

Scottish Child Abuse Inquiry

Witness Statement of

Patricia DISHON

Support person present: No

1. My name is Patricia Delaney Dishon. My date of birth is [REDACTED] 1944. My contact details are known to the Inquiry.

Professional background

2. I have always been interested in history. My interest really started from my grandfather, Patrick Delaney. I remember walking with my grandfather around the Old Town of Edinburgh. He would point out all of the places that he had lived. He'd tell me all about his memories of those places. It was only when I came to study history at university that I started to realise the richness of the stories my grandfather had told me. What he was talking about was 'lived experience.' That was different to studying history which was all about kings and queens. I came to realise that history is about lived life. I feel that it was my grandfather who laid the foundations for what became an absolutely fascinating career. Looking back everything fed into everything else.
3. I trained at Edinburgh University to become a Blue Badge Guide in the early eighties. I qualified as a Blue Badge Guide in about 1983. I worked all over Scotland. I was a guide in the Highlands and the Islands as well as in the cities. I also worked on cruise ships which was superb. I worked mainly with American tourists who, as a teacher, I found to be absolutely enthusiastic. I really did have a wide remit in terms of the work I was involved with. For me it was the ideal job because I was enthusiastic about history and the job allowed me to talk to people about that. There

wasn't much to dislike in the role. I ended up working in that field for thirty three years.

4. It wasn't much long after I qualified as a Blue Badge Guide that I became involved with lecturing at Edinburgh University. When I started the courses the subjects I lectured on were much the same subject matters that I had been involved with in my role as a guide. The only real difference was that the people I was speaking to were sitting in classrooms. They initially called the courses I was involved with back then 'extra mural courses.' Those were courses people took outside their normal studies or working life. Where I worked later became called the Centre for Continuing Education. I also worked for the Workers Education Authority. Later on still I was involved in community education.

Research into the Delaney family

5. My grandfather, Patrick Delaney, died on 20 July 1979. Some time after my grandfather died my paternal aunties got around to sorting through his possessions. They opened a locked bureau which held all of his paperwork. When they went through the papers in the bureau they found the first part of the documents surrounding the court case concerning Arthur Delaney's attempt to get the children of his first marriage back after they had been placed in care. That was the first time that I became aware of the removal of my great grandfather's children from his first marriage and the court cases.
6. It was after that discovery that I started to research further into the Delaney family. The court papers formed the core of what we knew. I went off in all different directions to learn more about the family generally. In those days we didn't have laptops or the internet. I remember that my mother, brother and I would go up to Registers House in Edinburgh and get them to deliver these big tomes to us. They would deliver them to our desk and we would spend time going through everything. I suppose that it wasn't until we found Emma Stirling's books that we targeted in on

the Delaney children of my great grandfather's first marriage specifically rather than the wider Delaney family. That would have been about twenty five years ago.

7. I began writing a book called "The Delaneys of Edinburgh" which was based on my research. It was published in 2012.

Arthur Delaney, his first marriage and his children

8. Arthur Delaney was my great grandfather. Patrick Delaney, his son to his second marriage, was my grandfather. I knew nothing about Arthur Delaney's family from his first marriage whilst my grandfather was alive. Looking back I find it sad that my grandfather couldn't tell us about them. I don't know why that was. I don't know whether he was ashamed that his father had lost his children to his first marriage or whether it was something else.

Arthur Delaney's children to his first marriage – James Delaney, Annie Delaney and Robina Delaney

9. Arthur Delaney and Mary Mowatt had four children. Their first child was James Delaney. He was born in about 1877. He was born illegitimately. Arthur and Mary married after his birth and whilst Mary was expecting their next child. That was on 10 May 1878. Their second child was called Annie Delaney. She was born on [REDACTED] 1878. Their third child was called Robina Delaney. She was born in about 1880. The last child was called George Delaney. He was born on about [REDACTED] 1882. He died five hours after his birth.
10. Taken as a whole the children really had a very short 'lived at home' experience with their parents. We're talking really about a maximum of five years. However, as far as I can tell from the records that I have read the home life that they were provided was secure up until the point that Arthur Delaney became unemployed.

The circumstances surrounding James Delaney, Annie Delaney and Robina Delaney being placed in care

11. George Delaney died on [REDACTED] of prematurity. Mary Mowatt died about a week after giving birth to George Delaney on [REDACTED] 1882 of child bed fever. Arthur Delaney was then left with three children aged between two and five to look after on his own. None of them were school age by that time. I discovered from the court papers that Arthur Delaney initially relied on his neighbours to help care for the children. I assume that he had paid these neighbours to look after his children. I believe that that arrangement continued until November 1882.
12. Arthur Delaney was a crystal engraver at Edinburgh Crystal and Glass. He worked for a company that was located in the Old Town of Edinburgh. For a working class man of that time he had a skilled job which earned him a reasonable living. In November 1882 the company that Arthur Delaney was working for made two hundred of its workers redundant. They did that because a new mechanical sandblasting technique had come in. Arthur Delaney was one of those workers. Overnight Arthur Delaney had gone from having an income to having nothing.
13. In the early stages of our research my sisters and I felt really aggrieved that more wasn't done to help Arthur Delaney and his children around the time he became unemployed. He was from a family that was relatively wealthy. However, when we researched into the wider Delaney family we discovered that all the relatives who did have wealth were elderly, deceased or distant.
14. In the court papers it says that Arthur Delaney hadn't initially thought about putting his children into care but had found himself without an income. They say that he had been told by 'a missionary lady' about Emma Stirling's homes. Arthur Delaney ended up placing James, Annie and Robina, into care in Emma Stirling's homes on 15 December 1882.
15. I think there is a danger that people might think that the children were taken from a neglected situation. This is partly because of the fact that Emma Stirling's

organisation later had a shelter for child cruelty on Assembly Close. However, looking through the records I can't find any evidence that there was any neglect or abuse in the family home. There is no suggestion that the children were neglected or taken away from Arthur Delaney. They were placed into care voluntarily.

