even though you knew it might be a tough job,
15 had you had notice of the claim, you would have given it a
16 shot?

17 **REV. BRYAN:** That's right.

18 **MR. LEE:** You would have essentially called
19 the broker and see if he could figure it out?

20 **REV. BRYAN:** That's right.

21 **MR. LEE:** And I take it you're not here
22 telling us that the coverage issue was settled in your mind
23 and not worth exploring?

24 **REV. BRYAN:** At that particular point when
25 there was a payout determined?

1 **MR. LEE:** Yes.

2 **REV. BRYAN:** At that point, I knew that the
3 coverage couldn't -- couldn't be handled by any of the
4 insurers because it became null and void once you make your
5 own decision on that one.

6 **MR. LEE:** Your understanding by the time you
7 learned of it is that the Diocese's actions had precluded
8 the possibility of insurance covering this matter?

9 **REV. BRYAN:** That's right.

10 **MR. LEE:** But at that point-in-time, prior
11 to that point-in-time, you hadn't settled your mind on the
12 fact that the Diocese was completely on its own for any
13 historic sex abuse claim because it was just too tough?

14 **REV. BRYAN:** No, no.

15 **MR. LEE:** It would have still been worth a
16 shot in your mind. Is that right?

17 **REV. BRYAN:** You're right.

18 **MR. LEE:** And one of the things I was not
19 clear on in your testimony was whether or not you were
20 ultimately told to notify the insurer at any point after
21 the release came to light?

22 **REV. BRYAN:** It's possible, but I don't
23 recall any of that. If it happened, I would have indicated
24 to them that it was null and void once they made the
25 decision.

1 **MR. LEE:** Do you know whether an insurer was
2 ever contacted in this matter?

3 **REV. BRYAN:** It wasn't contacted by me, so I
4 would assume, no.

5 **MR. LEE:** We looked a moment ago at a
6 discovery transcript relating to a lawsuit eventually
7 brought by David Silmsler. Do you know whether or not an
8 insurer was involved in that litigation at any point?

9 **REV. BRYAN:** No, I'm not aware, but it's
10 possible because legal fees sometimes were picked up for
11 another suit like a ---

12 **MR. LEE:** It's just not something you have
13 knowledge of?

14 **REV. BRYAN:** No.

15 **MR. LEE:** Have you ever had a conversation
16 with Bishop Larocque about why the Diocese's insurers were
17 not put on notice at the time the Silmsler allegations were
18 received?

19 **REV. BRYAN:** No.

20 **MR. LEE:** Have you ever had such
21 conversation with Jacques Leduc?

22 **REV. BRYAN:** I don't believe so.

23 **MR. LEE:** You were asked a few questions
24 yesterday about Malcolm MacDonald, and you'll recall that
25 you discussed at fair length the issue of the \$27,000 from

1 the Diocese and the \$5,000 from another source, and then
2 later on you discussed the \$1,000 that came into the credit
3 of Father MacDonald. Do you remember that series of
4 questions?

5 **REV. BRYAN:** Yes, yes.

6 **MR. LEE:** And what you told us was that you
7 knew, because you had cut the cheque, that the Diocese had
8 contributed \$27,000?

9 **REV. BRYAN:** Yes.

10 **MR. LEE:** And you're clear on that. And
11 what you told us was at the time you knew the \$5,000 had
12 come from some other source?

13 **REV. BRYAN:** Yes, I assumed Father Charles.

14 **MR. LEE:** And what you said to Ms. Hamou
15 initially was that you assumed it was either Father Charles
16 or Malcolm MacDonald?

17 **REV. BRYAN:** Yeah, you're right.

18 **MR. LEE:** And you were later on asked about
19 the \$1,000 payment that was made to the Diocese and you'll
20 recall that Ms. Hamou put a letter to you showing that that
21 had been submitted by Malcolm MacDonald?

22 **REV. BRYAN:** Yes.

23 **MR. LEE:** And on behalf of Father Charles
24 MacDonald?

25 **REV. BRYAN:** Yes.

1 **MR. LEE:** And you told us that you assumed
2 that that amount was being paid to pay down Father Charles
3 MacDonald's student loan?

4 **REV. BRYAN:** Pay down what he owed in debt,
5 yes.

6 **MR. LEE:** Yes. And when Ms. Hamou asked you
7 if that were truly the purpose of that \$1,000 payment, why
8 would it be coming through Malcolm MacDonald, you answered,
9 "As a donation from him; I don't know", meaning from
10 Malcolm MacDonald?

11 **REV. BRYAN:** Yes, I wasn't sure whether it
12 was from Father Charlie or Father MacDonald, but after the
13 letter, the letter indicates that it was from Father
14 Charlie. It does not ---

15 **MR. LEE:** I'm wondering why in these two
16 instances you thought it possible that Malcolm MacDonald
17 would be paying money out of his own pocket to assist
18 Charles MacDonald?

19 **REV. BRYAN:** I believe that it was mentioned
20 they were close friends. So ---

21 **MR. LEE:** And were you aware of that at the
22 time, sir?

23 **REV. BRYAN:** I think I was aware that
24 Malcolm and Father Charlie knew each other well, yes.

25 **MR. LEE:** Was that well known within the

1 Diocese, as far as you knew?

2 **REV. BRYAN:** I think so.

3 **MR. LEE:** Do you have any recollection of
4 how you would have known of that friendship?

5 **REV. BRYAN:** Not offhand, but I would assume
6 it was generally known.

7 **MR. LEE:** Just something people knew?

8 **REV. BRYAN:** Yes.

9 **MR. LEE:** Towards the end of your
10 examination in-chief, Ms. Hamou brought you to two
11 exhibits. They were lists of names of clergymen. Do you
12 remember that?

13 **REV. BRYAN:** Yes.

14 **MR. LEE:** Those are Exhibits 1855 and C-
15 1856, and she asked you to go through the list and to let
16 her know if you had ever heard allegations made against any
17 of these persons before the allegations became known to the
18 public. Do you recall that?

19 **REV. BRYAN:** Yes.

20 **MR. LEE:** And what I'm wondering is, given
21 that she used the word "allegations", when you were
22 reviewing those lists did you come across any names that --
23 about whom you had heard information or rumours as opposed
24 to strictly defined allegations that you'd like to bring to
25 our attention?

1 **REV. BRYAN:** It probably is rumours more
2 than allegations, yes.

3 **MR. LEE:** And you told us specifically about
4 Fathers Lapierre and Stone, and those were in the nature of
5 rumours?

6 **REV. BRYAN:** That's right.

7 **MR. LEE:** Was there anybody else on either
8 of those lists that -- that you had heard rumours about?

9 **REV. BRYAN:** I think that was it, unless I
10 see their names and I might be able to go through them
11 again.

12 **MR. LEE:** Exhibits 1855 and 1856; I just --
13 you understand the distinction I'm trying to draw, sir?
14 When she used the word "allegations", I'm worried that you
15 may be thinking in a formal sense of somebody having come
16 and complained directly to the Diocese, and I want to make
17 sure that you're telling us about these people as it
18 related to just information you may have had.

19 **(SHORT PAUSE/COURTE PAUSE)**

20 **REV. BRYAN:** Now, it's for allegations or --
21 -

22 **THE COMMISSIONER:** Rumours.

23 **REV. BRYAN:** Rumours?

24 **MR. LEE:** I think you've answered for
25 allegations. I'm in interested in ---

1 **REV. BRYAN:** Okay.

2 **MR. LEE:** --- rumours or information that
3 came ---

4 **REV. BRYAN:** I think it was those two.

5 **MR. LEE:** And those are the only two you
6 see?

7 **REV. BRYAN:** As far as I can recollect.

8 **MR. LEE:** And you've looked at both of these
9 lists, the ---

10 **REV. BRYAN:** Yes, I have.

11 **MR. LEE:** --- list with 16 names and the
12 list with 5?

13 **REV. BRYAN:** Yes.

14 **MR. LEE:** Thank you very much, sir. Those
15 are my questions.

16 **REV. BRYAN:** Thank you.

17 **THE COMMISSIONER:** Thank you.
18 Mr. Cipriano?

19 **MR. CIPRIANO:** I have no questions.

20 **THE COMMISSIONER:** Thank you.
21 Mr. Chisholm?

22 **MR. CHISHOLM:** No questions, sir, thank you.

23 **THE COMMISSIONER:** Thank you.
24 Mr. Rose?

25 **MR. ROSE:** No questions, sir.

1 THE COMMISSIONER: Ms. Cole?

2 MS. COLE: No questions, sir.

3 THE COMMISSIONER: Ms. Robitaille.

4 MS. ROBITAILLE: Good afternoon, Mr.
5 Commissioner.

6 THE COMMISSIONER: Good afternoon.

7 MS. ROBITAILLE: I'm a bit taller than
8 Dallas.

9 THE COMMISSIONER: I don't know if that
10 would be too hard.

11 (LAUGHTER/RIRES)

12 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR

13 MS. ROBITAILLE:

14 MS. ROBITAILLE: Good afternoon, Reverend
15 Bryan.

16 REV. BRYAN: Good afternoon.

17 MS. ROBITAILLE: I have a little examination
18 here. It won't take too long but I'm going to jump around
19 a little bit, and if you need -- you need some help
20 situating yourself, just let me know and -- and I'll slow
21 down.

22 I just want to deal with a few questions
23 that came up in some of my friends' examinations today.

24 You told us that Jacques Leduc's old law
25 office was very close to the Diocesan Centre. Is that

1 right?

2 REV. BRYAN: That was ---

3 MR. SHERRIFF-SCOTT: Just that, sir, I don't
4 think -- I'm not sure my friend said who she was
5 representing.

6 THE COMMISSIONER: Thank you.

7 MS. ROBITAILLE: I'm sorry, Reverend Bryan.
8 My name is Danielle Robitaille and I represent Jacques
9 Leduc.

10 REV. BRYAN: Okay.

11 MS. ROBITAILLE: So we'll just go back.
12 So his office was close to the Diocesan
13 Centre; right? ---

14 REV. BRYAN: Yes, about four blocks at the
15 most. Gloucester and Second.

16 MS. ROBITAILLE: And you told us that as far
17 as you can remember, he came personally to pick up the
18 cheque for \$32,000?

19 REV. BRYAN: I believe so.

20 MS. ROBITAILLE: And he came back personally
21 to deliver the release?

22 REV. BRYAN: I believe so.

23 MS. ROBITAILLE: Now, Mr. Leduc told us last
24 week that it was his practice, in general, when final
25 documents or money was being exchanged, that he would from

1 time-to-time not use couriers or mail but he would -- he
2 would come in person?

3 REV. BRYAN: That's true.

4 MS. ROBITAILLE: That's consistent with your
5 dealings with him over the years?

6 REV. BRYAN: Yes.

7 MS. ROBITAILLE: So it wasn't unusual?

8 REV. BRYAN: No. Actually he even would
9 stop in the odd time to say hello.

10 MS. ROBITAILLE: And would you do the same
11 at his office from time-to-time?

12 REV. BRYAN: From time-to-time, yes.

13 MS. ROBITAILLE: We also had some
14 discussions today about how the \$32,000 payment may have
15 been recorded in the books. Do you recall those
16 discussions?

