Scottish Child Abuse Inquiry

Witness Statement of

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Support person present: No

1. My name is LBL My date of birth is 1959. My contact details are known to the Inquiry.

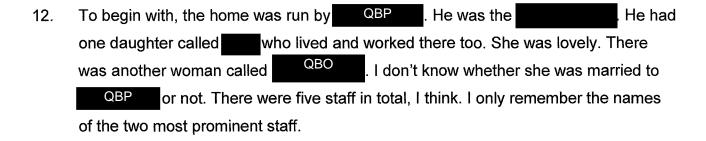
Life before going into care

- 2. I was born in Inverkip just outside Greenock. My parents were both from Greenock originally. My father was in the RAF. When he left the RAF, he met my mother in Greenock. They were married and started our family.
- 3. My father struggled to get work. He worked for Lizars the opticians for a while and then became a salesman for printing equipment. They moved to Inverkip when I was born. The property in Inverkip was cheaper than in Greenock. After Inverkip, we all moved to Glenrothes near Kirckaldy in Fife.
- 4. We were in social housing in Glenrothes but my parents struggled to pay the rent. We had to move in with my paternal grandmother for a few weeks whilst waiting for a house. My father was a Protestant and my mother was a Catholic. My grandmother who was Catholic never approved of my parents' union. She relented to let them stay together under her roof on this occasion. I remember it was a tense few weeks. Eventually, the Housing Association offered us a house in Glasgow.

- 5. I have two brothers and one sister. My elder brother is called he is three years older than me. My sister is called she is one year older than me. My younger brother is called the latest he is three years younger than me.
- 6. I attended St Brendan's Primary school in Glasgow. It was the first school I went to.
- 7. After moving to Glasgow, our family situation went downhill. It was no one's fault. One day, my father was driving as a salesman. He saw a flicker in the hedgerow as he drove past. Then a young boy ran out in front of his car. My father hit him and the boy was killed. It was an accident. My father had not been drinking or driving fast but there was a police investigation which concluded no blame for the fatality against my father.
- 8. My father subsequently fell into a severe bout of depression after the accident. He ended up in hospital as the depression just wasn't lifting. He received electroconvulsive therapy (ECT). He remained in hospital for significant period of time.
- 9. My mother was struggling to look after four children. She was by herself with no means of income. I remember on one occasion, going with her to the social work office. My siblings and I were all there. She asked the social worker for money to feed us. She told the social worker that she couldn't afford to look after us all. The social worker said, "No". My mother responded by saying, "Ok well you keep them then". She walked out of the office leaving us there. The social worker went and got her back and agreed to give her more money.
- 10. Whilst my father was in hospital, my mother ended up moving into a bed-sit. It was located in Hillend in Glasgow. No kids were allowed, so it caused all sorts of problems. It was with regret that my mother and father agreed to send us into the care of the local authority.

[&]quot;Overbridge", Quarriers, Drumbreck Road

11.	My siblings and I were all sent to "Overbridge" at 1 Drumbreck Road in Glasgow. It
	was a children's home run through Quarriers Homes in Bridge of Weir. I can't
	remember who took us there. I just remember a van or mini-bus taking us all away
	from our home. It was quite sudden when it happened. It was on
	was a pretty daunting experience. I stayed at Overbridge until 1967.



- 13. One day, there was a complete change of staff. I can't remember the date when it happened. A new house father called Father QCN arrived. He ran the house with his wife Mrs QAX They had a son Father QCN was also a He would put on his before going out in the morning. We never really saw him. He left the running of the house and the discipline of the children to his wife. The QAX/QCN were not a nice family. They did not care for the children at all. There was no warmth nor connection in which you felt comfortable or safe.
- 14. The age-range of the children residing at Overbridge, Quarriers was quite wide. My younger brother LBQ was only three years old when he arrived. By contrast, I remember seeing one boy and wondering why an adult was staying with us. He must have been about sixteen years old. I think he was employed somewhere nearby, but stayed at the home and shared the bedroom dormitory with me and my brothers.

