

1 Tuesday, 4 June 2019

2 (10.00 am)

3 LADY SMITH: Good morning. Welcome back to our hearings to
4 those who have been here before, but also to those who
5 are here for the first time today; I hope you find it
6 helpful in increasing your understanding of the work
7 that we're doing here. If those of you who are new have
8 any questions at all about the way we operate the
9 hearing rooms, the hearing suite up here, or any other
10 queries, please don't hesitate to talk to one of the
11 inquiry team; there are always people around for that.

12 Today, as you know, we begin the first of three case
13 studies looking into the provision of residential care
14 for children in Scotland by male religious orders. Some
15 of the representation we have here today, of course, is
16 the same as in other case studies because there is
17 a commonality of interest amongst each case study for
18 some of them, but we have separate interests for those
19 who have a particular part to play in this case study
20 and the same obviously will follow in the subsequent
21 male religious case studies.

22 The way today will work is we begin, as with
23 previous case studies, with opening submissions at which
24 I invite each party who is represented here today, and
25 of course inquiry counsel, to make a very short

1 statement, outlining really why they are here and what
2 they see as being their particular interest in the
3 evidence we're going to be looking at in this case
4 study. Then we plan to have two witnesses today, one
5 before lunch and one after lunch.

6 So what I'm going to do now is move to inviting
7 senior counsel for the inquiry, Mr MacAulay, to
8 introduce his opening submission for this part of our
9 case studies. Mr MacAulay.

10 Opening statement by Mr MacAULAY

11 MR MacAULAY: Good morning, my Lady.

12 Before those who have been granted leave to appear
13 in this case study make their opening statements,
14 I would make the following brief observations about the
15 case study, simply to set the scene for what is planned
16 for the next few weeks.

17 As your Ladyship has indicated, the focus of this
18 particular case study is on a male religious order, and
19 in particular it is on the St Ninian's Residential
20 School in Falkland, in Fife, that was run by the
21 Catholic religious orders known as the
22 Christian Brothers.

23 The inquiry has already heard evidence from
24 Michael Madigan, a former Christian Brother -- that was
25 on 21 June 2017 -- and he provided some insight into the

1 background relating to the setting-up of St Ninian's and
2 the fact that St Ninian's was registered as a voluntary
3 home in 1951.

4 St Ninian's opened in January 1951 and closed in
5 July 1983, an existence of about 32 years. Compared
6 with some institutions, a relatively short existence.
7 In leading the evidence in the case study, the intention
8 is to follow the pattern established in previous case
9 studies and to begin with the evidence of applicants.

10 My estimation is that that will last into the latter
11 part of next week. That will consist mainly of oral
12 evidence, but some applicant statements will also be
13 read in, for reasons that will be disclosed at the time.
14 But as has been said before, written statements are
15 evidence before this inquiry.

16 Thereafter, there will then be evidence primarily,
17 but not exclusively, from persons who worked at
18 St Ninian's in various capacities, and in particular
19 from brothers and former brothers. It is expected that
20 that evidence will begin towards the end of next week
21 and will continue into the third week, that's the
22 inquiry week beginning Tuesday, 18 June.

23 It is to be noted that the inquiry is not sitting on
24 Wednesday, 19 June of that week, nor is the inquiry
25 sitting in the fourth week, the week beginning Monday,

1 24 June.

2 The inquiry week beginning Tuesday, 2 July is
3 intended to be a final week of evidence, and again the
4 primary focus will be on the evidence from brothers and
5 a particular former brother, and I'll come back to that
6 in a moment.

7 Thereafter, the inquiry will not sit in the week
8 beginning Monday, 8 July and will reconvene on Tuesday,
9 16 July to hear closing submissions.

10 Just to remind parties, the next case study, which
11 is a separate case study, is into the Benedictines and
12 is due to start in the course of that week, 8 July.

13 My Lady, there are two final points I would like to
14 make at this stage. The first relates to two witnesses
15 who will be giving oral evidence to the inquiry. It is
16 a matter of public knowledge that two former brothers,
17 Paul Vincent Kelly and John Bernard Farrell, were
18 convicted after trial on 22 July 2016 of serious charges
19 involving the sexual abuse of children who were resident
20 at St Ninian's, and they were sentenced respectively to
21 ten and five years' imprisonment. They are both in
22 custody and in these circumstances it is intended to
23 lead their evidence by way of a video link from the
24 prisons where they are presently held.

25 I can say that the present intention is to lead the

1 evidence of Paul Vincent Kelly in that manner in the
2 course of the third week -- that's the inquiry week
3 beginning Tuesday, 18 June -- and to lead the evidence
4 of John Bernard Farrell after the break week in the
5 inquiry week beginning Tuesday, 2 July.

6 Can I just mention that the video link process comes
7 with something of a health warning because if the link
8 is required for a court appearance, then that will take
9 precedence. That means we will need to be flexible
10 in the use of that process.

11 LADY SMITH: Yes. Just to flesh that out, of course the way
12 these prisons operate is they have, I think, one suite
13 in each prison available for a video link; they don't
14 have a multiplicity of video links. Understandably, any
15 requirements of the High Court or the Sheriff Court will
16 have to take precedence.

17 MR MacAULAY: That is the position, my Lady.

18 The second point I want to make at this point
19 relates to the fact that two potential applicants who
20 gave evidence in that trial have since died. One of
21 these gave evidence in person at the trial itself and
22 the other gave evidence on commission before the trial
23 judge. I can also say that there are two other
24 potential witnesses, applicants, who provided police
25 statements but who died prior to the trial. I can say

1 the transcript of the evidence on commission has been
2 recovered and will be available. So too have the
3 statements provided by these witnesses to the police.

4 It is my intention to put that material forward for
5 consideration. I would plan to do that, my Lady, at the
6 end of the oral applicant evidence.

7 My Lady, these are my preliminary observations.

8 LADY SMITH: Thank you very much, Mr MacAulay.

9 I turn now to invite INCAS -- Mr Scott, I can see
10 that it's you here. I'm sorry if I don't give some
11 people's names: it's because your screens are hiding
12 your faces from me. Mr Scott, I'd invite you to make
13 your opening submissions on behalf of INCAS next.

14 Opening statement by MR SCOTT

15 MR SCOTT: Thank you, my Lady.

16 On behalf of INCAS I would like to start this
17 morning by welcoming the publication last week of the
18 inquiry's findings from the second case study into the
19 Sisters of Nazareth. As with the findings from the
20 first case study, survivors of the Sisters of Nazareth
21 have now received vindication and proof of having been
22 heard and listened to in the course of the work of this
23 inquiry.

24 For those many who have been doubted and accused at
25 times of lying, the disturbing truth is now a matter of

1 public record. The findings are the validation of
2 survivors' experience and testimony, promised in the
3 inquiry's terms of reference.

4 Secondly, and although not directly related to the
5 work of the inquiry, INCAS welcome the commencement of
6 the advance payment scheme for those over 70 or
7 suffering from terminal illness. The scheme was
8 explained in detail by the Scottish Government at the
9 AGM of INCAS at the beginning of last month. Along with
10 your Ladyship's interim findings, this advance payment
11 scheme and the permanent scheme to come are an important
12 part of the government's response to the abuse for which
13 the state bears ultimate responsibility.

14 These three related case studies into residential
15 care establishments run by male religious orders,
16 of course, start with the Congregation of
17 Christian Brothers, with particular focus on
18 St Ninian's. In disclosed evidence for this case study,
19 it is striking, I suggest, and seems more like a product
20 of collaboration rather than coincidence, that some
21 survivors of abuse by or under the Christian Brothers
22 came from other establishments which are the subject of
23 this inquiry, for example Nazareth House, where some of
24 them had been abused.

25 Being sent to St Ninian's because of behavioural

1 issues would be no excuse for further abuse, but boys
2 were sent there also, it seems, on the basis of criteria
3 other than behaviour, for example age or other matters.
4 There can never, ever be good reason for abuse to
5 happen. There is none for it to happen across
6 establishments run even by the same order.

7 Understanding quite how the same or similar abuse
8 happened to children, sometimes the same children,
9 across religious orders and sometimes across borders,
10 may in due course assist in providing some evidence
11 about the origins of a culture of abuse right across
12 residential establishments for children in Scotland, and
13 thereafter may, albeit I accept that this would be
14 towards the very end of the work of the inquiry, assist
15 in understanding and preventing abuse.

16 In seeking to understand abuse and responses to
17 abuse, survivors are keen to hear a fuller explanation
18 from the Christian Brothers, or on behalf of the
19 Christian Brothers, of aspects of the Congregation's
20 response to abuse at the time and before the inquiry.
21 What happened around the short but damning phrase, "He
22 could not be trusted with children"?

23 In relation to complaints and investigations into
24 John Farrell, document CBR.001.001.2939 -- I have sent
25 my opening statement to the solicitors for the inquiry,

1 so that the reference is there. It includes a quote
2 about John Farrell:

3 "I hope they won't put him in a boarding school.
4 I'm sure you know about that."

5 No doubt that will be explained as well.

6 As before in the next few weeks in this case study,
7 survivors are listening keenly to ensure that
8 acceptance, acknowledgement and apology are not
9 restricted to what has been proved beyond a reasonable
10 doubt in criminal courts, important though that is.
11 Given the terms of the section 21 response from the
12 Christian Brothers, the extent of what is acknowledged
13 during oral evidence in the case study will be carefully
14 noted.

15 I will not repeat in detail the need to avoid
16 grudging legalistic conditional non-apologies of which
17 the inquiry has heard too many.

18 INCAS and its members remain committed to the work
19 of the inquiry, with their AGM last month reaffirming
20 their keen interest and commitment. Mr Collins and
21 I attended the AGM for the benefit of members so we
22 could give an update on the work of the inquiry and also
23 answer the many questions about its work, and the
24 response from those who attended the AGM was extremely
25 positive.

1 As before, INCAS and its members wish to encourage
2 any and all survivors who have not yet come forward to
3 do so and, if it helps them, any survivor is welcome to
4 contact INCAS and, if they want to join that
5 organisation, where they will meet other people who have
6 experienced the same or similar to them.

7 As the legal team for INCAS, we will continue to be
8 of as much assistance as we can to the work of the
9 inquiry, and we will continue to lead the obviously
10 considerable amounts of disclosure and to submit
11 questions for consideration by counsel to the inquiry in
12 a manner that is now part of an established and
13 well-working procedure.

14 As before, helpful discussions with counsel to the
15 inquiry away from the hearings have been much
16 appreciated.

17 In conclusion, my Lady, I have a quote attributed to
18 Edmund Rice, the founder of the Christian Brothers in
19 a letter to Brother Austin Grace from September 1826:

20 "Above all, beg of him to give you the virtue of
21 humility, which is so necessary for religious in every
22 station, but particularly for those who have the care
23 and direction of others. If you only acquire this
24 virtue, it will always guide you safely, lest your paths
25 be ever so cross or difficult."

1 Finally, it is to be hoped that witnesses from the
2 Congregation will bear in mind this exhortation from the
3 founder and find the humility to listen hear, understand
4 and acknowledge over the course of the next few weeks.
5 Thank you.

6 LADY SMITH: Thank you very much.

7 I turn now to the representation for the
8 Lord Advocate, Mr Richardson.

9 Opening statement by MR RICHARDSON

10 MR RICHARDSON: Thank you, my Lady.

11 As with the previous phases of the inquiry, and
12 previous case studies, the Lord Advocate's interest
13 stems from his responsibilities as head of the system of
14 criminal prosecution in Scotland and his responsibility
15 in that regard for Scotland's prosecution service, the
16 Crown Office and Procurator Fiscal Service, often
17 shortened to COPFS. These are responsibilities which
18 the Lord Advocate exercises independently of any other
19 person.

20 COPFS has important responsibilities in relation to
21 allegations of criminal conduct involving the abuse of
22 children in care in Scotland. Reports from police about
23 alleged child abuse have been and will continue to be
24 received by the prosecution service.

25 As has been explained in previous statements to the

1 inquiry, COPFS has a dedicated team of prosecutors who
2 consider the content of these reports. When they
3 receive a report from the police, prosecutors are
4 responsible for deciding whether there is sufficient
5 evidence to prosecute in the public interest. Prior to
6 reaching a decision, prosecutors may instruct the police
7 to conduct further enquiries.

8 Once investigations are complete, a decision falls
9 to be made both as to whether there is sufficient
10 evidence to justify a prosecution and what action is
11 in the public interest. The legal and public interest
12 considerations that inform prosecutorial decision-making
13 are set out in the Scottish Prosecution Code published
14 by COPFS.

15 During this case study, in which the focus will be
16 on the residential establishments run by the
17 Congregation of Christian Brothers, it is anticipated
18 that the inquiry may hear evidence about COPFS
19 involvement in relation to allegations of the abuse of
20 children at those establishments.

21 In particular, evidence may be heard about the
22 High Court prosecution in 2016 of five individuals, both
23 Christian Brothers and staff, who worked at St Ninian's,
24 Falkland. This has been touched upon in the opening by
25 Mr MacAulay, which has already been given.

1 This prosecution involved 131 charges relating to
2 offences of both physical and sexual abuse perpetrated
3 between 1967 and 1999 against in excess of
4 44 complainers. It resulted in the convictions of
5 Paul Kelly and John Bernard Farrell.

6 In conclusion, as the inquiry embarks on its fourth
7 case study, may I repeat the Lord Advocate's public
8 commitment, first, to support the inquiry's work and,
9 where possible, to contribute positively to that work
10 and, secondly, to the effective, rigorous and fair
11 prosecution of crime in the public interest,
12 consistently for all, including the most vulnerable in
13 our society.

14 LADY SMITH: Thank you very much.

15 I now turn to representation for the Chief Constable
16 of Scotland; I think that's Ms van der Westhuizen.

17 Opening statement by Ms van der WESTHUIZEN

18 MS VAN DER WESTHUIZEN: Thank you, my Lady.

19 I am grateful for the opportunity to make this
20 opening statement on behalf of Police Scotland.

21 Firstly, on behalf of Police Scotland, I would like
22 to express continued sympathy to survivors who have
23 experienced abuse within care establishments across
24 Scotland. Police Scotland remains committed to
25 delivering its response to the inquiry and ensuring it

1 provides all relevant information regarding police
2 policies, procedures and previous investigations into
3 the abuse and neglect of children in establishments
4 falling within the inquiry's remit.

5 To this end, Police Scotland has assessed in the
6 region of 321,700 investigation files from across
7 Scotland in order to identify files meeting the
8 inquiry's terms of reference.

9 With regard to this phase of the inquiry's hearings,
10 and specifically this case study, the assessment has
11 identified material relating to previous police
12 investigations into the abuse and neglect of children
13 within the establishment at St Ninian's Falkland, Fife,
14 during the time it was operated by the Congregation of
15 Christian Brothers.

16 Those investigations were conducted by both legacy
17 Fife Constabulary and more recently by Police Scotland,
18 the latter of which led to the subsequent conviction of
19 two members of staff. Police Scotland has provided all
20 material relating to those previous investigations to
21 the inquiry already.

22 As your Ladyship is aware, in addition to providing
23 relevant police documents to the inquiry,
24 Police Scotland is conducting a number of investigations
25 into the abuse and neglect of children within

1 institutions that meet the inquiry's terms of reference,
2 both as a result of the review of previous
3 investigations and in response to new reports from
4 survivors.

5 Police Scotland continues to build on its engagement
6 with adult survivors of childhood abuse proactively
7 engaging, seeking feedback, and consulting with
8 survivors, support services and statutory partners in an
9 effort to raise public confidence and enhance service
10 provision to adult survivors.

11 As previously highlighted, my Lady, during case
12 studies there may be occasions when survivors provide
13 testimony of or where review highlights instances in
14 which the police response was not to the best practice
15 standards that are recognised and applied today.
16 Police Scotland will take into account any lessons to be
17 learned that may be identified from this case study as
18 part of its commitment to developing and improving its
19 practice, policies and service provision.

20 Police Scotland remains committed to making
21 a positive contribution to child protection improvement
22 across Scotland and recognises the importance of using
23 organisational learning to ensure its staff have the
24 capabilities and skills to drive continuous improvement.

25 Unless I can be of further assistance, that is the

1 opening statement of Police Scotland.

2 LADY SMITH: That's very helpful, thank you.

3 I turn now to the Scottish Ministers and Ms O'Neill.

4 Opening statement by MS O'NEILL

5 MS O'NEILL: I'm obliged, my Lady.

6 As your Ladyship is aware, I appear on behalf of the
7 Scottish Ministers and also those executive agencies
8 which form part of the Scottish Government and for which
9 the Scottish Ministers are directly responsible, which
10 in the context of this inquiry includes
11 Education Scotland, Disclosure Scotland and the Scottish
12 Prison Service. The Crown Office and Procurator Fiscal
13 Service is of course represented separately by
14 Mr Richardson QC and by Ms Lawrie.

15 The Scottish Ministers' involvement in this new
16 phase of the inquiry is, as it has been in earlier
17 phases, as a core participant with a direct interest in
18 all of the issues being raised by witnesses and in
19 particular how the responsibilities of the state
20 in relation to the inspection and regulation of these
21 establishments, which are the subject of case studies
22 during this phase were discharged.

23 The Scottish Ministers will continue to listen to
24 the evidence of those giving evidence to the inquiry as
25 part of this phase and will continue to assist the

1 inquiry with the provision of information relating to
2 this phase. The Scottish Ministers also wish to
3 acknowledge the publication by the inquiry of the
4 findings on case study number 2 concerning residential
5 care provided by the Sisters of Nazareth.

6 As with the findings in relation to case study
7 number 1, those findings record in detail -- and perhaps
8 indeed even at greater length than in the first case
9 study -- the extent and range of the terrible abuse
10 suffered by children in the case of that order.

11 The findings make an important contribution to the
12 fulfilment of a number of elements of the inquiry's
13 terms of reference. Crucially, the acknowledgement of
14 abuse for individual survivors but also in relation to
15 the task of creating a national public record on abuse
16 of children in care in Scotland during the relevant time
17 frame.

18 As before, and so far as it is proper for the
19 Scottish Government to thank the chair, it would wish to
20 record its thanks that the findings have been published
21 and would welcome the publication in due course of
22 findings in relation to subsequent case studies.

