

**Introduction by the Independent Chair**

**Senator Martin McAleese**

1. There is no single or simple story of the Magdalen Laundries.
2. This Report has established that approximately 10,000 women are known to have entered a Magdalen Laundry from the foundation of the State in 1922 until the closure of the last Laundry in 1996. Of the cases in which routes of entry are known, 26.5% were referrals made or facilitated by the State.
3. Many of the women who met with the Committee - and particularly those who entered the Magdalen Laundries as young girls - experienced the Laundries as lonely and frightening places. For too long, they have been and have felt forgotten. Indeed for many of them, an inability to share their story in the years after their time in a Magdalen Laundry has only added to the confusion and pain they feel about that period in their lives.
4. The mandate of the Inter-Departmental Committee was to establish the facts of State involvement with the Magdalen Laundries. These facts are set out in this Report as the Committee has found them. During this fact-finding process, the Committee also gained a deeper and broader understanding of the Magdalen Laundries and the context in which they operated. The Committee has, in this Report, drawn on all available information and sought to record as comprehensive a picture as possible of the operation of the Magdalen Laundries.
5. In doing so, the Committee was conscious that the operation of the Magdalen Laundries since the foundation of the State has, prior to this process, not been fully understood, as many State records were neither readily available nor easily accessible and the records of the Religious Congregations were not available for inspection or analysis.
6. It is understandable that – fuelled by this absence of information – stories grew to fill these gaps. Indeed, the answers to questions as basic as how

many women and girls passed through the Magdalen Laundries or how long they remained there have, until the release of this Report, not been known. Otherwise, the chronicle of the Magdalen Laundries was for many years characterised primarily by secrecy, silence and shame.

7. The picture that the Committee has been able to put together tells the following story. The women who were admitted to and worked in the Magdalen Laundries, whether for short or long periods of time since the foundation of the State, have for too long felt the social stigma of what was sometimes cruelly called the ‘fallen woman’. This is a wholly inaccurate characterisation, hurtful to them and their families, that is not borne out by the facts. The Committee found no evidence to support the perception that unmarried girls had babies there, or that many of the women of the Magdalen Laundries since 1922 were prostitutes. The reality is much more complex. As set out in detail in this Report, the women who entered the Magdalen Laundries were from many backgrounds and the circumstances which led to their admission were varied:
  - Some women were referred to the Magdalen Laundries by Courts on remand, on probation or otherwise on foot of criminal convictions ranging from vagrancy and larceny to manslaughter and murder.
  - Some were children, released on licence from Industrial or Reformatory Schools to the Magdalen Laundries before they reached 16 years of age.
  - Some were former Industrial School children referred onwards either directly from these Schools or during the period of their post-discharge supervision.
  - Some were young girls who had been boarded-out and were rejected by their foster parents when maintenance payments from the authorities ceased.
  - Some were young women over 16 years of age, who had been orphaned or who were in abusive or neglectful homes (in many of

these cases, their younger siblings would have been committed to Industrial Schools).

- Some were women with either mental or physical disabilities which rendered them unable to live independently, at a time when supported living facilities did not exist. Some had psychiatric illnesses and were referred from psychiatric hospitals.
- Some were referred by social services at a time when appropriate accommodation for teenagers was not available.
- Some were simply poor and homeless and either voluntarily sought shelter in or were referred to the Magdalen Laundries by County Homes or, later, by social services.
- Many girls and women were placed in the Magdalen Laundries by their own families, for reasons that we may never know or fully understand, but which included the socio-moral attitudes of the time as well as familial abuse.

These and a myriad other stories make up the background of the women who spent some period of time in a Magdalen Laundry between 1922 and the closure of the last such institution in the State in 1996.

8. The girls and women referred to the Magdalen Laundries by officials in the criminal justice system, social services, or even from psychiatric hospitals and County Homes would have been made aware why they were there and – in the case of court referrals - how long they were required to stay.
9. However, this would not have been the experience of the young girls referred to the Magdalen Laundries from industrial schools or by non-state agents, including girls referred by their own families. None of us can begin to imagine the confusion and fear experienced by these young girls, in many cases little more than children, on entering the Laundries - not knowing why they were there, feeling abandoned, wondering whether they had done something wrong, and not knowing when - if ever - they would get out and see their

## **Introduction**

families again. It must have been particularly distressing for those girls who may have been the victims of abuse in the family, wondering why they were the ones who were excluded or penalised by being consigned to an institution.

10. To add to this confusion, most found themselves quite alone in what was, by today's standards, a harsh and physically demanding work environment. The psychological impact on these girls was undoubtedly traumatic and lasting. In meeting some of them, and listening to their stories, the Committee was impressed by their quiet determination to find answers to the many questions concerning their lives both before and after entering a Magdalen Laundry.
11. The Committee is aware that there are other women who find it difficult or even impossible to share their stories of the Magdalen Laundries. Some may not have even told their husbands or children of that period in their lives, but instead are carrying those experiences silently in their hearts. Many of these women will choose never to reveal their "secret", because of the impact they fear it might have on their lives. It is the absolute right of every woman to make this choice for herself and the Committee wants to reassure these women that their right to privacy is utterly respected throughout this Report. The Committee nonetheless hopes that the contents of the Report, insofar as it is able to present the facts and set the record straight, may in some small way be of help to them.
12. It is also true to say that many of the Sisters of the four Religious Congregations which operated these institutions – whether they worked in them or not – have experienced a profound hurt in recent years as the debate on the Magdalen Laundries gained increasing public prominence. Their position is that they responded in practical ways as best they could, in keeping with the charism of their Congregations, to the fraught situations of the sometimes marginalised girls and women sent to them, by providing them with shelter, board and work. They state clearly that they did not recruit women for these institutions. The Committee found no evidence to contradict this position.

13. In addition to their legal obligation not to disclose the personal data they hold, the Sisters also continue to feel a strong moral responsibility to protect the privacy of the women who passed through their doors. The Committee believes that it is for this reason, and not for secrecy or self-interest, that their archives, which were so willingly opened to this Committee, have not been opened more broadly to researchers or the general public. The Sisters have, however, consistently made available all the personal records they hold directly to the women concerned or, in the case of deceased women, to their next of kin, when requested, and have confirmed to the Committee their intention to continue to do so in the future.
14. The Congregations informed the Committee that this commitment to ensure anonymity and to protect privacy was also the reason why, in some but not all of the Magdalen Laundries, women were given a “House” or “Class” name which was used instead of their birth name. Many of the women who met the Committee, however, found this practice deeply upsetting and at the time, felt as though their identity was being erased. The Congregations have expressed to the Committee their regret that women who were in their care hold this or other painful memories.
15. This Report examines five main areas in which there was possible State involvement with the Magdalen Laundries. In each case, the Report sets out both the policy and practice as the Committee has found them, as well as the legislative basis for State action (where applicable). The five main areas are:

- Routes by which girls and women entered the Laundries;
- State inspections of the Laundries;
- State funding of and financial assistance to the Laundries;
- Routes by which girls and women left the Laundries;
- Death registration, burials and exhumations.

In each of these areas, the Committee found evidence of direct State involvement.

16. The Committee's findings regarding each of these areas are outlined in the Executive Summary and detailed in the Report, as are a number of other miscellaneous areas of State involvement including issues relating to electoral registration, insurability of employment, provision in relation to rationing during the Emergency, and industrial surveys under the Census of Distribution and Services.
17. In the course of the Committee's work, material was also uncovered that is central to answering many frequently arising questions concerning the Magdalen Laundries. The Committee is aware that some of this material is, strictly speaking, outside its core remit. However, while mindful of its Terms of Reference, the Committee considered these issues to be consequential on its principal findings and decided, in the public interest, to include these additional findings in a separate section of the Report (Part IV), with relevant statistics contained in the body of the Report at Part II.
18. The material in these sections of the Report and in particular the statistical analysis may also contribute to future historical study and research, without in any way breaching the trust or privacy of the women referred to. It is also likely to be of considerable interest to the women, their families and the wider public. These findings, summarised below, may challenge some common perceptions.

***Background of the women who entered the Magdalen Laundries:***

Without identifying any person, the profiles of the women who entered the Magdalen Laundries (including those who were not referred by the State or State agents) are set out in some detail in the Report. These profiles include details on the geographical origin of these women (those who came from rural or urban backgrounds); parental background (whether one or both parents were deceased) and those who had been previously institutionalised.

There is a perception that the vast majority of women who entered the Laundries spent the rest of their lives there - in fact, as set out in this

Report, the majority (61%) spent less than one year there. This and other information is contained in these profiles, including information on the average age on entry, average duration of stay, as well as the minority of women who remained in the Magdalen Laundries until their deaths.

### ***Conditions in the Laundries:***

The Report also addresses the question of the conditions experienced by and the treatment of women in the Laundries, including the questions of sexual abuse, physical abuse and verbal or psychological abuse. This is a particularly sensitive and difficult issue to deal with, made more difficult by the very small sample of women available and in a position to share their experiences with the Committee.

The Committee does not make findings on this issue. Rather, the Report records the stories shared with the Committee by these women, as well as the medical reports and recollections of General Medical Practitioners who served the Laundries in more recent times and others who were closely associated with the operation of the Laundries.

No woman referred to a Magdalen Laundry on foot of a criminal conviction made contact with the Committee. Instead, the majority of the small number of women who engaged with the Committee had been admitted to the Laundries either by a non-state route of referral or, most common of all, following time in an Industrial School.

Many of these women drew a clear distinction between their treatment in Industrial Schools and their experience in the Magdalen Laundries. They made no allegations of sexual abuse against any of the Sisters, but one allegation was made against another woman. The vast majority also told the Committee that the ill-treatment, physical punishment and abuse that was prevalent in the Industrial School system was not something they experienced in the Magdalen Laundries. However, the

majority of women described the atmosphere in the Laundries as cold, with a rigid and uncompromising regime of physically demanding work and prayer, with many instances of verbal censure, scoldings or even humiliating put-downs.

In that regard, some women and others associated with the operation of the Magdalen Laundries told the Committee that the atmosphere “softened” in more recent decades and particularly after the second Vatican Council (1962-1965).

Some of the women the Committee met stated clearly that the Laundries were their only refuge in times of great personal difficulty. Others spoke of their real sense of being exploited. But the large majority of women who engaged with the Committee and especially those who had previously been in Industrial Schools spoke of the deep hurt they felt due to their loss of freedom, the fact that they were not informed why they were there, lack of information on when they would be allowed to leave, and denial of contact with the outside world, particularly family and friends.

***Financial viability of the Magdalen Laundries:***

The issue of the financial viability of the Magdalen Laundries is also addressed. There have been suggestions that the Laundries were highly profitable institutions. The evidence identified by the Committee and analysis of the financial records of the Magdalen Laundries during various periods of their operation indicate that this was not the case. The Laundries operated for the most part on a subsistence or close to break-even basis rather than on a commercial or highly profitable basis. The financial accounts tend to support the fact that, what came to be known as the Magdalen Laundries, were historically established as refuges, homes or asylums for marginalised women and girls. The subsequent establishment of the Laundries was for the purposes of financially supporting and maintaining them.

19. The members of the Committee approached their work in a committed and professional manner and both they and their Departmental colleagues are due thanks and credit for their considerable efforts. Searching for official records and materials relating to the Magdalen Laundries presented many problems. Information relevant to the Committee's work was contained in a very wide variety of records across many bodies, agencies and individuals. Much of the material held by the State was not archived or catalogued. In this age of instant online searches, it is easy to forget that access to digitised historic material is the exception rather than the rule. Accordingly and to complete their work, members of the Committee and their Departmental colleagues hand-searched paper archives in their Departments, National Archives, the National Library; explored boxes of uncatalogued materials and indeed physically searched Departmental basements in an attempt to discover any misplaced files and folders. Similar detailed searches were conducted in State agencies and bodies. Given the significant efforts made to gather these scattered files and records, the Committee decided to recommend that copies of all official records identified should be preserved as a distinct archive in the Department of An Taoiseach.
20. The Committee wishes to acknowledge with gratitude the tremendous contribution to its work and to the preparation and drafting of this Report by Nuala Ní Mhuircheartaigh. Her work ethic and commitment were outstanding.
21. A large variety of private archives were voluntarily made available to the Committee and it is important to acknowledge that without them the work of the Committee would have proved very difficult, if not impossible, to accomplish. In particular and of critical importance to the progress of the Committee's work is the fact that the four Religious Congregations – the Sisters of the Good Shepherd, the Sisters of Our Lady of Charity, the Religious Sisters of Charity, and the Sisters of Mercy – voluntarily opened all their records to inspection and analysis and made themselves available at all times to provide the Committee with the fullest information they could.

22. In conducting its work, the Committee also relied heavily on the voluntary co-operation and goodwill of many individuals and organisations. The help and support offered by the Central Statistics Office was invaluable to the process and the assistance offered by private archives, in particular by the Dublin Diocesan Archive and organisations such as the Irish Society for the Prevention of Cruelty to Children, was significant.
23. A number of former residents of the Magdalen Laundries shared their experiences with the Committee as members of representative and advocacy groups (53), while others did so directly in their own right as individuals (7). Some of these women shared their stories on a strictly confidential basis. A valuable contribution was also made by women (58) who are currently resident in nursing homes under the care of the Religious Congregations.
24. The stories shared with the Committee by these women provided invaluable insights into the operation of the Laundries and helped the Committee greatly in preparing this Report. The majority of them expressed the fact that they had, for many years, felt forgotten and not believed. This took great courage and the Committee acknowledges its indebtedness to them for their contributions and for the dignified way in which they were presented.
25. The representative groups Irish Women's Survivors Network UK and Magdalen Survivors Together and the advocacy group Justice for Magdalenes also made a significant contribution to the work of the Committee. From the outset, they cooperated fully with the Committee, sharing their research, analysis and views.
26. The work of the Committee commenced in July 2011 and took eighteen months in total to complete. The initial preparatory work was carried out within six months, while the substantive research, investigation and drafting of the Final Report was concluded in a further twelve months. No member of the Committee received a salary or stipend in relation to its work. The only direct costs arose from travelling expenses and room hire for meetings. These costs amounted to € 11,146.06.

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27. The Committee has produced a substantive and detailed Report, identifying hitherto unknown facts of State involvement with the Magdalen Laundries and clarifying ancillary matters more broadly in the public interest. It is possible that some more detail could be added with more time, but the Committee is of the view that such additional time or probing would, at best, add only marginally to the facts already clearly and unambiguously established in this Report.
28. In light of the Committee's mandate, there is an understandable focus in this Report on the cases of State referral to the Magdalen Laundries, in particular Criminal Justice System and Industrial and Reformatory Schools referrals. The Committee urges a strong word of caution against generalisations in this respect. An unforgivable injustice would be done to the facts and complexity of the story – and more importantly to the women concerned - if public discourse was to simply replace one label with another, by shifting the terminology from that of the ‘fallen’ to the ‘criminal’ woman. Respect for the complexity and sensitivity of this story means that any new caricatures of the women who spent time in Magdalen Laundries, or indeed of the Religious Congregations who operated them, must be avoided.
29. The Committee found significant State involvement with the Magdalen Laundries. Its findings in many cases may also encourage a review of some perceptions about these institutions and the women who were admitted to and worked in them. The Committee hopes that the facts established for the first time by its work, and set out in this Report, will contribute to a more complete, accurate and rounded understanding of these issues. Most important of all, the Committee hopes that this Report will be a real step in bringing healing and peace of mind to all concerned, most especially the women whose lived experience of the Magdalen Laundries had a profound and enduring negative effect on their lives.

*Senator Martin McAleese  
Independent Chair*

### **Executive Summary**

The mandate of the Inter-Departmental Committee was to establish the facts of State involvement with the Magdalen Laundries. The facts as established by the Committee are set out fully in this Report. A summary of the principal findings follows.

#### **Overview**

1. All 10 Magdalen Laundries within the mandate of the Committee were established prior to the foundation of the State. The Report deals with the period 1922 onwards.
2. Five principal areas of possible State involvement were examined by the Committee, namely:
  - A. Routes by which girls and women entered the Laundries;
  - B. Regulation of the workplace and State inspections of the Laundries;
  - C. State funding of and financial assistance to the Laundries (including contracts for laundry services);
  - D. Routes by which girls and women left the Laundries;
  - E. Death registration, burials and exhumations.

In each of these areas, the Committee found evidence of direct State involvement.

3. A summary of findings in each of these areas and some additional consequential matters addressed by the Committee are set out below, after the following section on statistical analysis.

#### **Statistical analysis**

4. There are some gaps in the data available regarding entries to the Magdalen Laundries, which are set out fully in the Report. A full statistical analysis was carried out on all usable data relating to these cases. On the basis of available information, the Committee found as follows:

### **The Magdalen Laundries in numbers**

#### *Admissions*

Number of women who spent time in Magdalen Laundries since 1922:	10,012*
Known admissions, including repeat admissions, from 1922 onwards:	14,607*
Admissions for which routes of entry (referrals) are known:	8,025
Number of these referrals made or facilitated by the State (26.5%)	2,124

#### *Age at time of entry (years)*

Average age at time of entry:	23.8
Median age at time of entry:	20
Age of youngest known entrant:	9
Age of oldest known entrant:	89

#### *Duration of stay (cumulative percentages)*

Less than 3 months	35.6%	Less than 2 years	73.2%
Less than 6 months	47.4%	Less than 3 years	79.0%
Less than 1 year	61.0%	Less than 5 years	85.6%
Less than 18 months	68.0%	Less than 10 years	92.3%

Median duration of stay                    27.6 weeks (approximately 7 months)

#### *Known parental background at time of entry (unknown 53.9%)*

Both parents alive:	12.5%	Mother dead, father alive:	8.5%
Father dead, mother alive:	11.6%	Both parents dead:	13.5%

#### *Previously institutionalised*

Percentage known to have been previously institutionalised:    23.4%

#### *Geographical background*

Urban background:	33.3%	From outside the State:	2.3%
Rural background:	25.9%	Unknown:	38.5%

#### *Deaths occurring in the Laundries from 1922: 879\**

Age of youngest at time of death: 15      Age of oldest at time of death: 95

\*Excluding the two Magdalen Laundries operated by the Sisters of Mercy

**A. Routes of entry**

5. The Committee found that there were many different routes by which girls and women entered the Laundries. The routes of entry which involved referrals to the Magdalen Laundries made or facilitated by the State included:
- Referrals of girls or women from the criminal justice system, (approximately 8.1% of known routes of entry) including:
    - remand;
    - referrals as a condition of probation;
    - other less formalised referrals facilitated by the Courts;
    - referrals from prison;
    - referrals by members of An Garda Síochána;
  - Referrals from Industrial and Reformatory Schools (approximately 7.8% of known routes of entry);
  - Referrals from the health and social services sector (approximately 6.8% of known routes of entry), including:
    - Referrals by health authorities and County and City Homes;
    - Referrals from psychiatric hospitals;
    - Referrals by social workers and social services;
  - Referrals from Mother and Baby Homes (approximately 3.9% of known routes of entry).
6. In addition to the State-related routes of entry listed above, there were a large number of entries by girls and women categorised as voluntary or “self-referrals” (16.4% of known entries) as well as significant numbers of referrals of girls and women by members of their family (10.5% of known entries) and priests (8.8% of known entries). A significant number of entries to Magdalen Laundries were also by way of transfer from another Magdalen Laundry

(14.8% of known entries). A full breakdown of these and other routes of entry to the Magdalen Laundries is included in the Report.

7. In some cases it is not possible to determine whether a particular referral, which is in itself attributable to the State, was either a *compelled* act, a legal *condition* agreed to by the woman in question, or a voluntary move *facilitated* by the State. It is likely that in some of the categories above, and depending on the differing legislative basis which applied to each, all three types of cases occurred.
8. The Report sets out both policy and practice, as found by the Committee, in relation to all routes of entry to the Laundries involving the State as well as the legislative basis for State action (where applicable). In addition to primary records of Government Departments and State agencies, the Committee considered the findings of earlier investigations and inquiries in related areas. A number of official Reports from earlier eras, including the Carrigan Report (1931), the Cussen Report (1936) and the Kennedy Report (1970) suggest a certain awareness of some of these practices, although not always of the underpinning legislation or policy.

### *i. Referrals from the criminal justice system*

9. The Committee found referrals from the criminal justice system where the underlying criminal charges or convictions ranged across the full spectrum from vagrancy and larceny to manslaughter and murder. Although more detail is available on cases of serious crimes including murder, manslaughter and infanticide, the large majority of cases involving women referred to the Magdalen Laundries from the criminal justice system were for minor or petty crime.
10. The legislative basis for these criminal justice system referrals differed depending on the time-period concerned, the crime involved and the circumstances of individual cases. Across time, the legislative bases relied on included the Penal Servitude Act 1891, Probation of Offenders Act 1907; the Criminal Justice (Administration) Act 1914 and the Criminal Justice Act 1960.

Although much less common, the Committee also found other informal Court referrals by way of adjournment of charges or suspension of sentencing on condition of residence in a Magdalen Laundry for a set period. These informal referrals did not have a specific legislative basis.

11. The Committee further found that referrals by members of An Garda Síochána occurred in a range of circumstances: in some cases, the Gardaí were simply transferring women from the Courts to the Magdalen Laundry following a Court Order as set out above. In other instances, the Gardaí brought women to the Magdalen Laundries on a more ad hoc or informal basis, for instance where a woman was temporarily homeless; or where, in the years prior to out-of-hours health services, a juvenile girl needed overnight accommodation.
12. The policy considerations behind these practices also varied over time. In the context of criminal charges against young offenders, the absence of secure accommodation for female juvenile offenders, i.e. a borstal for girls, was linked with some of these practices for many years. An additional factor was that prison space for adult female offenders was very limited until the modern era. Moreover, a policy of preferring alternatives to imprisonment for female offenders appears to have persisted into modern times - for example, the Whitaker Report found that, as late as 1984, the daily average number of women in custody in Irish prisons was only 37 (compared to 1,557 men).
13. The Committee found that for some of the relevant periods, a number of voluntary organisations and their officers had an important role in certain aspects of the administration of the criminal justice system. These included organisations such as the Legion of Mary whose members served as voluntary Probation Officers until the expansion of the professional Probation Service in the late 1960s and early 1970s. The role of the National Society for the Prevention of Cruelty to Children, in the years prior to the development of State social services, is also detailed in the Report.

***ii. referrals linked to Industrial or Reformatory Schools***

14. The Committee identified a variety of linkages between Industrial and Reformatory Schools and the Magdalén Laundries. These included:

- Girls committed by the Courts to an Industrial or Reformatory School but refused entry by that School and transferred instead to a Magdalén Laundry;
- Girls released on licence from Industrial or Reformatory Schools to the Magdalén Laundries before the age of 16;
- Girls referred onwards from an Industrial School to a Magdalén Laundry directly on discharge at the age of 16; and
- Former industrial or reformatory school children referred to a Magdalén Laundry during the period of their post-discharge supervision (which, from 1941 onwards, continued up to the age of 21).

15. The primary legislative basis in this area was the Children Act 1908, as amended. This is critical to an understanding of these practices. The Act provided a legislative basis for two key practices:

- release of children from Industrial or Reformatory schools on licence (prior to the age of 16) to a named “fit person” and the transfer to that person of all the powers and responsibilities in relation to the child; and
- the continued supervision of children after their final discharge from Industrial and Reformatory schools until the age of 18 and 19, respectively, up to 1941; and until the age of 21 after 1941.

16. The policy behind the practices set out at paragraph 14 varied from case to case. Some girls committed to Industrial and Reformatory Schools were refused entry by the School due to the fact that they were approaching the age of discharge. Some were refused entry due to their previous history – for instance, the Committee found a small number of cases, prior to the

establishment of the Reformatory at St Anne's, Kilmacud for girls convicted of sexual offences, where young girls convicted of prostitution were not admitted to the Reformatory at Limerick, due to the feared effect they could have on the other girls detained there.

17. In some such cases, it was agreed in advance with the Department of Education that the girl in question would be admitted to a Magdalen Laundry instead of an Industrial or Reformatory School. In other cases it was brought to the attention of the Department of Education, after the fact, that a girl committed to an Industrial School had instead been admitted to a Magdalen Laundry, with these admissions to Magdalen Laundries approved *ex post facto* by the Department. It is also possible that, in some cases, the Department did not know of these transfers.
18. A significant number of admissions to the Magdalen Laundries of former Industrial or Reformatory School children occurred some time after their discharge from Industrial or Reformatory Schools. As set out above, the 1908 Act provided for ongoing supervision of children after discharge from school until the age of 18 (for former industrial school children) or 19 (for former reformatory school children). This period of supervision was extended to a maximum 21 years of age by the Children Act 1941. During this supervision period, girls and young women *remained liable to recall* by the Manager of the Industrial or Reformatory School. (These provisions also applied to boys and young men).
19. The Department of Education was required, under the Acts, to be informed of such recalls. However, none of the women who spoke to the Committee were aware that the law provided for their continuing supervision to the age of 21. Consequently, in those instances where recall occurred it would have been wholly unexpected. In some cases, these recalls resulted in admission to a Magdalen Laundry.

***iii. referrals from the Health and Social Services sector***

20. Referrals from the Local Authorities acting in their capacity as health and public assistance authorities, County and City Homes, psychiatric hospitals, as well as social workers and social services in more recent times occurred in a variety of circumstances and for a variety of reasons:

- In the decades following the establishment of the State, 5 and possibly 6 Magdalen Laundries were approved as “extern institutions” for provision of public assistance. This meant that women from all categories eligible for public assistance – including the poor and the disabled – could be and were placed there rather than receive “home assistance” (state payments).
- Some placements of girls and young women in Magdalen Laundries by local health authorities occurred after they were rejected by their foster-parents around the age when maintenance payments for them ceased.
- In other cases, the removal of unmarried mothers from County and City Homes to other institutions, including Magdalen Laundries, appears to have formed part of a broader shift to re-focus these institutions on the elderly or the ill.
- Some girls and women were transferred from psychiatric hospitals to Magdalen Laundries. In some cases, this may have been a voluntary choice, for instance women effectively using the Magdalen Laundries as a short-stay or half-way house on leaving the psychiatric hospital. In other cases, the girls or women involved had an intellectual disability and may have been transferred rather than be confined to a psychiatric hospital for the long-term.
- In more modern times, the developing State social services placed girls and young women (including some with developmental conditions) in Magdalen Laundries where alternative accommodation was not yet available.

21. State payments were also made in respect of some of these individual cases.

The legislative basis differed from case to case and over time, but included the Public Assistance Acts and the Health Acts, which allowed for State payments to recognised “extern institutions”, as well as to organisations considered to be performing a service which would otherwise fall to the State to provide.

22. Although there was no single thread or common policy running through these referrals, a cost-benefit analysis was applied by the health authorities in at least some cases. The Committee found instances where decisions to approve the transfer of an indigent, homeless, disabled or psychiatrically ill girl or woman to a Magdalen Laundry hinged on the fact that such a transfer was more cost-effective than making direct provision for her in a facility operated by the health authorities. In other cases, general grants to Magdalen Laundries were approved on the same basis.

***iv. referrals from Mother and Baby Homes***

23. Referrals from Mother and Baby Homes to Magdalen Laundries also occurred, although less frequently than sometimes assumed. The 1923 Galway County Scheme, contained in the Schedule to the Local Government (Transitional Provisions) Act 1923, is sometimes cited to the effect that women in Galway who refused to enter a Magdalen Laundry after giving birth to a second child outside marriage would be refused public assistance. However, that provision was explicitly confirmed to be inoperative during Seanad Debates on the Bill – and was in any event replaced by Ministerial Order in June 1923. Irish law accordingly never provided that any woman could be refused public assistance on grounds of having had a child or children outside marriage or of refusing to enter a Magdalen Laundry.

24. Nonetheless, it cannot be excluded that – akin to the cost-benefit analysis which appears to have operated in other areas in the health sector – a desire to protect rate-payers from the costs of repeated pregnancies outside

marriage may have played a part in some referrals of women to the Magdalen Laundries.

**B. Regulation of the workplace and State Inspections of the Laundries**

*i. Inspections under the Factories Acts*

25. The Committee found that the Magdalen Laundries were, as workplaces, subject to the Factories Acts and that they were inspected in the same way and to the same extent as commercial, non-religious operated laundries. As set out in the Report, records of the Factories Inspectorate, which detail inspections of the Magdalen Laundries and their results, were identified by the Committee. Twenty-four retired Factories Inspectors were also interviewed and shared their memories of the practices of the Factories Inspectorate, including the experience some of them had of carrying out inspections on the Magdalen Laundries. Additionally, some of the women who had worked in the Magdalen Laundries recalled these inspections and described them to the Committee as the occasions when “the suits” would visit.
26. The records of the Factories Inspectorate and the recollections of retired Factories Inspectors can be summarised to the effect that the Magdalen Laundries were generally compliant with the requirements of the Factories Acts. Records suggest that where minor breaches occurred, they were remedied when brought to the attention of the operating Congregation. No records were found to suggest that enforcement through the Courts was ever necessary to ensure compliance by these institutions with their legal obligations under the Factories Acts. It should be noted, however, that the standards then required under the Factories Acts were not equivalent to those currently applicable to workplaces.
27. For much of the period under examination, Factories Inspectors and, through them, Local Authorities, were responsible for health and safety as well as fire safety enforcement. However, until enactment of the Safety, Health and Welfare at Work Act 1989 and the Fire Services Act 1981, the underlying legislation made only bare provision and accordingly the legislative

requirements for health and safety as well as fire safety which applied at that time would, by today's standards, be considered inadequate.

28. Reports were made, as required, by the Factories Inspectors to Local Authorities (as the responsible authority for fire and sanitation) where any fire certification or safety issues were discovered during inspections of the Magdalen Laundries. However, there was a general difficulty during this period for all employers in securing fire certification from the Local Authorities and enforcement action based on fire safety reports for any factory, workplace or institution was very low. This was adversely commented upon by the line Department (at that time, the Department of Industry and Commerce) as well as in the Barrington Report (1983).

***ii. Other types of oversight of the Magdalen Laundries***

29. Although the State did not direct or inspect the overall management of the Magdalen Laundries apart from the workplace inspections detailed above, State oversight or follow-up in relation to the cases of individual women in the Magdalen Laundries occurred in other ways.

30. The Committee found consistent evidence that, in cases where girls or women were referred on probation or by social services, there was follow-up by Probation Officers and Social Workers to these individual women. In some cases this included regular visits by those officers to the Magdalen Laundries. This follow-up also included Probation Officers informing the women of the time at which their period of probation ended and when they were consequently free to leave the Laundry. Clear evidence of this was found in records of the Probation Service and was further confirmed by interviews with retired Probation Officers.

31. The Committee also found cases in which the women referred to a Magdalen Laundry as a condition of early release from prison were periodically considered by the Minister for Justice for release from that condition of residence. Similarly, and although not occurring in all such cases, the

Committee found evidence of some consideration by the Department of Education in individual cases of the appropriateness of young women being placed in a Magdalen Laundry either on licence or during the period of their supervision following discharge from Industrial or Reformatory School.

**C. State Funding and Financial Assistance  
(including contracts for laundry services)**

32. As detailed in the Report, the Committee found evidence of direct financial assistance to the Magdalen Laundries under a number of headings, as follows:

- Payments under the Public Assistance Acts, whereby the State provided subventions for certain individual women placed in the Laundries by the local authorities;
- More generalised payments under the Health Acts in recognition of the Laundries performing a function or providing a service which otherwise would have to be performed or provided by the public authorities;
- Payments for certain remand and probation cases; and
- Miscellaneous direct payments from health authorities, including payments for the support of disabled persons or, during the transition of some of the Magdalen Laundries into sheltered accommodation and nursing homes, grants in connection with these conversions.

33. The Committee identified other financial interactions between the State and the Magdalen Laundries, some of which conferred a financial benefit on the Laundries. One such example is the grant of charitable tax exemptions. However, exemptions from commercial rates held by some Magdalen Laundries at the time of establishment of the State were, over time, eroded to the extent that only one Magdalen Laundry remained exempt from rates throughout its entire period of operation.

34. The Committee also examined the question of State contracts with the Magdalen Laundries for laundry services. It was not possible to quantify the overall volume of business which may have been conducted between Government Departments or State agencies and the Magdalen Laundries. However where information is available, it is included in the Report.
35. The only detailed records held by the Religious Congregations on this issue related to the Magdalen Laundry at Sean MacDermott Street, Dublin. A ledger detailing the customer base of this Laundry is available for a 6 year period in the 1960's. Based on this ledger, State contracts are estimated to amount to approximately 18% of the total business of the Laundry for that period. This total was made up of contracts from the Defence Forces, State agencies, Government Departments and State-funded hospitals, a full list of which is included in the Report. The remainder of the customer base of the Laundry was made up by private institutions, primarily hotels, schools and individuals.
36. A variety of State records were also identified which contain information on the extent to which certain State entities – in particular the Defence Forces, the health authorities and the Department of Education – utilised the Magdalen Laundries for laundry services. These records, although not complete, span a considerable time period (1925-1984). Full details, including the process by which contracts were awarded and, where possible, quantification of the value of these contracts, are included in the Report. In general, the Committee found that contracts for laundry services were awarded to Magdalen Laundries only on the basis of their tender being the most competitive.

**D. Routes of exit**

37. The Committee found that there were many different routes by which girls and women left the Magdalen Laundries.

38. Routes of exit included women who “left” or “left at own request” (23%), who returned home or were reclaimed by their families (22.2%), who transferred to another Magdalen Laundry (10.3%), who left for employment (7.1%) and who were dismissed or “sent away” (7.1%). An additional 1.9% were recorded as having run away, while others are recorded as departing for homeless shelters, hostels or other places.

39. However a number of routes of exit also involved women moving from a Magdalen Laundry to a State-run or operated institution or leaving a Magdalen Laundry in the company of a State official, in particular:

- Psychiatric hospitals (2.7%)
- County and City Homes (2.5%)
- Gardaí, Probation Officers, the Courts or Prison (0.6%).

40. Other routes of exit involved girls or women who left to go to hospitals, either as patients or as employees (2.8%), to return to Industrial or Reformatory School (0.8%), or - in light of the fact that pregnant women were not permitted in Magdalen Laundries - to be admitted to a Mother and Baby Home (0.2%). The remainder are made up of the cases in which women died in the Magdalen Laundries or where the route of exit is not recorded.

41. The circumstances in which these and other types of exit may have occurred together with any other relevant information identified by the Committee are detailed in the Report.

## **E. Death registration, burials and exhumations**

42. The Committee examined State involvement in the controversial area of end of life. The relevant issues which were explored here were:

- Death certification and registration;
- Burial and burial notifications; and
- Exhumations.

43. In relation to death certification, the Committee notes that General Medical Practitioners are not permitted to certify a death if it is sudden, unexpected, suspicious or unnatural but must instead notify the Coroner for the district in which the death occurred. From the limited information available, which relates to more recent times, it appears there were no such notifications.
44. Every death which occurs in the State must be registered with the General Register Office (GRO). The Committee sought to identify whether or not this requirement had been complied with in the case of deaths in the Magdalen Laundries. The Committee found that the vast majority of deaths occurring in the Magdalen Laundries were appropriately registered, including deaths occurring as early as the 1920s. It is not possible to state definitively whether the deaths for which certificates were not found were unregistered; or whether registration occurred under a variation of the woman's name or at her former home-place rather than the district in which the Laundry was located.
45. In relation to burials, the Committee found that where Local Authority graveyards were utilised for burials of women who died in Magdalen Laundries, the appropriate burial notifications were made. There was no requirement for notification of burials in private graveyards.
46. The exhumation carried out at High Park in 1993 was also examined by the Committee, with the assistance of a Report by An Garda Síochána and the Dublin City Coronor. The results of this examination are detailed in the Report.

**F. Other areas of State involvement**

47. The Report includes information on a number of other areas of State involvement with the Magdalen Laundries:
- The question of insurable employment and its application to the women who worked in the Magdalen Laundries;

- Electoral registration of women in Magdalen Laundries;
- Rationing during the Emergency, as applied to the Magdalen Laundries; and
- The application to the Magdalen Laundries of the Census of Distribution and Services surveys carried out on workplaces under the Statistics Acts 1933.

**G. Consequential issues reported on in the public interest**

48. The Report, in Part IV, addresses and provides information on the following ancillary and consequential issues, in the public interest:

- Background and profile of the women who were admitted to and worked in the Magdalen Laundries (summarised above and detailed in full in Part II of the Report). This includes anonymised data which may be used for future historical study and research.

and

- Financial viability of the Magdalen Laundries.

49. The findings made by the Report under these headings may challenge some commonly held assumptions about the operation of the Magdalen Laundries.

50. Part IV of the Report also records the memories of the living and working conditions in the Magdalen Laundries as shared with the Committee by a number of women. Although identifying common patterns in these stories, the Committee did not make specific findings on this issue, in light of the small sample of women available.

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## **Chapter 1:**

### **Terminology**

#### ***Summary:***

*In light of the mandate given to the Committee, the institutions covered by this Report are collectively referred to as “Magdalen Laundries”. The names of individual institutions are also used, as appropriate. This is not meant to obscure the fact that these institutions consisted of living quarters and attached laundry premises and that girls and women lived in these living quarters, not in the laundry premises where they worked.*

*In referring to the girls and women who were admitted to and worked in the Magdalen Laundries and following consultation with them, historical terms, such as “inmate” or “penitent”, as well as some modern terms such as “victim” or “survivor”, were avoided, so as not to cause any offence or distress. Accordingly, the Report uses the collective term “the women who were admitted to the Magdalen Laundries”, throughout, as required by the context.*

*This Chapter also explains some other terms used in the Report, namely “consecrate” and “auxiliary”.*

1. The subject of the Magdalen Laundries is a very sensitive one. Even the terminology used has the potential to result in personal upset to the women and groups concerned, or even to stigmatise. The Committee was very conscious of this sensitivity and gave careful consideration to what terminology should be used in its work in order to avoid any possible hurt or distress.

2. Two terms in particular were critically important - the words used when referring to the relevant institutions; and the words used to refer to the women who were admitted to these institutions.
3. There were a number of general imperatives in the choice of terminology. As set out above, the Committee sought to avoid language which might in any way label, stigmatise or demonise those concerned. And second, the Committee, to preserve its independence, was determined to avoid any terminology which might prejudge its findings or suggest a bias in any particular direction.
4. All of the 10 institutions within the scope of this Report pre-date the foundation of the State, some by a considerable period. A variety of names and titles have been attached to these institutions over that long history. In many cases, their titles altered over time, as the societal context developed and early terminology came, in some cases, to be considered inappropriate. Some, but not all, of the institutions at some point had the word “Magdalen” in their formal titles (e.g. “St Mary Magdalen’s”). The institutions, while in operation, were known by terms as varied as “Asylum”, “Refuge”, “Penitentiary” or, in later decades, “Homes”.
5. The Religious Congregations point out that these institutions were in general established as refuges and that the laundry operations attached to the refuges provided their means of financial support. They also state that women who were admitted to the Magdalen Laundries never lived in the laundry premises, but rather in attached living quarters.
6. However the generic term “Magdalen Laundry” has in more recent times come to be used to distinguish these 10 institutions from any of the convents, schools, hospitals or other such institutional and residential laundries which formerly existed throughout Ireland. This term was also used by Government in setting up the Committee.

7. As a result, the terms “Magdalen Laundry” and “Magdalen Laundries” are used throughout this Report when referring collectively to the 10 institutions within the Committee’s mandate. The formal names of individual institutions are used where the Report refers to that particular institution.
8. The language used in relation to the women who were admitted to the Magdalen Laundries has also varied considerably over time. Historic terminology included “penitent” and “inmate” (a term which was historically also used in other institutions such as City and County Homes). During some periods, terms such “child” or “girls” were also used, regardless of the age of the women concerned. And in recent years, some public commentary has referred to these women using terminology such as “victims” or “survivors”.
9. The Committee is aware that the women who were admitted to the Magdalen Laundries find some or all of these historic titles distressing and offensive. It is also the case that some of these women told the Committee that they object to terms which they felt would continue to label them in their current lives, including by referring to them as victim or survivor.
10. To avoid distress to any party and to avoid labelling these women against their wishes, this Report uses the terms “the women admitted to the Magdalen Laundries” and “the women of the Magdalen Laundries” throughout, as required by the context. This terminology is not intended to obscure historically used terms, to convey a sense of voluntary residence to all cases, or indeed to convey any particular meaning other than to identify in a respectful way the women to whom this Report refers.
11. The terms “consecrate” and “auxiliary” are also used in parts of this Report. These terms refer to women who, having entered a Magdalen Laundry, decided to remain there for life. This practice did not apply in all Magdalen Laundries, but in some of the Magdalen Laundries, “consecrates” or “auxiliaries” were given additional responsibilities, including supervision of other women.

## **Chapter 2:**

### **Establishment, membership and mandate of the Committee**

#### ***Summary:***

*This Chapter sets out key structural and procedural issues in relation to the Committee.*

*The Committee was established by Government in July 2011. Its membership consisted of senior representatives from 6 centrally relevant Government Departments and an Independent Chair, Senator Martin McAleese.*

*The Government-established mandate was broad – “to establish the facts of State involvement with the Magdalen Laundries”, which were identified by Government as 10 named institutions, and to write a Narrative Report thereon.*

*Working methods, procedures and the exact nature of the mandate were decided by the Committee itself. The Committee interpreted its mandate in the broadest sense, in light of the strong public interest in establishing as comprehensive a picture as possible of the interaction of the State with the Magdalen Laundries.*

- *The date-range chosen by the Committee for its primary enquiries was from 1922 (foundation of the State) to 1996 (closure of the last Magdalen Laundry). Events before and after this period were examined and reported upon where appropriate.*
- *The Committee adopted the full meaning of “the State”, to refer to a body, whatever its legal form, which is or was responsible for provision of a public service under the control of the State and with special powers for that purpose. This encompassed not only Government Departments but a whole range of bodies, agencies and organisations, detailed throughout the Report.*

- *The Committee interpreted “involvement” broadly, addressing all possible connections, interactions or overlaps between the State and the Magdalen Laundries. It did not make assessments of liability or potential liability.*
- *The fact-finding mandate of the Committee meant it was not a mechanism for determination of individual complaints. The Committee did, however, hold a series of meetings to allow the women directly concerned to share their experiences and input to the process.*

*The Committee was also conscious of the broader context in which these facts arose. For reasons of public interest, the Report includes material in relation to a number of issues consequential on or ancillary to the Committee’s principal areas of inquiry including:*

- *Non-State referrals of girls and women to the Magdalen Laundries;*
- *Statistical information on the background and profile of all those admitted;*
- *Living and working conditions;*
- *Financial viability of the Magdalen Laundries.*

### **Establishment and membership of the Committee**

1. The Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries (“the Committee”) was established pursuant to a Government decision in June 2011.
2. The Government tasked the Committee with a mandate to establish the facts of State involvement with the Magdalen Laundries and produce a Narrative Report thereon. The Government further decided the Committee should be chaired by an independent person, together with representatives of six Government Departments, as follows:
  - Department of Justice and Equality;
  - Department of Health;
  - Department of Environment, Community and Local Government;

- Department of Education and Skills;
  - Department of Enterprise, Jobs and Innovation; and
  - Department of Children and Youth Affairs.
3. Senator Martin McAleese was appointed as Independent Chair of the Committee, by letter dated 14 July 2011 signed by the Minister for Justice and Equality, Alan Shatter T.D. Senator McAleese accepted his appointment by letter of the same date.
4. At the request of Senator McAleese, each Department forming part of the Committee nominated a senior official to sit as a member of the Committee. The final membership of the Committee was as follows:
- Mr Jimmy Martin, Department of Justice and Equality;
  - Mr Barry Murphy, Department of Health;<sup>1</sup>
  - Ms Mary Moylan, Department of Environment, Community and Local Government;
  - Ms Mary McGarry, Department of Education and Skills;
  - Mr Francis Rochford, Department of Enterprise, Jobs and Innovation;<sup>2</sup>
  - Mr Denis O'Sullivan, Department of Children and Youth Affairs.
5. In addition, Ms Nuala Ní Mhuircheartaigh (seconded from the Department of Foreign Affairs and Trade) acted as adviser to Senator McAleese in his role as Independent Chair and as analyst and drafter for the Committee.
6. In establishing the Committee, the Government did not prescribe the manner in which the Committee should conduct its investigations. The Minister for Justice and Equality, in the Chair's letter of appointment, further confirmed that it was for the Committee to decide on its working methods. Accordingly, the Committee itself decided upon its procedures, working

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<sup>1</sup> Nominated to replace Ms Bairbre Nic Aongusa, Department of Health, who served as a member of the Committee from the outset of the process until February 2012

<sup>2</sup> Mr Philip Kelly, Department of Enterprise, Jobs and Innovation, also served as a member of the Committee from the outset of the process until November 2011

methods and determined the exact nature of the mandate given to it by Government.

7. The general approach of the Committee to its mandate and procedures were set out in the Interim Progress Report, dated 20 October 2011 (attached in the Appendices to this Report). These were further refined in the course of the Committee's work and are set out in greater detail in this Part of the Report.

### **Mandate**

8. The mandate of the Committee was defined only in a general way by the Government – the terms of reference were to “establish the facts of State involvement with the Magdalen Laundries”, which institutions were identified by name and location. Beyond that headline mandate, the Committee was given the power to define its precise Terms of Reference and the appropriate range for its investigations.
9. The Committee purposely interpreted its mandate in an expansive and flexible way, in light of the strong public interest in establishing as comprehensive a picture as possible of the interaction of the State with the Magdalen Laundries. A significant factor in this decision was the fact that, despite long-standing public controversy on the subject, relatively little factual or verified information was in the public domain before the work of the Committee commenced.
10. It was necessary for the Committee to consider and decide on a working definition for four key elements of the mandate:
  - a. applicable date-range;
  - b. definition of ‘State’;
  - c. definition of ‘involvement’; and
  - d. the general nature of a fact-finding mandate.

**a. Applicable Date-Range**

11. The Government left to the Committee's own discretion the determination of what time period its investigations should cover.
12. All ten of the Magdalen Laundries which fall within the scope of this Report were established and had been operational for a considerable time prior to the foundation of the State. However, as the Committee was established to clarify the facts of State involvement with these institutions, it was decided to take the date of foundation of the State as the appropriate general start-date for inquiries.
13. There are a number of differing dates which are, from time to time, contended to represent the date of establishment of the State. These include, for example, signature of the "Articles of Agreement for a Treaty between Great Britain and Ireland" on 6 December 1921 or approval of the Treaty by the second Dáil<sup>3</sup> on 7 January 1922. However the Committee considered the date of adoption and enactment of the Constitution of the Irish Free State – 6 December 1922 – as the most appropriate general start-date for its investigations.
14. This is not to say that events prior to 1922 were irrelevant to the Committee's work: the Report includes information on the operation of the Magdalen Laundries in the territory of the State prior to 1922, by way of context. It also deals with what can be called 'legacy' cases – that is, women who had already been admitted to a Magdalen Laundry *prior* to the foundation of the State and who continued to live and work there *after* the foundation of the State.
15. Regarding the most appropriate end-date for the Committee's work, the first consideration was the closing dates of the Magdalen Laundries. The 10 Laundries within the scope of this Report closed at different points between 1963 and 1996. The year 1996, when the last Magdalen Laundry in the

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<sup>3</sup> Dáil Éireann as it convened from 16 August 1921 to 8 June 1922

State closed, was accordingly decided to be an appropriate general end-date for the Committee's work.

16. However, similar to the flexible approach adopted in relation to starting dates, the Committee also decided that it would consider and examine events occurring after 1996, where relevant. Issues occurring after 1996 which are covered by the Report include in particular the question of interaction with the State in relation to exhumations.
17. It can accordingly be said that the Committee's primary enquiries into the State's involvement with the Magdalen Laundries was for the period 1922 to 1996, but that events both before 1922 and after 1996 were considered, examined and are reported upon where they add further clarity either to the question of State involvement, or to the overall operation in Ireland of the Magdalen Laundries.

***b. Approach taken to the definition of the State***

18. The term 'the State' is one which is often instinctively understood by the public as referring to the Government and Government Departments. However the meaning of the term is and has always been considerably broader, covering a wide range of bodies and agencies far beyond these.
19. This principle is so clearly established in law as to be beyond doubt. Perhaps the clearest assessment of what constitutes an emanation of the State is contained in a judgment of the European Court of Justice, which defines it as:

"a body, whatever its legal form, which has been made responsible, pursuant to a measure adopted by the state, for providing a public service under the control of the state and has for that purpose special powers beyond that which result from the normal rules applicable in relations between individuals".<sup>4</sup>

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<sup>4</sup> *Foster, A. and others v British Gas*, Case C-188/89 (1990)

20. This broad statement, which captures in clear form a general legal principle of longer-standing, informed the approach of the Committee to its work. As a result, there was a close focus in the Committee's investigations on the activities of a whole range of bodies, agencies and organisations ranging from Government Departments, to local authorities, health authorities, social services, An Garda Síochána, the Probation Service, the Prison Service, the Courts Service, the General Register's Office, Industrial and Reformatory Schools, the institutions known as County and City Homes and so on.
21. As set out more fully in Part III of the Report, the Committee also had regard to this test in considering the status of a number of organisations which historically held a role in the performance of official functions or public services. These include the performance by officers of the Legion of Mary, the Salvation Army and the Society of the Vincent de Paul of the role of Voluntary Probation Officers in and for the Courts; as well as the historic role of the "cruelty man", that is, the Inspectors of the National Society for Prevention of Cruelty to Children<sup>5</sup>.

***c. Approach taken to the definition of "involvement"***

22. In the public interest, a broad approach was also taken to the definition of "involvement", with the same goal of providing the fullest possible picture of the operation of the Magdalen Laundries.
23. Accordingly, the Committee undertook through its work to identify all connections, interactions and overlaps between the State and the Magdalen Laundries. Where possible, the Committee also sought to quantify the levels of State involvement it found.
24. The connections and interactions found by the Committee are detailed in this Report. Some of the areas of State involvement identified in the Report

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<sup>5</sup> Renamed in 1956 as the Irish Society for the Prevention of Cruelty to Children

are direct and clear, including State referrals of girls and women to the Magdalen Laundries, State inspections of the Magdalen Laundries, and State funding of the Magdalen Laundries.

25. However, other issues among those included in the Report are simple interactions, for instance by way of compilation of electoral registers, registration of deaths with the General Register Office (GRO), assessments for commercial rates, or interactions with the Office of the Revenue Commissioners and Charity Commissioners. All such interactions found by the Committee are included in the Report.
26. This investigation and assessment of involvement is not equivalent to an assessment of responsibility or culpability. The Committee, in its work, made factual findings only, and nothing in the Report purports to be an assessment of liability or potential liability.

***d. Nature of the mandate: fact-finding role***

27. The Committee was also required to consider the exact nature of its mandate. It was established by Government as a fact-finding mechanism. It was not intended as a forum for determination of individual complaints, nor was the Committee intended to make recommendations or provide redress in individual cases. This fact-finding role also meant that it was not for the Committee to recommend or issue an apology or apologies.
28. However, the Committee considered it critical to nonetheless ensure that the process included space for the women who were admitted to and worked in the Magdalen Laundries to make an input, if they wished to do so.
29. As a result, the Chair arranged a series of meetings to allow the women directly concerned to share their experiences. Some women came forward through representative groups, while others made direct contact with him through his office in Seanad Éireann. With the agreement of the

Committee, he and his adviser met with these women on a number of occasions, to ensure their voices and experiences would be reflected in the Committee's Report, while fully protecting their privacy and identities.

30. The Committee is grateful to the women who came forward and assisted in this way. They were courageous to do so and generous with their time. The stories they shared were of real assistance to the process, suggesting valuable leads for follow-up by the Committee, as well as providing the clarity of direct experience which, in some cases, made sense of the general or policy records already identified by the Committee through its file searches.
31. It can also be noted that the fact-finding nature of its mandate did not prevent the Committee from engaging broadly with people with direct experience of the Magdalen Laundries, as well as with a number of historians, as set out in greater detail below.

### **Ancillary and consequential issues**

32. The mandate of the Committee was to establish the facts of State involvement with the Magdalen Laundries. In carrying out its work, the Committee was, however, conscious of the context in which these facts arise and came to the view that its work would not be complete without seeking to understand and reflect that context in this Report. For instance, the findings of this Report suggest that the Magdalen Laundries were part of a broader institutional landscape and to fully capture their story, it is necessary to understand how they related to and interacted with other institutions such as Industrial and Reformatory Schools.
33. In the course of its work, the Committee also identified information which bears on issues of considerable public interest and which is capable of answering many frequently arising questions in relation to the Magdalen Laundries. While mindful of its Terms of Reference, the Committee considered these issues to be ancillary to and consequential on its principal findings and decided, in the public interest, to report on them.

34. Although the Committee was under no obligation to include this material, it decided that to do otherwise would limit the Report. It would also fail to provide answers to many frequently arising questions, which the Committee had the records and data to answer. Omitting this material could also have led to a partial or distorted picture, and to an outcome to this process which would not have been full or satisfactory for many of the women concerned. This material, and in particular the detailed statistics provided, may also contribute to future historical study and research, without in any way breaching the trust or privacy of the women referred to.
35. The issues addressed in this way include:
  - non-State referrals of girls and women to the Magdalen Laundries;
  - statistical information on the background and profile of all women;
  - living and working conditions; and
  - the financial viability of the Magdalen Laundries.
36. The status of the Committee as an Inter-Departmental Committee rather than a statutory inquiry was a significant advantage in this respect. That status afforded the Committee the latitude to interpret its Terms of Reference in a flexible way so as to analyse the broader context of the Magdalen Laundries and to record and report on these issues, in the public interest.
37. The first such issue, addressed in the public interest, was that of non-State referrals of girls and women to the Magdalen Laundries. These include referrals of girls or women to Magdalen Laundries by members of their families or by priests, as well as voluntary admissions. Cases such as these are analysed and included in the Report.
38. More generally, the Report also contains a substantial body of anonymised statistical information on the background and profile of all women who entered and worked in the Magdalen Laundries and their duration of stay, regardless of their route of entry.

39. The Report also addresses the conditions within the Magdalen Laundries and the treatment of the women who lived and worked there. Information on this sensitive issue was brought to the attention of the Committee by the women who lived and worked there, the Sisters who worked there and others with direct experience of the Magdalen Laundries, including the General Medical Practitioners who attended the women.
40. The financial viability of the Magdalen Laundries is also addressed in the Report. For this purpose and at the request of the Committee, the available financial records prepared contemporaneously by the relevant Religious Congregations were professionally analysed and summarised.
41. These ancillary and consequential issues are addressed in Part IV of the Report.

**Chapter 3:**

**History of the Magdalen Laundries and institutions within the scope of the Report**

**Summary:**

*This Chapter identifies the ten institutions referred to as Magdalen Laundries which fall within the scope of this Report.*

*This Chapter also notes the submissions made to it by persons wishing to extend the scope of the Committee's work to other institutions. However the mandate of the Committee extended only to these ten institutions, operated by four Religious Congregations, as identified by the Government.*

*Some factual information relating to each of these Laundries is included. All ten were established prior to the foundation of the State. A number were established by lay people and, at their request, were subsequently taken over by Religious Congregations.*

*A brief review of the existing historical analysis of the Magdalen Laundries prior to establishment of the State is also included. Although the Report addresses the period after the establishment of the State in 1922, this brief review of the period prior to 1922 is provided as background and context to the Committee's work.*

*Institutions known as Magdalen Laundries were not confined to Ireland, nor were they exclusively Catholic-established or operated. Their furthest history in Europe may date back to medieval times, but the first of what could be termed a 'Magdalen Home' was established in England in 1758. The first in Ireland was a Protestant asylum established in 1765.*

*Historians estimate that by the late 1800s there were more than 300 Magdalen Institutions in England alone and at least 41 in Ireland. These early institutions – variously entitled Asylums, Refuges and Penitentiaries - included institutions of all denominations and none.*

*The focus and purpose of these early institutions was closely tied to women in prostitution or women regarded as in danger of falling into prostitution, including unmarried mothers. This purpose, however, appears to have changed over time and based on the records it identified, the Committee found that the Magdalen Laundries in Ireland, after 1922, was not associated in the same strong way with prostitution or unmarried mothers.*

*Analysis by historians of the records of Magdalen Laundries until 1900 has also suggested that, until that point, it was common for women to enter or exit those institutions at their own request. Part II of this Report addresses the entries and exits of women to the Magdalen Laundries after 1922.*

## **Introduction**

“Considerable media attention has been focused on Magdalen Asylums in Ireland since the mid-1990s. Since 1993 there have been television documentaries, a film, television dramas, plays, songs and poetry, and a number of historical studies created around the subject of Magdalen Asylums. While public interest in Magdalen asylums in Ireland is a very recent phenomenon, few realise that their history in Ireland dates back to 1765”.<sup>1</sup>

1. Although the term ‘Magdalen Laundries’ is now in regular use in Ireland, neither the institutions to which that label has become attached, nor their history and context are widely understood.

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<sup>1</sup> Maria Luddy, Magdalen Asylums in Ireland 1765-1922, Paper submitted to the Inter-Departmental Committee, based on her prior published materials

2. Such institutions were not confined to Ireland, nor were they limited to the period since the State's foundation, nor indeed were they exclusively Catholic-established or operated.
3. In fact the institutions now referred to as Magdalen Laundries operated over a number of centuries, throughout the United Kingdom, Europe, North America and Australia. They included not only Catholic-operated institutions, but also Protestant institutions as well as institutions run by lay Committees.
4. Moreover, no new Magdalen Laundries were established after the foundation of the State - rather, they were part of what O'Sullivan and O'Donnell describe as "inherited networks of social control" (referring in that regard to Industrial and Reformatory Schools, Workhouses, Magdalen Laundries and psychiatric hospitals).<sup>2</sup>
5. A full historical survey of Magdalen Laundries in Ireland and abroad is beyond the scope of this Report. However, some understanding of their history is necessary to identify and attempt to understand their place in Irish society from the foundation of the State onwards.
6. This Chapter first identifies the ten Magdalen Laundries which were operated in the State following 1922 and which come within the scope of this Report. It then provides a brief review of existing historical analysis of the Magdalen Laundries prior to 1922.

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<sup>2</sup> O'Sullivan and O'Donnell, Coercive Confinement in Post-Independence Ireland at 7

**A. Institutions within the scope of the Report**

7. Ten Magdalen Laundries operated in the State by four Religious Orders were identified by Government and included in the mandate conferred on the Committee. The institutions within the remit of the Committee's work were as follows:

*Sisters of Our Lady of Charity of Refuge:*

St Mary's Refuge, High Park, Grace Park Road, Drumcondra, Dublin;  
Monastery of Our Lady of Charity Sean McDermott Street (formerly Gloucester Street), Dublin 1;

*Congregation of the Sisters of Mercy:*

Magdalen Asylum / Magdalen Home, No. 47 Forster Street, Galway;  
St Patrick's Refuge, Crofton Road, Dun Laoghaire, Co. Dublin;

*Religious Sisters of Charity:*

St Mary Magdalen's, Floraville Road, Donnybrook, Dublin;  
St Vincent's, St Mary's Road, Peacock Lane, Cork;

*Sisters of the Good Shepherd:*

St Mary's, Cork Road, Waterford;  
St Mary's, New Ross, Wexford;  
St Mary's, Pennywell Road, Limerick;  
St Mary's, Sunday's Well, Cork.

8. The Committee received a number of submissions requesting an extension of its mandate to include the following residential institutions with laundries attached:

- St Mary's, Stanhope Street;
- Summerhill, Wexford;
- Bethany Home; and
- Newtownforbes Industrial School.

9. The representative group “Magdalene Survivors Together” made a number of representations to the Committee, arguing that Stanhope Street was a Magdalene Laundry and should have been included in the mandate of the Committee. In that regard, Magdalene Survivors Together argued:
  - that education or training were not provided to the girls who worked there;
  - that the appearance of the Laundry and uniforms were similar to Magdalene Laundries; and
  - that the experience of girls at Stanhope Street was equivalent to that of the women in Magdalene Laundries.
10. Magdalene Survivors Together also suggested that Summerhill, Wexford, should also be included in the scope of the Committee’s work, for the same reasons.
11. The Religious Sisters of Charity, which operated Stanhope Street, have said that it was a training centre, which provided domestic training (including in laundry work) to young girls. They further said that it never operated as a “refuge” or “home” along the lines of the Magdalene Laundries which the Congregation operated at Donnybrook and Peacock Lane, Cork and that it was operated on a fee-paying basis for the girls admitted to it.
12. The Sisters of Mercy who operated Summerhill indicated that it was one of approximately 16 “Mercy Homes”, consisting of a vocational training school for girls.
13. A private person also made a number of submissions directly to the Committee, stating that Newtownforbes Industrial School, Longford, should be included in the scope of its work. She argued this on the basis that it had an attached laundry in which she had worked as a child.
14. Finally, the Committee also received submissions from the representative group “Bethany Survivors Group” and others, requesting inclusion of

Bethany Home which accommodated persons including pregnant women, unmarried mothers and their children within the scope of its work.

15. The Committee fully understood the desire of the individuals and groups concerned to draw the Committee's attention to other residential institutions which operated laundries and heard all such submissions.
16. However, the Committee did not have discretion to extend the mandate of the Committee to institutions other than 10 Magdalen Laundries listed above. In particular, the Committee did not have a mandate to examine other institutions such as schools, homes, asylums, orphanages or other institutions on grounds that they had laundry facilities attached to them.
17. Any possible extension of the mandate of the Committee would have been a matter for the Government. In every case where submissions were made to it regarding extension of its mandate, the Committee explained this point to the person or groups concerned, and passed the submission to the Minister for Justice and Equality, for consideration.
18. No additions were subsequently made by the Government to the original list of ten institutions within the scope of the Committee's work and these accordingly remained the focus of the Committee's work. Additional information on these ten follows.

**a. *Sisters of Our Lady of Charity***

19. The Congregation of the Sisters of Our Lady of Charity was founded in Caen, France in 1641 by St John Eudes with the stated goal of caring for girls and women. The first community of the Congregation in Ireland was formed in 1853, following a request for assistance by Fr John Smith, with the approval of Cardinal Cullen, for the Sisters of Our Lady of Charity to

operate a refuge for girls and women “who did not have the protection of family and friends”.<sup>3</sup>

20. The Sisters of Our Lady of Charity was initially an enclosed Order. Until the reforms of the Second Vatican Council in 1963, the Sisters of the Congregation were prohibited from leaving the Convent enclosure other than with advance written permission. Permission even simply for movement of a Sister from one convent to another required the permission of the Archbishop.<sup>4</sup>
21. The Sisters of Our Lady of Charity operated two Magdalen Laundries, both in Dublin.

*St Mary's Refuge, High Park, Drumcondra*

22. A refuge termed “Mary Magdalen Asylum” was operational in Drumcondra from 1831. At the request of Fr Smith, noted above, a number of Sisters from the Congregation, then based in France, were invited to Dublin and became responsible for the operation of the institution in 1853 at Sacred Heart Home, Drumcondra Road.<sup>5</sup> In 1856, the Order purchased High Park at Grace Park Road, Drumcondra and built St Mary’s Refuge.<sup>6</sup>
23. A number of other buildings were also located on the High Park site in addition to the Laundry and living quarters for the women who worked there. These consisted of a Convent, an industrial school, a farm and for a number of years, a lodging house for paying guests known as St Michael’s.<sup>7</sup>

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<sup>3</sup> Submission of the Congregation to the Inter-Departmental Committee

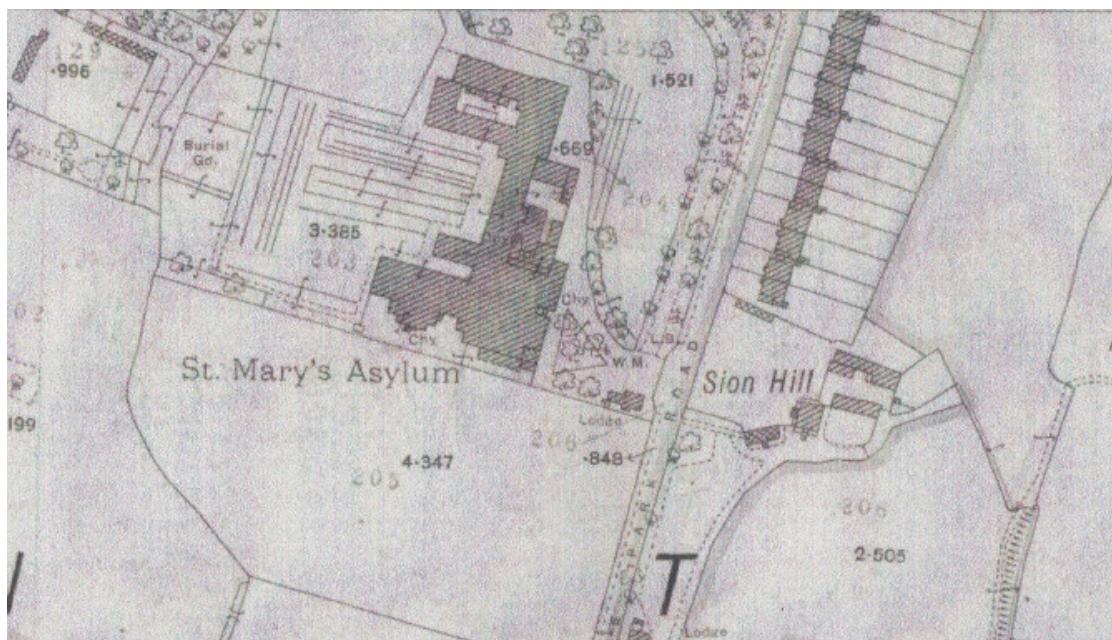
<sup>4</sup> Numerous written applications for permission for members of the Congregation to leave the enclosure to travel to another convent or, in exceptional circumstances, to other locations are on record in the Dublin Diocesan Archive

<sup>5</sup> Centenary booklet, Our Lady of Charity of Refuge, High Park

<sup>6</sup> Id

<sup>7</sup> Information Note from the Order of our Lady of Charity

24. The capacity of the Magdalen Laundry at High Park varied over time, but did not exceed 250. For instance, the occupancy was 218 in 1922; 210 in 1932, 215 in 1942 and 200 in 1952.<sup>8</sup> The Laundry ceased operations in 1991.
25. An extract from the Ordnance Survey map for 1936, below, demonstrates the layout of the site.<sup>9</sup> Additional maps of the site and its development are included in the Appendices.



*Monastery of Our Lady of Charity, Lower Sean McDermott Street*

26. In 1821, a refuge was established at Mecklenburg Street (later re-named Railway Street, at the rear of Gloucester Street) by a layperson (Mrs Brigid Burke) for 'troubled and homeless' women. Over time, a four-member lay Committee became responsible for the institution and a Matron was employed to operate it. In or about 1860, the Committee purchased additional land to include a site on Gloucester Street (later re-named Sean McDermott Street).

<sup>8</sup> Catholic Directory 1922, 1932, 1942, 1952

<sup>9</sup> © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413

27. In 1873, Cardinal Cullen requested the Sisters of Mercy to take over the operation of the institution, then known as the Magdalen Retreat, which they did until late 1886. At that point, and with the approval of Archbishop Walsh, the Sisters of Mercy requested the Congregation of Our Lady of Charity to take over operation of the institution. The Sisters of Our Lady of Charity did so and became responsible for the institution in February 1887.
28. There were no other institutions on site, other than the laundry, living quarters for the women who worked there, and the Convent.
29. The capacity of the Magdalen Laundry at Sean McDermott Street was 150. Occupancy varied over time- it was 120 in 1922, 130 in 1932, 135 in 1942 and 140 in 1952. The Laundry ceased operations in 1996.
30. An extract from the Ordnance Survey map for 1936, below, demonstrates the layout of the site.<sup>10</sup> Additional maps of the site and its development are included in the Appendices.



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<sup>10</sup> © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413

**b. Sisters of Mercy**

31. The Sisters of Mercy were founded in 1831 by Catherine McAuley, with a mission to particularly focus on the poor, sick and disadvantaged. This work was carried out through the establishment of many distinct and independent Houses throughout the country. Each independent House had its own Reverend Mother and some had Branch or Daughter Houses. There was no relationship between the different Houses.<sup>11</sup> In 1994, the Congregation of the Sisters of Mercy was founded, which united all Mercy Houses in Ireland and South Africa.
32. The Sisters of Mercy operated two Magdalen Laundries in Ireland, one in Galway and one in Dun Laoghaire, as follows.

*Magdalen Home / Asylum, 47 Forster Street, Galway*

33. The Magdalen Laundry in Galway was founded in 1824 by a private person (Ms. Lynch) and was managed by a lay society known as the Association of Ladies of the Saint Magdalen Society. At the request of the founder, the Sisters of Mercy became responsible for the operation of the institution following her death in 1845.
34. The Laundry and living quarters at Forster Street were separate from the Convent (motherhouse) in Galway. The living quarters included dormitories (at one point 3 dormitories), a kitchen, dining room, infirmary and recreation room. The site also included a Chapel and a farm (across the road).<sup>12</sup>
35. The capacity of the Magdalen Laundry in Galway was approximately 110 and the occupancy varied from 110 in 1951<sup>13</sup>, 73 in 1954<sup>14</sup> and 18 in 1984.<sup>15</sup> The Laundry closed in October 1984.

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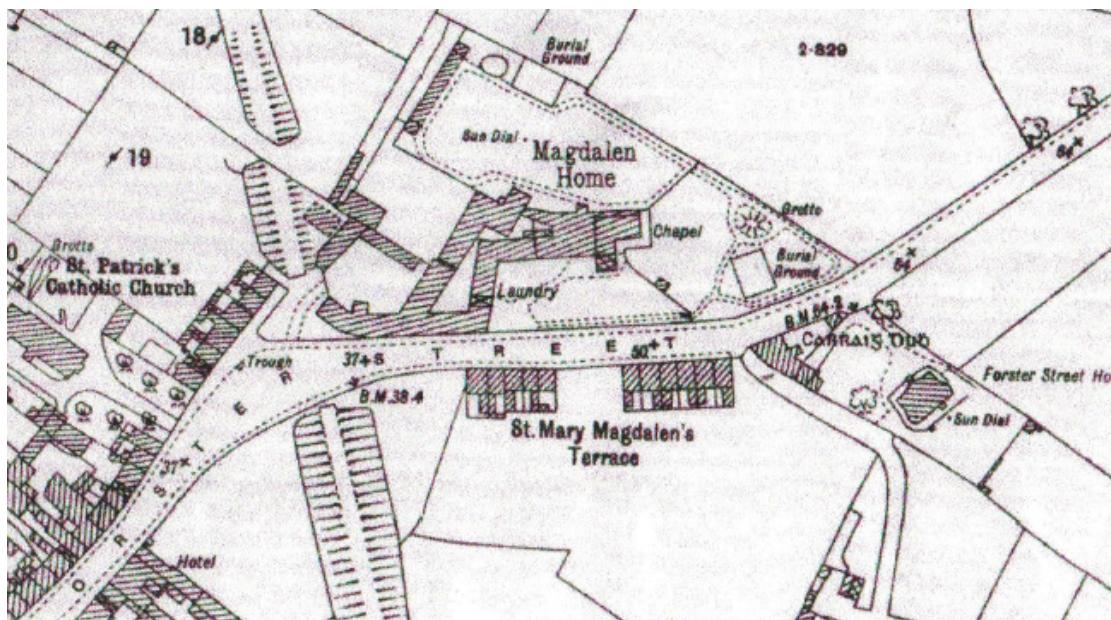
<sup>11</sup> History of the Congregation of the Sisters of Mercy,

<sup>12</sup> Submission of the Sisters of Mercy to the Inter Departmental Committee

<sup>13</sup> Galway Diocesan records

<sup>14</sup> Halliday Sutherland, "Irish Journey"

36. An extract from the Ordnance Survey map for 1944, below, demonstrates the layout of the site.<sup>16</sup> Additional maps of the site and its development are included in the Appendices.



*St Patrick's Refuge, Crofton Road, Dun Laoghaire*

37. The Magdalen Laundry referred to throughout this Report as St Patrick's Refuge, Dun Laoghaire, was founded in Bow Street, Dublin in 1790. It was moved to Crofton Road, Dun Laoghaire in 1880. The Laundry and living quarters for the women who worked there were located adjacent to and on the grounds of St Michael's Hospital, Dun Laoghaire and St Michael's Convent.
38. St Patrick's Refuge itself comprised a three storey building, including four large rooms for laundry, sleeping quarters on a higher floor, infirmary, refectory and kitchen. The Laundry and institution closed in January 1963.
39. No Registers survive for the institution, but it is estimated that the occupancy at St Patrick's Refuge was typically 50 women at any one time.

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<sup>15</sup> Records of the Sisters of Mercy

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There were approximately 20 women there at the time of its closure in 1963.

40. An extract from the Ordnance Survey map for 1937, below, demonstrates the layout of the site.<sup>17</sup> Additional maps of the site and its development are included in the Appendices.



**c. Religious Sisters of Charity**

41. The Religious Sisters of Charity were officially established in 1816 by rescript from Pope Pius VII, following the previous work of foundress Mary Aikenhead, as an Order of religious women dedicated to the service of the poor. In light of its particular charism, the Order was never enclosed, even at time of establishment, when no other convent in Ireland permitted Sisters to leave their enclosures.<sup>18</sup>
42. The Religious Sisters of Charity operated two Magdalen Laundries in the State, one in Donnybrook and one in Cork, as follows.

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<sup>17</sup> © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413

<sup>18</sup> Submission of the Religious Sisters of Charity

*St Mary Magdalen's (later named St Margaret's), 1 Floraville Road, Donnybrook, Dublin 4*

43. The Magdalen Laundry referred to throughout this Report as the Donnybrook Laundry was founded in 1796 by two lay persons (Mr Quarterman and Mrs Brigid Burke) as St Mary Magdalen's Care Centre at Townsend Street, Dublin. Another lay person (Mrs Ryan) took over management of the institution from 1798 until her death in 1833. During that period and under the stewardship of Mrs Ryan, the Laundry was established.<sup>19</sup>
44. Archbishop Murray, at the time of Mrs Ryan's death in 1833, requested the Religious Sisters of Charity to take over the operation of the institution, which they did. The institution re-located to Donnybrook Castle in 1837, purchased with a legacy from Mrs Ryan's will. The institution was renamed St Mary Magdalen's Asylum at this time.<sup>20</sup>
45. The capacity of the Magdalen Laundry in Donnybrook varied from 100 to 120 over much of the period of its operation. Occupancy also varied over time – 100 in 1922 and 1932, and 115 in 1942, 1951 and 1952.<sup>21</sup> Capacity was only approximately 40 in the 1970s, but increased again to 100 after renovations.<sup>22</sup>
46. In 1992 the Laundry was sold to a private company which operated a commercial Laundry on the site until 2006. Two of the women who continued to live in the institution were employed by this company. An extract from the Ordnance Survey map for 1938, below, demonstrates the layout of the site.<sup>23</sup> Additional maps of the site and its development are included at in the Appendices.

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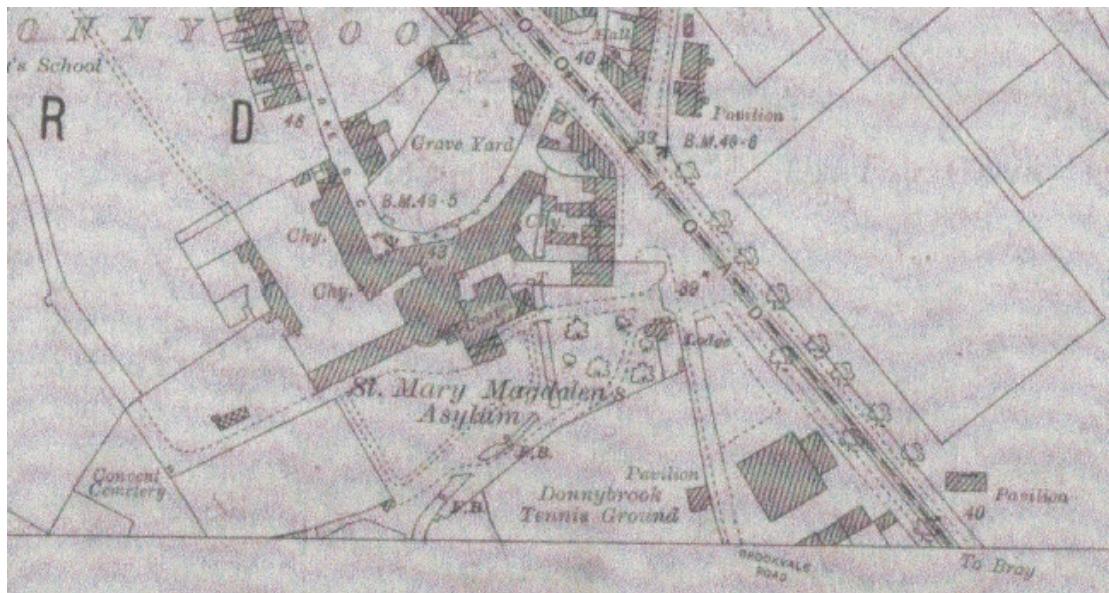
<sup>19</sup> The History of St Margaret's, archive of the Religious Sisters of Charity

<sup>20</sup> Id

<sup>21</sup> Catholic Directory, 1922, 1932, 1942, 1952

<sup>22</sup> Annals of the Religious Sisters of Charity, Donnybrook

<sup>23</sup> © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413



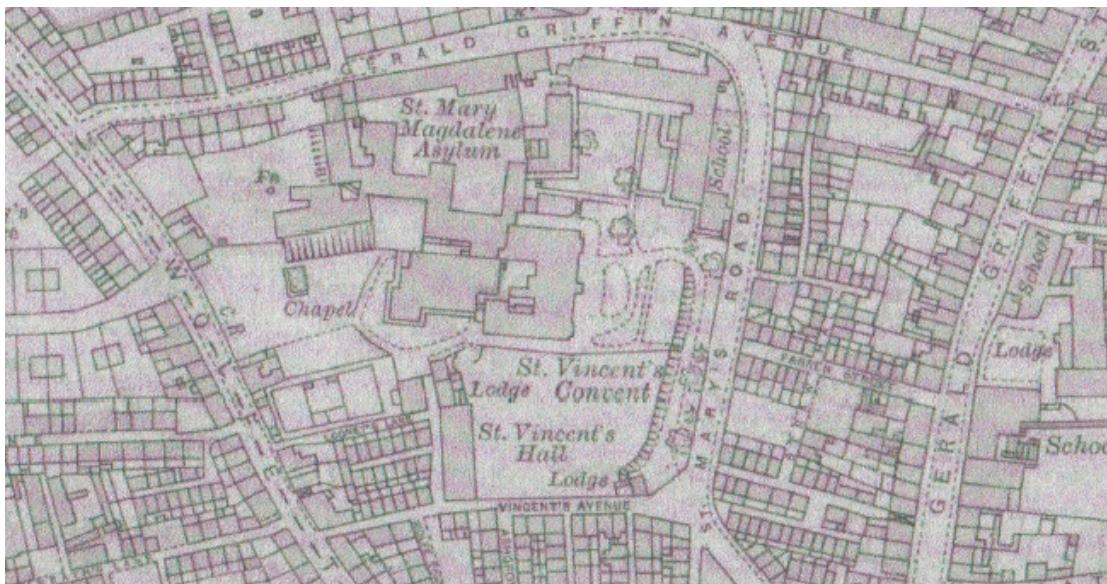
*St Mary Magdalen's, Peacock Lane, Cork*

47. The Magdalen Laundry referred to throughout this Report as “Peacock Lane” was established by a lay person (Mr Nicholas Therry) in 1809. The Religious Sisters of Charity were invited to Cork and became responsible for its operation in 1845.
48. The campus at Peacock Lane included a primary (national) school as well as the Laundry, living quarters for the women who lived there and the Convent. The capacity of the Magdalen Laundry at Peacock Lane was approximately 110 and the occupancy varied from 104 in the years 1922 and 1932<sup>24</sup> to approximately 80 in the 1970s. The capacity fell to 60 following refurbishments to the institution in 1986.<sup>25</sup>
49. An extract from the Ordnance Survey map for 1927-1928, below, demonstrates the layout of the site.<sup>26</sup> Additional maps of the site and its development are included in the Appendices.

<sup>24</sup> Catholic Directory 1922 and 1932

<sup>25</sup> Annals of the Religious Sisters of Charity

<sup>26</sup> © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413



***d. Sisters of the Good Shepherd***

50. The Sisters of the Good Shepherd were established in France in 1835 by Sr. Mary Euphrasia Pellentier. She had previously entered the Congregation of Our Lady of Charity and served as Superior at a community of that Congregation in Angers. From Angers, a number of new communities were founded. She ultimately requested permission of the Pope to establish a Generalate to link these communities, which was approved in 1835.<sup>27</sup>
51. The Sisters of the Good Shepherd was initially an enclosed Order. Until the Second Vatican Council 1963, the Sisters of the Congregation were prohibited from leaving the Convent enclosure other than with written permission in advance.
52. The Sisters of the Good Shepherd operated four Magdalen Laundries within the territory of the State, one each in Waterford, New Ross, Limerick and Cork, as set out in more detail below. Magdalen Laundries were also run by the Order in Derry and Newry in Northern Ireland, but these institutions do not fall within the scope of the Committee's work.

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<sup>27</sup> Submission from the Sisters of the Good Shepherd to the Inter-Departmental Committee

*St Mary's, Good Shepherd Laundry, Clare Street / Pennywell Road, Limerick*

53. The institution referred to throughout this Report as the Limerick Magdalen Laundry was established in 1826 by a priest and a lay person (Fr Fitzgibbon and Miss Joanna Reddan). Twelve years later in 1848, the Bishop of Limerick requested the Good Shepherd Sisters (then in France) to send sisters to take over the institution, which they agreed to do.
54. The site at Clare Street / Pennywell Road included the Laundry, living quarters for the women who worked there, a Convent, an Industrial School and a Reformatory School for girls. The capacity of the Limerick Magdalen Laundry was approximately 120 and the occupancy varied from 100 to 120 until the 1960s, at which point it reduced to an average of about 60 women. By the 1980s the occupancy had further reduced to an average of about 40 women.
55. The Laundry was operated on-site by the Congregation until 1982, at which point it was sold as a going concern to a private company. An extract from the Ordnance Survey map for 1938, below, demonstrates the layout of the site.<sup>28</sup> Additional maps of the site and its development are included in the Appendices.



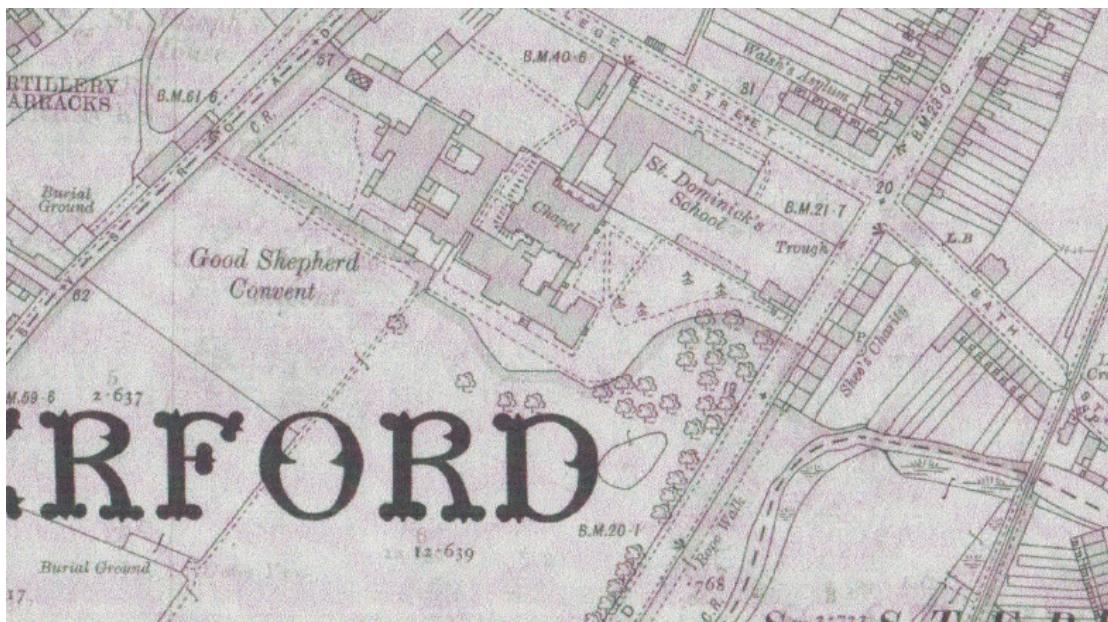
<sup>28</sup> © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413

*St Mary's, Good Shepherd Laundry, Cork Road, Waterford*

56. An institution for homeless girls and women was established in Waterford by a priest (Rev. Timothy Dowley) in 1842 and later, run by Rev. John Crotty with the assistance of two lay Matrons.
57. With the approval of Bishop O'Brien, a different priest (Rev. Crotty) requested the Good Shepherd Sisters to provide Sisters for the purpose of operating the institution. Initially, five Sisters travelled from France in 1858 to do so. Work on the building of a new Convent and associated buildings began in 1892 and was completed and occupied by 1894.
58. The site included the Laundry, living quarters for the women who worked there, a Convent and an Industrial School. The capacity of the Laundry was approximately 120 and the occupancy varied from about 100 to 120 until the early 1960s, at which point it reduced to an average of about 60 women. By the 1980s the occupancy had further reduced to an average of about 40 women. The Laundry closed in 1982.
59. An extract from the Ordnance Survey map for 1924, below, demonstrates the layout of the site.<sup>29</sup> Additional maps of the site and its development are included in the Appendices.

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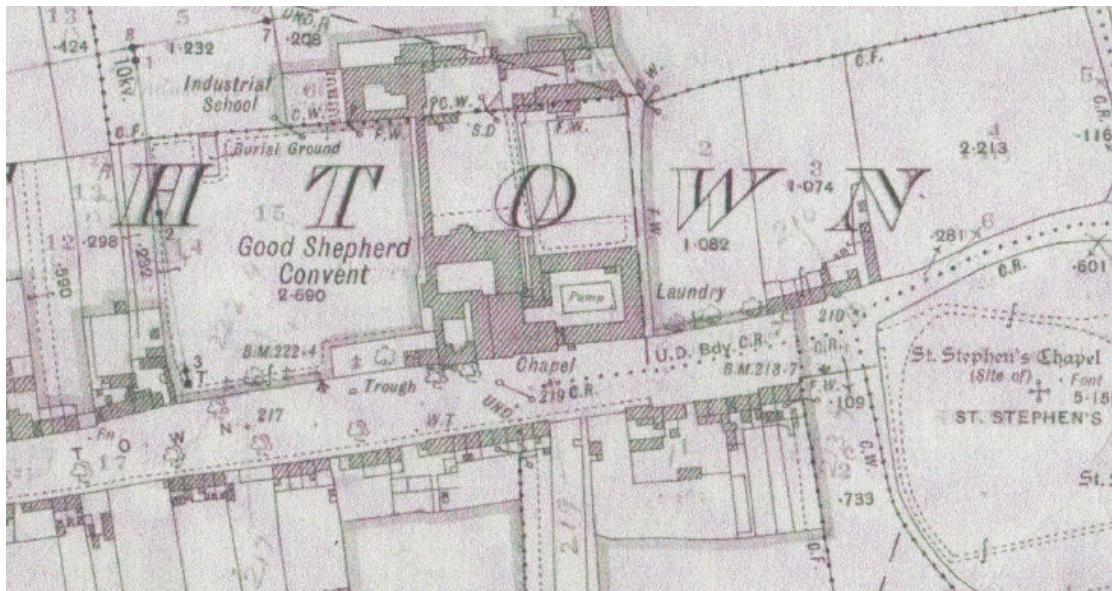
<sup>29</sup> © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413



## *Good Shepherd Laundry, Irishtown, New Ross, Co. Wexford*

60. The institution referred to throughout this Report as the New Ross Magdalen Laundry was established as a refuge for women in 1860 with funding from two lay persons. The Good Shepherds, on request, sent Sisters to New Ross that year to assist in the operation of the institution.
  61. The campus at New Ross consisted of the Laundry, living quarters for the women who worked there, a Convent and an industrial school. The capacity of the Laundry was approximately 50 and the average occupancy was about the same until the early 1960s. At the time of its closure in 1967 the occupancy had reduced to approximately 20 women.
  62. An extract from the Ordnance Survey map for 1939, below, demonstrates the layout of the site.<sup>30</sup> Additional maps of the site and its development are included in the Appendices.

<sup>30</sup> © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413

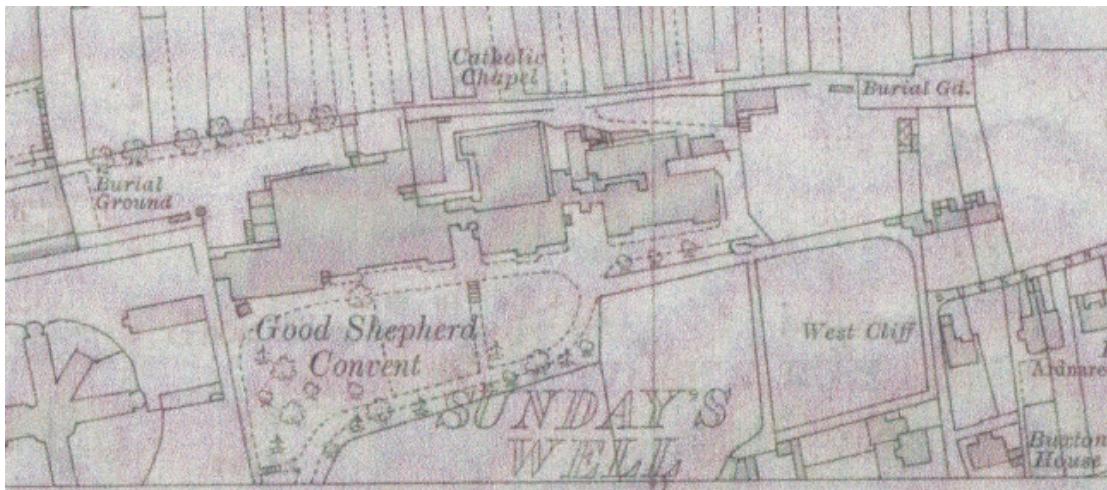


*St Mary's, Good Shepherd Laundry, Convent Avenue, Sunday's Well, Cork*

63. The Magdalen Laundry at Convent Avenue, Cork, was established in 1870 by a Good Shepherd Sister from the New Ross Convent. She and three other Sisters established a temporary convent at a cottage supplied by Mr James Hegarty. A Convent and Magdalen Asylum were built that year. Two years later in 1872 the laundry was opened as a source of income for the asylum.
64. The campus consisted of the Laundry, living quarters for the women who worked there, a Convent and an Industrial School. The capacity of the Laundry was approximately 120 and the occupancy varied from about 100 to 120 until the 1960s at which point it reduced to an average of about 60 women. At the time of its closure in 1977 the occupancy had further reduced to an average of about 40 women.
65. An extract from the Ordnance Survey map for 1927-1928, below, demonstrates the layout of the site.<sup>31</sup> Additional maps of the site and its development are included at in the Appendices.

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<sup>31</sup> © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413



## **B. Brief review of the existing historical analysis of the Magdalén Laundries prior to 1922**

### **Origins and early institutions**

66. Magdalén Laundries are generally understood as being named after Mary Magdalene. Luddy points out that it was the association with prostitution – which arose only after her identification as a prostitute by Pope Gregory in 591 – which led to Mary Magdalene becoming:

“the patroness of rescue homes or Magdalén Asylums ... which were originally established to ‘rescue’ women and girls in danger of becoming prostitutes, and to rehabilitate those who had already ‘fallen’ into prostitution”.<sup>32</sup>

67. Although a matter for further research, it is possible that threads may link the institutions now known as Magdalén Laundries to medieval times. For instance, the Decretals of Pope Gregory IX (a canon law collection promulgated in 1234) included a section in relation to monasteries as a site for “lay penance” with a recommendation that women who had:

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<sup>32</sup> Maria Luddy, Magdalén Asylums in Ireland 1765-1922, Paper submitted to the Inter-Departmental Committee, based on her prior published materials

“committed adultery, whose husbands refused to take them back, should be confined to convents to perform lifelong penance under the supervision of that house’s religious women”.<sup>33</sup>

68. Earlier materials on which this canon was based had been associated with convents which “reformed prostitutes” might enter and which ultimately led to the establishment of a Religious Order “specifically for these former prostitutes: the Penitential Order of St Mary Magdalene”.<sup>34</sup>
69. Regardless of a possible link to early history, it is generally accepted that the first of what are now called Magdalen Laundries was opened in the eighteenth century.
70. In general, these institutions were established as refuges, to which a variety of activities, including laundry, needlework, lace-making, habit-making, shroud-making, farms and so on, were added to support them and, in some cases, to provide training for the women.
71. Finnegan records that the first Refuge in England:

“for the reception of the penitent ‘fallen’ was the Magdalen Hospital, opened in Whitechapel in 1758 . . . This institution admitted females aged between fifteen and twenty, and could eventually house about 140 inmates desirous of reform”.<sup>35</sup>

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<sup>33</sup> X 5.32.19, Gaudemus in Domino, as summarised in Edward Andrew Reno III, “The Authoritative Text: Raymond of Peñafort’s editing of the *Decretals of Gregory IX* (1234)”, Columbia University 2011. At 5.8.2.2. Full text of the Canon as translated in that paper:

“But those women, who having abandoned the marriage bed have fallen away due to the sinfulness of the flesh – if their husbands, after having been exhorted by you, should still not wish to take them back once they have been turned toward the virtue of a more moral life – you should, for the sake of God, endeavor to place [them] in convents with religious women, so that there they may perform perpetual penance”.

<sup>34</sup> Id

<sup>35</sup> Frances Finnegan, *Do Penance or Perish*, at 8.

72. She indicates that a second institution – the London Lock Hospital - was established in 1787, “catering solely for venereal patients discharged from the Lock Hospital … to which the new institution was now attached”.<sup>36</sup> Finnegan then details the “succession of Penitentiaries and Rescue organisations which followed the establishment of these eighteenth-century Homes”,<sup>37</sup> with the effect that:

“[b]y 1898 there were more than 300 Magdalen Institutions in England alone, collectively housing 6,000 inmates and employing at least 1,200 full-time staff.”<sup>38</sup>

73. Similar institutions were established in other States during the period – Smith details that “the first asylum for fallen women in the United States, the Magdalen Society of Philadelphia, was founded in 1800” and that other North American cities including New York, Boston, Chicago and Toronto also subsequently did so.<sup>39</sup>

74. The first such institution in Ireland was the Dublin Magdalen Asylum on Lower Leeson Street. It was established in 1765 by a lay person, Lady Arbella Denny. The establishment was announced to the public by way of a pamphlet on “The Important Subject of Establishing a Magdalen Asylum in Dublin” and with the object “to rescue first fall Protestant cases only”.<sup>40</sup> From that point onwards, Luddy records that:

“at least forty-one asylums or refuges were established to rescue and reclaim ‘fallen women’ in Ireland. Of these at least nineteen operated in Dublin and Dun Laoghaire and five were in Belfast”.<sup>41</sup>

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<sup>36</sup> Id.

<sup>37</sup> Id.

<sup>38</sup> Id. at 7

<sup>39</sup> James Smith, Ireland’s Magdalen Laundries and the Nation’s Architecture of Containment, at xv

<sup>40</sup> Finnegan, *supra*, at 8

<sup>41</sup> Luddy, Magdalen Asylums in Ireland 1765-1922 *supra*

75. These early institutions – variously entitled Asylums, Refuges and Penitentiaries - included institutions of all denominations and none. Some were managed by members of Religious Orders and some by lay people. These included, for example:

- The Church of Ireland “Lock Penitentiary” in Dublin, founded in 1794 by a lay person “to employ and reform destitute women leaving the lock hospital”;<sup>42</sup>
- The Church of Ireland “Magdalen Asylum” in Cork, founded in 1810<sup>43</sup>
- a so-called “Female Penitentiary” established in 1813 on Eccles Street in Dublin “for fallen females of every religious persuasion”;<sup>44</sup>
- The Catholic “Female Penitent’s Retreat” on Marlborough Street in Dublin, founded in 1826;<sup>45</sup>
- The Episcopalian “Asylum for Penitent Females” on Baggot Street, Dublin, established in 1835;<sup>46</sup>
- The “Magdalen Asylum” established in Tralee, Co Kerry, in 1858 and operated there by the Sisters of Mercy until 1910;<sup>47</sup>
- And the Church of Ireland “Rescue Home” or “Home for Fallen Women” established in 1860 at Dun Laoghaire<sup>48</sup>.

76. An indicative list of 41 such institutions was compiled by historian Maria Luddy and is reproduced in the Appendices.

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<sup>42</sup> Maria Luddy, Prostitution and Irish Society 1800-1940, Table 3.1 at 79-82

<sup>43</sup> Id and Finnegan, supra, at 158

<sup>44</sup> Finnegan, supra, at 9

<sup>45</sup> Maria Luddy, Prostitution and Irish Society 1800-1940, Table 3.1 at 79-82

<sup>46</sup> Id

<sup>47</sup> Id

<sup>48</sup> Id

### **Purpose and character of the early institutions**

77. The purpose of these early institutions was closely tied to women in prostitution or women seen as in danger of falling into prostitution- including unmarried mothers, as “it was commonly believed that women who had given birth to an illegitimate child would fall into prostitution”.<sup>49</sup> Referring to the Leeson Street asylum, Smith identifies it as “closely associated with the moral reform and spiritual conversion of fallen women in the city” and that it, together with the other:

“asylums operating in Ireland by the end of the nineteenth century, provided shelter for women considered likely to end up on the streets”.<sup>50</sup>

78. It has been noted that these institutions were not imposed on society – but rather that:

“These refuges were established in response to social demands, the alarming number of prostitutes who operated openly in the city generally being given as the reason for their existence”.<sup>51</sup>

79. In that regard and referring to Dublin, Ferriter notes that:

“It has been estimated that in 1868 that there were 132 brothels in the city and at least 1,000 prostitutes: ‘Prostitution in Dublin was unregulated by police control, a situation at the time unique in Britain or Ireland as remarked on in the 1903 edition of Encyclopaedia Britannica’.”<sup>52</sup>

80. Accordingly the so-called “rescue movement”, (including the “Midnight” or “Lamplight” associations) or work in relation to unmarried mothers appears

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<sup>49</sup> Luddy, Magdalen Asylums in Ireland 1765-1922 *supra*

<sup>50</sup> James Smith, Ireland’s Magdalen Laundries and the Nation’s Architecture of Containment at 25

<sup>51</sup> Luddy, Magdalen Asylums in Ireland 1880-1930, *supra*, at 92

<sup>52</sup> Diarmaid Ferriter, Occasions of Sin: Sex and Society in Modern Ireland, at 30, [citing Brian Lalor (general ed.), *The Encyclopaedia of Ireland* at 736]

to have often provided the impetus for the establishment, including by lay people, of many of these early institutions. For example, the first asylum established in Ireland in the 18<sup>th</sup> century (noted above) appears to have been established after the lay foundress became interested in so-called ‘rescue work’ while involved in the Foundling Hospital and encountered unmarried mothers who had been abandoned by their families.

81. It has also been argued that:

“from the late 19<sup>th</sup> century it is evident that the asylums were beginning to be used by Catholic parents to hide the ‘shame’ visited on their families by wayward or pregnant daughters”.<sup>53</sup>

82. Rhattigan, in considering the much later time-period of 1900-1950, also analyses a “society that was, on the whole, deeply intolerant of pregnancy outside marriage”<sup>54</sup>, and where “social hostility” to unmarried mothers was “one of the main factors for the high levels of prenatal emigration among single expectant women in post-independence Ireland”.<sup>55</sup>

83. Reform and return to society, and in some cases after a period of practical training, were also common themes in the early asylums and institutions. For example, at the Leeson Street asylum in the 18<sup>th</sup> century:

“it was decided that the ‘penitents’, as the inmates were called, should spend between eighteen months and two years in the asylum and that they were to leave only if their future could be guaranteed in some way, either through acquiring a position or returning home”.<sup>56</sup>

84. Similarly at the Lombard Street Asylum in Galway, established in 1824:

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<sup>53</sup> Luddy, Magdalen Asylums in Ireland, 1880-1930 at 304

<sup>54</sup> Rhattigan, What else could I do? Single Mothers and Infanticide in Ireland 1900-1950, at 29

<sup>55</sup> Id at 16

<sup>56</sup> Luddy, *supra* at 77

“women stayed for a number of years and were instructed in ‘useful and practical industry’ and, when it was felt that they had acquired ‘regular and pious habits’, they were placed in situations, usually as servants”.<sup>57</sup>

85. When the Eccles Street asylum acquired new premises, two distinct wards were established:

“so that penitents of ‘birth and delicate education’ should be separated from those of the lowest orders. Most of the women, however, were soon found to be unskilled and illiterate; confirming the Committee’s view that training and the procuring of ‘eligible situations’ were vital objectives if the reformed were to be permanently restored to society”.<sup>58</sup>

86. Luddy points out that in addition to a function in training for the future, work within the early institutions served another purpose, namely the avoidance of “an idle life” which it was considered might prejudice the “reform” of the women in question. Accordingly, it appears there was typically a dual purpose for work within these early institutions: “The aim of the work was not only to keep the inmates busy but also to train them for new occupations once they had left the asylum”.<sup>59</sup>

87. The nature of the work undertaken varied from institution to institution, but it has been reported that all “engaged in needle and laundry work”, which also provided a “vital source of financial support” for these early institutions when the charitable funding typically available in the first years of their existence waned.<sup>60</sup>

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<sup>57</sup> Luddy, *supra*, quoting Connaught Telegraph 31 May 1827.

<sup>58</sup> Finnegan, *supra*, at 9, citing the 1814 Report of the Committee of the Dublin Female Penitentiary to the General Meeting

<sup>59</sup> Luddy, *Magdalen Asylums in Ireland 1765-1922* *supra*

<sup>60</sup> Luddy, *Magdalen Asylums in Ireland 1765-1922* *supra*

88. The institutions had differing rules on the types of women considered suitable for each institution as well as the conditions which applied within them. Some had a preference for younger women, such as the Ulster Magdalen Asylum Belfast (which accepted women under the age of 20 only); while others accepted only women of a particular religion, such as the Magdalen Asylum in Leeson Street (which accepted Protestant women only).<sup>61</sup>
89. Lay-run Magdalen asylums “generally excluded the admission of hardened prostitutes” and many of the women admitted:
- “were described as ‘seduced’ women who on abandonment by their seducers and families turned to the asylums for protection”.<sup>62</sup>
90. The Protestant Asylum in Leeson Street accepted pregnant women<sup>63</sup>, but this was not the case with the vast majority of institutions – including all 10 of the institutions covered by the present Report, none of which accepted pregnant women.
91. The conditions within these early institutions varied. It appears that the women who lived in the Protestant Asylum in Leeson Street were given a number by which they would be known during their period in the institution; “known as Mrs. One, Mrs. Two” and so on.<sup>64</sup> In some of the religious-operated institutions, the women were given the name of a saint as their “House name”, while in others, women retained their own names throughout their time in the institution. Some of the Laundries within the scope of this Report had this practice of giving women a “House” or “Class” name, while others did not.

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<sup>61</sup> Luddy, Magdalen Asylums in Ireland 1765-1922 *supra*

<sup>62</sup> Luddy, Magdalen Asylums in Ireland 1765-1922 *supra*

<sup>63</sup> Luddy, Magdalen Asylums in Ireland 1765-1922 *supra*

<sup>64</sup> Luddy, Magdalen Asylums in Ireland 1765-1922 *supra*

92. Whether new names were adopted in this way or not, a common thread through the early institutions appears to have been a break with her former life for the women who entered, including in many cases a break in contact with family, friends and associates.<sup>65</sup>
93. During the early period “lay women played an important role in running these establishments”, including the administration and operation of the institution, the “instruction of the inmates in religion, reading and needlework” and fundraising.<sup>66</sup> Over time, many of these early institutions closed or were taken over by religious congregations. Luddy explains that:
- “Nuns generally took over institutions which were already in existence but which through both managerial and financial considerations had run into difficulties. It was a very practical move to bring the nuns in because they had the personnel, commitment, organisation and financial support which many of the Catholic lay asylums lacked”.<sup>67</sup>
94. These institutions, then operated as religious-run institutions located near or attached to convents, were generally larger than surviving lay institutions and were typically located in the hinterland of urban areas.

#### **Routes of entry and exit during the 19<sup>th</sup> century**

95. A number of historians have studied the populations of these institutions in the 19<sup>th</sup> century and, based on the Registers of the asylums, have compiled some data on the routes by which women entered and left these institutions up to 1900.<sup>68</sup>

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<sup>65</sup> Luddy, Magdalen Asylums in Ireland 1765-1922 *supra*

<sup>66</sup> Luddy, Prostitution and Irish Society, *supra*, at 91-92

<sup>67</sup> Luddy, Prostitution and Irish Society, *supra*, at 93

<sup>68</sup> Study of the primary sources – the Registers of institutions up to the year 1900 - have been conducted and analysis thereof published both by Frances Finnegan, *Do Penance or Perish*, *supra*, and Luddy, Prostitution and Irish Society, *supra*

96. Luddy, on the basis of analysis of 7 institutions up to the year 1900, concludes that the “majority of women who entered these refuges did so voluntarily … just over 66 per cent” and that “entering a refuge was, for the majority of women, a matter of choice” which was favoured over the workhouse by “many”.<sup>69</sup>

97. The second largest source of referral identified by Luddy for the period is that of religious referrals (priests and nuns), followed by family referrals or other non-religious sources such as employers.<sup>70</sup>

98. She identified a similar pattern in the exit routes from the institutions during the 19<sup>th</sup> century: “The majority of women who left the asylums did so of their own wish … approximately 52% of the women did this”.<sup>71</sup> She notes, however, that:

“some form of permission to leave had to be granted by the nuns and a small number of women, about 1 per cent, ran away or escaped from the homes”.<sup>72</sup>

Nonetheless, she states that “right up to the end of 1899, the majority were also able to leave if they wished to do so”.<sup>73</sup>

99. In light of these statistics and the repeat entries by a significant number of women, Luddy concludes that during the 19<sup>th</sup> century:

“It seems likely that many of the women used these homes as a temporary refuge and had no intention of reforming.... . The decision to stay was made by the women themselves and although the nuns

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<sup>69</sup> Luddy, Magdalen Asylums in Ireland 1765-1922 *supra*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

certainly did not encourage women to leave, they had little choice in the matter if the woman was determined to go".<sup>74</sup>

100. Analysis by Finnegan of the entries and exits of women to the Magdalens Laundries operated by the Good Shepherd Sisters in Limerick, New Ross, Cork and Waterford up until the year 1900 also confirm a high proportion of both voluntary entries and exits. Finnegan's analysis on this issue can be summarised in the form of the following table:

<b>Institution &amp; years examined</b>	<b>Voluntary entries ('entered of own accord')</b>	<b>Voluntary departures ('left at own request')</b>
Cork (1872-1890) <sup>75</sup>	47%	48%
New Ross (1860-1900) <sup>76</sup>	22%	39%
Waterford (1842-1900) <sup>77</sup>	49.5%	63%
Limerick (1848-1877) <sup>78</sup>	43%	34%

101. It should be noted that cases where women left to re-join family or friends; or who left to take up employment are not included by Finnegan in the figures for voluntary departure represented in the above table.
102. Finnegan's detailed research therefore tends to support Luddy's position that until at least 1900, it was a common occurrence for women to enter or exit the laundries at their own request.
103. Smith reaches a similar conclusion on the "voluntary nature of the Magdalens asylum in nineteenth-century Ireland"<sup>79</sup>, stating that:

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<sup>74</sup> Id

<sup>75</sup> Finnegan, Do Penance or Perish, *supra*, at 236-237, extract from Tables 23 and 24

<sup>76</sup> Finnegan, Do Penance or Perish, *supra*, at 153-154, extract from Tables 16 and 17

<sup>77</sup> Finnegan, Do Penance or Perish, *supra*, at 107-108, extract from Tables 10 and 11

<sup>78</sup> Finnegan, Do Penance or Perish, *supra*, at 73-74, extract from Tables 1 and 2

<sup>79</sup> James Smith, *Ireland's Magdalens Laundries and the Nation's Architecture of Containment* at 37

“In the nineteenth century, regardless of how they entered these institutions, it was the women themselves who made the decision to stay. Although the nuns certainly did not encourage women to leave, they had little choice in the matter if the women were determined to rejoin society”.<sup>80</sup>

104. To date, it has been commonly assumed that these patterns of entry and exit changed somewhere between the turn of the century and the foundation of the State; and that from that time onwards, voluntary entry to or exit from the Magdalen Laundries greatly diminished or ceased altogether. The statistics set out at Part II of this Report suggest that this is not the case.

### **Wider context of institutions and institutional networks**

105. During this period, alternatives to such institutions for a woman either without family or rejected by her family were perhaps few. Smith notes that:

“With little or no social welfare system to fall back on, her choices were limited to entering the county home, begging on the streets, or possibly resorting to prostitution”.<sup>81</sup>

106. The Irish Poor Laws, from enactment of the first relevant legislation in 1838 until the foundation of the State, made basic provision by way of maintenance of workhouses for the destitute<sup>82</sup>, but those workhouses were explicitly “designed to be grim and foreboding places in order to deter all but the most desperate from seeking refuge there”.<sup>83</sup> Other than workhouses, for many periods the provision of non-institutional assistance (or so-called “outdoor relief”) was heavily constrained.<sup>84</sup>

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<sup>80</sup> Smith, *supra*, at 31, citing Luddy *supra*

<sup>81</sup> Smith, *supra*, at 1

<sup>82</sup> Crossman and Gray, *Poverty and Welfare in Ireland 1838-1948*

<sup>83</sup> O’Sullivan and O’Donnell, *Coercive Confinement in Post-Independence Ireland*, at 15

<sup>84</sup> See e.g. Crossman and Gray, *Poverty and Welfare in Ireland 1838-1948*

107. After the foundation of the State too, and in the face of significant and widespread levels of poverty and poor housing, home assistance payments, which were “at that time the only source of relief for poor families outside of the county home (formerly workhouse) system”, were inadequate.<sup>85</sup>
108. A reliance instead on institutional relief continued well into the period of the Irish State. O’Sullivan and O’Donnell describe as an “elaborate network” the variety of institutions which existed in Ireland, spanning Magdalen institutions, County Homes (the successors to the Workhouses), Mother and Baby Homes, Industrial and Reformatory schools, psychiatric hospitals (previously, “lunatic” or district and auxiliary mental institutions) and prisons.
109. They put forward a view that these institutions “ensured that an institutional solution was readily available for social problems and obviated the need to develop alternatives”<sup>86</sup>, and that this wide range of institutions was “utilised to reform, quarantine, or reject those who did not conform to societal norms”.<sup>87</sup>
110. Maguire, by contrast, suggests that poverty could also have been a contributing factor to practices of institutionalisation, when she states that “over-crowding, substandard housing, homelessness and evictions contributed to industrial school committals”.<sup>88</sup> Following consideration of the “substandard” diet and nutrition of poor or working class families up until at least the 1950s<sup>89</sup>, she states that although “there is no direct evidence linking malnutrition and poor diets to industrial school committals”:

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<sup>85</sup> Maguire, Precarious Childhood in Post-Independence Ireland at 19 , citing in support the Report of the Commission for the Relief of the Sick and Destitute Poor 1925

<sup>86</sup> O’Sullivan and O’Donnell, Coercive confinement in post-Independence Ireland at 258

<sup>87</sup> Id at 2

<sup>88</sup> Maguire, Precarious Childhood in Post-Independence Ireland, *supra* at 25

<sup>89</sup> Maguire, *supra*, at 27-29

“malnutrition was probably but one of a number of symptoms of poverty and poor living conditions that characterised the lives of poor children generally and that contributed to the committal to industrial schools of children whose only ‘crime’ was that their parents were poor”.<sup>90</sup>

111. Of these institutions identified above, psychiatric institutions were considered “one of the few areas of Irish social intervention that remained predominantly secular in administration”<sup>91</sup>, and yet analysis demonstrates high levels of “institutional residency” there too, with “an overall trajectory” that increased rapidly from at least the middle of the 19<sup>th</sup> century until well into the period of the modern Irish State.<sup>92</sup>
112. Some sources suggest a strong bias during early periods for unmarried mothers to enter “a religious institution of reform” rather than the workhouses<sup>93</sup> or the County and City Homes which replaced them; and indeed the Department of Local Government and Public Health suggested in its 1931 Annual Report that “the Magdalen Asylum offers the only special provision at present” for unmarried mothers of more than one child.<sup>94</sup>
113. However, despite this perception, as well as the strong historical associations between the Magdalen Laundries and prostitution or unmarried mothers, these categories of women were by no means found only in Magdalen Laundries: unmarried mothers and their children were in

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<sup>90</sup> Maguire, *supra*, at 29

<sup>91</sup> Brennan, A Theoretical Exploration of Institution-based Mental Health Care in Ireland in Prior ed., *Asylums, Mental Health Care and the Irish 1800-2010* at 307

<sup>92</sup> Prior, *Asylums, Mental Health Care and the Irish 1800-2010* at 16, detailing an increase in psychiatric institutionalisation from a low level in the early nineteenth century, “increasing rapidly between 1830 and 1890, continued to increase at a steady pace until 1956, and then began a steady decline that has continued until the present time”.

<sup>93</sup> Witnesses to the Vice Regal Commission on Poor Law Reform in Ireland, Minutes of Evidence, PP 1906, lli. Cd 3204.

<sup>94</sup> Department of Local Government and Public Health, Annual Report 1931-32 at 129

some cases retained in County Homes for up to 2 years<sup>95</sup>, while psychiatric institutions also housed significant numbers of women who had given birth to children out of wedlock: “Frequently, admissions came from homes for unmarried mothers or similar locations of persons who did not conform to the mores of these institutions”.<sup>96</sup>

114. In summary, O’Sullivan and O’Donnell suggest, in relation to psychiatric institutions, Industrial and Reformatory Schools, Mother and Baby Homes, prisons and Magdalen Laundries the “communities offered cold comfort to those who had the nerve, and wherewithal, to flee”.<sup>97</sup>
115. Luddy notes that “[t]he perception of Magdalen asylums in twentieth-century Ireland is extremely negative” and that without access to the records for the period, only oral histories provided a standard by which to consider them.<sup>98</sup> The Committee had the benefit of full access to all surviving records of the Religious Congregations which operated the Magdalen Laundries, as well as the ability to search for and access all surviving official records. This Report represents an attempt to clarify and establish an objective picture of the operation of the Magdalen Laundries in twentieth-century Ireland and, in particular, of the facts of State involvement with these institutions.

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<sup>95</sup> See O’Sullivan and O’Donnell at 17, citing the Inter-Departmental Committee appointed to examine the question of the Reconstruction and Replacement of County Homes, Unpublished Report 1951

<sup>96</sup> Walsh and Daly, Mental Illness in Ireland, 1750-2002 at 33

<sup>97</sup> O’Sullivan and O’Donnell, *supra*, at 5

<sup>98</sup> Luddy, Prostitution and Irish Society 1800-1940, *supra*, at 122.

## **Chapter 4:**

### **Working methods, procedures and data protection**

#### **Summary:**

*This Chapter details the working methods and procedures of the Committee, as well as the arrangements adopted to comply with data protection legislation. It also sets out the levels of cooperation provided to the Committee by all parties.*

*The Committee used a wide range of archives and sources in the course of its work, including:*

- *State records including files and records of Government Departments, records of other relevant State bodies and agencies (Probation Service, An Garda Síochána, the Courts Service, the Prison Service, the Health Service Executive, Local Authorities, Ordnance Survey Ireland, the Defence Forces and the Health and Safety Authority) as well as Oireachtas debates, and the Reports of previous inquiries (whether previously published or not);*
- *The archives of the Religious Congregations which operated the Laundries and the archives of each Diocese in which a Magdalen Laundry was located;*
- *Archives of relevant non-governmental bodies and organisations; and*
- *Publicly available sources such as newspaper archives and academic publications.*

*The Committee also met with and received input from:*

- *Retired civil and public servants, including retired members of An Garda Síochána, retired Probation Officers, retired Factories Inspectors and retired Prison Officers;*
- *The Religious Sisters who operated and worked in the Magdalen Laundries;*
- *The women who were admitted to and worked there;*
- *Representative and Advocacy Groups; and*
- *Historians.*

*The challenges in carrying out searches were significant, given the lack of uniform practices for registration or tracking of files across Government Departments or State agencies. Further, even where file tracking systems exist, they generally identify only the file name or title, and not all its contents. Full hand-searches of files the titles of which suggested any possible link to areas of relevance to the Magdalen Laundries were necessary.*

*Many of the categories of records relevant to the Committee's work contained sensitive personal data relating to identifiable women. Accordingly, it was necessary to make appropriate legal arrangements to permit access to these records by the Committee. An Order was made by the Minister for Justice and Equality under the Data Protection Acts to permit such disclosure to the Committee.*

*In light of the sensitivity of the topic, the Committee also had regard to broader principles of privacy and confidentiality and decided that no woman who was admitted to a Magdalen Laundry would be named or otherwise identified by the Report, regardless of whether she was living or deceased.*

*Full cooperation was offered to the Committee by all groups, namely the Religious Congregations who operated the Magdalen Laundries, Government Departments and other State agencies and bodies, non-state agencies and organisations, representative and advocacy groups and the women who were admitted to and worked in the Magdalen Laundries.*

## **A. Working methods and sources**

1. The Committee faced significant challenges in its work. Prime among these challenges was the scattered and fragmented nature of relevant official records at the time of commencement of the Committee's work. This Chapter sets out the sources utilised by the Committee in its work, the condition of the records and the extent of searches carried out.

**a. Sources**

2. A wide range of archives and sources were utilised by the Committee in the course of its work.
3. Each of the four relevant Religious Congregations maintain archives, all of which were opened fully and without restriction to the Committee.
4. The archives of each Diocese in which a Magdalen Laundry was located were also searched in the course of the Committee's work, namely Dublin Diocesan Archive and the Diocesan archives at Limerick, Cork and Ross, Galway, Waterford and Ferns (in respect of the New Ross Laundry).
5. The files of the relevant Government Departments (including historic files deposited with National Archives) were a key source and focus for the Committee's searches. These searches were not confined to the six Departments represented on the Committee, but rather extended to all relevant Departments.
6. All Oireachtas debates were also reviewed, including historic debates on draft legislation, Parliamentary Questions and other debates in both Dáil Éireann and Seanad Éireann over the full course of the time-frame covered by the Committee.
7. The Committee also reviewed the Reports and findings of Committees and Inquiries, whether they were previously published or not. Some of these Reports are well-known, while others have over time been largely forgotten, but were nonetheless examined in pursuit of any information of value and relevance to the work of the Committee.
8. The records of other relevant State bodies and agencies were also searched, including services such as the Probation Service, An Garda Síochána, the Courts Service, the Prison Service, the Health Service

Executive, Local Authorities, Ordnance Survey Ireland, the Defence Forces Military Archives and the Health and Safety Authority.

9. The Committee did not confine itself to paper searches in that regard – the experience and memories of retired civil and public servants were explored, including through interviews with retired members of An Garda Síochána, Probation Officers, Factories Inspectors, Prison Officers and so on.
10. The archives of non-governmental bodies and organisations were also reviewed, where they were considered to hold potentially relevant records. The historic archives of the Irish Society for the Prevention of Cruelty to Children (“ISPCC”<sup>1</sup>) were key among these sources, although other organisations were also consulted including the Legion of Mary, the Salvation Army, the Society of St. Vincent de Paul and Cúnamh (formerly the “Catholic Protection and Rescue Society”).
11. Publicly available sources were also explored. Newspaper archives, in particular regional and local newspapers, were searched. Academic research and other publications were also reviewed by the Committee.
12. Finally, and with the agreement of the Committee, the Chair also sought out and facilitated the sharing of stories with the Committee by the people directly concerned – the Sisters who operated and worked in the Magdalen Laundries and the women who were admitted to and worked there.

***b. Condition of the records of the Religious Congregations***

13. The archive of the Good Shepherd Sisters is professionally archived and quite a full collection. It includes separate Registers recording the entry of women to each of the four Magdalen Laundries operated by the Congregation. Registers for the Limerick, Cork and Waterford Laundries in general include the following information: Name; class name; date of entry; age on entry; county of origin; family status (whether parents are living or

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<sup>1</sup> Until 1956 called the National Society for the Prevention of Cruelty to Children (“NSPCC”)

dead); by whom referred and date of exit. By comparison, the New Ross Register generally includes less detailed information. The archive also includes other ancillary materials, including Annals, financial ledgers, photographs, maps, and a limited amount of correspondence.

14. The archive of the Order of Our Lady of Charity is also quite a complete collection which has been professionally archived. It similarly includes Registers recording entries to both Magdalen Laundries operated by the Congregation. These Registers, for High Park and Sean McDermott Street, in general include details of the girls and women who entered as follows: Name; class name; date of entry; age on entry; county of origin; family status (whether parents are living or dead). The details of route of entry are included in some but not all cases; as is the case for the date of exit. The archive includes many other records, including Annals, financial ledgers, correspondence, photographs, maps, video footage, records relating to laundry machinery, correspondence and so on.
15. The archive of the Religious Sisters of Charity includes separate Registers for both Magdalen Laundries operated by the Congregation. The Registers for the Laundries at Donnybrook and Peacock Lane, Cork, in general include details as follows: Name; date of entry; age on entry; county of origin; family status (whether parents living or dead) and date and details of exit. The details of routes of referral are included in some but not all cases. The archive includes other records such as Annals; financial ledgers; a number of individual case-files and so on.
16. The Sisters of Mercy have a professionally organised archive of all surviving information in relation to its operations. However less information is available in relation to the Magdalen Laundries operated by the Congregation. The Committee was informed that the likely explanation for this is that, for much of the relevant time-period, it operated as autonomous houses, where record-keeping was perhaps accorded less priority than in the more hierarchical structures of other Congregations at the time, or alternatively that such records as may have been held in autonomous

houses were not centralised after union of the Congregation. No Register of entries to the Dun Laoghaire Magdalen Laundry (St Patrick's, Crofton Road) survives. A very limited number of entries to the Galway Magdalen Laundry survive in a partial Register. The archive includes other ancillary records in relation to the Magdalen Laundries such as publications, as well as a small number of birth, baptismal or death certificates and so on.

**c. Condition of the State records**

17. Different challenges were presented by searches of and for State records relevant to the Magdalen Laundries.
18. There is no uniform practice for registration or tracking of files across Government Departments or State agencies. In some cases and to enable tracking of files, a central Registry Section is responsible for issuing and maintaining a central log of all opened files and file reference numbers within the Department. In other cases, no such central management system is maintained to cover the Department as a whole, and instead, each Division or Section within the Department is responsible for management and tracking of its own files.
19. In current times, both these systems can and often are managed by way of electronic lists identifying the names and reference numbers of each active file. However a variety of historic file registration and tracking systems such as index-card systems also still exist side-by-side with those more modern methods.
20. Where index-card systems were in use across a Department as a whole, they generally operated as follows: upon opening of a new file, the file title would be recorded on an individual index card. These index cards were stored in alphabetical order in cabinets. When a particular file was released to a particular official or Section, that would be recorded (in simple date order) in a separate handwritten ledger.

21. Regardless of which registration or tracking system is or was used now or historically in Departments, these systems identify only the *file name* or *title*, and not all its contents.
22. File naming practices vary considerably across Departments and, in practice, also vary from Section to Section or from official to official. Typically, the title given to a file is simply decided by the official who first opens and records that file. Inevitably, the system is open to the possibility of idiosyncratic or individual filing practices by officials, in the past or present.
23. The general approach to file maintenance also varies, that is, whether material is recorded and maintained in thematic, general or administrative files; or in more focused individual case or event files.
24. Accordingly, to identify records with potential relevance to State involvement with the Magdalen Laundries, it was necessary to find and hand-search all files, the titles of which suggested any possibility of a link to the Magdalen Laundries. For example, key material was found in files named as broadly as “Public Assistance” or “Criminal Justice Act 1914”, as well as case-files including only the name of the relevant person and so on. As an illustration of the scale of the challenge, it may be noted that in all the searches conducted and in review of all the substantial information and documentation identified by the Committee, only one file included in its title the words “Magdalen Laundry”.
25. The possibility of mis-filed or unfiled records can also be added to these challenges. More detailed information on the file management practices of the relevant Departments follows.

### **Department of Education and Skills**

26. The Department of Education and Skills, as a result of the Laffoy Commission to Inquire into Child Abuse, engaged a professional records management company to catalogue Departmental files. Other than active

files (responsibility for which rests with individual units within the Department), a central database now contains details of files held in off-site storage, amounting to over 435,000 files dating back to the early 1800s.<sup>2</sup>

27. The records of the Department relating to Industrial and Reformatory schools consist of approximately 500,000 records including:

- individual pupil files (approximately 14,000);
- General files, including medical files;
- Journals and registers detailing admissions to Industrial and Reformatory Schools, applications for discharge and payment of monies by parents of children committed to those schools;
- Kardex cards (which give brief details of the children's parents, address, school attended and so on).<sup>3</sup>

28. These files have been scanned to a specific document management system ('File Magic') to ensure their security and ongoing availability. On the basis of all the above records, a database of approximately 41,000 children admitted to Industrial or Reformatory Schools through the Courts is maintained by the Department.<sup>4</sup>

29. It is known that some files are missing from the Department's collections. This issue was considered by the Report of the Commission to Inquire into Child Abuse ("Ryan Commission").<sup>5</sup> The Ryan Report found that individual pupil files were held relating to:

"only 14,000 pupils, therefore 27,000 pupil files are missing. Of these 27,000 files, 18,000 relate to children who were admitted to institutions from 1936 onwards. From 1960 onwards the Department is in possession of virtually 100% of pupil records. Matthias Kelly

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<sup>2</sup> Letter dated 16 September 2011 from the Department of Education and Skills to the Chair of the Inter-Departmental Committee

<sup>3</sup> Id

<sup>4</sup> Id

<sup>5</sup> Commission to Inquire into Child Abuse Part 9, Chapter 1, Volume IV (paragraphs 1.187 to 1.224)

concluded that these files were thrown out in the Department's 'general clear out'.<sup>6</sup>

### **Department of Justice and Equality**

30. The active files of the Department of Justice and Equality are tracked by a central Registry Head Office. All new files are registered with this Unit and recorded on the Department's Electronic File Tracking System. Further, the file titles recorded on the manual Registry Transit Books dating to the 1950s have also been entered into this electronic tracking system. An Index – Card system is retained for some earlier file series.<sup>7</sup>
31. These systems do not extend to the full Department- some units maintain and record their own files, as follows:
  - Crime 3 Division maintains a separate records management system for security reasons;
  - The Irish Naturalisation and Immigration Service was established as an independent Executive Office within the Department and accordingly maintains its own files;
  - The Refugee Integration Agency similarly was established as an independent Executive Office within the Department and maintains its own files;
  - The Divisions of the Department responsible for Equality issues were originally based in another Department. When the function transferred to the Department of Justice, the records management and filing system in operation by the Division moved and were retained by them;
  - The Financial Shared Services Division has, since its decentralisation, maintained its own files given that file management from Dublin was no longer feasible. That Division has also been issued certificates under section 7 of the National Archives Act 1986 to destroy accounting or

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<sup>6</sup> Id, at paragraph 1.194

<sup>7</sup> Letter dated 22 July 2011 from the Secretary General of the Department of Justice and Equality to the Chair of the Inter Departmental Committee

financial records such as invoices, payment system reports and so on after a period of 7 years.<sup>8</sup>

### **Department of Health**

32. Records of the Department of Health are held on a Central Records and File Tracking System (“CRAFTS”). This system is divided into two separate databases:

- CRAFTS active
- CRAFTS inactive and National Archives.<sup>9</sup>

33. This system allows the Department to record the file title of all files throughout the Department and to track their location. The database includes approximately 290,000 listed files, the oldest of which date back to the early 1920s. Approximately 75% of these total file numbers are classified as inactive including some which, in light of their age, are lodged with National Archives.<sup>10</sup> This database does not, however, include operational files of the historic health authorities, namely:

- local health authorities under the auspices of the Department of Local Government and Health from 1922 to 1947;
- local health authorities under the auspices of the Department of Health from 1947 until establishment of the Health Boards in 1970;
- the records of the Health Boards 1970 to 2005; or
- HSE records from 2005 onwards.

### **Department of Children and Youth Affairs**

34. The Department of Children and Youth Affairs was established in June 2011. Historic records relating to child welfare and protection are stored and maintained jointly with the Department of Health.<sup>11</sup>

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<sup>8</sup> Id

<sup>9</sup> Letter dated 28 July 2011 from the Secretary General of the Department of Health to the Chair of the Inter Departmental Committee

<sup>10</sup> Id

<sup>11</sup> Information Note dated 29 August 2011 from the Department of Children and Youth Affairs to the Inter Departmental Committee

**Department of the Environment, Community and Local Government**

35. The Department of the Environment, Community and Local Government does not have a central File Registry. Since the 1960s, each Division or Section within the Department is responsible for maintenance, registration and tracking of its own files.<sup>12</sup>
36. Each Section is identified by a prefix (e.g. PD for Planning and Development Section, LSS for Local Services Section and so on). Differing file numbering and registration systems were developed thereafter by each Section. The separate indexes to files, if any, are retained in each Section and there is to date no standardised system for maintenance of these indexes – some Sections utilise simple Word document lists of file names, others use electronic databases or spreadsheets.
37. A substantial number of files have, over time, been transferred from the Department to National Archives. Unfortunately, lists of the files so transferred have not been found within the Department or National Archives. The number of files involved is not clear, but the overall volume of materials may be gauged from the fact that there are approximately 5,000 uncatalogued boxes held in National Archives which originated in the Department of the Environment, Community and Local Government.<sup>13</sup> These materials are not cross-referenced to any index and it is not known what files or papers might be contained therein.<sup>14</sup> National Archives has begun a box-level catalogue of these materials, but a full assessment of what may be contained in the boxes will take some time.

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<sup>12</sup> Information Note on file tracking within the Department of Environment, Community and Local Government, issued to the Inter Departmental Committee in the Department's Rolling Report of 13 July 2012

<sup>13</sup> Report of the Department of Environment, Community and Local Government to the Inter-Departmental Committee

<sup>14</sup> Report of the Department of Environment, Community and Local Government to the Chair of the Inter-Departmental Committee

38. The Department of the Environment, Community and Local Government considers it unlikely that any files relevant to the Magdalen Laundries are contained within these uncatalogued materials, for the following reason: on the establishment of the Department of Health in 1947, responsibility for health policy and the health function transferred to that Department. Following enquiries, the Department of Environment understands that all files relevant to the health function were transferred to the new Department of Health at that time.<sup>15</sup> Accordingly, historic health-related files created by or under the Department of Local Government and Health would not form part of the holdings of the Department of the Environment, Community and Local Government.
39. Files relating to other (non-health) issues relevant to the Magdalen Laundries which fall within the auspices of the Department, including the question of exhumations, were identified.

***d. Attempts to fill gaps in available information***

40. As is clear from the above sketch of sources, there are gaps in the information which was available to the Committee. In respect of the records of the Religious Congregations, there are gaps both:
- in terms of coverage, that is, the population of the Magdalen Laundries at Dun Laoghaire and Galway; and
  - some unknowns in respect of entries to other Magdalen Laundries, for example including routes of referral or dates of departure and so on.
- Conscious of this, efforts were made, wherever possible, to fill these gaps with alternative sources of information.
41. First, it was possible in some cases to identify women who lived and worked in the Dun Laoghaire and Galway Laundries from the records of the other Magdalen Laundries. This was the case where a woman was recorded, in the records of the other Congregations, as having entered from

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<sup>15</sup> Letter dated 23 September 2011 from the Secretary General of the Department of Environment, Community and Local Government to the Chair of the Inter Departmental Committee.

- either of the Sisters of Mercy-operated Laundries, or as having transferred to one of these Laundries.
42. Second, all available historic Electoral Registers for each of the 10 Magdalen Laundries were sourced and examined. These Electoral Registers were used to identify women who were admitted to and worked in the Dun Laoghaire and Galway Magdalen Laundries. The Electoral Registers were also consulted in respect of the other eight Laundries, to identify, where possible, when women ceased to live there.
43. Internal maps, schematics, photographs and video-footage held by the Religious Congregations were all studied. To complement these sources, historic maps of Ordnance Survey Ireland (“OSI”) were identified to establish with certainty the layout and extent of each site. The materials underpinning the OSI maps, including the original sketches made by surveyors and the so-called Name Books, in which owners or occupiers were required to sign and verify the names and nature of buildings or land, were also reviewed.
44. Despite these and others efforts described in this Report, it is probable that there are some gaps in information relating to the Magdalen Laundries which will never be bridged. This is, perhaps, to be expected in light of the span of time concerned and also having regard to the fact that in individual cases, some underlying or background information would not typically be recorded. This may be particularly true of cases involving informal referrals of girls and women to the Magdalen Laundries by their families. However, the Committee has taken great care to attempt to track down and review all possible source materials to minimise any such gaps, insofar as possible.

## **B. Verification and analysis of records**

45. As is clear from the above, the work of the Committee included review of historical materials and analysis of a large set of data from a variety of sources. To ensure that appropriate procedures were used in the analysis

of the data taken from these records, the Committee consulted at an early point with the Central Statistics Office (“the CSO”).

46. The CSO provided expert assistance to the Committee in relation to the appropriate verification of the records of the Religious Congregations and the appropriate analysis of the data gathered in relation to the women who entered and worked in the Magdalen Laundries. The assessment and verification methods used by the Committee, under the guidance of the CSO, are set out more fully in Part II (Statistical analysis).

### **C. Data protection and confidentiality**

#### ***Data protection***

47. It was clear from the outset that many of the categories of records which would be relevant to the Committee’s work would be likely to contain sensitive personal data relating to identifiable women. This consideration applied not alone to the records of the Religious Congregations, but also to various records held by Departments and State agencies as well as documents held by a range of private organisations and archives.
48. It was accordingly necessary to consider and make appropriate legal arrangements to permit access to these records by the Committee, while respecting the legal obligations of relevant data controllers and the rights of the women concerned.
49. In relation to disclosure of personal data to the Committee, it is considered that the Committee is performing a function of a public nature in the public interest, that such disclosure and processing is necessary for the purposes of the legitimate interests pursued and that it is not unwarranted by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subjects.
50. Further, an Order was made by the Minister for Justice and Equality under section 2B(1)(xi) of the Data Protection Acts to authorise the disclosure of

sensitive personal data to and processing of such data by the Committee.<sup>16</sup> The Data Protection Act 1988 (Section 2B) Regulations 2011 were made for reasons of substantial public interest, namely to ensure that the facts of State involvement in the Magdalen Laundries were established.

51. As a result of these legal arrangements, it was possible for data controllers to share records containing personal data or sensitive personal data with the Committee and for the Committee to process that data.
52. In performance of its functions, the Committee also operated in accordance with the requirements of the relevant Acts and Regulations. Data was stored securely and was processed only for the purposes of and insofar as necessary for the performance of the Committee's functions.

***Privacy and confidentiality***

53. Data protection law applies only to living persons. However in light of the sensitivity of the materials, the Committee also had regard to broader principles of privacy and confidentiality.
54. All materials disclosed to the Committee by the Religious Congregations were disclosed on the basis of a mutual understanding of confidence.
55. The Committee operated on a confidential basis and determined from the outset that no woman who entered and worked in a Magdalen Laundry would be named or otherwise identified by the Report, regardless of whether she was living or deceased.
56. Two considerations guided this decision to voluntarily apply the same principles to the living and the dead. The first and primary reason was a practical one - the Committee could not tell from the face of the records whether the data subjects were living or deceased. Further, given the particular nature of the records, it would be impracticable to attempt to

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<sup>16</sup> Data Protection Act 1988 (Section 2B) Regulations 2011, S.I. No. 486 of 2011

identify, through other means, which data subjects are living and which are deceased (absence of up-to-date information on location, possibility of name changes, and so on). In these circumstances, the policy of applying the same protections to the data, regardless of whether the subjects were living or deceased, was agreed as the appropriate approach in all cases.

57. Second and more generally, it was considered appropriate to adopt this position in light of the sensitivities of the topic. The fact of or the reason for a woman's presence in a Magdalen Laundry may in some cases be deeply personal and sensitive to more than that woman alone. The approach adopted by the Committee was intended to ensure respect for the privacy and dignity of these women, while in no way interfering with or impeding the work of the Committee and fulfilment of its mandate.

#### **D. Cooperation offered to the Committee**

58. An overriding principle throughout the entirety of the Committee's work was the desire to work positively with all those who might hold information of interest or assistance. Accordingly, the Committee approached its functions in a spirit of cooperation with all interested parties, in order to establish the full facts and their broader context.

59. Although cooperation with it was voluntary, the Committee received the highest levels of cooperation and assistance from a large number of groups, organisations and individuals. This fact contributed greatly to the present Report.

##### *i. Religious Congregations*

60. The four relevant Religious Congregations – the Sisters of Our Lady of Charity; the Congregation of the Sisters of Mercy; the Religious Sisters of Charity and the Sisters of the Good Shepherd – offered full and generous assistance to the Committee, despite being under no legal obligation to do so.

61. Arrangements were required to respect the legal responsibilities of the Congregations as data controllers and their commitment to the privacy of the women who passed through their doors and their families. In light of the data protection arrangements set out in this Chapter, all four of the Religious Congregations agreed to give the Committee full and unrestricted access to their archives.
62. Access to the records of the Religious Congregations was a critical factor in the success of the Committee's work. Although full and extensive searches were carried out on the State side, no other information source could have provided an equivalent overview on the overall size of the populations in question, the routes of entry to the institutions, and the relative patterns of stay of the women of the Magdalen Laundries.
63. In addition, access to the records of the Religious Congregations provided valuable leads which greatly facilitated the investigations of the Committee into records on the State side, including in relation to financial subventions and so on.
64. The work of the Committee was greatly enhanced by this assistance - indeed its task would, perhaps, not have been possible other than with this voluntary cooperation of the Religious Congregations. The Committee accordingly wishes to acknowledge and thank the Sisters of Our Lady of Charity, the Congregation of the Sisters of Mercy, the Religious Sisters of Charity and the Sisters of the Good Shepherd for their assistance and cooperation.

*ii. **Government Departments and other State bodies, agencies or entities***

65. The Government Departments represented on the Committee devoted significant time and resources to this task. Laborious hand-searches of catalogued and uncatalogued materials were conducted to ensure that, in addition to formally archived materials, other records which might not have been appropriately filed could be identified. Committee members and their

Departmental colleagues searched in all possible locations, including basements of buildings formerly occupied by Sections of their Departments, to reduce the risk of relevant material remaining undiscovered.

66. This commitment to uncovering the facts of State involvement was matched in other Departments, not represented on the Committee, which also carried out searches at the request of the Committee.

67. State bodies and agencies also provided considerable assistance to the Committee. Particular and extensive assistance was provided by National Archives, the National Library, the staff of the Oireachtas Library and in particular the Central Statistics Office. The professionalism and expertise of the officials in these offices was a considerable asset to the Committee and their importance to the successful conclusion of this process cannot be overstated.

68. The Committee also cooperated with and received valuable guidance throughout the process from the Irish Human Rights Commission.

69. Full cooperation was also provided by An Garda Síochána, the Probation Service, the Prison Service, the Defence Forces Military Archives, the Health Service Executive and the Dublin City Coroner. Assistance was also freely provided in this process by Local Authorities, and in particular Local Authority Archivists and Librarians, throughout the State.

*iii. Representative and advocacy groups*

70. From the outset, the Committee also fully engaged with a number of groups organised for the women who had spent time in the Magdalen Laundries, in particular the Representative Groups

- Irish Women Survivors Network (UK) and
- Magdalene Survivors Together;

and the Advocacy Group

- Justice for Magdalenes.

71. These three groups differ in their organisation, purpose and membership, but all contributed constructively to the work of the Committee. All three committed significant time and effort to their cooperation with the Committee, including by sharing their research and by facilitating access by the Committee to the direct experience of women who had, in their earlier lives, been admitted to the Magdalen Laundries. Each group made a valuable contribution to the Committee's work.
72. The Committee also cooperated with and received assistance from a number of other relevant groups. Some of these are focused on broader issues such as industrial schools; while others were informal groupings or associations of women who, in their earlier years, lived and worked in a Magdalen Laundry.

***iv. The women who lived and worked in the Magdalen Laundries***

73. As set out elsewhere in this Report, the Committee did not have a mandate to consider or decide on individual complaints, recommend an apology or to recommend or provide redress in individual cases. However, the voice and experience of the women who lived and worked in the Magdalen Laundries was of crucial importance to the preparation of this Report.
74. The Committee received the highest level of cooperation and assistance from these women. Submissions were received and meetings were held with all such women who came forward and wished to share their story and experience, including:
  - women still in the care of the Religious Congregations, living in nursing homes;
  - women forming part of the membership of Representative Groups or associations; and
  - women who came forward on an individual basis and made direct contact with the Committee or with the Chair.

75. All information shared in this way was held in the strictest confidence and used only for the purpose of the Committee's investigations. The information provided in this way added significantly to the outcome of this process and the Committee wishes to acknowledge and thank these women for their generosity and courage.