Routine at Overbridge, Quarriers

First day

- 15. I remember we all arrived in a van at 1 Drumbreck Road. It was very late at night. I remember thinking that it was quite an old house. We were met by the hallway.
- 16. I had never been in a house that big before. The hall was huge. There was a sitting room on the left that we were not allowed into. There was a wide, quite grand staircase that lead upstairs. To the right of the staircase, on the ground floor, was the dining room and kitchen area. Beyond the dining area was a large garden and utility rooms. There was also a playroom on the ground floor to the right of the hall. Under the stairs in the hallway, there was a small office. It was QBP office where he had a desk with piles of paperwork. We weren't allowed into his office unless he called us in there.
- 17. Upstairs, I remember there being a huge bathroom. There was a row of basins with WC's to the left of them. If you did a U-turn when you went upstairs you would get to the dormitories.
- 18. When we arrived that first night, we were told to just clean our teeth and go to bed. I didn't sleep at all. I think it was because I was so young and so much was happening. I remember waking up on my first morning in the dormitory. I was asking where we were. No one would tell us. I remember asking QBP He just said, "Don't worry, you are here now". I asked him where my mother was and when I could see her. He said that he would arrange a visit. She tried to visit us straight away but she wasn't allowed.

Mornings and bedtime

19. We slept in dormitories. They were just rooms with lots of beds in. All of the beds were occupied. There were between eight and ten children sleeping in each room. The boys were separated from the girls. I remember my sister being put in a different room to us. We had all slept together prior to that.

- 20. We would be woken up in the morning. We had to get up. We would wash quickly in the hand basins in the bathroom. We did not have morning showers or baths. We would get dressed from the clothes in the dormitory cupboard. We were each given a section of the cupboard to keep our clothes in. Our clothes would "magically" appear clean every day so we just put them on.
- 21. When we arrived it was coming into winter so it was always dark when we went to bed. It must have been around eight o'clock at night. I remember we did have baths but I can't remember the timings or regularity of them.

Food

22. After we were dressed, we would go downstairs for breakfast. There was never enough food. I remember the pangs of hunger. Even now when I get hungry, it always brings me back to Overbridge, Quarriers. We were lucky if we got a single slice of Mothers Pride bread with jam. It was always very basic food like pie with beans. I would eat everything because the food was so scarce. After meals, we would take our dishes to the kitchen for cleaning.

Chores

23. We were expected to do basic chores like make our bed, tidy up and take our dirty dishes to the kitchen after meals. It wasn't extreme.

School

- 24. Initially I attended an annex of Bellahouston Primary School which was at the rear of a secondary school Bellahouston Academy that faced onto Paisley Road West. This annex was for children under 7 years old. We were partitioned off from the older pupils who were older than 12 or 13 years old.
- 25. I stayed there for one year. I remember being shown the way to the school on my first day. It was a good twenty minute walk from Overbridge. I was then expected to

remember the way to and from school; I was never shown again. There were no refectory or lunch facilities at the school. We had to walk back to Overbridge, Quarriers for lunch. Lunch always had to be quick as we had to walk back to school for afternoon lessons.

- 26. After my seventh birthday I moved to Bellahouston Primary School which was opposite Ibrox Football Stadium. It was a large red bricked old school. Football players on occasion would visit the school as a treat for the pupils.
- 27. I was raised as a Catholic but for some reason I was sent to Bellahouston annex and the Academy, which were both Protestant schools. My elder brother and sister were both sent to a Catholic school together. I wasn't allowed to go with them. I can't remember where my younger brother LBQ went to nursery.

Uniform/Home clothes

28. I did not have to wear a uniform at the annex school. I wore my own clothes or the clothes provided by Overbridge, Quarriers. The home gave us clothes because we hadn't arrived with very much. I had a uniform at Bellahouston Primary School.

Personal possessions

29. We did not bring much from home when we arrived. During my time at Overbridge, Quarriers, I do remember my mother gave me a remote control car for my 7th birthday. I did not keep it for very long. The QAX/QCN son manipulated me into letting him play with it. When I wanted to play with it, he refused to give it back. Mrs QAX said, "Well if you gave it to him, it's not yours anymore". It was the only thing I ever owned. I remember feeling really upset.