17 REV. BRYAN: Yes.

18 MS. ROBITAILLE: Now, Mr. Leduc wouldn't
19 have had any input in that, would he?

20 REV. BRYAN: No.

21 MS. ROBITAILLE: He didn't instruct you on
22 which account to draw the money from?

23 REV. BRYAN: No.

24 MS. ROBITAILLE: And if someone had helped
25 you out with that, who would that have been?

1 **REV. BRYAN:** I don't think I would have had
2 anyone other than the bookkeeper, who might have suggested
3 what to put it in.

4 **MS. ROBITAILLE:** But that would have been
5 your discretion?

6 **REV. BRYAN:** That's right.

7 **MS. ROBITAILLE:** You described for us over
8 the last two days your role as the Diocesan Bursar.

9 **REV. BRYAN:** Yes.

10 **MS. ROBITAILLE:** And I take it that part of
11 your role was to -- part of your role was to make sure that
12 the records of all financial agreements were organized?

13 **REV. BRYAN:** Yes.

14 **MS. ROBITAILLE:** Now, your financial team at
15 the Centre would include just yourself and the bookkeeper.
16 Is that right?

17 **REV. BRYAN:** That's right.

18 **MS. ROBITAILLE:** And did the bookkeeper work
19 full time?

20 **REV. BRYAN:** At that particular time, yes.

21 **MS. ROBITAILLE:** And he or she was under
22 your supervision and direction. Is that right?

23 **REV. BRYAN:** Yes.

24 **MS. ROBITAILLE:** And you would take
25 direction from your boss, the Bishop?

1 **REV. BRYAN:** That's right.

2 **MS. ROBITAILLE:** You would report and be
3 accountable to him?

4 **REV. BRYAN:** Yes. In his absence it would
5 be the Vicar General, and in Vicar General's absence, it
6 would be the Chancellor.

7 **MS. ROBITAILLE:** Thank you.

8 You testified that you were on the Diocesan
9 Insurance Board. Is that -- did I get the name right?

10 **REV. BRYAN:** No. Well, it's the Ontario
11 Catholic Conference of Bishops Board.

12 **MS. ROBITAILLE:** Thank you. And that was an
13 appointment that the Bishop assisted you in getting. Is
14 that right?

15 **REV. BRYAN:** That's right.

16 **MS. ROBITAILLE:** And the year again -- I
17 have 1987.

18 **REV. BRYAN:** It'd be close to that.

19 **MS. ROBITAILLE:** And so the Bishop was aware
20 that you had a general interest in insurance matters?

21 **REV. BRYAN:** That's right.

22 **MS. ROBITAILLE:** And that you were
23 knowledgeable about insurance?

24 **REV. BRYAN:** Yes.

25 **MS. ROBITAILLE:** And that's something he

1 would have been aware of in the winter of 1992-93?

2 REV. BRYAN: Should have been, yes.

3 MS. ROBITAILLE: And so just on that
4 insurance issue, just so that I have your evidence, you say
5 that once you confirmed with the Bishop that the 32 -- the
6 \$27,000 payment was authorized and he told you it was to
7 settle a liability claim, you understood a couple of
8 things, and the first thing is you understood that a
9 release would be coming back to you?

10 REV. BRYAN: That's right.

11 MS. ROBITAILLE: And in your experience with
12 insurance and finance, you understood that a release was a
13 financial agreement between two or more parties; right?

14 REV. BRYAN: Yes.

15 MS. ROBITAILLE: And you decided not to
16 contact the insurer at that point because you were certain
17 that there would be no coverage in respect of that
18 settlement?

19 REV. BRYAN: Not once the settlement had
20 been determined.

21 MS. ROBITAILLE: Right.

22 REV. BRYAN: Yes.

23 MS. ROBITAILLE: And Mr. Lee covered with
24 you that had the Bishop advised you in December '92 of the
25 Silmsler complaint and asked you to dig deeper into this

1 insurance issue, you could have done that?

2 REV. BRYAN: Yes, I could have.

3 MS. ROBITAILLE: I just want to talk a
4 little bit about your reporting relationship with the
5 Bishop. You report directly to the Bishop and he's the one
6 that authorizes payments, for the most part?

7 REV. BRYAN: Yes.

8 MS. ROBITAILLE: And so would you have
9 weekly meetings with him, going over matters? Would there
10 be memos, inter-office, or would you have casual hallway
11 talk? How was -- how did it work?

12 REV. BRYAN: Normally, we would give him the
13 P&L statement once a month that he would look at, and it
14 would be the same with our finance committee as well --
15 profit and loss statement.

16 MS. ROBITAILLE: And if things came up
17 between those monthly statements, how would you communicate
18 with him?

19 REV. BRYAN: Normally, if it was something
20 urgent, I would go up to him.

21 MS. ROBITAILLE: So in person then?

22 REV. BRYAN: Yes.

23 MS. ROBITAILLE: We've seen a couple of
24 notes of yours going to the Bishop. Is that another way
25 you would communicate with him?

1 **REV. BRYAN:** When he wasn't there at the
2 time, yes.

3 **MS. ROBITAILLE:** And so the note would be
4 left on his desk?

5 **REV. BRYAN:** That's right.

6 **MS. ROBITAILLE:** We looked at a letter
7 today, a letter that you wrote to Mr. Annis. Do you
8 remember the letter I'm talking about?

9 **REV. BRYAN:** Yes, I do.

10 **MS. ROBITAILLE:** And so that's a letter that
11 the Bishop asked you to write on his behalf in respect of a
12 complaint by Mr. Gauthier; right?

13 **REV. BRYAN:** I believe that's right.

14 **MS. ROBITAILLE:** Now, because of your
15 reporting relationship with the Bishop, had Mr. Annis
16 replied to your letter, he could be assured that you would
17 have communicated the contents of his letter back to you to
18 the Bishop?

19 **REV. BRYAN:** Yes.

20 **MS. ROBITAILLE:** Right? Yesterday you
21 testified -- and I believe you were joking but I just want
22 to get this on the record -- that you were the Bishop's
23 left-hand man?

24 **REV. BRYAN:** Yes. That's normally what
25 finance is considered, left hand rather than right.

1 **MS. ROBITAILLE:** And he consulted you and
2 trusted your judgement?

3 **REV. BRYAN:** Yes, generally. I would say
4 yes.

5 **MS. ROBITAILLE:** But you weren't privy to
6 all of his dealings, were you?

7 **REV. BRYAN:** No.

8 **MS. ROBITAILLE:** He often attended meetings
9 without you?

10 **REV. BRYAN:** Oh, yes. I rarely attended
11 meetings with him other than finance.

12 **MS. ROBITAILLE:** He often wrote letters that
13 you had no knowledge of?

14 **REV. BRYAN:** Yes.

15 **MS. ROBITAILLE:** And a good example of that
16 one is the one we looked at from Bishop Larocque to Father
17 Deslauriers about his salary. Do you recall that?

18 **REV. BRYAN:** Yes.

19 **MS. ROBITAILLE:** And you testified that you
20 weren't aware of that letter until very recently?

21 **REV. BRYAN:** That's right.

22 **MS. ROBITAILLE:** You also testified that you
23 were a bit shocked to see that your little note made its
24 way into that letter?

25 **REV. BRYAN:** Yes.

1 **MS. ROBITAILLE:** Today you said it was a
2 revelation?

3 **REV. BRYAN:** Yes.

4 **MS. ROBITAILLE:** And so I'm trying to wrap
5 my head around why you were shocked and let me know if I've
6 got it right.

7 The decision whether or not to continue to
8 give Father Deslauriers a salary was totally within the
9 purview of the Bishop; right?

10 **REV. BRYAN:** That's right.

11 **MS. ROBITAILLE:** And if the Bishop had
12 really wanted to continue to provide a salary to Father
13 Deslauriers, he could have done that?

14 **REV. BRYAN:** Yes.

15 **MS. ROBITAILLE:** And so when you saw the
16 Bishop's letter very recently, you found it a bit strange
17 that despite the Bishop's ultimate authority in this
18 matter, he used your note or your objection as one of the
19 justifications for terminating the salary?

20 **REV. BRYAN:** Yes.

21 **MS. ROBITAILLE:** And that fairly captures
22 the reason for your surprise?

23 **REV. BRYAN:** Yes.

24 **MS. ROBITAILLE:** I just want to talk about
25 the moment when you get the phone call from Mr. Leduc

1 saying, "I need a copy of that release".

2 You told Ms. Hamou yesterday that you faxed
3 it first and you read it after?

4 **REV. BRYAN:** That's right.

5 **MS. ROBITAILLE:** And I take it the reason
6 why you did in that order is that Mr. Leduc had
7 communicated a certain urgency in the matter?

8 **REV. BRYAN:** That's right.

9 **MS. ROBITAILLE:** I want to move along to the
10 press conference of January 24th. You testified that you
11 participated in that press conference; right?

12 **REV. BRYAN:** Yes.

13 **MS. ROBITAILLE:** And we have a photo of you
14 holding up the brown envelope for the cameras; right?

15 **REV. BRYAN:** Yes.

16 **MS. ROBITAILLE:** And you testified on your
17 first day of testimony that you -- if you were
18 uncomfortable it's because you weren't used to television
19 cameras?

20 **REV. BRYAN:** Yes, there was about four of
21 them there.

22 **MS. ROBITAILLE:** And you're maybe not the
23 kind of guy who likes the spotlight?

24 **REV. BRYAN:** That's number two.

25 **MS. ROBITAILLE:** And I take it the Bishop

1 asked you to attend this press conference?

2 REV. BRYAN: Yes.

3 MS. ROBITAILLE: And I take it that he asked
4 you to bring the brown envelope?

5 REV. BRYAN: Yes.

6 MS. ROBITAILLE: And did he ask you to hold
7 it up for the camera?

8 REV. BRYAN: I don't remember whether it was
9 him or who it was at the particular time.

10 MS. ROBITAILLE: Maybe it was the press?

11 REV. BRYAN: Maybe the press.

12 MS. ROBITAILLE: I take it the Bishop asked
13 you to bring the brown envelope and to attend the press
14 conference because he was hoping to get the message across
15 that whatever happened with the release and whatever
16 happened with the previous press conference, it wasn't his
17 fault?

18 REV. BRYAN: Yes.

19 MS. ROBITAILLE: And so you're there at the
20 press conference holding the envelope for the press, and
21 you're not the one who authorized the settlement; right?