23 My Lady, the inquiry will be aware that since the
24 close of the phase 3 hearings, further announcements
25 have been made by the Scottish Government in relation to

1 the provision of financial redress for survivors of
2 child abuse in care and reference has been made to that
3 by Mr Scott. Again for the record, my Lady, on 25 April
4 this year, the Deputy First Minister, Mr Swinney, made
5 a statement in the Scottish Parliament in which he
6 reiterated the commitment of the Scottish Government to
7 introduce a bill dealing with the design of the redress
8 scheme with the intention that this bill should complete
9 its legislative process by the end of the current
10 parliamentary term in March 2021, subject to
11 Parliamentary approval. The government anticipates
12 conducting full pre-legislative consultation later this
13 year.

14 In recognition of the fact that some survivors may
15 not live long enough to apply to the statutory scheme,
16 the Deputy First Minister also announced an advance
17 payment scheme for those abused as a child in care in
18 Scotland and who have a terminal illness or who are aged
19 70 or over. The scheme involves an equal payment of
20 £10,000 to all applicants who meet the eligibility
21 criteria, the costs of which are being met in whole by
22 the Scottish Government, and it is intended that the
23 scheme will remain open for applications until the
24 statutory redress scheme is established.

25 Information about the advance payment scheme,

1 including an application form and a question and answer
2 booklet, are available on the Scottish Government's
3 website. There is a free phone number for those who
4 want to enquire about the scheme and that number is
5 staffed by qualified caseworkers to assist applicants.

6 My Lady, by the time I was last updated yesterday,
7 I am advised that, since the scheme opened on 25 April,
8 39 payments have now been made and 54 further
9 applications have been received and are being processed.
10 In addition, approximately 150 hard copy application
11 forms have been sent out, and that's in addition to
12 those applications that have been downloaded by
13 applicants directly from the website, the numbers of
14 which are unknown. Calls to the helpline are being
15 received at a rate of between 50 to 100 per week,
16 although that rate was higher immediately after the
17 helpline became operational.

18 My Lady, that information is included in this
19 opening statement for the benefit of those who may be
20 here today and who may be interested in applying to that
21 scheme.

22 LADY SMITH: That's very helpful. Perhaps I could interject
23 at this stage. As was to be expected, because people
24 don't immediately understand where to go with their
25 application, some people have been in touch with the

1 inquiry and then it's been explained to them they need
2 to go to the Scottish Government scheme because it's not
3 a scheme that's being administered by the inquiry.
4 I just mention that now to reiterate in case people are
5 getting confused. But I'm heartened to hear the number
6 of people that seem now to be getting to the right
7 place, presumably early on, without being routed through
8 us first.

9 MS O'NEILL: Indeed, so, my Lady, and that's the
10 government's submission.

11 LADY SMITH: Thank you very much. Now can I turn to the
12 Bishops' Conference. Mr Anderson, I see is, here.

13 Opening statement by MR ANDERSON

14 MR ANDERSON: Thank you, my Lady.

15 I appear on behalf of the Bishops' Conference of
16 Scotland and this is the statement I am asked to give.
17 The Bishops' Conference of Scotland is a permanently
18 constituted assembly of the bishops of the eight
19 Scottish dioceses. The Bishops' Conference of Scotland
20 enables the Roman Catholic bishops in Scotland to work
21 together undertaking nationwide initiatives through
22 their commissions and agencies.

23 The Bishops' Conference is participating in the
24 inquiry as coordinating the responses by the individual
25 dioceses and archdioceses in Scotland. St Ninian's

1 school in Falkland, Fife, was in the Archdiocese of
2 St Andrews and Edinburgh. This archdiocese was served
3 with a section 21 notice requesting documentation which
4 I'm advised was duly provided.

5 As my Lady has heard, the religious orders, such as
6 the Christian Brothers, are independent of the dioceses
7 or archdioceses in which they operate, but again, as has
8 been covered in previous stages of this inquiry, there
9 is a relationship between the dioceses or archdioceses
10 and the order.

11 In relation to the present case study, for example
12 diocesan clergy may have provided occasional ministry or
13 pastoral care in the school run by the
14 Christian Brothers. As has been touched upon by
15 a number of my colleagues already this morning, it
16 appears that some time after St Ninian's Falkland
17 closed, one Christian Brother asked to be accepted as
18 a student for the priesthood for the Diocese of
19 Motherwell and some years later he was ordained and
20 served as a priest in that diocese. This individual was
21 subsequently convicted of crimes committed while working
22 in Falkland School. Those instructing me acknowledge
23 and accept the circumstances and facts of that
24 conviction.

25 The Diocese of Motherwell has provided the inquiry

1 with all the relevant documentation which they have on
2 this case. Therefore, my Lady, it appears to those
3 instructing me that the Bishops' Conference of Scotland
4 are likely to have an interest in the testimonies to be
5 offered in this case study. I'm asked to point out that
6 as the Christian Brothers are not ordained priests,
7 unlike some other male religious orders, they have not
8 played any part in ministering in parishes and their
9 work was in education.

10 So accordingly, my Lady, the Bishops' Conference of
11 Scotland considered it appropriate that they exercise
12 their leave to appear in this case study. My Lady,
13 those instructing me advise me that members of Catholic
14 parishes across Scotland have been horrified by the
15 evidence presented in the previous case studies and the
16 Bishops' Conference of Scotland share those feelings of
17 horror and dismay.

18 By participating in the inquiry proceedings, the
19 Bishops' Conference of Scotland seeks to indicate its
20 desire to confront the horrors of the past and to ensure
21 that church institutions are safe environments for all.

22 The Bishops' Conference of Scotland acknowledges
23 that abuse of children took place at St Ninian's School
24 in Falkland. The Bishops' Conference of Scotland
25 consider, my Lady, that it is important to pay attention

1 to inquiry proceedings and statements are to be
2 considered in advance of testimony being given and legal
3 representatives shall appear when it is considered
4 appropriate.

5 The Bishops' Conference of Scotland are committed to
6 learning from any past mistakes and to ensure that all
7 who provide care for children and vulnerable adults on
8 behalf of the Catholic Church in Scotland meet the
9 highest safeguarding standards.

10 My Lady, that's the context in which I appear before
11 the inquiry on behalf of the Bishops' Conference of
12 Scotland. As ever the Bishops' Conference are grateful
13 for this opportunity to participate in the inquiry and
14 shall endeavour to assist my Lady in any way that
15 we can.

16 LADY SMITH: Thank you. That's very helpful.

17 So do I take it from what you have explained that
18 I am not to expect to see representation for the
19 Bishops' Conference every day, but you're going to study
20 in advance to see when you think you need to be here;
21 is that right?

22 MR ANDERSON: That's right, my Lady.

23 LADY SMITH: Finally, the representation for
24 Christian Brothers, Mr Duncan.

25

1 Opening statement by MR DUNCAN

2 MR DUNCAN: Good morning, my Lady. The Congregation is
3 grateful for the opportunity to appear at and to be able
4 to make submissions at this case study. The
5 Congregation does not intend to say a great deal at this
6 point; the time for saying more will come at the end.

7 The Congregation has already acknowledged that
8 children were abused within St Ninian's, has apologised
9 unreservedly for this, and has acknowledged that the
10 abuse of children is always reprehensible and
11 intolerable.

12 The Congregation and its advisers will listen
13 carefully to the evidence over the next few weeks in
14 order to see what more requires to be said on its
15 behalf.

16 In this context, it might be useful just to
17 emphasise a few things. The Congregation sees its role
18 in this stage of the proceedings as being very much to
19 assist. It hopes that it has been seen to do so thus
20 far in the inquiry. It has provided full answers to the
21 questions asked of it in the response documents, and the
22 inquiry derived, it is hoped, some assistance from the
23 oral evidence of Mr Madigan, who was principally
24 responsible for preparing those responses.

25 In the forthcoming hearings, the inquiry will hear

1 further evidence from a present senior member of the
2 Congregation, perhaps two present senior members, and
3 it is hoped that they too will assist in providing as
4 full a picture as possible.

5 One area, my Lady, in which the Congregation has
6 sought to assist is in relation to documents. As is the
7 position with a number of other organisations and
8 orders, there are obvious and significant limitations
9 in the available store of contemporary documents. The
10 Congregation and its legal advisers have sought to work
11 with the inquiry team in order that they have as full an
12 understanding of the position regarding documents as
13 possible.

14 In particular, a broad and cooperative approach has
15 been taken in response to the section 21 notices and
16 issues of relevancy and privilege and other lawyers'
17 concerns have, as far as possible, been put to one side.

18 Secondly, in order to assist and understand what is
19 and what is not available and perhaps why, the inquiry
20 will hear from the congregation's archivist,
21 Karen Johnson.

22 As to the conduct of the hearing itself, it is to be
23 expected of all organisations and orders appearing that
24 they are familiar with the inquiry's terms of reference.
25 The Congregation understands this. Therefore the

1 Congregation knows that it cannot use these hearings to
2 try and emphasise a positive story of the good and
3 charitable work it has done, whether in St Ninian's or
4 beyond. It knows that such evidence is no answer to the
5 allegations made against the Congregation members
6 personally and to broader deficiencies that those might
7 evidence. In short, the Congregation recognises the
8 limitations of and the peripheral relevance of such
9 a story.

10 My Lady, it is perhaps also important to emphasise
11 this: nor does the Congregation come here to challenge
12 the truthfulness of those former residents who will give
13 evidence. Its lawyers are not instructed to challenge
14 the accounts that will be given. Rather we are here to
15 listen and where we think it will truly assist the
16 inquiry, we will suggest lines to Mr MacAulay but only
17 in those circumstances. Beyond that we will consider
18 the evidence carefully and provide a detailed response
19 at the conclusion.

20 My Lady, I want to say one further thing if I might.
21 It is hoped that as well as giving evidence himself,
22 a senior member of the Congregation, Brother John Burke,
23 will be present throughout the hearings and he's at the
24 back today. He has no personal or direct connection to
25 St Ninian's or to what took place there, but he is

1 concerned to ensure that the Congregation today responds
2 properly and fully to the evidence that is about to be
3 given.

4 My Lady, perhaps the major reason that he is here is
5 to acknowledge that what former residents are about to
6 do and about to say is of the utmost importance and that
7 the Congregation should be present to hear it.

8 My Lady, those are the opening statements for the
9 Congregation of Christian Brothers.

10 LADY SMITH: Thank you very much, Mr Duncan.

11 Can I just pick up on one thing you said, and
12 thank you for very sensibly emphasising that you don't
13 see your role as being to draw out evidence of positive
14 experiences. But you will know that in all the case
15 studies so far I have been interested to hear from
16 witnesses who feel they were well cared for and came out
17 with positive memories because, quite apart from
18 anything else, it tells me that it was possible to care
19 for children appropriately and in a non-abusive way. So
20 that evidence is not irrelevant.

21 MR DUNCAN: I understand that and that's all I meant.

22 I have read my Lady's two previous study findings and
23 have seen what she said in relation to that.

24 LADY SMITH: It is very interesting but thank you for those
25 observations.

1 I think that brings us to the end of the opening
2 submissions and, if I remember rightly, the plan is to
3 start evidence some time around 11.30/11.45; is that
4 right?

5 MR MacAULAY: Usually at what would be after the break time,
6 but if we can start earlier ...

7 LADY SMITH: Keep in touch. It won't be before 11.30 that
8 we start evidence and it may be 11.45. Thank you.

9 (10.38 am)

10 (A short break)

11 LADY SMITH: Ms MacLeod, I think you're going to take the
12 next witness; is that right?

13 MS MACLEOD: Yes, my Lady. The first witness in this case
14 study is an applicant who will give evidence using the
15 name "John".

16 "JOHN" (affirmed)

17 LADY SMITH: Please sit down, John, and make yourself
18 comfortable.

19 I'm going to hand you over to Ms MacLeod now and she
20 is going to proceed to ask you questions and she will
21 explain what she wants you to do with the file, if
22 anything.

23 Questions from Ms MacLEOD

24 MS MACLEOD: Good morning, John.

25 A. Good morning.

1 Q. Welcome back to the inquiry.

2 A. Thank you.

3 Q. I don't need your date of birth, John, but is it correct
4 that you were born in 1940?

5 A. Yes.

6 Q. And you're now 78?

7 A. Yes.

8 Q. You have provided a witness statement to the inquiry and
9 there's a copy of that in the red folder in front of
10 you. It'll also come up on the screen in front of you.
11 I will give the reference number for the statement:
12 it is WIT.001.001.2659.

13 John, could you turn to the final page of your
14 statement in the red folder. Have you signed the
15 statement?

16 A. Yes, I have.

17 Q. In the last paragraph of the statement, do you say:

18 "I have no objection to my witness statement being
19 published as part of the evidence to the inquiry"?

20 A. I don't have any.

21 Q. And do you go on to say:

22 "I believe the facts stated in the witness statement
23 are true"?

24 A. Yes.

25 Q. John, you previously gave evidence at inquiry hearings

1 on 29 November 2017. At that time you provided evidence
2 in relation to your time in Smyllum in Lanark. Do you
3 remember doing that?

4 A. Yes, I do.

5 Q. Today, the inquiry is looking at St Ninian's in Falkland
6 and I'll be asking you questions about your time at
7 St Ninian's based on the statement you have given to the
8 inquiry.

9 A. Uh-huh.

10 Q. If I ask you something, John, and you can't remember,
11 please just let me know that.

12 A. I will.

13 Q. And if you remember things today that you didn't
14 remember when you gave your evidence, please feel free
15 to say so.

16 I think you had been in Smyllum, John, from
17 [REDACTED] 1951 when you were around age 10 for two years;
18 is that right?

19 A. [REDACTED] 1953, I think it was.

20 Q. You told us last time that, although you didn't see them
21 very often, you were at Smyllum with a younger brother
22 and younger sister; is that right?

23 A. Yes.

24 LADY SMITH: John, can I just assure you that I do remember
25 on the last occasion you explained to us the very

1 difficult family circumstances that led to you being
2 taken into care. I don't think we're going to go into
3 those in detail today because we already have that
4 evidence, but I haven't forgotten about them.

5 A. Thank you.

6 MS MACLEOD: There came a time, John, after around two years
7 or so of you being in Smyllum, that you were moved to
8 St Ninian's.

9 A. Yes.

10 Q. And for the transcript, you tell us about your time at
11 St Ninian's from page 28 of your statement, which is at
12 page 2686.

13 John, do you remember leaving Smyllum to go to
14 St Ninian's?

15 A. I do.

16 Q. What did you know about St Ninian's at that time?

17 A. Absolutely nothing.

18 Q. So what happened then, how did it come about that you
19 were moved?

20 A. BAE told me she was getting rid of me and
21 that's how she done it.

22 Q. How did you get there?

23 A. It was a bus that took me there.

24 Q. Did other children from Smyllum go with you at the time?

25 A. Two. Two of them.

1 Q. Were they boys of around the same age?

2 A. Yes. They were maybe a bit older than me.

3 Q. What about your brother and sister? Did they stay in
4 Smyllum?

5 A. Yes.

6 Q. You tell us in your statement, John, that you were about
7 12 when you went to St Ninian's.

8 A. Yes.

9 Q. I can tell you that from records the inquiry have
10 recovered from the Christian Brothers, it is noted there
11 that you were admitted to St Ninian's on [REDACTED] 1953.

12 A. Yes.

13 Q. And that you were there for around two and a half years,
14 leaving on [REDACTED] 1955.

15 A. Yes.

16 Q. When you would have been 15.

17 A. That's right.

18 Q. Do you remember arriving at St Ninian's?

19 A. I do.

20 Q. What's your first recollection of the place?

21 A. A haunted castle. That's the way it looked, a haunted
22 castle.

23 Q. I'm going to put a photograph on the screen, John. Are
24 you okay to look at a photograph?

25 A. Yes.

1 Q. It's at CFS.001.006.1186. It'll come on the screen.

2 A. That's St Ninian's all right.

3 Q. So what do we see here? What's the angle of the
4 photograph?

5 A. That's the driveway up to the main entrance. At the
6 back there (indicating), there's two arched doors
7 leading into the courtyard. The main entrance leads
8 into the main hall.

9 Q. John, from that photograph, could you tell me where the
10 main entrance is?

11 A. Where those cars are.

12 Q. The white cars?

13 A. Yes. There's a set of steps up to the entrance, to the
14 doors.

15 LADY SMITH: It looks as though there might be a porch-type
16 structure there; am I right about that? Part of the
17 building sticks out just at ground floor level.

18 A. At the back?

19 LADY SMITH: No, where the cars are.

20 A. Well, that was a kind of car park that was in front of
21 the building.

22 LADY SMITH: But you say there were steps by the cars?

23 A. Up into the building, up into the main entrance there
24 was five steps.

25 LADY SMITH: You remember the number?

1 A. Aye.

2 MS MACLEOD: I will put another photograph on the screen,
3 CFS.001.006.1188.

4 A. That's the main entrance.

5 Q. So that's the main entrance into the home?

6 A. Yes.

7 Q. One more photograph, CBR.001.001.0571. John, this is an
8 aerial photograph --

9 A. Yes, it's the full thing.

10 Q. And do you see there the main entrance again --

11 A. I do, yes.

12 Q. -- near where the cars are?

13 A. That's right. The back entrance as well.

14 Q. The back entrance, is that the archway you mentioned
15 earlier?

16 A. Yes, arched doors. It was an archway with arched doors
17 in it.

18 Q. Is that to the far right of the photograph?

19 A. That's right, aye.

20 Q. So can you tell us what happened when you arrived at
21 St Ninian's, when you walked in those doors?

22 A. There was a brother called Brother Fitton there to meet
23 us, and he took us into the big hall, and he introduced
24 us to somebody else. I don't know who the other person
25 was, but they took us round about and they showed us

1 where the dormitory was and where everything else was,
2 where the dining hall was and the shower room and all
3 that. They showed us where everything was and that was
4 it.

5 Q. And you mentioned there a Brother Fitton?

6 A. Brother Fitton, aye. He was an old guy, he was an old,
7 old brother.

8 Q. What was his role?

9 A. Personally, I think he was like a wee dogsbody; he did
10 everything that no one wanted to do.

11 Q. Okay. Were you introduced to the other brothers who
12 were there?

13 A. Well, when I got to starting going round the classrooms
14 and that at school, aye, that's when I met them.

15 Q. How many brothers were there?

16 A. There were Brother LHC Brother Fitton,
17 Brother MIC Brother MBW And then there was
18 Mr Fannon and Mr BHB, Mr MCH and Matron Carroll.