**v. *Non-state agencies, bodies and archives***

76. A variety of other organisations and archives also made valuable contributions to the work of the Committee. These include the Irish Society for the Prevention of Cruelty to Children ("ISPCC"), the Legion of Mary, the Salvation Army, the St. Vincent de Paul, the Dublin Lions Club, and the Diocesan Archives of Dublin, Cork and Ross, Waterford, Limerick, Ferns and Galway.

77. The assistance provided by the Dublin Diocesan Archive and the ISPCC was particularly helpful to the Committee and added significantly to the outcome of the Committee's work.

78. A number of private professionals, in particular accountants and doctors, also supplied valuable assistance to the Committee, on a voluntary basis.

**vi. *Historians and academics***

79. The Committee also had the benefit of presentations by or other input from a number of historians and academics with expertise in this area. These included in particular:

- Dr Diarmaid Ferriter, University College Dublin, author of publications including "Occasions of Sin: Sex and Society in Modern Ireland";
- Dr Frances Finnegan, author of "Do Penance or Perish: A study of Magdalen Asylums in Ireland" and historical consultant to the Channel 4 Documentary "Sex in a Cold Climate";

- Dr Maria Luddy, University of Warwick, author of publications including “Prostitution and Irish Society 1800-1940”;
  - Dr Moira Maguire, University of Arkansas at Little Rock, author of “Precarious Childhood in Post-Independence Ireland”;
  - Dr Eoin O’Sullivan, Trinity College Dublin, author of publications including “Coercive Confinement in Post-Independence Ireland”; and
  - Dr Jacinta Prunty, National University of Ireland, Maynooth, author of the forthcoming publication “From Magdalen Laundries to Family Group Homes: the Sisters of Our Lady of Charity in Ireland, 1853 to 1970”.
80. The Committee is very grateful to each for their willingness to share their expertise and insights. Great generosity was shown by each of these and all made a contribution in assisting the Committee to understand more fully the operation and context of the Magdalen Laundries.

## **Chapter 5:**

### **Relevant legislation**

#### ***Summary:***

*The Committee identified a large range of legislation underpinning State involvement with the Magdalen Laundries. A significant amount of directly relevant legislation pre-dates the establishment of the State and was carried over from the pre-independence period. This Chapter sets out the relevant Acts and identifies their relevance to the Magdalen Laundries.*

*The relevant legislation is considered under the following four thematic groupings:*

#### *a – Criminal Law including probation and probation officers*

*This section sets out the legislation, including historic legislation, governing four areas- remand, probation, temporary release from prison and early release from prison. Among many other elements, it details the legislation, dating to 1914, which provided for Probation Orders with residence requirements and which was the basis in many cases for women entering the Magdalen Laundries following criminal convictions.*

#### *b – Children and the Industrial and Reformatory School framework*

*This section sets out the legislation relevant to detention of children from 1908 onwards, including the definition of so-called ‘places of safety’.*

*It includes general detail on the legal framework concerning children in Industrial and Reformatory Schools as well as the specific questions of release of children on licence from these Schools, as well as the period of supervision which followed discharge of children from them. The effect of this supervision was that until the age of 18 or 19 (until 1941) and until the age of 21 (after 1941), they remained under supervision and liable to recall. Release on licence and recall during post-discharge supervision were the basis in many cases for women being placed in the Magdalen Laundries either directly from or within a number of years of their discharge from an Industrial or Reformatory School.*

*c – Health and Health Authorities, including basis for public funding*

*This section provides information on the development of the structures of the health system and health authorities over time. It also includes detail on the framework for provision of public assistance in institutions run by organisations other than the State (including the recognition of “extern institutions”), and sets out the main provisions which permitted health sector grants to institutions, including Magdalen Laundries.*

*d – Employment and Factories*

*This section sets out the legislative requirements around workplaces (“factories”), including Magdalen Laundries. The enforcement mechanisms for those standards are also noted. This section includes detail both on relevant pre-State legislation (the Factory and Workshop Acts 1901-1920) as well as relevant legislation enacted after the establishment of the State, including, in particular, the Factories Act 1955.*

## **Introduction**

1. A variety of laws are relevant to and underpin the question of State involvement with the Magdalen Laundries. In some cases, legislation provided the basis for referral of a girl or woman to a Magdalen Laundry; or for funding or financial assistance to the Magdalen Laundries; while other Acts at different stages regulated the Laundries in a variety of ways.
2. A significant amount of the directly relevant legislation identified in this Chapter was carried over from the pre-independence period. It is possible that a lack of modern awareness of these Acts may have contributed to confusion or a mistaken sense that the Magdalen Laundries were unregulated or that State referrals of girls and women to the Laundries occurred in all cases without any legal basis.
3. This Chapter identifies the relevant legislation, including Acts adopted by the Oireachtas as well as legislation adopted by the British Parliament prior

to the establishment of the State but which remained in force in Ireland after 1922. Where it assists in shedding light on the scope or meaning of the relevant legislation, debate during passage of the relevant Act is also noted.

4. The manner in which these Acts operated in practice is detailed in other Chapters of this Report, through case-studies on the State referrals of girls and women to the Magdalen Laundries as well as funding of Magdalen Laundries and their inspection by the Factories Inspectorate.
5. A chronological list of the Acts (many now repealed) referred to in this Chapter is as follows:
  - Lunacy Acts of 1821 and 1826;
  - The Truck Acts 1831, 1887, 1896;
  - Dangerous Lunatics (Ireland) Act 1838;
  - Penal Servitude Acts 1853 to 1891;
  - Youthful Offenders Act 1901;
  - Factory and Workshop Act 1907;
  - Probation of Offenders Act 1907;
  - Children Act 1908;
  - Children Amendment Act 1910;
  - Criminal Justice Administration Act 1914;
  - Local Government (Temporary Provisions) Act 1923;
  - Local Government (Temporary Provisions)(Amendment) Act 1924
  - School Attendance Act 1926;
  - Criminal Justice (Amendment) Act 1935;
  - Conditions of Employment Act 1936;
  - Public Assistance Act 1937;
  - Public Assistance Act 1939;
  - Children Act 1941;
  - Mental Treatment Act 1945;
  - Health Act 1947;
  - Criminal Justice Act 1951;

- Health Act 1953;
  - Factories Act 1955;
  - Children (Amendment) Act 1957;
  - Criminal Justice Act 1960;
  - Health Act 1970;
  - Children Act 1989; and
  - Child Care Act 1991.
6. Other legislation which is material only to a small or specific area of the Report – for example the Electoral Acts 1923 and 1963, as they governed electoral registration, or legislation relating to registration of deaths – are dealt with in the relevant Chapters of the Report.
7. For clarity, the Acts covered in this Chapter are considered in thematic groupings. The four general themes for this purpose are:
- a. Criminal law, including probation and probation officers;
  - b. Children and the Industrial and Reformatory School framework;
  - c. Health and health authorities, including public funding; and
  - d. Employment and factories legislation.
8. In light of the fact that this Report deals only with the cases of girls and women who were admitted to and worked in the Magdalen Laundries, in the legislative extracts that follow, the terms “he” and “his” have been altered to “she” and “her”.

**A. Criminal law, including legislative provision for probation and appointment of Probation Officers**

*Penal Servitude Acts 1853 to 1891*

*Youthful Offenders Act 1901*

*Probation of Offenders Act 1907*

*Criminal Justice Administration Act 1914*

*Criminal Justice (Amendment) Act 1935*

*Criminal Justice Act 1951*

*Criminal Justice Act 1960*

9. This section sets out the legislative basis, as it applied in the period of relevance to this Report, in four areas, namely remand, probation, temporary release from prison; and early release from prison.

*i. Remand*

10. One of the earliest specific provisions (other than legislation on Reformatory Schools) in this area was the **Youthful Offenders Act 1901** (“the 1901 Act”). The Act<sup>1</sup> provided at section 4 for remand or committal of a child (a person under 14 years of age) or young person (a person under 16 years of age) to places other than prison. It provided at section 4(1) that a court of summary jurisdiction:

“on remanding or committing for trial any child or young person, may, instead of committing [her] to prison, remand or commit [her] into the custody of any fit person named in the commitment who is willing to receive [her] ... to be detained in that custody for the period for which [she] has been remanded, or until [she] is thence delivered by due course of law, and the person so named shall detain the child or young person accordingly; and if the child or young person escapes [she] may be apprehended without warrant and brought back to the custody in which [she] was placed”.<sup>2</sup>

11. Provision was also made for payment of maintenance in such cases.<sup>3</sup>

12. The **Criminal Justice Act 1960** (“the 1960 Act”) made significant provision in respect of remand for persons between the ages of 16 and 21. It defined

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<sup>1</sup> Which made amendments to the application in Ireland of the Reformatory Schools Act 1893 and the Industrial Schools Acts Amendment Act 1894

<sup>2</sup> Youthful Offenders Act 1901, Section 4. The Act also makes a number of associated provisions, for instance the Court may “vary or revoke” the remand of commitment; and in case of revocation, the child or young person “may be committed to prison” (s. 4(3)).

<sup>3</sup> Id

a remand institution as “an institution (other than a prison) whose use for the purposes of this Act has been approved of by the Minister”.<sup>4</sup> Where existing law conferred a power to remand a person of not less than 16 and not more than 21 years of age in custody (pending trial or sentence), that power:

“shall be deemed to include a power to remand or commit the person in custody to a remand institution and the statute or instrument, as the case may be, shall have effect accordingly”.<sup>5</sup>

13. Any person detained in a remand institution was:

“deemed to be in the lawful custody of the person for the time being in charge of the institution during and until the expiration of the period for which [she] was remanded or committed”.<sup>6</sup>

Any person who “is absent without permission from the place of detention shall be deemed to have escaped from lawful custody”.<sup>7</sup>

14. The Act also included a provision to the effect that a person would not be detained in a remand institution “which is conducted otherwise than in accordance with the religion to which the person belongs”.<sup>8</sup>

*ii. Probation*

15. The basis for probation in Ireland continued, until 1935, to be governed solely by legislation enacted prior to establishment of the State.

16. The key piece of legislation in relation to probation for much of the period of relevance to this Report was the **Probation of Offenders Act 1907** (“the 1907 Act”). The Act, which is still in force in Ireland, albeit as amended,

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<sup>4</sup> Section 1 of the 1960 Act

<sup>5</sup> Section 9(1) of the 1960 Act

<sup>6</sup> Section 11(1) of the 1960 Act

<sup>7</sup> Section 11(3) of the 1960 Act

<sup>8</sup> Section 9(3) of the 1960 Act

sets out a full scheme in relation to the operation and implementation of probation. It established probation as a possibility both in relation to persons charged before a court of summary jurisdiction; as well as persons charged on indictment.

17. In courts of summary jurisdiction, the test established was where the Court found the charge against a person proved, but was:

“of opinion that, having regard to the character, antecedents, age, health or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed, it is inexpedient to inflict any punishment or any other than a nominal punishment, or that it is expedient to release the offender on probation ... ”.<sup>9</sup>

18. Where any of these 6 conditions applied, the Act provided authority for the Court to:

“without proceeding to conviction, make an order either-

- (i) Dismissing the information or charge; or
- (ii) Discharging the offender conditionally on [her] entering into a recognizance, with or without sureties, to be of good behaviour and to appear for conviction and sentence when called on at any time during such period, not exceeding three years, as may be specified in the order”.<sup>10</sup>

19. The test for the possibility of application of probation was essentially the same in relation to a charge on indictment of any offence punishable with imprisonment. In such cases, the Court was authorised “in lieu of imposing a sentence of imprisonment” to make an order:

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<sup>9</sup> Probation of Offenders Act 1907, Section 1

<sup>10</sup> Id

“discharging the offender conditionally on [her] entering into a recognizance, with or without sureties, to be of good behaviour and to appear for sentence when called on at any time during such period, not exceeding three years, as may be specified in the order”.<sup>11</sup>

20. The Act provided that conditions could be attached to a Probation Order.

These could include “such additional conditions as the court may, having regard to the particular circumstances of the case” order, with respect to three general matters:

- “a. for prohibiting the offender from associating with thieves and other undesirable persons, or from frequenting undesirable places;
- b. as to abstain from intoxicating liquor, where the offence was drunkenness or an offence committed under the influence of drink;
- c. generally for securing that the offender should lead an honest and industrious life”.<sup>12</sup>

21. The possibility of supervision by a Probation Officer was also provided for, with the Act permitting a condition:

“that the offender be under the supervision of such person as may be named in the order during the period specified in the order and such other conditions for securing such supervision as may be specified in the order”.<sup>13</sup>

22. The Court was required to provide a written notice to the person concerned, setting out in simple terms the conditions which she was required to observe. Conditions of release could be varied by the Court, which could discharge the recognisance, where satisfied that the conduct of the person concerned “has been such as to make it unnecessary that [she] should

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<sup>11</sup> Probation of Offenders Act 1907, Section 1(2)

<sup>12</sup> Probation of Offenders Act 1907, Section 2(2)

<sup>13</sup> Probation of Offenders Act 1907, Section 2(1)

remain longer under supervision”<sup>14</sup>, or, where a person failed to observe the conditions of release, the Court could issue a summons or warrant for arrest and the person could be remanded to custody and convicted and sentenced (as appropriate) for the original offence.<sup>15</sup>

23. The 1907 Act also made provision for appointment of Probation Officers as officers of the Court<sup>16</sup>; as well as “special probation officers, to be called children’s probation officers” who would generally be responsible for supervision of offenders under the age of 16.<sup>17</sup> However, the Courts could also grant this role to a person who had not been appointed Probation

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<sup>14</sup> Probation of Offenders Act 1907, Section 5. “The court... may ... vary the conditions of the recognizance and may, on being satisfied that the conduct of that person has been such as to make it unnecessary that he should remain longer under supervision, discharge the recognizance”.

<sup>15</sup> Probation of Offenders Act 1907. Section 6, Provision in case of offender failing to observe conditions of release:

- (1) If the court ... is satisfied by information on oath that the offender has failed to observe any of the conditions of his recognizance, it may issue a warrant for his apprehension, or may, if it thinks fit, instead of issuing a warrant in the first instance, issue a summons to the offender and his sureties ...
- (2) An offender so remanded to custody may be committed during remand to any prison to which the court having power to convict or sentence him has power to commit prisoners. In the case of a child or young person under the age of sixteen, he shall if remanded, be dealt with wherever practicable in accordance with the provisions of section four, subsection one, of the Youthful Offenders Act 1901.

A court before which a person is bound by his recognizance to appear for conviction and sentence, on being satisfied that he has failed to observe any condition of his recognizance, may forthwith, without further proof of his guilt, convict and sentence him for the original offence or, if the case was one in which the court in the first instance might, under section fifteen of the Industrial Schools Act 1866, have ordered the offender to be sent to a certified industrial school, and the offender is still apparently under the age of twelve years, make such an order

<sup>16</sup> Section 3(1) of the 1907 Act provides “There may be appointed as probation officer of officers for a petty sessional division such person or persons of either sex as the authority having power to appoint a clerk to the justices of that division may determine, and a probation officer when acting under a probation order shall be subject to the control of petty sessional courts for the division for which he is so appointed”.

<sup>17</sup> Section 3(2) of the 1907 Act provides: “There shall be appointed, where circumstances permit, special probation officers, to be called children’s probation officers, who shall, in the absence of any reasons to the contrary, be named in a probation order made in the case of an offender under the age of sixteen”.

Officer of any Court, if it considered “that the special circumstances of the case render it desirable”.<sup>18</sup>

24. This broad provision opened up the possibility of persons being appointed by the Courts to effectively serve as a Probation Officer on an ad hoc basis. Such persons were paid remuneration and out of pocket expenses<sup>19</sup>, while regularly appointed Probation Officers were paid a salary<sup>20</sup>.
25. The duties of Probation Officers, as set out in the 1907 Act, were that, subject to the direction of the Court, the probation officer was required:
  - a. To visit or receive reports from the person under supervision at such reasonable intervals as may be specified in the probation order or, subject thereto, as the probation officer may think fit;
  - b. To see that [she] observes the conditions of [her] recognizance
  - c. To report to the court as to [her] behaviour;
  - d. To advise, assist and befriend [her] and, when necessary, to endeavour to find [her] suitable employment.<sup>21</sup>
26. The **Criminal Justice Administration Act 1914** (“the 1914 Act”) amended the 1907 Act so as to address some of the difficulties identified by way of 7 years of its operation, including specific issues raised by the 1910 Report of the Inter-Departmental Committee on the Probation Act.
27. Whereas the 1907 Act had permitted appointment of persons as Probation Officers on an ad hoc basis where the particular facts of a case merited it, the 1914 Act created a formal structure for recognition of societies for the care of youthful offenders and appointment of Voluntary Probation Officers drawn from those societies in cases of offenders below the age of 21.

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<sup>18</sup> Section 3(3) of the 1907 Act

<sup>19</sup> Section 3(5) of the 1907 Act

<sup>20</sup> Section 3(4) of the 1907 Act

<sup>21</sup> Probation of Offenders Act 1907, Section 4

28. Section 7 of the 1914 Act provided in pertinent part that:

- (1) If a society is formed or is already in existence having as its object or amongst its objects the care and control of persons under the age of twenty-one whilst on probation under the Probation of Offenders Act 1907, or of persons whilst placed out on licence from a reformatory or industrial school or Borstal institution, or under supervision after the determination of the period of their detention in such a school or institution or under supervision in pursuance of this Act, or some one or more of such objects the society may apply to the Secretary of State for recognition, and the Secretary of State, if he approves of the constitution of the society and is satisfied as to the means adopted by the society for securing such objects as aforesaid, may grant his recognition to the society.
- (2) Where a probation order is made by a court of summary jurisdiction in respect of a person who appears to the court to be under the age of twenty-one, the court may appoint any person provided by a recognised society to act as probation officer in the case".<sup>22</sup>

29. Expenses could be paid to the recognised society in such cases.<sup>23</sup>

30. Another and even more significant amendment of the 1907 Act brought about by the 1914 Act related to the conditions which may apply in cases of probation. The 1914 Act amended section 2 of the 1907 Act, so as to include conditions as to *residence* as one of the permissible conditions which a Court might include in Probation Orders from that point onwards. The additional permissible conditions established were conditions as to:

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<sup>22</sup> Criminal Justice (Administration) Act 1914, Section 7.

<sup>23</sup> Criminal Justice (Administration) Act 1914, Section 7(4). "There may be paid to a recognised society out of moneys provided by Parliament towards the expenses incurred by the society such sums on such conditions as the Secretary of State, with the approval of the Treasury, may recommend".

“residence, abstention from intoxicating liquor, and any other matters as the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences”<sup>24</sup>.

31. This meant that, from enactment of the 1914 Act onwards, it was lawful for Courts, when making a Probation Order, to include therein as a condition of probation a requirement for the person concerned to live at a specified place. As the maximum duration of probation under the Acts was 3 years, the maximum duration of any such possible condition was also 3 years.
32. The 1914 Act made a number of other amendments, including amendments which in effect strengthened the role of the Probation Officer (for example, by providing that variance of conditions or discharge from supervision by the Courts were capable of being triggered by application of the Probation Officer).<sup>25</sup>
33. The **Criminal Law (Amendment) Act 1935** (“the 1935 Act”), enacted in the aftermath of the Carrigan Report, included a number of provisions in relation to incest, rape, sexual abuse and prostitution. It also amended the Probation of Offenders Act 1907, insofar as applied to prostitution offences,

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<sup>24</sup> Section 8 of the 1914 Act, amending section 2(2) of the 1907 Act.

<sup>25</sup> Section 9 of the 1914 Act, amending section 5 of the 1907 Act.

“The court before which any person is bound by a recognisance under this Act to appear for conviction and sentence or for sentence-

- a. may at any time if it appears to it, upon the application of the probation officer, that it is expedient that the terms or conditions of the recognisance should be varied, summon the person bound by the recognisance to appear before it, and, if he fails to show cause why such variation should not be made, vary the terms of the recognisance by extending or diminishing the duration thereof (so, however, that it shall not exceed three years from the date of the original order), or by altering the conditions thereof, or by inserting additional conditions; or
- b. may on application being made by the probation officer, and on being satisfied that the conduct of the person bound by the recognisance has been such as to make it unnecessary that he any longer be under supervision, discharge the recognisance”.

to establish as additional consideration for the imposition of probation rather than imprisonment the following:

“the prospects of the moral reclamation of the person or persons charged”.<sup>26</sup>

*iii. Temporary Release from Prison*

34. Until 1960, there was no legislative basis in Ireland for temporary release of a person from prison during the term of his or her sentence. However, “in practice, parole has been granted to certain prisoners” for what were summarised as humanitarian or other exceptional reasons.<sup>27</sup> Regarding such cases, it was recorded in 1960 that:

“all returned promptly at the expiration of the period granted, but if they had not returned, they could not have been compelled to do so”.<sup>28</sup>

35. A legal basis for temporary release of a person serving a sentence of imprisonment was established by the **Criminal Justice Act 1960** (“the 1960 Act”). It provided that:

“The Minister may make rules providing for the temporary release, subject to such conditions (if any) as may be imposed in each particular case, of persons serving a sentence of penal servitude or imprisonment ...”.<sup>29</sup>

36. The Act required that if temporary release was subject to conditions, those conditions “shall be communicated to the person at the time of [her] release

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<sup>26</sup> Criminal Law (Amendment) Act 1935, section 16(2)

“The Probation of Offenders Act, 1907, shall apply to offences under this section as if the words “or to the prospects of the moral reclamation of the person or persons charged” were inserted in sub-section (1) of section 1 of that Act immediately before the words “it is inexpedient to inflict any punishment”.

<sup>27</sup> Memorandum for the Government on the Proposed Criminal Justice Bill, 9 December 1958, NAI Department of An Taoiseach S13290 A/1

<sup>28</sup> Id

<sup>29</sup> Section 2(1) of the Criminal Justice Act 1960

by notice in writing” and she was required to comply with those conditions.<sup>30</sup>

37. Breach of a condition of release resulted in that person being deemed “unlawfully at large”<sup>31</sup>, which was an offence.<sup>32</sup> The Act provided that a member of An Garda Síochána was empowered to:

“arrest without warrant a person whom he suspects to be unlawfully at large and may take such person to the place in which [she] is required in accordance with law to be detained”<sup>33</sup>

38. The 1960 Act also provided for temporary release from detention in a psychiatric institution of persons termed ‘criminal lunatics’, that is, persons “detained in a district mental hospital or Central Mental Hospital by warrant order or direction of the Government or the Minister...”, provided the person was not considered to be “dangerous to [herself] or to others”.<sup>34</sup> Consent could be given either in relation to a particular release or more generally to release “from time to time during a specified period of that criminal lunatic”.<sup>35</sup>

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<sup>30</sup> Section 4(1) and (2) of the Criminal Justice Act 1960

<sup>31</sup> Section 6(1) of the 1960 Act. “A person who, by reason of having been temporarily released under section 2 or section 3 of this Act, is at large shall be deemed to be unlawfully at large if

(a) the period for which [she] was temporarily released has expired, or  
(b) a condition to which [her] release was made subject has been broken”.

<sup>32</sup> Section 6(2) of the 1960 Act. “A person who is unlawfully at large shall be guilty of an offence under this section and on summary conviction thereof shall be liable to imprisonment for a term not exceeding six months”.

<sup>33</sup> Section 7 of the 1960 Act

<sup>34</sup> Section 3 of the 1960 Act provides “a ‘criminal lunatic’ means a person who is detained in a district mental hospital or in the Central Mental Hospital by warrant, order or direction of the Government or the Minister or under the provisions of section 91 of the Army Act, 1881, or of the Defence Act 1954, and, if he is undergoing a sentence of penal servitude or imprisonment, or of detention in Saint Patrick’s Institution, whose sentence has not expired”.

Section 3(2) of the 1960 Act relates to “a criminal lunatic who, in the opinion of the person in charge, is not dangerous to himself or to others may, with the consent of the Minister, be released temporarily by the person in charge subject to such conditions (if any) as he may, with the consent of the Minister, impose”.

<sup>35</sup> Section 3(3)(a) of the 1960 Act

*iv. Early Release from Prison*

39. The situation regarding early release from prison was somewhat different. The legislative basis for early release from prison, for much of the period of relevance to this Report, was the Penal Servitude Acts 1853 to 1891.
40. These Acts provided, in pertinent part, for release on “conditional licence” from prison. A person discharged from prison in this way remained on licence until his or her sentence expired and subject to a number of requirements, including reporting to the local police.<sup>36</sup> The Acts also provided for power of arrest without warrant of:
- “any holder of a licence under the Penal Servitude Acts ... whom he reasonably suspects of having committed any offence...”<sup>37</sup>
41. In later years, the Criminal Justice Act 1951 (“the 1951 Act”) conferred a power on the Government (with the exception of capital cases) to:
- “commute or remit, in whole or in part, any punishment imposed by a Court exercising criminal jurisdiction, subject to such conditions as they may think proper”.<sup>38</sup>
42. Further, the powers of the 1960 Act (detailed above) and secondary legislation adopted thereunder<sup>39</sup> were also in practice utilised to permit conditional release effectively for the balance of a sentence.<sup>40</sup>
43. More recent laws and practice relating to temporary and early release are not detailed in this Section, given that they were enacted and adopted after

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<sup>36</sup> Penal Servitude Acts 1853 to 1891. Or see generally Kilcommins, O’Donnell, O’Sullivan, Vaughan, Crime Punishment and the Search for Order in Ireland, IPA 2010, at 18

<sup>37</sup> Penal Servitude Act 1891, Section 2

<sup>38</sup> Criminal Justice Act 1951, Section 23(1). Section 23(3) permitted delegation of the power to the Minister for Justice.

<sup>39</sup> Prisoners (Temporary Release) Rules, SI 167 of 1960

<sup>40</sup> See generally e.g. O’Malley, The ends of sentence: imprisonment and early release decisions in Ireland. Padfield, van Zyl Smith and Dünkel (eds), Release from Prison: European Policy and Practice

closure of the last Magdalen Laundry in 1996 and are therefore not relevant to this Report.

**B. Legislation relating to Children; and in particular to Industrial and Reformatory Schools**

*Children Act 1908*

*School Attendance Act 1926*

*Children Act 1941*

*Children (Amendment) Act 1957*

*Children Act 1989*

44. This section sets out the legislative basis, as it applied in the period of relevance to this Report, to detention of children and the framework of Industrial and Reformatory Schools (including release on licence, discharge and post-discharge supervision).
45. The **Children Act 1908** (“the 1908 Act”) is a key piece of legislation in this respect. It remained in force after the foundation of the State and was amended on a number of occasions both before and after 1922.<sup>41</sup>
46. The provisions of this Act, as amended, in relation to release of children on licence from Industrial or Reformatory School; and also their supervision post-release are crucial to an understanding of the pathways between Industrial and Reformatory Schools and the Magdalen Laundries.
  - i. *Detention of a child; and temporary detention in a “Place of safety”*
47. The relevant provision of the Youthful Offenders Act 1901 on remand or committal of a child or young person (under 14 or 16 years respectively)

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<sup>41</sup> Children (Amendment) Act 1910 and the Children (Amendment) Acts 1929, 1934, 1941, 1949, 1957 and 1989

was noted in section A above. Detention of children was also provided for in contexts other than that of a child accused of a crime.

48. Part II of the Children Act 1908 provided, in pertinent part, for the arrest of persons accused of offences relating to ill-treatment or neglect of children. It also provided for the detention in a ‘place of safety’ of a child or young person in respect of whom an offence had been committed or was believed to have been committed”.<sup>42</sup>

49. A police officer (“a constable or any person authorised by a justice”) was empowered to take such a child to any such place of safety. The expression “place of safety” was defined as :

“any workhouse or police station, or any hospital, surgery, or any other suitable place, the occupier of which is willing temporarily to receive an infant, child or young person”.<sup>43</sup>

50. The child or young person could be detained in such a place of safety until brought before a court, which Court could make an order for his or her care and detention until a possible charge was made against the person suspected of the offence.

51. Where a child or young person was committed to a person’s care in this way, the Act provided that that person would “have the like control over the child or young person as if he were his parent”.<sup>44</sup> An offence was established for any person who either:

“knowingly assists or induces directly or indirectly a child or young person to escape from the person to whose care [she] is so committed”,

or

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<sup>42</sup> Children Act 1908, Section 20(1)

<sup>43</sup> Children Act 1908, Section 131

<sup>44</sup> Children Act 1908, Section 22

“knowingly harbours, conceals, or prevents from returning to such person a child or young person who has so escaped or knowingly assists in so doing”.<sup>45</sup>

52. The 1908 Act also included a broad provision on the power to search for or remove a child suspected by the court of being assaulted, ill-treated or neglected, or the victim of a relevant offence.<sup>46</sup>

53. Part V of the 1908 Act dealt with juvenile offenders and contained a number of provisions on custody and detention of young people. The Act provided that it was the duty of every police authority to provide places of detention within their district:

“either by arranging with the occupiers of any premises either within or without their district for the use of those premises for the purpose, or by themselves establishing or joining premises for the purpose, or by themselves establishing or joining with another police authority in establishing such places; but nothing shall prevent the same place of detention being provided for two or more petty sessional divisions”.<sup>47</sup>

54. Such places of detention encompassed “any institution other than prison, whether supported out of public funds or by voluntary contributions”. That institution “or any part thereof” could on agreement with the police authority be used as a place of detention.<sup>48</sup> The police authorities were required to keep a “register of places of detention provided by them”.<sup>49</sup> These places

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<sup>45</sup> Children Act 1908, Section 23

<sup>46</sup> Children Act 1908, Section 24

<sup>47</sup> Children Act 1908, Section 108. Section 108 (3) further provided that

“before arranging for the use of any premises as aforesaid the police authority shall satisfy themselves of the fitness of the occupier thereof to have the custody and care of children or young persons committed to, or detained in, custody under this Part of the Act, and of the suitability of the accommodation provided by him”.

<sup>48</sup> Children Act 1908, Section 108(4)

<sup>49</sup> Children Act 1908, Section 108(5)

of detention could then be used for remand or committal to custody of children.<sup>50</sup>

55. Provision was made for these places of detention to be inspected and for children and young persons detained there “being visited from time to time by persons appointed” in accordance with rules established by the Chief Secretary (after establishment of the State, the Minister for Education).
56. The Act provided that a child or young person in such a place “shall be deemed to be in legal custody”, and in the case of escape, he or she could be “apprehended without warrant and brought back to the place of detention in which he was detained”.<sup>51</sup>
57. The **Children Act 1989** further amended the Acts, including by establishing that:

“the expression “fit person” in section 38 of the Children Act, 1908, includes and shall be deemed always to have included a health board established under the Health Act 1970, and the functions of a health board shall include and be deemed always to have included the functions conferred on a fit person by the first-mentioned Act as amended by any subsequent Act”.<sup>52</sup>

*ii. Industrial and Reformatory Schools*

58. Part IV of the 1908 Act dealt with Reformatory and Industrial Schools. In this Part of the Act, ‘child’ is defined to apply to a person during the whole

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“Police authorities shall keep a register of places of detention provided by them for each petty sessional division, and the register shall contain a description of the premises, the names of the occupiers thereof, and the number of children or young persons who may be detained in custody in the several premises, and no child or young person shall be detained in custody in any place which is not so registered”

<sup>50</sup> Children Act 1908, Section 97

<sup>51</sup> Children Act 1908, Section 109(2)

<sup>52</sup> Section 1 of the 1989 Act, amending section 38 of the Children Act 1908

period he or she was committed to an Industrial School.<sup>53</sup> It sets out the requirements for certification of schools for “the reception of youthful offenders or children to be sent there in pursuance of this Part of the Act” and for inspection, at least annually, of those schools.<sup>54</sup>

59. The grounds on which children could be committed to Industrial School were many and varied, but included a person under the age of 14:

- found begging or receiving alms;
- wandering and not having any home or settled place of abode or visible means of subsistence; or
- found wandering and having no parent or guardian; or alternatively having a parent or guardian “who does not exercise proper guardianship”;
- found destitute with both parents or parent (as case may be) in prison or ‘unfit to have the care of the child’ due to ‘criminal or drunken habits’;
- a daughter of a man convicted of sexual offences in respect of any of his daughters;
- in the company of ‘any reputed thief or any common or reputed prostitute’;
- residing in a house or part of a house used for the purposes of prostitution (except where the child’s mother living in the house exercises proper guardianship and due care to protect the child);
- found destitute and her parent or parents being unable to support her. Such children could only be sent to an Industrial School where the child’s parent(s) consented to the Order being made.<sup>55</sup>

Other grounds for admission included:

- a child under the age of 12 charged with an offence punishable in the case of an adult by penal servitude;<sup>56</sup> or

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<sup>53</sup> Children Act 1908, Section 44

<sup>54</sup> Children Act 1908, Sections 45 and 46

<sup>55</sup> Children Act 1908, Section 58(1)

<sup>56</sup> Children Act 1908, Section 58(2)

- a child of 12 or 13 years similarly charged with an offence where the court is satisfied that the child should not be sent to a Reformatory School and where “the character and antecedents of the child are such that [she] will not exercise an evil influence over the other children in a certified industrial school”.<sup>57</sup>
60. The **Children Act 1941** (“the 1941 Act”) increased to 15 the age until which a person was defined to be a child in the context of Industrial or Reformatory Schools.<sup>58</sup> The age to which any person might bring a child before the Courts, with the possibility of commitment to an Industrial School, was also increased from 14 to 15, along with a number of amendments to the grounds on which such a child might be committed to an Industrial School.<sup>59</sup>
61. It was also possible for a child to be committed to an industrial school on application by a parent or guardian who was “unable to control the child” and “desire[d] the child to be sent to an industrial school”.<sup>60</sup>
62. The Act also provided for commitment of children between the age of 12 and 16 to Reformatory School if convicted of “an offence punishable, in the case of an adult, with penal servitude or imprisonment”.<sup>61</sup> The Act included a fall-back provision that, where no Reformatory School was willing to receive a child in respect of whom an order had been made, it was possible for the Chief Secretary (after foundation of the State, the Minister for Justice) to order the child to be brought before the Courts for an order or to:

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<sup>57</sup> Children Act 1908, Section 58(3)

<sup>58</sup> Section 6 of the 1941 Act, amending section 44 of the 1908 Act

<sup>59</sup> Section 10 of the 1941 Act, amending section 58 of the 1908 Act

<sup>60</sup> Children Act 1908, Section 58(4)

<sup>61</sup> Children Act 1908, Section 57(1)

“pass such sentence as the court may determine, so however that the order or sentence shall be such as might have been originally made or passed in respect of the offence”.<sup>62</sup>

63. The 1941 Act increased from 16 to 17 the maximum age in respect of commitment of children to Reformatory School.<sup>63</sup>

64. The Act also contained general powers to commit a young person to the care of a “relative or other fit person”. Section 59 provided that any person could bring before the Courts a child of 14 or 15 years who would, if younger, have fallen within any of the categories which could lead to a child being committed to an Industrial School, and the Court could:

“if satisfied on inquiry of that fact and that it is expedient so to deal with [her], may ... make an order for [her] committal to the care of a relative or other fit person named by the court ... ”.<sup>64</sup>

In such cases where a child or young person was committed to the care of a relative or other fit person, the Court also had the power to place that young person under the supervision of a probation officer.<sup>65</sup>

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<sup>62</sup> Children Act 1908, Section 57(2)

<sup>63</sup> Section 9 of the 1941 Act, amending section 57 of the 1908 Act

<sup>64</sup> It provided:

“Any person may bring before a petty sessional court any person apparently of the age of fourteen or fifteen years so circumstanced that if [she] were a child [she] would come within one or other of the descriptions mentioned in subsection one of the last foregoing section and the court, if satisfied on inquiry of that fact and that it is expedient so to deal with [her], may, in accordance with the provisions of Part II of this act, make an order for his committal to the care of a relative or other fit person named by the court and the provisions of that Part shall, so far as applicable, apply as if the order were an order under that Part”.

<sup>65</sup> Children Act 1908, Section 60:

“Where under the provisions of this part of the Act an order is made for the committal of a child or young person to the care of a relative or other fit person named by the court, the court may in addition to such order make an order under the Probation of Offenders Act 1907 that the child or young person be placed under the supervision of a probation officer ...”

- *Temporary detention pending transfer to a School*

65. Temporary detention of a child, until he or she may be sent to an Industrial or Reformatory School, was provided for. The 1908 Act provided that if a detention order was made but was not to take effect immediately; or that the child was unfit at the relevant time; or

“the school to which the youthful offender or child is to be sent cannot be ascertained until inquiry has been made, the court may make an order committing [her] either to custody in any place to which [she] might be committed on remand under Part V of this Act, or to the custody of a relative or other fit person to whose care [she] might be committed under Part II of this Act, and [she] shall be kept in that custody accordingly until [she] is sent to a certified school in pursuance of the detention order”.<sup>66</sup>

- *Refusal to accept a child at an Industrial or Reformatory School*

66. The 1908 Act permitted the Manager of an Industrial or Reformatory School to decline to accept a child proposed to be sent to the School. (“The managers of a certified school may decline to receive any youthful offender or child proposed to be sent to them in pursuance of this Part of this Act.”) However if the Manager accepted the child, responsibilities in relation to teaching, training and provision of lodging and so on arose.<sup>67</sup>

- *Leave of Absence:*

67. The **Children (Amendment) Act 1957** (“the 1957 Act”) permitted leave of absence from an Industrial or Reformatory School for a short period, on the

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<sup>66</sup> Children Act 1908, Section 63

<sup>67</sup> Children Act 1908, Section 52:

“The managers of a certified school may decline to receive any youthful offender or child proposed to be sent to them in pursuance of this Part of this Act, but when they have once accepted any such offender or child they shall be deemed to have undertaken to teach, train, lodge, clothe and feed [her] during the whole period for which [she] is liable to be detained in the school, or until the withdrawal or resignation of the certificate for the school, or until the discontinuance of the contribution out of money provided by Parliament towards the expenses of the offenders or children detained in the school, whichever may first happen”.

authority of the School Manager. Leave could be applied “at any time” during her detention and “for such period as the managers shall think fit or to attend a course of instruction at another school”. The child continued to be considered as detained and under the care of the School Manager while on leave of absence and the Manager could require the child’s return at any time.<sup>68</sup>

- *Release on licence from Industrial or Reformatory School*

68. Section 67 of the 1908 Act provided that the Managers of an Industrial or Reformatory School could by licence “permit the offender or child to live with any trustworthy and respectable person named in the licence willing to receive and take charge of [her]”.
69. There were some conditions on grant of such a licence, namely:
  - if the child was below 14 years, release on licence was condition on her attending a named school as a day scholar;
  - if the child had been in the Industrial or Reformatory School for less than 18 months, release on licence was subject to the consent of the Chief Secretary (after the foundation of the State, the Minister for Education). If the child had been in the Industrial or Reformatory School for a period over 18 months, consent was no longer necessary. It was, however, the case that the standard reporting requirements to the Department of Education would be required.
70. Licences could be revoked at any time, in which case the child was required to return to the relevant Industrial or Reformatory School. A child who ran away from the person with whom she was placed on licence was “liable to the same penalty as if [she] had escaped from the school itself”.
71. Two important amendments were made to this provision by the 1941 Act. First, the period within which school managers were required to secure the

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<sup>68</sup> Section 6 of the Children (Amendment) Act 1957

consent of the Minister for Education for release on licence of a child from Industrial or Reformatory School was reduced from 18 months to 6 months.<sup>69</sup>

72. It also provided that were a licence was revoked and the child failed to return to the school, “[s]he may be apprehended without warrant and brought back to the school”.<sup>70</sup> The 1941 Act also renamed licences as “supervision certificates”.<sup>71</sup>
73. The full provision, as amended by the 1941 Act, was as follows.

**Children Act 1908, as amended by the Children Act 1941**  
**Section 67 Placing out on licence**

1. Where a youthful offender or child is detained in a certified school, the managers of the school may at any time, with the consent-
  - a. In the case of a child sent to an industrial school at the instance of the local education authority of that authority; and
  - b. In any other case of the Secretary of State;or after the expiration of six months of the period of detention without any such consent, by licence permit the offender or child to live with any trustworthy and respectable person named in the licence willing to receive and take charge of [her]:

Provided that where the licence is granted in respect of a child under the age of fourteen years it shall be conditional on the child attending as a day scholar, in accordance with the byelaws in force in the place where [she] resides, some school named in the licence, being a certified efficient school within the meaning of the Elementary Education Act 1876.

<sup>69</sup> Section 13 of the 1941 Act, amending section 67 of the 1908 Act

<sup>70</sup> Section 13(c) of the 1941 Act, amending section 67(7) of the 1908 Act

<sup>71</sup> Section 15 of the 1941 Act, amending sections 67 and 68 of the 1908 Act

2. Any licence so granted shall be in force until revoked or forfeited by the breach of any of the conditions on which it was granted.
3. The managers of the school may at any time by order in writing revoke any such licence, and order the offender or child to return to the school.
4. Any youthful offender or child escaping from the person with whom [she] is placed in pursuance of this section shall be liable to the same penalty as if [she] had escaped from the school itself.
5. The time during which a youthful offender or child is absent from a certified school in pursuance of a licence under this section shall be deemed to be part of the time of [her] detention in the school; provided that, where a youthful offender or child has failed to return to the school on the licence being forfeited or revoked, the time which elapses after [her] failure so to return shall be excluded in computing the time during which [she] is to be detained in the school.
6. Where a licence has been revoked or forfeited and the youthful offender or child refuses or fails to return to the school, a court of summary jurisdiction, if satisfied by information on both that there is reasonable ground for believing that [her] parent or guardian could produce the youthful offender or child, may issue a summons requiring the parent or guardian to attend at the court on such day as may be specified in the summons, and to produce the child, and, if he fails to do so without reasonable excuse, he shall, in addition to any other liability to which he may be subject under the provisions of Part of the Act, be liable on summary conviction to a fine not exceeding one pound.
7. Where a licence has been revoked or forfeited and the youthful offender or child refuses or fails to return to the school, [she] may be apprehended without warrant and brought back to the school.

- *Discharge*

74. The 1908 Act established a power for the Chief Secretary (after the foundation of the State, the Minister for Education) to discharge a child from Industrial or Reformatory School at any time, with or without conditions.<sup>72</sup> If such a discharge was subject to conditions, it could be revoked and the child recalled to the School. In such a case:

“if [she] fails to do so [she] and any person who knowingly harbours or conceals [her] or prevents [her] from returning to school shall be liable to the same penalty as if the youthful offender or child had escaped from school”.<sup>73</sup>

75. The 1941 Act also provided that a person who failed to return to an Industrial or Reformatory School following revocation of a conditional discharge could be apprehended without warrant and brought back to School.<sup>74</sup>
76. A person authorised by a School Manager to bring a child to or from the School or “apprehending and bringing [her] back to the school in case of [her] escape or refusal to return” was granted “all the powers, protection and privileges of a constable”.<sup>75</sup>

- *Supervision following release from Industrial or Reformatory School*

77. The provisions of the Children Act on supervision following release from Industrial or Reformatory School are of central importance. The implications of the relevant provision have, perhaps, not been fully appreciated to date.

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<sup>72</sup> Section 69 of the 1908 Act

<sup>73</sup> Section 69(1) of the 1908 Act

<sup>74</sup> Section 16(1) of the 1941 Act, amending section 69 of the 1908 Act

<sup>75</sup> Section 85 of the 1908 Act

78. In short, regardless of whether or not a child or young person was discharged conditionally or unconditionally, the 1908 Act provided that every child – after expiration of her detention either in an Industrial or Reformatory School – *remained under the supervision of the Manager of the School*. A child leaving Industrial School remained under supervision until he or she reached 18 years of age; while for a child leaving Reformatory School, the period of supervision lasted until he or she reached 19 years of age. The only exception to this rule was for a child committed to Industrial School only for the purpose of enforcing a school attendance order.
79. At any point during this period of supervision, the 1908 Act permitted the School Manager to recall the child or young person to the School and to detain her there for a period of up to 3 months.
80. The 1908 Act established three conditions for recall in this manner-
  - “A person shall not be so recalled unless the managers are of opinion that the recall is necessary for [her] protection”;
  - The Manager of a School recalling a person were required to send an “immediate notification of the recall of any person” to the Chief Inspector of Reformatory and Industrial Schools stating the reasons for recall; and
  - The Manager was required to “place the person out as soon as possible, and at latest within three months after the recall”, again subject to notification “forthwith” to the Chief Inspector.<sup>76</sup>
81. At any time after recall, the Manager had the power to place the person out on licence. Supervision of young people discharged from Industrial and Reformatory Schools ended only either at the ages set out above; or if the

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<sup>76</sup> Section 68(3) of the 1908 Act

Chief Secretary (after the foundation of the State, the Minister for Education) ordered that a person should “cease to be under such supervision”.<sup>77</sup>

82. The 1941 Act also amended the provisions relating to supervision of children after their final discharge from Industrial or Reformatory School. The Act provided for an increase of the period of supervision of children and young people discharged from Industrial and Reformatory School on the direction of the Minister for Education. The increased period was:

- by two years for persons discharged from Reformatory School (i.e. to conclude when she reached the age of 21)<sup>78</sup>, and
- for three years for persons discharged from Industrial School (i.e. to conclude when she reached the age of 21).<sup>79</sup>

83. The provision in full, as amended by the 1941 Act, was as follows.

**Children Act 1908, as amended by the Children (Amendment) Act 1941**  
**Section 68, Supervision of youthful offenders and children after the expiration of period of detention**

1. Every youthful offender sent to a certified reformatory school shall, on the expiration of the period of [her] detention, if that period expires before [she] attains the age of nineteen years, remain up to the age of nineteen under the supervision of the managers of the school and, if the Minister for Education, after consultation with the managers, directs that it is necessary for the protection and welfare of the youthful offender that the period of [her] supervision should be extended for a specified period not exceeding two years, [she] shall, after attaining the age of nineteen,

<sup>77</sup> Section 68(5) of the 1908 Act

<sup>78</sup> Section 14(a) of the 1941 Act, amending section 68(1) of the 1908 Act

<sup>79</sup> Section 14(b) of the 1941 Act, amending section 68(2) of the 1908 Act

remain under the supervision of the managers for the period so specified

2. Every child sent to an industrial school shall, from the expiration of the period of [her] detention, remain up to the age of eighteen under the supervision of the managers of the school and, if the Minister for Education, after consultation with the managers, directs that it is necessary for the protection and welfare of the child that the period of [her] supervision should be extended for a period specified in such direction not exceeding three years, [she] shall, after attaining the age of eighteen, remain under the supervision of the managers for the period so specified; provided that this subsection shall not apply in any case where the child was ordered to be sent to an industrial school for the purpose only of enforcing an attendance order made in consequence of [her] parent, guardian or other person legally liable to maintain [her] neglecting to provide efficient elementary instruction for [her].
3. The managers shall grant to any person under their supervision a licence in the manner provided by this Part of this Act, and may revoke any such licence, and recall any such person to the school; and any person so recalled may be detained in the school for a period not exceeding three months, and may at any time be again placed out on licence; provided that:
  - a. A person shall not be so recalled unless the managers are of opinion that the recall is necessary for [her] protection; and
  - b. The managers shall send to the chief inspector of reformatory and industrial schools an immediate notification of the recall of any person, and shall state the reasons for [her] recall; and
  - c. They shall again place the person out as soon as possible, and at latest within three months after the recall, and shall forthwith notify the chief inspector that the person has been placed out.
4. A licence granted to a youthful offender or child before the expiration of [her] period of detention shall, if [she] is liable to be under supervision in accordance with this section, continue in force after the expiration of that

period, and may be revoked in manner provided by this Part of this Act.

5. The Secretary of State may at any time order that a person under supervision under this section shall cease to be under such supervision.
6. When a youthful offender or child is under the supervision of the manager of a certified school it shall not be lawful for [her] parent to exercise, as respects the youthful offender or child, his rights and powers as parent in such a manner as to interfere with the control of the manager over the youthful offender or child.
7. Where a licence granted to a person under the supervision of the manager of a certified school is revoked, such person may be apprehended without warrant and brought back to such school.

*iii. National Society for the Prevention of Cruelty to Children<sup>80</sup>*

84. The role of the National Society for the Prevention of Cruelty to Children was reflected in a number of ways in the Children Act 1908. First, officers of such a society could be appointed by the Secretary of State to carry out inspections of “any institution for the reception of poor children or young persons supported wholly or partly by voluntary contributions...”.<sup>81</sup> An officer appointed in this way was granted powers under the Act, namely the power to enter the institution. It was an offence for any person to obstruct him in the execution of his duties.<sup>82</sup> The Act also provided that a board of

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<sup>80</sup> The National Society for the Prevention of Cruelty to Children was re-named the Irish Society for the Prevention of Cruelty to Children in 1956.

<sup>81</sup> Children Act 1908, Section 25

<sup>82</sup> Children Act 1908, Section 25(2) in relation to Great Britain. [The section also provides for appointment of females to carry out these duties in respect of an institution housing only girls, if so desired by the managers of the institution; and for appointees where practicable to be of the same religious denomination of an institution carried on in accordance with those principles, again if so desired by the managers of the institution] and section 133 (26) in relation to Ireland.

guardians may, with the consent of the Local Government Board for Ireland, “contribute to the funds of any society or body corporate for the prevention of cruelty to children”.<sup>83</sup>

85. The 1908 Act also provided that the expression ‘fit person’ in relation to the care of a child or young person “includes any society or body corporate established for the reception or protection of poor children or the prevention of cruelty to children”.<sup>84</sup>

iv. *School attendance*

86. The **School Attendance Act 1926** made attendance at school mandatory for children between the ages of 6 and 14 by placing an obligation on:

“the parent of every child between the ages of 6 and 14 years, and of every other child to whom the Act is applied, is required, unless there is a reasonable excuse for not so doing, to cause the child to attend a national or other suitable school on every day on which such school is open for secular instruction...”.<sup>85</sup>

In this context, ‘parent’ was defined broadly as any person having “legal custody of the child and includes the person with whom the child is living or in whose custody the child is”.<sup>86</sup>

87. The Act sets out a finite list of excuses for non-attendance of a child at school, namely due to:

- illness;
- inaccessibility of a suitable school;
- a child of 12 years or over who is engaged in light agricultural work on [her] parent’s land for a specified (time-limited) period;

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<sup>83</sup> Children Act 1908, Section 36

<sup>84</sup> Children Act 1908, Section 38

<sup>85</sup> School Attendance Act 1926, Section 3

<sup>86</sup> Id

- “that the child is receiving suitable elementary education in some manner other than by attending a national or other suitable school”; or
  - that “the child has been prevented from attending school by some other sufficient cause”.<sup>87</sup>
88. A three day period was provided within which the Act required the parent (defined as above) to “communicate in writing or in person to the principal teacher of the school the cause of the child’s absence”.<sup>88</sup> Failure to ensure the attendance of the child at school without reasonable excuse could lead to enforcement action.<sup>89</sup>
89. The Act also empowered the Minister to raise the school leaving age to 16 at a later point<sup>90</sup>; and to make Regulations prohibiting or restricting the employment of children and establishing offences for persons employing a child in contravention of those Regulations.<sup>91</sup> The school leaving age was not raised until 1972, at which point it was increased to 15 years<sup>92</sup>, and subsequently to 16 years.<sup>93</sup>

### **C. Legislation relating to health and health authorities, including funding provisions**

*Lunacy Acts 1821 and 1826*

*Dangerous Lunatics (Ireland) Act 1838*

*Local Government (Temporary Provisions) Act 1923*

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<sup>87</sup> School Attendance Act 1926, Section 4

<sup>88</sup> School Attendance Act 1926, Section 10

<sup>89</sup> School Attendance Act 1926, Section 11

<sup>90</sup> School Attendance Act 1926, Section 24

<sup>91</sup> School Attendance Act 1926, Section 12

<sup>92</sup> School Attendance Act 1926 (Extension of Application) Order 1972, S.I. No. 105/1972, Section 3 extended to “children who have attained the age of fourteen years and have not attained the age of fifteen years”.

<sup>93</sup> Education (Welfare) Act 2000, which came into effect in 2002, with the effect that from that time it became compulsory for children to remain at school until the age of 16 years, having completed 3 years at post-primary level.

*Local Government (Temporary Provisions)(Amendment) Act 1924*

*Public Assistance Act 1937*

*Public Assistance Act 1939*

*Mental Treatment Act 1945*

*Health Act 1947*

*Health Act 1953*

*Health Act 1970*

*Child Care Act 1991*

90. Although very different arrangements apply in the modern era, local government was, for many years, responsible for health and nascent social welfare functions.

91. Apart from (the pre-State) Poor Relief (Ireland) Acts 1838-1914, a number of Acts were passed at the beginning of the 20<sup>th</sup> century on issues which are relevant to what later became social welfare.<sup>94</sup> Further, in 1920 and prior to independence:

“the underground Dáil set up a local government department which assumed the functions of a central authority while the Local Government Board for Ireland was still active and, nominally at least, in control of affairs. ... After some hesitation, the majority of the local authorities recognised the control of the new department and broke with the Local Government Board”.<sup>95</sup>

92. This section contains a sketch of provisions pertaining to health services, including in particular provisions for funding by the authorities of private or voluntary organisations.

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<sup>94</sup> E.g. Old Age Pensions Act 1908, the National Insurance Act 1911, the School Meals Act 1914, the Blind Persons Act 1920

<sup>95</sup> Callanan and Keoghan, Local Government in Ireland at 29-30

i. *Local Government (Temporary Provisions) Act 1923 and County Schemes thereunder*

93. The **Local Government (Temporary Provisions) Act 1923** (“the 1923 Act”) was the first statutory provision for relief of the poor following establishment of the State, intended as “an interim measure … to confirm the work already done by the Dáil in placing public assistance on a county basis”.<sup>96</sup>

94. Accordingly the Act gave a statutory basis to the County Schemes adopted by County Councils for “the administration of the relief of the poor”<sup>97</sup>, giving effect to those schemes<sup>98</sup>, granting authority to local authorities who had not yet done so to adopt County Schemes<sup>99</sup> and empowering the Minister for Local Government and Health to take action in relation to local authorities which had not yet adopted such schemes. The common themes throughout, as set out in the preamble to the Act were:

- “(a) the abolition of the existing system under which the poor were relieved in workhouses established in each Poor Law Union;
- (b) the centralisation of the administration under one authority in each county;
- (c) the establishment in each county of central institutions in which the poor of the county can be relieved;
- (d) enabling all poor persons requiring relief to be relieved either in or out of the central institution as may be thought advisable”.<sup>100</sup>

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<sup>96</sup> Id at 31

<sup>97</sup> Local Government (Temporary Provisions) Act 1923, Section 1

<sup>98</sup> Local Government (Temporary Provisions) Act 1923, Section 2(1)

<sup>99</sup> Local Government (Temporary Provisions) Act 1923, Section 3(1). “The Council of any County in Saorstat Eireann to which no existing County Scheme relates may prepare a scheme in accordance with the provisions of this Act for the relief of the poor in that County, and may submit such scheme when prepared to the Minister”.

<sup>100</sup> Preamble to the Local Government (Temporary Provisions) Act 1923

95. There were some variances among the County Schemes adopted prior to enactment, but the Act contained a number of provisions to ensure a certain level of standardisation.

- First, it defined County Schemes in such a way as to refer only to “so much of an existing scheme as relates to the relief of the poor and does not contravene any of the provisions of this Act”.<sup>101</sup>
- Second, it established that “any provision contained in any existing Scheme which ... contravenes any provision of this Act shall be and shall be deemed to have always been void and of no effect”.<sup>102</sup>
- Third, the Act explicitly provided, at section 10, that:

“Any person in a County to which a County Scheme relates who is eligible for relief may, subject to any regulations made by the Minister in that behalf, be granted outdoor relief, notwithstanding anything in any enactment limiting the granting thereof to certain classes of persons...”.<sup>103</sup>
- And fourth, the Act required the authorisation of the Minister for Local Government and Health for each County Scheme submitted. The Minister was empowered to confirm schemes without amendment, to confirm them with such amendments as he deemed necessary, or to “wholly reject” those schemes.<sup>104</sup> The Minister was also empowered to, by order, amend or modify any County Scheme from time to time “in any way he may deem necessary”.<sup>105</sup>

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<sup>101</sup> Local Government (Temporary Provisions) Act 1923, Section 1

<sup>102</sup> Local Government (Temporary Provisions) Act 1923, Section 2(5). [Section 2(6) contains a saver to the effect that this shall not “make illegal any act done before the passing of this Act which would have been legal if this Act had not been passed”]

<sup>103</sup> Local Government (Temporary Provisions) Act 1923, Section 10

<sup>104</sup> Local Government (Temporary Provisions) Act 1923, Section 4

<sup>105</sup> Local Government (Temporary Provisions) Act 1923, Section 5(1)

96. County Schemes which were prepared in advance of enactment were scheduled to the Act and related to Cavan, Clare, Galway, Kerry, Kildare, Kilkenny, Laois, Leitrim, Limerick County Borough, Limerick County, Longford, Mayo, Meath, Monaghan, Offaly, Roscommon, Sligo, Tirconail (Donegal), Waterford, Westmeath, Wexford and Wicklow.<sup>106</sup>

97. As noted above, there was variety in the provisions of the various County Schemes, but in general:

“County Boards were appointed to administer relief ... the principal institutions under the new arrangement were normally the county home, which received the old and infirm and classes other than the sick that were formerly in the workhouse, and the county hospital”.<sup>107</sup>

98. The Galway County Scheme was unique in that it contained explicit reference to the Magdalen Laundry operated by the Sisters of Mercy at Forster Street in Galway. That County Scheme provided at section 4 as follows:

“Unmarried Mothers are divided into two classes:—

- (a) First offenders, to be dealt with in the same institution as children
- (b) Old offenders to be sent to Magdalen Asylum.

Unmarried Mothers who come within Class (b) shall be offered an opportunity of relief and retrieval in the Magdalen Asylum, Galway, upon such terms and conditions as may be agreed on between the Executive Committee and the Sisters in Charge of the Magdalen Asylum. If necessary the Committee may make arrangements with other Institutions.

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<sup>106</sup> Local Government (Temporary Provisions) Act 1923, Schedule 1

<sup>107</sup> Callanan and Keogan, Local Government in Ireland, supra at 31

Persons in Class (b) who refuse to enter such Institutions as may be selected shall not be allowed, under any circumstances to become chargeable to the public rates".<sup>108</sup>

99. This provision in the Galway County Scheme has been cited to the effect that a woman, having a second child outside marriage, would be barred from all public assistance or support, if she refused to enter a Magdalen Laundry. This is what the County Scheme suggests at face value – however, the provisions of the 1923 Act over-rode this clause and made it inoperable and of no legal effect from the outset. This point was discussed and explicitly confirmed during passage of the Bill through the Oireachtas.
100. At Committee stage in Seanad Éireann on 21 March 1923, Senator Costello moved an amendment which would have deleted from the Galway County Scheme the final three lines cited above, which on their face barred unmarried mothers from public assistance.<sup>109</sup> In response, the Minister for Local Government explicitly confirmed that the provision was “made inoperative” by the Act itself – by virtue of section 2(5) and section 10 (the contents of which were set out above, to the effect that any provision in county schemes contravening the Act shall be void and of no effect; and that any person eligible for relief may be granted that relief regardless of anything purporting to limit the grant of relief). The Minister also confirmed that amendment of many of the County Schemes would be undertaken given the “many faults” they contained. Senator Costello was satisfied with this confirmation that the clause was inoperative and accordingly withdrew her amendment. The full exchange is reproduced as follows.

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<sup>108</sup> Section 4 of the Galway County Scheme, Schedule 1 to the 1923 Act

<sup>109</sup> Seanad Éireann, Committee Stage of the Local Government (Temporary Provisions) Bill 1923, 21 March 1923. Seanad Éireann Debate Vol. 1 No.15; at 547-549

**Seanad Éireann**

**Extract from Debate at Committee Stage, Wednesday 21 March 1923  
on the Local Government (Temporary Provisions) Bill 1923.<sup>110</sup>**

**Mrs. Costello:** I beg to move:—

“To add at the end of Sub-section (1) the words ‘provided that lines 26, 27, and 28 on page 17 of the Galway County Scheme in the First Schedule to this Act be omitted’.

The lines I wish to have omitted read:

“Persons in Class (b) [unmarried mothers] who refuse to enter such institutions [Magdalen Asylums or some other Homes] as may be selected shall not be allowed under any circumstances to become chargeable to the public rates.”

I do not know if the Minister will be able to make any alteration. I think, from something he said last week, he does not care to alter it. As An Cathaoirleach says, he has power under Section 5. In the Preamble of the Bill it is stated it is to enable poor persons requiring relief to be relieved, but it seems that an exception is to be made in the case of unmarried mothers, who, it is stated, are on no account to be chargeable to the rates if they will not go into a Magdalen Asylum.

I think that under no circumstances could a County Authority get rid of its responsibility to a person who is destitute and in need of help. Moreover, I know from personal observation that many of these unfortunate cases are women of weak intellect and in no way responsible. I know that the better way would have been to have appealed to the County Council, and I would have done so if I had time. Of course, the Committee which drew up these rules is now dissolved. I only wish to draw attention to the

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<sup>110</sup> Seanad Éireann, Committee Stage of the Local Government (Temporary Provisions) Bill 1923, 21 March 1923. Seanad Éireann Debate Vol. 1 No.15

matter, and if the Minister would ask the County Council, I think it could be met in that way.

**Minister for Local Government (Mr. E. Blythe):** The particular provision to which Senator Mrs. Costello objects in the County Galway Scheme is made inoperative by the Bill as it stands.

Sub-section 5 of Section 2 says:

“Any provision contained in any existing scheme which deals with any matter other than the relief of the poor, or which contravenes any provision of this Act, shall be, and shall be deemed to have always been, void and of no effect”.

Section 10 of the Bill says:

“Any person in a county to which a county scheme relates who is eligible for relief may, subject to any regulations made by the Minister in that behalf, be granted outdoor relief, notwithstanding anything in any enactment limiting the granting thereof to certain classes of persons, and this provision shall be deemed to have had effect in any such county from and after the date on which such county schemes came into operation”.

That means that the particular clause in the County Galway Scheme to which Senator Mrs. Costello refers is made inoperative by the Act.

**Colonel Moore:** Would it not be better to take out these lines if the Clause is inoperative and apparently illegal?

**Mr. Blythe:** There are many faults in the schemes, and they will have to be amended pretty generally by Order. I do not think there is any particular reason for amending that particular one here, and leaving all the others to be dealt with later.

**Mrs. Costello:** I agree with the Minister and withdraw the amendment.

**An Cathaoirleach:** I think Colonel Moore will himself see that it is better let these be governed by a general principle applicable to all cases rather than making special provisions for a particular case.

Amendment by leave withdrawn.

101. Accordingly, the provision in the Galway County Scheme which, if operational, would have barred public assistance to second-time unmarried mothers, was never of any legal effect.

102. More generally, the County Schemes were stated during Oireachtas debates to be “of a very tentative character and ... subject to revision”<sup>111</sup>, some indicating “signs of very considerable thought; others are very crude both in inception and, as far as I can understand, in administration”.<sup>112</sup> He continued that:

“In view of their tentative character I think we would be wise to follow the example which was set in the Dáil, where I think there was not a single amendment made in any of these Schemes. I think the Dáil in that respect have shown a very good example. ... The bodies who are called upon to administer the Schemes were appointed under abnormal circumstances and can hardly be said to be really representative of public opinion in the country now. ... probably it might be wise not to attach too much importance to the present Schemes”.<sup>113</sup>

103. An Cathaoirleach expressed agreement, to the effect that criticism or amendment of the County Schemes might not be necessary:

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<sup>111</sup> Senator Sir Hutcheson Poe

<sup>112</sup> Id

<sup>113</sup> Id

“in view of the statements that have already been made by the Minister in charge of the Bill, namely, that these Schemes will all have to be reconsidered before the Bill finally becomes law. You will notice that in Section 5 ample power is given to the Minister by Order to alter County Schemes, assuming that on consideration he might think it desirable that any of them should be altered in any respect”.<sup>114</sup>

And as noted above, the Minister confirmed that many of the Schemes would have to be amended generally by Order.

104. By June 1923, County Schemes, including the Galway County Scheme, had been amended by Ministerial Order and the reference to the Magdalen Laundry and the suggestion of a bar on public assistance to unmarried mothers – even though of no legal effect - had been removed.<sup>115</sup>

*ii. Public assistance – general*

105. The **Local Government (Temporary Provisions)(Amendment) Act 1924** (“the 1924 Local Government Act”) amended the 1923 Act in a number of respects. Insofar as relevant to this Report, it provided that every County Scheme would “continue in operation so long as the [1923 Act] continues in force and no longer”.<sup>116</sup>

106. The **Public Assistance Act 1939** (“the 1939 Act”) made considerable procedural adjustments to the structures for delivery of assistance. Public assistance districts were identified throughout the State, with a public assistance authority in each such district.<sup>117</sup> The Act provides for the make-up and membership of public assistance authorities- in general, members were required to be members of the relevant county council (or

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<sup>114</sup> Id

<sup>115</sup> County Scheme Order, Galway No. 1, 1923 of 28 June 1923

<sup>116</sup> Section 2, Local Government (Temporary Provisions)(Amendment) Act 1924

<sup>117</sup> Public Assistance Act 1939, Sections 6 and 7

City Council in respect of Dublin) and were elected by those Councils.<sup>118</sup> Boards of Public Assistance were established for each district<sup>119</sup>; and provision was made for subsidiary committees to be established by the authority for the exercise or performance of any of their powers, duties or functions, where appropriate.<sup>120</sup>

107. The substantive provisions of the Act relating to public assistance encompassed medical, general and home (i.e. non-institutional) assistance.

108. A general duty on the authorities to provide public assistance to eligible persons was established by section 19 of the 1939 Act.<sup>121</sup> General assistance related to “the necessities of life, other than medical assistance”.<sup>122</sup> The general rules for eligibility for general assistance were that:

“a poor person who is unable to provide by [her] own industry or other lawful means the necessities of life ... for [herself] or any persons whom he is liable under this Act to maintain”.<sup>123</sup>

The general eligibility for medical assistance, similarly, was:

“a poor person who is unable to provide by [her] own industry or other lawful means the medical, surgical or dental treatment, or medicines, or

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<sup>118</sup> Public Assistance Act 1939, Section 9

<sup>119</sup> Public Assistance Act 1939, Section 10

<sup>120</sup> Public Assistance Act 1939, Section 11

<sup>121</sup> Public Assistance Act 1939, Section 19:

“Subject to the provisions of this Act, it shall be the duty of every public assistance authority to give, in accordance with this Act, to every person in their public assistance district who is eligible for public assistance such public assistance as shall appear to them to be necessary or proper in each particular case and to make, in accordance with this Act, due provision for that purpose”.

<sup>122</sup> Public Assistance Act 1939, Section 3

<sup>123</sup> Public Assistance Act 1939, Section 18(1)

medical, surgical or dental appliances necessary for [herself] or any persons whom [she] is liable under this Act to maintain".<sup>124</sup>

109. Provision of assistance to eligible persons was not without condition. First, the person receiving assistance could be required to work as a condition of assistance:

"A public assistance authority may, as a condition of the granting of general assistance to a person, require such person, either before or after or during receipt of such general assistance, to perform such work as such authority shall consider suitable to the sex, age, strength, and capacity of such person and shall direct such person so to perform".<sup>125</sup>

110. Criminal offences were established for various acts of "inmates" of the publicly operated district institutions coming under the Act, whether by contravention of regulations, misbehaviour, insubordination" and so on.<sup>126</sup> Criminal offences and penalties were also laid down for a person assisting or inducing a child under the age of 16 years maintained by a public assistance authority "to leave ... the place where it is so maintained" without consent; or to "harbour or conceal" a child who has left such a place without consent.<sup>127</sup>

111. Second, a duty to repay the public assistance authority "according to their ... abilities" applied both to a person assisted and, if he or she could not do so, to "every person liable to maintain him".<sup>128</sup> A general duty to

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<sup>124</sup> Public Assistance Act 1939, Section 18(2)

<sup>125</sup> Public Assistance Act 1939, Section 25(1)

<sup>126</sup> Public Assistance Act 1939, Section 69

<sup>127</sup> Public Assistance Act 1939, Section 82

<sup>128</sup> Public Assistance Act 1939, Section 28:

"Where public assistance has been given by a public assistance authority (in this section referred to as the said authority) to any person (in this section referred to as the assisted person) the following provisions shall apply and have effect, that is to say:

(a) it shall be the duty of the assisted person or, on his default, whether complete or partial, of every person liable to maintain him, to repay to the said authority

contribute to the costs of general assistance (i.e. non-institutional relief) was also established.<sup>129</sup>

112. Assistance other than institutional relief was also continued under the Act:

Public assistance authorities were required to grant so-called “home assistance” to eligible persons within their District who were not granted assistance in an institution.<sup>130</sup>

113. Finally, the Act provided for the vesting in public assistance authorities of parental authority (“all rights and powers of the parents”) in relation to orphaned or deserted children under the age of 16 who were being maintained by the authorities.<sup>131</sup> Parental authority for a child maintained by a public assistance authority could also be transferred to that authority by resolution of the authority in a number of other circumstances also.<sup>132</sup> A

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according to their respective abilities the cost of the public assistance so given to the assisted person”.

<sup>129</sup> Public Assistance Act 1939, Section 29

<sup>130</sup> Public Assistance Act 1939, Section 39

“(1) Every public assistance authority shall grant, in accordance with regulations made by the Minister under this Act, home assistance to every person in the public assistance district of such authority who is eligible for general assistance and is not granted assistance in an institution.

(2) The Minister may by order make regulations governing the granting of home assistance and, in particular, regulating the nature of home assistance either generally or in respect of any particular class of person, and prescribing the times and places at which and the conditions subject to which home assistance may be granted”.

<sup>131</sup> Public Assistance Act 1939, Section 44. The Act drew a distinction in that regard between children born to married parents – in which case the requirement was for both parents to have died or deserted the child; and children born to an unmarried mother, where the requirement was only for the death or desertion of the child by its mother. Similarly, although a deserted “legitimate child” could be reclaimed and maintained by either parent, the relevant provision in relation to a deserted “illegitimate child” provided that the authorities were not authorised to detain the child “if its mother claims it for the purpose of maintaining it”.

<sup>132</sup> Public Assistance Act 1939, Section 45. Circumstances included e.g. where the Authority was of the opinion that the child’s parent was “by reason of mental deficiency or vicious habits or mode of life, unfit to have the control of such child”; or where the child’s parent was imprisoned or detained under the Inebriates Act 1898 and therefore “unable to perform his parental duties”.

transfer of parental authority in this way could be rescinded or terminated.<sup>133</sup>

114. The **Health Act 1953** (“the 1953 Act”) replaced the provisions of the Public Assistance Act 1939 insofar as concerns medical and institutional assistance.<sup>134</sup> The test for eligibility for “institutional assistance”, that is, eligibility for entry to institutions maintained by the health authority, was under the Act based primarily on yearly means.<sup>135</sup>
115. Broader provision was made for institutional assistance by way of “shelter and maintenance in county homes” of a person “who is unable to provide shelter and maintenance for [herself] or [her] dependants”.<sup>136</sup> Similar to the position under the Public Assistance Acts, the Minister was authorised to direct that a particular class of persons could not be maintained in a county home or similar institution. Offences were also established in relation to a person maintained in a county home or similar institution “who behaves in a disorderly manner ... or causes unreasonable disturbance to other persons maintained in such home or institution or to persons employed therein”.<sup>137</sup>
116. The Health Act 1953 authorised health authorities to provide for children (defined as a person less than 16 years) eligible for institutional assistance and being maintained by that authority in a number of ways – either by boarding out, sending to a certified school, or, for a child of between 14 and 16 years of age, “by arranging for [her] employment or by placing [her] in

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<sup>133</sup> Public Assistance Act 1939, Section 45(3)(a), (b) and (c)

<sup>134</sup> Health Act 1953, Section 69

“69. —The Public Assistance Act 1939, shall cease to have effect as respects the provision of—  
(a) medical assistance as defined therein, and  
(b) general assistance as defined therein given by way of admission to an institution,  
and the said Act shall be construed accordingly”.

<sup>135</sup> Health Act 1953, Section 15

<sup>136</sup> Health Act 1953, Section 54

<sup>137</sup> Health Act 1953, Section 54

any suitable trade, calling or business".<sup>138</sup> In the latter case, the authority was authorised to pay:

“such fee or sum as may be requisite for that purpose and may support or contribute to the support of the child during any period (including, with the consent of the Minister, a period after attaining the age of sixteen years) during which [she] is engaged in learning the trade, calling, or business”.<sup>139</sup>

117. Powers to remove the child from the custody of the person “with whom [she] was so boarded out, employed or placed in a trade, calling or business” were also provided for.<sup>140</sup>

118. A person not eligible for so-called “institutional services” provided by the authorities could avail of them only on a charged-basis and where there was capacity not required at that time for persons eligible for relief.<sup>141</sup> The Act did, however, allow persons eligible for institutional services to, instead of accepting those services, “arrange for the like services being made available” for themselves or their child in an approved hospital, nursing home or maternity home.<sup>142</sup>

119. Specific provision was made for “rehabilitation and maintenance of disabled persons”, including training “for employment suitable to their condition of health” and “the making of arrangements with employers for placing disabled persons in suitable employment”, with provision for payment of maintenance allowances to those persons in certain cases.<sup>143</sup>

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<sup>138</sup> Health Act 1953, Section 55

<sup>139</sup> Health Act 1953, Section 55(5)

<sup>140</sup> Health Act 1953, Section 56

<sup>141</sup> Health Act 1953, Section 26

<sup>142</sup> Health Act 1953, Section 25. The Health Act 1954 amended the provisions of the 1953 Act on the choice of patients in respect of institutional services.

<sup>143</sup> Health Act 1953, Section 50

*iii. Reform of the health services*

120. Major reform of the arrangement of health services occurred in 1947, with removal of the health function from the former Department of Local Government and Health and establishment of a new self-standing Department of Health. The position is summarised by Callanan and Keogan as follows:

“By the cumulative effect of a series of statutes, the county council became by 1942 the public assistance authority for the county and the sanitary authority for the rural area of the county. It was then dealing with health services in three capacities: as public assistance authority, as sanitary authority and simply as county council. In urban districts the urban councils were also administering some health services”.<sup>144</sup>

121. The responsibilities of local authorities in relation to public assistance and public health were, however, progressively reduced from that period, with the establishment of the Departments of Health and Social Welfare in 1947 and, ultimately, the Health Boards in 1970.

122. The **Health Act 1947** (“the 1947 Act”) made County Councils and County Borough Corporations “health authorities for their respective areas”.<sup>145</sup> It provided that a health authority could, with the consent of the Minister for Health, “provide and maintain any institution which they consider necessary...”.<sup>146</sup> Health authorities were also authorised, either instead of or in addition to such institutions, to:

“make and carry out an agreement with the person having the management of an institution of the same kind for the use of that institution”,

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<sup>144</sup> Callanan and Keogan, *Local Government in Ireland Inside Out*, at 37

<sup>145</sup> Id

<sup>146</sup> Health Act 1947, Section 10 (including hospital, sanatorium, maternity home, convalescent home, preventorium, laboratory, clinic, health centre, first-aid station, dispensary or any similar institution, as set out in section 2 of the Act)

either by a particular person or a class of persons.<sup>147</sup>

123. The **Health Act 1970** (“the 1970 Act”) established regional health boards for the administration of health services in the State.<sup>148</sup> Membership of the boards consisted of persons appointed by the relevant local authorities, appointed by election by registered medical practitioners and appointed by the Minister for Health.<sup>149</sup> The 8 regional health boards established were responsible for performing the health functions conferred by the Act and any other functions performed, before 1970, by local authorities under the Health Acts, Mental Treatment Acts, Part 1 of the Children Act 1908, as amended, and a number of other Acts not directly relevant to this Report<sup>150</sup>, “and so removing all local health administration from the local government system as from 1 April 1971”.<sup>151</sup>

*iv. Provision of institutional assistance in non-state facilities and funding for such facilities (including extern institutions)*

124. A series of Acts made provision both for ‘institutional assistance’ in non-State facilities, and also for funding by the health authorities to non-state organisations or so-called “extern institutions”. These provisions were as follows.

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<sup>147</sup> Health Act 1947, Section 12

“12(1) – A health authority, in lieu of or in addition to themselves providing an institution of a particular kind, may, with the consent of the Minister, make and carry out an agreement with the person having the management of an institution of the same kind for the use of that institution:—

- (a) by a particular inhabitant of the functional area of the health authority, or
- (b) by all inhabitants of that area, or
- (c) by such of those inhabitants as belong to a particular class

(2) An agreement which was in force immediately before the commencement of this section and which could be made upon such commencement under this section shall be deemed, upon and after such commencement, to be an agreement made under this section and shall have effect accordingly”.

<sup>148</sup> Health Act 1970, Section 4

<sup>149</sup> Id

<sup>150</sup> Health Act 1970, Section 6

<sup>151</sup> Callanan and Keogan, Local Government in Ireland, *supra* at 37

125. The **Public Assistance Act 1937** (“the 1937 Act”) provided for State assistance to societies providing poverty relief and retrospectively validated assistance provided prior to its enactment.<sup>152</sup> It provided that where a public assistance authority was satisfied that a society for relieving poor persons (“a body of persons, incorporated or unincorporated, which has as its object or one of its objects the giving of relief to poor persons”<sup>153</sup>) was providing or intended to provide assistance by way of food and lodging in an institution, the authorities were authorised, on consent of the Minister, to provide financial or other assistance to that society.
126. Assistance could be provided either by direct financial contribution or by other means of indirect support.<sup>154</sup>
127. The **Public Assistance Act 1939** provided for contributions to societies for prevention of cruelty to children; and societies for relieving the poor.<sup>155</sup> It repealed section 2 of the 1937 Act and replaced it with a very similar provision permitting public assistance authorities to contribute to societies providing relief to the poor.<sup>156</sup>

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<sup>152</sup> Section 3 of the 1937 Act provided that retrospective approval of assistance provided within the 10 years prior to passing of the Act was subject to certification by the Minister within a period of 6 months of enactment. Section 3 of the 1937 Act.

<sup>153</sup> Public Assistance Act 1937, Section 1

<sup>154</sup> Such as provision of fuel, light, food, water or other commodities for use by the society; by permitting the use of premises belonging to the authority; or by providing other premises for the society’s use. Public Assistance Act 1937, Section 2.

“Whenever a public assistance authority is satisfied that a society for relieving poor persons affords or proposes to afford relief to poor persons by providing food and lodging for such persons in premises under the control of such society in the functional area of such public assistance authority and that such society by so doing renders or will render useful aid in the administration of the relief of the poor in such functional area, such public assistance authority may, with the consent of the Minister and subject to such limitations and conditions as he shall impose, give assistance to such society in any one or more of the following ways ...”

<sup>155</sup> Public Assistance Act 1939, Section 21(1)

<sup>156</sup> Public Assistance Act 1939, Section 21(2):

“Whenever a public assistance authority is satisfied that a society for relieving poor persons affords or proposes to afford relief to poor persons by providing food and lodging for such

128. Access to public (district) institutions was to be limited only to those classes of persons prescribed by the Minister.<sup>157</sup> However the costs of maintenance of a person in an institution other than those operated by the public authorities, namely, institutions operated by non-state organisations, were permitted to be paid by the authorities. The Act provided that, subject to the consent of the Minister:

“a public assistance authority may, if they so think proper, make provision for the assistance in a home, hospital, or other institution not provided or maintained by such authority of persons, or particular classes of persons, eligible for public assistance, and where a public assistance authority makes such provision, such authority may defray the expenses of the conveyance of the persons for whose assistance such provision is made to and from such institution and the expenses of their maintenance, treatment, instruction, or training therein”.<sup>158</sup>

129. An enabling power was also included to permit the Minister to direct that if a particular class of persons was to receive assistance either in a district institution or one of the institutions covered by section 35, that class of

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persons in premises under the control of such society in the functional area of such public assistance authority and that such society by so doing renders or will render useful aid in the administration of public assistance in such functional area, such public assistance authority may, with the consent of the Minister and subject to such limitations and conditions as he shall impose, give assistance to such society in any one or more of the following ways, that is to say:

- (a) by contributing to the expenses incurred by such society in affording relief to poor persons in the manner aforesaid, or
- (b) by supplying to such society fuel, light, food, water, or other commodity for use by such society in so affording relief to poor persons, or
- (c) by permitting the use by such society, for the purpose of so affording relief to poor persons, of premises in the occupation of such public assistance authority and, where requisite, executing alterations and repairs to and supplying furniture and fittings for such premises in order to make them suitable for use for such purpose, or
- (d) by providing premises (with all requisite furniture and fittings) for use by such society for the purpose of so affording relief to poor persons”.

<sup>157</sup> Public Assistance Act 1939, Section 33

<sup>158</sup> Public Assistance Act 1939, Section 35

persons would not be entitled to assistance in any other public assistance institution.<sup>159</sup>

130. Section 10 of the **Health Act 1953** similarly authorised a health authority, with the consent of the Minister, to make arrangements for institutional care of a person or class of persons in an institution not managed by the health authority itself.

131. The Act also provided for payments for services provided by those external institutions; and for arrangements in force prior to enactment of the 1953 Act to be deemed as arrangements under section 10 of the Act. Insofar as relevant, the Act provided that:

“(1) A health authority may, with the consent of the Minister, make and carry out an arrangement for the giving of institutional services to any person or to persons of any class, being a person or persons who is or are entitled to receive institutional services from such authority otherwise than under section 26 of this Act, in an institution not managed by such authority or another health authority.

(2) Payments shall be made by the health authority for institutional services provided pursuant to an arrangement under subsection (1) of this section and the payments shall be in accordance with such scale as may be approved of or directed by the Minister”.<sup>160</sup>

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<sup>159</sup> Public Assistance Act 1939, Section 36

“Where a district institution provided by a public assistance authority is available for the assistance of a particular class of persons or provision has been made by a public assistance authority with the consent of the Minister for the assistance of a particular class of persons in a home, hospital or other institution not provided or maintained by such authority, the Minister may, by order, direct that such particular class of persons shall not be assisted by such public assistance authority in any institution except (as the case may be) such district institution or such home, hospital or other institution, and thereupon it shall not be lawful for such public assistance authority to assist (except in cases of urgent necessity) any person of such particular class in contravention of such order”.

<sup>160</sup> Health Act 1953, Section 10(1) and (2)

132. Section 65 of the 1953 Act also provided for financial assistance by a health authority to any entity which provided (or proposed to provide) a service similar or ancillary to a service provided by the health authority. These payments were effectively intended for any organisation providing services and effectively acting as a surrogate for the State. The section, an equivalent to which is still in force, provided in full as follows:

“65 (1) – A health authority may, with the approval of the Minister, give assistance in any one or more of the following ways to any body which provides or proposes to provide a service similar or ancillary to a service which the health authority may provide:

- (a) by contributing to the expenses incurred by the body,
- (b) by supplying to the body fuel, light, food, water or other commodity
- (c) by permitting the use by the body of premises maintained by the health authority and, where requisite, executing alterations and repairs to and supplying furniture and fittings for such premises
- (d) by providing premises (with all requisite furniture and fittings) for use by the body.

(2) A health authority may, with the approval of the Minister, contribute to the funds of any society for the prevention of cruelty to children”.<sup>161</sup>

133. It may be noted that the Child Care Act 1991 includes a similar provision, whereby:

“a Health Board may, subject to any general directions given by the Minister and on such terms and conditions as it thinks fit, assist a voluntary body or any other person who provides or proposes to provide a child care or family support service similar or ancillary to a service which the health board may provide under this Act

- (a) by periodic contribution to funds of the body or person;
- (b) by a grant;

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<sup>161</sup> Health Act 1953, Section 65

(c) by a contribution in kind (whether by way of materials or labour or any other kind of service)".<sup>162</sup>

v. *Psychiatric institutions*

134. A brief sketch of the historic laws relating to psychiatric treatment and hospitals is also relevant to the Report. Prior details the nineteenth century basis of what were then referred to as lunacy laws, noting that admission to the new district asylums was:

"fairly straightforward and simple. People were admitted for being of 'unsound mind' as defined in the **Lunacy Acts of 1821** (1&2 Geo. 4 c.33) and **1826** (7 Geo. 4 c.14). An application was made to the asylum manager by the person's next of kin, who confirmed the poverty of the patient and gave an undertaking to remove him from the asylum when requested. This application was accompanied by a medical certificate of insanity".<sup>163</sup>

135. As demand increased:

"a new law, known as the **Dangerous Lunatics (Ireland) Act 1838** (1 Vic. C.27), allowed the direct committal to prison of people designated as dangerous lunatics. These people were then legally transferred to a district asylum, without any further recourse to a local magistrate, whenever a place became available".<sup>164</sup>

136. The means by which dangerous lunatics were admitted to psychiatric hospitals was amended again almost 30 years later in **1867**:

"Under section 10 of this Act, anyone who appeared to be suffering from 'derangement of mind' which might 'lead to him committing a

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<sup>162</sup> Child Care Act 1991, Section 10

<sup>163</sup> Prior, Mental Health Law on the Island of Ireland 1800-2010, in Prior (ed) Asylums, Mental Health Care and the Irish 1800-2010)

<sup>164</sup> Id at 319

crime' could be committed directly to an asylum by two justices of the peace".<sup>165</sup>

137. The author Prior records that by the end of the 19<sup>th</sup> century, the majority of admissions to district asylums were "on the ground of dangerousness rather than unsoundness of mind"<sup>166</sup>, and details the practical advantages to families using this means of admission to psychiatric treatment, namely that the police were responsible for transport of the person; the psychiatric asylum was obliged to accept and admit a person deemed dangerous; and the family was not responsible for the costs of maintenance of a person admitted as a dangerous lunatic.<sup>167</sup>
138. The **Local Government Act 1925** altered the terminology from "lunatic asylums" to "mental hospital" but did not otherwise make amendments to the regime. The laws underpinning psychiatric treatment were not substantively altered thereafter until enactment of the **Mental Treatment Act 1945** ("the 1945 Act"). The 1945 Act abolished the role of the judiciary in admissions, and established the general duties of 'mental hospital authorities' to provide treatment and services.<sup>168</sup> For the first time, the persons concerned were identified as "patients" rather than "inmates". Patients could be either voluntary<sup>169</sup>, or persons detained either temporarily or indefinitely.<sup>170</sup> A temporary patient was defined as a person suffering from mental illness, unfit due to her mental state for treatment as a voluntary patient and who was "believed to require, for [her] recovery, not more than six months suitable treatment", or an addict who was believed to require at least 6 months preventive and curative treatment.<sup>171</sup>

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<sup>165</sup> Id at 320, citing the Lunacy (Ireland) Act 1867, 30 & 31 Vic. C.118

<sup>166</sup> Id at 320

<sup>167</sup> Id at 321

<sup>168</sup> Mental Treatment Act 1945, Section 19

<sup>169</sup> Part XV of the 1945 Act

<sup>170</sup> Part XVI of the 1945 Act

<sup>171</sup> Section 3 of the 1945 Act

139. Mental hospital authorities were empowered to “make and carry out an arrangement for the maintenance, in a special institution, of any class of their chargeable patients”, which could include:

“any home, hospital, or other institution not maintained by the mental hospital authority making the relevant arrangement for maintenance and suitable for the treatment of the persons for whom such arrangement is made”.<sup>172</sup>

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<sup>172</sup> Section 101 of the 1945 Act

#### D. Legislation relating to employment and factories

*Truck Acts 1831, 1887, 1896*

*Factory and Workshop Acts 1901-1920*

*Conditions of Employment Act 1936*

*Factories Act 1955*

140. The **Truck Act 1831** ("the 1831 Act") as originally adopted applied to Great Britain only, however, its provisions were later extended to Ireland. The Act applied to only specified trades and occupations.<sup>173</sup> The essential purpose of the Act was to prohibit the payment in those trades of wages "in goods or otherwise than in the current coin of the realm". In all contracts for hire in those specified trades and occupations, wages were required to be "made payable in the current Coin of this Realm only" and any contract providing otherwise was "illegal, null and void".<sup>174</sup>
141. The **Truck Amendment Act 1887** extended the 1831 Act to Ireland.<sup>175</sup> It contained a number of amendments of substance, but also established an enforcement mechanism - enforcement of the Acts would fall to the inspectors of factories and inspectors of mines, and granted appropriate powers to them for that purpose.<sup>176</sup> The **Truck Amendment Act 1896**

<sup>173</sup> Article XIX of the Truck Act 1831, concerning artificers, workmen, labourers and other persons employed in trades and occupations "... in or about the making or manufacturing of any ... other articles or hardwares made of iron or steel or of iron and steel combined, or of any plated articles of cutlery or of any goods or wares made of brass, tin, lead, pewter, or other metal, or of any japanned goods or wards whatsoever; or in or about the making, spinning, throwing, twisting, doubling, winding, weaving, combing, knitting, bleaching, dying, printing or otherwise preparing of nay kinds of woollen, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk manufactures whatsoever ... or in or about the making or preparing of bone, thread, silk, or cotton lace or of lace made of any mixed materials".

<sup>174</sup> Article I of the Truck Act 1831

<sup>175</sup> Section 18 of the 1887 Act

<sup>176</sup> Section 13(2) of the 1887 Act:

"It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of the principal Act and this Act within their districts so far as respects factories, workshops and mines inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities as they respectively have for the purpose of

(“the 1896 Act”) expanded the role of inspectors to “the case of a laundry ... in like manner as it applies in the case of a factory”.<sup>177</sup>

142. There is, at **Common Law**, “...a duty on an occupier of a factory ‘to take reasonable care of his workmen’. In order to comply with this common law duty, there is a four-fold obligation on an occupier, namely to:

- select proper and competent workmen
- furnish them with adequate materials and proper plant and machinery
- provide a safe system of working, and
- provide a place of work and safe mean of access thereto...<sup>178</sup>.

This common law duty was elaborated over the years by a series of statutory provisions, as follows.

143. The first broad legislative provision for factories of the 20<sup>th</sup> century was the **Factory and Workshop Act 1901**, which did not include institutional laundries within its scope. Nonetheless and as set out in more detail in Chapter 12, a voluntary scheme of inspections was put in place by the authorities, under which 9 of the 10 Magdalen Laundries within the scope of this Report voluntarily submitted to inspections.

144. The **Factory and Workshop Act 1907** expanded the scope of the 1901 Act to include laundries which carried on by way of trade or for the purpose of gain, as well as those laundries carried on “incidentally to the purposes of

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enforcing the provisions of any Acts relating to factories, workshops or mines, and all expenses incurred by them under this section shall be defrayed out of moneys provided by Parliament”.

<sup>177</sup> Section 10 of the 1896 Act:

“Sub-section two of section thirteen of the Truck Amendment Act 1887 (which relates to the duty of inspectors) shall apply in the case of a laundry, and in the case of any place where work is given out by the occupier of a factory or workshop, or by a contractor, or subcontractor, in like manner as it applies in the case of a factory”.

<sup>178</sup> Extract from a Paper on the Law of Safety in Ireland prepared by Ercus Stewart, SC, and copied to the Barrington Commission.

any public institution".<sup>179</sup> Compliance with the legislation and the possibility of inspections thus became mandatory and not just voluntary for institutional laundries, including the Magdalen Laundries, from that point onwards.

145. Two classes of institution were provided for under the 1907 Act, as follows:

- Premises being part of private charitable institutions (section 5); and
- Premises "subject to inspection by or under the authority of any Government Department" (section 6).

146. Inspections of section 6 institutions took place by way of "arrangements" with the relevant Departments. In respect of section 5 institutions, a provision of the Act permitted them to submit a scheme for regulation of hours of employment, intervals for meals, and so on to the Secretary of State for approval. No such scheme could be approved unless it resulted in a situation no less favourable than the provisions of the 1901 Act. If so approved, such a scheme was required to be laid before the Houses of Parliament. The extent to which this process was used in practice is set out in Chapter 12.

147. Various other amendments and Orders were made in the area of employment and factories in the years prior to the establishment of the State, including the Welfare of Workers Employed in Laundries Order 1920 ("the Laundries Welfare Order"), which included provisions on protective clothing for such workers, washing facilities, and facilities "for sitting" for female workers so as to provide them with "opportunities for resting which may occur in the course of their employment".<sup>180</sup>

148. As a consequence of these developments, at the time of the establishment of the State there existed in the Factory and Workshop Acts 1901-1920 a

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<sup>179</sup> Factory and Workshop Act 1907, Section 1

<sup>180</sup> Welfare of Workers Employed in Laundries Order 1920, SR & O 1920/654

body of legislation governing basic standards of safety, hygiene, hours of work and holidays in laundries, including institutional laundries. These Acts continued to govern these areas after the establishment of the State and until enactment of the Factories Act 1955.

149. Prior to that general reform in relation to factories, the **Conditions of Employment Act 1936** ("the 1936 Act") was enacted. The 1936 Act provided, insofar as is relevant, that:

"Where industrial work in any industrial undertaking is done wholly or partly by persons who do not receive any salary or wages in respect of their work, the person carrying on such industrial undertaking shall for the purposes of this Act be deemed to be the employer of such persons doing such industrial work, and such persons shall for the purposes of this Act be deemed to be workers in the employment of such person".<sup>181</sup>

150. It also provided -

(1) The provisions of this Act, except in so far as they relate to the payment of workers, shall apply in relation to industrial work done in any institution as if the persons doing such industrial work were workers employed to do such industrial work by the persons having control of such institution unless such industrial work is done for the purpose only of supplying the needs and requirements of such institution.

(2) For the purpose of this section the word "institution" means an institution carried on for charitable or reformatory purposes, other than a prison, a borstal institute, a mental home, or a county home".<sup>182</sup>

151. The effect of these provisions together would have been that, for certain purposes of the 1936 Act, persons in an institution "carried on for charitable or reformatory purposes" which carried on work for the wider public – for

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<sup>181</sup> Conditions of Employment Act 1936, Section 61

<sup>182</sup> Conditions of Employment Act 1936, Section 62

example laundry services for the public, rather than solely for the institution itself - would be deemed for certain purposes (hours of work, certain safety provisions and so on) to be workers in employment of the relevant institution.

152. By contrast, it was confirmed during passage of the the Holiday (Employees) Act 1939 that that Act included “persons employed in connection with an institution”, but excluded “inmates” of institutions.<sup>183</sup>

153. The **Factories Act 1955** (“the 1955 Act”) amended and consolidated earlier laws relating to workplaces, including the pre-independence Factory and Workshop Acts 1901-1920. The 1955 Act established standards in relation to:

- *health*, in relation to issues including cleanliness, overcrowding, temperature, ventilation, lighting, floor drainage<sup>184</sup>;
- *safety*, including in relation to steam boilers and steam receivers and containers and fire safety<sup>185</sup>, and
- *welfare* including water, washing facilities and so on<sup>186</sup>.

154. In terms of its scope as relevant to this Report, the 1955 Act provided at section 84 as follows:

“(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, then, nevertheless, the provisions of this Act shall, subject as hereinafter in this section provided, apply to those premises.

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<sup>183</sup> Dail Eireann, Committee Stage, Holidays (Employees) Bill 1938, Wednesday 9 November 1938.

<sup>184</sup> Factories Act 1955, Part II

<sup>185</sup> Factories Act 1955, Part III, in particular sections 40, 41, 45 et seq

<sup>186</sup> Factories Act 1955, Part IV

(2) This Act shall not, except in so far as the Minister may by order direct, apply to any premises which do not constitute a factory if the premises are subject to inspection by or under the authority of any Minister of State".<sup>187</sup>

155. The effect of Section 84(2) was that a reformatory or charitable institution, which contained laundry facilities providing services to the public, would fall within the scope of the 1955 Act unless the premises were "subject to inspection by or under the authority of any Minister of State". Chapter 12 confirms the application of this Act to the Magdalen Laundries and details their inspections under the Acts.

156. In terms of substantive content, the 1955 Act set out procedures for notification and investigation of accidents and industrial diseases<sup>188</sup>, as well as general administration and enforcement of the Act by inspectors.<sup>189</sup> A range of offences were also established.<sup>190</sup>

157. Particular rules were included in respect of young persons - certificates of fitness were required prior to employment of young persons<sup>191</sup> (defined as more than 14 years and less than 18 years of age<sup>192</sup>). Any such person was required, within 10 working days of commencing employment, to be examined by the certifying doctor and be certified to be "fit for that employment".<sup>193</sup> Subsequent examination and certification was required on a 12-monthly basis, while that person remained in the employment and was still under the age of 18.<sup>194</sup>

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<sup>187</sup> Factories Act 1955, Section 84

<sup>188</sup> Factories Act 1955, Part VI

<sup>189</sup> Factories Act 1955, Part X

<sup>190</sup> Factories Act 1955, Part XI

<sup>191</sup> Factories Act 1955, Section 80 (Part VII)

<sup>192</sup> Factories Act 1955, Section 2

<sup>193</sup> Factories Act 1955, Section 80

<sup>194</sup> Id

158. Administrative arrangements were also provided for by the Act, including the keeping of a general register<sup>195</sup> and periodical returns to the Minister.<sup>196</sup> The Act also empowered the Factories Inspectors:

- to enter, inspect and examine relevant premises;
- to take a member of An Garda Síochána “if he has reasonable cause to apprehend any serious obstruction in the execution of his duty”;
- to require the production of the registers, certificates and so on kept under the Act; and so on.<sup>197</sup>

159. The Act also made certain basic provisions in relation to fire. Section 45 of the Act provided that:

“The occupier of a factory to which this section applies shall have in force a certificate under this section (subsequently referred to in this section as a certificate) given by the sanitary authority certifying that the factory is provided with such means of escape in case of fire for the persons employed therein as may reasonably be required in the circumstances of the case”.<sup>198</sup>

Offences were established for contraventions of this section.<sup>199</sup>

160. The Act also placed an inspection duty on sanitary authorities and established the nature of the certificates to be issued in appropriate cases. Insofar as relevant, the Act provided as follows:

“(3) – It shall be the duty of the sanitary authority to examine a factory to which this section applies and

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<sup>195</sup> Factories Act 1955, Section 122

<sup>196</sup> Factories Act 1955, Section 124

<sup>197</sup> Factories Act 1955, Section 94

<sup>198</sup> Factories Act 1955, Section 45

<sup>199</sup> Factories Act 1955, Section 45(2)

- (a) if satisfied that the factory is provided with such means of escape in case of fire for the persons employed in the factory as may reasonably be required in the circumstances of the case, to give a certificate in respect of the factory, or
- (b) if not so satisfied, to refuse to give a certificate in respect of the factory.
- (4) A certificate shall specify precisely and in detail the means of escape provided in the factory and shall contain particulars as to the maximum number of persons employed or proposed to be employed in the factory as a whole and, if the sanitary authority think fit, in any specified part thereof, and as to any explosive or highly inflammable material stored or used and as to any other matters taken into account in granting the certificate.
- (5) A certificate shall be attached by the occupier of the factory to the general register and a copy of it shall be sent by the sanitary authority to the Minister.
- (6) All means of escape specified in a certificate shall be properly maintained and kept free from obstruction".<sup>200</sup>

161. A more general provision also established that the doors of a factory:

"or any room therein in which the person is, and any doors which afford a means of exit for persons employed in the factory from any building or from any enclosure in which the factory is situated, shall not be locked or fastened in such manner that they cannot be easily and immediately opened from the inside".<sup>201</sup>

162. Particular provision was also made regarding the working conditions in laundries, to the effect that:

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<sup>200</sup> Factories Act 1955, Section 45

<sup>201</sup> Factories Act 1955, Section 47

- (a) effective steps shall be taken by means of a fan or otherwise to regulate the temperature in every ironing room, and to carry away the steam in every washhouse,
  - (b) all stoves for heating irons shall be so separated from any ironing room or ironing table as to protect the workers from the heat thereof,
  - (c) no gas iron emitting any noxious fumes shall be used.<sup>202</sup>
163. A requirement to notify the Minister in writing of accidents was required where that accident resulted in a death or “disables any such person for more than 3 days”<sup>203</sup>, as well as particular requirements for inquests of persons killed in any such accident<sup>204</sup>. The Minister was further conferred with power to direct a “formal investigation” into any accident occurring in a factory.<sup>205</sup>
164. Subsequent legislation relating to health and safety at work was enacted – including the **Safety in Industry Act 1980** (which included premises captured by section 84 of the 1955 Act), and in time, the provisions of the 1955 Act in relation to institutions were repealed by the **Safety, Health and Welfare at Work Act 1989** (itself in turn repealed although after the period of relevance to this Report). It can be noted that the 1989 Act provided the first comprehensive code of occupational health and safety law which applied to employers and employees in every workplace in the State, together with a system of enforcement.
165. The application of these and other Regulations to the Magdalén Laundries are detailed in Chapter 12.

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<sup>202</sup> Factories Act 1955, Section 66

<sup>203</sup> Factories Act 1955, Section 74

<sup>204</sup> Factories Act 1955, Section 77

<sup>205</sup> Factories Act 1955, Section 78

**Chapter 6:****Archive of the Committee's work*****Summary:***

*This Chapter sets out the arrangements for maintenance of an archive of the Committee's work.*

*Official records relevant to its mandate were identified by the Committee across a broad range of substantive areas and in the archives of various Departments, State agencies and bodies. These records were also scattered between individual case-files, policy files and general correspondence files.*

*The archive of the Committee's work will include copies of such official records identified from across all Departments, State agencies and bodies (the originals remaining in their original files and locations) and certain materials generated by or for the Committee. It was decided that the archive of its work would be stored centrally at the Department of An Taoiseach. Restrictions will apply in relation to access to the archive, as is standard for material containing sensitive personal data.*

*The records of the Religious Congregations, which were made fully available to the Committee, were returned to the archives of the Congregations at the conclusion of the Committee's work, with the exception of certain anonymised data drawn from these records. These records, as was the case before commencement of the Committee's work, will be maintained in the professionally-organised archives of the Religious Congregations.*

**A. State Records**

1. As set out in Chapter 4, identification of official records relevant to the Magdalens Laundries was a challenging process. The areas in which it was

necessary to investigate possible State involvement were broad, covering the health system, criminal justice system, social services, factories and workplace regulation, local authority records, the taxation and commercial ratings systems and many more.

2. Even today, official records covering a range of issues as broad as this would be stored across a variety of different Government Departments, State agencies and bodies. Additionally, the time-period covered by the Report – from 1922 onwards - adds considerably to the complexity of the task, as many of the relevant State functions developed and in some cases, responsibility for them was passed to different Departments and agencies over that period.
3. Moreover, given its age, the vast majority of the information sought by the Committee was stored in hardcopy only and not readily identifiable using modern file tracking systems. Indeed, some of the materials identified by the Committee had not been appropriately filed and were found in folders or boxes of uncatalogued materials.
4. The health function can be taken as an example. At the time of the establishment of the State, the health function was carried out by Local Authorities under the direction of the Department of Local Government and Public Health. This continued to be the case until 1947, when the Department of Health was established. Health Boards were established in 1970 and, under the direction of the Department, took over operational responsibility for the State's functions in relation to health from the Local Authorities. The Health Boards in turn were replaced, on the establishment and commencement of operations of the Health Service Executive ("HSE") on 1 January 2005. Accordingly, records potentially relating to interaction between the State's health authorities and the Magdalen Laundries could have been – and were – scattered across all these bodies. Further, as the majority of these records are not held or tracked electronically (due to their age), it was not possible to search for them using file tracking systems or keyword searches and full manual searches were required.

5. Accordingly, to identify records potentially relevant to the possible interaction of the Magdalen Laundries and the State's health authorities, it was necessary to trawl Local Authority archives nationwide, records of the Department of Environment and Local Government, Department of Health, Department of Children and Youth Affairs (including both active and archived files) and of the Health Service Executive. At a yet more detailed level, relevant information could have been – and was – divided between individual case-files, policy files and general correspondence files in each of these locations.
6. Conscious of the scattered nature of the records concerned, the Committee undertook in its Interim Report that, upon conclusion of its work and publication of this Report, an archive of its work would be created and stored centrally.
7. The Committee decided that this archive would include copies of relevant official records identified by the Committee across Departments, State agencies and bodies. The Committee's archive will consist only of copies, in order to avoid disturbance to or destruction of original or archived files. The originals of all such records identified – many of which were already archived, and some of which are covered by the National Archives Act 1986 - will remain in their original files and locations. Nonetheless, maintenance of these copies together in a single location will be a concrete outcome to the Committee's work and may be a resource for future research. The origin and location of the original will be clearly identified on all files or records contained in the Committee's archive.
8. The general categories of records which will be included in the archive include copies of relevant:
  - Case-files of the Probation Service;
  - Prison records;
  - Central Criminal Court minute books, Circuit Court minute books,

District Court minute books;

- Department of Education and Skills records relating to Industrial and Reformatory Schools;
- Department of Justice and Equality records relating to issues including juvenile crime and detention, probation policy as well as the criminal justice system in general;
- Department of Health and HSE files including in relation to funding as well as material relating to Mother and Baby Homes;
- Department of Enterprise, Jobs and Innovation files on regulation of the workplace and enforcement of the Factories Acts, including extracts of relevant Factories Inspectors Report books (the so-called ‘Green books’).

9. Certain materials generated by or for the Committee will also be included, such as:

- Correspondence of the Chair;
- Minutes of Committee meetings;
- Reports on searches carried out by each relevant Department and State agency , including sign-off by the Secretaries General of each Department confirming the extent of searches carried out;
- Written statements of retired Factories Inspectors, retired Probation Officers and retired members of An Garda Síochána;
- Submissions made to the Committee by Representative and Advocacy groups;
- Submissions made directly to the Committee by women who, in their earlier lives, were admitted to and worked in the Magdalen Laundries.

**B. Records of the Religious Congregations**

10. As set out in Chapter 4, the records of the Religious Congregations were made fully available, without any restriction, to the Committee. This was a crucial factor in the success of the Committee's work.
11. Given the sensitive personal data included therein and the legal obligations of the Religious Congregations as data controllers, these records could not, as a general rule, be included in the archive of the Committee's work. Instead and as stated in the Interim Report, at the conclusion of the Committee's work they were returned to the relevant Religious Congregations, where they will continue to be held according to professional archive standards.
12. The Committee was nonetheless conscious of the fact that these records would also be of interest to researchers and historians, now and in the future. It was accordingly agreed with the Religious Congregations that certain anonymised data drawn from their archives could be retained by the Committee.
13. Part II of the Report sets out the comprehensive statistical analysis carried out by the Committee on all available data concerning the women who were admitted to and worked in the Magdalen Laundries. That data was used to generate statistics and tables on matters including their backgrounds, routes of entry to, durations of stay in and routes of exit from the Magdalen Laundries.
14. To carry out this analysis, the Committee created a master-list detailing every known entry of a girl or woman to the Magdalen Laundries. Further information on this process is included in Part II of the Report. Upon completion of the Committee's work, all identifying information was removed from this working database, resulting in a master-list detailing known entries under the following headings only:

- year of entry;
- county of origin;
- route of entry;
- duration of stay; and
- route of exit.

This anonymised list of known entries to the Magdalen Laundries from 1922 onwards will be included in the Committee's archive.

15. It is hoped that this information will be of value for future research, while fully protecting the privacy of the women concerned and the legal obligations of the Religious Congregations as data controllers.

### **C. Location of the archive**

16. The most appropriate location for the archive was also considered. In that regard, the Committee noted the approach to archiving adopted by the Commissions of Investigation Act 2004, whereby upon dissolution of a Commission, the Chair (or sole member, where applicable), is required to deposit with the responsible Minister all evidence received by and all documents created by or for the Commission.<sup>1</sup>

17. Although that Act does not apply to the work of the Inter-Departmental Committee or bind it in any way, the Committee decided that a similar approach, namely deposit with a Minister, would be appropriate in relation to the archive of its work.

18. Although the Minister for Justice and Equality was lead Minister in relation to the Departments represented on the Committee, many cross-cutting issues were raised by the Committee's work. Further, the findings contained in this Report are based on the input of all relevant Government

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<sup>1</sup> Commissions of Investigation Act 2004, Section 43(2)

Departments, not alone those represented on the Committee. Accordingly, it was agreed that the most appropriate course of action would be that the archive of the Committee's work would be deposited with An Taoiseach.

19. The nature and content of these records, many of which contain sensitive personal data, means that restrictions will apply in relation to access to the archive, in accordance with relevant legislation and just as applies to the originals from which these copies were drawn.

**Chapter 7:****Sources and Methodology for Statistical Analysis*****Summary:***

*The Committee, with the assistance of the Central Statistics Office, conducted a full statistical analysis of all available data on the girls and women who were admitted to and worked in the Magdalen Laundries.*

*This Chapter sets out the sources from which it drew the relevant data, as well as the methods used for its analysis.*

**A. Purpose and scope of statistical analysis**

1. In the course of its work, the Committee conducted a comprehensive statistical analysis of all available information concerning the women who lived and worked in the Magdalen Laundries.
2. The Central Statistics Office (CSO) provided invaluable expertise and assistance in carrying out this task, for which the Committee is grateful.
3. This analysis enabled the Committee to build profiles of the women who were admitted to the Magdalen Laundries, and the routes by which they did so. It was also possible to extract other information from this analysis, which may provide answers to some commonly asked questions. This material forms the basis of part of the intended legacy of the Committee, which is to place in the public domain anonymised data concerning those who were admitted to and worked in the Laundries, which may be of value to future researchers.

4. This Chapter sets out the sources and methodology used in this analysis, and Chapter 8 details the results of that analysis. This Part of the Report and the accompanying Appendices are not confined to statistics on State involvement with the Magdalen Laundries, but also include wider ancillary and consequential information such as the background and profile of all women known to have lived and worked in the Magdalen Laundries, their routes of entry to the Laundries (including non-State routes of entry), duration of stay, and routes of exit from the Laundries.
5. The information which underpins these statistics was taken primarily from the records of the Religious Congregations and in particular the Entry Registers described in Chapter 4. The information contained in these Registers and the accompanying electronic databases compiled by each Religious Order was verified and supplemented by the Committee through independent searches and extensive cross-checking with official records (court records, prison records, probation files, electoral registers and industrial and reformatory school records). These searches and cross-checks were carried out with a dual purpose, both to verify those records, and also fill gaps, where possible, on the ways by which the registered women entered the Magdalen Laundries.

## **B. Verification of the records of the Religious Congregations**

6. The following steps were taken to verify and supplement the records of the Religious Congregations.
7. First, all original source documents were examined by the Committee. The Entry Registers for the Magdalen Laundries, described at Chapter 4, are in general large hardcover ledgers, some with printed headings on each page, others with headings hand-written in (e.g. “name”, “date entered”, “native of”, “by whom referred”, and so on) The time-period covered by each ledger is as follows:

Institution	Number of Registers	Time-period covered by each Register
Good Shepherd Limerick	4 bound hardback ledgers	1837-1871 1871-1910 1910-1948 1948-1984
Good Shepherd Cork	3 bound hardback ledgers	1872 – 1903 1903 – 1938 1938 - 1974
Good Shepherd Waterford	2 bound hardback ledgers	1842 – 1943 1943 – 1984
Good Shepherd New Ross	2 soft back notebooks	1860 – 1913 1901 – 1967 (entries from 1901-1913 re-entered)
Order of Our Lady of Charity High Park	3 bound hardback ledgers	1853- 1904 1904 – 1936 1936 – 1990
Order of Our Lady of Charity Sean McDermott Street	1 bound hardback ledger	1887 – 1967
Religious Sisters of Charity Donnybrook	1 bound hardback ledger (plus record cards)	1796-1967 Record cards used from 1967 onwards
Religious Sisters of Charity Peacock Lane, Cork	1 bound hardback ledger	1846-1997
Sisters of Mercy, Galway	1 soft-back notebook	1944-1959 (no entries recorded for the period November 1949 to June 1954)
Sisters of Mercy, Dun Laoghaire	No surviving Register	-

8. In each case, the entry of girls and women to the Laundries was recorded by hand in the ledgers, in order of date of arrival. As the ledgers are bound and consist of entries recorded by date of entry, it would have been possible for the Committee to identify the removal or insertion of additional pages. There was no indication in the ledgers examined that they had been interfered with.
9. The Religious Congregations confirmed to the Committee that, during the period of operation of the Laundries, one Sister in each institution would have been responsible for the registration of new entrants and that she alone would have been privy to the information on the manner in which a girl or woman had entered the institution. Reviewing the Registers, it is possible to identify consistent handwriting, changing only periodically - presumably as one Sister replaced another in this role.
10. It should be noted that two of the Registers – for the laundry operated in New Ross by the Good Shepherd Sisters and the laundry operated in Galway by the Sisters of Mercy – were recorded in less formal soft copy books. However, in common with the other laundries, it appears that no pages have been removed or added to these Registers and similarly, the handwriting of the persons recording the entries can be tracked over time.
11. Following this review and assessment of the authenticity and content of the original source Registers, it was necessary for the Committee to verify the accuracy of the electronic database for each Institution. Verification was carried out in two ways. First, all cases in the databases which suggested a State-related route of entry were examined and verified back by hand to the underlying Register. Second, cases recorded in the Registers were searched and matched to official state records, as detailed below.
12. To permit verification and cross-checking, it was necessary to extract for further investigation all Register entries from all four Religious Congregations which, on the face of the record, suggested State involvement in the referral of a girl or woman to a Magdalen Laundry.

Although time-consuming, this was necessary to allow each case to be investigated and cross-checked to all available State records. For instance, where a Register identified a girl or woman as having entered a Magdalén Laundry from prison, all available records for that period - Court and prison records, Probation Service files, Garda records and Department of Justice and Equality files - were searched for corresponding records to verify, clarify or supplement the facts of the case. As set out in Chapter 4, the vast majority of these official records are held in paper copy only, with the result that verification of any given case could and ordinarily did require extensive hand searches in Departments and National Archives.

13. Similarly, any case which suggested a girl had entered a Magdalén Laundry from an Industrial or Reformatory school was checked against all surviving case-files of the Department of Education and Skills. Additionally, any case which suggested entry through the actions of any of the range of historic health and social service authorities were cross-checked to the records of the Department of Health, the Health Service Executive and (depending on the time-period concerned) or Local Authorities. Cross-checks of this kind were carried out across all categories of possible State referrals, the results of which are detailed in Part III of this Report. Other cases were then individually cross-checked against official records (justice, health, education systems and so on).
14. These extensive searches confirmed to the satisfaction of the Committee that the records of the Religious Congregations, where they indicated a particular route of referral, were accurate. In many cases, the Committee identified the official "matching" record relating to such entries (for instance, among court records, industrial and reformatory school records, and so on), which verified these records from official sources.
15. These searches also, consequently, in certain cases identified official records which supplemented the information contained in the Congregation's records. These searches also identified additional cases of

State involvement in referrals and generally provided a fuller picture of the facts of State involvement with the Magdalen Laundries.

16. On the basis of these steps, the Committee was wholly satisfied as to the authenticity and reliability of the Registers and accompanying electronic records of the Religious Congregations.
17. The verification and search process outlined above was additional to the independent searches – both general and targeted – carried out across all relevant State bodies and agencies and detailed further in the individual Chapters of Part III.

### **C. Merged record of all women known to have entered the Magdalen Laundries**

18. On completion of the above verification processes, the Committee created a merged list of all known entries to the Magdalen Laundries to enable reliable statistical analysis.

#### *i. Inclusions and exclusions from the merged database*

19. This total dataset consisted of 14,607 known admissions to the Magdalen Laundries from 1922 until closure of the last Magdalen Laundry in the State in 1996. It was built from the records of the Religious Congregations (with two exceptions detailed below), supplemented by data extracted from:

- Central Criminal Court, District Court and Circuit Court minute books;
- prison files;
- probation case-files;
- Industrial and Reformatory School records;
- local authority records;
- historic electoral registers; and
- records of the General Register's Office.

20. The Committee was conscious that there are some gaps in available information, which means that the merged list does not represent all admissions to the Magdalen Laundries.
21. First, as set out in the table above, the records of the Magdalen Laundry operated at Dun Laoghaire by the Sisters of Mercy did not survive. Further, only 132 entries to the Magdalen Laundry operated in Galway by the same Congregation were recorded in the surviving Register for that institution. Information was also available on some other cases where women entered the Galway Magdalen Laundry prior to 1922 and died there after 1922 (33 cases).
22. However, these records are not comprehensive (in the sense that they do not represent all admissions to the Magdalen Laundry from 1922 onwards) and further, even in those cases where records were available, they were quite incomplete, in many cases not recording the routes of entry of the girls or women concerned or alternatively the relevant dates of admission and departure.
23. These records were therefore of limited use and their inclusion in the merged list would have given a misleading picture, as they cannot be said to represent the totality of admissions to Magdalen Laundries operated by the Sisters of Mercy. Further, as they represent less than 0.9% of the total known entries to the other 8 Magdalen Laundries, their exclusion from the merged list would be highly unlikely to significantly alter the conclusions drawn. On this basis they were excluded from the merged list and overall statistical analysis carried out thereon.
24. Instead, a separate analysis was conducted on the known entries to the Magdalen Laundries operated in Galway by the Sisters of Mercy and the results of that analysis are included in Chapter 8. For clarity it can also be noted that all these cases were also included in all other substantive investigations carried out by the Committee.

25. The records of the Religious Congregations also included considerable detail on the entries to the Magdalen Laundries of girls and women prior to the establishment of the State in 1922. The vast majority of these women - the earliest of whom entered an institution in 1828 - were no longer living in the Magdalen Laundries at the time of foundation of the State and were therefore also excluded from the statistical analysis.
26. The Committee also considered the appropriate handling of what might be called “legacy” cases – that is, the girls or women who entered the Magdalen Laundries *prior* to the establishment of the State, but who continued to live and work there *after* the foundation of the State.
27. On the basis of available records, it appears that 762 women entered the Laundries prior to 6 December 1922 and continued to live and work there after that date. These women whose time in a Magdalen Laundry straddled both sides of 6 December 1922 represented a combination of two types of cases:
  - Women who entered prior to the establishment of the State and who remained as long-term residents of the Magdalen Laundries; and
  - those girls and women whose time in a Magdalen Laundry simply coincided with the period around the establishment of the State.
28. The two extremes in this regard are demonstrated by the two cases which occurred in the same Magdalen Laundry:
  - the woman who, on 6 December 1922, had been in a Magdalen Laundry for the longest period until that date had entered the Laundry in 1868 as a self-referral; and remained there until her death in 1931.
  - By contrast, the woman who, on 6 December 1922, had been in a Magdalen Laundry for the shortest period, entered that same Laundry

- 3 days prior to foundation of the State on 3 December 1922; and left at her own request six days later on 9 December 1922.
29. Despite such a variety of circumstances, a consistent approach to all such legacy cases was necessary, in order to avoid any bias in the data analysed.
30. In light of the different context of referrals prior to the establishment of the State, the Committee decided to separate these legacy cases from the general statistical analysis detailed in this Part of the Report. As a result, a separate statistical analysis was carried out on these legacy cases. The results of that analysis is included in this Part of the Report and sets out the profile of girls and women who entered a Magdalen Laundry prior to 1922 and continued to live and work there after foundation of the State.
- ii. Overview of structure and content of merged database*
31. Taking the above into account, the total dataset created consisted of 14,607 known admissions to the Magdalen Laundries from 1922 until closure of the last Magdalen Laundry in the State in 1996.
32. The data was analysed to identify cases where a girl or woman entered a Magdalen Laundry more than once. This enabled the Committee to estimate the approximate number of women represented by this overall figure of total entries to the Magdalen Laundries.
33. As the records held by the four Religious Congregations had never previously been combined for examination, this exercise represented the first attempt to determine, on the basis of primary records, the number of girls and women who were admitted to the Magdalen Laundries since 1922.
34. The Committee found that at least 3,409 of the 14,607 known admissions related to women who entered the Laundries more than once. Further, at least 1,186 additional admissions were by way of transfer of a woman from another Magdalen Laundry. Taking this into account (and bearing in mind

the gaps in data reflected above), it is estimated that 10,012 or fewer women are known to have entered the Magdalen Laundries between 1922 and 1996.

35. Subject to the above, the merged dataset consisted of a database of all known entries to the Magdalen Laundries, including all available information in the following fields:

- Institution
- Name
- Date of entry
- Age on entry
- County of origin
- Route of entry
- Date of exit
- Duration of stay
- Route of exit
- Family profile (parents living or dead)

36. Not every field is known or complete for every entry, but all available information on each case – from all sources - was included in the merged list.

37. To facilitate closer analysis, the routes of entry to and routes of exit from the Magdalen Laundries were then broken down into a number of categories. The categories assigned for each of these were as follows:

**Routes of entry:**

- Self
- Family
- Priest
- Transfer from another Magdalen Laundry
- Industrial and Reformatory Schools
- Other congregations

- County Homes and City Homes
- Court
- Prison
- Probation
- Remand
- Gardaí
- Mother and Baby Homes
- Health and social service authorities
- Psychiatric hospitals and institutions for the intellectually disabled<sup>1</sup>
- Hospitals, doctors, nurses
- Legion of Mary
- NSPCC
- Other

38. Of this list of routes of entry, the following were categorised for the purposes of statistical analysis as referrals made or facilitated by the State:

- Industrial and Reformatory Schools;
- County Homes and City Homes;
- Court;
- Prison;
- Probation;
- Remand;
- Gardaí;
- Mother and Baby Homes;
- Health and social service authorities; and
- Psychiatric hospitals.

39. The categories of Court, Prison, Probation, Remand and Gardaí were for some purposes grouped together as “Criminal Justice system”.

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<sup>1</sup> The Committee was required to combine these two categories, in light of the fact that, for many decades, psychiatric institutions also housed people with intellectual disabilities. It was accordingly difficult to distinguish between these two categories in the early records of the Religious Congregations.

40. The entry route “Hospitals” presented some challenges in categorisation. Regardless of the public or private status of any particular hospital, on the basis of available information, the Committee came to the view that the vast majority of cases of referrals to a Magdalen Laundry from a hospital would not have been referrals of hospital patients. Rather, the most common referral path for a girl or woman registered in the records of the Religious Congregations as having entered a Magdalen Laundry from a named hospital is likely to have been referral of a girl or woman *in employment* in that hospital. As set out more fully in Part III of this Report, at least some of these girls and women are likely to have been so referred during the period of supervision which followed their discharge from an Industrial or Reformatory School.
41. The entry routes of the National Society for the Prevention of Cruelty to Children (“NSPCC”<sup>2</sup>) and the Legion of Mary also presented some challenges in designation. In both cases, a referral which is identified on its face as being by the NSPCC or the Legion of Mary may, in fact, represent a referral made or facilitated by the State. The reasons for this are set out more fully elsewhere throughout this Report, but in short are as follows:
- officers of the Legion of Mary (along with the Salvation Army and Society of St. Vincent de Paul) historically served as Voluntary Probation Officers in the Courts. As a result, members of the Legion of Mary may have in some cases accompanied women to a Magdalen Laundry in their capacity as a voluntary probation officer (which would constitute a Court or probation referral), rather than as part of the general social or “Good Samaritan” work of the Legion. As set out more fully in Part III of the Report, officers of the Legion of Mary (along with other organisations) may historically also have acted as agents in the supervision of girls following their discharge from Industrial or Reformatory School.

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<sup>2</sup> Re-named as the Irish Society for the Prevention of Cruelty to Children (“ISPCC”) in 1956

- Similarly in respect of the NSPCC, certain cases involving a woman being brought to a Magdalen Laundry by an NSPCC Inspector in fact arose following criminal cases. This occurred for instance, where an NSPCC Inspector accompanied a woman to a Magdalen Laundry following court proceedings against her in respect of neglect or abuse of her child or children. Again, these cases would constitute a State (Court or probation) referral. By contrast, in other cases, NSPCC inspectors simply brought a girl to a Magdalen Laundry at the request or with the consent of her parents (which would not constitute a State referral).
42. The Mother and Baby Homes referred to in this Section were operated by a variety of Religious Congregations. These Homes were funded, but not operated, by the State. However, the Committee was of the view that they should be included in the narrative of this Report among the category of State referrals to the Magdalen Laundries because of their relevance to health policy. Further detail on the reasons for this is included in Chapter 11.
43. In many cases it has not been possible to identify whether a particular referral registered in the records of the Religious Congregation as being by the NSPCC or the Legion of Mary is in fact a State referral as set out above. As a result, the Committee decided that the statistical findings in relation to both organisations would not be listed as either State or non-State, but rather shown separately in tables providing break-downs of State and non-State referrals.
44. For the same reason of facilitating statistical analysis, the Committee identified a number of different routes of exit from the Magdalen Laundries. The categories created for all departures were as follows:

**Routes of exit**

- Left
- Returned to family or friends

- Dismissed
- Ran away
- Gardaí or Courts
- County Homes and City Homes
- To a job
- To psychiatric hospital
- To a Mother & Baby Home or maternity ward of other institution
- To hospital
- Transfer to another Magdalen Laundry
- Legion of Mary Hostels or homeless shelters
- Other

45. Of these routes of exit, the following were categorised as departure of the girls or women concerned from a Magdalen Laundry to a State organisation or institution:

- County Homes and City Homes
- Gardaí or Courts
- Psychiatric hospital

46. The exit category of ‘Hospital’ again presented some challenges of interpretation. In some cases, the records indicate that the women who left a Magdalen Laundry and went to a hospital did so in order to take up (live-in) employment in that hospital, rather than admission as a patient. In others, it is simply not specified whether the woman was entering the hospital as an employee or as a patient.

47. This was also the case for some of the (small number of) transfers to Mother and Baby Homes, other than in the very small number of cases where the records indicate transfer of a woman who had, within a short period of time after entry to a Magdalen Laundry, been discovered to be pregnant. These small numbers of cases were therefore discharged from the Magdalen Laundry, as pregnant women were not permitted in any of the Magdalen Laundries. In such cases, the exit field in the Register of the

Religious Order typically identifies the institution to which she was transferred, along with a comment such as “maternity case” or “circumstances necessitated her departure”.

48. A rigorous statistical analysis was carried out on the database created in this way. The Central Statistics Office carried out this analysis, at the request of the Committee, to ensure the highest levels of professionalism and accuracy in analysis. The results of this analysis are included in Chapter 8 and associated Appendices.

## **Chapter 8:**

### **Findings of Statistical Analysis**

#### ***Summary:***

*This Chapter sets out the results, in anonymised form, of the statistical analysis carried out of all available data on the girls and women who were admitted to and worked in the Magdalen Laundries, under headings such as:*

- *Routes of entry;*
- *Duration of stay;*
- *Family background;*
- *Place of origin;*
- *Age on entry; and*
- *Routes of exit.*

#### **A. Introduction**

1. The sources and methodology used in preparing the following statistical analysis are set out in Chapter 7. This Chapter sets out the findings of the comprehensive statistical analysis carried out of all available information on the women who lived and worked in the Magdalen Laundries.
2. The Central Statistics Office (CSO) provided invaluable expertise and assistance in carrying out this task, for which the Committee is grateful.
3. The results of the analysis are presented in the following sections:
  - i. Overall entries and routes of entry and exit
    - Overall entries (including breakdown by decade)
    - Routes of entry
    - Routes of exit

- ii. Duration of stay
- iii. Profile of the women
  - Age on entry
  - Family background
  - Geographical origin
- iv. Combinations of these are also presented
  - Total State referrals by decade and by year
  - Routes of entry by duration of stay
  - Routes of entry by age of women
  - Routes of entry by institution
  - Routes of entry by Congregation
  - Routes of exit by decade
  - Routes of exit by duration of stay
  - Routes of exit by age of women
  - Routes of exit by family background
  - Routes of exit by institution
  - Routes of exit by Congregation
- v. Legacy cases (entry pre-1922, exit post-1922)
  - Routes of entry
  - Routes of exit
  - Duration of stay
  - Geographic origin
  - Family background
- vi. Magdalen Laundry Galway

This Chapter finally includes a separate statistical analysis on the limited surviving records relating to the Magdalen Laundry operated in Galway by the Sisters of Mercy.

4. Additional analysis under the above headings for each of the Magdalen Laundries is included in the Appendices. Statistics relating to deaths in the Magdalen Laundry are dealt with in Chapter 16.

### **B. Capacity of the Magdalen Laundries**

5. Chapter 3 identified the capacity of each of the ten Magdalen Laundries within the scope of the Report. Although the capacity of each Laundry fluctuated over time, the maximum capacity for each institution at any point in its lifetime was as follows:

- High Park: 250
- Sean McDermott Street: 150
- Donnybrook: 120
- Peacock Lane, Cork: 110
- Limerick: 120
- Waterford: 120
- New Ross: 50
- Sunday's Well, Cork: 120
- Galway: 110
- Dun Laoghaire: 50

This amounts to a total maximum capacity of all ten Magdalen Laundries of 1,200.

### **C. Findings of Statistical Analysis**

6. As set out in full in Chapter 7, the merged database from which the following statistical findings are drawn consisted of 14,607 known admissions to the Magdalen Laundries from 1922 until closure of the last Magdalen Laundry in the State in 1996.
7. The gaps in available information were also set out in full in Chapter 7, but in summary, the merged database does not include details of entries to the Magdalen Laundries prior to 1922, or entries to the Magdalen Laundries in

Dun Laoghaire (for which no Register survives) or Galway (where only partial records survive).

8. Instead, a separate analysis was carried out on the so-called legacy cases, that is women who entered a Magdalen Laundry prior to the establishment of the State and who remained there for at least some time following the establishment of the State; and also on the surviving (partial) records of the Magdalen Laundry in Galway.
9. The data was analysed to identify cases of repeat entries and also in particular those repeat entries which provided no usable data. These included certain repeat entries for which no usable data was recorded, for example where no date of re-entry or departure or route of entry was included in the relevant Register. A typical case of this kind would be a re-entry recorded only as e.g. "Returned, left again". These cases were excluded on the basis that they did not provide any usable data for analysis of the routes of entry, durations of stay and so on of the women in question.
10. With this adjustment, for the majority of types of analysis carried out, the total available field of information consisted of 11,198 cases. The Central Statistics Office has confirmed that the findings from this number of cases can be reliably extrapolated to cover all known admissions.
11. The following tables and charts set out the findings of the analysis conducted in this way. In all cases, any possible unknown factors are recorded.

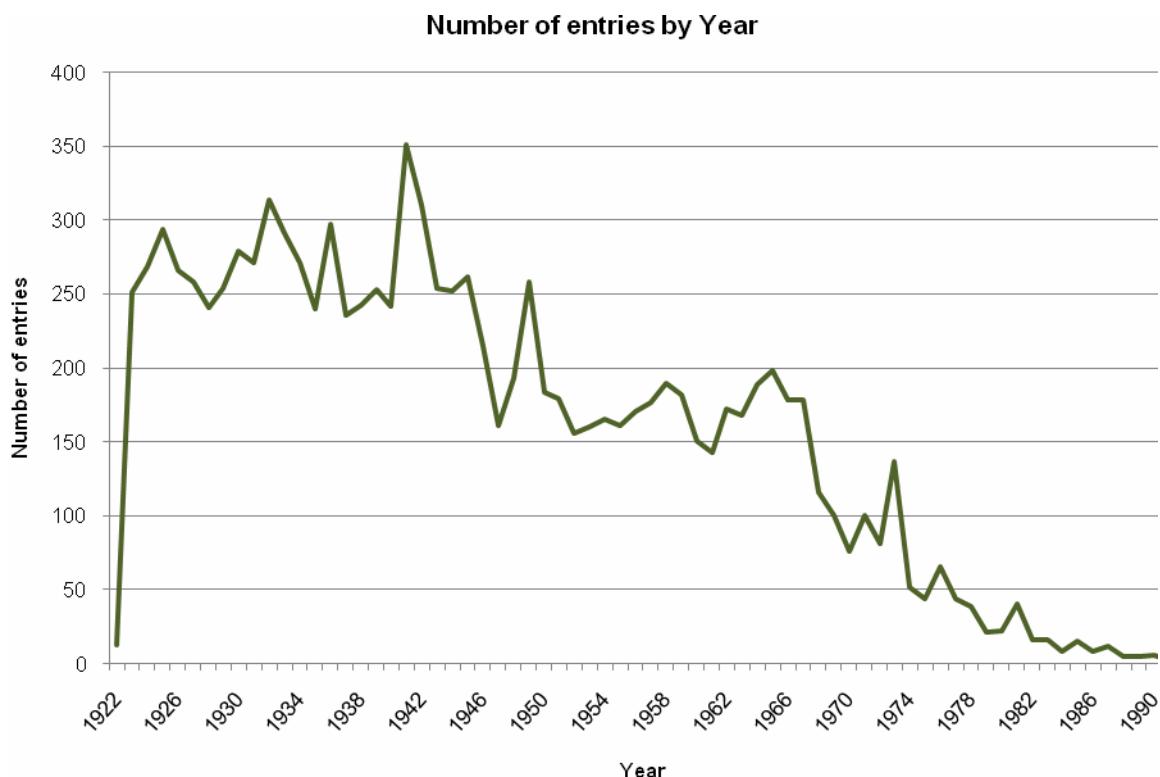
**i. Overall known entries to the Magdalen Laundries**

12. The first analysis carried out was the total number of known entries to the Magdalen Laundries from 1922 until closure of the last Magdalen Laundry in 1996.
13. The total number of known entries were categorised by decade, to provide a picture of the overall upwards or downwards trend in entries to the Magdalen

Laundries across the reference period. The following table provides both the actual numbers of known entries, as well as the percentage which they represent, for each decade from the 1920s onwards.

Decade	Number of entries	Percent
1920s	1,846	16.5%
1930s	2,695	24.1%
1940s	2,498	22.3%
1950s	1,725	15.4%
1960s	1,593	14.2%
1970s	660	5.9%
1980s	147	1.3%
1990s	8	0.1%
Unknown	26	0.2%
Total	11,198	100.0%

14. The overall trend of known entries to the Magdalen Laundries can be more clearly demonstrated by presenting the total number of entries (analysed by year rather than by decade) in the form of a graph, as follows.



15. A more detailed analysis was also carried out on the number and trend of entries over time. The Appendices include separate tables identifying the number of entries to each of the individual Magdalen Laundries by year from 1922 onwards.

## ii. Overall routes of entry

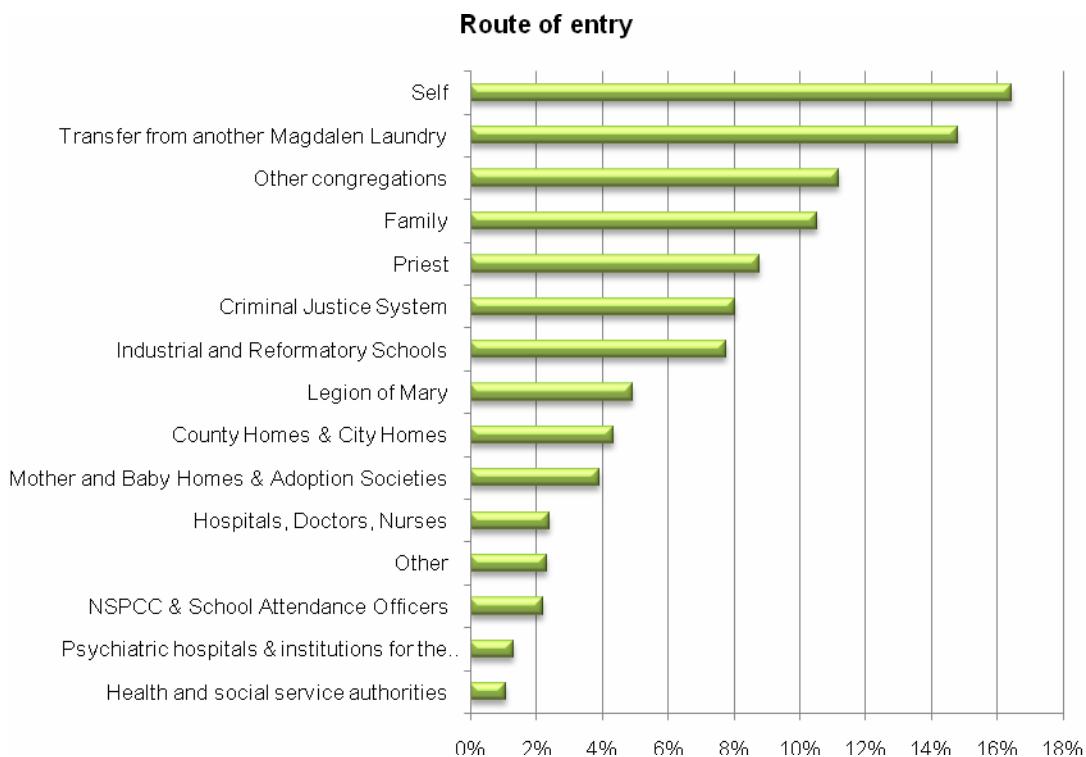
16. The routes by which these women entered the Magdalen Laundries was a key question for the Committee to address and analyse. The routes of entry of all cases following 1922 were analysed, using the methodology set out in Chapter 7, with findings as follows.

17. The routes of entry for 3,173 cases were not known (28.3% of the relevant dataset). The following table provides an analysis of those routes of entry, excluding the cases for which routes of entry are not known. In all cases, the actual number of entries, as well as the percentage of total known entries which they represent, are included.

Routes of entry to the Magdalen Laundries (cases for which routes of entry are known)	Number of women	Percent <sup>1</sup>
Self	1,319	16.4%
Transfer from another Magdalen Laundry	1,186	14.8%
Other congregations	898	11.2%
Family	845	10.5%
Priest	705	8.8%
Criminal Justice System	646	8.1%
Industrial and Reformatory Schools	622	7.8%
Legion of Mary	394	4.9%
County Homes & City Homes	349	4.4%
Mother and Baby Homes & Adoption Societies	313	3.9%
Hospitals, Doctors, Nurses	193	2.4%
Other	185	2.3%
NSPCC	176	2.2%
Psychiatric hospitals & institutions for the intellectually disabled	107	1.3%
Health and social service authorities	87	1.1%

<sup>1</sup> Percentages rounded

18. The relative proportions of each of these categories can also be demonstrated by bar-chart format, as follows.



19. The relative proportion of these categories which represent State and non-State routes of referral in their entirety to the Magdalene Laundries was also assessed. The methodology and rationale for this is detailed in Chapter 7. As set out more fully therein, the categories of the "Legion of Mary" and "NSPCC" are presented separately (as neither State nor non-State) due to the fact that these categories include both State and non-State referrals in unknown proportions.

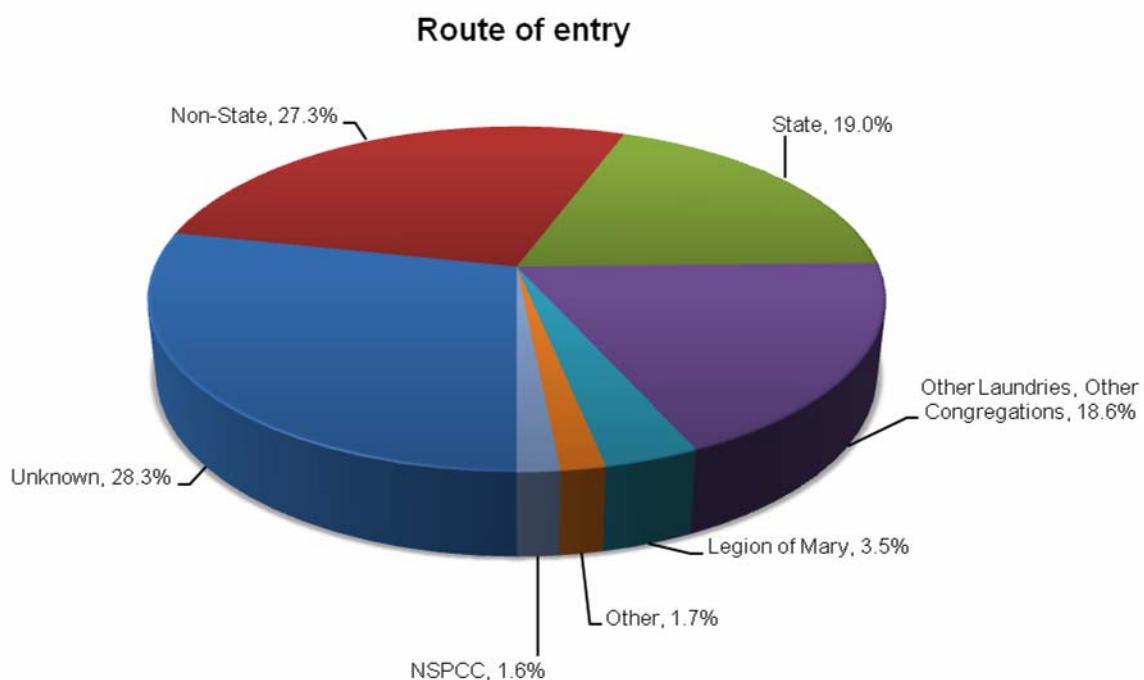
Routes of entry State v. Non-State (excluding cases for which routes of entry are unknown)	Number of women	Percent <sup>2</sup>
Non-State	3,062	38.2%
State	2,124	26.5%
Other Laundries, Other Congregations	2,084	26.0%
Legion of Mary	394	4.9%
Other	185	2.3%
NSPCC	176	2.2%

<sup>2</sup> Percentages rounded

20. The following table shows the impact of including in the analysis the cases for which routes of entry are unknown. As set out more fully in Chapter 7, the Legion of Mary and NSPCC are presented separately (as neither State nor non-State) due to the fact that these categories include both State and non-State referrals, in unknown proportions.