Emma Stirling and the Edinburgh and Leith Children's Aid and Refuge Society

Emma Maitland Stirling's writings

16. The majority of the information that I have found about Emma Maitland Stirling and the Edinburgh and Leith Children's Aid and Refuge Society comes from Emma Stirling's own writings. She was a great self-publicist. She wrote two editions of a book called "Our Children in Old Scotland and Nova Scotia." The second edition is an updated version of her first. Those books provided me with an absolutely superb amount of information.

Emma Maitland Stirling

17. Emma Maitland Stirling was born in 1839. She came from a wealthy family. Emma Stirling's own account in her books talks of her upbringing in St Andrews. It describes her as being raised in a very religious protestant family. She further describes a very strong religious conversion experience in early life. She also talks of being always afraid of the old enemy of Rome. The books show her as being vehemently protestant and anti-Catholic. She does however also say that she is conscious that she mustn't malign people because of her own prejudices. She describes herself in her writings as a "philanthropic lady."
18. She was a wealthy woman. She lived in a grand house called Merlton in the Trinity area of Edinburgh. She had a summer house in Burntisland in Fife. She had a house in Joppa near Edinburgh. I don't know whether that was another summer house. Later on she leased a farm near Moffatt.

The Edinburgh and Leith Children's Aid and Refuge Society

19. Emma Stirling founded what would later become the Edinburgh and Leith Children's Aid and Refuge Society. That was the forerunner of the Royal Scottish Society for the Prevention of Cruelty to Children. The origins of The Edinburgh and Leith Children's Aid and Refuge Society surround Emma Stirling founding a day nurse at 10 MacKenzie Place. Women and men could leave their children to be looked after during the day. At that time there were very small numbers of children left at the nursery. In time the nursery expanded into homes at 11 MacKenzie Place and a place called Bayton Terrace on Granton Road. By that time children were being placed at the homes residentially. However, they weren't placed there permanently.
20. In the summers Emma Stirling took two houses in Burntisland, Fife. In one of the houses she placed children and in the other she stayed herself. She later on leased a farm in Moffatt. She also took children to that area to be 'boarded out' in private homes. She essentially paid for them to be fostered out. I believe she used the farm in Moffatt to teach farming skills to the children.
21. She says in her books that she agreed to take on a board of directors to assist her when the homes kept expanding. However, she is clear that she kept control of all of the finances and the provision of food for the children when that happened.
22. There is a sense that Emma Stirling was running these homes as religious institutions. She says in her accounts in her books that she took in Catholic children out of the goodness of her own heart and for the love of little children. She further states that, in no way, would she permit a Catholic priest or nun to enter into her homes. There is a strong sense of sectarianism in her books.

The staff at the homes

23. Emma Stirling states in her accounts from that time that if she had sickly children who were, as she puts it, of the right character she would keep them in her own home at Merleton. She describes this as being a massive inconvenience to her and

her servants. Emma Stirling didn't live in the homes but she did work there on a day to day basis.

24. Nobody adult lived in the homes with the children. Emma Stirling says in her books that the homes were looked after by older girls who had shown themselves to be of good character. The older girls, who themselves were former children of the homes, looked after the children. They basically acted as the nurses in the homes. I believe that there were also benevolent ladies in Edinburgh who came in to make sure things were being run properly.

The decision to send children to Canada

25. At that time, the Canadian government gave grants to child savers, as they were called, to assist with bringing children across to Canada. A fair amount of money would be provided in a lump sum for bringing across groups of children. It was something in the region of \$2 a head. Once the children were placed with farms as labourers Emma Stirling was given a further \$2 per child placed. The money doesn't sound a great deal in our time but back then it was a large amount.
26. Emma Stirling talks in her books about coming to the decision that it would be too costly to keep children in care in Scotland. She talks about realising that the children would be given better opportunities in Canada. After taking children to Nova Scotia she talks about being welcomed with open arms in Canada for bringing a "protestant colony."

Hillfoot Farm, Nova Scotia

27. Emma Stirling talks in her books about owning a home called Hillfoot Farm in Nova Scotia, Canada. She paints this idyllic picture of Arcadia at Hillfoot Farm in her writings. She talks of the valley, the blossom and all these respectable families who looked after the children after they left the farm.

28. Academic studies and research has shown that Emma Stirling's portrayal of life in Hillfoot and in Canada just doesn't hold water. It appears that the children who went to Hillfoot didn't spend a great deal of time in the house there. If they were old enough they were only there until the time they were moved on to whoever they were being placed with. Only the toddlers and babies were kept for any length of time at Hillfoot. They were only then kept there until they were old enough to be moved on. She says in her books that she didn't put any of the children out to farm work until they were eight or nine years old.
29. Emma Stirling portrayed Hillfoot as a home that any of the children could return to if they had any worries or they wanted to get together. Because of that all of the Directors of the Edinburgh and Leith Children's Aid and Refuge Society thought that the children would all be clustered around Hillfoot. In reality they were located all over Canada. In practical terms it would have been difficult, because of that, for the children to easily return to Hillfoot.

James Delaney, Annie Delaney and Robina Delaney's time in care in Scotland with the Edinburgh and Leith Children's Aid and Refuge Society

30. The only things I have been able to find regarding the records concerning the children's time in care in Scotland are from the court papers. There are testimonies from the Directors in those papers concerning a day book that the Trust held. I think there is a copy from the day book in the papers. That's really all that we have in terms of written records concerning the children's time in care in Scotland. Unfortunately, the home records are not very good and appear incomplete in places.

Where James Delaney, Annie Delaney and Robina Delaney were placed

31. I have discovered from the court papers and the day book that James Delaney was initially placed into a home with eight other boys in Bayton Terrace on Granton Road in Edinburgh. Annie and Robina Delaney initially went to a house at 10 and 11

MacKenzie Place in Stockbridge. There is further mention of Annie Delaney spending time at Merlton.

32. Later on Annie Delaney ended up in a boarded out house in the Moffatt area before she went to Canada. Robina Delaney ended up in one of those boarded out houses before she went to Canada. I found proof of Annie and Robina being there from accounts provided by the Directors to the court. I believe that James Delaney was in the leased out farm in Moffatt before he also went to Canada. However, I have found no proof of that. That said from my research I have seen accounts that all the boys went there before they went to Canada.