19 Q. I think in your statement you also mention
20 a Brother MOA

21 A. Yes.

22 Q. Was he there as well?

23 A. He was, yes.

24 Q. So Brother LHC what was his role at St Ninian's?

25 A. He was the [REDACTED]

1 Q. And what was he like?

2 A. He wasn't bad, he wasn't a bad man at all.

3 Q. And Brother MOA ?

4 A. Brother MOA was -- he had a bad temper. He was easily
5 riled, you know.

6 Q. And Brother MIC ?

7 A. Brother MIC was kind of placid. You very seldom
8 heard him.

9 Q. And Brother MBW

10 A. Brother MBW was something else.

11 Q. What do you mean by that?

12 A. Well, if anything went wrong, you knew Brother MBW --
13 he was the one that attended to it. Whether you done it
14 or not, he attended to it.

15 Q. Is that in terms of discipline and punishment?

16 A. Yes.

17 Q. Okay. We'll come on to look at that.

18 Brother MBW was that his full name or did he have
19 a different name?

20 A. His name was shortened. I think it was MBW or

21 MBW or something. I didn't know his right name.

22 It was something like that and that was short for his
23 own name. He took the science classes and nature
24 classes and stuff like that.

25 Q. If I can put a document on the screen, John. You won't

1 have seen this before, but it's just a list of the names
2 of brothers who were there. INQ.001.004.1584.

3 This is a document, John, which shows, based on
4 information the inquiry has recovered from the
5 Christian Brothers, the brothers that were at
6 St Ninian's at various times.

7 For the years you were there, 1953, 1954, 1955,
8 you'll see the brothers that you have mentioned.

9 A. I can't see it with these glasses on.

10 Q. Okay. I can tell you then that the document tells us
11 that Brother Fitton was there, Brother **MOA**
12 Brother **MIC**, Brother **LHC** and Brother **MBW**.

13 LADY SMITH: John, do you have other glasses with you that
14 you want to get hold of so you can see the screen?

15 A. I don't have any glasses for that.

16 LADY SMITH: Ah right, okay. Sorry, I thought -- sometimes
17 people come along and they've left their glasses in the
18 witness room or someone else has them in their bag.

19 A. This is the only pair of glasses I've got. I don't use
20 a computer.

21 LADY SMITH: Are you okay with that?

22 A. Yes.

23 LADY SMITH: I'm sure we could get you a sheet, a hard copy,
24 if you preferred.

25 A. No, this is fine.

1 LADY SMITH: Thanks.

2 MS MACLEOD: You have told us about the brothers, John. Can
3 I ask you about the boys? How many boys were at
4 St Ninian's while you were there?

5 A. There was quite a lot of us. As far as I knew, there
6 was about 500. I don't know if that's true or not. But
7 as far as I knew, they were talking about 500 boys being
8 there.

9 Q. So did it feel like there were a lot of boys?

10 A. Oh aye, aye.

11 Q. What was the age range of the boys, do you know?

12 A. Well, there were some there going to an outside school,
13 so they must have been over 15. Normally when you
14 reached 15, you got to go home as you were aged for work
15 then.

16 Q. So when you arrived at the age of 12 were you amongst
17 the youngest of the boys?

18 A. Yes.

19 Q. Were you accommodated in a dormitory at St Ninian's?

20 A. Yes.

21 Q. Can you tell me how that was arranged, was it by age or
22 something else?

23 A. We were more or less all the same age in the dormitory.

24 Q. How many of you were in your dormitory?

25 A. Ten.

1 Q. And how many dormitories do you think there might have
2 been?

3 A. Between eight and ten.

4 Q. Okay. Can I put one of the photographs back on the
5 screen: CBR.001.001.0571.

6 This is the aerial photograph again, John. You have
7 told me where the front door is here --

8 A. Yes.

9 Q. -- where the white cars are. Can you tell me, as you
10 went in the front door, how would you get to the
11 dormitories?

12 A. You went in the front door and you turned along past
13 maintenance and instead of going up the chapel corridor
14 you went the other way and that took you round. Or you
15 could go in from the back-end, up the spiral staircase,
16 and my dormitory was sitting underneath that chimney
17 at the back.

18 Q. Okay. So I'm going to put a plan of that part of the
19 house on the screen; is that okay?

20 A. Uh-huh.

21 Q. CFS.001.006.8297.

22 John, this is, I think, a floor plan of the main
23 floor at St Ninian's. Can you see the entrance hall --

24 A. Aye.

25 Q. -- marked quite near the centre of the plan?

1 A. I can see it.

2 Q. Can you see the dormitories --

3 A. I can, yes.

4 Q. -- around a courtyard in the top right of the plan?

5 A. I can, yes. That's where my dormitory was, right in the
6 middle.

7 Q. Which one was your dormitory? Would you mind, John,
8 standing; the plan is actually on a big screen behind
9 you.

10 LADY SMITH: If you stand up and turn round.

11 A. My dormitory was there (indicating).

12 MS MACLEOD: So that's at the top of the plan and it's the
13 third dormitory from the left?

14 A. Right.

15 Q. Thank you. So what else, John, was in the home apart
16 from dormitories?

17 A. You had classrooms, you had play areas, you had a film
18 room, and Mr Fannon had a music room which was also
19 a classroom.

20 Q. So the school was in-house, self-contained?

21 A. Yes.

22 Q. I want to ask you about the routine at the home,
23 starting with the morning. If you could run me through
24 your day. Was there a particular time in the morning at
25 which you had to get up?

1 A. Yes. About 6, 7 o'clock you got up, you went and got
2 washed, and then you came back, tidied up your
3 dormitory, then what you had to do were your chores.
4 I sat outside in the chapel corridor and helped to tidy
5 the dormitory, and that was my chores for the day. Then
6 we went to the chapel. Then we came out of chapel, went
7 to breakfast and then up to school. You were in there
8 at dinnertime. Then you came out, got your dinner,
9 played for half an hour, back into school again. Then
10 you were back out, you got your tea, and I think it
11 was -- a lot of the times it was benediction, which was
12 the chapel, and then you were allowed to go and play.

13 Q. In the evening?

14 A. Yes.

15 Q. And when was bedtime?

16 A. 9 o'clock.

17 Q. I'll ask you about some of what you've said there. In
18 terms of washing, showering, can you tell me when you
19 washed and when you had a shower? Was there a set time
20 for that?

21 A. We got a shower on a Friday, Friday night. But in the
22 morning you washed. At night you went and cleaned your
23 teeth, maybe gave your face a rinse or something like
24 that, and then went to bed.

25 Q. You showered on a Friday.

1 A. Yes.

2 Q. Was there a routine or some kind of rota for that?

3 A. No. There were plenty of showers.

4 Q. Where in the building were the showers?

5 A. They were in the basement.

6 Q. If I can just ask you to look at one more plan, John:

7 CFS.001.006.8299.

8 A. That's it there. It was down in that corner because

9 there were the woods round the back of it and the burn

10 on the other side of it.

11 Q. I think the document I'm looking to put on the screen is

12 8299.

13 A. That's where it is anyway, beneath that.

14 Q. Could you stand up, John, and tell us where that is?

15 A. Here. That was the woodwork classroom in there, and

16 underneath that, in the basement --

17 Q. Underneath that?

18 A. Aye.

19 Q. Okay. So are those the stairs there on that plan going

20 down to the lower basement?

21 A. Aye, that's them.

22 Q. Okay. Was the showering supervised? Did you have

23 privacy when you were showering?

24 A. There was always a brother there or thereabouts, you

25 know. It was so there wasn't any carry-on.

1 Q. What clothes did you wear at St Ninian's? Was there
2 a uniform?

3 A. On a Sunday, yes. On a Sunday you had a blazer and grey
4 trousers, and a pair of brogue shoes with socks. That
5 was the only time you wore them unless there was
6 a special thing on.

7 Q. And the rest of the time did you have your own clothes
8 or were there clothes that were owned by the home?

9 A. They were owned by the home.

10 Q. Would you get the same clothes back after they were
11 washed?

12 A. Aye.

13 Q. How were you addressed by brothers and staff when you
14 were at St Ninian's?

15 A. "Come here, you", or, "What you doing?" or -- and you
16 need to forgive me here -- Mr MCH favourite was,
17 "Come here, you little bastard", and that was what you
18 got off him.

19 Q. Would your first name be used by any of the brothers?

20 A. Very seldom. Brother LHC used to shout ABV
21 you know, when he caught me doing something -- the likes
22 of smoking under the bridge or something. He knew it
23 was me so he just shouted my name. He didn't punish me
24 or anything like that, he just shouted my name, let me
25 know he knew it was me.

1 Q. I'll ask you about the food, John. How was the food at
2 St Ninian's?

3 A. The food?

4 Q. The food.

5 A. I didn't like it.

6 Q. What was it like?

7 A. To me it was terrible. I just didn't like it. Most of
8 the boys didn't like it.

9 Q. What did you get for your breakfast?

10 A. That's a hard one. It varied. Porridge mainly. They
11 called it pigmeal. It was all lumpy and everything.

12 Q. And if you didn't like your food, did you have to eat
13 it?

14 A. Not in St Ninian's, no.

15 Q. What about the meal in the middle of the day while you
16 were at school? What kind of thing?

17 A. I very seldom had one. I very seldom went for a dinner.

18 Q. I think you tell us in your statement, and I'll come
19 back to that, that you were outside a lot of the time?

20 A. Yes: out of sight, out of mind.

21 Q. What about the evening meal? Can you remember anything
22 about that?

23 A. No, I was very seldom there for that either. I can't
24 remember ... I think once we got curry. I didn't like
25 curry.

1 Q. What about the school set-up? How were the classrooms
2 organised? Was it by age or by subject?

3 A. Well, I was in Mr MCH class and there was boys there
4 older than me and boys younger than me. When I went
5 into his class they were only months younger than me and
6 maybe one was a year older than me, something like that.
7 But they kind of varied.

8 Q. I think you tell us in your statement, John, at
9 paragraph 197 that your first recollection of being in
10 a class at St Ninian's is being in Mr MCH class.

11 A. Yes.

12 Q. What do you remember about it?

13 A. I definitely did not like it.

14 Q. I think you say that you remember having to write on the
15 blackboard.

16 A. Yes.

17 Q. Could you say a little about that?

18 A. I couldn't write on the blackboard, I couldn't write, so
19 what he did was ridicule me, make a fool of me.

20 Q. What did he say?

21 A. That I was there because nobody else wanted me, and he
22 would see to it that I'd learn to write, and also
23 I would learn to use my right hand.

24 Q. Were you left-handed?

25 A. Yes.

1 Q. And were you allowed to use your left hand?

2 A. Well, he tried to make me use my right hand and

3 I stopped going to his class. I just stopped going to

4 school altogether.

5 Q. I think you tell us that you weren't learning anything

6 at school.

7 A. I was learning how to be ridiculed. That was all.

8 Learning how to be made a fool of.

9 Q. You say in your statement, John, at paragraph 199 that:

10 "Any excuse at all, you got a hiding."

11 A. That's right.

12 Q. What would happen? When you say "a hiding", what would

13 happen?

14 A. Well, maybe one of the boys would go to **MCH** or

15 Brother **MBW** one of them, and tell them that I'd done

16 something and I hadn't done it. And I'd get pulled up

17 for it and then I was a liar, I was lying, and I wasn't

18 lying. That's what I was getting the leatherings for,

19 and that happened quite a lot.

20 Q. Who was giving the leatherings?

21 A. **MCH** when I was there, and Brother **MBW** There were

22 a few times when he really gave me a sore leathering,

23 a really bad one.

24 Q. Would Brother **MCH** give you a leathering in the class?

25 A. **MCH** wasn't a brother, he was an outside teacher.

- 1 Q. Sorry, Mr MCH yes.
- 2 A. Aye. He loved to ridicule you in front of all the
3 pupils in the class. He loved to make a fool of you.
4 That made his day.
- 5 Q. When you say he gave you a leathering, what did he do?
- 6 A. He had a belt called a Lochgelly special. It's solid
7 lump of leather with two tongues, and he just gave you
8 that anywhere. He didn't care where he hurt you with
9 it. His favourite was putting your hands over the desk
10 cross handed or sitting in your lap cross handed with
11 your hands in your lap so that he could leather you with
12 the belt. He was a very rotten person.
- 13 Q. How often did that happen to you in Mr MCH class?
- 14 A. Quite a lot until I stopped going. I just stopped going
15 to his class altogether.
- 16 Q. Did you see this happening to other children?
- 17 A. Yes. There was some of them got it a lot more than me.
- 18 Q. I think you say, John, that the only class you enjoyed
19 going to was the science class.
- 20 A. Yes. It was Brother MBW that ran that. I stopped
21 going there too.
- 22 Q. And why did you like that class?
- 23 A. Well, it was different experiments he would do, and then
24 he would take you up through the woods to show you
25 different things and I loved the woods. The nature and

1 all that, I liked all that. But he sickened me off.

2 Q. So you stopped going there as well?

3 A. Yes, I just stopped going to school altogether.

4 Q. Did anything happen to you when you stopped going to
5 school? Were you punished for not going to school?

6 A. A couple of times, that was all. I stayed away then.

7 I only came in when I was going to my bed.

8 Q. And did the brothers know you weren't going to school?

9 A. They must have done. I wasn't appearing in their
10 classes or nothing. They didn't really care. That was
11 the problem. But I wasn't taking any more of that
12 anyway. I wasn't going to take any more of it.

13 Q. I'll come back, John, to asking you about the time you
14 spent in the woods outside. Can I ask you for the
15 moment about chores in the home. What kind of chores
16 did you have to do at St Ninian's?

17 A. Everybody -- I had the chapel corridor and I had the
18 stairs down into the basement and the dormitory. That
19 was my chores. And then when it came September time,
20 they sent you to pick potatoes for the farmers or you'd
21 shore turnips for them, or stook their hay, things like
22 that.

23 Q. And the chores you have mentioned that you did in the
24 home, did you do those every day?

25 A. Yes.

- 1 Q. And did somebody supervise those chores?
- 2 A. Aye, Brother **MBW**
- 3 Q. And what would happen if you didn't do them or didn't do
4 them properly?
- 5 A. You had to make sure they were done. You learned all
6 that in Smyllum, how to do it properly, so you knew
7 there would be no comeback, and as soon as they said
8 okay, then you were off.
- 9 Q. You mentioned doing work for farmers --
- 10 A. Yes.
- 11 Q. -- outside; can you tell me about that?
- 12 A. It was Brother **LHC** that used to send us out to pick
13 the tatties in September time or shore the turnips, or
14 stack the hay, make wee haystacks, things like that.
- 15 Q. Did you get paid for that work?
- 16 A. No, no.
- 17 Q. Were you given any pocket money in the home?
- 18 A. Well, I think it was ... You were supposed to get
19 a sixpence, I think it was, but I never deserved it.
- 20 Q. When you say you never deserved it, is that what you
21 were told?
- 22 A. Yes.
- 23 Q. Who told you that?
- 24 A. Brother **MBW** It was just Smyllum all over again.
- 25 Q. How much religious instruction was there at St Ninian's?

1 A. I think that just went on all the time. It just went on
2 all the time.

3 Q. You went to chapel in the morning, you mentioned.

4 A. Aye, and the afternoon, and at night.

5 Q. And were you taught religion in school?

6 A. Yes.

7 Q. I think what you say in your statement at paragraph 208
8 is that you were praying all the time and your knees
9 were in agony; is that right?

10 A. So many of the boys had beat knees through it.

11 Q. Did you have --

12 A. Their knees would swell up and everything. It was a sad
13 thing to see.

14 Q. Did you have to go to chapel?

15 A. Well, if you'd have missed it, they'd have taken the
16 skin off you.

17 Q. Can I ask you then, John, about the time you spent
18 outside while you were at St Ninian's. How did it come
19 about that you started to spend so much time outside?

20 A. Well, I wasn't doing too well inside. I was getting
21 into trouble all the time. So I decided, I'm not taking
22 any more of it, and I decided to go up the woods. After
23 breakfast, I'd disappear or -- I got very friendly with
24 the old man at the end of the driveway, Old Mr McGregor.
25 I got very friendly with him. He had a big pond outside

1 his house. It was full of trout. I liked the fishing
2 back then and all. I'd sneak down to his pond and hook
3 out a couple and give them to Brother [REDACTED] LHC for his
4 tea. I preferred being out in the woods to being in the
5 home. I'd help the farmers -- I would go round and
6 I made a couple of bob doing it. I'd go around and
7 about maybe stacking their tattie baskets or folding
8 their hessian bags and taking them away and things like
9 that. You got a half dollar for it and that got you
10 your fags or whatever -- am I not supposed to say that?

11 LADY SMITH: If it's the truth, you're certainly supposed to
12 say it.

13 A. Okay.

14 LADY SMITH: You were a teenager. I imagine there were
15 quite a lot of boys smoking, were there?

16 A. There were old ladies in the village -- I seemed to get
17 on quite well with them and when it came to September,
18 and that, it used to be fruit-picking time, and I'd give
19 them a wee hand to pick their fruit, and you'd get a
20 tanner here and a shilling there and it all added up and
21 it kept you going in fags and sweeties and stuff.

22 MS MACLEOD: I think you say that you started a survival
23 course in the woods.

24 A. I did, aye.

25 Q. What was that?

1 A. Well, I'd be away -- I mean, there wasn't a place
2 I didn't know up there. I knew all about the place. We
3 used to go to Kirkcaldy, Cupar, Auchtermuchty, around
4 Loch Leven and things like that. So they sent me to see
5 if we could survive outside and I was told to take one
6 of the boys with me. He wasn't a fit boy, awfully
7 heavy, and now in later life I've found out that one of
8 my sister's sons took the same thing and it was gland
9 trouble but back then they didn't know that. They said
10 he was overeating and he was this and he was fat and
11 useless -- I won't go into the detail but they really
12 ridiculed him. If.

13 I had to take him with me that day. We were going
14 to start off at West Lomond and we got up to the foot of
15 West Lomond. That's quite a hike and he was greeting
16 and ... and I lost my nut and I was swearing at him and
17 everything. I got back down, and, oh Jesus, I could see
18 his legs, his legs were so fat they were rubbing
19 together, and they were bleeding.

20 Q. I think you tell us about this incident, John, in your
21 statement --

22 A. I did.

23 Q. -- at paragraph 231.

24 A. I took my vest off and I used my penknife to cut it in
25 two and I tied them round his legs, and instead of

1 completing the task, I taken him back to the home.
2 He was in agony. And when we got in, of course I had to
3 walk straight into Brother MBW "What's the matter?"
4 I told him and I showed him. "And what's that?"
5 I said, "It's my vest", it wasn't my vest, it belonged
6 to them, and I had destroyed it.