Routes of entry State v. Non-State (including cases for which routes of entry are unknown)	Number of women	Percent <sup>3</sup>
Unknown	3173	28.3%
Non-State	3062	27.3%
State	2124	19.0%
Other Laundries, Other Congregations	2084	18.6%
Legion of Mary	394	3.5%
Other	185	1.7%
NSPCC	176	1.6%

21. The relative proportions of each of these categories can also be demonstrated by presenting the same information in pie-chart format, as follows.



<sup>3</sup> Percentages rounded

22. In the tables above, the category “criminal justice system” includes cases identified as referral on remand, on probation, by the Courts, from prison, or by An Garda Síochána. As set out in Chapter 7, it is possible, for example, that an entry recorded as ‘Court’ is in fact a referral on remand; or for example that a referral recorded as being made by An Garda Síochána represents a case of probation. Nonetheless and bearing this in mind, the following is the relative breakdown between these categories, using all available information.

<b>Route of entry: Relative proportions of sub-categories within 'Criminal Justice System'</b>	<b>Number of women</b>	<b>Percent<sup>4</sup></b>
Probation	203	31.4%
Gardaí	185	28.6%
Court	160	24.8%
Remand	52	8.1%
Prison	46	7.1%
<b>Total Criminal Justice System</b>	<b>646</b>	<b>100%</b>

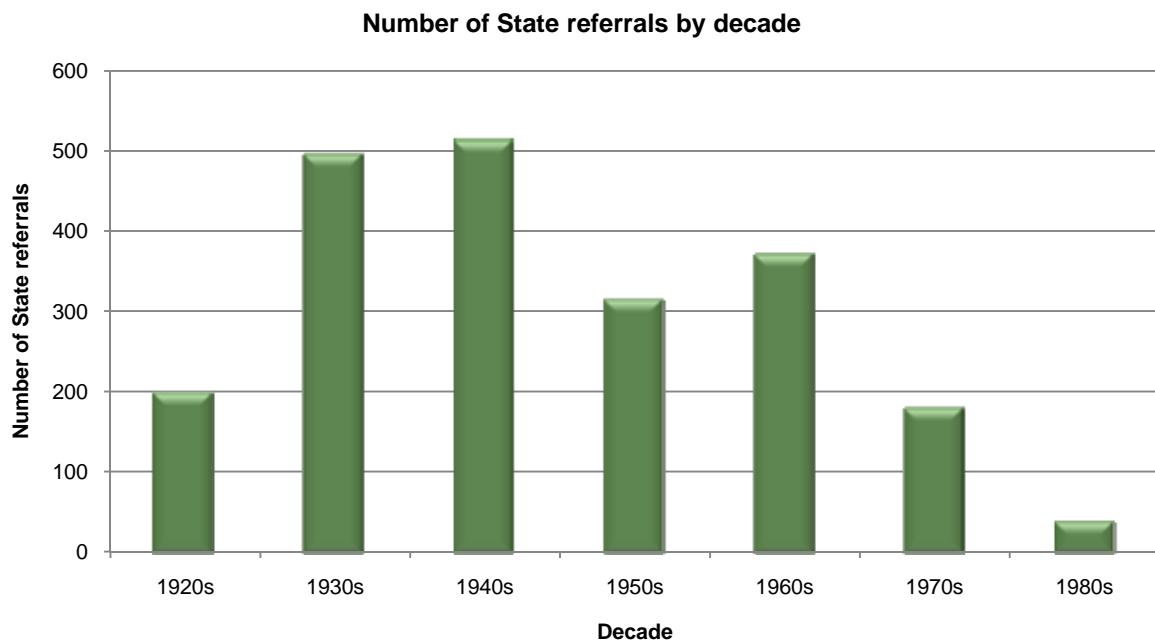
23. The overall pattern of State referrals – including all categories of State referrals – was also analysed. The following table sets out the actual number of State referrals and percentages by decade. This may assist in identifying the upwards and downwards trend of State referrals over the reference period.

<b>Decade</b>	<b>Number of State referrals</b>	<b>Percent<sup>5</sup></b>
1920s	200	9.4%
1930s	496	23.4%
1940s	516	24.3%
1950s	316	14.9%
1960s	372	17.5%
1970s	181	8.5%
1980s	40	1.9%
Unknown	3	0.1%
<b>Total</b>	<b>2124</b>	<b>100%</b>

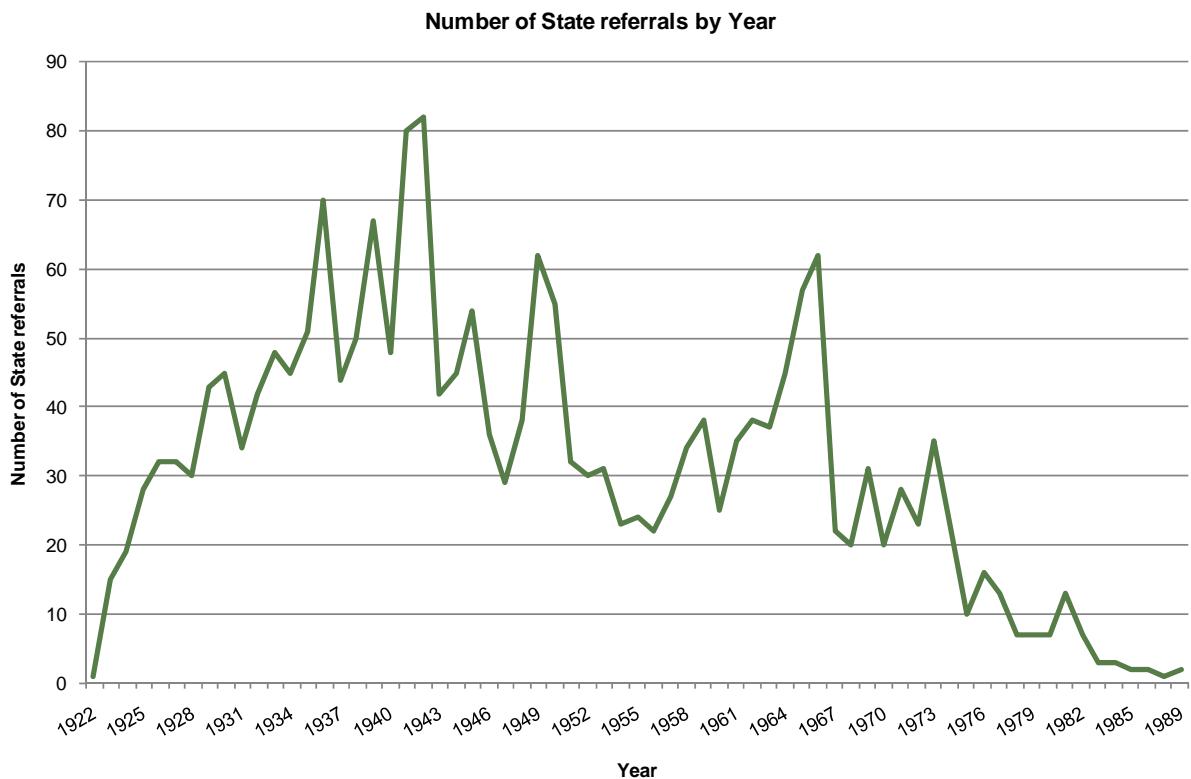
<sup>4</sup> Percentages rounded

<sup>5</sup> Percentages rounded

24. The pattern and trends which these figures represent may be clearly seen by presenting the same information in bar-chart format, as follows.



23. A more detailed breakdown of the timing of State referrals, calculated by year rather than by decade, was also carried out. The results of this analysis are presented in the following graph.



25. Additional breakdowns of these figures are included in the Appendices.
26. The manner in which the various categories for routes of entry increased or decreased over time was also analysed and is included in the Appendices (i.e. a separate table for each decade, setting out the relative frequency of each route of entry).
27. The following table sets out the actual numbers, and the percentages which they represent for all categories when entries for which the referral route is unknown are added.

<b>Overall routes of entry (Including cases in which routes of entry are unknown)</b>	<b>Number of women</b>	<b>Percent<sup>6</sup></b>
Unknown	3,173	28.3%
Self	1,319	11.8%
Transfer from another Magdalen Laundry	1,186	10.6%
Other congregations	898	8.0%
Family	845	7.6%
Priest	705	6.3%
Criminal Justice System	646	5.8%
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Other	185	1.7%
NSPCC	176	1.6%
Psychiatric hospitals & institutions for the intellectually disabled	107	1.0%
Health and social service authorities	87	0.8%

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<sup>6</sup> Percentages rounded

### iii. Duration of stay

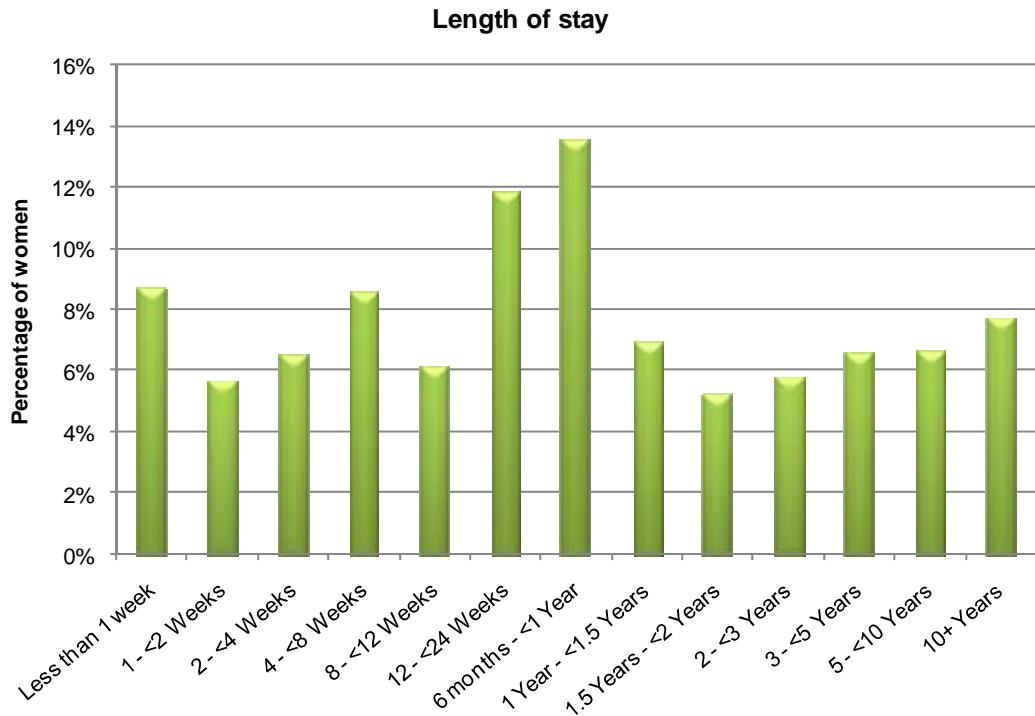
28. The amount of time which individual girls and women stayed in the Magdalen Laundries has never previously been calculated. An analysis was conducted of all known entries to the Magdalen Laundries to determine figures for duration of stay.
29. The duration of stay was unknown for 5,047 women (45%). The following table sets out the duration of stay in the Magdalen Laundries for the remaining 6,151 women for whom the duration of stay is known. The actual numbers of women concerned are included, as well as the percentage represented by that number and the cumulative percentages over the relevant time-periods.

Duration of stay	Number of women	Percent <sup>7</sup>	Cumulative Frequency	Cumulative Percent
Less than 1 week	535	8.7%	535	8.7%
1 - <2 Weeks	348	5.7%	883	14.4%
2 - <4 Weeks	401	6.5%	1,284	20.9%
4 - <8 Weeks	526	8.6%	1,810	29.4%
8 - <12 Weeks	378	6.2%	2,188	35.6%
12 - <24 Weeks	728	11.8%	2,916	47.4%
6 months - <1 Year	836	13.6%	3,752	61.0%
1 Year - <1.5 Years	429	7.0%	4,181	68.0%
1.5 Years - <2 Years	322	5.2%	4,503	73.2%
2 - <3 Years	357	5.8%	4,860	79.0%
3 - <5 Years	405	6.6%	5,265	85.6%
5 - <10 Years	410	6.7%	5,675	92.3%
10+ Years	476	7.7%	6,151	100.0%

30. The following bar-chart (based on the table above) provides a clear view of the relative frequency of these periods of stay.

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<sup>7</sup> Percentages rounded



31. The average and the median duration of stay were also calculated based on these figures. In this case, because the distribution of length of stay is skewed by the small number of women who remained in the Magdalen Laundries for life, the average length of stay is a biased estimate of central tendency. In this case, the median duration of stay is a more informative figure.
  
32. The median stay is the point in the distribution of length of stay that splits the population into two halves. This means that 50% of women stayed less than the median; and 50% stayed longer than the median.
  
33. The following table sets out both the average and the median duration of stay for each of the institutions analysed, as well as an overall average and median duration of stay for all institutions together. The minimum and maximum stays are also included.

Institution	Median stay (weeks)	Average stay (weeks)	Minimum stay (weeks)	Maximum stay (weeks)
Waterford	56.6	216.0	0.14	3420.6
New Ross	54.4	206.5	0.14	2628.1
Limerick	29.3	141.4	0.14	2291.7
Sunday's Well, Cork	28.6	158.7	0.14	2721.3
Donnybrook	20.3	61.8	0.14	2890.0
Peacock Lane, Cork	14.4	51.0	0.14	888.9
High Park	8.3	256.8	0.14	907.7
Sean McDermott St	3.6	25.2	0.14	652.0
<b>All</b>	<b>27.6</b>	<b>167.5</b>	<b>0.14</b>	<b>3420.6</b>

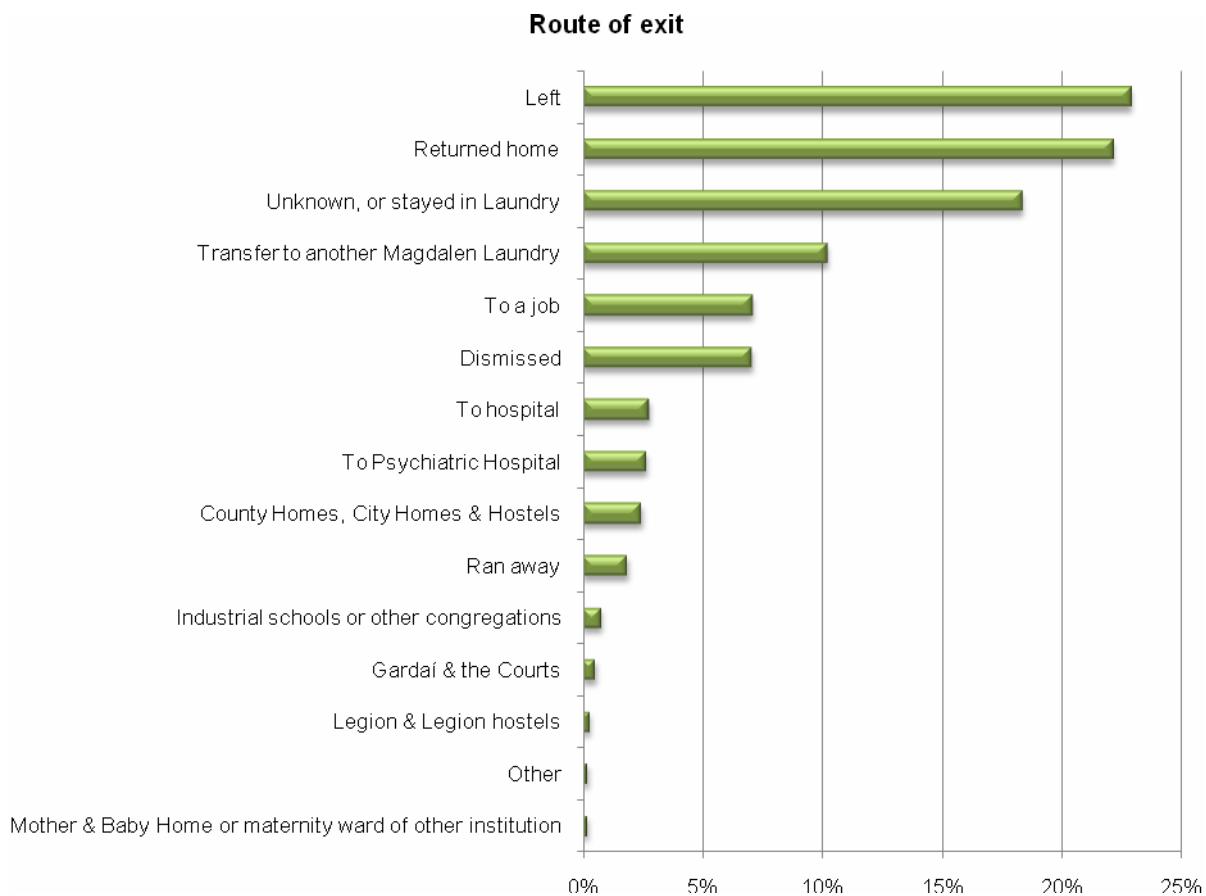
#### iv. Routes of exit

34. The routes by which girls and women left the Magdalen Laundries were also closely examined by the Committee. The methodology by which these routes of exit was analysed is set out in Chapter 7.
35. In many cases, the routes of exit from the Laundries were not known – these cases are included in the following table. This table provides an analysis of all routes of exit, including both the actual number of exits as well as the percentage of the total which they represent.

Routes of exit	Number of women	Percent <sup>8</sup>
Left	2570	23.0%
Returned home	2487	22.2%
Unknown, or stayed in Laundry	2060	18.4%
Transfer to another Magdalen Laundry	1148	10.3%
To a job	797	7.1%
Dismissed	795	7.1%
To hospital	314	2.8%
To Psychiatric Hospital	300	2.7%
County Homes, City Homes & Hostels	279	2.5%
Ran away	213	1.9%
Industrial schools or other congregations	87	0.8%
Gardaí & the Courts	63	0.6%
Legion & Legion hostels	34	0.3%
Other	26	0.2%
Mother & Baby Home or maternity ward of other institution	25	0.2%

<sup>8</sup> Percentages rounded

36. The relative proportions of these categories may be more clearly demonstrated by presentation in bar-chart format, as follows.

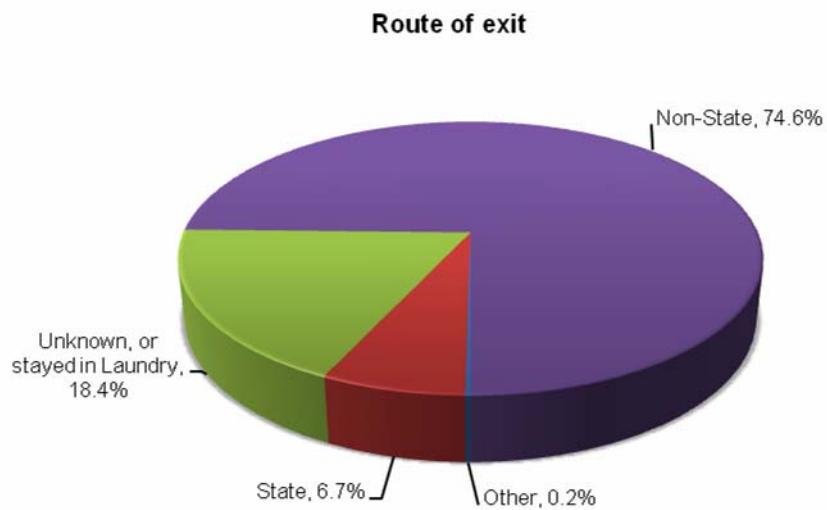


37. Some of these routes of exit involve exit of a girl or woman from a Magdalene Laundry to a State institution or in the company of a State official. The applicable categories and explanations of same are set out in Chapter 7. The following table sets out the cumulative numbers and percentages for routes of exit categorised either as being State or non-State.

Route of exit State v. Non-State	Number of women	Percent <sup>9</sup>
Non-State	8,358	74.6%
Unknown (majority), or stayed in Laundry	2,060	18.4%
State	754	6.7%
Other	26	0.2%

<sup>9</sup> Percentages rounded

38. This data has also been prepared in pie-chart format as follows:



#### v. Profiles of the women: Age on Entry

39. The age on entry of the girls and women who were admitted to the Magdalén Laundries was also analysed on the basis of all available records. Age on entry was unknown for 2,346 women (21% of the relevant dataset)
40. Based on the remaining 8,852 girls and women for whom age on entry was available, the following table sets out the average and the median age on entry, as well as the youngest and oldest women known to have entered a Magdalén Laundry.

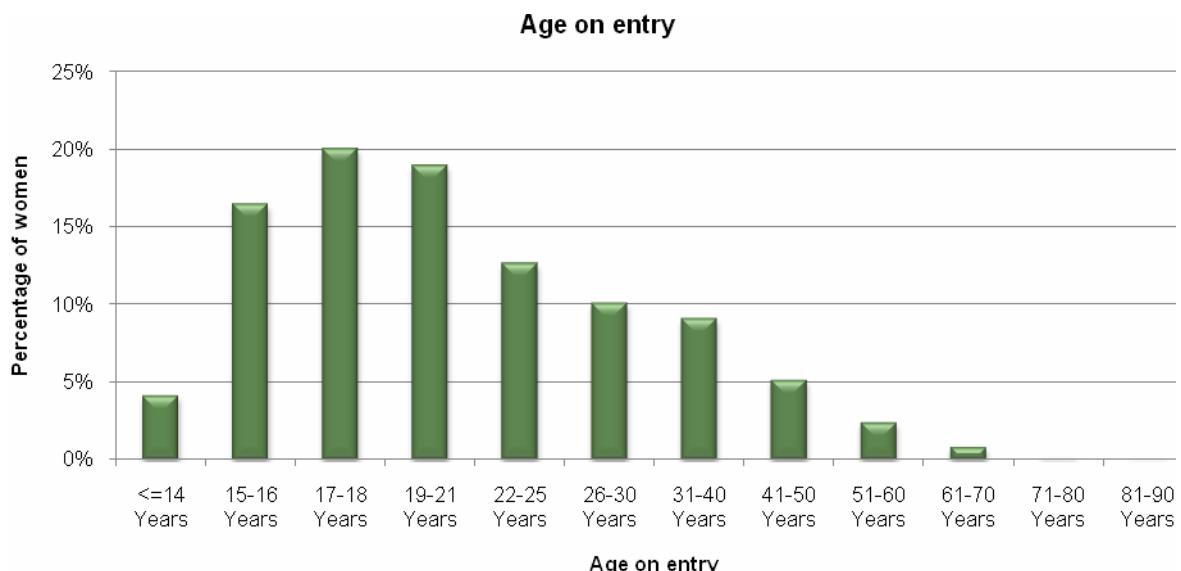
	Average	Median	Minimum	Maximum
Age on entry	23.8	20	9	89

41. The following table provides more detailed information on the breakdown of age on entry, again based on the total number of 8,852 girls and women for whom this data is available. This table includes the actual numbers involved, as well as the percentage represented by each age-group, and the cumulative percentage of each group.

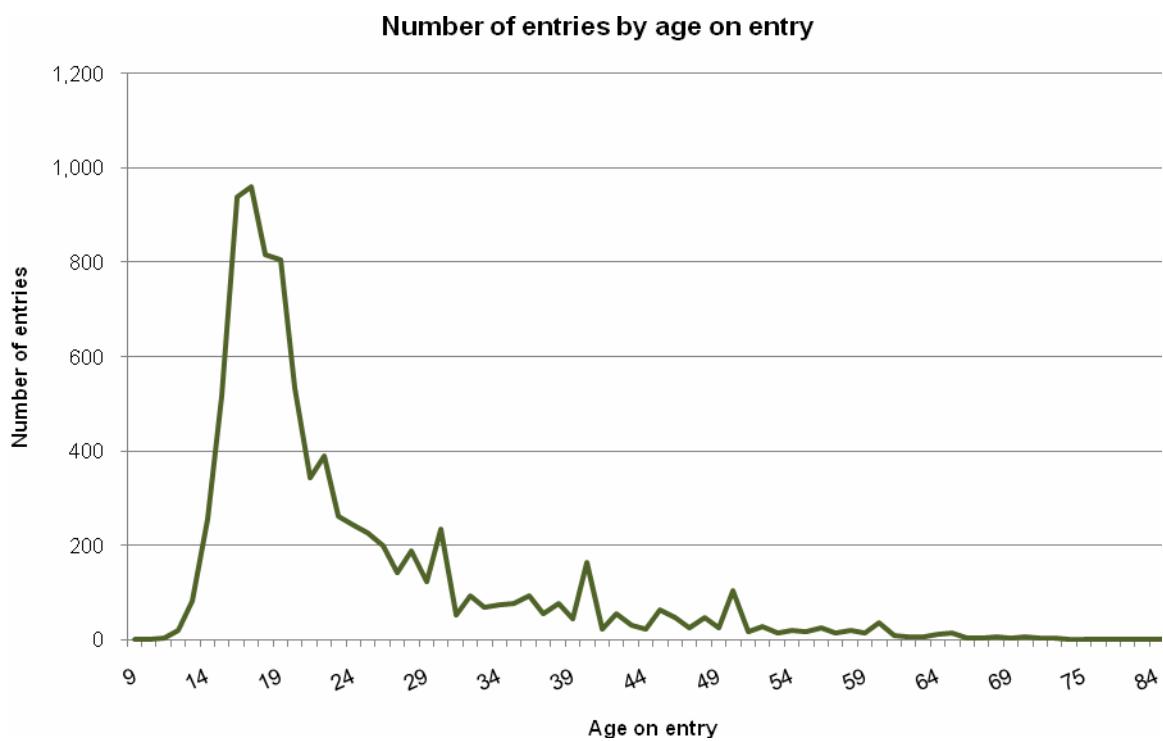
Age on entry	Number of women	Percent <sup>10</sup>	Cumulative Frequency	Cumulative Percent
<=14 Years	365	4.1%	365	4.1%
15-16 Years	1,457	16.5%	1,822	20.6%
17-18 Years	1,776	20.1%	3,598	40.7%
19-21 Years	1,680	19.0%	5,278	59.6%
22-25 Years	1,120	12.7%	6,398	72.3%
26-30 Years	892	10.1%	7,290	82.4%
31-40 Years	803	9.1%	8,093	91.4%
41-50 Years	456	5.2%	8,549	96.6%
51-60 Years	213	2.4%	8,762	99.0%
61-70 Years	72	0.8%	8,834	99.8%
71-80 Years	15	0.2%	8,849	100.0%
81-90 Years	3	0.0%	8,852	100.0%

<sup>10</sup> Percentages rounded

42. The relative size of the age-groups in question can be more clearly demonstrated when the available data is presented in bar-chart format, as follows.



43. The overall pattern of age on entry is detailed by each year of age (rather than clustered in the age-groups above) in the following graph.



44. To determine whether or not the average or median age on entry varied over the reference time-period, analysis was also carried out on the average and median age on entry by decade. The following table sets out the findings in this regard, including also the youngest and oldest known entrant for each decade.

<b>Decade</b>	<b>Average age</b>	<b>Median age</b>	<b>Minimum age</b>	<b>Maximum age</b>
1920s	27.4	23	13	84
1930s	23.5	20	9	70
1940s	22.5	19	12	78
1950s	24.6	19	12	82
1960s	21.8	18	10	89
1970s	20.8	16	11	77
1980s	37.6	38.5	15	72
1990s	40.0	40	40	40

#### **vi. Profile of the women: Family background**

45. In many cases, the available information includes information on whether the parents of the girls or women admitted to the Magdalen Laundries were living or dead, as well as, in some cases, references to other family members who are (in the absence of any mention of parents) taken by the Committee to have been next of kin.
46. On these assumptions, the following analysis was carried out of the family background of the girls and women who entered the Magdalen Laundries from 1922 onwards. In 5,490 cases (49% of the relevant dataset), no information was included on family background. The following table includes these unknown cases.

Next of kin status	Number of women	Percent <sup>11</sup>
Unknown	5490	49.0%
Both parents dead	1513	13.5%
Both parents alive	1399	12.5%
Father dead, Mother alive	1301	11.6%
Mother dead, Father alive	954	8.5%
Brother/Sister	290	2.6%
Aunt/Uncle	104	0.9%
Husband	69	0.6%
Grandparent(s)	26	0.2%
Fosterparent(s)	17	0.2%
Friends	15	0.1%
Daughter	11	0.1%
Cousin	9	0.1%

#### **vii. Profiles of the women: Geographical origin**

47. The geographic origin of the girls and women who entered the Magdalen Laundries was analysed. A number of categories were chosen for this analysis: each county within the State (all 26 of which are represented in the table), as well as Northern Ireland, Great Britain, USA, Continental Europe

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<sup>11</sup> Percentages rounded

and a remaining category for “Rest of World”. The following table sets out both the actual numbers of girls and women involved, as well as the percentages represented by each category.

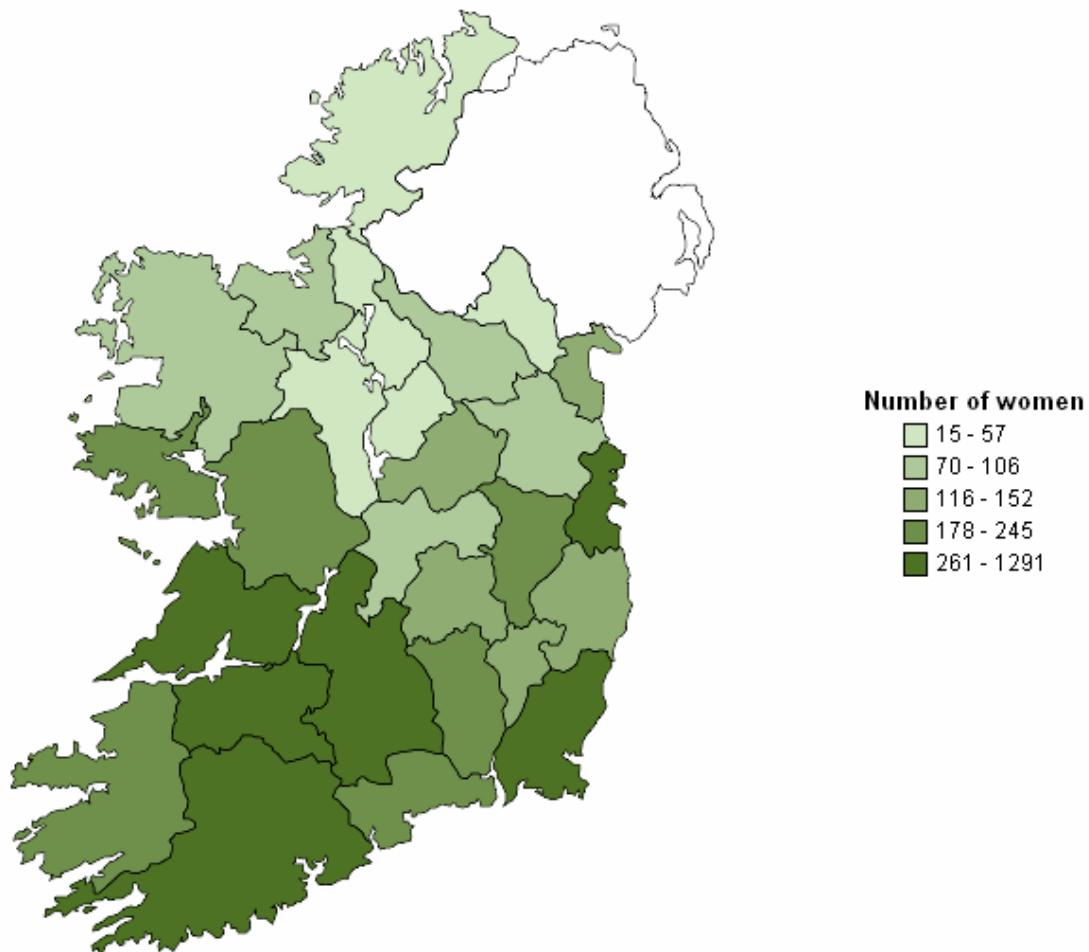
Place of origin	Number of women	Percent <sup>12</sup>
Carlow	152	1.4%
Cavan	91	0.8%
Clare	261	2.3%
Cork	1,200	10.7%
Donegal	15	0.1%
Dublin	1,291	11.5%
Galway	221	2.0%
Kerry	215	1.9%
Kildare	178	1.6%
Kilkenny	232	2.1%
Laois	120	1.1%
Leitrim	28	0.3%
Limerick	773	6.9%
Longford	52	0.5%
Louth	116	1.0%
Mayo	87	0.8%
Meath	75	0.7%
Monaghan	57	0.5%
Offaly	106	1.0%
Roscommon	40	0.4%
Sligo	70	0.6%
Tipperary	399	3.6%
Waterford	245	2.2%
Westmeath	128	1.1%
Wexford	334	3.0%
Wicklow	139	1.2%
Northern Ireland	134	1.2%
Great Britain	118	1.1%
Continental Europe	6	0.1%
USA	1	0.0%
Rest of World	3	0.0%
Unknown	4,311	38.5%

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<sup>12</sup> Percentages rounded

48. The geographic background of the girls and women who entered the Magdalen Laundries from the 26 counties within the State is demonstrated in the following heat-map.

**Place of origin of the women who entered the Magdalen Laundries**

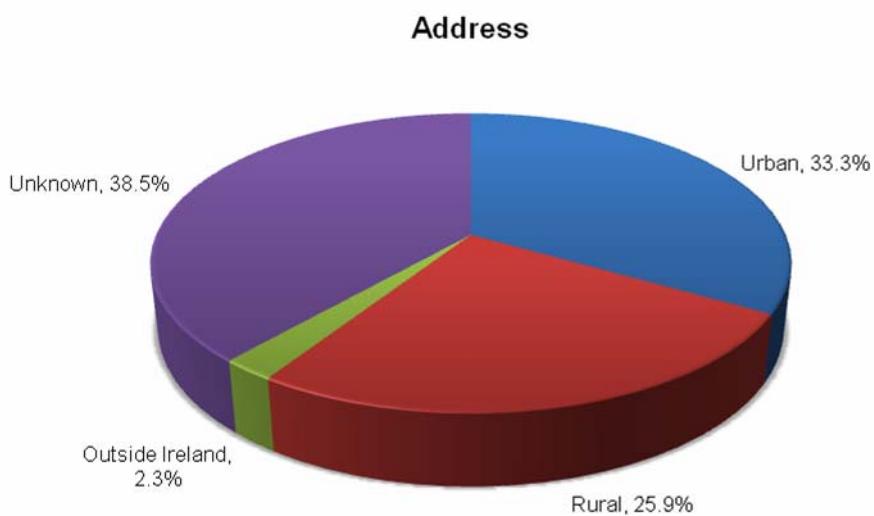


49. In order to determine the number of admissions to the Magdalen Laundries by women from urban and rural backgrounds, some additional analysis of these figures was necessary. Some assumptions were also necessary in carrying out this analysis – for the purposes of the following table, cities in the State with one or more Magdalen Laundry and their respective counties were defined as urban, that is Dublin, Cork, Galway, Limerick and Waterford.

50. No assumptions were made regarding the urban or rural background of girls and women entering the Magdalen Laundries from outside the State. These are instead presented separately in the following table.

Place of origin	Number of women	Percent <sup>13</sup>
Urban	3730	33.3%
Rural	2896	25.9%
Outside the State	261	2.3%
Unknown	4311	38.5%

51. The relative proportions of these categories are demonstrated in the following pie-chart, based on the data provided in the table above.




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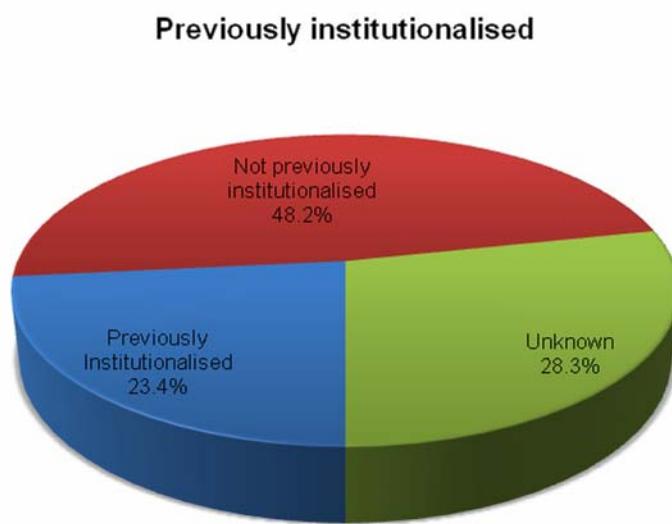
<sup>13</sup> Percentages rounded

**viii. Profiles of the women: previously institutionalised**

52. An analysis of whether the girls and women who entered the Magdalen Laundries had been previously institutionalised was also carried out. The information available in this regard was not complete.
53. Cases in which a girl or woman was recorded as having been previously in any of the following institutions are, for the purposes of the following table, categorised as having been previously institutionalised: Another Magdalen Laundry, Industrial and Reformatory Schools, County Homes and City Homes, Prison, Mother and Baby Homes, Psychiatric hospitals and institutions for the intellectually disabled.

Route of entry	Number of women	Percent <sup>14</sup>
Previously institutionalised	2,623	23.4%
Not previously institutionalised	5,402	48.2%
Unknown	3,173	28.3%

54. The relative proportions of these categories is demonstrated in the following pie-chart (based on the data set out in the table above).



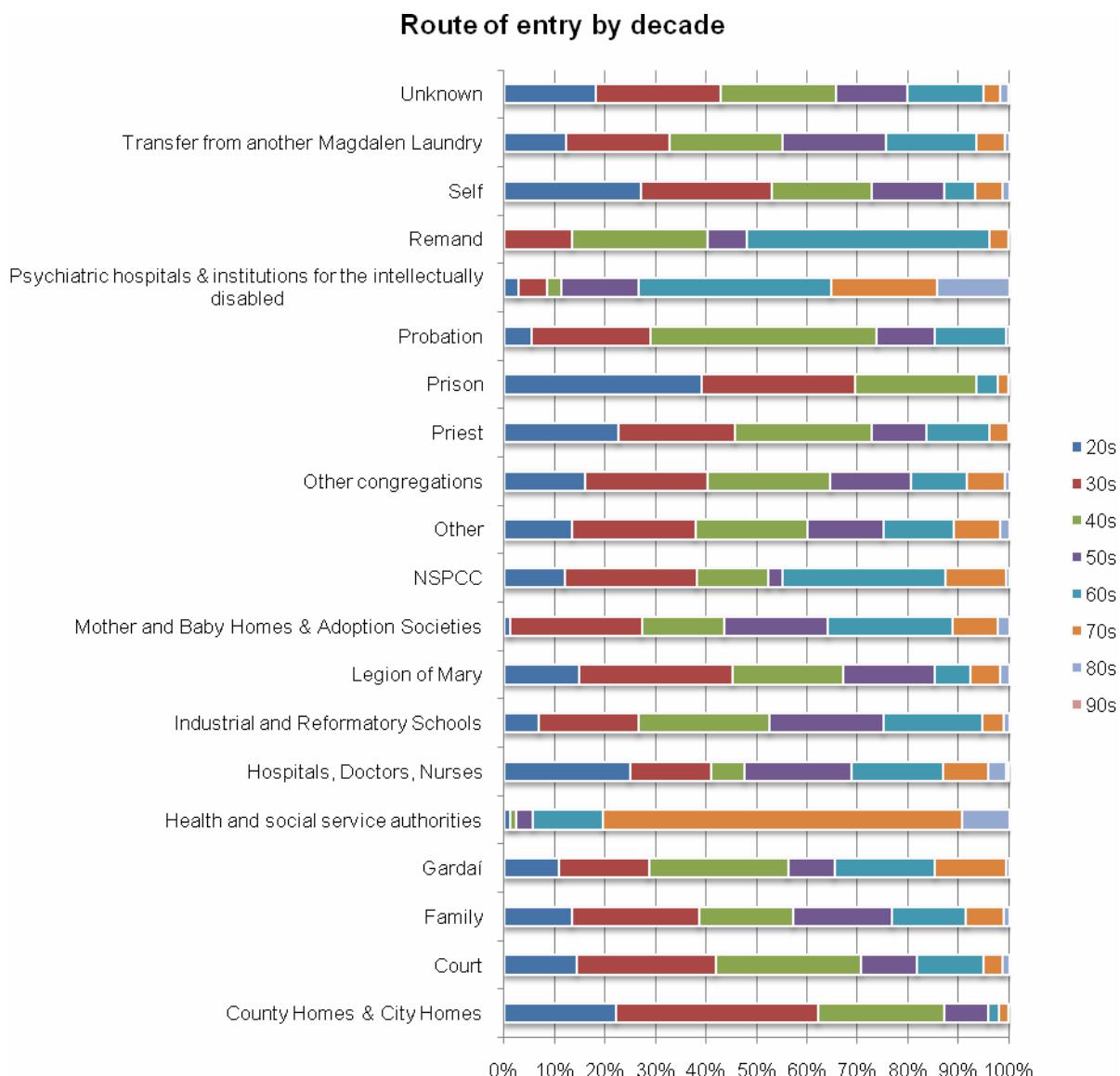

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<sup>14</sup> Percentages rounded

### ix. Combinations of available data

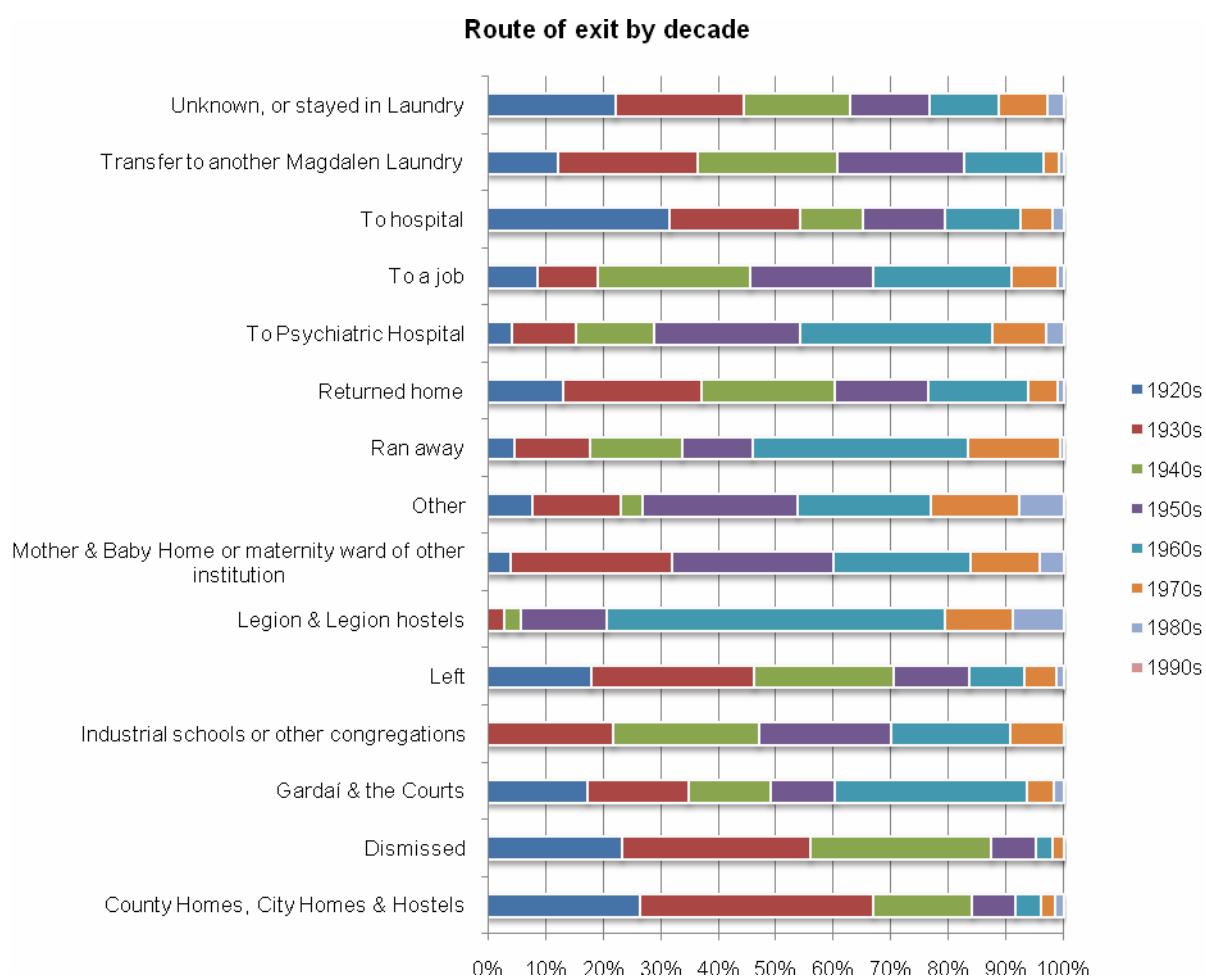
55. Various analyses were also conducted of combinations of the available data, to give a more detailed breakdown of all available information.

56. The first such combination analysis was of the routes of entry to the Magdalen Laundry by time. The following table provides an overview of this analysis, by including detail of how routes of entry varied by decade across the reference time-period.



57. A more detailed analysis on this point is included in the Appendices, with separate graphs recording the routes of entry on a decade by decade basis (i.e. a separate chart for routes of entry in the 1920s, 1930s and so on).

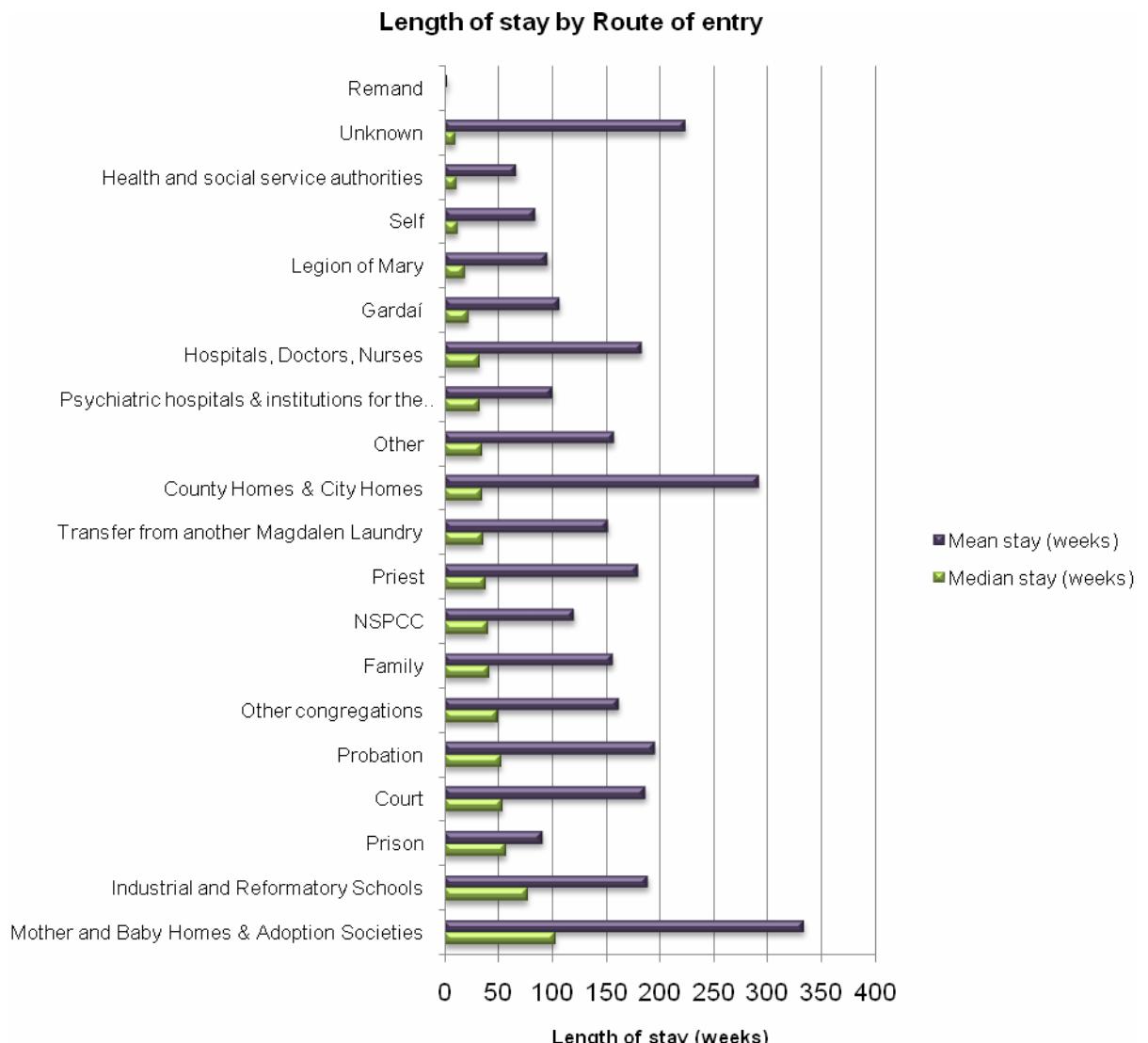
58. A similar exercise was carried out on the routes of exit by time. The following table provides an overview of this analysis, by including detail of how routes of exit varied by decade across the reference time-period. This gives an overview of the manner in which particular routes of exit increased or decreased over time.



59. Again, more detailed analysis on this combination of routes of exit across time is included in the Appendices, with separate graphs recording routes of exit for every decade in the reference time period (i.e. routes of exit in the 1920s, 1930s, and so on).
60. The duration of stay in the Magdalen Laundries was also analysed on the basis of each individual route of entry. The following table provides a picture of the relative median and mean duration of stay for all routes of entry to the Magdalen Laundries, as well as recording the shortest and longest duration of stay for each category. (The median stay is the point in the distribution of length of stay that splits the population into two halves, which means that 50% of women stayed less than the median; and 50% stayed longer than the median).

Route of entry	Median stay (weeks)	Mean stay (weeks)	Minimum stay (weeks)	Maximum stay (weeks)
Mother and Baby Homes & Adoption Societies	102.4	334.3	0.43	2,895.4
Industrial and Reformatory Schools	76.7	189.8	0.14	2,584.3
Prison	56.7	91.6	1.14	703.4
Court	53.7	187.8	0.14	2,122.0
Probation	52.3	196.1	0.29	2,914.3
Other congregations	48.6	162.4	0.14	2,447.9
Family	41.1	157.0	0.14	2,799.0
NSPCC	40.3	120.9	0.14	1,745.1
Priest	38.4	180.6	0.14	2,686.4
Transfer from another Magdalен Laundry	35.6	152.5	0.14	2,504.3
County Homes & City Homes	35.0	292.2	0.14	2,669.6
Other	34.9	157.6	0.14	2,084.3
Psychiatric hospitals & institutions for the intellectually disabled	32.2	100.9	0.57	433.3
Hospitals, Doctors, Nurses	31.7	183.7	0.14	2,517.7
Gardaí	21.6	107.5	0.14	2,110.7
Legion of Mary	18.3	96.9	0.14	2,721.3
Self	12.3	85.5	0.14	2,890.0
Health and social service authorities	11.2	67.3	0.14	1,620.3
Unknown	10.1	224.4	0.14	3,420.6
Remand	1.0	3.6	0.29	10.6

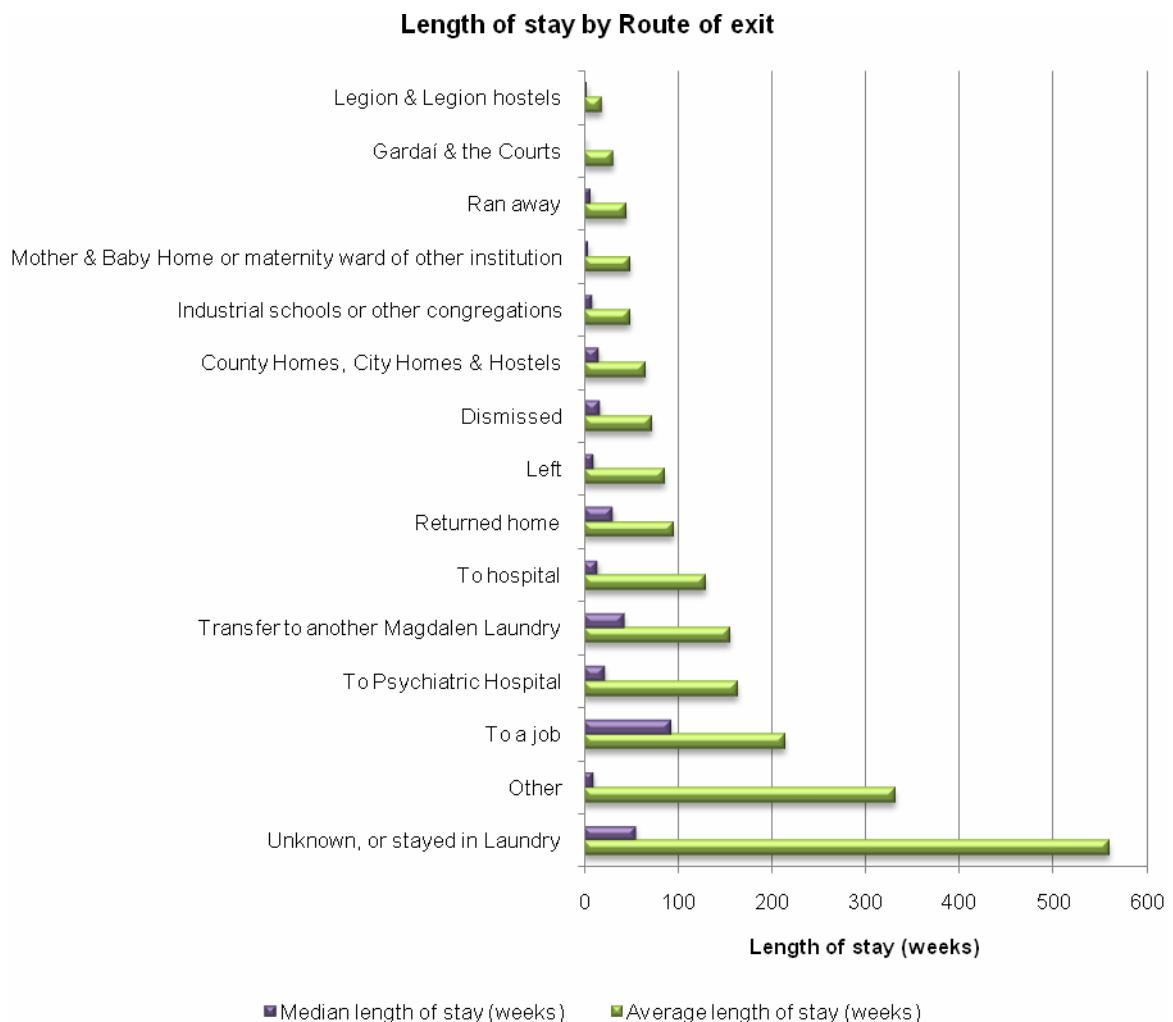
61. This data is presented in the form of the following bar-chart, to clearly demonstrate the median and mean lengths of stay for the various routes of entry and the variations which were found between these categories.



62. The same analysis was carried out on the duration of stay in the Magdalen Laundries on the basis of each individual route of exit. The following table provides a picture of the relative median and mean durations of stay for all routes of exit from the Magdalen Laundries, as well as recording the shortest and longest duration of stay for each category.

Route of exit	Average stay (weeks)	Minimum stay (weeks)	Maximum stay (weeks)	Median stay (weeks)
Unknown, or stayed in Laundry	560.8	0.14	3,420.6	55.9
Other	332.4	0.14	2,750.0	10.6
To a job	214.7	0.14	2,561.7	92.7
To Psychiatric Hospital	163.3	0.29	2,633.6	22.6
Transfer to another Magdalen Laundry	156.0	0.14	2,914.3	43.4
To hospital	128.8	0.14	2,465.4	15.7
Returned home	95.8	0.14	2,290.0	31.7
Left	85.1	0.14	2,855.6	10.9
Dismissed	72.5	0.14	2,528.3	17.9
County Homes, City Homes & Hostels	64.6	0.14	1,119.6	16.5
Industrial schools or other congregations	49.3	0.43	446.1	9.1
Mother & Baby Home or maternity ward	48.3	0.14	478.3	5.4
Ran away	44.2	0.14	897.6	8.7
Gardaí & the Courts	30.3	0.14	380.0	3.0
Legion & Legion hostels	18.4	0.57	81.6	4.3

63. This data is also presented in the form of the following bar-chart.

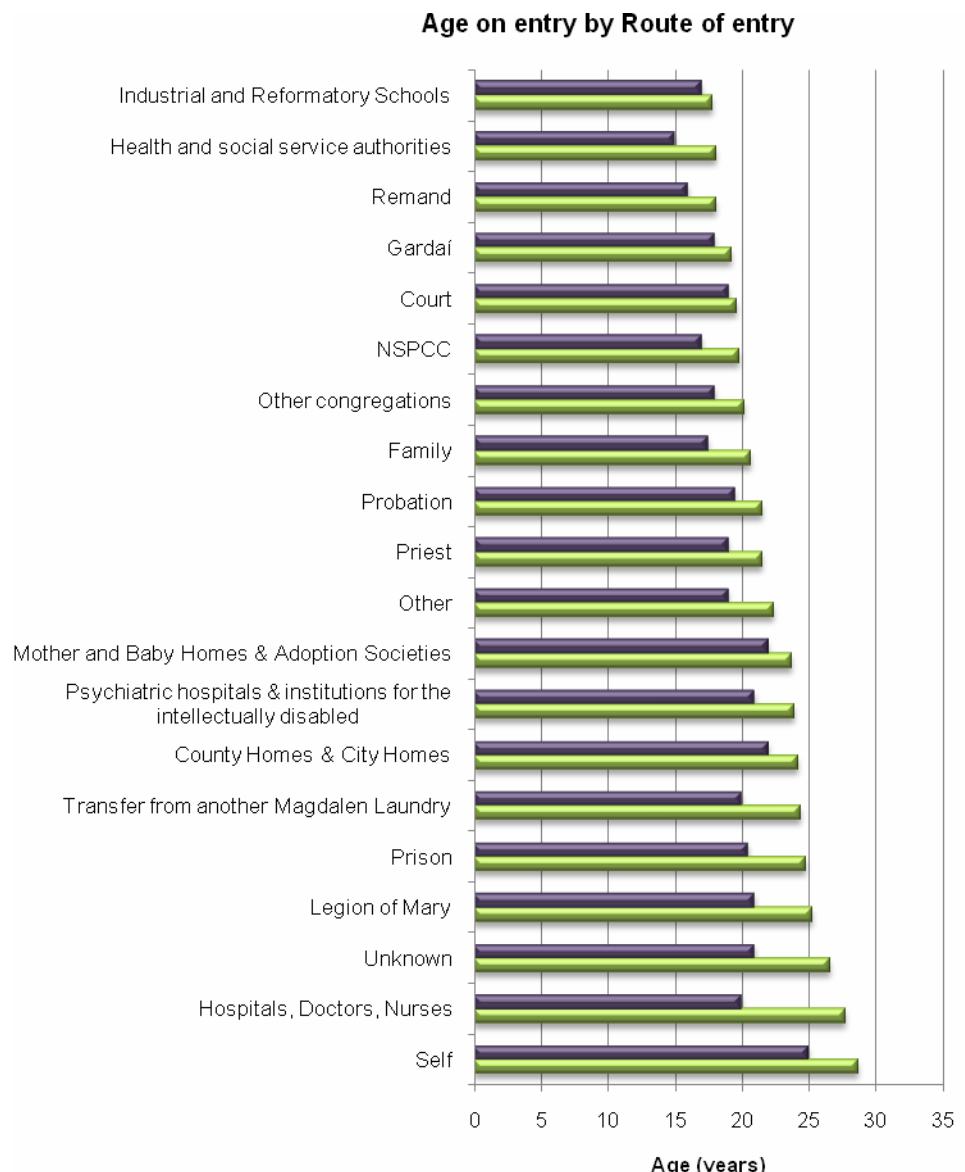


64. The mean and median ages at which girls and women entered the Magdalén Laundries was analysed against the basis of the recorded routes of entry.

65. This analysis demonstrates the differing age profiles of these girls and women, depending on the manner which they entered the Laundries. In all cases, the youngest known and oldest known entrant for each route of entry is also included.

Route of entry	Mean age on entry	Median age on entry	Minimum age on entry	Maximum age on entry
Self	28.7	25	13	84
Hospitals, Doctors, Nurses	27.8	20	13	71
Unknown	26.6	21	9	82
Legion of Mary	25.2	21	14	65
Prison	24.8	20.5	14	55
Transfer from another Magdalen Laundry	24.4	20	14	89
County Homes & City Homes	24.2	22	13	61
Psychiatric hospitals & institutions for the intellectually disabled	23.9	21	14	50
Mother and Baby Homes & Adoption Societies	23.7	22	14	71
Other	22.4	19	13	58
Priest	21.5	19	13	63
Probation	21.5	19.5	14	51
Family	20.6	17.5	12	72
Other congregations	20.2	18	10	70
NSPCC	19.8	17	12	77
Court	19.6	19	12	60
Gardaí	19.2	18	11	60
Remand	18.1	16	13	51
Health and social service authorities	18.1	15	11	61
Industrial and Reformatory Schools	17.8	17	9	61

66. The data contained in the above table is also presented in the following bar-chart format, to allow a clear view of the relative ages at which girls and women entered the Magdalen Laundries when separated into the various routes by which they entered the Magdalen Laundries.



67. An analysis was conducted of routes of exit against the ages at which the girls and women in question had originally entered the Magdalen Laundries.
68. The following table accordingly differentiates between the routes of exit in relation to the average and median ages of girls and women at the time of their entry and exit.

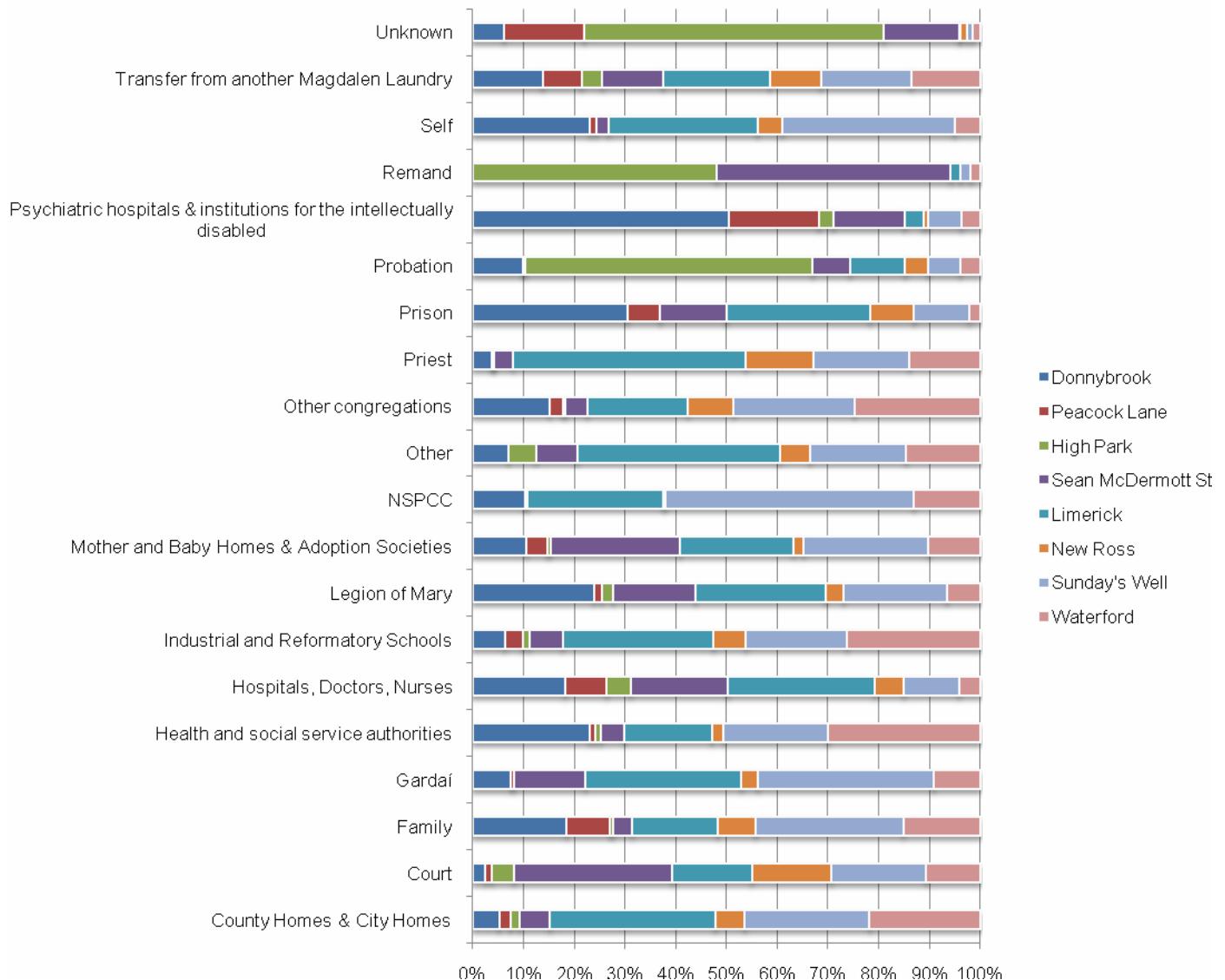
Route of exit	Average age on entry	Median age on entry	Average age on exit	Median age on exit
County Homes, City Homes & Hostels	25.0	22	26.0	23
Dismissed	22.9	20	25.1	22
Gardaí & the Courts	18.8	17	20.7	18
Industrial schools or other congregations	17.0	16	19.0	18
Left	27.2	22	28.6	24
Legion & Legion hostels	18.3	17	19.5	19
Mother & Baby Home or maternity ward of other institution	20.6	20	22.6	22
Other	22.2	20	27.9	21
Ran away	19.3	17	19.7	18
Returned home	20.1	18	21.8	19
To Psychiatric Hospital	26.5	23	30.5	25
To a job	21.2	19	25.5	23
To hospital	28.5	23	30.9	25
Transfer to another Magdalen Laundry	22.2	19	25.3	22
Unknown, or stayed in Laundry	26.7	22	41.2	35

69. The routes of exit of girls and women from the Magdalen Laundries were also analysed according to their family background (whether their parents were living or dead). The following table sets out the findings of this analysis.

Route of exit	Both parents alive	Both parents dead	Father dead, Mother alive	Mother dead, Father alive	Unknown
County Homes, City Homes & Hostels	2.3%	3.3%	3.4%	3.7%	2.0%
Dismissed	5.2%	7.7%	6.7%	7.5%	7.4%
Gardaí & the Courts	0.7%	0.3%	0.7%	0.2%	0.6%
Industrial schools or other congregations	1.4%	0.5%	0.8%	0.6%	0.8%
Left	19.8%	37.8%	20.4%	18.3%	21.3%
Legion & Legion hostels	0.3%	0.4%	0.3%	0.0%	0.3%
Mother & Baby Home or maternity ward of other institution	0.3%	0.1%	0.3%	0.1%	0.3%
Other	0.4%	0.2%	0.1%	0.1%	0.3%
Ran away	3.6%	1.1%	2.3%	2.3%	1.6%
Returned home	39.9%	10.9%	31.6%	30.2%	17.6%
To Psychiatric Hospital	1.8%	2.4%	1.8%	2.1%	3.3%
To a job	7.2%	8.8%	10.3%	8.1%	5.9%
To hospital	2.1%	3.3%	2.7%	4.5%	2.6%
Transfer to another Magdalen Laundry	8.0%	10.5%	9.5%	10.0%	10.9%
Unknown, or stayed in Laundry	7.2%	12.9%	9.2%	12.3%	25.3%

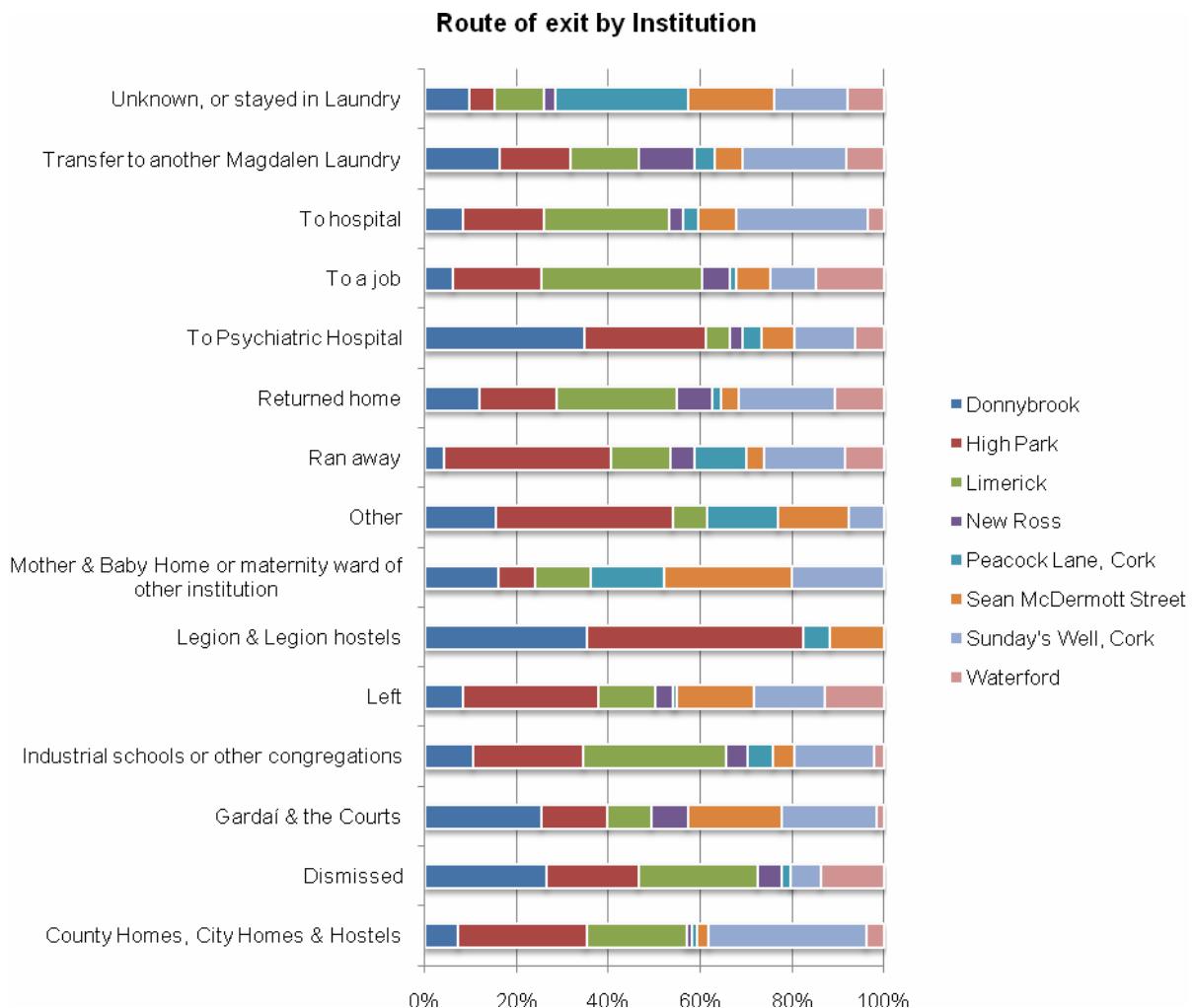
70. A full breakdown is included in the Appendices of the routes of entry for each of the relevant Magdalen Laundries (i.e. a separate graph on routes of entry for each Magdalen Laundry). As an overview of this data, the following table includes detail of the routes of entry for each institution, identified by colour-blocks only. The Appendices should be consulted for a more accurate picture of the numbers concerned.

**Route of entry by Institution**

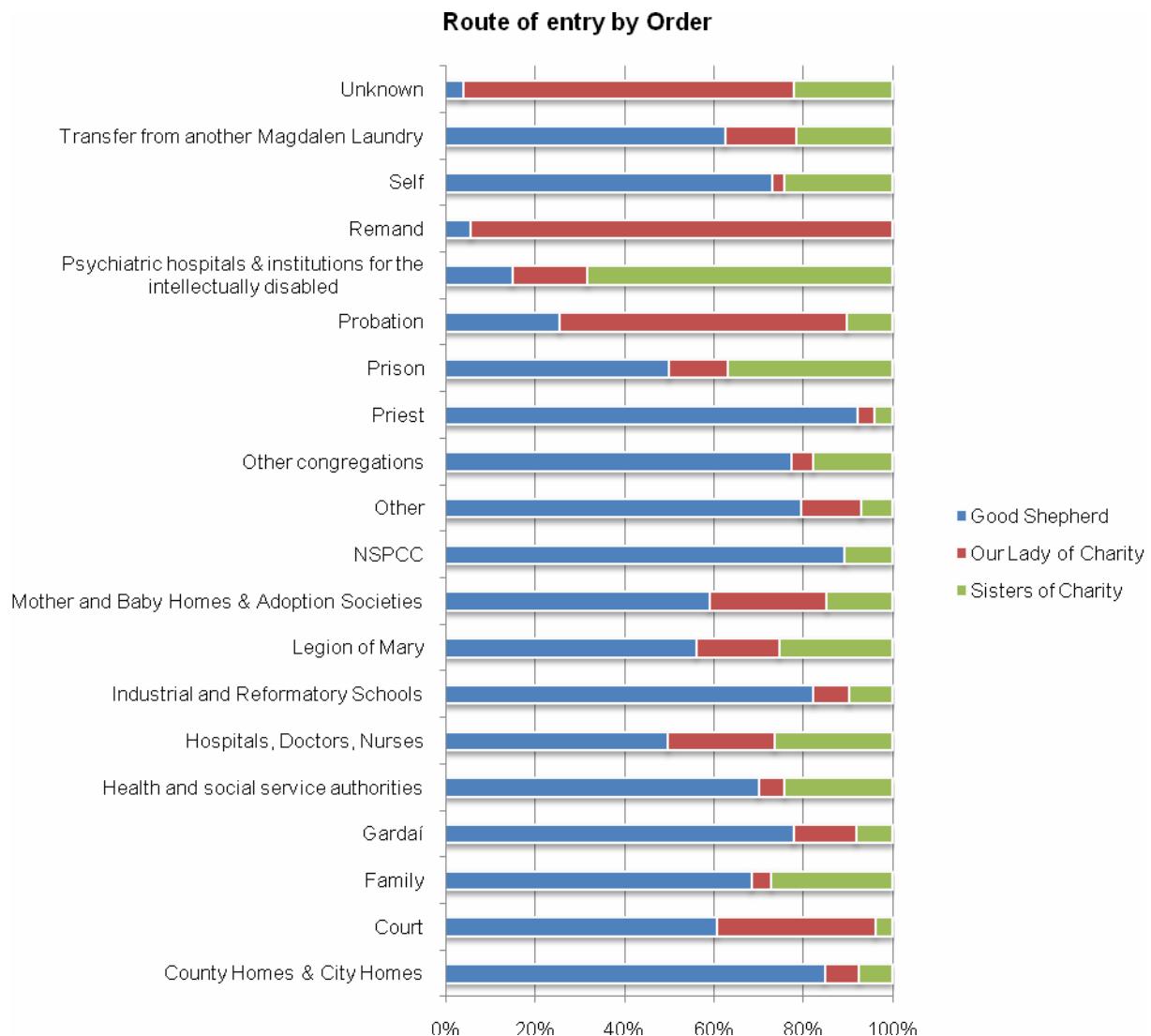


71. A similar exercise was conducted on the routes of exit for each Magdalen Laundry. Again, a detailed breakdown on this is included in the Appendices, comprising an individual graph for each institution detailing the relative frequency of routes of exit.

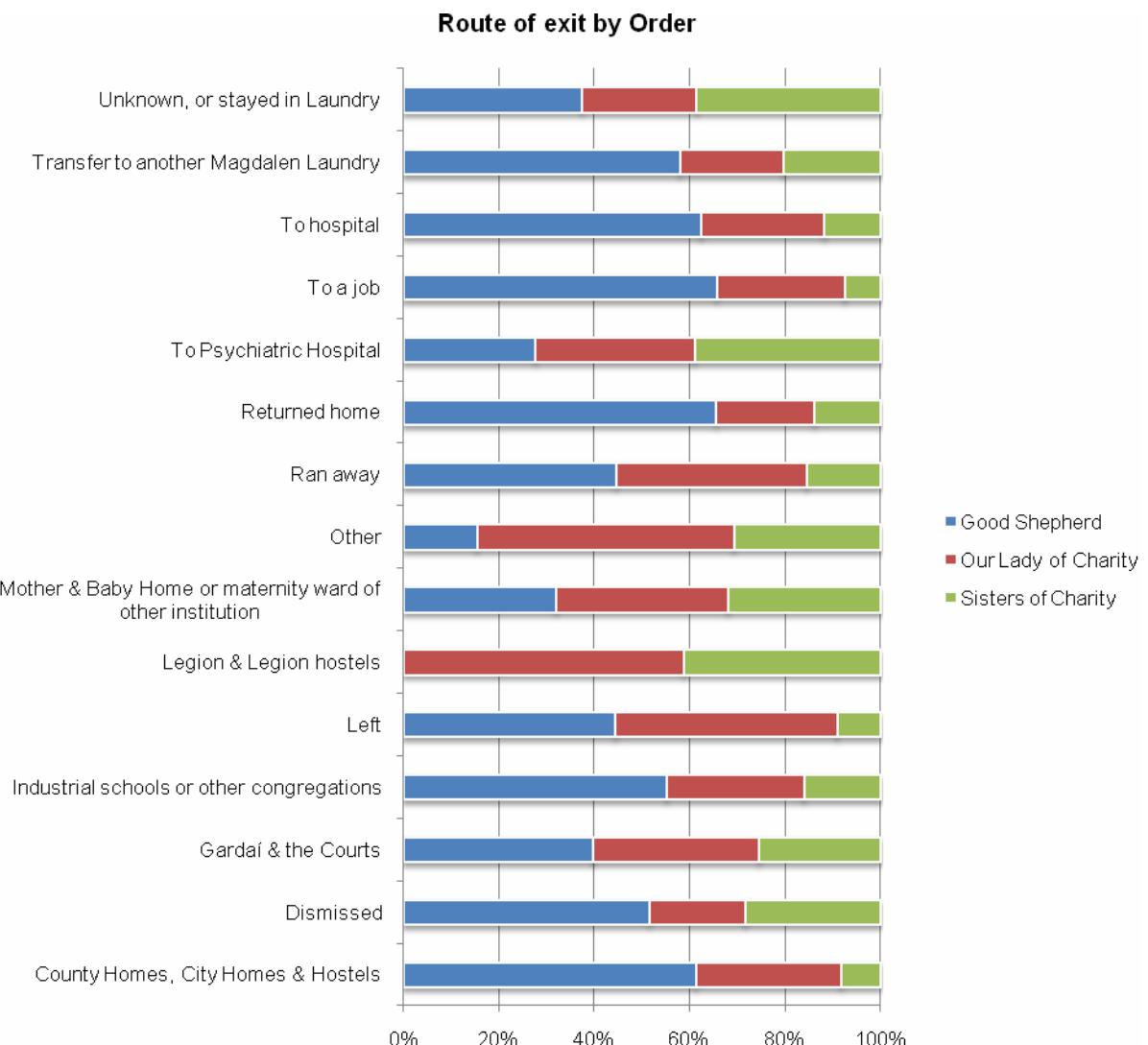
72. The following table provides an overview of that data, by combining all into one table, indicating the relative proportions for each institution by colour-block.



73. As noted above, individual graphs are included in the Appendices for routes of entry to each Magdalen Laundry. Nonetheless, to assess whether there were variations in routes of entry between the Congregations which operated the Magdalen Laundries and to provide an overview of these findings, an analysis was also conducted of the known routes of entry against the basis of which Congregation operated the laundries in question.



74. A similar exercise was carried out on the known routes of exit based on the Congregations which operated the Magdalen Laundries.



**x. Legacy cases (entry pre-1922, exit post-1922)**

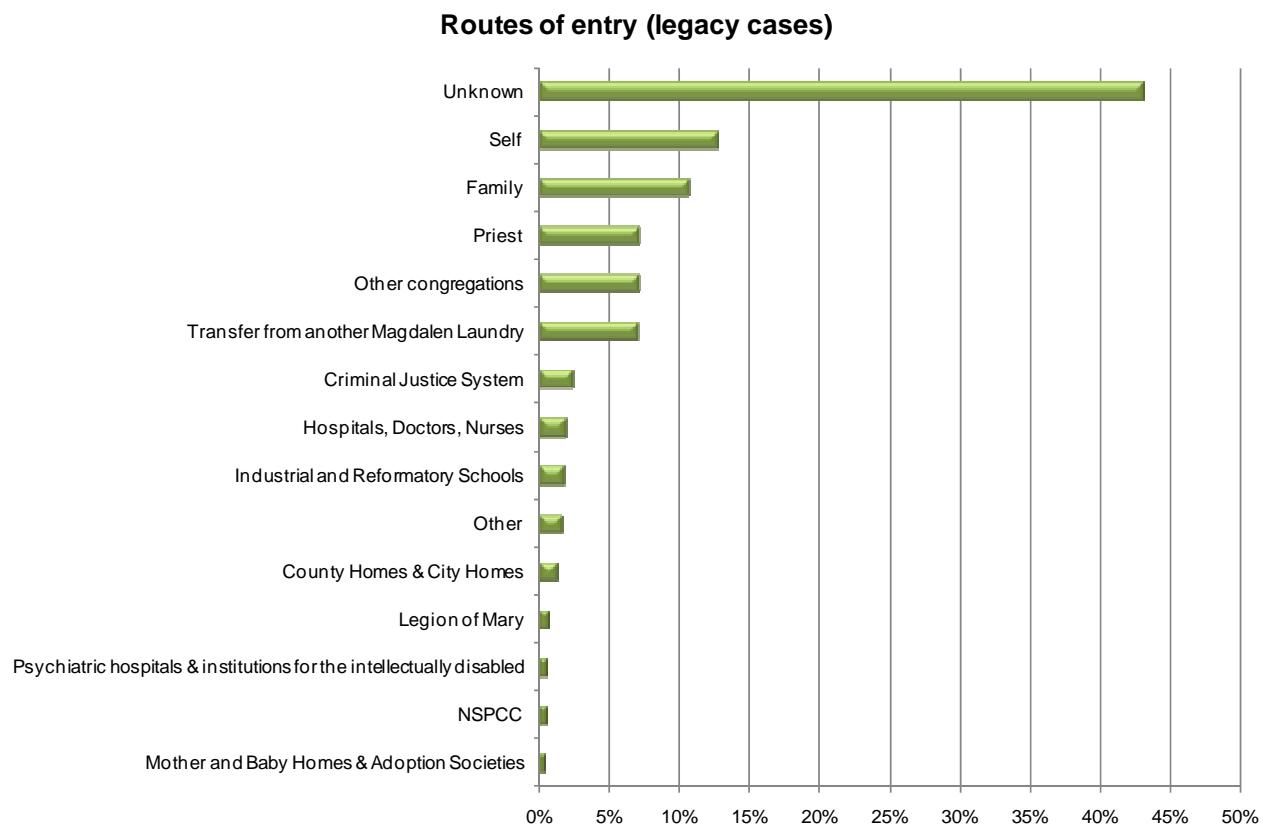
75. Chapter 7 details that 762 women are known to have entered a Magdalen Laundry prior to the establishment of the State on 6 December 1922 and continued to live and work there after that date, referred to as “legacy cases”.
76. That Chapter also sets out the types of cases involved and the reasons why these cases were not included in the overall statistical analysis contained in this Chapter. These 762 cases are instead analysed separately in this section, under many of the same headings.
77. The routes of entry which applied in these cases are detailed in the following table. All these entries took place before the foundation of the State in 1922.

Legacy cases: Routes of entry	Number of women	Percent <sup>15</sup>
Unknown	328	43.0%
Self	97	12.7%
Family	82	10.8%
Other congregations	55	7.2%
Priest	55	7.2%
Transfer from another Magdalen Laundry	54	7.1%
Criminal Justice System	19	2.5%
Hospitals, Doctors, Nurses	15	2.0%
Industrial and Reformatory Schools	14	1.8%
Other	13	1.7%
County Homes & City Homes	10	1.3%
Legion of Mary	6	0.8%
NSPCC	5	0.7%
Psychiatric hospitals & institutions for the intellectually disabled	5	0.7%
Mother and Baby Homes & Adoption Societies	4	0.5%

78. This data was also produced in the form of a bar-chart, to clearly demonstrate the relative frequency of these (pre-1922) routes of entry for the legacy cases.

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<sup>15</sup> Percentages rounded



79. Duration of stay for the legacy cases (i.e. women who entered prior to 6 December 1922 and left after that date) was also analysed on the basis of all available information. Of the total number of 762 legacy cases, the duration of stay was unknown for 411 women (54%). The duration of stay of the remaining 351 women, for whom this information is available, is recorded in the following table. The actual number of women and the cumulative percentages involved are included in the table.

Legacy cases: Length of stay (weeks)	Number of women	Percent <sup>16</sup>	Cumulative frequency	Cumulative percent
Less than 1 week	1	0.3%	1	0.3%
1 - <8 Weeks	3	0.9%	4	1.1%
8 - <24 Weeks	6	1.7%	10	2.9%
6 months - <1 Year	14	4.0%	24	6.8%
1 Year - <1.5 Years	10	2.9%	34	9.7%
1.5 Years - <2 Years	14	4.0%	48	13.7%
2 - <3 Years	26	7.4%	74	21.1%
3 - <5 Years	30	8.6%	104	29.6%
5 - <10 Years	27	7.7%	131	37.3%
10+ Years	220	62.7%	351	100.0%

<sup>16</sup> Percentages rounded

80. The family background of the legacy cases – limited to whether or not the parents of the girl or woman in question were living or dead at the time of her entry to the Magdalen Laundry – is set out in the following table.

Legacy cases: Family status	Number of women	Percent <sup>17</sup>
Unknown	513	67.3%
Both parents dead	111	14.6%
Both parents alive	50	6.6%
Father dead, Mother alive	48	6.3%
Mother dead, Father alive	40	5.3%

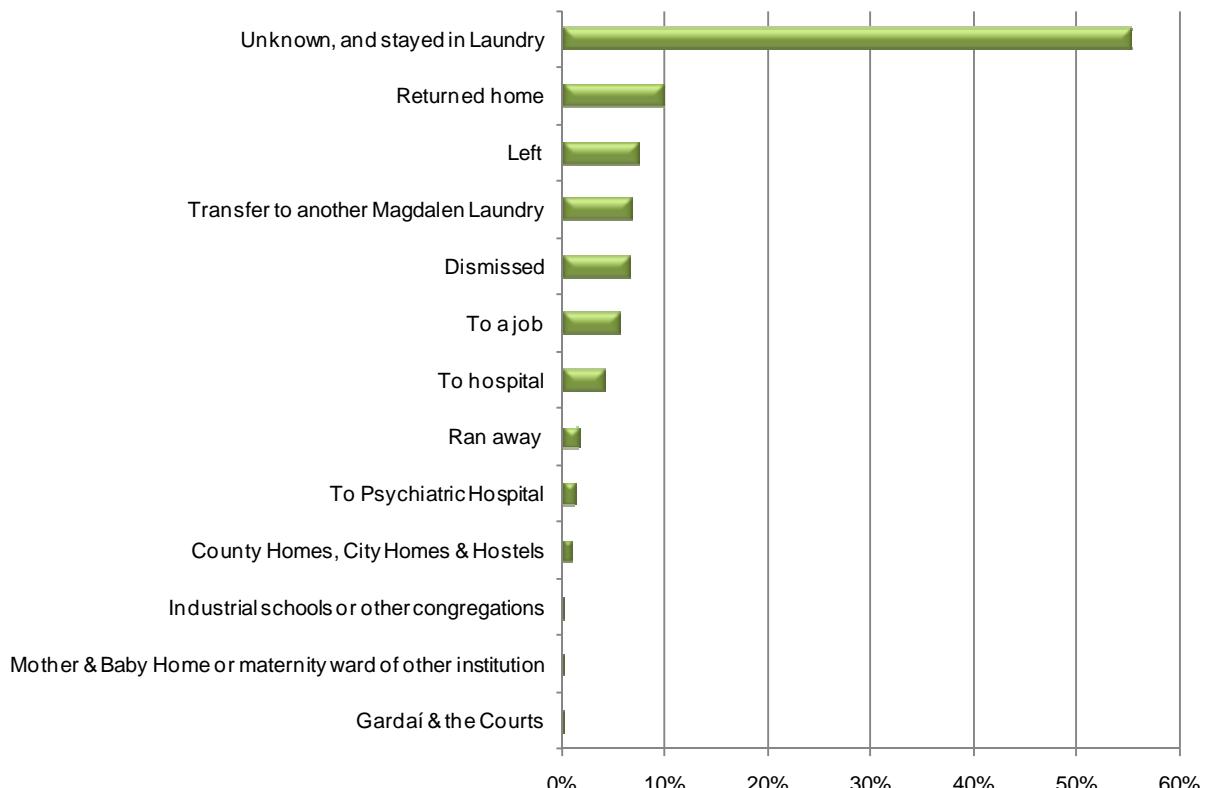
81. The routes of exit for legacy cases (i.e. girls and women who entered the Magdalen Laundries prior to 6 December 1922 and left after that time) were also analysed using the same categories which applied to the main body of statistical analysis above. The following table sets out the numbers of women and percentages involved for each of these routes of exit.

Routes of exit (legacy cases)	Number of women	Percent
Unknown, and stayed in Laundry	420	55.1%
Returned home	76	10.0%
Left	57	7.5%
Transfer to another Magdalen Laundry	51	6.7%
Dismissed	50	6.6%
To a job	43	5.6%
To hospital	32	4.2%
Ran away	12	1.6%
To Psychiatric Hospital	10	1.3%
County Homes, City Homes & Hostels	7	0.9%
Industrial schools or other congregations	2	0.3%
Gardaí & the Courts	1	0.1%
Mother & Baby Home or maternity ward of other institution	1	0.1%

<sup>17</sup> Percentages rounded

82. For the same reason of clarity in the relative frequency of these routes of exit for the legacy cases, these routes of exit are also presented in the form of a bar-chart (based on the data contained in the above table).

**Routes of exit (legacy cases)**



83. The place of origin, or geographic background, of the legacy cases was categorised by county within the State (all 26 of which counties are represented among these cases), Northern Ireland and Great Britain.

Legacy cases: Place of origin	Number of women	Percent <sup>18</sup>
Carlow	4	0.5%
Cavan	1	0.1%
Clare	10	1.3%
Cork	55	7.2%
Donegal	0	0.0%
Dublin	81	10.6%
Galway	5	0.7%
Kerry	13	1.7%
Kildare	5	0.7%
Kilkenny	10	1.3%
Laois	2	0.3%
Leitrim	0	0.0%
Limerick	35	4.6%
Longford	1	0.1%
Louth	2	0.3%
Mayo	1	0.1%
Meath	5	0.7%
Monaghan	0	0.0%
Offaly	2	0.3%
Roscommon	2	0.3%
Sligo	1	0.1%
Tipperary	21	2.8%
Waterford	13	1.7%
Westmeath	4	0.5%
Wexford	27	3.5%
Wicklow	5	0.7%
Northern Ireland	7	0.9%
Great Britain	9	1.2%
Unknown	441	57.9%

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<sup>18</sup> Percentages rounded

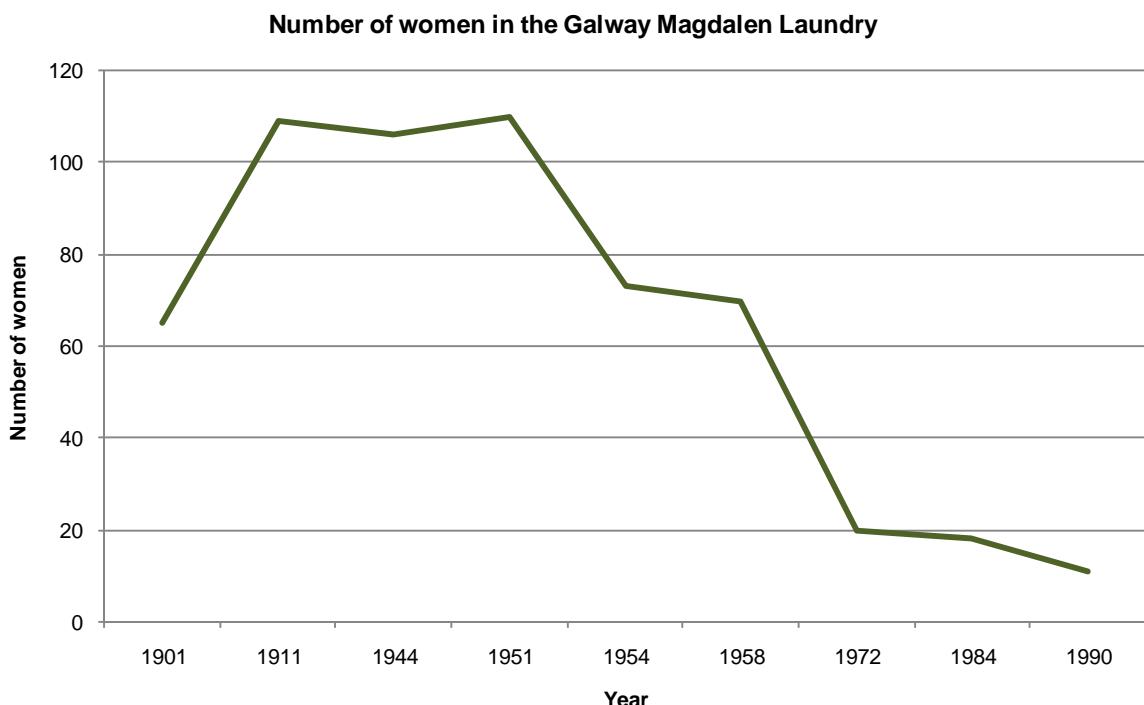
### **xi. Magdalen Laundry Galway**

*Overall numbers of entries, Galway Magdalen Laundry*

84. As set out in detail in Chapter 7, full records of entries to the Magdalen Laundry operated in Galway by the Sisters of Mercy do not survive and it is not possible to determine the overall number of entries to this institution from 1922 until its closure in 1984. To supplement the small numbers of cases for which Register entries exist (analysed separately below), the following indicative table of occupancy was compiled.

Year	Numbers in the Home	Source of Information
1901	65	National Census
1911	109	National Census
1944	106	Galway Diocesan Financial Accounts
1951	110	Galway Diocesan Financial Accounts
1954	73	Irish Journey, Halliday Sutherland <sup>11</sup>
1958	70	From photo
1972	17-20	From local memory
1984	18	Year laundry closed
1990	11	From local memory

85. Taking this information into account, the following is a graph indicating the overall trend of occupancy at the Galway Magdalen Laundry, on the basis of available information.



*Routes of entry, Galway Magdalen Laundry*

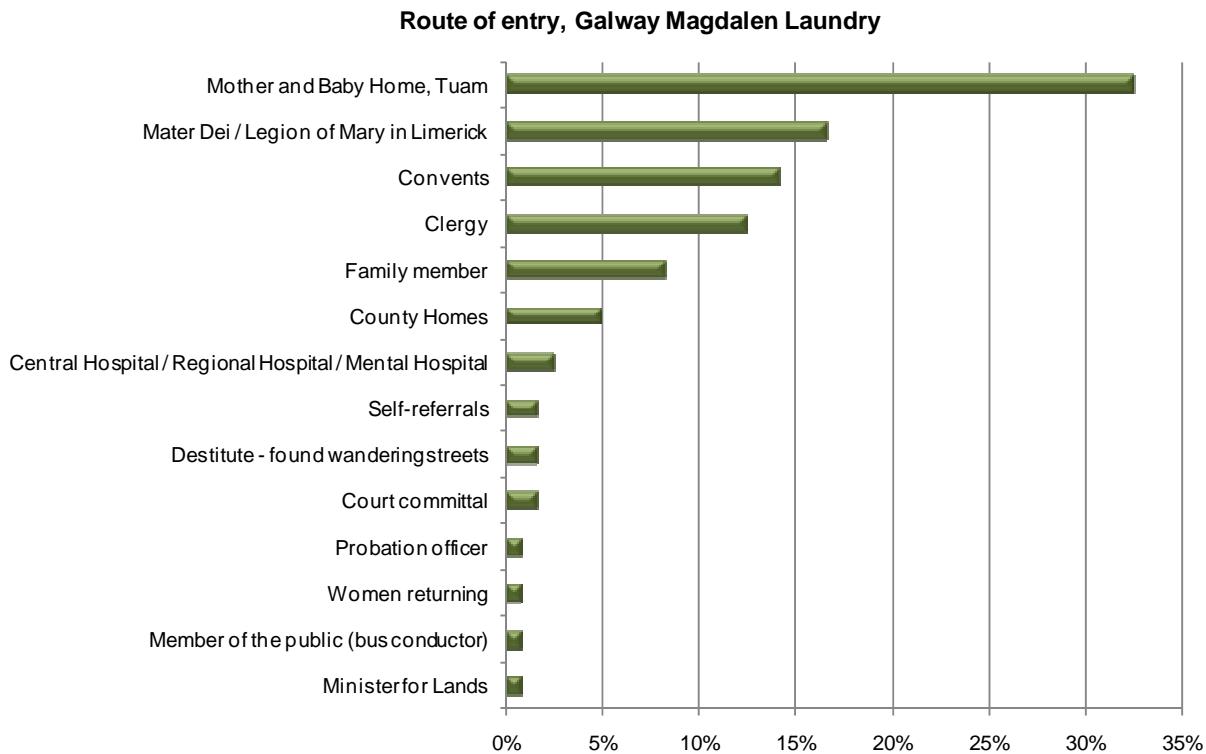
86. The routes of entry are known for 120 women who were admitted to the Magdalen Laundry in Galway after 1922. The following table provides an analysis of these routes of entry.
87. This analysis cannot be said to be representative of the overall routes of entry to the Magdalen Laundry in Galway, for a number of reasons. First, the sample is too small to allow for extrapolation of findings based on it to the remainder of the entries to the Laundry. Second, the sample was not randomly chosen (rather, these are the only entries for which the information is available). As a result, the findings may be biased towards certain routes of entry. Nonetheless, the available information is presented with these caveats.

Sources of referral, Magdalen Laundry Galway	Numbers referred	Percent <sup>19</sup>
Mother and Baby Home, Tuam	39	32.5%
Mater Dei / Legion of Mary in Limerick	20	16.7%
Convents	17	14.2%
Clergy	15	12.5%
Family member	10	8.3%
County Homes	6	5.0%
Central Hospital / Regional Hospital / Mental Hospital	3	2.5%
Court committal	2	1.7%
Destitute - found wandering streets	2	1.7%
Self-referrals	2	1.7%
Minister for Lands	1	0.8%
Member of the public (bus conductor)	1	0.8%
Women returning	1	0.8%
Probation officer	1	0.8%

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<sup>19</sup> Percentages rounded

88. The same information may be viewed more clearly as a bar-chart. The same points apply to this presentation as the last chart – namely that this cannot be considered representative of the overall routes of entry to the Magdalen Laundry in Galway, due to the small and non-random nature of the sample available.

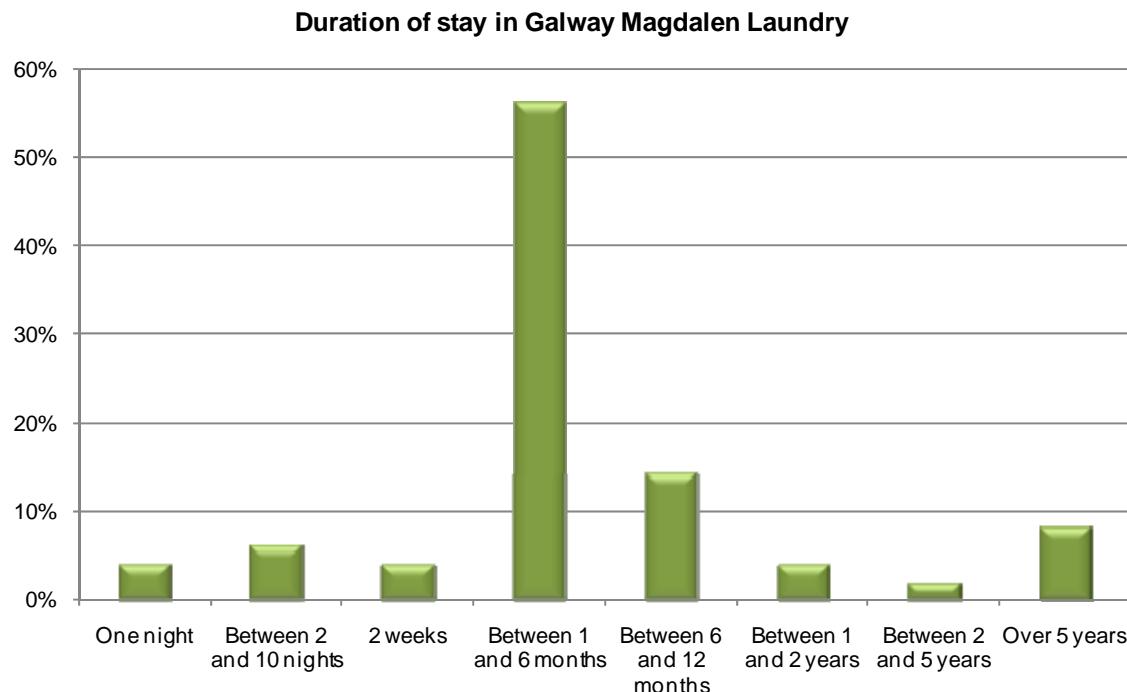


#### *Duration of stay, Galway Magdalen Laundry*

89. The duration of stay is known for 48 women who entered the Magdalen Laundry in Galway after 1922. The following table provides a breakdown of this information. In relation to routes of entry to the Magdalen Laundry in Galway, this analysis cannot be considered representative of the duration of stay of all women who entered this institution. This is the case for the same reasons- the small sample of cases in which duration of stay is known; and the non-random nature of that sample. Nonetheless, an analysis of all available information on duration of stay in this Magdalen Laundry follows.

Duration of stay, Galway Magdalen Laundry	Number of women	Percent <sup>20</sup>
One night	2	4.2%
Between 2 and 10 nights	3	6.3%
2 weeks	2	4.2%
Between 1 and 6 months	27	56.3%
Between 6 and 12 months	7	14.6%
Between 1 and 2 years	2	4.2%
Between 2 and 5 years	1	2.1%
Over 5 years	4	8.3%

90. The same information on duration of stay in the Magdalene Laundry, Galway, can also be viewed as a bar-chart. Again this bar-chart cannot be considered representative of the duration of stay of all women at the Magdalene Laundry in Galway, due to the small size of the sample for which information is available and the non-random selection of this sample.



<sup>20</sup> Percentages rounded

## **Chapter 9:**

### **Routes of entry to the Magdalen Laundries (A): Criminal Justice system**

#### ***Summary of findings:***

*This Chapter addresses the placement of girls and women in the Magdalen Laundries by the criminal justice system. The criminal justice system is in this context taken at its broadest, including the relevant Government Department as well as State agencies (including An Garda Síochána, Probation Service and Prison Service) and the Courts.*

*In terms of formal referrals to the Magdalen Laundries from the criminal justice system, the Committee found evidence that girls and women were placed in the Laundries in a variety of circumstances, in particular:*

- *On remand;*
- *On probation;*
- *Temporary release from prison; and*
- *Early release from prison.*

*Although the surviving files on major crimes (murder, manslaughter, infanticide) are the most complete and accordingly covered in greater detail in this Chapter, they do not represent the typical or most common crimes committed. The majority of placements of women in the Magdalen Laundries by the criminal justice system followed convictions of more minor or petty crimes, particularly those dealt with in the District Court. These more common crimes on foot of which women entered Magdalen Laundries included everything from failure to purchase a train ticket to larceny, vagrancy, assault, and so on.*

*In all these cases, there was a legislative basis (detailed in this Chapter) for placements which in most cases pre-dated the foundation of the State. The consent of the woman was also required, other than in cases of remand. Further, Magdalen Laundries were not the only religious- operated institutions used for these purposes.*

*Women placed in Magdalen Laundries on remand remained there for the very short period typical of remand (i.e. a short number of days).*

*Women on probation in the Magdalen Laundries continued to be supervised by their Probation Officers throughout their time there and were made aware of the date on which their probation expired. Some were, with the permission of the Minister, released prior to expiry of the period of their probation. A small number remained after the expiry of their period of probation (in a very small number of cases, for life), but the majority left the Magdalen Laundries at or around the date of expiry of their term of probation.*

*The ranks of Probation Officers included in their number so-called “Voluntary Probation Officers”, who were officers of the Legion of Mary, Salvation Army and St Vincent de Paul which had been recognised for that purpose under relevant legislation.*

*The legislative basis for temporary and early release from prison as well as the relevant procedures and practices – and their application to the Magdalen Laundries – are also included in this Chapter.*

*Women who had been sentenced to penal servitude for life but who were released from prison on life licence to a Magdalen Laundry retained the right to petition the Minister for release. This was also true of women who were on early release from prison to Magdalen Laundries for lesser terms. The Committee found cases where women transferred in that way were, on the authority of the Minister, released following a period of detention in a Magdalen Laundry, including in some cases prior to expiry of the originally imposed prison term.*

*In addition to the above categories, the Committee also found placements in the Magdalen Laundries in a number of other contexts, including:*

- *Adjourned sentencing or suspended sentences from the Courts;*
- *As a step-down facility from prison; and*
- *Informal placements by members of An Garda Síochána.*

*These placements did not have a specific legislative basis.*

*The Committee found cases of informal placements of girls and women by the Gardaí and, in some cases, probation officers which occurred without a court process. These were typically cases of temporary homelessness or (at least at one Magdalen Laundry, as a temporary refuge prior to other arrangements, where a young girl was being introduced to prostitution) and were for very short periods of time. This type of informal and temporary placement was not limited to Magdalen Laundries but also occurred at other institutions such as City or County Homes as well as religious-operated institutions other than the Magdalen Laundries.*

*This Chapter also addresses the question of the return of girls or women to the Magdalen Laundries by members of An Garda Síochána. It sets out the powers of the Gardaí to arrest a woman in breach of probation; or in the context of recall during her period of post-discharge supervision from an Industrial or Reformatory School. Earlier Garda instructions dating to the 1920s regarding arrest of persons “in the uniform of institutions” are also recorded, as are the recollections of retired Gardaí on this issue in general.*

*These and other patterns are described in this Chapter, with case-studies included for all patterns identified by the Committee.*

*Where policy considerations were identified, these are included, as are materials identified by the Committee in relation to the broader context, in particular the absence of a borstal for girls.*

## **Introduction**

1. This Chapter sets out the findings of the Committee in relation to referrals of girls and women to Magdalen Laundries by what generally can be categorised as the criminal justice system.
2. The criminal justice system is in this context taken at its broadest, including the relevant Government Department as well as State agencies (including An Garda Síochána, Probation Service and Prison Service) and the Courts.
3. The broad circumstances in which criminal justice system referrals were found by the Committee to have occurred were in the following general categories:
  - a. Remand;
  - b. Probation;
  - c. Courts;
  - d. Prison; and
  - e. An Garda Síochána.
4. This is an informal categorisation solely for the purposes of clarity in the following sections of this Chapter, although there are, of course, overlaps between many of these areas. However the underlying legislation, policy and practice differ and these are set out separately in the sections that follow.
5. Taken together, these categories of referrals amounted to 8.1% of known entries to the Magdalen Laundries. The youngest girl known to have entered a Magdalen Laundry by one of these routes was 11, while the oldest was 60.
6. This Chapter includes all information identified by the Committee on referrals within these categories, as well as setting out the following in all cases:
  - Basis (including legislative basis) on which referrals were made;
  - Procedures and practices;

- Whether State funding followed referrals;
  - State follow-up in relation to girls and women referred from the criminal justice system; and
  - exit pathways from the Magdalen Laundries for these girls and women.
7. Anonymised case-studies are included throughout this Chapter in order to illustrate more fully the types of circumstances in which referrals occurred. These case-studies are taken both from official State records identified by the Committee and from the Registers of the Religious Congregations which operated the Magdalen Laundries.
8. The section of this Chapter relating to probation includes cases which were dealt with by Voluntary Probation Officers and in particular officers of the Legion of Mary. The basis on which officers of this and other non-State societies carried out official functions in relation to probation is set out in this Chapter.
9. Where possible, a distinction is made in this Chapter between referrals directed by a State agency or agent, referrals which were legal conditions agreed to by the woman in question, and other referrals which may more accurately be categorised as referrals facilitated by the State. All three types of cases are represented by the case-studies which are included in this Chapter.

#### **A. Sources for this Chapter**

10. A wide variety of sources were explored to obtain information on possible justice system referrals of girls and women to the Magdalen Laundries. The records of the Department of Justice and Equality and the agencies under its aegis were crucial in this regard.
11. The Department of Justice and Equality noted in this regard that the Chair's requests "carried the weight of a Government decision and was treated with

the same gravity as a court or statute based order of discovery".<sup>1</sup> As a result, extensive searches were carried out covering:

"all records held by the Department, the Irish Prison Service and the Probation Service as well as archived court records. In addition, as you know specific queries were addressed to and answered by the Commissioners of Charitable Donations and Bequests and the material forwarded to the Committee. The Chief Executive of the Courts Service and the Garda Commissioner were also asked to carry out comprehensive searches for relevant records held by their organisations".<sup>2</sup>

12. Concerning the archives of the Department itself, all 22 Divisions within the Department were instructed to carry out searches to identify "all documents and records of whatever nature that are or have been in the possession or under the control of the Department relating to Magdalen Laundries"<sup>3</sup>, including records which had been deposited with National Archives. Key terms and instructions provided by the Committee were circulated for that purpose.

13. An extensive review was carried out on archived court records, as follows:

- Central Criminal Court: all records examined from 1922 onwards.
- Circuit Court: due to the volume of cases and difficulties in accessing records, sample records were examined as follows:
  - o Dublin Circuit Court: all records for 1937, 1945 and 1952
  - o Cork Circuit Court: all records for 1937, 1945 and 1952
  - o Limerick Circuit Court: all records for 1937
  - o Galway Circuit Court: all records for 1927 and 1952
  - o Waterford Circuit Court: all records for 1945 and 1952.

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<sup>1</sup> Letter dated 11 December 2012 from the Department of Justice and Equality to the Chair.

<sup>2</sup> Id

<sup>3</sup> Id

- District Court: only a limited amount of District Court records are archived and available for examination. This, as well as the high volume of cases in available years meant that sample records were examined as follows:
  - o Cork District Court records: 1937, 1945 and 1952
  - o Galway District Court records: 1937, 1945 and 1952
  - o Waterford District Court records: 1937, 1945 and 1952
  - o Limerick County District Court records: 1937, 1945 and 1952

14. With regard to these searches, the Chief Executive of the Courts Service informed the Secretary General of the Department of Justice and Equality that:

“despite extensive searches by the Courts Service, it has not been possible to locate Dublin District Court minute books or the Limerick City District Court minute books for the period in question or the Probation book. It would seem that the records were destroyed possibly due to damage arising from poor storage practices over the years. He has assured me that all relevant records that have been located have been forwarded to the Department and that to the best of his knowledge there are no other records held by the Courts Service that refer to Magdalen institutions”.<sup>4</sup>

15. Although the Probation Book (which would have been retained at the Courts) was accordingly not found, a detailed search of the records of the Probation Service itself was carried out. This included independent searches of all available documentary records, as well as interviews with retired female Probation Officers who were in a position to provide first-hand information on the practices which applied during the early history of the Probation Service.

16. Prison records were also examined. The Register for Mountjoy Women’s Prison was examined from 1922 onwards, in an attempt to identify any possible cases involving referrals to Magdalen Laundries from prison.

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<sup>4</sup> Id

Individual prison files on individual women were also recalled and examined in all cases where a woman appeared to have been in both prison and a Magdalen Laundry.

17. In addition to these independent searches of all available State records, cases identified in the records of the Religious Congregations that seemed to have originated in the criminal justice system were individually searched by name and checked against all available Departmental, Court, Prison and Probation records. This enabled the Committee to verify and, where possible, supplement the information contained in the records of the Religious Congregations.

18. At the request of the Committee, wide-ranging searches and enquiries were also conducted by a dedicated team within An Garda Síochána, under the direction of an Assistant Commissioner.

19. Every Garda Station which had a Magdalen Laundry within its district was searched, namely:

- Store Street Garda Station;
- Santry and Ballymun Garda Stations (to which records were transferred following closure of the Whitehall Station);
- Dun Laoghaire Garda Station;
- Donnybrook Garda Station;
- Mill Street Garda Station, Galway (a large volume of records were destroyed circa 1986 when An Garda Síochána moved from the old station to the new station);
- Watercourse Road and Mayfield Garda Stations, Cork;
- Gurranabraher Garda Station, Cork;
- Waterford Garda Station;
- New Ross Garda Station; and
- Roxboro Road and Henry Street Garda Stations, Limerick.

Searches were also carried out at the Garda National Repository at Santry Garda Station.

20. The former curator of the Garda Museum also provided expertise and historical crime files were searched for any relevant information.

21. In addition to these searches, the following interviews were conducted by the Garda team in an attempt to identify other areas of possible search and to supplement relevant records already uncovered:

- a number of women who informed the Committee that they had been returned to Magdalen Laundries by members of An Garda Síochána; and
- a total of 60 retired members of An Garda Síochána, who had been stationed in the above Garda Stations.

22. External sources were also explored in an attempt to provide any other relevant information. A team from the Department of Justice and Equality carried out searches of all Oireachtas Debates and historic newspaper archives for the period from 1922 until the closure of the last Magdalen Laundry, in order to identify references to the Magdalen Laundries in reported court or other cases.

23. Despite these very extensive searches, the Secretary General of the Department of Justice and Equality noted that given the scale of the task, which involved attempting to locate records dating back to the foundation of the State, in relation to matters “that were only peripheral to the mainstream work of the Department and which did not feature in the folk memory of the Department”, the possibility that isolated references to the Magdalen Laundries may not have been identified could not be ruled out.<sup>5</sup>

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<sup>5</sup> Id

24. The Committee is however satisfied that the very substantive material identified by way of these searches gives an accurate and detailed picture of the State's involvement with the Magdalen Laundries insofar as concerns the criminal justice system. The results of these searches follow.

#### **A. Remand**

25. The term "remand" in this general context refers to detention of a person prior to trial, conviction or sentencing, on the authority of the Courts.

26. Chapter 5 set out the relevant legislative basis for detention on remand. In summary, the Youthful Offenders Act 1901 provided at section 4 for remand or committal of a child (a person under 14 years of age) or young person (a person under 16 years of age) to places other than prison, by remanding the child "into the custody of any fit person named in the commitment who is willing to receive [her]". A child or young person detained in this way could be "apprehended without warrant and brought back to the custody in which [she] was placed" if necessary.

27. Part V of the Children Act 1908 subsequently built on this by requiring police authorities to provide places, being "any institution other than prison, whether supported out of public funds or by voluntary contributions" which could on agreement be used as a place of detention.<sup>6</sup> These places of detention could then be used for remand or committal to custody of children.<sup>7</sup> In relation to the 1901 Act, the 1908 Act provided that a child or young person in such a place "shall be deemed to be in legal custody", and in the case of escape, he or she could be "apprehended without warrant and brought back to the place of detention in which he was detained".<sup>8</sup>

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<sup>6</sup> Children Act 1908, Section 108.

<sup>7</sup> Children Act 1908, Section 97

<sup>8</sup> Children Act 1908, Section 109(2)

28. Subsequently, the Criminal Justice Act 1960 provided that where existing law conferred a power to remand a person of not less than 16 and not more than 21 years of age in custody (pending trial or sentence), that power would be deemed to include a power to remand or commit him or her to a remand institution.<sup>9</sup> This effectively authorised the Courts to remand girls between the ages of 16 and 21 to approved “remand institutions” instead of to prison, pending trial or sentence. In relation to the historic Acts noted above, any person detained in a remand institution was deemed to be in the lawful custody of the person in charge of the remand institution and any person “absent without permission” was deemed to have escaped from lawful custody”.<sup>10</sup>

29. The Committee notes, for the avoidance of confusion, that certain institutions were approved for more than one of the above purposes. For example, the Magdalen Laundry at Sean McDermott Street was approved both as a place of detention for female children under the age of 17, for the purpose of Part V of the Children Act 1908; and also as a remand institution under the 1960 Act. This overlap is the likely reason why files identified by the Committee in relation to remand under the 1960 Act often also include information on detention of female children under the Children Act 1908.

*Places of detention under Part V of the Children Act 1908*

30. Various institutions were approved as places of detention for girls and young women under the age of 17 for the purpose of Part V of the Children Act 1908, over the decade.

31. A Memorandum prepared by a Probation Officer in 1941 records that, at that time, the only place of remand for girls was an industrial school:

“St Joseph’s, Whitehall, Dublin, and may only be used for juveniles. It is inappropriate in as much as it is not a separate building; it is not in fact a Remand Home; it is a Girls Industrial School in which young girls

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<sup>9</sup> Criminal Justice Act 1960, Section 9

<sup>10</sup> Criminal Justice Act 1960, Section 11

on remand may be detained. In order to keep these girls as far apart as possible from the pupils in the school, they are generally relegated to a portion of the house little frequented by the latter, for instance the kitchen – an arrangement not to be commended, but perhaps unavoidable under the circumstances".<sup>11</sup>

32. The Memorandum then records the manner in which placement in the approved Industrial School on remand might lead to placement in a Magdalen Laundry:

"If a girl on remand is for any reason considered by the Manager an undesirable type for the 'Remand Home', she may be sent (without waiting for official sanction) to the Magdalen Asylum attached, even though the girl is still a juvenile and perhaps awaiting trial of such offences as house-breaking, larceny etc. Very often these girls are subjects for the Reformatory School – St. Joseph's, Limerick. If and when they have been committed to the Reformatory School, the Manager learns that they have spent even a week in High Park (i.e. the Magdalen Home and not the "Remand Home") they are no longer considered suitable subjects for St. Joseph's, and they are immediately transferred to the Good Shepherd Convent adjoining. Scarcely a fair start for young girls under 16 years who hitherto may not have had immoral tendencies".<sup>12</sup>

33. In subsequent years, three institutions were approved for the purposes of Part V of the Children Act 1908, one of which was a Magdalen Laundry. The institutions were:

- St Anne's Hostel, Kilmacud;
- An Grianan, High Park (a training centre located on the same site as the High Park Magdalen Laundry); and

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<sup>11</sup> Note from a Probation Officer to the County Registrar, dated 7 July 1941, Dublin Diocesan Archive, supra

<sup>12</sup> Id

- Sean MacDermott Street (Magdalen Laundry).
34. An internal note indicates that approval of these institutions (all operated by the same Religious Congregation):
- “was effected in the circumstances that the Order are actually anxious to be relieved of all custodial work of this kind and undertook to resume doing it only on being persuaded to do so by this Department for a period of two years or so by which time it is expected that a state-operated place of detention for girls will have been provided. A most serious situation would exist if court orders in relation to custody of girls too young for prison could not be implemented”.<sup>13</sup>
35. The note also records that, as there was:
- “a serious shortage of personnel in their community ...the question of assigning female prison staff to assist the Sisters in the work has been considered but it is felt that the assistance required is not, at this stage, of such dimensions as to warrant this action and, in any event, female prison staff could not at present be spared to do the work”.<sup>14</sup>
36. As a consequence, Departmental grants in respect of “casual assistants” was considered and the institutions continued to be used for young girls (referred to in some notes as “remandees”) together with industrial schools and other institutions such as Our Lady’s Hostel for Boys, Eccles Street, St Joseph’s, Passagewest Cork, St Joseph’s Reformatory, Limerick and so on.<sup>15</sup>
37. Capitation payments were made in respect of places of detention for girls and young women under the age of 17 for the purpose of Part V of the 1908 Act.<sup>16</sup>

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<sup>13</sup> Internal Departmental note dated 16 June 1972

<sup>14</sup> Id

<sup>15</sup> Id

<sup>16</sup> Questions of State funding to the Magdalen Laundries are dealt with in full in Chapter 13

*Remand institutions under the 1960 Act*

38. The Committee identified materials relating to the consideration given, within the Department of Justice, to the question of what institutions should be approved for the purposes of the 1960 Act.
39. During Seanad Éireann debates on the Criminal Justice Bill 1960 (as was), one Senator criticised the draft Bill on the grounds of her concern that a girl remanded to a Magdalen Laundry would carry with her a stigma worse than that caused by a period of imprisonment.<sup>17</sup> This concern appears to have been taken into consideration by the Department. An internal Departmental note, written prior to approval of any institution under the 1960 Act, records a meeting between a Departmental official and a named District Judge. The meeting was entitled “Provision of remand institution for girls in Dublin”, but the discussion appears to have related only to:

“the question of providing a remand institution for girls of a type who would not be suitable for sending to St Mary Magdalen’s Asylum, Sean McDermott Street”.<sup>18</sup>

40. The note further records as follows:

“The District Justice mentioned also that he had been speaking to Senator Miss Margaret Pearse about the time of the Senate debates in the course of which the desirability of sending girls to St Mary Magdalen’s Asylum was criticised. Miss Pearse, who was once President of the Holy Faith Convent Past Pupils Union, said she thought that the Holy Faith Convent in Glasnevin might be willing to receive remand girls of a type not suitable for sending to St Mary Magdalen’s Asylum. On September 13<sup>th</sup> having discussed the matter with the Assistant Secretary, in the meantime, I saw Mr McDonnell,

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<sup>17</sup> Senator Connolly O’Brien. Criminal Justice Bill 1960 – Second Stage. Wednesday 13 July 1960. Seanad Éireann Debate Vol. 52 No. 19

<sup>18</sup> Internal Departmental note dated 14 September 1960 detailing discussion between a Departmental official and District Judge, entitled “Provision of remand institution for girls in Dublin”. File Ref File 8/272/6 (parts 1 and 2), entitled File Criminal Justice Act 1960, Provision of remand institutions for girls

Chief Probation Officer and suggested to him that he might make discreet enquiries with a view to establishing whether the Holy Faith nuns or any other Order in Dublin would be willing to receive remand girls. Mr McDonnell said he was doubtful, in fact whether there would be a favourable reaction to a suggestion of this kind but he promised to make the enquiries and to report the result in due course".<sup>19</sup>

41. The outcome of these communications appears from a further internal note.

A note for the Secretary General of the Department recommended:

"that approval be given for making a formal approach to the Sisters of Vincent de Paul, Henrietta Street, with a view to having their Convent designated as a remand institution for girls between 16 and 21 years of age".<sup>20</sup>

42. The note first records the background to the proposal:

"Section 9 of the Criminal Justice Act 1960 authorises the Court to remand girls of 16/21 to a remand institution instead of to prison. St Mary Magdalen's Asylum, Sean MacDermott Street, Dublin, is already available for use as a remand institution, but it is not considered desirable to designate it as such until another institution is available to which girls of a type not suitable for sending to the Asylum might be remanded".<sup>21</sup>

43. It then confirms that the possibility of Henrietta Street being available for this purpose had been explored:

"From indirect enquiries made by the Chief Probation Officer, Mr McDonnell, it is understood that the Sisters of Charity of Vincent de Paul in Henrietta Street, would be willing to look after girls who might be remanded to their charge. The Chief Probation Officer says that the sisters have discontinued the laundry and that at present the

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<sup>19</sup> Id

<sup>20</sup> Internal Departmental note dated 4 October 1960 entitled "Henrietta Street Convent – Proposed use of as remand institution for girls". File ref Id.

<sup>21</sup> Id

establishment consists of three separate hostels. One is a school for girls of a servant type (some of these have been sent to the school on probation, some go of their own accord; there are about 20 to 30 in the hostel, all of them over 17.). Another is a hostel for working girls (business girls mostly); the third hostel is for nuns and other religious who attend the Mater Hospital for training. Mr McDonnell assured me that there was no question of a ‘fallen woman’ stigma attaching to the hostel for girls of the servant type”.<sup>22</sup>

44. Other alternatives had not been identified:

“The Chief Probation Officer added that he did not know of any other convent in Dublin which would be likely to take girls on remand. He had explored the possibility of one of the Holy Faith convents being used for this purpose but he received the impression that this Order did not react favourably to the idea”.<sup>23</sup>

45. In the circumstances, the note sought approval to contact Henrietta Street Convent “for their consent to have it designated as a remand institution for girls”. The Secretary General’s view on the matter is recorded, in a note by which he in turn sought the Minister’s approval. The Secretary General’s note recorded:

“In view of what was said publicly about the establishment of the Sean McDermott Street Convent as a remand institution we cannot very well go on with it but we are far from satisfied that it is the kind of place to which young girls should be sent. It may be suitable for the other class of women. I agree ... that the thing to do is to list the Sean MacDermott Street Convent but to make very limited use of it and to provide an alternative convent, as a remand institution, which is more suitable to our needs”.<sup>24</sup>

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<sup>22</sup> Id

<sup>23</sup> Id

<sup>24</sup> Id

The Minister's approval for this proposal is endorsed on the same document.

46. Arrangements proceeded thereafter on the basis that both "St Mary Magdalen's Asylum" (Sean McDermott Street Magdalen Laundry) and "Our Lady's Home, Henrietta Street" (not a Magdalen Laundry) would be approved as remand institutions under the 1960 Act. Sanction of the Minister for Finance was sought for payments to both institutions in respect of any young women remanded there:

"The Minister proposes to approve of Our Lady's Home and St Mary Magdalen's Asylum as remand institutions he considers it desirable that payment should be made to these institutions in respect of the facilities provided by them, particularly as committal to the institution is not dependent on the consent of the girl concerned.

As regards the rate of payment, the Minister considers that this should be the same as the rate applicable to girls who are sent to Our Lady's Home as a condition of probation, viz 25/- weekly. ...

As normally it will be the district court which will remand girls to these institutions, it is suggested that the expenditure be borne on the District Court Vote".<sup>25</sup>

47. The internal note by which formal Ministerial approval was sought for the two institutions provided additional information on discussions with the Order which operated Henrietta Street. The Order was willing to accept girls sent on remand from the Courts, "at present, however, there was only accommodation for two such girls" in that institution.<sup>26</sup> Approval of both institutions was subsequently given by signed instrument of the Minister two days later, on 21 October 1960, "in relation to female persons ... for the purposes of the

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<sup>25</sup> Letter dated 19 October 1960 from the Department of Justice to the Department of Finance, File Ref Id

<sup>26</sup> Internal Note dated 20 October 1960 entitled "Our Lady's Home, Henrietta Street and St Mary Magdalen's Asylum – Proposed use of as remand institutions for girls". File ref Id.

Criminal Justice Act 1960".<sup>27</sup> Written sanction of the Minister for Finance for capitation grants in such cases followed the same day.<sup>28</sup>

48. The formalities were settled by a number of letters in the same period. Identical letters were sent to both institutions, that is Henrietta Street and the Magdalen Laundry at Sean MacDermott Street. The letter to Sean MacDermott Street conveyed "the Minister's appreciation of your action in allowing the Asylum to be used for this purpose". The letter is specific in respect of what was expected in that regard:

"The Minister would be glad if girls remanded to St Mary Magdalen's Asylum should be afforded, so far as may be practicable and appropriate in the altered circumstances, the same rights and privileges as prisoners on remand or awaiting trial. A copy of the Rules for the Government of Prisons, 1947, Part III of which contains the special rules for prisoners in this category, is attached for information in this connection".<sup>29</sup>

49. The letter also sets out what action the Order should take in the event of a young woman remanded to the institution running away:

"In the event of a girl being absent without permission from the Asylum and thereby committing the offence of escaping from lawful custody, the Minister would be glad if you would notify the local Gardaí (Store Street Station Telephone [number provided] and the Clerk or registrar of the Court concerned (Four Courts: Telephone [number provided]) as soon as possible".<sup>30</sup>

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<sup>27</sup> Approval signed by the Minister pursuant to the Criminal Justice Act 1960, dated 21 October 1960. File Ref Id

<sup>28</sup> Letter dated 21 October 1960 from the Department of Finance to the Department of Justice. File ref Id.

<sup>29</sup> Letter dated 24 October 1960 from the Department of Justice to the Sisters of Our Lady of Charity of Refuge, Lower Sean MacDermott Street.

<sup>30</sup> Id

50. The necessity for visits to the young women in question was also set out:

“Arrangements will be made to have any girls on remand visited from time to time by a Probation Officer and by the Superintendent of Prisons, who will be available to you for consultation at any time”.<sup>31</sup>

51. Finally, the letter confirms the capitation which could be expected for such cases and that Court Officers would consult in advance of any proposed placement to ensure that accommodation was available “for any girl proposed to be remanded to the Asylum”.

52. Letters were also sent to the appropriate State offices and organisations on the matter. Letters were sent from the Department of Justice to the Circuit Court County Registrar and the Chief Clerk of the Dublin Metropolitan District Court informing them that the Minister had:

“approved of the use in relation to female persons of Our Lady’s Home, Henrietta Street and St Mary Magdalen’s Asylum, Lower Sean MacDermott Street, for the purposes of the Criminal Justice Act 1960. In accordance with section 9 of the Act, girls who are not less than 16 nor more than 21 years may be remanded in custody to either institution. As accommodation for remand girls is limited, it is desirable that the institution authorities be consulted beforehand on this aspect”.<sup>32</sup>

53. The Chief Probation Officer was also informed and requested as follows:

“please arrange to have any girls on remand in these institutions visited from time to time by a probation officer”.<sup>33</sup>

The Probation Officer responded shortly thereafter and confirmed that he had

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<sup>31</sup> Id

<sup>32</sup> Letters from the Department of Justice dated 24 October 1960 to the Circuit Court County Registrar and the Chief Clerk of the Dublin Metropolitan District Court. File ref Id.

<sup>33</sup> Letter dated 24 October 1960 from the Department of Justice to the Chief Probation Officer. File Ref Id

“already informed the lady Probation Officers and instructed them to visit these institutions from time to time to confer with the girls in whom they may be interested”.<sup>34</sup>

54. Finally, the Department of Justice also sent a similar letter to the Commissioner of An Garda Síochána. That letter informed the Gardaí of the approval of both institutions “as remand institutions”. The letter continued that:

“It will be observed that it has been suggested to the Reverend Mother in each case that the local Gardaí should be notified as soon as possible in the event of a girl being absence without permission from the institution and thereby committing the offence of escaping from lawful custody. The Minister would be glad, therefore, if you would bring the matter to the notice of the Gardaí concerned, i.e. at Bridewell and Store Street Stations”.<sup>35</sup>

55. The response of the relevant Congregation indicated that:

“We assure you we shall endeavour to facilitate the Authorities as far as possible in giving accommodation to any girl whom the Court Officers may be sent and also to comply with the prescribed regulations regarding these girls”.<sup>36</sup>

56. The files of the Department of Justice confirm that the Magdalen Laundry at Sean McDermott Street was subsequently utilised by the Courts for remand placements of young women.

57. For example, a letter from the Department of Finance dated 5 May 1962 records an increase in the capitation grants “in respect of girls remanded by the Court to ... St Mary Magdalen’s Asylum, Lower Sean MacDermot Street”

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<sup>34</sup> Letter dated 27 October 1960 from the Chief Probation Officer to the Department of Justice entitled “Remand Homes for Girls from 16/21 years”. File ref Id.

<sup>35</sup> Letter dated 25 October 1960 from the Department of Justice to the Commissioner, An Garda Síochána. File Ref Id

<sup>36</sup> Letter dated 3 November 1960 from the Monastery of Our Lady of Charity of Refuge, Lower Sean MacDermott Street to the Department of Justice. File Ref Id.

from 25/- to 35/- per week<sup>37</sup>, which increase was notified to the Congregation “in respect of women or girls who are required by their recognisance to reside for a stated period in St Mary Magdalen’s Asylum”.<sup>38</sup> The grants were:

“reviewed from time to time in the light of alterations made in the amount of the combined capitation grant – State and local authority – payable in respect of inmates in industrial and reformatory schools”.<sup>39</sup>

58. It can be noted that the grants paid “in respect of females remanded thereto by the Courts or required to reside therein as a condition of a recognisance”<sup>40</sup> were *lower* than those paid in respect of children in Industrial or Reformatory School. The letter records that when the remand payment of 45/- per week was approved:

“the minimum combined grant payable to industrial school and reformatory schools was 55/-. When the previous rate of 35/- was sanctioned the minimum combined grant was 45/-. The combined grant payable in respect of inmates in industrial and reformatory schools has now been increased to a minimum of 67s.6d. a week and in the circumstances and by reference to previous revisions the Minister proposes that the Department’s grant in respect of females remanded by the Courts to institutions or required to reside therein as a condition of recognisance should be increased to 57s.6d. a week”.<sup>41</sup>

59. The rate was further increased to 72/6 a week in 1968<sup>42</sup>; and to 115/- a week for remand cases and to 155/- a week for women required to reside there as a condition of recognisance in 1970.<sup>43</sup>

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<sup>37</sup> Letter dated 5 May 1962 from Department of Finance to the Department of Justice.

<sup>38</sup> Letter dated 9 May 1962 from the Department of Justice to “St Mary Magdalen’s Asylum, Lower Sean MacDermott Street”.

<sup>39</sup> Letter dated 29 March 1966 from the Department of Justice to the Department of Finance.

<sup>40</sup> Id

<sup>41</sup> Id

<sup>42</sup> Letter dated 2 April 1968 from the Department of Justice to the Department of Finance

<sup>43</sup> Letter dated 28 October 1970 from the Department of Justice to the Department of Finance

60. The files identified by the Committee include payment requests from Sean MacDermott Street in respect of girls and young women committed there on remand, as well as girls and young women required to reside at the institution as a condition of recognisance. Payment requests typically included the name of the girls and women in question, as well as the number of days which they remained in the institution.<sup>44</sup> For example, from 1968-1969 claims were submitted for capitation grants in respect of 20 cases of girls and women remanded to the Magdalen Laundry at Sean MacDermott Street.

61. A girl or woman would in practice be remanded by way of a Court Order. For example, one such Order identified by the Committee was made by the Dublin Metropolitan District Court. It was addressed to "Sister-in-charge, Convent of our Lady of Refuge, Sean McDermott Street" and provides that she was:

"hereby required to detain in our custody [name...] who stands charged ... on suspicion of having on the [date of alleged offence] did (sic) feloniously steal cash to the amount of ....."

62. The Order, dated 17 August 1973, required the Sister in charge to detain the girl in question until the date of her appearance at the Children's Court on 21 August 1973 – in other words, the girl was required to be detained on remand at the Magdalen Laundry for 4 days until hearing of the criminal charges against her.

*Sample cases of remand*

63. The records of the Religious Congregations confirm and provide additional information on cases in which girls and young women were remanded to the Magdalen Laundries. Remand placements were not confined to the Magdalen Laundry at Sean MacDermott Street alone. Remand placements are recorded to have occurred at each of the following Magdalen Laundries, with the earliest recorded case being in 1930:

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<sup>44</sup> E.g. letter dated 25 February 1969 and claim dated 27 May 1969 from Sean MacDermott Street to the Department of Justice.

- Sean MacDermott Street;
- High Park;
- Limerick;
- Waterford; and
- Sunday's Well, Cork.

64. It is likely that these early cases were made pursuant to the Children Act 1908, as set out earlier. The typical pattern for such placements is as would be expected for detention on remand – short durations of stay, with exit routes suggesting that the girls and young women in question were leaving in order to appear before the Courts. A full statistical breakdown of these and other issues is included in the Appendices. On some occasions, a girl or young woman who had been on remand at a Magdalen Laundry returned there within a day or two of her departure, in order to complete a period of probation living in that same institution.

65. Sample cases of placements of girls and young women on remand in Magdalen Laundries include the following:

- A 19-year old woman was “brought by the Guards from [named place]” to a Magdalen Laundry in the 1930s. Her exit details are recorded as “was taken by the Guards to the Court. Went to a situation [a job] when her trial was over”.
- A woman was in the 1930s “brought by the Guards from the Court”. She “only came here for one night from the prison; sent by [name], District Judge”.
- A 22-year old woman entered a Magdalen Laundry in the 1940s, having been referred by a named District Judge in the context of charges of “stealing”. She was “one night here. She broke window. Sergeant [name] took her away from here”.

- An 18-year old woman entered a Magdalen Laundry in the 1950s, “sent by Supt. [name, town]”. After a few months the same Garda “instructed ... to send her home to her father while awaiting reappearance at Court”.
- A 16-year old girl, whose mother was living outside the State, entered a Magdalen Laundry in the 1960s, with the entry field listing a named Garda and location. After 7 days she was “taken by Guard [name] to Court”.
- A 16-year old girl was “brought on remand” to a Magdalen Laundry in the 1960s. After two days she was “taken to Mountjoy by Guards after causing great trouble”.
- A 16-year old girl was “brought on remand by Sergeant [name]” in the 1960s. The next day she was “taken home by her parents”.
- A 14-year old girl entered a Magdalen Laundry in the 1970s, “remanded here for 1 week by Gardaí”. The Register records that her parents were of no fixed abode. Her departure is also recorded – she “ran away 3 days later”.
- A 15-year old girl entered a Magdalen Laundry in the 1970s, the Register recording her entry as “Supt. [name, place] – remand case”. She was to be on remand until a listed date 6 days after the date of her entry. The Register records that she was “not convicted by Court” and she accordingly did not return to the Laundry after her remand period.
- A 13-year old girl entered a Magdalen Laundry in the 1970s with the Register recording her entry as “Superintendent, Guards [place]. Here on remand”. She left for trial and was “discharged at Children’s Court [place]” less than a month later.

- A 15-year old girl entered a Magdalen Laundry in the 1970s “here on remand until [date]; then sent to another school”. She had been 4 days in the Laundry prior to her departure for trial.

## **B. Probation**

66. Insofar as concerns the overall criminal justice system, probation was the most common entry method by which girls and women were admitted to the Magdalen Laundries. The Committee found that girls and women were, on foot of Probation Orders made by the Courts, required to reside at a range of religious-operated institutions, including but not limited to Magdalen Laundries, for periods ranging from 6 months to the maximum period of 3 years. The underlying crimes in these cases were as varied as larceny and vagrancy to manslaughter and murder.

67. The Committee identified the legislative basis under-pinning these Orders as well as the range of officers responsible for follow-up contact with women required to reside in an institution as a condition of probation. The role of Voluntary Probation Officers in this process was also identified by the Committee and is set out in this section.

### *Background: legislative basis*

68. Chapter 5 set out the legislative basis for placements of girls and women in the Magdalen Laundries as a condition of probation. In summary, the Probation of Offenders Act 1907 empowered the Courts, where of the opinion that:

“the character, antecedents, age, health or mental condition of the person charged, or to the trivial nature of the offence, or to the extenuating circumstances under which the offence was committed”<sup>45</sup>, made it “expedient to release the offender on probation”, the Court could apply the Act.

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<sup>45</sup> Section 1(2) of the 1907 Act

69. In such cases, the Court was empowered either without proceeding to conviction, or, in more serious cases, following conviction but “in lieu of imposing a sentence of imprisonment” to make a Probation Order which discharged the person on the condition that he or she enter “into a recognisance, with or without sureties, to be of good behaviour and to appear” either for conviction or for sentence, as the case may be, “at any time during such period, not exceeding three years, as may be specified in the order”.<sup>46</sup>

70. Probation Orders under the Act could also include other conditions. First, an Order could “if the court so order, contain a condition that the offender be under the supervision” of a Probation Officer.<sup>47</sup> Second, any “additional conditions as the court may, having regard to the particular circumstances of the case, order to be inserted therein” with respect to three general matters:

- “a. for prohibiting the offender from associating with thieves and other undesirable persons, or from frequenting undesirable places;
- b. as to abstain from intoxicating liquor, where the offence was drunkenness or an offence committed under the influence of drink;
- c. generally for securing that the offender should lead an honest and industrious life”.

71. A person who failed to comply with the conditions of his or her Probation Order was liable to arrest and the Court could remand him or her to custody and convict or sentence him or her for the original offence.<sup>48</sup>

72. The Criminal Justice Administration Act 1914 amended the 1907 Act in two important ways which are relevant to this Report:

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<sup>46</sup><sup>46</sup> Section 1(2) of the 1907 Act

<sup>47</sup> Section 2(1) of the 1907 Act

<sup>48</sup> Section 6 of the 1907 Act.

- First, the 1914 Act explicitly provided that a Probation Order might include additional conditions, including a condition as to “residence”.<sup>49</sup>
- Second, it established the Voluntary Probation Officer system, which is addressed separately below.

73. Regarding residence requirements in probation, it can be noted that prior to the enactment of the 1914 Act, there had been differing legal views on whether or not Probation Orders under the 1907 Act could include a requirement for the person to live in a particular location. This was explored in a number of fora, including the Report of the Inter-Departmental Committee on the Probation Act (1910).

74. The relevant provisions of the 1914 Act were a response to that and other concerns in relation to the operation of the Probation Act and established a firm legal basis for residence conditions in Probation Orders from 1914 onwards. The Act specifically permitted conditions as to:

“residence, abstention from intoxicating liquor, and any other matters as the court may, having regard to the particular circumstances of the case, consider necessary for preventing a repetition of the same offence or the commission of other offences”<sup>50</sup>.