Payment for the children's care

33. I have discovered from the court papers that when the children were placed into care Arthur Delaney was initially told that it would cost him 2s 6d a week to keep each child in the homes. It was eventually agreed, because Robina was only a baby, that it would cost Arthur Delaney 5s a week in total to keep all the children in the homes. When Arthur Delaney placed the children in care he had no money and was unemployed.
34. In the court papers Arthur Delaney claims that after he placed the children in the care of the Edinburgh and Leith Children's Aid and Refuge Society he gave money to people he described as matrons who were former girls from the homes. He claims that he didn't always get a receipt. I believe, but haven't found evidence of this, that when he went to visit the children the matrons would be the ones asking for the money and that he would have only given them what he could have afforded at that time.
35. Part of Emma Stirling and the directors' defence against Arthur Delaney in the court action brought by him was that he didn't provide any money for the children's care and that he had abandoned them. One of the directors of the Edinburgh and Leith Children's Aid and Refuge Society provides testimony in the court papers that because Arthur Delaney's maintenance payments were not up to date with any of

the children Emma Stirling then thought that she owned the children. I have no way of knowing whether Arthur Delaney kept up his maintenance payments or whether he actually made any payments at all. All I know is that Arthur Delaney's lawyers were very keen that, whether or not he paid maintenance, that should not mean that Emma Stirling owned the children.

Arthur Delaney's contact with the children whilst they were in care

36. The court papers contain testimonies from Arthur Delaney, his mother, his uncle and his sister. Those testimonies say that Arthur Delaney visited the children at their respective homes after the children were placed in the care of the Edinburgh and Leith Children's Aid and Refuge Society. Arthur Delaney says that he visited James Delaney in Bayton Terrace and Annie Delaney in Emma Stirling's own home in Merleton. He also says that he visited the children at Joppa. Arthur Delaney says in his testimony that he didn't always see the children together. He says that he never visited the children in Burntisland. Arthur Delaney's relatives say that they too visited the children at the homes when they were able to go.
37. Neither Arthur Delaney or his relatives visited the children at the farm or boarding houses in Moffatt. They also say that sometimes the children weren't there when they went to visit the homes. There were gaps because the children were away during the summer months. I presume that Arthur Delaney didn't visit the children over the summer period of 1886 because it was usual for all of the children from the homes to be sent to either Moffatt or Burntisland. It would not have been possible for him to have visited those places given how far away they were. That is slightly supposition on my part. I don't really know what happened in that in-between period because there is nothing written down discussing that.
38. I have no idea how often Arthur Delaney and his relatives visited the children but their testimonies suggest that they didn't lose contact. All this is contrary to what Emma Stirling and the directors claimed in their defence which was that Arthur Delaney placed the children in the homes and abandoned them.

The migration of James Delaney and Robina Delaney to Canada

39. I have seen a passenger manifest for a ship called the Caspian from May 1886. It refers to a "Miss E Stirling" as being amongst the passengers. This suggests that Emma Stirling took the first group of children out herself on this sailing. I think there were in total twenty six children alongside some helpers. That manifest shows that Robina Delaney was in amongst these children. The manifest refers to her as "Bessie Delaney" which is what Emma Stirling called her. This all suggests that Robina was the first of the Delaney children to be taken to Canada. She would have been about six when she went across.
40. I have seen a passenger manifest for a ship called the Carthaginian from August 1886. That manifest shows a "Jas Delaney" as being amongst the passengers. This suggests that this is when James Delaney was taken across to Nova Scotia and that he was the second of the Delaney children who were taken out of Scotland. James Delaney would have been about ten years old when he was on that sailing.

Arthur Delaney's discovery that his children were no longer at the homes

41. Arthur Delaney remarried on 30 July 1886 to a woman called Cecilia Clifford. Cecilia Clifford was my great grandmother. She was a very devout Catholic woman. I have heard that from relatives. Arthur Delaney says in the court papers that, having re-married, and now having a home for the children to go to, he went to visit the children in August or September 1886 and discovered that they weren't there. The impression I get from the papers is that he went round to Bayton Terrace and MacKenzie place and discovered that the children weren't there.
42. I know from Arthur Delaney's testimony in the court papers that someone that his sister worked beside had told her that James Delaney had been taken away. At this time Arthur Delaney didn't yet know that Robina too had also gone to Canada. After hearing about James Delaney being taken away Arthur Delaney says in his

testimony that he again goes to the homes to find the children and Emma Stirling. He discovers that the children and Emma Stirling were not there.

43. Arthur Delaney then went to the secretary to the board of directors' office. He demanded information from the secretary as to where his children were. The secretary says in his testimony that he told Arthur Delaney that he didn't know anything about where the children were. It is unclear from the court papers whether the secretary legitimately didn't know where the children were or whether he was just flannelling in the hope that Arthur Delaney would go away.
44. What the secretary did not tell Arthur Delaney at that time was that Annie Delaney was still in Scotland. At that time Annie Delaney was boarded out at a house in Moffatt. It was bad enough that the Edinburgh and Leith Children's Aid and Refuge Society was telling Arthur Delaney that two of his children had been taken away but even worse that they didn't tell him at that time that his remaining daughter was still in Scotland.

Arthur Delaney's attempts to get his children back and the movement of the children by Emma Stirling over this period

Arthur Delaney's initial response to the children's absence

45. Arthur Delaney was not a particularly devout man so I presume that it was his wife's decision that they should go to a priest for advice. Back then the priest in the community was the voice for a huge Catholic diaspora. The priest they went to see was Father Hannan. Father Hannan then said that he would raise a collection to bring a court case against the Edinburgh and Leith Children's Aid and Refuge Society to have the three children returned.
46. It appears from the court records that Father Hannan did then raise some money because a lawyer called Mr Considine was hired. Legal correspondence was exchanged before a petition was then prepared. The legal correspondence began

on 16 September 1886. I am aware of this because Mr Considine discusses all of this in a later testimony he gives to the court in that same action. He appeared as a witness to discuss his own background and the early stages of the case. Unfortunately, only sufficient money was raised to raise the petition and nothing further. A further £25 was needed which was a fortune in those days.