7 Q. Is that what he said?

8 A. And I'd destroyed it, yes, so I paid for that. That was
9 another leathering. We took him to the matron and
10 he was in bed for -- I think it was about three or four
11 days. Every time from then on they asked me to take him
12 with me, we'd go up to the swimming pool or up to the
13 foot of West Lomond or East Lomond or whatever, and we'd
14 go and get tatties and roast them in the fire, things
15 like that, took them out the water and cooked them in
16 the fire.

17 Q. If I can just go back to that incident, John. When you
18 say you got a leathering for that, who gave you
19 a leathering?

20 A. Brother MBW

21 Q. What did he do?

22 A. He gave me one right sore hiding and I went back to my
23 dormitory and my back was in agony. And one of the boys
24 came in with a wet towel and flung it at my back. Talk
25 about pain. That was really pain. It wasn't bad the

1 way it was until he done that. That was the sort of
2 hiding they gave me.

3 There was another incident where one of them said
4 that I had broke a -- we were away on another one of
5 these wee excursions we went on, it was my idea, I was
6 there. And we were going up towards the monument, and
7 there was a gamekeeper's trap and there was a pheasant
8 in it. So I tried to get in and I couldn't get in, so
9 I climbed up to the top of it and the thing folded over
10 and it flung me inside, and I couldn't get out. So
11 I kicked and kicked and one of the posts until I broke
12 it. It was only two by two. I broke the post and
13 I pulled the wire out of the ground, I let the pheasant
14 out, and I climber out. One of the boys told
15 Brother **MBW** that I'd broke one of the pheasant pens, as
16 he called it. It wasn't, it was a trap.

17 Q. So you were there with another boy?

18 A. I was there with another three boys that day.

19 Q. And what happened on that occasion?

20 A. He told me to go and wait outside his office and I went
21 up, and I was stood outside there and there was another
22 fella -- I think his name was -- he was
23 standing there and he wanted something and while I was
24 standing there, Brother **MBW** went, "Come on it", and
25 then he came out, and he drew a golf club right off me

1 and it hit me there (indicating), but I was kind of
2 close to him so he didn't really hurt me bad.

3 Q. You're pointing to your arm.

4 A. Aye, he hit me across the shoulder with it and the head
5 snapped off it, so I had broke his golf club.

6 Q. He hit you with his golf club on your arm?

7 A. Yes.

8 Q. And then what happened?

9 A. Well, I had broken his golf club so he used the rest of
10 it to leather me again.

11 Q. What did he do?

12 A. He just laid into me with the end of the golf club that
13 he had in his hand.

14 Q. Which part of your body was he --

15 A. He had hit me right here.

16 Q. Were you injured?

17 A. As far as I was concerned, I was injured: I was in
18 agony.

19 Q. Was he saying anything while he was doing this?

20 A. No, just grunting the way he usually did.

21 Q. Was he using force when he was hitting you with the golf
22 club?

23 A. Aye. He was intending to hurt me and he was doing it.

24 Q. What kind of age was he, do you think, Brother **MBW**

25 A. Brother **MBW** By then maybe 45-ish, round about 50,

1 something like that.

2 Q. And how old were you at the time of that incident?

3 A. Then I was 13, 13 or 14, something like that. See,
4 I didn't really need to be depending on the home,
5 I could survive outside. I had done it before I went
6 into the home. I could get on all right outside.

7 Q. When you were outside, you mentioned earlier that you
8 didn't go in for your meals very often.

9 A. No.

10 Q. What did you eat?

11 A. Everything: trout, rabbit, potatoes, carrots, cabbage,
12 turnips, all that.

13 Q. Did you grow that yourself?

14 A. No, the farmers grew it. I stole it.

15 Q. I see.

16 A. I just helped myself to the field. It wasn't a great
17 loss to them.

18 Q. Did you use something to cook the fish?

19 A. We got a fire going. You must have lived outside, you
20 must have done it yourselves surely.

21 Q. Were there other boys with you most of the time or were
22 you on your own?

23 A. No, I used to take a couple of the boys with me.

24 Q. You tell us in your statement, John, that

25 Brother LHC, I think, came to see you on a couple of

1 occasions while you were outside.

2 A. Aye. And helped himself.

3 Q. What did he help himself to?

4 A. The trout and the roasted potato -- I'm trying to be
5 posh here and it's not like me, I'm sorry.

6 Q. I think you say he got you a line to fish the burn.

7 A. He did. He went to Kirkcaldy and got it for me because
8 I was giving him most of the trout I was catching.

9 Q. Are these happy memories for you, John, being outside?

10 A. The ones of me by myself, yes.

11 Q. You say in your statement that:

12 "Being outside got [you] out of the home, there was
13 nobody to worry [you], and [you] needn't worry about
14 a pointer or a belt or nothing."

15 A. Correct.

16 Q. You mention in your statement keeping fit and that you
17 were into keep fit at the time.

18 A. Aye. I never wanted to be like that boy.

19 Q. Is that the other boy you mentioned?

20 A. Yes. The only way to not be like that, I thought, was
21 to exercise. I didn't know what was wrong with him
22 at the time -- I know now what was wrong with him -- and
23 nobody else seemed to know.

24 Q. So this was the boy you mentioned who was overweight?

25 A. Yes.

1 Q. So what did you do to keep fit?

2 A. East and West Lomond was the best way I knew. I used to
3 run up and down them, maybe three or four times a week,
4 the weekends and all.

5 Q. What about sport? Was there sport on offer?

6 A. Aye.

7 Q. What sports did you play?

8 A. We played football, javelin throwing, discus throwing,
9 long jump. More or less everything.

10 Q. Who arranged that? Was there a brother or a teacher in
11 charge?

12 A. I think it was Brother **LHC** and then Mr **BHB** took
13 the PE side of it.

14 Q. Did you enjoy the sport?

15 A. I did, but I stopped doing it.

16 Q. Why did you stop doing it?

17 A. Because Brother **MBW** was there.

18 Q. Why did that stop you? What was he doing there?

19 A. I just didn't want him to be able to see me at any time.
20 I wanted to stay out of his road.

21 Q. I see. Did you play teams from outside the school or
22 was it --

23 A. Yes, a couple of times we played teams from outside the
24 school.

25 Q. What about Christmas and birthdays, John? Was Christmas

1 celebrated in St Ninian's?

2 A. Not really. You got an apple and an orange, that was
3 it.

4 Q. And what about your birthday?

5 A. No, it was just another day.

6 Q. Did you go on any trips with the school?

7 A. No.

8 Q. And were you able to get home or to see any family at
9 weekends or holidays?

10 A. The only time I got away was when I ran away. That was
11 in the beginning.

12 Q. Were there things available to you like books or films
13 to watch?

14 A. Well, there were loads and loads of books, but
15 I couldn't read.

16 Q. And what about films?

17 A. Sometimes they had films on. The only one I went to see
18 was a film called "The Crimson Pirate" with
19 Burt Lancaster in it. That's the only one I went to
20 see. I preferred it out in the woods.

21 Q. You mentioned that you ran away.

22 A. Yes.

23 Q. When was that?

24 A. A fortnight after I got there.

25 Q. Can you tell me why you ran away?

1 A. I wanted to see my brother and sister and they wouldn't
2 help me, they wouldn't tell me how the weans were doing
3 or nothing.

4 Q. Were you asking for your brother and sister?

5 A. Aye.

6 Q. Who did you ask?

7 A. I asked Brother LHC at first and he said it was
8 impossible. I mean, he's the so when he
9 says it's impossible, it's impossible. But it wasn't
10 impossible for me because I wanted to see them and
11 that's why I ran away.

12 Q. Where did you go?

13 A. I headed towards Kirkcaldy first and then I headed back
14 towards the Forth Rail Bridge but I didn't get there;
15 the police caught me and took me back.

16 Q. Did you tell them where you were trying to go?

17 A. Yes.

18 Q. What happened when you got back to St Ninian's?

19 A. Well, Brother LHC took me up the stairs, and the
20 funnest thing, he never even hurt me, he just said
21 I wasn't to do it again.

22 Q. And did you do it again?

23 A. Just the once.

24 Q. Where did you go that time?

25 A. Up to Kirkcaldy. I was going to get a train.

1 Q. So were you again trying to see your brother and sister?

2 A. Yes. They caught me again in the promenade in Kirkcaldy
3 and took me back again.

4 Q. And on that occasion, what happened when you got back?

5 A. Nothing. He just ... He asked me to promise him that
6 I wouldn't do it again.

7 Q. Is that Brother LHC

8 A. Yes. He was good to me, so I promised him I wouldn't do
9 it again and I never. But I kept asking him how my
10 brother and sister were but he couldn't tell me.

11 Q. Did you have any visitors at the school?

12 A. My mother came up to see me once. That was all.

13 Q. Did social workers or anybody like that come to see you?

14 A. No, you're talking about a different person there
15 altogether. We had none of these people then.

16 Q. So nobody like that came to see you?

17 A. No.

18 Q. Do you remember any inspectors or anything similar
19 coming to St Ninian's?

20 A. No.

21 Q. You have mentioned discipline already but I just want to
22 explore that with you a little further. Were there set
23 rules at the school for things you could and couldn't
24 do?

25 A. Aye. I just can't remember what they were now, but you

1 could do something here, you couldn't do it there,
2 things like that. And if you were going out, always
3 make sure you're back for meals and things like that,
4 you know, which I never did.

5 Q. Was there a particular brother who was in charge of
6 punishment and discipline, that kind of thing?

7 A. Not that I know of. As far as I know, Brother MBW
8 he was the one that dished it out all the time.

9 Q. You mention at paragraph 223 of your statement that:
10 "The dungeon was sometimes used as punishment."

11 A. Aye.

12 Q. What was the dungeon?

13 A. It was right down in the basement and it was dark. So
14 that was a fit punishment when you did something really
15 wrong, really bad.

16 Q. What kind of thing would you have to do to go there?

17 A. Well, there was one occasion where one of the boys
18 thought he would bully me. As I said, I didn't come
19 into the home very often, I tried to stay out as long as
20 I could and he really had a go at me. I don't know if
21 I broke his nose or not but that was a terrible thing
22 and there was blood everywhere and he told me to go with
23 him and I went with him and I spent the time in there,
24 that was my punishment. I think he thought I was going
25 to be frightened in there, you know.

1 Q. Was there a bed down there?

2 A. Aye, there was a makeshift bed thing. The mattress was
3 on top of a board or something with a blanket on it.

4 Q. Was the door locked? Could you get out if you wanted
5 to?

6 A. Aye, if I wanted to. One of the boys from outside could
7 have opened it.

8 Q. But could you get out if you needed to go to the toilet?

9 A. No, they didn't need to open the door to let me out;
10 there was a toilet in it.

11 Q. I think you say that some of the boys didn't like going
12 to the dungeon but --

13 A. It would break their heart. It used to break their
14 heart.

15 Q. Do you remember some of the other boys being sent there?

16 A. Yes. One of them, I think he broke a window, something
17 like that. It's that long ago now. I think one of the
18 boys broke a window or two windows or something with
19 a cricket ball, and he got it. But he didn't have
20 anything to worry about because there was always one of
21 us would peer down there and make sure he was all right.

22 Q. When one of the boys was down there, some of the other
23 boys would go down to check?

24 A. Aye, maybe to give him some pieces or something.

25 Q. You tell us in your statement that although some of the

1 boys didn't like you, you said you would love to go down
2 there because it was quiet and away from it all?

3 A. That's right. You were on your own then.

4 Q. How often do you think you were sent down to the
5 dungeon?

6 A. Not that much. I think it was four times. I just had
7 the habit of getting into trouble and I didn't even try
8 it.

9 Q. You say that being in the dungeon got you away from the
10 beatings for the night.

11 A. Aye.

12 Q. So would there be beatings going on during the night?

13 A. Sometimes. It all depended on what time they came in
14 at. If they were late coming in and if it was **MBW**, it
15 was guaranteed with him.

16 Q. Is that if boys were late coming into the home that
17 there would be beatings from Brother **MBW**?

18 A. Aye.

19 Q. What would he do?

20 A. Probably take that belt of his and just lay on them.
21 See, most of the time I didn't see it because it was
22 different places in the dormitories, but you could hear
23 it.

24 Q. What would you hear?

25 A. You could hear him whacking them.

1 Q. You say in the following paragraph, 225, that:

2 "There were constant hammerings all the time."

3 A. Aye, as long as you were willing to stay in the home you
4 were getting it. That's why I preferred to get out.

5 Q. You have mentioned Brother **MBW** but would anybody else
6 be involved?

7 A. Sometimes Brother **MOA** would give the boys a hammering,
8 but it would need to be something bad for him to do
9 that.

10 Q. You say in your statement that Mr **MCH** and Brother **MBW**
11 were the two worst.

12 A. Yes.

13 Q. So Mr **MCH** he was a teacher; did he stay in the home?

14 A. No.

15 Q. But Brother **MBW** was there day and night?

16 A. Aye.

17 Q. You mention at paragraph 228 of your statement what you
18 describe as your first encounter with Mr **MCH**. You
19 mention that it was about a tiff you had with another
20 boy.

21 A. Aye.

22 Q. Can you tell me about that? What happened?

23 A. We had a bit of a disagreement. I think what he thought
24 he was going to do was just giving me a leathering and
25 it didn't work out that way and he ended up going down

1 the stairs. It wasn't deliberate but he ended up going
2 down the stairs.

3 Q. How did he end up going down the stairs?

4 A. The wean went down the stairs. I hung onto him. It was
5 on the landing and he went down the stairs and MCH came
6 out. I was the bad one again. But if I'd been willing
7 to stand there and take what that guy was going to give
8 me, I'd be an idiot.

9 Q. What did Mr MCH did?

10 A. He took me into the classroom and he was making an
11 example of me -- he loved doing that, making an example
12 of you -- and that was a leathering with his Lochgelly
13 special, as he called it.

14 Q. So what did he do exactly? Which parts of the body did
15 he hit you on?

16 A. He didn't care where he hit you with it. He busted my
17 nose with it that day. He whacked me right across the
18 face with it.

19 Q. Were you injured? Did you have injuries?

20 A. It was always injury. To me it was always injuries: it
21 was sore.

22 Q. And would you get any kind of medical attention --

23 A. No.

24 Q. -- for injuries like that?

25 A. No. The only person there that could deal with anything

1 like that was the matron. That was the only one that
2 was there.

3 Q. And did you sometimes have to go to the matron with
4 injuries?

5 A. A couple of times I went to her.

6 Q. Can you remember what injuries you had on those
7 occasions?

8 A. I think one of the occasions was when **MCH** caught me
9 with the belt on the neck and I had to go down and get
10 a plaster on it in case it got infected.

11 Q. Was that with a belt or something else?

12 A. The belt. He didn't care where he hit you. It was like
13 a lump of wood, it was stiff.

14 Q. The belt?

15 A. Aye.

16 Q. And on that occasion you mentioned did the matron ask
17 you what had happened to you?

18 A. No, and I wouldn't have told her anyway. You learned
19 that in Smyllum: don't talk to nobody.

20 Q. And do you remember any other occasion when you went to
21 the matron with injuries?

22 A. I was at the matron a few times. Once I had a beat knee
23 and I went to her with that.

24 Q. What happened to your knee?

25 A. Me constantly kneeling. I took a beat knee and all.

1 LADY SMITH: When you're talking about a beat knee, it's
2 a condition some people may know as housemaid's knee,
3 isn't it?

4 A. That's it, aye.

5 LADY SMITH: Although you wouldn't want to say you got
6 housemaid's knee, I suppose --

7 A. No, it was a beat knee.

8 LADY SMITH: -- but your knee swells up from putting
9 pressure onto it when you have been on a hard surface
10 for too long.

11 A. Aye. You suffered a lot from them in Smyllum because
12 you were kneeling a lot in the courtyard and everything,
13 so you got used to them.

14 MS MACLEOD: Did you ever see a doctor while you were at
15 St Ninian's?

16 A. No. Never seen a doctor in either of the two of them.

17 Q. What about a dentist?

18 A. I went to the dentist once in St Ninian's. They give me
19 a filling, and then on the road back up to the home, the
20 filling came out.

21 Q. And did you tell that to the brothers or the staff?

22 A. No, I never went back near any of them.

23 Q. At paragraph 235 of your statement, you say that you
24 fell foul of Brother **MBW** and that you knew he didn't
25 like you.

1 A. Aye, I knew that, aye.

2 Q. Do you feel then that you were treated somehow
3 differently?

4 A. I think Sister [BAE] had forewarned him about me.

5 Q. What makes you say that?

6 A. Because he seemed to know me when I got out of the bus
7 because he asked, "What one is [ABV]" and I said,
8 "It's me".

9 Q. When did he ask you that, when you arrived?

10 A. As soon as he come out and met us.

11 Q. And how do you think that affected him then?

12 A. I don't know. It finished up I didn't listen to him at
13 all. I hardly seen him. I stood out of his way all the
14 time.

15 Q. You describe, John, in your statement at paragraph 237
16 an occasion which you say was the worst incident that
17 happened to you while you were at St Ninian's. I just
18 want to ask you about that.

19 I think you say that you and another boy had got
20 back late --

21 A. That's right.

22 Q. -- from the woods.

23 A. That's right. We came back late and everybody had their
24 shower, and we went down to have a shower. I had
25 a towel hanging up -- it wasn't mine, but a towel was

1 hanging up and I just used that. And he went up to his
2 dorm and got his and he came down and had a wash and
3 we were having our shower. He left as I was just
4 finishing up and he was away a couple of minutes.
5 I thought he was away anyway and I thought he'd switched
6 the light out, and it's in the basement, it's dark, but
7 the light for the stair, you could see it shining
8 through the opening, so I headed for the light.

9 Q. Did the light go off in the shower?

10 A. Yes, I shouted to [REDACTED] I swore at him and everything,
11 "Put the light on".

12 Q. That's the other boy?

13 A. Aye. I never got any answer and the light never went
14 on. I was halfway down the shower and as I was walking
15 up I got grabbed from the back and it was holding my
16 mouth and my nose and I couldn't breathe and I started
17 to panic. And then I don't know what happened. I woke
18 up on the floor. So whoever it was, I think they
19 thought they had snuffed my candle, I think they thought
20 they had killed me because I did pass out.