75. Accordingly, from enactment of the 1914 Act onwards, it was lawful for Courts, when making a Probation Order, to include a requirement to live at a specified place as a condition of probation. Such a place need not necessarily be an institution – depending on the circumstances of the case it could be a private address (for instance, the home of a family member), or alternatively an institution. As the maximum duration of probation under the Act was 3 years, this was also the maximum possible duration of any such residence condition.

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<sup>49</sup> Section 8 of the 1914 Act, amending section 2(2) of the 1907 Act.

<sup>50</sup> Id

76. A subsequent amendment may also be noted- the Criminal Law Amendment Act 1935 amended the Probation Act insofar as it applied to prostitution offences, by establishing as an additional consideration for the imposition of probation rather than imprisonment the “prospects of the moral reclamation of the person or persons charged”.<sup>51</sup>

*Voluntary Probation Officers: background, establishment and scope*

77. The 1910 Report of the Departmental Committee on the Probation of Offenders Act 1907, chaired by Herbert Samuel, recommended that probation:

“should be extended, and Courts should appoint full-time officers to be assisted by part-time paid or honorary workers... Salaries rather than fees should be paid to probation officers ... The help of local social agencies should be enlisted”.

This recommendation was given effect in the Criminal Justice Administration Act 1914.

78. From that point onwards, where a Probation Order was made in relation to a person between the ages of 16 and 21, the Court could appoint a person drawn from a society recognised by the Minister under section 7 of the 1914 Act to act as Probation Officer in their case. Such officers were to be paid by the State for their work.

79. Considerable detail was identified by the Committee in relation to the establishment and operation of the Voluntary Probation Officer system in Ireland. The Voluntary Probation Officer system is relevant for a number of reasons, and in particular as the approval of a number of Presidia of the

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<sup>51</sup> Section 16(2) of the 1935 Act

“The Probation of Offenders Act, 1907, shall apply to offences under this section as if the words “or to the prospects of the moral reclamation of the person or persons charged” were inserted in sub-section (1) of section 1 of that Act immediately before the words “it is inexpedient to inflict any punishment”.

Legion of Mary for these purposes is important in relation to the statistical analysis carried out on the routes of entry to the Magdalen Laundries.

80. Even prior to enactment of the 1914 Act, there was a tradition in Ireland and the United Kingdom of so-called “court missionaries” who provided services on a voluntary basis to the Courts. This system was formalised and significantly developed by the 1914 Act.

81. The practical need for such a system can also be seen from the fact that the official Probation Service of the State was embryonic and, for many decades, consisted of only between 2 and 6 officers. The system operated at least in Dublin, Cork and Limerick. The organisations from which Voluntary Probation Officers were drawn for these locations included:

- The Legion of Mary;
- The Salvation Army; and
- The Society of St. Vincent de Paul.

Less formal arrangements and organisations such as “the Waterford Probation Society” operated in other locations throughout the State.

82. As the Society of St Vincent de Paul appears to have dealt only with cases of probation of boys and young men; and as the Salvation Army appears to have dealt only with cases of probation of non Catholics they are not directly relevant to the story of referrals by Probation Officers (including Voluntary Probation Officers) of girls and young women to the Magdalen Laundries. The Legion of Mary is, however, relevant to this issue.

83. It can first be noted that the Legion of Mary, or named members of that organisation, are recorded in the Registers of the Religious Congregations as accounting for 4.9% of known entries to the Magdalen Laundries. While some of these referrals would have occurred as part of the regular work of the Legion of Mary, some of these referrals are also understood to have occurred in the context of a member of the Legion of Mary serving as Voluntary

Probation Officer. The precise proportion of the split between these two types of referrals by the Legion of Mary cannot be determined. In many cases, the Registers simply record the name of a member in question who accompanied a girl or woman to a Magdalen Laundry, without noting the wider circumstances.

84. An internal Department of Justice note in relation to probation, dating to the 1960s records that:

"The Services of the Legion of Mary were widely availed of in the forties when, on occasions, over 700 persons were under rules of supervision – there were about 40 voluntary social workers engaged on this kind of work – but in recent years the work of the Legion had practically ceased as the overall number of cases fell to less than 300 and these were handled by the paid staff".<sup>52</sup>

85. The same Note records that:

"As well as paid officers, a section of the Salvation Army in Dublin, two branches of the Legion of Mary in Dublin, a branch of the Legion in Cork in addition to a branch of the St Vincent de Paul Society there, and a branch of the Legion in Limerick in addition to a branch of the St Vincent de Paul Society there (7 societies in all) have been formally recognised under section 7 of the Criminal Justice Administration Act 1914, a procedure which enables the Courts to place persons under 21 in the care of persons provided by these Societies".

86. Records identified by the Committee in the archives of the Department of Justice as well as in the Dublin Diocesan Archive confirm that the impetus for recognition as Voluntary Probation Officers did not originate with these societies – rather, the State approached organisations such as the Legion of Mary and requested that they agree to perform this role.

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<sup>52</sup> Internal Note for the information of the Minister of Justice, appended to PQ responses in 1963.  
File Ref 93/182/10 "Inter Departmental Committee on the prevention of crime and the treatment of offenders (Probation working party correspondence)"

87. Early indications of use in Ireland of the voluntary probation system include the following. In 1925, the Minister for Justice in reply to a Parliamentary Question indicated that “the number of persons brought before the Children’s Court in Dublin in 1924 was 386, of whom 70 were placed on probation”. The Minister indicated that there was at that time one paid probation officer, with an assistant. There were at that time “no permanent voluntary probation officers”, but that

“two unnamed ladies had agreed to act without remuneration in any cases that may be entrusted to them by the justices of the court”.<sup>53</sup>

88. One account of the history of the Probation Service identifies a case as early as 1928 in which a female probation officer (attached to the District Court) secured the agreement of the Minister for Justice to release a girl, convicted of murder,

“on licence from Mountjoy Female Prison, having been advised that the Sister Superior of the Sisters of Charity of St Vincent de Paul, Henrietta Street, Dublin was prepared to take [name of girl] into her care. Under the care of the Sisters of Charity, the memorandum states, [name of girl] ‘will be under proper reformatory influences and at the same time the community will be protected from a person of the gravest criminal tendencies’.”<sup>54</sup>

89. Although Henrietta Street was not a Magdalen Laundry, the same apparent considerations of avoidance, where possible, of imposition of terms of imprisonment on women may have applied to cases in which some girls or women were released to Magdalen Laundries.

90. Other than these early arrangements, the first formal use of the Voluntary Probation Officer system in Ireland appears to have occurred in the 1940s.

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<sup>53</sup> Dáil Éireann Debates, vol. 10, 10 March 1925, also cited in the Irish Probation Journal, Vol. 4 Number 1, September 2007 “Probation in Ireland: a Brief History of the Early Years”, Gerry McNally

<sup>54</sup> McNally, ““Probation in Ireland: a Brief History of the Early Years”, supra

Correspondence identified by the Committee in the Dublin Diocesan Archive indicates cooperation between the Minister for Justice, a named Judge and the Archbishop in relation to the establishment of appropriate structures for probation in the State.

91. A letter dated 31 March 1942 from the Judge to the Archbishop enclosed a Memorandum from the Judge to the Minister for Justice:

“to indicate the progress which has been made regarding the enlistment of Voluntary Assistance for probation work. I may say that I am very satisfied with what has been done and I feel that great good will come of the work that is about to be undertaken”<sup>55</sup>

The Memorandum referred to is a detailed note setting out steps taken to secure “Voluntary Assistance for Probation Officers” and the structure agreed in order to do so.

92. Two meetings between the Judge and the Legion of Mary are recorded, which had the purpose of securing the assistance of members of that organisation in relation to probation. At the first meeting, the Judge:

“explained to the meeting the nature of the work required to be done by Probation Officers, the difficulties that would most likely be met with and impressed upon those present the necessity for dependable work of an organised character and the need for strict compliance with the instructions that might be issued to each helper, through the Probation Officers.

I pointed out that, for the present, this Scheme of Voluntary Assistance would, as far as I was concerned, apply to children Probationers only or to such adults as I, myself, may have placed on Probation ...”<sup>56</sup>

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<sup>55</sup> Letter dated 31 March 1942 from Judge McCarthy to Archbishop McQuaid concerning voluntary probation officers. Dublin Diocesan Archive ref xxviii/990/1

<sup>56</sup> Memorandum of Judge McCarthy for the Minister for Justice, dated 28 March 1942

93. Regarding structures, the Memorandum records agreement that the voluntary probation officers (termed “helpers”)

“should be divided equally into groups to coincide with the number of Probation Districts in the City and that each Group should be responsible to the Probation Officers of its own District”.

The second meeting was attended by the Judge, all but one of the 6 official Probation Officers then employed by the State and “over 30 members of the Legion of Mary”, and “A satisfactory working arrangement between the court, the Probation officers and the voluntary helpers was arrived at. After a full discussion it was decided that the helpers should undertake their duties, not in the capacity of legionaries, in the strict sense, but that they should disclose to the Probationers, and to their parents, the fact that they were assisting the Probation officers at my request. I was in favour of this course and I pointed out that, from now on, I would make it clear to the parents of each child who was being placed on Probation that I would be eliciting such help, and that the parents could in future rely on these legionaries for advice and assistance”.<sup>57</sup>

94. Procedures were further elaborated, as follows.

“The Chief Probation Officer, at my request, then addressed the meeting and explained the nature of the duties which the helpers would be asked to do, and enumerated the various Districts into which the city is divided for the purposes of Probation work. In addition I told the helpers that I was most anxious for some positive, constructive assistance in every case and that I wanted each Probationer helped along the lines most suited to his own needs. ...

I asked, and was assured of compliance with the request that a weekly meeting should be held, where each helper would furnish a Report to

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<sup>57</sup> Id

the appropriate Probation Officers and receive instructions for the ensuing week. It was felt that, with the number of helpers at present available, every child on probation could be visited at least once each month, and that more especial provision could be made for difficult cases.

It was then decided that the Praesidium be divided, into three Groups to coincide with the Probation Districts, and this was accordingly done, the members being assigned to their places in each Group. As time progresses it is hoped that additional members will be available for the work, and these will be allocated to their Districts in due course".<sup>58</sup>

95.27 members of the Legion of Mary ultimately agreed to carry out this role, divided into the 6 Probation Districts which existed in Dublin at the time. A Memorandum was submitted to the Minister identifying the "voluntary workers assigned to the Probation Officers" in each such District and it was agreed that the system would begin to be operated that year (1942).

96. Other records identified demonstrate that the feasibility of a similar scheme for Cork was also explored in 1942. At the request of the Department of Justice, the same Judge: "went to Cork ... in connection with the request received from that city for the appointment of, at least, one female probation officer" and met with various relevant office holders including a Judge, a University Professor, a solicitor for the NSPCC, a Priest and a member of the Legion of Mary with social work qualifications.<sup>59</sup>

97. Some differing views were expressed by these people on the issues raised, including in relation to the scale of the need for a Probation Officer in Cork. Nonetheless, at each meeting, the Judge introduced the provisions of section

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<sup>58</sup> Id

<sup>59</sup> Memorandum dated 11 August 1942 from Judge McCarthy to the Department of Justice

7 of the 1914 Act and sought views on their use in Cork City. There was a positive response to this proposal from all concerned.<sup>60</sup>

98. The final Report of the Judge on the matter in his Memorandum to the Department of Justice was that:

“In conclusion I feel that the suggestion that the machinery provided by the Criminal Justice Administration Act 1914 should be utilised to solve the difficulty will be approved and adopted by those who are interested in Cork and I felt sure that in such an event, the Department of Justice would be prepared to assist them in any way possible”.

99. The Committee did not identify records in relation to formal recognition during that period of a society in Cork, however it is satisfied that this was the outcome of these discussions, due to a number of facts, in particular:

- Departmental Records from the 1960s refer to recognition “years ago” of unnamed voluntary societies in Cork; and
- The woman named in these documents as a potential Voluntary Probation Officer appears in the records of the Religious Congregations as the source of a number of referrals to the Magalen Laundries, presumably in the context of probation.

100. Although voluntary societies had, as set out above, been recognised and members had already carried out functions as Voluntary Probation Officers, the system was reinvigorated in the context of the Inter-Departmental Committee on Prevention of Crime and Treatment of Offenders, established by the Minister for Justice in 1962.

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<sup>60</sup> The Cork District Judge “agreed that this section appeared to contain a remedy for the present situation, if the appropriate societies could be formed and approved” and said “he would be quite prepared to adopt the machinery provided by the 1914 Act and felt that it would be very useful”.

The University Professor “was very interested in the provisions of the relevant section of the act of 1914 and he thought that it would provide an excellent solution of the problem”.

The suggestion also “appeared to find favour with both” the Priest and female member of the Legion of Mary, although they required time to consider the matter further.

101. The Committee made a large number of recommendations in the areas of justice and education. Insofar as relevant to this section of the Report, the 1962 Committee recommended as follows:

"(b) increasing use of the Services of the voluntary workers in the branches of the Legion of Mary in Dublin dealing with probation work should be encouraged.

(c) If the branches of the Legion of Mary which are concerned with probation work in Dublin are anxious to have a definite status in the probation field, they should be granted formal recognition under section 7 of the Criminal Justice Administration Act 1914.

(d) the Department of Justice should consider whether it is desirable to avail of the provisions of section 7 of the Criminal Justice Act 1914 so as to provide a recognised voluntary probation Service in other centres throughout the country in addition to Cork and Limerick where voluntary societies have years ago been granted recognition under the section.

(e) in cases where branches of voluntary organisations are granted recognition under section 7 of the criminal justice act 1914 consideration should be given to making a state contribution towards the expenses they incur in carrying out their probation work".<sup>61</sup>

102. The Committee also recommended that:

"37. (i) if the cooperation of voluntary societies in probation work throughout the country generally is forthcoming a close liaison between industrial school managers and the Probation Service should be created so that prior to the discharge of inmates, particulars of dates of discharge and places of residence on discharge would be sent to the Chief Probation Officer who would in turn inform the Probation Officers for the areas of residence thus enabling an after-care Service to be provided".<sup>62</sup>

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<sup>61</sup> Minutes of the third meeting 15 January 1963

<sup>62</sup> Minutes of 4<sup>th</sup> meeting, 26 March 1963

The significance of this recommendation is developed further in Chapter 10 of this Report, relating to entry of girls and women to the Magdalén Laundries during the period of their supervision following discharge from an Industrial or Reformatory School.

103. Pursuant to the recommendations of the Committee, a working group including Court officials, probation officers and Judges was established to further consider reform of the probation system. A note records the view that at the time:

“The voluntary works in the branches of the Legion of Mary in Dublin dealing with probation work assist the official probation officers in visiting the homes of those under probation, counselling of the probationers, parents etc and reporting on their efforts to the official probation officers. They are provided at State expense with office accommodation and visiting rooms. The branches are not recognised societies for the purpose of section 7 of the Criminal Justice Administration Act 1914. ... If the branches of the Legion of Mary were anxious to have a definitive status in the probation field, their acceptance as recognised Societies would provide for the courts a wide field of selection in the appointment of probation officers”.<sup>63</sup>

104. It further records that at the time, no official Probation Officers served outside Dublin. It was felt that:

“the extent to which their Services would be required would not justify whole-time appointments. In Cork and Limerick, however, section 7 of the Criminal Justice Act 1914 has been availed of to recognise branches of the Legion of Mary and of the Society of St Vincent de Paul to meet the probation needs in these cities. The use of this section is the answer to any case for the provision of Probation Service

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<sup>63</sup> Note on the Inter Departmental Committee on the prevention of crime and the treatment of offenders - Probation System

in other centres throughout the country. The section allows of State contributions towards the expenses of recognised Societies".<sup>64</sup>

105. Letters were subsequently issued from the Inter-Departmental Committee to the Presidents of two Praesidia of the Legion of Mary.<sup>65</sup> The letters stated that the Committee was considering the "voluntary assistance given to the official probation officers" by those Praesidia and noted that:

"A suggestion has been made to the Committee that the value of the work done by the members of the Praesidium would be greatly enhanced if the members, in addition to giving assistance to the official probation officers, were authorised to act as probation officers in their own right. The nature of their duties would be to supervise boys and girls who had been placed under a rule of supervision by the courts.

This official status can be arranged under section 7 of the Criminal Justice Administration Act ....: the act of recognition empowers the courts to appoint any person provided by the society to act as a probation officer.

The Committee is very much in favour of the suggestion but before making a specific recommendation would like to know the views of the Curia... I might also mention that in both Cork and Limerick probation officers are provided by Praesidia of the Legion of Mary which were granted recognition under section 7 of the Criminal Justice Administration Act 1914.

I would be glad to hear from you at your convenience whether your Curia agrees to an application being made by the [name of Praesidium]

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<sup>64</sup> Id

<sup>65</sup> Letters to the Virgo Potens Praesidium and the Mater Salvatoris Praesidium, dated 22 January 1963

to be a recognised society for the care of young offenders on probation".<sup>66</sup>

106. A meeting was subsequently held with representatives of the Legion of Mary to discuss the matter further, including a number of points of concern raised by the Legion of Mary. Regarding the background:

"The Chairman outlined the efforts made since 1942 to utilise the Services of Legion of Mary members on an informal basis for probation work; how due to various causes their activities in this field had fallen-off in recent years and how it was considered that the time was now opportune to invite them to step-up their activities in the probation sphere and to offer them a definite status".<sup>67</sup>

107. Regarding the practical operation of the system, the key points discussed were that:

- Judges would "have an opportunity of meeting the Legion members who had volunteered for probation work".
- "when a case which would be suitable for supervision by a voluntary probation officer arises, the paid probation officer would recommend" that to the Judge.
- "Only the more straightforward cases will be put under the supervision of the voluntary probation officers" and the "comprehensive background reports" required prior to decision by the Court would continue to be supplied by the official probation officers. If a case became "difficult, the District Justice can substitute a paid probation officer for the voluntary probation officer at any time".
- The young person and his/her family would "be made aware that a member of the Legion of Mary is being appointed as the probation

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<sup>66</sup> Id

<sup>67</sup> Departmental Note on meeting with Legion of Mary representatives, meeting date 14 March 1963, date of note not recorded

officer whose duty it will be to supervise him during his period of probation”.

- “Normally, the only time a voluntary probation officer would have to appear in court would be where a defendant failed to observe the conditions of the recognisance and was called on to appear before the court for conviction and sentence. In such a case, the voluntary probation officer would have to be present to assist the court”.
- The intended supervision would not be “in any way excessive. During the early part of the probationary period (the first three months or so), the voluntary probation officer’s visits might be fairly frequent, but after that, the frequency of visits would normally be reduced – monthly visits or visits at even longer intervals might suffice”.

108. It was suggested that “in time, there would be 20-40” members of the Legion acting as Voluntary Probation Officers, while reassurance was provided that:

“If the number of cases placed under supervision by the Courts increases greatly, the appointment of additional full-time paid probation officers would have to be considered. There would be no question of expecting the Legion of Mary to cope with every increase in probation work that might occur; a workable ratio between the number of paid probation officers and the number of voluntary probation officers will no doubt emerge”.

109. Links with other organisations and officers was also foreseen – the note records that the Committee informed the members of the Legion that:

“The juvenile police liaison officers who would shortly be appointed to Garda Districts through the city will work in close cooperation with the voluntary probation officers and with the various other bodies and person interested in youth welfare”.

Cooperation with the Society of St Vincent de Paul was also noted.

On foot of these discussions, both representatives of the Legion of Mary Praesidia which had been identified by the Committee as potentially suitable for recognition under section 7 of the Criminal Justice Administration Act 1914 agreed to their recognition as proposed by the Committee. Recognition was in due course granted to those two Presidia and also to the Salvation Army (women's social work), thereby giving a formal status to these organisations in probation.

110. Recognition was granted by Orders made by the Minister for Justice under the 1914 Act.<sup>68</sup> Notice of the making of the Orders was published in Iris Oifigiúil in July 1963 and appropriate steps were taken to notify the Gardaí and other relevant agencies of the decision.<sup>69</sup>
111. Two Parliamentary Questions were put to the Minister for Justice in 1963 concerning this matter. The first question focused on the size of the Probation Service and sought information on any planned increase.<sup>70</sup> The Minister for Justice, after confirming that the number of probation officers at that time was 5 (of whom one was "on loan to the Adoption Board") and that recruitment of 3 additional officers was intended, informed the Dáil that these organisations had been recognised under the 1914 Act:

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<sup>68</sup> Orders dated 24 May 1963 recognising the two Presidia of the Legion of Mary noted above and an Order dated 27 May 1963 recognising the Salvation Army (Women's Social Work). The text of each order was the same:

"I, Charles J Haughey, Minister for Justice, in exercise of the powers conferred on me by Section 7 of the Criminal Justice Administration Act 1914, and of every and any other power me (sic) in this behalf enabling, do hereby recognise [each of the named organisations] as a Society for the purpose of Section 7 of the said Act.

Given under my Official Seal this \_\_\_ day of May 1963.

Minister for Justice".

<sup>69</sup> E.g. Memorandum from the Department to the Garda Commissioner which confirmed that the Minister had made an order recognising the Legion of Mary and the Salvation Army pursuant to the 1914 Act. Garda Report to the Inter Departmental Committee at page 31, referring to Garda Archives Ref 26/88/11.

<sup>70</sup> PQ 29 May 1963, "To ask the Minister for Justice how many probation officers are engaged in Service in Dublin; if he is aware of the need to increase the number; and if he has any plans for an increase in the near future". (Patrick Byme)

“a procedure which will enable the courts, when making a probation order in respect of a person under the age of 21, to appoint any person provided by these societies to act as probation officer in the case”.

112. In response to a further Parliamentary Question, more generally aimed at improvements in the probation system, the Minister for Justice provided further information:

“In recent years the number of persons placed under the supervision of probation officers had fallen to less than 250 at any one time from a figure of over 700 in the late forties. In consequence, as some of the paid probation staff were not fully occupied one officer was on loan to the Adoption Board and vacancies, as they occurred, were not filled; furthermore the Services of voluntary social workers were not being availed of at all.

The Inter-Departmental Committee which I established last September reported to me in favour of re-establishing the probation Service in Dublin under the leadership of a probation administration officer who should be of high executive ability and who should be assisted by four male and two female paid probation staff and a number of voluntary helps with experience of social work of this kind.

Arrangements have been made for the immediate recruitment through the Civil Service Commissioners of the Probation Administration Officer and the other staff required. In addition, I have made Orders under section 7 of the Criminal Justice Act 1914 giving formal recognition to three societies in Dublin concerned with youth welfare. Two such societies already exist in Cork and two in Limerick. The section enables the District Court, in making a probation order in respect of a minor, to appoint any person provided by a recognised Society to act as probation officer in the case. I hope that, in time, societies throughout the country, who are interested in the welfare of youth, will apply for recognition and that the Courts will place young people under their

supervision. I think that the probation system is an excellent reformative system of which much greater use should be made than has been in the past few years".<sup>71</sup>

113. A note for the Minister's Information, submitted to him in the context of the Department's prepared response for the Parliamentary Questions above, noted these developments and confirmed that 7 societies in total had by then been recognised with the result that persons under 21 could be put "in the care" of members of these societies, , namely:

"a section of the Salvation Army in Dublin, two branches of the Legion of Mary in Dublin, a branch of the Legion in Cork in addition to a branch of the St Vincent de Paul Society there, and a branch of the Legion in Limerick in addition to a branch of the St Vincent de Paul Society there (7 societies in all) ....

The following are figures of persons currently on probation at the 31<sup>st</sup> December in recent years:

1957	126
1958	160
1959	188
1960	179
1961	289". <sup>72</sup>

114. The records detailed above confirm that members of voluntary societies, including the Legion of Mary, operated as Voluntary Probation Officers alongside and in cooperation with the official Probation Officers from at least 1925 onwards, for some periods without formal recognition, but for lengthy periods as approved societies under section 7 of the Criminal Justice Administration Act 1914. These officers were recognised, assigned cases by

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<sup>71</sup> PQ 19 June 1963, "To ask the Minister for justice if, with reference to his statement to the Dublin Lions Club on 6 June, he will give further details as to the improvements in the probation Service which have been carried out within the past 5 years, and any further improvements which are at present under consideration, and which may be put into effect shortly" (Michael Mullen).

<sup>72</sup> Note for the Information of the Minister, in the context of the PQs

the Courts and granted powers to supervise young people on probation in precisely the same manner as official Probation Officers. In some cases, referrals of girls and women to the Magdalen Laundries as a condition of probation occurred in the context of their supervision by these Voluntary Probation Officers, just as it did in the context of supervision by official Probation Officers.

115. Accordingly, throughout the remainder of this Chapter and unless otherwise noted, where the term “Probation Officer” is used, it includes members of these societies acting as Voluntary Probation Officers.

*Policy considerations in application of the early probation system to girls and women*

116. Apart from the legal structures for probation, the Committee sought to identify the policy considerations and practices which applied in relation to the application of probation for girls and women, particularly in the early application of the system. Correspondence between the County Registrar (Circuit Court Office, Dublin) and the Archbishop of Dublin in the 1940s provides some insights in this respect.
117. A letter dated 9 July 1941 from the County Registrar to the Archbishop noted that in light of the interest he had displayed “in the problem of juvenile delinquents” at a recent meeting that the Registrar:

“thought I would like to have prepared for you a Memo dealing with female delinquents who come before the Central Criminal and Circuit Criminal Courts in this country on charges of infanticide, murder, manslaughter or concealment of birth and accordingly I asked [name], Probation Officer who is a very clever girl and deeply interested in her work and with whom I have had numerous discussions on the subject, to put her ideas in writing...”<sup>73</sup>

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<sup>73</sup> Letter dated 9 July 1941 from the County Registrar to the Archbishop of Dublin, Dublin Diocesan Archives

118. In addition to transmitting the Memo to the Archbishop, the letter of the County Registrar queries:

“Would you consider it advisable to send a copy to the Minister for Justice? My experience has shown me that nothing results from forwarding suggestions unless there is pressure from without! ”<sup>74</sup>

Later correspondence confirms that the Archbishop subsequently forwarded the Memorandum to the Minister for Justice.<sup>75</sup>

119. The Memorandum referred to is lengthy and is included in full in the Appendices to this Report. It is entitled “Women and Girls who come before the Central Criminal Court on serious charges – and other relevant matters”. Its scope is broader, however, and also encompasses consideration of girls and women coming before the Circuit Criminal Courts. It is divided into four broad areas, described as “Types”, “Causes”, “Treatment” and “Suggestions for improvements of present system”.

120. The first two sections of the Memorandum contain broad statements on, for example, the dangers of the city environment for ‘young country girls’ and so on. Reference is also made to the fact that girls:

“who have been brought up in industrial schools ... and who not infrequently come before the Courts on one charge or another, have often told the Probation Officer that they receive no preparation whatever calculated to help them in the vital matters of sex. ... How far this neglect of essential moral training may be held responsible for our ‘unmarried mother’ problem is worthy of serious consideration and investigation”.

121. Regarding ‘treatment’, the Memorandum first states that:

“the treatment of convicted girls in the category under discussion, and other categories, whether it be serving of a prison sentence, penal

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<sup>74</sup> Id

<sup>75</sup> Letter dated 14 January 1942 from the Minister for Justice to the Archbishop of Dublin.

servitude, or residence in an institution under the care of a religious order, is lacking in any preconceived constructive system of reform calculated to deal effectively with the problem along modern lines".

It then identifies three types of institution as the options available in cases such as these, namely:

- Prison;
- "Institutions or Homes"; and
- "Magdalen asylums".

122. A considerable number of criticisms are levelled at the prison system. The Memorandum argues that:

"Apart from the fact that punishment – an essential element in criminal reform – is imposed, that the public is safeguarded and the girl deprived of her liberty, there is little advantage to the State in sentencing a girl to a term of imprisonment under our existing system..."

The failings identified in the prison system include lack of educational facilities or occupational training, "no adequate segregation of case types", lack of facilities for "up to date treatment of venereal disease" and the absence of an "organised system of aftercare of ex-prisoners".

123. The lack of segregation is highlighted as "perhaps the greatest disadvantage of the system". As a result:

"young girls, even while on remand, are able to meet and converse with hardened offenders 'doing time', whose vile influence is seen in the changed attitude of the newcomer, even after a few days. In my experience of Probation work, I have not yet found a first offender really benefitting from a prison sentence, but on the contrary have seen many young girls become embittered, hardened and morally decadent as the result of association with the depraved characters who form the normal population of our prisons".

124. The Memorandum then suggests that other than probation:

"the only alternative to Prison treatment is the expedient of sending the girl to an institution under the care of a religious order, on her own recognisance, or under the restriction of a suspensory prison sentence. I mention "expedient" because, as already stated there is not provided at any such institution a well planned, adequate, or specialised system of reform in keeping with modern requirements. Neither are such Homes or Institutions subject to inspection from any Government department – an essential condition in 'approved homes' elsewhere".

125. The difficulty with the category which she identifies as "Institutions and Homes" was their voluntary nature:

"i.e., conducted according to the rules of the particular order in charge, and not in receipt of any Government grant, except in one instance where a very small grant per annum is allowed [Our Lady's Home, Henrietta Street, Dublin]".

126. An assessment is then made of Henrietta Street, which was not a Magdalen Laundry and does not fall within the scope of this Report. That institution accepted "first offenders provided they are not of immoral character" and the "better types among girls charged with infanticide and kindred crimes", as well as girls entering by way of their family or social workers. The nature of the work carried out by girls and women in Henrietta Street is detailed, including the "laundry in which most of the girls work", with some criticism of the fact that "general all round training is not provided". Nonetheless, the Probation Officer's conclusion was that:

"On the whole, results from this Home are fairly satisfactory. The girls are given the advantage of a fresh start without the stigma of a prison sentence and many of them definitely make good".

127. Of most relevance to this Report is the Probation Officer's assessment of what she terms "The Magdalen Asylums or Penitentiaries". Her Memorandum

records her view that “[t]hese represent the only other type of institution where these girls may be accepted as an alternative to imprisonment”.

128. As with the other categories referred to in the Memorandum, she identifies the difficulties which exist in the case of the Magdalen Laundries. As in the case of the other institution, she notes:

“Here again the great difficulty arises in lack of any specialised training calculated to permanently reclaim the subjects of court orders and give them a fresh start in life. Another aspect is if the subject is difficult to handle and unbidable she will not be kept”.

The lack of segregation, identified as a difficulty in relation to prison, is also adverted to in relation to the Laundries:

“In these Homes girls and women of all classes, ages and types work side by side. There is no minimum or maximum age limit and one may find a girl still under sixteen subject to the same regulation and doing the same type of work as the woman of 50 or 60 years who has been through the ‘world’ and has decided to give the remainder of her life to atone for her evil ways”.

129. Similarly the absence of a broad education or training in the Magdalen Laundries was adversely commented upon:

“Again the educational facilities are absent and the only “training” (in the physical sense) is the ordinary routine work of the institution which always includes a public laundry, sewing, mending and cleaning”.

130. General remarks were also included about the atmosphere in the Magdalen Laundries, although these remarks also confirm that girls or women entering the Laundries by way of the criminal justice system typically left there as soon as their required residence was over:

“The supervision is strict and the religious atmosphere and moral training provide a barrier against contamination not available in prison treatment. This religious training, however, is directed with the purpose

of leading the subjects to a permanent renunciation of a world and to a life of penance in the particular institution, in accordance with its rules. All very laudable, but hardly appropriate for the type of girls undergoing a court sentence for a serious crime, seeing that with very rare exceptions none such would dream of remaining on in a Home voluntarily after the period of detention has expired".

131. Another criticism made of the Magdalen Laundries (and which was also levelled at prison and other institutions in her Memorandum) is the lack of structured after-care, although the efforts of probation officers in this regard are noted:

"The result is that a girl is virtually let loose on the world after a long period of discipline and close supervision, without any steps being taken to give her a fresh chance to earn an honest living. Left without a friend, with little or no money, plus the handicap of no reference or recommendation, what is such a girl to do? Seldom will her family, if she has one, welcome her home, and even if they do, she may refuse to return home. It is obvious that she needs, now more than ever, some sympathetic friend capable of advising and directing her, and where possible finding her suitable employment.

Without the assistance of the Lady Probation Officers attached to the District Courts it is to be feared that many of these girls on leaving the Magdalen Home would find themselves in a deplorable position, unless it should happen that they can be put in touch with voluntary social workers, e.g. the Legion of Mary".

132. The lack of options for a girl or woman who has either been before the Courts or who has spent time in a Magdalen Laundry is also referred to:

"Here it may be remarked that none of the Catholic Girls' Hostels in Dublin will admit a girl known to have come from a Magdalen Home, except the two hostels conducted under the auspices of the Legion of Mary, one of which is definitely for the "street girl" and the other for

“down and out” women and girls. Neither will any of the other Catholic Hostels put up a girl for even one night if it is known that she has appeared in Court on however trivial a charge”.

133. Following all the above details of the “many defects” of the “prison and reformatory system for female delinquents”, the Memorandum proposes a number of measures, namely:

- “the setting up of a properly constituted Remand Home for girls”;
- “specialised treatment” for “girl offenders between the ages of 16 and 21 years”. This might (in the absence of a borstal for girls) involve a Religious Congregation conducting “a Home subject to Government inspection and restricting admission so that none other than cases from the courts would be eligible” and with educational facilities including “housewifery, dressmaking, gardening and poultry-keeping”, with girls detained there for between 1 and 3 years, and with separate sections for remand cases, general cases and cases of “girls who are heading for the immoral life - just starting a career on the streets”.
- The necessity for enforcement of Court Orders.

134. The suggestions in that Memorandum, although submitted to the Minister for Justice, do not appear to have led to any alteration in policy or practice, at least not in the medium term. As a result and as set out in the Memorandum, it remained the case that other than prison, probation with a requirement of residence either at a Magdalen Laundry or a religious-operated institution or home such as Henrietta Street (not a Magdalen Laundry) was one of the only available options for dealing with female offenders (regardless of the nature of the crime).

135. Two Reports relating to Industrial and Reformatory Schools included comment on this issue, one more directly than the other.

136. The Report of the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 (“the Cussen Report”), in a section relating to “Disposal of Female Offenders over 16 and under 21 years of age” criticised “the present unsatisfactory method of disposing of female offenders over 16 and under the age of 21 years”.<sup>76</sup> The absence of a borstal for girls was the issue raised here. The Report, in pertinent part, said:

“It can be generally accepted that Judges and Justices are reluctant to commit young girls to prison, but they have no legal power to order their detention otherwise. The difficulty is usually overcome by sending the offender to a Home conducted by a Religious Order, provided the girl consents to go there, and the Home agrees to accept her. In our view this procedure is undesirable for obvious reasons, chief among them being the absence of specific power enabling the Judges and Justices to commit to these Homes. Further, the Courts have to rely on the generosity and co-operation of the Religious Orders conducting these Institutions who accept such cases without payment”.<sup>77</sup>

137. This section of the Cussen Report does not appear to recognise the practice – already then in place and confirmed by the Annual Probation Reports for these years, detailed later in this section – of Courts making Probation Orders including a condition of residence, as permitted under the 1914 Act, so as to require the girl or woman to remain in the named place for the duration of her probation (i.e. up to a maximum of 3 years).

138. The Reformatory and Industrial Schools Systems Report 1970 (“the Kennedy Report”) also included a section which referred more directly to this practice. In a section relating to Reformatories for Girls, it says as follows:

“In some cases, these girls are placed on probation with a requirement that they reside for a time in one of several convents which accept

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<sup>76</sup> The Report of the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 (“the Cussen Report”), at 47-49, paragraph 183. Section IX relating to “Disposal of Female Offenders over 16 and under 21 years of age”.

<sup>77</sup> *Id*

them; in other cases they are placed on remand from the courts. A number of others considered by parents, relatives, social workers, Welfare Officers, Clergy or Gardaí to be in moral danger or uncontrollable are also accepted in these convents for a period on a voluntary basis. From enquiries made, the Committee is satisfied that there are at least 70 girls between the ages of 13 and 19 years confined in this way who should properly be dealt with under the Reformatory Schools' system.

This method of voluntary arrangement for placement can be criticised on a number of grounds. It is a haphazard system, its legal validity is doubtful and the girls admitted in this irregular way and not being aware of their rights, may remain for long periods and become, in the process, unfit for re-emergence into society. In the past, many girls have been taken into these convents and remained there all their lives. A girl going into one of these institutions may find herself in the company of older, more experienced and more depraved women who are likely to have a corrupting influence on her. In most cases the nuns running these institutions have neither the training nor the resources to enable them to rehabilitate these girls and to deal with the problem".<sup>78</sup>.

139. This part of the Kennedy Report is sometimes cited to the effect that there was a doubt regarding the legality of the placement of girls on probation in Magdalen Laundries or other convents. In fact and as set out in this Chapter, there was a legal basis for such placements under the 1908 and 1914 Acts.

140. Moreover, such an argument appears to be based on a misinterpretation of the Kennedy Report. Two categories of referrals to "convents" are included in the cited paragraph quoted above: referrals on foot of a Probation Order; and placements "on a voluntary basis" by "parents, relatives, social workers, Welfare Officers, Clergy or Gardaí". By its own terms, the second paragraph quoted above, which refers to a "haphazard system" of "doubtful" legal

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<sup>78</sup> The Reformatory and Industrial Schools Systems Report 1970 ("the Kennedy Report") at 6.18

validity, is directed at the “voluntary arrangement for placement” and not at referrals on foot of Probation Orders.

141. The Committee has confirmed that the practice of using institutions, including Magdalen Laundries, in the context of probation continued over many years and until relatively modern times. A practical perspective on the operation of the system was provided to the Committee by a retired member of An Garda Síochána. He had been involved in the investigation of one case in which a young woman had been sent to a Magdalen Laundry by the Courts. He said that the place to which she would be sent:

“would be discussed between solicitors and the Garda officer prosecuting the case and said that he would have no decision in this. [He] believed that this was the practice of the day and that the proceedings would be repeating what had been done before. [He] said that the solicitor for the State and Garda officer and defence solicitors would discuss this beforehand”.<sup>79</sup>

142. When asked for his opinion on why there was a need to use convents in this way, the retired Garda said that:

“this was the practice of the time. He said that the Court Clerk would be contacted, the Garda Superintendent, the State Solicitor and the Defence Solicitor would all be involved with the decision and there was a lot of wheeling and dealing. [He] also stated that there was a lot of etiquette and loyalty between solicitors. He said that if there was a habitual offender then the convents would not accept them if they caused trouble”.<sup>80</sup>

143. The Committee also consulted with retired Probation Officers to secure a better understanding of how the system worked in practice and to confirm that a practice of using Magdalen Laundries in the context of probation continued until relatively modern times.

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<sup>79</sup> Garda Report to the Inter Departmental Committee at page 43

<sup>80</sup> Garda Report to the Inter Departmental Committee at page 44

144. The Committee met with two retired Probation Officers who took up their posts in 1966. The full strength of the Probation Service at this time was only 6 Probation Officers. These two retired Officers were the only female Probation Officers and had during their tenure dealt with all cases of girls and women on probation, as well as probation cases involving boys under the age of 14. Male Probation Officers dealt with the cases of boys over the age of 14, homeless boys and all men.
145. They stressed that cases of probation involving girls and women were a small part of the overall work of the Probation Service. In their experience, typical crimes of which women were convicted were purse-snatching, shoplifting, or wandering abroad with no means of support and soliciting. These cases would be heard in the District Court.
146. They told the Committee that, in Court or shortly beforehand, the Probation Officer would explain to a girl or woman that if she was “prepared to cooperate and accept supervision, she might be released under a probation order rather than committed to prison”. For the case to be dealt with in this way, the girl would need to accept supervision and would need to have accommodation to go to.
147. Both retired Probation Officers noted that if a girl or woman was “from a stable background, one good way of dealing with the situation was to get her a job in a hospital”, that is, a live-in job which included accommodation. They explained that in such cases, the Probation Order made by the Court might include a condition that the girl would “reside where directed by the Probation Officer”.
148. They explained that in other cases, a suitable job might not be available, the girl’s background might be very “unstable”, or the girl might have been “unemployable”. They informed the Committee that in such cases:

“sometimes the Probation Officer would ask the girl if she was prepared to go to a convent for training or to further her education with a view to getting employment. She would have to give her consent for this”.

149. In such cases, the Court would be informed and the Probation Order made would include a condition either that the girl or woman reside where directed by the Probation Officer, or alternatively it might specifically provide as a condition that she reside at a specified institution. The institution could be a Magdalen Laundry, or another institution willing to accept her. In these cases, the Probation Officer would bring the girl or woman directly to the institution in question - in their experience, mostly Sean MacDermott Street or High Park - where she would reside and typically work in the Laundry for the period of her probation.
150. Both retired Officers indicated that this practice was already well-established at the time they took up their posts in 1966 and that there was no sense of this being a new departure.

*Continued supervision of girls and women by Probation Officers while in the Magdalen Laundries*

151. The Committee also explored the question of ongoing supervision of girls or women while in the Magdalen Laundries as a condition of probation.
152. The Committee confirmed that supervision of these girls and women by Probation Officers occurred on the same basis as supervision of other girls or women on probation and not residing in an institution. Probation Officers visited these girls and women at the Magdalen Laundries during the period of their probation (i.e. the period in which they were required to reside there), and informed them of the date on which their supervision period would end and when, as a result, they would be free to leave the Magdalen Laundry.

153. The Committee found general records of such visits, for example, the Probation Officer's Memorandum dated 1941 referred to above, which indicates a strong level of information among the Probation Service on the operation of the Magdalen Laundries and explicit reference to follow-up by "lady probation officers" in these cases.
154. The Committee also identified individual case-files of both the Department of Justice and the Probation Service confirming such continued supervision and visits to girls and women required to reside at a Magdalen Laundry as a condition of probation.
155. Examples were identified of such visits across many decades, examples of which are included throughout this Chapter. To take one example, a file relating to a 20-year old woman who was required to reside at St Patrick's Refuge, Dun Laoghaire (a Magdalen Laundry) for two years as a condition of probation in 1937 includes records of at least 3 visits by two different Probation Officers during her time at St Patrick's and High Park (to which a Probation Officer transferred her prior to the expiry of her required term).<sup>81</sup> Supervision and follow-up by Probation Officers of women placed in Magdalen Laundries continued to be a feature throughout the entire period in question (further examples below).
156. The two retired Probation Officers with whom the Committee met also stressed that follow-up and casework were key parts of the role. The term of supervision would vary depending on the crime and circumstances, but under the Act extended to a maximum of 3 years. Both retired Probation Officers said that "regular follow-up was part of all cases" and that this was equally true of the girls and women residing at the Magdalen Laundries on foot of a Probation Order.
157. They further said that they had never experienced difficulty obtaining access to the Magdalen Laundries in order to carry out this supervision. They would

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<sup>81</sup> Department of Justice File reference 18/2700

attend there “on a regular basis” and would meet the girls and women who were on probation in these institutions either individually or as a group. They further commented that there was no sense that this was a new development after their appointment as Probation Officers in 1966. Rather, visits and continuing supervision by Probation Officers of the women placed there was taken for granted by the Religious Congregations and the women in question as a continuation of prior practice. These retired Probation Officers confirmed that, just as for those cases which they supervised where the girl or woman was not required to reside at such an institution, they would deal with any problems which might arise for a girl or woman under supervision. They said, for example:

“if a family had broken down, we might try to work on re-establishing that relationship, including by bringing the girls and women on home visits. But often the girls or women had been in industrial schools earlier in their life and had no-one”.

158. They confirmed that, in their role as Probation Officers, they also informed the girls and women when “their time was up” and when they could as a result leave the Magdalen Laundries. Before the girls or women were due to leave the Magdalen Laundries, the retired Probation Officers said they would also try to get them a job if possible.
159. It was also possible that if a girl or woman on probation was able to re-establish stable relationships or get a job, it would be possible for her to move from the Magdalen Laundry, with permission of the Court, prior to the expiry of her Probation Order. This confirmed the policy behind the practice identified in case-files that, in some cases, where girls or women were required to reside at a Magdalen Laundry or other religious-operated institution, they were permitted by the Minister to leave these institutions prior to the expiry of the period of probation.
160. Both retired Officers also recalled circumstances in which a girl or woman on supervision and in a Magdalen Laundry would “run away or stay away after a

home visit". In such cases, they would "plead with them to go back to avoid them breaching the Probation Order" and said there were cases where the girl or woman did so. They said that in other cases, the Gardaí might find the girl or woman and bring her to the Court, in light of breach of the conditions of her probation.

161. The Committee also found evidence of the continued involvement of the State in such cases in the records of An Garda Síochána. As set out more fully below, the Fógra Tóra publication was an internal Garda circulation providing information on persons wanted, missing or recently convicted or released from prison.

162. Searches of the Fógra Tóra indexes identified cases in which the category of "persons recently released or about to be released" included women placed in Magdalen Laundries and other institutions as a condition of probation.<sup>82</sup> For example, one such publication in 1937, within this category of persons recently or about to be released, included information on 6 women, one of whom was being released from prison; one from Henrietta St Home (not a Magdalen Laundry); two women from another city hostel (not a Magdalene Laundry) and two women being released from two different Magdalen Laundries as follows:

- "[name, description] Previous conviction at Dublin for larceny (watch). Sentenced at Dublin District Court on 3/7/1936 to own bail £5. Probation Order 2 years to reside in Sunday's Well Convent, Cork, for larceny of 11/-".
- "[name,description] Sentenced at Dublin District Court on 6/7/1936 to own bail £5. Probation 6 months, conditional on her entering into St Patrick's Convent, Dun Laoghaire for 6 months for larceny (blanket)".

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<sup>82</sup> Garda Report to the Inter Departmental Committee, examples at page 119

*Sample cases where girls or women were required to reside at a Magdalen Laundry on foot of a Probation Order*

163. In its searches, the Committee found many cases in which women were required to reside at institutions as a condition of probation, including religious-operated institutions such as Our Lady's Home, Henrietta Street and, in some cases, Mother and Baby Homes.<sup>83</sup>

164. A significant number of cases were also identified by the Committee in which girls and women were required, as a condition of their probation, to reside at a Magdalen Laundry for a specified period of time. The minimum required stay identified among these cases by the Committee was 3 months; while the maximum duration identified was 3 years. This was also the maximum length of probation under the legislation referred to in this section.

165. The sources from which these cases were identified were many, but included:

- Archived Court records;
- Prison files;
- Case-files of the Probation Service;
- Case-files in the Department of Justice;
- Newspaper archives; and
- Records of the Religious Congregations

166. The underlying criminal charges in these cases covered the whole range of the criminal law – from larceny and vagrancy to manslaughter and murder. Due to better and more detailed record-keeping in Higher Courts or in more

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<sup>83</sup> The Committee notes, for the purpose of completeness, that in its searches it also identified instances in which boys or young men were required to reside in institutions as a condition of probation – this relates to the Probation Hostel operated for a period in Cork by the Society of St Vincent de Paul; and the Hostel established in 1971 and operated in Chapelizod by the Dublin Lions Club for boys placed on probation who were either homeless or whose homes were considered “unsuitable to provide adequate care and support”. Capital grants were paid by the Department of Justice in at least the latter case to support these institutions.

complex cases, the following examples include significant numbers of more serious cases, in particular murder and infanticide. However, the Committee found that such cases represent only a small proportion of the cases in which women were required to reside at a Magdalen Laundry as a condition of probation. The typical case in fact relates to more minor offences such as larceny. Another pattern, identified in more detail in Chapter 10, relates to convictions of women in respect of cruelty or neglect towards their children.

167. The Annual Reports of the Probation Service give an indication of the overall scale of such cases. The first such Annual Reports dating to the 1930s, provide information on all cases of probation dealt with in the preceding year.

168. The Report of the Dublin Metropolitan District for 1933 includes a list of the cases under the charge of the (female) Probation Officer during the year. It includes detail of 109 probation cases in total, of which 78 related to males and 31 related to females.

169. Of the 31 probation cases relating to females in 1933, 8 cases included a condition as to residence. These can be broken down as follows:

- 2 cases required to reside where directed by the Probation Officer;
- 2 cases required to reside at Our Lady's Home, Henrietta Street (not a Magdalen Laundry);
- 2 cases required to reside at private addresses, in one case the girl's mother's house;
- 1 case required to remain at the Dublin Union; and
- 1 case required to reside at a Magdalen Laundry.

170. Those remaining cases which did not include a requirement as to residence included conditions as varied as requiring the girl to attend school, or to pay compensation to the victim of her crime, to abstain from alcohol, or in two cases, "not to go into Woolworth", from which they had stolen some items.

171. The sole case that year of probation including an explicit condition of residence in a Magdalen Laundry is detailed below.
172. A combined Report was made by the Probation Service for the years 1934-1936. This included a similar report on all cases handled during the year. It included details of 288 cases in total of which 184 related to men and 104 to women.
173. Of the 104 total cases relating to women, 45 cases included a condition as to residence. These consisted of the following:
- 21 Henrietta Street (20 mentioning it by name, one case where the condition was to reside at a 'convent selected by the probation officer' and this was the convent chosen);
  - 4 Family home;
  - 2 Dublin Union;
  - 2 where directed by Probation Officer;
  - 1 not to reside within the Metropolitan district of Dublin;
  - 1 at another private address (where she was employed);
  - 1 to enter Henrietta Street until she was brought to the boat for England, where she was required to enter a specified Good Shepherd Home in the UK; and
  - 13 at Magdalen Laundries in the State (detailed below).
174. The Probation Service Annual Report for 1937 also included a similar report on all cases handled during the year. It included updates on 10 of the cases from the previous Report in which girls and women had been required to reside at a Magdalen Laundry as a condition of probation (as their period of probation either had expired during the reporting period, or had not yet expired).
175. There were no new cases in 1937 of girls or women required to reside at a Magdalen Laundry as a condition of probation, although there were the following numbers of new cases of girls or women on probation involving residence requirements elsewhere:

- 7 Henrietta Street
- 3 at identified Hostels
- 2 with identified family members
- 1 at Pelletstown Home (Mother and Baby Home)
- 1 where directed by Probation Officer

176. The Annual Reports for years from 1938 onwards do not include a similar listing of cases and a definitive breakdown of this kind is not possible.

177. The above means that, for the years 1933 to 1937 (inclusive) in which full statistics are available for all probation cases, there were a total of 14 cases in which girls or women were required to reside at a Magdalen Laundry as a condition of probation.

178. These 14 cases in which residence at a Magdalen laundry was required as a condition of probation in those years arose in relation to the following offences:

- 7 larceny;
- 3 loitering or soliciting for the purpose of prostitution;
- 2 committing either an act contrary to public decency or an act as to offend modesty or cause scandal;
- 1 found living in circumstances calculated to cause, encourage or favour her seduction or prostitution;
- 1 not having paid a train fare.

179. The individual details of these cases were as follows:

- a. A girl, 17 years of age, who was in 1933 convicted of having travelled "in a carriage of Great Southern Railway without having paid her fare". She received 12 months probation, with a condition "to reside at Mercy Convent, Dun Laoghaire".  
The Report of the Probation Officer on her case was that her conduct during probation was "Not very satisfactory as she gave trouble at the Convent. Has improved".

As the Register of the Magdalen Laundry at Dun Laoghaire has not survived, the Committee cannot identify the date of her departure from that institution.

- b. A 39-year old woman was in 1935 convicted of loitering and soliciting for the purpose of prostitution. 12 months probation.  
Condition: "During the said period of 12 months to reside at High Park Convent Drumcondra or elsewhere only with the sanction and approval of [probation officer]".  
Conduct during probation: "Not good".  
Result: "Brought before the court for a similar offence and sent to prison"

The woman's admission and departure from the Magdalen Laundry are confirmed by the Register.

- c. A 17-year old girl was convicted in 1935 of "stealing". 12 months probation.  
Condition: "To reside at High Park Convent Drumcondra during the said period of 12 months".  
Conduct during probation: "Good"  
Employment: "Resided at High Park Convent as directed until [date]. Now employed as a domestic servant.  
Result: "Period of probation completed satisfactorily"

This girl's admission to the Magdalen Laundry is confirmed by the Register. It also confirms her departure on a date which (calculated from the date of the Probation Order) was prior to expiry of the Probation Order.

- d. A 17-year old girl was convicted of "stealing" in 1936. 2 years probation.

Condition: "To enter forthwith into Gloucester St Convent and there remain for 2 years".

Conduct during probation: "Good"

Employment: "Employed in laundry attached to Gloucester St Convent".

Result: "Period of probation so far satisfactory"

The Report for 1937 included an update on this case. It said:

Working in laundry attached to home

Probation period completed satisfactorily. Still in the convent (has no relatives or home).

The Register of the relevant Magdalen Laundry confirms this girl's admission, having been "sent by the courts". Although she remained there for some time after the end of her period of probation (as noted in the 1937 Report), the Register confirms that she "left" on an unrecorded date thereafter.

- e. A 16-year old girl was convicted of "stealing" in 1936. 12 months probation

Condition: "To reside in Gloucester St Convent or such other place as Probation Officer may approve of".

Conduct during probation: Good.

Employment: "Residing in Gloucester St Convent employed in laundry".

Result: "Period of probation so far satisfactory"

The Report for 1937 provided an update on this case. It said:

Conduct: Very good.

Working in laundry attached to home. Period of probation completed satisfactorily.

The Register for the relevant Magdalen Laundry confirms this girl's admission, although it does not note the fact that she was on

probation - no source of referral was noted. The Register does however confirm her departure ("left") after that period.

- f. A 19-year old girl was convicted in 1936 of committing "an act in such a way as to offend modesty or cause scandal or injure the morals of the community". 12 months probation.

Condition: "Forthwith the defendant consenting to enter Gloucester St Convent and there reside for 12 months.

Conduct: Good.

Employment: Girl about to become a mother, transferred from Gloucester Street Convent to the Union. At present at Pelletstown.

Result: "Period of probation so far satisfactory"

The Report for 1937 provided an update on this case. It said:

Conduct: Good

Employed in laundry in Convent, later in Nurses Home, S[outh] D[ublin] Union whence she had to be transferred (maternity case). Period of probation completed satisfactorily. Finally in Pelletstown where baby was born. Later ill in Union hospital, rheumatism.

The Register of the relevant Magdalen Laundry includes a woman, recorded under a slight variant of this name, who was admitted to and discharged from that institution during this time-period. The details of her admission, namely probation, were not recorded.

- g. A 19-year old girl convicted in 1936 of "stealing". 12 months probation.

Condition: "To reside in High Park Convent as long as Probation Officer consents.

Conduct during probation: "Good. Girl delicate. Father written to, came to Dublin and brought his daughter home to [place].

Result: Period of probation so far satisfactory

The Report for 1937 provided an update on this case. It said:

Conduct: Fair

Result: Period of probation completed satisfactorily. Justice gave permission to girl to go home to her father when he came to fetch her. She was in poor health and went with him on [date]

The Register of the relevant Magdalen Laundry confirms the admission of this woman, although it does not record any source of referral. It notes that she was married. The Register also confirms that, less than 3 months after her arrival, her “father took her home”.

- h. A 21 year old woman was convicted in 1936 of “stealing”. 12 months probation

Condition: “To reside at Good Shepherd Convent Sunday’s Well Cork for the said period of 12 months.

Conduct during probation: Good.

Employment: “Residing at the Good Shepherd Convent Cork as directed. Employed in the laundry.

Result: “Period of probation so far satisfactory”

The Report for 1937 provided an update on this case. It said:

Conduct: Good

Working in laundry at good shepherd convent. Satisfactory

The Register of the relevant Magdalen Laundry confirms this woman’s admission, “brought by [named probation officer], sentenced to one year for larceny”. The Register indicates that she became a consecrate (“received the Black Dress”) 6 years later, and that she remained there until closure of the Laundry, at which point she transferred to sheltered accommodation provided by the Congregation.

- i. A 21 year old girl was convicted in 1936 of “stealing”. 6 months probation.

Condition: "Do enter St Patrick's Home, Crofton Road, Dun Laoghaire and do remain there for 6 calendar months.

Conduct during probation: Good.

Employment: "Residing at St Patrick's Home as directed, employed in laundry.

Result: "Period of probation so far satisfactory"

The Report for 1937 provided an update on this case. It said:

Conduct: not good. Gave a good deal of trouble and was taken by Probation Officer to High Park.

Working in laundry first in St Patrick's and later in High Park

Result: owing to father's death was allowed home on [date before end of period of probation]. Later got domestic work but was not satisfactory. Presently unemployed.

The Register for Dun Laoghaire has not survived, but the Register for the Magdalen Laundry at High Park confirms this woman's admission in 1936. The Register did not record that she was on probation. Her departure is also confirmed by the Register- she went "home".

- j. A 15-year old girl was convicted in 1936 of committing "in a public place ... an act contrary to public decency". 12 months probation

Condition: "Do reside at St Patrick's Home, Crofton Road, Dun Laoghaire, unless the Probation Officer otherwise directs.

Conduct during probation: Good.

Employment: Residing at St Patrick's Home as directed. Employed in the laundry.

Result: "Period of probation so far satisfactory"

The Report for 1937 provided an update on this case. It recorded "Period of probation completed satisfactorily".

As the Register for the Dun Laoghaire Magdalen Laundry has not survived, it is not possible to identify further information on this case.

- k. A 16-year old girl was convicted in 1936 of “loitering and soliciting for the purpose of prostitution”. 12 months probation.

Condition: “Do enter forthwith and reside in Gloucester Street Convent and there to remain during the said period and be subject to the supervision of the Rev. Mother.

Conduct during probation: Good.

Employment: “Residing at Gloucester St Convent as directed. Employed in laundry”.

Result: “Period of probation so far satisfactory”

The Report for 1937 provided an update on this case. It said

Conduct: Excellent

Employment: Employed in laundry attached to home.

Result: Probation period completed satisfactorily. Has remained on in the home voluntarily and is very happy there

The Register for the relevant Magdalen Laundry confirms this girl’s admission and that she had been “sent from the courts”. Although she remained there for some time after the end of her probation, the Register confirms that on an unspecified date thereafter, she “left”.

- l. An 18-year old girl, with the same family name and home address as the previous case, was convicted on the same date of the same offence. It is likely they were sisters. She also received 12 months probation.

Condition: “Enter forthwith into St Patrick’s Home Dun Laoghaire and there to remain under the direction of Rev Superioreess

Conduct during probation: Good.

Employment: “Residing at St Patrick’s Home as directed. Employed in laundry”

Result: "Period of probation so far satisfactory"

The Report for 1937 provided an update on this case. It said:

Conduct: Fairly good.

Employment: Employed in laundry at St Patrick's Refuge. Period of probation completed satisfactorily. Was placed in situation on leaving in private Hotel, but left and went home. Afterwards got other work. Now at [identified Homeless hostel]

The Register for the Dun Laoghaire Magdalene Laundry has not survived, which means that additional information on the case cannot be provided.

m. A 32 year old woman convicted in 1936 of "stealing". 3 years probation.

Condition: "To reside in Gloucester Street Convent until vacancy for her occurs in Convent of the Good Shepherd Sunday's Well Cork.

Conduct during probation: Good.

Employment: Transferred to the Good Shepherd Convent Cork on [date]. Employed in workroom there.

Result: "Period of probation so far satisfactory"

The Report for 1937 included an update on this case. It said:

Conduct: Good

Employed in work room attached to convent in Sunday's Well.

Satisfactory so far

The Register of the relevant Magdalene Laundry confirms her entry "brought by [named probation officer]", "sentenced to 3 years for larceny". The Register indicates that she remained there for 16 years.

n. A 15 year old girl was convicted in 1936, having been “found living in circumstances calculated to cause, encourage or favour her seduction or prostitution. 2 years probation.

Condition: “Reside in High Park for 2 years or elsewhere when the Probation Officer so directs. Not to receive visits except with the permission of the Rev Mother.

Conduct during probation: Good.

Employment: “Residing at High Park Convent. Employed in the laundry”.

Result: “Period of probation so far satisfactory”

The Report for 1937 included an update on this case. It said:  
Residing as directed in High Park, employed in the laundry there.  
Period of probation satisfactory so far.

The Register of the relevant Magdalen Laundry confirms this girl’s admission, also noting “time 2 years” (i.e. referring to the period for which she was required to reside there). The Register also confirms her departure, exactly 2 years after entry.

180. The other sources examined by the Committee, including Court records as detailed above, also produced numerous examples of probation cases of this kind for later years. Some examples of the cases identified by the Committee in this way, as well as the handling of their cases, follow.

181. It should be noted that, although the most detailed files relate to serious crime, including murder, manslaughter and infanticide, these cases are a small minority and are not of the typical crimes for which women were required to enter a Magdalen Laundry as a condition of probation.

182. A 26-year old woman was convicted in the Central Criminal Court in 1946 of “wilful murder of her unnamed female infant”. She was sentenced to:

“6 months imprisonment, suspended on condition that she entered into recognisances to keep the peace for a period of two years in the sum of £20 and entered Gloucester Street Convent for a term of 15 months”.<sup>84</sup>

183. Approximately 6 months after her entry to the Magdalen Laundry at Sean MacDermott Street (formerly Gloucester Street), the woman’s father wrote to the Minister for Justice:

“requesting that his daughter ... be released of the obligation to remain in Gloucester Street Convent for a term of 15 months”.<sup>85</sup>

184. The petition confirms that the woman’s family, and presumably the woman herself, was in contact with a named Probation Officer while she was in the Magdalen Laundry. It was she who suggested that they petition the Minister for her release from the Magdalen Laundry in which the Court had required that she reside.

185. Although the woman in question was not in a prison, the Minister nonetheless considered the application.<sup>86</sup> The first step taken by the Minister for Justice was to request the Chief Probation Officer to make enquiries:

“with a view to ascertaining whether it would be in the best interests of the girl to order her release now and whether the offer of employment is genuine”.<sup>87</sup>

186. The Chief Probation Officer submitted a Memorandum in response to this request, outlining the facts of the case and confirming that an offer of

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<sup>84</sup> Memorandum dated 7 May 1947, Governor Mountjoy Prison to Department of Justice, File Ref 18/9639 B

<sup>85</sup> Internal Departmental Note dated 9 May 1947, regarding the petition, file ref Id

<sup>86</sup> The Minister in that regard also consulted with the Minister of Education, under the initial mistaken impression that that Minister had a role in the matter. The Department of Education responded, indicating that as Gloucester Street was not an industrial school, the institution was not within its responsibility.

<sup>87</sup> Letter dated 14 May 1947 from Department of Justice to Chief Probation Officer, file ref 18/9639 A

employment which had been made to the woman was genuine and from "a person of known integrity". The Probation Officer's Memorandum also includes details of the position of the Religious Congregation concerned, with whom it is clear the Probation Officer had consulted. The Memorandum recorded that:

"The nuns in the Convent say that the girl in question is very satisfactory. Apart from certain shortness of temper, which she displays periodically, she is highly recommendable. She is naturally reticent and never discusses her affairs with the other inmates. She is, apparently, very happy there; and the move for her early release has been made by her relatives, who evidently think that she has been detained for what they think is a 'reasonable period'. ..."

The nuns in Gloucester Street Convent think that the girl would be much the better for a longer period under their supervision. They say that the training there has a refining influence on her and that the longer the period the more lasting will be the effect. They do not suggest that she should remain there for the full fifteen months, but they suggest, with respect, that the time for release is scarcely opportune just now. She should, they think, be left there for some time longer".<sup>88</sup>

187. The Department of Justice subsequently wrote to the woman's family indicating that with reference to the woman:

"who is at present an inmate of Gloucester Street Convent, Dublin, I am directed by the Minister for Justice to state that after full consideration of all the circumstances of the case he is not prepared at this stage to agree to your daughter's release".<sup>89</sup>

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<sup>88</sup> Report dated 30 May 1947 from Chief Probation Officer to the Department of Justice. File ref id.

<sup>89</sup> Letter dated 9 June 1947 Department of Justice to the woman's family, file ref Id.

188. However the letter also added that the case would be “reconsidered again in September next”, which was 3 months from the time of the original decision.<sup>90</sup>

The Department also, at time of issue of that letter, requested the Chief Probation Officer to “furnish a further report on the girl’s progress about August next”.<sup>91</sup>

189. The file demonstrates that the Probation Officer supplied such a further report in August 1947. At this point, the woman had spent 9 of the 15 months which the Court had required her to complete in Sean McDermott Street Magdalen Laundry. The Chief Probation Officer’s Report to the Department of Justice, in pertinent part, records that:

“I conferred with the nuns of Gloucester Street Convent about the general behaviour etc of the above-named girl. Nothing could be more admirable than the attitude of this girl (and her people) all through the period of her detention. The nuns have told me that she is highly recommendable in every way and they have no hesitation in respectfully advocating her speedy release. Through me they now recommend her to the kind consideration of the Minister for Justice. ... Therefore I would readily advocate her speedy release, should it please the Minister for Justice to grant it”.<sup>92</sup>

190. Two days later, a letter from the Department of Justice to the Chief Probation Officer confirmed that the Minister had:

“reviewed his earlier decision in the matter and, having regard to present circumstances, had no objection to the girl being now handed over to the care of her father”.<sup>93</sup>

The Chief Probation Officer was requested to “arrange with the Reverend Mother of the Home accordingly”.<sup>94</sup>

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<sup>90</sup> Id

<sup>91</sup> Letter dated 9 June 1947 Department of Justice to Chief Probation Officer, file ref Id

<sup>92</sup> Report of the Chief Probation Officer dated 13 August 1947 to the Minister for Justice. File ref id.

<sup>93</sup> Letter dated 15 August 1947 Department of Justice to Chief Probation Officer. File ref Id.

<sup>94</sup> Id

191. Another case identified by the Committee concerned a 17-year old girl convicted in 1968 of stealing “a watch value £3.0.0 property of some person unknown contrary to section 2 Larceny Act 1916”. She pled guilty and was given probation for a period of 2 months on recognizance of £5 pounds and on condition that:

“during the said period the Defendant do reside at the Good Shepherd Convent, Limerick and to that intent that she be conveyed thereto by the Garda Síochána at Galway”

and

“be under the supervision of the Rev. Superioreess of the Good Shepherd Convent Limerick”.<sup>95</sup>

192. This girl’s entry to the Magdalen Laundry is recorded in the Limerick Register. Although she was required by the terms of her probation to reside there for a period of only 2 months, it appears that she remained there for longer – her departure was by way of a transfer to the Magdalen Laundry at Peacock Lane, Cork, two years after her arrival. She left that Laundry of her own accord at a later point.

193. Other cases include, for instance:

- A woman convicted in 1926 of infanticide and sentenced to “Good Shepherd, Waterford for 12 months”.<sup>96</sup> The records of the Religious Congregation confirm she entered the Magdalen Laundry with a probation officer and that she was subsequently “taken to Dublin by her sister”.
  
- A woman charged in 1932 with “murdering an unnamed infant child” and convicted of manslaughter. Sentence provided was that she “be delivered over to [name] (Probation Officer) and that she will proceed with said

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<sup>95</sup> Probation Form A dated 25 July 1968, Galway District Court

<sup>96</sup> Central Criminal Court Book no. 1C/88/60

probation officer to the Good Shepherd Convent at Limerick and remain therein for a period of 18 calendar months. Good behaviour, Keep the peace for 3 years.<sup>97</sup> The records of the Religious Congregation confirm that she entered the Magdalen Laundry in the company of her probation officer. She remained there for over 3 years, after which she “went to her sister in London”.

- A girl convicted in 1937 of larceny, sentenced to “two months imprisonment not to be enforced if she enters the Good Shepherd Convent, Sunday’s Well and remain there for 12 months”.<sup>98</sup> The records of the Religious Congregation confirm that the girl entered the Magdalen Laundry in Cork, but was within a few days transferred to the Magdalen Laundry in Limerick. After approximately 3 weeks she was dismissed from the Laundry – she was “sent away for bad conduct”.
- A woman convicted of larceny (theft of a watch and clothing) who was sentenced “To be imprisoned in Cork Gaol but not to take effect if enters Good Shepherd Convent forthwith and remain there for twelve months”.<sup>99</sup> The records of the Religious Congregation confirm the entry of this women to the Magdalen Laundry “sent by the Court” in 1937. Approximately 7 years later, she is recorded as having become a consecrate (“received black dress”) and remained there until her death.
- A 13-year old girl convicted in 1937 of 11 counts of larceny who was sentenced to “Good Shepherd Cork, for 3 years”.<sup>100</sup> The records of the Religious Congregation confirm that this girl entered the Magdalen Laundry “sent by the Court” shortly before her criminal conviction (presumably on remand) and was then “sentenced to 2 years from [date of

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<sup>97</sup> Central Criminal Court Book no. 1D/24/129

<sup>98</sup> Cork City District Court, Book no. 97/60/78.

<sup>99</sup> Cork City District Court, Book no. 97/60/79

<sup>100</sup> Cork Circuit Court Book no. V15/4/50

hearing] for larceny". The records confirm that after the expiry of that two year period, she was "sent back to her mother".

- A woman, charged with attempted suicide in 1937, the Court having ordered "The said [name] having expressed her willingness to go to and remain in the Good Shepherd Convent Limerick for a period of two years from this date or until such time within said period of two years as she may be discharged from the Good Shepherd Convent by the order or direction of the Reverend Mother for the time being in such a convent.<sup>101</sup> The records of the Religious Congregation confirm that the woman entered the Magdalen Laundry (recorded as recommended by "the Guards") and stayed there for 2 years, upon which she "went home with her sister".
- A woman, convicted in 1945 on two counts of larceny, the Court minute book recording "Defendant is convicted and ordered to be imprisoned for 6 calendar months on each charge, the sentences to run concurrently. Not to take effect if she enters into recognisance in the sum of £10 to keep the peace and be of good behaviour for the next two years and goes to and remains in the Good Shepherd Convent, Sundays Well, Cork for the next 6 months". The records of the Religious Congregation confirm the entry of this woman to the Magdalen Laundry, being "brought by the Guards". Some additional information is included, namely that she had no relatives and had been "reared in" a named industrial school. She became a consecrate ("received black dress") 8 years after entering the Magdalen Laundry. At one point, she spent a year outside the Laundry "for training", but returned again thereafter. In total from the year of her admission, she remained in the Magdalen Laundry for over 30 years, before finally leaving to work at a named job. The Register records that, although living independently and working elsewhere, she wished to be buried in the Good Shepherd plot. It was agreed that "her solicitor will contact" the Congregation at the point of her death.

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<sup>101</sup> Book no. 1D/16/168 Limerick Criminal Book

- A homeless woman convicted in 1945 of 4 counts of larceny of goods and cash, convicted “and ordered to be imprisoned for 4 calendar months on each charge, the sentences to run concurrently. Not to take effect if she enters into recognisance in the sum of £20 to keep the peace and be of good behaviour for the next three years and goes to and remains in the Good Shepherd Convent, Sundays Well, Cork for the next 6 months”.<sup>102</sup> The records of the Religious Congregation confirm that this woman was “brought by the guards, sentenced to 6 months”. Her departure is recorded as “sent to County Home & did not return”.
- A woman convicted of larceny and sentenced to “9 months imprisonment suspended and own bail £25 for 2 years to enter High Park Convent”. The Fogra Tora notice in relation to her conviction records that she “enters churches and steals ladies handbags during service”.
- A woman convicted in 1946 of manslaughter (of an adult), sentenced to 5 years penal servitude suspended, “£10, keep the peace and good behaviour. Immediately enter The Good Shepherd Convent, Limerick for 5 years”.<sup>103</sup> The records of the Religious Congregation confirm that this woman entered the Magdalen Laundry with her probation officer. After the required 5 years, she left and “went to a situation” (a job).
- A woman convicted in 1946 of the manslaughter “of female child recently delivered”. “£5, two years keep the peace, and immediately enter High Park Convent, Drumcondra, Dublin. 18 months. Probation Officer accompanied her there”.<sup>104</sup> The records of the Religious Congregation confirm that the woman entered the Magdalen Laundry, with the records

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<sup>102</sup> Book no. 97/60/112 Justice’s Minute Book District Court Cork

<sup>103</sup> Central Criminal Court Book no. V15/30/21

<sup>104</sup> Central Criminal Court Book no. V15/30/21

indicating “Time 18 months”. The register records that she “left” thereafter, although the date is not recorded.

- A woman convicted in 1946 of manslaughter of “female child”. “£10 peace and good behaviour for 18 months. Immediately enter Convent of the Sisters of Our Lady of Refuge, Gloucester Street for 12 Months”.<sup>105</sup>
- A woman convicted in 1947 of manslaughter of “female infant”. “£10, keep the peace 2 years, immediately enter The Good Shepherd Convent, Limerick for 1 year there, or others she may be transferred to”.<sup>106</sup> The records of the Religious Congregation confirm the entry at that point of the woman in question. The Register did not record the background to her entry (i.e. probation). She remained there over 4 years, at which point she “went to a situation” (a job).
- A woman charged in 1949 with 10 counts of attempted murder (of an adult). Found “Guilty of administering poison, £5 keep peace and good behaviour. Immediately enter Good Shepherd Convent Limerick for 12 months or any other institution to which she may be transferred”.<sup>107</sup> The records of the Religious Congregation confirm that the woman was brought to the Magdalen Laundry by her probation officer (“sent from Dublin High Court”). After 9 months (i.e. 3 months before the required period expired), she “went home”.
- A 21-year old woman convicted in 1950 of infanticide. “£10 keep the peace and good behaviour for 12 months. Immediately enter The Good Shepherd Convent, Waterford for 12 months”.<sup>108</sup> The records of the Religious Congregation confirm her entry to the Magdalen Laundry from

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<sup>105</sup> Central Criminal Court Book no. V15/30/21

<sup>106</sup> Central Criminal Court Book no. V15/30/21

<sup>107</sup> Central Criminal Court Book no. V15/30/21

<sup>108</sup>

“the Court, Dublin”. After the required one year’s residence, she left the Magdalen Laundry and “went to her mother”.

- A woman convicted in 1953 of infanticide, sentenced “to enter the Good Shepherd Convent, Limerick, forthwith and to remain there for not less than six months, and not more than 12 months, as the nuns may decide. The Court ordered that the accused be taken charge of by [name], Probation Officer, for the purpose of accompanying the accused to the said home”.<sup>109</sup> The records of the Religious Congregation confirm that she entered the Magdalen Laundry, although her entry was recorded as being on the recommendation of a named priest (it is possible, for example, that the priest transported her to the Laundry). After approximately 2 and a half years, she “went to County Home”.

### C. Courts

194. The general circumstances in which a Court referred a girl or woman to a Magdalen Laundry occurred in the context of probation. Such cases are dealt with in the preceding section. However a number of cases were also identified where a woman convicted of an offence was given a *suspended sentence*, on condition she enter a Magdalen Laundry or other institution for a set period.
195. The use of suspended sentences in the criminal justice system in Ireland is well established as “a recognised alternative regularly availed of by Irish courts<sup>110</sup>, with ”the imprimatur of the Supreme Court”, although without a specific statutory basis.<sup>111</sup> *Deferred sentences* were also a possible route by which girls and women entered the Magdalen Laundries, which refers to

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<sup>109</sup> Central Criminal Court Book no. V14/15/2

<sup>110</sup> W.N. Osborough, An Outline History of the Penal System in Ireland, reproduced in the Report of the Committee of Inquiry into the Penal System, 1985, at 182

<sup>111</sup> Rottman and Tormey, Criminal Justice System: An Overview, reproduced in the Report of the Committee of Inquiry into the Penal System, 1985, at 215, citing *The State (McIlhagga) v Governor of Portlaoise Prison*, 1971 (unreported),

circumstances where a person “is sentenced to a custodial term with a proviso that the warrant of custody is ‘not to issue’ for the length of time stated in the sentence”.<sup>112</sup>

196. Examples of cases identified by the Committee of girls or women given a suspended sentence on condition she enter a Magdalen Laundry or similarly a deferred sentence include the following:

- A 28-year old woman was in the 1930s sentenced to “6 month postponed on condition she enter High Park Convent, Drumcondra for 6 months”. The Records of the Religious Congregation confirm that she had already been at High Park on remand prior to her trial and returned subsequent to that trial (“time 6 months”).
- A 19-year old girl was convicted of stealing a watch in the 1920s. The records of the Religious Congregation confirm she was “sent by [name] District Judge” to a Magdalen Laundry. She remained there for 5 years, at which point she was “sent home”.
- A woman convicted in 1940 and given a suspended sentence of 18 months, “not to take effect if she enter St Mary Convent Donnybrook for 3 years”. The Register of the relevant Magdalen Laundry confirms her admission at that time, under a slight variant of her first name. She is recorded as having entered from “Mountjoy Prison” (where she had likely been on remand). The Register records that she had “consumption” (tuberculosis), of which she died.
- A 22-year old woman was convicted in 1941 and received a “suspended sentence 2 years not to be enforced if she enters Good Shepherd Convent for 2 years”. The Registers of the Religious Congregations indicate that this woman did not enter a Good Shepherd Magdalen Laundry, but instead was admitted to the Magdalen Laundry

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<sup>112</sup> Id at 216

at Sean McDermott Street. The Register records that she “left”, but does not include the date on which she did so.

- A 27-year old woman pled guilty to manslaughter and received a “2 year suspensory sentence to go to High Park Convent for 18 months”. The Records of the Religious Congregation confirm that she remained at High Park for the required 18 months, at which point she was “taken home by her mother”.
- A 28-year old woman received “own bail in £10 for 2 years of a suspensory sentence and to enter High Park Convent [date]”. The records of the Religious Congregation confirm her entry on that date, and that her departure (date not recorded) was when she “went to a situation” (a job).
- A 20-year old woman received “3 year suspended on accused entering Gloucester St Convent for 12 months [date]”. The records of the Religious Congregation confirm her entry (“sent from District Court”) and that she “left”, although the date on which she did so is not recorded.
- A 19-year old woman received “3 years suspended on accused entering St Patrick Refuge Dun Laoghaire for 18 months own bail £25”. As the Register of that institution has not survived, her dates of departure cannot be verified.
- A 33-year old woman was convicted and received “3 years suspended and to enter St Patrick’s Refuge Dun Laoghaire for 12 months”. As the Register of that institution has not survived, her dates of departure cannot be verified.
- An 18-year old girl received “5 years penal servitude suspended on undertaking to go to Good Shepherd Home Waterford”. The records of the Religious Congregation indicate that she was instead brought by

her Probation Officer to the Good Shepherds at Limerick. She remained there for the required 5 years, after which she “went to a situation” (a job).

- A 21-year old girl was convicted of larceny and “sentenced to 6 months, suspended for repayment of £8 cash stolen and to enter Good Shepherd Convent Limerick for 12 months”.
  - A woman convicted in 1945 of Larceny of clothing and jewellery and “ordered to be imprisoned for six calendar months on each charge, the sentences to run concurrently; not to take effect if she enters into a recognisance in the sum of £20 to be of good behaviour and appear for conviction and sentence when called upon within the next 3 years and that she spends the next six months in the Convent at Peacock Lane, Cork”.<sup>113</sup> The records of the Religious Congregation records that she was “brought by a Guard” to a different Magdalen Laundry instead of Peacock Lane. She spent 6 months there before she “returned to” the city from which she came.
  - A 19-year old woman was convicted of stealing a bicycle and attempted suicide in the 1950s. She “agreed to go to the Good Shepherd”. The records of the Religious Congregation confirm that she entered the Laundry on the recommendation of a named Judge and that after the required 1 year, she “went home”.
197. The Committee also found that the practice of *adjourned sentencing* was in some cases also combined with a requirement for a girl or woman to enter a Magdalen Laundry.
198. Adjourned sentencing refers to circumstances where “the Court proceeds to a conviction but makes an order adjourning the matter, sometimes to re-

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<sup>113</sup> Cork District Court Minute Book no. 97/60/110

enter".<sup>114</sup> In such cases, rather than apply the Probation Act or order a suspended sentence, the Courts could adjourn sentencing for a set period, for example 6 months, on condition that the girl or woman enter a Magdalen Laundry or other specified institution, to reappear after expiry of that period.

199. Cases of this kind were in particular identified in Waterford. Examples include a 17-year girl who was in 1942 convicted and required by the Court "to remain in High Park Convent until [date- 3 months afterwards] on own bail £5 and to come for sentencing in 12 months". The records of the Religious Congregation confirm she entered the Magdalen Laundry on that date, "time 3 months" and that after that time, she was "sent home to her grandmother".

#### **D. Prison**

200. In broad terms, the Committee found that referrals of women from prison to Magdalen Laundries occurred in a number of different circumstances:

- Women ordered to reside at a Magdalen Laundry as a condition of probation, where they had been initially processed in prison (these cases covered by the preceding section on Probation);
- Women on temporary release from prison;
- Women on early release from prison; and
- The less formal situation where a woman leaving prison had nowhere to go and was provided with a reference to a Magdalen Laundry as one of a range of religious-operated institutions providing accommodation and essentially functioning as a type of step-down facility.

201. The background to possible prison referrals can, however be considered. Regarding young offenders, there was for a long period only one Reformatory School in the State for girls (St Joseph's Reformatory, Limerick). This was subsequently supplemented by the establishment of St Anne's, Kilmacud in Dublin. Repeated recommendations for establishment of a borstal for girls –

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<sup>114</sup> Rottman and Tormey, *supra*, at 217

for instance by the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 (“the Cussen Report”) – were not proceeded with. Nonetheless, internal notes of the Department of Justice dating to 1981 continued to reflect a view that: “experience in the Courts … indicate strongly that custodial accommodation for delinquent girls is urgently required”.<sup>115</sup>

202. Despite this, the fact was that although prison accommodation for women was until at least the 1970s limited, it was rarely utilised to the full. An internal Department of Justice note on Probation and Aftercare in Ireland, written in 1963, recorded that “the daily average number of female prisoners had fallen from 21 in 1959 to 8 in 1962”.<sup>116</sup>

203. More recently still, the Report of the Committee of Inquiry into the Penal System (“the Whitaker Report”) found that, as late as 1984, the daily average number of women in custody in Irish prisons was only 37, as compared to 1,557 men.<sup>117</sup> The Whitaker Report suggested that:

“these numbers reflect the low incidence of crime among women and the courts’ reluctance to impose custodial sentences, a reluctance which may be influenced by the poor standard of accommodation and lack of facilities in the women’s prisons”.<sup>118</sup>

204. Nonetheless, the Committee examined all entries in the Register of Mountjoy Women’s Prison to identify any potentially relevant cases and information, as well as the other sources identified at the outset of this Chapter.

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<sup>115</sup> Department of Justice letter to the Department of Health, dated 17 June 1981, ref 116/562/250 in the context of the report of the Task Force on Child Care Services, included in an unregistered folder of documents briefing the Minister for Justice in advance of relevant meetings

<sup>116</sup> Probation and Aftercare in Ireland, internal Department of Justice Note 1963

<sup>117</sup> Report of the Committee of Inquiry into the Penal System 1985, at 73

<sup>118</sup> Id

*Women ordered to reside at a Magdalen Laundry as a condition of probation, following initial processing in prison*

205. This category is dealt with in the following section, dealing with probation as a whole.

*Women on temporary release from prison*

206. Pursuant to the provisions of the Criminal Justice Act 1960, temporary release from prison may be granted to persons serving a sentence of imprisonment. The Act provided that:

“The Minister may make rules providing for the temporary release, subject to such conditions (if any) as may be imposed in each particular case, of persons serving a sentence of penal servitude or imprisonment, or of detention in Saint Patrick's Institution”.<sup>119</sup>

207. The Act required that if temporary release was subject to conditions, those conditions “shall be communicated to the person at the time of his release by notice in writing” and the person was required to comply with those conditions.<sup>120</sup>

208. Further, if a person on temporary release broke a condition which was attached to the release he or she was “deemed to be unlawfully at large”.<sup>121</sup> This was an offence for which a person could be arrested without warrant.<sup>122</sup>

209. A record was identified at the Good Shepherd archive which illustrates the application of temporary release from prison to a Magdalen Laundry in this type of case.

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<sup>119</sup> Section 2(1) of the Criminal Justice Act 1960

<sup>120</sup> Section 4(1) and (2) of the Criminal Justice Act 1960

<sup>121</sup> Section 6(1) of the Criminal Justice Act 1960

<sup>122</sup> Section 7 of the Criminal Justice Act 1960

210. A standard form was used by prisons to convey notice of the conditions of temporary release from prison. A form completed by the Governor of Limerick Prison was identified in the archive of the Good Shepherd Sisters. The purpose of the notice was to inform a named woman that she was:

“being released from Limerick Prison for the period 2.30pm on 23 December 1970 to 3.20pm on 31 December 1970 for the purpose of spending Christmas in the Good Shepherd Convent, Clare Street, Limerick”.

211. Her release was subject to the standard conditions with which all persons on temporary release were obliged to comply during their period of release, including that she should keep the peace and be of good behaviour and so on, as well as an additional condition:

“that you remain in the convent until called for on the 31<sup>st</sup> December 1970”.

212. It can be noted that the standard form sets out the:

“Failure to return on or before the expiration of the period of temporary release or breach of any of the conditions attached to temporary release is a breach of the discipline of the prison and is an offence punishable on conviction by imprisonment for a term not exceeding six months”.

213. Prior to the passage of the 1960 Act, there was no legislative provision for temporary release of a person from prison during the term of his or her sentence. However, as set out in the Memorandum for the Government on the Bill which became the 1960 Act, “in practice, parole has been granted to certain prisoners” for what were summarised as humanitarian or other exceptional reasons:

“and all returned promptly at the expiration of the period granted, but if they had not returned, they could not have been compelled to do so”.<sup>123</sup>

214. The Minister’s rationale in seeking the enactment of a provision was to empower him to grant temporary release “to selected long-term prisoners to enable them to regain some experience of freedom before release and perhaps to arrange for employment”. It was also noted that there were advantages for the authorities in respect of the conduct of prisoners, if there were a possibility of parole at other periods such as Christmas and summer.<sup>124</sup>

215. It is unknown whether, prior to the passage of the 1960 Act, the practice which had evolved of granting temporary release for humanitarian or other exceptional reasons had been used in relation to women in order to allow for their placement in a Magdalen Laundry.

*Women on bail or early release from prison*

216. Cases were identified in the Prison Registers in which women, who had served part of their sentence in prison, were released on licence on condition that they enter a religious institution, including but not limited to Magdalen Laundries.

217. The legislative basis for early release from prison, for much of the period of relevance to this Report, was the Penal Servitude Act 1891.

218. An early example of a woman released from prison to a Magdalen Laundry in this way occurred in relation to a woman convicted of the “murder of her male

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<sup>123</sup> Memorandum for the Government on the Proposed Criminal Justice Bill, 9 December 1958, NAI Department of An Taoiseach S13290 A/1

<sup>124</sup> Id

infant" in 1927. The file includes information on the case as well as some materials on general policy in relation to such cases.

219. The woman in question was sentenced to death, with an execution date scheduled for January 1928. A note to the Minister recommending that her sentence of death be commuted recorded the reasons for this, including:

"(4) the fact that the condemned person is a woman is a relevant consideration. Women are executed in very exceptional circumstances only.

(5) The condemned woman's mentality is below average.

Generally it would be contrary to precedent to carry out the death sentence".<sup>125</sup>

The Governor General of the Free State subsequently commuted her sentence "to one of penal servitude for life".<sup>126</sup>

220. In July 1929 and at its own instigation, the Department of Justice wrote to a Probation Officer concerning this woman and three others who were:

"being held to serve their sentences in Mountjoy Prison which is the place assigned for the imprisonment of female convicts and in the ordinary course their sentences will not come forward for review until at least 10 years have been served.

The Minister has these cases under consideration and would be glad to be favoured with any observations thereon which you would like to make; and in order that you may be in a position to do so he has directed that the official files will be available for your perusal ... you will, after you have perused the files, be given an opportunity, if you so desire, to interview the prisoners".<sup>127</sup>

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<sup>125</sup> Note dated 15 December 1927, File ref 234/2016

<sup>126</sup> Letter dated 17 December 1927, File ref Id

<sup>127</sup> Letter dated 30 July 1929 from Department of Justice to named Probation Officer, file ref Id

221. The file confirms that the Probation Officer reviewed all files, visited all four women in Mountjoy Prison and “saw the Minister” thereafter.<sup>128</sup> A note records the Minister’s views subsequent to that meeting. The note, relating primarily to one of the other three cases but also recorded on this file, suggested the Minister’s view as follows:

“As a working rule in infanticide cases I think that the mother convicted should be kept in prison for a period of two years and then placed in a home as has been done in the case of [name of other woman]. The latter served only a short time in prison but she was a very exceptional case. Each case therefore must be examined on the merits, in some cases the above mentioned period may have to be abridged in others extended. It applies only to average cases”.<sup>129</sup>

222. Approximately 2 months later, the woman petitioned “that she be released to enter a ‘Home’ under any conditions that may be imposed”.<sup>130</sup> Her handwritten petition said that:

“I now venture to humbly beg and implore of the Minister for Justice to be as good as to take my case into consideration and to be pleased to allow me to go into a Home. I would be only to (sic) glad to go under any condition that you may think proper to put upon me and with God’s help there I will remain”.<sup>131</sup>

223. The file records that the woman’s petition for early release from prison where she was serving a sentence of penal servitude for life was “strongly recommended by the Catholic Chaplin at Mountjoy”.<sup>132</sup> The Chaplain’s letter of support indicated that the woman was:

“weak-minded and of rather inferior mental capacity, but I would say, not of herself evilly inclined. ... She is naturally a simple and

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<sup>128</sup> Handwritten notes 8 October 1929, file ref Id

<sup>129</sup> Note dated 17 December 1929, copied to File Ref Id in 1930

<sup>130</sup> Note dated 13 February 1930, File Ref Id

<sup>131</sup> Petition dated 11 February 1930, File Ref Id

<sup>132</sup> Note dated 13 February 1930, File Ref Id

industrious girl and whatever hope of permanent improvement there may be can be realised in a Magdalen Home rather than in Prison. She would be perfectly content in the Home, will work hard and would be easily influenced for good. She is eminently a case in which further imprisonment becomes a real hardship and one who will respond readily to the influence of the nuns".<sup>133</sup>

224. The internal Departmental Memorandum on the matter notes that "[t]his is a case similar to those of [name] and [name] – release to a Home under conditions. ....".<sup>134</sup> It should be noted that the identified "Home" to which these other named women were sent was not a Magdalen Laundry.

225. This woman's file also contains some general documents in respect of the practices which were developing in relation to release on licence to institutions outside of prison of women who had been serving life sentences. On foot of an earlier case, the following proposal had been made to and decided upon by the Minister:

"It does seem desirable that the Rev. Mother of Convents to which prisoners undergoing a life sentence are sent should be in a position to hold out some tangible hope of release. It is perhaps difficult to bind yourself at this stage to any very short term, but I think the prisoner could be assured that there was no question of holding her for life, and that if she were well conducted and showed definite signs of reform she might expect to be released at the end of a few years".<sup>135</sup>

226. The decision of the Minister was as follows:

"Certainly. It should be made clear to the girl that while she must be kept in the home for a substantial period of time, she will be released in a few years, the number being dependent upon her own conduct".<sup>136</sup>

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<sup>133</sup> Letter dated 2 February 1930, File Ref Id

<sup>134</sup> Note dated 13 February 1930, File Ref Id

<sup>135</sup> Note dated 27 June 1930, file ref 234/174, but also filed on the present file ref 234/2016

<sup>136</sup> Note dated 27 June 1930, Id

227. The inclusion of this note on the files of a number of women released on licence (together with evidence that this approach was taken in a number of unrelated cases) suggests that this became the general policy of the Department in relation to such cases.
228. Subsequent notes on the file in relation to this woman confirm a decision “for prisoner’s discharge on licence to a Home”. Another note confirms that “prisoner will be discharged on licence tomorrow and handed over to [named Probation Officer], for [illegible] to High Park Convent”.<sup>137</sup> The approval of the Department of Justice approving “the use of a taxi at a cost of 4/- for the conveyance by the Probation Officer of convict [named] to the High Park Convent” is also filed, as is a replying note signed by the Governor of Mountjoy Prison.<sup>138</sup>
229. The file makes clear that the above policy was applied to this case: a letter from the Department of Justice to the Governor of Mountjoy Prison instructs that:
- “The convict should be informed that while she is liable to be detained in the Convent, she may if her conduct is satisfactory be released in a few years the period being largely dependent on her good behaviour”.<sup>139</sup>
230. Other practical arrangements were also addressed – including that the woman’s obligation of reporting to the Gardaí (as was standard for persons released on licence from prison) “will be suspended so long as she remains in the Convent”.<sup>140</sup>

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<sup>137</sup> Note dated 16 July 1930, File Ref Id

<sup>138</sup> Letters dated 16 and 18 August 1930 respectively, File ref Id

<sup>139</sup> Letter dated 10 July 1930 Department of Justice to Governor Mountjoy Prison, File Ref Id

<sup>140</sup> Id

231. The Governor, following the transfer of the woman in question, confirmed that “the instructions contained in Minute of 10<sup>th</sup> instant were duly carried out”.<sup>141</sup>
232. Continued involvement of the Probation Officer with the woman in question was foreseen, with additional instructions issued to the Probation Officer to provide the woman with a copy of the Order made in her case and explain it to her. The Department also requested the Probation Officer to:
- “acquaint the Superioreess ... that the inmate has been informed by the Governor of Mountjoy Prison that if her conduct be satisfactory she may be released after a few years the period of detention being largely dependent upon good behaviour”.<sup>142</sup>
233. The Gardaí were also notified by the Department of the transfer and applicable conditions.<sup>143</sup>
234. The continued follow-up of the Probation Officer in respect of the woman over time is clear, including in relation to her subsequent proposed release from the Convent. The file contains subsequent papers, dating to January 1932 (i.e. approximately 1 and a half years after her release from prison to High Park), in which the Probation Officer who was responsible for the woman proposed that she and three other women (two of whom were in Homes other than Magdalen Laundries and only two of whom had been convicted of child murder) be released “in honour of the Eucharistic Congress”.
235. The note suggests that at least 3 of these women might be released, although noting in relation to the woman the subject of this file that:
- “it is doubtful whether [name] would be better off outside a Convent as she has been informed that [name] is almost a mental defective”.

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<sup>141</sup> Letter dated 18 July 1930 Governor Mountjoy Prison to Department of Justice, File Ref Id

<sup>142</sup> Letter dated 19 July 1930 Department of Justice to Probation Officer, File Ref Id

<sup>143</sup> Letter dated 19 July 1930 Department of Justice to Commissioner of the Garda Síochána, File Ref id

236. Sample cases were noted, in which two women were “released on licence for the unexpired term of their sentences, that is, for the remainder of their respective lives”.

237. The Note suggests that the Probation Officer should be asked “for particulars” on “arrangements made for their future in the event of their release” and that

“if it be decided that any of these prisoners is to be discharged from the particular Home in which she is detained the question of whether such discharge should be (1) on licence or (2) absolute could be considered”.<sup>144</sup>

238. The Probation Officer subsequently provided reports on all four women. Two of these women (including the woman the subject of this file) were in different Magdalen Laundries. The Probation Officer’s report on the woman the subject of this file was that

“her health and conduct have been satisfactory but the authorities in High Park do not recommend an early release as she has settled down and appears content. Unlike the other three women above she never speaks about the future or asks about her eventual release. They consider her very much below normal in intellect and think she would not be very safe in the world”.<sup>145</sup>

239. Regardless the note:

“points out that all these women were informed at the time of their transfer from Mountjoy that if their conduct were satisfactory they might be released after a few years, the period of detention being largely dependent on good behaviour”.<sup>146</sup>

240. This woman was not recommended for release – a handwritten note indicates that “this woman is not fit to face the world and is [illegible] and safe where

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<sup>144</sup> Note dated 15 January 1932, file ref Id

<sup>145</sup> Note dated 13 April 1932, file ref Id

<sup>146</sup> Id

she is at present".<sup>147</sup> The records of the Religious Congregation confirm that the woman entered the High Park Magdalen Laundry in 1930 and remained there until her death approximately 30 years later.

241. Another detailed file identified by the Committee relates to another woman who was also on licence in a different Magdalen Laundry at that time. Consideration of the possibility of release of this woman centered on whether or not her husband, from whom she was estranged, would accept her back to the family home, or alternatively if another person would "be responsible" for her.<sup>148</sup>
242. Another example of a woman released from prison to a Magdalen Laundry occurred in 1933. The 25-year old woman had been convicted in the Central Criminal Court in 1931 of the murder of her infant child and had been sentenced to death. Her Prison file indicates that on the day following her committal to prison, the Governor of Mountjoy Prison requested "that I may be furnished with the list of candidates reported to be competent for the office of executioner" and a number of other documents relating to the intended execution.<sup>149</sup> That sentence was however commuted by the Governor General of the Irish Free State to penal servitude for life.<sup>150</sup>
243. Her conduct in prison was described as "good".<sup>151</sup> Within a few months of imprisonment, notes on her file indicate that she had petitioned "that she be discharged from prison to a 'home'."<sup>152</sup> Her petition said that:

"I should be very grateful if you would kindly consider my case. I am very sorry for the offence for which I was charged and I promise if I am

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<sup>147</sup> Handwritten undated note endorsed on probation officer note dated 13 April 1932, *supra*.

<sup>148</sup> File Ref 18/3540

<sup>149</sup> Prison Board File Ref 234/3118 B

<sup>150</sup> Signed Order of the Governor General of the Irish Free State, dated 5 March 1931. Confirmation letters dated 6 March 1931 issued from Department of Justice to the sentencing Judge, the County Registrar, and the press. Department of Justice File ref 234/3118 A

<sup>151</sup> Letter dated 30 August 1933 from Department of Justice to Probation Officer, file ref Id.

<sup>152</sup> File ref 234/3118A.

giving (sic) this one chance I shall turn over a new leaf and live a better life for the future. If you grant me this request I feel anxious to go to a home".<sup>153</sup>

244. That petition was refused, and the file records a communication to Mountjoy Prison that the Minister for Justice "has decided that he cannot advise the Governor General to extend mercy and that, accordingly, the law must take its course".<sup>154</sup>

245. Two years later, her mother also petitioned the Minister for Justice for her release. The Department of Justice wrote in that regard to a Probation Officer, indicating that the Minister had:

"caused enquiries to be made as to whether in the event of his ordering the release of this prisoner on licence, she could be received and suitably cared for by her mother ... but it appears from reports received that the conditions of her mother's home are not suitable for her return thereto. In the circumstances, the Minister would be glad if you could let him know whether this prisoner, if released on licence, would be received into some suitable institution such as Our Lady's Home, Henrietta Street, Dublin".<sup>155</sup>

246. The Probation Officer responded, indicating that "the girl did not seem a suitable character for Henrietta Street Convent", but that:

"the Sisters of Charity, Donnybrook, expect to have a vacancy in about 10 days time and in that event they would be willing to take [name of woman]. ... If Donnybrook cannot take charge of [name of woman] she will see the nuns at High Park".<sup>156</sup>

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<sup>153</sup> Petition dated 28 September 1931

<sup>154</sup> Memorandum dated 3 October 1931 Department of Justice to Mountjoy Prison. File Ref Id

<sup>155</sup> Letter dated 17 August 1933 Department of Justice to Probation Officer. File Ref Id

<sup>156</sup> Letter dated 24 August 1933 from Probation Officer to the Minister for Justice. File Ref Id

247. This was subsequently confirmed by letter of the Probation Officer to the Department of Justice, confirming that Donnybrook Magdalen Laundry had:

“a vacancy and is willing to receive [name of woman] in the event of the Minister for Justice ordering the release of this prisoner on licence”.<sup>157</sup>

248. An Order under the Penal Servitude Act 1891 was subsequently made, referring to her being “under the care, supervision and authority of the Sister Superior for the time being of the Irish Sisters of Charity, St Mary Magdalen’s Asylum, Donnybrook”.

249. A letter of the Department of Justice to a Probation Officer with regard to the case confirmed that the Minister had agreed that the woman could be released “on licence from Mountjoy Prison on condition that she enters St Mary Magdalen’s Asylum at Donnybook”.<sup>158</sup> The letter instructs the Probation Officer to provide a copy of the Order and to explain its effect to her. The letter also instructs the Probation Officer as follows:

“I am also to request you to acquaint the Superioress of the Asylum that the prisoner has been informed by the Governor of the Prison that if her conduct proves satisfactory she may be discharged from the Asylum after a few years, the period of detention in the Asylum being largely dependent on good behaviour”.<sup>159</sup>

Prison records also record that “Prisoner has been informed of the conditions of her release on licence”.<sup>160</sup>

250. A copy of the Order was retained on file, as was the notification issued to the Commissioner of An Garda Síochána. It confirmed that the woman in question, sentenced to penal servitude for life, was released on licence. The

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<sup>157</sup> Undated letter from Probation Officer to the Minister for Justice, stamped as having been received on 5 September 1933. File ref Id

<sup>158</sup> Letter dated 29 September 1933 from the Department of Justice to a Probation Officer, File ref Id

<sup>159</sup> Id

<sup>160</sup> Memorandum, Governor of Mountjoy Prison dated 28 September 1933

effect of the Order was that she would not be under an obligation to report to or notify any change of residence to the Gardaí:

“so long as she remains under the supervision of the Irish Sisters of Charity, St Mary Magdalen’s Asylum, Donnybrook, to whose care she will be released ... but that she will remain subject to the other conditions of her licence”.<sup>161</sup>

251. A letter from the Probation Officer later that year confirms that she had:

“escorted [name of woman] to the Sisters of Charity, Donnybrook, where they took charge of her ... I handed to her copy of the Order according to your instructions and explained it to her”.<sup>162</sup>

252. The Register of the relevant Religious Congregation confirms the entry of this woman to the Magdalen Laundry at Donnybrook on that date. Although, as set out above, she was informed prior to her transfer that her release from Donnybrook might be possible within “a few years”, the Register records that she remained there for the rest of her life.

253. Another example of a woman released from prison to a Magdalen Laundry occurred in 1942. The woman in question had been convicted of the murder of an unrelated adult female in 1924. She was sentenced to death, commuted to penal servitude for life, and was committed to Mountjoy Women’s Prison to serve that sentence.

254. The official records on this case include an Order under the Penal Servitude Act 1891, signed by the Minister for Justice in 1942, which released her on licence. The Order set out the woman’s conviction in 1924:

“of feloniously, wilfully and of her malice aforethought did kill and murder one [named adult unrelated woman] and was sentenced to death, commuted to Penal Servitude for the term of her life”.<sup>163</sup>

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<sup>161</sup> Letter dated 30 September 1933 from the Department of Justice to the Commissioner of An Garda Síochána, file ref Id

<sup>162</sup> Id

255. The signed Order then noted release of the woman on licence under the Penal Servitude Acts “for the remainder of the said sentence” and relieved her of the requirement to report to or notify the Gardaí of any change of residence, by way of remitting:

“the requirements of section 5 of the Prevention of Crime Act 1871 as amended by the Prevention of Crime Act 1879 and the Penal Servitude Act 1891”.<sup>164</sup>

256. The records of the Religious Congregation concerned further supplement the available information on this case and provide information on the circumstances in which she was released on licence from prison.

257. These records indicate that, after over 18 years in Mountjoy Prison, contact was made with the Good Shepherd Convent in Limerick, asking the Convent whether she would be accepted there if released early from prison. An internal note in the Good Shepherd archive records that:

“the social worker who wrote to me visited [name] frequently in prison and she and the chaplain of the prison discussed her case and they both wrote to me asking if we would take [name]. ... We discussed the case and we both decided that it was rather a serious thing to take somebody who had committed murder and to have her living with other girls as we had some very nice girls from decent families as well as the other type of girl”.

258. After it was agreed to accept the woman, she was brought to Limerick “surrounded by about four officials, all in uniform”. In the Register, she is recorded as having entered on the recommendation of the Chaplain of Mountjoy Prison, Dublin.

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<sup>163</sup> Order of the Minister for Justice dated 6 November 1942 under the Penal Servitude Act 1891

<sup>164</sup> Id

259. An internal note also recorded that:

"her people never visited her when she was in Limerick. They never recognised her. Her family had to suffer the stigma of their daughter being a murderer and I am sure it hurt them very much. They never visited [name]. I remember she told me the day she arrived in Limerick that she was only told the day she was let out of prison that both her parents were dead. She was never told a word about them while she was in prison and she never saw anyone belonging to her since the day she was arrested".

260. The date of her departure from the Laundry is not recorded, but it was a considerable time later during her older years – "her sight was very bad and she was nearly blind at this stage" and she was as a result admitted to a named County Hospital.

261. A record is retained of visits to this woman in hospital by one of the Sisters from the Magdalen Laundry, almost 30 years after her original admission to the Magdalen Laundry. After a short number of years there, the woman died in that Hospital.

262. Both the cases set out above related to women who had been sentenced to life ('penal servitude for life') for serious crimes. However the Committee also identified cases of women granted early release from prison on condition they enter an institution, in cases involving less serious offences and where shorter sentences had been imposed.

263. One such case arose in 1941. An 18-year old woman had been convicted of larceny and sentenced to 6 months imprisonment. She was committed to Mountjoy Female Prison and began to serve her term of imprisonment there. Six days after her entry to the prison in late 1940, she applied to the Minister for Justice for mitigation of sentence. Her petition said that she was:

"serving a sentence of six months imprisonment for stealing two pounds on my sister. I am very sorry for committing this offence and I

promise if you let me out to a Convent I shall be a very good girl for the future and never get into trouble again. I beg of you my Lord to give me this one chance. I am only eighteen years of age".<sup>165</sup>

264. Both the girl's family and the District Justice concerned were supportive of the idea that "some efforts should be made to get the Defendant herein into some Home such as Convent".<sup>166</sup> Indeed, from the Garda note on the girl's petition for mitigation, it appears that her family's preference from the outset had been that she would be admitted to a religious-operated institution. That note indicates that, upon discovering the theft, her father and sister discussed the options and:

"decided that she should be arrested and tried for the larceny and that there would then be a possibility of getting her into a Convent until she would attain the age of 21 years. Accordingly an Information was sworn and warrant issued".<sup>167</sup>

265. The same Garda note indicates that at the time of her sentencing, the Judge:

"had intended to apply the Probation of Offenders Act 1907, but the petitioner would not agree to return to her home under a rule of bail and her father and sister would not accept responsibility for her. They requested that she be detailed in a Convent until attaining 21 years of age as they feared for her moral future. ... She was sentenced to six months imprisonment without hard labour, a condition being that she was to be released from custody, if suitable convent accommodation could be found for her".

266. Following submission of the petition, a handwritten note on the file includes as follows:

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<sup>165</sup> File ref 18/4469.

<sup>166</sup> Letter of the District Court Clerk to the Governor of Mountjoy Prison

<sup>167</sup> Garda note dated 2 January 1941, file ref Id

"I am informed that the Catholic Chaplain has made arrangements for this woman's being taken into High Park Convent if released".<sup>168</sup>

267. A decision "release" was marked on the file on the same date. A letter confirming this decision was transmitted by the Department of Justice to the Governor of Mountjoy Prison the next day, as follows:

"In confirmation of telephone message sent you yesterday, I am to inform you that the Minister has had under consideration the petition of [name], forwarded with your minute of 17<sup>th</sup> ultimo, and he has been pleased to order the immediate release of this prisoner on the condition that she forthwith enters High Park or some other suitable Convent".<sup>169</sup>

268. Prison records confirm that the young woman in question was released "and taken to High Park Convent by the Chaplain...".<sup>170</sup> Her entry to the Magdalen Laundry on that date is confirmed by the records of the Religious Congregation concerned although no reason for her referral (i.e. "prison") was recorded in the Register. She is recorded as having "left", although the date of her departure is not noted in the Register.

*Informal placement of women who were homeless upon leaving prison*

269. By its nature, this category of case is difficult to identify in official records. The general circumstances involved occurred where a women leaving prison had nowhere to go to and was provided with a reference to a Magdalen Laundry as one of a range of religious-operated institutions providing accommodation and acting, essentially, as a type of step-down facility.
270. Retired probation and prison officers informed the Committee that voluntary organisations would, on request, provide assistance to women leaving prison

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<sup>168</sup> Handwritten note 13 January 1941, File ref Id

<sup>169</sup> Letter dated 14 January 1941 from the Department of Justice to the Governor of Mountjoy Prison, file ref Id.

<sup>170</sup> Note 16 January 1941 to the Department of Justice, file Ref id

and that this might include finding them accommodation at a hostel or other setting, potentially including the Magdalen Laundries.

271. Possible cases of this kind, identified in the records of the Religious Congregations, where a woman is recorded as entering a Magdalen Laundry from prison in circumstances which may include these are:

- A woman entered a Magdalen Laundry “brought by the Matron of Limerick Prison” in the 1920s. She remained there approximately 6 months.
- A woman entered a Magdalen Laundry, having been brought by “Srs who visited the City Prison”. Her parents were “believed to be living in New York”.
- A woman entered a Magdalen Laundry, recorded as a “self-referral from the prison” in the 1930s. She remained there almost 3 years.

#### **E. An Garda Síochána**

272. There is a large overlap between cases identified in the records of the Religious Congregations as being referrals by An Garda Síochána and the other categories set out in this Chapter. In many cases where a woman was recorded in the Registers of the Magdalen Laundries as having been referred by a Garda, it is probable that the Garda in question was simply effecting the transfer from court or prison of the woman in question. The legislative basis and policies involved in referrals from court or from prison have been set out in the preceding sections.

273. The only direct reference to such transfers identified in Garda policy documents was contained in the Garda Code for 1965, which refers to the:

“chargeability of expenses incurred in conveying female prisoners sentenced to be kept in Magdalen asylums or Convents. The Garda

Code 1986 also refers at paragraph F.1.16 to costs recoverable following escorts to convents of sentenced female prisoners".<sup>171</sup>

274. Another document at the Garda Museum also includes a relevant reference, in the context of descriptions of early roles for female members of An Garda Síochána. Dating to 1971, it consists of a document written by the Chief Superintendent at the Assistant Commissioner's Office at Dublin Castle. It refers to escort duty by female officers, including escorts to Convents.<sup>172</sup>
275. However the Committee also identified other types of possible Garda referrals, in particular where Gardaí returned girls or women to Magdalen Laundries after they had run away; and also what might be termed informal placements in Magdalen Laundries by An Garda Síochána of girls or women in other circumstances including in particular homelessness. These two issues are dealt with in turn.

*Girls or women returned to the Magdalen Laundries by the Gardaí*

276. The Committee sought to explore the question raised regarding the possible return of girls and women to Magdalen Laundries by members of An Garda Síochána. In addition to searches of Station Diaries and Occurrence Books to identify any possible cases of returns, the Gardaí also reviewed all Garda Handbooks and Guides to determine whether any policy or direction was in place regarding return of people to institutions.
277. The Garda Report to the Committee suggests that some of the results identified in these searches:

"may go some way to explaining why some girls were returned to Laundries and the powers utilised by Gardaí to do so. Much of the legislation is outdated and some of the practices would not generally

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<sup>171</sup> Garda Report to the Inter Departmental Committee at 39, referring to the Garda Code 1965 at 81.8(6)

<sup>172</sup> Garda Report, *supra*, at 40, referring to document dated 26 June 1971

be followed by Gardaí today, but the duties performed by Gardaí are ever evolving and there are contrasting standards and practices as times change".<sup>173</sup>

278. The first handbook of the Garda Síochána, released in 1923 – Laimh-Leabhair Dualgas 1923 - outlines the basic role and function of the Gardaí, including:

"law, policing procedure and standards expected of Gardaí in the 'new force'. The publication is the precursor to the Garda Guide and was modelled somewhat on previous RIC police manuals. ... This legal handbook served as the first 'Garda guide' and the extent of the issue i.e. no. of copies produced is unknown".<sup>174</sup>

279. The handbook contains a section on "General Civic Guard Duties", including extensive instructions on vagrancy laws. Gardaí were instructed to:

"be careful to distinguish between tramping vagrants who travel about the country without any visible means of subsistence or employment and who beg, and poor people who are of necessity compelled to travel to look for work. Such poor people should not be interfered with but rather helped in their quest. The condition of the hands will enable the guard to distinguish the professional tramp from the genuine out-of-work. ..."<sup>175</sup>

280. Gardaí were also instructed to make what were termed "workhouse inspections". They were to "to visit workhouse each day and to carefully inspect the night lodgers", and any person with a suspicious appearance was

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<sup>173</sup> Garda Report, supra at page 21

<sup>174</sup> Garda Report, supra, at page 22-23

<sup>175</sup> Laimh-Leabhair Dualgas 1923, at pages 18-24, Section V: General Civic Guard Duties, Subsection 15

to be “entered on the ‘tramp list’ in the private register”.<sup>176</sup> What were termed “low lodging houses should be similarly visited nightly”.<sup>177</sup>

281. Of direct relevance to the question of possible returns of girls or women in this very early period (1920s), is Section V subsection 20 of the Handbook:

“persons in institution uniform – if persons are noticed to be wandering about in the uniform of institutions, e.g. workhouse inmates they should be questioned and if they cannot give a satisfactory account of themselves they should be arrested”.<sup>178</sup>

282. With regard to this historic instruction, the Gardaí suggest that it:

“may refer to the power of arrest at common law for the larceny of the uniform. This was a regular incident that Gardaí had to deal with and indeed some Garda records show that people have received convictions for ‘larceny of apparel’.”<sup>179</sup>

283. A subsequent Garda Code, dating to 1928, refers to the role of the Gardaí in relation to the Poor Laws:

“Gardaí were called on to give institutional assistance which may have involved dealing with escorts and missing persons from time to time”.

For that purpose, all members were instructed to “make themselves thoroughly acquainted with” the names of members of the Boards of Health and Public Assistance.<sup>180</sup> Although there is no evidence of this, it cannot be excluded that the Gardaí were requested in this context to assist in conveying people to extern institutions, which included among their number 5 of the Magdalen Laundries as well as numerous hospitals and other institutions for the ill or indigent.

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<sup>176</sup> Id at subsection 16

<sup>177</sup> Id at subsection 17

<sup>178</sup> Id at subsection 20

<sup>179</sup> Garda Report to the Inter-Departmental Committee at page 23

<sup>180</sup> Garda Report, *supra* at page 29

284. An important element in the story of possible returns by members of An Garda Síochána of girls and women to the Magdalen Laundries is connected to the story of Industrial and Reformatory Schools. As set out more fully in Chapter 10, children who were discharged from Industrial or Reformatory School remained under supervision for a number of years following their discharge (to the age of 18 or 19 years, for Industrial and Reformatory Schools respectively; with a possible extension of supervision to the age of 21 years of age from 1941 onwards). These young people were, during the period of supervision, liable to be recalled and could thereafter be placed out on licence, including in some cases placements in Magdalen Laundries.

285. The Garda Report to the Inter-Departmental Committee notes that section 68(7) of the Children Act 1908 (as inserted by section 14 of the Children Act 1941) provides that:

“where a licence granted to a person under the supervision of the manager of a certified school is revoked, such person may be apprehended without warrant and brought back to such school”.<sup>181</sup>

286. In practice this meant that, if a girl or woman discharged from an Industrial or Reformatory School was notified to the Gardaí at any point up to the age of 18, 19 or 21 (depending on circumstances) as having breached the terms of her supervision, she could be arrested without warrant. It is important to note that the girls and women in question do not appear to have been aware of the legislative requirement for such supervision or its use in practice. The Gardaí, in this regard, note that:

“if Garda powers were utilised in these circumstances there would have to be notification as to the nature of the breach of licence. Here the power of arrest is predicated upon the fact that the person under 21

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<sup>181</sup> Garda Report, supra at page 37

years has breached their licence and that the licence has been revoked".<sup>182</sup>

287. The other – and perhaps clearest – situation in which the Gardaí might be involved in relation to a girl or woman leaving a Magdalen Laundry would have been where a girl or woman left a Magdalen Laundry without permission during the period of her probation.

288. To identify such cases, the Gardaí at the request of the Committee searched the Garda Criminal Records Office and the “Fógra Tóra” publication. The Fógra Tóra publications were:

“the internal Garda intelligence documents circulated throughout the force dealing with inter alia those ‘wanted’, ‘missing’ or recently ‘convicted’ or ‘released from prison’. The Fogra Tora indexes have been digitised from the years 1935 until 1964 and these have been digitally searched”

for relevant cases.<sup>183</sup>

289. Searches of the Fógra Tóra resulted in identification of cases in which certain women had breached the conditions of their probation by leaving the institution in which they were required to reside; and arrest warrants for breach of recognisance had been issued. For example:

- A notice in the September 1952 Fogra Tora detailed a named and photographed woman:

“wanted on warrant for breach of recognisance (larceny, forgery and false pretences). [Identifying information and description] Wears check cotton frock with white collar, light green cardigan and leopard skin shoes. Frequents good-class hotels. Escaped from Good Shepherd

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<sup>182</sup> Id

<sup>183</sup> Id at page 84

Convent, Limerick, on 29/7/1952 having been committed there for 2 years at Dublin District Court on 10/7/1952 on a charge of larceny (drugs by trick). Is also wanted at Nenagh and at London. Poses as lady Doctor or medical student to obtain drugs, etc, from Chemists. Warrant with Superintendent, Detective Branch, Dublin, for execution in Ireland only".<sup>184</sup>

- A notice in the February 1966 Fogra Tora detailed a named and photographed woman:

"missing from Gloucester Street Convent, Sean McDermott Street, Dublin since 5.30pm 20/1/66. [Identifying information]. When last seen was dressed in green gym slip, jumper and black shoes. Was placed on probation for 12 months on own bail of £10 at Dublin D.C. on 6/1/66, on condition that she enter the convent in question for a period of 3 months. Husband's name [name], of no fixed abode, and from whom she is estranged. ... Warrant for arrest with Superintendent, Store Street Station, Dublin".<sup>185</sup>

290. In such cases (and assuming the woman was arrested by the Gardaí), failure to comply with the requirements of the probation bond would not result in her return to the Magdalen Laundry, but rather:

"would result in the probation officer informing the courts of the non-compliance and if the court is satisfied of the facts the resulting imposition of a conviction and possible custodial sentence".<sup>186</sup>

291. Retired members of the Gardaí were also asked whether they had experience of returning girls or women to the Magdalen Laundries. A retired member of the Store Street Anti-Vice Unit confirmed that:

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<sup>184</sup> Garda Report, *supra*, at 123

<sup>185</sup> Id

<sup>186</sup> Garda Report to the Inter Departmental Committee at page 33

“sometimes Gardaí would receive phone calls from the Sean McDermott Street Convent if girls escaped. [He] said that this would only happen if there was a court order in existence for the girl compelling them to reside at the convent. Girls were only ever brought back if a court order was in existence for their detention or residency there.”<sup>187</sup>

292. The same retired Garda said that he “was there a few times in the hallway and once out the back in the garden when he was bringing girls back or assisting them”.
293. Another issue relevant to this question of Gardaí possibly returning girls or women to the Magdalen Laundries is an allegation that Gardaí actively sought to prevent ‘escapes’. A photo of a religious procession in which women walk flanked by members of An Garda Síochána in uniform has been suggested as demonstrating preventative measures by the Gardaí to guard against escape of girls or women from Magdalen Laundries. The Gardaí, as part of the inquiries carried out on behalf of the Committee, sought additional information on this photograph.
294. The Garda Report to the Committee records that the photograph utilised in a number of publications in the past is not complete, but that “the complete and unedited image is available at the Garda Museum and identifies the Gardaí present”.<sup>188</sup> The Garda search team in that regard interviewed a retired member and also the priest pictured in the photograph. The Report summarises their findings as follows:

“The photograph was subsequently investigated by Gardaí and it was discovered that this is not exclusively a Magdalene procession but a community procession attended by lay people and members of the Children of Mary, a lay catholic group. Some of the women in the photograph are residents of the Sean McDermott St Asylum however it

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<sup>187</sup> Id at page 53

<sup>188</sup> Garda Report, *supra*, at 61

is a May procession. The women are carrying the bedecked statue of Our Lady as they have the honour of doing so. The Gardaí are in attendance in veneration of Our Lady and for no other reason".<sup>189</sup>

295. The Report supplied other photographs of Gardaí taking part in other religious processions (not including women from an institution) and noted that:

"The Gardaí attended many religious processions in the past and this is reflected in the sample of Garda records in chapter one ... There was a lot of Processional Duty performed by An Garda Síochána at religious festivals and events. The presence of An Garda Síochána is a show of respect venerating the religious tolerance and it is to be remembered that recruits to An Garda Síochána at the time were marched to mass from the depot to Aughrim Street Church every Sunday morning".<sup>190</sup>

296. The priest pictured in the photo spoke at length to the Gardaí about the matter. His comments, insofar as relevant to other issues, are included elsewhere in this Report. With regard to the procession and presence of the Gardaí in particular, he said:

"It wouldn't be related to the girls coming from the Convent in my view. The Guards participated in all the processions. There was always a combination; you know a kind of sharing. But it would bear no relationship to protecting the girls or nothing at all that way".<sup>191</sup>

297. When directly asked if there was any question that the Gardaí would attend such a procession to "stop these girls escaping", he answered:

"Never, never, never, never. ... Everybody participated. It wouldn't be only the Guards. You'd have a whole Procession of Parishioners and lay people. Sometimes you might have a band in it. You used to have loud speakers up all over the place and music would come over. ...

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<sup>189</sup> Id at 62 et seq

<sup>190</sup> Id

<sup>191</sup> Garda Report, *supra*, at page 66

There'd be altars everywhere. Shrines, little shrines. Houses, flats would put up their little altar. It's all part of the festive veneration".<sup>192</sup>

298. More broadly, the priest recalled that, at that time, he was serving as Chaplain to the Magdalen Laundry at Sean McDermott Street. He identified some women who had been in the procession while living at Sean McDermott Street, but recounted that they also took part in outings other than such religious events and that some of them also had part-time jobs outside the institution. In none of those other outings would there have been Garda participation. He said that on his taking up the position in the 1960s, he began to assist in reform, including dispensing with uniforms, developing private cubicles instead of dormitories, and commencing a variety of outings and more open environment. For example he recounted going to the cinema with a group of the women:

"So I went down to 30 of them and I said 'I'll take you to the pictures provided you don't let me down. That we'll go, enjoy the picture and com(e) back'. I said 'it's on your honour'. And the Sisters agreed on my honour! God if it happened today! I walked up Sean McDermot Street, collar and coat the works. At that time ... with 30 women! ... So we went down we looked in Clery's window and a few others and it was great and we went home and it was a great success so that kind of thing went on a little bit".

299. He also referred to a holiday house in Rush and a school in Greystones, which they hired for a holiday in summer, as well as visits to Lourdes by the women.
300. Regarding outside work, the priest said that a number of hostels provided cleaning jobs for women living at Sean McDermott Street who wanted to do so and that they would have no difficulty leaving the institution to do so.

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<sup>192</sup> Id

"It would be cleaning rooms and sweeping, that sort of thing, so quite a lot of them had a Saturday, Sunday job. And they got money for that and that money was theirs. And again they bought clothes and things that they wanted. But more importantly, they were getting out and were coming back. They were now beginning to live a near normal life if you know what I mean".<sup>193</sup>

301. A layperson who, at the time, operated a number of hotels was also interviewed by the Gardaí in relation to the processional photograph. He identified at least one of the women and confirmed that, while living at Sean McDermott Street, she and a number of others from the Magdalen Laundry had jobs in his hotel at the weekends.<sup>194</sup>

302. The Garda Report summarises his comments as follows:

"From time to time [name] would provide jobs for girls from the Magdalene in Sean McDermott Street during the period 1966 until the mid 1970s. ... He said that they used to receive a small weekly allowance from the Convent, maybe 4 shillings and that he used to provide them with weekend employment. The tasks required of them were usually in the laundry washing the bed clothes and pillow cases for the various establishments. He stated that he often gave them £5 for a weekend's work and that they became very much a part of the family at this time. He recalled that the women were very religious and he often brought them to mass. He also said that the women might assist with minding his children from time to time and that his children were very fond of them and were devastated when [name] died. He said that there was never a complaint from [name] about the nuns or the Gardaí and that they were always polite and civil. At any time that he visited the laundry he never saw or heard of any unkindness".<sup>195</sup>

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<sup>193</sup> Id at 70

<sup>194</sup> Garda Report, supra, at 82

<sup>195</sup> Id

303. The above statements by a priest and an outside lay-person suggest that Garda supervision of women outside the Magdalen Laundries did not occur, despite the fact that Gardaí might participate in some religious occasions, including some occasions involving women from those institutions as well as others.
304. However, as set out more fully above, in some cases Gardaí would be notified and expected to arrest a woman leaving a Magdalen Laundry, if her presence there was a requirement of probation; or in the context of recall during her period of post-discharge supervision from an Industrial or Reformatory School.
305. Although there is no direct evidence of this, it may also be that in early times (1920s/ 1930s) some women were arrested by Gardaí following departure from Magdalen Laundries under the instructions relating to persons in ‘the uniform of institutions’.

*Informal placements of girls and women in the Magdalen Laundries by An Garda Síochána*

306. Documentary records of informal placements can by their nature be difficult to find. However, the Committee identified some such records in the archives of the Department of Justice. These records were identified in the context of a Magdalen Laundry which was receiving capitation payments for remand and probation cases where payment requests for those cases also identified and sought payment for informal referrals by the Gardaí.
307. As part of a payment request, the following breakdowns of such cases were recorded:

July to December 1971

In this period, 26 women were informally referred to the Magdalen Laundry at Sean McDermott Street by the Gardaí, the background to these cases being categorised as “runaways (10), vagrants (6), stranded

(10)”. 22 of these girls and women remained there 1 day, 3 remained for two days, and 1 remained for approximately one week.

January to June 1972

11 women referred, backgrounds being classed as “runaways (4), vagrant (2), stranded (3), deserting or deserted (2)”. 9 remained there for 1 day, 1 remained there for 2 days, and 1 for approximately one week.<sup>196</sup>

July to December 1972

12 women referred, backgrounds being classed as “runaways (2), stranded (6), vagrant (4)”. 10 remained there for 1 day and 2 for approximately a month.<sup>197</sup>

308. In relation to the category “stranded”, the note records that the term is hard to define, but might include, for example “money stolen. Unbalanced. Over from England and no place to go. Assaulted”. The note indicates that:

“the runaways or stranded normally stay only one night, before being returned home or elsewhere by the Gardaí. The vagrants nearly always stay longer, till they are fixed up in employment or the like”.

309. A letter was drafted by the Department of Justice in March 1973 in relation to the matter, but ultimately was not issued to the intended recipients in the Department of Finance. The draft addressed the question of possible payment for these categories of referrals. It stated as follows:

“Convent of Our Lady of Charity, Sean McDermott St ... also provides assistance with the placement of girls who are in neither of the categories stated above but for whom the Gardaí or Welfare Officers attached to the Welfare Service of this Department, find it necessary to obtain accommodation at very short notice. The girls may be described as deserted, stranded or vagrant and usually stay

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<sup>196</sup> Id

<sup>197</sup> Id

in the Convent for a very short period, in most cases overnight, pending return to their parents or guardians. The fact that the convent is willing to accept these girls is of the greatest assistance to both the Gardaí and Welfare Officers. It obviates the necessity of charging them with an offence and a subsequent appearance in Court. The Convent authorities, however, receive no payment for the maintenance of the girls, as the approved capitation rate is payable only if the girls have been before the Courts.

In view of the invaluable service being provided by the Order, it is considered that financial responsibility for the maintenance of these girls should be accepted by this Department. It would be to the grave disadvantage of the work of the Gardaí and Welfare Officers if the Order should refuse to accept them. In addition, the Order is facilitating this Department by accepting remandees, pending the provision of accommodation for such cases. This Department is therefore anxious to maintain the continued cooperation of the Order in the case of problem girls".

310. The draft concluded by seeking the sanction of the Minister for Finance for payment of capitation in such cases. The file copy of this draft contains a handwritten endorsement indicating "not issued", without any further explanation. Nor does the file reveal any further background on whether the proposals contained therein were acted upon at some other time.
311. Based on the records of the Religious Congregations and the recollections of retired Gardaí, the Committee is of the view that similar informal and short-term placements of girls and women are likely to have occurred at other Magdalen Laundries also. The recollection of some retired members was that if accommodation was urgently required by a woman coming into contact with the Gardaí, the practice was to seek shelter for her at whatever institution was within their district – be that a convent, hostel, City or County Home or a Magdalen Laundry.

312. As set out at the beginning of this Chapter, extensive searches were carried out by the Gardaí for any possibly relevant documents (including Garda Station Occurrence Books) and interviews were conducted with 60 retired members. In all cases, evidence or recollections of informal placements and the context within which they may have occurred was sought.

313. The Garda Report to the Committee noted that many of the searches:

“have had limited results due to the fact that there were no imperatives to retain station records and there was no central repository for Garda records until recently. It is to be borne in mind that the National Archives Act was not enacted until 1986. The Criminal Procedure Act 1993 now compels An Garda Síochána to retain original investigation files and evidence where a case has been disposed of at Circuit Criminal Court level only. The standard practice seems to have been to retain files and registers for a period of 6 or 7 years and for them to be disposed of thereafter. ... The occurrence books serve to contextualise the type of incidents that Gardaí were dealing with in the past and how they utilised voluntary or charitable organisations.”<sup>198</sup>

314. Nonetheless, the Occurrence Books identified support the memories of retired members of what were termed “social interventions prevailing at the time”.<sup>199</sup> For example the Kevin Street Garda Station Occurrence Book records:

- a case of a woman in 1939 “found destitute and removed to Dublin Union” (i.e. the City Home)<sup>200</sup>
- a case of a woman being treated at a hospital in the 1930s “for weakness. She was mental and wanted Gardaí to take charge of her. [The Doctor] had phoned the Union authorities who

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<sup>198</sup> Garda Report to the Inter Departmental Committee at 1.1

<sup>199</sup> Id

<sup>200</sup> Kevin Street Garda Station Occurrence Book 12 Sept 1938 to 25 January 1940

informed him that they could not accommodate her there until the morning of the 20<sup>th</sup>.

The Occurrence book records that the Gardaí “saw the woman in question”, that she provided her personal details and informed the Gardaí that she had been living at a named Legion of Mary Hostel and previously at “High Park Convent” (i.e. the Magdalen Laundry). The Gardaí secured her entry to the Dublin Union (i.e. the City Home) and informed the Hostel, High Park and, via the local Gardaí in her homeplace, her relatives of her whereabouts.<sup>201</sup>

315. Also possibly falling within the category of informal placements may be a case, identified in a private archive, which indicates that a named 16-year old girl was “taken off a boat at Dun Laoghaire” by a named Garda in 1976 and brought to the Magdalen Laundry at Donnybrook. The member is now deceased and additional records cannot be identified, but the Register of the Religious Congregation indicates that she “left” the Laundry within 2 months of arrival.

316. The Garda Report to the Committee indicates, on the basis of these and other examples relating to young boys and so on that:

“it appears from the foregoing examples that there was no standard practice for Gardaí to provide social intervention services in the manner that we are accustomed to today. There was no over-reaching health service that had sections to provide necessary interventions for various situations. The case of [name - second indented example] above is an anecdote, it is accepted but nevertheless it illustrates the extent of the efforts made by An Garda Síochána when they sought the relieving officer to ensure that [name] received care and refuge at the Dublin Union and that her family in [place-name] was informed.”<sup>202</sup>

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<sup>201</sup> Id at page 325

<sup>202</sup> Garda Report, supra, at page 20

317. Retired members were also asked if they recalled informal placements or interventions such as these, in their time serving within Garda districts which housed a Magdalen Laundry.

318. One retired member who recalled such placements had served in the Anti-Vice Unit based out of Store Street Garda Station (which operated from the 1950s until the 1980s). The Gardaí note that former members of this Unit were interviewed to examine whether:

“Gardaí may have utilised the convents as a refuge centre for girls who may have fallen on hard times and who were susceptible to exploitation by men who would force them to work as prostitutes”.<sup>203</sup>

319. A former member of that Unit confirmed that if he:

“found a girl destitute at 2am in the morning he would bring them to the convent at Sean McDermott Street as a place of refuge. Where they had been brought into the [name] [prostitution] crew and were soliciting he would take them to the convent as there was always an attempt made to put them on the straight and narrow and to help them to get back on track. Often they would be put in touch with family and a train organised by the convent to bring them home. There was always a reluctance to bring them to Court and discretion was applied in every case. Court was for girls who were continuously soliciting. If a girl was to get a conviction for soliciting then she would be stigmatised and that would be avoided if at all possible. Some girls found and brought back on foot of a court order would dread going back but no one ever made a complaint to him about abuse or neglect there”.<sup>204</sup>

320. These comments support two types of informal placement – the scenario where a girl or woman is homeless ('girl destitute at 2am'), and the scenario where a girl or woman has been introduced to prostitution.

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<sup>203</sup> Id at page 45

<sup>204</sup> Garda Report at page 52, summarising comments of retired Garda who had been stationed at Store Street Garda Station (Anti-Vice Unit)

321. A different retired Garda, who served at Store Street Garda Station in the 1960s and 1970s recalled that he had:

"about 6 dealings with [Sean McDermott Street] over 10 years. He said that there may have been young girls from the country who may have needed refuge and he brought them to the convent. When he saw inside Sean McDermott Street he stated that he only ever saw some old women in there".<sup>205</sup>

322. Another retired Garda, who served as a Juvenile Liaison Officer in the 1960s, recalled that he:

"knew the nuns in the Convent but only ever called in to keep in touch and in his words have a cup of tea. His wife had a mini bus and worked for a community group and drove the girls from Sean McDermott Street Convent to a holiday home in Balbriggan".<sup>206</sup>

323. He also recalled High Park and said that he:

"had a lot of dealings with High Park Convent and remembers going down there and getting cat calls there from the women. All he saw was the 'nuns, tea and a hostel' for working girls there. Said he was aghast at the laundries there and many of the girls working there seemed to have an intellectual disability. He saw the laundry only once and saw about 6 girls working in a tough working environment in a room 'full of steam'.<sup>207</sup>"

324. The records of the Religious Congregations also provide further insight to informal and temporary placements of this kind. For example:

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<sup>205</sup> Id at page 54, summarising comments of a second retired Garda who had been stationed at Store Street Garda Station

<sup>206</sup> Id at page 54-55, summarising comments of a third retired Garda who served as JLO in Dublin City

<sup>207</sup> Id

- A 24-year old woman who had been refused admittance to the City Hospital was in 1922 “brought by Sinn Fein Police as they found her wandering”. She remained there for 4 days before leaving to a named hospital.
- A 15-year old girl was “brought by the Guards” to a Magdalen Laundry in the 1940s. She was “taken out by her mother” 4 days later.
- A 27-year old woman was admitted to a Magdalen Laundry in the 1940s as a “self-referral through Guards [location]”. She was described in the Register as “mentally deficient”. After 3 days, “her father came for her”.
- A 37-year old woman of no fixed abode was admitted to a Magdalen Laundry in the 1940s having been “found straying after [identified event]”. She was “discharged a few days after arrival”.
- A 17-year old girl was in the 1950s “brought by Guards” to a Magdalen Laundry, having been in a city a few hours away from her home address. After approximately a week, she was “taken home by her mother”.
- A 17-year old girl in the 1950s was “brought by the Guards having run away from home”. She left a few days later – “[name] came for her after a few days”.
- A 12-year old girl from a named country location was in Dublin and “brought by Guards” to a Magdalen Laundry in the late 1950s. Two days later she was “taken by guards to get train home”.
- A 16-year old girl from Belfast was “brought by Garda” to a Magdalen Laundry in the 1960s. She was “sent back to Belfast” the next day.
- A 16 year old girl whose mother was dead was “brought by” a named Garda to a Magalen Laundry in the 1960s “after running away from

home with a boyfriend with a jail record". She was "taken home by her father" the following day.

- A 16-year old girl from a named country town was "removed by Garda from flat of ill repute" and placed in a Magdalen Laundry in the 1960s. She remained there for 6 days, after which she "went to job".
- An 11-year old girl who was recorded as having a home address in Belfast was "brought by Gardaí" in Dublin to a Magdalen Laundry in the 1960s. She was "taken home" the next day.
- A 13-year old girl was "brought by Gardai" to a Magdalen Laundry in the 1960s. She was "taken home" the following day.
- A girl whose age was not recorded "ran away from home and brought by Garda" to a Magdalen Laundry in the 1960s. She was "collected by parents" the same day.
- A 15-year old girl was referred to a Magdalen Laundry in the 1970s by the "guard in charge of youth in city". Her parents are recorded as being in a different city to her. She "left after one week, ran away".

**Chapter 10:****Routes of entry to the Magdalen Laundries (B):  
Industrial and Reformatory Schools*****Summary of findings:***

*This Chapter addresses the placement in Magdalen Laundries of girls and young women who had previously been in Industrial or Reformatory Schools in Ireland. The Committee identified a variety of linkages between these Schools and the Magdalen Laundries.*

*This Chapter sets out the relevant legislative background, namely the Children Act 1908 as amended by the Children Act 1941 which, among other provisions, provided for:*

- *release of children from Industrial or Reformatory schools on licence (prior to the age of 16) to a named “fit person” and to the transfer to that person of all the powers and responsibilities in relation to the child; and*
  
- *the continued supervision of children after their final discharge from Industrial and Reformatory Schools until the age of 18 and 19 respectively (until 1941) and with a possible extension to the age of 21 (after 1941). During this period of supervision, they remained liable to recall by the Manager of the Industrial or Reformatory School.*

*This Chapter presents patterns identified by the Committee within these overall categories, as well as sample cases illustrating these patterns. These patterns included:*

- *Girls temporarily placed in a Magdalen Laundry prior to committal to an Industrial or Reformatory School;*
  
- *Girls committed by the Courts to an Industrial or Reformatory School but refused entry by that school and admitted instead to a Magdalen Laundry;*

- Girls released on licence from Industrial or Reformatory Schools to the Magdalen Laundries before the age of 16;
- Girls referred onwards from an Industrial or Reformatory School to a Magdalen Laundry directly upon discharge at the age of 16; and
- Former industrial or reformatory school children referred to a Magdalen Laundry during the period of their post-discharge supervision.

*Where there was a policy behind these practices, that is also addressed in this Chapter. So too is the role of the Department of Education and Skills, including the extent of information available to it and, in some cases, approval by the Department of the admission of some girls to a Magdalen Laundries instead of an Industrial or Reformatory School.*

*With regard to the category of post-discharge supervision and recall, this Chapter includes details of Circulars and other instructions issued by the Department to all Industrial Schools, directing the need for appropriate supervision and recall where necessary. These instructions expressed a need for “information from reliable sources” about such children “at regular intervals”, and recall of the children “if and when necessary”.*

*Separate instructions clearly stated that there was a requirement to recall any child or young person “whose occupation or circumstances are unsatisfactory”. After 1941, children or young people recalled in this way by the Manager of their former Industrial School could, under the Acts, be arrested without warrant by the Gardaí, on request of the School Manager.*

*In some cases, girls or young women recalled in this way were placed in Magdalen Laundries. It was a requirement to notify the Department of such recalls and of the subsequent arrangements made for the child or young person. Evidence was found on the Department’s files of some notifications, including some cases approved by the Department, and one where a Departmental official visited the girl at the Magdalen Laundry as part of follow-up on the case.*

*In other cases, it is unclear whether Departmental records of such recalls and placements in Magdalen Laundries were among those records lost or destroyed; or whether such notifications did not occur.*

## A. Introduction

1. This Chapter sets out the findings of the Committee in relation to referrals of girls and women to Magdalen Laundries by, or following a period in, an Industrial or Reformatory School. It also details the sources utilised and the extent of searches carried out in arriving at these findings.
2. As referred to elsewhere in this Report, the Committee found significant linkages between these Schools and the Magdalen Laundries. The Committee, at an early point in its work, identified two distinct categories of cases:
  - *Direct transfers:* In initial searches a small number of cases were identified where girls appeared to have been transferred directly from an Industrial or Reformatory school to a Magdalen Laundry; and
  - *Indirect transfers:* A more significant number of cases were identified where girls and young women appeared to have been admitted to a Magdalen Laundry within a few years of their discharge from an Industrial or Reformatory school. Although only a small sample of women were in a position to share their stories with the Committee, this was the experience of the vast majority of those who engaged with the Committee as members of representative groups.
3. In attempting to understand why and how these cases could have occurred, and as part of broader searches to quantify the true extent of cases such as

these, the Committee devoted considerable time and effort to the investigation of this area.