22 REV. BRYAN: That's right.

23 MS. ROBITAILLE: And you never talked to
24 anyone about what the terms of the settlement would be?

25 REV. BRYAN: No.

1 MS. ROBITAILLE: And you weren't a party to
2 the release?

3 REV. BRYAN: No.

4 MS. ROBITAILLE: And you didn't call the
5 press conference?

6 REV. BRYAN: No.

7 MS. ROBITAILLE: None of those were your
8 decisions; right?

9 REV. BRYAN: That's right.

10 MS. ROBITAILLE: They were the Bishop's?

11 REV. BRYAN: They were the Bishop's.

12 MS. ROBITAILLE: But you're there and Mr.
13 Leduc is there and both of you are explaining the mistakes
14 you've made and how, in hindsight, you would have done
15 things differently?

16 REV. BRYAN: That's right.

17 MS. ROBITAILLE: And the Bishop explains how
18 he never wanted to settle in the first place; right?

19 REV. BRYAN: Yes.

20 THE COMMISSIONER: Are we just repeating or

21 ---

22 MS. ROBITAILLE: I have very little left.

23 THE COMMISSIONER: Well, I should have
24 stopped you earlier.

25 (LAUGHTER/RIRES)

1 MS. ROBITAILLE: You usually do.

2 (LAUGHTER/RIRES)

3 THE COMMISSIONER: Just a minute here.

4 Okay.

5 REV. BRYAN: Your Honour, I thought I was
6 the one to give the jokes.

7 THE COMMISSIONER: You can have them.

8 Go ahead.

9 MS. ROBITAILLE: Thank you.

10 So the next day, on the front page of the
11 newspaper, it's your face and it's Mr. Leduc's face?

12 REV. BRYAN: That's right.

13 MS. ROBITAILLE: And the Bishop doesn't
14 appear anywhere in that photo does he?

15 REV. BRYAN: No. I think we were both more
16 photogenic than the Bishop.

17 MS. ROBITAILLE: That could be. Well, we'll
18 have to wait and see.

19 And just lastly, Mr. Leduc never told you
20 that you should not open the envelope; right?

21 REV. BRYAN: That's right.

22 MS. ROBITAILLE: And he never told you that
23 the Bishop should not open the envelope?

24 REV. BRYAN: Definitely not.

25 MS. ROBITAILLE: And, in fact, Mr. Leduc's

1 initial instructions to you were that the envelope were to
2 be only opened by the Bishop?

3 REV. BRYAN: Yes.

4 MS. ROBITAILLE: And then you suggested that
5 you should be allowed to open it?

6 REV. BRYAN: In the event that the Bishop
7 was absent, yes.

8 MS. ROBITAILLE: And Mr. Leduc didn't resist
9 that request?

10 REV. BRYAN: No.

11 MS. ROBITAILLE: And you've told us numerous
12 times, I won't ask you to repeat it and you have it in two
13 of your OPP statements, that in hindsight you should have
14 given the envelope to the Bishop?

15 REV. BRYAN: That's right.

16 MS. ROBITAILLE: But the envelope was always
17 available for the Bishop to read had he asked for it?

18 REV. BRYAN: Had he asked for it, yes. Had
19 he even asked me if it was in. He would have had it.

20 MS. ROBITAILLE: But he didn't do that?

21 REV. BRYAN: He didn't.

22 MS. ROBITAILLE: Thank you. Those are my
23 questions.

24 THE COMMISSIONER: Thank you.

25 Mr. Callaghan? -- Ms. Lalji?

1 MS. LALJI: (Inaudible).

2 THE COMMISSIONER: There you go. You got
3 your wish.

4 --- CROSS-EXAMINATION BY/CONTRE-INTERROGATOIRE PAR MS.

5 LALJI:

6 MS. LALJI: Good afternoon, Reverend Bryan.

7 REV. BRYAN: Good afternoon.

8 MS. LALJI: You know who I am. We met
9 yesterday. I'm counsel for the Cornwall Police Service and
10 the Cornwall Police Services Board.

11 REV. BRYAN: Yes.

12 MS. LALJI: I just have a few questions for
13 you.

14 Now, earlier today, Ms. Hamou asked you some
15 questions about the issues of morale within the Cornwall
16 Police Service and whether there was any conflict of
17 interest with your son-in-law, D'Arcy Dupuis, who was a
18 staff sergeant at the time that you were a Board member.
19 Do you recall that?

20 REV. BRYAN: Yes, I do.

21 MS. LALJI: And she had also asked you
22 whether you recall reviewing the staff sergeants' report
23 where they raise some concerns, and your evidence was that
24 you don't recall reading that. Do you remember that?

25 REV. BRYAN: Yes.

1 **MS. LALJI:** Okay. There's actually a
2 document I want to turn you to and I believe that you don't
3 recall that, but I'll show it to you. And I just want to
4 ask you some questions about it.

5 It's Exhibit 1347. And, Madam Clerk, just
6 to let you know what this is. This is the November, 1990
7 inspection report. I believe that Ms. Hamou took you to
8 that.

9 I'm just going to wait a moment until Mr.
10 Commissioner has his exhibit as well.

11 **THE COMMISSIONER:** Okay.

12 **MS. LALJI:** Now, I hope that the copy of the
13 exhibit that I have -- because this was in the cross
14 documents, Mr. Commissioner, can you refer to a Bates page
15 number; I hope it's the same Bates page number, 7180954.

16 **THE COMMISSIONER:** Oh.

17 **MS. LALJI:** It's not matching. Okay.

18 **THE COMMISSIONER:** It's not a very thick
19 document.

20 **MS. LALJI:** No, it's not a very thick
21 document. I can tell you what the document is.

22 It's on the letterhead of the CPS Board and
23 it looks like a memo-style and it's dated April 12th, 1990.
24 It should be a few pages in; might be 10 pages in.

25 **THE COMMISSIONER:** Oh, okay. No, it's

1 before last page, sir, of that document.

2 **REV. BRYAN:** The very last one.

3 **THE COMMISSIONER:** I believe so.

4 **THE COMMISSIONER:** The before last page on
5 the flip side. It says, "Senior Officer and Staff Sergeant
6 ---

7 **MS. LALJI:** That's right.

8 **REV. BRYAN:** "April 12th Response to Staff
9 Sergeants' Report."

10 **THE COMMISSIONER:** That's the one.

11 **MS. LALJI:** That's the one.

12 **REV. BRYAN:** Yes.

13 **MS. LALJI:** I'm just going to wait for it to
14 come on the screen. That's the one, thank you.

15 Now, Reverend Bryan, this is the response
16 from the CPS Board to the staff sergeants' report. And if
17 you just turn to the next page, you'll see that it's
18 actually signed by the Board Chair, Ron Adams. Do you see
19 that?

20 **REV. BRYAN:** Yes, I do.

21 **MS. LALJI:** Okay. And I'll turn you back to
22 the first page, and I'll just have you read the first
23 paragraph as well as the paragraph "Item Number One". You
24 can just read to yourself.

25 **REV. BRYAN:** Okay.

1 (SHORT PAUSE/COURTE PAUSE)

2 MS. LALJI: Are you done reading that,
3 Reverend Bryan?

4 REV. BRYAN: I have finished number one,
5 yes.

6 MS. LALJI: Okay. Great.

7 So, as I had indicated, this is a response
8 to the Staff Sergeants' Report prepared by the Board. And
9 you'd agree with me that based on what you had just read in
10 this response that the Board didn't share the same concerns
11 as the staff sergeants and, in fact, they did support Chief
12 Shaver. You'd agree with me on that, wouldn't you, based
13 on this?

14 REV. BRYAN: Based on this letter, yes.

15 MS. LALJI: And in terms of your comment
16 earlier today about Chief Shaver, you don't recall exactly
17 when you made that comment do you?

18 REV. BRYAN: No, I don't.

19 MS. LALJI: And as a result of these issues
20 being raised that Ms. Hamou took you through, Ms. McGlashan
21 came in and matters were moving forward and improving
22 within the Cornwall Police Service. You'd agree with that?

23 REV. BRYAN: Yes.

24 MS. LALJI: Okay. Thank you. I have no
25 further questions.

1 **THE COMMISSIONER:** Thank you.

2 Mr. Sherriff-Scott?

3 **MR. SHERRIFF-SCOTT:** Yes, thank you.

4 **THE COMMISSIONER:** Do you know how long
5 you'll be about?

6 **MR. SHERRIFF-SCOTT:** Oh, five minutes or so.

7 ---CROSS-EXAMINATION BY/CONTRE INTERROGATOIRE PAR MR.

8 **SHERRIFF-SCOTT:**

9 **MR. SHERRIFF-SCOTT:** Let's put it this way,
10 you were sufficiently unimpressed with Mr. Shaver in
11 connection with what you saw to make the comment you did?

12 **REV. BRYAN:** Yes.

13 **MR. SHERRIFF-SCOTT:** Is that right?

14 **REV. BRYAN:** Whenever that was at the time,
15 yes.

16 **MR. SHERRIFF-SCOTT:** And relations between
17 you thereafter weren't the warmest, were they?

18 **REV. BRYAN:** No. There was no hatred but it
19 wasn't a warm relationship.

20 **MR. SHERRIFF-SCOTT:** All right.

21 Now, my friend, Ms. Robitaille, ended on
22 some comments about what Jacques Leduc told you to do with
23 the envelope and I just wanted to make clear your -- to the
24 points on that. Notwithstanding what she indicated, he did
25 tell you to seal it and keep it confidential?

1 **REV. BRYAN:** Yes, he did.

2 **MR. SHERRIFF-SCOTT:** And to file it?

3 **REV. BRYAN:** Yes.

4 **MR. SHERRIFF-SCOTT:** He didn't tell you to
5 bring it immediately to the Bishop?

6 **REV. BRYAN:** He didn't say whether I should
7 file it in the Bishop's file but I didn't have access to
8 that anyway.

9 **MR. SHERRIFF-SCOTT:** In any event, seal it,
10 it's confidential, file it?

11 **REV. BRYAN:** File it, yeah.

12 **MR. SHERRIFF-SCOTT:** All right.
13 He didn't tell you to go to the insurers
14 with it?

15 **REV. BRYAN:** To the best of my knowledge,
16 no.

17 **MR. SHERRIFF-SCOTT:** Okay.

18 Now, if we can just turn to Document 1281 --
19 exhibit -- sorry, 1974. It is -- 1974 is the exhibit, I'm
20 sorry. It's the OPP interview of Mr. Bryan.

21 **THE COMMISSIONER:** So you should have that
22 volume, sir, 1974.

23 **MR. SHERRIFF-SCOTT:** And it's page 1281. My
24 mistake. Thank you.

25 **THE COMMISSIONER:** Page 1281, Madam Clerk.

1 The Bates page is -- the last three numbers is -- the last
2 four numbers are 1281.

3 MR. SHERRIFF-SCOTT: It's three pages back -
4 - 1281, I'm sorry.

5 REV. BRYAN: Twelve-eighty (1280) or 1281?

6 THE COMMISSIONER: Twelve-eighty-one (1281).

7 MR. SHERRIFF-SCOTT: I have 1281 -- are the
8 last ---

9 REV. BRYAN: Okay.

10 MR. SHERRIFF-SCOTT: --- three digits.

11 REV. BRYAN: Yes.

12 MR. SHERRIFF-SCOTT: You remember Mr. Paul
13 took you to this passage and it started at the bottom of
14 the preceding page about a potential discussion you may
15 have had with the Bishop.