21 Q. So you felt a hand over your --

22 A. Yes.

23 Q. -- mouth and your nose. Was the person behind you?
24 Could you see them?

25 A. I couldn't see them. But they were big and powerful

1 anyway, whoever it was.

2 Q. So do you think it was an adult?

3 A. Yes, definitely. But what one, I don't know. I never
4 seen anything. As I say, I blacked out.

5 Q. What's the next thing you remember?

6 A. Getting up off the floor and I was frozen and I went up
7 into the dormitory and I sat up all night in my
8 dormitory. I never greeted or anything. I said I
9 wasn't going to do that any more. But I sat all night
10 in the dormitory and I waited for daylight coming and
11 then it clicked.

12 I used to watch boys playing football and running
13 about playing, having fun, and all of a sudden they're
14 sitting in a corner and they're not doing anything.

15 Q. So this is you talking about other boys in the home?

16 A. Yes.

17 Q. You'd see them running about and then -- did you see
18 a change in them?

19 A. Yes, that's where the change came from. I never said
20 anything to anybody.

21 Q. So you say, John, that it clicked. What clicked?

22 A. Why they were sitting there, why they were the way they
23 were. They weren't playful any more.

24 Q. So what clicked, what did you think was happening?

25 A. The same thing happened to them. It must have done.

1 Q. When you say "the same thing", what?

2 A. Well, I was grabbed in the shower. Why? It could only
3 have been for one reason, but I wasn't like most of the
4 boys.

5 Q. What do you think the reason was, John?

6 A. I think it was sexual. Why did they stop playing? Why
7 were they not doing anything? They were always bubbly
8 and laughing and carrying on and all of a sudden,
9 nothing, they were just sitting there.

10 Q. Do you think something sexual happened on that occasion?

11 A. I think so, aye.

12 Q. The occasion you're describing when a hand was put over
13 your mouth?

14 A. Yes, and if I hadn't been such a -- the way I was, I'd
15 have probably got it and all.

16 Q. What do you mean by that, John, when you say if you
17 hadn't been the way you were?

18 A. Well, I wasn't a very nice kid. I wasn't. I was a --
19 as Mr **MCH** called me. I made sure I was, because there
20 was no way I was getting bullied and there was no way
21 I was taking that off them any more. And when that
22 happened, I lost it altogether.

23 Q. So that occasion you're telling me about in the shower
24 room, when you woke up, were you wearing anything?

25 A. I had a pair of swimming trunks on -- but they were

1 still on when I woke up.

2 Q. Were you injured in any way?

3 A. No. I think whoever it was thought they'd killed me
4 because I did struggle and I struggled for quite
5 a while.

6 Q. In what way did you struggle?

7 A. Just lashing out, kicking. It was all I could do.

8 Q. You struggled when the person put their hand over your
9 mouth?

10 A. Yes.

11 Q. And then you passed out?

12 A. I did.

13 Q. You've told me about the other boys, the boys you
14 noticed, being out playing and then you saw a change in
15 them.

16 A. I did.

17 Q. Did you ask any of the boys or did they say to you --

18 A. You didn't do that. You didn't talk about anything like
19 that. You kept yourself to yourself, you kept your
20 mouth shut. You learned that in Smyllum: every time you
21 opened your mouth, it had a way of getting back to them.

22 Q. You say at paragraph 241 that after that incident, which
23 you have told me about, you say that you swore:

24 "They would never get me like that again."

25 A. Yes.

1 Q. Can you tell me what you mean by that?

2 A. I would never, ever be caught on my own again. And
3 I made sure I wasn't. I didn't have long to go anyway
4 until I was home.

5 Q. So this incident was quite near to the time that you
6 were leaving?

7 A. Yes.

8 Q. Do you remember any deaths of boys at St Ninian's?

9 A. Well, the boy I was talking about, [REDACTED] he left
10 before me. He came from [REDACTED] and we got word back
11 a few weeks after he left that he had died.

12 Q. This was the boy you mentioned earlier?

13 A. Yes, the very heavy young man. It was him. He had
14 died.

15 Q. After he had left St Ninian's?

16 A. There was a couple went to the hostel and we never saw
17 them again, so we took it they were home. As far as
18 that goes, I don't know anything about that, anybody
19 dying.

20 Q. While you were at St Ninian's, did you ever tell anyone
21 how you were being treated?

22 A. Not in St Ninian's. I learned that in Smyllum. No, you
23 don't open your mouth about that because that's real
24 pain.

25 Q. There came a time when you left St Ninian's. How did

1 that come about?

2 A. Do you mean when I got home?

3 Q. Yes.

4 A. Well, I got home to live with my grandmother.

5 Q. Can you remember, were you told you were going or was
6 there a reason you were going?

7 A. No. They just came in -- it was a Friday night,
8 Thursday night or something like that and they said,
9 "You're going home tomorrow", and that was it. They
10 stuck me into a taxi and sent me out. I didn't know
11 where I was going; the taxi driver was just told to drop
12 me off. Luckily enough, I knew Kirkcaldy, I knew it
13 well, and I got to the train station and there was a wee
14 fella called Mr Chesnut -- that was his name -- and he
15 was going to the same place as me and he told me he
16 would let me know when we got there, Queen Street
17 Station in Glasgow and that's where I got off and my
18 mother was there waiting on me.

19 Q. Last time you gave evidence, John, you told us that you
20 got a job in the local mill.

21 A. Garrion Mill.

22 Q. And I think you turned your attention fairly quickly to
23 try to get your brother and sister out of Smyllum.

24 A. Well, they told me -- see, I was aiming to be an
25 electrical mechanical engineer, but I wasn't clever

1 enough. So they told me that if I got a house in the
2 pit, I could get my brother and sister home. I didn't
3 want to get into the pit. But anyhow, I done it, and
4 that's how I got my brother and sister home.

5 Q. And I think you tell us in your statement that you were
6 only 16 at this time.

7 A. Yes.

8 Q. And you got your brother and sister home to stay with
9 you?

10 A. I was 17 when I got them home. But I was 16 when I got
11 the house. And it took a year to get them home. That
12 was through that Mr Barr and he remembered me well.

13 Q. That's the social worker that you'd had at the time you
14 were in Smyllum?

15 A. Is that what you call him? I have another name for him.
16 Not a nice person.

17 Q. Further on in your statement at paragraph 294, you
18 explain that you went back to St Ninian's around
19 a couple of years after you had left.

20 A. I went back to Smyllum as well.

21 Q. Yes, I think you told us about that the last time you
22 gave evidence.

23 A. I wasn't allowed to see anybody.

24 Q. So you went back to St Ninian's. Who did you go with
25 that time?

1 A. It was two friends that wanted to go with me and I took
2 them with me. When we got there, I don't know who it
3 was that answered the door because I didn't recognise
4 them. And I said, "I'm one of Smyllum's sons, I would
5 like to come in", "You can't come in". I said, "Why
6 not?" "Have you been keeping up your faith?" So I just
7 gave him a mouthful and I wasn't allowed in. I wanted
8 to see if I could maybe -- if it would be Brother **MBW**
9 or Mr **MCH** maybe one of them, but no. It was the same
10 in Smyllum: I couldn't see anybody there either.

11 Q. What would you have said? What were you planning to say
12 to Brother **MBW** if you had seen him?

13 A. I was going to let him know what it felt like to be the
14 underdog. And I would have. But I wasn't allowed to
15 see them. I think they knew that. I think there would
16 have been more than me that went back.

17 Q. You went on to be a joiner; is that right, John?

18 A. Aye. Thanks to my wife.

19 Q. And you've been married for quite a long time now,
20 I think.

21 A. Ten year. How long is it now, hen? 55 years just.

22 Q. And you have a family --

23 LADY SMITH: Just 55!

24 A. Just, aye. I hope I've got another 55 and all.

25 LADY SMITH: A pretty good achievement.

1 MS MACLEOD: And you have a family and many grandchildren?

2 A. Yes, I do.

3 Q. Have you ever reported to the police what you have told
4 me today about your time at St Ninian's?

5 A. Never. I wouldn't talk to the police. I wouldn't talk
6 to them.

7 Q. Why not?

8 A. Well, the treatment I received when I came out of the
9 home wasn't real. For doing absolutely -- she'll tell
10 you. Going to the pictures with my wife -- well, she
11 was my girlfriend then -- "Get into the back of the
12 effing van", me and her, right up to her father's house,
13 "You've raided his house". I said, "We've been at the
14 pictures", and it made no difference. They done that
15 with me regular. And one night, I told the guy, I said,
16 "Look, I'm not taking this any more, I've had enough of
17 this", "We can do what we effing want with you and
18 there's nothing you can do". That's your police.
19 There's people who see police in a different light.
20 I know exactly what they're like: thugs in uniform.
21 They've no respect for their uniform or nothing. You
22 can trust me on that one.

23 Q. Do you often think or have thoughts coming into your
24 head about your time at St Ninian's?

25 A. Regular. It's never left and it never will.

- 1 Q. Can I ask you about this, John: the inquiry has spoken
2 to brothers, some of whom were in St Ninian's, and
3 I just want to put their general position to you. The
4 inquiry hasn't been able to speak to brothers who were
5 there at the same time as you were there, but we have
6 been able to speak to a brother who was there from 1959
7 onwards, so a little while after you left and whose time
8 crossed with brothers like Brother MBW and
9 Brother MOA that you've been mentioning. Their broad
10 position is that children were not mistreated at
11 St Ninian's in the ways you've described. What do you
12 make of that, John?
- 13 A. Where are they? Let them come out and tell me that to
14 my face. It was the same in Smyllum, "There was no
15 abuse in Smyllum either". These are supposed to be
16 religious people; why are they lying?
- 17 Q. What effect do you think your time at St Ninian's has
18 had on your life?
- 19 A. It's not had a good effect on it. It really hasn't.
- 20 Q. Does it still impact your life today?
- 21 A. It does, aye. Certain parts of it. Same with Smyllum.
- 22 Q. You mention that you went back to St Ninian's in more
23 recent years, I think on this occasion with your wife.
- 24 A. Yes.
- 25 Q. What was the purpose of that visit?

1 A. I just wanted her to see where I'd spent some time.

2 I took my son with me, my eldest son and all.

3 Q. What was that visit like for you, John?

4 A. Well, it brought back a lot of good memories because
5 I was round about the places I liked, and my wife took
6 some photos of the places I liked: next to Old Alex's
7 cottages, his pond and his bridge and all that. They
8 were good memories but I made them myself. I had no
9 good memories of the home. None.

10 Q. What you say, John, in paragraph 297 is:

11 "I try to think of the good things, but the bad
12 times keep coming back. See when I went up to the main
13 door, I was waiting on Brother **MBW** coming out with that
14 belt in his hand."

15 I think you're telling us, John, that the things
16 you have told us about today are still very much with
17 you; is that right?

18 A. Aye, they'll always be with me. And for them to come
19 out and say that, and they were religious people ...
20 That's what was teaching us religion.

21 Q. You set out some of the lessons you think should be
22 learned from your experience in care at both Smyllum and
23 St Ninian's. Indeed, you spoke about this the last time
24 you gave evidence at the inquiry. Is there anything in
25 particular about your experience at St Ninian's that

1 you'd like to add to that? Are there any lessons you
2 think need to be learned from your experience at
3 St Ninian's?

4 A. Well, they've done it. They shut them down, didn't
5 they? They did the same with Smyllum. They're doing it
6 with them all because these people weren't qualified to
7 look after children. They really weren't. You speak to
8 them, talk to them, they'll tell you themselves. They
9 hadn't a clue what they were doing.

10 Q. Thank you very much, John, especially for coming back
11 a second time to inquiry hearings.

12 A. You're welcome.

13 MS MACLEOD: That's all I need to ask you today.

14 A. There's one thing I am glad of: somebody listened.

15 LADY SMITH: Thank you.

16 MS MACLEOD: I am not aware of any further questions for
17 John.

18 LADY SMITH: I'll just check. Are there any outstanding
19 applications for questions? No.

20 MS MACLEOD: I think in the course of that evidence there
21 was reference to the applicants --

22 LADY SMITH: I have a note. Just to remind everybody
23 listening to you, John, your name for the purposes of
24 the inquiry is John and nothing else. There has been
25 some mention of another name, but that's not to be used

1 outside the inquiry hearing room. You weren't wrong to
2 mention it at all, but in your interests I want people
3 to make sure that they do understand that you have
4 chosen to use the name John, as you did before, and
5 that's your choice and it's perfectly all right to do
6 that.

7 A. Thank you.

8 LADY SMITH: Can I thank you very much for coming along
9 today and adding to your earlier evidence your
10 experience in St Ninian's. It has been enormously
11 helpful and thank you to your wife for coming along
12 again. I'm sure that's been a great support to you.
13 I'm now able to let you go with my thanks.

14 A. Thank you.

15 (The witness withdrew)

16 (12.55 pm)

17 (The lunch adjournment)

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(2.00 pm)

LADY SMITH: Good afternoon. Mr MacAulay, we've got the next witness ready, have we?

MR MacAULAY: Yes, good afternoon, my Lady. The next witness would like to remain anonymous but has chosen the pseudonym "Jim" when giving evidence.

"JIM" (affirmed)

LADY SMITH: Please sit down and make yourself comfortable.

I think the microphone is in the right place for you, but I'm sure you appreciate, if you have any difficulty, move it or yourself to get into the right position.

Mr MacAulay, when you're ready.

Questions from MR MacAULAY

MR MacAULAY: My Lady.

Good afternoon, Jim.

A. Good afternoon, Mr MacAulay.

Q. In the red folder in front of you, you'll find the statement that you have provided to the inquiry. I will give the reference number of that for the transcript and that's WIT.001.001.2341.

A. Yes.

Q. If I could ask you to turn to the very last page of the statement can you confirm, Jim, that you have signed the

1 statement?

2 A. Yes, indeed, yes. That's my signature.

3 Q. Do you tell us in the last paragraph:

4 "I have no objection to my witness statement being
5 published as part of the evidence to the inquiry"?

6 Is that your position?

7 A. Yes. I have no objection to it being published.

8 I would say that one or two points I think should be
9 qualified.

10 Q. We'll look at that. Subject to what you've just said,
11 do you believe the facts stated in this witness
12 statement are true?

13 A. In general, yes.

14 Q. I don't require your actual date of birth, Jim, but
15 simply to give us a time frame, can you confirm that you
16 were born in 1941?

17 A. I was.

18 Q. And I don't want your precise age, but you are towards
19 the latter part of your 70s?

20 A. Shall we say, I'll be 80 in a couple of years.

21 Two years.

22 Q. Again, I want to keep this fairly general because
23 I understand that you do want to remain anonymous. But
24 you have pursued a career in academia; is that correct?

25 A. That's correct. It's one of the reasons why I want to

1 remain anonymous because I am still working in academia
2 and am involved with students and colleagues, and I have
3 no desire for them to be involved in this.

4 LADY SMITH: Jim, can I just assure you, it's absolutely all
5 right: all applicants have a choice and, for whatever
6 reason, if they are more comfortable remaining
7 anonymous, that's quite all right by me.

8 A. Thank you.

9 MR MacAULAY: Just keeping this very general, you lecture
10 both in this country, but also at international --

11 A. Overseas. I do stuff overseas, yes.

12 Q. Can we then go back to your life, Jim, before you went
13 into care. What you tell us in your statement is that
14 you had no unhappy memories until your mother died when
15 you were the age of 4; is that correct?

16 A. That's correct, yes.

17 Q. At that time you had two younger sisters; is that right?

18 A. Yes. One was two years of age and the other was
19 11 months when my mother died. She was 8 months when my
20 mother went into hospital. My mother had a stroke. The
21 youngster, the baby, was only 8 months old at that time
22 and she was 11 months old when my mother died.

23 Q. You tell us in your statement you yourself actually have
24 a vivid recollection of when your mother took ill.

25 A. We lived in a single end. I'm not sure if modern

1 parlance allows for that, but a single end in those days
2 was a one-roomed house. Everything, you did everything
3 in that. You might say we were pretty poor
4 economically, but we weren't poor as far as love was
5 concerned.

6 Q. Because of your mother's untimely death, your father was
7 left in a position of having to care for three very
8 young children.

9 A. That's right. Just to go back to your point, I was
10 in the house, it was a single end, you couldn't miss
11 anything that was happening. My mother collapsed and
12 I remember that vividly. I could never forget it.

13 Q. And it was quite traumatic for you?

14 A. It was indeed, yes.

15 Q. As I just mentioned, your father was left with three
16 very young children.

17 A. Five years after he got married, yes.

18 Q. And what impact did that have on him?

19 A. Well, I think you can imagine that my father was,
20 I think, 40 when he got married, just turned 40, and
21 he was a widower with three children at 45, and I was
22 the oldest at 4. My two siblings were 2 and 11 months.

23 Q. Putting it shortly, was it rather difficult for him to
24 cope with that?

25 A. Yes. Yes, it was. I think my father quite enjoyed

1 a drink, he was a musician, so he did a lot of concert
2 work. He was a carpenter by trade, but he was
3 a musician by choice. He loved his music -- in fact my
4 whole family did, they were very much into music. In
5 fact, he was part of the family trio that went around.
6 I think he got used to having a few jars, shall we say,
7 on his travels. When my mother died, that was a part of
8 his life that he had to take very, very seriously and he
9 gave up drinking.

10 The period of time after that -- and I think you're
11 obviously coming on to that -- I was away from the
12 period 1945 to late 1948, I think it was.

13 Q. Yes, I'll come to that period. But I think the upshot
14 was that you yourself alone went into care.

15 A. Yes, I was the only one to be taken into care.

16 Q. Your two siblings went to live with aunts?

17 A. They didn't go to live with them, as far as I was aware,
18 but I was in care so I didn't know what was happening.
19 The impression I got was my father tried to look after
20 the girls, but my aunt -- can I use the name at all?
21 It's easier for me if I can use names.

22 Q. Use a first name.

23 A. My Aunt [REDACTED] who's one of three spinster aunts who
24 lived together -- bear in mind it was just after the
25 Second World War and there were lots of interwar

1 spinsters in those days; three of my aunts were in that
2 category. Two of them were twins and very, very close.
3 [REDACTED] was the one who seemed to take to my youngest
4 sister, the baby, and my sister always more or less saw
5 her up like a mother. But my other sister, [REDACTED] wasn't
6 given the same attention, I don't think.

7 Q. But I think you ended up going to Smyllum.

8 A. I did, yes.

9 Q. Just to let you know, in case you don't know the precise
10 date, according to the records that we've covered from
11 the Daughters of Charity, you were admitted to Smyllum
12 on [REDACTED] 1946 when you were aged about 4.