47. Mr Considine states in his testimony that it was entirely from lack of funds that Arthur Delaney was unable to continue the petition, that Arthur Delaney had never abandoned the case to get the children back and that Arthur Delaney had never instructed him to abandon the case. When the money ran out, Mr Considine advised Arthur Delaney to get on 'the poor roll.' In those days if you were on the poor roll you would be provided with 'poor legal relief' which was an early form of legal aid. Arthur Delaney was initially quite indignant about going on the poor roll because by that time he was working, however, it was worked out that because of his low income he was eligible for relief.
48. The lawyers who took on the poor roll cases took them on a, what we would call now, 'no win no fee basis.' Arthur Delaney then had legal representation and then the fight started in earnest. The petition was ultimately lodged with the Court of Session on 15 November 1888. He would go on to fight in the courts for a further eight years.

Emma Stirling and the directors' actions

49. I have learnt much about the directors and Emma Stirling's response to the exchange of legal correspondence from subsequent court papers which include testimonies and minutes from the meetings of the directors. After the correspondence was started it appears that the directors got into a panic. They send word about what has happened to Emma Stirling. She basically writes back and says to not worry about it because it is nothing to do with the directors. As time goes on the directors continue to very politely pester her. After some further correspondence going back and forth, Emma Stirling agrees to bring the children back in late 1887. Emma Stirling then brings James Delaney and Robina Delaney

back to the UK. She doesn't bring back Annie Delaney because she is still in Moffatt.

50. After Emma Stirling arrived in Liverpool she travelled back up to Edinburgh. One of the directors then met her in The Caledonian Station. The director says that Emma Stirling had a carriage awaiting. Emma Stirling told the director that she was taking the children away and that she wasn't going to tell him where she was taking the children to. She said that the reason she wasn't going to tell him was so that he wasn't in a position where he would be forced to tell lies to the court. The director then allowed Emma Stirling to take the children away in the carriage. Later on the court decided that it was at this point that the directors became liable. They decided that because a director had had the children in his hands and allowed the children to slip through.

51. James Delaney and Robina Delaney were then hidden somewhere over the winter of 1886 and into 1887. I have no idea where Emma Stirling took the children away to. There are no records to suggest where they were taken. After the winter of 1886 and 1887 Emma Stirling then arranged for Annie Delaney to be collected from Moffatt. That was in December 1886. She then took all three children to Canada on The Peruvian. That was in March 1887.

52. During the time when Emma Stirling had the children she claims that Arthur Delaney wasn't doing anything to get the children back. This is set out in the court papers. This is plainly untrue because at that time Arthur Delaney was trying to get further legal assistance for his petition after instructing Mr Considine. The court papers show that Arthur Delaney was trying to get in contact with his children and have them restored. It was only want of funds that meant the case didn't progress during the winter of 1886 and 1887.

The final sailing of the Delaney children to Canada

53. I have seen a passenger list for a ship called the Peruvian that was sailing between Liverpool and Halifax, Canada in March 1887. In that list it has three children by the

name of James Whitehead, Robina Whitehead and Annie Whitehead. There is also noted a lady by the name of "M Stirling" who is in saloon class. It looks from these entries that that is when the children were taken back to Canada.

54. I suspect that Emma Stirling changed the children's names to Whitehead so that they would not be found. I initially wondered why that surname was chosen. The only thing I can see from our looking at the census records is that at that time 'Whitehead' was a really common name in Nova Scotia. It was their equivalent of 'Smith' in the UK today. I can only assume that Emma Stirling chose Whitehead because it was such a common Canadian name at that time.

The Court of Session action

55. The substance of the court action was that Arthur Delaney raised a petition against Emma Stirling and the directors to restore his children. The court action began in earnest after the children were taken back to Canada in March 1887.
56. The first hearings surrounded the actions of the directors. It looks like from the court papers that the early hearings concentrated on bringing the directors of the Edinburgh and Leith Children's Aid and Refuge Society to provide testimony. They were required to answer in court why they had allowed the children to leave, who the directors were responsible for, why they let the children go and why they didn't do anything about it. The directors argued that they were in awe of a very aristocratic, autocratic and wealthy lady. They claimed that Emma Stirling was the patron who was paying and they were just volunteers. Emma Stirling put forward the argument that she owned the children because, in her view, the maintenance payments had not been maintained by Arthur Delaney.
57. Ultimately, the court took exception to the idea that any children could be owned irrespective of whether maintenance payments were paid or not. The court also took exception to the idea that any children could be moved without the permission of their parents. They looked at the children as being abducted by Emma Stirling. The court was very keen to not give credence to Emma Stirling that she owned the

children because Arthur Delaney had not kept up with the maintenance payments for them.

58. The court took the view that it wasn't just Emma Stirling who was responsible but also the directors. The judges say that the directors had to do something about what had happened. One of the reasons why the court took a very dim view of the directors was the fact that Arthur Delaney approached the Edinburgh and Leith Children's Aid and Refuge Society to find the whereabouts of his children and they didn't tell him that Annie Delaney was still in Scotland. The directors were then sent away before a future hearing in three months' later on to provide information as to where the children had gone.

The actions of the directors following the court's initial decision

59. After the court's initial decision the secretary convened a meeting of the whole board of directors. That was held on 11 June 1889. I have seen the minutes from that meeting. They were provided to the court as part of the directors' response to the petition. During that meeting they basically discussed the fact that they were being leant on by the court, that they were being held responsible for the removal of the children and what steps they should take next. During the meeting the directors are split as to what they should do next. Some of the directors think they should write to Emma Stirling and politely ask her to tell them where the children are and what happened to them. One of the directors, a man by the name of Dr Bell who was a famous medical practitioner in Edinburgh at that time, was against that. He said that he thought that if they alerted Emma Stirling in that way, and she then hid the children, the directors could then be perceived by the court to be colluding with Emma Stirling. Ultimately, they decided to send the secretary to Canada to find the children and bring them back at the directors' own expense.

The secretary's visit to Canada

60. I have learnt from the court papers and the minutes of the directors what happened next. The secretary went out to Nova Scotia in Canada around about June 1889.

He visits Hillfoot Farm a total of six times. On the first five occasions Emma Stirling refused to speak to him. He managed to finally speak with Emma Stirling on his sixth visit. During that meeting Emma Stirling informed the secretary that she didn't have the children and that the children had already been placed elsewhere in Canada. She also refused to provide the secretary with the addresses where she had placed the children.