Play time

30. Once we had finished school, we would go out to play in the gardens most days.

QBP daughter would take us out to play sometimes. There was lots of

grass where we could play football and games. Sometimes we would go into the playroom. I think there was a TV in there but we never watched it. There were no kids programmes, only news items that didn't interest us.

Holidays

- 31. I remember going with the staff from the home on a holiday to Quarriers Village at Bridge of Weir. The Quarriers house there seemed huge. I think it was some sort of special get-together for all of the "Quarriers' family". I remember there were costumes and dressing up for the celebration.
- 32. We also went on a holiday to Girvan. It was a very positive experience. We would get sweeties and better food. I had never been on a holiday before so it was an extra big deal for me.
- 33. Sometimes taxi-drivers from Glasgow would come to take us out. I remember they would take us to a fairground near Kelvingrove. The taxi-drivers were amazing. They would give us sweets. I never wanted those days out to ever end.

Birthdays and Christmas

- 34. I had my seventh birthday at Overbridge, Quarriers. It was quite strange because everyone was celebrating winning the World Cup. My birthday was nothing special in comparison. I did get a cake. I had to give everyone in the house a piece of it.
- 35. I can't remember Christmas. It was celebrated but I really can't remember any details.

Visits/Inspections

36. There were no inspections from outside agencies that I can remember. I do not remember ever seeing or hearing from the social work department or any other individuals independent from the care home.

37. My mother tried to visit us straight away but she was told that she wasn't allowed to. Thereafter she was only allowed to visit us on Saturday mornings. She was still living at the bedsit in Hillend so it was quite a journey for her. She would always take me and my siblings out together. We would go for a walk around Bellahouston Park which was very close to the home. We would go to the park come rain or shine. We were not allowed to stay in the home with our parents. The condition of a visit was that we left the building. When my father came out of hospital, he would come to visit us too. It was harrowing to see him because he wasn't the father I remembered.

Healthcare

- 38. I don't recall ever seeing a doctor, nurse or dentist at Overbridge, Quarriers. I don't recall anyone ever checking to see if we had cleaned our teeth.
- 39. I contracted whooping cough at one point. I remember being forced to go to church and coughing all the way through the service.

Abuse at Overbridge, Quarriers

Physical abuse

40. If you did something wrong, you would normally be beaten.

QAX were the worst, they were both very cruel. When QBP lost his temper, he went to the extreme. The QAX/QCN were just consistently cold. There was no warmth, no insight into what kids needed. The physical discipline was never proportionate. It was totally indiscriminate. Sometimes it was just because you were in the wrong place at the wrong time. Sometimes it was just because the staff were in a bad mood. There was no rhyme or reason to it. There was just indiscriminate punishment dished out. Sometimes you could duck and miss their aim but they mostly got you. The staff were never interested in hearing excuses. If you broke a rule, that was it. There was no ability to speak or be listened to.

- 41. It was very clear that the system was designed to fit in with the staff and their routine; it was not centred on the children at all. The staff had routines where they would clean the house at certain times. On the weekends, they would want to clean and needed to get us children out of their way. We would be sent outside into the freezing cold. If we asked to get back in, we would be hit over the head. My younger brother got the same treatment aged only three. I remember my feet being in pain from the cold. It was
- I was a bit of a dreamer so I would regularly get back late from school. When I was late, I would get hit. Often it would be in front of the other children to set an example. It was normally QBP who beat me. Then afterwards Mrs QAX I remember receiving maybe half a dozen beatings.
- I remember going to church one Sunday. I had whooping cough and felt terrible. Mrs insisted that I went to church regardless. I was coughing my guts up throughout the service. Mrs QAX repeatedly punched me in my back and told me to stop coughing. After church, she hit me in the face and body. I remember her shouting at me, "how could you cough in the House of God?!".

Discipline

- 44. Sometimes, I would be sent to bed without dinner. I would get incredibly hungry because the food was so scarce at meals anyway.
- 45. If you ever broke anything or smashed a plate during meal times, it would be taken out of your pocket money. I remember going without pocket money or sweeties for three weeks for smashing one plate.