13 A. Five.

14 Q. Yes, you'd be 5, I think.

15 A. I had just started school, I believe.

16 Q. You're quite right. Although we don't have a discharge
17 date from the Daughters of Charity, I think you tell us
18 in your statement your father took you out of Smyllum in
19 [REDACTED] 1948.

20 A. Round about [REDACTED] in 1948. I always felt I was
21 in Smyllum, I think, three years in total. That was the
22 impression that I was given, that I had been there just
23 under three years.

24 Q. About two and a half?

25 A. Yes, I thought I had gone there around about [REDACTED] --

1 what was it? Could you confirm that?

2 Q. I think the date I gave you was [REDACTED] 1946.

3 A. [REDACTED] yes. I think I started school around about the

4

5 Q. This particular investigation is into St Ninian's; we're
6 not looking at the moment at Smyllum. We will take on
7 board what you've said about Smyllum, but I think in
8 a sentence what you tell us is you have vague memories
9 of Smyllum.

10 A. Yes.

11 Q. But you hated it?

12 A. Absolutely. From the moment I got there. Bear in mind
13 I was going through a massively traumatic period and you
14 needed understanding and you expected it from women, if
15 anything. When I got to Smyllum, from the day I walked
16 in, it was just cold, a huge cold building. I was put
17 into another room and I felt very, very alone while
18 there was chatting going on about this, that and the
19 next thing. We were just put there.

20 I didn't know really what was happening. I have no
21 memory whatsoever of why I was being put there or
22 anything leading up to it. I just ended up there.
23 I felt, as I say, it was a very traumatic experience
24 I had been going through. To lose your mother is awful
25 and that was very, very painful for me.

1 Q. I don't want to cut you short, because we will take on
2 board what you have said about Smyllum, but I do want to
3 take you to one paragraph because I think it perhaps
4 fits in with other comments that have been made.

5 If you turn to paragraph 28 of your statement,
6 you'll find that on page 2345. I'll read out what you
7 say there. What you say is:

8 "The one thing that I think is most important in
9 a child's life is love and there was none of that. It
10 did not exist."

11 Does that sum up your thoughts on Smyllum?

12 A. Yes. It was a place where I was more or less told rules
13 from the moment I arrived and that you would be punished
14 for transgressing the rules. I think I spent most of my
15 time there being afraid of that, being afraid of
16 transgressing rules and being punished for it, and
17 I certainly was. So instead of getting what one would
18 hope is somebody caring for you and showing you love,
19 you were actually -- you were given the impression that
20 you were not all that important at all.

21 It's hardly surprising. There were over
22 300 children, I believe, in Smyllum at that time.
23 I could be wrong. That's the impression I had. It was
24 huge. And going by the research of
25 Professor Lynn Abrams at Glasgow University -- I think

1 in her book, "The Orphan Country", she I think cites
2 around over 300 children around about that period. It
3 was very difficult for them to love any one child out of
4 that sort of number. So you can understand it.

5 Q. But in any event, your father took you out of Smyllum at
6 around [REDACTED] 1948?

7 A. Yes.

8 Q. And you then went back home to live with him; is that
9 correct?

10 A. I did, yes.

11 Q. You're now a bit older, of course, and did you require
12 to take a fair amount of responsibility as the oldest
13 child at that time?

14 A. Well, I took on the responsibility very willingly in
15 fact. My father was a very loving man. He was strict,
16 very strict. He had to be, he had three kids to look
17 after, for heaven's sake. He was very strict with us.
18 Obviously he had his own reputation to think about as
19 well because he worried about his children being taken
20 away from him. He was always concerned about that.

21 So he was a very loving father, a very good father.
22 He gave us a lot of structure in our lives and he was
23 indulgent with his time. We didn't have much money, but
24 he had a lot of time for us and that's what I've always
25 felt is the most important thing for children: give them

1 your time. And I hope I have given that to my children
2 as I brought them up.

3 Q. But sadly, your father also became unwell.

4 A. He did. In fact he was unwell quite a lot.

5 Q. And did you require to spend some time with your aunts?

6 A. I did, yes. It wasn't easy.

7 Q. I think you tell us -- and I think we can work this out
8 from records -- your father died in [REDACTED] 1954 when you
9 were aged about 13.

10 A. Yes.

11 Q. So by that time, and you needn't tell us the name of the
12 school you went to, had you then gone to a secondary
13 school?

14 A. I had, yes. My father wanted me to leave school as soon
15 as possible so I was put into a junior secondary school.

16 Q. I think you tell us in your statement -- and we're
17 moving on to about paragraph 40 -- that one of your
18 mother's sisters took you in for a period of time;
19 is that right?

20 A. That's right.

21 Q. Was there some difficulty in being accommodated by your
22 father's sisters, the aunts you already mentioned?

23 A. Yes. In the months my father was in hospital I was
24 living with the aunts. At that time it was just before
25 the -- it was during summer holidays, I should say, that

1 my father was in hospital most of the time.

2 During that time, I had three jobs. It got me out
3 of the house, shall we say. I was delivering milk
4 in the morning for the local farm. That was about
5 a 4 o'clock rise. I was doing a paper run for somebody
6 you may have heard of, Tiger Shaw, who used to be
7 a Rangers captain, which to me as a Celtic supporter
8 I felt was rather indulgent of him. It was pretty good
9 of him to do that. He gave me the job to deliver the
10 papers in the morning and in the evening.

11 In between time, I was working in a butcher's shop
12 in Coatbridge, run by a man with the extraordinary
13 contradictory name of [REDACTED] which I could
14 never forget.

15 Q. But then once your father died and you spent some time
16 with your other aunt on your mother's side, did there
17 come a point in time when you had to leave and move back
18 into care?

19 A. Yes. The period of time with my Aunt [REDACTED] was not
20 altogether a happy time. She wasn't a warm person as
21 such. She did more for me than anybody, any of my other
22 relatives ever did for me. She could see that I was
23 misappropriately placed in my education and she arranged
24 for me to go to St Mungo's Academy in Glasgow where they
25 tested me and agreed that I should be in senior

1 secondary education, so it was suggested I start there
2 in the first year again, so I did that.

3 I probably lost the best part of about six months of
4 my education there with the junior secondary school.

5 But as I say, I spent I think about six, eight months or
6 something with my Aunt [REDACTED]. One thing she did teach
7 me was how to study -- excuse me slurring my speech but
8 I just lost a crown, my Lady.

9 LADY SMITH: Oh, you poor man. It's not a problem.

10 A. She taught me how to study, but she insisted I studied.
11 So to someone like me who absolutely loved football,
12 I could only do that when I was at school, the lunch
13 breaks and within the games periods.

14 MR MacAULAY: But again, just to move ahead a little bit, is
15 it the case that because your aunt really ran out of
16 space --

17 A. Yes.

18 Q. -- you had to go back into care?

19 A. Yes. She wanted me to call her "mummy" as well and
20 I couldn't do that. I think there was a bit more to it
21 than just running out of space. I think it was ... She
22 was hoping that I would call her "mummy" and I couldn't.
23 I felt I was betraying my own mother by calling anybody
24 that. And subsequently, when I did leave, and I ended
25 up at [REDACTED] the matron there asked me to do the

1 same, and I couldn't do it. But to be fair, she
2 realised why without asking. She was aware of it. She
3 was a very good matron.

4 Q. You have just mentioned then the next place and that's
5 [REDACTED] According to the
6 social work records that we've seen, you went there in
7 about [REDACTED] 1955.

8 A. I thought it was [REDACTED]

9 Q. [REDACTED] Secondary Institutions - to be published later
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 A. [REDACTED]
16 Q. [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 A. [REDACTED]
21 [REDACTED]
22 [REDACTED]
23 [REDACTED]
24 [REDACTED]
25 [REDACTED]

Secondary Institutions - to be published later

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14 Q. But the upshot was that you were sent to St Ninian's?

15 A. Yes. I was seen doing it and, as I say here, they
16 apparently failed to see the three of them jumping me.

17 Q. According to the St Ninian's records that the inquiry
18 has seen, you were admitted, according to the admission
19 register, to St Ninian's on [REDACTED] 1955 --

20 A. Mm-hm.

21 Q. -- which would mean you'd be about 14.

22 A. Yes.

23 Q. Just to run ahead, you left St Ninian's on
24 [REDACTED] 1957, when you'd be aged 16.

25 A. That's right.

1 Q. You were there for about two years?

2 A. Yes, just over two years.

3 Q. Can we then move on --

4 A. It seemed longer.

5 Q. Can we then move on, Jim, to look at some aspects of
6 your life at St Ninian's. First of all, St Ninian's, as
7 we know, was run by the Christian Brothers.

8 A. Yes.

9 Q. Is that correct?

10 A. That's correct, yes.

11 Q. Can you remember now the names of the brothers that you
12 may have had some involvement with when you were there?

13 A. Well, when I arrived at St Ninian's, the

14 [REDACTED] Brother LHC, Brother LHC

15 LHC There was a Brother MIC Brother Fitton and
16 Brother MBW when I arrived. These were the four who
17 were there when I arrived.

18 Q. Did that change over your two-year period?

19 A. It changed over a few months, in fact. Brother MIC

20 [REDACTED] Brother LHC left. He
21 came back on several occasions, I may add, later -- and
22 I believe in an official capacity as well, as
23 I discovered from going through the archives at
24 Register House some time.

25 As I say, Brother LHC left, Brother MIC

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Q. And before we come to that, do you remember

Brother MBR ?

A. Brother MBR came. He came, but that was after I was there, but I believe it was only a few months after I was there.

Q. Can I ask you a little bit about the set-up then and the layout in particular of the home. We've already seen photographs in the inquiry. It's a large establishment and if I could ask you to look at a plan, just to identify some aspects of it. If you could look at -- and this'll come on the screen in front of you -- CFS.001.006.8297.

So if you just take a moment to get your bearings. We have the entrance hall, where we understand the front door to be --

A. Yes. That's correct.

Q. -- just where the arrow is. You then move into a large entrance hall area and then there's a main hall.

Do you see that?

A. Yes.

Q. I think if you take yourself to the entrance hall as if you've come in the front door and you turn to your right, do you then come to an area where the dormitories

1 were?

2 A. That's correct. And the chapel, yes, I can see that.

3 It's the same corridor that goes -- and then to the
4 right you would go to the dormitories, the first
5 entrance, the dormitories, and then right round the
6 whole of the quad. And if you went further along that
7 corridor you came to the chapel.

8 Q. And I think we see that marked on the map. Is that
9 where you recollect the chapel was?

10 A. Yes. Yes, indeed. I'll never forget it.

11 Q. So far as the dormitory arrangements would be concerned
12 then, we can see that the dormitories are in a sort of
13 U-shape.

14 A. Yes.

15 Q. And would you be located in one of these dormitories?

16 A. I was located in the first one. Initially, I was
17 located at the far end.

18 Q. Do you want to point that out on the screen. If you
19 look behind you.

20 A. Yes. That one there (indicating). That was the one
21 I was in initially.

22 Q. If you look at the top, that's the second from the left?

23 A. That was the one where the children who were habitual
24 bed-wetters were.

25 Q. That's the first on the left?

1 A. Yes, next to the chapel. Ultimately, I ended up in this
2 one. I spent the vast majority of my two years there.

3 Q. If we come to the bottom row of dormitories, it's the
4 first on the left?

5 A. Yes. That's the one where all the boys that went out to
6 senior secondary were.

7 Q. And I'll just come on to that in a moment.

8 If I just take you to your first day at St Ninian's,
9 I think you have had a problem with a group of boys
10 because of your football skills; is that right?

11 A. I had a bit of a problem that evening, yes. I'd just
12 arrived in the afternoon, I had been sent into
13 St Mungo's in the morning to say that I was leaving
14 St Mungo's in Glasgow and by the middle of the afternoon
15 I was at St Ninian's.

16 Once I got myself settled in, I was out playing
17 football. I was told to just go and get ready to play
18 football. I was playing and towards the end of the
19 session, they said, "You'll be in the team on Saturday",
20 and I thought, great. I was used to it anyway, I was
21 regularly playing at school.

22 So I thought that's good, a game on Saturday. But
23 after it changed and went -- there was a homework
24 session, so there was this hour to spend doing homework,
25 which we always had to do after the hour of football.

1 Then, following the hour of homework, we had our meal.
2 So I had this all in the first evening. Following
3 dinner, I got jumped on in a rather dark corridor.
4 I don't know if it's still up there. I could have shown
5 you where.

6 It was to the far end of the quad as you go in, just
7 at the back of that. There were three of them gave me
8 a bit of a thumping. One of the other chaps jumped in
9 to haul us apart and he just grabbed me and he was
10 shouting in my ear and he says, "For eff's sake, pal,
11 will you stop fighting? Do you not realise if you're
12 in the team, one of them's out?"

13 Q. So that was the problem?

14 A. So that was the problem. So I was told that's [REDACTED]
15 so-and-so, I'll not say the name as such, but that's
16 [REDACTED] and the other two are his brothers. And [REDACTED]
17 was the one that was out of the team.

18 Q. You told us about being moved from one dorm to another
19 and was there a reason for that? Did something happen?

20 A. My first night there, I don't know what it was, but
21 I had ... I think I was talking in my sleep. It was
22 quite traumatic, all of this, by the way. The next
23 thing I woke up, getting hit in the face with a wet
24 belt, but that was from another boy. They had put me in
25 beside older lads. Fair enough, I was 14, but these

1 guys were 15, just about to leave, and in fact they did
2 leave within a matter of weeks of me being there, and
3 the next time I saw them was in London. My wife and
4 I were in Soho one evening -- and [REDACTED] will confirm
5 it -- and I bumped into two of them and they had just
6 come out of the Scrubs.

7 Q. But I think you were making too much noise?

8 A. I had been making too much noise.

9 Q. And you were moved. Were you moved to another dorm?

10 A. I'm sure my wife would say, "You were snoring".

11 Q. The dorm you were in, how many boys were in that?

12 A. The one I ended up in? Let me recall ... There were
13 another two there, so there were three of us. The other
14 two were going to Bell Baxter's.

15 Q. I will come on to that in a moment. So we're talking
16 perhaps three of you all together in that room?

17 A. Three of us in that room and we were all Bell Baxter's
18 boys -- the only three, in fact.

19 Q. I'll just come on to that in a moment. Some aspects of
20 the routine, if we look at that briefly. You're not
21 particularly complimentary about the food at St Ninian's
22 in your statement. How did you find it?

23 A. With difficulty. It was awful. The food was just
24 appalling. It was very watery. What they called mince
25 was brown, yes, but it was watery. It had very little

1 meat in it. I had been at Register House and looked at
2 the archives and looking back to see any reports from
3 the Education Department at that time, and I recall that
4 that was specifically mentioned by the HMIs, the quality
5 of the food, the lack of quality. It was really very,
6 very poor. I think I sent you a note to that effect.

7 Q. I think we have got that and we'll come on to this in
8 a moment. To some extent you were protected, if you
9 like, from the food because you also went for school
10 dinners at the local high school.

11 A. Yes. I think most kids would have thought I must be
12 crazy, but I went for seconds regularly.

13 Q. Can we look at schooling then, Jim. Because you have
14 told us that before you went to St Ninian's, you had in
15 fact gone into a senior secondary school. As we've
16 seen, you went to St Ninian's --

17 A. St Mungo's.

18 Q. Yes, indeed, but when you arrived at St Ninian's,
19 I think in [REDACTED] 1955 -- was that still during the
20 school holidays?

21 A. It was ... the Roman Catholic schools had started back.
22 They always started back one week before the state
23 schools; the reason being, of course, you may recall,
24 holidays of obligation, which the Catholic schools got
25 throughout the year. That constituted approximately

1 five days.

2 Q. So did you spend a few days there --

3 A. I spent a few days in the classroom in St Ninian's.

4 Q. And how did you find that?

5 A. It was unbelievable, compared to what I had been -- to

6 the level of education I had been exposed to at

7 St Mungo's Academy, I couldn't believe what the boys

8 were getting. The standard was so low.

9 Q. So was doing the teaching?

10 A. Brother MIC was teaching. Brother MBW was
11 teaching. I can't remember whether Brother Fitton was.

12 Brother MIC and Brother MBW did the teaching.

13 There was Mr BHB as well, who did the
14 stuff.

15 Q. And sticking with aspects of routine, what about
16 holidays and trips home? Did any of that exist at this
17 time?

18 A. No, I certainly didn't have any trips home from any of
19 the institutions I was in. I never had a visit in any
20 of them either from any of my family. Bear in mind,
21 those days, logistically it was quite difficult to get
22 to these places because you didn't have motorways and
23 people didn't have cars, either, as a rule, unlike today
24 when you have motorways and everybody and his dog has
25 a car and it's easy to get from A to B.

1 Q. You tell us in your statement that you were taken to
2 a camp on a couple of occasions.

3 A. Glen Gonnar, yes, on two occasions.

4 Q. What about celebrations of birthdays and Christmas? Did
5 they take place?

6 A. I don't even think any of them knew my birthday at all,
7 but again when you've got so many people and so few
8 people in charge of them looking after them, it's a lot
9 to take in, isn't it? It's a lot of caring to have to
10 do.

11 Q. How many boys do you think were there during your time?

12 A. There seemed to be a lot more than there apparently
13 were. I think there were probably 30 to 40 most of the
14 time when I was there, actually, but the impression
15 I got was there were actually more than that.

16 Q. The order have provided some figures to the inquiry as
17 to what the numbers might have been. I'll put this on
18 the scene: it's CBR.001.001.0056.

19 You'll see there's a row of dates. If we go down to
20 1955, which is when you're there, we see that the number
21 is said to be 47. Then in 1956, it's gone down to 35.
22 Then in 1957 we're down to 34. You can see the range of
23 numbers as you look down the column.

24 A. Yes.

25 Q. So far as the --

1 A. I was number [REDACTED] and I can see you've got [REDACTED] there in
2 1953.

3 Q. You've mentioned the brothers who were there. Who bore
4 the brunt of caring for the boys?

5 A. Well, the impression I got, it was all the brothers had
6 a duty of care to all of the children and probably
7 equally, with ultimate responsibility lying with the
8 Brother Superior. I would imagine that ...

9 Q. Was there a matron there when you were there? Can you
10 remember?

11 A. There was, yes. Mrs Robertson I think her name was.

12 Q. Did she stay on site?

13 A. No, she didn't, no. I think she was married to the
14 boilerman. I think that was Mr Robertson,
15 Georgie Robertson.