61. After meeting with Emma Stirling the secretary then goes into Halifax. Whilst in Halifax he attempted to raise court proceedings to locate the children and allow him to bring them back to the UK. I have seen court papers relating to that application. The court informs the secretary that they can do nothing about the situation because he is not empowered to get the children. The court informs him that it could only be the children's father who could make the application to the court.

The next court hearing and the directors and Emma Stirling's actions following the court's decision

62. The next court hearing is heard after the secretary returns back to the UK in August 1889. The directors provide the court with their minutes to show what they had done to try and locate the children in Canada. Following this hearing the court orders Emma Stirling to send someone to look for the children.
63. The directors then proceeded to suggest people that Emma Stirling could employ to look for the children. The first was her farm manager in Canada. The second was a law agent. Emma Stirling resisted employing the people the directors put forward to locate the children. She said that she couldn't spare the farm manager they suggested and that she wouldn't employ the detective because of the fact that he is a catholic. The directors then ask Emma Stirling to advertise for someone who could help. She refuses to do that and says that she has done everything she can to assist.

Further court hearings and the engagement of a detective by Emma Stirling under the order of the court in Canada

64. A further hearing was held in August 1890. Following that hearing the court finds Emma Stirling in contempt of court because she has not produced the location of the children by the time she had to. A writ is issued on 13 August 1890 by a court in Nova Scotia ordering Emma Stirling to employ a law agent to go and search for the children at her own expense and produce report as to his investigation. I have seen that report. In the report the law agent says that he couldn't find the children at the addresses he was provided. At this point the court in Canada in July 1891 purged Emma Stirling of contempt of court on the basis that she had done everything she could to find the children.
65. I have seen the Canadian court papers. One of the judges in those papers says something along the lines of "it seems strange to me that this benevolent lady who has dedicated her life to helping children should let three underage children disappear to somewhere and someone whom she didn't know anything about."
66. After the case had been exhausted in Nova Scotia the case returned back to the Court of Session in Edinburgh. It is then that an order is made by the court there forcing the directors into the position where they have to employ their own detective to discover the location of the children. The order says that the detective should write a report as to his investigations and this report should be presented back to the court.

Mellish's investigation and report

67. The detective who was employed in Canada to find where the children were was a man called Mr Mellish. I know a lot about his investigations because he sent a report of his findings to the directors and the court in Edinburgh. That report is found in the court papers.

68. Mellish went to the last known addresses of the children. He went to a farm in Middleton, which is very near to Hillfoot, and spoke to a farmer called Rufus De Wolfe. Mellish was told by Rufus De Wolfe that James Delaney had been at the farm in March 1890 but had ran away. He says that James Delaney came back in September 1890 but then ran away again.
69. After that Mellish goes to farms where he thinks that the girls were located. He speaks to a farmer and his wife at the farm he thinks Annie Delaney was sent to. That farm is in the Quebec area. They both say that a girl with that name was not at the farm. However, they do describe a girl fitting the description of Annie Delaney as having been there. They say that a man came to the farm one day alongside a boy, who described himself as the girl's brother, and took that girl away. They say they don't know where the girl was taken to. It came over in the detective's report that the farmer and his wife were fond of the girl. It came across as if the people there had wanted to keep her and that she had wanted to stay. That to me, as far as I can tell, offers me some consolation that, if the girl was Annie, she was perhaps happy there.
70. Mellish discovers a similar story when he speaks with the farmer and wife at the farm where he believes Robina was placed. That farm is located in New Brunswick. The farmer and his wife didn't recognise the name but described a girl fitting the description of Robina at his farm. The farmer described the girl as a very bright beautiful child with a wonderful singing voice. They also described how the girl they had had been rushed away to the train station by a man. They have no idea where the girl went to after that.
71. Looking back at the times when the farmers say that the children were taken away this was just before the court in Edinburgh was able to order a detective to discover what happened to them. After his investigations are complete Mellish reports what he has done and where he has looked. He essentially says that he suspects the girls at the farms were Annie and Robina Delaney and he is at a loss as to what further he could do.

The final hearing in Edinburgh and the outcome of the petition

72. As far as I can see from the papers, the point when the report from Mellish comes back to the court in Edinburgh is the point when the court and Arthur Delaney realised the children were lost. Ultimately, the court rules that Arthur Delaney was a fit and proper person to have custody of his children and that he had a respectable wife and family that he could take the children back to. They say that there is nothing further they can do to locate the children and the only solution they can see is to provide Arthur Delaney with damages for his lost children.
73. Arthur Delaney's lawyer was then instructed to apply for £1,000 worth of damages. His lawyer advises him that he was unlikely to get that given the considerable amount of money the directors had spent trying to locate the children. In the end Arthur Delaney is awarded by the court only £100 worth of damages from the directors. That was in around about 1892.
74. As far as I am concerned, from my research and learning about the court action, I can't fault the court process in Scotland. The court did everything it could. It wasn't like they washed their hands of what had happened or said that Emma Stirling was right in what she did.

Arthur Delaney's life during the petition and after being awarded damages for the loss of his children

The second marriage and children

75. Arthur Delaney had nine children with Cecilia Delaney. Arthur Delaney was their first child. Bernard was their second child. He died of leukaemia. John and Cecilia were their third and fourth children. They were taken by scarlet fever during an epidemic that ran through the Old Town of Edinburgh. They died within a week of each other in the fever hospital. Their fifth child was my grandfather, Patrick Delaney. After that came Helen and Mary. Then there was Edward and another child named Cecilia.

They both died of heart conditions. Arthur Delaney, Patrick, Helen and Mary were the only children who survived their childhoods.

76. Arthur Delaney became a painter and decorator after losing his job as a glass cutter. He remained as a painter and decorator all of the way through.

Arthur Delaney - search in Canada

77. After Arthur Delaney is awarded his damages he decides to go to Canada to try and locate his children himself. I know that he did ultimately do that from later court papers where his lawyer states that his client had ruined his health and had been to Canada to look for his children. I also know that he went because I have found Arthur Delaney's name on a passenger list of a ship going across to Canada. That was on 24 May 1892 on a ship called the Nova Scotian from Liverpool to Halifax, Nova Scotia. I have also seen a passenger list from a returning ship about three weeks or a month later where his name is there. The children's names aren't on the list.