4. Through this work, the Committee identified some key facts and practices which explain the basis on which these and other types of transfers had occurred. Although a small number of direct transfers from Industrial or Reformatory Schools to Magdalen Laundries had been previously identified<sup>1</sup>, this work also identified previously unrecognised and broader categories of cases involving children who had been in Industrial or Reformatory Schools. This work enabled the Committee to establish a more accurate picture of the extent of the links between these Schools and the Magdalen Laundries and to place some of these links in the public domain for the first time.
5. On the basis of known routes of entries to the Magdalen Laundries, and as set out more fully in Chapter 8, referrals from Industrial and Reformatory Schools make up a total of 622 cases (7.8% of known entries). This category of referral had the lowest mean and median age on entry of all entry categories, namely mean age on entry of 17.8 years; median age on entry of 17 years of age.
6. The general categories of cases ultimately identified by the Committee consisted of the following:
  - Girls temporarily placed in a Magdalen Laundry while an Industrial or Reformatory School in which they could be placed was identified;
  - Girls committed by the Courts to an Industrial or Reformatory School but refused entry by that School and transferred instead to a Magdalen Laundry;

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<sup>1</sup> Section 1(3) of the Residential Institutions Redress Act 2002 included in its ambit children transferred directly from a Scheduled Institution to a Laundry

- Girls released on licence from Industrial or Reformatory Schools to the Magdalen Laundries before the age of 16;
  - Girls referred onwards from an Industrial School to a Magdalen Laundry directly upon discharge from that School at the age of 16 or 17; and
  - Former Industrial or Reformatory school children referred to a Magdalen Laundry during the period of their post-discharge supervision (which, until 1941 continued until the child was 18 (for Industrial School) or 19 (for Reformatory School) years of age; and which, from 1941 onwards, continued up to the age of 21 where the Minister for Education directed that it was necessary for the person's protection and welfare)
7. The Committee also found one case of a child entering a Magdalen Laundry on a leave of absence from Industrial School. Another category of cases identified by the Committee through searches on the records of Industrial and Reformatory Schools consisted of cases where the *mother* of a child was in a Magdalen Laundry, at the time of the child's admission to Industrial or Reformatory school. These cases are also detailed in this Chapter.
8. Separate Industrial Schools were located on the sites of 5 of the 10 Magdalen Laundries within the mandate of this Report, as follows:
- St. Joseph's Industrial School, Whitehall was located at High Park, Drumcondra (certified for 100);
  - St. Dominic's/Mayfield/Gracepark Industrial Schools were located at College Street, Waterford (certified for 200);
  - St. Aidan's Industrial School was located at New Ross (certified for 100);
  - St. George's Industrial School was located at Pennywell Road, Limerick (certified for 170); and

- St. Finbarr's Industrial School was located at Sunday's Well, Cork (certified for 200).

Further, St Joseph's Reformatory School for girls was also located at Pennywell Road, Limerick (certified for 50).

9. However and for clarity, the linkages between Magdalen Laundries and Industrial and Reformatory Schools were *not* limited to these six schools – girls and young women were admitted to Magdalen Laundries from or following time in a wide range of Industrial Schools located all over the State.
10. Anonymised case-studies are included throughout this Chapter to illustrate the types of circumstances in which referrals occurred. These case-studies are taken both from official records identified by the Committee among records of the Department of Education and Skills and also from the records of the Religious Congregations which operated the Magdalen Laundries.
11. Finally, it can be noted that although the Department of Education and Skills is today responsible in this area, for all of the relevant period that Department was named the Department of Education. This term is used throughout the remainder of this Chapter when referring to the relevant records of the Department. For the reasons set out in Chapter 1, the generic terms "Magdalen Laundry" and "Magdalen Laundries" are also used throughout this Chapter, rather than the original name of the institutions.

#### **B. Sources for this Chapter and searches carried out**

12. A wide variety of sources were explored in the search for information on possible referrals of girls and young women to the Magdalen Laundries from Industrial and Reformatory Schools, or following their discharge from those Schools. The records of the Department of Education were crucial in this regard.

13. The general files of the Department include files on legislation, policy files and files on the day-to-day running of primary, post-primary and special schools, including administration files, building files, teacher files, finance files and inspection files. These files, which are inventoried by name and reference only, are held either in off-site storage or in the National Archives.

14. More important for the purposes of this Report were the records of the Department in relation to Industrial and Reformatory Schools, detail on which follows.

15. The Department of Education has over a period of years carried out a process to identify and collate all its surviving records in relation to Industrial and Reformatory Schools. The Department has confirmed to the Committee that the archive it holds in relation to Industrial and Reformatory Schools consists of approximately 500,000 records, including:

- Approximately 14,000 Individual Pupil or Family files<sup>2</sup>;
- Approximately 1,500 General files/Medical files consisting of Inspection files, Building Grant files, Detention Orders, Transfer files, Financial files, Group Home files, Training Courses, and so on;
- Journals/Registers of Industrial and Reformatory Schools detailing admissions, applications for discharge, payment of parental monies; and
- Kardex Cards, which give brief personal details in relation to individuals (date of birth, parent's names and addresses, Industrial or Reformatory school or schools and so on).

16. In addition to the above, the Department maintains a database for all of the approximately 41,000 persons (male and female) who were admitted to Industrial and Reformatory Schools through the Courts. All surviving data in

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<sup>2</sup> In a situation where more than one member of a particular family was committed to industrial school, all the records for the entire family are usually kept on the one file- this is the reason why the files are referred to as either "Pupil" or "Family" files

relation to those cases, drawn from School Registers and the Kardex cards described above, was collated and included in this database. As a result, the database now:

“provides a summary of information pertaining to the admission and discharge of individual residents. Under the Access system a search can be made for a former resident’s details and a database report sheet can be printed down”.<sup>3</sup>

17. The above records do not include all Industrial or Reformatory School records, or even all such records formerly held by the Department. There are two principal gaps known to exist in the records of the Department. These gaps were also recognised in the Report of the Commission on Child Abuse (“the Ryan Report”).
18. First, the Department maintains records on the former residents of some 59 Industrial and Reformatory Schools who were placed there by the Courts. Although it is understood that the majority of children committed to Industrial School were by the Courts<sup>4</sup>, the Department “generally doesn’t hold any records” in relation to children placed in Industrial Schools by alternative means including Health Board referrals or voluntary (family) placements.<sup>5</sup>
19. Second, an individual file – termed a “pupil file” – would have existed in respect of each person admitted to Industrial School through the Courts. As approximately 41,000 children (male and female) entered Industrial Schools through that route, the same approximate number of pupil files should be

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<sup>3</sup> Report of the Department of Education and Skills to the Inter Departmental Committee, October 2012

<sup>4</sup> Report of the Commission to inquire into Child Abuse (“Ryan Report”), Volume 5. Table 1, page 52

<sup>5</sup> Report of the Department of Education and Skills to the Inter-Departmental Committee, *supra*

available.<sup>6</sup> However, following extensive searches, the Department has been able to identify only approximately 14,000 pupil files.<sup>7</sup>

20. This means that approximately 27,000 pupil files (male and female) cannot be located. Very few pupil files created before 1960 have survived – the Department of Education has indicated that “it would appear that pupil files predating 1960 were destroyed between 1960 and 1976”.<sup>8</sup> By contrast, the majority of pupil files created from 1960 onwards have survived and are held by the Department.<sup>9</sup>
21. In earlier years, and in particular for the purposes of its cooperation with the Commission to Inquire into Child Abuse, the Department carried out extensive investigations in order to ascertain what might have happened to records which are no longer in the Department’s possession. The resulting Ryan Report noted that the independent review and report conducted on discovery by the Department concluded that these files were thrown out in the Department’s general clear out.<sup>10</sup>
22. All surviving records relating to the Industrial and Reformatory Schools are held at the offices of the Department. Some of these files are, due to their age, fragile or in poor condition. However, an electronic record of each file has been taken and retained in a dedicated document management system.
23. The records of the Religious Congregations were also utilised as sources for this Chapter- not alone their records in relation to the Magdalens Laundries but also, where applicable, their records in relation to the Industrial or Reformatory Schools operated by them.

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<sup>6</sup> Records of the Department of Education and Skills suggest that approximately one third of this number were female (14,448) and approximately two thirds were male (27,346)

<sup>7</sup> Report of the Department of Education and Skills to the Inter-Departmental Committee, *supra*

<sup>8</sup> *Id*

<sup>9</sup> *Id*

<sup>10</sup> Ryan Report, Volume IV, Paragraph 1.194

24. Very extensive searches were carried out on the surviving Departmental files. First, a key word search was carried out on the general files of the Department which consisted of checks on titles of approximately 518,000 stored files.
25. Next, searches were carried out on all Departmental records relating to Industrial and Reformatory Schools, including all general files relating to these Schools. Although none of these general files by their title indicated a link to the Magdalen Laundries, nonetheless, any file which appeared to be related even tangentially was examined to determine whether it contained any material of relevance.
26. Wide searches (including extensive key word searches) were also carried out against the Department's Database of all children admitted to Industrial and Reformatory Schools through the Courts.
27. As an indication of the challenges faced, the following can be noted. Previous searches (carried out by the Department prior to establishment of the Committee) against the Department's Database of 41,000 cases (in particular discharge and comment fields) for references to "laundry" or "laundries" returned 324 results, representing 261 individual cases. However, examination of each of these 261 cases (some of which included voluminous pupil files) indicated that only 3 of these cases involved referrals of the girls or young women concerned to a Magdalen Laundry - one each to Galway, Limerick and Donnybrook. The remainder consisted of 95 referrals to convent laundries, 102 referrals to school laundries and 61 referrals to other laundries.
28. The broader searches conducted as part of the Committee's work and analysis of the results of those searches were accordingly complex and time-consuming, with a need to check every result individually by hand. Nonetheless, under the direction of the Committee, detailed searches were carried out against all key words, including the names of the Religious

Congregations involved, the names and addresses of each of the individual Magdalen Laundries, key words which had historically been used such as asylum, refuge, inmate, penitent, class, and so on. Variants of place-names and spellings were also searched against, to attempt to compensate, insofar as possible, for any possible errors or inaccuracies in the originally recorded data. This search returned a total of 144 relevant cases.

29. Equivalent searches were also carried out on the surviving data relating to the mothers of children committed to Industrial and Reformatory Schools. These searches returned a total of 69 additional relevant cases.
30. The Department's Database was also searched by reference to cases drawn from the records of the Religious Congregations which operated the Magdalen Laundries. These searches identified a further 310 relevant cases in the records of the Department, only 55 of which had previously been identified by way of key-word searches.
31. Taking all searches and returns together, approximately 10,000 documents were provided by the Department of Education to the Committee, all of which were analysed and cross-checked to identify patterns and trends in relation to the links between Industrial and Reformatory Schools and the Magdalen Laundries. Further information on the results of searches, as well as additional information identified in the records of the Religious Congregations, is detailed throughout this Chapter.

### **C. Relationship between the Department of Education and the Industrial and Reformatory School System**

32. To understand the context of these referrals, some background information on the Industrial and Reformatory School system is necessary. The Report of the Commission to Inquire into Child Abuse ("the Ryan Report") defines an Industrial School as a school for the industrial training of children, in which children are lodged, clothed and fed, as well as taught. "Reformatory school"

is similarly defined by section 44 of the Children Act 1908, with the substitution of “youthful offenders” for “children”.<sup>11</sup>

33. The Department of Education had overall responsibility for the Reformatory and Industrial School System and for Marlborough House Detention Centre. The Department funded Industrial and Reformatory Schools and supervised their operation, although day-to-day control of the Schools fell to the Religious Congregations and Orders which operated them.

34. Instructions were from time to time issued in that regard by the Minister for Education, including Circulars to the Managers of all Industrial and Reformatory Schools. In addition, where there was a National School on campus, the 1933 Rules and Regulations for National Schools would apply. Departmental Circulars set out the Programme of Instruction together with conditions for recognition and funding of these Schools. The Department of Education and Skills has indicated that it: “had a duty to ensure that the rules and regulations were observed, that finances were correctly utilised and that reasonable standards were maintained”.<sup>12</sup>

35. The Department also informed the Committee (as it had also informed the Commission to Inquire into Child Abuse) that:

“the policy regarding the category of child admitted to and detained within a particular school was a matter for the Religious Congregation concerned and the Department had no role in the committal process. While the courts ordered the detention of a child, the Resident Manager of a School could exercise his/her power to refuse to accept this child into the school. .”<sup>13</sup>

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<sup>11</sup> Report of the Department of Education and Skills to the Inter-Departmental Committee, supra

<sup>12</sup> Id

<sup>13</sup> Id

36. The 1933 Rules and Regulations for the Certified Industrial Schools set out the legal framework for almost every aspect of the residents circumstances, including provision of primary education (a copy is attached in the Appendices). The provision of primary education for these schools was dealt with by the Primary Division of the Department, while the Industrial and Reformatory Schools Branch dealt with day-to-day or operational issues in connection with the Schools.

**D. Legislative basis: the Children Act 1908 as amended by the 1941 Act**

37. The first step taken by the Committee in relation to this subject was to identify the legislative basis which applied to release or discharge of children or young people from Industrial and Reformatory Schools. The legislative basis in this area was the Children Act 1908, as amended.

38. Children under 15 years of age committed to Industrial Schools were typically committed until the age of 16; while in the case of Reformatory Schools, children between the ages of 12 and 17 were generally committed for between 2 and 4 years. However a number of provisions in the Children Act provided, in certain circumstances, for discharge from Industrial or Reformatory School before those ages, or for retention there after those ages.

39. First, if the relevant School to which it was proposed to send a child had not yet been identified, the Act provided for temporary detention of a child elsewhere:

*Temporary detention pending transfer to Industrial or Reformatory School:*

Where a detention order at Industrial or Reformatory School was not to take effect immediately or if the School had not yet been identified, the Act permitted the Courts to commit the child to any place of detention,

or “to the custody of a relative or other fit person” pending transfer to the School.<sup>14</sup>

40. Second, there was no obligation on an Industrial or Reformatory School to accept a child proposed to be sent there:

*Decline to admit a child:*

The 1908 Act permitted the School Manager to “decline to receive any youthful offender or child” proposed to be sent to the School.<sup>15</sup>

If a Reformatory School was unwilling to accept a youthful offender aged 15 years or over, the Act permitted the Minister for Justice to order the person to be brought to Court, which could make any order that might have originally been made in respect of the offence.<sup>16</sup> This was a permissive rather than a prescriptive power. There was no equivalent power in relation to a child refused entry to an Industrial School.

41. After initial acceptance of a child, the possibilities for release from Industrial or Reformatory School which existed under the 1908 Act were as follows:

*Leave of Absence:*

Leave of absence from an Industrial or Reformatory School for a short period was permitted, provided that it was sanctioned by the School Manager. Leave could be applied “at any time” during his or her detention and “for such period as the managers shall think fit or to attend a course of instruction at another school”. The child continued to be considered as detained and under the care of the School Manager

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<sup>14</sup> Children Act 1908, Section 63

<sup>15</sup> Children Act 1908, Section 52

<sup>16</sup> Children Act 1908, Section 57(2) as amended by Children Act 1941, Section 9(2)

while on leave of absence and the Manager could require the child's return at any time.<sup>17</sup>

*Release on Licence:*

The Act permitted a child to be released on licence by the School Manager to "live with any trustworthy and respectable person" who was "willing to receive and take charge of him", prior to the intended time of his discharge (i.e. ordinarily prior to the age of 16).<sup>18</sup>

Release on licence was at the discretion of the School Manager, with the consent of the Minister for Education required in some cases. Under the 1908 Act, a child could be released on licence without the sanction of the Minister following at least 18 months detention at the School.<sup>19</sup> This period was reduced to 6 months under the 1941 Act.<sup>20</sup> However, whether or not the Minister's consent was required, it was necessary for the School to notify the Department of the release of a child on licence.

If a child was under the age of 14, release on licence was on condition that the child attend school during the release period. Any period of release on license was calculated as part of the child's detention period. A child who ran away from the person with whom he or she was placed on licence was "liable to the same penalty as if he had escaped from the school itself".<sup>21</sup>

Licences could be revoked at any time, in which case the child was required to return to the relevant Industrial or Reformatory School. Under the 1941 Act, where a licence was revoked and the child failed

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<sup>17</sup> Children (Amendment) Act 1957, Section 6

<sup>18</sup> Children Act 1908, Section 67

<sup>19</sup> Children Act 1908, Section 67

<sup>20</sup> Children Act 1941, Section 13

<sup>21</sup> Children Act 1908, Section 67(4)

to return to the school, the child could be “apprehended without warrant” and brought back to the School.<sup>22</sup>

*Discharge:*

A child could be discharged from an Industrial or Reformatory School at any time by the Minister for Education.<sup>23</sup> Discharge could be either conditional or absolute. Conditional discharge could be revoked in the event of a breach of the conditions which had been approved by the Minister.

Where conditional discharge was revoked, the child was required to return to the School, with penalties applying for failure to do so. The 1941 Act further provided that a child who failed to return to School following revocation of a conditional discharge could be apprehended without warrant and brought back.<sup>24</sup>

42. The Act also permitted retention of a child in an Industrial School past the age of 16, to facilitate completion of an education course:

*Retention:*

A child could be retained up to but not beyond the age of 17, for the purposes of completing a “course of education or training”.<sup>25</sup> Such retention orders required the consent of the child’s parents or guardians, if any.

43. In all cases, the 1908 Act provided for supervision following discharge, including a possibility of the recall of the child at any time during that period of supervision:

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<sup>22</sup> Section 67(7) of the 1908 Act, as amended by section 13(c) of the 1941 Act

<sup>23</sup> Children Act 1908, Section 69

<sup>24</sup> Section 69 of the 1908 Act, as amended by section 16(1) of the 1941 Act

<sup>25</sup> Children Act 1941, Section 12

*Supervision and recall:*

Under the 1908 Act, any child (other than a child placed in an Industrial School only to enforce school attendance) whose period of detention at an Industrial School had expired remained under the supervision of the School Manager until the age of 18.<sup>26</sup> This period of supervision was extended by 3 years, i.e. to the age of 21, by the 1941 Act where the Minister for Education directed that such an extension of supervision past the age of 18 was necessary for the person's protection and welfare.<sup>27</sup>

Similarly, under the 1908 Act a child whose period of detention at Reformatory School had expired remained under the supervision of the School Manager until the age of 19.<sup>28</sup> This period of supervision was extended by 2 years, i.e. to the age of 21, by the 1941 Act where the Minister for Education directed that such an extension of supervision past the age of 19 was necessary for the person's protection and welfare).<sup>29</sup>

During this period of supervision, these children and young people remained liable to recall by the Manager of the Industrial or Reformatory School. The Department of Education was required to be informed of such recalls.

On recall, the person could be "detained in the school for a period not exceeding three months" and could "at any time be again placed out on licence".

The conditions established by the Act for recall were that:

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<sup>26</sup> Children Act 1908, Section 68

<sup>27</sup> Children Act 1941, Section 14

<sup>28</sup> Children Act 1908, Section 68

<sup>29</sup> Children Act 1941, Section 14

- the Manager should be of the opinion “that the recall is necessary for [the person’s] protection”; and
- the Manager would send “immediate notification of the recall” and the reasons for it to the Chief Inspector of Reformatory and Industrial Schools; and
- the Manager should “again place the person out as soon as possible”, but no later than 3 months after recall. Again, notification was necessary.

A person recalled in this way could be “apprehended without warrant and brought back to such school”.

The Minister had the power to order “at any time” that a person would cease to be under supervision.

44. It should also be noted that if a girl was released on licence from an Industrial School prior to the expiration of her period of detention, the licence would “continue in force after the expiration of that period” for as long as she was under post-discharge supervision.

45. The Act also provided that while a person was under supervision, it was “not lawful for his parent to exercise ... his rights and powers as parent in such a manner as to interfere with the control of the managers over the youthful offender or child”.<sup>30</sup>

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<sup>30</sup> Children Act 1908, Section 68(6)

**E. Categories of cases involving admission to Magdalen Laundries**

46. Although the majority of girls and young women who were in Industrial or Reformatory Schools did not subsequently enter a Magdalen Laundry, the Committee found a significant number of cases (at least 622 cases) in which they did.

47. The Committee found that admissions to Magdalen Laundries occurred in all the circumstances permitted by the legislation identified above, i.e.

- Girls temporarily placed in a Magdalen Laundry while an Industrial or Reformatory School in which they could be placed was identified;
- Girls committed by the Courts to an Industrial or Reformatory School but refused entry by that School and transferred instead to a Magdalen Laundry;
- One case of a girl admitted to a Magdalen Laundry on a leave of absence from Industrial School;
- Girls released on licence from Industrial or Reformatory Schools to the Magdalen Laundries before the age of 16;
- Girls referred onwards from an Industrial School to a Magdalen Laundry directly upon discharge from that School at the age of 16; and
- Former Industrial or Reformatory school children referred to a Magdalen Laundry during the period of their post-discharge supervision (i.e. when above the age of 16 and under 18, 19, or 21 years of age respectively, depending on the circumstances).

48. This section sets out in greater detail the manner in which these cases occurred, the reasons for such cases, and anonymised case-studies illustrating each category.

***Temporary detention of a girl pending transfer to Industrial or Reformatory School***

49. As set out above, the Children Act 1908 permitted the Courts to commit a child to any place of detention or to the custody of a relative or “other fit person” in circumstances where the Industrial or Reformatory School to which he or she was to be sent had not yet been identified, or where a detention order was not to take effect immediately.

50. The Committee found a small number of cases such as these, examples of which follow:

- A 13-year old girl was “brought by her mother” to a Magdalen Laundry in the 1940s. After less than 2 weeks, she was “sent to [name] Industrial School” (not on the site of a Magdalen Laundry). Her entry to the Industrial School on that date is recorded in the files of the Department of Education.
- A 14-year old girl was admitted to a Magdalen Laundry in the late 1950s. She was brought by a named ISPCC inspector. After approximately two weeks, she was taken by the same inspector to Court and on to a named Reformatory School. Her entry to Reformatory School on that date is recorded in the files of the Department of Education.
- A 14-year old girl, whose parents were living outside the State, was sent to a Magdalen Laundry by a named school (not an Industrial School) in the 1970s. After a week, she was “transferred to [named Industrial School]” (on the site of a Magdalen Laundry).

***Refusal to accept a girl by an Industrial or Reformatory School***

51. Even if the Industrial or Reformatory School to which it was proposed to send a child had been identified, as set out above, the Children Act permitted School Managers to decline to accept any child proposed to be sent to their School. The Committee in its investigations confirmed that such refusals did occur in a variety of circumstances and that in some cases, the girls or young women in question were instead admitted to Magdalen Laundries.
52. The first type of situation in which refusals to accept a child sometimes occurred was where a child, at the time of his or her proposed admission, was approaching the upper age limit for admission to the School (i.e. 15 years of age for Industrial Schools, 17 for Reformatory Schools). In some, but clearly not all cases, children were for this reason refused admission by the School Manager.
53. The fact that Managers exercised their right to refuse to accept children (male and female) for this reason was known. For example the Minister for Education, in Oireachtas debates during the passage of the Children Act 1941, said:

“The managers of these industrial schools, or even of the reformatories, have the right to refuse to accept any person committed whom it is proposed to send to them, and I think it may be assumed that in a case where the youthful offender who had been committed to a reformatory was approaching the upper age limit of 17 years, there might be reluctance on the part of the manager to accept him.

Similarly, in the case of the industrial school, although I have been pressed to raise the age and have done so—my own feeling had been

that it should be raised from 14 to 15— managers may be reluctant, in the case of children committed to industrial schools, if the offence is of a serious character and if the child is approaching the age of 15, to accept responsibility for him.”<sup>31</sup>

54. The Committee found some possible cases of girls who may have been refused admission to Industrial or Reformatory Schools on this ground of age and who were instead admitted to Magdalen Laundries.

55. Some girls entering Magdalen Laundries aged 14 or 15 years of age were brought by persons or officials who would also have been expected to bring girls to Industrial or Reformatory Schools. It is possible that some of these cases arose where the girl was refused entry to those Schools on grounds of age.

56. Possible examples from the records of the Religious Congregations include the following:

- A 14-year old girl was admitted to a Magdalen Laundry in the 1940s. She was brought by a named Religious Sister with a note on the Register indicating that she had been “committed for 3 years”. She remained there for 2 years, after which she was “sent to” the Kilmacud Reformatory.
- A 14-year old girl, whose mother was alive but whose father was “not known” was brought to a Magdalen Laundry by a named ISPCC Inspector in the 1960s. She remained there for 3 years exactly, before being “taken out by her aunt”.

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<sup>31</sup> Minister for Education, Seanad Eireann Second Stage debate on the Children Bill 1940, Wednesday 5 March 1941, Seanad Éireann Debate Vol. 25 No. 5.

- A 15-year old girl was brought by a “[named NSPCC] Inspector; referred by Sergeant [name]” in the 1960s. After almost two years, she was “sent to” a named unrelated woman.
- A 15-year old girl was brought by an ISPCC inspector to a Magdalen Laundry in the 1930s. She remained there for a year and a half, before being transferred to another Magdalen Laundry.

57. Another situation in which the Committee found that girls were refused entry to an Industrial or Reformatory School and instead admitted to a Magdalen Laundry occurred where a School Manager was aware that she had previously been admitted (even on remand or for a short period) to a Magdalen Laundry.

58. An awareness of this practice appears in a Memorandum written by a Probation Officer in 1941, copied to the Chief Probation Officer and ultimately to the Minister for Justice. The Memorandum (attached in full in the Appendices) states, in pertinent part:

“If a girl on remand is for any reason considered by the Manager an undesirable type for the ‘Remand Home’, she may be sent (without waiting for official sanction) to the Magdalen Asylum attached, even though the girl is still a juvenile and perhaps awaiting trial of such offences as house-breaking, larceny etc. Very often these girls are subjects for the Reformatory School – St. Joseph’s, Limerick. If and when they have been committed to the Reformatory School, the Manager learns that they have spent even a week in High Park (i.e. the Magdalen Home and not the “Remand Home”) they are no longer considered suitable subjects for St. Joseph’s, and they are immediately transferred to the Good Shepherd Convent adjoining. Scarcely a fair

start for young girls under 16 years who hitherto may not have had immoral tendencies".<sup>32</sup>

59. Examples of these cases are as following:

- A 12-year old girl whose parents were deceased was "sent by Dublin Court" in the late 1930s. She was "sent for the school but could not be taken". She was instead admitted to a Magdalen Laundry. She remained there for 2 years, before being "sent back to Dublin".
- A 13-year girl, whose parents were "not known" was "sent by Dublin Court for the School" in the 1940s. However the Register (which is unusually detailed in this case) records as follows - "This child was in one of our Good Shepherd Classes in England so could not be taken in the School". (This reference to the "Good Shepherd Class" is to a Magdalen Laundry in the United Kingdom). She was instead admitted to the Magdalen Laundry on the same site. She became a consecrate 8 years after entry and in total, remained there over 20 years, after which she transferred to another Magdalen Laundry. She remained in the other Magdalen Laundry for 4 years, after which she "went to England".

60. The Committee also found that School Managers refused to accept children proposed to be sent to their Schools for other reasons – for example, where it was feared that, due to the background of the child, he or she could have a negative influence on other children at the school. Again, the Committee found that some, but not all, girls who were refused admittance to Industrial or Reformatory Schools for this reason were instead admitted to a Magdalen Laundry. Cases such as these found by the Committee included cases where

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<sup>32</sup> Note from a Probation Officer to the County Registrar, dated 7 July 1941, copied to the Chief Probation Officer and the Minister for Justice.

this action was taken by the School Manager at the direct request of the Department of Education.

61. An example of such cases was referred to briefly in Chapter 9 relating to criminal justice system referrals to the Magdalen Laundries. Prior to the establishment of St Anne's, Kilmacud (which was established with the intention of functioning as a Reformatory School for girls convicted of sexual offences), the Committee found a small number of cases where young girls convicted of prostitution were refused admission to the Reformatory at Limerick, which was then the only Reformatory for girls in the State.
62. In a number of cases, the Department of Education was aware of this refusal and requested the Manager of the Reformatory School to accept the girls and then immediately release them on licence to a Magdalen Laundry. These cases subsequently added impetus to the Department's consideration of the establishment of a new Reformatory for young girls convicted of sexual offences. Detail on cases of this kind follow.
63. One such case arose in 1942. A 14-year old girl was convicted in the Children's Court of larceny of a bicycle. The Judge who heard the case, in a letter regarding the matter, indicated that the Gardaí had also given evidence:  
“that her parents were not exercising proper control over her and that she had been mentioned in connection with an unsavoury case of an immoral character that I had previously adjudicated upon”.<sup>33</sup>  
(The earlier case referred to was one in which two different underage girls had been convicted of prostitution).
64. She was committed by the Court to the Reformatory at Limerick for three years, which was at that point the only Reformatory for girls in the State. The School Manager exercised the right to refuse to accept the girl and the Gardaí as a result brought the girl to the City Home in Limerick. The School Manager

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<sup>33</sup> Letter of District Judge to Department of Justice, 10 June 1942.

wrote to the Medical Inspector of Industrial and Reformatory Schools detailing that she had “immoral tendencies as we were informed that she was also implicated with [name] and [name] in that case” (referred to above concerning underage prostitution). The letter then indicates:

“we refused to accept this girl Doctor, as I think we were justified in doing so not having received any application and of course in common justice to the other children we would not have accepted her. [Name of Judge] is very angry at our refusal and states that he will put the case before the Minister of Justice”.<sup>34</sup>

65. The Judge in question did raise the matter with the Minister for Justice. He referred to the fact that the Manager “refused to receive” the girl “on the grounds that she is likely to exercise an evil influence on the other girls in the school”, and then set out his difficulty with the position. He said:

“I need hardly point out that St Joseph’s Reformatory School is the only one for such cases in Eire, and that being only 14½ of age she is too young for imprisonment. In view of the refusal of the Manageress to receive this girl who was, in my opinion, a proper subject for committal, I would ask for instructions from the Minister for Justice as to what course I am to adopt in this, or in similar cases that may arise. The procedure in this case, if it became to any extent frequent, would, it will be seen, nullify the operation of the Section under which these committals are made. The girl is at present in Limerick City Home where, of course, I have no power to order her detention and, as she is in the position of a voluntary inmate who may leave at any moment, I would therefore ask for a decision on the matter at the Minister’s earliest convenience”.<sup>35</sup>

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<sup>34</sup> Letter Manager of St Joseph’s Reformatory School Limerick, to Medical Inspector of Industrial and Reformatory Schools, 10 June 1942

<sup>35</sup> Letter of District Judge to Department of Justice, 10 June 1942

66. The file includes a Garda report on the matter, confirming that the girl had been committed to the Reformatory but that the Manager:

“would not accept the delinquent and she is now in the City Home and Hospital, Limerick. The District Justice [name] has taken the matter up with the Department of Justice and he has been informed that the matter has been referred to Inspector, Reformatory and Industrial Schools and that he would be further communicated with in course”.<sup>36</sup>

67. The file also includes a subsequent letter from the Department of Justice to the Department of Education, recalling the background to the case and proposed that the girl be instead committed to a Magdalen Laundry. The letter proposed as follows:

“In view of the facts set out in the Garda report, the Minister would be glad if the Minister for Education would consider the question of ordering the offender to be brought back to the Court and suggesting to the Justice that he should make an Order under Section 59 of the Children Act 1908 for the committal of [name] to the care of the Superioress, Good Shepherd Home, New Ross, County Wexford”.<sup>37</sup>

68. The Department of Justice followed-up on the case again 4 months later, indicating that the girl remained in the City Home, the authorities of which:

“have now communicated with the local Superintendent of the Garda Siochána stating that the City Home is not a proper place for this girl. The Minister would be glad to learn, at your earliest convenience, whether you have found it possible to take any action in regard to the case of [name]”.<sup>38</sup>

69. The situation appears to have persisted for a further 5 months, at which point the City Home informed the Gardaí that it would be:

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<sup>36</sup> Garda Report, undated but stamped 31 August 1942

<sup>37</sup> Letter Department of Justice and Equality to Department of Education, 9 July 1942

<sup>38</sup> Letter Department of Justice and Equality to Department of Education, 25 November 1942

“unable to keep the girl in the Institution without a maintenance charge as it is contrary to regulations. However if arrangements could be made for the payment of the cost of her weekly maintenance which the Good Shepherd Convent [Reformatory School] would be entitled to receive if they had taken her, the City Manager will be prepared to keep the girl”.<sup>39</sup>

70. An internal Garda Memorandum recalled all the facts of the situation, including the interaction of the Gardaí from time to time with the City Home, to which they had brought the girl as a “temporary measure” upon her refusal at the Reformatory. The note records that:

“The reason assigned for not accepting this girl in Reformatory was that she would have bad influence on other girls detained there. This girl was mentioned in connection with Indecency Charge in this City some time ago and it appears that Superioress, Reformatory School, Clare Street, was aware of this and refused to accept her.

I have given all facts above and it will be seen that Department of Justice and Commissioner are already in possession of the facts. The refusal of Superioress Reform & Industrial School, Clare Street, Limerick, to accept the girl is responsible for the present position. I am not aware of any reason why this girl should not have been accepted in the School. She was mentioned in connection with Indecency Charge but was not concerned, directly or indirectly, with the proceedings in that particular case”.<sup>40</sup>

71. There were, however, again no further developments in the case for 2 months until the Department of Justice again followed-up with the Department of Education:

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<sup>39</sup> Letter City Home and Hospital, Limerick to Garda Siochana, 10 March 1943

<sup>40</sup> Garda internal Memorandum, stamped 16 March 1943

“to enquire whether it has been found possible to have arrangements made on the lines suggested by [Inspector of Industrial and Reformatory Schools]”.<sup>41</sup>

72. An internal Memorandum of the Department of Education later that month (almost a year after the girl’s admission to the City Home upon refusal to be accepted at the Reformatory) set out the proposed solution to the matter:

“I suggest that we ask [School Manager] to admit her formally to the Reformatory and discharge her immediately on supervision cert to one of the Good Shepherd Homes (as was done in the case of the other two).”<sup>42</sup>

(The “Good Shepherd Homes” referred to are the four Magdalen Laundries operated by the Good Shepherd Sisters)

73. This proposal was approved and adopted by the Department of Education, that is, it requested the Reformatory School Manager to accept the now-15 year old girl but to then immediately release her on licence to a Magdalen Laundry. The Deputy Secretary, in approving this course of action, also made a suggestion as to how to deal with similar cases in future:

“an alternative plan to deal with this immediate problem of these girls would be to certify a section of one of the Good Shepherd Homes as a Girls Reformatory. You might mention this suggestion to [Medical Inspector, Reformatory and Industrial Schools] on her return for her views”.<sup>43</sup>

74. That proposal to certify a part of a Magdalen Laundry as a Reformatory never came to pass, but the individual case referred to proceeded precisely as suggested in the Memorandum. The Department of Education wrote to the Reformatory School Manager, formally requesting as follows:

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<sup>41</sup> Letter Department of Justice to Department of Education, dated 14 May 1943

<sup>42</sup> Memorandum to the Deputy Secretary of the Department of Education, dated 31 May 1943

<sup>43</sup> Id. Text of approval handwritten on submission, dated 1 June 1943

"It would dispose of this difficult case if you would be good enough to receive the girl formally in St Joseph's and discharge her immediately on Supervision Certificate to such of the Good Shepherd Homes as you would suggest. You will remember that this was done in the case of her two associates [name] and [name]. I should be glad to learn at your earliest convenience whether you agree, and if you do I shall arrange to have [name] presented at St Joseph's without delay".<sup>44</sup>

75. The Manager initially indicated that she could not agree to this proposal and instead suggested that the Department directly contact and seek the admission of the girl to a Magdalen Laundry, without her first being accepted at the School. The Manager said that she could not accept the girl:

"even formally into the above school – nor could we take the responsibility of having this girl placed out on Supervision Discharge, even in one of our Good Shepherd Homes – as the inmates of our Homes are perfectly free to leave the House anytime they wish. ... We feel sure the girl would be accepted in one of our Homes if application was made to the Matron".<sup>45</sup>

76. However, the Department pressed the matter further. A replying letter from the Inspector of Reformatory and Industrial Schools (approved before issue by the Deputy Secretary) went into some length on the matter. The letter indicates that:

"It was with some reluctance that I made the suggestion at all, but I felt constrained to do so as it seems to offer the only solution of the difficult position created by your refusal to receive the girl into St Joseph's. ...

I am aware of your view that a special "Preservation" home should be established for such girls, and this general question is under active consideration. Some time must elapse before a decision can be

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<sup>44</sup> Letter Department of Education to Manager, St Joseph's Reformatory School, 2 June 1943

<sup>45</sup> Letter Manager, St Joseph's Reformatory School to Department of Education, 3 June 1943

reached, and meantime as matters stand there is only one course that can be taken, viz committal to the Reformatory. You are, of course, within your legal right in refusing to accept [name], but, since yours is the only Reformatory to which she can be committed, your refusal makes it impossible to do anything to save this unfortunate girl. There is, as I have said, no power to restrain her in any other way. She is free to return at any time to her former haunts where she will inevitably be exposed to the gravest moral danger and where her ultimate ruin is assured. It is for this reason that I ask you to reconsider your decision and to formally accept her in the Reformatory and discharge her on Supervision Certificate to one of your Homes".<sup>46</sup>

77. On foot of this second request from the Department for the girl to be accepted in the school and then immediately discharged to a Magdalen Laundry, the Manager of the Reformatory agreed to do so.

"We have given this case every consideration and we agree to accept [name] formally into our Reformatory School. On her arrival here we will have her discharged to our Home in New Ross on Supervision Certificate".<sup>47</sup>

78. The Department of Education acknowledged and thanked the Manager for this, expressing "gratitude to you for your kind cooperation in dealing with this unfortunate case".<sup>48</sup> The Department of Education also wrote to the Department of Justice informing it of the agreement that the girl would be accepted "formally" into the Reformatory and then discharged immediately to

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<sup>46</sup> Letter Inspector Reformatory and Industrial Schools to Manager, St Joseph's Reformatory, dated 8 June 1943

<sup>47</sup> Letter Manager, St Joseph's Reformatory to Inspector Reformatory and Industrial Schools to Manager, 9 June 1943

<sup>48</sup> Letter Inspector Reformatory and Industrial Schools to Manager, St Joseph's Reformatory, dated 11 June 1943

a Magdalen Laundry. The Department of Justice was, in that regard, asked to arrange for the girl to be brought to the Reformatory “as soon as possible”.<sup>49</sup>

79. The Department of Justice confirmed thereafter that the girl was “taken into custody ... and lodged in St Joseph’s Reformatory”, to allow for her subsequent removal to the Magdalen Laundry at New Ross.

80. The records of the Religious Congregation concerned confirm that the girl entered the Magdalen Laundry at New Ross having been “transferred from Ref. Limerick; brought by Guard from Limerick; a Court Case”. She spent 4 months there before being “sent back to Limerick”.

81. The context of her dismissal from the Magdalen Laundry is set out in a note of the Department of Education to An Garda Síochána approximately 6 months afterwards. It notes that:

“After protracted correspondence an arrangement was made whereby the Manager formally received the girl into the reformatory on the [date] and then released her on supervision certificate to the Good Shepherd Home, New Ross, on the following day under Section 67 of the Children Act 1908, as amended by Section 13 of the Children Act 1941. After some time however the girl was sent home owing to her grave insubordination in the Good Shepherd Home. The legal position at the moment is that she is residing at home under supervision certificate from the Resident Manager of St Joseph’s Reformatory”.<sup>50</sup>

82. It was then proposed that, as a new Reformatory had at this point been established in Kilmacud and certified by the Minister, that the girl could be sent there. The school was:

“designed specially to cater for girls with marked tendencies to sexual immorality and it is most desirable that [name] should spend the

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<sup>49</sup> Letter Inspector Reformatory and Industrial Schools to Department of Justice, dated 11 June 1943

<sup>50</sup> Letter Department of Education to An Garda Síochána, 18 May 1944, ref 283/1943

remainder of the period of detention ordered by the Court in that institution".<sup>51</sup>

83. It was proposed by the Department of Education that to permit this, the Manager of the Reformatory would be requested:

"to recall the girl to the reformatory under section 67(3) of the Children Act 1908. Should the girl fail to return to the school, the Garda would have power to apprehend her without warrant and bring her there under section 13 of the Children Act 1941".<sup>52</sup>

(These provisions and the operation of supervision and recall are more fully set out below, in the section on post-discharge supervision).

84. At least 4 other similar cases occurred at Limerick in 1942 and 1943. Two cases arose together, in relation to two girls, 12 and 13 years old respectively, who were committed to the Reformatory at Limerick on grounds of being "a common prostitute, loiter and importune for the purposes of prostitution".<sup>53</sup>

85. The girls were initially accepted at the Reformatory but, not long thereafter, the Gardaí requested their attendance as witnesses in the trial of 6 men charged with offences "against the Criminal Law Amendment Act 1935" (elsewhere on file referred to as "defilement of girls under 15").<sup>54</sup>

86. The Manager of the Reformatory School wrote to the Department of Education, indicating that:

"We do not consider the girls [name] and [name] fit associates for the children of the Reft'y School and we think it absolutely necessary to apply for their discharge.

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<sup>51</sup> Id

<sup>52</sup> Id

<sup>53</sup> File Ref G308

<sup>54</sup> Id

Very reluctantly we accepted the girls owing to the nature of their offences, but as they were so young we hoped that they did not realise the gravity of the offences. Fortunately we have discovered that these girls are only too well versed in immorality and in common justice to the rest of the children and in the interest of the school we apply for their immediate discharge".<sup>55</sup>

87. The Department's response was a holding one – it indicated that as the two cases involved raise:

"an issue of importance concerning the treatment by the State of cases of this kind, fortunately very rare, I am arranging before submitting this particular case for the Minister's decision, that [Medical Inspector, Reformatory and Industrial Schools] will visit you in the very near future for a discussion on the problem involved".<sup>56</sup>

88. The School, prior to this intended meeting, wrote to the Medical Inspector, provided the same background details and then suggested a manner in which:

"you will understand, I am sure Doctor that these girls are fit subjects for one of 'Our Homes' and we will make arrangements to have them sent there if our suggestion meets with your approval. Hoping to hear from you at your earliest convenience."<sup>57</sup>

This reference to 'Our Homes' in the letter is a reference to the four Magdalen Laundries operated by the Good Shepherd Sisters. This text was handmarked with the letter A on the Department's file.

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<sup>55</sup> Letter Manager Reformatory School to Inspector of Reformatory and Industrial Schools, Department of Education, dated 26 January 1942. File Ref Id.

<sup>56</sup> Letter Inspector of Reformatory and Industrial Schools, Department of Education to Manager Reformatory School, dated 27 January 1942. File Ref Id.

<sup>57</sup> Letter Manager Reformatory School to Medical Inspector of Reformatory and Industrial Schools, Department of Education, dated 26 January 1942

89. The Department's internal assessment of the matter included consideration of this suggestion that the girls be admitted to Magdalen Laundries, as follows:

"With regard to the suggestion made by the Manager at A in the letter addressed to you, it seems to me that this may possibly be the best way of dealing with the matter, but I am strongly of opinion that if this course is to be adopted, the girls should be released on licence<sup>58</sup> (still under the Manager's supervision) to the Home selected, rather than discharged.<sup>59</sup>

If discharged, they would be free from any legal control and would be at liberty to leave the Home and return to their wild ways. In such circumstances nobody would have any right to exercise restraint over them, whereas if they were to be released on licence the Manager of the Reformatory could exercise her rights under the Act, if they left the Home, to have them apprehended and disposed of as might be thought fit. Please give full report and recommendation when you have spoken to the Manager".<sup>60</sup>

90. The matter continued to receive attention over the following period. A broad Memorandum entitled "Provision for girls whom the present reformatory is unwilling to accept" referred to the difficulties in dealing with the situation from a number of perspectives, as follows:

"I understand that the manager of the girls reformatory is unwilling to keep the two girls recently committed to that institution from Limerick City in view what she has learned of their previous conduct and she has applied for their immediate discharge.

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<sup>58</sup> Underlined in original

<sup>59</sup> Underlined in original

<sup>60</sup> Internal Department of Education Memorandum to Medical Inspector of Reformatory and Industrial Schools, dated 29 January 1942. File Ref Id. Comment: this analysis was not fully accurate, as conditional discharge was possible under section 69(1) of the Act. Nonetheless, it was the assessment of the Department at the time.

It is proposed to ask [Medical Inspector] to visit the manager and discuss the position with her but I think we must agree (from what we already know of the circumstances) that the manager's objection to keeping these girls is not unreasonable.

We are, therefore, faced again with the difficult problem of making some other provision for dealing with girls of the type in question. I suggest that the most convenient solution would be to have a second Reformatory for girls established to which persons of the type now in question could be sent. There are obvious objections to such an arrangement, the principal one being that the admission of girls of this type to a Reformatory may tend to injure what one might call the status or reputation of Reformatories generally. I think we cannot regard this objection as serious, especially as we were willing to allow the two girls now in question to remain in the Reformatory if Manager had been willing to keep them.

A second and more practical objection is that it can be comparatively expensive to establish and maintain a special institution for the small number of persons to be sent to it. It would be necessary to make some payment in the system of grants, and the most convenient would be to pay the State Capitation grant ... on a minimum or basic number of, say sixteen<sup>61</sup> when the actual number is less; the grant paid by the local authorities could be obtained, of course, only on the actual number detained".<sup>62</sup>

91. This Departmental Memorandum also suggested seeking the assistance of the Archbishop of Dublin in relation to the possible establishment of a second Reformatory, but came to no definite conclusion in relation to the specific

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<sup>61</sup> Original text said "twelve", but that was crossed out and sixteen handwritten alongside on the document

<sup>62</sup> Internal Department of Education Memorandum entitled "Provision for girls whom the present reformatory is unwilling to accept", 2 February 1942. File Ref Id.

proposal on release of the two girls in this case, aged 12 and 13, to a Magdalen Laundry.

92. The Medical Inspector of Reformatory and Industrial Schools subsequently issued a Report to the Department, following her visit to Limerick. In addition to a description of the girls and their behaviour, she agreed with the proposed transfer of the girls to Magdalen Laundries. The Report (included in full in the Appendices) states in pertinent part:

“I am of opinion, after careful consideration of all the facts and from my own observation of the two girls in question that their retention in Limerick Reformatory is undesirable. They are being kept under constant supervision but even allowing for this it is not and will not always be possible for the school management to prevent them associating with the other inmates and perhaps contaminating them by dissemination of the knowledge already acquired.

For this reason I agree with the Manager’s suggestion to have them licensed to Good Shepherd Houses – one in Cork and the other in Waterford. The Manager considers that separate would be in the best interests of the girls. On no account would she agree to keep them in the Reformatory”.<sup>63</sup>

93. The Medical Inspector’s Report also deals in part with the conditions which the girls would experience in the Magdalen Laundries. That portion of the Report is here set out in full:

“I discussed with the Manager the question of maintenance, education, supervision, the type of inmates in the Homes with whom these girls would come into contact and the means of segregation, should such course be desirable.

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<sup>63</sup> Report of Medical Inspector of Reformatory and Industrial Schools to the Inspector of Reformatory and Industrial Schools, dated 5 February 1942. File Ref Id.

Unless special financial provision is made the girls will have to be maintained at the expense of the community. The Manager promised to ensure that they would be well instructed in the rudiments of education – reading, writing, arithmetic and domestic economy. They will in all probability be employed at laundry work or lace making when they grow older.

The system of supervision is for a member of the Community to be constantly employed on supervisory work. She is assisted by a penitent who has taken vows never to leave the home. The latter is directly responsible for the supervision of from 10 to 15 other inmates – her ‘circle’ as it was described to me”.<sup>64</sup>

94. Although the Report clearly states that her opinion is that “the best and only course for disposing of these girls is to have them released on licence to Good Shepherd Homes” (Magdalen Laundries), it does reflect a desire that an alternative institution be established for such cases:

“I am strongly of opinion that there should be a special institution for girls of early years, viz 12 to 17 years in which their moral and educational welfare could be attended to. It is undesirable for many reasons that young girls of this type should be obliged to associate with adults with immoral records. As to whether setting up such an institution would be desirable, a lot would depend, of course, upon the number of cases of moral aberration on the part of young girls throughout the country”.<sup>65</sup>

95. The recommended course of action was in due course adopted by the Department of Education in relation to these two girls - a copy of a telegram appears on the file from the Inspector of Reformatory and Industrial Schools

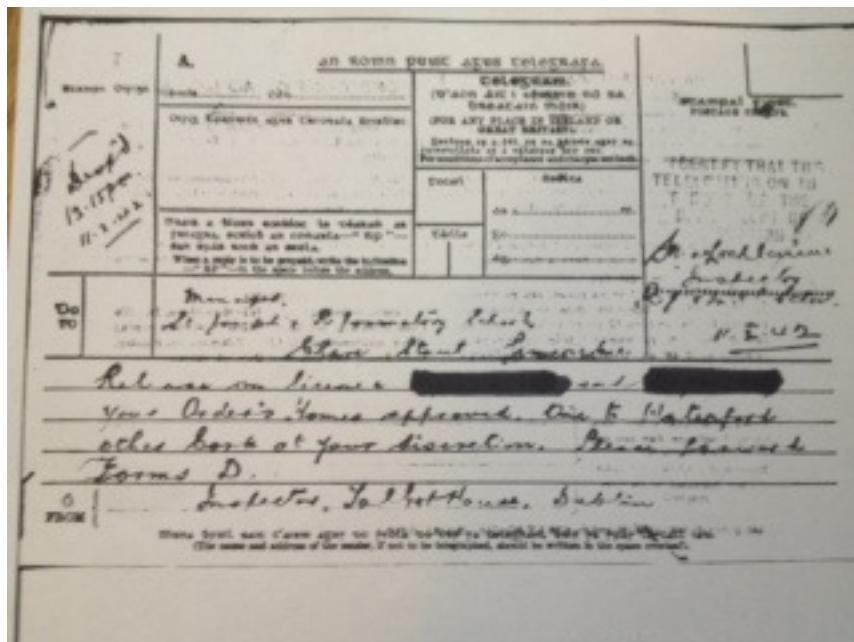
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<sup>64</sup> Id

<sup>65</sup> Id

to the Manager of the Reformatory approving release of the 2 girls from the Reformatory to Magdalen Laundries. It said in full as follows:

"Release on licence [name and name]. Your Order's Homes approved. One to Waterford other Cork at your discretion. Please forward Forms D."<sup>66</sup>



96. The approval for this course of action was sanctioned by the Deputy Secretary of the Department. A Memorandum to him from the Inspector of Reformatory and Industrial Schools confirmed the action taken by that section of the Department and sought retrospective sanction. It said as follows:

"As regards the immediate issue of the disposal of the two girls whom the Manager was unwilling to retain in the Reformatory, it has been arranged that they would be released on licence (still under the supervision of the Manager in Limerick, to the care of Managers of Penitentiaries run by the same Order (Good Shepherd) – one to a Home in Cork and the other to a Home in Waterford – as it is better to

<sup>66</sup> Telegram dated 11 February 1942 Inspector of Reformatory and Industrial School to Manger, Reformatory Limerick. File Ref Id.

have them separated. In view of the Manager's urgent representations regarding their removal from Limerick, I authorised this course by wire yesterday. The only alternative would be unconditional discharge, which, of course, could not be countenanced. I now request covering sanction for having these girls placed out on licence in this way".<sup>67</sup>

97. The remarks of the Medical Inspector regarding the "conditions of maintenance, education and segregation of young girls" in the "Penitentiary" are also referred to. A note in the margin of the document confirms that sanction was provided on the same date.
98. The Departmental Memorandum also made broader comments regarding Magdalen Laundries, based on "independent enquiries which I have made of Mothers Superior of the Penitentiaries in Whitehall and Gloucester Street – offshoots of the Good Shepherd Order". Based on those discussions, the Memorandum says that:

"it seems to be beyond question that a separate institution for young girls aged 12-17 would be the only satisfactory means of dealing with cases of this kind. Licensing to a penitentiary, when they must inevitably come in contact with adults with records of immorality merely serves as an expedient to remove these young girls from their former surroundings and associates. It [illegible] certain risks in so far as the contact with adults concerned and obvious defects in so far as the Manager of Penitentiaries may not be in a position to attend to the special needs (education etc) of juvenile in a home organised primarily for dealing with adults, though in both respects we can be assured of the best efforts of the penitentiary managers on their behalf within the limitations which the circumstances imposed".<sup>68</sup>

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<sup>67</sup> Internal Memorandum Inspector of Reformatory and Industrial Schools to Deputy Secretary dated 12 February 1942. File Ref Id.

<sup>68</sup> Id

99. In relation to the frequency of such cases, the Memorandum notes that the information available to the Department of Education in relation to such cases may not be complete, that it was:

“quite possible that young offenders of this kind may be dealt with through arrangements made by Justices, Clergy etc, for sending them to Penitentiaries etc with the cooperation of various charitable Orders – but without any provision for dealing with them as a social problem necessitating special and exclusive treatment”.<sup>69</sup>

100. It appears to the Committee, on the basis of materials identified, that these two cases of 12 and 13 year old girls, transferred with the approval of the Department of Education to Magdalen Laundries, strengthened Departmental efforts towards establishment of a second Reformatory to deal with such cases.
101. One proposal, by the Good Shepherd Sisters, was for the establishment of a “Preservation Class” for girls aged from 13 to 18 years of age who were “unsuitable for industrial and reformatory schools and who are rescued from danger etc”. They would be “committed by lawful authority” and remain there for a “term – not less than 2 years”, aided by a state (capitation) grant.<sup>70</sup> However, the alternative proposal which was ultimately taken up by the Department was that a special institution be established for girls between 12 and 17 and which would be capable of certification as a Reformatory School.
102. A Memorandum of the Department of Education sent to the Department of Justice in 1942 and copied also to the Archbishop of Dublin summarises the problem and the Department’s intended medium-term solution. The Memorandum (reproduced in full in the Appendices) at the outset states that the Minister for Education was considering:

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<sup>69</sup> Id

<sup>70</sup> File Ref G308

“the question of making suitable provision for dealing with cases of young girls (age 12-17) who are brought before the courts and convicted on charges involving immorality”.<sup>71</sup>

103. The Memorandum then sets out some (limited) detail on the two cases which had occurred shortly beforehand, including confirmation that they had ultimately been admitted to Magdalen Laundries:

“Recently, in Limerick, there appeared before the District Court two girls aged 12 years 9 months and 13 years 5 months, who were charged and found guilty of “being common prostitutes, loitering and importuning for the purposes of prostitution” and in connection with which case prosecutions were brought against a number of males who were alleged to have been guilty of complicity in immoral offences with these girls.

The girls were committed under the Children Act 1908 to the Reformatory School for girls in Limerick (the only school of this kind for girls) on the 6<sup>th</sup> December last. The Manager of the school agreed to accept them, believing that, because of their immature years, they might not have realised the gravity of their conduct and would be amenable to reform under her care. It has transpired, however, to quote the Manager’s statement that they are “only too well versed in immorality” and are of such a type that, in justice to the other inmates of the school, mostly convicted on charges of larceny and petty theft, the Manager considered their immediate removal from the school to be imperative. Arrangements have consequently been made to have the girls sent on licence to the care of Managers of Penitentiary Homes conducted by the same Order as manages the Reformatory School (one to a Home in Cork, the other to a Home in Waterford).”<sup>72</sup>

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<sup>71</sup> Memorandum dated 12 February 1942. Department of Education file reference IE 38/1942, Dublin Diocesan Archive reference xxviii/1160/3.

<sup>72</sup> Id

104. The implications of this are then teased out, with the Department of Education noting:

"This method of dealing with cases of the kind, while effective as a means of keeping the girls away from their former surroundings and associates – the only alternative to which would be their unconditional discharge – has obvious defects from the points of view that in the Penitentiaries to which they are being sent the girls must necessarily associate with adults whose presence there is also due to immorality, and that the Managers of the Penitentiaries may not be in a position to give the attention which would be desirable to the general education of girls of immature years. There is also the consideration, important from the point of view of these Managers, that as their Institutions cannot be certified as 'schools' under the provision of the Children Acts, no State Grants can be paid towards the maintenance of girls who are sent there in circumstances such as have arisen in the Limerick case. This present procedure is simply a fortuitous arrangement made possible by the goodwill and charitable disposition of the Members of the Religious Order concerned".<sup>73</sup>

105. The Memorandum continues to note that although the number of cases which had come to the notice of the Department of Education were:

"very small, that in itself is not sufficient to justify a conclusion that moral aberration amongst girls between the ages of, say, 12 and 17, in the country generally is a thing of rare occurrence. It may well be that in the absence of special provision for dealing with such cases and the unwillingness of the Manager of the existing Reformatory School to accept such cases (an attitude which is quite understandable, as in the present instance) Justices may adopt the course of applying probation or discharging, in which case no record would reach this Department.

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<sup>73</sup> Id

The Minister is, therefore, considering, tentatively at the present stage, the general question of making suitable provision for girls of the ages specified, who may be guilty of offences connected with immorality. One solution that suggests itself is to certify a second Reformatory School for girls to which only persons found guilty of such offences would be sent and which would be under the management of a Religious Body specially competent to deal with this type of case".<sup>74</sup>

106. For that purpose, the Department of Education requested the Department of Justice to ascertain (through the Courts and An Garda Síochána) the "extent to which this type of offence exists", in order to determine if "the foundation of such a Reformatory School would ... be an economic and workable proposition for the Managing Body concerned".

107. An undated note appears subsequently on the same Departmental file, referring not only to girls convicted of sexual offences, but also indicating that efforts were also intended to deal with the following:

"The problem is to deal with girls between 15 and 17 (a) who have had sexual intercourse or (b) are living in circumstances which may reasonably be expected to lead to their downfall".<sup>75</sup>

108. Neither the author nor the recipient of the Note are recorded on its face, although it appears from associated materials to represent comments provided (whether formally or informally is not recorded) by the Inspector of Reformatory and Industrial Schools to the Religious Congregation which was proposing to establish the second girl's Reformatory at Kilmacud. The Note does not make a specific proposal, but rather sets out a number of considerations in relation to such cases. It records directly the same

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<sup>74</sup> Id

<sup>75</sup> File Ref Id. An earlier draft of the Note, on the file included a different description of (b), as follows:

"who have not necessarily had such intercourse but who are living in circumstances which may reasonably be expected to culminate in it."

awareness of the Department, namely of Schools exercising the right not to accept girls proposed to be sent to them, in light of their previous history, by noting as follows:

“there is a power under the existing law to deal with girls in either category up to the age of 15 by committal to an industrial school but these schools refuse to accept or retain girls coming under class (a) above. Girls over 15 cannot be committed to an industrial school”.<sup>76</sup>

The Note then considers Reformatory Schools and records that:

“Girls between 12 and 17 may be committed to a reformatory school only when they have been convicted of an offence punishable in the case of an adult by penal servitude or imprisonment. The sex offences for which a girl could be committed to a reformatory school are soliciting, keeping a brothel, procuring for a prostitute and being a reputed prostitute and loitering in a public place for the purpose of prostitution.”<sup>77</sup>

109. The broader question was then considered relating to girls, not convicted of sexual offences, who were either:

- girls “known to have had sexual intercourse” (examples given were cases where a man had been convicted of “having had intercourse with a girl under the age of consent”; where a “medical examination” established it, or where “they admit” as much); or
- girls “suspected by the Court, the NSPCC Inspector, the Garda Síochána or other responsible party of having had sexual intercourse”.<sup>78</sup>

110. The power of the Minister to order the transfer of a child over 12 years of age from Industrial to Reformatory School “if she is found to be exercising

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<sup>76</sup> Id

<sup>77</sup> Id

<sup>78</sup> Id

an evil influence over the other children” is, in that regard, referred to in this Departmental note. It is also stated that St Anne’s Kilmacud (“a reformatory school to deal with sex cases only”) will not deal with all categories set out in the note:

“Girls under 12 cannot be sent there, although there have been cases where girls under that age have had sexual intercourse. Neither can girls between 12 and 17 who are living in circumstances calculated to bring about their downfall but who cannot be convicted of an indictable offence”.

111. The note concludes by referring to the volume of cases of this kind; and the fact that the only existing Reformatory School (Limerick) was “full for some time” and that as a result, new committals could only be made when others were discharged. No proposal was made in the note in that regard.

112. Certification of the new Reformatory School at Kilmacud was published in Iris Oifigiúil on 12 May 1944. The Committee found that the Department of Education thereafter made efforts to publicise the availability of the institution as a possible solution for earlier cases of girls refused entry to Industrial or Reformatory Schools. The Department in that regard wrote to all Industrial Schools for girls and the Reformatory at Limerick notifying them of the establishment of the Reformatory at Kilmacud which:

“is intended to deal with girls with marked tendencies to sexual immorality, whom other Schools are unwilling to accept or retain”.<sup>79</sup>

113. The letter then continued to refer to the types of cases within this category. It said:

“Under section 69(2) of the Children Act 1908, as amended, girls over the age of 12 years detained in a certified industrial school who are

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<sup>79</sup> Template letter dated 12 May 1944 Inspector, Industrial and Reformatory School branch, Department of Education, to Industrial and Reformatory Schools. Department of Education File Ref G002/A “Establishment of new reformatory Kilmacud”.

found to be exercising an evil influence over the other children in the school may be transferred to a certified Reformatory School. Girls with leanings towards sexual immorality may have been committed to your School, and when you became aware of the record, you may have met the situation by releasing these girls on supervision certificate. Should you have released any girls of this type on supervision certificate, either to their parents, relations or to other institutions, I am to request you to furnish particulars of such children together with a report as to their progress since they left your school. I would be obliged if you would also state whether, in your opinion, it would be desirable to have them transferred to the new institution for the remainder of the period of detention ordered by the Court.”<sup>80</sup>

114. A specific letter was also sent by the Department to the Manager of St Joseph’s Reformatory regarding 4 girls, all of whom had been accepted in the Reformatory School and then released on licence to a Magdalen Laundry (on which see further below). The Department said that, in light of the establishment of the Reformatory in Kilmacud:

“arrangements are being made for the removal of [name] and [name] now on supervision certificate with the Matron, Good Shepherd Home Cork and [name] who is in the Good Shepherd Convent, Waterford”.<sup>81</sup>

115. The fourth girl (referred to above) was living at home on supervision, having been dismissed from the Magdalen Laundry to which she was initially sent. It was arranged by the Department of Education that An Garda Síochána would effect the transfer of at least one of the girls; and that a member of the Legion of Mary would effect the transfer of another.

116. The Manager of the Reformatory School confirmed in her response to the Department in relation to the three girls still in Magdalen Laundries that:

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<sup>80</sup> Id

<sup>81</sup> Letter Department of Education to Manager St Joseph’s Reformatory, 2 June 1944

"I am glad to say that their conduct is satisfactory. They do not get of course a literary or industrial training which girls of their age should".<sup>82</sup>

117. This point was also reflected in an internal Memorandum of the Department of Education, which referred to their transfer from Magdalen Laundries to the Reformatory in Kilmacud "where they will receive more suitable training".<sup>83</sup>
118. The above cases and Memoranda indicate that, even if not occurring in great numbers, refusal of Industrial and Reformatory Schools to accept children proposed to be sent to them – as permitted under the Acts – was a known phenomenon. Such cases, when they arose, were handled in a variety of ways by the Department. One internal note in Department of Education files, dated April 1944, suggests that this position might be altered:

"I think that school managers' power to refuse to accept children or young offenders whom the Court wishes to commit to their schools should be drastically pruned. Some schools refuse to accept children committed for indictable offences and cause grave embarrassment thereby. This wide power may have been justifiable enough forty years ago when the emphasis on the private nature of these institutions was more pronounced. It is scarcely defensible nowadays. ... It is a serious limitation of the discretionary powers of justices who may think it desirable to commit a child to a particular school. If a child proves unusually troublesome, the Manager may apply for his transfer. A Justice should have power to ask a Manager to state his reasons for refusing to accept a case, and if the Justice is not satisfied with them, he should have power to commit the child in spite of the Manager's

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<sup>82</sup> Letter Manager St Joseph's Reformatory to Department of Education, 3 June 1944

<sup>83</sup> Internal Memorandum dated 2 June 1933

refusal. The need for such an amendment is emphasised by cases such as that of [name].<sup>84</sup>

However, this proposal for legislative amendment to reduce the power of Managers to refuse to accept children did not progress any further.

119. The Reformatory and Industrial Schools Systems Report 1970 ("the Kennedy Report") also confirms an awareness of the difficulties caused in cases where a School Manager refused to accept a girl, although it suggested a different solution rather than admission of these girls to a Magdalen Laundry. Regarding juvenile offenders, it said:

"A difficulty facing the courts is that, in certain circumstances, managers may refuse to accept certain offenders. As there is no alternative institution to which they may be sent, the only courses open to the courts is to place them on probation or to release them. This problem is particularly acute in the case of girls charged with recurring sexual offences or found to be pregnant, as the girl's reformatories are not inclined to accept such girls. From evidence presented to the committee, it would appear that this situation is becoming known to this type of girl with consequent lack of regard for the authority of the courts".<sup>85</sup>

120. Examples drawn from the records of the Religious Congregations have been included throughout this section. However, in most cases, the Registers of the Magdalen Laundries do not include sufficient detail to confirm how many cases occurred of girls refused entry to an Industrial or Reformatory School and instead admitted to a Magdalen Laundry.

#### ***Leave of absence from Industrial School to a Magdalen Laundry***

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<sup>84</sup> Internal Department of Education Memorandum April 1944, File Ref IR 283/43

<sup>85</sup> The Reformatory and Industrial Schools Systems Report 1970 ("the Kennedy Report") at 6.13

121. As set out earlier in this Chapter, leave of absence from an Industrial or Reformatory School for a short period was permitted, with the approval of the School Manager “for such period as the managers shall think fit or to attend a course of instruction at another school”.<sup>86</sup>
122. The Committee found one case in which a girl was transferred from an Industrial School to a Magdalen Laundry on a leave of absence under this legislative provision during the 1970s.
123. The girl in question was 13 years old at the time. She had been in an Industrial School throughout her entire childhood. The files of the Department of Education indicate that, at the age of 13, she was granted leave of absence under the 1957 Act “to reside and train in the special centre in the Good Shepherd School, Sunday’s Well”.<sup>87</sup>
124. The Entry Register at the relevant Magdalen Laundry records that the girl was brought by a named ISPCC inspector and that her “transfer sanctioned by [name], Dept. of Ed.” After approximately a month and a half she was “taken by [named industrial school] to [named psychiatric hospital]”. Two months later she returned, before leaving again shortly thereafter for a named school. The records of the Department of Education indicate that her final discharge from Industrial School was to a named psychiatric institution.

***Release on licence prior to the age of discharge from Industrial or Reformatory School***

125. As set out at the beginning of this Chapter, the Children Act permitted a child (male or female) to be released on licence by the School Manager to “live with any trustworthy and respectable person” who was “willing to

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<sup>86</sup> Children (Amendment) Act 1957, Section 6

<sup>87</sup> File 7/816

receive and take charge of him”, prior to the expiration of his or her period of discharge.<sup>88</sup>

126. A child could be released on licence in this way by decision of the School Manager, although the consent of the Minister for Education was required if the child had been in the school less than 18 months (until 1941) or less than 6 months (after 1941). Any period of release on license was calculated as part of the detention period. A child who ran away from the person with whom she was placed on licence was “liable to the same penalty as if he had escaped from the school itself”. Licences could be revoked at any time, in which case the child was required to return to the relevant industrial or reformatory school. Under the 1941 Act, where a licence was revoked and the child failed to return to the school, the child could be “apprehended without warrant” and brought back to the School.<sup>89</sup>
127. There was only limited reference to the issue of release of children on licence during Oireachtas debates on the Children Bill 1940 (enacted as the Children Act 1941). The first change under the Act was to rename licences as “supervision certificates”. The Minister for Education indicated that this change was being made, in response to comments of certain TDs who suggested that ‘licence’ implied a certain stigma for the children concerned. The second alteration brought about by the Bill, in relation to the requirements for licence, was to reduce the period during which the approval of the Minister was required before the release of a child on licence. During Committee Stage debates in the Dáil, the Minister explained these provisions as follows:

“This is to enable a child to be released on a supervision licence within six months after he has been committed instead of 18 months as at present. With the provisions that we are making for reducing the period

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<sup>88</sup> Section 67 of the Children Act 1908

<sup>89</sup> Section 13(c) of the 1941 Act, amending section 67(7) of the 1908 Act

of committal, we think that after six months there ought to be discretion to allow the offender out under supervision. Deputies will see from the following amendment that, in order to meet the views expressed on the Second Reading, the documents referred to as "licences" in this connection will in future be known as "supervision certificates." The effect of the amendment is to reduce the period after which the offender may be released under supervision from 18 to six months. ...

I have just explained that we are altering the expression 'licences' in Sections 67 and 68 of the Principal Act to 'supervision certificates'. Deputy Hickey and other Deputies seemed to think that the term 'licence' was opprobrious or carried a stigma".<sup>90</sup>

128. During Seanad debates, the Minister expanded slightly on the rationale behind this change:

"It might be mentioned that at present the manager of a school may release a child on licence after it has been 18 months in the school. It is proposed to reduce this period to six months in order to encourage managers to exercise their power of licensing to a greater extent. Objection was taken to the word "licensing" but the word in regard to young persons is conditioned by the words "licensing by the manager of the school." It will be noticed further that licences in future, according to Section 14, will be known as "supervision certificates." If there is anything further to be done in the way of removing any stigma which seems to be held to attach to those who through no fault of their own have to go to industrial schools I would be only too anxious to do it".<sup>91</sup>

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<sup>90</sup> Committee stage of the debate on the Children Bill 1940. Wednesday, 5 February 1941. Dáil Éireann Debate Vol. 81 No. 11.

<sup>91</sup> Seanad Éireann, second stage debate on the Children Bill, 1940. Wednesday, 5 March 1941. Seanad Éireann Debate Vol. 25 No. 5

129. The Committee found that this provision was utilised in a number of placements of young girls in Magdalen Laundries, prior to the expiration of their period of detention in Industrial or Reformatory School, both before and after this amendment.
130. It can be noted that the release of children (male and female) on licence from Industrial and Reformatory Schools was a relatively common occurrence. Some children were released on licence to their parents, while others were released on licence to take up employment. This section relates to girls released on licence to a Magdalen Laundry.
131. A small number of cases were referred to, in the previous section of this Chapter, in which girls who had initially been refused entry to a Reformatory School were ultimately, at the request of the Department of Education, accepted formally by the Reformatory and then immediately released on licence to a Magdalen Laundry. This section deals with the more common position, where a girl who had completed part of her required period of detention in an Industrial or Reformatory school was released on licence to a Magdalen Laundry prior to the end of that period of detention. Some cases appear to have occurred during the period when Ministerial sanction was required for the release on licence, while others occurred after that period when release on licence was by decision of the School Manager without need for Ministerial approval.
132. Some records identified suggest this provision was sometimes used to deal with girls considered to be causing difficulty in the Industrial or Reformatory School in which they were detained. An example from the 1940s arose when the Manager of the Reformatory at Limerick applied “for the discharge of the two children above named as unfit subjects”.<sup>92</sup>

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<sup>92</sup> File G002A

133. Department of Education files indicate that the children in question were sisters aged 13 and 14, both of whom had been committed to the Reformatory on the grounds relating to a child found to "wander abroad and lodge in the open air, have no visible means of subsistence and fail to give a good account of herself".<sup>93</sup> The Congregation in question indicated that these girls were considered to be:

"subjects for a more 'advanced reformatory' and therefore in common justice to the rest of the children and in the interests of the school we apply for their discharge".<sup>94</sup>

134. A draft response was prepared in the Department and submitted for clearance to issue. It was relatively strongly worded, indicating for example that:

"Boys involved in sexual offences are not refused admission to the Boy's Reformatory nor are applications received for the discharge of boys for that reason, although sexual delinquency must be at least as common amongst boys as it is amongst girls. ... provision is made in the Children Act 1908 for the transfer to a Reformatory School of children over 12 years of age found to be exercising an evil influence over other children in an Industrial School. Your present policy would make this provision unworkable as far as girls are concerned".<sup>95</sup>

135. The draft was not, however issued. A handwritten internal Memorandum indicates that the approach proposed has been based on a misunderstanding and that:

"It had always been a firm policy of the management of the girls Ref. to refuse to admit girls who had undesirable sexual experiences and they were strongly supported in that policy by the former woman inspector [name]. In fact the policy was based to a considerable extent on the

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<sup>93</sup> DES 300-1/1943

<sup>94</sup> Letter to Department of Education, dated 11 October 1943

<sup>95</sup> Draft letter to Department of Education, dated 15 October 1943 (ref D300-1/1943)

views and opinion of [name]. I discussed the matter with her on many occasions, but she was very firm in insisting on the maintenance of the policy. Apart from this the Mgr. of a Ref. is acting within her legal rights in refusing to admit such girls and the Dept would be acting improperly in bringing pressure to bear on her in the matter. In the circs. I cannot approve of the issue of the letter or the other action proposed. ... All we can do is write to the Mgr. of the Limerick Ref. enquire if she could see her way to retain the girls for a while, keeping them apart from the other girls if necessary, and promising to arrange for their transfer elsewhere as soon as possible".<sup>96</sup>

136. The letter ultimately issued by the Department took this approach. It enquired of the School Manager:

"to whom you propose to discharge them in the event of your application being granted. In cases of this kind, unfortunately discharge to a Magdalen Home or to their parents appears to be the only course open. Magdalen Homes are designed for the rescue and reform of adults and do not cater for the education or training of young girls and the association of girls of tender years with adults who, as a rule, have transgressed more seriously, is undesirable. On the other hand the discharge of the girls to the home surroundings in which they have already met their downfall is more undesirable still from the spiritual point of view.

In order to find some way out of this embarrassing situation, I wonder could you see your way, as a temporary expedient to retain these girls for a while, keeping them apart from the other girls if necessary. If you could I would endeavour to arrange for their transfer elsewhere as soon as possible."<sup>97</sup>

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<sup>96</sup> Internal Memorandum, Department of Education dated 15 October 1943

<sup>97</sup> Letter Department of Education to School Manager, Reformatory Limerick dated 18 October 1943

137. The School Manager responded to the effect that she had “no other alternative” but to discharge the girls on licence to their mother. She said

“they are not, as you have stated in your letter subject for a Magdalen Home and I am fully convinced that if they return home they are certainly being placed in grave moral danger, on the other hand it would be impossible for me to keep them apart from the other girls”.<sup>98</sup>

138. The Department, prior to approving any possible release, approached a different Congregation - the Congregation of our Lady of Charity – and explored the possibility of placing the girls temporarily in High Park. However an internal handwritten Department’s note says that:

“The Whitehall nuns had these girls on remand and would not have them back at any price ... the Rev. Mother described them to me as the worst and most troublesome girls they ever had. The girl’s mother is a ‘nice’ woman but quite unable to control them – she described [name] as a ‘demon’. The Rev. Mother thinks them fit subjects for a Magdalen Home – apparently they have been soliciting. This seems to be the best solution and I append a letter for signature if you approve”.<sup>99</sup>

139. This proposal was approved by the Inspector of Reformatory and Industrial Schools, who wrote to the School asking for the Manager to arrange for their release on licence to Magdalen Laundries (rather than to their mother, as proposed by the Manager):

“These girls are I understand very wild and I am informed that their mother is quite unable to control them. If they are discharged to her I am afraid their ruin will be assured and I would recommend such a step only when every other method of dealing with them had been explored. Although there are objections to sending such young girls to a Penitentiary I am afraid that course is the only one left which offers

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<sup>98</sup> Letter Reformatory School Manager to Department of Education, dated 20 October 1943

<sup>99</sup> Internal handwritten Note to the Deputy Secretary dated 26 October 1943

some help of rescue and reform and I am to enquire whether you would be good enough to arrange for the release of the girls on Supervision Certificate to a Magdalen Home away from Dublin. I have been informed that it is most undesirable that they should be allowed to return to Dublin".<sup>100</sup>

140. The Manager suggested that, instead of releasing the girls on licence directly from the School:

"We would therefore suggest that when these girls return to Dublin to appear in court that the justices send them by order. One to our Home in Waterford and the other to Sunday's Well Cork as if these girls are sent direct from St Joseph's we have no guarantee that they will remain and of course if they are troublesome and do not settle down, they will not be compelled to remain as all the girls are perfectly free in all our Homes. I would ask you therefore to consider the matter and i will await your reply".<sup>101</sup>

141. The Department's response was to the effect that the option of securing a Court Order committing the girls directly to the Magdalen Laundry was not possible and again suggesting that the Manager release them on licence from the School to a Magdalen Laundry:

"The girls appeared before the juvenile court in Dublin and, after hearing all the charges against them, the Justice committed them to your Reformatory. You duly received them and in my opinion that closes the case against them. To bring them before the Court again, it would be necessary to have fresh charges under section 58(1) of the Children Act 1908 as amended, brought against them. In view of the fact that they have been in the Reformatory since their last appearance in Court, I doubt very much whether this would be possible.

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<sup>100</sup> Letter Department of Education to School Manager Reformatory School, dated 26 October 1943

<sup>101</sup> Letter School Manager Reformatory School to Department of Education, 4 November 1943

On the whole I think it would be better to release them on supervision certificate to the homes you suggest, and I am directed by the Minister for Education to convey to you herewith his authority for so doing. When the girls are made to understand that if they do not settle down in the homes you have power to bring them back to the reformatory they may prove amenable".<sup>102</sup>

142. The file includes an official form confirming the release of the older sister "on supervision certificate" to "the Matron, Good Shepherd Home, Sundays Well, Cork." She remained there until the second Reformatory at Kilmacud opened, at which point the Department of Education arranged for her to be transferred from there to Kilmacud by a member of the Legion of Mary.

143. Although this course of action was also recommended by the Department for the younger sister, the Manager opted to retain her in the School:

"in your reply you recommended that she be released on supervision certificate with her sister to one of our Homes. At the time I considered her too young for our homes and having no other place to send the child at the time I retained her in St Joseph's hoping she would improve. ..."

After the second Reformatory opened at Kilmacud, she too was transferred there.

144. However, in the majority of cases identified of girls released on licence from an Industrial School to a Magdalen Laundry prior to the expiration of their period of detention, the available records are much less detailed. Such cases were identified in the records of the Department of Education at points from the 1920s onwards, including the youngest girl known to have entered a Magdalen Laundry (9 years of age).

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<sup>102</sup> Letter Department of Education to School Manager, Reformatory School, 11 November 1943

145. One such case involved a girl who had been committed to an Industrial School at the age of 4 years in the 1920s.<sup>103</sup> Her individual Pupil File does not survive. The Department's records indicate that her period of detention at the Industrial School expired in the 1930s "while on licence to the Good Shepherd Convent [place]."
146. The records of the relevant Magdalen Laundry confirm that she entered there on the recommendation of a named person at her former Industrial School. She was recorded to have been 16 years of age on entry. She remained at the Magdalen Laundry for 2 months, at which point she "went back" to her former School.
147. Records of the Department of Education confirm this also – after her return to her former school, she was again released on licence, this time to a named private person "as a maid".
148. The case of the youngest girl known to have entered a Magdalen Laundry also occurred in a situation of release on licence from an Industrial School. A 9 year-old girl was committed to an Industrial School in the late 1930s. Within two weeks of her committal to the Industrial School, she was released on licence to a Magdalen Laundry. Both the records of the Religious Congregation which operated the Magdalen Laundry and the records of the Department of Education confirm that she was sent from there to a different named Industrial School (not on the site of a Magdalen Laundry).
149. A girl committed to an Industrial School (on grounds of lack of parental guardianship) was "on licence to the Good Shepherd Convent Cork from [date]", which date was almost two years before the date of expiry of her period of detention at the Industrial School. According to the records of the

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<sup>103</sup> DES 32/1278

Department of Education, she would have been 14 years of age at the time.<sup>104</sup>

150. The Register of the relevant Magdalen Laundry confirms her entry on the date of her licence from the Industrial School, and that she was “sent from Industrial School [place]”. She was registered as being 16 years of age. After a period of 1 year in the Magdalen Laundry she was “sent to County Home”.
151. Another girl was committed to an Industrial School in the 1940s.<sup>105</sup> Her Pupil File does not survive. The remaining records relating to her in the Department of Education indicate that she “absconded” from the Industrial School at the age of 15. She was readmitted to the School the following day, and immediately released on licence. The date of expiry of her period of detention occurred 3 months later, and Departmental files indicate that this occurred while she was “on licence to the Mistress of Penitents, Good Shepherd Home, [place]”.
152. The Register of the relevant Magdalen Laundry confirms her entry, although the date entered is the date of her running away from the Industrial School rather than the following day. It is recorded that she was 16 years of age at her time of admission and that she was “sent by” a named person at her former Industrial School. She remained in the Magdalen Laundry for 5 months, at which point she was sent to another Magdalen Laundry.
153. Another case of a girl released on licence in the 1940s to a Magdalen Laundry from an Industrial School related to a girl whose original committal to the Industrial School was on grounds of ‘receiving alms’.<sup>106</sup> Department

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<sup>104</sup> DES 50/648

<sup>105</sup> DES 32/1505

<sup>106</sup> DES 17/1162

of Education records confirm that she was released on licence almost a year before the date of expiry of her period of detention “to Sisters of Charity Donnybrook, Laundry work”. The Register of the relevant Magdalen Laundry confirms her entry, referred by her former Industrial School, and that she left after approximately a year (“wouldn’t settle down”).

154. A different case identified in the Department’s archives related to a girl, whose mother was dead and who was committed to Industrial School at the age of 11 years.<sup>107</sup> The Department’s file indicates that in the same month of her admission to the Industrial School she was released on licence to a named County Home. After one day there, she was released on licence to a named Magdalen Laundry. It is recorded that on the date of expiry of her period of detention (4 years later) she was still on licence to that Magdalen Laundry. Her Pupil File does not survive and as a result, additional information is not available in the Department’s records.
155. The Register of the relevant Magdalen Laundry confirms her entry a few days after her release on licence, referred by a named person at her former Industrial School. Her age is recorded as 12 years of age. She remained there almost 7 years, after which she was “taken home by her father”.
156. Another such case of a child released on licence from an Industrial School to a Magdalen Laundry identified in the records of the Department of Education is that of a girl committed to an Industrial School in the 1950s.<sup>108</sup> Her Pupil File does not survive and so the full details on her case are not known, but the limited records available indicate that her mother was dead and her father was in prison at the time of her admission to the Industrial School. At 16 years of age and following expiry of her period of detention, the Department’s records indicate that she was retained at the Industrial

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<sup>107</sup> DES 32/1401

<sup>108</sup> DES 55/774

- School. Approximately a month thereafter she was sent to a named place “as maid”. The Department’s records indicate that approximately 5 months later she was sent to “St Mary’s Class, Good Shepherd Convent, Sunday’s Well”.
157. In the absence of a Pupil file, the full circumstances of this case cannot be determined. From the records of the Religious Congregation, the girl was transferred to another Magdalen Laundry two months after admission.
158. Another case identified in the files of the Department of Education was that of a girl committed to an Industrial School in the 1950s.<sup>109</sup> Again her Pupil File does not survive. Less than 2 weeks after her admission to Industrial School, the Department’s records indicate that she was “On Licence [date] to Good Shepherd Home, Sunday’s Well, Cork”. This transfer occurred a year before the date of expiry of the period for which she was committed to the Industrial School.
159. From the records of the Religious Congregation, she was 3 months in that Magdalen Laundry, before she was “sent to” a different Magdalen Laundry “by permission of [name]”. The named person in this regard was an Inspector in the Department of Education Industrial and Reformatory School Branch. The Department’s files do not include any record of the circumstances in which this approval of the girl’s transfer to another Magdalen Laundry was given.
160. Similarly, the Department’s files include the case of a girl sent “on licence” from an Industrial School during the 1960s “to Good Shepherd Voluntary Home, New Ross”.<sup>110</sup> She returned to the Industrial School within a few months and was thereafter released on licence to her aunt.

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<sup>109</sup> DES 55/979

<sup>110</sup> DES 31/1213

161. In another case, a girl was committed to an Industrial School at the age of 6 years.<sup>111</sup> Her mother was at that time in the County Home. Department of Education files indicate that in the 1960s, when she was 14 years of age she was released “on licence [date] to Good Shepherd Home [place] for supervision.”
162. The Register of the Magdalen Laundry indicates that she was recommended by a named person at her former Industrial School. She remained in the Magdalen Laundry for 4 years (i.e. until the age of 18).
163. The Department’s files also include a case of a girl who had been committed at 2 years of age to an Industrial School.<sup>112</sup> She and her siblings had been committed to Industrial Schools after their mother “deserted” their father. The Department’s file indicates that she was on an unspecified date released “on licence to Sisters of Mercy, Galway, to train at laundry work”. As the full Register of the relevant Magdalen Laundry has not survived, it is not possible to confirm the duration of her time at that institution.
164. These sample cases demonstrate that release on licence from Industrial or Reformatory Schools to Magdalen Laundries, with such release either approved by or notified to the Department of Education, occurred across the full relevant time-period. There was no common pattern on how long the girls referred in this way would stay – a significant number left or were dismissed from the Magdalen Laundries within a short period, while others remained there for a number of years, including beyond the date on which they would have been formally discharged from Industrial or Reformatory School.
165. In some of these cases the approval of the Department of Education was sought and granted, while in others such approval was unnecessary but in

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<sup>111</sup> DES 27/989

<sup>112</sup> DES 2/908

accordance with the standard requirements, the Department was informed (as evidenced by the files recorded above and other similar cases). In some cases, it is possible that either the Department was not informed of a release on licence, or that its records of such notifications do not survive.

***Direct transfer upon expiration of the period of detention in Industrial School***

166. As set out earlier in this Chapter, the Committee also found cases in which a girl or young woman was transferred from an Industrial School to a Magdalen Laundry at the time of expiry of her period of detention (i.e at the age of 16 in the case of an Industrial School or 17 in the case of a Reformatory School). In some cases, this appears to have occurred after the girl or young woman was recorded in the records of the Department of Education as having been retained at the Industrial School (under the provisions of the Act previously detailed).
167. It is difficult to identify a precise number of cases in which this occurred, given that the records of the Magdalen Laundries generally do not include the full details of each case. Nonetheless, based on the dates of entry and exit from Industrial Schools, the Committee identified a sufficient number of such cases spanning many decades that suggested a practice in relation to this type of transfer.
168. A member of one of the Religious Congregations which operated both Magdalen Laundries and Industrial Schools indicated to the Committee that, on the basis of folk memory, cases of this kind would most likely have occurred where the School Manager considered that the girl would benefit from more training, or where it might be considered, for example, that she was young in herself or “not ready for the world”.
169. An early example of such a transfer relates to a girl committed to an Industrial School in the 1920s on grounds of receiving alms. She was 14

- years of age at the time. Her individual Pupil File is one of those which cannot be found by the Department of Education and which is presumed to have been destroyed or thrown out. Her period of detention expired two years later. According to surviving records of the Department of Education, 8 days after that date, she was sent “to Reverend Mother, Good Shepherd Convent [place] (General Servant)”.
170. However the Register of the relevant Magdalen Laundry confirms that she entered that institution “sent by” the Religious Congregation which operated her former Industrial School. The Register notes that her parents were dead and that her siblings were living outside the State. She remained in the Magdalen Laundry for 10 years, at which point she was “sent to a situation” (a job). However, she returned to the Magdalen Laundry after 3 months and stayed another 2 years.
171. Another case involved a girl committed to an Industrial School at the age of 8 years in the 1920s.<sup>113</sup> She remained there until she was 16 years of age, at which point she was retained. Three months after the date of her intended discharge, the Department’s file indicates that she was sent to “[name] Good Shepherd Convent Waterford, for protection”.
172. The Register of the relevant Magdalen Laundry confirms her entry on that date, referred by the Order which operated her former Industrial School. Her date of departure is not recorded, but the Register indicates she was “sent away”. On the basis of the Department’s file, her departure occurred approximately a year after her entry to the Magdalen Laundry, as at that point, she was sent from her former school to a named private person (although not recorded, this was most likely as a domestic servant, given the lack of any apparent relationship with the woman in question).

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<sup>113</sup> DES 29/933

173. Another case identified in the files of the Department relates to a girl who had been committed to an Industrial School in the 1930s.<sup>114</sup> On expiry of her period of detention in the 1940s, the file indicates that she was retained by the Industrial School. A week later she was sent “to House of Refuge, Dun Laoghaire”. Her individual Pupil File has not survived and as a result further information is not available. Further, as the Register of the Magdalen Laundry at Dun Laoghaire has not survived, it is not possible to confirm the duration of her time in that institution.
174. The Department’s archives also include the details of a girl, whose mother was dead, who had been committed to an Industrial School at the age of 3 years.<sup>115</sup> She remained in the Industrial School until the expiry of her period of detention (in the 1930s). According to the Department’s files, she was then, at the age of 16 years, sent “To Good Shepherd Home, Waterford, mentally deficient”.
175. The Register of that Magdalen Laundry confirms this girl’s admission at 16 years of age, having been “sent by [name of former Industrial School]”. Otherwise, the Register records only that she “left” in the same year as her admission.
176. Another case identified by the Committee in the records of the Department of Education is that of a girl committed to an Industrial School in the 1920s having been found “wandering” with no person exercising guardianship over her.<sup>116</sup> She was 10 years of age at the time. Her period of detention expired in the 1930s but Department of Education files indicate that she was sent “to [name] High Park, Drumcondra, for preservation”.

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<sup>114</sup> DES 19/1901

<sup>115</sup> DES 46/460

<sup>116</sup> DES 29/973

177. The Register of the relevant Magdalen Laundry confirms her admission on that date at the age of 16. She remained there for two years, after which she was “sent to Gloucester Street” (i.e. Sean McDermott Street Magdalen Laundry). She “left” that Magdalen Laundry, although the date on which she did so was not recorded.
178. Another case in the Department of Education files, which refers specifically to laundry work, relates to a girl whose mother was dead and who was retained by her Industrial School upon expiry of her period of detention. The file indicates that after retention she was sent “to Rev. Mother St Vincent’s Convent, Cork (laundress)”.
179. The Register of the relevant Magdalen Laundry confirms her entry on the date during the 1950s indicated in Department of Education files, and that she was 17 years old at the time. With the exception of three periods of hospitalisation (for recorded reasons such as e.g. removal of cyst), she remained there until the closure of the Magdalen Laundry, after which she remained in the care of the Congregation in sheltered accommodation until her death.
180. A case from the 1950s identified in the files of the Department concerns a girl who had been committed to an Industrial School at the age of 11.<sup>117</sup> Her mother was noted to be outside the State, at an unknown address. Her period of detention expired in the 1950s and the Department’s file records her departure as being “to Good Shepherd Home, Cork, as patient”.
181. The Register of that Magdalen Laundry confirms her entry within approximately two weeks of the date of the expiry of her period of detention. She was 16 years of age. The only family recorded in the Register was an aunt, living outside the State. She remained in the

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<sup>117</sup> DES 25A/1380

Magdalen Laundry for 1 year, after which she “returned to” her former Industrial School.

182. A similar case was that of a girl, whose parents’ whereabouts was not known and whose period of detention in an Industrial School expired in the late 1950s.<sup>118</sup> The Department’s files indicate that she was “retained” and sent “to Rev Mother, Good Shepherd Convent, Limerick”.
183. The Register of the relevant Magdalen Laundry records her age at time of entry to be 16 and that she had been recommended by a named person at her former Industrial School. She remained there 1 year, after which she “left for situation” (a job).
184. Searches of the Department’s files identified another case where a girl was, in the 1950s, discharged from an Industrial School to “St Patrick’s Refuge, Crofton Road, Dun Laoghaire”.<sup>119</sup> As the Registers of that Magdalen Laundry do not survive, the duration of her time in that institution cannot be determined.
185. Another case identified was of a girl, whose father was dead and whose mother was remarried.<sup>120</sup> At the time of expiry of her period of detention in an Industrial School, the Department’s file records that she went “to Good Shepherd Convent, Waterford (for her protection)”.
186. The records of the Religious Congregation concerned confirm her entry at the age of 16 and referral by her former Industrial School. The register suggests that she was ‘mental’ and that she was sent to another named Magdalen Laundry shortly thereafter. She spent one month in the second Magdalen Laundry before she “went home”.

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<sup>118</sup> DES 10/1881

<sup>119</sup> DES 49/717

<sup>120</sup> DES 51/1208

187. Another girl, whose Department of Education file suggested may have been “slightly mentally retarded” was discharged from an Industrial School in the 1960s.<sup>121</sup> The Department’s file indicates that she was sent to a Magdalen Laundry, namely “to the Sisters of Charity Sean McDermott Street, unfit to take up work”.
188. Another case from the 1960s identified in the archives of the Department of Education relates to a girl discharged from an Industrial School at the age of 13 to a named Magdalen Laundry.<sup>122</sup> The Register of the relevant Magdalen Laundry records that she remained there for over 2 years, at which point she was “taken out by her mother”.
189. Another case identified in the files of the Department was that of a 16-year old girl whose mother was alive and who was retained and sent to a Magdalen Laundry. The Register of the Magdalen Laundry records that she had been “sent by Mercy Nuns, Industrial School [place]”. After 6 months she was “sent back” there. Department of Education files state that, she was thereafter discharged from her former Industrial School to a psychiatric hospital.
190. In addition to these cases, where corresponding records were found in the Department of Education, the Committee examined other records of the Religious Congregations relating to girls aged 16 years of age who entered Magdalen Laundries from Industrial Schools where corresponding records could not be found in the Department of Education. At least some of these are likely to be cases of direct transfers of girls from Industrial Schools to Magdalen Laundries, at the time of expiry of their period of detention. It is possible that either Departmental records of cases such as these no longer exist, having been destroyed or thrown out in the “clear-out” referred to at

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<sup>121</sup> DES 36/854

<sup>122</sup> 48/1967

the outset of the Chapter, or alternatively, that the Department was not made aware of such transfers. Samples include the following:

- A 16-year old girl was “sent by [name] Ind. School, [place]” to a Magdalen Laundry in the 1930s. She was “taken out by aunt” less than a week later.
  - A 16-year old girl was “sent by [name], [name of industrial school]” in the 1930s. She was “taken out by her mother” over 2 years later.
191. The sample cases set out above, from both the records of the Department of Education and the Registers of the Magdalen Laundries, confirm the pattern identified by the Committee, whereby girls or young women were in some cases transferred directly to a Magdalen Laundry from their former Industrial School at, or shortly after, the date of their discharge from that School. It should be noted, however, that it was not the case that placement in a Magdalen Laundry was the only option for girls or young women retained or following the expiry of the period of their detention in Industrial Schools. Records confirm that the majority of girls on expiry of their period of detention in an Industrial School were either sent to employment (frequently as domestic servants or other live-in employment) or returned to their families.

***Recall during supervision following discharge from Industrial or Reformatory School***

192. The fact that under the Children Act, young women and men remained under supervision and liable to recall following their discharge from Industrial or Reformatory Schools was set out at the outset of this Chapter. The general grounds on which recall could occur were set out in the Act in relatively bare form, namely that the Manager should be of the opinion that recall was necessary for his or her protection. The notification requirements to the Department and the time-limit for retention before placing him/her on licence again were also set out above.

193. The Report of the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 (“the Cussen Report”) included some comment and a recommendation on supervision and after-care of children discharged from Industrial or Reformatory School. The relevant section of the Cussen Report set out the legislative framework and some figures in relation to discharges and recalls in the years 1932 and 1933.<sup>123</sup> It then criticised the system of supervision as inadequate and includes some suggestions on how to improve the system:

“We are not satisfied as to the adequacy of the methods of supervision and after-care of children discharged from these schools... . Amongst the reasons for this are the lack of an organised system in many schools, and the lack of appreciation by some Managers of the responsibilities involved in exercising after-care.”<sup>124</sup> ...

194. The Report then provides some information on the manner in which supervision was then being carried out:

“After-care is carried out at present in some cases by means of personal visits to the children, by corresponding with them, and by local enquiries. In many cases children also re-visit the school, and supply information regarding other former pupils who may be employed in their vicinity. The system, if it can be termed such, is haphazard and should be conducted on better organised and more comprehensive lines. This work should, we consider, be carried out by the Manager of the school or by a carefully selected and experienced assistant: it requires to be done tactfully and unobtrusively so as to avoid any suggestion of ‘ticket of leave’, and possible resentment on the part of the child under supervision”.<sup>125</sup>

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<sup>123</sup> Report of the Commission of Inquiry into the Reformatory and Industrial School System 1934-1936 (“the Cussen Report”). Page 32, paragraphs 117 et seq

<sup>124</sup> Id at paragraphs 120-122

<sup>125</sup> Id at paragraph 125

195. In terms of recommendations, the Report first suggested a general duty for School Managers to explain certain points to children on discharge from School:

“It should be an obligation on the part of managers to explain to all children at the time of discharge that, if ever in difficulty, they are entitled during the statutory period of after-care to return to the school for advice and help until such time as they are able to maintain themselves as self-supporting members of society. We regret that this is not always done.”<sup>126</sup>

196. And further, the Report recommended some methods by which supervision could better occur:

“We consider that managers should, where practicable, enlist the aid of some of the existing charitable organisations which, we have no doubt, would be willing to cooperate in a work of this nature. The priest of the parish to which a child is sent to employment should invariably be informed of the place of residence and the name of the employer. We are aware that even this elementary precaution is not always taken.”<sup>127</sup>

These comments led to an overall recommendation that there was “room for improvement in the methods of supervision and after-care of children discharged from the school”.<sup>128</sup>

197. Some further clarity on the intentions and mechanisms for supervision can be found in the Oireachtas debates during the passage of the Children Act 1941. The Explanatory Memorandum prepared and published in association with the Children Bill 1940 (later enacted as the Children Act 1941) provided a summary of the difficulties intended to be addressed by the Bill, insofar as concerns licensing and supervision. The Memorandum

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<sup>126</sup> Id at paragraph 128

<sup>127</sup> Id at paragraph 129

<sup>128</sup> Cussen Report, Recommendation 28.

provided as follows in relation to the return of a child to Industrial or Reformatory School following release:

“A child or young person may be released from a certified school before the completion of the period for which he was committed either (i) by being released on licence by the Manager, or (ii) by being conditionally released by the Minister. In such cases it is desired that means should be available to have the child or young person brought back to school for the remainder of the term of his original committal if the conditions of his release are not observed. At present there is no simple means of doing this, and it is necessary to have such cases brought before the Court again to ensure return to the school. The amendments are intended to remedy this and to empower the Garda to bring such persons back to the Schools from which they were licensed or conditionally released. It is also considered desirable to make similar provision for young persons under supervision.”<sup>129</sup>

198. The Memorandum also sets out the Department’s thinking in relation to supervision and the intended amendment of the 1908 Act so as to extend the period of post-discharge supervision. It said:

“Under existing law a person discharged from an Industrial School remains under the supervision of the Manager of the School until he reaches the age of 18, and the Manager has legal authority to remove the discharged person from a place of employment which is considered dangerous or unsuitable. This authority ceases when the young person reaches the age of 18, and cases have arisen in which young persons over that age who are orphans or have parents who do not protect them properly, have not been satisfactorily treated by their employers. In order to safeguard the position of such young persons it is proposed to take power to extend the period of supervision until they reach the age of 21 years. Similar provision is proposed in the cases of young persons in Reformatory Schools (where the maximum age up to which

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<sup>129</sup> Explanatory Memorandum to the Children Bill 1940

detention may be ordered is 19), save that in these cases the added period of supervision shall not exceed two years.

At present it is permissive (and not obligatory) for the Managers of a Certified School to issue a licence to a young person on the completion of his period of detention. The exercise of the Managers' full rights of supervision depends on the issuing of this licence and it is proposed to make the issue of such licence obligatory".<sup>130</sup>

199. During drafting stage, the approval of the Minister for Justice was explicitly sought and received by the Minister for Education for these sections, given their relevance to that Department's area of responsibility.<sup>131</sup> The drafting instructions provided in the initial General Scheme of the Bill are also illustrative of the thinking of the Department – the initial instruction to drafters in this regard was as follows:

"Make it obligatory on Managers of certified schools to issue licences to persons who are discharged at the expiration of their period of detention and who are under supervision.

Empower Managers to take legal action for safeguarding the interests of persons up to twenty-one years of age who have been in certified schools and who have no parents or guardians or who have been abandoned by them".<sup>132</sup>

200. A handwritten note is included in the margin alongside stating "extend supervision to 21?". Draft Heads of the Bill later refined this as follows:

"Empower the Minister to extend the Managers' supervision of a person after discharge from a Protective School from the age of 18 to 21 years in any case in which the Minister is satisfied, from the report

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<sup>130</sup> Explanatory Memorandum to the Children Bill 1940

<sup>131</sup> E.g. letter dated 10 June 1940 Department Education to Department of Justice, File Ref CB14

<sup>132</sup> General Scheme of the Children Bill 1940, file ref Id

of the Managers, that such extension is desirable for the protection and welfare of the person concerned.”<sup>133</sup>

It can be noted that the provision ultimately drafted and enacted did not limit the additional period of supervision to those former School children who had “no parents or guardians or who have been abandoned by them”.

201. The Children Act 1941 did not set out what structures or practical arrangements were to be used by School Managers for this supervision. However, additional clarity on the intentions in this regard is to be found in a number of instructions of the Department of Education to Industrial and Reformatory Schools, as well as in Oireachtas debates on the passage of the 1941 Act.
202. There was considerable debate on the principle of and arrangements for post-discharge supervision during the Second Stage Debate in Dáil Éireann on the Children Bill 1940. The Minister for Education, in his second Stage speech, made some general comments regarding the post-discharge supervision as follows:

“There is then the important question of after-care supervision. At present, a child or young person may be released on licence by the manager or conditionally released by the Minister. In certain cases the manager has power to bring him back again to the school if the conditions on which he was granted release or the terms of the licence are not fulfilled but, in order to do this, he has to be brought formally before a court. I feel that this procedure is unnecessary, and that it should be sufficient, when the licence is revoked, and when it is clear to the manager or the Minister that the conditions attaching to it are not fulfilled, that the Garda should be empowered to bring the child or young person back to the school from which he was licensed or conditionally released.

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<sup>133</sup> Draft Heads of Bill, Children Bill 1940, File ref Id

Professor O'Sullivan: Does the Minister mean that that can happen on the initiative of the Gardaí?

Minister Derrig: No, on a communication from the Office of Education, or the manager. It is proposed, in order to make this position watertight from the legal point of view, that in all cases where young persons are released before the completion of the period of detention, the manager should be compelled to issue a licence. When the manager issues a licence formally, which he does not always do at present, he will have full legal rights to see that if the terms of the licence are not fulfilled, the young person can be brought back. The legal authority of the manager to remove any such person from a place of employment or from unsuitable conditions ceases at the age of 18 at present. It is proposed to extend the period of after-care supervision. In the case of industrial schools, in special cases at the Minister's discretion, where he considers it advisable having considered the circumstances of the particular case, the after-care supervision of the young person released may be increased from the age of 18 up to the age of 21 years. In the case of young offenders committed to reformatory schools, the after-care supervision period at present extends only to 19 years. It is considered that this period should be extended. If the Minister considers, after consultation with the manager, that it is necessary for the protection and welfare of the young offender that the period of his supervision should be extended, it may be so extended for a period not exceeding two years, that is to say, two years after the time he has reached the age of 19. ... At any rate, where the Minister, in consultation with the manager, as in the case of the industrial school people, considers that the reformatory school boy requires further supervision, the period may be extended from the present age of 19 to the age of 21".<sup>134</sup>

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<sup>134</sup> Children Bill, 1940 - Second Stage. Wednesday 11 December 1940. Dáil Éireann Debate Vol. 81 No. 7

203. During the debate, a number of Deputies raised questions regarding the provision. One referred to the age of 21 as “rather an advanced age at which to treat a person as a child” and asked the Minister to explain:

“as to what supervision consists of. What is the sanction if a child, or those into whose employment he goes, do not fulfil the conditions? Can the child be brought back? Can anything be done? What is there to make the supervision effective?”

If I may put it to the Minister ... there is too much of a tendency to bring the court in where the parent ought to be sufficient. Even where there is an instance of conditions not being fulfilled, there was at least some kind of safeguard—not the kind of safeguard I would like—that the courts had to be consulted. Now, the Minister, presumably on the advice of the Guards, can bring a person back into custody. I confess I do not like to have people sitting in judgment there. I admit that their knowledge and evidence may be more profound than mine, but my personal opinion is that there is too much of a tendency to encroach upon what ought to be practically the inviolable rights of parents, and that good reasons should be given for that encroachment. ....<sup>135</sup>

204. Another member of the House asked:

“if there is any way in which this supervision could be carried out. The net result will be that nobody will bother with the child once it comes out, as there will be no further payment or grant from any source, unless there is somebody definitely charged with the responsibility of supervising these children when they leave. There is very great need for supervision. Very often these children are exploited by unscrupulous employers. Though there is need for supervision, no provision is made for it beyond a pious wish in the Bill. I should like the

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<sup>135</sup> Professor O’Sullivan TD

Minister to elaborate on that point in his reply and to let us know exactly what he means and what his intentions are.

Then there is the point that the manager of the school has to issue a licence. He is compelled now to issue a licence to the child, in order to safeguard the legal position, I take it, as far as bringing the child back to the school is concerned. I wish to say emphatically that I strongly object to that system. ... I am sure a very big proportion of those children would come under that category, being there because their parents are destitute or dead. It is no reproach to their character but, under this Bill, those children will be licensed and a ticket of leave be given to each child on leaving".<sup>136</sup>

205. In that regard, another T.D. suggested that licensing and post-discharge supervision should be continued to those "most requiring supervision", in which case the Manager:

"probably ... would be interested in those particular children and would see that that supervision was carried out effectively, whereas under a compulsory licensing scheme, it is possible that the demands in supervision would be so great that they could not be carried out effectively".<sup>137</sup>

206. Another argued that the provision of the Bill which "purports to provide some after-care and supervision for children leaving industrial schools" was not effective:

"because there is no attempt to provide the money necessary for that work. It is most important, and if the system can be altered or improved in any way, I think that some definite steps in that direction must be taken. I have seen a number of boys who left industrial schools appearing before courts of referees seeking unemployment assistance.

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<sup>136</sup> Mr Hurley, TD

<sup>137</sup> Mr Benson, TD

To anyone who wanted to realise facts, their condition was in many cases pitiable. ... I ascertained that they were getting no wages whatever, that they were being employed to do certain work by their employers, that they were badly fed, badly treated, badly housed and bore in their countenances clear and unmistakable evidence of the fact that they were neglected and were nobody's children. ... It is a particularly sad story, and I think that any measure which purports to deal with this problem and which omits that essential of after-care and supervision in the years when children have left the industrial schools, is simply avoiding the most important part of the problem".<sup>138</sup>

207. Another member said:

"It is proposed now to keep certain children in those schools up to 21 years of age. What is going to happen to them afterwards? Has the Department thought of that? How are they going to fit into the life of the community? If they are not able to fit in before they are 21 they will never fit in. Is it intended that the children to whom this proposal is to apply will be weak-minded children who are unable to look after themselves? If that is so, there is some justification for it, but if they are ordinary children they should not be detained in any of those schools until they are 21 years old. If they are so detained, a much greater problem will be created."<sup>139</sup>

208. The Minister's response in relation to supervision covered both the principle and also the arrangements for how it should be carried out. Regarding the principle, he said as follows:

"With regard to the question of supervision, the raising of the age during which the child or the young person is to be supervised is only in special cases such as, for example, orphans. Instances occur occasionally of young persons, between the ages of 18 or 19 and 21,

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<sup>138</sup> Mr Murphy, TD

<sup>139</sup> Mr Allen, TD

who have no guardians or parents, and who are unfairly treated by employers. Power is taken by the school manager to bring such young persons back to the school and find employment for them. Often, these young people come back to the school quite regularly when their employment terminates for some reason or another".

209. Regarding how supervision was or should be carried out, the Minister said:

"Each school has its own arrangements. The manager maintains touch with the person under supervision directly, and possibly also through the local parish priest or through local religious or social organisations.

It is a very delicate matter to arrange how supervision can properly be carried out. I wonder does anybody in the House seriously suggest that the State could step in and carry out this work of supervision, even with an elaborate and costly organisation, in a better way than the Religious Congregations can? These Orders have a certain approach towards this matter. They are animated by a spirit of Christian charity. Their sole desire is to improve the lot of the child, to help the boy or girl to get employment, and to do what they can for them; and while it is difficult for the managers of the schools to keep in touch with the children in all cases, I know that in the vast majority of cases they exert the greatest earnestness and energy in trying to maintain touch with the children."

210. He further commented that:

"Licensing or conditional release is a safeguard for the child, and merely enables the school to recall the child. Sometimes the child is released before the normal period of detention, and the issue of a licence is intended to enable the child to be recalled without bringing him before the court again. Children or young persons would be only recalled from supervision where the manager or the Minister, according as the child was under licence or under conditional release, found it necessary to recall it. Either the manager or the Minister, having considered the question, would issue instructions, which would be carried out by the Gardaí, for the bringing back of the child."

211. The section was not debated further in the remaining Dáil debates on the Bill. However during Seanad Éireann debates, the issue was mentioned further. At Second Stage, the Minister for Education commented that:

“[M]ore could certainly be done if we could get more co-operation for the managers of the schools upon whom this whole responsibility is thrown, first of trying to find employment and then of trying to keep in touch with the boy or girl for some years after leaving school to find out how he or she is going on. If we could get the same assistance from the unions as we are getting from the religious and social organisations at present, who are taking a very keen interest in this matter and who, I understand, are going to have a nationwide organisation to help to look after these young people, considerable progress could be made in this matter. When these young boys and girls take up employment they frequently go to places where they have no friends and they may meet with difficulties. Societies here in Dublin have kindly undertaken to help to look after them and to assist the managers of the schools upon whom, of course, a special responsibility rests to do what they can with regard to these children. Nevertheless, these organisations being organised throughout the country and having a very admirable personnel, can do very much to assist. They look after the social side, and no doubt they try also to help to find employment, but the unions—I submit again, while not emphasising the matter unduly—can certainly do a great deal also. If an important man in the movement like the Senator would meet the heads or the managers of these schools from time to time, I am sure he would be able to do a great deal to assist”.<sup>140</sup>

212. At Committee Stage of the Bill, one Senator suggested that funding should be provided to permit the supervision to be carried out:

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<sup>140</sup> Children Bill 1940, Seanad Éireann Second Stage, Wednesday, 5 March 1941, Seanad Éireann Debate Vol. 25 No. 5

"this supervision, if carried out, may often be a rather costly procedure. I know of one manager of a school who, in the last few years has spent his vacations in going around at his own expense looking after these cases, and getting employers to see what is being done about the young people concerned. In the case I have in mind, it extends from Roscommon to Mayo. This is a very important part of managerial work, but it seems to me to be rather a hardship that schools that are already so inadequately financed should also have to bear the cost of such supervision. It should be possible to arrange for some fund from which such expenses would be borne."<sup>141</sup>

213. The Minister responded that this was a matter:

"I should be glad to look into. I do not think it is necessary to make provision for it, however. In a great many of these cases, it is not a question of making provision for them, but rather a question of softening the heart of the Minister for Finance".<sup>142</sup>

214. The content of these debates in relation to the practical arrangements for the supervision of former Industrial and Reformatory School children is particularly relevant to this Report. As noted by the Minister, this kind of supervision could not be carried out by School Managers personally, given the numbers of former students involved and the likelihood of their movement to various cities and towns throughout the State. In the circumstances, and although different arrangements were foreseen for different schools and the Minister characterised the question as "delicate", he made reference to an informal network including through "local religious or social organisations".

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<sup>141</sup> Children Bill 1940, Seanad Éireann Committee and Final Stages, 2 April 1941, Seanad Eireann Debate Vol. 25 No. 9, comments of Senator Concannon

<sup>142</sup> Id

215. This reference corresponds with information identified by the Committee, including the direct experience of the women who shared their experiences with the Committee. On the basis of materials identified in private archives, including the Dublin Diocesan Archive, it appears to the Committee that, for example, officers of the Legion of Mary in some cases carried out this role. This also matches the experience of some of the women who shared their stories with the Committee.
216. Particular attention may also be paid to the Minister's reference to the mechanism for recall, namely that the Gardaí could be requested to bring the child back.
217. Further clarification on this question can be seen in the minutes of the Inter-Departmental Committee on Prevention of Crime and Treatment of Offenders, established by the Minister for Justice in 1962 and referred to in more detail in Chapter 9. In the context of its consideration of the Voluntary Probation System, in which the Legion of Mary, Salvation Army and Society of St. Vincent de Paul were engaged, the Committee recommended as follows:

“37. (i) if the cooperation of voluntary societies in probation work throughout the country generally is forthcoming a close liaison between industrial school managers and the probation service should be created so that prior to the discharge of inmates particulars of dates of discharge and places of residence on discharge would be sent to the chief probation officer who would in turn inform the probation officers for the areas of residence thus enabling an after-care Service to be provided”.<sup>143</sup>

This again suggests that organisations such as the Legion of Mary were intended to play a role in the supervision of young people following their discharge from Industrial or Reformatory School.

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<sup>143</sup> Minutes of 4<sup>th</sup> meeting, 26 March 1963

218. In terms of instructions on the performance of this role by School Managers, the Committee identified a Circular dating to 1924 which provides direction on this question.<sup>144</sup> The Circular, issued by the Department to all Industrial and Reformatory Schools effectively reminds all School Managers of the need for appropriate supervision and recall in necessary cases. The Circular (an original copy of which is attached in the Appendices) provided as follows:

“Some Managers appear to regard a licence not as a temporary provision or experiment but as a final disposal. I have therefore to state that information from reliable sources should at regular intervals be got about children on licence and that children should be recalled if and when necessary.

Section 67 of the Children Act authorises that children be licensed to trustworthy and respectable persons only and this is a condition that should always be observed in licensing. When supervision is found to be no longer essential, application for discharge should be made in cases where the licence is to continue for a long period.

I wish again to draw attention to the provisions of Section 68 of the Act relating to the supervision of children placed out after the expiration of their term of detention and to the obligation under the section to issue licenses to children when they leave school (Education Act cases excepted). Where it is considered that the provisions of subsection 6 of this section does not afford an adequate safeguard for the protection of children against undesirable parents, the facts of the case should be reported to me.”<sup>145</sup>

219. The 1933 Rules and Regulations for the Certified Industrial Schools (issued by the Department in accordance with the provisions of the Children’s Act

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<sup>144</sup> Circular 1 of 1924, April 1924

<sup>145</sup> Id

1908) provided further guidance in relation to children released on licence from industrial schools, or those under supervision after discharge. Three sections of the Rules are relevant in this regard. One section of the Rules relates to children placed out on licence or apprenticed and sets out (as in the Act) the notice requirements which applied:

“Should the manager of a School permit a Child, by Licence under the 67<sup>th</sup> Section of the Children Act of 1908, to live with a trustworthy and respectable person, or apprentice the Child to any trade or calling under the 70<sup>th</sup> Section of the Act, notice of such placing out on Licence, or apprenticeship of the Child, accompanied by a clear account of the conditions attaching thereto, shall be sent, without delay, to the Office of the Inspector.”<sup>146</sup>

220. The section of the Rules relating to discharge of children from school is clear on the requirement to recall any child “whose occupation or circumstances are unsatisfactory”. The full section of the Rules provided as follows:

“On the discharge of a Child from the School, at the expiration of the period of Detention, or when Apprenticed, he (or she) shall be provided, at the cost of the Institution, with a sufficient outfit, according to the circumstances of the discharge. Children when discharged shall be placed, as far as practicable, in some employment or service. If returned to relatives or friends, the travelling expenses shall be defrayed by the Manager, unless the relatives or friends are willing to do so. A licence Form shall be issued in every case and the Manager shall maintain communication with discharged children for the full period of supervision prescribed in Section 68(2) of the Children Act 1908. The Manager shall recall from the home or from employment any child whose occupation or circumstances are unsatisfactory and he shall in due course make more suitable disposal”.<sup>147</sup>

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<sup>146</sup> Section 16, Rules and Regulations for the Certified Industrial Schools 1933

<sup>147</sup> Section 18, Rules and Regulations for the Certified Industrial Schools 1933

221. And finally, insofar as relevant to this part of the Report, the Rules required that appropriate records be kept of all such returns:

“The Manager (or Secretary) shall keep a Register of admissions and discharges, with particulars of the parentage, previous circumstances, etc, of each Child admitted, and of the disposal of each Child discharged, and such information as may afterwards be obtained regarding him, and shall regularly send to the Office of the Inspector the Returns of Admission and Discharge, the Quarterly List of Children under detention, and the Quarterly Accounts for their maintenance, and any other returns that may be required by the Inspector. All Orders of Detention shall be carefully kept amongst the records of the School.<sup>148</sup>

222. The Committee also found three instances, in a file containing precedent “legal decisions” in relation to Reformatory and Industrial Schools, consisting of advices of the Attorney General on specific cases brought to him by the Department of Education – which provide some further insight into the operation of supervision.<sup>149</sup>
223. All three cases included children (1 boy and 2 girls) who had been discharged from Industrial Schools and were still under the supervision of their School Manager. As this file ends in 1930, all three cases were considered under the 1908 Act only- the maximum age of supervision had not yet been raised to 21 years of age.
224. The first case concerned a girl who had reached the age of 16 and had been discharged from Industrial School. The Department’s request for advice, dating to 1925, was on the appropriate action to be taken where the girl had been “removed without authority from [name] hospital, having

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<sup>148</sup> Section 24, Rules and Regulations for the Certified Industrial Schools 1933

<sup>149</sup> Reformatory and Industrial Schools – Legal Decisions 1923-1930, File Ref Misc / 53

been placed there under the supervision of the Manager". The request recalled that:

"Pursuant to Section 68 of the Act the child remains as from the expiration of detention period up to the age of 18 under the supervision of the Manager of the School who are (sic) entitled to place the child out on licence which may be revoked or recalled at any time. The Manager placed the child out on licence with [name] Hospital on discharge. The child's sister [name] of London applied for permission ... to take the child home with her but the application was refused. On [date] [name] clandestinely and without Statutory authority took away the child who is now employed as a domestic servant in London.

The Department desire to be advised in the matter. The Minister is of opinion that this is not a case which calls for further action but the Chief Inspector states the Manager wants to have the supervision under the Statute enforced in this and similar cases."

225. The request also noted the "impracticable" nature of prosecution against the child's relative given the fact that she was outside the State and concluded that:

"having regard thereto and to the Minister's opinion and the fact that the child is now in employment further action in the matter would appear unnecessary".

226. The Attorney General's Office advised against further proceedings and stated that future cases would fall to be considered on their individual merits.

227. A similar case arose and was submitted for advice in 1930. In that case, a boy under supervision had also been "removed by his mother and taken to England without authority". Again the advice provided was against any steps being taken to enforce the return of the child.

228. The third and final relevant case on file arose in 1925, where a girl had been “removed by her mother from her situation while under the supervision of the Manager of [Industrial School]”. In that case the child was still in the State and proceedings appear to have been commenced. A District Justice “dismissed the summons and allowed the child to remain with her mother who is now in a position to support her”. The advice provided was against further proceedings being taken.
229. Despite the long-standing nature of this provision and the clear and consistent implementation instructions from the Department of Education, it appears to the Committee that as far as the public of today is concerned, the supervision of children for a number of years after their discharge from Industrial or Reformatory Schools is a long forgotten practice.
230. Whether or not children, on leaving an Industrial School, were typically informed of this ongoing supervision is not known. However, none of the women the Committee met, who had been in an Industrial or Reformatory School prior to their admission to a Magdalen Laundry, were aware of this continuing supervision after their discharge from the School.
231. It should also be noted that, similar to cases of release on licence, recall of a girl or young woman during her period of post-discharge supervision did not always lead to her admission to a Magdalen Laundry. In fact, searches carried out on the records of the Department of Education for girls and young women recalled while on supervision identified a significant number of cases, the vast majority of which did not include referral of the girl or young woman to a Magdalen Laundry. For example, in a sample of 44 recall cases, only 2 of these cases involved the young woman being sent to a Magdalen Laundry.
232. Instead and in many cases, recall would be followed by a girl or young woman being placed by the School Manager on licence in a position of outside employment, often domestic service or a live-in position at a

hospital, convent or school. In others, the girl or young woman was placed back with her family. Examples of these cases include the following:

- A girl discharged from an Industrial School in the 1950s at 16 years of age and was placed in employment with a named private person “as domestic”. She was recalled less than a year later. After approximately a month at the Industrial School she was again placed in employment as a “domestic”, this time in a named convent. After ten months she was again recalled to the Industrial School. She remained there 3 months before going to live with her mother.<sup>150</sup>
- A girl, whose parents were dead, was discharged from an Industrial School in the 1960s at 16 years of age. She was placed in employment with a named private person “as domestic”. She was recalled approximately 3 weeks later. After approximately a week at the school, she was sent to a named hospital again as a “domestic”. She was again recalled and placed in alternative employment twice over the coming year. After her final recall, she was placed in a psychiatric hospital.<sup>151</sup>
- A girl was discharged from an Industrial school in the 1950s at 16 years of age. She was placed in employment with a named private person as “children’s nurse”. After less than a year she was recalled. After approximately a month at the School she was again placed in employment with a different private person as “children’s nurse”.<sup>152</sup>
- A girl was discharged from an Industrial School in the 1950s at 16 years of age. She was placed in employment with a named person “as receptionist”. Approximately 6 months later she was recalled. After

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<sup>150</sup> Pupil A, Report of the Department of Education to the Inter-Departmental Committee.

<sup>151</sup> Pupil B, Report of the Department of Education to the Inter-Departmental Committee.

<sup>152</sup> Pupil E, Report of the Department of Education to the Inter-Departmental Committee.

approximately a week she was again placed in employment, this time with a named private person “as a domestic”.<sup>153</sup>

- A girl was due for discharge from an Industrial School in the 1950s at the age of 16. She was retained for 3 months and then placed in employment with a named private person “as housemaid”. After almost a year she was recalled. After a month in the School she was again placed in employment, this time in a named convent “as housemaid”.<sup>154</sup>
233. Nonetheless, the Committee found that some girls or young women who were recalled during their period of post-discharge supervision were admitted to Magdalen Laundries following that recall. Some cases were found which explicitly confirm that this is what occurred; while others are clear due to the dates of admission and the recorded source of the woman’s referral to a Magdalen Laundry. Samples of these cases, as identified both in the records of the Department of Education and the records of the Religious Congregations which operated the Magdalen Laundries, follow.
234. One such case identified in the records of the Department of Education concerns a girl who was discharged from an Industrial School in the 1950s at 16 years of age. Her individual Pupil File did not survive and so the full details of her case are not available. She was placed in employment in a named convent. After 4 months she was recalled and placed in a psychiatric hospital (it is not specified whether this was for employment or as a patient but in light of her subsequent history this is likely to have been employment). She was recalled again a year later and sent to a named hospital. Her final recall occurred approximately a month later. She remained at the School for almost 3 months before being sent to the “Magdalen Asylum for protection”.

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<sup>153</sup> Pupil F, Report of the Department of Education to the Inter-Departmental Committee.

<sup>154</sup> Pupil G, Report of the Department of Education to the Inter-Departmental Committee.

235. The records of the Religious Congregation concerned confirm that the woman entered the Magdalen Laundry at that time. Approximately two weeks later, she was dismissed and sent back (the circumstances in which this occurred are not recorded).
236. Another case identified in the Department's files relates to a girl discharged from an Industrial School at 16 years of age in the 1960s. She was placed in employment "as shop assistant". Two weeks later she was recalled and placed in alternative employment "as domestic". She was again recalled two months later and this time placed in a named hospital again "as domestic". Her final recall was only 3 days later, following which she was sent to "Good Shepherd Convent Limerick".
237. The records of the Religious Congregation confirm her entry to the Magdalen Laundry on that date, and her referral from her former Industrial School. She remained there for over a year, after which she "went to Dublin to a situation" (a job).
238. One case identified in the archives of the Department of Education includes correspondence between a solicitor and a Religious Congregation which operated a Magdalen Laundry, as well as correspondence in relation to the supervision and recall of a girl to a Magdalen Laundry.<sup>155</sup>
239. The girl in this case had been committed to an Industrial School in the 1950s at 2 years of age on grounds of receiving alms. She had no known family. The Department's files indicate that after her discharge from the Industrial School she worked as a domestic servant for a period. After recall to her former Industrial School in the 1960s, she was referred to a named Magdalen Laundry by the Manager of her former Industrial School.

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<sup>155</sup> DES 18/319

She remained there for approximately a year and a half, at which point she “went to” a named person as a housekeeper.

240. The Department of Education file in relation to this girl is quite detailed and includes information in relation to an official of the Department of Education visiting her at the Magdalen Laundry to clarify her wishes and best interests. Following representations from a private person (unrelated to the girl) objecting to her placement in a Magdalen Laundry, a number of enquiries were made by the Department.
241. Enquiries were first made of the Resident Manager of the girl’s former Industrial School. The response received from the Manager provides details of her case and, with regard to her recall and placement in the Magdalen Laundry, sets out the considerations which the Manager had regard to in making the placement:

“At this stage we were convinced that [name] was not able to cope successfully with life and that she was still in need of protection. She caused great anxiety while in this job. On half days she wandered around O’Connell St and Henry St. trying to pick up undesirable boyfriends. She told the young people of the house about the great time she had with boys in the back seats of cinema. ... In the meantime [private person] found a job for her and we agreed to give the girl another opportunity. This was also a failure. Some jewellery was missing. When [name] was questioned she returned it but denied taking the brooch.

At this juncture we decided to ask the Good Shepherd Sisters in [place] to take [name] into their rehabilitation centre.”<sup>156</sup>

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<sup>156</sup> Letter Resident Manager Industrial School to Inspector Reformatory and Industrial School, Department of Education dated 25 February 1969

242. Other documents on the Department's file indicate that enquiries were made with others outside the Religious Congregations. A member of An Garda Síochána who escorted the girl to the Magdalen Laundry (in a personal rather than official capacity) indicated that her opinion of the girl was that she:

“will require a lot of attention. A household that would accept her as one of the family would be most suitable, but until such a houseful would present itself I feel that she should stay in the Convent in [place] for a further period of rehabilitation”.<sup>157</sup>

243. The Department's file also includes a letter from the Magdalen Laundry in which the girl was placed, confirming that she was working in the laundry:

“in the sorting room at the Polymark system, where she is learning to concentrate and assume responsibility for a given task. ... She is also learning how to use money to the best advantage, so was out shopping last week. The girls get monthly pocket money and extra at Christmas.”<sup>158</sup>

244. And finally, an official of the Department of Education travelled to the Magdalen Laundry to meet with the girl herself. An internal Report of that visit, addressed to the Deputy Secretary, records that she was:

“under supervision in St Mary's Laundry ... she was sent there by the Manager of [Industrial School], where she spent most of her life following committal by the Courts... Under the law she is under supervision until [date].”<sup>159</sup>

245. This report notes that that the placement of this girl in a Magdalen Laundry had been objected to by a private person:

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<sup>157</sup> Letter from Garda (in private capacity) to Department of Education, dated 20 February 1969

<sup>158</sup> Letter dated 11 January [year not recorded], file ref Id

<sup>159</sup> Note dated 21 February 1960, File 18/319

"[Name of private person] has been interested in [name of girl] for a number of years and objects to the action of the Manager of [Industrial School] which placed the girl in [place]. The evidence on the file shown (sic) that the girl is torn between two influences i.e. that of the nuns on the one hand and [name of private person] on the other. In order to get the girl's true wishes in regard to her future I visited Limerick as instructed and spent an hour and a half in her company."<sup>160</sup>

246. On foot of that discussion (during which the girl said she wanted to stay there until the following October), the Department's note concludes as follows:

"I believe that the girl is better off in Limerick where she intends to stay until October and I would support the opinion of the resident Manager of [Industrial School] that the girl is still in need of protection. I recommend that no further action be taken in the case until [illegible] next October".<sup>161</sup>

Handwritten comments on the note confirm that this course of action was agreed.

247. A subsequent note for the Secretary General describes the relevant Magdalen Laundry as "a centre for the rehabilitation of girls and young women conducted by the Good Shepherd nuns assisted by some qualified social workers", and indicates that the admission of the girl was:

"directed by the Manager [Industrial School] under whose supervision the girl remains until 18 years of old (sic). In the exercise of that supervision the Manager is not subject to the Minister or anyone".<sup>162</sup>

248. A letter subsequently issued to the private person from the Minister stating that:

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<sup>160</sup> Id

<sup>161</sup> Id

<sup>162</sup> Internal Memorandum dated 20 March 1969, File Ref Id

"I have had the case fully investigated and I am satisfied that the manager of [name] School, [place] has acted in the best interests of [name]'s future welfare".<sup>163</sup>

249. An earlier draft of this letter – which was not cleared or issued by the Department – also appears on file. It was considerably more full and suggests that the girl was:

"not yet sufficiently mature or sophisticated to be launched on the world without supervision. ...

[Name]'s weaknesses have made it very difficult to find suitable alternative accommodation for her such as an ordinary family home where she would be treated with sympathy, patience and understanding. These weaknesses also render it difficult to procure suitable employment for her. Failure to find a satisfactory family household willing to receive [name] as a member of their family and where her weaknesses would be treated with a sympathetic understanding led [Resident Manager of her former Industrial School] to remove her to Limerick temporarily where, under the care of nuns long experienced in such work, she would receive training by qualified social workers aimed to better fit her for the outside world".<sup>164</sup>

However as noted, this draft was not approved and did not issue – instead the short text referred to in the preceding paragraph was issued.

250. Regarding supervision, the same private person and her solicitor subsequently wrote both to the Department and to the Manager of the girl's former Industrial School arguing, in effect, that the rights of the School Manager ceased when a child was discharged and took up employment

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<sup>163</sup> Letter Minister for Education to private person concerning a girl in a Magdalene Laundry, dated 11 April 1969

<sup>164</sup> Draft letter March 1969, neither approved nor issued.

outside the Industrial School. Although this was plainly not the case under the Children Act, the Industrial School Manager consulted with the Department before responding. The response issued quoted from the Children Act confirming that:

“Every child sent to an Industrial School shall, from the expiration of the period of his detention, remain up to the age of eighteen under the supervision of the managers of the school. Through more recent legislation this period of supervision can be prolonged for a further year and if necessary until the young person reaches the age of 21 years.

The Ban Garda who accompanied [name] to [place] did not do so in any official capacity, although legally a young person in [name]’s circumstances may be apprehended without a warrant and recalled for her own protection. Such action was not necessary in this case and the girl agreed cheerfully with the arrangements made for her”.<sup>165</sup>

251. Another case of placement of a girl in a Magdalen Laundry while in the period of post-discharge supervision from Industrial School was identified by the Committee in the archives of the National Society for the Prevention of Cruelty to Children (“NSPCC”<sup>166</sup>).
252. The case, which arose in the 1960s, involved a girl who had been committed to Industrial School as a child, along with 7 other siblings.<sup>167</sup> The file records that her father was in England at the time of their committal, but no mention is made of her mother. At the age of 16, she was discharged from Industrial School and “placed in employment”. The NSPCC file states that:

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<sup>165</sup> Undated letter from Resident Manager of girl’s former Industrial School to solicitor for the private person referred to

<sup>166</sup> Re-named in 1956 as the Irish Society for the Prevention of Cruelty to Children

<sup>167</sup> Ref 18353

"she was found to be rather unstable at her work. She was given another job. She was again found to be slack in her work and was dispensed with. She stayed out late at night. The Rev. Mother of [former Industrial School] had the girl seen by a Doctor. He recommended that she would benefit by being transferred to a suitable school where she could be under supervision."

253. The girl, still at that point recorded on the file as 16 and a half years of age, was at the time of the NSPCC Inspector's Report "receiving temporary shelter" at her former Industrial School (i.e. she had returned or been recalled). She was brought by the NSPCC Inspector to a named Magdalen Laundry and "left in care".
254. The Register of the relevant Magdalen Laundry confirms her entry on that date from her former Industrial School. Her age is, however, recorded as 17. After approximately a month, she was "sent back to [former Industrial School]".
255. In some cases, the recall and placement in a Magdalen Laundry was explicitly recorded in Department of Education records relating to the child, while in others it was not so recorded. In many cases, as Individual Pupil Files do not survive, it is not possible to say whether the notifications required to be made to the Department by School Managers in cases of recall were in fact made.
256. In other cases, the records of the Department are not explicit regarding a girl being transferred to a Magdalen Laundry after recall while on supervision, but when the Department's records are analysed in conjunction with those of the Religious Congregations which operated the Magdalen Laundries, it becomes apparent that is what occurred.
257. Schools were required to inform the Department of instances in which former pupils were recalled and the disposition of these cases. It is not

possible for the Committee to determine whether the Department was not informed of these and similar cases, or if it was informed but that the relevant records are among those which were destroyed or thrown out in the “clear-out” referred to at the outset of this Chapter. It is, perhaps, likely that both situations occurred in different cases. Samples of cases such as these follow.

258. The Committee identified a case in the records of the Department of Education relating to a girl who was, prior to the foundation of the State, committed to an Industrial School at 5 years of age on grounds that she was “wandering” with no person exercising guardianship.<sup>168</sup> Her discharge from the Industrial School occurred in the 1920s. She was discharged to a named private person, presumably for employment.
259. Her individual Pupil File is not available and further details are accordingly not available in official records. However the records of the relevant Religious Congregation indicates that, approximately 6 months after her discharge and commencement of employment, she was “sent by nuns” to a Magdalen Laundry. She remained there for approximately one and a half years, after which she was “sent out to her aunt”.
260. A girl committed to an Industrial School in the 1930s was released on licence to a private person “as a maid”. Her period of detention expired during her release on licence in the 1940s.<sup>169</sup> Her Pupil File does not survive, with the result that further information is not available in the records of the Department of Education. However, the Register of the relevant Religious Congregation records that three years after her discharge she was “sent by [Resident Manager]” at her former Industrial School to a Magdalen Laundry. She remained in the Magdalen Laundry for five months, after which she was “sent back” to her former School.

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<sup>168</sup> DES 4/407

<sup>169</sup> DES 32/1392

261. A girl committed to an Industrial School in the 1950s was, on her discharge in the 1960s, placed in employment with a private person “as mother’s help”.<sup>170</sup> Her Pupil File is not available and as a result further information is not available in the records of the Department. However, the records of the Religious Congregation which operated the relevant Magdalen Laundry confirm that she was, approximately a year and a half after her discharge, sent to a Magdalen Laundry by the Resident Manager at her former Industrial School. She remained there for almost 3 years, at which point she was “taken out by her brother”.
262. For example, the records of the Department indicate that a girl discharged from an Industrial School in the 1960s was sent to a named private individual in order to carry out “domestic work”.<sup>171</sup> From the records of the Religious Congregation, the Committee identified that one year later, she was admitted to a Magdalen Laundry, having been referred by “Mother Prioress” at her former Industrial School. She was 17 years of age at the time. After 6 months she was “sent to her mother”.
263. The Department’s files also include information on a girl who was committed to an Industrial School at 6 years of age in the 1940s.<sup>172</sup> She was placed in employment with a named private person on her discharge from the Industrial School at the age of 16. She appears in the records of a Magdalen Laundry one year later, having been referred by the “Mother Prioress” at her former Industrial School. She remained in the Magdalen Laundry for 4 years, at which point she was “sent to” a named psychiatric hospital.

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<sup>170</sup> DES 55/800

<sup>171</sup> DES 49/930

<sup>172</sup> DES 31/1123

264. The above background and case-studies confirm that the legislation, which permitted recall of former Industrial School children during their period of post-discharge supervision, was used in a variety of circumstances and that, in some cases, girls recalled in this way were placed in Magdalen Laundries by the Managers of their former Industrial Schools. The Act permitted Gardaí to arrest such people without warrant on the request of the School Manager.
265. It was a requirement to notify the Department of such recalls and of the subsequent arrangements made for the child or young person. Evidence was found on the Department's files that this occurred in some cases. In other cases, it is unclear whether Departmental records of such recalls and placements in Magdalen Laundries were lost, or whether such notifications did not occur.

**Women in Magdalen Laundries, at the time of admission of their child to Industrial School**

266. The records held by the Department of Education in relation to children admitted to Industrial and Reformatory Schools vary in available detail. In some cases, information is included on the parents of the children concerned. The Committee decided that the Department's Database of Industrial School committals should also be searched in an attempt to identify women who were in Magdalen Laundries at the time of admission of their child or children to an Industrial or Reformatory School

267. In searches of this kind, the Committee found a number of cases where the mothers of children committed to an Industrial School were, at that time, in a convent or Magdalen Laundry. In some of these cases, no information is recorded or available on how the women came to enter the institution. In others, it appeared from available records that the mothers had been charged with offences in relation to their children (either neglect or abuse) and that as a result, the child or children had been committed to Industrial

School, while the mother had in some cases entered an institution (including Magdalen Laundries) as a condition of probation rather than serve a prison sentence. The legal basis for placements such as these, where entry to a Magdalen Laundry for a period was a condition of probation, is set out in Chapter 9.

268. Circumstances such as this most likely account for certain entries in the Registers of the Magdalen Laundries indicating that women over the age of 21 were, on occasion, brought to Magdalen Laundries by NSPCC Inspectors. In such cases, it is possible that the NSPCC Inspector, who would have commonly been the complainant in child neglect or abuse trials, was entrusted by the Court with the task of escorting the woman concerned after conviction to the Magdalen Laundry.
269. In a significantly smaller number of cases, these searches for mothers in Magdalen Laundries at the time of the committal of their child or children to an Industrial School produced results which suggest that a child born in a Mother and Baby Home had been retained there until it reached the age of committal to an Industrial School. A total of only 3 such cases were identified in the records of the Department of Education, spanning the period from 1922 onwards.
270. Some examples follow of cases in which the mothers appear to have been admitted to Magdalen Laundries following criminal convictions, with their children at the same time being committed to Industrial School.
271. A woman in the 1940s is recorded in Department of Education Files as being “in Penitent’s Home, Good Shepherd Convent, [place] on committal”, at the time when her child was admitted to an Industrial School. The woman remained at the Magdalen Laundry for two months.<sup>173</sup>

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<sup>173</sup> DES 32/1530

272. Another case, which arose in the 1950s, involved a prosecution instigated by an NSPCC Inspector against a woman. The Department of Education file records that she was:

“charged with cruelty to her daughter [name] and sentenced to two months imprisonment, but this was not enforced as she has agreed to go to the Good Shepherd Convent, Waterford”.

Her daughter was on the same date committed to an Industrial School.

273. Another case arose in connection with a widowed woman in the 1950s. She was brought to a Magdalen Laundry by an NSPCC inspector on the same date that her two teenage children were committed to Industrial School (on application of the NSPCC). The Department of Education file records that she was “in Good Shepherd Home, Cork at time of committal”. The Register of the Religious Congregation confirms her entry and that after 9 months she was “taken out by her sister-in-law”. Both of her children were released to her on their discharge from Industrial School.

274. A woman, aged in her twenties, entered a Magdalen Laundry in the 1920s. She did so four days after her child was committed to an Industrial School. The Department of Education file records “Mother in Penitentiary attached to [name of convent]”. The Register of the Religious Congregation states that she “left for situation” (job) from there.

275. Another woman was brought to a Magdalen Laundry by a Voluntary Probation Officer in the 1930s, five days after her child had been committed to an Industrial School. The Department of Education file on her child records that the mother was “in Good Shepherd Home, [place] on committal”. The Register of the relevant Magdalen Laundry indicates that she initially remained in the Magdalen Laundry for one year, after which she repeatedly left and re-entered over a period of almost twenty years.

276. Another file identified in the Department of Education related to a child committed to Industrial School at 6 years of age in the 1940s. Her mother

is recorded on the file as being “inmate of” a named Magdalen Laundry. The Register of the relevant Laundry indicates that she was 30 years of age at the time of her admission. After a year, she was “sent to the City Home”. Remarks added to the Register after her departure record that she died in the “Sanitorium” approximately a year later.

277. A woman was brought to a Magdalen Laundry by an NSPCC Inspector on the same day in the 1960s that her two children were committed to Industrial School. The Department’s file indicates that she was an “inmate of the [name of laundry]”. The Register of the relevant Magdalen Laundry indicates that she was aged in her twenties on entry and that after 5 months she was “taken home by her brother”.

278. A Pupil File exists for her children’s cases and this confirms that the woman and her father were both tried and convicted of neglect of the children. He was:

“sentenced to 6 months imprisonment and [woman’s name] to 3 months. The latter sentence was made suspensory, on condition that she spent the three months in the Good Shepherd Convent Cork.”<sup>174</sup>

279. A subsequent letter on the file expands on this point as follows:

“His daughter [woman’s name] was also charged with the neglect of her children and sentenced to 2 months impr. The latter sentence was made suspensory at my request provided [name] would enter the Good Shepherd Convent Cork. She spent over this period in the good shepherd convent and is now back at her home in [address]. ...

The family has been under my supervision for 15 years ... I consider the [name] family next to impossible to do anything with. ... [Woman’s

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<sup>174</sup> Letter dated 22 June 1967, ISPCC Inspector to Department of Education. File Ref 8/1441

[name] said she had a job. I never knew her to work before. She is mentally retarded and likely to get into trouble again.”<sup>175</sup>

280. In another case, a woman was brought to a Magdalen Laundry in the 1960s, shortly before committal of her seventh child to Industrial School. The Department of Education file in relation to her children records that she was in a Magdalen Laundry. The details of her departure are not recorded in the Register.
281. In other cases, the mothers appearing in these files seem to have been in Magdalen Laundries possibly due to poverty or homelessness, including following the death of their husbands.
282. An example of this category of case arose in the 1960s. The Department’s file in relation to a child committed to Industrial School recorded that “mother has no fixed abode. Presently an inmate of St Vincents Convent Peacock Lane, Cork”.
283. Another case identified in Department of Education files is that of a woman whose husband was dead and whose 6 children were committed to Industrial School on the same date in the 1930s. She is recorded as being “in Donnybrook Penitentiary Home”. The Register of the relevant Magdalen Laundry indicates that she was brought there by “her sister” shortly after committal of her children. She left the Laundry after 11 months.
284. Another widowed woman identified in the records of the Department of Education as having been in a Magdalen Laundry at the time of committal of her child to an Industrial School was a case which occurred in the 1960s. Her husband was dead and she had herself spent time in a

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<sup>175</sup> Letter 11 June 1966. File Ref Id.

psychiatric hospital. At the time of her child's committal, she was listed as being in a Magdalen Laundry.