16 Q. So far as people staying on site would be concerned,
17 would that be the brothers only?

18 A. It was the brothers, yes. Well, if I could just qualify
19 that. There was a chap there, I'll not mention the
20 name, but he had been one of the boys there at one time,
21 and he -- in fact, there were two brothers. One of them
22 played the organ in the chapel. I took over that duty
23 from him in fact for night prayers and all the various
24 masses and benediction, et cetera. I took over the
25 duties as organist from the older brother when he

1 left -- I think he'd be probably in his early 20s when
2 he left. He had been working there as a member of the
3 maintenance/ground staff there.

4 His younger brother, he actually shared the
5 dormitory with myself in the latter period. There was
6 myself and two other lads -- there was actually three --
7 went out. There was myself -- it's difficult without
8 mentioning any names, but myself, [REDACTED] and [REDACTED]
9 They were the names.

10 Q. We don't need names. I think what you're telling me
11 is that essentially, the brothers lived on site and the
12 other lay staff did not, subject to what you've said?

13 A. Yes.

14 Q. How would you be addressed?

15 A. Except for this chap who was employed there and for
16 probably the last five or six months of the time I was
17 there, actually slept in our dorm, yes.

18 Q. How would you be addressed if a brother were to speak to
19 you?

20 A. AAY -- excuse me. I beg your pardon, my Lady.

21 LADY SMITH: Don't worry. Everybody appreciates your name
22 for the purposes of these proceedings is Jim and only
23 that name can be used outside this hearing room.

24 A. Thank you.

25 MR MacAULAY: Your first name would not be used?

- 1 A. Never.
- 2 Q. How would you address a brother?
- 3 A. Brother **LHC** would have addressed me by my first name
4 and he would have addressed all the bots by their first
5 names. He knew all the boys sufficiently well to have
6 done that. As I've said already, he was a kind and
7 considerate person.
- 8 Q. How would a brother address you then -- sorry, how would
9 you address a brother?
- 10 A. I would have referred to him as Brother **LHC**
11 Brother **MIC**, Brother **MBW**, Brother Fitton,
12 Brother **MBR**, who were the five in my time there.
- 13 Q. So far as communications with the outside world would be
14 concerned, I think you do tell us that you were allowed
15 to write letters; is that correct?
- 16 A. You were allowed to write letters, yes.
- 17 Q. Were the letters censored in any way?
- 18 A. Yes, you couldn't send a letter out without it being
19 read by Brother **MIC**, nor could you receive a letter
20 before it had been read by Brother **MIC**.
- 21 Q. I think you tell us in paragraph 76 that you were able
22 to write letters and have them posted without going
23 through the censorship process; is that right?
- 24 A. That's correct.
- 25 Q. And you sent them to your aunt?

1 A. I did, but I did that after I had run away. That wasn't
2 something I did throughout the time. Everything went
3 through the censorial process.

4 Q. Let's leave that aside for the moment then and look to
5 the point in time when you say you ran away. Can you
6 remember how long you'd been there before you ran away?

7 A. I think it might have been around about [REDACTED] when
8 I ran away in 1957.

9 Q. Or 1956 maybe?

10 A. 1956, was it 1956?

11 Q. Can I say that a record in what we call either the
12 daybook or the logbook states that you may have run away
13 on [REDACTED] 1956.

14 A. I would have thought it was 1957.

15 Q. It doesn't really matter, but when you returned, were
16 you taken back there with your aunt?

17 A. I was, yes.

18 Q. I'll just come back in a moment to that, but can I just
19 ask you about discipline: what were the arrangements
20 about discipline?

21 A. I didn't think there were any arrangements about it;
22 I think that it was given out summarily. There seemed
23 to be punishment for the least little thing. Any
24 perceived slight of a brother, for example, or perceived
25 rudeness or impudence, whatever. Boys will be boys and

1 there was a bit of a ribbing now and again, you'd have
2 a wee bit of horseplay and things like that, and if that
3 was seen to be a wee bit too much, then you'd get
4 a clout from a brother.

5 Q. What do you mean by a clout?

6 A. A slap round the cheek or the ear. But the discipline
7 went considerably beyond that on a lot of occasions.

8 Q. Can you just elaborate upon that, Jim? What would
9 happen?

10 A. Well, on a few occasions I can recall boys being what we
11 called "turned up". Basically, that meant that you were
12 put across a chair or some form of seating and leathered
13 on the buttocks with a belt. That was a version of the
14 Lochgelly Thunderer, you may recall from school days,
15 the tawse. Whereas the tawse would be about this length
16 (indicating) --

17 Q. That length is about 2 feet or so?

18 A. Yes, the tawse in school would be that. The version
19 that the brothers used was about that (indicating).

20 Q. Smaller?

21 A. About 15 inches or so. But therefore stiffer but with
22 the same consistency and the same thickness and width.

23 Q. Who would use the tawse? Who used the tawse?

24 A. Brother MIC was the one who used it. Brother LHC
25 used it as well, but Brother LHC used it in a way

1 where it wasn't done in a nasty, vicious way. It was
2 almost -- well, this has to be seen to be done, give
3 them a skelp across the bum with it. But you had to
4 formally bend over the chair and he would use it, but he
5 never used any force.

6 Q. Let's look at Brother [REDACTED] MIC First of all, did
7 you have a nickname for Brother [REDACTED] MIC

8 A. Yes. He was called [REDACTED] MIC which was a diminutive of
9 [REDACTED] because he was quite bald. He had this little
10 strip of hair down the one side, which, when he turned
11 up a boy, and he beat him, he tended to do it with such
12 ferocity and force that he would almost come off the
13 floor. He would jump, bring it down, and as he's
14 bringing it down, his body is almost jumping up with the
15 force of it and that bit of hair would always go
16 shooting a way up. The boys held him in contempt. They
17 didn't have any respect whatsoever for him.

18 Q. You've been describing the turning up process and how he
19 would engage in that. What number of strokes would be
20 employed by him if he was meting out this form of
21 punishment?

22 A. I think it was quite arbitrary. I think it wasn't like
23 three of the best or six of the best; it was just what
24 he felt at that time. I recall him turning up one of
25 the boys in the homework room. He called the boy out.

1 Apparently he had been to the dentist's in the afternoon
2 and I think he'd pinched a razor blade or something,
3 I don't know what it was, but it was something like
4 that. I don't think it was much at all. But the
5 dentist apparently had phoned up and mentioned this.
6 The boy was brought out and made an example of in front
7 of the rest of us. That was during the homework hour.
8 He just absolutely leathered into the boy.

9 Q. Was the turning up by this particular brother normally
10 done in public, by that I mean before the other boys?

11 A. No. Quite a few times I saw boys being turned up in
12 public, but more frequently it was done at night when
13 we were in bed. Quite often at night you'd be lying in
14 bed and you would hear the slap of the belt coming down
15 on a boy and the scream or yell.

16 Q. Did that happen to you at night-time in bed?

17 A. It did. It did. It happened to me when I was brought
18 back.

19 Q. That's the running away episode?

20 A. From running away, yes.

21 Q. I'll come back to that in a moment.

22 A. But I had been turned up prior to that. That was done
23 in a room -- if you'd had the map up I could properly
24 show you it. It was upstairs above the main hall. It
25 was upstairs there. That room at the back of the

1 classroom.

2 Q. Was that you and the brother?

3 A. It was just me and Brother MIC nobody else.

4 Q. On that occasion, can you remember how many strokes you
5 got on that occasion?

6 A. It was quite a lot. It sort of registered that it was
7 around about 20 because I was crying, crying quite
8 heavily, but it seemed to make him want to hit me more.
9 That's what I found extraordinary. He seemed to want
10 to -- you know, he seemed to enjoy making me cry and
11 almost to make a further example of me, he said, "Right,
12 I'll give you more". So I felt he was hitting me more
13 because I was crying.

14 Q. Was the hitting on top of your clothing?

15 A. No, it was on my bare buttocks, I think, at that time.

16 Q. I'll come to the running away episode in a moment.

17 A. I'm not 100% certain of that, Mr MacAulay. I know that
18 it was helluva painful anyway.

19 Q. Do you know on that occasion if you were left with
20 marks?

21 A. I was, yes.

22 Q. Just one other aspect of punishment or discipline. You
23 mentioned something about an occasional punishment by
24 being beaten on the soles of the feet with a belt.

25 A. Yes.

1 Q. Can you just describe that?

2 A. Yes. That had been done. I had heard about it from
3 other boys. It happened to me on one occasion. I had
4 been working in the bedroom, light on, when it should
5 have been lights out. I was just catching up on
6 homework because an hour just simply wasn't enough, not
7 at that level of education I was going through. So
8 I tended to try and do homework on the bus going to
9 school or coming back from school.

10 That was one of the things about Falkland. I felt
11 my education was going down and down and down because of
12 it. I was in the top class in my year each year and
13 I was quite proud of the fact that I was holding my own,
14 but in Falkland it started to go down, I could feel it,
15 and I felt really quite self-conscious about that.

16 Q. So you were doing your homework in bed and what
17 happened?

18 A. I was doing my homework in bed and Brother MIC came
19 up and caught me. He just took up the bottom of it and
20 he just got my -- he held my foot and said, "Just you
21 lie there", and he took the belt out -- he kept it in
22 his soutane and he just took it out of the cassock, his
23 soutane, and he took it out and whacked me on the soles
24 of my feet.

25 Q. How many times?

1 A. He did it twice. The first time and that was really,
2 really painful and I recoiled from it. He said, "Come
3 on, again". And that was it. He just did it twice as
4 far as I remember.

5 Q. Was that the only occasion, this particular
6 punishment --

7 A. That was the only occasion he did that to me.

8 Q. Did you hear of it being done to other boys?

9 A. I heard of it being done to others, but I wouldn't say
10 it was a regular occurrence, to be fair.

11 MR MacAULAY: My Lady, that's 3 o'clock. We tend to have
12 a short break at this time.

13 LADY SMITH: If that would be suitable at this point, yes.

14 We'll just have a short break now, Jim, and we'll
15 all get a breather and let the stenographers have
16 a break from their work too.

17 (3.00 pm)

18 (A short break)

19 (3.15 pm)

20 MR MacAULAY: Can I go back to your statement, Jim, and take
21 you to paragraph 82 on page 15. We have it on the
22 screen. You told us about the incident when
23 Brother MIC took you to a room and where you got, as
24 you put it here -- the description there is:

25 "... thoroughly thrashed with the belt across my

1 backside."

2 Is that the episode you had in mind?

3 A. Yes.

4 Q. And it was to do with this theft from a shop; is that
5 that correct?

6 A. Yes.

7 Q. I think you'd been egged on by someone else to do that?

8 A. Yes. It was a pat of butter, is it a quarter pound or
9 half pound of butter? Just to put you in the picture,
10 we used to get margarine in this sort of half pound size
11 and it would be cut into four pieces, and one of these
12 pieces would be put on the table with four boys. Then
13 that would be further cut into four pieces so you got 16
14 pieces of margarine from that one piece. And that was
15 to cover four slices of bread. It's absurd.

16 Q. I think the point you make here is you hadn't intended
17 to steal, but you were egged on by another child, and
18 you think he told Brother [REDACTED] ultimately?

19 A. Yes.

20 Q. This is where you say that the more you cried, the more
21 he seemed to be enjoying what he was doing.

22 A. That's right.

23 Q. The other incident you mention in the next paragraph is
24 when you became friendly with a girl in the village.

25 When Brother [REDACTED] got wind of this, he spoke to you

1 about it; is that right?

2 A. He did, yes.

3 Q. What happened?

4 A. I had on a Saturday afternoon, I had visited the girl's
5 family, in fact. I had been visiting them on a few
6 occasions and they were very kind and considerate,
7 thoughtful, and I think they realised I wanted to stay
8 on at school but I didn't want to stay on at Falkland.
9 They had spoken about me perhaps being adopted by them.
10 I didn't really think much of it, but just some time
11 later Brother MIC came along and said, "You've been
12 consorting with a family in the village", words to that
13 effect, a Protestant family in the village, as he put
14 it, and he emphasised that. I said yes and he just
15 walloped me. Just like that, wham. Got me on the side
16 of the ...

17 Q. You're indicating by holding a clenched fist.

18 A. That's what it came -- too quickly, I couldn't tell
19 whether it was clenched or what, but that's what it
20 seemed like. It felt clenched to me.

21 Q. And hit you in the face?

22 A. I have to be fair, it may not have been, it may have
23 been a slap, but it felt like it was clenched, but not
24 with the knuckle, like that (indicating), on the side.
25 That's how it felt to me.

1 Q. And the other incident you also mention in your
2 statement was something that happened in the library
3 when you were reading a book.

4 A. Yes.

5 Q. What happened?

6 A. It wasn't a long time after that -- in fact there was
7 quite a lot of, shall we say, bad feeling between
8 Brother MIC and myself. Bear in mind I was 16 now.
9 I think according to your records, apparently I was 15.

10 Q. No, I'll come to the records in a moment. You give your
11 own evidence.

12 A. I was starting to rebel a bit, I think, at that age.
13 I was in a very bright class at school with some very
14 bright schoolmates, and one in particular who was my
15 friend for the rest of his life -- he's dead now, he
16 died just a few years ago, but he was my best man at my
17 wedding and he was my best friend throughout my lifetime
18 or his lifetime, in fact. We were extremely close --
19 sorry, I've lost track of that.

20 Q. You're reading a book in the library and --

21 A. [REDACTED] that was his name, he was very left wing in his
22 views. At that age, you're getting a bit political.
23 I was always keen on reading newspapers ever since I was
24 a child. My father encouraged it. [REDACTED] was really left
25 wing and he gave me a copy of what I think was the

1 Communist Manifesto and I was caught with that in the
2 library. I didn't think anything of it. I was in the
3 library, it was a Saturday morning. Brother MIC
4 walked in and said, "What are you reading?" and I showed
5 it him and he said, "You shouldn't be reading that".
6 He was furious about it. I said, "Have you read it?"
7 and he said, "I wouldn't read it". So I said, "How can
8 you comment then?" I felt it absurd for someone to say
9 you shouldn't be reading something which they hadn't
10 read themselves.

11 So he seemed to be a bit put out that I was getting
12 a bit cheeky, insolent towards him, but I thought I was
13 being rational. He then took the book and then just
14 threw it on the floor. "Pick it up". So I bent down to
15 pick it up and he aimed a kick at me. It wasn't all
16 that hard, but the fact is it was aimed at me and it
17 clipped me on the side of the face. I didn't feel much
18 by way of pain as a result of it because it didn't
19 really catch me right because I could see it coming and
20 I tried to ride it. It clipped me, but I was angry that
21 somebody could do that to me.

22 Q. Was it --

23 A. It was in the days of -- even in the home, amongst the
24 boys, you didn't, even in a fight, very few boys would
25 have kicked somebody when they were down. You couldn't

1 say that nowadays, but ...

2 Q. Was it after this incident that you ran away?

3 A. Yes. I had a go at him, actually. I just got up and
4 I aimed -- just grabbed hold of him and sort of pushed
5 and punched at the same time. Just sheer anger that
6 he had done that to me. And then he said again -- he
7 called me by my surname, "You will not be so frisky
8 tonight, AAY and I said to myself, "I'll not be here
9 tonight, brother", and I wasn't.

10 Q. When you ran away, did you run back to your aunt's?

11 A. I ran away to -- I actually went with the intention of
12 going to my aunt's, but I was afraid to go. I went to
13 my sister's, first of all. I went to my sister's and my
14 other aunt's -- sorry, do you mean my Aunt [REDACTED]?

15 Q. I think the aunt you mentioned. In any event, you went
16 to your father's sister; is that right?

17 A. That's right, yes.

18 Q. I think I may have misled you before as to the date
19 that's been recorded because having double-checked it,
20 the date that you are said to have absconded was
21 [REDACTED] 1957.

22 A. Yes, that's right.

23 Q. Does that fit more with your recollection?

24 A. Yes.

25 Q. That's shortly before you came to leave St Ninian's?

1 A. Yes.

2 Q. I think you left in [REDACTED]. So it's not long before you
3 left?

4 A. Yes.

5 Q. How long were you away for?

6 A. It seemed to me to be a few days. It was basically the
7 weekend, I think. If I remember, I left on the
8 Saturday, quite early, because all this had happened
9 in the morning, and I left round about lunch or
10 thereabouts. I got a wee bit of help financially from
11 my friend [REDACTED] and his brothers, and I got a bus from
12 Strathmiglo via Stirling -- it stopped at Stirling
13 station. I was worried about the police coming onto it
14 and in fact the police did come on to the bus, but I
15 don't think they were looking for me. Then I got off --
16 I thought if I went into Glasgow I'd be caught, so I got
17 off at a wee place called Mollinsburn, and walked it
18 from there to my sister's.

19 Q. According to the records, you were returned by your aunt
20 on [REDACTED] 1957. So you were away for two or three
21 days?

22 A. Yes.

23 Q. When your aunt took you back, who did you deal with?

24 A. We dealt with Brother [REDACTED] MIC

25 Q. Did Brother [REDACTED] MIC say anything to your aunt as to what

1 would happen?

2 A. Yes. He said that of course -- I was in the room at the
3 time. It was the three of us. We were sitting at the
4 side of the desk. He was there and he said, "Of course,
5 he will have to be punished for absconding", and my
6 Aunt ██████ said to him, "What do you mean by punish?
7 What form of punishment?" he answered, "We'll give a few
8 slaps on the hand with the belt".

9 I just welled up with that because I knew it was
10 a lie, it was untrue. That wasn't his way of handling
11 these sort of things. You got turned up at night, like
12 in the washroom.

13 Q. How did you know that?

14 A. Because I heard it happening. There was boys running
15 away from there all the time. That was how they were
16 dealt with. And I knew that there was no way that
17 he was going to give me a few slaps on the hand with the
18 belt.

19 Q. So what did happen to you then, can you tell us?

20 A. Yes. Well, for a start, I lost my temper and I just was
21 shocked by that. I just said -- excuse me, my Lady --
22 "You're a lying bastard", and that's -- I just ... My
23 aunt looked at me, she was absolutely shocked, and said,
24 AAY ██████, you can't speak to a man in holy orders like
25 that". I just said, "He's been lying to you all the

1 time, he's been sitting here and you're listening to
2 it".