Humiliation

On occasion I also soiled my underpants and was too afraid to tell the staff.

QBP used to take me upstairs and make me clean my own underwear in the utility

sinks. Prior to that he would rub the soiled underpants in my face and angrily shout "This is what happens if you don't go to the toilet properly".

47. I remember feeling extremely upset and wanting to run away and be with my mum and dad. It was the most awful and humiliating experience of my life as a child in care.

Bed-wetting/Verbal abuse

- 48. My younger brother LBQ and I wet the bed at Overbridge, Quarriers. The staff realised that it wasn't just going to stop so they put rubber sheets on our beds. We would be verbally abused in front of the other children for bed-wetting. It happened on a pretty frequent basis. It was deliberate. The staff wanted you to feel total humiliation. I remember the staff under QBP saying, "Look what he's done! Get out of that bed. Strip your bed!". We would have to strip our beds quickly and take them to the laundry.
- 49. When the QAX/QCN arrived, I stopped wetting the bed. I'm not sure whether it was because I just grew out of it or if it was because QBP left.

Leaving Overbridge, Quarriers, Drumbreck road

- 50. Leaving Overbridge, Quarriers was the strangest thing ever. We were told we might have to move but we were given no notice when we actually were. I remember we were sat having dinner. A man turned up and said, "right, you are leaving". My siblings and I were bundled into a van. I think the man was a social worker but I don't know. We were taken straight to Nazareth House in Aberdeen. I was coming up to eight years old. I must have been at Overbridge, Quarriers for approximately 18 months.
- 51. When we were in the van, we had no idea what was going on. Not even the social worker would tell us where we were going. They didn't even tell my parents that we were being moved.

Reporting of abuse at Overbridge, Quarriers

52. I never told my parents or anyone else about the abuse at Overbridge, Quarriers.

When I saw my parents for visits, I just wanted to have a nice time with them. I think I was too scared to tell them in case the abuse got worse.

Nazareth House Aberdeen

- 53. I remember seeing Nazareth House for the first time. It was such a huge grey granite building. I found it totally surreal. It was much bigger than Overbridge, Quarriers. It had a church attached to it and lots of outbuildings. There was a massive granite wall that surrounded it. It was like a small stately home.
- 54. I remember thinking that there were just so many children. Whereas Overbridge had been a bit more of a family-feel size, this was an institution. I think the dormitories were of twenty, thirty or forty children. There were double bunks with old style radiators and windows. All of the rooms were very plain. The dormitories, laundry and bathrooms were upstairs. The dining room, common room and chapel were all on the ground floor.
- 55. The whole place was steeped in religious protocol. It was run by nuns but I remember thinking how few nuns there were. There were so many children in comparison. There were only two or three nuns in charge of all of these kids. It was much stricter than at Overbridge, Quarriers. The nuns seemed to do everything; all of the laundry, the cleaning, any chores. I think that is why they were so strict, to try to keep control.
- 56. The boys and girls were kept completely separate from each other. They were kept on different sides of the playground. There was a girls area and a boys area with a

wall between them. In the dining room, the girls and boys were on separate tables on different sides of the room. The dormitories were boys only or girls only.

Routine at Nazareth House

First day

- 57. Mother Superior met us. She could have been called Sister but I am not sure. There was also Sister LFB Sister LJC and Sister LHV Those are the only nuns' names that I remember.
- 58. When we met Mother Superior on the first day, she was nice to us. She tried to welcome us and told us the general routine. The other nuns assumed that you should know the routine of the home already. I remember one of them telling me to do my "Hail Mary's" and I didn't have any idea what she meant.

Mornings and bedtime

- 59. We would be woken up at six o'clock in the morning. We would have to make our beds and have a quick wash. Then there was praying in the chapel for up to an hour. We would have to kneel to pray. I remember getting very sore knees. We would then go down to the dining room for breakfast and the other children would leave for school.
- 60. Bed time was pretty strict. After meals we would have to pray in the chapel and we were then allowed to watch TV or play. I would always go out to play. We would then have to have a quick wash and brush our teeth. It was then straight to bed. No one was allowed to make a noise once in bed.
- 61. I remember nuns appearing and wakening me to check if I had wet the bed. On occasion when I had, they stripped the bed there and ten and you were made to drag the wet sheets to the laundry room before putting new sheets on the bed.