16 If we just flip down to the bottom of the
17 page, Madam Clerk, of the preceding page, and then it
18 starts there.

19 Just read that, Mr. Bryan, and then flip up
20 to the next page and you'll see -- I think that you'll
21 recall Mr. Paul talked to you about this.

22 REV. BRYAN: Yes.

23 MR. SHERRIFF-SCOTT: Did you get any details
24 of any kind about the information from the Bishop?

25 REV. BRYAN: No.

1 **MR. SHERRIFF-SCOTT:** Now, I just want to put
2 some additional documents to you that are not yet in the
3 record, and this relates to the matter of Mr. Gauthier who
4 you wrote the memorandum about and my friend, the
5 Commission counsel, put that memo to you and that was in
6 the mid-1990s. Okay? I think it will -- there are two
7 documents, Commissioner. I've given these out and there's
8 a copy here.

9 How many copies do you need at the podium?
10 There's a copy for the witness and a copy for you. Six?

11 **THE COMMISSIONER:** Six.

12 **MR. SHERRIFF-SCOTT:** Okay.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. SHERRIFF-SCOTT:** There are two letters
15 there, sir, that I'll ask you to look at when they're
16 handed to you, and just have a look through them and then
17 we'll deal with them appropriately on the record.

18 **THE COMMISSIONER:** Exhibit number 1991 is a
19 letter dated June 6th, 1995 to Mr. Howard Yegendorf from
20 Peter Annis.

21 **--- EXHIBIT NO./PIÈCE NO. P-1991:**

22 (737924) - Letter from Peter Annis to Howard
23 Yegendorf dated June 6, 1995

24 **THE COMMISSIONER:** A letter -- Exhibit 1992
25 is a letter to Mr. Howard Yegendorf dated August 26th, 1996

1 from Peter Annis.

2 --- EXHIBIT NO./PIÈCE NO. P-1992:

3 (737925) - Letter from Peter Annis to Howard
4 Yegendorf dated August 26, 1996

5 MR. SHERRIFF-SCOTT: Thank you,
6 Commissioner.

7 You'll notice, sir, the letters are dated a
8 year apart?

9 REV. BRYAN: Yes.

10 MR. SHERRIFF-SCOTT: So this followed your
11 instruction and memo where you got information from the
12 Bishop?

13 REV. BRYAN: Yes.

14 MR. SHERRIFF-SCOTT: Does this help refresh
15 your memory on what you would have done and what the
16 reaction was through counsel?

17 REV. BRYAN: At this time?

18 MR. SHERRIFF-SCOTT: Okay.

19 Do you understand that it was given to
20 counsel to deal with?

21 REV. BRYAN: Yes.

22 MR. SHERRIFF-SCOTT: Okay. And that Mr.
23 Annis would have written ---

24 REV. BRYAN: To the Bishop, yes.

25 MR. SHERRIFF-SCOTT: Not to the Bishop but

1 to the would-be claimant?

2 REV. BRYAN: Oh, yes, okay.

3 MR. SHERRIFF-SCOTT: Okay.

4 THE COMMISSIONER: Would-be claimant's
5 lawyer.

6 MR. SHERRIFF-SCOTT: Would-be claimant's
7 lawyer, yes.

8 REV. BRYAN: Yes.

9 MR. SHERRIFF-SCOTT: And then ---

10 REV. BRYAN: Yegendorf.

11 MR. SHERRIFF-SCOTT: --- did you hear
12 anything further in connection with that matter?

13 REV. BRYAN: No.

14 MR. SHERRIFF-SCOTT: And if you look at the
15 second of the two in the series, do you recall the Diocese
16 receiving any information after the second letter, a year
17 later, up until the end of your time as Bursar?

18 REV. BRYAN: No.

19 MR. SHERRIFF-SCOTT: Okay. Thank you.

20 And then just to close off, Commissioner, I
21 just wanted to put something in the record that arose out
22 of the Commission counsel's examination, which was a
23 response to Pat Hall of various names and information
24 requested in connection with ---

25 THE COMMISSIONER: Yes.

1 **MR. SHERRIFF-SCOTT:** --- personnel at the
2 Diocese. And if I can just hand copies of those up.

3 **THE COMMISSIONER:** Sorry, this is about what
4 now?

5 **MR. SHERRIFF-SCOTT:** You'll recall Ms. Hamou
6 gave a letter to -- or a list of names to Mr. Bryan, and in
7 response to a request by Pat Hall, Mr. Bryan provided
8 various information.

9 **THE COMMISSIONER:** Yes.

10 **MR. SHERRIFF-SCOTT:** I just wanted to
11 complete the record in terms of the provision of
12 information to the OPP.

13 **(SHORT PAUSE/COURTE PAUSE)**

14 **MR. SHERRIFF-SCOTT:** So, Reverend Bryan,
15 when you get these just have a moment. It's in and around
16 the same date and time area that my friend, the Commission
17 counsel, put to you about information being requested by
18 Mr. Hall. And I just want you to look at the document and
19 then we can see if it refreshes your memory.

20 It's a two-page -- it's two pages actually,
21 Commissioner and each page has a separate document number.
22 I'm not sure why, but one is an appendix to the first page.

23 **(SHORT PAUSE/COURTE PAUSE)**

24 **THE COMMISSIONER:** So Exhibit 1993 is a
25 letter signed by Bishop Larocque and dated October 28th,

1 1998.

2 --- EXHIBIT NO./PIÈCE NO. P-1993:

3 (702872) - Letter from Eugene Larocque re
4 "Answer to your request", dated October 28,
5 1998

6 **MR. SHERRIFF-SCOTT:** And the second page of
7 that is called "Appendix 1", Commissioner.

8 **THE COMMISSIONER:** That will be Exhibit
9 1994.

10 --- EXHIBIT NO./PIÈCE NO. P-1994:

11 (707297) - Appendix 1 re "Answer to your
12 request" letter, dated October 28, 1998

13 **MR. SHERRIFF-SCOTT:** Thank you.

14 Do you remember that Pat Hall came to see
15 someone at the Diocese and you were requested to provide
16 historical information about the employment history of
17 various priests at the Diocese?

18 **REV. BRYAN:** Yes.

19 **MR. SHERRIFF-SCOTT:** You would have supplied
20 this information to the Bishop?

21 **REV. BRYAN:** Yes.

22 **MR. SHERRIFF-SCOTT:** And you understand it
23 was passed on to the OPP in due course?

24 **REV. BRYAN:** That's right.

25 **MR. SHERRIFF-SCOTT:** Thank you. Those are

1 my questions.

2 **THE COMMISSIONER:** Thank you.

3 Maître Hamou?

4 --- RE-EXAMINATION BY/RÉ-INTERROGATOIRE PAR MS. HAMOU:

5 **MS. HAMOU:** Reverend Bryan, I have two small
6 points I wanted to clarify with you that arose out of Mr.
7 Wardle's cross-examination.

8 I would like you to turn to Exhibit 1956,
9 which is your CV, sir.

10 You have the exhibit?

11 **REV. BRYAN:** Yes.

12 **MS. HAMOU:** And I would just like you to
13 note at the -- under your work experience, under 1984 to
14 1985, you were a teacher at ---

15 **REV. BRYAN:** Bahati Minor Seminary, yes.

16 **MS. HAMOU:** And does this relate to your
17 experience and your work in Africa?

18 **REV. BRYAN:** That's right.

19 **MS. HAMOU:** So you would have returned at
20 the end of 1985 perhaps?

21 **REV. BRYAN:** Christmas of '85, yes.

22 **MS. HAMOU:** And the second issue I wanted to
23 address with you, Mr. Wardle asked you if you had ever
24 received a bill for the services of Mr. Leduc?

25 **REV. BRYAN:** To the best of my knowledge,

1 no.

2 **THE COMMISSIONER:** And it was at that time.

3 **MR. WARDLE:** Just so the record is clear, I
4 put to the witness that he did not receive a bill for Mr.
5 Leduc at the time.

6 **THE COMMISSIONER:** At that time, I know.

7 **REV. BRYAN:** Yes.

8 **MS. HAMOU:** Understood.

9 Did a bill from Mr. Leduc come at a later
10 time as far as you know?

11 **REV. BRYAN:** Not as far as I know.

12 **MS. HAMOU:** Okay. And is it possible ---

13 **REV. BRYAN:** Not as far as I can remember.

14 **MS. HAMOU:** Okay. So it's possible that a
15 bill was received by the Diocese?

16 **REV. BRYAN:** Yeah.

17 **MS. HAMOU:** Thank you. Those are all my
18 questions.

19 **THE COMMISSIONER:** Reverend Bryan, I want to
20 thank you for taking the time out to come and share with us
21 your experience and your evidence. I certainly will take
22 in consideration what you've told us here today.

23 **REV. BRYAN:** Thank you.

24 **THE COMMISSIONER:** Thank you very much.

25 You're excused now. Thank you.

1 You may go. Thank you. You have to leave
2 the books there with us.

3 **REV. BRYAN:** I'm just closing them up
4 because it's a little easier for her.

5 **THE COMMISSIONER:** Thank you. You're kind.

6 **(SHORT PAUSE/COURTE PAUSE)**

7 **THE COMMISSIONER:** All right. It's time for
8 the afternoon break.

9 **MS. HAMOU:** Absolutely.

10 **THE COMMISSIONER:** I understand that we have
11 probably an ODE to do this afternoon after the break?

12 **MS. HAMOU:** Absolutely. We just need 20
13 minutes to get the documents together for Madam Clerk and
14 we're ready to go.

15 **THE COMMISSIONER:** All right.

16 So those of you who already know about the
17 ODE or feel that you have other things to do, I won't feel
18 slighted if there are less of you here when we come back.
19 The option, of course, is yours.

20 All right? Thank you.

21 **THE REGISTRAR:** Order; all rise. À l'ordre;
22 veuillez vous lever.

23 This hearing will resume at 3:15.

24 --- Upon recessing at 2:57 p.m./

25 L'audience est suspendue à 14h57

1 --- Upon resuming at 3:21 p.m./

2 L'audience est reprise à 15h21

3 **THE REGISTRAR:** Order; all rise. À l'ordre;
4 veuillez vous lever.

5 This hearing is now resumed. Please be
6 seated. Veuillez vous asseoir.

7 **THE COMMISSIONER:** Thank you.

8 Good afternoon, Ms. Simms.

9 **MS. SIMMS:** Good afternoon.

10 I am here this afternoon to present an
11 Overview of Documentary Evidence.

12 **THE COMMISSIONER:** Yes.

13 **MS. SIMMS:** We seem to be missing some
14 people.

15 **THE COMMISSIONER:** No, I indicated that if
16 they had the ODE, that I wouldn't feel slighted if they
17 departed.