3 So he put me out of the room and I was out of that
4 room for about an hour when my Aunt [REDACTED] come out she
5 said to me, "You're not going to be punished". I walked
6 her along the drive. She just said, "You're not going
7 to be punished". I said, "How do you know?" She said,
8 "Brother [REDACTED] MIC has said you will not be punished", and
9 I said, "And you believe him?"

10 Q. Can I ask you, what did happen to you?

11 A. Well, that night, after night prayers -- and I remember
12 I never prayed so much in all my life and I'm not
13 a religious person; then I was. I prayed that I would
14 not give that man the pleasure of seeing me cry again.
15 That night, we were in the room and it was -- the other
16 guys that went out to Bell Baxter with me and it was
17 very late on. All the lights were out by this time and
18 the guys were saying, "It looks like you're getting away
19 with it, [REDACTED] AAY I said, "I don't think so at all".
20 I couldn't trust these men whatsoever, particularly
21 Brother [REDACTED] MIC

22 Anyway, the door was opened and they just said my
23 surname and, "Out" -- that was it, "Out" -- and I was
24 taken round to the washroom. That was where the basins
25 for getting washed were and they had foot basins as

1 well.

2 Q. Was that the same level of the dormitories?

3 A. Yes. The showers were down in the basement level. So
4 I got taken round there and I was just in my pyjamas.
5 I was taken round to the wash place.

6 They had these basins which were foot basins. We
7 got a shower once a week. That was a Saturday night.
8 That's when we went down to the basement area. The
9 other nights, obviously you were playing football and
10 that, you had to be washing your legs and that, so
11 that's what we did, we had the foot basins, we washed
12 our legs and our feet there. We washed our faces and
13 bodies at the sinks.

14 I got taken around there and where the foot basins
15 were, there was a form and I was told to take the form
16 out, I pulled the form out, and I got told to lie across
17 the form. So I lay across the form and one of the
18 brothers took my wrists and the other one took my
19 ankles --

20 Q. Just slow down. What about your pyjamas? So you kept
21 your pyjamas on?

22 A. No, no. They told me to take the pyjamas off.

23 Q. Who else was there apart from Brother MIC

24 A. There were three brothers there.

25 Q. Who were the other two?

- 1 A. Brother MBR and Brother MBW. Brother MBW
2 certainly. Brother MBR and Brother MBW
- 3 Q. So can you describe what happened then?
- 4 A. When I was being held there -- not that I was putting
5 any fight up -- I think I could have lain across it and
6 taken the punishment. But I think it was to humiliate
7 me. Brother MIC I got the impression, he thought
8 I was getting a bit too big for my boots. It surprised
9 me, but ... I think he was trying to humiliate me.
- 10 Q. Can I just understand what Brother MBR and
11 Brother MBW were doing. What are they doing?
- 12 A. They're not hitting me, they're just holding me.
- 13 Q. So they're holding you?
- 14 A. And Brother MIC has the belt and he just ladled into
15 me with the belt. I know he hit me 13 times with that
16 belt. I counted them. But as I was counting, I was
17 saying to myself, I was holding it in, that I wouldn't
18 cry, I wouldn't let this man see me cry again.
- 19 Q. Were you injured?
- 20 A. The skin was broken a bit. It wasn't cut as such, but
21 it was ... very badly bruised and reddish. It was
22 coming out, the welts were coming out like spots of
23 blood, yes.
- 24 Q. I think you do tell us in your statement, paragraph 93,
25 that you told your friend about the beating that you had

1 had from Brother [REDACTED] MIC and you showed him the marks;
2 is that right?

3 A. I did, yes.

4 Q. That is when you were at school?

5 A. That's when I went to school.

6 Q. Was the rector involved in that?

7 A. The rector, Dr Dunlop, was involved. What had happened
8 was [REDACTED] didn't believe me when I told him what had
9 happened and I said to him, "Right, come to the toilets
10 and I'll show you", so we went to the toilets at the
11 break and I showed him the marks at the top of my
12 buttocks and lower end of my back. I said, "For God's
13 sake don't tell anybody because I don't want this to
14 happen again".

15 Anyway, [REDACTED] did go and he mentioned it to
16 Mrs King -- affectionately known by us as Granny King
17 because she was an older teacher, she was an English
18 teacher, and he mentioned it to her. She, I think, was
19 the one who went to Dr Dunlop, who was the rector at the
20 time.

21 Q. And were the police involved?

22 A. As far as I understand, the police were. I remember
23 a lot of things were happening at this time and I can't
24 remember a great deal about the details, but a week
25 later, the four children's officers there, including one

1 from my own area, Lanarkshire, had turned up at that
2 school. I think this was all arranged for them to come
3 in.

4 Q. Did you speak to them at that time?

5 A. The four of us did. Well, there was myself and the
6 other three boys who at that time were going out --
7 there was actually four of us going out at that time.

8 Q. Do you know what happened following upon that
9 intervention?

10 A. I heard nothing further about that at all, but I learned
11 through the grapevine among ex-Falkland boys when you
12 just left -- because I left and I went to Hamilton,
13 I stayed there for a while, completely out of touch with
14 Falkland. When I came to Edinburgh in [REDACTED] of that
15 year, [REDACTED] 1958, I arrived in Edinburgh and
16 I stayed at Ponton House Lads' Hostel, and I met some
17 other boys who had been in Falkland at that time. They
18 had told me that Brother [REDACTED] MIC had been removed not
19 long after I had left.

20 Q. You also tell us in your statement at paragraph 86 that
21 you witnessed an incident that involved a boy being
22 struck with a broken-off pool cue.

23 A. Yes.

24 Q. This was a different brother that you saw on this
25 occasion?

- 1 A. No, it was Brother [MBR] that did it. This is the
2 same brother that I mentioned when I read Mr Madigan's
3 testimony.
- 4 Q. It wasn't Brother [MIC] this time?
- 5 A. No, it was Brother [MBR]
- 6 Q. But you haven't told us much about Brother [MBR] Did
7 you have much to do with Brother [MBR]
- 8 A. I didn't have much to do with him. He was there
9 obviously. I was out at school most of the day, so
10 during the day I wouldn't have much to do with him.
11 In the evening I'd be playing football for an hour, and
12 then I'd have homework for an hour, and the only other
13 time we would come across Brother [MBR] would be
14 in the evening as you're getting ready for bed. We
15 tended to be in bed not long after 9.
- 16 Q. But this particular incident then, you did witness
17 Brother [MBR] doing something?
- 18 A. Yes. We were queueing up to go into the washroom and
19 some of the boys were in a bit of a carry-on. It wasn't
20 me, but I saw it happening, yes. He actually aimed it
21 at one of the lads who was about third in the queue.
22 The lad ducked. Actually it was quite funny, but it
23 wasn't so funny for the guy standing next to him, who
24 caught it.
- 25 Q. So Brother [MBR] clearly was there with the broken

1 pool cue in his hand?

2 A. Yes, that's the mysterious Brother [REDACTED] MBR [REDACTED] who's
3 apparently absent from Mr Madigan's report.

4 Q. You also mention in paragraph 87 that you consider that
5 you were the victim of an attempted sexual assault.

6 A. Yes.

7 Q. Can you just explain that to me?

8 A. Well, this was a brother -- if I can just clarify. None
9 of the four brothers -- Brother [REDACTED] MIC [REDACTED],
10 Brother [REDACTED] MBW [REDACTED] Fitton or [REDACTED] MBR [REDACTED] -- attempted anything
11 and, to my knowledge, certainly not to me or to any
12 other boy. I in no way would accuse them of that.

13 But during the summer vacation, they tended to have
14 brothers who would come and stay for maybe a month or
15 so.

16 Q. Did that happen quite regularly that other brothers
17 would come and stay?

18 A. I wouldn't say quite regularly but for the duration
19 I was there, I couldn't say anything like that would be
20 regular insofar as you could say there were two or three
21 summers at the most. It would be maybe one brother
22 would come -- they'd come and stay for a while during
23 the summer.

24 I don't know this brother's name. I would probably
25 remember if I heard the name, it would probably come

1 back to me, but just like the name of Brother MOA
2 I had completely forgotten the name of Brother MOA and
3 he was a visiting brother as well on another occasion,
4 [REDACTED] But
5 I wasn't aware of that, of course. I only found out
6 when I read up about it.

7 Q. So what happened on this occasion with this visiting
8 brother?

9 A. We went for a walk, he took me for a walk up through the
10 woodlands.

11 Q. You and him alone?

12 A. Yes, just he and I, yes. We walked up through the
13 tunnel -- there was a tunnel place that you go through
14 to. Did nothing whatsoever untoward as we were going
15 through the tunnel. We got a couple of hundred yards
16 beyond that and sat down on a log, and he was chatting
17 away to me about school and that sort of thing. He
18 started -- the impression I got was he was going into
19 a bit of a trance. He seemed to start shaking and he
20 put his hand on my knees. Bearing in mind I was wearing
21 shorts, khaki shorts, at the time. His hand started
22 playing up my thigh, got under the legs of my shorts,
23 and I'm thinking, I've got to get out of here, and
24 I just made the excuse.

25 I thought if I try and frighten him off, I'm going

1 to lose here because he was a fair size guy. So I made
2 the excuse, "I think we'll have to get back", and then
3 said something like, "Let's make a race of it, race you
4 back", sort of thing. That was the excuse to extricate
5 myself from what I perceived to be developing into
6 a very dodgy situation indeed.

7 Q. So you managed to do that?

8 A. I did, yes. There was no way he was going to catch me.
9 I was quite a fast runner.

10 Q. One another incident I want to ask you about and that's
11 mentioned by you at paragraph 96.

12 You say there that you did report an incident to the
13 parish priest after something had happened involving
14 Brother MIC

15 A. Yes.

16 Q. And I think your position was you'd been playing the
17 organ for benediction; is that right?

18 A. Yes. I had played the O Salutaris. In those days it
19 was all in Latin and you learned the Latin and you had
20 the O Salutaris and the Tantum Ergo. At Bell Baxter
21 I was getting piano lessons anyway privately. I had
22 been getting taught this version of O Salutaris and
23 I just can't remember who it was by off the top of my
24 head. It was a beautiful version and I thought, we'll
25 try this one out. I should have done a bit of

1 a rehearsal before, but I didn't.

2 I suppose understandably, Brother MIC was a bit
3 annoyed with me that I hadn't, but it went well,
4 surprisingly. It just initially took them by surprise.

5 Q. What was his reaction though?

6 A. He come up to the gallery where I was and he was
7 absolutely furious and he walloped me. I was really
8 taken aback because it's beautiful. A beautiful piece
9 of music.

10 Q. By walloped I think you mean he slapped you on the face?

11 A. Yes.

12 Q. And the priest became involved in this?

13 A. The priest had been taking the vestments off
14 downstairs -- bear in mind it was a small chapel, he had
15 been taking his vestments off and he'd heard the
16 commotion upstairs. He came up and he was sort of
17 asking what was going on. Brother MIC was basically
18 saying, "Nothing".

19 Q. And did nothing come of that?

20 A. Nothing came of it.

21 Q. Can I then, Jim, take you to when you came to leave
22 St Ninian's. We've already established, I think, that
23 was in [REDACTED] of 1957 when you were 16.

24 A. Yes.

25 Q. Without looking at the detail, although you left with no

1 qualifications, you in fact acquired qualifications, and
2 as we've already discussed this afternoon, you developed
3 a life in academia.

4 A. Yes.

5 Q. Can I ask you then about impact. What impact do you
6 consider your time in care, particularly -- and I think
7 we can't leave Smyllum out of this equation -- Smyllum
8 and St Ninian's has had on your life?

9 A. The impact. Well, it's certainly damaged me
10 educationally because I certainly did not reach my full
11 potential at school, which I could have done, which
12 meant then that I'd left school with no qualifications
13 whatsoever. And because of that, I felt quite resentful
14 that I had the ability and was not able to -- bear in
15 mind I was in the top academic class at school and when
16 I was at St Mungo's in two caring situations --
17 Woodean House was very caring and my Aunt [REDACTED] was also
18 fairly caring -- and they saw that I studied, so I was
19 able to get on with my studying.

20 We're talking about a class of 40, 42 to 44
21 children, all boys at St Mungo's at that time. I would
22 be around about -- easily in the top ten. I was eighth
23 right across the board, which wasn't bad considering the
24 background I came from. But subsequently, I moved to
25 Bell Baxter, and with St Ninian's there was just no

1 encouragement whatsoever, which surprised me because
2 Brother MIC regularly was quite an erudite man,
3 there was no doubt about it, and it was pretty clear
4 he was a square peg in a round hole. You may recall
5 I mentioned to you that when he was teaching down in
6 Liverpool, one of his pupils, [REDACTED] -- and
7 there was another professor -- is it [REDACTED] These
8 were people who spoke quite highly of him. So he was
9 clearly a man who was very, very capable academically
10 and he was used to teaching boys of considerable
11 ability, whereas in Falkland, as the HMI reports -- and
12 funnily enough, their opinion was effectively the same
13 as the one that I reached independently. I felt that
14 Brother MIC was a man who was frustrated by the
15 position he was in. He was unable to teach at the level
16 he wanted to be teaching and was indeed capable of
17 teaching at.

18 Q. More generally, if you look at the -- it's actually on
19 the screen at paragraph 102. Do you say there that
20 having looked at the academic background:

21 "I think that one of the worst things you can do to
22 a child is to undermine their confidence."

23 Do you consider that's what happened to you when you
24 were in Smyllum and St Ninian's, that your confidence
25 was being undermined?

1 A. I think so. You're not important to anybody there.
2 You're not important to any lay staff either. You are
3 up to a point, but my own research has found that the
4 investment of care staff is in their own families, not
5 in the families that they have to look after in care,
6 the children they have to look after in care. Despite
7 the fact that some may be very, very well intentioned.
8 They are inevitably -- their first interest will be
9 their own children, their own families, and that's where
10 all their emotional investment is.

11 But the needs of the children in care are such that
12 they need somebody who has an investment in them
13 emotionally. And that's not there, and nor can it be,
14 I think.

15 Q. Do you think about your time in care?

16 A. I don't think about it so much now. I was very angry
17 about a lot of it when I left and it took me years to
18 come to terms with it. But with the help of my wife
19 ██████ -- ██████ been fantastic. She appreciated that
20 I had some ability and, given a chance and
21 encouragement, I would get on. Fortunately, her faith
22 in me has not been misplaced at all and we've been
23 60 years together, 55 years married, 60 years as
24 a couple. I wouldn't change it for anything. It's the
25 best thing that's ever happened in my life. She's

1 encouraged me all the way. And she was right because
2 I did well academically.

3 Q. In paragraph 108 -- and I think you do want to touch
4 upon this -- of your statement, you touch upon the
5 testimony given already to the inquiry by
6 Michael Madigan. I think you do want to qualify what
7 you say to some extent.

8 A. Mm-hm.

9 Q. What do you want to say about it?

10 A. Yes. As far as Mr Madigan's statement is concerned, as
11 I say, I feel that he had the wool pulled over his eyes
12 a bit. He's obviously worked within his terms of
13 reference and he's asked the questions and been given
14 the answers and he's reported the answers. I just feel
15 that the answers he's been given -- there's a certain
16 prevarication there. It says here I said that:

17 "Much of it is inaccurate and untrue."

18 I wouldn't say that Mr Madigan was lying. On the
19 contrary, I think he's merely reporting what he had been
20 told. It's when I read that that I decided that I would
21 come forward because I felt that if this was -- because
22 I hadn't intended coming forward initially. But when
23 I had read what was being said there about the
24 punishments that they had to give and the fact that no
25 brother should be with a child on their own -- sorry,

1 that's not how I saw it.

2 Q. Yes. I think what Mr Madigan was doing, on these two
3 matters you have just raised, punishment and brothers
4 not being alone with children, that comes out of the
5 principles that are set out as to how brothers should
6 behave.

7 A. Yes.

8 Q. But I think the comment you would want to make, for
9 example, if you take being alone with a brother, you
10 were alone with a brother who may have been intending to
11 abuse you, sexually abuse you?

12 A. That's right, yes.

13 Q. Is that the sort of point you want to make?

14 A. Indeed, yes, and I was alone with Brother [MIC] the
15 first time he turned me up and leathered me. I was
16 alone with Brother [MIC] in the library on that
17 occasion as well. I think a lot of boys were alone with
18 Brother [MIC]. That's not to say that Brother [MIC]
19 was abusing them other than physically, corporal
20 punishment.

21 Q. And the other point, just to pick up the second point
22 you wanted to make in your comments, is that where the
23 principles or the guidance for the brothers might
24 mention two strokes, for example, that was not your
25 experience at St Ninian's?

1 A. It certainly wasn't, no. No, it certainly wasn't.

2 Q. You have very helpfully, if I may say so, provided the
3 inquiry with a detailed commentary on Mr Madigan's
4 evidence and this will certainly be looked at carefully
5 by the inquiry, so thank you very much indeed for making
6 that contribution.

7 I don't have any more questions for you, Jim.

8 I haven't been asked, my Lady, to ask any questions by
9 those with leave to appear.

10 LADY SMITH: Thank you. Could I check whether there are any
11 outstanding applications for questions? No.

12 Jim, those are all the questions we have for you.
13 Thank you very much for coming forward. I'm very glad
14 you did because you had valuable information to offer to
15 us and it will be of enormous assistance as we move
16 ahead in this case study, and I hope it has been of some
17 value to your wife to hear you pay such tribute to her
18 in public. Well done for sticking together for so long
19 and many happy years to follow, I hope.

20 A. I have reached the highest level academically I could
21 have and a lot of that is down to the support of my
22 wife. I don't think many of my background have, but
23 it's thanks to [REDACTED] support.

24 LADY SMITH: That's tremendous. Thank you very much. I am
25 now able to let you go.

1 A. And my daughter and my son as well, who have been very
2 supportive throughout our lives.

3 (The witness withdrew)

4 LADY SMITH: That very neatly finishes the evidence at
5 4 o'clock for today, Mr MacAulay; is that right?

6 MR MacAULAY: It does, my Lady. Just looking ahead to
7 tomorrow, we have three witnesses coming to give oral
8 evidence and a possible read-in, depending on time.

9 LADY SMITH: We will see how it goes.

10 The usual starting time of 10 o'clock; is that
11 right?

12 MR MacAULAY: We have two witnesses planned for the morning
13 and one for the afternoon.

14 LADY SMITH: Thank you. Until tomorrow morning then. I'll
15 rise now.

16 (3.55 pm)

17 (The inquiry adjourned until Wednesday, 5 June at 10.00 am)

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