Food

- 62. We always had to say grace before meals. We had breakfast, lunch and dinner in the dining room. It was on the ground floor. I can't remember the food at all. I remember there was no choice, you would have to eat whatever was put in front of you. I can't recall being forced to eat.
- 63. I remember once a Walls ice-cream van coming to Nazareth House once. It gave us all free ice-creams. It was the best thing ever. It was the only time I remember ever getting treats.

School

- 64. When we arrived at Nazareth House, the summer term was just ending. There were only a few weeks to go and it was thought pointless to send us to the local school for lessons. My siblings and I were stuck in the home with nothing to do and nowhere to go. The nuns would get cross with us because we would get under their feet. As a result, they would take us to the row of sinks by the utility rooms. The nuns would make us stand there for hours on end whilst they did the laundry or whatever chore they were doing. If you moved or made a noise, they would grab your hair and twist it until it came out in their hands. Sometimes they would twist your ear really hard which would be very painful. I think they did this to me on three occasions.
- 65. We would have to stand by the basins all day. Up until lunch and then after lunch until approximately three o'clock in the afternoon. When the other children broke up from term time it was much better.
- 66. When the autumn term was due to start, my siblings and I were prevented from going to school again. For some reason word had come through that my parents wanted us back. Certain checks needed to be done first to see if we could go home. I think the social work department had to check that my parents were fit to have us.

After three weeks of waiting, a van appeared and took us home to Glasgow. We had been at Nazareth House for three or four months but never been to school.

Holidays

67. When the school term broke up the nuns realised that they couldn't keep all of the children cooped up in the Home. They arranged for a big bus to pick us up daily and take us to Aberdeen beach. We would be dropped off at the promenade. It didn't matter what the weather was like. We would be dumped at the promenade come rain or shine. We could wander freely on the beach. It was a long beach, perhaps a mile and a half long. I remember Radio One with Tony Blackburn being blasted out of the speakers on the promenade. We were not supervised properly. There would be two nuns with us but they were always dealing with one or two of the children. There was no attempt to keep us together. I remember the freezing weather and the boredom. It was not a nice place to be in bad weather.

Birthdays and Christmas

- 68. There was no celebration of my birthday at Nazareth House but I did get a present from Mother Superior. The other children told me that I had to tell her the day before my birthday. She took me to a cupboard in her room where there was a large pile of toys. She chose something and gave it to me. I think it was a ball.
- 69. My grandmother visited me on my birthday and gave me a watch.

Personal possessions

70. I don't recall having any personal possessions at Nazareth House. I don't remember bringing anything home with me when we left. I remember seeing some plastic bags being given to my mum when we arrived home so we must have had something.

Visits/Inspections

- 71. I do not recall any inspections or visits from outside agencies or the social work department. I think a female social worker took us home in the van.
- 72. The only visit I got from my family was from my grandmother on my birthday. My parents did not know that we had been moved from Overbridge, Quarriers in Glasgow to Nazareth House in Aberdeen. My mother had turned up at Overbridge, Quarriers for a visit one Saturday morning and she was told by Mrs QAX that we weren't there. The QAX/QCN said that they didn't know where we had gone. My parents were told to telephone Quarriers at Bridge of Weir to find out. Eventually, they discovered that we had been sent to Nazareth House, Aberdeen. They were furious that we had been moved without them knowing. My parents couldn't afford to come to see us in Aberdeen.
- 73. My parents tried to get some money to come to visit us. My grandmother had told my parents of her intention to come and visit me for my birthday. My mother had begged her to be given the money instead so that she could go. My grandmother refused. I remember it was nice to see my grandmother but it wasn't my mum or dad.