18 **MS. SIMMS:** Okay.

19 **THE COMMISSIONER:** So it's not because of
20 you.

21 ---SUBMISSION OF OVERVIEW OF DOCUMENTATION EVIDENCE

22 BY/REPRÉSENTATION DU SURVOL DE PREUVE DOCUMENTAIRE PAR MS.

23 MARY SIMMS :

24 **MS. SIMMS:** Thank you.

25 All right. So I did want to let you know

1 that we have prepared an Overview with respect to Bishop
2 Proulx and a final copy was circulated to all the parties.

3 And as I was reviewing the ODE, I noticed
4 there was an error in that -- if you could get the ODE in
5 front of you, it might be helpful. It's a small matter,
6 Mr. Commissioner.

7 **THE COMMISSIONER:** Well, first of all, the
8 Overview of Documentary Evidence of Adolphe Proulx will be
9 Exhibit 1995.

10 --- **EXHIBIT NO./PIÈCE NO. P-1995:**

11 (SUBJECT TO PUBLICATION BAN)

12 Overview of Documentary Evidence of Bishop
13 Adolphe Proulx

14 **MS. SIMMS:** Thank you.

15 **THE COMMISSIONER:** All right.

16 So where do you want to point out ---

17 **MS. SIMMS:** Paragraph 36 ---

18 **THE COMMISSIONER:** M'hm.

19 **MS. SIMMS:** --- the copy circulated to
20 counsel as a final copy used a moniker ---

21 **THE COMMISSIONER:** Right.

22 **MS. SIMMS:** --- rather than the person's
23 name.

24 **THE COMMISSIONER:** Okay.

25 **MS. SIMMS:** And as you will recall, our

1 practice is to use the name and read in the moniker.

2 **THE COMMISSIONER:** Yes.

3 **MS. SIMMS:** Okay? So that's the only change
4 from the final copy that was circulated.

5 **THE COMMISSIONER:** Yes.

6 **MS. SIMMS:** So as you know, we have before
7 entered Overviews of Documentary Evidence. The purpose is
8 to provide an outline of a person's involvement in the
9 matters before you.

10 **THE COMMISSIONER:** Yes.

11 **MS. SIMMS:** And in this case, Bishop Proulx
12 served as the Bishop of the local Archdiocese from 1967 to
13 1974.

14 **THE COMMISSIONER:** M'hm.

15 **MS. SIMMS:** He passed away on July 22nd,
16 1987, and that is the purpose -- that is the reason we are
17 seeking to enter an ODE.

18 **THE COMMISSIONER:** Yes.

19 **MS. SIMMS:** And as you have heard before, we
20 view this as useful to the Inquiry in terms of helping you
21 review the evidence and helping the public follow the
22 evidence before you.

23 Commission counsel have drafted the ODE with
24 a view of capturing the themes and issues in a neutral and
25 thorough fashion. We have, as before, had communication --

1 provided draft copies to the parties and we have had some
2 comments and incorporated many of the comments in the final
3 version that we intend to file today.

4 So once again, the ODE is not intended to be
5 a substitute, and we acknowledge that its evidentiary value
6 is clearly less than the documents we've used in its
7 preparation, and where there is a conflict between the ODE
8 and the document it relies on, the content of the document
9 should prevail.

10 **THE COMMISSIONER:** M'hm.

11 **MS. SIMMS:** As you are aware, you will hear
12 additional evidence relating to the information in this ODE
13 which may or may not be consistent with the documents, and
14 it will be, of course -- if there are inconsistencies, you
15 will take those into account when weighing all the
16 evidence.

17 And I understand counsel for the CPS has a
18 usual comment.

19 **THE COMMISSIONER:** The Manderville caution.

20 **MS. SIMMS:** Yes.

21 **---SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. LALJI :**

22 **MS. LALJI:** Thank you, Mr. Commissioner. I
23 just want to state our usual objections on the record for
24 this ODE as well.

25 Firstly, the ODE itself is ---

1 **THE COMMISSIONER:** Well, I don't think it's
2 an objection. You're not objecting to the ---

3 **MS. LALJI:** Sorry, it's our position.

4 **THE COMMISSIONER:** Yes.

5 **MS. LALJI:** It's the CPS' position with
6 respect to all ODEs going in.

7 First of all, the ODE itself is unavoidably
8 Commission counsel's interpretation of the documents
9 appended to it to what they say or mean. The ODE cannot be
10 used as a basis for a finding of misconduct, nor to assist
11 in making a finding of misconduct.

12 Further, the ODE cannot be proffered for the
13 truth of its contents nor the contents of the documents
14 appended to it.

15 And, finally, the ODE cannot be used to
16 bolster or detract from the credibility of a witness
17 testifying before this Inquiry.

18 Thank you.

19 **THE COMMISSIONER:** I think the list is
20 growing somewhat, but that's good. Your comments are
21 noted.

22 Ms. Simms, could we get at it.

23 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MS. SIMMS :**

24 **MS. SIMMS:** Yes. And you have marked the
25 ODE as an exhibit. It should be marked "subject to

1 publication ban" because of that one name.

2 **THE COMMISSIONER:** Yes, subject to a
3 publication ban. All right.

4 **MS. SIMMS:** So if there's no further
5 objections, I'll ---

6 **THE COMMISSIONER:** Well, those weren't
7 objections. They were comments.

8 **MS. SIMMS:** Comments. I'll proceed by
9 entering the documents.

10 **THE COMMISSIONER:** Okay.

11 **MS. SIMMS:** And then we'll read in the
12 Overview.

13 So the first document is Document Number
14 118775 and it is a letter from Deslauriers to Bishop Proulx
15 dated April 8th, 1968.

16 **THE COMMISSIONER:** That will be Exhibit
17 1996.

18 --- **EXHIBIT NO./PIÈCE NO. P-1996:**

19 (118775) Letter from Father Deslauriers to
20 Bishop Proulx dated April 8, 1968

21 **MS. SIMMS:** The next is Document Number
22 118777 and it is a letter from Father Mailhiot to Bishop
23 Proulx dated June 6th, 1968.

24 **THE COMMISSIONER:** Yes, that will be Exhibit
25 1997.

1 --- EXHIBIT NO./PIÈCE NO. P-1997:

2 (118777) Letter from Father Mailhiot to
3 Bishop Proulx dated June 6, 1968

4 MS. SIMMS: The next document is Document
5 Number 118782. It's a letter from Deslauriers to Bishop
6 Proulx dated March 6th, 1969.

7 THE COMMISSIONER: Exhibit 1998.

8 --- EXHIBIT NO./PIÈCE NO. P-1998:

9 (118782) Letter from Father Deslauriers to
10 Bishop Proulx dated March 6, 1969

11 MS. SIMMS: The next document is Document
12 Number 118784. It is a declaration conferring Sub-
13 Diaconate orders upon Deslauriers dated May 24th, 1969.

14 THE COMMISSIONER: Exhibit 1999.

15 --- EXHIBIT NO./PIÈCE NO. P-1999:

16 (118784) Declaration conferring Sub-
17 Diaconate orders upon Father Deslauriers
18 dated May 24, 1969

19 MS. SIMMS: The next document is Document
20 Number 118787 and it is a declaration conferring Diaconate
21 orders upon Deslauriers dated June 7th, 1969.

22 THE COMMISSIONER: Exhibit 2000.

23 --- EXHIBIT NO./PIÈCE NO. P-2000:

24 (118787) - "Ordre du Diaconat"

25 MS. SIMMS: The next document is Document

1 Number 118790.

2 **THE COMMISSIONER:** Thank you.

3 **MS. SIMMS:** The letter from Deslauriers to
4 Bishop Proulx dated March 16th, 1970.

5 **THE COMMISSIONER:** Yes. It will be Exhibit
6 2001.

7 --- **EXHIBIT NO./PIÈCE NO. P-2001:**

8 (118790) - Lettre de Gilles Deslauriers à
9 Adolphe Proulx datée le 16 mar 70

10 **MS. SIMMS:** The next document is 188798 and
11 it is a letter from Bishop Proulx to Deslauriers dated June
12 10th, 1971.

13 **THE COMMISSIONER:** And that will be Exhibit
14 2002.

15 --- **EXHIBIT NO./PIÈCE NO. P-2002:**

16 (118798) - Lettre d'Adolphe Proulx à Gilles
17 Deslauriers datée le 10 jun 71

18 **MS. SIMMS:** The next document is Document
19 Number 118804, a letter from Bishop Proulx to Deslauriers
20 dated July 31st, 1973.

21 **THE COMMISSIONER:** Exhibit 2003.

22 --- **EXHIBIT NO./PIÈCE NO. P-2003:**

23 (118804) - Lettre d'Adolphe Proulx à Gilles
24 Deslauriers datée le 31 jui 73

25 **MS. SIMMS:** The next document is Document

1 Number 118806 and it's a letter from Bishop Proulx to
2 Deslauriers dated January 10th, 1974.

3 **THE COMMISSIONER:** Exhibit 2004.

4 **--- EXHIBIT NO./PIÈCE NO. P-2004:**

5 (118806) - Lettre d'Adolphe Proulx à Gilles
6 Deslauriers datée le 10 jan 74

7 **MS. SIMMS:** The next document is Document
8 Number 118884 -- oh -- yes, sorry. That's the correct
9 document number. The description is a letter from Bishop
10 Proulx to Bishop Larocque dated June 20th, 1986.

11 **THE COMMISSIONER:** Yes, that's Exhibit 2005.

12 **--- EXHIBIT NO./PIÈCE NO. P-2005:**

13 (118884) - Lettre d'Adolphe Proulx à Eugene
14 LaRocque datée le 20 jun 86

15 **MS. SIMMS:** The next Document Number is
16 119137.

17 **THE COMMISSIONER:** Thank you. And that is
18 Exhibit 2006.

19 **--- EXHIBIT NO./PIÈCE NO. P-2006:**

20 (119137) - Lettre d'Adolphe Proulx à
21 François Lefebvre datée le 29 jui 67

22 **MS. SIMMS:** It's a letter from Bishop Proulx
23 to Father Lefebvre dated July 29th, 1967.

24 The next document is 119452. It's the
25 Statement of Defence in *J.M. v. Father Charles MacDonald et*

1 al dated October 17th, 1995.

2 **THE COMMISSIONER:** Two-thousand-and-seven
3 (2007) will be the exhibit number.

4 **--- EXHIBIT NO./PIÈCE NO. P-2007:**

5 (119452) - Statement of Defence of Bishop
6 Adolphe Proulx and the Roman Catholic
7 Episcopal Corporation for The DAC

8 **MS. SIMMS:** The next document is 119572.
9 It's a report of an interview with Lucien Lussier dated
10 January 26th, 1972.

11 **THE COMMISSIONER:** Exhibit 2008.

12 **--- EXHIBIT NO./PIÈCE NO. P-2008:**

13 (119572) - Interview of Lucien Lussier by
14 Adolphe Proulx dated January 26, 1972

15 **MR. SHERRIFF-SCOTT:** This is the exhibit,
16 Commissioner, that went in through Réjean Lebrun on Monday,
17 the 1967 letter. I'm sorry, I don't remember the number.