Further court actions against Emma Stirling

78. Arthur Delaney continued to fight Emma Stirling in two further court actions. The first action was for damages directly against Emma Stirling. He believed that when he signed his discharge following the court action against the directors for his damages that discharge did not include Emma Stirling. The court ruled in that action that he had actually absolved Emma Stirling when he signed the discharge in the initial court action against the directors. Although Arthur Delaney was unsuccessful in his second action it did cost Emma Stirling further money to defend the action. In her book she talks about this case causing her considerable anxiety and energy and a considerable sum of money.
79. The third action was also solely against Emma Stirling. That concerned alleged defamatory remarks made by Emma Stirling about him. She wrote in an article in a magazine describing what had happened and refers to Arthur Delaney as an

"infamous notorious character." The lawyers who represented Arthur Delaney in that action must have thought that he had had a good case otherwise they wouldn't have taken it on. I discovered a lot about the third action through contemporaneous reports that were made in The Scotsman newspaper at that time. I have looked through the court documents relating to that court action and discovered that the action was settled out of court. He sued for £500 but I don't know how much he settled for.

80. I can only go on the papers I read relating to Arthur Delaney in the three actions. The court in Edinburgh did not consider Arthur to be an unfit person for the children to be returned to. I also know what I have heard through his second family and have heard from them that Arthur Delaney continued to go to the church. As far as I am aware from his second family they grew up to be a perfectly respectful and well brought up.

Arthur Delaney's death

81. Arthur Delaney never found his children. I think Arthur Delaney died when he was about forty seven. That was still quite young at that time. Arthur Delaney was buried in an unmarked grave on common ground. I know where the graveyard is. I have asked to put up a tombstone but have been told that I can't because he is not the only one buried in the grave.

Placement of James Delaney, Annie Delaney and Robina Delaney at a home in Cayuga, New York

The article in the Scotsman newspaper and information about where the children had gone

82. Throughout my research my sister had been interested in the case. She made contact with the British Home Children's Society in Canada to see if she could find out anything new. That was how we came in contact with Lori Oschefski. At that

point the Scotsman became interested in writing an article about our research into the family. That article was published on 24 November 2017. The Scotsman maintained an interest in the story and published a subsequent follow up article on 22 January 2018

83. A little time after the first article was published I was discussing the Delaney children with two of my friends. One of my friends then went home after our conversation in January 2018 and decided, out of boredom, to do an online search into whether there were any records there concerning James Delaney. Almost immediately she found a census record for someone she thought could be James Delaney. However, the person wasn't located in Canada but rather in America. After that discovery it was amazing how quickly things fell into place. It was as if the dominoes all began to fall one after another.
84. My friend discovered that James Delaney might have been taken and put in a home in Cayuga in New York State. That home wasn't a home for migrant children. It was a home started by benevolent ladies to look after poor orphans of their own area. During the summers the children were sent out to farms in America to help, I think, with harvesting before returning back to the home.
85. We got in contact with the home in Cayuga to see whether they could provide any further information. We ended up speaking with someone called Kim who was a researcher at the home. She said she would look at the home's records. From those records Kim was able to see whether James Delaney had been placed with the home and, if he had been placed with the home, where he had been sent during the summers. Everybody we contacted in America got involved and helped us find records and information. They all put themselves out and searched the records. It was of no benefit to them but they did it.
86. The records confirmed that James Delaney went to the home in Cayuga on 10 September 1890 under the name of Whitehead. He was placed there by a man named James Sutherland. Everything appeared to match up. Those records also said that his real name was James Delaney and that was what he knew his real

name to be. I can only assume from that that at that point James knew where he had come from. James Delaney was twelve when he was admitted.

87. After finding out that James Delaney had been admitted to the home in Cayuga we were then, from those records and the census records, able to work out where James Delaney had gone after that. He was then indentured, which means put under the responsibility of someone because you are underage, with a farmer in New York State when, as far as we could work out, he was between fourteen and fifteen. That role was unpaid. He was then placed out to work at another farm where he worked and received pay. That was also in New York State.
88. After those discoveries were made Kim said she would go away and see what else she could find from the home's records concerning Robina and Annie. She then discovered they also had been at the home. We discovered from the records that all three children were admitted in September 1890 by James Sutherland. Robina, under the name of Whitehead, had been admitted on 10 September 1890 with James. Annie was admitted on 25 September 1890. She too was admitted under the name of Whitehead.
89. When Robina came into the home she was only at the home for about a week to ten days. The records suggests that the three children could have only been together for that period and that period only. Kim has informed me that there was some degree of separation in the home at that time however the children did eat together. From that I assume that the children might have been in touch with one another whilst they were in the home together. After Robina left James and Annie were left in the home.
90. Looking at the dates of the movements of the children, the fact that all three of the children were brought by the same man to the home and the fact that all three children ended up in the same home in New York suggests to me that it was something that was arranged and that it was likely that Emma Stirling was behind that. It appeared to me to be planned. Looking at the dates of when the children were moved it coincides with the time when Emma Stirling was found in contempt of

court in the Canadian court proceedings. I believe that Emma Stirling realised that if she was found out to have known where the children were then she would have been in big trouble and that was why she arranged for the children to be taken away to America. Looking back, to me, the whole court thing is a fiasco of lies on the part of Emma Stirling.

Annie Delaney's life after being placed in Cayuga home

91. The records show that Annie was kept at the home in Cayuga for about two years before she was placed out with a family as a servant. She stayed with that family for nearly three years. The records show that Annie was then returned to the home because the lady who had taken her did not wish to care for an invalid. It appears that the family was initially happy with Annie given the length of time she was there but they did not want to look after a servant who was ill. We were able to see from the records that the illness that Annie had was tuberculosis.
92. When Annie came back to the home in Cayuga she was older than the age that children were able to go to the home. However, because the home was a decent place they employed her to do some light tasks. We were able to discover a later newsletter which refers to a girl who had been placed out and returned in a poor state of health. We assume that that girl is Annie. The newsletter further states that the girl "wishes to die at home." When I read that I was gutted. I found that really hard to discover. To me Annie's home should have been with her father in Scotland. From everything I have seen the home in Cayuga did everything they could and treated Annie with dignity. However, no matter how kind they were to her in Cayuga she should have been with her family where her father wanted her to be.
93. The records show that Annie died at the age of seventeen at the home. We discovered from Kim that there is a cemetery in the county where one section is for the children who had died at the home over its history. Kim went to that cemetery and found Annie's grave. She sent me a photograph of the stone which had Annie's

name on it and the date she died. For me personally discovering what happened to Annie in the end gave me some sort of closure.