Healthcare

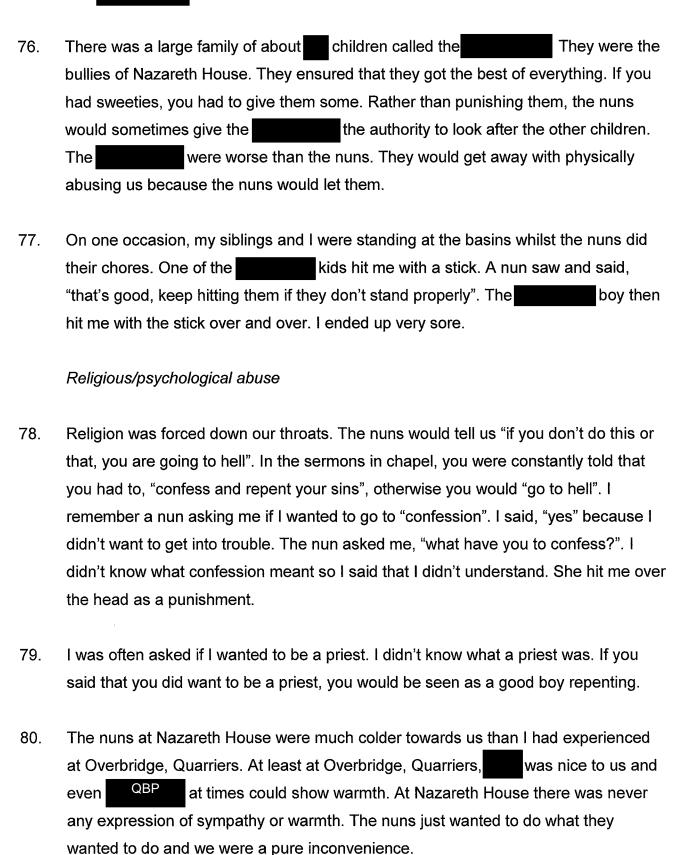
74. I don't recall seeing a doctor, nurse or dentist at Nazareth House.

Abuse at Nazareth House, Aberdeen

Physical abuse/Discipline

75. The discipline was very strict at Nazareth House. The nuns would tell you to do something once. If they thought you hadn't done what they asked, you would be made an example of. I think it was to teach the other children. If you went to the toilet without telling the nun in charge, you would get hit around the face or have your ear twisted. There were so many children to control I think they had to be strict.

The family name



Leaving Nazareth House

- 81. I had no idea that we were leaving Nazareth House. We were told that "something" was happening but nothing else. It was the start of the autumn term. We were just told that we were not allowed to go to school yet. When the van arrived and we were put inside, we were told that we were going home. It was the first time anyone had told us anything. It was the best day of my life.
- 82. My parents were so happy to have us home. They had secured a new tenancy in Greenock. It had two bedrooms. It was very basic with an outside toilet. My father was much better than when he had been visiting us at Overbridge, Quarriers. He wasn't better completely, but he was back working in sales.
- 83. We all went to the same primary school when we got home. I was eight years old and LBQ was five. My sister was nine and my big brother was eleven. It was great to be at school. All of the other kids in the tenement went to the same school. I began to feel safe again. There was a sense of togetherness. It was a real community and we were back in it. I was as much relieved as happy that I was back with my parents and we were a family again.
- 84. Many years after leaving Nazareth House and discussing the experiences with my sister many years later. I subsequently discovered that during our stay there she was being primed for adoption with a visiting family. Considering our stay at Nazareth House was for 10 weeks it was quite astonishing that someone in authority was instigating an adoption of my sibling without any formal discussion with our parents.

Reporting of abuse at Nazareth House

85. I never reported the abuse to anyone.

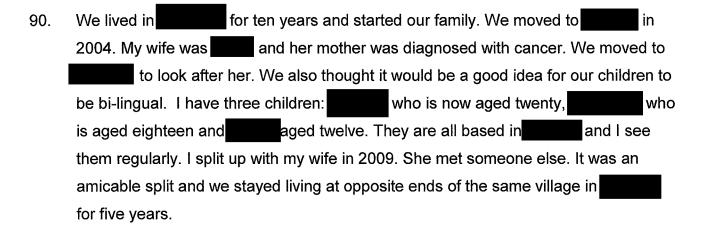
86. My siblings and I never even told our parents about the abuse we had suffered. It was too shameful for them to hear. I tried to years later. There was a group in the 90's formed of people raising a case against Nazareth House. There was an advert on the TV. My brother LBQ said that we should join the group. My mother was there and she just got up and left the room. My brother and I decided not to pursue it any further. We could see that it was too painful for our Mum and Dad.