18 **THE COMMISSIONER:** I don't remember seeing
19 it. Could it have been just on the screen?

20 **MS. SIMMS:** Commissioner, I believe counsel
21 is referring to a different document.

22 **THE COMMISSIONER:** Okay. We'll leave it in.
23 Thank you.

24 **MR. SHERRIFF-SCOTT:** It's already Exhibit
25 1937, sir.

1 **MS. SIMMS:** Mr. Commissioner, I believe
2 counsel is referring to a different document and I think
3 he's referring to Document Number 119566, which is Exhibit
4 1937.

5 **THE COMMISSIONER:** Yes, it is.

6 **MS. SIMMS:** I didn't reference that because
7 it's already an exhibit. So I'm just going through and
8 adding documents that need to be added.

9 **THE COMMISSIONER:** Yeah. So that's not the
10 exhibit, Mr. Sherriff-Scott.

11 **MR. SHERRIFF-SCOTT:** Okay. I apologize.

12 **THE COMMISSIONER:** No, thanks for you help.
13 Two-thousand-and-eight (2008); okay.

14 **MS. SIMMS:** Okay. The next document we're
15 seeking to add today is Document Number 119785.

16 **THE COMMISSIONER:** Yes, thank you.

17 **MS. SIMMS:** And it's a letter from the Pro-
18 Nonce Apostolique to Bishop Larocque dated June 13th, 1974.

19 **THE COMMISSIONER:** Yes. Exhibit 2009.

20 **--- EXHIBIT NO./PIÈCE NO. P-2009:**

21 (119785) - Lettre de Pro-Nonce Apostolique è
22 Eugene LaRocque datée le 13 jun 74

23 **MS. SIMMS:** The next document is Document
24 Number 120062 and it is a pastoral letter from Bishop
25 Proulx dated September 15th, 1967.

1 **THE COMMISSIONER:** Exhibit 2010.

2 **--- EXHIBIT NO./PIÈCE NO. P-2010:**

3 (120062) - First Pastoral Letter dated
4 September 15, 1967

5 **MS. SIMMS:** The next document is Document
6 Number 120064 and it is a letter from Rosaire Bellemare to
7 Bishop Proulx dated November 29th, 1967.

8 **THE COMMISSIONER:** Exhibit 2011.

9 **--- EXHIBIT NO./PIÈCE NO. P-2011:**

10 (120064) - Lettre de Rosaire Bellemare à
11 Adolphe Proulx datée le 29 nov 67

12 **MS. SIMMS:** The next document is Document
13 Number 120087 and it's a letter from Bishop Proulx to
14 Father MacDonald dated June 14th, 1969.

15 **THE COMMISSIONER:** Exhibit 2012.

16 **--- EXHIBIT NO./PIÈCE NO. P-2012:**

17 (120087) - Letter from Adolphe Proulx to
18 Charles MacDonald dated June 14, 1969

19 **MS. SIMMS:** The next document is Document
20 Number 120089. It is a letter from Bishop Proulx to Father
21 MacDonald dated February 26th, 1974.

22 **THE COMMISSIONER:** Exhibit 2013.

23 **--- EXHIBIT NO./PIÈCE NO. P-2013:**

24 (120089) - Letter from Adolphe Proulx to
25 Charles MacDonald dated February 26, 1974

1 **MS. SIMMS:** The next document is Document
2 Number 120191. It's the resume of Father MacDonald.

3 **THE COMMISSIONER:** Thank you. Exhibit 2014.

4 **--- EXHIBIT NO./PIÈCE NO. P-2014:**

5 (120191) - CV of Father Charles MacDonald

6 **MS. SIMMS:** The next document is Document
7 Number 120198. It is the Statement of Claim in *D.S. v.*
8 *Father Charles MacDonald et al* dated April 6th, 1995.

9 **THE COMMISSIONER:** Exhibit 2015.

10 **--- EXHIBIT NO./PIÈCE NO. P-2015:**

11 (120198) - Statement of Claim re DS dated
12 April 6, 1995

13 **MS. SIMMS:** The next document is Document
14 Number 120359.

15 **THE COMMISSIONER:** Yes.

16 **MS. SIMMS:** It is a letter from Bishop
17 Proulx to the Diocese of Alexandria dated February 13th,
18 1974.

19 **THE COMMISSIONER:** Exhibit 2016.

20 **--- EXHIBIT NO./PIÈCE NO. P-2016:**

21 (120359) - Lettre d'Adolphe Proulx au DAC
22 datée le 13 fév 74

23 **MS. SIMMS:** The next document is Document
24 Number 120400. It is a letter from Bishop Larocque to
25 Bishop Roy dated June 6th, 1990.

1 **THE COMMISSIONER:** Exhibit 2017.

2 **--- EXHIBIT NO./PIÈCE NO. P-2017:**

3 (120400) - Lettre d'Eugene LaRocque à
4 Raymond Roy datée le 06 jun 90

5 **MS. SIMMS:** The next document is Document
6 Number 120653. It is a letter from the Bishop of
7 Steubenville to Bishop Proulx dated August 27th, 1968.

8 **THE COMMISSIONER:** That's Exhibit 2018.

9 **--- EXHIBIT NO./PIÈCE NO. P-2018:**

10 (120653) - Letter from Bishop Musio of
11 Steubenville to Adolphe Proulx dated August
12 27, 1968

13 **MS. SIMMS:** The next document is Document
14 Number 120655 and it is a letter from the Bishop of
15 Steubenville to Bishop Proulx dated September 10th, 1968.

16 **THE COMMISSIONER:** Exhibit 2019.

17 **--- EXHIBIT NO./PIÈCE NO. P-2019:**

18 (120655) - Letter from Bishop Musio of
19 Steubenville to Adolphe Proulx dated
20 September 10, 1968

21 **MS. SIMMS:** The next document is Document
22 Number 120657. It is a letter from Bishop Proulx to Father
23 Scott dated February 17th, 1969.

24 **THE COMMISSIONER:** Exhibit 2020.

25 **--- EXHIBIT NO./PIÈCE NO. P-2020:**

1 (120657) - Letter from Adolphe Proulx to
2 Donald Scott dated February 17, 1969

3 **MS. SIMMS:** The next document is Document
4 Number 120660. It's a letter from Mr. Sherlock to Bishop
5 Proulx dated February 15th, 1971.

6 **THE COMMISSIONER:** Exhibit 2021.

7 **--- EXHIBIT NO./PIÈCE NO. P-2021:**

8 (120660) - Letter from Allan Sherlock to
9 Adolphe Proulx dated February 15, 1971

10 **MS. SIMMS:** The next document is Document
11 120661. It is a letter from Bishop Proulx to Mr. Sherlock
12 dated February 18th, 1971.

13 **THE COMMISSIONER:** Exhibit 2022.

14 **--- EXHIBIT NO./PIÈCE NO. P-2022:**

15 (120661) - Letter from Adolphe Proulx to
16 Allan Sherlock dated February 18, 1971

17 **MS. SIMMS:** The next document is Document
18 Number 120662. It is a letter from Bishop Proulx to Father
19 Scott dated May 19th, 1971.

20 **THE COMMISSIONER:** Exhibit 2023.

21 **--- EXHIBIT NO./PIÈCE NO. P-2023:**

22 (120662) - Letter from Adolphe Proulx to
23 Donald Scott dated May 19, 1971

24 **MS. SIMMS:** The next document number is
25 120666. It is a letter from Bishop Proulx to Father Scott

1 dated December 16th, 1971.

2 **THE COMMISSIONER:** Exhibit 2024.

3 **--- EXHIBIT NO./PIÈCE NO. P-2024:**

4 (120666) - Letter from Adolphe Proulx to
5 Donald Scott dated December 16, 1971

6 **MS. SIMMS:** The next document is 120667. It
7 is a Diocesan Centre Communiqué dated June 28th, 1972.

8 **THE COMMISSIONER:** Exhibit 2025.

9 **--- EXHIBIT NO./PIÈCE NO. P-2025:**

10 (120667) - Communiqué daté le 28 jun 72

11 **MS. SIMMS:** The next document number is
12 120672. It is a letter from Bishop Proulx to Father Scott
13 dated May 2nd, 1973.

14 **THE COMMISSIONER:** Exhibit 2026.

15 **--- EXHIBIT NO./PIÈCE NO. P-2026:**

16 (120672) -Letter from Adolphe Proulx to
17 Donald Scott dated May 2, 1973

18 **MS. SIMMS:** And the next document is
19 Document Number 120679. It is a letter from Bishop Proulx
20 to Father Scott dated December 14th, 1973.

21 **THE COMMISSIONER:** Exhibit 2027.

22 **--- EXHIBIT NO./PIÈCE NO. P-2027:**

23 (120679) - Letter from Adolphe Proulx to
24 Donald Scott dated December 14, 1973

25 **MS. SIMMS:** The next document is Document

1 Number 120689. It's a press release dated June 24th, 1974.

2 **THE COMMISSIONER:** Exhibit 2028.

3 **--- EXHIBIT NO./PIÈCE NO. P-2028:**

4 (120689) - Press Release dated June 24, 1974

5 **MS. SIMMS:** The next document is 124023.

6 It is a Coroner's Investigation Statement dated December
7 15th, 1987.

8 **THE COMMISSIONER:** Twenty-twenty-nine
9 (2029).

10 **--- EXHIBIT NO./PIÈCE NO. P-2029:**

11 (124023) Coroner's Investigation Statement
12 dated December 15, 1987

13 **MS. SIMMS:** And the final document we're
14 seeking to enter is Document Number 124061. It is a full
15 and final release signed by C-3, which should be marked
16 "subject to publication ban".

17 **THE COMMISSIONER:** Thank you.
18 Exhibit 2030.

19 **--- EXHIBIT NO./PIÈCE NO. P-2030:**

20 SUBJECT TO PUBLICATION BAN

21 (124061) - Full and Final Release dated Feb
22 13, 1998

23 **MS. SIMMS:** So those are the documents.

24 **THE COMMISSIONER:** Terrific.

25 **MS. SIMMS:** Okay. So I will commence

1 reading the ODE.

2 --- OVERVIEW OF DOCUMENTARY EVIDENCE OF BISHOP ADOLPHE
3 PROULX BY /SURVOL DE LA PREUVE DOCUMENTAIRE DE L'ÉVÊQUE
4 ADOLPHE PROULX PAR MS. SIMMS:

5 "Bishop Adolphe Proulx, hereinafter referred
6 to as Bishop Proulx, served as the Bishop of Alexandria,
7 now known as the Diocese of Alexandria-Cornwall, from 1967
8 to 1974."