Robina Delaney's life after being placed in the home in Cayuga

94. The home's records showed that Robina was boarded out to a family in a very short period of time. I think this is when she was about ten years old. The family she was placed with were called the Tisdales. The Tisdales are based in Cortland County in New York state. From what I have been able to discover from press articles at that time the Tisdales were a good prosperous Baptist family who were renowned in the area.
95. In the next census we can find Robina listed as "Bessie Tisdale." I haven't been able to find any evidence that she was formerly adopted by the Tisdales. However, I was able to discover that the Tisdales had lost a child the same age as Robina just months before they took her on. I don't know whether they took on Robina as a Christian gesture or whether they took her on to work for them. There's no real way of finding out. What I do know is the way that the Tisdales treated Robina afterwards. The press cuttings appear to suggest she was treated like a daughter. In some of the cuttings it shows her being placed with someone who looks to be a teacher. We were also able to discover that Robina had been put into an extremely exclusive private boarding school. From what I can read it doesn't look as if she was treated as a skivvy.
96. The next breakthrough we had was when we discovered that the head of the Tisdale family had died and there was a will. I was able to obtain a copy of that will. From that will we discovered that Robina was a beneficiary. The will says that his wife should continue to look after Robina until she was eighteen, that she should make sure that Robina was educated and care for her as long as Robina is obedient to her. His will says that after Robina turns eighteen his wife should give her \$100 cash and \$100 worth of clothing. To me, reading that will it came across as if he was setting her up for the world.

97. There are press cuttings describing Robina coming back from the boarding school, or college as they describe it over there. They describe all the parties and dances that she was attending. They also describe her as staying with her aunt. The last reference in the newspapers I found concerning Robina relates to when her adoptive mother dies. That article is in around 1918. All that article says concerning Robina is that her adoptive mother is survived by her step daughter, Bessie Tisdale, and that the step daughter lives in Fort Knox.
98. I haven't been able to find out what happened to Robina after that. That is where she disappears. I haven't been able to find a death record for her. I haven't been able to find out what happened to her thereafter. I do know that Fort Knox has a big Baptist community and holds two Baptist colleges. My theory is that, because Fort Knox has a large military base and 1918 is around the time of World War One, she might have become a nurse or a Baptist missionary. It could be that she went overseas in one of those roles and that is why there are no further records. However, I can't say those things for sure. I don't know, as yet, what happened next.
99. Although I haven't been able to find out what happened to Robina in the end I am happy that I have traced her as being still around at the age of thirty eight. Whatever happened to her after that, I know that she was looked after, set up and educated.

James Delaney's life after being placed in the home in Cayuga

Discovering [REDACTED]

100. One of my friend's daughters is a tour manager who specialises in genealogy tours. She had a full access account to [REDACTED]. She looked up there to see if there was anything following our discovery of James Delaney's name in the census records. My friend's daughter discovered on [REDACTED] a posting from someone called [REDACTED] who was based in Florida in America and was seeking information on "James Delaney from Scotland." The posting was four years old.

101. My friend's daughter managed to get hold of [REDACTED] contact details, got in contact with him and asked whether he would be interested in getting in contact with me. He said that he did and provided his phone number for me to get in contact with him.
102. I phoned [REDACTED] in March 2018. Both of us were totally overwhelmed. [REDACTED] gave the birth date of his great grandfather, James Delaney, and where he believed he had been. [REDACTED] also gave a list of the names of all the descendants from his great grandfather. The name 'Arthur Delaney' popped up in their names. He also was able to tell me that his grandfather had named his daughter 'Annie Robina Delaney.' He told me that his grandmother had worked in a home in Cayuga, New York State and that his great grandparents had stayed in the same area. At that point everything appeared pretty certain that we were talking about the same James Delaney. There were too many coincidences. The whole thing tied in.
103. I then discovered the family history that had been handed down through the generations to [REDACTED] and his sister, [REDACTED]. They had been told by their family that James Delaney had been "kidnapped" from Scotland and taken to "America" by "an aunt." They had been told that this aunt had lost interest in him and that was how he ended up being placed in a children's home. [REDACTED] told me that there had been some talk of a sister but he didn't know anything more about that. When I told [REDACTED] what I had discovered from my own research he just couldn't believe it. What for him had been almost an unbelievable fairy story had been confirmed as almost exactly what had actually happened from someone else.
104. [REDACTED] sadly didn't know a great deal more about James Delaney. His own father had died two years before he started looking into the family. He knew James Delaney had remained Catholic and remained in New York State. He said that James Delaney had married [REDACTED] who was an Austrian lady. He also knew that James Delaney had rented a farm with his wife whilst at the same time working on the railroad. He said that James Delaney later on worked as a machinist in a shoe factory.

105. [REDACTED] also told me that he had found an aunt he had who had married James Delaney's grandson. He told me that he had got in contact with this aunt and she had told him that she had met James Delaney. He then told the aunt what he had discovered from me about the family. She then bought the book. Unfortunately, she wasn't able to provide much more information other than what we had known already.
106. I have been in contact with the aunt via email but I haven't yet spoken to her on the phone. I haven't been able to get much information from her. What she was able to do was send me images of photographs of James Delaney with his grandsons, sons and daughters. It was strange seeing a photographs of James Delaney as a grown man. The photographs looks like they have been taken at a significant birthday. Looking at him he looks about seventy five or maybe eighty years old. He has a look about him that is similar to my grandfather. I took from the photographs joy that not only James Delaney had survived but that he was surrounded by family and significant others. You can see the humour in his face. He doesn't look like an embittered old man. He looks contented. That for me provides some sort of closure.
107. We have looked through the census records. It appears that James Delaney was naturalised because a naturalisation date appears in those records. We also discovered that James Delaney died in 1958 at the age of 81.