Life after being in care

- After we had returned home to Greenock for about six months, a man called LHN 87. came to visit. He wore a dog-collar so I assume he was a priest. He was in his twenties. I had seen him around Nazareth House from time to time. He LHN had taken a special interest in my elder brother As was from Nazareth House, my parents welcomed him in. He continued to visit throughout the 70's. I remember he was still visiting us when I was sixteen or seventeen years old. He would always drink too much and use shocking language. I remember hearing very sexist, racist and homophobic language and knowing that they were subjects I shouldn't be hearing. He would stay overnight and sleep on the couch LBQ said that he had asked about him. sometimes. My brother LHN that had never done anything to him; nothing untoward had ever happened. I don't know if that is true.
- Once we had settled at home, there wasn't any major disruption to our family unit.

 The family stuck together. My parents stayed together. We all flew the nest at different times according to our individual circumstances with work and study. My elder brother worked in the merchant navy so he was away from home most of the time. My sister went to do nursing. She got her accommodation aged sixteen so she left home relatively early. For a few years, it was just my younger brother and I left at home with my parents.
- 89. I left home age twenty-one. My father had been working for a printing equipment company for some time. He opened up his own printing business and I worked there

from the age of sixteen until twenty one. I then went to work as an unqualified social worker and drugs counsellor. I did a course in Edinburgh and became a qualified social worker. I worked for two years as a general social worker in Caithness. After that, I went backpacking around the world for two years. When I returned to the UK, I met my wife. We got married and moved to got a job in criminal justice social work.



91. I moved back to the UK three years ago. I am currently working for as an "approved mental health practitioner" (AMHP). AMHP which in Scotland is the equivalent of Mental Health Officer.

Impact

- 92. I don't think my time in care had a huge impact on me as a child. I was just grateful to be back with my family. I think children learn to be resilient, they learn to survive.
- 93. Until my early twenties, I just got on with my life. As I grew up, I began to think about my experiences more. It started to eat me up. I suppose it was highlighted when I watched TV and read the news; whenever I read about other people in institutions grumbling about their experiences. I started talking to my younger brother about it. I am closer to him than my other siblings. My brother was always away and I couldn't talk to my sister. She is still angry. She can't forgive my parents. She thinks that they could have done more.

- 94. I have never had any formal counselling over the years. I think I have dealt with my issues on my own. I don't feel any major short-falls in my life as a result of my time in care. I don't really feel inadequate. I don't have any need to get an insight into it. I'm not angry about it. I think I use my social work values to see things through that lens. I do not think the staff and nuns had any malicious intent. They had power and abused it because they were unable to handle it. I don't condone their abuse but they were given a job to look after two hundred kids that they may not have wanted.
- 95. I think my time in care has probably affected my confidence. I am more cautious with risks. I would say I am pretty risk averse.
- 96. On a positive note, I think my experiences have made me much more conscious of wanting to be a good father. I have always been a very "hands-on" dad. I want to ensure that my children get the best. I am not talking about material things. I want to give them my time, that's the most valuable thing.

Records

97. It never really crossed my mind to try to get my records. I have never tried to find them or made any contact with the institutions and schools I went to.

Other information

98. I hope that lessons can be learned. I hope that the Inquiry doesn't end up lying on a dusty shelf somewhere. I hope that it has an impact on the people who work in the care setting. I hope that people who work in the care of children are the best people for the job. I hope people are chosen and do not just have the job thrust upon them. None of the adults I met in care were suited for the job. I felt like a nuisance and an inconvenience to them. I hope that the people who are employed now will only be the people who genuinely care about children.

	ss statement are true.
LBL	
09-11-2017	

99.

I have no objection to my witness statement being published as part of the evidence