285. A woman, "deserted by her husband, whose whereabouts is unknown" had 6 children committed to Industrial Schools in the 1950s. Initially the Department of Education file indicates that she (the mother) lived with her father after her husband's desertion. The file records that she was later "c/o Good Shepherd Convent [place]". The Registers of the relevant Magdalen Laundry confirm that she was admitted to the Laundry two years after her children's committal to Industrial School. She was brought by a named NSPCC Inspector. She remained there for 10 years, after which she "got flat with family at [place]".
286. Another similar case from the files of the Department of Education relates to a woman "separated from her husband" and "deserted" by her child's father, who was noted to be "in England, address unknown". Her three children were committed to Industrial School, while she is recorded on the Department's files as being at "High Park Convent". The Register of the relevant Magdalen Laundry confirms that she entered 10 times over a 7 year period, typically remaining for a few months before leaving again. Thereafter, based on the records of the Department of Education, she moved to the United Kingdom.
287. An unusual case identified in the records of the Department arose in the 1950s. A woman, whose two children were committed to Industrial School at very young ages, for periods of 7 and 8 years respectively, was on the same date brought to a Magdalen Laundry by "her mother". The following day she was "taken home by her parents". The Department of Education file records "mother now an inmate of St Mary Magdalene's Convent, Donnybrook". Both children were, after discharge from Industrial School at the age of 16, sent to live with her.

288. In one case identified in the records of the Department, two children had been placed in Industrial School by NSPCC Inspectors. Their mother was described in the file as “patient in St Mary’s Magdaline’s Home, Peacock Lane”. The Register of that Magdalen Laundry confirms that the woman entered the Laundry in the 1950s, two months after one of her children was committed to Industrial School. The source of her referral is not recorded. She remained there for 11 months before leaving. The Department of Education files on her children confirm that they returned to her on discharge from Industrial School, three years after she had left the Magdalen Laundry.
289. Another case, which arose in the 1960s, related to a woman who had herself been in an Industrial School for her entire childhood. The Department’s Industrial School file relating to her son indicates her place of work “before going to the Magdalen Home, Galway”. As a complete Register of the Galway Magdalen Laundry does not survive, it is not possible to state definitively when she left the Laundry – however it is clear that she did leave, as the Department of Education file confirms that her child was discharged from the Industrial School to her care 7 years after his committal to Industrial School.
290. As noted above, the Committee identified a very small number of cases in the records of the Department of Education which related to children born in Mother and Baby Homes and subsequently committed to an Industrial School, with the files indicating that their mothers were in Magdalen Laundries at that point. Only 3 such cases were found in total. These cases were as follows:
- A child recorded as having been born in the “Children’s Home, Tuam, Galway and resided there until the time of committal” to an Industrial School in the 1950s. Her mother’s address is recorded in the file as “Magdalen Home, Galway”. As the complete Register of the Galway

Magdalen Laundry did not survive, it is not possible to confirm the duration of the woman's time there.

- A very similar case occurred a number of years later. It again concerned a child "born in the Children's Home Tuam, Co Galway and resided there until the time of committal". Again the child's mother is recorded in the Department's file as being at "Magdalen Home, Galway".
- A child born at Castepollard Mother and Baby Home "where mother was resident" was committed to an Industrial School in the 1950s. Her mother was recorded in Department of Education files as being at Gloucester Street (Sean McDermott Street Magdalen Laundry). The Register of the relevant Magdalen Laundry records that the woman "came from Manor House, Castlepollard". The date of her departure is not recorded.

#### **Overview of relative volume of cases involving pathways from Industrial Schools to Magdalen Laundries**

291. As set out previously, it is not possible to precisely allocate to the above categories all cases involving Industrial and Reformatory Schools and Magdalen Laundries. Although the records of the Department of Education are not complete, the available records suggest that although cases did occur of temporary placement of girls in Magdalen Laundries pending identification of an Industrial School to which they could be committed; or of girls placed in Magdalen Laundries after refusal of an Industrial or Reformatory School to accept them, these categories were not the most common types of pathways between Industrial Schools and Magdalen Laundries. Further, only one case was found of the release of a girl on leave of absence to a Magdalen Laundry from an Industrial School.

292. Rather, in the majority of cases in which girls or young women had been in both an Industrial School and a Magdalen Laundry, it appears to the Committee that they were either released on licence to a Magdalen Laundry; or were placed there during their period of post-discharge supervision.

293. The following breakdown of 144 cases for which good records are available in the Department of Education (identified in the keyword search detailed above) may give some indication of the relative volume of cases within each category:

Recorded in Departmental files as on licence:	42
Recorded in Departmental files as discharged directly from Industrial School:	57
Identified from Departmental and records of the Congregations to have been admitted at a later point:	42
Other:	3

294. Of the 57 cases in which Departmental records show that a girl had been discharged directly from an Industrial or Reformatory School to a Magdalen Laundry, 38 of these girls were recorded in the files as 'retained' by the Congregations. Of these 38 girls:

- 5 are identified in Departmental records as being retained for their "protection";
- 7 are recorded as being retained to work as "laundry maid", "laundress" or to "learn laundry work";
- 1 was listed as being retained "to complete secondary school";
- 2 are recorded as being retained as "dressmaker" or "seamstress";
- 1 for "employment by Rev. Mother" and
- 6 as "Housemaid", "Kitchen work" or "General Help".

No information is recorded on the other 16 girls retained.

295. Of the 38 cases, in only 4 cases are both parents listed on their file. In 14 cases, their widowed father is named, while in 20 cases only their mother is named. Of those 20 records, 14 girls are listed as “illegitimate” and in 4 cases, the mothers are listed as living in England.
296. Apart from these, in an additional 5 cases it appears from Departmental files that the girls had been discharged to paid employment and then recalled to the Congregations at a later date while under supervision. In two cases the Department’s file indicates that recall is for their “protection”, no reasons are given in another 2 cases, while the final record indicates that the girl is returning to “St. Mary’s Class” (by which name four of the Magdalen Laundries were generically known).
297. This indicative breakdown of cases recorded in the Department’s files provides an indication of some of the information available on the official side. However, as is clear from this and Chapter 8, a more significant number of cases were identified by cross-referencing the records of the Religious Congregation with the records of the Department of Education. These are included in the statistical analysis of Industrial and Reformatory School referrals to the Magdalen Laundries and detailed in Chapter 8. The Committee is unable to determine whether these additional cases were either
- a. Not notified to the Department by the Schools in question, as required; or
  - b. Notified to the Department but records of which were among the large number of Departmental records relating to Industrial or Reformatory Schools which have been lost or destroyed.

## **Chapter 11:**

### **Routes of entry to the Magdalen Laundries (C): Health authorities and social services**

#### ***Summary of findings:***

*This Chapter addresses the placement of girls and women in the Magdalen Laundries by what can collectively be termed the health authorities and social services.*

*Both health policy and delivery of health services are considered in this respect, since the foundation of the State. The agencies and organisations covered include:*

- *Public assistance authorities and institutions (local authorities, County and City Homes);*
- *Health authorities, comprised in sequence of local authorities and Health Boards (predecessors to the HSE);*
- *Social services;*
- *Hospitals;*
- *Mother and Baby Homes;*
- *Psychiatric hospitals and psychiatric services; and*
- *Institutions for the intellectually disabled,*

*The Committee found evidence that girls and women were placed in Magdalen Laundries by these authorities or organisations in a wide variety of circumstances.*

*With regard to the period 1922-1970, the Committee found that at least 5 and possibly 6 of the Magdalen Laundries were approved as ‘extern institutions’ for public assistance under successive pieces of legislation in the areas of public assistance and health. These approvals were made at Ministerial level. Approval of this kind meant that, although operated by organisations other than the State, these*

*Magdalen Laundries were approved for maintenance of people who qualified for public assistance. Where girls or women were referred to these institutions, legislation permitted payment by the State of their maintenance costs.*

*There was no obligation on a girl or woman referred in this way to enter the institution – and no penalty, including withdrawal of other forms of public assistance, arose if she refused to do so. However, the Committee is not in a position to determine whether or not this was made clear to the girls or women in question.*

*The Committee found cases, in the archives of various local authorities, of referrals of girls and women under these provisions. A number of these cases occurred in relation to girls who had formerly been ‘boarded out’ (i.e. fostered) and whose foster families had ceased to shelter them at the age of 15 or 16. A number of other cases involving local authorities under the ‘extern institution’ provision arose after a woman had a child or children outside marriage.*

*After the creation of the Health Boards in 1970, the health function passed to them from local authorities. During an initial transitional period, NSPCC Inspectors worked with and alongside Health Board social workers. Some records of placements of girls and young women in the Magdalen Laundries by these officers were identified and are included in this Chapter.*

*With regard to records of the Health Boards more broadly, the HSE, which holds these records, experienced difficulties in searches for any relevant cases, due to the broad range of materials held, all in hardcopy, for the period in question. However, it confirmed to the Committee that placements were made by social workers, health boards and psychiatric services and that in particular:*

*“as the Magdalen Homes became more of a refuge for the battered, the abused, the rejected and the dispossessed than a home for ‘fallen women’, social workers from the health authorities began a very close working relationship with them”.*

*This Chapter also addresses referrals from the (Religious operated) Mother and Baby Homes. Although considered by some to be closely linked to Magdalen Laundries, Mother and Baby Homes accounted for only 3.9% of known routes of entry to the Magdalen Laundries. The cases identified by the Committee in this regard are included.*

*This Chapter also addresses linkages between the Magdalen Laundries and psychiatric hospitals – both as routes of entry but also routes of exit from the Laundries.*

*This Chapter presents patterns identified by the Committee within these overall categories, as well as sample cases illustrating these patterns.*

## **Introduction**

1. This Section sets out the findings of the Committee in relation to referrals of girls and women to Magdalen Laundries by what can be collectively categorised as health and social service authorities.
2. In light of the history and development of provision of health and social services in Ireland since the foundation of the State, this Chapter deals with a wide range of authorities and agencies. Responsibility for both health policy and delivery of health services has over time been the responsibility of a number of different agencies. The legislative basis for each of these was set out in Chapter 5. It is also true that social services in Ireland have developed considerably over time. All authorities and organisations which held responsibility in these areas since the foundation of the State are considered in this Chapter.

3. In addition to the authorities responsible for health policy or delivery of services, this Chapter also considers some other organisations or institutions, where records relating to them can shed light on health policy or patterns of delivery.
4. The authorities and organisations examined in this Chapter are:
  - a. Public assistance authorities and institutions (local authorities, County and City Homes);
  - b. Health authorities - the former Department of Local Government and Public Health, the successor Department of Health and, in sequence local authorities and the Health Boards (both now replaced by the HSE);
  - c. Social services, including delivery of child services through the NSPCC for a short period;
  - d. Hospitals;
  - e. Mother and Baby Homes;
  - f. Psychiatric hospitals and psychiatric services; and
  - g. Institutions for the intellectually disabled.
5. This is an informal categorisation solely for the purposes of clarity and it should be noted that the history and status of each of the organisations referred to in this Chapter differ.
6. Taking all the above sources of referrals collectively, these amounted to 13.1% of known routes of entry to the Magdalen Laundries.
7. The case of Mother and Baby Homes (3.9% of known routes of entry) in particular should be noted. The Mother and Baby homes referred to in this Section were operated by a variety of Religious Congregations. These homes were funded by but not operated by the State. However, the Committee was

of the view that they should be included in the narrative and category of State referrals to the Magdalen Laundries because of their relevance to health policy. Further detail on the reasons for this is included in the relevant section of this Chapter.

8. The case of the National Society for the Prevention of Cruelty to Children (“NSPCC”) may also be noted.<sup>1</sup> The role of the NSPCC in relation to Industrial and Reformatory School cases is detailed in Chapter 10 and referrals of girls and women by the NSPCC in its own right or jointly with families are detailed in Chapter 18. This Chapter includes only those cases of referrals by the NSPCC which were made in the context of its work with and for the health authorities and social services.
9. This Chapter includes all information identified by the Committee on referrals within these categories, the basis on which referrals were made and, where applicable, the procedures involved. Full detail on State funding of the Magdalen Laundries, including funding from the health sector, is contained in Chapter 13.
10. Difficulties in securing access to specific case-files on the State side in the health and social services sector mean that it was not always possible to determine what State follow-up, if any, occurred in relation to girls and women referred from these categories. However, where information on State follow-up was identified through other sources (including private archives) it is included in this Chapter.
11. Anonymised case-studies are included throughout this Chapter in order to illustrate more fully the types of circumstances in which referrals occurred.

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<sup>1</sup> Note: the National Society for the Prevention of Cruelty to Children (“NSPCC”) was re-named in 1956 as the Irish Society for the Prevention of Cruelty to Children (“ISPCC”). The ISPCC holds the surviving archives and case-files of the NSPCC. For avoidance of confusion and having regard to the time-periods of relevance to the Committee’s work, the Report refers throughout to the NSPCC rather than the ISPCC.

These case-studies are taken both from official State records identified by the Committee and from the records of the Religious Congregations which operated the Magdalen Laundries.

12. This Chapter first sets out the sources used for searches, and then deals with these areas in chronological order – public assistance authorities and institutions 1922-1970; social service authorities at and around the transition phase from local authorities to Health Boards; health and social services authorities following 1970 (primarily Health Boards). The particular cases of Mother and Baby Homes, general hospitals, psychiatric hospitals and institutions for the disabled are considered thereafter.

**A. Sources relating to possible health and social services related referrals**

13. The sources for the findings of the Committee in this Section are varied. Part I of this Report sets out the manner in which the health function transferred between Departments over time. In summary and at the central level, the Department of Local Government and Public Health was established in 1924. It held responsibility for the health function until 1947, when it was divided into two separate Departments – the Department of Local Government and the Department of Health. A new Department of Social Welfare was also established at that time.

14. At the operational level, responsibility for health also moved between different authorities over time. It was first the responsibility of Local Authorities (under the direction of the Departments noted above) until 1970, at which point the Regional Health Board structure was established and assumed responsibility for health. This remained the case until the creation of the Health Service Executive (“HSE”) which occurred after the closure of the last Magdalen Laundry.

15. In theory, relevant files and materials should have been transferred, along with the transfer of functions, between these agencies. However this did not always occur and the Committee was required to conduct searches among the records of each of these organisations in an attempt to identify any relevant records. Further information on the sources examined for this Chapter follows.
- a. *Archives of the Department of Environment, Community and Local Government*
16. The Department of Environment, Community and Local Government is the successor Department to the Department of Local Government and Public Health in relation to local government function. It has retained responsibility for the records relating to this function from 1924-1947. Accordingly the Committee sought to identify and examine Departmental records deposited in National Archives.
17. National Archives confirmed to the Committee that it holds approximately 5,000 boxes of records deposited by the Department of Environment, Community and Local Government. However these records “are not cross-referenced to any index” and as a result “individual files or papers amongst these records cannot be accessed or retrieved for inspection”.<sup>2</sup> National Archives has begun to catalogue these records at box level, but individual files or papers are not yet accessible.
18. In an attempt to determine the likelihood of any relevant materials being stored in these inaccessible boxes, the Committee sought listings of files which had previously been deposited with the National Archives by the Department. An index of files deposited in 1992 was identified which included files covering the period 1895-1972. This handwritten index included

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<sup>2</sup> Report of the Department of Environment, Community and Local Government to the Inter Departmental Committee, October 2012

approximately 1,200 files of which, the majority did not appear from their titles to be relevant to the work of the Committee.

19. One file listed on the 1992 index would have been of interest to the Committee, namely a file entitled “Rating of Religious Congregations 1922-1935”. However as the individual files within this collection are not accessible, the Committee did not have the opportunity to review it. Identifying this file would have involved manually checking approximately 5,000 uncatalogued boxes at the National Archives. The Committee was, however, able to determine the factual position regarding rating of the Magdalen Laundries through other sources (set out in Chapter 15).
20. A category of files dating to this period which would have been of particular interest to the Committee’s work would have been any files relating to the Annual Reports of the Department of Local Government and Public Health between 1927 and 1945. The relevant contents of these Annual Reports are set out in this Chapter. Any files or materials in relation to their drafting could have shed additional light on the matters raised. However no files or records were identified in the holdings of the Department of Environment, Community and Local Government in relation to these Annual Reports. The Department has suggested that the Reports may have been compiled thematically by Divisions or Sections within the Department, rather than centrally through one lead Division or Section. However, in the absence of documentary records to that effect, the Committee was unable to pursue this matter any further.

*b. Archives of Local Authorities*

21. Another source of importance for the purposes of this Chapter were the records of Local Authorities. Local authorities held progressively reducing responsibilities for public assistance and public health between 1922 and 1970.

22. There are today 114 local authorities in the State, comprising:

- 29 County Councils;
- 5 City Councils;
- 5 Borough councils;
- 49 Town councils (rating); and
- 26 Town councils (non-rating).

The Managers of the 34 City and County Councils also serve as Managers for the Borough and Town councils.

23. The Committee requested all 34 County and City Managers to conduct a search of each Council's records, including, in particular, records of the Boards of Health and Public Assistance (as existed while Local Authorities held the health function), registers of extern institutions and so on, in an attempt to identify possible cases relating to transfers of girls and women to the Magdalen Laundries by public assistance of health authorities over the period.

24. The task faced by Local Authorities in this regard was considerable. The records retained by Local Authorities for the period in which these Authorities held responsibility for public assistance and health are generally in hardcopy only. Although differences exist between the volume and types of records held by different Local Authorities, the relevant categories of records were generally as follows:

- Minutes books;
- Books containing Managers' Orders (generally in date order rather than thematic categories);
- Ledgers and Accounts; and
- Any surviving files relating to Public Health.

In some, but not all, cases indices of these archives were available.

25. Searches of these records were accordingly difficult and resource intensive. However, some relevant cases and records were identified and these are set out throughout this Chapter.

*c. Archives of the Department of Health and the Department of Children and Youth Affairs*

26. The Department of Health is the successor Department to the Department of Local Government and Public Health insofar as concerns the health function. The Department of Environment, Community and Local Government and the Department of Health indicated to the Committee their understanding that Departmental records (as opposed to local or operational-level records) relating to the health function during the years 1924-1947 were transferred to the newly established Department of Health in 1947.<sup>3</sup> Any Departmental records created thereafter remained under the control of and in the possession of the Department of Health.
27. The archived files of the Department of Health were accordingly also an important source for searches in relation to the Committee's mandate. The Department of Children and Youth Affairs, which is also relevant in particular as regards child services, shares its records and archive systems with the Department of Health.
28. Chapter 4 set out information on steps taken by the Department of Health and the Department of Children and Youth Affairs to searches on their Central Records and File Tracking System ("Crafts"). This system includes Departmental files which are inactive or held in the National Archives, including files dating back to the early 1920s. Searches for any records

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<sup>3</sup> Report of the Department of Environment, Community and Local Government to the Inter-Departmental Committee, October 2012

relevant to possible referrals from the health services (in the broadest sense) to the Magalen Laundries were accordingly conducted on this system.

29. A separate indexation project (the “Access to Institutional and Related Records” project, known as “AIRR”) was completed by the Department of Children and Youth Affairs in relation to historic child care records. In light of the possible relevance of such records to the Committee’s work, searches on this database were carried out. The results of these searches are included in this Chapter.

*d. Archives of the Health Boards and HSE*

30. The Health Service Executive (“HSE”) was established under the Health Act 2004. As the creation of the HSE occurred after the closure of the last Magdalen Laundry in 1996, it would not have records of its own of relevance to the Committee’s work.

31. However, on establishment of the HSE, it inherited the files and archives of the Regional Health Boards which preceded it. Accordingly, records and archives relating to health from the creation of the Health Boards in 1970 onwards are today held by the HSE. In some cases (detailed below), the records of Local Authorities in relation to health, covering the period 1922-1970, were transferred to the relevant Health Boards on their creation in 1970. Where such a transfer happened in 1970, these historic records of the Local Authorities are now also held by the HSE. These records would all clearly be of significance to the Committee’s work.

32. Other than such state records, the HSE has also, in recent years, taken possession of a variety of other records created and previously maintained by private organisations. The Committee understands that these archives, now held by the HSE, include the records of the following Mother and Baby Homes, which were operated by Religious Congregations as approved extern institutions with State funding:

- Sacred Heart, Bessboro, Cork;
- Sacred Heart, Castlepollard;
- Sean Ross Abbey, Roscrea;
- St Clare's, Stamullen;
- Ard Mhuire, Dunboyne.

33. The Committee understands that the HSE also holds the records for two Mother and Baby Homes “maintained by poor law authorities at Pelletstown, Co. Dublin, which is under the control of the Dublin Board of Assistance, and at Tuam, Co Galway, under the Galway Board of Health and Public Assistance”.<sup>4</sup> The institution referred to as Pelletstown was later named St Patrick’s, Navan Road.

34. The records held by the HSE also include the historic registers of a number of psychiatric institutions, although some of these have now been deposited with National Archives.

35. The HSE was unable, in the time available, to carry out full searches of its archives or of the other materials over which it has now assumed control (the Registers of the Mother and Baby Homes listed above or of psychiatric institutions). It did, however, carry out spot-checks on the Registers of two Mother and Baby Homes and a number of other searches, the results of which are detailed below.

## **B. Public assistance authorities and institutions 1922-1970**

### *Approval of Magdalen Laundries as extern institutions for public assistance*

36. A series of Acts, from the foundation of the State onwards, provided for what was termed “public assistance”. This was essentially a forerunner to social welfare provision. These Acts established a basis for direct financial assistance by the State to eligible persons, as well as so-called “institutional

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<sup>4</sup> Annual Report of the Department of Local Government and Public Health, 1938-1939 at page 71

assistance”, that is, provision of assistance to eligible persons by way of providing for them in institutions. County and City Homes were the locations in which many eligible persons received “institutional assistance”.

37. However as set out in the legislative sketch contained in Chapter 5, in addition to State-operated institutions, the Acts provided that so-called “extern institutions” operated by organisations other than the State could be approved for maintenance of persons who qualified for public assistance.

38. The first relevant legislative provision was quite a simple one. It provided as follows:

“Boards of Health and Public Assistance may provide for the reception of a person eligible for relief in an institution not maintained by them but approved by the Minister and may pay the expenses of maintenance, education or treatment in such Institution”.<sup>5</sup>

39. The approval process referred to was not one which required Statutory Instruments or any other such formal process – rather, internal Departmental approval (typically by internal note under the signature or seal of the Minister) was sufficient.

40. No files have been identified to explain the administrative process which would have been involved in selection of institutions for approval. This means that it is not known whether approval was on the basis of an application by the institutions in question, or whether the reverse was the case, that is, whether institutions were identified by the health authorities and invited to apply for approval as an extern institution. However it is clear that the required approval went to Ministerial level.

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<sup>5</sup> County Scheme Orders pursuant to the Local Government (Temporary Provisions) Act 1923, article 15 (iii)

41. The first Annual Report of the Department of Local Government and Public Health was for the period 1927-1928. The full list of 68 extern institutions approved by the Minister to that date is appended to the Annual Report.<sup>6</sup> The list of approved institutions included a wide range of institutions, including District hospitals, Industrial Schools, Mother and Baby Homes, specialist institutions for the blind, the deaf, “mentally deficient children”, “tubercular children” and so on.
42. The list of approved extern institutions also included three Magdalen Laundries which fall within the scope of this Report, as follows:
- “The Magdalen Asylum, Galway”
  - “St Mary Magdalen Asylum, Lower Gloucester Street”
  - “Good Shepherd Convent, Limerick”.<sup>7</sup>
43. The second Annual Report of the Department, for the year 1928-1929, recalled that:

“a board of health and public assistance may contract for the reception with special institutions approved by the Minister of persons eligible for relief”.<sup>8</sup>

It also noted that, in addition to the extern institutions listed in the previous Annual Report:

“during 1928-1929 the following additional institutions were approved: - .... St Mary’s Asylum and Reformatory, High Park”.<sup>9</sup>

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<sup>6</sup> Appendix XXXIII, Annual Report of the Department of Local Government and Public Health at pages 196-197

<sup>7</sup> Id. Note: The list also included the Good Shepherd Home in Derry, which is outside the scope of this Report.

<sup>8</sup> Annual Report of the Department of Local Government and Public Health, 1928-1929, at page 115

<sup>9</sup> Id

44. This means that by 1929 at least 4 Magdalen Laundries were approved by the Minister for Local Government and Health as extern institutions for the “maintenance, education or treatment” of women eligible for public assistance. The effect of these approvals was to permit the referral of women eligible for public assistance to the Magdalen Laundries and further, to authorise payment of the expenses of their maintenance there.

45. The Department’s Annual Report for 1938-1939 described the categories of people maintained in approved extern institutions during the year:

“This class comprises afflicted persons (deaf and dumb, blind, mentally defective, etc.) unmarried mothers and persons requiring special treatment in outside hospitals”.<sup>10</sup>

46. The continued application of the extern institutions list was referred to in other Annual Reports, including the Reports for 1937-1938 and 1941-1942. During this period, however, the legislative basis of the use of extern institutions changed, with enactment of the Public Assistance Act 1939.

47. Section 35 of the 1939 Act (now repealed) provided:

“Subject to the consent of the Minister, a public assistance authority may, if they so think proper, make provision for the assistance in a home, hospital, or other institution not provided or maintained by such authority of persons, or particular classes of persons, eligible for public assistance, and where a public assistance authority makes such provision, such authority may defray the expenses of the conveyance of the persons for whose assistance such provision is made to and from such institution and the expenses of their maintenance, treatment, instruction, or training therein”.<sup>11</sup>

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<sup>10</sup> Annual Report of the Department of Local Government and Public Health, 1938-1939 at page 70

<sup>11</sup> Section 35 of the Public Assistance Act 1939

48.A document was identified by the Committee in the archives of the Department of Health which approved a range of institutions, including four Magdalen Laundries, as extern institutions for the purposes of section 35. This approval was effected under Ministerial seal, dated 19 March 1943. The approval provided in full as follows:

“Whereas it is enacted by Section 35 of the Public Assistance Act 1939, that subject to the consent of the Minister for Local Government and Public Health, a public assistance authority may, if they think so proper, make provision for the assistance in a home, hospital, or other institutions not provided or maintained by such authority of persons, or particular classes of persons, eligible for public assistance, and where a public assistance authority makes such provision, such authority may defray the expenses of the conveyance of the persons for whose assistance such provision is made to and from such institution and the expenses of their maintenance, treatment, instruction or training therein.

Now therefore, the Minister for Local Government and Public Health does hereby consent to the making of provisions by any public assistance authority, under the said recited section for the assistance of persons or particular classes of persons, eligible for public assistance, in any of the institutions the names of which are set out in the Schedule hereunto annexed”.

49.The Schedule included the following four Magdalen Laundries:

“Magdalen Asylum, Donnybrook, Dublin”;

“Magdalen Asylum, Galway”;

“Magdalen Asylum, Gloucester Street, Dublin”;

“Magdalen Asylum, High Park Convent, Drumcondra.”

50. The effect of this was precisely as applied under the original provision, namely it authorised public assistance authorities, that is, Local Authorities, to provide public assistance to individuals or categories of individuals by placing them in these approved extern institutions and making payments towards their maintenance there.
51. There was no geographic limitation on this authorisation – Local Authorities anywhere in the State were permitted to utilise any or all of the scheduled institutions, including the approved Magdalen Laundries, regardless of whether the institution was located in their region or not.
52. A file dating to the 1950s confirms the re-approval of the Magdalen Laundry at Limerick (which had been included in the extern institutions annexed to the Department of Local Government and Public Health Annual Report 1927-28) under the Public Assistance Act 1939. In response to a request by a County Council for the approval of that institution for “reception of Public Assistance Patients”, the Department of Health provided the necessary sanction. A letter of approval issued, stating:

“I am directed by the Minister for Health to refer to your letter of 26 February last and County Manager’s Order No. 53/64 and to state that he approves the provision of assistance in accordance with Section 35 of the Public Assistance Act 1939 in the Good Shepherd Convent, Limerick”.<sup>12</sup>

53. A file identified in the archives of the Department of Health makes clear that the Good Shepherd Convent at Sunday’s Well, Cork, was also proposed in 1952 for approval as an extern institution under section 35 of the Public Assistance Act 1939. The file confirms that the Board of Public Assistance for the South Cork District wrote to the Department of Health in 1952 proposing recognition of the “Good Shepherd Convent School” in Sunday’s Well, Cork as an extern institution. In doing so, the Board explained its practice of

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<sup>12</sup> Letter dated 27 March 1953 Department of Health to Secretary Tipperary (SR) County Council. File Ref Good Shepherd Convent Limerick Approval. INACT/INA/0/538512

identifying institutions “for maintenance and instruction of certain classes of girls whose admission to County Homes or foster homes was not considered advisable”.<sup>13</sup>

54. The proposal was made in the context of two girls, formerly boarded out children, who had been admitted to the Industrial School at Sunday’s Well but who had now reached the age of 16 (general age of discharge from Industrial School). The Board said that their discharge “owing to the circumstances of their case, was considered highly undesirable in their own interests”.<sup>14</sup> Although no record was found of its formal approval as an extern institution, the Minister’s sanction for payment of assistance to the Good Shepherd Convent for the two girls under section 35 of the 1939 Act was subsequently granted.<sup>15</sup> Although not clear-cut (in light of the confusion in the correspondence between the School and the Convent; and as the girls names are not recorded, which makes it impossible to confirm their entry to the Magdalen Laundry on site), this decision suggests that the Good Shepherd Convent, Sunday’s Well, Cork may have been approved as an extern institution as proposed by the Board of Health.<sup>16</sup>

55. A similar provision also applied under the Health Act 1953, continuing to allow health authorities to provide “institutional services” to people entitled to assistance in external institutions not operated by a health authority. Section 10 of the 1953 Act provided:

“(1) A health authority may, with the consent of the Minister, make and carry out an arrangement for the giving of institutional services to any person or to persons of any class, being a person or persons who is or

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<sup>13</sup> Section 35: Good Shepherd Convent School, Sunday’s Well, Cork. File ref A121/155 (NATARCH/ARC/0/412239).

<sup>14</sup> Id

<sup>15</sup> Letter dated 18 December 1952 from the Department of Health to the Board of Assistance for the South Cork Public Assistance District to the Department of Health. File ref Id.

<sup>16</sup> Letter dated 18 December 1952 from the Department of Health to the Board of Health and Public Assistance. File Ref Id

are entitled to receive institutional services from such authority otherwise than under section 26 of this Act, in an institution not managed by such authority or another health authority.

(2) Payments shall be made by the health authority for institutional services provided pursuant to an arrangement under subsection (1) of this section and the payments shall be in accordance with such scale as may be approved of or directed by the Minister.”<sup>17</sup>

56. The provision also ensured smooth transition from earlier legislation by providing that any such arrangements in force prior to enactment of the 1953 Act to be deemed as arrangements under section 10 of the Act. This means that the approvals previously given to at least 5 (or, if Sunday’s Well is counted, 6) Magdalen Laundries as extern institutions continued to apply. As a result health and public assistance authorities continued to be authorised to refer eligible girls or women to these Magdalen Laundries as a means of providing public assistance.

57. In light of the time-period in question, the archives of Local Authorities and the HSE (as successor to the various health authorities concerned) were the most likely to contain records suggesting or confirming referrals of girls and women to these Magdalen Laundries, in their status as extern institutions, by Local Authorities.

58. The Committee accordingly requested all 34 County and City Managers to conduct a search of their records, including in particular records of the Boards of Health and Public Assistance, in an attempt to identify any such referrals or transfers. County archivists, librarians and Local Authority staff carried out searches of available records.

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<sup>17</sup> Section 10(1) and (2) of the 1953 Health Act

59. Significant difficulties were faced by Local Authorities in searching available records in this regard, particularly because of the way in which these records were retained. For example many of the records identified and set out below were not segregated by topic and were simply included among Manager's Orders dealing with the whole range of matters of County administration. Nonetheless some relevant records were identified, details of which follow.<sup>18</sup>

60. Two Councils confirmed that records relating to the health function had been given to the newly established Health Boards in the early 1970s:

- Dublin City Council informed the Committee that records relevant to the health function were transferred to the Eastern Health Board on its creation in 1970. <sup>19</sup>
- Monaghan County Council confirmed that it "handed over any records it had to the health board when it was set up in the early 1970s. Any payment vouchers it may have retained were destroyed about ten years later as a matter of routine".

61. Six Councils identified records relevant to Magdalen Laundries in general, but not to the question of referral of girls or women to these institutions:

- Cork City Council reviewed all available files and found a number of relevant records relating to laundry services and grants in the latter phases of the Sunday's Well and Peacock Lane Magdalen Laundries. These details are included in Chapters 13 and 14.

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<sup>18</sup> All following reports of County Councils summarised, original replies appended to the Report of the Department of Environment, Community and Local Government to the Inter-Departmental Committee.

<sup>19</sup> The results of other searches carried out by Dublin City Council, unrelated to the health function, are contained in Chapter 12

- Cork County Council carried out sample searches of each category of record retained. Some records relevant to rationing (Chapter 17) and to the Industrial School located on the same site as the Magdalen Laundry at Sunday's Well were identified, but no records relevant to referrals.
- Fingal County Council only located records relating to an institution not within the scope of this Report, namely the institution termed "Magdalen Asylum, Leeson Street", which was in fact a home for expectant mothers and their children and not a Magdalen Laundry (none of which accepted pregnant women or their children).
- Leitrim County Council examined sample records from the 1920s to the 1940s. One reference was identified in the 1920-1924 Council Minute Book to Magdalen Asylums in the context of a discussion on options for dealing with expectant mothers and unmarried mothers (on which see further below).
- Waterford City Council conducted searches on a sampling basis of Minute books, Manager's Orders from 1954-1960, rate books and financial records. Information relevant to rates was identified which is included in Chapter 15, but no records of referrals were found.
- Kildare County Council identified some material, originating in a Mother & Baby Home, which is dealt with in a later section.

62. Two other Councils identified material of possible interest but lacking sufficient detail to confirm its relevance, or otherwise, to the Magdalen Laundries within the scope of the Report.

- Limerick County Council, by contrast, identified 4 references to referrals to or removals from the Good Shepherd Convent in

Limerick, but these appear to refer to the Industrial and Reformatory Schools on site rather than to the Magdalen Laundry.

- Wexford County Council searched Manager's Orders and Council minutes and identified three cases of referral of and payment for women in "an extern institution/home for unmarried mothers" in 1954.<sup>20</sup> Further details are not recorded and it is not possible to say what extern institutions – the vast majority of which were *not* Magdalen Laundries – were involved. Nor is it clear from the Manager's Orders whether the cases concerned unmarried women who were pregnant (in which case they could not have been admitted to a Magdalen Laundry, as no pregnant women were permitted in any Magdalen Laundry) or whether they were women who had previously given birth to a child. And as the names of the women concerned were not recorded by the Council at the time of the Order, it is not possible to cross-check these names against the records of the Magdalen Laundries to determine if they had been admitted.

63. However, the following 4 County Councils identified in their archives records of referrals of girls and women to Magdalen Laundries by the Council (acting as health authority) of individual women:

- Clare County Council;
- Galway County Council;
- Waterford County Council; and
- Westmeath County Council.

*Referrals by Clare County Council*

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<sup>20</sup> Orders 963, 964, 1531 dated 31 May 1954, 31 May 1954 and 1 September 1954 respectively.

64. Relevant records identified in the archives of Clare County Council included a number of general records as well as documents confirming referrals of individual women by the health authorities to Magdalen Laundries.
65. The Clare County Archive includes records from the Clare Board of Health and Public Assistance from 1915-1966, as well as records on the operation of the County Home and County Hospital. Extensive searches were carried out, including searches of:
- Minute Books of the Board of Health and Public Assistance 1915-1942;<sup>21</sup>
  - Managers' Orders, relating to the approval of assistance to persons in need of clothing allowances, admissions to the County Home and other institutions, letting and maintenance of old labourers cottages, provision of pumps and sewerage schemes and the boarding out of children;<sup>22</sup>
  - Minutes of Finance Committee meetings (1923-38) and Committee Minute Books (1912-1927) covering general financial matters of various committees such as Dispensary Committee, County Hospital Committee, County Infirmary, Sanatorium Benefit Committee, Tuberculosis Committee, Rural District Councils, Board of Guardians and Ennis District Asylum;
  - General Assistance Minutes County Home and County Nursery (June 1926-March 1927); and
  - Medical Assistance Minutes (June 1926-March 1927).

66. Among the general records identified were some referring to unmarried mothers and their children - however these records refer only to admission of

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<sup>21</sup> CE/MIN/4,9,13,15,19,23,25,26,28,41,42,48

<sup>22</sup> CC/MO/2/1,3,4,8,14,20,23

these women to Mother and Baby Homes, not to the Magdalens Laundries within the scope of this Report.<sup>23</sup>

67. The records of referrals of girls and women to Magdalens Laundries by the health authorities in Clare do not arise in the context of the birth of children outside marriage. Rather, the three cases identified, which date to the 1940s and 1950s, appear to have arisen in the context of fostering arrangements which had broken down (“boarded-out children”).
68. With regard to “boarded-out children” generally, it can be noted that the financial payments to foster parents (“boarding out allowances”) ceased when the child reached the age of 15 during this time period.<sup>24</sup> Records of the Department of Health suggest a pattern in that respect, with one Inspector in 1941 referring to a lack of “ties of affection” which:

“is shown by the frequent refusal of foster parents to provide a home for the children after the age of 15 unless the Board continues to maintain them. Recently a girl of 15 was returned to the County Home by her foster parents when payments for maintenance ceased. Nothing is gained by rearing children in foster homes if they are returned to the County Home at the age of 15”.<sup>25</sup>

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<sup>23</sup> For example, a minute of the Clare Board of Health and Public Assistance in 1932 resolved: “That when the county nursery is closed unmarried mothers to be accommodated at the County Home pending arrangements for their transfer to other suitable institutions”. Minute Books of the Board of Health and Public Assistance, October 1931-September 1934, CE/MIN/19, 25 February 1932. There were also references in the Minutes for the early 1930s to the Mother and Baby Home at Sean Ross Abbey, Roscrea, with which the Board of Health and Public Assistance made an agreement “for admission of unmarried mothers and children to that institution”. Minute Books of the Board of Health and Public Assistance, October 1931-September 1934, CE/MIN/19. Includes a letter from the Minister of Local Government and Public Health “requesting to be furnished with a copy of the agreement entered into by the Board with the Authorities of Shan Ross Abbey, Roscrea, for the admission of unmarried mothers and children to that institution”. 31 December, 1932

<sup>24</sup> See e.g. Maguire, Moira: Precarious Childhood in Post-Independence Ireland at 66

<sup>25</sup> Inspection Report, 1941, Miss Murray. Offaly Board of Health and Public assistance Minutes 13 September 1941. Cited at Maguire, *supra*, at 68

69. One historian has, following research of certain relevant archives, drawn attention to the way some local authorities dealt with children unwanted by their foster families when they reached the age at which boarding out allowances ceased. She suggests that at least some boarded-out children effectively rotated between boarded-out homes and the County Home, in a cycle which ended only with them reaching the age of majority.<sup>26</sup>
70. The following 3 cases relating to boarded out children were taken from the Clare Manager's Order series and in all cases are identified in the records of the Religious Congregation concerned as having entered the Magdalen Laundry from the County Home.
71. The first case identified was described in the Manager's Order in 1948 as follows:
- “I hereby approve of the removal of [name], boarded out girl, to the Good Shephard Convent, Limerick on 20<sup>th</sup> Dec 1947 on the recommendation of [name], Acting Superintendent Assistance Officer”.<sup>27</sup>
72. From the records of the relevant Religious Congregations, the Committee has determined that this girl was 17 years old at the time of her referral. Her mother was alive, although the girl was not living with her. The girl's last address is noted as the County Home. She remained in the Magdalen Laundry for slightly less than 2 years, before she “went to a situation” (i.e. a job).

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<sup>26</sup> Moira Maguire, Precarious Childhood in Post-Independence Ireland at 97, see e.g.

“experienced a revolving door at county homes: they were boarded out, returned to the county home for whatever reason, boarded out again, and returned to the county home in a cycle that only ended when they were sent to industrial schools or when they reached the age of sixteen years and were pushed out into the world to fend for themselves”.

<sup>27</sup> Managers' Orders 1946-1948 (CC/MO/2/8), Order No. 8128, January 1948.

73. The second case identified was from the following year, 1949. The Manager's Order provided as follows:

"I hereby approve of the removal of the girl [name], aged 17 years, hired out to Mrs. [name and townland], to the Good Shepherd Convent Limerick".<sup>28</sup>

74. From the records of the relevant Religious Congregations, the Committee has confirmed the entry of this girl to the Magdalen Laundry at the age of 17, with her recommendation similarly described as being from the County Home. There was "no account of parents". She remained in the Magdalen Laundry for just over 5 years, at which point she "went to Magdalen Sisters, Belfast".

75. The third case identified in the records of Clare County Council occurred in 1950. The Manager's Order in that case indicated as follows:

"I hereby approve of the admission of the girl [name] to the Good Shepherd Convent, Limerick, on 19 June 1950 on the recommendation of [name] Superintendent Assistance Officer".<sup>29</sup>

76. The records of the relevant Religious Congregations identify her (under a slightly adjusted name) as having entered the Laundry at the age of 16. She is recorded as entering on the recommendation of a named person at the County Home. There was "no account of parents". The girl spent almost 3 months at the Magdalen Laundry, before she "went to the convent [named]". The convent to which she went was not a Magdalen Laundry.

*Referrals by Galway County Council*

77. Galway County Council carried out "an extensive search of our archives catalogue and various collections" and identified general materials of

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<sup>28</sup> Managers' Orders 1946-1948 (CC/MO/2/8), Order No. 10718, 20 June 1949.

<sup>29</sup> Managers' Orders 1946-1948 (CC/MO/2/8), Order No. 12848, 27 June 1950.

relevance as well as referrals of a number of girls and women to Magdalén Laundries.

78. Some general records were first identified, including detail of discussions in the Council on whether arrangements could be made with two Magdalén Laundries for admission of women having had two or more children outside marriage. The term “second offenders” is used in these records in relation to such women.

79. The first such reference occurred in records predating the establishment of the State. The minutes of Galway County Council in 1921 include an account of a discussion on amalgamation of workhouses and general arrangements for provision of institutional relief. The Minutes noted that:

“the Council resolved to have one central hospital in Galway with ambulances and have one central home for old and infirm in Tuam or Loughrea. Children were to be sent to an institution for which one of the workhouse hospitals was used. Unmarried mothers were to be dealt with according to whether they were ‘first offenders’ or ‘older offenders’, with the former sent to the same institution as the children and the latter sent to the Magdalén Asylum, according to the number of offences”.<sup>30</sup>

80. It appears that, after the foundation of the State, the County Council attempted to formalise this policy, although apparently seeking to do so without any accompanying payment by the Council. Minutes of the County Council, dated October 1924 indicate as follows:

“Magdalén Asylum: the Secretary reported that as instructed at the last meeting he interviewed the Rev. Mother of the Mercy Convent, Galway, to see if an arrangement could be arrived at whereby second

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<sup>30</sup> Galway County Council Minutes GC1, 1899 in continuation, GC1/3 at 308.

offenders would be admitted to the Asylum as heretofore, without any success.

A letter was submitted from the Good Shepherd Convent, Cork, stating they would take two of such women, provided they are prepared to work for their upkeep.

Order- [Health & Home Assistance] Committee to approach the Sister in charge of the Magdalen Asylum, Galway, and ascertain if she is prepared to admit second offenders without any payment, which would obviate the signing of an agreement".<sup>31</sup>

81. As set out in Chapter 5 of this Report, the Galway County Scheme proposed by the County authorities in connection with the Local Government (Temporary Provisions) Act 1923 included a provision, building on these references, which suggested that women having their second child outside marriage would not be eligible for any public assistance should they refuse to enter the Magdalen Laundry. However as set out in full in Chapter 5, due to the provisions of the Act itself and as confirmed during Oireachtas debates during passage of the Act, this provision never had any legal force and was never operable. Further, the provision, although of no legal effect, was in any event removed in the amended County Scheme for Galway approved by the Minister in June 1923.<sup>32</sup> Accordingly, there was never a legal basis on which Galway County Council could have sought to withhold public assistance from a woman on grounds of her being an unmarried mother or due to refusal to enter a Magdalen Laundry.

82. It remained lawful for all County Councils, including Galway, in their role as health authorities, to refer girls or women to approved Magdalen Laundries – along with the whole range of other institutions approved as extern institutions

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<sup>31</sup> Minutes GC5/ - date range 1922-1932, 1938-1941

<sup>32</sup> County Scheme Order, Galway No. 1, 1923 of 28 June 1923

– as a form of institutional relief. There would, however, have been no penalty and no loss of entitlement to alternative forms of public assistance for a girl or woman refusing to enter an extern institution.

83. Decisions on referrals of individual women to Magdalen Laundries (or any other extern institution) occurred at the level of the County Council (then operating as a health authority) and were effected by way of Order of the County Manager.

84. Four Orders of the County Manager, Galway County Council, were identified which confirm three cases of referral of women to the Magdalen Laundries. The basis on which such referrals could have occurred would have been the approval of the Magdalen Laundries in question as extern institutions for provision of public assistance. In all three cases, the women concerned had had a child in the Tuam home.

- “[Name] – that this girl be sent to the Magdalen Asylum when due for discharge”.<sup>33</sup> A further Manager’s Order was made in respect of this girl shortly thereafter: “that this girl be sent to the Magdalen Asylum when child is 12 months old”.<sup>34</sup>
- “[Name] – that application be made to the putative father of this girl’s child for maintenance charges and that she be discharged to the Magdalen Asylum when child is twelve months old”.<sup>35</sup>
- “[Name] - that this girl be sent to the Magdalen Asylum when child is 12 months old”.<sup>36</sup>

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<sup>33</sup> Manager’s Orders GC/CS02, MO8204/3785, 4 March 1947

<sup>34</sup> MO8388/3934, 28 March 1947

<sup>35</sup> MO8388/3934, 28 March 1947.

<sup>36</sup> Id. MO/8388/3394, 28 March 1947

85. The Committee searched for these women in the records of the Religious Congregation which operated the Magdalen Laundries. In two of these cases, a matching record was identified by the Committee among the partial records of the Galway Magdalen Laundry, which confirm that at least these two women were admitted to the institution.
86. The first Order noted above related to a woman, recorded in the Register as having been 22 years of age. She was admitted to the Magdalen Laundry within a few days of the making of the County Manager's Order. The Register records her referral as "Tuam Home, for protection and instruction" (not referring to the County Manager's Order which was the basis of the transfer). The date of her discharge was not recorded in the Register.
87. No record of the second woman entering a Magdalen Laundry was identified by the Committee. As the records for the Galway Magdalen Laundry are partial only, it cannot be said definitely whether she did not enter that institution, or whether she did and the relevant record has not survived.
88. The woman who was the subject of the third Manager's Order above was also identified by the Committee in the Register of the Galway Magdalen Laundry. She was recorded in that Register as being 25 years of age at the time of her admission, a number of months after the Manager's Order. Again, her referral route is recorded as "Tuam Home". The Register indicates that less than a month after her admission, she "escaped".
89. Although there was no legal basis for the withholding of any alternative public assistance to these women, if they chose not to enter the Magdalen Laundry, it is nonetheless possible that financial considerations played a part in these decisions of the Council. Financial considerations appear, at a minimum, to have been a factor in decisions of the Council in relation to admissions to the Mother and Baby Home in Tuam, as follows. One month after these referrals a Manager's Order was made which provided that:

“Future admissions of unmarried mothers to the Children’s Home Tuam: I hereby direct that admissions to the Children’s Home, Tuam, in future be only made on order issued direct from the County Council office after receipt of application form completed by expectant mother giving name and means of putative father, whether she is willing to swear against him with particulars as to her own means and contribution (if any) proposed to be made. This form must be endorsed by her medical attendant giving probable date of confinement and stating whether admission is recommended”.<sup>37</sup>

*Referrals by Waterford County Council*

90. Waterford County Council searched available records including

- County Hospital Committee Minutes,
- Manager’s Orders,
- Finance Committee Minutes and
- Files relating to public health.

91. Records were identified in relation to transport of two women to a Magdalén Laundry. The cases of these women arose jointly in 1931 and were identified in searches of the minutes of the County Hospital Committee. The minutes noted that the Matron of the hospital asked:

“for the use of the Ambulance to convey two unmarried mothers to a Good Shepherd Home outside the county – they are deplorable cases and in the interests of public morality should be placed under restraint – it is the second offence in both cases”.<sup>38</sup>

92. The outcome of the discussion was that the Committee approved use of the ambulance, but on condition that the women consented to the transfer.

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<sup>37</sup> MO 8553/3962 29 April 1947

<sup>38</sup> County Hospital Committee minutes, WCC/GNA/270 Minutes 1931-1938, April 1931

“The Ambulance to convey them to their destination (Dublin) provided they are willing to go”.<sup>39</sup>

93. As the names of the two women in question were not recorded in these Minutes, it was not possible for the Committee to identify, through the records of the Religious Congregations, whether or not they had subsequently agreed to this proposal and entered a Magdalen Laundry.

*Referrals by Westmeath County Council*

94. Westmeath County Council searched relevant records including:

- Westmeath County Board of Health and Public Assistance Minute Books 1922-1942 including financial minutes
- Westmeath County Board of Health and Public Assistance – North Westmeath Sub-Committee Minute Books 1927-1935
- Manager’s Orders Health and Public Assistance October 1944-October 1954.

95. A case was identified, dating to 1939, and relating to a boarded-out child. A letter was received by the County Council from the Department of Local Government and Public Health:

“stating that they have before them the return of children admitted to and discharged from the County Home, Mullingar, during the month of March last, and they desire to be informed why the boarded out child, [name] was taken from her foster parents and sent to the Magdalen Asylum, Gloucester Street, Dublin”.<sup>40</sup>

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<sup>39</sup> Id

<sup>40</sup> No P. 130/5/39 dated 8 May 1939

96. The response of the Council was to order “Superintendent Home Assistance Officer to report” on the matter. The Council appears to have responded to the Department on the matter, but a copy of that letter has not been found.

97. A replying letter from the Department noted that the child in question should not have been sent to the Magdalen Laundry and identified a convent (not a Magdalen Laundry) to which it suggested that she might instead be admitted. In that regard, the Department’s letter stated as follows:

“the Secretary’s letter of the 23<sup>rd</sup> May last in regard to the case of the girl, [name], who was taken from her foster parents and sent to the Magdalen Asylum, Dublin and stating that it was not proper to have this child sent to this Institution and she should be removed from there. They state that it is open to the Commissioner to address the authorities of the Convent [identified convent – not a Magdalen Laundry], Dublin, with a view to having her admitted to this Institution”.<sup>41</sup>

The Order made by the Council was as follows:

“Have child removed to County Home and request Authorities of [named Convent] to inform Board of Health of cost of maintenance”.<sup>42</sup>

98. Subsequent records among the Manager’s Orders indicate that the alternative named Convent (not a Magdalen Laundry):

“stated that there is a vacancy in their Convent and that they can take the girl named in the Secretary’s letter. They would accept 7/6 which is the usual allowance of the Board”.

99. The Committee, through the records of the relevant Religious Congregations, confirmed that the girl in question had entered the Magdalen Laundry and was

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<sup>41</sup> NCBHPA – 1 – 28

<sup>42</sup> Id

recorded as being “sent from [place] County Home”. She was 16 years of age at the time of her admission. She was recorded under a slight variant of her name (shortened). She is recorded as having “left”, on an unrecorded date. Judging her date of departure from the official records noted above, it appears that she had spent approximately 3 months in the Magdalen Laundry prior to her departure.

*Referrals by Wicklow County Council*

100. Records held by Wicklow County Council also suggest placement of at least one boarded out child in a Magdalen Laundry. The Minutes of the Wicklow Board of Health and Public Assistance for 1926 include information on the sequential placements of a girl in a range of institutions by the local authority after her foster mother decided not to keep her when the boarding-out allowance ceased when she reached 15 years of age.
101. The Minutes indicate that she had “no home or relatives who would be responsible for her, and she was not eligible for admission to the County Home”.<sup>43</sup> She was placed by the Wicklow Assistance Officer in two different jobs (neither employer would “keep her”), in two religious-operated institutions for training in domestic service (both of which had, after a short time also contacted the Assistance Officer to indicate that they “refused to keep her”) and ultimately also in the Magdalen Laundry at Gloucester Street, Dublin “for a trial”.
102. A number of other Councils indicated that despite extensive searches, they had not identified any relevant records:

- Carlow County Council reviewed the registers of Manager’s Orders for the period 8 September 1942 – 16 February 1963 and found no

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<sup>43</sup> Wicklow Board of Health and Public Assistance Minutes 25 January 1926. Also cited by Maguire, *supra*, at 69

references to Magdalen Laundries. Manager's Orders for the 1930s and the relevant period after February 1963 were not available.

- Cavan County Council reviewed all minute books for the period 1921-1942 but found no reference to the Magdalen Laundries.
- Donegal County Council conducted a sample search of Minutes of the Board of Health & Public Assistance, County Council Managers' Orders, County Council Abstracts of Accounts, County Council Finance Committee Minutes and Donegal County Council general minutes. No relevant records were identified.
- Dun Laoghaire-Rathdown County Council carried out extensive sample searches and found no "direct or indirect reference to the Magdalen Laundry or Asylum, or any comparable institution".
- Galway City Council conducted "a thorough search" of its listed documentation but was unable to locate any relevant files.
- Meath County Council reviewed the Board of Health and Public Assistance General Ledgers, March 1925–March 1943, the Annual Reports of the Meath County Medical Officer on the Health and Sanitary Conditions of the County 1936-1957, the Home Assistance Applications and Report Books 1925-1953 and the County Board of Health Medical Returns 1936-1957, with no findings of relevance.
- Mayo County Council confirmed that "all records relating to health matters in Mayo County Council were transferred to the Western Health Board in 1970". Although it retains the minutes of Council meetings and Manager's Orders, the Council informed the Department of Environment, Community and Local Government

that it “does not have the resources to research and extract from these records the information you require”.

- Kerry County Council did not identify any relevant records.
- Kilkenny County Council carried out “a thorough search” of archives but did not identify any relevant materials.
- Laois County Council searched archives but did not identify any relevant materials.
- Limerick City Council has digitised records including the records of the Public Health and Assistance Board and the Minutes of the City Council. These were searched in full. Sample searches were also carried out on the (non-digitised) Manager’s Orders covering the 1930s, 1940s and 1950s. No records of referrals to the Magdalene Laundry were identified.
- Longford County Council reviewed the minutes of the Boards of Health and Public Assistance on a sampling basis for the 1920s, 1930s and 1940s; as well as Managers Orders for the 1940s, 1950s and 1960s. No relevant records were identified.
- Louth County Council searched financial records, Managers Orders and index of minutes of the Council but did not identify any relevant records
- North Tipperary County Council searched all available records in relation to the local authorities in the area but did not identify any relevant records.

- Offaly County Council searched available materials on a sampling basis but did not identify any relevant records.
- Roscommon County Council searched all available records but found no relevant records.
- Sligo County Council searched all records included minutes of the Board of Health, Manager's Orders, Council minutes and other records relating to health and public assistance. No relevant records were identified.
- South Dublin County Council was established only on 1 January 1994 and accordingly did not have records for the period during which local authorities held the health function.
- South Tipperary County Council confirmed that it held minutes of the Boards of Health and Public Assistance and Manager's Orders for the period. A search was carried out on a sampling basis for the 1930s, 1940s and 1950s, with no relevant records identified.

103. It is highly unlikely that the cases described above are the only cases of referral of girls and women by County Councils, in their capacity as health authorities, to the Magdalen Laundries. The difficulties in searches referred to above may mean that other such referrals were made by County Councils

104. These searches by all 34 Councils accordingly resulted in only 10 identified cases of referrals of girls or women to the Magdalen Laundries by Councils in their role as health authorities. As an indication of scale, for the equivalent period it may be noted that records were identified of approximately 135 cases of referrals by the Councils to Mother and Baby Homes (which are not within the scope of this Report).

105. These ten cases are clearly not the only referrals made during the period by the health and public assistance authorities, as evidenced by the records of the Religious Congregations which operated the Magdalen Laundries. They are, nonetheless, indicative of a pattern of referrals and the basis on which they were made. On the basis of the records identified, two general categories of girls and women appear, on the face of these records, to have been referred to Magdalen Laundries by local authorities performing the health function prior to establishment of the Health Boards in 1970:

- Girls above the age of 15 who had formerly been boarded-out (fostered); and
- Unmarried mothers, after the birth of their children.

106. The approval of at least 5 and possibly 6 Magdalen Laundries as extern institutions in which local authorities could place girls or women eligible for institutional relief or assistance permitted local authorities to lawfully refer girls or women to approved Magdalen Laundries. Approval of these institutions occurred at Ministerial level; while approval of individual referrals was made at the level of County/City Council and effected by way of Order of the County/City Manager.

107. No penalty, including the withdrawal of other forms of assistance, applied to any girl or woman who did not comply with such a referral. What is less clear is whether the girls or women concerned, and especially those young girls who had previously been boarded out, were aware of the alternative options available to them.

108. The records of the Religious Congregations further supplement the information identified in official records. At least 349 cases were identified in these records of referrals of girls and women from City and County Home to Magdalen Laundries. This amounts to 4.4% of all known entries to the

Magdalen Laundries. The youngest girl referred from a City or County Home was 13 years of age, while the oldest woman referred was 61 years of age. A number of broad patterns can be identified among the cases of girls and women recorded as entering Magdalen Laundries from County or City Homes or by the health authorities during this (pre-1970) period.

109. A small number of cases are specific enough to confirm the pattern, already identified in the records of County Councils, that some young girls were returned to County Homes and from there placed in Magdalen Laundries at or around the age of 15, when boarding-out allowances to their foster-families ceased. For example:

- A 15-year old girl was admitted to a Magdalen Laundry in the 1940s from a named County Home. The Register records “has no relatives” but included an address for her “foster mother”. This girl became a consecrate approximately 10 years after her entry to the Magdalen Laundry and remained there until her death.
- A 15-year old girl placed in a Magdalen Laundry in the 1920s by the “Sister in Charge, County Home”. She was recorded as having “no family or friends”. She remained there for approximately 3 months before she “left for a situation” (a job).
- A 15-year old girl was “sent by the Matron, County Home [place]” to a Magdalen Laundry in the 1930s. She had “no address” and no family. The details of her departure are not recorded.

110. In other cases, poverty seems to have been a factor, with a number of young girls admitted to Magdalen Laundries from County Homes in which one or their parents also resided. For example:

- A 17-year old girl was “sent from the Co. Home [place]” in the 1920s. Her “father living in Co. Home [place]”. She was “sent back again” after 2 months.
- An 18-year old girl entered a Magdalen Laundry in the 1920s. She was “brought from County Home”. Her “mother lives in County Home, [place]”. She remained there approximately 6 months.
- A 17-year old girl was “sent from County Home [place]” to a Magdalen Laundry in the 1930s. It was recorded that her “father an inmate of [place] County Home”. She remained there for approximately 2 months, after which she was “sent to County Home for treatment”.
- A 19-year old girl “came from County Home [place]” in the 1930s. Her “mother resides at County Home [place]”. She was “sent to County Home” 7 months later, but “returned” again 3 months subsequently. The details of her subsequent departure are not recorded.
- A 14-year old girl was sent to a Magdalen Laundry in the 1940s by “Matron, County Home, [place]”. The Register records that her “mother in County Home, [place]”. The details of her departure are not recorded.

111. Poverty also appeared as a factor in admissions of older girls or women to the Magdalen Laundries from County Homes, with some women moving between those two institutions a number of times. For example:

- A 17-year old girl was “sent from the Union” to a Magdalen Laundry in the 1920s. No family is recorded and her “friends dead”. After 4 months she left and went to another Magdalen Laundry.
- A 19-year old girl entered a Magdalen Laundry in the 1920s from “the Union”. After approximately 3 months she “returned to the Union”, but “returned here again” to the Magdalen Laundry less than a week later.
- A 35-year old woman entered a Magdalen Laundry in the 1920s, sent by a named County Home. She had “no address”. She remained there until her death many years later.
- An 18-year old girl was “sent by [name], Co. Home [place]” in the 1930s. She “left at own request” after approximately a year and “went to Co. Home”. She returned to the Magdalen Laundry approximately a year and a half later, staying for about a year.
- A 24-year old girl was “sent by the Matron, [place] County Home in the 1930s. She was recorded as having spent “many years in County Home”. After 5 months, she was “sent to her step-mother”.
- A 17-year old girl sent by County Home to a Magdalen Laundry in the 1930s. Her parents were dead. She remained there only 5 days before she “left at her own request”. She returned approximately a week later and again remained less than a week.
- A 17-year old girl “came from County Home” to a Magdalen Laundry in the 1930s. A “step-mother” is recorded on the Register. She remained there 6 years, after which she “left at her own request”

- A 16-year old girl was admitted to a Magdalen Laundry in the 1940s from a named County Home. Her parents were dead. She remained there 7 years before leaving for a job.
- A woman, age not recorded, entered a Magdalen Laundry in the 1940s, “sent by [name], City Home [place]”. She had no relatives. She was “sent back to [place] at own request” 8 months later.
- A 19-year old girl entered a Magdalen Laundry from “the County Home, [place]”. The Register records that her parents were living but that they had “no home address”. She remained in the Magdalen Laundry one month before she was dismissed.
- A 20-year old woman with “no address” entered a Magdalen Laundry in the 1940s, having been “sent by the Matron, County Home, [place]”. She remained there for 4 years.
- A 16-year old girl was brought to a Magdalen Laundry in the 1950s by “[name], County Home, [place]”. There was “no account of parents”. She remained there 3 months and then “left”.
- A 17-year old girl was “sent by the Matron, County Home [place]” in the 1950s. She had in her earlier life been in an Industrial School and had “no relatives”. She remained there almost 16 years, before she was “sent to” a named Industrial School (presumably for employment).
- A 17-year old girl entered a Magdalen Laundry in 1970, referred by the “County Clinic”. Her parents were dead. She remained there approximately a year and a half, before she left for a job.

112. In a small number of cases, intellectual disability or psychiatric illness is suggested by available records. For example:

- A girl was admitted to a Magdalen Laundry from “the Union” in the 1930s. She was “sent back to Union- mental”.
- A 28-year old girl was admitted to a Magdalen Laundry in the 1930s by “the Matron” of a named County Home. On an unspecified date thereafter, she was “taken back by Matron as she is a bit mental”.
- A 16-year old girl was admitted to a Magdalen Laundry in the 1960s, “brought by [name], County Manager, [place], arrangements made by [name], Asst Co Manager [place]”. Her mother was listed as living outside the State. She remained there for 7 years, after which she was sent to an institution for the intellectually disabled.

113. In other cases, old age or the absence of family members to care for them seems to have been a factor behind the referral of women to Magdalen Laundries from County Homes. For example:

- A woman (age not recorded) entered a Magdalen Laundry in the 1920s having been sent from a named County Home. Her husband was dead. She stayed there almost a month.
- A 61-year old woman entered a Magdalen Laundry in the 1930s from a named county Home. She “left at her own request” 5 months later, but subsequently “returned from County Home”.
- A woman recorded as a “widow for 10 years” entered a Magdalen Laundry in the 1970s from a named County Hospital. The details of her departure are not recorded.

114. These and many other referrals by County and City Homes would have been approved by the appropriate County structures, but the records of these referrals, on the basis of searches by Local Authorities, do not appear to have survived intact or in easily accessible format.

**C. Referrals from health authorities carrying out a social services role, prior to establishment of the Health Boards, and from social services thereafter**

115. Social-services type roles, were also performed by the health and public assistance authorities prior to establishment of the Health Boards in 1970. Cases of referrals, in this regard, of girls and women to Magdalen Laundries were also identified by the Committee. Sample cases follow:

- A 21-year old woman was “brought by the social workers of the city” to a Magdalen Laundry in the 1920s. After three months, her “parents took her home”.
- A 15-year old girl was “sent by Board, [place]” in the 1950s. She became a consecrate and remained there for 12 years, before leaving for an outside institution (not a Magdalen Laundry).
- A child (age not recorded) was “brought by [name], Children’s Officer, [place]” in the 1950s. After 9 months she “ran away”.
- A woman (age not recorded) entered a Magdalen Laundry in the 1950s, having been referred by a named “Almoner” at a named hospital. (Almoners were early social workers in some hospitals). She remained there until her death.

- A 14-year old girl was sent to a Magdalen Laundry in the the 1960s by a named person, described as “Welfare Officer, Health Authorities, [place]”. The only listed family was her “foster-parents”. She remained there over 2 years, at which point she was transferred to another Magdalen Laundry.
- A woman aged in her 40s was sent to a Magdalen Laundry in the 1960s by a named person at “Health Authority, [address]”. She remained there almost 2 years, at which point she was “sent home with her two brothers and sister”.
- A 15-year old girl was sent to a Magdalen Laundry in the 1960s by “[place] Health Authority”. Her only recorded family was a foster-mother. The Register records that she was undergoing treatment at a named psychiatric hospital. After less than a month, she was “taken by [name], social worker” to a named psychiatric hospital.
- A woman (age not recorded) who had been in a named institution for intellectually disabled children was “sent by [name], Health Authority” to a Magdalen Laundry in the 1960s. She remained there approximately 4 months.
- A woman (age not recorded) who had grown up in named orphanages was “brought by social worker” to a Magdalen Laundry in the 1960s. The details of her departure are not recorded.
- A woman was sent to a Magdalen Laundry in the 1960s by “Welfare Officer, Health Dept., County Clinic [place]”. The Register records that she was “missing for a few days, in need of care”. She remained at the Magdalen Laundry for approximately 4 months.

116. Prior to the establishment of the Health Boards, much of the work of child protection, which would today be carried out by social services, was conducted by the officers of the National Society for Prevention of Cruelty to Children (“NSPCC”).<sup>44</sup>
117. The referrals of girls made on its own behalf by the NSPCC to Magdalen Laundries are referred to in Chapter 18 of this Report (non-State referrals). However there was also a practice, centered in particular on the first years of the establishment of the Health Boards, for officers of the NSPCC to work with and alongside the newly created social worker posts in the Health Boards.
118. The HSE (which inherited the records of the Health Boards) had difficulties in identifying any relevant records in relation to this period. However the Committee found evidence, in private archives, of certain referrals during this period.
119. The Committee also found evidence of referrals of girls and women to the Magdalen Laundries made during this period by the NSPCC and Social Workers of the Health Boards jointly. Samples of these cases are recorded here. It can be noted that a number of these cases also establish that social workers both of the Health Boards and the Officers of the NSPCC in at least some cases conducted follow-up visits to the girls placed in this way during their time at a Magdalen Laundry.
120. The involvement of NSPCC inspectors as well as the Health Boards in the same cases around this time is due to a historical arrangement between those bodies. On establishment of the Health Boards in 1970, officers of the NSPCC – who had effectively been carrying out the role of social workers until that point – worked with and alongside the newly appointed officials of the Health Boards on cases involving children. In some cases, the NSPCC

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<sup>44</sup> See Note 1 above

inspector was physically based in the offices of the Health Board, in others the working relationship was that the NSPCC inspector would (in light of their years of experience) take responsibility for more ‘serious’ cases while the Health Board officers took responsibility for less serious or more standard cases during this overlap or bedding-down phase.<sup>45</sup>

121. A detailed file, identified in the NSPCC archives and including records originating in the South Eastern Health Board, relates to a woman whose marriage had broken down and whose children had been taken into care due to her “inability to care for the children”. The Health Board, in the 1970s, sought all old case-files in relation to the family from the NSPCC. The Health Board refers to the woman having recently left her employment (which was a live-in position) and that she was now “c/o” a named Magdalen Laundry.
122. A letter of the Health Board confirms that an official of that Board had met with the woman in the Magdalen Laundry (“I saw [name] in the [place] on [date] and ...”), where she was “being temporarily accommodated ... for a few nights”. The remainder of the file relates to attempts to assist in family reunification, which failed when “she left unit in Good Shepherd Convent and told children not to tell anyone about her absence”. The file details subsequent efforts to trace her, on behalf of her children, without success.
123. Another case involving both the NSPCC and the Health Authorities arose in the late 1960s, when a man sought the advice of the organisation in relation to his daughter (aged in her twenties) and her child.<sup>46</sup> The woman was described in the file as:
- “somewhat retarded. She wants the child placed in care and is not interested in keeping it. This child was previously boarded out by the [place] health authority”.

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<sup>45</sup> See e.g. ISPCC Annual Reports

<sup>46</sup> Ref 18451

124. The file confirms that the relevant health authority was advised and had “promised” to have the child boarded out again. Meanwhile, the Registers of a Magdalen Laundry records that the woman was brought to that institution by the NSPCC Inspector. She remained there for almost two years before she “left for a situation” (a job).

125. Another such case involving both the NSPCC and Health Board Social Workers related to a 14-year old girl placed in a Magdalen Laundry in the 1960s.<sup>47</sup> Her mother was of no fixed abode and a complaint of neglect had been made in relation to the girl and her younger siblings. At the time of initial involvement with the case, the girl “was in the county home having run away from her mother. [Mother] agreed to let Inspector take this girl to the Good Shepherd [place].” The girl’s younger siblings were shortly thereafter committed to Industrial School. The case remained open and was in the 1970s taken over by a named (Health Authority) Social Worker. The girl in question was, however, according to the Register of the Magdalen Laundry “taken out by her aunt”.

126. Another file identified in a private archive includes a letter in the 1970s from the Western Health Board, referring to a girl it had referred to a Magdalen Laundry. The girl in question entered a Magdalen Laundry in the 1970s at the age of 15. The Register records that she was:

“mixed up with a married man; parents anxious to break her contact with him; a/c to [name] Social Worker, [place]”.

127. A letter on file at the Magdalen Laundry from the Western Health Board referred to a report to them in relation to the girl and said:

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<sup>47</sup> Ref 15897

"I am very pleased indeed that [name] has settled in so well and now feel that she should show progress. .... Once more thank you for your fine work with [name]".<sup>48</sup>

The girl in question remained in the Magdalen Laundry for an unspecified period, after which she was transferred to an identified unit for teenagers.

128. Another case, dating to the early 1970s, is more detailed still in recording the hand-in-glove approach of the Health Board Social Workers and NSPCC officials in relation to a girl placed in a Magdalen Laundry at that time and follow-up of her case.<sup>49</sup>

129. The girl in question had, at the age of 15, left home and taken up a job at a hotel. The file records that:

"She left there after a month because of a quarrel with the assistant manager. From there she went to [identified relative] who put her up for few weeks, but then gave her some money and told her to go and look for a job".

130. An Inspector of the NSPCC "brought her to [identified Magdalen Laundry], having arranged with Sr [name] earlier that day re accommodating [name] on a temporary basis."

131. The file records visits on at least 15 different dates by either the NSPCC Inspector or a named Social Worker from the local Health Authority to the girl at the Magdalen Laundry. Details are recorded of the nature of the conversation and the girl's mood on each occasion (e.g. on one visit "she said she was unhappy and wanted to go to her brother [name] in England. [Brother's name]'s whereabouts are not known however", while on another

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<sup>48</sup> Letter dated 8 March 1973, Western Health Board to relevant Magdalen Laundry

<sup>49</sup> Ref H/01/73/21

occasion she was "in much better form and said that the [name of place] was not so bad after all".) All visits appear to have been unsupervised, and many involved time outside the Magdalen Laundry – including on different occasions both attending "to the unemployment exchange" from which they were "referred ... to the national manpower service, where [name] was interviewed in the hope of being able to find her employment", to her former place of employment to see her insurance card, as well as to her family home.

132. The file does not indicate that any complaints were made by the girl to the Social Workers about the place in which she was, other than on one occasion:

"[name] was not in the best of form and was complaining rather a lot. Said she had not been allowed out of the [place] since Saturday because she did not get back until 8.30pm. ... [Name] and myself went to [name] Park. When I suggested returning to the [place] she refused to move. Said she did not like it there - that the girls were fighting with her and that she had nothing to do up there. She was very annoyed that I had not got her a job and felt, I think, that we were not interested in her. I could not get her to come back with me to [place] so I left her in the park. I went up to [place] at [time]pm, [name] had returned and apologised to me for her behaviour".

133. On another visit shortly thereafter, however, the girl:

"was in good form and talked about the escapade over Easter weekend. She had gone out with someone and wandered about most of the night and finally got in to the convent about 4am. She thought it was great fun".

134. One report, after a home-visit to her father, suggested that her previous behaviour may have been an attempt to provoke a response and that previously:

"all her actions resulted in people rejecting her. As this has not happened for the past few weeks, maybe she is feeling more secure and this might have made her feel able to tell her father – knowing that even if he rejected her again, at least the convent and myself would not".

135. The remainder of the file details events including repeat home visits by the girl to her family, some with social workers and some without, as well as some additional difficulties the girl encountered due to the fact that she had "been shoplifting around town" while living at the Magdalen Laundry. The file ends when the "Children's Dept" took over sole responsibility for the case later that year.
136. Another case from the same period involved the Southern Health Board and the NSPCC. The girl, who was in a Magdalen Laundry at the time of interest of the Health Board, was 16 years of age. A record exists in the NSPCC archives of the Health Board seeking a case-history on the girl, and a copy of the response issued is also filed. In the absence of the Health Board file it is not possible to say what action, if any was taken. However from the Registers of the Religious Congregation in question it is clear that 7 months after the Health Board's request for a case-history, the girl was still in the Magdalen Laundry. The Register records that at that point, she "ran away".
137. Another case, which arose in the early 1970s and also involved both the NSPCC and the "Children's Dept." of a Health Board, concerned a young girl of 14 years of age who was living with her parents.<sup>50</sup> An initial complaint was made to the NSPCC regarding a child being in danger. It was reported that "a number of men were visiting the house". The Inspector met the child's mother who:

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<sup>50</sup> Ref 18719

"admitted having affairs with the men and some of them give her money. She is mentally retarded. [Father's name] does not work. He is also retarded. The child was attending the name school in place [named school for intellectually disabled]. ... The parents are unfit to have the custody care or charge of their child. I shall get in touch with the [place] Health Authority about the case".

138. The Registers of the Religious Congregations indicate that the child was, within a few months thereafter, admitted to a Magdalen Laundry. She was transferred to a named psychiatric hospital from the Magdalen Laundry.

139. A subsequent file of the NSPCC – confirming on its face that a named officer of the "Children's Dept" was the "other agenc[y] ... involved" contains records of the child's subsequent experiences. At this point the child was 16 years of age. The file records that from psychiatric hospital, she had been discharged to her family. The NSPCC handed the case over fully to the Health Authority and no further records were kept.

#### **D. Health and social authorities following 1970 (Health Boards)**

140. With the creation of the Health Boards in 1970, the health function passed to them from the Local Authorities. The records of the Health Boards were inherited by the HSE, upon its establishment pursuant to the Health Act 2004.

141. The HSE experienced difficulties in searches for any relevant cases, due to the broad range of materials held – all in hardcopy – for the period in question. However during much of the period of operation of the Health Boards, the provisions of the 1953 Act in relation to extern institutions continued. The Committee is also aware from the records of the Religious Congregations that referrals by health authorities continued to occur during the period.

142. Some sample cases, drawn from the area of the nascent social services of the Health Boards, were recorded in the preceding Section. This Section deals with the period after establishment of the Health Boards and full assumption of their role.
143. In most cases, the information available in the records of the Religious Congregations is confined to the Entry Registers, described throughout this Report. However in a number of cases, ancillary documents are also held and were examined by the Committee.
144. One such case arose in the Magdalen Laundry in Limerick, operated by the Good Shepherd Sisters. The archives of the Congregation include quite a complete set of documents relating to a 14-year old girl admitted to the Magdalen Laundry, including a letter from the Southern Health Board dated 1971. It was a case in which the NSPCC, the Southern Health Board and the girl's family all worked together to facilitate – and in the case of the Southern Health Board to pay for – her time in a Magdalen Laundry.
145. The letter of the Southern Health Board, which was addressed to a named Sister at the Good Shepherd Convent, provided significant detail on the background to the admission of this girl to the Magdalen Laundry. She had repeatedly gone missing from her home and was on a number of occasions found by the Gardaí and/or her family “on board ship on the Cork Quays”.<sup>51</sup> It is noted by the Southern Health Board that her family was “very concerned” and “most cooperative” and that, following assessment including psychiatric assessment, it was decided to send her to a training centre. As a result she was placed in a job in a (named) commercial laundry but she kept this job “for exactly one month. This was when she disappeared” again and was missing for a month:

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<sup>51</sup> Letter dated 27 April 1971 from Southern Health Board, Cork to Good Shepherd Convent Limerick

“when she was taken from a ship among others to the Bridewell Barracks, Cork. She appeared same day at Cork District Court. As she had committed no criminal act, her case was adjourned for six months and she was taken home”.<sup>52</sup>

The letter of the Southern Health Board records that four days later “she was gone again”.

146. According to the description of the Southern Health Board, less than two weeks later “[name] was found by her father – hence her hasty admission under your centre’s Supervision”. The remainder of the letter consists of the view of the relevant official on the girl’s character, a suggestion that she be “medically checked” in light of the fact that she was “exposed to infection” and a suggestion that:

“it is possible you may succeed in doing a lot with her in whatever you find her fitted for, away from the environment where she was finding herself”.<sup>53</sup>

147. Finally, the Health Board requested:

“some report on [name] approximately each month, as to her progress etc: I trust she will respond to whatever routine programme you consider is best for her, I shall look forward to hearing from you in due course”.<sup>54</sup>

148. As the HSE was unable to identify specific cases of this kind in its archives, the Committee was unable to determine whether or not requested Reports were provided to the Southern Health Board.

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<sup>52</sup> Id

<sup>53</sup> Id

<sup>54</sup> Id

149. The archive included some other documents in relation to this girl, a letter which confirms that admission of the girl to the Magdalene Laundry in Limerick had been agreed and arranged in advance of her being found again by her family, on the last occasion on which she ran away.

150. A letter from a named Sister in the Good Shepherd Convent Cork to the Convent in Limerick, in advance of her admission, records that:

“her father is again searching for and when she is found she will be sent directly to Limerick. [Named NSPCC Inspector] will probably take her and if he is not available [girl’s name] father will hire a car and take her there himself. Cork Health Authority will pay for this girl”.<sup>55</sup>

151. A letter from the girl’s mother to the Good Shepherd Convent in Limerick provides further information on the circumstances. The letter was written “in answer to your letter” (no copy of which was retained by the Sister who sent it) and refers both to the earlier sequence of events as well as to her mother’s instructions for the future. In that regard, the girl’s mother’s letter says that:

“I was anxious to get her back to you for I know that you are the only ones who can help her now. ... [Girl’s name] needs to be watched because she will probable (sic) try to run away again so don’t be to (sic) soft with her and give her plenty of work to do. Of course she thinks that she is only away for three months. But I will leave her there much longer than that, I won’t be going down to see her for a good many weeks and when I will be going I’ll write to you first and you can let me know if it will be alright to see her”.

152. There is no copy on file of any possible response to the girl’s mother, but other documents are, including medical reports indicating that the suggestion of the Southern Health Board for certain medical tests (including pregnancy

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<sup>55</sup> Letter dated 15 April 1971 from Good Shepherd Convent Cork to Good Shepherd Convent Limerick

tests) were carried out at a local hospital during the girl's time in the Magdalen Laundry.

153. A internal note records that:

"we find her quarrelsome and a bad temper. [specified date] Lost her temper and went to get a knife".

A few days after this event – and less than 2 months after her admission to the Magdalen Laundry – the girl was sent back to her home.

154. Other than this specific case, a number of broad patterns can also be identified in the records of the Religious Congregations among the cases of girls and women recorded as entering Magdalen Laundries pursuant to referrals by health or social services authorities during this (post-1970) period.

155. The youngest known girl referred by the health or social services to a Magdalen Laundry during this period was 11 years old. The oldest was 61. Some referrals were of very young girls. It is not always clear what prompted the Health Boards to refer these girls. In one case, the referral is made for "protection", while in other cases it appears the girl had nowhere else to go:

- A 12-year old girl was referred to a Magdalen Laundry by "Children's Dept" at an identified Health Board in the early 1970s. Her father was dead at the time of her referral. No other details are recorded.
  
- A 14-year old girl was referred to a Magdalen Laundry by "Social Work Dept." in an identified Health Board in the early 1970s. She "ran away" after just over a month, but "returned" a few weeks later. After another approximately 2 weeks in the Magdalen Laundry, she left to begin "part-time work".

- A 15-year old girl was sent by the “Children’s Officer, [place] Health Board – nowhere to stay”. After less than a month, she “got job in [name] Hospital”.
- A 15-year old girl was placed in a Magdalen Laundry in the 1970s by “Children’s Officer, H.B.”. She “went to a job” at a named hospital 5 months later.
- A girl (age not recorded) was admitted to a Magdalen Laundry in the 1970s following referral by a social worker. The Register records “needs to be protected”.
- A girl (age not recorded) was admitted to a Magdalen Laundry by reference of a social worker in the 1970s and was recorded as being a “problem girl at home and work”.

156. Some of these placements were plainly temporary and intended as such, for example:

- A girl (age not recorded) is entered in the Register of a Magdalen Laundry as having been “taken in for a couple of nights until the Social Worker found accommodation”.
- A 16-year old girl referred to a Magdalen Laundry by “Social Work Dept.” was entered in the register as “overnight acc. only, left following day”.

157. Others were of very short duration – but seemingly not by design. For example:

- A 17-year old girl referred to a Magdalen Laundry by “Child Care Officer, Dublin H.Authority” was within 5 days of admission “sent back to Dublin” to that officer.
- In another case, a girl who had been referred to a Magdalen Laundry by a named social worker is recorded as having left 4 times (sometimes within days of return). On the last occasion, she “walked out with boyfriend”.

158. In other cases these placements may have been due to disability or infirmity, for example:

- A woman (age not recorded) was referred to a Magdalen Laundry in the 1970s by “Rehab Placement Officer and CLO”. She remained there approximately one year.
- In another case, a woman was referred by a Public Health Nurse and a social worker. The details of her departure are not recorded.

### **Hospitals**

159. Chapter 7 of this Report sets out the reasons why the category of referral to a Magdalen Laundry from a hospital (regardless of whether public or private) is a complex one.

160. The information identified by the Committee suggests that the vast majority of such cases were referrals of a girl or women in employment in a hospital. Some of these cases of referrals of a girl or woman in employment in a hospital arise in the context of the period of supervision which followed discharge from an Industrial or Reformatory School. Such cases are dealt with in detail in the Chapter 10. However, it is also likely that a small number of cases of referrals, identified in the records of the Religious Congregations

as being from a hospital or a named doctor in a hospital, related to a patient in that hospital.

161. This is difficult to establish conclusively from official records, but the most likely circumstances of such referrals probably involved women ready for discharge from hospital but due to homelessness or disability needed accommodation, whether temporary or permanent.

162. In cases such as these, it appears that there may have been a practice at some points in past decades (particularly during the periods in which welfare provision was minimal) of referral of such patients to either the County Home or a religious-operated institution (including, but by no means limited to Magdalen Laundries). The Committee was informed that such a practice certainly applied in psychiatric hospitals and that it is likely to have also occurred in general hospitals.

163. The youngest known girl referred from a hospital or by a medical professional was 13 years of age. The oldest was 71 years of age. The records of the Religious Congregations suggest that there were some patients referred to Magdalen Laundries from hospitals on the basis outlined above. Some appear to have been intended as short-stays, while others, particularly of more elderly women, may have been intended to provide for them for the remainder of their lives.

- A 71-year old woman entered a Magdalen Laundry “from hospital” in the 1920s. She remained there until her death.
- A woman (age not recorded) entered a Magdalen Laundry in the 1920s from an identified County Hospital. She “died of consumption” there.

- A 19-year old woman was sent by a named District Hospital to a Magdalen Laundry in the 1920s. After a number of months, she “left for County Home”.
- A woman (age not recorded) entered a Magdalen Laundry “from Sanatorium” in the 1920s. The details of her departure are not recorded.
- A 46-year old woman entered a Magdalen Laundry from an identified “convalescent home” in the 1930s. She remained there for over 10 years, at which point she was “taken out by her sister”.
- A 15-year old girl was placed in a Magdalen Laundry by a named officer at “Rehab Institute” in the 1960s. She was “taken home by her father” one month later.
- A 17-year old girl was placed in a Magdalen Laundry by a named “Rehabilitation Officer” following a number of months in a named hospital in the 1960s. She remained there for approximately 10 months, after which she was “taken to hostel by [name], Rehab. Officer”.

### **Mother and Baby Homes**

164. Admissions to Magdalen Laundries from Mother and Baby Homes have been the subject of much public comment. Mother and Baby Homes have also, in some cases, been confused with Magdalen Laundries, which did not admit either pregnant women or babies and young children.

165. Although funded by the State, Mother & Baby Homes were generally operated by Religious Congregations. At least one such institution was established by

a Congregation at the request of the State<sup>56</sup>, and at least two of these Homes were described in official records as being “maintained by” or “under the control of” County Boards of Health.<sup>57</sup>

166. Nonetheless and as set out at the outset of this Chapter, the Committee decided (without taking a view on the formal status of these institutions), that in light of their relevance to health policy, they should be included in this Chapter of the Report.

167. Although there were others over the decades (including one Mother and Baby Home somewhat confusingly called “the Magdalen Asylum, Leeson Street”), the principal such Mother and Baby Homes relevant here are:

- Ard Mhuire, Dunboyne;
- Pelletstown / St Patrick’s, Navan Road;
- Sacred Heart, Bessboro, Cork;
- Sacred Heart, Castlepollard;
- Sean Ross Abbey, Roscrea;
- St Clare’s, Stamullen; and
- Tuam, Co Galway.

The Committee understands that the HSE has taken possession of the archives of all of these institutions.

168. Following a request in that regard by the Committee, the HSE carried out a number of searches on these formerly external archives which are now within its control. First, the HSE carried out a review of the records of St Patrick’s, Navan Road, Dublin, and identified the following transfers from this Mother and Baby Home to various Magdalene Laundries:

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<sup>56</sup> Ard Mhuire, Dunboyne. File ref KA121179. INACT/INA/0/53818

<sup>57</sup> Annual Report of the Department of Local Government and Public Health, 1938-1939 at page 71

<b>Referral source</b>	<b>Place to which the woman was discharged</b>	<b>Number of referrals identified</b>
St Patrick's Mother & Baby Home Register	Donnybrook	18
St Patrick's Mother & Baby Home Register	Gloucester Street	46
St Patrick's Mother & Baby Home Register	"Magdalen Home"	3
St Patrick's Mother & Baby Home Register	High Park	33

169. The HSE was unable to confirm which institution was referred to as "Magdalen Home", although it is possible this refers to the Magdalen Laundry operated in Galway by the Sisters of Mercy.

170. As the HSE was unable to provide the names and other relevant details of these cases – 100 in total - to the Committee before the publication date of this Report, it was not possible for the Committee to track these cases in the records of the Religious Congregations. It was accordingly not possible for the Committee to confirm the details provided or to determine what became of the women after their referral to a Magdalen Laundry.

171. The HSE also conducted a sample search of the records it holds from the Sacred Heart, Bessboro, Mother and Baby Home. The HSE informed the Committee of the following break-down of discharges from Bessboro between 1933 and 1953:

<b>From</b>	<b>Destination</b>	<b>Number of cases identified</b>
Bessboro	Magdalen Laundry at	11

	Peacock Lane, Cork	
Bessboro	“Good Shepherd Order”	7
Bessboro	County Home	3
Bessboro	“Mental hospital”	2
Bessboro	County Hospital	6
Bessboro	Named locations in the United Kingdom	5
Bessboro	Named industrial school	1

172. Of this total of 35 cases, and assuming that “Good Shepherd Order” refers to a Magdalen Laundry operated by the Congregation rather than an Industrial or Reformatory school, 18 were discharges of women from Bessboro Mother and Baby Home to Magdalen Laundries.
173. Samples of these cases were provided to the Committee. Some entries are bare, indicating only e.g. “Sent to the Good Shepherd Convent” and a date. Others were more detailed e.g. in relation to an 18 year old girl, “having already spent three years in the care of the Good Shepherd Nuns in Co. Kilkenny was admitted to Bessboro on the [date] (two years after the birth of her baby on [date]). This young woman was returned to the Good Shepherds on [date].
174. As the HSE was unable to provide the names or further details of these women to the Committee before the publication date of this Report, it was not possible for the Committee to track these cases in the records of the Religious Congregations or to determine what became of these women after their admission to a Magdalen Laundry.
175. Although the HSE was unable to carry out a similar study of the archives of other Mother and Baby Homes that it holds before the publication date of this

Report, it accepts that a similar pattern is likely to have applied in those cases.

176. Other sources were also examined by the Committee in order to establish further information on Mother and Baby Homes as a route of entry to the Magdalen Laundries. For the period in question, Mother and Baby Homes made annual returns to the Department of Health. These annual returns had a standard format – recording the number of mothers in the institution, the numbers admitted and discharged or deceased, a breakdown of whether those in the institution were “awaiting confinement” or “after confinement”. Details on discharge were also required, broken down into the following categories:

- Number sent to situations
- Number sent to parents or relatives
- Number married
- Number sent to other Homes
- Number of other discharges.

177. Typically, only the number of cases is recorded under each heading, not the names of the women involved nor, in the majority of cases, which institutions were, in any given year, included in the category “other homes”.

178. Accordingly while it is possible that Magdalen Laundries were included among the “other homes” to which some women were discharged from Mother and Baby Homes, these Annual Returns records do not generally specify if this was the case or whether such transfers were recorded in some other way.

179. There are some exceptions. In the following cases, discharge to a Magdalen Laundry was explicitly noted in Annual Returns of this kind:

<b>From</b>	<b>Year</b>	<b>Discharged to</b>
St Patrick's	1956	St Patrick's Refuge, Dun Laoghaire

St Patrick's	1962	High Park
St Patrick's	1962	Gloucester Street

Note: in 1962, the two discharges specified to Magdalen Laundries were 2 from a total of 35 “other discharges”.

180. As an indication of proportion, the following sample returns from Bessboro and St Patrick's can be noted:

St Patricks 1964:

- Number sent to situations	49
- Number sent to parents or relatives	177
- Number married	1
- Number sent to other Homes	2
- Number of other discharges	30

Bessboro, 1969:

- Number sent to situations	42
- Number sent to parents or relatives	152
- Number married	3
- Number sent to other Homes	2
- Number of other discharges	-

181. Information was also identified in the annual returns of the Tuam Home to the Department of Health. The information recorded in those cases differs, as it is focused primarily on the children in the home. Nonetheless, between 1950 and 1965, the returns calculating the number of and providing information on children in Tuam identified that the mothers of 24 of these children were in a Magdalen Laundry (“Mother in Magdalen Home”). As some of these children

remained in the Tuam Home for a number of years, certain cases are reported more than once.<sup>58</sup>

182. The files in question identify the women and children by initials only, with the result that the Committee was unable to track these cases in the records of the Religious Congregations to determine what subsequently became of the women in question.

183. A letter was also identified in the archives of Kildare County Council which is relevant to this question. The letter, dated August 1930, was from Bessboro Mother and Baby Home to the Superintendent of the Kildare County Home. The letter concerned a girl, previously in the County Home, who had had a child outside marriage and was resident in Bessboro. The letter indicates:

“I regret to say it was compulsory for me to have the girl [name] transferred to the Sisters of Charity Peacock Lane Cork (where she had been formerly) owing to ill treatment of her child when in bad tempers.”<sup>59</sup>

184. The records of the Religious Congregations which operated the Magdalen Laundries also include detail on referrals from these institutions. Although perhaps closely associated in the public consciousness, referrals of girls and women from Mother and Baby Homes to Magdalen Laundries consisted of only 3.9% of known entries to the Magdalen Laundries.

185. These referrals included cases from all the Mother and Baby Homes listed above. One case referred to a girl “brought from Sean Ross Abbey, Roscrea, by Social Welfare Officer” in the 1960s. She remained in the Magdalen Laundry for 4 years.

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<sup>58</sup> Files: Natarch/arc?0/516714, Natarch/arc?0/409589, Natarch/arc/0/411131, Natarch/arc?0/411768

<sup>59</sup> Letter dated August 1930 from Bessboro to Kildare County authorities

186. However there was no typical pattern to the duration of stay for this category of women. For example, in two cases referred from Sean Ross Abbey to the same Magdalen Laundry within days of one another in the 1950s:

- One left the Magdalen Laundry exactly 1 month after admission; while
- the other girl remained there for more than one and a half years.

187. Bearing in mind the great variation between cases, samples drawn from the records of the Religious Congregations are as follows:

- A 19-year old woman entered a Magdalen Laundry from the Tuam Home in the 1930s. Her parents were listed as alive. She remained there for 9 years.
- A girl who entered a different Magdalen Laundry in the 1940s did so from Castlepollard. She was “dismissed” after less than two months. The Register states that she was “not to be re-admitted, a bit mental”.
- One woman, who entered a Magdalen Laundry from Bessboro at the age of 17, remained there as a consecrate for over 30 years. When she left, it was to “help [identified family member], widow and family”.
- A woman (age not recorded) entered a Magdalen Laundry in the 1950s from the Navan Road. She was “very discontent. Sent back to St Patrick’s Home, Navan Road”.
- A 32-year old woman entered a Magdalen Laundry from Dunboyne in the 1950s. Her parents were living at the time. She remained in the Magdalen Laundry 12 years, at which point she was “taken home by her mother”.

- A woman “brought by Sean Ross Abbey Sisters” entered a Magdalen Laundry in the 1950s. She remained there for over two years, after which “her mother took her home”.
- A 33-year old woman entered a Magdalen Laundry from Bessboro in the 1960s. She was “taken home by her sister” approximately a month after admission.
- Another woman (age not recorded) entered a different Magdalen Laundry from the Navan Road in the 1960s. The Register described her time there and departure as follows “very bold and troublesome. Wanted own flat which she got”.
- Another woman who entered in the 1960s from the Navan Road was described, at a different Magdalen Laundry, as “Troublesome... epileptic... bad spirit.....parents pleased with her improvement when returned”. The date of her departure is not recorded.

**Psychiatric hospitals and psychiatric services (including intellectual disability services for many years)**

188. As part of its exploration of State routes of entry to the Magdalen Laundries, the Committee also considered and examined the possibility of a relationship between the Magdalen Laundries and psychiatric hospitals and psychiatric services. In light of the fact that, for many decades, psychiatric institutions also housed people with intellectual disabilities, it is difficult for long periods of time to distinguish between these two very different categories in the early records of the Religious Congregations.

189. The Committee was interested in psychiatric hospitals from two perspectives:

- the possibility of a woman entering a Magdalen Laundry from a psychiatric hospital; and
- the reverse, namely the possibility of a woman transferred from a Magdalen Laundry to a psychiatric hospital.

190. To attempt to identify any such cases and to understand the circumstances in which they may have arisen, the Committee undertook a number of complementary searches and steps.

- First, the Committee examined the records of the Religious Congregations to identify and extract any cases which appeared to suggest a link to psychiatric hospitals or psychiatric services.
- Second, the Department of Health and Department of Children and Youth Affairs were requested to search all records (including historic records) for any possible cases of such transfers as well as any broader policy material which might exist.
- Third, the HSE was requested to carry out a similar exercise, with a focus on the (historic) registers of psychiatric hospitals.
- And fourth, the Committee sought input from mental health professionals, in an attempt to supplement any records identified to enable it to better understand practices which may formerly have applied in the area of mental health.

191. As a result the Committee confirmed that transfers between psychiatric hospitals and Magdalen Laundries did occur from the 1920s right up until the 1980s. The circumstances surrounding these transfers varied over time and were influenced by a range of factors, including the absence of effective medication for psychiatric illnesses for much of the relevant period, as well as the informal requirements for committal to psychiatric institutions until at least

the late 1940s. Transfers from psychiatric hospitals amounted to 1.3% of known entries to the Magdalen Laundries.

192. A very helpful insight into former practices in this regard was provided to the Committee by Dr Dermot Walsh, retired inspector of Mental Hospitals. He shared a number of observations and insights with the Committee in relation to psychiatric hospitals as both routes of entry to and exit from the Magdalen Laundries. Dr Walsh's input included some general observations, based on his experience, on how these circumstances might have arisen. He stated as follows:

"I was employed as a clinical clerk (equivalent to medical registrar in today's terminology) in Grangegorman Mental Hospital in the years 1956 and 1957 and during 1962 as junior assistant medical officer in the same hospital which by now had become St Brendan's Hospital. During these times my recollection is that a number of young women residing in various institutions run by Religious Congregations were admitted involuntarily either:

- as a person of unsound mind where there was no time limit on the period of detention or
- as a person suffering from mental illness (undefined) where the period of detention was for six months in the first instance renewable to a total of two years without provision for external review.

In the former instance, persons the subject to committal as being of unsound mind, and therefore likely to be considered irrecoverable, were more likely to be mentally defective (to use the terminology of the day), whereas those admitted temporally were more likely to suffer from mental illness and therefore recoverable.

I have the recall, fallible though it may be, that some young women in the latter category were disposed of by the relevant institution because they were perceived as misbehaving themselves by the rules of conduct as set out by the institution and were identified as trouble makers, perhaps with personality characteristics or disorders which would not qualify for committal by the standards and legislation of today. I am unable to attempt to convey the quantities extent of this practice but do believe that it occurred, particularly in the late 1950s".

193. Regarding the reverse circumstances, that is, women entered a Magdalen Laundry from a psychiatric hospital, Dr Walsh made the following observation:

"Until comparatively recent times - say to the 1970s - homeless females admitted to psychiatric inpatient facilities, deemed ready for discharge but homeless, were often placed in residential premises run by Religious Congregations for accommodation, with what degree of consent is difficult to determine."

The category "residential premises run by Religious Congregations" may include Magdalen Laundries, but it is of course considerably broader than those institutions alone.

194. Dr Walsh also commented more broadly on the context of psychiatric care in Ireland prior to the Mental Treatment Act 1945.

"Dealing with an earlier period I would point out that prior to the commencement of the 1945 Mental Treatment Act in 1947, the largest proportion of admissions were under the provisions of the Lunacy (Ireland) Act of 1867 which provided for the involuntary admission/committal of persons designated as Dangerous Lunatics, this being the case as late as 1946 (voluntary admission, other than as "voluntary boarders" in private hospitals, was not possible before the 1945 Act.)

I am researching District Asylum case books up to 1900 and note that committal as a dangerous lunatic was effected on very tenuous grounds; indeed in many cases admission records refer to the persons committed as having struck their father etc."

*HSE searches and records*

195. In light of the two-way traffic between psychiatric institutions and Magdalen Laundries demonstrated by the records of the Religious Congregations and the observations of Dr Dermot Walsh, the Committee requested the HSE to address this issue in its broader searches for relevant records.
196. In order to determine the scale and nature of the relationship between Magdalen Laundries and psychiatric hospitals the Committee asked the HSE to examine the historic registers of psychiatric hospitals (or 'mental hospitals' and 'asylums' as they were formerly known). These records potentially would provide important information, relevant to the Committee's work, in relation to where a patient was admitted from, the reason for admission, discharge details, and so on.
197. The HSE was unable, before the date of publication of the Report, to provide the Committee with input in relation to patterns of admission and discharge based on the (historic) registers of psychiatric institutions. However it provided the following information in relation to this subject, based on other records.
198. Following searches and referring to its own records, the HSE informed the Committee as follows:

"It is not possible to determine the proportion of women or girls referred into the system with psychiatric conditions. ... Very few cases of direct transfer between psychiatric institutions and the Magdalene orders

were turned up during the document search. It is therefore difficult to determine what the culture of referral was between the institutions".<sup>60</sup>

199. The HSE identified and reported to the Committee one relevant case among its records. The case dates to the 1970s and involved an underage girl. The Eastern Health Board (Children's Section) consulted the Department of Health, seeking authorisation for capitation payments for a number of children to be placed in different institutions.
  200. One of the girls is noted as being "referred to High Park by [named doctor], St Loman's Hospital". Her previous history is detailed in the letter, including family breakdown and the suicide of the remaining parent. Two of her grandparents were also noted as being patients at a named psychiatric facility. The notes refer to involvement by the ISPCC in an earlier placement of the girl and her siblings, including a period at industrial school before her transfer to St Lomans.<sup>61</sup>
  201. The HSE also identified materials confirming the use of psychiatric services and the assistance of the National Rehabilitation Board by women admitted to the Magdalen Laundry at High Park, as well as possible referrals by these teams to this Magdalen Laundry.<sup>62</sup>
202. The conclusion reached by the HSE was that:

"it appeared that there was a close working relationship between the order(s) and psychiatric services locally, to the extent that case conferences were held on the premises, but whether this relationship extended to involuntary committals is not evidenced."

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<sup>60</sup> HSE letter to the Inter Departmental Committee, dated 11 November 2012, at para 4.18

<sup>61</sup> Id

<sup>62</sup> Id

*Searches by the Department of Health and Department of Children and Youth Affairs*

203. The Department of Health and the Department of Children and Youth Affairs carried out extensive searches on their shared file system, which includes files dating back to the early 1920s, for records relevant to possible psychiatric system referrals to the Magdalen Laundries.
204. The majority of files identified among the records of the Department of Health which are relevant to the placement of girls and women in Magdalen Laundries from psychiatric institutions or services or from bodies for the intellectually disabled relate not to individual cases, but to overall financial provision.
205. The reason for this is that for the relevant time period, day-to-day health functions, including referrals or placements of girls and women, were carried out at a local or regional level, within the general policies and directions of the Department of Health and, where necessary, with the authorisation of the Department. Departmental authority was necessary for payment of capitation payments under the Public Assistance Acts or for generalised grants including the so-called section 65 grants (as explained in Chapter 5 of the Report) and so on. As a result, relevant records were identified within the Department of Health which related to local or regional health authorities seeking and receiving sanction for payments in a range of cases, including cases of placements of girls and women in Magdalen Laundries.

206. As the matching files of the local or regional health authorities relating to requests for approval of grants from the Minister were not identified, it is not possible to be definitive in all cases on:

- the role and frequency of inspections by the health authorities in these placements; or
- whether, In some cases, the girls or women concerned were placed in the Magdalen Laundries by the health authorities, or whether the health authorities simply decided to provide funding in the case of girls or women with psychiatric illnesses or mental disability after their placement in the Magdalen Laundries by other referral routes.

207. Nonetheless a number of cases were identified in the files of the Departments of Health and Children and Youth Affairs which relate to girls or women with psychiatric illnesses or intellectual disability.

208. Documents, dating to the 1950s, were identified relating to what was referred to as “accommodation of mentally defective persons” at the Good Shepherd Convent in Limerick in its role as an extern institution for the purposes of public assistance.<sup>63</sup> The issue first arose when the relevant County Council consulted the Department of Health in 1953 in relation to a proposed transfer of two “mental defectives” to the Good Shepherd Convent, Limerick. Both were underage – one aged 17 and one aged 14.

209. The internal consideration of this proposal by the Department of Health noted that the Convent had been approved for reception of patients under section 35 of the Public Assistance Act 1939. The position taken was that as the 17-year old girl was “only slightly sub-normal”, there would be no objection to her

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<sup>63</sup> Following comments and quotes taken from unregistered file - Loose papers in envelope dating from 1953 – 1957 “Accommodation of mentally defective persons in Good Shepherd Convent Limerick”

being sent by the County Council to the “Penitents side” of the Convent (i.e. the Magdalen Laundry). By contrast, the Departmental note suggests that the 14-year old girl should not be admitted to the Laundry. She was ultimately placed in an industrial school.

210. There was an exchange thereafter between the County Council and the Department on the matter – with the Council pointing out that the institution had not been approved for reception of “mental defective patients” (as opposed to other persons) under the Public Assistance Act 1939. However ultimately, the outcome of this matter was the placement of a girl in a Magdalen Laundry by State authorities on mental health grounds. The financial aspects of this case are explored more fully in Chapter 13.

211. Later records identified among the files of the Department of Health confirm that intellectually disabled women remained among the categories of women living and working in the Magdalen Laundries throughout the 1960s and thereafter. A series of files, detailed more fully in Chapter 13 relating to State funding of Magdalen Laundries, concern grants to Magdalen Laundries in relation to “disabled” or so-called “subnormal” women there. In later years, terminology began to refer to “mentally disabled women” rather than terms such as those. Grants were approved in many such cases (at least Waterford, Limerick, High Park, Donnybrook and Sean McDermott Street), sometimes on an annual basis (see Chapter 13). These grants were often approved on the grounds of cost-effectiveness, that is, that the Health Authorities would have the responsibility to provide for these women if they were not in the Magdalen Laundry, and that the grant sought for that institution was “only a fraction of what it would cost to keep them in one of the Health Authority’s institutions”.

212. In these cases and unlike the first example given, it is not clear whether these women were placed in the Laundry by official agencies or agents, or whether they were admitted to the Magdalen Laundries through other means, such as their families. It is most likely that the cases comprise of a mixture of all types

of referrals. At a minimum, these grant applications and payments confirm that the State was aware of the placement of these women in the Magdalen Laundries, even if it was not in itself responsible for their referrals.

213. It appears that the Minister for Health announced approval of funding during a visit to High Park later that year, where he referred to the “happy relationship between the health authority and the Sisters” and the doubling of the pre-existing grant.<sup>64</sup>
214. In at least one case, conditions were attached to the approval of the grant, including that the women concerned be given pocket-money and provided with non-institutional clothing.<sup>65</sup>
215. These and other general files searches allowed the Departments of Health and Children and Youth Affairs to jointly conclude as follows in relation to psychiatric institutions and services:

“The records ... indicate that it was agreed to pay state subvention in respect of a number of women/girls who were considered unable to support themselves because of a mental or physical incapacity, and who would have to have had alternative arrangements provided for them by the health authorities if they had not been in a Magdalen centre. ... The Magdalen centres were regarded by the health authorities as places of refuge for vulnerable women or girls. In the case of the health authorities, referrals were made by professionals, including general practitioners, psychiatrists, psychologists and social workers.”<sup>66</sup>

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<sup>64</sup> Dated 22 June 1970

<sup>65</sup> Id

<sup>66</sup> Joint Report of the Departments of Health and Children and Youth Affairs to the Inter-Departmental Committee to establish the facts of State involvement in the Magdalen Laundries

216. The Departments described some of the categories of people referred to the Magdalen Laundries in this context as “persons who had been in psychiatric hospitals”, “problem girls between the ages of 12 and 19 ... referred by psychiatrists, psychologists, social workers, welfare officers etc” and what were referred to in earlier times as “mental defectives”.<sup>67</sup>

*Material identified in other archives and the records of the Religious Congregations*

217. Other materials identified by the Committee in non-State archives also have a bearing on this issue. One case identified by the Committee includes documents confirming that a girl placed in a Magdalen Laundry in the late 1960s was assessed by the National Organisation for Rehabilitation. The organisation, which under a Statutory Instrument made by the Minister for Health had the function to “supervise or operate or arrange for the operation of services ... for the welfare of persons who are disabled as a result of physical defect or injury, mental handicap or mental illness”<sup>68</sup>, arranged for a “vocational report” on an 18-year old girl then in a Magdalen Laundry.

218. The Report provides an assessment of her intelligence, categorising her as “mild mental handicap” and identifies a number of anxiety and other related conditions. It concludes that she:

“needs psychiatric treatment. It is recommended that she should gradually be allowed more freedom in order to prepare her for open employment. A position involving routine work such as assembling, packing, filing would be within her capacity, if personality problems can be resolved.”

219. As detailed more fully elsewhere in this Chapter, while the records of the Religious Congregations in some cases provide clear information on the route

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<sup>67</sup> Id

<sup>68</sup> The National Rehabilitation Board (Establishment) Order 1967, SI No. 300/1967

of referral, they generally do not provide information on the circumstances leading to that referral. For instance, although the Registers might record that a woman entered a Magdalen Laundry from a particular psychiatric institution, they generally do not provide additional detail such as whether she had been committed or was a voluntary patient at that psychiatric hospital, what condition she suffered from, whether she was transferred to the Magdalen Laundry on a voluntary basis or otherwise, and so on.

220. The Registers do, nonetheless, in some cases provide a picture of the circumstances in which women transferred from psychiatric facilities to Magdalen Laundries and, in some cases, back again.

221. In most of the cases examined, the ages of the girls or women are not recorded. However, the age of the youngest girl recorded as having been transferred from a psychiatric hospital to a Magdalen Laundry was 14 years.

222. A number of broad patterns appeared from a study of these cases. Many of those who were admitted from psychiatric facilities or institutions, on leaving the Laundry, returned to the same or another psychiatric institution.

- A woman (age not recorded) was sent by a “lady almoner” at a named psychiatric institution in the 1950s. She was “sent back to [name of institution], not suitable for House (mental)”.
- A woman, whose age is not recorded, entered a Magdalen Laundry from St Loman’s. It is not specified how long she remained there, but her departure is recorded as follows “Went as voluntary patient to St Brendan’s”.

- A woman (age not recorded) entered a Magdalen Laundry in the 1960s having been sent by “St Lomans Hospital, [named doctor]”. She was “Sent back to St Lomans, most unsuitable”.
- A woman, age not recorded, entered a Magdalen Laundry in the 1960s from St Ita’s, Portrane. The date of her departure is not recorded but it is noted that she was “sent back to Portrane”.
- A 17-year old girl, whose parents were alive, was placed in a Magdalen Laundry by a named doctor at “Our Lady’s Hospital, Lee Road, Cork” (a psychiatric hospital) in the 1970s. She remained there for 8 months, before being returned to the same psychiatric hospital (“sent to Our Lady’s Hospital”).
- A woman (age not recorded) entered a Magdalen Laundry in the 1980s from St Brendan’s psychiatric hospital. She returned to St Brendan’s thereafter, on a date not recorded.

223. Many of those admitted to a Magdalen Laundry from a psychiatric institution also appear to have entered psychiatric institutions on more than one occasion.

- A woman, age not recorded, entered a Magdalen Laundry in the 1960s from “[named doctor] St Loman’s”. After less than a year, she was “sent to St Brendan’s, was there before”. 19 years later, she entered the same Magdalen Laundry from St Brendan’s psychiatric hospital. The date of her departure is not recorded, but the Register notes that on departure, she again returned to St Brendan’s.

224. In a number of cases, women transferred repeatedly between psychiatric facilities and a Magdalen Laundry or Laundries.

- A woman (age not recorded) entered a Magdalen Laundry from St Brendan's psychiatric hospital in the 1960s. After 7 months, she was "taken home by mother". She entered the same laundry twice more: she "presented herself" to the Laundry and voluntarily entered two years after her earlier departure. On that occasion, she stayed 18 months before she "went at own request". Approximately a year and a half later again, she entered the Magdalen Laundry for the third time from St Brendan's psychiatric hospital. On this occasion she stayed only a month. On departure, the Register was marked "not to be taken back".
- A young girl spent periods in 6 different Magdalen Laundries in the 1960s, in all but one case entering the laundry from a psychiatric facility. The information recorded by each different laundry varied, but when all 6 entries are reviewed together, the following story emerges: the girl was "reared in [named orphanage]". Her mother was alive but lived outside the State. She spent time in St Anne's Kilmacud (industrial school) and while still underage had "prison record, mental case". Her first entry to a Magdalen Laundry was at the age of 17 from a specified rural "mental hospital". She spent approximately 2 weeks in the Laundry before leaving. Two and a half years later, she entered a different Magdalen Laundry from St Brendan's psychiatric hospital in Dublin. Within the space of the following year, she had entered and left two different Magdalen Laundries (once on an inter-laundry transfer). At the age of 21, she entered another Magdalen Laundry, this time "brought by [named priest], Chaplain [named rural "mental hospital"]". The Register records that she had "spent a short time in most of our convents". On this occasion she "left at her own request" slightly more than a month after entry. Her final recorded entry to a Magdalen Laundry was to a different one again - she entered there from St Brendan's psychiatric hospital approximately 8 months after she had

left the last Laundry. Her final departure is recorded as being “to St Brendan’s again”.

- Another woman entered two different Magdalen Laundries on 7 different occasions over the space of 13 years, with periods in psychiatric institutions occurring a number of times in between these admissions. Her first entry to a Magdalen Laundry was by way of a transfer from St Loman’s psychiatric hospital in the 1960s. After less than 3 weeks, she was “sent to St Brendan’s”. She was re-admitted to that same Laundry 5 years later from St Brendans, this time staying only 3 days. 7 years later, she entered a different Magdalen Laundry, the Register for which recorded that she had “been for some years in St Brendan’s where doctor and social worker asked for her”. Over the next 9 months, she entered and left two Magdalen Laundries 4 times. Her first stay was for approximately 2 weeks. 4 days after leaving that Laundry, she re-entered the first Magdalen Laundry she had been in, staying for 3 months. Only two weeks after leaving, she was re-admitted to the same laundry, remaining approximately a month before again being sent to St Brendans. Her stay in St Brendan’s on this occasion was short, as within 2 months she had re-entered the Magdalen Laundry again. After a few days she left, with the register recording she was “not to be taken anymore”. Within a month, she had entered the other Magdalen Laundry again. The Register records that she had, in the intervening years spent “time in [name of Laundry] and then in St Brendan’s”. She was “on month’s trial”, but left again on an unspecified date.
- A woman (age not recorded) entered a Magdalen Laundry from St Brendan’s psychiatric hospital in the 1970s. Less than a month later, she “walked out”. She returned to the Magdalen Laundry less than a fortnight after walking out. On this occasion she stayed less than 2 months, after which she returned to St Brendan’s psychiatric hospital.

Within a month she had again returned to the Magdalen Laundry, with the register recording “not suit for work” (sic) in relation to that entry. She left again 4 weeks later. Her final entry was 2 years later – on this occasion she remained in the Magdalen Laundry for 8 months, before she again “walked out”.

225. Some of the early cases suggest that intellectual disability and mental illnesses were confused with one another or considered in some way equivalent, with the same girl or woman entering psychiatric institutions as well as institutions for people with intellectual disabilities. For example,

- A 15-year old girl entered a Magdalen Laundry in the 1960s “came from Portrane Mental Home”. She had previously been at an identified institution for children with intellectual disabilities. The details of her departure are not recorded.

226. In other cases, perhaps after the development of a clearer understanding of the distinction between the nature of psychiatric conditions and intellectual disability, women entered the Magdalen Laundries from institutions for people with intellectual disabilities:

- A woman (age not recorded) entered a Magdalen Laundry in the 1950s from a named institution for intellectually disabled. Approximately a year and a half later she was “let go”. The Register notes that she was “very, very troublesome, mental”.
- A 30-year old woman entered a Magdalen Laundry in the 1960s from a named institution for people with intellectual disabilities. She remained there for over 5 years.
- A 24-year old woman “came from [named institution for intellectually disabled]” and entered a Magdalen Laundry in the 1960s. The

Register does not record her departure, but notes only “mentally retarded, very difficult”.

- A 17-year old girl entered a Magdalen Laundry in the 1960s from a named institution for intellectually disabled. She “ran away” 6 months later, and was thereafter “sent back to [name of institution]”.

227. In some cases, it appears that poverty was a factor along with possible mental illness, with women spending time in a County Home as well as a Magdalen Laundry. For example:

- A woman aged in her twenties was “sent from [named] Asylum” to a Magdalen Laundry by [named Doctor] in the 1920s. The Register notes that her mother was “an inmate in” a named County Home. After approximately 6 months, she was “sent to County Home”.
- A 24-year old woman was “brought from the Mental Ward, County Home by [named priest]” to a Magdalen Laundry in the 1930s. At the time, her father was living but her mother was not. She remained at the Laundry for over three years, before being “sent to hospital”. She returned from hospital after approximately 2 weeks and spent more than another 3 years in the Magdalen Laundry until her discharge, again “sent to hospital”.

228. Most transfers occurred between local Magdalen Laundries and psychiatric facilities, e.g. transfers from psychiatric hospitals in the Dublin region to Magdalen Laundries in the Dublin region. However, some transfers from psychiatric hospitals to Magdalen Laundries were not confined to the nearby hospital. For instance:

- A woman (age not recorded) in the 1970s “returned from St Brendan’s Hospital, Dublin” to a Magdalen Laundry in Munster. The duration of her stay in this Magdalen Laundry is not recorded.
229. In the more modern era, from the 1960s onwards, it appears that some of the cases of women entering Magdalen Laundries from psychiatric hospitals may have arisen due to homelessness. In some cases this is explicit, with the Registers recording that the woman was homeless; in others it appears a reasonable assumption based on the duration of stay and discharge details. Possible cases where women who were due for discharge from psychiatric institutions were placed in Magdalen Laundries as they had nowhere else to go to include the following:
- A 28-year old woman entered a Magdalen Laundry in the 1960s “from Lee Road, father and sister in England”. The details of her departure are not recorded.
  - A woman, who is recorded as being of no fixed abode, spent time in two different Magdalen Laundries, both times entering from psychiatric facilities. In the 1970s she entered a Magdalen Laundry from St Brendan’s psychiatric hospital. She returned to St Brendan’s the same day. Two years later (in the 1980s), she entered a different Magdalen Laundry from Cuan Mhuire (attached to St John of God Hospital). The date of her exit is not recorded but the reason for it is – “Got drunk again, sent her to hospital”.
  - A woman, who is recorded as being homeless (“no fixed abode”) entered a Magdalen Laundry in the 1970s from St Brendan’s psychiatric hospital. The Register records her entry as follows “St Brendans. Difficult girl, psychiatric”. She remained in the Laundry for less than 2 months (over the winter period) before leaving. It is not recorded where she went on departure.

- A woman (age not recorded) entered a Magdalen Laundry in the 1960s from St Brendan's psychiatric hospital. She was "sent to a flat" on an unspecified date thereafter.
- A woman (age not recorded) entered a Magdalen Laundry in the 1970s from St Brendan's psychiatric hospital. She "left to go to a hostel" on an unrecorded date thereafter.
- A woman entered a Magdalen Laundry in the 1970s from St Brendan's psychiatric hospital. She left for Regina Coeli hostel (hostel for homeless).

230. Some cases suggest that women entering Magdalen Laundries from psychiatric institutions were accepted home by their families, while some were not. For example:

- A woman (age not recorded) entered a Magdalen Laundry in the 1960s from St Brendan's psychiatric hospital. She was "taken home, not suitable for here".
- A woman (age not recorded) entered a Magdalen Laundry in the 1960s from St Brendan's psychiatric hospital. She "went to her sister in London" thereafter.
- A 14-year old girl was placed in a Magdalen Laundry by a named psychiatrist in the 1970s. The Register records that she came from a situation of family breakdown and that one of her parents was living abroad (in a specified country). The date of her departure is not recorded, but her destination is – a named industrial school.

- A woman (age not recorded) entered a Magdalen Laundry in the 1980s from St Loman's. The Register records that she "went home, unsuitable".

231. Specific references to women, who were referred from psychiatric hospitals, leaving a Magdalen Laundry for an external job were very rare. Two contrasting examples of this are as follows:

- A woman (age not recorded) entered a Magdalen Laundry from St Brendan's psychiatric hospital in the 1960s. She left the Laundry and "went to work" in external employment.
- A woman (age not recorded) entered a Magdalen Laundry from Vergemount psychiatric hospital in the 1980s. Slightly over a year later, she left for "job [named location]". It appears that her employment did not last, however, as very shortly thereafter she re-entered the Magdalen Laundry from an identified rural psychiatric hospital. Approximately 5 months later, she transferred from the Laundry to St Brendan's psychiatric hospital.

232. Other entries are more generic both in terms of the description of the women's possible condition and background. For example:

- A woman (age not recorded) entered a Magdalen Laundry in the 1930s. The Register records that she was "very respectable but mentally deficient – lost her speech". She remained there for approximately 3 months.
- A 20-year old entered a Magdalen Laundry in the 1930s from a psychiatric institution. She spent over 6 years there before leaving. The Register says that she was "Very bold, terrible language, a bit mental. Should not be taken back".

- A woman (age not recorded) entered a Magdalen Laundry from [St Kevins] in the 1950s. She remained in the laundry until her death, with the Register noting that she was “never any trouble”.
- A woman (age not recorded) entered a Magdalen Laundry in the 1950s from [St Kevins]. She “left at her own request, not to be taken back”.
- A woman entered a Magdalen Laundry in the 1970s from St Brendan’s psychiatric hospital. She remained there until her death.
- A woman entered a Magdalen Laundry in the 1970s from Vergemount. She subsequently “walked out”.
- Another woman, age not recorded, entered a Magdalen Laundry in the 1980s from St Loman’s psychiatric hospital. After less than a month, she returned to St Loman’s. She appears to have re-entered the Magdalen Laundry within a short space of time, but later that year she again left the Laundry – the register records this as “Left – not to come back”.

**Chapter 12:**

**The Factories Acts and Regulation of the Workplace**

***Summary of findings:***

*This Chapter addresses issues relating to the Magdalen Laundries as workplaces. It relates to the laundry premises in each institution rather than the institution as a whole or the living quarters of the women who worked there.*

*This Chapter sets out the standards which applied to the Magdalen Laundries as workplaces. It confirms that, even before the inclusion of institutional laundries within the scope of relevant legislation in 1907, 9 out of 10 of the Magdalen Laundries within the mandate of this Report had voluntarily submitted to inspections by the Factories Inspectorate, even though at that time under no obligation to do so.*

*The Chapter further confirms that the Magdalen Laundries were subject to the same general legislative requirements as commercial (non-religious operated) laundries from enactment of the Factory and Workshop Act 1907 onwards, as well as after enactment of the Factories Act 1955. This meant that submission to inspections was from 1907 onwards mandatory for all Magdalen Laundries.*

*This Chapter confirms that the Magdalen Laundries were inspected by the Factories Inspectorate in the same manner as commercial (non-religious operated) laundries, again both before and after enactment of the Factories Act 1955.*

*These inspections of Magdalen Laundries are confirmed to have occurred by the records of the Factories Inspectorate, Statutory Forms signed and countersigned following statutory inspection (from 1950s onwards), correspondence of the Department of Industry and Commerce, statements of retired Factories Inspectors and by the recollections of some of the women who were admitted to and worked in the Magdalen Laundries.*

*The procedures and practices for inspections and follow-up are detailed in this Chapter. Records of inspections carried out indicate that on many occasions, no contraventions of the standards then in force were identified during these inspections of the Magdalen Laundries. Less frequently, contraventions were identified. Any such contraventions identified by the Factories Inspectors were notified to the Religious Congregation operating the Laundry in the same manner as occurred in relation to commercial laundries. Records suggest that any such contraventions were remedied.*

*One exception to this general finding arises. Although no records were uncovered by the Committee of any incidents involving fire at the Magdalen Laundries, the Inspectorate did identify difficulties on some occasions in relation to fire safety, in particular the absence of up-to-date fire certificates. Records demonstrate that where such issues arose, the Factories Inspectorate notified the local authorities, which were responsible for issuance of fire certificates at that time. However, for much of the relevant period, difficulties were experienced by employers in general in obtaining current fire certificates from the Local Authorities and follow-up action by them was poor.*

*However, Local Authorities were, during this period, generally poor in considering or issuing Fire Certificates. This was adversely commented upon as early as 1933 by the line Department (then the Department of Industry and Commerce) as well as in the Barrington Report (1983). As part of this general (historic) difficulty, follow-up action does not appear to have been taken by Local Authorities in relation to fire certification issues reported to them by the Factories Inspectorate in relation to the Magdalen Laundries.*

*This Chapter also addresses the question of accidents and other miscellaneous issues concerning the Magdalen Laundries as workplaces.*

**Introduction**

1. Throughout this Report and as detailed in Chapter 1, the term “Magdalen Laundries” is used to refer in a broad sense both to the laundry facilities at each of the ten institutions within the scope of this Report and also to the associated living quarters or residences for the women who worked there. However, this Chapter relates specifically to the Magdalen Laundries as workplaces and accordingly it deals only with the laundry facilities at each institution.
2. The key questions addressed by the Committee in this context were:
  - What legislation, if any, applied to the Magdalen Laundries as workplaces during the relevant period;
  - Whether the Magdalen Laundries were inspected; and
  - What were the findings of any such inspections.
3. The Committee identified records which provide confirmation of the position in relation to all three of these questions. In relation to the core primary legislation and the inspections regimes which applied to these institutions the Committee established, in summary, that:
  - (a) From the establishment of the State in 1922 until the entry into force of the Factories Act 1955 in October 1956, the Magdalen Laundries and other institutional laundries were subject to the same general legislation and standards as non-institutional laundries, including commercial laundries (the Factory and Workshop Acts 1901-1920, which continued in force after establishment of the State).
  - (b) This remained the case after the commencement of the Factories Act, 1955, under which the Magdalen Laundries and other institutional laundries were subject to the same occupational health and safety legislation and standards as commercial laundries.

- (c) In the period prior to the inclusion of institutional laundries within the scope of the Factory and Workshop Acts (i.e. between 1901 and 1907), 9 of the 10 Magdalen Laundries within the scope of this Report voluntarily submitted to inspections, although not legally required to do so.
- (d) From 1907 onwards, the Magdalen Laundries were subject to inspection on the same general basis as non-religious operated laundries.
- (e) Although records for early years are sparse, those available establish that from at least 1957 onwards, the Magdalen Laundries were inspected by the Factories Inspectorate on the same terms and basis as commercial laundries. Inspections of this kind were unannounced, that is, without notice to the factory occupier (in the case of the Magdalen Laundries, the Religious Congregations).
- (f) The fact that inspections of the Magdalen Laundries were carried out by the Factories Inspectorate was established in a number of ways:
  - i. By way of surviving Inspection Books (the so-called “Green Books”) of the Factories Inspectorate and correspondence of the Department of Industry and Commerce;
  - ii. By statements of retired Factories Inspectors and, in one case, the diary of a retired Inspector;
  - iii. Through records identified in the archives of some of the Religious Congregations, including so-called statutory inspections under insurance cover as well as the recollections of older members of these communities; and
  - iv. The recollections of women who were admitted to and worked in the Magdalen Laundries and spoke to the Committee about inspections by people they called “the suits”.

- (g) These inspections did not generally find contraventions of the standards then applicable to laundries as workplaces (although the standards of the time were not equivalent to current health and safety standards). On occasions when contraventions were identified during inspections, these contraventions were notified in writing to those operating the laundry (in this case, the Religious Congregations), just as occurred in commercial laundries. Records suggest that any such contraventions were remedied.
- (h) Although no records were uncovered by the Committee of any incidents involving fire at the Magdalen Laundries, the Inspectorate did identify difficulties on some occasions in relation to fire safety (in particular the absence of up-to-date fire certificates, as required by the Factories Code). Issuance of fire certificates during this period fell to Local Authorities and, for much of the relevant period, difficulties were experienced by employers in general in obtaining current certificates from the Local Authorities, as set out in more detail below.
4. This Chapter also includes the findings of the Committee in relation to other miscellaneous issues relevant to the Magdalen Laundries as workplaces, including the role of the Factories Inspectorate in relation to pay and conditions of employment.
5. The Government Department centrally responsible in respect of the issues covered by this Chapter (workplace conditions) is today the Department of Jobs, Enterprise and Innovation. The name of the Department has varied over time, as the particular functions assigned to it were revised. Alterations to the functions and names of Government Departments are made by Statutory Instrument under the Ministers and Secretaries Act 1924. Insofar as relevant to this Report, that Department was previously known as the Department of Industry and Commerce (1922–1977) and the Department of Enterprise and Employment (1993–1997).

6. However it should be noted that from 1966 to 1993, responsibility for labour affairs was transferred to the Department of Labour. Throughout this Chapter, where references are made to the responsible Department, the name of the Department as it was at the relevant time is used, that is, for the majority of the period, either “the Department of Industry and Commerce” or “the Department of Labour”. The title of the successor Department (i.e. the “Department of Jobs, Enterprise, and Innovation”) is used only when referring to current records or reports by the Department to the Committee.

**A. Sources for this Chapter, including records of or relating to the Factories Inspectorate**

7. With regard to the issues of relevance in this Chapter, the Department of Jobs, Enterprise and Innovation is the successor Department to both the Department of Industry and Commerce and the Department of Labour. The Department of Jobs, Enterprise and Innovation has a central records management system (based on Lotus Notes) which enables tracking of all modern records. However, the records of the Factories Inspectorate pre-date this centralised tracking system.
8. One of the key categories of record sought by the Committee were the Inspection Registers of the Factories and Industrial Inspectorate. These Registers, referred to colloquially as “Green Books”, were maintained by the Inspectorate from the 1950s until the early 1990s.
9. The Department of Jobs, Enterprise and Innovation informed the Committee that some of the details contained in these Registers were entered into a computer database during the 1980s, but no data storage devices dating to this period, such as disks or reel-to-reel tapes, have been uncovered and the relevant

hardware also appears to have been discarded.<sup>1</sup> Searches accordingly focused on locating any surviving hard-copy records, both the “Green Book” Registers and any other relevant files.

10. Records of the Department of Jobs, Enterprise and Innovation, including files which are currently inactive but not yet due for deposit at National Archives, are stored in a variety of different locations. Storage areas include the central offices of the Department at Kildare Street, the Department’s offices at Davitt House as well as off-site (commercial) storage containing approximately 122,000 files. These inactive files, which are not yet due for deposit at National Archives, are not fully catalogued. Further, a significant number of these files which are identified are recorded only by file number rather than by file title. This increased the complexity of the searches, which ultimately involved a team manually opening and examining storage boxes in commercial storage to identify any possibly relevant files or materials. The results of these searches are detailed in this Chapter.
11. The offices and archives of the Health and Safety Authority (“HSA”) were also an important location for searches, given that the HSA is the successor to the Factories/Industrial Inspectorate. Upon its establishment in 1989, the HSA inherited the records of the Inspectorate including policy files, Registers of factories and workshops, prosecution records, inspection and investigation records and so on. The eight offices of the HSA, in addition to its external storage centre, were accordingly searched for any potentially relevant materials.
12. However, the Department informed the Committee that the vast majority of the older materials of the Factories Inspectorate, inherited by the HSA on its establishment in 1989, were destroyed. This decision was taken in light of the absence of “any operational need for its retention” and in light of the fact that

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<sup>1</sup> Report of the Department of Jobs, Enterprise and Innovation to the Inter-Departmental Committee

the HSA is not subject to the National Archives Act 1986.<sup>2</sup> Destruction of such material occurred on a number of occasions, including when the Authority relocated in 1992 (from Upper Baggot Street to Hogan Place) and again in 2006 (from Hogan Place to The Metropolitan Building). The Committee was informed, in that regard, that the HSA had:

“introduced new computerised inspection systems in the early 1990s and the Factories Inspectorate records rapidly became obsolete but were retained by individual inspectors for reference purposes. When the Authority moved to new premises in Hogan Place in 1992 surplus documentation was disposed of. No records were made of the documentation disposed of. It is likely that only some of the Factory Inspectorate records transferred to this building... The Authority first implemented a formal records management system that dealt with the disposition of records in October 2003...”<sup>3</sup>

13. It is understood that the materials and files considered unnecessary for retention were treated as confidential waste and shredded on site by a commercial company. No listing of any of the documentation destroyed in this way was retained, although it is understood that policy files may also have been destroyed at that time in addition to inspection records.
14. From the time of the foundation of the State, the Chief Inspector of Factories made an Annual Report on the work of the Factories Inspectorate. This practice of annual reporting continued up to and after the establishment of the Health and Safety Authority. These Reports were examined by the Committee as part of its work.

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<sup>2</sup> Report of the Department of Jobs, Enterprise and Innovation to the Inter-Departmental Committee

<sup>3</sup> Id, citing HSA Report to the Department

15. Searches were also carried out at locations including the National Library (where published materials generated by relevant Departments are held) and other State Agencies including the Companies Registration Office, the National Employment Rights Authority (successor to the Labour/General Inspectorate), the Labour Court, Employment Appeals Tribunal and Labour Relations Commission (in relation to any complaints or applications instituted). Full searches of deposits by the Department in National Archives were also conducted.
16. And finally, as set out in more detail below, representatives of the Committee also met with and recorded the recollections of a number of retired Factories Inspectors, to supplement the paper records identified. The outcomes of these searches and findings made by the Committee are set out below.

**B. Legislative background: standards which historically applied to institutional laundries, including Magdalen Laundries**

17. Chapter 5 sets out the principal legislation, enacted both prior to and after the establishment of the State, regarding factories, including laundries. In summary, a common law duty on factory occupiers to “take reasonable care of his workmen”, including by providing adequate materials and a safe system of working<sup>4</sup>, was over time developed and captured in legislation, including the means for enforcement of relevant obligations.
18. A series of Acts, enacted prior to the establishment of the State, remained the relevant legislative basis in this area for over 30 years after 1922. The Factory and Workshop Acts 1901-1920 are here referred to as the “Factories Code”.

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<sup>4</sup> Extract from a Paper on the Law of Safety in Ireland prepared by Ercus Stewart, SC, and copied to the Barrington Commission.

## **Chapter 12**

19. The question of so-called institutional laundries was, historically, the subject of considerable debate in relation to the Factories Code. In this context, the term “institutional laundries” is taken to refer to charitable institutions which provided laundry services for payment to customers outside the institution. This category is, therefore, considerably broader than the category of Magdalen Laundries. As an indication of scale, it appears that in 1905/06 there were 56 charitable institutions with laundries attached, offering laundry services to the public, in the territory of what is now the State. Of these, 47 were Catholic and 9 were Protestant.<sup>5</sup>
20. There had been widespread opposition to inclusion of these institutional laundries within the ambit of the 1901 Act, with strong opposition expressed in particular by the Irish Parliamentary Party. As ultimately enacted, the 1901 Act included laundries within its scope but excluded institutional laundries.
21. The 1907 Act brought institutional laundries, including Magdalene Laundries, within the scope of the Factories Code. It did so by including trade laundries attached to institutions, that is, laundries which carried on by way of trade or for the purpose of gain, as well as those laundries carried on “incidentally to the purposes of any public institution”.<sup>6</sup>
22. Compliance with the Factories Code and the possibility of inspections thus became mandatory for institutional laundries, including the Magdalene Laundries, from that point onwards. Two differing classes of institution were provided for under the 1907 Act:
  - Premises being part of private charitable institutions (section 5); and
  - Premises “subject to inspection by or under the authority of any Government Department” (section 6).

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<sup>5</sup> NAUK, File Lab15/99. List of religious and charitable institutions in which laundries are carried on. Command Papers CD 2741 (1906), XCIII.85

<sup>6</sup> Factory and Workshop Act 1907, Section 1

23. Inspections of section 6 institutions under the 1907 Act took place by way of “arrangements” with the relevant Departments. Instructions issued to Inspectors in that regard stated as follows:

“It will be borne in mind that Institutions under this Section are not “factories” or “workshops” and that the Inspector’s functions are purely advisory”.<sup>7</sup>
24. Section 5 institutions, that is, institutions forming part of private charitable institutions, were permitted to submit a scheme for regulation of hours of employment, intervals for meals, holidays and so on to the Secretary of State (after foundation of the State, the Minister), for approval. If approved, the Act could apply to it with modifications as provided in the scheme. The overriding criteria for approval of a scheme was that it did not result in a situation less favourable than that which applied under the standard provisions of the Act. If approved in this way, it was necessary for the relevant scheme to be laid before the Houses of Parliament.
25. A number of other amending Acts followed, leading to a position whereby at the time of the establishment of the State, the core primary legislation governing safety, hygiene, hours of work and holidays in laundries, including institutional laundries, was the Factory and Workshop Acts, 1901 to 1920. These Acts continued to govern these areas after the establishment of the State and until enactment of the Factories Act 1955 (“the 1955 Act”).
26. It can be noted that the Minister for Industry and Commerce had in 1932 circulated “a draft General Scheme and Explanatory Memorandum of a Bill to consolidate and amend the law relating to factories and workshops”.<sup>8</sup> The

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<sup>7</sup> NAUK, Lab 46/22. Instructions issued by Secretary of State to his majesty’s Inspectors of Factories. P22. Par 89.

<sup>8</sup> NAIE. TSCH/3/6462 A. Conditions of Employment Act 1936

object of the proposed legislation was to comprehensively amend the law governing safety and welfare in workplaces and rules governing employment. The realisation of this objective took longer than contemplated at the time and what emerged was a piecemeal approach where legislation was first introduced to deal with hours of work, holidays and so on (the Conditions of Employment Act 1936 and the Holidays (Employees) Act, 1939), followed by separate legislation on the safety and welfare provisions of the pre-existing Factories Code by way of the Factories Act 1955.

27. The Minister explained as follows to the Dáil regarding this approach and the passage of time since original circulation of a proposed scheme:

“The Bill now before the Dáil is designed to complete the revision of the law which was begun when the Conditions of Employment Act was introduced here almost 20 years ago. In fact, I might reveal now that at that time it was my intention to have one law dealing with the hours of work of industrial workers and the working conditions under which they were employed.

As I worked upon the preparation of that one comprehensive Bill it became obvious to me that giving effect to that intention involved very considerable delay and, therefore, I decided then to divide the task into two parts. One part was completed when the Conditions of Employment Act came into operation in February, 1936, and we are only completing the second part now. The long delay which has taken place in the introduction of proposals for legislation to amend the Factories Acts was, in part, attributable to the complicated nature of the task and the pressure of other business at the time and, in part, to the intervention of a war period. It was considered impracticable to enact new legislation of this kind at a time when scarcity of supplies and other difficulties might make it impossible for a factory owner to comply with its provisions. I took up the matter of preparing this legislation again when I resumed office in 1951 and the Bill, a very long and intricate Bill as Deputies will have noticed, is

now before the House...".<sup>9</sup>

28. As set out more fully in Chapter 5, the Conditions of Employment Act 1936 had the effect that persons in an institution “carried on for charitable or reformatory purposes” which carried on work for the wider public, for example laundry services for the public, rather than solely for the institution itself, would be deemed for certain purposes (including hours of work and certain safety provisions) to be workers in employment of the relevant institution. More substantive alterations to the relevant legislative framework did not occur until passage of the 1955 Act.
29. The 1955 Act amended and consolidated earlier laws relating to workplaces, including the pre-independence Factory and Workshop Acts 1901-1920. It clearly and unambiguously included institutional laundries (referring to an institution carried on for “reformatory or charitable purposes”) within its scope, subject to two conditions – that the laundry facilities in question provide services to the public and not only for the institution itself; and (unless otherwise directed by the Minister) that the premises were not “subject to inspection by or under the authority of any Minister of State”.<sup>10</sup>

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<sup>9</sup> Factories Bill, 1953—Second Stage. Thursday, 26 November 1953

<sup>10</sup> Factories Act 1955, Section 84:

“(1) Where, in any premises forming part of an institution carried on for charitable or reformatory purposes, any manual labour is exercised in or incidental to the making, altering, repairing, ornamenting, finishing, washing, cleaning, or adapting for sale, of articles not intended for the use of the institution, but the premises do not constitute a factory, then, nevertheless, the provisions of this Act shall, subject as hereinafter in this section provided, apply to those premises.

(2) This Act shall not, except in so far as the Minister may by order direct, apply to any premises which do not constitute a factory if the premises are subject to inspection by or under the authority of any Minister of State.”

30. The 1955 Act established standards in relation to *health* (issues including cleanliness, overcrowding, temperature, ventilation, lighting, floor drainage<sup>11</sup>); *safety* (issues including in relation to steam boilers and steam receivers and containers and fire safety<sup>12</sup>), and *welfare* (including water, washing facilities and so on<sup>13</sup>.) The aspects of the Act most relevant to this Report – including administrative requirements for keeping of Registers, medical certification of young people and fire safety, are detailed in Chapter 5.
31. In addition to the provisions of the primary legislation, numerous pieces of secondary legislation were made under the 1955 Act over the decades, some of which are also noted in Chapter 5. Subsequent legislation relating to health and safety at work, including the Safety in Industry Act 1980 (which included premises captured by section 84 of the 1955 Act), and the Health, Safety and Welfare at Work Act 1989 (which repealed the 1955 Act and was itself in turn repealed, after the period of relevance to this Report) are also noted.

### **C. Structures for enforcement of the Factories Acts: the Factories Inspectorate**

32. Enforcement of the Factories Acts was carried out by a dedicated Factories Inspectorate, both before and after the establishment of the State. The Factories Inspectors also had ancillary responsibilities under the Trade Boards Acts (regarding minimum wages), the provisions of the Truck Acts, and the Conditions of Employment Acts. These aspects of the role of the Inspectorate are dealt with in a subsequent section of this Chapter.
33. Prior to the establishment of the State, factory inspections were carried out by Inspectors responsible to the British Home Office. In that period, the territory of

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<sup>11</sup> Factories Act 1955, Part II

<sup>12</sup> Factories Act 1955, Part III, in particular sections 40, 41, 45 et seq

<sup>13</sup> Factories Act 1955, Part IV

the island of Ireland was divided into districts for the purposes of inspection and enforcement. For some of this period, there were 4 inspection districts, operated out of Dublin, Cork, Belfast and Derry:

“each in the charge of a District Inspector but under the supervision of English Superintending Inspectors who were, in turn, responsible to their headquarters in London”.<sup>14</sup>

The size of the Inspectorate was, however, limited - only three inspectors operated in Ireland, two based in Dublin and one in Cork.<sup>15</sup>

34. On the foundation of the State, the administration and enforcement of the Factories Code became the responsibility of the newly established Department of Industry and Commerce. The Inspectorate continued to operate the existing pre-State legislation (the Factory and Workshop Acts 1901-1920). The size of the Factories Inspectorate, which was headed by a Chief Inspector, varied over time. During the 1920s and 1930s, there were typically fourteen Inspectors, including two female inspectors (“Lady Inspectors”). However the numbers had dropped below this level at various points over the period, at one point reducing to half that total. The Minister for Industry and Commerce in 1932 informed Dáil Éireann as follows:

“At the end of October 1931, 2 senior industrial inspectors and 10 industrial inspectors were employed on inspection work. At the end of October, 1932, the number had been reduced by 1 senior industrial inspector. Last week, owing to abnormal pressure of work, 5 industrial inspectors were transferred to another section of my Department; this is an emergency measure only, and it is my intention to restore the inspectorate to its full strength as soon as circumstances permit.