Emma Stirling's life after moving to Nova Scotia

[REDACTED] *and the subsequent court proceedings*

108. From my research into Emma Stirling and various things I have read about her I have learnt a bit about [REDACTED] [REDACTED] was another young girl Emma Stirling took across to Canada. I have seen passenger manifests showing that she was on the same sailing going across to Canada as Robina when Emma Stirling took her across the first time in 1886. I think she was about six or seven when she

went across. She was placed with a farmer called Robert Parker. I don't know when she was placed with him as I haven't been able to discover that from my research. I haven't found those dates. I don't know whether she was placed with him as a child or it was later on. What we do know is that she was raped by Robert Parker at an age when she was old enough to become pregnant. Because the dates aren't clear as to when she was placed with Robert Parker it is not clear whether she was abused all the way through or whether she was raped just before she became pregnant. After becoming pregnant [REDACTED] had, what is described as, a clandestine abortion. She nearly died from that procedure.

109. To give Emma Stirling her due she brought proceedings against Robert Parker and the doctor who was involved with the illegal or clandestine abortion in about 1896. By this time [REDACTED] was seventeen. That was a very brave thing to do in those days. In her writings she realises the danger of bringing the case. Ultimately, the case was just thrown out of court.

The fire at Hillfoot Farm and Emma Stirling's life afterwards

110. Shortly after the proceedings concerning [REDACTED] the house at Hillfoot Farm was set on fire with Emma Stirling and some children inside. Her belief was that this was done in retaliation for raising proceedings concerning the rape of [REDACTED] Emma Stirling and the children managed to escape from the fire. After the court case concerning [REDACTED] and the fire is the point that the tone of Emma Stirling's writings change. It is as if she has discovered that the paradise has a serpent in it. All of a sudden all the people in Nova Scotia are notorious. She talks of losing all faith in the dominion of Canada and of the low morals of the people there. Canada changes from being this welcoming place to almost becoming the gates of hell.
111. After the fire Emma Stirling decided that she wanted to leave Canada for Philadelphia in America. She talks in her writings of "disposing" of the remaining children. Looking at the dates this was done over a period of weeks. It seems

unlikely to me that she managed to carefully vet the people she placed those children with if she managed to do that only over a period of weeks.

112. When Emma Stirling went to Philadelphia she took one child, a boy by the name of [REDACTED] with her. He had been with her for a while and had helped with the rescue of the other children during the fire. When she got to Philadelphia she took an empty house which was in a dilapidated state. After that two further girls appear. I don't know whether these two girls are further migrant children she has sent for or whether they have come from somewhere else. She talks in her writings of intending to send to "the old country" for more migrant children once she has done up the house. For whatever reason that doesn't seem to come to pass. The next thing I have discovered is that she becomes involved with animal welfare.
113. I have seen in Emma Stirling's writings that she then goes and buys an orange grove in Florida. She leaves the children behind in Philadelphia to look after the house there. By this time they would have been in their late teens. When she went there she opened a chapel and reading room for the poor sponge fishermen and black people in the local area to "cater for their religious needs." The last thing I have been able to discover is a notification of her ultimately passing away in 1907.

Writing 'The Delaneys of Edinburgh – Based on a true story'

114. One of the biggest aims of writing the book in the accessible form I did was to find the children. I wanted the book to be published so that the story could get out. I started writing the book just about the case and the things relating to that about twenty five years ago. My brother was around about that time. He was a journalist. He was also doing research because he was looking to write a factual account about the Delaney family in general. He also passed his research on to me. My research into specifically the Delaney children then just sort of grew from there.
115. When my research produced new discoveries that resulted in the book having to be changed. A lot of work had to be done adjusting and correcting things because of that. I ended up with such a mass of information that I had to narrow down what

ultimately featured in the book. I couldn't, for example, include Arthur Delaney's second and third court actions. All that process probably added an extra five years of work. I finished the book in 2012. It was published that year.

Final thoughts

Emma Stirling

116. People who have researched child migration into Canada have said that they don't think Emma Stirling understood the enormity of what she had taken on. She talks in her writings about doing a lot of research into who she was placing the migrant children with. It appears that Emma Stirling's ideal was that she would be checking up on the children she had placed. However, if you look at the spread of where the children she placed across Canada it would have been logistically impossible for her to have been able to do that.
117. The academics seem to think that Emma Stirling, from looking at case histories of other children, knew where the children she placed were. Given that, the academics are surprised that she could not find the Delaney children when asked to locate them.
118. I think, though I have nothing to show this, it would have never occurred to Emma Stirling that children may potentially be suffering abuse in the places they were placed. Emma Stirling does later go on to allege in her writings that abuse is common, that girls were abused in Canada and go on to have abortions. When she came to that realisation isn't clear.

Motivation to learn more about Arthur Delaney, James Delaney, Annie Delaney and Robina Delaney

119. Some people say to me, "why does it matter so much to you after all these years?" We are a very close extended family. As far as we are concerned as a family those

children should have been a part of our family. I think that is why it is so important to us that we discovered what had happened to them.

120. As a family we were horrified that children of our blood could be taken from the family and disappeared. Our minds immediately went to all the bad things that could have happened to the children. It was more than just an interesting story to us. Those were the motivating forces that were there. All of us, as soon as we heard that the children were taken away, felt that we should find out more and be corresponding with the descendants of the children.

Hopes for the Inquiry

121. From my research and the people I have got in contact with who are descendants of children who were taken across to Canada by Emma Stirling, there are lots of children who went across, were placed and went on to have good lives. There are documents that support that. However, there are other children who went across to Canada who might not have been so successful. Those lives are the hidden ones. When I think of all those children I realise that nobody is ever going to write a book about them. I feel there is a whole lot of children whose experiences we will never know. The Delaney children are no longer lost to me. I know what happened to them. However, the others whose stories have not been told will continue to be lost children. I think those children need to be given the same respect. We need to learn how they were treated. Hopefully one day their stories will be told as well and I hope the Inquiry will help in telling those stories.
122. I have no objection to my witness statement being published as part of the evidence to the Inquiry. I believe the facts stated in this witness statement are true.

Signed..



Dated.....

15 APRIL 2019