9 That's Exhibit 58.

10 "In February of 1974, Bishop Proulx was
11 appointed as the Bishop of the Diocese of Hull, Quebec. He
12 remained the Apostolic Administrator of the Diocese of
13 Alexandria until June of 1974, when Bishop Eugene Philippe
14 Larocque, hereinafter referred to as Bishop Larocque, was
15 appointed as the Bishop of Alexandria."

16 The documents referenced are 2016, 2013,
17 2009 and 2028.

18 "Bishop Proulx passed away on July 22nd 1987.
19 He was 59 years of age. Coroner I. Deepan M.D.
20 investigated the death and concluded that it was an
21 accidental drowning caused by asphyxiation during a
22 hypoglycaemic attack. Regional Coroner R.H. Huxter M.D.
23 also signed the Coroner's Investigation Statement."

24 And that is Exhibit 2029.

25 "On September 15th 1967, Bishop Proulx wrote

1 his first pastoral letter to the priests of the Diocese of
2 Alexandria. He explained that he deemed it necessary to
3 form a Senate of Priests. These priests, chosen fully by
4 their peers for a definite term of office, would be, along
5 with the Bishop, the authoritative voice of the Complete
6 Presbyterian.

7 Bishop Proulx indicated that the Bishop
8 would be the President of the Senate and that the priests
9 serving on the Senate would be called upon to work in close
10 association with their brother priests and with the Bishop.
11 They would be invited to draft a concrete and efficacious
12 pastoral program conforming to the actual conditions of the
13 Diocese of Alexandria.

14 Among other duties, the Senate of Priests
15 would be asked to study all problems pertaining to the life
16 in the ministry of the diocesan priests."

17 It's Exhibit 2010.

18 "The Diocese of Alexandria received a letter
19 dated April 29th, 1967 from Michel Lalonde, a schoolteacher,
20 addressed 'To whom it may concern'. In the letter, Michel
21 Lalonde alleged that he had observed Father Lucien Lussier,
22 hereinafter referred to as Father Lussier, looking at and
23 taking photographs of boys in the schoolyard of the village
24 school of Glen Robertson.

25 Michel Lalonde also described how he

1 believed that Father Lussier was often in the company of
2 one boy in particular, who had been hired as a church
3 verger, to the point that it had disturbed the
4 congregation."

5 Exhibit 1937.

6 "On May 21st, 1968, Bishop Proulx wrote to
7 Father Lussier, advising that he was being appointed to the
8 Saint Guillaume parish in Martintown. Bishop Proulx
9 thanked Father Lussier for his good service since his
10 arrival to the Diocese of Alexandria as the pastor of Glen
11 Robertson parish.

12 Bishop Proulx noted that a certain group of
13 faithful, for reasons that Bishop Proulx did not want to
14 judge, did not always accept Father Lussier or make his
15 life easy. Bishop Proulx wrote that he thought that it was
16 preferable under the circumstances to appoint Father
17 Lussier elsewhere where he could perform apostolic work in
18 peace and with agreement."

19 It's Exhibit 1938.

20 "In January of 1972, Bishop Proulx met with
21 Father Lussier to discuss the difficulties that he was
22 having in getting along with nuns and certain parishioners
23 in Martintown. In a memorandum about the meeting, Bishop
24 Proulx noted that he would await Father Lussier's
25 resignation by the following June, failing which he would

1 proceed to remove Father Lussier from his position. He
2 noted that he had made no promises to Father Lussier about
3 another assignment."

4 It's Exhibit 2008.

5 "On June 28th, 1972, Bishop Proulx announced
6 the appointment of Father Lussier to the parish of Dalkeith
7 and Lochiel in Glengarry County."

8 Exhibit 2025.

9 "Father Donald Scott, hereinafter referred
10 to as Father Scott, was ordained to the priesthood in May
11 of 1966."

12 That is Exhibit 2023.

13 "On July 29th, 1967, Bishop Proulx wrote to
14 Monsignor Lefebvre at Saint-François de Sales parish,
15 noting that he appointed Father Scott to English-sector
16 schools in Cornwall on a full-time basis."

17 That is Exhibit 2006.

18 "On September 15th, 1967, Bishop Proulx
19 announced in his first pastoral letter that Father Scott,
20 co-director, S. MacMillan, E. Martin, G. Villeneuve and R.
21 Bisailon would be responsible for religious education in
22 the Diocese, and that a few sisters and Reverend Gilles
23 Deslauriers, hereinafter referred to as Reverend
24 Deslauriers, would complete the Diocesan team."

25 That's Exhibit 2010.

1 "On August 27th, 1968, Bishop Musio of the
2 Diocese of Steubenville, Ohio, wrote to Bishop Proulx
3 requesting his approval to have Father Scott serve in a
4 priestly capacity in the Diocese of Steubenville. Bishop
5 Musio indicated in the letter that Father Scott had
6 informed him that Bishop Proulx had granted him an
7 indefinite leave of absence and was willing to allow Father
8 Scott to serve in the Diocese of Steubenville.

9 On September 6th, 1968, Bishop Proulx made a
10 note on this letter indicating that the leave of absence
11 had been granted for two years only, and after that period
12 he would make a decision on incardination."

13 That's Exhibit 2018.

14 "On September 10th, 1968, Bishop Musio wrote
15 to Bishop Proulx thanking him for his letter dated
16 September 6th, 1968 and indicating that he would follow
17 Bishop Proulx's suggestion and limit Father Scott's service
18 in the Diocese of Steubenville to a period of two years."

19 That is Exhibit 2019.

20 "On February 17th, 1969, Bishop Proulx wrote
21 to Father Scott, noting that he was quite happy to see that
22 Father Scott was performing the task of a parish priest in
23 Ohio. He also noted there was great discussion about the
24 possibility of appointing a pastor for the young people in
25 the Diocese of Alexandria.

1 He noted that this idea had not really been
2 tried but he thought it would solve some of the problems in
3 the Diocese. He suggested that perhaps Father Scott could
4 give some thought to the type of work he could perform with
5 young working parishioners."

6 Exhibit 2020.

7 "Bishop Proulx received a letter dated
8 February 15th, 1971 from Mr. Allan Sherlock, Director of
9 Personnel for the Catholic Children's Aid Society of
10 Toronto, regarding Father Scott's application to work
11 there. Mr. Sherlock noted that Father Scott had advised
12 him he was taking a step to seek work with Bishop Proulx's
13 knowledge and acquiescence; that he had discussed his
14 request for an indefinite leave of absence from active
15 priesthood with Bishop Proulx and that his request would be
16 granted.

17 Mr. Sherlock noted that their policy in
18 hiring men in Father Scott's position was to try to
19 ascertain the factors motivating such a painful decision,
20 and that it was important for them to determine if a person
21 had attained a reasonable degree of inner peace and comfort
22 with such a decision. Mr. Sherlock indicated they would
23 therefore be most appreciative of any information Bishop
24 Proulx could provide in that regard."

25 That's Exhibit 2021.

1 "On February 18th, 1971, Bishop Proulx wrote
2 to Mr. Allan Sherlock regarding Father Scott's application
3 for employment as a social worker in Toronto. Bishop
4 Proulx indicated that he was aware of Father Scott's
5 decision; that he had agreed to grant him a leave of
6 absence; and that there had been no discussion of his
7 withdrawing completely from any priestly ministry.

8 He noted that Father Scott's intention was
9 to further his studies in Sociology at the University of
10 Toronto and he was seeking employment to earn adequate
11 income to pay for his room and board and most of his
12 tuition. Bishop Proulx wrote that he believed that Father
13 Scott was emotionally stable and that he had been a
14 tremendous help during his years of ministry in Cornwall,
15 in helping some of the most difficult cases involving
16 emotionally disturbed teenagers.

17 He added that Father Scott would have a
18 strong and healthy motivation to help people and had a
19 secure, outgoing personality, sensitivity, sympathy and
20 warmth towards others. Bishop Proulx indicated that
21 although Father Scott had a tendency to go overboard in
22 helping people in difficult situations, he had good
23 judgement."

24 It's Exhibit 2022.

25 "On December 16th, 1971, Bishop Proulx wrote

1 to Father Scott, advising him that he had spoken with
2 Bishop Coderre of St. Jean near Montreal and that Bishop
3 Coderre was interested in meeting with Father Scott at the
4 earliest opportunity. Bishop Coderre had Father Scott for
5 the position of Episcopal Vicar for the English-speaking
6 population of his Diocese.

7 Bishop Proulx noted that the purpose of
8 allowing Father Scott to work in St. Jean was that Father
9 Scott would obtain experience in a well-organized diocese
10 and also contribute to its organization and that Father
11 Scott could be of tremendous help to them upon his return
12 to the Diocese of Alexandria."

13 That is Exhibit 2024.

14 "On May 2nd, 1973 Bishop Proulx wrote to
15 Father Scott advising him that the Diocese would help
16 Father Scott pay for expenses related to his studies in
17 France during the summer."

18 Exhibit 2026.

19 "On December 14th, 1973 Bishop Proulx wrote
20 to Father Scott in France asking if it would be a major
21 break of confidence in L'Arche if Father Scott were to
22 return sooner, suggesting the end of January 1974. Bishop
23 Proulx explained confidentially that Maxville would be open
24 after January 20th."

25 Exhibit 2027.

1 "On September 15th, 1967 Bishop Proulx
2 announced in his first pastoral letter that Reverend
3 Deslauriers would be the Bishop's secretary and Master of
4 Ceremonies, that he would assist Monsignor Contant, whom
5 would remain the Chancellor of the Diocese, and that he
6 would be on the diocesan team responsible for religious
7 education."

8 Exhibit 2010.

9 "Bishop Proulx received a letter from
10 Reverend Deslauriers dated April 8th, 1968 in which he
11 requested to receive the minor orders. In the letter,
12 Reverend Deslauriers noted that since December many
13 attitudes, various sentiments and many events had presented
14 themselves along his path. He explained that it was
15 because of this that from day-to-day he became aware of his
16 person, of the purpose of his life, of his ideal and of the
17 commitment this required. He noted that his spiritual
18 advisor was satisfied with his internal growth."

19 It's Exhibit 1996.

20 "Bishop Proulx received a letter from Father
21 M.D. Mailhiot of the Dominican Faculty of Theology in
22 Ottawa dated June 6th, 1968 indicating that he would receive
23 Reverend Deslauriers in order that the latter may pursue
24 his studies towards the priesthood."

25 It's Exhibit 1997.

1 "Bishop Proulx received a letter from
2 Reverend Deslauriers dated March 6th, 1969 in which Reverend
3 Deslauriers advised that it was in sufferance and anguish
4 that he was seeking to know God's will upon him. He wrote
5 that since the academic year had begun he had learned a lot
6 and had matured on certain points. Some of his anguish
7 towards his study and his future in the priesthood had
8 gone. He noted that he was under no illusions and that he
9 would always remain the nervous person he was. He noted
10 that he found that life had changed since he could foresee
11 the upcoming realization of a desire anchored in him since
12 the age of 12.