As regards the last part of the question, 1 senior industrial inspector and 5 inspectors are now engaged whole-time in the work of inspection of

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<sup>14</sup> Report of the Industrial Inspectorate, 1972

<sup>15</sup> Id

factories and workshops".<sup>16</sup>

35. It was subsequently acknowledged by the Minister that this reduction in numbers of inspectors had necessarily had an impact on inspections:

"The number of factory inspectors employed during the period from 1927 to 1934 varied round the figure 11. The services of some of these inspectors had to be utilised from time to time for other urgent work in the Department".<sup>17</sup>

36. The Minister, in that regard, also provided information on the number of places inspected from 1927 to 1934, as follows<sup>18</sup>:

Year	Factories	Workshops	Others (Docks, etc.)	Total
1927	4,055	4,102	269	8,426
1928	3,568	3,434	209	7,211
1929	4,220	4,301	317	8,838
1930	4,280	4,328	354	8,962
1931	4,288	4,411	379	9,078
1932	2,123	2,567	208	4,898
1933	928	907	72	1,907
1934	1,934	1,534	193	3,661

37. He further said that "more than one inspection was carried out at some of these premises. The percentage inspection in each of the years mentioned was" as set out in the following table<sup>19</sup>:

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<sup>16</sup> Dáil Éireann. Ceisteanna—Questions. Oral Answers. Industrial Inspectors. Tuesday, 6 December 1932.

<sup>17</sup> Dáil Éireann. Ceisteanna—Questions. Oral Answers. Inspectors and Inspection. Wednesday, 28 November 1934

<sup>18</sup> Id

<sup>19</sup> Id

<b>Year</b>	<b>Percentage</b>
1927	85.0
1928	76.4
1929	86.8
1930	86.2
1931	86.4
1932	46.0
1933	17.8
1934	33.4.

38. The numbers of officers staffing the Factories Inspectorate fluctuated thereafter, by 1972 reaching a total of 37 serving Factories Inspectors.<sup>20</sup>

39. Regarding the background and placement of members of the Inspectorate, it can be noted that Factories Inspectors were recruited from a variety of sources and had a range of differing professional backgrounds. The practice was that Inspectors were rotated from District to District on a periodic basis. The rationale for this appears to have been to ensure fresh examination on a regular basis of the factories within each district.

40. As the relevant legislation continued, after the establishment of the State, to be the relevant UK legislation, the Inspectorate remained strongly influenced by British guidelines and precedents. Even after 1922, the State's Factories Inspectorate remained on the circulation list of the British Inspectorate for Circulars, Notices, Guidelines and so on. In fact as the 1955 Act mirrored many of the provisions of British legislation, this practice continued until more recent decades.

41. It can be noted that the general guidance issued to Inspectors by the British Home Office included directions to:

- “promote and enforce the uniform observance of the Factory and Workshop Acts,

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<sup>20</sup> Annual Report 1972, supra

- act with vigilance and strict impartiality;...invariably exhibit courtesy and forbearance,
- avoid the danger of conflicting instructions,
- help soften prejudices and promote good feeling between employer and employed but scrupulously avoid anything resembling interference with trade disputes,
- not take advantage of his position or powers under the Acts to make inquisitorial search into matters of which knowledge is not necessary for the discharge of his duties".<sup>21</sup>

42. Inspections were, at all material times, carried out without advance notice to the factory or institution involved.

43. During the earliest period following the foundation of the State, the Department of Industry and Commerce maintained a central Register of factories and workshops within the scope of the Acts, as referred to in Annual Reports from 1922 onwards. No surviving copy of the Register has been identified.

44. According to the accounts of retired members of the Inspectorate, the operational arrangements were as follows. Between 1922 and the late 1950s an individual and comprehensive file was maintained in relation to most factories, containing detailed information on conditions in the factory. None of these files appear to have survived, perhaps having been destroyed in the HSA clear-outs noted above. It is understood that individual factory files of this kind were reviewed by Inspectors prior to an inspection of the premises, to secure an overview of any issues which might have arisen in the past.

45. This system was changed following enactment of the Factories Act 1955 and a subsequent organisation and methods review of the Factories Inspectorate.<sup>22</sup>

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<sup>21</sup> Inspectors Instructions Issued by the Secretary of State to Her Majesty's Inspectors of Factories and Workshops and their Assistants. Instructions issued between 1893 and 1920. NAUK. Lab46/22-24

## **Chapter 12**

The new system was referred to as “the Green Book system”. In practice, Inspectors, when carrying out an inspection on a factory premises in his or her area, logged the inspection and its findings in a Register of the Inspections of the Factories and Industrial Inspectorate. These Registers – referred to colloquially as “Green Books” – were maintained by the Inspectorate from the late 1950s until the early 1990s.

46. One retired Inspector described this change as follows:

“...there was a sea change in reporting practice in the mid 1950's. Before this time, there were detailed questionnaire type of Reports which were completed for each premises inspected. The 1950s was the highpoint of industrial engineering, work study, time study, method study and the object was to increase productivity. ...

The Department was not immune to fashion of the era. As a result of the pursuit of increased productivity, Inspectors Reports were limited solely to recording actual contraventions of Factories Act. So the background information available on individual premises was lost”.<sup>23</sup>

47. The Green Books were pre-printed registers and constituted the main working record of the Factories Inspectorate. They were organised on a district basis, that is, one Green Book would include details of all relevant premises in that particular district. Codes were entered into the Green Books to indicate contraventions of the Acts and follow-up by the Inspectorate.

48. As part of the inspection process, the Inspector would examine the General Registers which factories were required to maintain; as well as the insurance certificates and papers. Further detail on each of those two elements follows.

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<sup>22</sup> No copy of this Review has been uncovered. The information in this section was gathered from retired members of the Inspectorate.

<sup>23</sup> Inspector L1. September 2011.

## **Chapter 12**

49. Every premises coming within the scope of the 1955 Act was required to maintain a “General Register”. Various details were required to be recorded in that Register, including numbers employed (categories being men, women, and ‘young people’), the nature of the industry, manager’s name, and other such details. Retired Factories Inspectors confirmed that review of the General Register was a standard part of each inspection. They also indicated that a practice developed for Inspectors to initial and date the General Register to confirm the inspection, however this practice may not have been uniformly carried out.
50. The second important set of papers regularly inspected by Factories Inspectors at factory premises were insurance company records of inspection of certain types of equipment. This arose as a result of requirements under the Factories Acts that tests be carried out on various machines or pieces of equipment, such as boilers, on a regular basis. The Acts required that the Reports of these tests be maintained and available for examination by the Factories Inspectorate.
51. As a result, insurance cover at the time often included provision for these statutory inspections, which were ordinarily carried out by surveyors appointed by the insurance company in question. These surveyors were sometimes also referred to as inspectors, although they were not members of the Factories Inspectorate.
52. Accordingly, even prior to inspection by the (State) Factories Inspectors, the relevant machinery in factory premises (including laundries) would typically have already been assessed and certificates in that regard signed by an engineer appointed by an insurance company, pursuant to so-called “Statutory Inspection Cover”. The Factories Inspectors would then, as one part of their inspection duties, review the statutory test report forms completed by the insurance company surveyors.

53. Some retired members of the Factories Inspectorate recalled very close cooperation between the Inspectorate and these insurance surveyors, to the extent that some insurance surveyors would actively contact the Inspectorate if they identified a serious issue in relation to a boiler or other piece of equipment. Some insurance surveyors might also notify the Inspectorate if for any reason they had been unable to carry their regular tests on such equipment.

54. When inspecting a premises, Inspectors entered details noted during the inspection in a working notebook. On return to the office, the Inspector would record the inspection in the Green Book and also, where applicable, the necessity for issue of a Contravention Letter or Letters. Administrative staff would then issue the relevant Contravention Letter (which were standard format texts), based on the Codes entered by the Inspector in the Green Book. One retired Inspector described the process as follows:

“Back at the office, Inspectors logged their visits in the “Green Books”. They had their own codes which they entered in the books. These codes related to various transgressions noted during the visit. These logs were sent to the clerical staff who, having access to the codes, were able to issue various letter types to managers requesting them to address the various matters specified in the codes.

Oftentimes, logs of visits might contain the references ‘CL1’ and ‘CL2’... Whatever their title, their intent was the same – to draw to the manager’s attention contraventions noted during the course of the inspector’s visit and requesting that these be addressed. CL2 was a stiffer letter which issued in the event of no response or an unsatisfactory response to CL1”.<sup>24</sup>

55. The most junior grade of Inspector (Grade III Inspector) would not submit their Reports directly to the Typing Pool. Rather, he or she would submit reports to the

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<sup>24</sup> Inspector L2. September 2011.

Senior or Grade I Inspector, who would make the decision on the nature of the Contravention Letter to be issued, if applicable.

56. If contraventions were not rectified when notified to a factory occupier, the established process was for an escalation of the matter. The process was as follows:

- Issue CL1 (Contravention Letter 1): this noted contraventions, often minor, and asked for them to be rectified.
- Issue CL2 (Contravention Letter 2): this was a stronger letter and referred to the possibility of prosecution in the event of failure to rectify.
- Re-visit Factory to check situation.
- Finally, prosecute, if contravention still not rectified.

57. Although this process involved a step-by-step escalation of enforcement action, if a particularly serious contravention or issue was noted, it was not necessary to go through each step sequentially. Instead, a “Special Letter” or Special Action could be taken to resolve the matter more speedily where necessary.

58. The position of Certifying Doctors appointed under the Factories Acts can also be noted. Instructions issued by the Minister for Industry and Commerce detailed their key functions as follows:

- (a) To examine young persons under 18 years of age for certificates of fitness of employment in factories or in certain other kinds of work subject to the Factories Act and to grant certificates in suitable cases.
- (b) To make periodic examinations when so required, whether in pursuance of Regulations or otherwise.
- (c) To investigate and report upon certain accidents and certain cases of notifiable industrial disease.

## **Chapter 12**

- (d) To make special medical supervision at particular works if so required by regulations or under an Order of the Minister.
- (e) To make special enquiries, examinations and reports, when so required by the Minister.
- (f) To attend in Court and give evidence in cases under the Act, when so required by the Minister.
- (g) To furnish an Annual Report.<sup>25</sup>

59. The structure in place was that a Certifying Doctor was appointed for a District, generally “three local authority parishes”.<sup>26</sup> Although the total numbers varied across time, there were approximately 400 Districts for these purposes throughout the State.

60. The practice was to issue a certificate of fitness valid for 12 months for persons under 18 years of age, unless otherwise limited. Accordingly, young persons were required to be re-examined annually until they reached the age of 18. Annual re-examinations could be carried out either by the Certifying Doctor or another registered medical practitioner.

61. It appears from materials identified that the function of ‘special medical supervision at particular works’, ‘special enquiries, examinations and reports’ and attendance at Court were very infrequently used.<sup>27</sup> Further, a Departmental review of the system carried out in 1986 found that, in the previous 10 years, there had been only one occasion on which a Certifying Doctor had been

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<sup>25</sup> 1959. Instructions to Certifying Doctors. Dept. of Labour File MA 1/62 Vol II – Certifying Doctors – Young Persons.

<sup>26</sup> Internal Departmental note on *Staffing Inspection of Factory Inspection Section* - NAIE. 2002/63/15. Industry and Commerce. E.12/14/4.

<sup>27</sup> Review by the Department Director of Occupational Medical Services, 1986.

requested to investigate and report upon an accident or notifiable industrial disease.<sup>28</sup>

62. It appears, therefore, that by the 1980s, the Certifying Doctor system was not in regular use and that a view had formed in the Occupational Medical Services Section of the Department that the system was no longer necessary. The system was not formally brought to an end; rather it appears that no new certifying doctors were appointed, effectively rendering the system obsolete.

**D. Application of these standards to the Magdalen Laundries**

*i. Scheme of voluntary inspections prior to application of the Factories Code*

63. The preceding section set out that, prior to enactment of the 1907 Act, institutional laundries, including Magdalen Laundries, were not within the scope of the Factories Code and no legal obligations arose for the operators of these institutions under the Act.

64. The Committee nonetheless found that many charitable institutional laundries voluntarily agreed to inspection by the Factories Inspectorate, despite the fact that they were not required to do so. Nine of the ten Magdalen Laundries within the scope of this Report did so, the only exception being the Magdalen Laundry operated by the Good Shepherd Sisters at New Ross.

65. Participation of these Magdalen Laundries in a voluntary inspection scheme before it became mandatory for them to do so is evidenced by a Paper laid before the British Parliament in 1906, which set out a list of religious and charitable institutions “in which laundries are carried on”.<sup>29</sup>

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<sup>28</sup> Id

<sup>29</sup> NAUK. File Lab15/99. List of religious and charitable institutions in which laundries are carried on. Command Papers CD 2741 (1906), XCIVIII.85

66. The Paper, a full copy of which is included in the Appendices of this Report, indicated that the list had originally been compiled from Directories of Charitable and Religious Institutions, "supplemented by such local information as was in the possession of the District Inspectors of Factories and Workshops, and information obtained from other sources".<sup>30</sup> The list only included institutions which:

"take in laundry work from outside by way of trade or for purposes of gain. The names of a very large number of institutions were received by the Home Office in which laundry work was done but not by way of trade or for purposes of gain. These were excluded from the List as falling outside the scope of the Factory and Workshop Act".<sup>31</sup>

67. The Home Office had, in January 1902, issued a circular letter to all such institutions setting out the:

"objects which Parliament has aimed at securing in laundries are briefly-

1. Reasonable hours of work
2. Healthy conditions of employment
3. Prevention of accidents from machinery etc".<sup>32</sup>

68. The Circular Letter then set out some of the key provisions of the Acts and invited the laundries in question to permit inspections on a voluntary basis. The Letter indicated that:

"On all these matters the Inspectors of the Factory Department are well qualified by their experience to assist and advise.

The Inspectors' duties are not confined merely to seeing whether regulations which have been laid down are actually carried out. Their visits are often of considerable value to those in charge of laundries by giving

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<sup>30</sup> Id

<sup>31</sup> Id at Note (1)

<sup>32</sup> Circular Letter issued by the Home Office in January 1902, reprinted at Id.

them opportunities of consultation with the Inspectors and of gathering from them suggestions of better arrangements and appliances based upon the wide experience of the Inspectors as to what has been found to be practicable and useful in similar circumstances elsewhere.

The Secretary of State thinks it will be generally recognised that the hours allowed by the Act are such as can hardly be exceeded without overtaxing the strength of the persons employed, and that the other requirements referred to do not go beyond what may reasonably be looked for in a well regulated laundry, irrespective of statutory obligation; and the visits of the Inspectors, if received, will give the managers and other persons interested in the institutions some guarantee that the conditions that they would wish to see are being actually observed.

The Secretary of State would be glad if you would let him know –

- (1) Whether you would wish to receive visits from the Factory Inspectors;
- (2) If so whether you would wish the visit to be made by the Inspector for the district or by a Lady Factory Inspector.”<sup>33</sup>

69. The List laid before the Parliament was divided in two according to the responses received from the institutions and their practice thereafter in voluntarily permitting inspections or otherwise. As explained in the Note:

“The institutions named in part I of the List are those which have accepted inspection by the Factory Department in response to a circular letter issued by the Home Office in January 1902 or have since permitted a visit from one or more of the Lady Inspectors. The institutions named in Part II have either refused to accept inspection or in one or two cases gave no definite answer to the Home Office circular letter. Institutions (about 40 in

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<sup>33</sup> Circular Letter issued by the Home Office in January 1902, reprinted at Id.

## Chapter 12

number) who failed, after a reminder, to reply are not included, as it was not known whether they carried on laundry work for gain or not".<sup>34</sup>

70. Of the ten Magdalen Laundries within the scope of this Report, nine are included in List I, that is, the list of institutions which had voluntarily accepted inspection. Only one, the Magdalen Laundry operated in New Ross, was included in List II, that is, the list of institutions which had not accepted inspection or had not responded to the Circular Letter. Extracts from both Lists are included below, including their number in the overall list of laundries reported upon and the number of the relevant Factory District.

### **Religious and Charitable Institutions in which Laundries are carried on**

#### **I - Institutions which have accepted Inspection in response to the Home Office circular, or which have since been visited by one or more of the Lady Inspectors (Extract)**

No.	No. of Factory District	Name	Address	A = Anglican RC = Roman Catholic O= Other
116	42	St Patrick's Refuge	Crofton Road, Kingstown	RC
122	42	Magdalene Asylum	104 Lower Gloucester Street, Dublin	RC
124	42	Mary Magdalene Asylum	Donnybrook, Dublin	RC
126	42	Convent of Charity Refuge	Drumcondra, near Dublin	RC
127	42	St Mary Magdalene Asylum	Peacock Lane, Cork	RC
130	42	Convent of Sisters of the Good Shepherd	Sunday's Well, Cork	RC
131	42	Magdalen Convent Laundry	Clare St, Limerick	RC
140	42	Convent of the Good Shepherd	Manor Street, Waterford	RC
149	42	Magdalene Asylum	Galway	RC

<sup>34</sup> Id at Note (2)

**II – Institutions which have not accepted Inspection or have not given a definite answer to the Home Office circular (Extract)**

No.	No. of Factory District	Name	Address	A = Anglican RC = Roman Catholic O= Other
66	42	Convent of the Good Shepherd	New Ross	RC

*ii. Application of the 1907 Act to the Magdalen Laundries: section 5 and section 6*

- 71. The preceding section identifies the voluntary agreement of nine Magdalen Laundries to inspection, at a time when not legally required to do so. As set out at the outset of this Chapter, from the time of enactment of the 1907 Act onwards, this because mandatory.
- 72. The two categories permitted under the 1907 Act were premises being part of private charitable institutions (section 5) and premises “subject to inspection by or under the authority of any Government Department” (section 6).
- 73. It does not appear that the Magdalen Laundries were considered to fall within the scope of section 6, in the way that other institutions with laundry facilities such as prisons (under the authority of the Department of Justice) or industrial schools (under the authority of the Department of Education) or psychiatric hospitals (under the authority of the Department of Health) did.
- 74. The Committee confirmed that in Ireland and prior to the establishment of the State, arrangements were made by the Factories Inspectorate in relation to a variety of institutions falling within section 6, as they were subject to inspection by or under the authority of a Government Department. Instructions issued in

that regard confirmed that arrangements had been made with the administration in Ireland as regards:

“Prisons, Inebriate Reformatories, Reformatory and Industrial Schools, Lunatic Asylums and Institutions under the Irish Local Government Board, the Department of Agriculture and Technical Instruction, and the Congested Districts Boards”.<sup>35</sup>

75. No reference was made to Magdalen Laundries in that regard. Moreover, the Committee identified records confirming that in this same period prior to establishment of the State, many of the relevant charitable institutions, including at least some Magdalen Laundries in the territory of what is now the State, sought and were granted approval for schemes under section 5.
76. In particular, schemes under section 5 were approved in 1908 by the British Secretary of State in relation to the Magdalen Laundries at Dún Laoghaire and Sundays Well, Cork.<sup>36</sup> At least one other Magdalen Laundry within the scope of this Report – that at Limerick – also applied for approval of a scheme, but no record of approval has been identified in that regard.<sup>37</sup> For clarity and as set out previously, it can be noted that no scheme could be approved unless it resulted in conditions no less favourable than applied under the Acts.
77. An example of a Section 5 Scheme, that approved prior to the establishment of the State by the British Secretary of State in relation to the Magdalen Laundry at Dun Laoghaire, is reproduced below.

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<sup>35</sup> Inspectors Instructions Issued by the Secretary of State to Her Majesty's Inspectors of Factories and Workshops and their Assistants. Instructions issued between 1893 and 1920. NAUK. Lab46/22-24

<sup>36</sup> NAUK, File Lab15/99. List of religious and charitable institutions in which laundries are carried on. Command Papers CD 2741 (1906), XCVIII.85

<sup>37</sup> GSIR 222(5), as cited in Thomas Edmonson and the Dublin laundry. Mona Hearn. Irish Academic Press. 2004. ISBN. 0-7165-2770-7. P118.

<b>Institution &amp; Industry</b>	<b>Period of Employment*</b>			<b>Intervals</b>	<b>Holidays</b>
	<b>Months</b>	<b>Days</b>	<b>P. of E.</b>		
65. St. Patrick's Refuge, Crofton Road, Kingstown  (48 adult "inmates")	All	M to F  Sat	8.30 to 8.30  9.00 to 4.00	11.00 1.30 4.00  11.30 2.15 4.30  11.00 1.30 4.00  11.30 2.15 4.30	(s)

\* period of permissible employment, not necessarily all worked.

(s) : unmodified

*iii. The position following foundation of the State in 1922*

78. At the time of establishment of the State, only a minority of workplaces were covered by the relevant legislation - the total number of premises on the Factories Register for the State was only 9,332.<sup>38</sup> Nonetheless, laundries facilities attached to charitable institutions in the territory of the State, providing laundry services to the public, were subject to the Factories Code prior to the establishment of the State and that remained the case afterwards. The Factory and Workshop Acts 1901 to 1920, together with associated secondary legislation, remained the essential basis of Irish occupational health and safety law until enactment of the Factories Act 1955.
79. Enforcement of the 1936 Act also fell to the Factories Inspectorate, as section 2 of the Act provided:
- “the word “inspector” means a person who is for the time being an inspector for the purpose of the Factory and Workshop Acts, 1901 to 1920”.

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<sup>38</sup> Report of the Industrial Inspectorate 1972, An Roinn Saothair. It was only with the enactment of the Safety Health and Welfare at Work Act 1989 that a comprehensive code of occupational health and safety law applied to all workplaces in the State, together with a system of enforcement.

80. Other than a small number of isolated legal advices pertaining to individual prosecutions (none in the case of a Magdalen Laundry), no guidelines for the Inspectorate were identified on the interpretation or enforcement of the 1936 Act, either generally or insofar as it related to charitable institutions. While the provisions of Section 62 (1) appear straightforward, it may not have been equally straightforward to establish the type of employment relationship presumed by the Act between the members of a religious community, who worked in a laundry, and the “community” itself. In any event, no record has been uncovered of such an issue having been considered by the Inspectorate.
81. The Department of Jobs, Enterprise and Innovation expressed a view to the Committee that, as the Factories Inspectorate had, in the course of its ordinary duties, routinely dealt with issues including hours of work and holidays under the Factory and Workshop Acts 1901-1920, it was unlikely that the enactment of the 1936 Act had a significant effect on established inspection routines. Data contained in the Annual Reports of the Inspectorate indicate that prosecutions under the Conditions of Employment Acts (relating to hours of work and holidays) were small in number compared with those taken under the Factories Acts (relating to the general applicable standards of safety and hygiene).
82. The Department further indicated that, “with the advent of wider and deeper collective agreements and the accelerating demand, by employers and workers alike, for exemption from the overtime and shift-work restrictions imposed by the Act”, the 1936 Act became, by the late 1960s, “less of a priority for the Inspectorate in the course of its daily work”.<sup>39</sup>
83. Regarding inspections more generally during this period between 1922 and 1955, the Committee examined a number of general records, including the

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<sup>39</sup> Report of the Department of Jobs, Enterprise and Innovation to the Inter-Departmental Committee

## **Chapter 12**

Annual Reports of Health and Safety Inspections in the State from 1922 onwards, in an attempt to clarify the position in practice regarding the continued inspection of the Magdalén Laundries.

84. Between 1922 and 1957, these Reports contained specific columns for "Institutions". These were categorised either as Section 5 (charitable) or Section 6 Institutions (under State authority or inspection), referring to the Factories and Workshops Act 1907 which, as set out earlier, brought institutional laundries under the scope of the Factories Acts. The Reports list the number of institutions of both categories and the number of inspections carried out.
85. The Annual Reports do not specify which institutions are referred to, nor have the underlying Departmental files (relating to drafting of the Reports) been identified. It is, accordingly, not possible for the Committee to conclude whether the institutions listed under Section 5 included any of the 10 Magdalén Laundries within the scope of this Report.
86. These Reports indicate a period of high levels of inspections of institutions in the mid-1930s. For example, in 1935, inspections were carried out on 17 of the 122 institutions categorised as Section 6 (State controlled/monitored) institutions and in 1938 inspections were carried out on 16 of the 35 Section 5 (Charitable) institutions.
87. However, with the exception of this period, the Reports suggest a low overall level of inspections of institutions (both section 5 and section 6), with no inspections reported between 1939 and 1957. The reasons for this are not recorded, but this does coincide with the period, noted above, when the strength of the Factories Inspectorate was much reduced.
88. It can, however, be noted that the retired Factories Inspectors with whom the Committee consulted did not have any institutional memory of any period of

non-inspection for any category of institution. Nor had they heard, through their predecessors of any such period.

89. Further, the insurance cover identified in the archives of the Religious Congregations which operated the Magdalen Laundries (referred to in more detail elsewhere) included statutory review and inspections of machinery even prior to the late 1950s. It would not have been necessary for this additional cost by way of insurance cover for inspections to have been incurred by the Magdalen Laundries if there were not an obligation and liability to inspection by the Factories Inspectorate.

**E. Overall findings of the Committee in relation to inspection of Magdalen Laundries**

90. As set out above, 9 of the 10 Magdalen Laundries within the scope of this Report voluntarily submitted to inspection prior to their inclusion in the scope of the Factories Code in 1907, after which point inspections became mandatory.
91. A Statement made in 1913 by the Principal Lady Inspector of Factories at the Home Office to a Select Committee of the House of Commons included the following comment in relation to the “Section 5” laundries generally:

“The requirements of the law are precisely the same in all these as regards hygiene and safety provisions and substantially the same as regards limits of hours and medical officer. The slight variations allowed by special order of the Secretary of State are merely as regards arrangement of hours and choice of medical officer, and are subject to the condition that they shall be equally favourable to the inmates as the corresponding requirements for employed workers. In the majority of cases, the hours are actually more favourable to the inmates. In all, one

third<sup>40</sup> of the institutions are under special schemes. The remainder prefer to work to the standard Factory Act scale or periods of employment, keeping generally considerably well within these limits. In the standard actually attained in matters of fencing, ventilation, temperature, cleanliness, air space, the Institution laundries compare most favourably with the standards in trade laundries, and, in a good many, these standards had been mainly attained before the law applied. The preliminary unwillingness of others to come under the Factory Act vanished after a very short time of inspection...".<sup>41</sup>

92. It can also be noted that the British instructions (which as detailed elsewhere in this Report, continued to be circulated to the Factories Inspectorate even after the foundation of the State), indicated that Inspectors had a defined remit under the Acts and they were clearly instructed to keep within their own remit:

"In the case of charitable or reformatory institutions under this Section, Inspectors should carefully refrain from any interference, inquiry or comment in regard to matters not regulated by the Factory Acts. The Acts only apply to the industrial work of such institutions and to that part of the premises in which it is carried on, and the Inspector's powers of entry and examination are limited accordingly. Other matters connected with the management of the institution, such as the domestic duties of the inmates, their housing, feeding &c., are outside the province of the Factory Department...".<sup>42</sup>

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<sup>40</sup> The Statement says "one third" but other documents on file suggest that as many two thirds of the institutions were covered by schemes.

<sup>41</sup> NAUK. Lab 2/33/5. NAUK. Lab 2/33/5. Laundry Trade. Institutional Laundries. Draft Statement of Evidence prepared by Miss AM Anderson, Principal Lady Inspector of Factories, Home Office for the Select Committee of the House of Commons.

<sup>42</sup> NAUK. Lab 46/24. Instructions issued by the Secretary of State to His Majesty's inspectors of factories and Workshops. (revised 1932). Instruction 114 is the same as that recorded in the 1914 Volume.

## **Chapter 12**

93. The searches, detailed above, for records of the Factories Inspectorate, dating from after the foundation of the State, resulted in identification of a substantial number of “Green Book” Registers, as follows:

- (a) 215 Green Books for Cork City and County, covering a time-period from the late 1950s/early 1960s to the early 1990s; and
- (b) 83 Green Books for Limerick, Clare and Tipperary, covering a time-period from the late 1950s/early 1960s to the early 1990s.

A number of Green Books relating to Kerry were also found but were not relevant as no Magdalen Laundry was located in Kerry.

94. Although the surviving records are limited geographically to Munster only and cover the time-period from the late 1950s to early 1990s, they provide valuable first-hand information on the scope of inspections and the findings of those inspections.

95. All relevant and surviving Green Books were examined by the Committee. This examination confirmed that inspections were carried out on *all* three Magdalen Laundries within the relevant geographic areas – Cork and Limerick - for which Green Books were identified. In summary, the inspections identified from these Green Books were as follows:

- ***Convent of the Good Shepherd, Clare Street, Limerick*** (September 1958 to February 1984). The Green Book also confirms that, after sale of this laundry as a going concern to a private company, inspections continued up to the end of available records (March 1992).
- ***Good Shepherd Convent, Sundays Well, Cork*** (records identified covering the period February 1962 onwards);

- ***Sisters of Charity, St Vincent's, Peacock Lane, Cork*** (records identified covering the period March 1987 onwards);
96. Cork City Green Book Number 60 confirms inspection of the Magdalen Laundry operated by the Sisters of the Good Shepherd at Sunday's Well, Cork. The Book describes the "Industry" carried on there as "Laundry and Needlework". From 1977 onwards, "laundry" is crossed out (as the Laundry closed at that time) but inspections appear to have continued to the institution's needlework room. The Book details 18 inspections of that Magdalen Laundry from April 1963 onwards. Inspections were conducted annually, with the exceptions of the years 1969, 1973, 1980-1982, 1984, 1985 and 1987.
97. The initial Green Book entry notes the date of the then current Certificate of Means of Escape in case of Fire ("Fire Certificate") for the institution (dating to 1962) and the relevant Sanitary Authority for the Laundry. It confirms that a Certifying Doctor had been appointed for the District (Doctor identified as Number 64), but records that there was neither a Safety Committee nor an Ambulance Room at the Laundry at that point (this appears to be 1963). A Safety Committee was identified during later visits.

98. The Green Book also records the numbers of persons working in the Magdalen Laundry at Sunday's Well on the date of each inspection, as follows:

Date of inspection <sup>43</sup>	Men	Boys	Women	Girls
16 April 1963	-	-	72	-
10 March 1964	-	-	72	-
1 April 1965	-	-	75	-
21 April 1966	-	-	67	-
13 Jan. 1967	-	-	70	-
25 March 1968	-	-	70	-
9 April 1970	-	-	60	-
12 Oct. 1971	-	-	57	-
8 Dec. 1972	3	-	80	-
29 Nov. 1974	3	-	32	-
19 June 1975	4	1	39	-
13 Jan. 1976	6	3	6	-
19 Jan. 1977	6	2	15	-
2 Nov. 1978	-	-	13	-
22 Nov. 1979	-	-	28	-
1 June 1983	-	-	11	-
18 April 1986			30	
1 June 1988			4	

99. The notes of the Inspectors in the Green Books recorded that on some occasions no contraventions were identified, while on other occasions, they suggest that a contravention had been identified and marked for follow-up. For example, in 1967, the Inspector noted "Code 65" regarding the Air Receiver at Sunday's Well. The notes suggest that the last report of the Insurance Company on the Air Receiver had not been seen and it seems that an initial contravention letter was accordingly to be sent (code CL1 marked on the inspection sheets).

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<sup>43</sup> Date of inspections and numbers working at Good Shepherd Laundry, Sunday's Well, taken from Cork City Green Book 60.

100. Another contravention letter (CL1) appears to have been sent to the Sunday's Well Magdalen Laundry following the 1975 inspection, under the Factories (Electricity) Regulations 1972. As recorded in the Green Book by the Inspector, there was a code violation in relation to the "current operated earth leakage circuit breaker protection".
101. Although there were a number of other level one contraventions resulting in decisions to issue Contravention Letters (CL1), the Green Books do not record any escalation in relation to the Magdalen Laundry at Sunday's Well, as occurred when a factory failed to remedy a contravention (e.g. issuance of a CL2 letter or any necessity for prosecutions). This suggests that, when contraventions were identified in the Magdalen Laundry at Sunday's Well, they were remedied pursuant to a first notice of contravention.
102. Records demonstrated that one retired member of the Inspectorate who provided input to the Committee had inspected the Magdalen Laundry operated by the Good Shepherd Sisters at Sunday's Well, Cork on a number of dates in the 1970s. Having reviewed the Green Book record, he shared his recollections of the inspections as follows:

[Regarding the 1976 inspection:] "As a result of my inspection, I wrote seeking that the boys have the Statutory medical examination, that the required certificate for a new boiler be obtained and sent to me, that two electrical cables be brought up to Regulation standard and that a portable hand-lamp, which was in use, was not in compliance with Regulations. The letter sent was a CL.1 which was the basic letter issued by the Inspectorate.

In 1977, there were 6 men 2 boys and 15 women employed. As a result of my inspection, I issued a CL.1 in respect of some electrical cables to washing machines and a request to make available the certificate of

means of escape in case of fire, which appears to have been issued by Cork Corporation Fire Dept. on 2.2 1962".<sup>44</sup>

103. Similar records were identified in relation to the Magdalen Laundry operated by the Sisters of Charity at Peacock Lane, Cork. The Green Book for Cork City District Number 66 confirms two inspections of that laundry in 1987 and 1989.<sup>45</sup>
104. The Book describes the "Industry" carried on there as "Laundry". It confirms that a Certifying Doctor had been appointed for the District (Doctor identified as Number 64, i.e. the same Doctor as for District 60 in which the Sunday's Well Laundry was located). It appears from the records that there was a Safety Committee, but no fire certificate is noted on the record.
105. The Green Book also records the numbers of persons working at the Magdalen Laundry at Peacock Lane on the date of inspection, as follows:

<b>Date of Inspection</b>	<b>Men</b>	<b>Boys</b>	<b>Women</b>	<b>Girls</b>
24 March 1987	1	-	60	-
9 June 1989	2	-	44	-

106. The notes of these inspections record the contraventions noted on these unannounced visits. Issues relating to the lack of a current certificate of means of escape in case of fire were noted on the 1987 inspection, with the notes identifying that a Contravention Letter (CL6) was issued to the Fire Department of Cork Corporation shortly after the inspection on 23 April 1987. (Difficulties faced by general factory operators in obtaining from Local

<sup>44</sup> Inspector C1. December 2012

<sup>45</sup> Date of inspections and numbers working at Sisters of Charity Laundry, Peacock Lane, Cork, taken from Cork City Green Book 66

Authorities certificates of means of escape in case of fire are detailed in a separate section below).

107. A number of other issues were noted on the 1987 visit, with a Contravention Letter to issue in relation to the Receiver and with the premises noted for review in a month's time.<sup>46</sup>
108. From the handwritten notes and codes recorded at the time of the 1989 inspection, it appears that issues in relation to the Fire Certificate for the premises continued.<sup>47</sup> A difficulty with machinery was also identified ("belt drives of three washing machines").
109. The same retired member of the Inspectorate referred to above carried out inspections of this premises. Surviving records indicate that he inspected the Magdalen Laundry operated at Peacock Lane by the Religious Sisters of Charity on at least two occasions, under the Safety in Industry Act. After review of the records, he stated as follows:

"In 1987 there were 60 women employed. As a result of my inspection, I sent a letter requesting certificates of examination of a number of pressure vessels, namely boilers, steam presses and an air receiver. I also sought the certificate of means of escape in case of fire.

In 1989, there were 44 women employed. As a result of my inspection I issued a letter in respect of the guarding of the drive belts of 3 washing machines and some matters which cannot now be identified".<sup>48</sup>

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<sup>46</sup> Codes BF 1 month and BF 2 months recorded – "Bring Forward", explained by retired Factories Inspectors to relate to the file being returned at the stated intervals for review of progress

<sup>47</sup> Codes T79 and T83 identified by retired Factories Inspectors as relating to fire regulations

<sup>48</sup> Inspector C1. December 2012

110. In relation to both of the Magdalen Laundries in Cork, the same former Inspector made the following general comment:

“My recollection of both laundries would be to say that they were above average in cleanliness and physical conditions. It may be taken, that any breaches of applicable legislation or regulation which I detected, would have been noted.

If I thought about it at all, I think, that I thought that these places were some sort of sheltered workshops with outsiders coming in to work in them as well”.<sup>49</sup>

111. The third Magdalen Laundry for which ‘Green Book’ inspection records have been identified is the Magdalen Laundry operated by the Sisters of the Good Shepherd in Limerick. Green Book Limerick City District Number 5 includes records of inspections of that Magdalen Laundry from 1958 to 1982, and demonstrate that, after, the sale of the laundry as a going concern to a private company, the premises continued to be inspected until at least March 1992.

112. The Book describes the “Industry” carried on there as “Laundry, Lace Manufacture”. At some point (presumably after sale of the laundry to an operator other than the Convent), Laundry was crossed out leaving only “lace manufacture”.

113. The Book records 26 inspections of that Magdalen Laundry during these years. Inspections (which were always unannounced) were annual, with the exception of the years 1982 and 1983.<sup>50</sup>

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<sup>49</sup> Inspector C1. December 2012

<sup>50</sup> Date of inspections and numbers working at Good Shepherd Laundry, Limerick, taken from Green Book Limerick City District Number 5

## Chapter 12

114. The initial Green Book entry notes the date of the then-current Fire Certificate for the institution (dating to 1958) and the relevant Sanitary Authority for the Laundry as Limerick Corporation.
115. The Green Book records the numbers of persons working at the Magdalen Laundry, Limerick on the dates of some inspections from 1974 onwards (numbers were not recorded for the earlier inspections), as follows:

Date of inspection	Men	Boys	Women	Girls
13 March 1974	1	2	76	-
18 July 1975	2	-	75 (8)	-
11 June 1976	4	-	40 (9)	-
18 April 1977	3	-	55	-
22 March 1978	4	1	56	1
30 March 1979	3	3	56	1
14 February 1980	4	2	20 36	2
17 February 1981	5	-	20 36	-
14 February 1984	-	-	5	-
15 December 1986	NW			
7 November 1987	NW			

*Note: Green Book records "Laundry now in Book 4"*

116. The notes recorded on these inspections vary from year to year. For the first year recorded in the Green Book (1959), it records "Con. Laundry completely rebuilt. No contravention obs". ("Con." presumably being Convent).

## **Chapter 12**

117. In 1960, the notes indicate “Fire Cert. Dated 9.9.59 available”. The only other note for that year and also for 1961 is “Regular”, which the Committee has been informed by Retired Inspectors suggests no contraventions found.
118. In 1962, a contravention was noted – “guard of rolls of calender not properly maintained. Code 62 (List given)”. The book records that a Contravention Letter (CL1) was issued on 17 April 1962.
119. It further appears from the Green Book that no contraventions were identified in the annual (unannounced) inspections between 1963 and 1972 – the code NCO (No Contravention Observed) is recorded on each occasion.
120. A contravention was identified on the inspection carried out on 22 January 1973 in relation to electrical issues. The Notebook records as follows:

### “Factories (Electricity) Regulation 1972

There was not provided in relation to every circuit which comprised portable apparatus or transportable apparatus and in which alternating current at a voltage exceeding 125 volts was used, effective means for automatically cutting off the supply of electricity from that circuit if the leakage current to earth should exceed 15% of the maximum current for which that circuit was designed, or 5 amperes, whichever was the greater (No earth leakage circuit breaker)."

121. The book records that a Contravention Letter (CL1) issued in relation to this matter on 13 February 1973.
122. Another contravention was identified on the inspection carried out on 13 March 1974. The information provided is less detailed, but contraventions were identified under 3 codes, seemingly related to machinery (e.g.“Wilson No.6613” and “2 roll tullis”). A contravention letter was issued on 30 April 1974.

## **Chapter 12**

123. The following year, 1975, an inspection was carried out on 18 July 1975 but no contraventions were identified (“NCO”). This confirms that the previously identified contravention had been resolved by the Religious Congregation operating the Laundry.
124. In 1976, the inspection identified a contravention (which appears to have been machinery-based, given that the name of a machine is identified in the Green Book) and a Contravention Letter (CL1) was issued on 8 July 1976.
125. The inspections in 1977, 1978 and 1979 similarly identified contraventions, all of which were handled in the standard way by the Factories Inspectorate – that is, a Contravention Letter (CL1) was issued. (Letters 20 May 1977, 25 April 1978, 12 June 1979). In 1979, one note on the contravention refers to “kettle”.
126. The Green Book for 1980 records the only escalation identified by the Committee in relation to a Magdalen Laundry. Following an inspection on 21 February 1980, the Factories Inspectorate issued a CL2 in March 1980. As noted above, this was a more firm Contravention Letter, which referred to the possibility of prosecution in the event of failure to rectify the contravention in question. The issue on which this contravention was issued related to the Factories (Electricity) Regulations 1972 – the Book records the issue as follows “6(2)(b) namely electric kettle”.
127. Inspection records in the Green Book for Limerick City District 5 thereafter recorded that “laundry now separate (in Book 4)”, following the sale of the laundry to a commercial manager by the Good Shepherds. The Book, nonetheless, notes that were no contraventions (“NCO”), for example on the inspection on 14 February 1984.
128. A retired member of the Factories Inspectorate who carried out at least 6 inspections at this Magdalen Laundry also provided input to the Committee. Insofar as relevant, he said he was:

"well aware of the Good Shepherd operation in Limerick and had inspected the laundry there throughout most of his time in Limerick in the 1970s and 1980s.

The premises were inspected under the Factories Act 1955. His recollection is that it was a 'good place to inspect' in the sense that it was always very well maintained and that there was a positive engagement by management. His recollection is that the operation was managed by an 'outside' manager, a 'youngish' man, called [name], of whom he had a good opinion. The workers were, to his recollection, a mix of 'outside' girls and the residents with many of the latter being much older.

The general focus of inspections carried would have been on

- a. Machinery Safety – Boilers, vents, etc.
- b. Welfare – cleanliness, light, toilet facilities, canteen, etc.
- c. Health – dangers like fumes, chemicals, occupational illnesses, etc".<sup>51</sup>

### *Records of inspections identified in the archives of the Religious Orders*

129. Documentary evidence of inspections of Magdalen Laundries was identified by the Committee in the archives of some of the Religious Congregations, as follows.
130. An exchange of correspondence in respect of the Magdal Laundry at Sean McDermott Street between the Order of Our Lady of Charity and an insurance company in the aftermath of the enactment of the 1955 Act is instructive. The correspondence refers to various aspects of the insurance cover at Sean McDermott Street, including an "Inspection Contract". A letter from the Insurance Company within a short time of entry into force of the Factories Act suggested to the Congregation that it was exempt and sought instructions on

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<sup>51</sup> Inspector L2. September 2011

whether or not the contract would in the circumstances be renewed. A series of letters ensued at intervals for over more than a year, until a final letter from the Insurance Company clarified its mistake in the matter, including by reference to the position of the Department of Industry and Commerce. The letter said as follows:

"I was unable to ascertain exactly where [member of the Engineering Department] got the information he conveyed to you in his letter, and in the circumstances our Engineering Department approached the Department of Industry and Commerce and asked for advices as to what was the position. Having ascertained that we were concerned with a laundry catering for the public, and operated by a Religious Community, we were informed that it is necessary that the plant should be inspected and reports of its condition furnished by the inspecting Engineer.

Our Engineering Department informed me that about the time [member of the Engineering Department] wrote you last year, a similar question had been raised in connection with a large Religious Institution and Novitiate in which a considerable amount of steam plant is installed in the kitchen. On enquiring from the Department regarding that particular plant, we were informed that the Factory Acts regulations did not apply, and it seems to me that the person here who made the enquiries got the impression that the Act did not apply to Religious Communities, and in consequence, [member of Engineering Department] wrote you in the terms of his letter of [date] which you have quoted.

Apparently the actual position is that while plant used by Religious Communities for cooking and the like does not come within the scope of the regulations, plant installed in a public Laundry, even though that belonging to a Religious Community, must be inspected.

In the circumstances it appears to me that you require continuance of the cover under the above Contract; but perhaps before renewing, you would

like to approach the Department yourself and obtain actual confirmation of the position".<sup>52</sup>

131. This exchange is significant for two reasons – first, it arose in the context of proposed renewal of an inspection contract with the insurance company, which means that prior to the passage of the Factories Act 1955, the Congregation had maintained such cover. This would have been unnecessary if the Congregation had not in that pre-1955 period been subject to inspection. Second, it explicitly confirms (despite some initial confusion among an insurance company on the matter) that this Laundry and others like it were subject to the Factories Act 1955.
132. The archive also contains materials which confirm that the Magdalen Laundry at Sean McDermott Street was in fact subject to review and inspection by the Department. First, it includes Statutory Test Reports in relation to boilers and other equipment at the Magdalen Laundry at Sean McDermott Street, dating to the 1950s and 1960s. These forms, signed by Insurance Company Engineers, appear to have been countersigned by the Factories Inspectors, in accordance with the general procedure noted above, thereby confirming inspections of the that Magdalen Laundry for the period.
133. Second, the archive also includes a letter dated 15 January 1965 from the Factories Inspectorate at the Department of Industry and Commerce (included in the Appendices to this Report). In this regard, it may be noted that the 1955 Act provided as follows:

“The occupier of a factory shall send to an inspector such extracts from the general register as the inspector may from time to time require for the purpose of the execution of his duties under this Act”.<sup>53</sup>

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<sup>52</sup> Letter from named Insurance Company to “Sister Bursar, Magdalen Asylum, North Gloucester Street, Dublin”, 10 April 1958

<sup>53</sup> Factories Act 1955, Section 122(3)

134. The letter of the Factories Inspectorate to the Magdalen Laundry at Sean McDermott Street returned 8 forms, all of which were required under the Acts, which the Religious Congregation had submitted to the Inspectorate. In returning these papers, the letter refers to the fact that these forms should "now be attached to the gummed slips at the back of the General Register". This further demonstrates that Magdalen Laundries were regarded in the same manner as other premises within the scope of the Factories Act.
135. Similar statutory inspection forms, signed by insurance company engineers and countersigned by Factories Inspectors, were also identified in the archives of the Sisters of the Good Shepherd in relation to the Magdalen Laundries at both Limerick and Waterford, dating mostly to the 1970s.

*Additional statements by retired Factories Inspectors and women working in the Magdalen Laundries*

136. Although the documents noted above confirmed that Magdalen Laundries had been inspected on the same basis as commercial laundries by the Factories Inspectorate, the Committee made efforts to further supplement the records identified.
137. To this end, the Committee contacted retired Factories Inspectors who had served in various locations throughout the State. Twenty-four retired Inspectors, drawn from the former Department of Labour and the HSA, were interviewed in relation to their memories of the inspection process in general and also any particular memories or documents relating to the inspection of Magdalen Laundries.
138. Ten former Inspectors from the appropriate geographic areas confirmed that they had definite recollections of having inspected Magdalen Laundries, naming the following seven institutions:

- Sean McDermott Street, Dublin;
- High Park, Drumcondra, Dublin;
- Donnybrook, Dublin;
- Foster Street, Galway;
- Convent of the Good Shepherd, Limerick;
- Good Shepherd, Sunday's Well, Cork; and
- Peacock Lane, Cork.

139. One former Factories Inspector had retained his diaries for the period and shared with the Committee the pages of these diaries indicating inspections he carried out at the Magdalen Laundries in Galway and Sean McDermott Street respectively.

140. All twenty-four Inspectors confirmed that the practice was to inspect all laundries within their assigned district, whether commercial, institutional or Magdalen. They explained that, among the types of premises covered by the Factories Act, laundries were generally regarded as workplaces with some inherent risks, due to the types of machinery used. For this reason, the inspection of all laundries was considered important. The former Inspectors explained to the Committee that as a result, if any laundry was within his area (or, "on my beat", in the words of one retired Inspector), it would as a matter of course be inspected. They rejected any argument that Magdalen Laundries would not have been inspected due to the fact that they were operated by Religious Congregations.

141. All of these retired Inspectors also confirmed that inspections of institutional laundries (including Magdalen Laundries) were conducted in precisely the same way as inspections of commercial or non-institutional laundries. They informed the Committee that the priorities for inspection in all cases, related to

the safety and health of all workers, were the same and would have included inspection of:

- Boilers;
- Steam Receivers;
- Callenders;
- Fencing and Guarding; and
- Trip Wires and Cut-Off mechanisms.

142. Other routine checks detailed by the former Inspectors involved inspection of:

- Electrics;
- Means of Escape in the Event of Fire;
- Ventilation;
- Floors; and
- Lighting.

143. Retired Inspectors confirmed that other institutions which also fell within the scope of the Factories Acts, for example psychiatric hospitals or other hospitals which had attached or associated industries, were similarly inspected. One retired Inspector reported that, rather than object to inspection, his experience was that members of some religious-operated institutions “positively welcomed” inspectors and “used them to point to areas of concern”.

144. The direct recollections of two Inspectors in relation to inspections of the Magdalen Laundries at Sunday’s Well, Peacock Lane and Limerick are set out above, alongside the documentary records found confirming these inspections. Other retired Inspectors have clear memories of inspecting other Magdalen Laundries within the scope of this Report.

145. One retired member of the Factories Inspectorate remembers visiting High Park, Dublin in the course of his duties and an account of his memories follows:

“He remembered being in it and that it was quite an orderly place. The building and the rest of it was quite good. He had been told by a Manager there that some of the women had been committed by the Courts. It had a dry cleaning section as well as a laundry. While he cannot recall the machines, he recalled that there was one of them that had been involved in an accident and that the accident had involved a girl being caught in a machine for ironing collars”.<sup>54</sup>

He could not recall any further details of this case.

146. Two retired members of the Inspectorate remember inspecting the Magdalen Laundry in Donnybrook. One said that he had inspected that Laundry “possibly in 1985 or 1986”. His recollection was as follows:

“There were women of 70 plus years there with white hair. He was told that they had other people there who worked there but these women were not employees. ... When he started inspecting the laundry, he was told that the white-haired woman, that accompanied him on his inspection of the machinery for doing the laundry, including the calenders, was not an employee but a voluntary worker. ... He does not know why she was assigned to accompany him on his inspection visit. Probably because she was very knowledgeable about the whole operation and she was probably the most senior staff member there. ... In relation to his inspection, he does not believe that there was anything much there nor does he think that there were any notices [issued by him]”.<sup>55</sup>

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<sup>54</sup> Inspector HP1. December 2012

<sup>55</sup> Inspector D2. 25-07-2012

147. Another retired Inspector recalled inspecting the Donnybrook laundry “between 1985 and 1988”. He said as follows:

“The premises from memory was Dickensian but no more so than laundries run by nuns, health boards, etc. at the time. I do not recall any problems in relation to guarding of machinery as our inspections at that time were focused on ‘secure fencing’ and not on the more systemic health and safety approach which was adopted post the 1989 Act.

I did not address contracts of employment or wages issues and would have concentrated on issues relating to steam pressure vessels reports on boilers, guarding of calenders, guarding of hydro extractors and any other issue which might contravene the provisions of the Factories Act 1955 or Safety in Industry Act 1980.

I cannot recall any serious failure in relation to guarding or inspection of machinery, although I am satisfied that if any problem existed it was rectified immediately”.<sup>56</sup>

148. A different retired Factories Inspector stated that he had carried out a number of inspections of the Magdalen Laundry in Galway and in that regard said as follows:

“In the 1970s ... I can recall carrying out official inspections and follow up visits of the Magdalen Laundry premises in Galway on at least three occasions, the premises having been a factory within the meaning of Section 3 of the Factories Act 1955.

...The laundry was located in Francis Street, just off Eyre Square on a site now occupied by Anglo-Irish Bank. It was operated by the Sisters of Mercy. Access to the laundry was either through the front door of the adjoining convent building or via large yard gates on to the street. The inspections were part of a routine tour of inspection.

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<sup>56</sup> Inspector D1. 13-09-2011

I can recall that on my first inspection I was met by the Sister in Charge, who over a cup of tea and biscuits produced the General Register, which incorporated an accident register. As I recall there were no serious accidents recorded. I was then introduced to the Maintenance man and proceeded to inspect the workplace. The maintenance man whose name I cannot recall seemed technically quite competent and enthusiastic.

There were some issues regarding the interlocking mechanisms of washing machines and hydro extractors and the security of fencing of other machinery. Welfare facilities attached to the workplace appeared basic and complied with the then requirements. ...

It was noticeable there was a greyness and institutional feeling about the place. The pace of work was quite slow. All the laundry workers were female and appeared detached, not appearing to show any interest or curiosity about my presence".<sup>57</sup>

149. This retired Inspector added that his senior Inspector told him "not to send a contravention letter to the Nuns". However no other Inspector made any such comment and all surviving written reports of inspections (i.e. the Green Books detailed above) all demonstrate that contravention letters were in fact issued to Religious Congregations. This strongly suggests that, if such a position was adopted by one official, it was an aberration rather than a practice. The retired Inspector in question also indicated that on subsequent inspections he "invariably had the same welcoming experience but there was never any difficulty in verbally securing compliance with safety requirements" by bringing them to the attention of the appropriate person while there.<sup>58</sup>

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<sup>57</sup> Inspector G1. 25-07-2012

<sup>58</sup> Id

150. None of the Annual Reports made by Certifying Doctors were identified by the Committee. However, summaries of these Annual Reports are included in the Annual Reports of the Factories Inspectorate. Further and as noted above, the Green Books confirm in each case whether or not a certifying doctor had been appointed for the District in which a Magdalen Laundry was situated.
151. The Committee also raised the question of inspections with the women it met who had been admitted to and worked in various Magdalen Laundries.
152. A number of these women recalled the inspections of the Factories Inspectors. Two women (both represented by Magdalene Survivors Together) referred to these Inspectors as “the suits” and both gave accounts of the process for inspections. They said that in some cases, this included all work in the laundry ceasing, with the women lining up outside the factory area while the Inspectors carried out their duties.

*Conclusion regarding inspection of the Magdalen Laundries under the Factories Acts*

153. Based on the information and records detailed above, the Committee can confirm that at least 8 of the Magdalen Laundries within the scope of the Report were regularly inspected by the Factories Inspectorate. These inspections are evidenced, in differing cases, by the written records of the Factories Inspectorate (oldest dating to the 1950s), Statutory Forms signed and countersigned following statutory inspection (from 1950s onwards), correspondence of the Department of Industry and Commerce (1960s), the recollections of retired Factories Inspectors (oldest dating to the 1970s) and the recollections of some of the women who worked in the Magdalen Laundries and engaged with the Committee.
154. The Committee has not identified evidence which would confirm the inspection of the two remaining Magdalen Laundries within the scope of the Report, namely Dun Laoghaire (closed 1963) and New Ross (closed 1967). However,

based on all the information identified, it appears likely that these too were inspected and the strong consensus of all twenty-four retired members of the Factories Inspectorate was that the practice was for all laundries, whatever their character, to be inspected.

155. The period prior to enactment of the 1955 Act is one for which direct records of inspections do not survive. However the evidence identified by the Committee was that 9 out of 10 of the Magdalen Laundries within the scope of the Report voluntarily submitted to inspections even prior to the legal requirement to do so in 1907. They were within the scope of the Factories Code from that point onwards. The 24 former members of the Factories Inspectorate who inputted to the Committee agreed that there was never a sense or corporate memory of anything other than applicability to all laundries of the Factories Code, even before the 1955 Act. This conclusion is also supported by the payment, during the pre-1955 period, of additional insurance premiums by the Religious Congregations for the carrying out of statutory inspections, which would not have been necessary had they not been subject to inspection in the period.
156. Concerning the conduct of inspections following 1955, the written records of inspections carried out (i.e. the Green Books) confirm that the Magdalen Laundries were not accorded any particular deference by the Factories Inspectors – where contraventions were identified, the standard action (issuance of contravention letters) was taken. The statements of all but one retired Factories Inspectors confirm this as the standard practice. The written records of inspections also typically confirm that any such contraventions were remedied following issuance of these letters (e.g. through records confirming no contraventions on inspections subsequent to issuance of an earlier contravention letter, or through the absence, other than in one case, of a need to issue a second-grade contravention letter).

157. In one case, where a minor contravention (relating to use of an electric kettle) had not been rectified following issuance of a first contravention letter, the matter was escalated by the Inspectorate by issuance of a second grade contravention letter (CL2 – including threat of prosecution). No serious contraventions were found in the records identified, and no prosecutions appear to have been necessary to secure enforcement of standards.

**F. Fire Safety and Certification**

158. Local Authorities served as the relevant Sanitary Authority under the Factories Acts. A key issue in this regard was the inspection of premises and the issuance of Certificates of means of escape in case of fire.

159. Certification by Local Authorities of fire escape routes was provided for in the Factory and Workshop Acts enacted by the British Parliament prior to the establishment of the State. This approach was maintained after establishment of the State and further in the Factories Act 1955. The 1955 Act provided in pertinent part that it was a function of the Local Authorities to certify fire escapes at factories:

“The occupier of a factory to which this section applies shall have in force a certificate under this section (subsequently referred to in this section as a certificate) given by the sanitary authority certifying that the factory is provided with such means of escape in case of fire for the persons employed therein as may reasonably be required in the circumstances of the case”.<sup>59</sup>

160. Sanitary Authorities (i.e. Local Authorities) were obliged to inspect premises to which the section applied and to verify that an adequate means of escape was available in the event of a fire:

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<sup>59</sup> Factories Act 1955, Section 45(1)

"It shall be the duty of the sanitary authority to examine a factory to which this section applies and

- (a) if satisfied that the factory is provided with such means of escape in case of fire for the persons employed in the factory as may reasonably be required in the circumstances of the case, to give a certificate in respect of the factory, or
- (b) if not so satisfied, to refuse to give a certificate in respect of the factory".<sup>60</sup>

161. This requirement applied only to certain factories, namely:

- a factory in which more than twenty persons were employed;
- certain factories in which more than five persons were employed above the first floor or more than 20 feet above ground level;
- a factory in or under which explosive or highly inflammable materials are stored or used (regardless of numbers employed in the factory); and
- a factory premises in which another part of building was used as a dwelling (again regardless of numbers employed in the factory).<sup>61</sup>

162. Where a fire certificate was issued under this provision, it was attached by the factory occupier to the General Register and could be examined there by the Factories Inspectors. A copy of all certificates issued was also provided by the sanitary authority to the Minister. By contrast, where a sanitary authority refused to issue a certificate under this provision, it notified the Minister who had the power to direct that legal proceedings should be commenced against the factory occupier.

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<sup>60</sup> Factories Act 1955, Section 45(3)

<sup>61</sup> Factories Act 1955, Section 45(18)

163. Of particular relevance to this Report is the fact that Factories Inspectors also had a role in this process. The Act provided that where a Factories Inspector had a concern in relation to the provision of fire exits from a factory, he could notify the Sanitary Authority (i.e. the local authority). On receipt of such a notification, the Sanitary Authority was under a duty to inspect the factory and could, by notice in writing, require the factory occupier to make any alterations necessary to ensure that workers had a safe means of escape in the event of fire.<sup>62</sup>
164. The Committee is of the view that the Magdalen Laundries would have qualified as relevant factories for the purposes of section 45, either on grounds of the numbers of persons working there (over 20) or, in some cases, as the laundry premises (that is, the “factory” as defined in the Act) was in a building, portions of which were also used as a dwelling.
165. The Green Books (Registers of the Factories Inspectorate) noted above contain a number of relevant references to action taken by Factories Inspectors in relation to fire safety certification for certain Magdalen Laundries.
166. The Limerick Magdalen Laundry is confirmed by Green Book Limerick 6 to have held a fire escape certificate issued by the local authority.
167. In relation to the Good Shepherd Magdalen Laundry at Sunday’s Well, Cork, the position is somewhat less clear. When Green Book Cork City 60 was opened in 1962, a dated and then-current Fire Certificate was noted in the register. However at a later point, in 1983, the Register notes a contravention letter coded as CL6 was to issue to “The Secretary, Cork Corporation, City Hall, Cork”. The code “CL6” relates to the absence of a current Certificate of Means of Escape which would have been issued (or refused) by the Local Authorities, in this case, Cork Corporation. Records have not been identified to

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<sup>62</sup> Factories Act, Section 45 (12)

determine what action, if any, was taken by the Corporation in response to this letter.

168. In the Magdalen Laundry operated at Peacock Lane by the Religious Sisters of Charity, there was a similar occurrence in 1987. The Cork City Green Book 66 records that a Factory Inspector decided to issue a CL6 (absence of a current Certificate of Means of Escape) to the local authority. It appears that the issue had not been resolved by 1989, as the codes entered in the Green Book at that time were also identified by retired Factory Inspectors as relating to fire certification.<sup>63</sup> No records have been identified to determine what action, if any, was taken by the local authority in relation to this matter.
169. Difficulties with enforcement by local authorities of fire certification standards were not confined to Magdalen Laundries. The Department of Jobs, Enterprise and Innovation has indicated a view to the Committee that there was:

“a widespread and continuing failure by Sanitary Authorities to carry out the functions assigned to them under the Factories Acts and, in particular, in relation to certification of fire escapes”.<sup>64</sup>
170. This failure, which included the fire safety functions assigned to the Sanitary Authorities (i.e. Local Authorities) in relation to factories of all kinds, was highlighted and referred to in a number of different fora across many years.
171. A Memorandum was submitted to the Government by the Minister for Industry and Commerce in 1933 proposing wide-ranging changes to the law governing working conditions.<sup>65</sup> In this context, the Memorandum commented adversely

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<sup>63</sup> Codes T79 and T83

<sup>64</sup> Report of Department of Jobs, Enterprise and Innovation to the Inter Departmental Committee, dated 21 December 2012

<sup>65</sup> National Archives Ref: IND/H1388/55 Vol 1

on the record of the local authorities in carrying out their sanitary functions and said:

“Under existing legislation, certain sanitary conditions and means of escape in case of fire are matters for enforcement by Local Authorities. This dual inspection and the failure of Local Authorities to take effective action led the unions to oppose strongly Local Authorities having any function in factories or workshops”.<sup>66</sup>

172. Nor did matters change significantly over the following years – over twenty years after that Memorandum commented on the failure of local authorities to take “effective action” in this area, the Department of Industry and Commerce in 1959 considered and sought legal advice on the possibility of the Minister taking legal action against a local authority, which had failed to supply any certificates of fire escape.<sup>67</sup> More than a further 20 years later, in 1981, materials submitted to the Commission of Inquiry on Safety Health and Welfare at Work (“the Barrington Report”) highlighted the extent to which local authorities were failing in their duties in relation to certification of fire escapes.<sup>68</sup>

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<sup>66</sup> Id at 3f

<sup>67</sup> GIF 1955/45 of 19 September 1955. In unregistered file, Department of Jobs, Enterprise and Innovation

<sup>68</sup> Table submitted by the Department of Trade, Commerce and Tourism to the Barrington Commission, 7 December 1981. Cited in Report of the Department of Jobs, Enterprise and Innovation to the Inter-Departmental Committee

<b>Year</b>	<b>Number of fire certificates sought</b>	<b>Number issued</b>	<b>Outstanding</b>
1975	726	59	667
1976	827	70	757
1977	828	44	784
1978	930	24	906
1979	996	30	966

173. Retired Factories Inspectors with whom the Committee consulted also recalled difficulties with enforcement by Local Authorities of fire certification provisions of the Factories Act – one retired Inspector said:

“Sanitary issues arising in workplaces were for Local Authorities to enforce. If an Inspector noted a breach, he or she informed the Local Authority which was expected to follow up but, in [his] view, Local Authorities did not always welcome being informed of workplace issues by the Factories Inspectorate”.<sup>69</sup>

174. These comments and criticisms do not relate to the current Fire Authorities or arrangements, or to the current legislative arrangements for the particular fire safety needs of factories.<sup>70</sup> Rather this broader information in relation to the

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<sup>69</sup> Inspector L1. September 2011.

<sup>70</sup> Fire Services Act 1981 and Regulations made thereunder

historic difficulties of many factories or premises securing Fire Certificates from Local Authorities is provided in the context of the written records identified above, which included some cases in which Magdalen Laundries had not succeeded in securing Fire Certificates from Local Authorities. No records were identified by the Committee in relation to any incidents involving fire in the Magdalen Laundries.

#### **G. Workplace accidents**

175. The question of work-related accidents in the Magdalen Laundries was also considered by the Committee. The Factories Act required serious accidents to be recorded and reported to the Factories Inspectorate: written notice was required for any accident resulting in a death or any accident disabling a person from work for more than three days.<sup>71</sup> Statutory forms were provided for this purpose.
176. The majority of the records of the Factories Inspectorate have not survived to the present day, as detailed earlier in this Chapter. Nonetheless, searches of

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<sup>71</sup> Factories Act 1955, Section 74:

- (1) Where any accident occurs in a factory which either
  - (a) Causes loss of life to a person employed in that factory, or
  - (b) Disables any such person for more than three days from earning full wages at the work at which he was employed,written notice of the accident in the prescribed form and accompanied by the prescribed particulars, shall forthwith be sent to the Minister.
- (2) Where any accident causing disablement is notified under this section, and after notification thereof results in the death of the person disabled, notice in writing of the death shall be sent to the Minister by the occupier of the factory as soon as the death comes to his knowledge.
- (3) where any accident to which this section applies occurs to a person employed in a factory of which the occupier is not the actual employer of such person, the actual employer shall immediately report the accident to the occupier and, if he fails to do so, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds
- (4) A notice of any accident of which notice is sent in accordance with the requirements of the Explosives Act, 1875, need not be sent in accordance with the requirements of this section

surviving materials were conducted in an attempt to identify whether any accidents had been reported by the Magdalen Laundries to the Factories Inspectorate.

177. Approximately 300 general files in relation to Notices of Accidents or Dangerous Occurrences (Section 74 notices) as well as fatality and Mines and Quarries files were identified and examined in this regard. None of these files contained any information relevant to the Magdalen Laundries.
178. However, these surviving records relating to accidents form only a very small portion of the records which would originally have existed in relation to workplace accidents and investigations. Accordingly the Committee is unable to determine on the basis of written records whether any accidents at the Magdalen Laundries were reported to the Factories Inspectorate at the time of their occurrence, and, if so, what the response of the Inspectorate was.
179. The Committee accordingly explored other sources of information on this issue. Of the twenty-four retired members of the Factories Inspectorate contacted, one had a memory of an accident in a Magdalen Laundry.<sup>72</sup> This Inspector's awareness of the accident suggests that it was reported, as required under the Act. None of the other retired Inspectors recalled dealing with any accidents in the Magdalen Laundries.
180. Another source for information in relation to accidents was the former Commercial Manager of the Good Shepherd Laundry in Limerick. Mr John Kennedy has in the past been referred to publicly as an authority for the occurrence of regular accidents in Magdalen Laundries. Mr Kennedy, in a statement provided to the Committee, provided clarification and further information on this question, as follows.

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<sup>72</sup> Inspector HP1. December 2012, cited above. "While he cannot recall the machines, he recalled that there was one of them that had been involved an accident and that the accident had involved a girl being caught in a machine for ironing collars".

181. First, he set out his general impression on first being hired in 1976 as manager of the Good Shepherd Laundry in Limerick:

“walking into the laundry with its expensive non slip vinyl floor covering, standards of cleanliness like those found in a hospital and all the other changes, made it for me, a state of the art industrial place of work. The maintenance problems with the plant were easily solved over time by hiring a full time fitter/ electrician – something the Nuns never did, which was false economy”.<sup>73</sup>

182. Second, he shared with the Committee anecdotal accounts he had heard in relation to three accidents in other Magdalen Laundries, during the time before his employment:

“I only know of three bad industrial accidents in the old days in the Laundry, which is nothing short of miraculous. The one in which the lady lost her forearm in the callender (large roller iron), I am reliably told by a Resident, was completely her own fault”.<sup>74</sup>

(He said that the account he had been given of this incident, resulting in the loss of an arm, was that the woman in question had inserted her hand over the safety barrier in an attempt to remove an item of clothing fed into the callender by another woman).

183. Finally, regarding the laundry in Limerick specifically and from Mr Kennedy’s direct experience during his time as manager and subsequently owner/operator of a commercial laundry with paid employees, he said as follows:

“My business also had three bad accidents to employees’ hands (thankfully not resulting in an amputation) in spite of having all modern

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<sup>73</sup> Statement of John Kennedy to the Inter-Departmental Committee, dated 8/10/2012

<sup>74</sup> Id

safety systems and the latest health and safety regulations in place. Two were due in part to poor machine design and one was due in part to ‘horseplay’ in the work area. Laundry machines by their very nature, with steam heated surfaces in close proximity to operators, are dangerous to operate. In spite of all their training and warnings of hazards, employees, unfortunately, can sometimes still engage in dangerous work practices.”

#### **H. Role of the Factories Inspectorate in relation to pay and conditions of employment**

184. Chapter 5 indicated the responsibility of the Factories Inspectorate for enforcement of the Truck Acts 1831, 1887 and 1896, under which it was prohibited to pay employees in anything other than ‘the coin of the realm’. The Department of Jobs, Enterprise and Innovation reported to the Committee that no records were identified to establish whether the Factories Inspectorate ever considered the position of the women working in the Magdalén Laundries in relation to these Acts.
185. Enforcement under the Conditions of Employment Act 1936 also originally fell to the Factories Inspectorate.<sup>75</sup> No instructions, guidelines or other written records have been identified by the Committee in relation to the approach of the Factories Inspectorate on this subject.
186. The Annual Reports of the Factories Inspectorate record a number of prosecutions of employers for breaches of the 1936 Act, although the numbers of such prosecutions tended to be very low in comparison with prosecutions under the Factories Acts. For example, in 1957 there were 26 prosecutions under the 1955 Act and only 3 under the 1936 Act.

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<sup>75</sup> This responsibility was eventually subsumed by the General Inspectorate which was established following the enactment of the Industrial Relations Act 1946, and later the Labour Inspectorate and the National Employment Rights Authority.

187. When asked about enforcement of the 1936 Act, the retired Factories Inspectors who engaged with the Committee suggested that, with the advent of deeper collective agreements, changes in work patterns and new employment legislation in the 1970s, enforcement of the 1936 Act became less and less of a priority for the Inspectorate. The Department of Jobs, Enterprise and Innovation has summarised the recollections of the retired Inspectors on this topics as follows:

“...many of its minimal provisions had been superseded by collective agreements. Also, unions and management in a significant number of factories had sought and obtained exemptions and variations of various sorts in relation to the shift-work and overtime provisions of the Act. As several of the ex-Inspectors put it, their approach to the 1936 Act was ‘reactive rather than proactive’ - it was only in the case of something blatant, something relating to young persons or a complaint that they would pursue an issue under the 1936 Act”.<sup>76</sup>

188. The retired Inspectors (the earliest of whom took up his position in 1961) had no memory of any consideration by the Inspectorate of the position under this Act of the women who worked in the Magdalen Laundries.

**I. Other materials identified in relation to the Magdalen Laundries as workplaces**

189. Other material relevant to the Magdalen Laundries as workplaces was identified by the Committee. This section deals with institutional laundries under the Trade Boards system, the Laundries Joint Industrial Council established in the 1940s, and some historic issues relating to unemployment insurance.

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<sup>76</sup> Report of the Department of Jobs, Enterprise and Innovation to the Inter-Departmental Committee, supra

*Trade Boards and Institution Laundries*

190. An Act of the British Parliament, the Trade Boards Act 1909, provided for the establishment of Trade Boards, which were the predecessors of the Irish Joint Labour Committees. The purpose of these Boards was essentially to fix minimum rates of pay for workers by trade. They were autonomous bodies comprising representatives of employers, employees and independent persons.<sup>77</sup>
191. The Trade Board Act did not initially apply to laundries and attempts to extend its application to certain aspects of the laundry trade in 1913 and 1914 ("calendaring and machine ironing in steam laundries") were unsuccessful.<sup>78</sup>
192. In the context of that consideration, a Statement made by the "Principal Lady Inspector of Factories" commented on the possible impact of extending the Trade Boards (that is, minimum wage legislation) to institutional laundries. She said that if wages had to be paid in such cases:

"I should say that nine-tenths of the Homes known to me in England and Wales will be obliged to close their doors; not only on account of the financial position (which would be impossible to most of them) but because, as I am assured by those in authority, directly the girls are in possession of any money at all the difficulties in conducting these Homes would become well nigh insuperable. If the laundry workers were to be paid wages (be they ever so small) it would necessitate a Government grant and the present constitution of the Homes as well known to me under Section 5 would have to be entirely reorganised".<sup>79</sup>

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<sup>77</sup> John Harris, *The Irish Trade Boards System*, 1930 PhD, Queen's University, Belfast

<sup>78</sup> HC Deb 24 June 1918 vol. 107 cc714-5

<sup>79</sup> NAUK. Lab 2/33/5. Laundry Trade. Institutional Laundries. Draft Statement of Evidence prepared by Miss AM Anderson, Principal Lady Inspector of Factories, Home Office for the Select Committee of the House of Commons

193. Even before the Acts were extended and a Laundry Trade Board established, issues around charitable laundries had been considered – for example a meeting was held in 1914 between the UK Ministry of Labour and the National Health Insurance Commission to determine whether “inmates” of convents and other charitable institutions who work in the institutions’ laundries are considered to be employed persons for the purposes of paying contributions under the Insurance Act.<sup>80</sup>
194. A Trade Board was ultimately established for the laundry industry in Great Britain in 1919. A Trade Board for the laundry industry in Ireland was subsequently established in 1920 (referred to further below).<sup>81</sup> The British Trade Board sought, from its establishment, to include institutional laundries within the Trade Board regime, sometimes citing unfair competition as a reason for so doing. This issue was considered on a number of occasions but the conclusion reached was that the Trade Board Acts 1909-1918 did not allow for the inclusion of institutional laundries.<sup>82</sup>
195. This conclusion by the British Ministry of Labour was on the basis that charitable institutions engaged in laundry work did not, as a rule, have a contract of service with the residents engaged in such work and that, as a result, the Trade Board Acts could not apply:

“An obligation to pay wages or a right to receive them can only be imposed by contract but the contract may be one of either of two classes. There may be a contract of service or a contract for services...but unless one of these exists, I do not think that the Act applies. I can see no contract between the managers of such Institutes as are mentioned in the

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<sup>80</sup> NAUK. Lab 2/33/4 : Laundry Trade. Application of Trade Boards Acts. Scope. Position of Inmates of Convents and other large Conventual Institutions.

<sup>81</sup> Statutory Rules and Orders, Trade Boards Order, No. 627 of 1920

<sup>82</sup> NAUK. Lab 2/261/15. Laundry Trade. Case for Submission to Solicitor – Institution Laundries. Minute d. 6-12-18

case and the inmates. There is no obligation to pay wages; the inmates could not sue for any remuneration; either party is at liberty to determine the relationship at will".<sup>83</sup>

196. This opinion is included in the published list of decisions made by the British Ministry of Labour in relation to the Laundry Trade, a bound volume of which was kept in the Irish Labour Court, an extract of which is as follows:

**Workers, Establishments, Articles and Operations held to be outside the scope of the Board (Extract)<sup>84</sup>**

<b>Index</b>	<b>Particulars of Case</b>	<b>Reference</b>
Charitable Institution	Inmates of a Rescue Home who work in the laundry attached to the Home; no arrangement by way of trade existing between the authorities of the Home and the inmates.	T.B.M. 105/77/1922

*Laundry Trade Board (Ireland)*

197. The Laundries Trade Board established for Ireland in 1920 appears to have been short-lived. It appears that the commercial laundry sector (and in particular the Leinster Laundry Association, which represented the main commercial laundries in Dublin and fixed commercial laundry prices for the Dublin market<sup>85</sup>) decided to withdraw from the Trade Board unless the "institution question" was settled.<sup>86</sup> They sought an agreement that institutional laundries would agree to charge "the current prices charged by the commercial laundries, with a concession of one shilling in the pound."<sup>87</sup> A meeting of representatives of all the Religious Congregations operating

<sup>83</sup> NAUK. Lab 2/261/15. Solicitor's Opinion. d. 19-01-18

<sup>84</sup> NAIE. Labour Court Papers. Summary of Opinions adopted by the (UK) Ministry of Labour [up to 31<sup>st</sup> December 1924]. Lab C, P102.

<sup>85</sup> Robert Tweedy, *The Story of the Court Laundry*, at 17-18.

<sup>86</sup> Mona Hearn, Thomas Edmonson and the Dublin laundry at 174-175

<sup>87</sup> Id at 176

laundries offering services to the public was held in 1920 on the matter. As this meeting was held at High Park Convent, it appears that at least one of the Magdalen Laundries within the scope of this Report was included in these consultations.<sup>88</sup> Their decision was to remain outside the Trade Boards, after which the commercial sector in turn withdrew from the Trade Board as it considered that “no means exist for dealing with the unfair competition of the institutions”.<sup>89</sup>

198. There does not appear to have been further activity in this Trade Board and it does not appear amongst those Trade Boards whose existence was later formally confirmed on establishment of the State in 1922.

### *Laundries Joint Industrial Council*

199. The Committee established that a Joint Industrial Council (“JIC”) was established for the Laundry Industry in 1946.<sup>90</sup> The JIC was not formally registered with the Labour Court and it appears that, in practice, it functioned only in relation to the laundry industry in Dublin. An internal Memorandum noted as follows:

“Although the Council is entitled 'the Council for the Laundry Industry', it is in effect the Council for the Dublin Laundry Industry as the representatives of the employers are appointed by the Laundry Branch of the Federated Union of Employers. This Branch comprises most of the Dublin Laundries with the exception of one or two such as the Court and Mirror. The convent laundries, of course, are not included....”<sup>91</sup>

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<sup>88</sup> Id

<sup>89</sup> Id

<sup>90</sup> Labour Court File, JIC 111

<sup>91</sup> Id

200. The Council functioned from 1946 to 1981, but as it did not encompass the Laundries within the scope of this Report, further information regarding it is not recorded here.

### *Claims submitted to the State Claims Agency*

201. The Committee also identified an event in 2006, whereby a solicitor representing three women contacted the Department with the intention of making a claim against the State in relation to their time in a Magdalene Laundry and the exclusion of that time from the Residential Institutions Redress Act 2002. The correspondence in question was passed to the State Claims Agency, in light of the National Treasury Management Agency (Delegation and Conferral of Functions) Order 2001, which conferred functions on the NTMA. These functions relate to the management of claims against State authorities, with such functions to be carried out by the agency under the title State Claims Agency.<sup>92</sup> Any correspondence thereafter was between the State Claims Agency and the solicitors for the three women in question.
202. At the request of the Committee, the State Claims Agency provided information on the disposition of this complaint. Two of the women in question did not issue legal proceedings. In one case, legal proceedings were instituted in the High Court, but were subsequently struck out.
203. The summaries provided by the State Claims Agency are as follows (as elsewhere in this Report, no identifying information regarding the women in question is included in order to protect their privacy):

“The A case was the subject of High Court proceedings issued in 2001 by [named solicitors]. The Plaintiff appears to have decided to drop her High Court claim because in 2005, the High Court struck out her claim. The precise details and reasons for this aren’t known to us (the State wasn’t

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<sup>92</sup> File ref 270/09/02/0029/1 Department of Enterprise, Trade and Employment, HSA Policy/Liaison Section, Section Administration, State Claims Agency

made aware of the application at the time) but it seems most likely that she instructed her solicitors to arrange for the legal proceedings to be struck out. Her solicitors only notified the State of this in mid-2006. When a claim is concluded by this method, we categorise the outcome of the case as - case dismissed.

The claims of B and C were never the subject of legal proceedings as their solicitors never issued/served legal proceedings to advance their claims. This position was checked at the time by reference to the Courts Service website which allows one to search for any legal proceedings in existence in a person's name. It appears, therefore, that Ms B & Ms C decided against pursuing the claims further against the State, hence the claims were discontinued.<sup>93</sup>

### *Employment Incentive Scheme*

204. A file was identified in relation to the participation in an Employment Incentive Scheme of the Good Shepherd Convent, Manor Street, Waterford.<sup>94</sup>
205. Application for payment was made by the Convent to the National Manpower Service of the Department of Labour, at various dates in January 1979 in respect of 4 persons (3 female, 1 male) employed under the Employment Incentive Scheme for the Services Sector and Construction Industry.
206. These persons were outside paid employees and as such this matter does not have any material effect on the issues considered in this Report.

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<sup>93</sup> State Claims Agency letter to the Department of Jobs, Enterprise and Innovation, dated 12 September 2011. Cited in the Report of the Department of Jobs, Enterprise and Innovation to the Inter-Departmental Committee, *supra*

<sup>94</sup> Good Shepherd Convent, Manor St., Waterford, E.I.S. File Ref S.3. 19/10/779

## **Chapter 13:**

### **Financial (A): State Funding and Financial Assistance**

#### ***Summary of findings:***

*This Chapter addresses one aspect of the financial interactions between the State and the Magdalen Laundries, namely direct funding or financial assistance.*

*The Committee found that the State provided direct funding, including in certain cases capitation payments, to the Magdalen Laundries. This funding was not provided on a standard or across-the-board basis by the State: rather, the funding provided to different Magdalen Laundries was for different purposes and varied across time and between locations.*

#### ***Such funding included:***

- *Capitation under the Public Assistance Acts for certain individual women referred to Magdalen Laundries by public authorities;*
- *General funding under the Health Acts to certain Magdalen Laundries in consideration of performance of a function or provision of a service which the State would otherwise be required to perform or provide;*
- *Capitation payments in relation to certain women in Magdalen Laundries on remand or on probation; and*
- *Other miscellaneous grants, including grants awarded to some Magdalen Laundries in the transitional phase around the times of their closure and subsequent provision of sheltered accommodation or nursing homes.*

**Introduction**

1. The question of financial support by the State for the Magdalen Laundries, whether direct or indirect, was a key issue examined by the Committee.
2. A number of sources were examined to identify any relevant information on possible funding or financial assistance provided by the State to the Magdalen Laundries. These included all surviving financial records of the Religious Congregations and financial and other records in Government Departments and State agencies.
3. This Chapter addresses the issue of direct funding and financial assistance by the State to the Magdalen Laundries. Chapters 14 and 15 address other financial matters, including State contracts for laundry services, revenue (taxation) issues, social insurance as well as commercial rates and rates exemptions. In each area any relevant legislative basis is included.
4. Searches were carried out both on the surviving records of the Religious Congregations and official records to identify all possible instances of funding by the State to the Magdalen Laundries. The findings of those searches are set out below.
5. In respect of individual instances of funding identified in the records of the Religious Congregations (and particularly early funding), it was not always possible to determine on what basis funding was provided and for that reason, the findings of those searches are presented separately in this Chapter.

**A. Findings of searches of official records relating to funding of the Magdalen Laundries**

6. The Committee examined a variety of State records to attempt to identify any possible payments made by the State to the Magdalen Laundries. These included any surviving financial records of the Departments of Environment, Community and Local Government; Justice and Equality; Health; Defence; and all agencies under the aegis of these Departments including Local Authorities and the Health Service Executive (including the archives it inherited from the Health Boards).
7. In summary and as set out in greater detail in this Chapter, the Committee found evidence of direct funding of or financial assistance to some of the Magdalen Laundries at differing times, for a number of purposes and under a number of Acts, as follows:
  - payments under the Public Assistance Acts, whereby the State provided subventions for certain individual women placed in the Magdalen Laundries;
  - more generalised payments under the Health Acts on the basis that it was considered that certain of the Magdalen Laundries were performing a function or providing a service which otherwise would have to be performed or provided by the public authorities;
  - payments for certain remand and probation cases;
  - other miscellaneous payments, including from health authorities and for support of disabled or homeless persons; and
  - grants during transitional phases as the Magdalen Laundries ceased to operate and the facilities were converted for other purposes.
8. To enable a clearer understanding of the nature and purpose of payments identified by the Committee, the following findings in relation to State

payments to the Magdalen Laundries are categorised according to the legislative basis on which the payments were made.

- i. *Payments to Magdalen Laundries under section 35 of the Public Assistance Act 1939 and section 10 of the Health Act 1953 (extern institutions)*
9. The Public Assistance Act 1939 contained a section in relation to “Assistance in institutions not maintained by a public assistance authority”, which provided that:

“Subject to the consent of the Minister, a public assistance authority may, if they so think proper, make provision for the assistance in a home, hospital, or other institution not provided or maintained by such authority of persons, or particular classes of persons, eligible for public assistance, and where a public assistance authority makes such provision, such authority may defray the expenses of the conveyance of the persons for whose assistance such provision is made to and from such institution and the expenses of their maintenance, treatment, instruction, or training therein”.<sup>1</sup>
10. This section permitted payment by Local Authorities (then responsible for the health function) of maintenance costs either for individuals or for classes of persons who met the criteria for public assistance. The Committee identified records which confirm that payments were, in certain cases and from time to time, made to Magdalen Laundries under this provision.
11. A file of the Department of Health confirms the manner in which this process of approval of Magdalen Laundries as institutions for provision of public assistance occurred. This particular file relates to Tipperary (South Riding)

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<sup>1</sup> Section 35 of the Public Assistance Act 1939

County Council, although there is no reason to suspect that the process differed for other Counties.

12. First, the County Manager made an Order:

“that the Good Shepherd Convent, Limerick, be an approved Institution for the reception of Public Assistance Patients from Tipperary (S.R.) County Area, under section 35 of the Public Assistance Act 1939, subject to sanction of the Minister for Health”.<sup>2</sup>

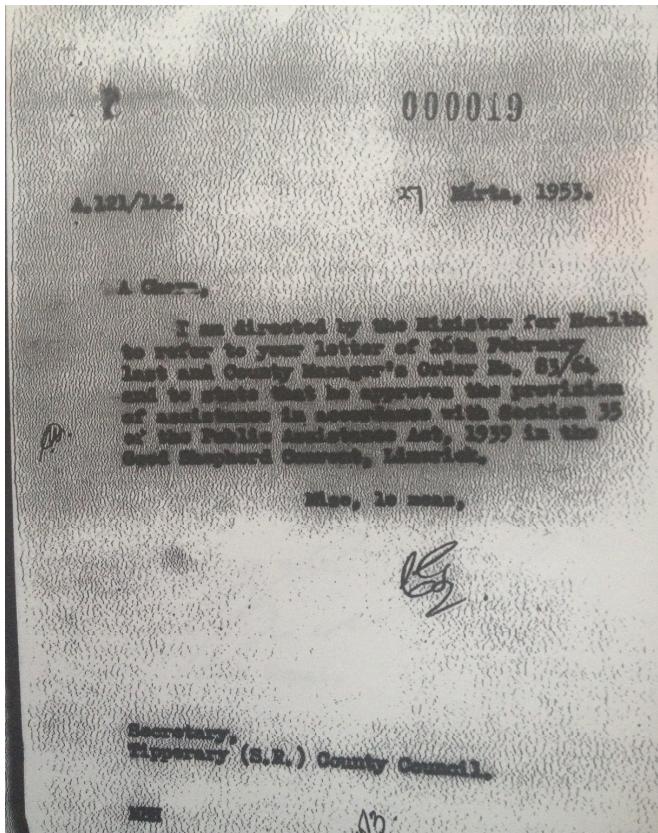
13. The Department of Health subsequently provided the necessary sanction, with the letter of approval stating:

“I am directed by the Minister for Health to refer to your letter of 26 February last and County Manager’s Order No. 53/64 and to state that he approves the provision of assistance in accordance with Section 35 of the Public Assistance Act 1939 in the Good Shepherd Convent, Limerick”.<sup>3</sup>

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<sup>2</sup> Tipperary (SR) County Council, County Manager Order, 25 February 1953, File Ref Good Shepherd Convent Limerick Approval. INACT/INA/0/538512

<sup>3</sup> Letter dated 27 March 1953 Department of Health to Secretary Tipperary (SR) County Council. File Ref Id.



14. The net effect of this was that the Council could refer women eligible for public assistance to the Magdalen Laundry and to provide financial payments to the institution in those cases.

15. Some months subsequently, the Council again wrote to the Department, referring to this approval and seeking confirmation on whether the Council could send to the institution two named females who were termed in the letter as "mental defectives", as well as "any other mental defectives to that Institution, which we understand is prepared to accept them".<sup>4</sup>

16. The Department sought and received clarification on the ages of the girls in question – one of whom was then 14 years of age, the other then 17 years of age. Whether or not the placement was intended to be "a temporary

<sup>4</sup> Letter dated 21 August 1953 Tipperary SR County Council to Department of Health. File Ref Id.

arrangement until vacancies are available for them in a Home for Mental Defectives"<sup>5</sup> was not clear.

17. The internal notes of the Department as well as subsequent communications with the Council record that it did not consider the institution to be approved for reception of so-called "mental defectives"<sup>6</sup> and it appears there was contact with the Congregation in question on this point. Ultimately, an internal note records as follows:

"... Mother Prioress assured me when I visited the institution that the Convent would not admit mental defectives to any section of the institution, except slightly 'sub-normal' cases. I think if the older girl, the unmarried mother, is of this type, there would be no objection to her admission to the 'Penitent's' side. In no circumstance could the Dept give any authority to a P.A.A. [Public Assistance Authority] to admit a mentally defective girl of 14 to this Institution. The Tipperary Co. Council must have been mistaken in considering that the Convent would admit them".<sup>7</sup>

18. The records of the Religious Congregation in question confirm that the 17-year old girl was admitted to and spent just over one month in the Magdalen Laundry. Subsequent records of the County Council state she was admitted later to a named psychiatric hospital.<sup>8</sup> Departmental records indicate that it verified this information both with the Congregation which operated the Magdalen Laundry and also with the psychiatric hospital in question.<sup>9</sup>

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<sup>5</sup> Internal Departmental Memorandum dated 1 September 1953, File Ref Id

<sup>6</sup> E.g. letter dated 13 March 1954 Department of Health to Tipperary (SR) County Council. File Ref Id.

<sup>7</sup> Internal Memorandum dated 21 December 1953, File Ref Id

<sup>8</sup> Letter dated 15 March 1954 Tipperary (SR) County Council to Department of Health, File Ref Id.

<sup>9</sup> Departmental note, File Ref Id.:

"Examination of records kept in the Convent showed that [name] had been admitted to the 'Penitents' side on [date] and was there 5 weeks, after which she had to be admitted to [place] Mental Hospital. ... The Sister in Charge says she did not connect my enquiry with

19. Evidence was also found of approval of the “Magdalen Asylum” at High Park, Drumcondra, as an extern institution for the purposes of section 35 of the Public Assistance Act 1939 and subsequent financial support for public patients there.<sup>10</sup>
20. The file records applications by three different County Councils for approval in this respect. All the following cases resulted in approval for payments under the Act by County Councils to the Magdalen Laundry, and were confirmed by the financial records of the Congregation which operated High Park (set out separately below).
21. In May 1954, Laois County Council wrote to the Department of Health, enclosing an Order made by the Laois County Manager:

“subject to the sanction of the Minister for Health, St Mary’s, High Park, Drumcondra, Dublin, is approved as an extern institution for the purposes of section 35 of the Public Assistance Act 1939”.<sup>11</sup>
22. An internal note of the Department, dated 23 March 1954, indicates that according to a Register in the Department:

“The Magdalen Asylum, High Park, Drumcondra, Dublin has already been approved for Galway and Monaghan. File cannot be traced in Registry”.<sup>12</sup>

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her, as correspondence had been directly with the girl’s parents and not with the Co. Council and it was the family doctor who had certified her as insane”.

<sup>10</sup> Section 35: Magdalen Asylum, High Park, Drumcondra, Dublin. File ref A 121/165, INACT/INA/0/464179x

<sup>11</sup> Order made by the County Manager, Laois County Council 13 March 1954, transmitted by letter dated 15 March 1954 Laois County Council to Department of Health. File ref Id.

<sup>12</sup> Internal memorandum dated 23 March 1954, File Ref Id

23. It was in any event asked of the County Council “what class of patient it is proposed to send to that institution”.<sup>13</sup> The County Council replied to the effect that the:

“patient proposed to be sent to St Mary’s, Highpark, Drumcondra, Dublin is an unmarried mother at present in [named hospital] and who has been found unsuitable for retention there”.<sup>14</sup>

24. A report from the medical officer at that institution was included, to the effect that she had:

“been clarified as mentally deficient since her admission here. ... The girl herself has become very difficult and we now find it impossible to manage her amongst a crowd of post natal cases. I recommend that she be removed as soon as possible. I do not consider her certifiable at the moment”.<sup>15</sup>

25. A subsequent handwritten note records that:

“the Sister in Charge of the Penitentiary is willing to accept the girl, provided she is merely sub-normal and not certifiable. ... No objection need be raised to sending the mother to High Park Convent”.<sup>16</sup>

26. A letter subsequently issued conveying the Ministers “consent under section 35 of the Public Assistance Act 1939 to the sending of this patient to St Mary’s High Park, Drumcondra, Dublin”.<sup>17</sup> The effect of this was not alone to authorise the referral but also to authorise payment under the Act by Laois County Council for this woman.

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<sup>13</sup> Letter dated 29 April 1954 Department of Health to Laois County Council, File Ref Id

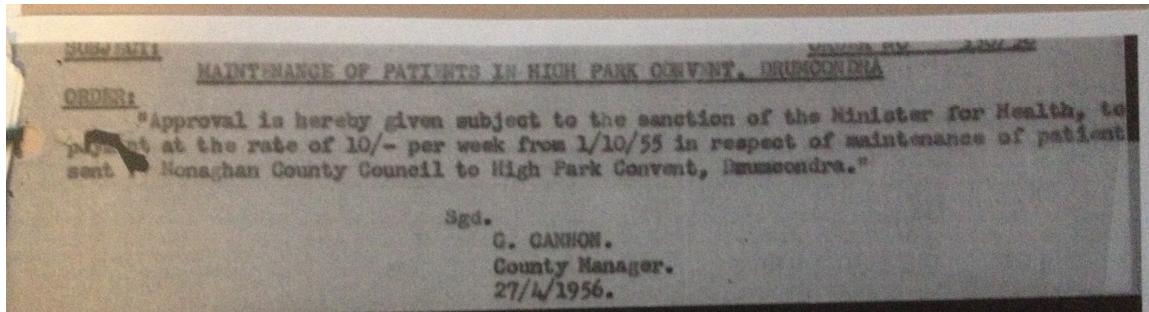
<sup>14</sup> Letter dated 5 May 1954, Laois County Council to Department of Health. File Ref Id.

<sup>15</sup> Id

<sup>16</sup> Handwritten note dated 24 May 1954. File Ref Id.

<sup>17</sup> Letter dated 25 June 1954 Department of Health to Laois County Council

27. The details contained on the file in relation to payments to High Park, Monaghan and Wicklow County Councils differ. First, the original file by which the Councils were granted approval for recognition of the Magdalen Laundry at High Park under the Public Assistance Act cannot be found. This file – as referred to above – has been missing since at least 1954.
28. However communications in relation to levels of payments by Monaghan and Wicklow County Councils (i.e. in the years after approval of the Magdalen Laundry for public assistance purposes) have been identified.
29. An Order of the Monaghan County Manager, dated 27 April 1956, in relation to “maintenance of patients in High Park Convent, Drumcondra” provides for a level of payment of 10/- per week from the Council for “patients sent by Monaghan County Council to High Park Convent”.<sup>18</sup>



30. A letter of response issued from the Department of Health, requesting information on the “class of patient concerned”.<sup>19</sup> The Council responded that:

“the type of patient that this Health Authority has in mind as being suitable for admission to High Park Convent, Drumcondra, is an unmarried lady who has given birth to two or more children and whose

<sup>18</sup> Order of the County Manager, 27 April 1956, File Ref Id

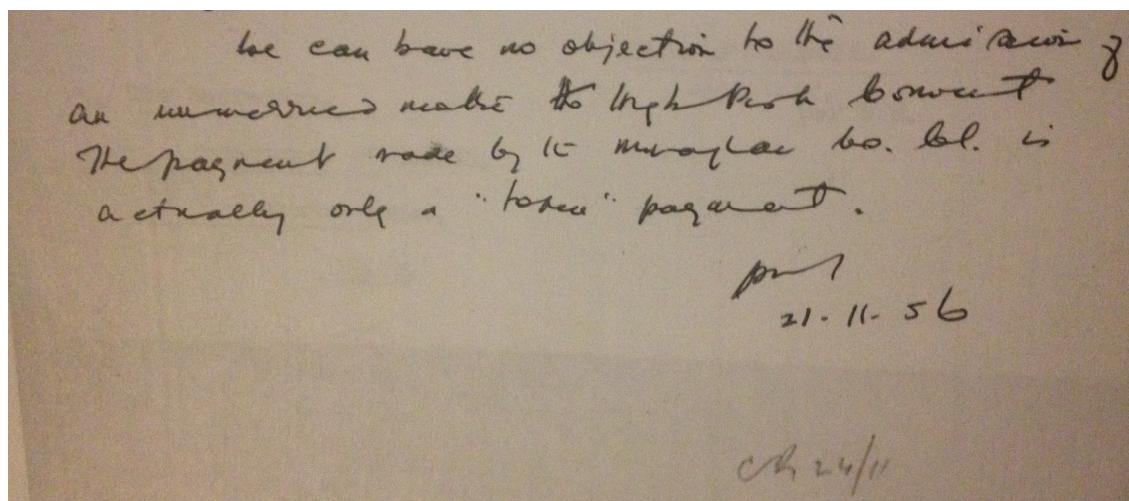
<sup>19</sup> Letter dated 12 July 1956, Department of Health to Monaghan County Council. File Ref Id.

moral rehabilitation would prevent her becoming a health and social problem".<sup>20</sup>

31. Internal Departmental notes, almost 4 months later, record that:

"We can have no objection to the admission of an unmarried mother to the High Park Convent. The payment rate by Monaghan Co. Council is actually only a 'token' payment".<sup>21</sup>

Approval for the payment was thereafter conveyed by the Department to the County Council.<sup>22</sup>



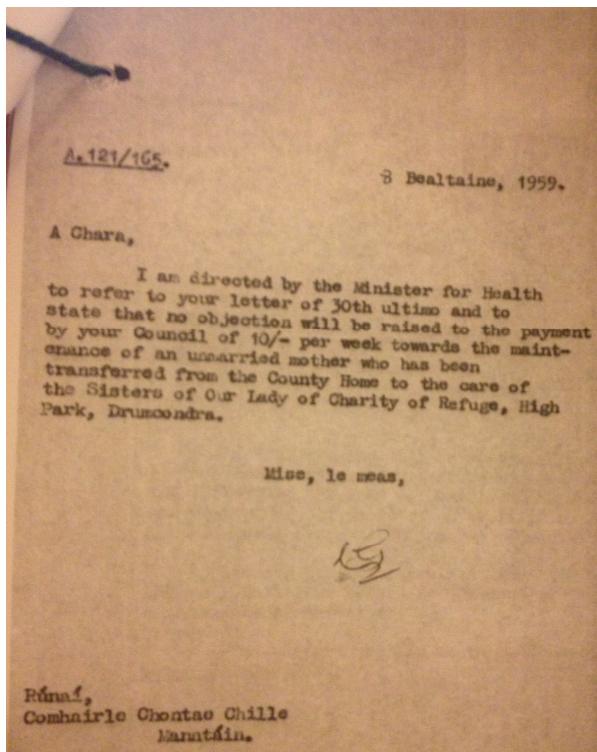
32. A similar payment level was approved by the Department in respect of Wicklow County Council in 1959. The first case in which this arose was one involving "an unmarried mother with a somewhat distressing history" who had "recently transferred from the County Home to the care of the Sisters of Our

<sup>20</sup> Letter dated 31 July 1956, Monaghan County Council to Department of Health. File Ref Id.

<sup>21</sup> Internal Departmental note dated 21 November 1956. File Ref Id.

<sup>22</sup> Letter dated 28 November 1956, Department of Health to Monaghan County Council. File Ref Id.

Lady of Charity of Refuge, High Park, Drumcondra, with the consent of her parents".<sup>23</sup> The Council sought approval of the Department for this payment.



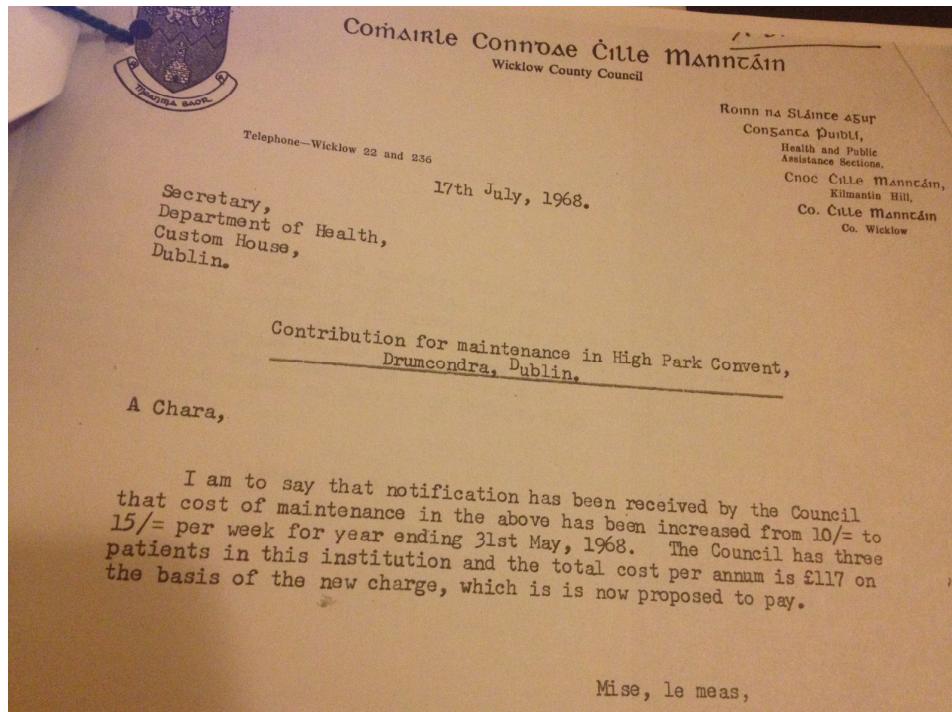
33. The Department responded to indicate that "no objection will be raised to the payment by your Council of 10/- per week" for the maintenance of this woman at the Magdalene Laundry at High Park.

34. No additional information is available on the case which led to this request and approval – but the file includes a letter dated 1968 referring to the fact that the Council "has three patients in this institution" and that it had received notification that:

"cost of maintenance in the above has been increased from 10/- to 15/- per week for the year ending 31 May 1968".<sup>24</sup>

<sup>23</sup> Letter dated 30 April 1959 Wicklow County Council to Department of Health. File Ref Id.

<sup>24</sup> Letter dated 17 July 1968 Wicklow County Council to Department of Health. File Ref Id.



35. An internal Department note records that:

"the rate of 10/- per week appears to have been fixed in 1955. It would not seem unreasonable therefore to increase the rate to 15/-".<sup>25</sup>

36. The Department subsequently granted approval, by way of letter confirming:

"no objection to the payment at the rate of 15/- per week for patients maintained at the Magdalen Asylum, High Park, Drumcondra, by Wicklow County Council."<sup>26</sup>

37. A less clear-cut case of payments made under section 35 of the Public Assistance Act was also identified by the Committee. The file in question, unfortunately, does not have much detail but relates to the approval by the Board of Assistance for the South Cork Public Assistance District of the "Good Shepherd Convent School" in Sunday's Well, Cork.

<sup>25</sup> Internal Departmental Memorandum dated 22 July 1968. File Ref Id.

<sup>26</sup> Letter dated 31 July 1968 Department of Health to Wicklow County Council. File Ref Id.

38. The Board of Assistance wrote to the Department of Health in 1952 proposing recognition of this institution as an extern institution under Section 35 of the Public Assistance Act 1939.<sup>27</sup> The Board of Assistance, in making this proposal, indicated to the Department:

“the practice followed by the Board for a number of years of sending to certain schools for maintenance and instruction certain classes of girls whose admission to County Homes as inmates or whose boarding-out with foster-parents was not considered advisable”.<sup>28</sup>

39. The approval of the Department for recognition of the institution as an extern institution was sought:

“as two girls, formerly boarded-out children, who have been admitted to the Good Shepherd School, have attained the age of 16 years and their discharge from the school, owing to the circumstances of their cases, is considered to be highly undesirable in their own interests”.<sup>29</sup>

40. The file does not include the names of the girls in question, or detail on what are referred to as “the circumstances of their cases”.

41. By replying letter, the Department of Health provided the necessary sanction for payment of assistance to the Good Shepherds for the two girls referred to, under Section 35 of the 1939 Act.<sup>30</sup>

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<sup>27</sup> Section 35: Good Shepherd Convent School, Sunday's Well, Cork. File ref A121/155 (NATARCH/ARC/0/412239).

<sup>28</sup> Letter dated 4 December 1952 from Board of Assistance for the South Cork Public Assistance District to the Department of Health. File ref Id.

<sup>29</sup> Id

<sup>30</sup> Letter dated 18 December 1952 from the Department of Health to the Board of Assistance for the South Cork Public Assistance District to the Department of Health. File ref Id.

42. As indicated above, this case is not clear-cut: it does not refer to the Magdalen Laundry by its name (St Mary's), but rather instead refers to the "School" – which presumably relates to the Industrial School operated on the site by the Good Shepherd Sisters. However, the provisions of the Children Act in relation to licencing could have been applied to the girls. It is not clear why approval of the School as an extern institution would have resolved the issue raised by the Board of Assistance (or indeed how the two girls would have been accommodated there in the medium term). As the names of the girls are not included in the file, it is not possible to search for them in the records of the Religious Congregations, to determine if in fact they had been placed in the Magdalen Laundry on the site at Sunday's Well.
43. Although this file accordingly does not definitively establish payment to the Magdalen Laundry at Sunday's Well, the details of the case are recorded here in the interests of transparency.
44. Arrangements for payments to so-called "extern institutions" continued after enactment of the Health Act 1953. Section 10 of that Act provided that:
- (1) A health authority may, with the consent of the Minister, make and carry out an arrangement for the giving of institutional services to any person or to persons of any class, being a person or persons who is or are entitled to receive institutional services from such authority otherwise than under section 26 of this Act, in an institution not managed by such authority or another health authority.
- (2) Payments shall be made by the health authority for institutional services provided pursuant to an arrangement under subsection (1) of this section and the payments shall be in accordance with such scale as may be approved of or directed by the Minister.
- (3) Two health authorities may make and carry out any arrangement for the giving of institutional services by one of them on behalf of and at the cost of the other.

(4) Any arrangement which was in force immediately before the commencement of this section and which could be made upon such commencement under this section shall be deemed to be an arrangement made under this section".<sup>31</sup>

45. A case identified by the Committee which originally arose under this section related to the Magdalen Laundry at Sean McDermott Street. Westmeath County Council sought approval of the Department for payment to that institution of "a contribution towards the cost of maintenance of a girl, [name] in that institution from [date] to [date]".<sup>32</sup>

46. The girl in question is identified in the file as being an epileptic who had been previously housed in the County Home. The period in which she had been in the Magdalen Laundry – approximately 6 weeks – occurred during 1963.

47. An initial response prepared in the Department refused the payment, as the institution "is not an approved institution for the purposes of section 10 of the Health Act 1953". However this draft was not approved or issued. An internal Departmental note records that:

"The Gloucester St. Convent took this girl in at the request of the Matron, Co. Home, [place] and with the approval of the M.O. of the Co. Home. In the circumstances, I do not think they should be at a loss as a result of their efforts to help out in the case of this difficult girl. The amount involved is only £15 and I recommend that it should be sanctioned".<sup>33</sup>

48. This course of action was approved and the payment made.

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<sup>31</sup> Section 10, Health Act 1953

<sup>32</sup> Grant under section 35 of Health Act 1953, Gloucester Street Convent, Dublin. File Ref L116/18, INACT/INA/0/443571

<sup>33</sup> Internal Departmental Note dated 20 May 1964, File Ref Id.

ii. *Payments under section 65 of the Health Act 1953*

49. Section 65 of the Health Act 1953, relating to “assistance for certain bodies”, is of key importance in regard to funding by the State to Magdalen Laundries. It provided in full that:

“(1) A health authority may, with the approval of the Minister, give assistance in any one or more of the following ways to any body which provides or proposes to provide a service similar or ancillary to a service which the health authority may provide:

- (a) by contributing to the expenses incurred by the body,
- (b) by supplying to the body fuel, light, food, water or other commodity,
- (c) by permitting the use by the body of premises maintained by the health authority and, where requisite, executing alterations and repairs to and supplying furniture and fittings for such premises,
- (d) by providing premises (with all requisite furniture and fittings) for use by the body”.<sup>34</sup>

50. This section, for organisations or bodies providing “a service similar or ancillary to a service” of the health authorities, can effectively be understood as the mechanism by which the Health Authorities funded non-state organisations to provide services which the Health Authorities would otherwise be required to provide. In other words, State subvention would be provided in respect of persons maintained in outside institutions, where public authorities would otherwise have had to make alternative arrangements for the maintenance of those persons.

51. Records were identified by the Committee in the archives of the Department of Health and Local Authorities of a significant number of payments by Health

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<sup>34</sup> Section 65, Health Act 1953

Authorities to the Magdalen Laundries under section 65 of the Health Act 1953.

52. The first such case identified by the Committee relates to St Patrick's Refuge, the Magdalen Laundry operated by the Sisters of Mercy in Dun Laoghaire. The Committee identified a file containing an application in 1961 by the Sisters of Mercy for a section 65 grant for the institution.<sup>35</sup>

53. A letter of application was made by the Congregation to the Dublin Health Authority.<sup>36</sup> The letter said as follows:

"There are some forty persons accommodated in a hostel (known as St Patrick's Refuge) attached to this hospital. They are unable to provide themselves with shelter or maintenance and they are cared for and maintained by the Community. Most of them have no known relatives and in cases where relatives are living they are unable to support the inmates. Practically all the inmates are mentally handicapped, difficult or emotionally disturbed or afflicted by infirmity arising from old age, and in some cases there is a combination of both conditions.

It seems to be the duty of the Health Authority to provide for the maintenance, care and treatment of such patients under the Health Act and I should be glad if the Heath Authority would consider making a contribution to the Community for the service provided.

I should perhaps mention that there is little that can be done for most of these patients by way of rehabilitation; but in appropriate cases occupation is provided in the Laundry attached to the hospital".<sup>37</sup>

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<sup>35</sup> 1961: St Patrick's Refuge (Attached to St Michael's Hospital, Dun Laoghaire). Grant under Section 65. File ref ARC/0/417381 L116/15

<sup>36</sup> Letter dated 6 September 1961 from the Sisters of Mercy to the Dublin Health Authority, File ref L116/15

<sup>37</sup> Id

54. A copy of the letter was also sent to the Department of Health, under cover of a note indicating an application had been made for :

“financial assistance towards the maintenance and care of certain handicapped and infirm persons in the hostel attached to this hospital. I trust that this matter will have the sympathetic consideration of the Minister”.<sup>38</sup>

55. The final item on the file is a handwritten note dated 14 November 1961 as follows:

“Informed by [named officer] Dublin Health Authority [phone number] that she carried out an inspection of St Patrick’s Refuge attached to St Michael’s Hospital, Dun Laoghaire, about 3 weeks after receipt of letter of 6 September 1961 from the Superioress. A full report on the institution has been submitted to the Health Authority and is under consideration”.<sup>39</sup>

56. It was not possible for the Committee to identify the records of the Dublin Health Authority in relation to this matter to determine with certainty what came of the application.

57. In another case, even though the individual case-file could be located, a record was identified by the Committee confirming that a section 65 grant was paid in 1967 to the Magdalen Laundry at Peacock Lane, Cork, by the Cork Health Authority. This was established by the Committee on the basis of an internal Departmental Memorandum dealing with subsequent applications. Insofar as relevant to the grant to Peacock Lane, the Memorandum says as follows:

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<sup>38</sup> Letter dated 6 September 1961 from the Sisters of Mercy to the Department of Health. File ref Id.

<sup>39</sup> File Ref Id

"In June of last year (following representations from Deputy [name]), we asked Cork Health Authority if they would consider making section 65 grant to St Vincent's Convent, Cork towards the maintenance of disabled females maintained there. This institution also derived its income from the operation of a laundry. (It is run by the Sisters of Charity). A grant of £1,000 was sanctioned in November last towards the maintenance of 25 to 30 disabled females. This grant was approved on the basis that the health authority would have a liability to provide shelter, maintenance and any necessary medical treatment these patients might require if they were not maintained in the Convent and had nowhere else to go".<sup>40</sup>

58. Records were also identified in relation to a grant under section 65 of the Health Act 1953 to the "Magdalen Home, Donnybrook".<sup>41</sup> In a letter to the Department of Health, the Dublin Health Authority recorded that:

"There are 32 permanently disabled or subnormal unemployed females amongst the inmates maintained in the Convent of St. Mary Magdalen, Donnybrook, which is run by the Irish Sisters of Charity. The main source of income is from the operation of a laundry staffed by other inmates".<sup>42</sup>

59. The Dublin Health Authority then proposed financial support in the form of a contribution:

"towards the maintenance of the 32 totally disabled persons, none of whom have any income and who are by residence in an Institution

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<sup>40</sup> Proposed Section 65 grant to Irish Sisters of Charity, Magdalen Home, Donnybrook. File Ref M123/1/8/3, INACT/INA/0/460546. Internal Departmental Memorandum dated 31 January 1968

<sup>41</sup> Proposed Section 65 grant to Irish Sisters of Charity, Magdalen Home, Donnybrook. File Ref M123/1/8/3, INACT/INA/0/460546

<sup>42</sup> Letter dated 5 January 1968 from Dublin Health Authority to the Department of Health. File Ref Id.

precluded from receiving a Disabled Persons (Maintenance) Allowance".<sup>43</sup>

60. The level of payment proposed was a grant "at an approximate weekly rate of 30/-d. for each disabled person, that is £2,500 in a full financial year".<sup>44</sup> The approval of the Department of Health was sought for this proposal.

61. The internal Departmental consideration of the matter refers to other similar proposals and then assessed the matter primarily on grounds of cost:

"The grants sought in these two cases are equivalent to 30/- a week in respect of each disabled inmate as compared with 15/- a week in the Cork case. This is still, however, a small contribution, well below the maximum Disabled Person's Maintenance Allowance (47/6 a week) and only a fraction of the maintenance cost of an inmate in any one of the Dublin Health Authority's institutions. In the circumstances the proposals set out at (1) above are recommended for approval".<sup>45</sup>

3. The two proposals referred to at (1) above are very similar indeed to the proposal in respect of St. Vincent's, Cork. The grants sought in these two cases are equivalent to 30/- a week in respect of each disabled inmate as compared with 15/- a week in the Cork case. This is still, however, a small contribution, well below the maximum Disabled Person's Maintenance Allowance (47/6awk) and only a fraction of the maintenance cost of an inmate in any one of the Dublin Health Authority's institutions. In the circumstances the proposals set out at (1) above are recommended for approval.

4. Draft letters of approval are submitted.

62. The Department subsequently wrote to the Dublin Health Authority granting approval for the payment of a grant under section 65 of the Health Act 1953 in

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<sup>43</sup> Id

<sup>44</sup> Id

<sup>45</sup> Internal Departmental Memorandum dated 31 January 1968, File Ref Id.

the amount of £2500 for the maintenance of “32 permanently disabled or subnormal unemployable females” there.<sup>46</sup>

63. Grants under section 65 to the Magdalen Laundry at Donnybrook were made in a number of years that followed. In 1969, the grant was in respect of an increased number of women – 38 in total.<sup>47</sup>

64. An internal Departmental Memorandum in relation to the request records the basis of and rationale for such payments as follows:

“The grant is in respect of the maintenance of 38 permanently disabled or sub-normal unemployable females in the Convent of St Mary Magdalen, Donnybrook. The Health Authority would have a liability to provide shelter and any necessary medical treatment these persons might require if they were not maintained in the Convent.

The Convent derives its main income from the operation of a laundry. The grant sought is equivalent to about 25/- a week per person, which is only a fraction of their maintenance cost in one of the Health Authority’s institutions.

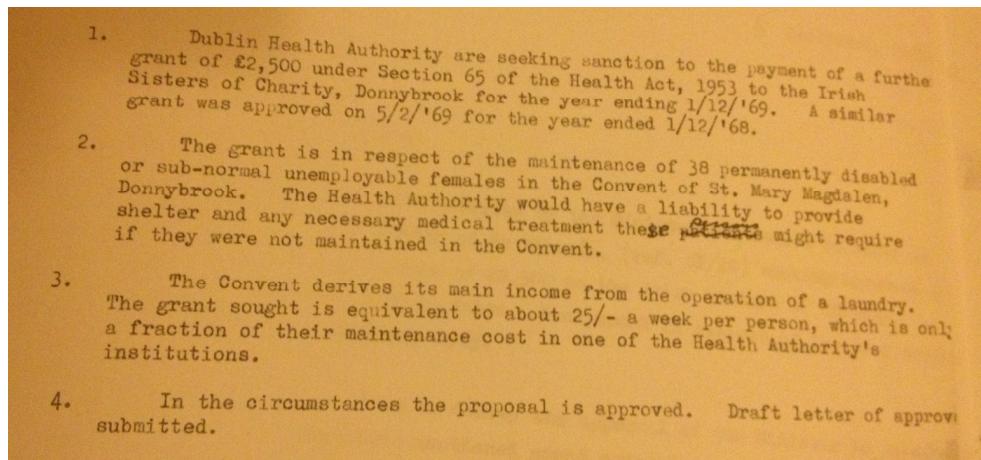
In the circumstances the proposal is approved”.<sup>48</sup>

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<sup>46</sup> Letter dated 5 July 1968 Department of Health to Dublin Health Authority. File Ref Id.

<sup>47</sup> Letter dated 22 April 1969, Dublin Health Authority to Department of Health. File Ref Id.

<sup>48</sup> Internal Departmental Memorandum dated 1 May 1969. File Ref Id



65. The Department subsequently approved a grant at the same level of £2,500 "to the Irish Sisters of Charity, St Mary Magdalen, Donnybrook" in respect of the maintenance of these women during 1969.<sup>49</sup>

66. Again in 1970, the Health Board proposed making the same section 65 grant to the Magdalen Laundry at Donnybrook and sought Departmental approval to do so. At that point, the number of women had increased to a total of:

"40 permanently disabled or sub-normal unemployable females in the Convent. The Health Authority would, of course, have responsibility to provide maintenance for these persons, were it not for the Convent".  
The Convent derives its main income from the operation of a laundry.<sup>50</sup>

67. The method of payment was, however, adjusted to be made on the basis of financial years rather than calendar years. As a result, the payment for 1970 was for four months only and amounted to £833-6-8, with the recommendation that an additional grant be sought for "the full twelve months period ending 31 March 1971".<sup>51</sup>

<sup>49</sup> Letter 5 May 1969, Department of Health to Dublin Health Authority. File Ref Id.

<sup>50</sup> Internal Departmental Memorandum dated 13 May 1970. File Ref Id.

<sup>51</sup> Letter dated 15 May 1970, Department of Health to Dublin Health Authority. File Ref Id.

68. A very similar process and result was identified by the Committee in relation to payment of section 65 grants by the Dublin Health Authority to the Magdalene Laundry at Sean McDermott Street, Dublin.<sup>52</sup>

69. The first such payment appears to have occurred in 1968. The Dublin Health Authority wrote to the Department of Health, indicating that:

“There are 34 permanently disabled or subnormal unemployed females amongst the inmates maintained in the Convent, Lower Sean McDermott St., which is run by the Sisters of Our Lady of Charity. The main source of income is from the operation of a laundry staffed by other inmates.”<sup>53</sup>

70. Again, the Health Authority sought approval to make a contribution:

“towards the maintenance of the 34 totally disabled persons, none of whom have any income and who are by residence in an Institution precluded from receiving a Disabled Persons (Maintenance) Allowance. The Authority’s Chief Executive Officer is prepared to approve a grant at an approximate weekly rate of 30/-d. for each disabled person, that is £2,500 in a full financial year.”<sup>54</sup>

71. The internal Departmental analysis of the application was carried out at the same time as the Donnybrook application. It was decided that the grant sought was:

“equivalent to 30/- a week in respect of each disabled inmate ... This is still however a small contribution well below the maximum Disabled Person’s Maintenance Allowance (47/6 a week) and only a fraction of

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<sup>52</sup> Payment of Section 65 Grant to Sisters of Our Lady of Charity, Lower Sean McDermott Street. M123/1/8/3, INACT/INA/0/458996

<sup>53</sup> Letter Dublin Health Authority to Department of Health dated 5 January 1968, File Ref Id

<sup>54</sup> Id

the maintenance cost of an inmate in any one of the Dublin Health Authority's institutions".<sup>55</sup>

The application was as a result approved.<sup>56</sup>

72. The Dublin Health Authority sought sanction for the same payment the following year, 1969, for the same number of women (34).<sup>57</sup> The internal Departmental consideration of the application once again considers the question of costs. The relevant Memorandum indicates that the grant is proposed in respect of maintenance of 34 "permanently disabled or sub-normal, unemployable females" at Sean McDermott Street. It then sets out as follows:

"The Health Authority would have a responsibility to provide shelter, maintenance and any necessary medical treatment, these persons might require if they were not maintained in the Convent and had nowhere else to go. The Convent derives its main income from the operation of a laundry staffed by other girls residing there. The grant sought is equivalent to about 30/- a week per person which is only a fraction of what it would cost to keep them in one of the Health Authority's institutions. In the circumstances, the proposal is recommended".<sup>58</sup>

This was again approved.<sup>59</sup>

73. The Dublin Health Authority again proposed the same payment in 1970 in respect of "approximately 30" women.<sup>60</sup> It was noted that:

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<sup>55</sup> Internal Departmental Memorandum dated 31 January 1968, File Ref M123/1/8/3, INACT/INA/0/460546

<sup>56</sup> Letter dated 5 February 1968 Department of Health to Dublin Health Authority. File Ref M123/1/8/3, INACT/INA/0/458996

<sup>57</sup> Letter dated 6 May 1969 Dublin Health Authority to Department of Health. File Ref Id.

<sup>58</sup> Internal Departmental Memorandum dated 15 May 1969. File Ref Id.

<sup>59</sup> Letter dated 19 May 1969 Department of Health to Dublin Health Authority. File Ref Id.

“the Health Authority would, of course, have responsibility to provide maintenance for these persons, were it not for the Convent. The Convent derives its main income from the operation of a laundry staffed by other girls residing there”.<sup>61</sup>

74. This was again approved, although in order to “standardise all grants for payment within the financial year only”, the approval was for the 4 months to 31 March 1970 only (£833-6-8) with a further grant to be sought from then until the end of the following financial year on 31 March 1971.<sup>62</sup>
75. The file also records (in the context of determination of which Division should deal with such applications) that “the subject of the present grant application was mainly a Refuge for destitute persons”, as opposed to “institutions where treatment is provided”.<sup>63</sup>
76. An application for the following financial year was again made by the Health Authority.<sup>64</sup> From this point on, it was proposed to “fix payment now at a rigid figure of 30/- per capita, per week”.<sup>65</sup> Approval issued in due course, agreeing both to the proposal and the amount intended (30/- per week). It had originally been considered, within the Department, that it may be appropriate to request the Health Authority to indicate whether the women for whom the grant was paid were “subjected to routine medical examination beforehand by the Chief Medical Officer of the Health Authority”.<sup>66</sup> However a handwritten note

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<sup>60</sup> Letter dated 14 April 1970, Dublin Health Authority to Department of Health; and internal Memorandum 29 April 1970. File Ref Id.

<sup>61</sup> Internal Departmental Memorandum dated 29 April 1970. File Ref Id.

<sup>62</sup> Letter dated 11 May 1970 Department of Health to Dublin Health Authority. File Ref Id.

<sup>63</sup> Internal Departmental Memorandum dated 29 April 1970. File Ref Id.

<sup>64</sup> Letter dated 19 May 1970, Dublin Health Authority to Department of Health. File Ref Id.

<sup>65</sup> Internal Departmental Memorandum dated 3 June 1970, File Ref Id.

<sup>66</sup> Draft letter (not issued). File Ref Id.

indicated that such medical certification might be “difficult in practice”<sup>67</sup> and instead, the letter as issued stated as follows:

“The Health Authority should also indicate what precise steps are taken to satisfy themselves in regard to the numbers of persons for whom a grant is paid, and the degree of such persons’ disabilities”.<sup>68</sup>

77. The response to that letter of the Dublin Health Authority is not recorded – this also being the year in which the Eastern Health Board would have taken over responsibility for the health function. The next material on file relating to funding of the Magdalen Laundry dates to 1973, when it is recorded that the amount payable was now £67.50 per week and was being paid by the Eastern Health Board “in respect of 45 unemployable and mentally handicapped women”.<sup>69</sup> Full details of the 45 women and the nature of their disability are recorded (a large number being recorded as ‘mentally deficient’, while the majority of the remainder are recorded as ‘old age’, ‘physical handicap’, deaf, ‘unstable’, alcoholic, epileptic or ‘deformed’).

78. A handwritten Departmental Memorandum indicated that:

“this institution is maintaining approx. 100 women at present. The Health Board would have a liability to provide shelter, maintenance and any necessary medical treatment these patients might require if they were not maintained in the Convent and had nowhere else to go”.<sup>70</sup>

79. It records that the Health Board was paying “£1.50 a week in respect of approx 46 of these women”. The note records that an increase in support for the laundry “is justified” on a number of grounds, as follows:

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<sup>67</sup> Handwritten note on Internal Departmental Memorandum dated 3 June 1970, File Ref Id.

<sup>68</sup> Letter dated 23 June 1970, Department of Health to Dublin Health Authority. File Ref Id.

<sup>69</sup> Letter dated 22 March 1973 Convent of Our Lady of Charity to Department of Health. File Ref Id.

<sup>70</sup> Internal Departmental memorandum, handwritten dated 1 May 1973. File Ref Id.

"In private homes for the aged generally including the new welfare homes a capitation payment of £1 a day is payable regardless of whether the patients are in receipt of OAP or not".<sup>71</sup>

80. In relation to the disabled women for whom the Board was paying £1.50 a day, the Memorandum suggests that:

"Strictly, these people should be getting the maximum of the Disabled Person's Maintenance (£4.90) Allowance from the Health Board if they were not in an institution. Surely the institution is at least entitled to this amount for their maintenance. ... The average weekly capitation payment in respect of centres for the mentally handicapped is in the region of £15".<sup>72</sup>

81. The next category for which payment was considered related to women who were:

"disabled to some extent although they are working in the Laundry. They would almost certainly be a liability on the Health Board if they were not maintained in this institution and for this reason alone some payment should be made in respect of them".<sup>73</sup>

82. The Memorandum concludes by noting that the payment under section 65:

"is of course a matter for the Health Board in the first instance. ... We could get in touch with the Board regarding the possibility of giving increased financial support to the institution and write to [the Congregation] pointing out that the matter has been taken up with the Board".<sup>74</sup>

This course of action was approved.

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<sup>71</sup> Id

<sup>72</sup> Id

<sup>73</sup> Id

<sup>74</sup> Id

83. A subsequent note calculates the approximate amount to which the institution would be entitled:

“Strictly speaking the Order is entitled to payment on a capitation basis for those women who would otherwise be a liability on the Health Board”,

and calculates the amounts which would be due in respect of 14 OAPs, 65 “retarded (mentally or physically) women” and 18 “unstable women at hostel rates”, estimating the amount as £23,658.<sup>75</sup>

84. The Memorandum continues however, to note an alternative to payment of the amounts which would otherwise be due. It states as follows:

“In view, however, of the fact that the institution has up to now been to a large extent self-supporting due to the laundry industry which they are running it would be worthwhile considering financial support by way of a section 65 grant to finance the annual deficit in the running cost”.<sup>76</sup>

This was described as the “more economical method” and the Memorandum recommends “that consideration be given to supporting this institution by way of financing the annual deficit under section 65”.<sup>77</sup>

85. A “fact-finding visit” was decided on by the Department, before a decision would be taken on these funding recommendations.<sup>78</sup> The note sets out information on the “various services provided by the convent”, including “a casual unit” for “night shelter. This unit is also used to house girls who are on remand”, a “training centre for adolescents” (separated from the rest of the institution the previous year, 1972, to which girls were referred and paid for by

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<sup>75</sup> Internal Departmental memorandum, handwritten dated 18 May 1973. File Ref Id.

<sup>76</sup> Id

<sup>77</sup> Id

<sup>78</sup> Internal Memorandum dated 27 May 1973. File Ref Id.

the National Rehabilitation Board) and what was described as “a Residential Unit for Women”.<sup>79</sup>

86. A description was included in relation to the latter, describing the women who were there as:

“OAPs, mentally or physically retarded women, mildly handicapped and delicate women and women who are unstable for social or moral reasons”.<sup>80</sup>

The outcome of the visit was a recommendation:

“that an increase commensurate with the Disabled Persons Maintenance Allowance be considered and I would therefore suggest that the capitation rate of £1.50 p.w. be increased to £5.90 p.w. This would take cognisance of inflationary factors. It would further enable the convent to meet the expected heavy deficit in 1973”.<sup>81</sup>

87. A subsequent note sums up one official’s view on the matter.

“This institution is providing worthwhile services for a large no. of women who are unfit for work, mainly because of their mental condition. They have no fixed homes and were it not for the care of the nuns they would require shelter and maintenance in other Welfare Homes. Normally these women would be eligible for Disabled Persons Maintenance Allowances if they were residing in their own homes, but they are precluded from the benefits of those allowances because they are being cared for in institutions. ...

I was very impressed by the standard of care and comforts provided for these inmates. The residential accommodation was bright and homely and comfortable and was far in advance of other hostel accommodation provided for casuals.

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<sup>79</sup> Internal Departmental Memorandum dated 13 June 1973. File Ref Id.

<sup>80</sup> Id

<sup>81</sup> Id

Accordingly I recommend that the EHB be advised that the Dept. would approve of

- (a) A grant under section 65 of £4 per week in respect of current year for physically or mentally incapacitated inmates, who are not eligible for social welfare benefits;
- (b) An increased grant of £5.90 for such women for next financial year".<sup>82</sup>

88. However, the replying Departmental note states that although:

"this institution is providing services in what appear to be satisfactory conditions, for approximately 67 women who might otherwise be maintained in institutions by the Eastern Health Board. ... I do not think we can use the amount of the Disabled Persons Allowance as an appropriate yardstick for covering the size of grant for an institution of this kind. The alternative one would normally consider would be to make a grant on the basis of the annual deficit but it appears from your minute that it is difficult to isolate an appropriate figure".<sup>83</sup>

89. The proposal made was to increase the Health Board grant from £1.50 to £2 per week per person with a recommendation that a further increase be considered "for next year's estimates".<sup>84</sup> This decision was conveyed to the Congregation, in a letter which also wished "continued success in your very commendable work in Sean MacDermott Street".<sup>85</sup> The alternative to capitation payments – "a grant based on the annual deficit in running the Home" – was also transmitted to the Congregation.<sup>86</sup>

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<sup>82</sup> Internal Departmental Memorandum dated 15 June 1973. File Ref Id.

<sup>83</sup> Departmental Memorandum dated 22 June 1973. File Ref Id

<sup>84</sup> Id

<sup>85</sup> Letter dated 5 July 1973 Department of Health to Sisters of Our Lady of Charity. File Ref Id.

<sup>86</sup> Letter dated 22 August 1973 Department of Health to Sisters of Our Lady of Charity. File Ref Id.

90. It appears that the level of the grant was not further increased until 1976, at which point the Eastern Health Board sought and was granted approval by the Department of Health for an increase from £2 per week to £3 per week.<sup>87</sup>

91. A file was also identified by the Committee which confirms grant payments under section 65 of the Health Act 1953 to the Good Shepherd Convent, Limerick.<sup>88</sup>

92. The process began with an Order of the Limerick County Manager:

“subject to the sanction of the Minister for Health, that a grant of £1,500 per year, effective as from 1 October 1970, be made to the Good Shepherd Home, Limerick, in respect of women maintained in the Home”.<sup>89</sup>

93. The Limerick Health Authority, in its application to the Department for approval for this course of action, stated that applications had been received for Disabled Persons Maintenance Allowance for 15 women “maintained in the Good Shepherd Convent, Clare St, Limerick”. All 15 were:

“medically certified and from a medical point of view the applicants did qualify for an allowance under section 50 of the Health Act 1953”.<sup>90</sup>

94. However such payments were not permitted for:

“persons maintained in an institution ... and it is considered the best way to meet the applications and to give some assistance to the Good

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<sup>87</sup> Letter dated 29 October 1976, Eastern Health Board to Department of Health; and letter dated 12 November 1976, Department of Health to Eastern Health Board. File Ref Id.

<sup>88</sup> Limerick – Good Shepherd Convent, Clare St, Application for section 65 grant. File Ref M123/3/17/1, INACT/INA/0/449343

<sup>89</sup> County Manager Order BM 1,170, dated 27 October 1970. File Ref Id.

<sup>90</sup> Letter dated 28 October 1970 Limerick Health Authority to Department of Health. File Ref Id.

Shepherd Home is by way of a grant under section 65 of the Health Act 1953".<sup>91</sup>

The letter also indicated that the Health Authority requested the Congregation "to agree to giving of some pocket money to the women concerned and also that they would be provided with clothing of a non-institutional type".<sup>92</sup>

95. The Department's considered this matter in a similar way to other section 65 applications and indicated that:

"The Health Authority would have a responsibility to provide shelter, maintenance and any necessary medical treatment these persons might require, were it not for the Convent. This could well cost £7 approximately per person per week. The grant sought is equivalent to "£2 per week per person. The Convent's main source of income is derived from the operation of a laundry, but the profits are now being badly hit by competition from the commercial cleaners".<sup>93</sup>

96. In response to a request by the Department for information on the finances of the institution, the Health Authority reported to the Department that it was unable to provide direct information but that:

"the Convent was noted in Limerick City, not for its wealth, but for its poverty. One of their consultants [name], has frequently informed the Health Authority that the Sisters are in very poor circumstances indeed".<sup>94</sup>

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<sup>91</sup> Id

<sup>92</sup> Id

<sup>93</sup> Internal Departmental Memorandum dated 3 November 1970. File Ref Id.

<sup>94</sup> Internal Departmental Memorandum dated 11 November 1970. File ref Id

97. The Department of Health subsequently approved payment of the grant as proposed by the Limerick Health Authority for the year commencing 1<sup>st</sup> October, 1970.<sup>95</sup>
98. Approval for payment of a section 65 grant to the Magdalen Laundry in Limerick was also sought by the Mid-Western Health Board (successor to the Limerick Health Authority) the following year, 1971. Two of the women in relation to whom the grant had been approved in 1970 had “been discharged”, but grants were sought for two others in their place.<sup>96</sup> Approval was again given by the Department for the payment of £1,500.<sup>97</sup> Approval was also sought and granted for the following years 1972<sup>98</sup>, 1973<sup>99</sup> and 1974<sup>100</sup>.
99. The application made by the Mid-Western Health Board to the Department of Health in 1975 seeking approval for additional payments includes additional information. It provided that:

“Since October 1970 with the approval of the Minister, a contribution of £1,500 per annum is made towards the maintenance of 15 Sub-Normal and Disabled Females in the Good Shepherd Convent, Limerick. An application has been made for a maintenance allowance for a further 15 girls of a similar category. The majority of these girls are from the Mid-Western Health Board area and are all in the Institution for a considerable time. They are able to make only a minimal contribution to

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<sup>95</sup> Letter dated 13 November 1970, Department of Health to Dublin Health Authority. File Ref Id.

<sup>96</sup> Letter dated 2 September 1971 Mid Western Health Board to Department of Health. File Ref Id.

<sup>97</sup> Letter dated 14 September 1971 Department of Health to Mid Western Health Board. File Ref Id.

<sup>98</sup> Letter dated 12 September 1972 Mid Western Health Board to Department of Health; and approval by letter dated 17 October 1972 Department of Health to Mid Western Health Board. File Ref Id

<sup>99</sup> Letter dated 25 September 1973 Mid Western Health Board to Department of Health; and approval by letter dated 5 December 1973 Department of Health to Mid Western Health Board. File Ref Id

<sup>100</sup> Letter dated 9 May 1974 Mid Western Health Board to Department of Health; and approval by letter dated 23 May 1974 Department of Health to Mid Western Health Board. File Ref Id

the work in the Convent Laundry. In fact, this latter, because of the necessity of having to employ outside staff are finding some difficulty in competing with the Commercial Laundry services. I am satisfied that we should agree to make an additional Section 65 grant of £1,500 towards the maintenance of these additional girls".<sup>101</sup>

100. The Department of Health approved this further proposed payment for an additional 15 women and conveyed the necessary sanction to the Health Board.<sup>102</sup>
101. A Department of Health file was also identified in relation to grants under section 65 of the Health Act 1953 to the Magdalen Laundry at High Park.
102. Letters of application from the Order to the Minister of Health in 1969 indicate that a grant was sought for "72 girls certified by two Doctors as unemployable, disabled and subnormal".<sup>103</sup> It indicates that:

"if these girls were maintained in a State Institution the cost would be at least £6 per week. The Grant we apply for allows £1.10 per week. Should any of your officials wish to visit us to ascertain facts for themselves we would heartily welcome them".<sup>104</sup>
103. The application was approved by the Department and "a total grant of £5,000 to High Park Convent" in respect of the year ending 31 March 1970 from the Dublin Health Authority was sanctioned.<sup>105</sup>

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<sup>101</sup> Letter dated 1 January 1975, Mid Western Health Board to the Department of Health. File Ref Id.

<sup>102</sup> Letter dated 10 January 1975, Department of Health to the Mid Western Health Board. File ref Id.

<sup>103</sup> Letter dated 25 November 1969 Sisters of Our Ldy of Charity to Department of Health. File Ref Eastern: An Grianan / Cor Unum, High Park, Drumcondra, Dublin 9. File Ref C14.02.01, CCP/INA/0/489173

<sup>104</sup> Id.

<sup>105</sup> Letter dated 15 January 1970, Department of Health to Sisters of our Lady of Charity. File Ref Id

104. A note on the file records the rationale behind the grant as follows:

"In considering the applications, consideration was given to the maintenance by the Convent of (a) 35 severely disabled and unemployable females and (b) 48 sub-normal females who cannot be employed productively. Dublin Health Authority would have a responsibility to provide sheltered maintenance and any necessary medical treatment, those women might require, were it not for the Convent.

The Convent's main source of income is derived from the operation of a Laundry which is run on a commercial basis. Some of the residents are employed in this Laundry".<sup>106</sup>

105. In expectation of a visit by the Minister for Health to High Park, officials of the Department:

"discussed the Convent's activities with the Health Authority. They say that this is one of the most progressive 'Houses' in the social field".<sup>107</sup>

106. The speech delivered by the Minister during his visit to High Park in June 1970 is recorded on file. The speech records the Minister's view that he was:

"most impressed by the range of welfare services provided there. ... The complex of welfare facilities included residential accommodation for some 150 girls and women ranging from teenagers to old age pensioners. Many of these women cannot find outside employment because of mental subnormality. ... It was a major responsibility to provide residential facilities for 150 people and when taken in

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<sup>106</sup> Internal Note, Department of Health (M Division) dated 5 February 1970. File Ref Id

<sup>107</sup> Id

conjunction with the modern commercial laundry at the Monastery, testified to the initiative, industry and ingenuity of the Sisters".<sup>108</sup>

107. He also referred to the "happy relationship between the health authority and the Sisters", including reference to the annual grant. His grant "would not compensate for the personal dedication of the Sisters but it was a practical recognition by the State of the welfare services provided by them".<sup>109</sup>

108. An application by the Magdalen Laundry at Waterford for a grant under section 65 of the Health Act 1953 was also identified by the Committee.<sup>110</sup> The application made by the Congregation was quite detailed. The note indicated that:

"There has always been a large turnover in numbers, but some remained on under our care over the years. Most of the older women at present under our care are socially inadequate, and a large percentage of them are mildly or moderately retarded."

109. The women are categorised in that application as either "unemployable" (18), "semi-employed" (14), "fully employed here, but incapable of outside employment without constant support" (21) and "fully employed and capable" (10). The latter category are likely refers to consecrates, as the Note referred to this group as:

"the more dependable of our residents. The majority of these are women who have devoted their lives to helping the Good Shepherd Sisters in their work".<sup>111</sup>

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<sup>108</sup> Address by the Minister for Health on the occasion of his visit to the Monastery of Our Lady of charity, High Park, Drumcondra on Monday 22 June 1970. File Ref Id.

<sup>109</sup> Id.

<sup>110</sup> Good Shepherd Home Waterford. File Ref M123/6/29, INACT/INA/0/443461x

<sup>111</sup> Id

110. The South Eastern Health Board sought the views of the Department in relation to the application.<sup>112</sup> The responding letter of the Department referred to the position as “very similar to that obtaining at the Convent of Our lady of Charity, Sean McDermott Street Dublin” and details the payments made in that case by the Eastern Health Board. The Department further noted that:

“the women in residence at the Good Shepherd Convent, Waterford, who are classed as unemployed (18) or as semi-employed (14) would seem to correspond to the type of case covered by the capitation rate paid under section 65 of the Health Act 1953 to the Sean McDermott Street Convent”.<sup>113</sup>

111. No further papers appear on file and it is accordingly not possible to say whether or not the application was approved.