13 He requested early Diaconate on May 24th,
14 1969 to become a priest before his ill parents passed away.

15 On May 24th, 1969 Bishop Proulx conferred the
16 Sub-Diaconate upon Reverend Deslauriers and on June 7th,
17 1969 Bishop Proulx conferred the Order of the Diaconate
18 upon Reverend Deslauriers."

19 Those are Exhibits 1998, 1999 and 2000.

20 "Bishop Proulx received a letter from
21 Reverend Deslauriers dated March 16th, 1970 in which
22 Reverend Deslauriers requested to be ordained to the
23 priesthood. In the letter he noted that his long years of
24 formation were full of change and unforeseen events.
25 Bishop Proulx ordained Reverend Deslauriers, now

1 hereinafter referred to as Father Deslauriers, to the
2 priesthood in 1970."

3 Those are Exhibits 2001 and 79.

4 "On June 10th, 1971 Bishop Proulx appointed
5 Father Deslauriers to be the pastor responsible for French
6 speaking youth in the Alexandria area and for the teaching
7 of religion in the French sector of the Glengarry District
8 High School.

9 On July 31st, 1973 Bishop Proulx appointed
10 Father Deslauriers to be the pastor responsible for Rouleau
11 School in Alexandria and the French École Secondaire at
12 Glengarry District High School."

13 Those are Exhibits 2002 and 2003.

14 "In a letter to Father Deslauriers dated
15 January 10th, 1974 Bishop Proulx congratulated Father
16 Deslauriers and expressed his complete satisfaction with
17 the manner in which he had assumed his temporal and
18 spiritual responsibilities."

19 That is Exhibit 2004.

20 "On May 2nd, 1990 Bishop Larocque received a
21 letter from Monsignor Raymond Roy, the Bishop of St-Paul in
22 Alberta, requesting information about priests having been
23 arrested or convicted of sexual abuse.

24 Bishop Larocque responded in a letter dated
25 June 6th, 1990 in which he indicated that he had such an

1 experience more than three years prior and that the priest
2 in question, Father Deslauriers, had taken refuge with the
3 Bishop that had ordained him and for whom he had served as
4 secretary."

5 That's Exhibit 2017.

6 "In a letter to Lise and Hubert Brisson
7 dated April 3rd, 1986 Bishop Larocque noted that following a
8 meeting he had with Bishop Proulx and Father Deslauriers,
9 Father Deslauriers was withdrawing from parochial ministry
10 in the Diocese of Gatineau-Hull."

11 That is Exhibit 82.

12 "In a letter dated June 20th, 1986 to Bishop
13 Larocque and copied to Father Deslauriers, Bishop Proulx
14 advised that Father Deslauriers was living at Acceuil
15 Notre-Dame-du-Lac with the Sisters of Sainte-Croix at
16 Nominique Lake. Bishop Proulx advised that he was ready
17 to incardinate Father Deslauriers as soon as the civil
18 matter was resolved. He indicated that he thought that the
19 complainant family would be satisfied with assurances that
20 Father Deslauriers would not exercise his ministry in the
21 Diocese of Alexandria-Cornwall and that he would not be
22 assigned to regular ministry for a certain time. He added
23 that he would be willing to ensure that Father Deslauriers
24 continue his therapy and that all supplemental help would
25 be provided to him according to competent indication."

1 That's Exhibit 2005.

2 "According to a report dated November 6th,
3 1986 Bishop Proulx referred Father Deslauriers to
4 psychotherapist Father Jacques Jobin, hereinafter referred
5 to as Father Jobin."

6 And that is Exhibit 79.

7 "On November 10th, 1986 Father Deslauriers
8 was convicted of four counts of gross indecency contrary to
9 Section 157 of the Criminal Code and received a suspended
10 sentence and probation for two years with a condition that
11 he conform to the directives of Bishop Proulx in order to
12 ensure that Bishop Proulx could effectively supervise him."

13 **MR. SHERRIFF-SCOTT:** I just rise to point
14 out, because this is being read into the public record,
15 that the exhibits on Jacques Jobin, the psychologist, there
16 is an additional exhibit. And although this document
17 refers to a November 1986 date, which is the date of the
18 document, the referral to the counselling and therapy of
19 Gilles Deslauriers was actually on February 19th, 1986. And
20 I just rise because I don't want the public to be left with
21 the impression that he was referred to therapy after the
22 conviction as opposed to before he left the Diocese.

23 Thank you.

24 **THE COMMISSIONER:** Thank you.

25 **MS. SIMMS:** And I'm not sure if that's

1 evidence that has been led or Mr. Sherriff-Scott will be
2 leading, but I'll just continue.

3 "On November 10th, 1986..." -- oh, sorry.

4 **THE COMMISSIONER:** Paragraph 31.

5 **MS. SIMMS:** Were we finished paragraph 31?

6 **THE COMMISSIONER:** Yes, we were. Yes, yes.

7 **MS. SIMMS:** Okay.

8 "...Bishop Proulx was copied on the letter of
9 excardination dated February 8th, 1987 from Bishop Larocque
10 to Father Deslauriers. The letter indicated that
11 considering the recently encountered difficulties that
12 rendered Father Deslauriers' ministry in their area very
13 difficult, considering the greater glory of God, the
14 service of his people and Father Deslauriers own growth as
15 a priest, Bishop Larocque was granting Father Deslauriers
16 permanent and unconditional excardination from the Diocese
17 of Alexandria-Cornwall under Canons 267, 269 and 270 so
18 that he may be incardinated in the Diocese of Gatineau-
19 Hull."

20 That is Exhibit 1852.

21 "Rector of Saint Paul University Seminary in
22 Ottawa, Father Rosaire Bellemare, wrote a letter dated
23 November 29th, 1967 to Bishop Proulx in respect of Charles
24 MacDonald. In the letter, Father Bellemare noted there his
25 and Bishop Proulx's dissatisfaction with MacDonald the

1 previous year. Father Bellemare wrote that it seemed that
2 Bishop Proulx's personal interventions with MacDonald
3 during the summer as well as his own interventions before
4 the summer holidays had been fruitful. He noted that
5 MacDonald's attitude had changed greatly since the previous
6 spring, his aggressiveness having diminished. In the
7 letter, Father Bellemare advised that MacDonald had
8 requested to receive the last minor orders; that the
9 members of the Board of Directors were all favourable to
10 MacDonald's promotion and that he, Father Bellemare,
11 voluntarily supported the Board's decision."

12 That is Exhibit 2011.

13 "Bishop Adolphe Proulx ordained MacDonald,
14 now hereinafter referred to as Father MacDonald, to the
15 priesthood on June 14th, 1969 at St. Margaret's Church in
16 Glen Nevis, Ontario."

17 That's Exhibit 2014.

18 "Bishop Proulx appointed Father MacDonald
19 Assistant Priest at St. Columban's Parish and Catechist at
20 CCVS, Cornwall Collegiate and Vocational School, on June
21 14th, 1969. Bishop Proulx noted that he was to work in
22 cooperation with Father McDougald, the parish priest, and
23 Father Kevin Maloney, Director of Religious Education."

24 That is Exhibit 2012.

25 "C-3 commenced an action in the Ontario

1 Court General Division against Father MacDonald, Bishop
2 Proulx and the Roman Catholic Episcopal Corporation for the
3 Diocese of Alexandria-Cornwall. On February 13th, 1998, C-3
4 signed a release discharging from the defendants -- from
5 any and all causes of action, claims and demands for
6 damages, loss or injury arising from alleged sexual
7 assaults in consideration for the payment of \$20,000 by
8 Father Charles MacDonald."

9 That document is subject to a publication
10 ban and it's 2030.

11 "David Silmsner and John MacDonald commenced
12 actions against Father Charles MacDonald, Bishop Proulx and
13 the Roman Catholic Episcopal Corporation for the Diocese of
14 Alexandria-Cornwall in the Ontario Court General Division
15 in or about 1995, alleging sexual abuse by Father MacDonald
16 and negligence on the part of Bishop Proulx as Father
17 MacDonald's supervisor, employer and/or principal. The
18 action commenced by David Silmsner was dismissed as
19 abandoned on August 12th, 1999."

20 And the exhibits are 2015, 2007 and 1929.

21 So that concludes the ODE.

22 **THE COMMISSIONER:** Thank you. Does anybody
23 -- nobody wants to comment? Good.

24 ---**SUBMISSIONS BY/REPRÉSENTATIONS PAR MR. SHERRIFF-SCOTT:**

25 **MR. SHERRIFF-SCOTT:** There is one additional

1 comment that I'd like to make on the paragraph that relates
2 to the order of probation.

3 **THE COMMISSIONER:** The order of probation?
4 Well, okay.

5 **MR. SHERRIFF-SCOTT:** And if can just take a
6 moment, I'll turn that up, sir. Yes, it's paragraph 31.

7 **THE COMMISSIONER:** M'hm.

8 **MR. SHERRIFF-SCOTT:** And I believe the order
9 of probation also went beyond the requirement for Bishop
10 Proulx to effectively supervise him and there was an
11 indication of a necessity of continuing to follow therapy
12 as well in the order.

13 **THE COMMISSIONER:** Do we have the -- we have
14 it in ---

15 **MR. SHERRIFF-SCOTT:** The order's in the
16 record and it's at the -- the document number is Exhibit
17 1805.

18 **THE COMMISSIONER:** The probation order.
19 Okay.

20 **MR. SHERRIFF-SCOTT:** And, yes, it does say
21 that.

22 **THE COMMISSIONER:** Okay.

23 **MR. SHERRIFF-SCOTT:** Thank you.

24 **THE COMMISSIONER:** Thank you.

25 All right. And so ends another day of the

1 Cornwall Public Inquiry.

2 So I take it we'll resume tomorrow morning
3 at 8:30 and we have as witness -- 9:30, 9:30.

4 **MS. SIMMS:** I believe it's ---

5 **THE COMMISSIONER:** Legault?

6 **MS. SIMMS:** Yes.

7 **THE COMMISSIONER:** Father or Doctor?

8 **MR. SHERRIFF-SCOTT:** Doctor Raymond Legault.

9 **MS. SIMMS:** Doctor Legault.

10 **THE COMMISSIONER:** Good. Thank you.

11 We'll see you then.

12 **THE REGISTRAR:** Order; all rise. À l'ordre;
13 veuillez vous lever.

14 This hearing is adjourned until tomorrow
15 morning at 9:30 a.m.

16 --- Upon adjourning at 4:01 p.m. /

17 L'audience est ajournée à 16h01

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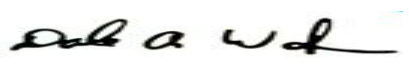
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C E R T I F I C A T I O N

I, Dale Waterman a certified court reporter in the Province of Ontario, hereby certify the foregoing pages to be an accurate transcription of my notes/records to the best of my skill and ability, and I so swear.

Je, Dale Waterman, un sténographe officiel dans la province de l'Ontario, certifie que les pages ci-hautes sont une transcription conforme de mes notes/enregistrements au meilleur de mes capacités, et je le jure.



Dale Waterman, CM