112. The Committee also identified a file relating to a section 65 grant to the Good Shepherd Convent, Sunday’s Well in Cork.<sup>114</sup> The file includes a description of the Convent, including the laundry, by the Southern Health Board, as follows:

“The Convent provides welfare accommodation for approx. 70 persons, 19 of whom are in receipt of contributory old age pensions and two in receipt of disabled persons (maintenance) allowance. The main income of the Convent is derived from a laundry service provided by the sisters and from those residents in receipt of pensions and other allowances. Traditionally the labour in the laundry was provided by the residents in the convent. However, the output from this type of labour is decreasing and is having to be replaced by paid labour and

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<sup>112</sup> Letter dated 23 July 1973, South Eastern Health Board to Department of Health. File Ref Id.

<sup>113</sup> Letter dated 17 August 1973, Department of Health to Arus Slainte, Patrick Street, Kilkenny. File Ref Id.

<sup>114</sup> Southern Health Board:- Convent of Our Lady of the Sacred Heart Glandore and Good Shepherd Convent, Sunday’s Well, Cork. File Ref W123/7/5/8, INACT/INA/0/465450

consequently the future of the laundry as a source of income is in some doubt. It is clear the type of person resident in the Convent at present would ultimately be the responsibility of the Board and if the laundry is to be maintained the Board will have to consider the question of making a contribution towards the cost of maintaining the residents in the Convent".<sup>115</sup>

113. The Note also indicates that if the convent were to cease activities "in relation to the maintenance of residents now the Board would probably have to find suitable alternative accommodation".<sup>116</sup> The Southern Health Board sought Departmental approval for a grant in relation to these women.<sup>117</sup>

114. An internal Departmental note suggests approval of the grant, on condition of consultation with a named geriatrician.<sup>118</sup> However, in light of the fact that "no provision was made for these grants in the Board's budget for the current year", the proposal was:

"deferred, unless of course the amount becomes available to the Board by way of savings on other items of expenditure, in which event sanction may be presumed".<sup>119</sup>

115. Information in relation to payment of a section 65 grant to the Magdalen Laundry, Sean McDermott Street in 1972 was also identified by the Committee.

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<sup>115</sup> Letter dated 5 June 1974, Southern Health Board to General Hospitals Committee. File Ref Id.

<sup>116</sup> Id

<sup>117</sup> Letter dated 16 July 1975, Southern Health Board to Department of Health. File Ref Id.

<sup>118</sup> Note dated 12 August 1975. File Ref Id

<sup>119</sup> Letter dated 13 October 1975 Department of Health to Southern Health Board. File Ref Id.

116. An internal Departmental Note confirmed that approval of payment of a grant under section 65 had been conveyed to the Dublin Health Authority in June 1970:

“in respect of the house run by the Sisters of Charity at Lower Sean MacDermott Street. ... This approval was granted in connection with the maintenance of permanently disabled or sub-normal females”.<sup>120</sup>

117. The Note also addressed more recent developments, in particular the establishment of a training centre for teenage girls and a request that the Department “accept financial responsibility for girls accepted into care at this Training Centre”.<sup>121</sup> The Centre had been previously approved by the Department of Education.<sup>122</sup>

118. A note on file records the report of the official who inspected the training centre at the “Convent of Our Lady of Charity, Lower Sean McDermott Street”.<sup>123</sup> The report includes the following account of discussions in relation to two underage girls and their maintenance under section 55 of the Health Act. Other than those cases, the official’s note recorded discussions with the Sisters:

“I informed her that I had discussed the matter with you and that Section 65 of the Act might be considered as a possible solution for the other girls. Sister had told me that the families of these girls are inadequate and they would not be able to help financially. As arranged with you I suggested that Sister should write to the Eastern Health Board requesting maintenance for the girls under section 65 for the

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<sup>120</sup> Note 24 November 1972

<sup>121</sup> Id

<sup>122</sup> Id

<sup>123</sup> Note dated 3 October 1972

over sixteens and that, when her request was passed to the Department, it would be considered sympathetically".<sup>124</sup>

119. The file contains a subsequent letter which confirms that the Department:

"approves of Our Lady's Convent, Lower Sean McDermott Street, Dublin, and the Good Shepherd Convent, the Manor, Waterford, for the reception into care of special cases of girls under 16 years of age who are not suitable for admission to residential homes.

Accordingly sanction to the payment of the approved capitation rate – at present £15 per week – may be presumed in respect of such children referred for admission by the health board. Health boards, however, should not accept liability for payment for any other admissions unless their approval has been sought and obtained prior to the admission. Such approval by the health board should be given only where the board is satisfied after consideration of all the circumstances of the case that the child cannot be suitably cared for in a generally approved residential home. The sisters-in-charge of the respective Convents have been informed to this effect".<sup>125</sup>

120. As set out above, the retention of financial records occurs on a different basis and for different lengths of time than other categories of records. The above records have been identified following extensive searches, but it cannot be excluded that similar grants were approved for Magdalen Laundries in addition to those identified above, but that no records survive.

*iii. Criminal justice payments (remand and probation)*

121. Section 1 of the Criminal Justice Act 1960 defines a remand institution as "an institution (other than a prison) whose use for the purposes of this Act

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<sup>124</sup> Id

<sup>125</sup> Letter dated 14 April 1975 from the Department of Health to the Chief Executive Officer of the relevant Health Boards. Our Lady's Convent, Sean McDermott Street. Ref W7/6/1; File ref C14/4.

has been approved of by the Minister"; and section 9 of the same Act provides in pertinent part that:

"Where a statute or instrument made under statute confers a power to remand in custody or to commit in custody for trial or for sentence a person who is not less than sixteen nor more than twenty-one years of age, the power shall be deemed to include a power to remand or commit the person in custody to a remand institution and the statute or instrument, as the case may be, shall have effect accordingly".<sup>126</sup>

122. Our Lady's Home, Henrietta Street and "St. Mary Magdalens Asylum, Lower Sean McDermott Street" were both approved by the Minister on 21 October 1960 as remand centres for female persons (not less than 16 and not more than 21 years of age).<sup>127</sup> For the purposes of this Report, only the Magdalens Laundry at Sean McDermott Street is relevant, as Our Lady's Home, Henrietta Street was not a Magdalens Laundry.
123. The Committee identified records which confirm that payments were made to Sean McDermott Street in relation to girls and women placed there on remand. This practice of payment was also extended to cover the cases of girls and women required to reside at the Magdalens Laundry as a condition of probation. There was no specific statutory basis for these payments.
124. A letter was identified by the Committee from the Department of Justice to the Department of Finance in 1964 which provides information on the level of payments concerned. It explained that the capitation grant for Henrietta Street was originally fixed in 1945 at 15/- per week and took account of the girls' services in the laundry. (The gross cost was estimated at 31/- per week). In 1959, after the laundry at Henrietta Street ceased to operate,

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<sup>126</sup> Section 9(1) of the 1960 Act

<sup>127</sup> File ref 8/272/6

capitation for the remaining Home was increased to 25/- and further increased in 1962 to 35/-.

125. The letter compares this level of payment to those made to Industrial and Reformatory Schools, which were then between 55/- and 59/- per week. Sanction was sought for an increase to 45/- for both Henrietta Street and the Magdalen Laundry at Sean McDermott Street.<sup>128</sup>
126. Full records of all payments made by the Department of Justice for girls and women placed on remand or probation have not been found. This can be explained by the fact that records supporting payments by the Department are ordinarily (as set out above) retained for a period of 7 years only. Nonetheless some records were identified which established the amount of payments made in one year to Sean McDermott Street under this heading and the accountant to the Order of Our Lady of Charity has, on the basis of the records of the Order, calculated that the full value of the payments made to Sean McDermott Street in relation to placement of girls or women on remand there in 1961, 1966 and 1971 as €5,092 (expressed in 2011 Euro terms).<sup>129</sup> Information on the intervening years is not available.
127. The arrangements whereby girls and women could be placed on remand at a Magdalen Laundry operated by the Order of Our Lady of Charity came to an end in 1980 – the Order informed the Department in December 1979 that they were no longer willing to accept girls or women on remand after February 1980. The last request for payment was for the quarter ending March 1980.<sup>130</sup>

*Proposed grant for conversion of a Magdalen Laundry*

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<sup>128</sup> Minute dated 29 December 1964, Department of Justice to the Department of Finance.

<sup>129</sup> See further below

<sup>130</sup> File Ref 93/31, Part 4

128. A different file was identified by the Committee, relating to the Eastern Health Board Capital budget for 1971. One of the proposed items was to grant aid the Sisters of Charity for a “new Magdalen Home, Donnybrook” in the amount of £100,000.<sup>131</sup> This proposal did not, however proceed – it was removed from the list of possible projects (“the department’s services sections were examining this proposal which had policy implications”).<sup>132</sup>
129. It is likely that this proposal related to a matter addressed in more detail on a separate Departmental file – namely a proposal for conversion of the Magdalen Laundry at Donnybrook to a “training centre for mentally handicapped”.<sup>133</sup> The proposal was made with the input of the National Organisation for Rehabilitation whose officers visited the Magdalen Laundry. A note recording the outcome of that visit indicates that:
- “the present residents include about 12 pensioners in the infirmary. The others range in age from 16 years – 65 years and consist mainly of mentally handicapped or ineffective women who reside there and work in the laundry”.<sup>134</sup>
130. The proposal was considered for a period, but did not ultimately come to fruition.<sup>135</sup>

*Other grants awarded during transition periods or after the closure of the Laundries*

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<sup>131</sup> Grants under section 65 of the Health Act 1953 to Voluntary Organisations by the Eastern Health Board. File Ref 1/10/26.

<sup>132</sup> Undated note of meeting. File Ref Id.

<sup>133</sup> Magdalen Home, Donnybrook. Proposal for provision of training centre for mentally handicapped persons. File Ref L50/187. INACT/INA/0/450308x

<sup>134</sup> Undated note entitled “Magdalen Home, Donnybrook”, transmitted by the National Organisation for Rehabilitation to the Department of Health by letter dated 7 January 1965. File Ref Id.

<sup>135</sup> Internal noted date 14 May 1970, recording that

“While the position is not yet clear I think it may be taken that the suggestions in regard to the Magdalen Asylum may be regarded as dead - unless the matter is raised again. File may therefore be marked A/F”.

131. A number of other grants were also awarded to Magdalen Laundries under various miscellaneous headings - after closure of the laundry operations or during their transition to, for example, nursing homes or sheltered housing.
132. *Scheme of Grants for Locally based Women's Groups:* The Magdalen Laundry at Peacock Lane, Cork, closed in 1991. A grant was awarded in 1992 by the Department of Social Welfare, under a "Scheme of Grants for Locally based Women's Groups".<sup>136</sup> The grant was made pursuant to an application by the Congregation. Confirmation of the grant was made by letter of the Department of Social Welfare:

"Further to your application under the scheme of grants for locally based women's groups, I wish to inform you that a grant of £300 has been approved for your group towards a personal development education programme for women living in the Magdalen Shelter. Arrangements are being made for issue of a payable order shortly".<sup>137</sup>
133. Other correspondence found in relation to this grant concerned follow-up of accounts which demonstrated the use that had been made of the grant of £300 – this included two letters of enquiry from the Department<sup>138</sup> and a response from the Order providing "a statement of accounts for the grant received by this Centre in 1992".<sup>139</sup>
134. *Scheme of grants for voluntary bodies who provide housing and resettlement services for Homeless Persons:* The same institution was also

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<sup>136</sup> Letter dated 24 September 1992 from the Minister of State at the Department of Environment to St Vincent's Centre, St Mary's Road, Cork, Archive of the Religious Sisters of Charity

<sup>137</sup> Letter dated 22 September 1992 from Department of Social Welfare (Community & Voluntary Support Services) to St Vincent's Centre, St Mary's Road, Cork, Archive of the Religious Sisters of Charity

<sup>138</sup> Letter dated 1 March 1994 from Department of Social Welfare (Voluntary and Community Services) to St Vincent's Centre, St Mary's Road, Cork, Archive of the Religious Sisters of Charity

<sup>139</sup> Letter dated 16 September 1994 from St Vincent's Centre, St Mary's Road, Cork to Department of Social Welfare (Voluntary and Community Services), Archive of the Religious Sisters of Charity

awarded a grant in relation to homelessness by Cork Corporation in 1996, under the above-mentioned scheme, which had formerly been administered by the Department of Social Welfare but for which responsibility was delegated to Local Authorities in 1996. The scheme was intended for:

“Once-off grants to help voluntary and community groups working with the homeless. The grants may be made for the necessary renovation, repair or fitting out of premises, the purchase of equipment or special projects which do not qualify for funding under the Department’s Capital Assistance Scheme or the scheme of grants for the provision of communal facilities in housing projects operated by approved housing bodies”.<sup>140</sup>

The total amount available under the Scheme for 1996 was £140,000.

135. The Religious Sisters of Charity applied for and were approved for a grant of a total amount of £3,919.94 under this Scheme for the “ongoing development of this Centre for the women in our care” and, in that regard, invited Cork Corporation to “visit and see our work”.<sup>141</sup>
136. *Housing Act 1988*: Records were also identified which confirm payments to “St Vincent’s Centre (previously the Magdalen Laundry at Peacock Lane in Cork) by the relevant local authority, Cork Corporation, commencing 2 years after the closure of the Laundry, under section 10 of the Housing Act 1988. This section, insofar as relevant, provides that a housing authority may “make arrangements, including financial arrangements, with a body approved of by the Minister for the purposes of section 5 for the provision by that body of accommodation for a homeless person”.
137. A letter from the Cork Corporation to the Convent stated:

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<sup>140</sup> Letter dated 5 July 1996 from Cork Corporation, enclosing Circular N9/96

<sup>141</sup> Letter dated 17 August 1996 from Peacock Lane to Cork Corporation, Archive of the Religious Sisters of Charity

"Cork Corporation has included a sum to cover payment of £2.50 per bed night for persons deemed to be homeless in St Vincent's Centre in the draft estimates for 1993. If approved, claims can be made either on a monthly or quarterly basis on the enclosed claim forms. I will contact you again when the Estimates for 1993 are approved in December".<sup>142</sup>

138. In July of that year, a Cork Corporation circular letter to "each sheltered housing complex", including Peacock Lane, set out clearly the criteria which applied (and which, by definition Peacock Lane was at that point considered to meet):

"Under the terms of the Voluntary Housing Scheme loans / grants are sanctioned to approved bodies such as yours on the condition that 75% of the units of accommodation provided will continue to be rented to:

1. Elderly persons eligible for local authority housing, or
2. Homeless persons, or
3. Handicapped persons, persons who are victims of family violence, of desertion, single parents and persons who are on Local Authorities Housing Waiting Lists.

Each Local Authority is asked to ensure that these conditions are complied with. I would appreciate if you would submit details of the residents currently occupying units in your complex. I require the name and income in each case".<sup>143</sup>

139. The Religious Sisters of Charity responded by letter including "as requested details of the residents currently occupying units in this Centre" (50 women, one of whom was identified as having private income, 19 of whom were in

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<sup>142</sup> Letter dated 2 September 1992 from Cork Corporation (Housing / Architects Department) to St Vincent's Centre, St Mary's Road, Cork, Archive of the Religious Sisters of Charity

<sup>143</sup> Letter dated 2 July 1992 from Cork Corporation (Housing/ Architects Department) to "Each Sheltered Housing Complex", copy as sent to St Vincent's Centre, St Mary's Road, Cork

receipt of the Old Age Pension, and 30 of whom were in receipt of the Disabled Persons Maintenance Allowance).<sup>144</sup>

140. The following year, 1993, the same circular letter was again issued to all recipients of these grants, including Peacock Lane.<sup>145</sup> The Congregation again responded and provided all requested details (18 women living in receipt of Old Age Pension; and 29 women in receipt of the Disabled Persons Maintenance Allowance).<sup>146</sup>
141. Payments under the section continued for the following two years, 1994 and 1995. Letters from Cork Corporation to Peacock Lane provide information on the increase of rates from time to time (to £4.00 per night in 1994<sup>147</sup> and to £5.00 per night in 1995<sup>148</sup>).

## **B. Records of the Religious Congregations**

142. The financial records of the Religious Congregations were also examined by the Committee to identify any records of grants, or payments received from the State or State agencies. An advantage of these records was that in some cases, they extend back to earlier years for which official financial records no longer exist. All the records in question were voluntarily shared with the Committee by the Religious Congregations.

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<sup>144</sup> Letter dated 27 July 1992 from St Vincent's Centre, St Mary's Road, Cork to Cork Corporation (Housing / Architects Department)

<sup>145</sup> Letter dated 11 August 1993 from Cork Corporation (Housing/ Architects Department) to "Each Sheltered Housing Complex", copy as sent to St Vincent's Centre, St Mary's Road, Cork

<sup>146</sup> Letter dated 13 August 1993 from St Vincent's Centre, St Mary's Road, Cork to Cork Corporation (Housing / Architects Department)

<sup>147</sup> Letter dated 11 January 1994 from Cork Corporation (Housing Section) to St Vincent's Centre, St Mary's Road, Cork

<sup>148</sup> Letter dated 7 February 1995 from Cork Corporation (Housing / Architects Department) to St Vincent's Centre, St Mary's Road, Cork

143. In some cases, the legislative basis of the payment is recorded in these records, along with its source. However in many cases only the source of the payment and amount is recorded. In those cases it is accordingly not possible to be definitive about the basis of funding. However, the vast majority of the payments, the source of which can be identified, would appear to be made either by way of public assistance payments or grants under the Health Acts.
144. The case of Limerick can first be considered. A single hard-backed accounts book records income and expenditure for all activities of the Good Shepherd Sisters in Limerick (Convent, Magdalen Laundry, Industrial School and Reformatory School) from December 1920 to 1992. The ledger has pre-printed headings for all substantive columns on both the receipts and expenditure pages divided between the four institutions listed above. The terminology on the pre-printed headings is as follows:

Convent; Penitents; St Josephs; St Georges; Total.

The ‘Penitents’ column was re-named as “St Mary’s” from 1975 onwards.

145. The following extracts were compiled by the Committee from the ‘Penitents’ column of the Receipts pages of that ledger, that is, from the column for payments to the Magdalen Laundry. As can be seen in the table below, the ledger includes detail of payments by Ennis Board of Health consistently to the Magdalen Laundry from 1928 to 1947. In light of the small amount of the payments, as well as their source, it is likely that these payments were made on a Public Assistance basis and in relation to women referred from the operational areas of the Council to the Magdalen Laundry operated by the Good Shepherd Sisters in Limerick.

Year	Good Shepherd, Limerick, accounts book Description of source of funds ascribed in relation to 'penitents'	£	s.	d.
1928	Ennis Board of Health	38	1	3
1929	Ennis Board Health	23	19	0
1930	Ennis Board of Health	53	2	0
1931	Ennis Board Health	18	4	0
1932	Ennis Board Health	18	6	0
1933	Ennis Board Health	36	10	0
1934	Ennis Board Health	42	8	0
1935	Ennis Board Health	27	8	0
1936	Ennis & voluntary	45	0	0
1937	Ennis & Voluntary	74	9	0
1938	Ennis & Voluntary	76	15	0
1939	Ennis Co. Home	32	2	0
1940	Ennis Co. Co.	18	6	0
1941	Ennis B. Health	18	6	0
1942	Ennis Board of Health	18	5	0
1943	Ennis Board of Health	18	5	0
1944	Ennis Board Health	18	6	0
1945	Ennis B. of Health	18	6	0
1946	Ennis B. of Health	18	5	0
1947	Ennis Board of H.	18	5	0

146. The same ledger also contains information on payments from what was described by the Sisters as the "Limerick Health Authority" from 1970; as well as the Mid-Western Health Board. Full details are set out in the following table.

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<b>Year</b>	<b>Good Shepherd, Limerick, accounts book Description of source of funds ascribed in relation to 'penitents'</b>	<b>£</b>
1970	Limerick Health Authority	250.00
1971	Limerick Health Authority	1,500.00
1972	Limerick Health Grant	1,375.00
1973	Limerick Health Grant	1,500.00
1974	Limerick Health Grant	1,500.00
1976	MWHB Limerick grant	4,500.00
1977	Limerick Health Grant	4,000.00
1978	Limerick Health Grant	4,300.00
1979	Limerick Health Grant	4,500.00
1980	Limerick Health Grant	10,000.00
1981	Limerick Health Grant	10,000.00
1982	Limerick Health Grant	11,000.00
1983	Limerick Health Board Grant	12,000.00
1985	Health Boards	12,000.00

147. The financial records of the Order of Our Lady of Charity were also reviewed.<sup>149</sup> In relation to High Park, payments were identified from six County Councils, as follows:

- Monaghan County Council;
- Wexford County Council;
- Meath County Council;
- Louth County Council;
- Wicklow County Council; and
- Laois County Council.

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<sup>149</sup> High Park ledger reference OLC1/09/3-114.

148. In light of the amounts of the payments, as well as in some cases the descriptions recorded in the ledger, it is likely that these payments were made in relation to women referred to the Magdalen Laundry from the operational areas of the relevant County Councils. In all cases, the terminology used in the following table reflects the language of the original ledger entries.

Date	High Park accounts ledger Extracts from 'cash received'	Payment by	£	s	d
<b>1954</b>					
May	Maintenance Penitents	Monaghan County Council	45	10	0
<b>1955</b>					
May	Maintenance Penitents	Wexford, Meath or Monaghan County Council <sup>150</sup>	82	5	0
June	Maintenance Penitents (6/9/54-30/5/55)	Dundalk, Louth County Council	19	0	0
October	Maintenance Penitents	Monaghan County Council	37	0	0
December	Maintenance Penitents for half year	Dundalk County Council	13	0	0
<b>1956</b>					
June	Maintenance Penitent	Louth County Council	13	0	0
<b>1957</b>					
February	Maintenance Penitents	Monaghan County Council	93	10	0
June	Maintenance Penitents	Louth, Meath or Dublin County Council*	13	0	0

<sup>150</sup> Multiple entries appear on same ledger line –all 3 of these County Councils named on the relevant ledger line

Date	High Park accounts ledger Extracts from 'cash received'	Payment by	£	s	d
December	Maintenance Penitents	Monaghan or Louth County Council <sup>151</sup>	13	0	0
December	Maintenance Penitents	Monaghan or Louth County Council <sup>152</sup>	78	0	0
<b>1958</b>					
July	Maintenance Penitents for half year	Louth County Council	13	0	0
<b>1959</b>					
February	Maintenance Penitents year ending 30/9/1958	Monaghan County Council	78	0	0
June	Maintenance Penitent	Laois or Louth County Council <sup>153</sup>	13	0	0
October	Maintenance Penitents	Monaghan County Council	58	0	0
December	Maintenance 2 Penitents	Wicklow County Council	29	10	0
<b>1960</b>					
July	Maintenance Penitents	Louth County Council	13	0	0
July	Maintenance 2 Penitents half year	Wicklow County Council	26	0	0
December	Maintenance 2 Penitents one year	Laois or Monaghan County Council	52	0	0
<b>1961</b>					

<sup>151</sup> Multiple entries appear on same ledger line –all 3 of these County Councils named on the relevant ledger line

<sup>152</sup> Multiple entries appear on same ledger line –all 3 of these County Councils named on the relevant ledger line

<sup>153</sup> Multiple entries appear on same ledger line –all 3 of these County Councils named on the relevant ledger line

Date	High Park accounts ledger Extracts from 'cash received'	Payment by	£	s	d
July	Maintenance 2 Penitents half year to 1/5/61	Wicklow County Council	52	0	0
July	Maintenance 1 penitent half year to 1/5/61	Louth County Council	26	0	0
October	Maintenance 2 penitents	Monaghan County Council	52	0	0
<b>1962</b>					
September	Maintenance Penitent	Louth County Council	26	0	0
October	Maintenance 2 Penitents	Wicklow County Council	52	0	0
November	Maintenance Penitents	Monaghan County Council	40	10	0
<b>1963</b>					
July	Maintenance 2 Penitents	Wicklow County Council	52	0	0
July	Maintenance Penitent	Louth County Council	26	0	0
November	Maintenance Penitent	Monaghan County Council	26	0	0
<b>1964</b>					
July	Maintenance Penitent	Dundalk County Council	26	0	0
July	Maintenance Penitents	Wicklow County Council	52	0	0
November	Maintenance Penitent	Monaghan County Council	26	0	0
<b>1965</b>					
June	Maintenance Penitent	Louth County Council	26	0	0
July	Maintenance Penitents	Wicklow County Council	61	5	0
December	Maintenance Inmate	Monaghan County Council	26	0	0
<b>1966</b>					
June	Maintenance Penitent	Louth County Council	26	0	0
September	Maintenance Penitents	Wicklow County Council	58	5	0
November	Maintenance Penitent	Monaghan County Council	26	0	0
<b>1967</b>					

<b>Date</b>	<b>High Park accounts ledger Extracts from 'cash received'</b>	<b>Payment by</b>	<b>£</b>	<b>s</b>	<b>d</b>
June	Maintenance Penitents	Wicklow County Council	66	5	8
July	Maintenance Penitent	Monaghan County Council	26	0	0
<b>1968</b>					
July	Maintenance 3 Penitents	Wicklow County Council	117	0	0
October	Maintenance Penitent	Monaghan County Council	39	0	0
<b>1969</b>					
July	Maintenance 3 Penitents	Wicklow County Council	117	0	0
October	Maintenance Penitent	Monaghan County Council	39	0	0
<b>1970</b>					
August	Maintenance 3 Girls	Wicklow County Council	156	0	0
<b>1971</b>					
July	Maintenance 3 Girls	Wicklow County Council	156	0	0

149. The same ledger also records, in August 1973, payment by the Eastern Health Board for "Maintenance 3 girls" in the amount of £ 803.57.
150. Financial records of the same Order for Sean MacDermott Street (formerly Gloucester Street) were also examined by the Committee.<sup>154</sup>
151. Payments identified in that ledger as being from the State were extracted and are presented in the table below. In all cases, the terminology used reflects the language of the original entries.

<sup>154</sup> Sean MacDermott Street ledger reference OLC2/9/3-64

Date	Sean McDermott Street, accounts ledger Extracts from “cash” and “cash accounts” pages	£	S	D
<b>1968</b>				
March	Dublin Health Authority, 1 James's St Grant (Dec 67 – February 68)	625	0	0
November	Grant from the Dublin Health Authorities for board of 3 girls:			
	[named person]	89	14	0
	[named person]	43	6	8
	[named person]	86	13	4
December	Maintenance for [named person] from Meath County Council (Due on June 30th)	41	12	0
December	Maintenance for 3 + 1 girls from 4/11-31/12	95	10	0
December	Maintenance of Girls	137	2	0
<b>1969</b>				
February	Maintenance from Courts of Justice for [named person] (gave £25)	33	5	0
February	Maintenance from Courts of Justice for [named person] (gave £5)	10	19	0
February	Returns Maintenance (Part of payment)	16	0	0
March	Per courts of justice received 14 March '69	91	0	0
March	Maintenance (part for St Anne's Girls)	25	0	0
April	Maintenance (Part for girls at St Anne's)	50	0	0
May	Maintenance towards meat for St Anne's	15	6	6
May	Return from Girls Maintenance	58	0	0
June	Maintenance from the Department of Justice for Girls on remand and probation Jan '68 to April '69	545	1	7
June	Returns from Maintenance for Hostel girls	73	0	0
July	Maintenance for Girls St Anne's	43	0	0
August	Maintenance from Girls in St Anne's	50	0	0
September	Maintenance for Girls in St Anne's	75	0	0

Date	Sean McDermott Street, accounts ledger Extracts from “cash” and “cash accounts” pages	£	S	D
October	Maintenance for Girls in St Anne's	53	0	0
November	Maintenance for Girls St Anne's	53	0	0
December	Maintenance for Girls St Anne's	63	0	0
<b>1970</b>				
January	Returns Maintenance for Girls	78	10	0
February	Maintenance back money Dublin Health Authority for [named person]	100	0	0
February	Maintenance Girls in St Anne's	42	0	0
March	Returns Maintenance from Girls	27	0	0
April	Kerry Co Council payment for single roller cylinder	400	0	0
April	Maintenance for 1 girl	18	0	0
May	Maintenance Girls	14	10	0
<b>1973</b>				
June	Maintenance [named person] 1 week	5	0	0
June	Maintenance from Hostel	50	0	0
August	Maintenance from girls in Hostel	50	0	0
November	Maintenance money from Hostel	60	0	0

152. The financial records of the Religious Sisters of Charity were also examined. A ledger relating to the Magdalen Laundry at Peacock Lane, Cork (“Institution Residence Receipts”) includes information from 1974 to 1996. In this context, “institution” refers to the residence in which the women who worked in the Laundry lived.

153. Although the ledger covers the period from 1974 onwards, there is one entry in the 1974 summary which is stated to be ‘for 1973’. As the Laundry closed in 1991, information from 1992 onwards is not included in the following table which extracts State payments recorded in the original. The

terminology contained in the following table reflects the language of the original entries.

Date	Peacock Lane, “Institution Residence Receipts” Detail	£	P
<b>1974</b>			
18 January	Southern Health Board (For 1973)	1200	00
7 June	Southern Health Board	300	00
September	Southern Health B.	350	00
November	Southern Health B.	550	00
<b>1975</b>			
21 March	Southern Health Board	500	00
3 June	Southern Health	500	00
11 August	Southern Health Board	500	00
21 November	Southern Health Board	500	00
<b>1976</b>			
22 March	Southern Health Board	500	00
13 May	Southern Health Board	600	00
September	Southern Health B.	600	00
16 November	Southern Health Board	500	00
<b>1977</b>			
29 March	Southern Health	625	00
10 June	Southern Health Board	625	00
19 August	Southern Health	625	00
17 November	Southern Health Board	625	00
<b>1978</b>			
23 February	Southern Health Board	650	00

Date	Peacock Lane, “Institution Residence Receipts” Detail	£	P
19 May	Southern Health Board	665	00
24 August	Southern Health Board	655	00
2 December	Southern Health Board	655	00
<b>1979</b>			
April	Southern Health Board	655	00
17 July	Southern Health Board	740	00
29 August	S.H.B.	780	00
8 November	Sourthern Health Board	725	00
<b>1980</b>			
14 February	S.H.B.	750	00
5 June	Southern Health Board	750	00
11 August	S.H.B.	750	00
13 November	S.H.Board	750	00
<b>1981</b>			
18 February	S.H.Board	750	00
7 May	S.H.B.	750	00
13 August	S.H.B.	750	00
19 November	S.H.B.	750	00
<b>1982</b>			
20 May	Southern Health Board	1500	00
2 September	S.H.B.	750	00
28 November	S.H.B.	750	00
<b>1983</b>			
10 March	S.H.B.	750	00
30 May	S.H.B.	750	00

Date	Peacock Lane, “Institution Residence Receipts” Detail	£	P
15 September	S.H.B.	750	00
15 December	S.H.B.	750	00
<b>1984</b>			
19 April	S.H.B.	750	00
12 June	S.H.B.	750	00
11 August	S.H.B.	750	00
31 December	S.H.B.	750	00
<b>1985</b>			
1 June	Southern Health Board	175	00
25 July	S.H.B.	750	00
29 August	S.H.B.	750	00
20 September	S.H.B. (Grant)	750	00
<b>1986</b>			
17 January	S.H.B.	750	00
8 April	S.H.B. and Maintenance	762	50
22 August	S.H.B.	762	50
3 November	S.H.B.	762	50
<b>1987</b>			
26 January	S.H.B.	762	50
14 July	SHB <sup>155</sup>	762	50
28 July	S.H.B.	762	50
12 August	S.H.B.	762	50
December	S.H.B.	762	50
<b>1988</b>			

<sup>155</sup> Amount is recorded under column for S.H.B., although narrative detail reads ‘Trustee’

Date	Peacock Lane, “Institution Residence Receipts” Detail	£	P
22 February	S.H.B.	762	50
June	SHB <sup>156</sup>	762	50
11 July	SHB <sup>157</sup>	900	00
October	SHB	762	00
November	S.H.B.	762	50
<b>1989</b>			
March	SHB	762	50
12 July	SHB	762	50
29 September	SHB	762	50
December	SHB	762	50
<b>1990</b>			
16 July	SHB Grant	762	50
3 October	SHB	762	50
18 December	SHB	762	50
<b>1991</b>			
20 February	SHB	762	50
20 May	SHB	762	50
10 July	SHB <sup>158</sup>	762	50
19 September	Southern Health Board	762	50

<sup>156</sup> Amount is recorded under column for S.H.B., although narrative detail reads ‘Social Welfare’

<sup>157</sup> Amount is recorded under column for S.H.B., although narrative detail reads ‘Maintenance’. This is a narrative which appears throughout the text for a different column- it could be expected this is therefore simply an incorrect reference in this case

<sup>158</sup> Amount is recorded under column for S.H.B., although narrative detail reads ‘Maintenance’

154. The same ledger also records grants to Peacock Lane from Fás and the so-called Activation Programme of Cork Corporation, from 1993 to 1996. These grants, which were made after closure of the Magdalen Laundry, are understood by the Committee to relate to work placements there for persons who were resident outside the institution. These are accordingly not included in the scope of this Report.
155. Although accounts are available for the Magdalen Laundry operated by the Sisters of Mercy in Galway (as set out in more detail in Part IV, Chapter 20), they do not include details of any funding by the State to the institution.

## **Chapter 14:**

### **Financial (B): State contracts for laundry services**

#### **Summary of findings:**

*This Chapter examines State contracts for laundry services with the Magdalen Laundries.*

*It details all known State contracts for laundry services, as well as the process used to award these contracts and their value (where known).*

*Tendering processes were employed by the State in awarding contracts for laundry services. The Committee found that, in general, where a contract was awarded to a Magdalen Laundry, this occurred on the basis of it being the only or the most competitive tender submitted.*

*This Chapter also quantifies the value of State contracts placed with the Magdalen Laundry at Sean McDermott Street, Dublin from 1960 to 1966, which amounted to approximately 18% of the total business of the Laundry for this period.*

#### **Introduction**

1. This Chapter examines and sets out the findings of the Committee in relation to contracts by Government Departments or State agencies with the Magdalen Laundries for laundry services.
  
2. It was decided that such use by the State of the laundry services provided by the Magdalen Laundries should be explored as part of the overall landscape of State interaction with the Laundries. Moreover and in any case, it was decided that efforts should be made to identify and, where possible, quantify

what might be considered as the indirect financial support provided by the State to the Magdalen Laundries in this manner.

3. A variety of sources were utilised to build a picture of the extent of use by Government Departments or State agencies of the laundry services provided by the Magdalen Laundries. In some cases it was possible to quantify the exact volume of business which was involved. In other cases it was possible only to establish that contracts for laundry services were in place, but not to quantify the value of those contracts or the proportion of the work of the laundry which they represented. The Committee also identified other cases in which tenders had been submitted by Magdalen Laundries for laundry contracts, but those tenders were refused by the relevant State authorities.
4. A limiting factor in relation to this search was that it is general practice in many Departments for financial records (invoices, payment orders and so on) to be destroyed after set periods, sometimes after as little seven years.<sup>1</sup> Given that the remit of the Committee extends back to 1922, this meant that in many cases, financial records were not available for examination.
5. Nonetheless, searches were carried out to attempt to identify any information in relation to contracts for laundry services which might survive, either in the archives of the various Government Departments and State agencies, or in the archives of the Religious Congregations. These searches uncovered a significant amount of relevant information, which is set out in this Chapter.

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<sup>1</sup> For instance, the Department of Education and Skills has a practice of retention of financial records for 10 years, with certain types of financial records then destroyed. Report of the Department of Education and Skills to the Inter-Departmental Committee.

Similarly, the practice of the Department of Justice and Equality (on foot of certificates of consent from National Archives pursuant to section 7 of the National Archives Act 1986) is to retain financial records for a period of 7 years and to thereafter destroy them. Categories of records include e.g. invoices, payment system reports and so on. Report of the Department of Justice and Equality.

6. As set out in greater detail below, the Committee found that some Magdalen Laundries secured a number of State contracts with a variety of Government Departments and State Agencies or Offices. Where possible, the values of these contracts and the periods for which they were in place are identified below.
7. However and in general, no evidence was identified by the Committee which would have suggested a deliberate policy or preference by State agencies for use of Magdalen or other institutional laundries over non-religious-operated laundries. Rather, what emerges from the records identified is that:
  - Formal tender processes were utilised for large laundry contracts from at least 1927 onwards, with strict adherence to the procedures for such tenders;
  - Magdalen Laundries were not the only laundries invited to tender for such contracts;
  - Contracts awarded on the basis of these invitations to tender appear to have been chosen on a price basis alone;
  - Magdalen Laundries were not awarded contracts on all occasions on which they tendered for business;
  - Magdalen Laundries were not offered preferential treatment, for instance, where a Magdal Laundry submitted a late tender for a contract, it was handled in the appropriate way, that is, excluded from consideration;
  - Officials, including officials at the highest level (the Government Contracts Committee) had the opportunity to intervene and secure work for a Magdalen Laundry at only marginal additional cost on at least one occasion in the 1920s, but did not do so;
  - Records were also identified which indicated that State authorities were not averse to putting pressure on Magdalen Laundries to reduce prices either in order to renew or retain contracts;

- Examples were found where contracts with Magdalen Laundries were terminated when a cheaper supplier was identified.
8. The Committee also found, however, that records identified demonstrated an awareness among officials that the Laundries in institutions such as the Magdalen Laundries provided financial support for the women living there. Records identified by the Committee establish that this factor played a part in a desire by officials to include Magdalen Laundries in invitations to tender - and to protect that place in invitations to tender, against arguments made by certain commercial laundries or trade unions that they should be excluded.
9. However, on the basis of the records identified, this awareness and desire to include the Magdalen Laundries in invitations to tender did not extend to making any special concessions to the Magdalen Laundries in the award of contracts, or to any policy or practice of placing large contracts with Magdalen Laundries.
10. The following analysis of the extent of State contracts with Magdalen Laundries has been carried out based on a number of key sources and categories of records, each of which are examined in this Chapter:
- records of the Religious Congregations regarding their customer base (Sean McDermott Street ledger);
  - records of the Defence Forces;
  - records of the Department of Education and Skills;
  - records of the Government Contracts Committee;
  - the recollections of the former Commercial Manager of a Magdalen Laundry; and
  - a notebook provided to the Committee by the representative group "Magdalene Survivors Together".

**A. Sean McDermott Street ledger of laundry customer base**

11. The only available direct documentary record held by any of the Religious Congregations in relation to the organisations and entities which used the services of the Magdalen Laundries operated by them relates to the laundry at Sean McDermott Street, Dublin, operated by the Order of Our Lady of Charity. This record consists of a hardcover ledger recording, on a weekly basis, all business conducted and payments made for laundry services, for the period 1960 to 1966.
12. Through examination of this ledger, the Committee was in a position to review the entire customer base of the Magdalen Laundry at Sean McDermott Street for the 6-year period mentioned above.
13. Analysis of the ledger indicated that, over that 6-year period as a whole, State contracts amounted to an average 18% of the total business of the Magdalen Laundry at Sean McDermott Street.
14. The value of State contracts varied from year to year – from a high of 22% of total business in 1960, to a low of 15% of total business in 1966. The total turnover from State contracts over the 6-year period was £46,448.
15. The table below, compiled by the accountants for the Congregation,<sup>2</sup> sets out the value and volume of State contracts (including the percentage which those

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<sup>2</sup> Richard Kidney & Associates

contracts constituted of overall business) on a year by year basis for the total period.

**Sisters of Our Lady of Charity**  
**Sean McDermott Street Sales Analysis 1960-1966**  
**(Actual value)**

	<b>Total</b> <b>£</b>	<b>1960</b> <b>£</b>	<b>1961</b> <b>£</b>	<b>1962</b> <b>£</b>	<b>1963</b> <b>£</b>	<b>1964</b> <b>£</b>	<b>1965</b> <b>£</b>	<b>1966</b> <b>£</b>
Total Laundry Sales	259,384	33,153	34,722	38,053	37,583	37,529	37,161	41,183
Sales to Defense Forces	8,126	1,652	1,372	1,339	1,319	1,142	679	623
Sales to Other State Bodies	10,379	1,307	1,356	1,559	1,557	1,531	1,452	1,617
Sales to Public Hospitals	27,944	4,224	4,568	3,744	3,791	3,812	3,774	4,031
Total Turnover from State	46,449	7,183	7,296	6,642	6,667	6,485	5,905	6,271
% Total State Turnover to Total Turnover	18%	22%	21%	17%	18%	17%	16%	15%

*Analysis of the value of State contracts with the Sean McDermott Street Laundry, 1960-1966*

16. The above table, restated in current-day values utilising the indexation rates established by the Central Statistics Office (the most recent of which are 2011 values), is set out below. The re-stated value (in current values) of total turnover derived from State contracts during the 6-year period is € 153,232.

**Sisters of Our Lady of Charity,  
Sean McDermott Street Sales Analysis 1960-1966  
(Expressed in 2011 Euro terms)**

	<u>Average</u> <u>2011€</u>	<u>1960</u> <u>2011€</u>	<u>1961</u> <u>2011€</u>	<u>1962</u> <u>2011€</u>	<u>1963</u> <u>2011€</u>	<u>1964</u> <u>2011€</u>	<u>1965</u> <u>2011€</u>	<u>1966</u> <u>2011€</u>
Total Laundry Sales	847,609	849,963	866,230	910,575	877,723	821,282	774,261	833,233
Sales to Defense Forces	27,308	42,341	34,240	32,038	30,797	25,002	14,137	12,600
Sales to Other State Bodies	33,929	33,506	33,837	37,307	36,373	33,501	30,258	32,722
Sales to Public Hospitals	91,996	108,284	113,957	89,598	88,531	83,413	78,626	81,561
Total Turnover from State	153,233	184,131	182,034	158,943	155,701	141,916	123,021	126,883
% Total State Turnover to Total Turnover	18%	22%	21%	17%	18%	17%	16%	15%

*Analysis of the value of State contracts with the Sean McDermott Street Laundry,  
1960-1966, converted to 2011 Euro values*

17. The following, also taken from the ledger in question, is a full list of Departments and State agencies which engaged the services of the Magdalen Laundry at Sean McDermott Street between 1960 and 1966:

*Government Departments*

- Department of Industry & Commerce, Kildare Street
- Department of Finance, Merrion Street
- Department of Local Government, Custom House
- Department of Health, Custom House
- Department of Social Welfare, Dining Club, Store Street
- Department of Social Welfare, Áras Mac Diarmada (Towel Account)
- Department of Education, Talbot House
- Department of Education, Marlboro Street.

*Defence Forces*

- Portobello, Cathal Brugha Barracks
- Baldonnell Camp, Air Corps.

*State offices, agencies and semi-state bodies*

- Chief State Solicitors Office
- District Court, Inns Quay
- Leinster House, Kildare Street
- Land Commission, 21 Upper Merrion Street
- Land Commission, Forestry Division
- General Valuations Office
- Ordnance Survey, Phoenix Park
- State Laboratory, Merrion Street
- Office of Public Works, Earlsfort Terrace
- Office of Public Works, 123 Lower Rathmines Road
- Board of Works, 51 St. Stephens Green
- Engineering Workshops, Jamestown Road
- Civil Service Commissioner, 45 Upper O'Connell Street

- Statistics Branch, Lower Castle Yard
- Bord na Mona, 28 Upper Pembroke Street
- Registry of Deeds, Henrietta Street
- Superintendent's office, Phoenix Park
- Employment Exchange, Lower Gardiner Street
- Employment Exchange, Wesbrough(?) Street
- Employment Exchange, Victoria Street
- Employment Exchange, Beresford Place
- CIE Inchicore (Stores Section)
- CIE Broadstone (Signals & Electrical; Engineers Department; Social Club)
- Dining Club, Custom House.

18. A number of state-funded hospitals and clinics also used the laundry services of the Magdalén Laundry at Sean McDermott Street between 1960 and 1966 and are also included in the volume of State business quantified above. The full list of these hospitals is as follows:

- Royal Hospital, Kilmainham
- Jervis Street Hospital<sup>3</sup>
- Hume Street Hospital, Hume Street
- St. Anne's, Northbrook Road
- St. Joseph Nursing Home, Edenmore Road
- St. John of God, Child Guidance Clinic, Rathgar
- Special Clinic, Out-Patient Department, Mater Hospital
- Corporation TB clinic, Charles Street
- Corporation TB clinic, Nicholas Street
- The Primary Clinic, Clarendon Row
- Crumlin Hospital.<sup>4</sup>

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<sup>3</sup> Nurses, Personal, Kitchens Account, Nurses Home Account, Operating Department, X-Ray Department, Hall Porter, Front Hall, Linen Rooms, St. Peter's Ward, St. Joseph's Ward, St. Brigid's Ward, St. Laurence's Ward, St. Luke's Ward, St. Anne's Ward, St. Patrick's Ward, St. Raphael's Ward, Guardian Angels Theatre

19. It is apparent from the ledger that, although the above Government Departments and State agencies were repeat customers of the Sean McDermott Street laundry over the 6 years for which records survive, payment for laundry services provided was slow and frequently outstanding for lengthy periods.
20. The remainder of the business of the Laundry, averaging 82% of total business over the period, was made up by hotels, schools, private companies and organisations as well as individuals. Hotels formed a sizable part of this total business and could be regarded as the mainstay of the business over the 6-year period in question.
21. Additional information on the financial viability of the laundry as a whole is included in Part IV (Chapter 20) of the Report.

**B. Tenders and contracts by the Department of Education for laundry services at Preparatory Colleges**

22. A number of files were identified in the archives of the Department of Education and Skills and their deposits to National Archives in relation to laundry contracts. Given the time-period in relation to which these files relate, the Department is for the remainder of this section of the Report referred to by its former name, the Department of Education.
23. A series of files were identified, dating from 1927 to 1961, in relation to the Department of Education's provision for laundry services for a number of Preparatory Colleges (see below), including relevant material from the Government Contracts Committee.<sup>5</sup>

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<sup>4</sup> X-ray Department, Public Health Clinic BCG, Corporation TB clinic, Staff Account

<sup>5</sup> File references: CU67261, CU68027, ED/16172, CU 26182, ED12/26182, CU26550, ED12/26550, ED 12/19817, ED12/20688

24. The Government Contracts Committee consisted of representatives of the Department of Finance, Department of Industry and Commerce, Department of Defence, Department of Posts and Telegraphs, Department of Local Government, the Office of Public Works and the Stationery Office. Its role was to supervise the placing of contracts for supplies and work exceeding established financial thresholds, the level of which varied over time.
25. The contracts in question related to the Preparatory Colleges which were established and funded by the Department and from which students would receive priority admission to teacher training colleges. The preparation system of education was established in 1926 and operated for 35 years: Between four and seven such residential Preparatory Colleges existed for various periods between 1927 and 1961, in which prospective teachers were enabled to become proficient in Irish before progressing to Teacher Training Colleges.<sup>6</sup>
26. Files were identified relating to the laundry contracts awarded by the Department of Education for each of these Colleges, covering the full period of operation of the Preparatory College system.

*Establishment of tendering process and contracts awarded for 1927/1928 term*

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<sup>6</sup> The Colleges (not all of which were in existence for the full reference period) were:

- Coláiste Bríghde, Falcarragh, Co Donegal [for Catholic girls];
- Coláiste Caoimhín, Glasnevin, Dublin [for Catholic boys];
- Coláiste Éinne, Galway [later re-located to Dublin];
- Coláiste Íde, Ventry, Co. Kerry [for Catholic girls];
- Coláiste Mhuire, Tourmakeady, Co Mayo;
- Coláiste Moibhí, Malboro House, Glasnevin, Dublin [for Protestant boys and girls]; and
- Coláiste na Mumhan, Mallow, Co Cork [later known as Coláiste Íosagáin, Ballyvourney].

27. Arrangements for laundry services in relation to the four Colleges initially established were made in July 1927.<sup>7</sup> Files of the Department of Education indicate that the Contracts Officer of the National Education Office sought legal advice in July 1927 on a proposed tender system for award of contracts for laundry services for the Colleges.<sup>8</sup> A draft Tender Form and Agreement was submitted to the Department's legal adviser<sup>9</sup> for review, in light of the fact that "this Office proposes at an early date to invite tenders in connection with the Laundry Work of the Preparatory Colleges."<sup>10</sup> The proposed procedures for tender and contract were, after legal clearance, also submitted to the Government Contracts Committee in July 1927.<sup>11</sup>
28. Following finalisation of the drafts, a notice was in August 1927 placed in the national press advertising the upcoming tenders and inviting expressions of interest from any interested laundry contractors.

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<sup>7</sup> Coláiste Brighde, Falcarragh, Donegal; Coláiste Caoimhin, Marlborough Hall, Glasnevin; Coláiste Íde, Kerry; and Coláiste Moibhí, Marlboro House, Glasnevin.

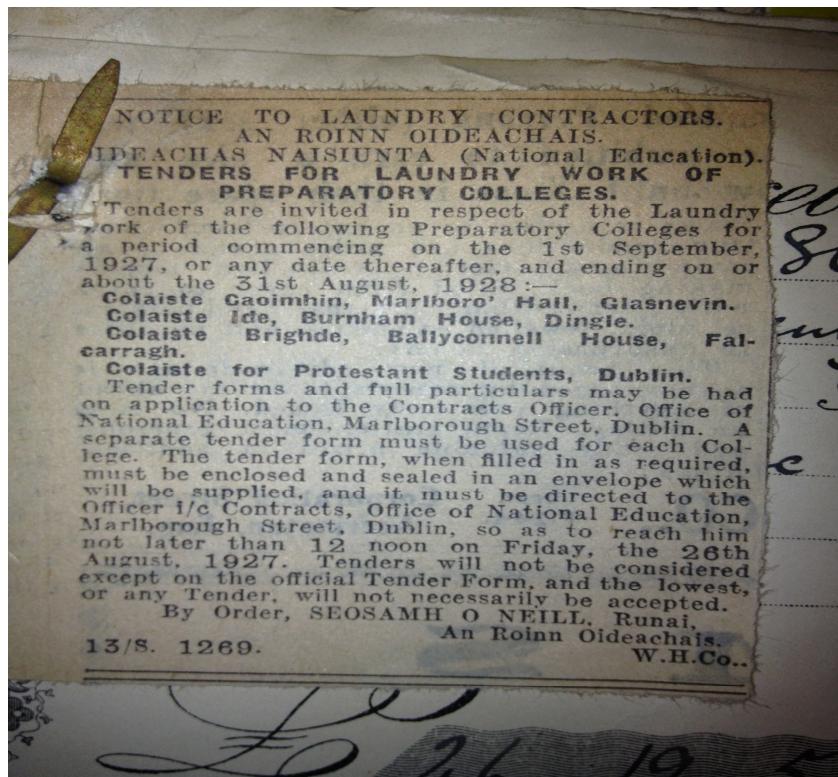
<sup>8</sup> Colaistí Ullmhucháin, Nitheacháin – Connaroirí &rl. File ref: ED/16172.

<sup>9</sup> Then a private solicitor, rather than the Attorney General.

<sup>10</sup> Letter dated 19 July 1927 from the Contracts Officer, National Education Office, to a named solicitor then serving as legal adviser to the Department:

"I am to inform you that this Office proposes at an early date to invite tenders in connection with the Laundry work of the Preparatory Colleges. A copy of the proposed Tender Form and Agreement is enclosed, and I am to request you to be so good as to state whether the proposed form is suitable from the legal point of view".

<sup>11</sup> Laundry Contract Forms, Fair Wages Clause. File ref ED12/20688



*Advertisement placed in the press to give notice to all laundry contractors of the Department of Education tenders for laundry services to four Preparatory Colleges*

29. On foot of the advertisement, any interested laundry contractor was in a position to request the tender forms and compete for the available contracts. The file does not contain a full list of all those who sought the tender forms, however tenders were received from a number of contractors, including Magdalen Laundries (St Mary Magdalen's Laundry, Peacock Lane, Cork), other institutional laundries (Our Lady's Home, Henrietta Street, Dublin), and commercial laundries (Omagh Manufacturing and Laundry Co Ltd; Dublin Laundry Co Ltd, Milltown, Dublin; Court Laundry, Dublin).
30. The Magdalen Laundry at Peacock Lane, like other interested contractors, requested the tender forms and sought information on the nature of the work

for which the tender was issued<sup>12</sup> and submitted a tender in the appropriate format.

31. A comparison was made by the Department of the tenders received, after which the contracts were awarded. The Magdalen Laundry which had submitted a tender (Peacock Lane, Cork) was not awarded a contract. The contracts were instead awarded to the Steam and Electric Laundry, Tralee<sup>13</sup>; and Our Lady's Home, Henrietta Street. An internal note dated 5 September 1927 demonstrates that price was the basis on which the decision was made:

“The cheapest tender for Coláiste Íde is from Tralee and for the two Dublin colleges from Henrietta Street, Dublin. Letters herewith accordingly giving contracts to these two”.<sup>14</sup>

*Tender process and contracts awarded for the 1928/1929 term*

32. Invitations to tender were again issued in 1928.<sup>15</sup> As occurred the previous year, a mixture of Magdalen Laundries (High Park; Donnybrook; and Galway), institutional laundries (Our Lady's Home, Henrietta Street) and commercial

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<sup>12</sup> Letter dated 17 August 1927 from the Laundry Superintendant of St Mary Magdalen's Laundry, Peacock Lane, Cork, to the Contracts Officer:

“Sir, I would be obliged if you will send 4 tender forms and full particulars for laundry work of preparatory colleges to the Superintendent of above laundry and oblige. Yours sincerely”.

Letter dated 20 August 1927 from the Laundry Superintendant of St Mary Magdalen's Laundry, Peacock Lane, Cork, to the Contracts Officer:

“Sir, I would be much obliged for further information regarding above. Are the personal clothes to be quoted for by the hundred or per article? As there are only 60 students approximately I presume there will not be hundreds of any article per week. The same would refer to the sacristy, and we shall quote per article or per dozen according to your directions. An answer by return post would be much appreciated. Yours faithfully”.

<sup>13</sup> The Steam and Electric Laundry, St John's Convent, Tralee, was operated by the Sisters of Mercy, however it was operated by employees paid at Trade Union approved rates

<sup>14</sup> Internal note dated 5 September 1927. “Colaistí Ullmhucháin, Nitheacháin – Connaroirí &rl. File ref: ED/16172.

<sup>15</sup> “Laundry Contract August 1928 Applications for Tender Forms”. File Ref ED12/19817.

laundries (Dublin Laundry Co. Ltd., Milltown, Dublin; Dartry Dye Works Ltd Dublin; Connacht Laundry; Court Laundry; Steam & Electric Laundry, Tralee and Westminster Hygienic Laundry Cambrian Works, Wrexham, Wales) requested tender forms in order to tender for the available work or a portion thereof.

33. The file includes a letter from the Magdalen Laundry at High Park referring to the fact that it had carried out laundry work for Talbot House in the past and also referring to the “over 200 inmates dependent on the results from the laundry”.<sup>16</sup> The Magdalen Laundry at High Park subsequently tendered for the contract for laundry services for the Preparatory Colleges at “Marlboro Hall and Marlboro House, Glasnevin”.
34. The Magdalen Laundry operated by the Sisters of Mercy in Galway also sought the appropriate forms to apply for the tender for Coláiste Connachta, Galway by letter as follows:

“Please send Tender Forms for Laundry work. We would be very glad to get the Furbough College washing and hope we are not late in applying for it. Yours faithfully”.<sup>17</sup>

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<sup>16</sup> Letter from High Park Laundry dated 7 August 1928 to the Department of Education:

“Re Laundry

Dear Sir,

Having heard that Talbot House, Marlborough Street, is about to be re-opened as a Training College for Girls, we beg to apply for the laundry work in connection with the Institution when it shall be established. I may mention that we did the laundry work for Talbot House for many years, and its closing a few years ago meant a considerable loss to us. We have over 200 inmates dependent on the results from the laundry.

We shall feel very grateful for your kind consideration of our application and can assure you if you decide the matter in our favour we shall endeavour to give you every satisfaction.

Hoping for a favourable reply and thanking you in anticipation.

Believe me dear Sir,

Yours faithfully. Superior”

<sup>17</sup> Id

35. The Magdalen Laundry operated by the Religious Sisters of Charity at Donnybrook also expressed an interest and requested the appropriate official forms to submit a tender.<sup>18</sup>

36. On the basis of the tenders submitted in September 1928 for two of the Colleges, an internal analysis was carried out by the Department of Education. This internal analysis of tenders recorded that as in the previous year, the contracts were awarded to the lowest tenders received, which this time included two contracts awarded to a Magdalen Laundry – namely Peacock Lane, Cork.

37. During this period, there were three Dublin-based Preparatory Colleges (Coláiste Caoimhín, Marlborough Hall, Glasnevin; Coláiste Bríghde, which had temporarily been relocated to Talbot House; and Coláiste Moibhí, Marlborough House). The internal Departmental analysis of tenders identified Our Lady's Home, Henrietta Street as “the lowest tender for each of these three colleges”.<sup>19</sup>

38. The internal analysis noted the particular position of one commercial laundry as follows:

“there is one other firm (Harold’s Cross Laundry) which tendered lower than Henrietta Street in respect of Alter and Chapel Laundry, but they specified that the tender for the College must be taken as a whole (or

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<sup>18</sup> Letter dated 11 September 1928 from St Mary Magdalen’s Laundry, Donnybrook:

“Officer in charge, Contracts Sub-Department, Dublin:

Sir, Kindly forward us by return of post the Laundry Tender Forms to fill in for our application for part of the National Education Laundry & oblige. Faithfully yours”.

<sup>19</sup> Internal note dated 27 September 1928. “Laundry Contract August 1928 Applications for Tender Forms”. File Ref ED12/19817.

not at all). Hence it is not possible to offer them portion of the Contracts".<sup>20</sup>

39. As a result, the contracts for laundry services for the 1928/1929 term all three Dublin-based Preparatory College were awarded to Henrietta Street (an institutional Laundry, but not a Magdalen Laundry within the terms of the Committee's mandate).<sup>21</sup>

40. As set out above, tenders had also been sought for the Preparatory College in Connaught, namely Coláiste Connachta, Galway. Although interested in obtaining the contract, the Magdalen Laundry operated by the Sisters of Mercy at Galway did not submit a tender by the due date. No special consideration was given to the institution – the internal analysis records only consideration of the (commercial) Connacht Laundry which had submitted a tender on time. The Department's records indicate the position taken was that:

"Attached is the only tender received. It compares favourably with the tenders received for the other colleges".<sup>22</sup>

Connacht Laundry was accordingly recommended and awarded that contract for the 1928/1929 term.

41. A similar analysis took place in relation to the two Preparatory Colleges in Munster. Departmental records detail the manner in which the decision was taken to award two contracts (one partial) to the Magdalen Laundry at Peacock Lane, Cork:

"After consultation with the accountant and with the principal of ... I recommend that the laundry contracts for above colleges for year 1.10.1928 to 30.9.1929 be given to the lowest tenderer generally as

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<sup>20</sup> Id

<sup>21</sup> Id

<sup>22</sup> Internal note re Laundry of Furbough College, 28 September 1928. "Laundry Contract August 1928 Applications for Tender Forms". File ref ED12/19817.

marked in green ink on the tenders – viz all Col[áiste] na Mumhan to Peacock Lane Laundry, Cork, portion of Col[áiste] Íde to same Laundry and the remainder of Col[áiste] Íde to contractors – St John’s Laundry, Tralee”.<sup>23</sup>

42. Notices of acceptance of tender were accordingly issued by letter from the Department of Education to the Magdalen Laundry at Peacock Lane Cork, for the relevant portions of laundry work for both Colleges.

43. All notices of acceptance of tender issued were in a standard format. A sample, consisting of the notice of acceptance issued to Peacock Lane in relation to Coláiste na Mumhan, Mallow, is as follows:

“Notice of acceptance of tender for Coláiste na Mumhan

I am authorised by the Minister for Education to refer to the Tender dated \_\_ day of September 1928 submitted by you for the performance of the Laundry Work for Colaiste na Mumhan, Mallow, and to inform you that, subject to the specifications and conditions of contract which are embodied with the said Tender (and copies of which specifications and conditions are herewith enclosed), your Tender is accepted in respect of the Laundry Work of the said College”.<sup>24</sup>

44. A similar letter issued on the same day to Peacock Lane in relation to the relevant portion of the laundry work of Coláiste Íde which had been awarded to that Laundry.<sup>25</sup>

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<sup>23</sup> Internal note dated 27 September 1928. “Laundry Contract August 1928 Applications for Tender Forms”. File ref ED12/19817.

<sup>24</sup> Letter dated 26 September 1928, to the Magdalen laundry at Peacock Lane. “Laundry Contract August 1928 Applications for Tender Forms”. File ref ED12/19817.

<sup>25</sup> Letter dated 26 September 1929, “Laundry Contract August 1928 Applications for Tender Forms”. File ref ED12/19817.

“Notice of acceptance of tender for Coláiste Íde

45. Subsequent developments in relation to one of these contracts (relating to Coláiste Íde, Kerry) are interesting. The Superintendant at the Magdalen Laundry at Peacock Lane wrote on a number of occasions to the Department of Education outlining difficulties experienced. Despite being awarded the contract, it appears from the file that no laundry was received by Peacock Lane from the relevant College for a number of weeks after the first consignment was expected.<sup>26</sup>

46. When the first consignment of laundry was received, the Laundry Superintendant again wrote to the Department, explaining that she had, upon submitting the tender, miscalculated the cost of carriage of the laundry from the College to the Laundry (which costs were, under the terms of the contract, borne by the Laundry). The net result of this was explained to the Department as meaning that performance of the contract would result in losses to the Magdalen Laundry. This point was made in her letter as follows:

“Of course this will mean a heavy loss to the institution as the Quotation only left a small margin of profit. I wonder would it be of any use to send a representation of mistake to the Educational Authorities and ask them if they would pay the Carriage for this year.

Of course we know that we must abide by our Contract, and pay the penalty of my big blunder, but perhaps they would taken into consideration that we have a large Institution to maintain and that it is no easy matter to support almost 100 women, many of whom are old

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I am authorised by the Minister for Education to refer to the Tender dated \_\_\_ day of September 1928 submitted by you for the performance of the Laundry Work for Colaiste Ide, Dingle, and to inform you that, subject to the specifications and conditions of contract which are embodied with the said Tender (and copies of which specifications and conditions are herewith enclosed), your Tender is accepted in respect of portion of the Laundry Work of the said College”.

<sup>26</sup> Letters of 2 October and 8 October 1928 from Laundry Superintendant, Peacock Lane, to Department of Education, requesting that enquiries be made about the expected date of receipt of laundry from the College. “Laundry Contract August 1928 Applications for Tender Forms” File ref ED12/19817.

and infirm, and unable for work. The Laundry proceeds are the only means we have for the upkeep of Institution".<sup>27</sup>

47. From the records available, it appears that the Department never contemplated agreeing to this request from the Magdalen Laundry to pay the carriage of the laundry in question. Instead, the response was to investigate

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<sup>27</sup> Letter dated 13 October 1928 from Laundry Superintendant, Peacock Lane, to Department of Education. "Laundry Contract August 1928 Applications for Tender Forms". File ref ED12/19817. Full letter as follows:

"Dear Mr Bradley

I trust you will not think me presumptuous if I ask you to consider this letter personal rather than official. I shall explain.

I fear we have got ourselves into a muddle with regard to washing of the Colleges, and perhaps you might be able to tell me if there is any way of remedying a grave blunder which I made.

I was away from the Laundry for 20 months, as I had been dangerously ill, and took a long time to convalesce. Unfortunately I returned to work just when Tenders for College Laundry arrived. Rev. Mother was in Retreat and some of the Laundry Sisters from home, so there was absolutely no one to consult.

I knew that Rev. Mother was anxious to get the Colleges so I made out an extremely low Quotation and said that we would pay carriage both ways, to and from Dingle and Mallow. I thought that if Goods came by Goods Train that they would equal about one-tenth of the value of the Washing.

The first consignment of Washing came last Week from Dingle, imagine my consternation when I found the value of Washing was £1.2/0 and the Carriage on this small Amount was 12"10. That means that we shall get on an average about 3/4d for each article.

Of course this will mean a heavy loss to the institution as the Quotation only left a small margin of profit. I wonder would it be of any use to send a representation of mistake to the Educational Authorities and ask them if they would pay the Carriage for this year.

Of course we know that we must abide by our Contract, and pay the penalty of my big blunder, but perhaps they would take into consideration that we have a large Institution to maintain and that it is no easy matter to support almost 100 women, many of whom are old and infirm, and unable for work. The Laundry Proceeds are the only means we have for the upkeep of Institution.

Trusting that you will not find all this explanation troublesome and hoping that you will be able to advise me as to the best way of acting.

Yours v sincerely  
Laundry Superintendant

the factual position (regarding costs) and the mechanism by which termination of the contract could occur.

48. Internal Departmental notes dated 15 October 1928 record the consideration given to the question, also recording the ultimate course of action agreed:

- confirmation that approval of the Government Contracts Committee would be required to release Peacock Lane from the relevant contract;
- a decision that the Department should explore with the relevant Preparatory College in Kerry the frequency and volume of business involved; and
- a decision that the Department should establish whether the Magdalen Laundry wished to retain its contract for the other Preparatory College at Mallow.<sup>28</sup>

49. Concerning the latter point, letters were exchanged between the Department of Education and the Magdalen Laundry at Peacock Lane, Cork, regarding the laundry services contract awarded to it in relation to Coláiste na Mumhan, Mallow:

“With reference to the contract for the laundry of Coláiste na Mumhan, Mallow, it might be ascertained what would be the probable cost of

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<sup>28</sup> Internal Department of Education notes dated 15 October 1928. “Laundry Contract August 1928 Applications for Tender Forms”. File ref ED12/19817. Full text of internal note:

“Superintendant, Mr Brennan

I find from inquiry that the Dept cannot release Sister Alexia from the Contract without the concurrence of the Govt Contracts Committee. The next meeting will be next Thursday week. In the meantime, we can take what she says about Dingle as accurate viz that it would not pay her very well. We should however write and ask her to ascertain definitely whether she would be prepared to retain the Mallow contract. The rail from Mallow to Cork would be comparatively little”.

Note in response:

“Write to Principle Col[áiste] Ide ask 2 questions” (these questions relating to how often laundry would be sent; and what the approximate value of that laundry would be)

carriage to and from Mallow from your Laundry. As you will be getting all the Laundry of this College and as the inclusive prices quoted by you and accepted are at least as high as most other contract prices accepted, it is not clear why you should not wish to continue the contract".<sup>29</sup>

50. The Superintendent at the Peacock Lane Magdalen Laundry responded, confirming that the carriage costs to and from Mallow were "quite moderate and we are quite prepared to carry out contract".<sup>30</sup>

51. While the Department was still considering the matter, the Superintendent at Peacock Lane wrote to Coláiste Íde, noting in pertinent part that:

"We did not think when quoting for washing that the carriage would be anything like so heavy, or the washing so small. I have written to the Educational Department about it, as carriage each Week is almost equal to value of washing. Last week there was only a difference of 4d, so you see we are losing heavily on this contract, besides the endless journeys to railway to see if it has arrived".<sup>31</sup>

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<sup>29</sup> Letter dated 15 October 1928 from the Department of Education to Peacock Lane Magdalen Laundry. "Laundry Contract August 1928 Applications for Tender Forms". File ref ED12/19817.

<sup>30</sup> Letter dated 17 October 1928 from Laundry Superintendent, Peacock Lane, to Department of Education. "Laundry Contract August 1928 Applications for Tender Forms"., File Ref ED12/19817. Full letter was as follows:

"No washing had been received from Coláiste na Mumhan, Mallow, at the time that representation about high carriage to and from Dingle was sent.

On Monday last, the 15<sup>th</sup> a Hamper arrived from Mallow, it included House Linen and Personal Laundry of three Brothers. Total value of same was 17.4.5 and the carriage on same was 2.2 which was ret 4.4.

This was quite moderate and we are quite prepared to carry out contract. We have ascertained that the charge per cwt on 1 cwt of washing will be 2/- to and from Mallow each way".

<sup>31</sup> Letter dated 25 October 1928 from Peacock Lane, Cork, to Coláiste Ide, copy on Department of Education file "Laundry Contract August 1928 Applications for Tender Forms". File ref ED12/19817.

52. The relevant College appears to have raised the matter with the Steam & Electric Laundry, Tralee, which held the contract for the remainder of the College's laundry. A letter on the files of the Department of Education from that (non-Magdalen) Laundry to the College confirming that it could take on the laundry contract originally awarded to Peacock Lane at the original prices.<sup>32</sup>

53. An internal Departmental note establishes the position taken by the Department on the matter- instead of the proposal by the Magdalen Laundry at Peacock Lane (i.e. that the Department would pay costs of carriage for the laundry and that it would retain the contract), the Department's contract with the Magdalen Laundry Peacock Lane was set aside and the relevant business was transferred to a different Laundry, namely the Steam & Electric Laundry, Tralee:

“(1) As the Tralee Laundry now agrees to do the work for the same prices as the Cork people, the contract may be transferred to Tralee. Please advise Tralee Laundry accordingly and wait a few days (in case of any reply from Tralee) before advising the Cork Laundry.

(2) Advise Principal Col. Íde of action taken simultaneously with advice to Tralee”.<sup>33</sup>

54. A standard form notice of acceptance of tender subsequently issued to the Steam & Electric Laundry, in place of the contract previously held by the Magdalen Laundry at Peacock Lane.<sup>34</sup>

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<sup>32</sup> Letter dated 20 October 1928 From the Steam & Electric Laundry, Tralee to Coláiste Íde, copy on Department of Education file ref ED12/19817, “Laundry Contract August 1928 Applications for Tender Forms”.

“I received the form you enclosed and I shall accept the Household Laundry at the prices quoted. The extra I am getting for serviettes and towels will make up for reduction in price of sheets etc otherwise I fear I could not do it as I pay Trade Union wages to all my employees. Your affectionate sister”

<sup>33</sup> Internal Departmental note dated 23/10/1928, File ref ED12/19817, “Laundry Contract August 1928 Applications for Tender Forms”.

<sup>34</sup> Id

55. There were two further relevant pieces of correspondence in relation to this contract between the Department of Education and the Magdalen Laundry at Peacock Lane.

56. In December 1928, the Superintendant at Peacock Lane, in a letter to the Department confirming receipt of cheques in payment for the laundry services carried out, made further representations in relation to the matter. She stated that for the 4 weeks in which it performed laundry services for the relevant College, “the carriage was almost equal to or exceeded the amount charged for washing”. She then said that she had:

“sent a letter asking the Office to pay the Carriage, and was told the matter would be looked into, and was under consideration. In all we paid £1.17.3 in Railway Carriage, on laundry valued at £2.12.0, so you see we were at a loss. We are a charitable institution and find it no easy matter to maintain a House with close on 100 women, many of them being old and infirm, so I trust that the matter will receive due consideration.

Of course, I am well aware, that the Educational Office are in no way bound to do this, and that we must keep to the letter of our Contract. At the same time, I think, that they would not wish us to be at a loss. In any case, no harm can be done by laying the facts before them”.<sup>35</sup>

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<sup>35</sup> Letter dated 14 December 1928 from St Mary Magdalen’s Laundry, Peacock Lane, Cork to the Accountant at the Department of Education. File ref ED12/19817, “Laundry Contract August 1928 Applications for Tender Forms”. Full letter as follows:

To JP Twohig Esq, Accountant, Office of National Education, Dublin

“Subject: Dingle Laundry Contract

Dear Sir

Your two Cheques in payment of Laundry Account to end of October 1928, received this Morning. Both are correct as far as the actual amount of Laundry is concerned.

With regard to Coláiste Íde, Dingle, I would like to make a few remarks. The Washing only came four Weeks in all, so that there is still the small sum of 6/5 (being amount for 1<sup>st</sup> week of November) due. In each of these weeks, the carriage was almost equal to or exceeded the

57. The Department did not accede to this request by the Magdalen Laundry at Peacock Lane for the Department to pay the costs of carriage for the laundry services provided prior to termination of the contract. An internal instruction issued that the institution should be informed that the contract had included the cost of collection and delivery of laundry and that the Department could not “pay the cost (or any portion thereof) of the rail expenses to and from Dingle”.<sup>36</sup>

58. A letter to that effect (cleared by the Departmental Accountant) issued to the Superintendent of Peacock Lane Laundry, as follows:

“A Bhean Uasail

In reference to your letter of the 14<sup>th</sup> instant, I am directed to inform you that the quotations accepted by this Department as part of the contract for laundry from Coláiste Íde Dingle included the cost of collection and delivery from Cork railway and payment of railway fare to and from Dingle. In these circumstances it is regretted that this Department

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amount charged for washing. Of course, we could not have known beforehand that only a few articles (House and Table Linen) would be sent to our Laundry. Each time we got 6 Table-Cloths, which were unusually large and heavy, and no small articles, which would have helped to pay for the carriage.

I sent a letter asking the Office to pay the Carriage, and was told the matter would be looked into, and was under consideration. In all we paid £1.17.3 in Railway Carriage, on laundry valued at £2.12.0, so you see we were at a loss. We are a charitable institution and find it no easy matter to maintain a House with close on 100 women, many of them being old and infirm, so I trust that the matter will receive due consideration.

Of course, I am well aware, that the Educational Office are in no way bound to do this, and that we must keep to the letter of our Contract. At the same time, I think, that they would not wish us to be at a loss. In any case, no harm can be done by laying the facts before them.

Awaiting your reply and with every best wish for Xmas.

Yours sincerely, Laundry Superintendent”.

<sup>36</sup> Internal Department of Education note dated 12 December 1928. File ref ED12/19817, “Laundry Contract August 1928 Applications for Tender Forms”.

cannot pay the cost (or any portion thereof) of the rail expenses to and from Dingle".<sup>37</sup>

*Tender process and contracts awarded for the 1929/1930 and 1930/1931 terms*

59. In 1929, all contracts in relation to Preparatory Colleges were terminated – this affected the Magdalen Laundry at Peacock Lane, the institutional Laundry at Henrietta Street and the commercial Connacht Laundry. Fresh tenders were invited in all cases.<sup>38</sup>

60. Although records of tenders for the Dublin-based Colleges have not been found, the Committee has confirmed from other records that contracts for these Colleges were awarded in October 1929 to the Magdalen Laundry at Donnybrook and the institutional laundry at Henrietta Street.<sup>39</sup>

61. Records of the tender process conducted by the Department of Education for the Galway-based Preparatory College were also identified by the Committee.<sup>40</sup> Two tenders were submitted to the Department – one by the "Magdalen Asylum, Galway", and a commercial laundry called The Connacht

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<sup>37</sup> Letter dated 19 December 1928 from the Department of Education to St Mary Magdalen's Laundry, Peacock Lane, Cork. File ref ED12/19817, "Laundry Contract August 1928 Applications for Tender Forms".

<sup>38</sup> Letters of 27 September 1929 terminating contracts as and from 5 October 1929, to:

- Connacht Laundry re Coláiste Einne
- Peacock Lane re Coláiste Mumhan
- Henrietta Street re Colaiste Moibhi, Marlborough House, Glasnevin and Colaiste Brighde, Talbot House, Dublin.

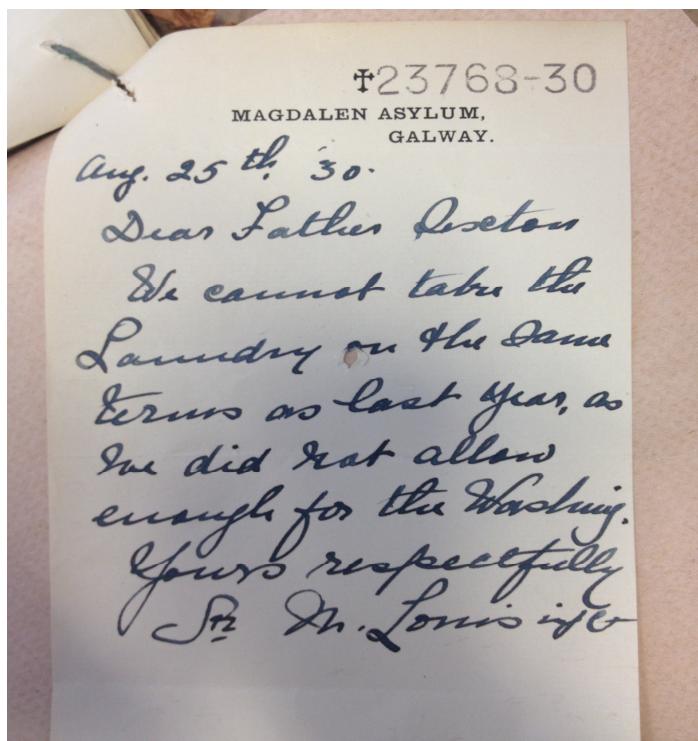
All letters referred to "paragraph IX of the Laundry Form of Agreement and to notify you in accordance therewith that the said contract is to terminate as from Saturday the 5<sup>th</sup> October 1929".

<sup>39</sup> Note to the Government Contracts Committee dated 6 October 1930. File ref ED12/26182 "Colaiste Einne, Conradh le haghaigh nigheachain, Deire Fomhair 1930"

<sup>40</sup> File ref ED12/26182 "Colaiste Einne, Conradh le haghaigh nigheachain, Deire Fomhair 1930"

Laundry<sup>41</sup>, with the contract awarded to the Magdalen Laundry, which was the lower of the two tenders received.

62. The Magdalen Laundry, Galway, operated the contract for laundry services to the College throughout the 1929/1930 school term, but in August 1930 contacted the College to inform that “We cannot take the laundry on the same terms as last year as we did not allow enough for the washing”.<sup>42</sup>



*Letter from “Magdalen Asylum, Galway” to Coláiste Éinne regarding laundry services contract it had been awarded by the Department of Education*

63. Although the contract concluded with the Magdalen Laundry, Galway, in October 1929 did not include a termination date, following consultations between the Department of Education and the Secretary to the Government

<sup>41</sup> Tender by the Magdalen Laundry dated 17 September 1929; tender by The Connacht Laundry dated 19 September 1929. Both tenders on file ref ED12/26182 “Colaiste Einne, Conradh le haghaigh nigheachain, Deire Fomhair 1930”

<sup>42</sup> Note dated 25 August 1930, file ref ED12/26182 “Colaiste Einne, Conradh le haghaigh nigheachain, Deire Fomhair 1930”

Contract Committee, tenders were by letters of 26 September 1930 invited from both the Magdalen Laundry Galway and the (commercial) Connacht Laundry for a new Contract to provide for laundry services to Coláiste Éinne in the coming year.<sup>43</sup>

64. Tenders were duly received from both laundries<sup>44</sup> and analysed on an item-by-item basis. On the basis of analysis of those tenders by the Department, it was estimated that the (commercial) Connacht Laundry would be approximately £ 9 cheaper per year than the Magdalen Laundry.

65. Accordingly – and following clearance up the line within the Department<sup>45</sup> and also submission, as required, to the Government Contracts Committee for

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<sup>43</sup> Letter dated 26 September 1930 to the Magdalen Asylum, Galway, from the Department of Education, file ref ED12/26182 "Colaiste Einne, Conradh le haghaigh nigheachain, Deire Fomhair 1930". Letter as follows:

"Referring to your letter of the 25<sup>th</sup> ultimo to the principal, Coláiste Éinne regarding the question of the laundry contract for that college, you are invited to submit a tender (on the attached form) for the collection, laundering and redelivery to that college of the items specified in the accompanying schedule for the period commencing on 1<sup>st</sup> October 1930 or approximate date thereafter. Approximate number in college 35 persons".

Equivalent letter dated 26 September 1930 issued to the Connacht Laundry from the Department of Education.

<sup>44</sup> Id. Tenders dated 29 September 1930 in both cases.

<sup>45</sup> Internal Department of Education Note

"Laundry work for Coláiste Einne na Forbacha"

In 1929 tenders for the performance of the laundry work of Colaiste Einne were received from the two Galway Laundries viz

- A. the Magdalen Asylum Laundry
- B. The Connacht Laundry

A contract was made with the former from 1<sup>st</sup> October 1930 but no definite date for its termination was specified. The agreement provided that the Contract might be terminated by the Minister without assigning any cause on a week's notice.

In August last the Sister in Charge of the Magdalen Asylum intimated that they could not take on the laundry for this year on the same terms.

I discussed the matter with the Secretary of the Government Contract Committee who suggested that we should invite tenders from the Galway Laundries for a new Contract without going to the expense of advertising in the Press as the freight charges would not

clearance, the Department terminated the existing contract of the Magdalen Laundry, Galway, and concluded a new contract with the (commercial) Connacht Laundry.

66. The Note by which the matter was submitted to the Government Contracts Committee for approval sets the question out as follows:

"I am directed to refer to the question of the performance of the laundry work of Coláiste Éinne, the Preparatory College for boys at Furbough, Galway, for which a contract was made by this Department with the Magdalen Asylum, Galway, as from October 1929. A communication has recently been received from the Sister in charge of that Laundry intimating that they cannot take on the work for the current year on the same terms as last year. Fresh tenders were then invited from the two Galway laundries – the Magdalen Asylum Laundry and the Connacht Laundry – copies of which are submitted herewith.

No tenders were sought from laundries in Dublin or other distant centres as the heavy freight charges would not permit of their tendering at favourable prices. In the case of the heavier items the household

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permit of laundries in Dublin or other distant centres tendering at any more favourable terms.

Tenders have now been received from two Galway Laundries. The Connacht Laundry has considerably reduced its prices since 1929 while the Magdalen Asylum prices have been increased.

An analysis of the prices, having regard to the frequency with which the various items on the list are sent out, shows that the Connacht Laundry charge would be about £9.5.- per annum less than the Magdalen Asylum Laundry.

It is proposed accordingly

- (1) To give the Magdalen Asylum Laundry one week's notice of the termination of the existing Contract and
- (2) To enter into a new Contract with the Connacht Laundry.

The total annual cost of the service at the prices quoted would be about £55. The Connacht Laundry had the Contract during the 1928/1929 school year and according to the Principal of the College they did more satisfactory work than the Magdalen Asylum".

linen (bed linen, table cloths etc), the cost of transit alone from the College to Dublin and back again (about 19s.4d per cwt.) would almost equal the laundry charges, and in the case of the lighter items, boys clothes etc the freight charges would represent more than one third of the laundry charges.

An analysis of the prices in the two tenders obtained (copies of the tender forms attached) having regard to the frequency with which the various items on the schedule are sent out, shows that the Connacht Laundry prices would be about £9.5.0 per annum less than the Magdalen Asylum Laundry. The total cost of the service at the prices quoted by the Connacht Laundry would be about £58 per annum.

It is, accordingly, proposed, subject to the approval of the Government Contract Committee, to enter into a new contract – with the Connacht Laundry – for the laundry work of Coláiste Éinne in respect of the period commencing on or about 20<sup>th</sup> instant".<sup>46</sup>

67. A subsequent letter from the Secretary of the Government Contracts Committee confirmed that the Committee "saw no reason to comment on the procedure proposed in regard to Coláiste Éinne, Furbough, where it was proposed to accept the lower of the two tenders received".<sup>47</sup>

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<sup>46</sup> Note dated 6 October 1930, F16252 addressed to the Secretary, Government Contracts Committee from the Department of Education. File ref ED12/26182 "Colaiste Einne, Conradh le haghaigh nigheachain, Deire Fomhair 1930".

The Note also addressed another issue, namely the form of tender in use (which question "had been deferred pending the outcome of discussions regarding one of the clauses of the "condition of contract".") This matter is considered in the context of the 'fair wages' clause, addressed in this Report at Chapter 8.

The Note also included a proposal on the continuance of the existing contracts in Dublin with the Magdalen Laundry operated at Donnybrook, and the institutional laundry at Henrietta Street, which question is addressed in this Report in the following paragraphs.

<sup>47</sup> Letter dated 20 October 1930 from the Secretary of the Government Contracts Committee to the Secretary General of the Department of Education, including extract from the Minutes of the Government Contracts Committee meeting of 16 October 1930. File ref ED12/26182 "Colaiste Einne, Conradh le haghaigh nigheachain, Deire Fomhair 1930".

68. As such, the Department of Education proceeded to terminate the contract awarded to the Magdalen Laundry, Galway and concluded a new contract with the Connacht Laundry.<sup>48</sup>

69. The letter issued to the Magdalen Laundry in Galway said as follows:

"Colaiste Einne Furbough – re laundry contracts"

A Bhean Uasal

With reference to the Agreement entered into with you in October 1929, for the performance of the Laundry Work of the above-named College and to your communication of 25<sup>th</sup> August last to the Principal of the College intimating your inability to continue the work at the existing prices, I am directed to give notice, in accordance with the terms of Article IX of the Agreement, of the termination of this Agreement as from 3rd instant. The Principal of the College is being notified accordingly".<sup>49</sup>

70. The standard letter giving notice of acceptance of tender was issued to the (commercial) Connacht Laundry on the same date<sup>50</sup> and the College was notified of the alteration of arrangements for its laundry services on the same date.<sup>51</sup>

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<sup>48</sup> Letters of 22 October 1930 in both cases, File ref ED12/26182 "Colaiste Einne, Conradh le haghaidh nigheachain, Deire Fomhair 1930".

<sup>49</sup> Letter dated 22 October 1930 from Department of Education to Magdalen Laundry, Galway. Id.

<sup>50</sup> Letter dated 22 October 1930 from Department of Education to the Connacht Laundry, Galway. Id.

"AB Goodbody Esq, The Connacht Laundry, Galway

A chara

I am authorised by the Minister for Education to refer to the Tender dated the 29<sup>th</sup> September 1930 submitted by you for the performance of the Laundry Work for Colaiste Einne, Furbough, Galway, and to inform you that, subject of the specifications and conditions of contract which are embodied with the said Tender (and copies of which specifications and conditions are herewith enclosed) your Tender is accepted for the performance of the Laundry Work of the said College as from the 1<sup>st</sup> November 1930. Mise le meas"

<sup>51</sup> Letter dated 22 October 1930 from Department of Education to the Principal, Coláiste Éinne. Id.

71. The Connacht Laundry continued to perform the contract for laundry services to Coláiste Éinne until the College was transferred to Dublin.<sup>52</sup>

72. The possible continuance for a further year of the contracts awarded in 1929 in respect of the laundry work of two Dublin-based Colleges was also put before the Government Contracts Committee in October 1930.

73. In that regard, a note of the Department of Education to that Committee detailed as follows:

“In regard to the contract made in October 1929, in respect of the laundry work of the two permanent Preparatory Colleges in Dublin, Coláiste Caoimhín and Coláiste Moibhí, I am to say that from discreet inquiry made by this Department it would not appear that any more favourable terms could be obtained and it is accordingly proposed to continue for the present the existing contract which is divided between the St Mary Magdalen Laundry, Donnybrook, and Our Lady’s Home Laundry, Henrietta Street”.<sup>53</sup>

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“Táim ag cur chugat mar eolas duit –

- (1) Cóib de litir a seholadh chuig Magdalen Asylum Laundry ag cur deire leis an gconnradh atá ann fé láthair le haghaidh nigheachain an Choláiste agus
- (2) Cóib de litir a seoladh chuig an Connacht Laundry ag deanamh connartha nua le haghaidh na hoibre sin ó 1.11.1930”.

<sup>52</sup> Letter dated 12 January 1931 from Department of Education to the Connacht Laundry

“A chara, With reference to the Agreement entered into with you in October 1930 for the performance of the Laundry work of Colaiste Einne, Furbough, I am directed to inform you that arrangements are being made for the temporary transfer of the College to Talbot House, Dublin and I am accordingly to give notice in accordance with Article IX OF THE Agreement of the termination of this Agreement as from the 31<sup>st</sup> instant”.

<sup>53</sup> Note dated 6 October 1930, F16252 addressed to the Secretary, Government Contracts Committee from the Department of Education. File ref ED12/26182 “Colaiste Einne, Conradh le haghaidh nigheachain, Deire Fomhair 1930”.

74. Following their next meeting, the Secretary of the Government Contracts Committee confirmed in writing to the Department of Education that a different view had been taken by the Committee in relation to continuance of these contracts. The minutes of the Committee meeting provided, in pertinent part:

“In regard to the laundry work for the two permanent Colleges in Dublin – Coláiste Caoimhín and Coláiste Moibhí – where it was proposed to continue the existing contract, Mr Moran mentioned that the Army Laundry, Parkgate, could undertake more work than it was getting at present and, after discussion, the Committee agreed that it should be given an opportunity of quoting for the work”.<sup>54</sup>

75. Invitations to tender were accordingly issued in December 1930 for contracts for laundry services to the Dublin-based Preparatory Colleges to:

- the Department of Defence Laundry GHQ, Parkgate Street;
- St Mary Magdalen’s Laundry, Donnybrook ;
- Our Lady’s Home, Henrietta Street (institutional laundry).<sup>55</sup>

76. In each case the invitation was as follows:

“You are invited to submit tenders (on attached forms) for the collection, laundering and re-delivery to the above-named Preparatory Colleges, of the laundry items specified in the accompanying schedules in respect of the period commencing on 1 January 1931 or approximate date thereafter. The tender forms should be sealed in the enclosed envelope addressed to the officer in charge of contracts, Office of

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<sup>54</sup> Letter dated 20 October 1930 from the Secretary of the Government Contracts Committee to the Secretary General of the Department of Education, including extract from the Minutes of the Government Contracts Committee meeting of 16 October 1930. File ref ED12/26182 “Coláiste Éinne, Conradh le haghaigh nigheacháin, Deire Fomhair 1930”.

<sup>55</sup> File ref ED12/26550, “Na Coláistí Ullmhucháin i mBaile Átha Cliath, Connraidh nua le haghaidh nigheacháin 1930-31-32”.

National Education, Marlborough Street, Dublin, so as to reach him not later than twelve o'clock noon on Friday 12 December 1930".<sup>56</sup>

77. Tenders for either all available work or a portion thereof were received from all three invited contractors.<sup>57</sup>

78. In a manner similar to tender assessments in earlier years, the Department of Education carried out an item-by-item analysis of the respective costs of the tenders received. A spreadsheet was created to detail all tendered amounts to determine the best overall complete price (having regard also to the volume of work estimate for the College). On the basis of that analysis, the laundry services contracts for both Coláiste Caoimhín and Coláiste Moibhí were awarded to the Henrietta Street institutional Laundry, rather than to either the Magdalen Laundry at Donnybrook or the Department of Defence Parkgate Street Laundry.<sup>58</sup>

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<sup>56</sup> Id. Letter of 1 December 1930

<sup>57</sup> Tenders under cover of letter dated 12 December 1930 from Department of Defence Laundry, Parkgate Street to Department of Education in connection with all three Dublin-based Preparatory Colleges then in existence- Coláiste Moibhí, Coláiste Éinne and Coláiste Caoimhín. File ref ED12/26182.

Tenders dated 10 December 1930 received from St Mary Magdalen's Laundry Donnybrook, File ref ED12/26550.

Tenders dated 11 December 1930 received from Henrietta Street Laundry, File ref ED12/26550.

<sup>58</sup> Contracts awarded by letters dated 17 January 1931 from the Department of Education to Henrietta Street Laundry. File ref ED12/26550.

*Analysis by the Department of Education of relative costs of tenders received, 1931*

## *Tender process and contracts awarded for 1931/1932 term*

79. The by-then established tender process was again carried out for the 1931/1932 school term. An invitation to tender was issued by the Department of Education, in respect of the three Dublin-based Preparatory Colleges, to three contractors – Donnybrook (Magdalen Laundry), Henrietta Street (institutional laundry) and the Department of Defence Parkgate Street Laundry.<sup>59</sup>

<sup>59</sup> Letter dated 22 December 1931, File ref ED12/26550. Letter provided:

## “Colaiste Caoimhin, Glasnaoidhean

Colaiste Moibhi, Glasnaoidhean

Colaiste Einne, Teach Talboid, Ath Cliath

80.Tenders were received from all three invited contractors for at least a portion of the available laundry services contracts.<sup>60</sup>

81.An item-by-item analysis on the tenders was carried out by the Department, with the contracts awarded to the lowest tenders – which included one contract to the Magdalen Laundry (Donnybrook) as well as one to the institutional laundry at Henrietta Street – to the exclusion of the Defence Forces Laundry.<sup>61</sup>

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You are invited to submit tenders on attached forms for the collection, laundering and re-delivery to the above named Preparatory Colleges of the laundry items specified in the accompanying schedules in respect of the period commencing on 1<sup>st</sup> January 1932 or approximate date thereafter.

The tender forms should be sealed in the enclosed envelope addressed to the Officer in Charge of the Contracts, Office of National Education, Marlborough Street, Dublin, so as to reach him not later than twelve o'clock noon on Monday, 4<sup>th</sup> January, 1932.

Our Lady's Home,  
10 Henrietta Street Dublin

St Mary Magdelen's Laundry  
Donnybrook, Dublin

Officer in Charge  
Laundry  
GHQ Parkgate, Dublin".

<sup>60</sup> Tenders dated 1 January 1932 from the Department of Defence Laundry, Parkgate Street; tenders dated 2 January 1932 from Henrietta Street Laundry; and a tender dated 1 January 1932 from the Magdalen Laundry operated at Donnybrook. File ref ED12/26550

<sup>61</sup> File ref ED12/26550

*Analysis by the Department of Education of relative costs of tenders received, 1932*

82. Approval was, as required, sought from the Government Contracts Committee. By note to the Secretary of the Committee the Department of Education set out the results of its analysis on costs, stating as follows (in pertinent part):

“The following statement shows the amount of the tenders calculated on the estimated requirements of the Colleges:

Colaiste Caoimhin, Glasnevin and Colaiste Einne, Talbot House

Total 220 persons – Boy's Colleges

Our Lady's Home Henrietta St     All laundry work     £ 305.10.0

Army Laundry Parkgate St      All laundry work      £ 450.10.0

Total – 67 persons (55 girls and maids and 12 boys)

Our lady's home      Boy's personal laundry      £12.6.-

Army Laundry      [Boy's personal laundry]      £19.-.-

Note: St Mary Magdalen's Laundry did not tender for this portion of the work

St Mary Magdalen's Laundry      Household and girls      £155.14.-

Donnybrook      personal laundry

Army laundry      [Household and girls      £229.7.-  
personal laundry]

Note: Our Lady's Home Laundry did not tender for this portion of the work

It is proposed to accept the lower tender in each case as set out in the accompanying Schedule GCC No.3".<sup>62</sup>

83. The proposed approach was approved by the Government Contracts Committee:

"Minute 4513 – The Committee approved of the placing of the following contracts by the Department of Education

Our Lady's Home      All laundry work for Colaiste Caoimhin      £317.16.0  
Henrietta St      and Colaiste Einne and boys' laundry      estimated  
Dublin      work for Colaiste Moibhi

St Mary Magdalen's      Household and girls' laundry work      £155.14.0  
Asylum Donnybrook      work for Colaiste Moibhi      estimate<sup>63</sup>

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<sup>62</sup> Note dated 5 January 1932 from Department of Education to the Secretary, Government Contracts Committee. File ref ED12/26550

<sup>63</sup> Letter dated 15 January 1932 from the Secretary to the Government Contracts Committee to the Department of Education, attaching extract from the "Proceedings of the Government Contracts Committee meeting 7 January 1932". File ref ED12/26550

84. Contracts were subsequently concluded along those lines, with the result that the Department of Education awarded a tender to the Magdalen Laundry at Donnybrook for a portion (household and girls personal laundry) of one of the Dublin Preparatory Colleges.<sup>64</sup> Although payment orders have not been found by the Committee, the estimated value of the contract for the year was £155.14.0.

*Tender process and contracts awarded, 1944-1961*

85. A number of other records were also identified in relation to laundry contracts awarded by the Department from the 1940s onwards. The records identified cover the period from 1944 to 1961 and include invitations to tender, tender documents and contracts awarded for one of the Preparatory Colleges.<sup>65</sup>

86. From 1944 to 1949, two Magdalen Laundries – the Good Shepherd Laundries at Cork and Limerick – were among the total number of five laundries (including commercial laundries) invited to tender by the Department of Education for the available laundry services contract.<sup>66</sup>

87. From 1949 to 1959, the Good Shepherd Magdalen Laundry at Cork was no longer invited to tender, although the Limerick Magdalen Laundry remained among those invited to tender. With one exception (which is detailed below),

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<sup>64</sup> Letter dated 15 November 1932 from Department of Education to the Superioress, St Mary Magdalen's Laundry, Donnybrook. File ref ED12/26550. (Notice of acceptance of tender for Colaiste Moibhi)

"I am authorised by the Minister for Education to refer to the Tender dated the 1<sup>st</sup> day of January 1932 submitted by you for the performance of the Laundry work for Coláiste Moibhí, Glasnevin and to inform you that, subject to the specifications and conditions of contract which are embodied with the said Tender (and copies of which specifications and conditions are herewith enclosed), your tender is accepted for the performance of portion of the Laundry work of the said college as specified in the accompanying list, as from the present to the 31<sup>st</sup> December 1932".

<sup>65</sup> File Reference CU 68027

<sup>66</sup> E.g. invitation to tender, 29 November 1944 issued to 5 laundry contractors: 2 Magdalen Laundries (Good Shepherd Sunday's Well; Good Shepherd Limerick), the Mercy Convent Laundry, Killarney, the Steam & Electric Laundry Tralee, and the Shannon Laundry, Limerick. File Reference CU 68027

neither of the Good Shepherd Magdalen Laundries was successful in having a tender accepted in any of these years. The contracts were awarded instead to the Steam & Electric Laundry Tralee.<sup>67</sup>

88. For instance, following its tender in 1944, which was not the lowest tender received, a standard letter rejecting its tender was issued to the Good Shepherd Magdalen Laundry, Sunday's Well:

“A chara, I beg to inform you that your Tender dated 9 December 1944 for the performance of the Laundry Work of Colaiste Ide, Dingle, in the twelve months period commencing 1 January 1945 has been considered and that it is declined with thanks”.<sup>68</sup>

89. The Magdalen Laundry at Sunday's Well again tendered in 1945 for the 1946 contract.<sup>69</sup> The cost of its tender was analysed on an item-by-item basis against the only other tender received and, as in the previous year, was rejected.<sup>70</sup>

90. Precisely the same process occurred in 1946, in relation to the 1947 contract. Although a cover note to its tender made an indirect reference to the nature of the Good Shepherd Magdalen Laundry<sup>71</sup>, the decision of the Department of

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<sup>67</sup> As above - laundry operated by the Sisters of Mercy, utilising employees who were paid Trade Union wages

<sup>68</sup> Letter dated 21 December 1944 from Department of Education to Good Shepherd Sunday's Well Cork. File Ref CU 68027.

<sup>69</sup> Tender dated 10 December 1945. File Ref CU 68027.

<sup>70</sup> Letter dated 21 December 1945 from Department of Education to Good Shepherd Sunday's Well Cork. File Ref CU 68027.

“A Chara

I beg to inform you that your Tender dated 10<sup>th</sup> December 1945 for the performance of the Laundry work of Colaiste Ide, Dingle, in the twelve months period commencing 1 January 1946 has been considered and that it is declined with thanks”.

<sup>71</sup> Cover note dated 30 November 1946 from the Good Shepherd Laundry, Sunday's Well, Cork, to the Department of Education. File Ref CU 68027.

Education on which contractor to award the contract again occurred solely on the basis of price: as in previous years, an internal spreadsheet was created to analyse each individual laundry item and to come to a view on which tender was cheapest. On that basis, the contract was again awarded to the Steam & Electric Laundry Tralee and not to the Magdalen Laundry. A rejection letter again issued to the Sunday's Well Magdalen Laundry from the Department of Education.<sup>72</sup>

91. The tender process of 1947 (for the year 1948) evolved differently. An invitation to tender issued to the same five laundry contractors as in previous years, with a return date of 3 December 1947.<sup>73</sup> The Magdalen Laundry at Sunday's Well, Cork, submitted a tender for the laundry services prior to the closing date.<sup>74</sup> The Steam & Electric Laundry, Tralee (holder of the contracts awarded until that point) submitted a tender dated 6 December 1947, i.e. 3 days after the closing date.<sup>75</sup>
92. An internal Departmental memorandum detailed that only one tender (Magdalen Laundry, Sunday's Well, Cork) had been received by the due date. The Memorandum noted that the tender submitted after the closing date by

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"Dear Sir, We enclose Tender for Laundry Contract. We trust you will be kind enough to let us have it for 1947, as we appreciate your kind assistance to help on our good work.  
Thanking you, yours sincerely"

<sup>72</sup> Letter dated 10 December 1946 from Department of Education to the Good Shepherd Magdalen Laundry, Sunday's Well, Cork. File ref: CU 68027.

"Good Shepherd Convent, Sunday's Well, Cork

A Chara, I beg to inform you that your tender dated 25<sup>th</sup> November for the performance of the Laundry work of Colaiste Ide, Dingle, in the twelve month period commencing 1 January 1947 has been considered and that it has been declined with thanks. Mise, M O'Flathartaigh".

<sup>73</sup> Letter dated 25 November 1947 from the Department of Education to the 5 laundry contractors named above

<sup>74</sup> Tender dated 1 December 1947. File ref CU 68027.

<sup>75</sup> Tender dated 6 December 1947. File Ref Id.

the Steam & Electric Laundry was “i bhfad níos saoire” (“much more cheap”) than the tender made by Sunday’s Well Laundry.<sup>76</sup>

93. The matter went, as required, to the Government Contracts Committee, which decided that in accordance with the terms of the tender, it would be necessary to award the contract to the Good Shepherd Laundry at Sunday’s Well, as the only tender submitted on time.<sup>77</sup>

94. However just as had occurred in the 1920s when the Magdalen Laundry at Peacock Lane, Cork, had secured the contract, the practicalities and cost of carriage from the Preparatory College to the Laundry became a difficulty. After award of the contract, the Magdalen Laundry at Sunday’s Well sent a letter to the Department suggesting that laundry could be carried out on a fortnightly basis only; and requesting the Department pay the cost of carriage of the laundry on one side of the journey from the College to the Magdalen Laundry.<sup>78</sup>

95. Following consideration (and consultation with the College in question regarding the desired frequency of laundry collection and delivery), a response issued from the Department to the Magdalen Laundry at Sunday’s Well, confirming that weekly collection and delivery of laundry was required; and refusing to cover any portion of the costs of carriage of the laundry:

“... I am directed to state that the college authorities require that the laundry be collected and delivered once a week. In your letter under reply you state that owing to the distance of Cork city from Dingle delivery could only be made once a fortnight.

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<sup>76</sup> Internal Departmental Memorandum, notes dated 17 December 1947 and 18 December 1947. File Ref Id.

<sup>77</sup> Id.

<sup>78</sup> Letter 23 December 1947 from Good Shepherds Laundry, Sunday’s Well, Cork, to the Department of Education. File ref: CU 68027.

In regard to your query as to whether it would be possible to pay freight one way, I am to say that under the terms of the agreement for the performance of the laundry work of Preparatory Colleges the contractor agrees to collect, launder and re-deliver the articles described in the schedule attached at the prices stated in that schedule. In the circumstances the Department could not pay the cost of freight either way.

I am accordingly to request you to state whether you are prepared to have the laundry work of Coláiste Ide performed in accordance with these conditions viz. to delivery the laundry once a week and to pay freight of same to and from the college. An early reply in the matter will oblige".<sup>79</sup>

96. By return letter, the Reverend Mother at the Magdalen Laundry at Sunday's Well, Cork, indicated only that:

"we have made full enquiries at the Railway and owing to the distance it would be impossible to have Laundry delivered within the week. Thanking you. Yours sincerely".<sup>80</sup>

97. The response of the Department was to withdraw the contract by indicating that:

"it is regretted that the Department cannot accept your tender for the performance of the laundry work of Coláiste Ide during the current calendar year".<sup>81</sup>

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<sup>79</sup> Letter dated 7 January 1948 from Department of Education to Good Shepherd Magdalen Laundry, Sunday's Well, Cork. File ref: CU 68027

<sup>80</sup> Letter dated 8 January 1948 from Good Shepherd Magdalen Laundry, Sunday's Well, Cork, to Department of Education. Id

<sup>81</sup> Letter dated 12 January 1948 from Department of Education to Good Shepherd Magdalen Laundry, Sunday's Well, Cork. Id.

"A Chara

By letter of the same date, a contract was concluded by the Department with the Steam & Electric Laundry, Tralee.<sup>82</sup>

98. From that point onwards, the Good Shepherd Magdalen Laundry at Sunday's Well, Cork, was not invited to tender by the Department for laundry services contracts for the relevant Preparatory College.<sup>83</sup> The remaining contractors continued to be invited to tender on an annual basis until 1957, at which point the Mercy Convent Laundry, Killarney (not a Magdalen Laundry) was dropped from the invitation to tender. Subsequently, in 1959, the Good Shepherd Magdalen Laundry Limerick (which had never submitted a tender for this contract) was also dropped from the list of contractors invited to tender.<sup>84</sup> Contracts continued to be awarded on an annual basis until 1961, when it was decided that the relevant College would cease to be a Preparatory College and Departmental responsibility for its laundry services ceased.<sup>85</sup>

*Additional laundry contracts awarded by the Department of Education*

99. The Committee also identified two Department of Education files relating to contracts for laundry services for the detention centre at Summerhill, Dublin and at Marlborough House, Glasnevin.<sup>86</sup>

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With reference to previous correspondence in regard to the tender submitted by you for the performance of the laundry work of Colaiste Ide, Dingle, I am directed to state that it is noted from your letter of the 8<sup>th</sup> instant that owing to the distance of Cork City from Dingle, it would be impossible to have the laundry delivered within the week at the College. In the circumstances it is regretted that the Department cannot accept your tender for the performance of the laundry work of Colaiste Ide during the current calendar year. Mise le meas, R Freamain"

<sup>82</sup> Letter dated 12 January 1948 from Department of Education to the Steam & Electric Laundry, Tralee. Id.

<sup>83</sup> E.g. invitation to tender transmitted by letter dated 7 December 1948 to only 4 laundry contractors, excluding Sunday's Well. File ref: CU 68027

<sup>84</sup> File ref: CU 68027

<sup>85</sup> File ref: CU 68027

<sup>86</sup> Files PD/01 and PD/02. The Summerhill facility was closed in 1944 at which point Marlborough House, Glasnevin was opened.

100. These files demonstrate that two Magdalen Laundries – High Park and Sean McDermott Street (formerly Gloucester Street), both operated by the Sisters of Our Lady of Charity, were awarded contracts for laundry services for the offices for periods from the 1920s until the 1940s. The file demonstrates, in a similar way to those laid out above in relation to the Preparatory Colleges, that the Department sought quotations for all contracts awarded; secured price-lists and analysed the comparative cost of these and other laundries, before awarding the contracts in question.

### **C. Defence Forces use of the laundry services provided by Magdalen Laundries**

101. Records were also identified by the Committee in relation to the use by the Defence Forces of the laundry services provided by the Magdalen Laundries. The following information was identified in the archives of the Department of Defence and the Defence Forces military archives.
102. It can first be noted that a series of four Parliamentary Questions were asked of the Minister for Defence over the space of 4 months in 2010 relating to use by the Defence Forces of laundry services provided by institutional laundries, including Magdalen Laundries.<sup>87</sup> The questions in all

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<sup>87</sup> **PQ 28567/10, 30 June 2010:**

Deputy Michael Kennedy asked the Minister for Defence if he will make public the names of all institutional laundries in receipt of State contracts for Army laundry after 1941; the length of time the policy of affording such contracts to institutional as distinct from commercial laundries continued after 1941; if fair wage clauses were inserted in such contracts awarded to institutional laundries; and if he will make a statement on the matter.

Response of Minister for Defence Killeen:

“The information sought by the Deputy refers to contracts that were in place up to almost 70 years ago. In the short space of time available for answer, it has not been possible to establish the extent to which the records still exist and, if so, to locate them. However, the Department will seek to locate relevant records and will correspond directly with the Deputy in this regard in the near future”.

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**PQ 29887/10, 6 July 2010:**

Deputy Kathleen Lynch asked the Minister for Defence the length of time the Defence Forces were using the services of institutional laundries such as Magdalene Laundries, as distinct from commercial laundries, post-1941; and if he will make a statement on the matter.

Response of the Minister for Defence Killeen:

"I would refer the Deputy to Parliamentary Question number 28567/10 of Wednesday, 30 June 2010 in which I said that the information sought by the Deputy refers to contracts that were in place up to almost 70 years ago. In the short space of time available for answer, it has not been possible to establish the extent to which the records still exist and, if so, to locate them. However, the Department will seek to locate relevant records and will correspond directly with the Deputy in this regard in the near future".

**PQ 36540/10, 13 October 2010:**

Deputy Kathleen Lynch asked the Minister for Defence when this Deputy can expect to receive the information promised in Parliamentary Question No. 475 of 6 July 2010; and if he will make a statement on the matter.

Response of the Minister for Defence Killeen:

"The Department has now completed a review of the contents of available files that were located following a review of file listings. Given that the initial question related to contracts that may have been placed up to seventy years ago, there was very little material found that referred to institutional laundries and much of what is available is incomplete. It is clear however from a review of the files that such laundries had tendered for the award of contracts from the Department. However, it has not proven possible to confirm whether any institutional laundry was actually awarded a contract".

**PQ 39261/10, 27 October 2010:**

Deputy Michael Kennedy asked the Minister for Defence if he will provide the dates on which tenders were received from Magdalene Laundries; the way in which the Department was cognisant of the fair wages clause in such tender contracts; and if he will make a statement on the matter.

Response of the Minister for Defence Killeen:

"The Department recently examined the contents of relevant files that were located following a review of file listings. Given that the initial question related to contracts that may have been placed up to seventy years ago, there was very little material found that referred to institutional laundries and much of what is available is incomplete. It is clear however from the review of files that some institutional laundries had tendered for the award of contracts from the Department. It is apparent from the files that a St Mary's Laundry (location and status unknown) had tendered for a laundry contract in 1975 but was

cases sought information relating to any possible contracts after 1941, which was the year in which a former Minister for Defence had confirmed that Defence Forces contracts for that year for Dublin and Cork District barracks and posts had been awarded to unspecified ‘institutional laundries’.<sup>88</sup>

103. The replies to the first two relevant 2010 Parliamentary Questions noted that the information sought related to contracts that had been in place up to 70 years previously and that identifying the extent to which records might

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unsuccessful. There are also references on file to the fact that the Magdalene Laundry in Galway had been unsuccessful in a tender competition held in 1981. It is also apparent from the files that High Park Laundry, Drumcondra and Gloucester Street Laundry, Sean McDermott Street had approached the Department in 1978 asking that they be included on the list of laundries invited to tender for future contracts.

In relation to fair wages, there is a reference on file to a meeting that took place in July 1982 regarding laundry contracts and it is clear that the fair wages clause, as it applied to “Convent Laundries”, was discussed.

The files that are the basis for the information contained in this response are not readily available owing to the Departments imminent relocation to Newbridge. When the files in question become available, I could, if requested, arrange for officials from the Department to meet with the Deputy to show him the relevant records that have been located and which form the basis of this response”

<sup>88</sup> PQ 34/41 of 7 May 1941

Mr. Hickey: asked the Minister for Defence if he will state whether any and, if so, which Army laundry contracts hitherto held by commercial laundries have been placed with institutional laundries during each of the last three years and the number of such contracts now subsisting; whether a fair labour or a fair wages clause has been inserted in all contracts made with institutional laundries and whether he will state what steps are taken to ensure that the work contracted for is performed under trade union conditions and that trade union rates of wages are paid to the workers employed on such contracts.

Minister for Defence (Mr. Traynor): No Army laundry contracts previously held by commercial laundries were placed with institutional laundries during any of the last three years. For the current year, that is for the 12 months which commenced on the 1st ultimo, contracts for Dublin district barracks and posts, including Baldonnel Aerodrome, and for Collins Barracks, Cork, which were previously held by commercial firms, have been placed with institutional laundries. As, however, these contracts contain a fair wages clause, I am having the matter reconsidered and will communicate further with the Deputy as soon as practicable.

still exist, and their location, would take some time.<sup>89</sup> Following searches, some relevant files relating to Departmental contracts were identified and information placed on the record of Dáil Éireann regarding unsuccessful tenders by a small number of institutional laundries for award of contracts by the Department in the 1970s and 1980s.<sup>90</sup>

104. After establishment of the Committee and as set out more fully in Part I of the Report, all relevant Departments were engaged in the process of searching for all records which might be available in relation to the Magdalen Laundries.
105. It is inevitable that full records have not survived on all laundry service contracts for the Defence Forces since the foundation of the State. Nonetheless and although not complete, as a result of the extensive searches conducted for the Committee, a fuller body of material than previously found was identified and is reported on here.
106. Some of the material identified in Defence Forces archives includes discussion of the implications of the ‘fair wages’ clause in laundry contracts – these elements are considered separately.
107. The information presented in this Section was taken from individual contract files. One additional file was searched for but not found by the Committee – this was a policy file on contracts for the Defence Forces, referred to in one of the individual contract files.<sup>91</sup>
108. At the request of the Committee, the Department of Defence confirmed that extensive searches were carried out, both in its own storage areas, in

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<sup>89</sup> See response of the Minister for Defence to PQ 29887/10 on 6 July 2010, above.

<sup>90</sup> See responses of the Minister for Defence to PQ 36540/10 on 13 October 2010 and PQ 39261/10 on 27 October 2010, above.

<sup>91</sup> File ref 2/70672

Military Archives and in National Archives. However the file in question could not be found.

109. Nonetheless, even in the absence of that policy file, the Committee was in a position to identify a range of contracts entered into between the Department of Defence and various Magdalen Laundries in relation to laundry services for the Defence Forces.

110. Official documentation has been identified by the Committee which establishes that over at least parts of the period under examination by the Committee, that is, from 1922 onwards, various barracks of the Defence Forces utilised the laundry services offered by six of the Magdalen Laundries which are the subject of this Report, as follows:

- Cork (Good Shepherd);
- Galway (Sisters of Mercy);
- Limerick (Good Shepherd);
- New Ross (Good Shepherd);
- Sean McDermott Street, Dublin (Order of Our Lady of Charity); and
- Waterford (Good Shepherd).

111. It may be that some of the remaining Magdalen Laundries also secured contracts for laundry for the Defence Forces, but that the relevant records are no longer in existence. For example, there is a suggestion in a publication dating to 1941 that the Magdalen Laundry operated at Donnybrook by the Religious Sisters of Charity secured at least one contract from the Defence Forces at that time.<sup>92</sup> However, official records have not been found to conclusively determine whether or not that was the case.

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<sup>92</sup> History of the Irish Women Worker's Union "These Obstreperous Lassies", Mary Jones, cited in the Irish Times 20 June 2011

112. In summary, it was found by the Committee that, as in the cases of the Department of Education contracts detailed above, contracts were awarded by the Department of Defence on the basis of strictly administered tender processes.
113. On the basis of information available, it appears to the Committee that on foot of those tender processes, contracts were awarded to Magdalen Laundries by the Department of Defence only in two circumstances – either following a tender process in which the Magdalen Laundry was the only laundry to submit a tender on time, or alternatively following a tender process where other non-religious operated Laundries had also submitted tenders but the Magdalen Laundry was awarded the contract on the basis of it submitting the lowest quoted price.
114. In other cases, although a Magdalen Laundry submitted a tender, the Department of Defence instead awarded the contract to commercial Laundries, on the basis of them having quoted the lowest price. It is also apparent from the materials identified that, on at least one occasion in the 1950s, the Department sought to secure reduction of prices from a Magdalen Laundry even though it was the only laundry to submit a tender for a particular laundry contract.
115. As set out in the table below, the earliest instance identified by the Committee of the Department of Defence awarding contracts to a Magdalen Laundry for laundry services in relation to the Defence Forces dates to 1925; and the latest identified dates to 1961.

<b>Dates of contract</b>	<b>Laundry awarded contract</b>	<b>Value of contract</b>	<b>Relevant Defence Forces barracks</b>
1/9/1925 to 31/8/1926	Good Shepherd Convent, New Ross	£15. 6. 0d Sept. 1925  £13. 5. 0d	Military Hospital, Kilkenny

		October 1925 £9. 6. 0d Nov. 1925	
1926-1927  Note: no overall contract period available, but invoices for a 4 month period identified	Good Shepherd Laundry, Sunday's Well, Cork	£36. 15. 8d Nov. 1926;  £44. 8. 1d Dec. 1926;  £32. 2. 11d January 1927;  £32. 2. 11d August 1927.	16 <sup>th</sup> Battalion, Collins Barracks, Cork
1947-1948	Good Shepherd Laundry, Limerick	Value not identified	Sarsfield Barracks, Limerick
1949	No. 47 Forster Street, Galway	Value not identified	Renmore Barracks, Galway
1950 to 1951	Good Shepherd Laundry, Waterford	Estimated value £433.10.0	Kickham Barracks, Clonmel
01/04/1952 to 31/03/1953	No.47 Forster Street, Galway	£1,382. 17. 0d	Custume Barracks, Athlone
		£733. 18. 8d	Military Hospital, Athlone
		£476. 17. 4d	Renmore Barracks, Galway
01/04/1953 to 31/03/1954	No.47 Forster Street, Galway	£1,582. 8. 0d	Custume Barracks, Athlone
		£737. 18. 9d	Military Hospital, Athlone
		£762. 15. 0d	Renmore Barracks, Galway
01/04/1954 to 31/03/1955	No.47 Forster Street, Galway	£1786. 17. 6d	Custume Barracks, Athlone
		£739. 3. 9d	Military Hospital, Athlone
		£976. 11. 3d	Renmore Barracks, Galway
01/04/1954 to 31/03/1955	Good Shepherd Laundry, Limerick	£1,397. 0. 6d	Limerick Barracks
01/04/1954 to 31/03/1955	Good Shepherd Laundry, Limerick	£217.18.0	Templemore
01/04/1960 to 31/03/1961	No.47 Forster Street, Galway	£609	Renmore Barracks, Galway
		£880	Military Hospital,

		Athlone
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*Defence Forces contracts for laundry services with the Magdalen Laundries, as compiled from various records of the Department of Defence*

*Defence Forces contracts for laundry services, 1926-1927*

116. The records which survive in relation to the earliest Defence Forces contracts are limited. As clear from the table above, there was a contract for laundry services between the Magdalen Laundry at New Ross and the Defence Forces (in relation to the Military Hospital at Kilkenny) for the period 1 September 1925 to 31 August 1926. The Committee identified this contract and its period of validity from two notes between the Contracts and Disposals S/Department (Defence Forces General Headquarters) and the Army Finance Office. The first of these Notes to the Army Finance Officer was to transmit a “copy of acceptance schedule in respect of laundry contract placed with Good Shepherd Convent, New Ross” in relation to the Military Hospital at Kilkenny.<sup>93</sup> The Army Finance Officer, having checked the accounts identified three items of hospital laundry not covered by the acceptance schedules, and requested the “prices &c., checked and return the accounts together with a copy of the acceptance schedule at your earliest convenience”.<sup>94</sup> These are however the only records which were identified in relation to this contract.
117. Similarly scant records were identified in relation to the contract for 1926-1927 between the Magdalen Laundry at Sunday’s Well, Cork and the Defence Forces at Collins Barracks, Cork. The only records identified in relation to this contract were three letters between Collins Barracks, Cork and the Army Finance Office regarding laundry services performed and payments for November and December 1926 and January 1927; and a note from Collins Barracks to the Army Finance Officer in October 1927

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<sup>93</sup> File ref 51 / Barrack Services / 240

<sup>94</sup> File ref 51 / Barrack Services / 240

detailing the laundry services performed during July and August 1927 (amounts recorded in the table above).<sup>95</sup>

*Defence Forces contracts for laundry services, 1949-1950*

118. A summary of 16 proposed laundry contracts for 1949 was also identified in Military Archives.<sup>96</sup> This summary provides standard information in respect of each proposed contract, as follows:

- the relevant Defence Forces Post;
- the estimated value of the contract;
- the number of tenders invited;
- the number of tenders received;
- the contractor selected; and
- the date the contract issued.

119. Of these 16 contracts for laundry services awarded in relation to the Defence Forces in 1949, only one was placed with a Magdalen Laundry (Galway). None of the other 15 contracts awarded by the Defence Forces in 1949 were placed with Magdalen Laundries – rather, they appear to have been placed with commercial laundry contractors.<sup>97</sup>

120. In relation to the single contract awarded in 1949 to the Magdalen Laundry in Galway, the summary table records that 2 contractors were invited to submit tenders for laundry services to Renmore Barracks, Galway. The contract was awarded to the “Magdalen Home Laundry”, which was the only tender received. The estimated value of the contract is not recorded. The contract was issued on 29 March 1949.<sup>98</sup>

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<sup>95</sup> File ref 3/32678

<sup>96</sup> File ref 3/6984

<sup>97</sup> Metropole Laundry (8 contracts- 2 other additional contracts cancelled), St Gabriel’s Laundry (3 contracts), Munster Laundry (second contract cancelled), St Michael’s Laundry, Inishowen Steam Laundry. Id

<sup>98</sup> Id

*Defence Forces contracts for laundry services, 1950-1951*

121. A similar summary of proposed laundry contracts for the Defence Forces for the following year, 1950-1951 was also identified.<sup>99</sup> For that year, 15 Defence Forces laundry contracts are listed, 2 of which were placed with Magdalen Laundries (one each to the Good Shepherd Magdalen Laundry Waterford; and the “Magdalen Home Laundry”, Galway). The other 13 contracts were placed with different (commercial) laundries.<sup>100</sup>
122. In relation to the two contracts which were placed with Magdalen Laundries by the Defence Forces in 1950/1951, the following details are recorded.
123. Three laundry contractors were invited to tender for the contract for laundry services for Kickham Barracks, Clonmel. Two tenders were received, with the contract (estimated value £433.10.0) awarded to the Good Shepherd Laundry, Waterford. The contract was issued on 19 April 1950.
124. Two laundry contractors were invited to tender for the contract for laundry services for Renmore Barracks, Galway. Two tenders were received, with the contract (estimated value £639.10.2) awarded to the “Magdalen Home Laundry”, Galway. The contract was issued on 8 March 1950.

*Contracts for laundry services to Sarsfield Barrack, Limerick, 1947-1954*

125. Another summary document was identified by the Committee relating to one particular barracks, namely, Sarsfield Barracks, Limerick. An internal Memorandum records all the laundry services contracts awarded for that Barracks for the years 1947 to 1954. Seven contracts of one year each were awarded by the Defence Forces over that period, one of which was

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<sup>99</sup> File ref 3/9684

<sup>100</sup> Munster Laundry (2 contracts), Metropole Laundry (6 contracts), St Gabriel’s Laundry (3 contracts), and Inishowen Steam Laundry. One additional contract was “not required”.

placed with a Magdalen Laundry (Good Shepherd Laundry, Limerick). The six contracts for the following six years were placed with commercial laundries (Metropole Laundry, Cork – 4 contracts; Thomond Laundry, Limerick – 2 contracts).<sup>101</sup>

126. The only recorded occasion on which the contract for laundry services for Sarsfield Barracks was placed with a Magdalen Laundry was for the year 1947/1948. The summary records that three contractors were invited to tender- one commercial laundry, one convent laundry, one Magdalen Laundry, as follows:

- Good Shepherd Laundry, Limerick
- Presentation Convent, Fethard
- Shannon Laundry, Limerick.<sup>102</sup>

The Memorandum records that the contract was placed with the Good Shepherd Laundry, Limerick as “only tender received”.<sup>103</sup>

127. The following year 1948/1949, tenders were again invited from those three contractors, but “the tender form which issued to Shannon Laundry was returned signed by Metropole Laundry, Cork, and endorsed ‘for Shannon Laundry’”.<sup>104</sup> The contract was awarded to that commercial laundry – Metropole Laundry, Cork. Again, this was “only tender received”.<sup>105</sup>

128. For 1949/1950, three contractors were again invited to tender for the contract for laundry services to Sarsfield Barracks, including the Magdalen Laundry operated by the Good Shepherd Sisters in Limerick, but again the

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<sup>101</sup> File ref 3/85434

<sup>102</sup> Id

<sup>103</sup> Id

<sup>104</sup> Id

<sup>105</sup> Id

contract was awarded by the Defence Forces to a commercial laundry (Metropole Laundry, Cork).

129. For 1950/1951, in addition to the three contractors mentioned above (including the Magdalen Laundry in Limerick), a fourth contractor was also invited to tender. This was another commercial laundry (White Star Laundry, Mallow). The contract was again awarded to the same commercial laundry which had held it the previous year (Metropole Laundry, Cork).
130. The contractors invited to tender remained precisely the same in 1951/1952, i.e.:

- Good Shepherd Laundry, Limerick;
- Presentation Convent, Fethard;
- Metropole Laundry, Cork; and
- White Star Laundry, Mallow.

On the basis of tenders received, the Defence Forces again awarded the contract to the Metropole Laundry, Cork.

131. The contractors invited to tender in 1952/1953 were again the same. The Metropole Laundry, Cork by letter indicated:

“that they had forwarded their tender form for Sarsfield Barracks to ‘our associated company, Thomond Laundry’. Thomond Laundry by letters of 21/2/1952, which accompanied their tender, stated that we have actually been carrying out this work for the past year on behalf of the Metropole Laundry, Cork”.

The contract was awarded by the Defence Forces to Thomond Laundry, Limerick (the Memorandum records that this was the “only tender received”).

132. For the final year recorded, 1953/1954, the same contractors were invited to tender (i.e. still including the Magdalen Laundry, Limerick), with the addition of Thomond Laundry. The Defence Forces again awarded the contract for Sarsfield Barracks to Thomond Laundry, Limerick (“only tender received”).<sup>106</sup>
133. In addition to this summary of laundry contracts for Sarsfield Barracks from 1947 to 1954, correspondence was identified by the Committee between the Department of Defence and a commercial laundry. This was in relation to laundry services for Sarsfield Barracks, Limerick for the year 1954-1955.
134. From that correspondence, it appears that an invitation to tender was issued for the laundry services for Sarsfield Barracks 1954-1955, after which the contract was awarded to the Good Shepherd Laundry, Limerick. A commercial laundry, Thomond Laundry (which as set out above had been awarded the contract on the basis of its tenders for the previous 2 years), wrote to the Department of Defence indicating that it had unsuccessfully tendered for the contract and making an inquiry relating to the so-called “fair wages clause”.<sup>107</sup>
135. The internal Memoranda of the Department in consideration of this letter provide some wider indications of policy and practice in tendering processes for army contracts.
136. These internal notes first record that the relevant contract was given to the Good Shepherd Laundry, Limerick “who submitted the only tender received in time”. Nonetheless, the question was submitted by the Contracts Officer to a more senior officer for consideration within the Department, prior to

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<sup>106</sup> Id

<sup>107</sup> File Reference 3/19752, Letter dated 6 April 1954 from Thomond Laundry Ltd to the Department of Defence

issuing a response to Thomond Laundry. In posing the question, the following description of practice is provided:

"The present practice is to invite convent laundries to tender for all posts except 1. Cork City and 2. Dublin District, Curragh and Gormanston. This stems from policy decided by the Minister on 2/70672 attached. The late tender referred to above is filed opposite.

As regards enquiry from Thomond Laundry Ltd., I suggest we say that the contract was placed with the Good Shepherd Laundry, Limerick, who were the only institution to submit a tender by the appointed time".<sup>108</sup>

137. The responding Memorandum from that officer was in the following terms:

"Contracts Officer,

The Thomond Laundry had the contract for the past two years and apparently did the work for some time previously. My first reaction [illegible] is to ignore their letter, but in the opening sentence they refer to a tender submitted by them and their understanding that they were unsuccessful.

I think that in the circumstances we might inform them that a tender was not received from them among the tenders received at the due time on the due date and no more".

138. An internal Departmental note records that the decision to "prepare [a] reply accordingly".<sup>109</sup> No copy of the letter issued to Thomond Laundry Ltd was retained on file, but the response of that company is filed. A subsequent internal memorandum to the Contracts Officer explained further as follows:

"I am afraid that this may ultimately resolve itself into a question of whether, under pressure, we are prepared to cease business with

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<sup>108</sup> File Reference 3/19752, Memorandum dated 14 April 1954 from the Department of Defence Contracts Officer

<sup>109</sup> File reference 3/19752, Internal note dated 29 April 1954

Convent Laundries in Limerick, as in Dublin and Cork. If we are pressed, our precedents leave us little choice in the matter.

I feel that the responsibility for applying the pressure should be made to rest fairly and squarely on Thomond Laundry Ltd. I suggest accordingly that we inform this firm that the Good Shepherd Laundry has the contract that they were the only party who submitted a tender by the due date and time ...".<sup>110</sup>

139. There are two final relevant notes on the file. An officer noted as follows:

"In my opinion, the attached letter dated 19 July 1954 from the Thomond Laundry Ltd does not apply pressure of the nature envisaged in the final relevant note on the file records an opinion of the [Contract Officer's] minute of 18 June 1954. I would suggest a reply noting the Thomond Laundry remarks and saying that on present information it is not proposed to interfere with the existing contract".<sup>111</sup>

140. The final note in response and directed to the Contracts Officer stated simply: "I would suggest no further correspondence".<sup>112</sup> No further correspondence with the commercial laundry in question appears on the file and the contract for that year (1954-1955) appears to have continued undisturbed.

*Contracts for laundry services for Western Command Posts of the Defence Forces for 1952-1953*

141. As is clear from the table above setting out the Defence Forces contracts awarded to Magdalen Laundries identified by the Committee, some of the later contracts were of considerable value and accordingly required the approval of the Government Contracts Committee.

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<sup>110</sup> File reference 3/19752, Internal note dated 18 June 1954

<sup>111</sup> File reference 3/19752, Internal Memorandum dated 21 July 1954

<sup>112</sup> File reference 3/19752, Internal Memorandum dated 21 July 1954

142. Details of those contracts were identified in the submissions of the Department of Defence to the Government Contracts Committee in 1952, 1953, 1954 and 1960.

Firms specifically invited to tender and other firms who tendered.	SUMMARY			
	Quantity Various	Price per, Various	Tenders Received	Total Value
Sister Bradley, Magdalen Home Laundry, Galway. Connacht Laundry, Galway.	Military Post. Custume Barracks Athlone.	£. s.d. X 1,786.17.6.	£. s.d. X 1,786.17.6.	
Sister Bradley, Magdalen Home Laundry, Galway. Connacht Laundry, Galway.	Military Athlone Hospital	2,605.15.0. (for 19 out of 33 items only).	X 739. 3.9.	739. 3.9.
Sister Bradley, Magdalen Home Laundry, Galway. Connacht Laundry, Galway.	Dm Uff. Offices, (Renmore Barracks, Galway).	811.15.0. (for 26 out of 43 items only).	X 976.11.3.	976.11.3.
Mrs. Annie Ward, The Null Steam Laundry, Ballyshannon. Sister M.D. Hanna, St. Gabriel's Laundry, Athlone.	Finner Camp. Colum Barracks, Mullingar.	1,459.13.0. (for 20 out of 33 items only).	X 934.12.0.	934.12.0.
Firms who were invited but did not quote.	See attached sheet.	X 597.18.0. (Collection and delivery by military transport).	597.18.0.	

REMARKS: - See attached sheet.

*Sample summary submission to the Government Contracts Committee seeking approval of contracts proposed to be awarded, following tenders, for army laundry services*

143. The submission to the Government Contracts Committee for approval of laundry services contracts for the Western Command Posts of the Defence Forces for the period 1952-1953 related to Custume Barracks Athlone,

Military Hospital Athlone, and Renmore Barracks, Galway.<sup>113</sup> Three laundries were invited to tender for each of these contracts, as follows:

- Magdalen Laundry, Galway;
- Connacht Steam Laundry, Galway; and
- St Gabriel's Laundry, Athlone.<sup>114</sup>

A fourth laundry (St Mary's Steam & Electric Laundry, Roscommon) was also invited to tender for the contract for Custume Barracks, Athlone.

144. The Magdalen Laundry Galway and the Roscommon Steam and Electric Laundry both tendered for the contract for laundry services to Custume Barracks, Athlone. The Magdalen Laundry in Galway was awarded the tender on the basis of the lowest tender price (£1382.17.0 as compared to £1567.17.0).<sup>115</sup>
145. For the remaining two contracts (Military Hospital, Athlone and Renmore Barracks, Galway), the Magdalen Laundry Galway was the only tender received – although they had been invited to tender, neither the Connacht Steam Laundry nor St Gabriel's Laundry submitted a tender in response. Contracts were as a result awarded to the Magdalen Laundry, Galway, with the approval of the Government Contracts Committee. The value of the quotations for these two contracts were £733.18.8 and £476.17.4 respectively.
146. Although the tender price submitted by the Magdalen Laundry Galway for Custume Barracks, Athlone was the lowest and although no other tender was submitted for the other two contracts, the records identified by the Committee show that the Department of Defence, nonetheless, sought price reductions from the Magdalen Laundry. A note on the submission to

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<sup>113</sup> File ref 3/15118

<sup>114</sup> File ref 3/15118

<sup>115</sup> Submission to the Government Contracts Committee dated 13 March 1952. File ref Id.

the Government Contracts Committee noted that “an effort is being made to secure reductions in the prices tendered”.<sup>116</sup> A letter from the Contracts Officer to the Magdalen Laundry seeks such a reduction of:

“quotations in question to the current rates for the laundering of the items concerned and also to reduce the quotation for Gowns, HO (Hospital item).”<sup>117</sup>

147. The response of the Magdalen Laundry Galway was that it:

“could not possibly reduce the prices of any of the articles tendered in my contract. I could not possibly do it for the same rate as last year as it did not pay me”.<sup>118</sup>

The letter did indicate that the Magdalen Laundry was:

“prepared however to reduce the surcharge [on the shilling] from 4d to 3d”.<sup>119</sup>

148. Although no further records were held on that file in relation to the possible reduction of prices, a note on a later submission to the Government Contracts Committee records that “reductions of prices referred to in that minute were obtained”.<sup>120</sup>

*Contracts for laundry services for Western Command Posts of the Defence Forces for 1953-1954*

149. The submission to the Government Contracts Committee for the contracts for laundry services for Western Command Posts of the Defence Forces for

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<sup>116</sup> Id.

<sup>117</sup> Letter dated 11 March 1952, from Contracts Officer, Department of Defence, to the Magdalen Laundry Galway. File ref 3/15118

<sup>118</sup> Letter dated 12 March 1952 from Magdalen Home Laundry, Galway to Department of Defence. File ref 3/15118.

<sup>119</sup> Id

<sup>120</sup> Submission to the Government Contracts Committee dated 19 March 1953. File Ref 3/17572

1953-1954 was also identified in the Military Archives.<sup>121</sup> It relates to laundry services contracts for 5 military posts:

- Custume Barracks, Athlone;
- Military Hospital, Athlone;
- Renmore Barracks, Galway;
- Finner Camp, Donegal; and
- Columb Barracks, Mullingar.

150. In summary, three of these contracts were placed with a Magdalen Laundry (Galway) and the remaining two were placed with other Laundries (The Mall Steam Laundry, Ballyshannon; and St Gabriel's Laundry, Athlone).
151. Two of the contracts awarded to the Magdalen Laundry in Galway (described as the "Magdalen Home Laundry, Galway" in the documents) related to the Military Hospital Athlone and Renmore Barracks, Galway. In both of these cases, the submission to the Government Contracts Committee records that it was the only tender received (values of contracts £737.18.9 and £762.15.0 respectively).
152. In the case of the Custume Barracks, Athlone, two tenders were received and the Magdalen Laundry in Galway was awarded the contract as the lowest of these two tenders (£1,582.8.0 as compared to a tender price of £2,052.3.0 from St. Marys Steam and Electric Laundry, Roscommon.)

*Contracts for laundry services for Western Command Posts of the Defence Forces for 1954-1955*

153. The submission to the Government Contracts Committee for the contracts for laundry services for Western Command Posts of the Defence Forces for 1954-1955 was also identified in the Military Archives.<sup>122</sup> It relates to

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<sup>121</sup> Submission to the Government Contracts Committee dated 19 March 1953. File ref 3/17572

<sup>122</sup> Submission to the Government Contracts Committee dated 11 March 1954. File ref 3/115118

laundry services contracts for the same five military posts as in the prior year, i.e.

- Custume Barracks, Athlone;
- Military Hospital, Athlone;
- Renmore Barracks, Galway;
- Finner Camp, Donegal; and
- Columb Barracks, Mullingar.

On foot of a tender process, the contracts for these posts were again divided between three different laundries, including one Magdalen Laundry (Galway).<sup>123</sup>

154. A commercial laundry (Connacht Laundry) also tendered for the three contracts subsequently awarded to the Magdalen Laundry, Galway. The tender price of the Magdalen Laundry in Galway was lower than that of the Connacht Laundry for each of the three posts, namely Custume Barracks Athlone (tender of £1,796.17.6 as compared to £2,605.15.0 “for 19 out of 32 items only”), Military Hospital Athlone (tender of £739.3.9 compared to £811.15.0 “for 26 out of 43 items only”), and Renmore Barracks, Galway (tender of £976.11.3 as compared to £1,459.13.0 “for 20 out of 33 items only”). The Magdalen Laundry, Galway, was accordingly awarded the contract for all three posts for the year 1954-1955.

155. The contracts for that year for the remaining two posts (Finner Camp and Columb Barracks) were awarded to The Mall Steam Laundry, Ballyshannon and St Gabriel’s Laundry, Athlone respectively, as the only tender received in each case.

*Contracts for laundry services for other Posts of the Defence Forces for 1954-1955*

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<sup>123</sup> Id

156. A separate submission was made to the Government Contracts Committee in relation to contracts for certain other military posts, as follows:

- Kilworth and Fermoy;
- Templemore;
- Military Hospital, Kilkenny; and
- Sarsfield Barracks, Limerick.<sup>124</sup>

The relevant contracts were awarded to three laundry contractors – Youghal Steam Laundry, St Joseph's Laundry, Kilkenny and one Magdalen Laundry – Good Shepherd Laundry, Limerick.<sup>125</sup>

157. Five laundry contractors were invited to tender for the laundry contracts relating to Sarsfield Barracks, Limerick; six were invited to tender for the Military Hospital Kilkenny, and 7 were invited to tender for Templemore. Commercial laundries were included among those invited to tender in all cases.<sup>126</sup>

158. The Magdalen Laundry operated in Limerick was awarded the contract for Sarsfield Barracks, Limerick, as the only tender submitted (the other 4 contractors invited either not having done so or, in one case, having done so after the closing date<sup>127</sup>). The estimated value of the contract was

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<sup>124</sup> Submission to the Government Contracts Committee dated 11 March 1954. File ref 3/15118

<sup>125</sup> Id

<sup>126</sup> Limerick: Thomond Laundry, Limerick, White Star Laundry Mallow, M Laundries Ltd Cork, Presentation Convent Fethard as well as one Magdalen Laundry- the Good Shepherd Laundry, Limerick.

Kilkenny: M Laundries Ltd Cork, Presentation Convent Fethard, St Michael's Laundry Clonmel, White Star Laundry Carlow Ltd, St Josephs Laundry Kilkenny and one Magdalen Laundry – the Good Shepherd Convent Waterford

Templemore: Presentation Convent Fethard, White Star Laundry Ltd Mallow, White Star Laundry Carlow Ltd, M Laundries Ltd Cork, Presentation Convent Thurles and one Magdalen Laundry – the Good Shepherd Convent Waterford.

<sup>127</sup> The case noted above regarding Thomond Laundry.

£1,397.0.6.<sup>128</sup> A note on the submission records that for the upcoming year:

"the prices tendered by the Good Shepherd Laundry, Limerick, are the same as the prices in the current contract held by the Thomond Laundry Ltd, Limerick, except for 8 items which show a reduction on the current contract rates".<sup>129</sup>

159. The Good Shepherd Laundry, Limerick was also awarded a portion of the contract for Templemore (to a value of £217.18.0), along with St Joseph's Laundry Kilkenny (to a value of £202.12.0). The other 5 laundry contractors invited to tender did not do so. The basis on which the contract was divided between these two contractors was not specified in the materials identified by the Committee.

*Contracts for laundry services for Western Command Posts of the Defence Forces for 1960-1961*

160. The submission to the Government Contracts Committee for the contracts for laundry services for Western Command Posts of the Defence Forces for 1960-1961 was also identified in the Military Archives.<sup>130</sup> It relates to laundry services contracts for the same five military posts as in the prior year, i.e.

- Custume Barracks, Athlone;
- Military Hospital, Athlone;
- Renmore Barracks, Galway;
- Columb Barracks, Mullingar; and
- Finner Camp, Donegal.

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<sup>128</sup> Submission to the Government Contracts Committee dated 11 March 1954. File ref 3/15118

<sup>129</sup> Id

<sup>130</sup> Submission to the Government Contracts Committee dated 10 March 1960. File ref 3/32678

On foot of the tender process, the contracts for these posts were awarded to three different laundries, including one Magdalen Laundry (Galway).<sup>131</sup>

161. The Magdalen Laundry Galway submitted the only tender for Renmore Barracks, Galway and was awarded the contract for £609.<sup>132</sup>
162. Two tenders were received for the contract for laundry services to the Military Hospital, Athlone. The Magdalen Laundry in Galway was awarded the contract as the lowest tender received (£880 as compared to £1,268, quoted by St Gabriel's Laundry Athlone).<sup>133</sup>
163. The Magdalen Laundry in Galway also tendered for the contracts for laundry services to Custume Barracks, Athlone and Columb Barracks, Mullingar, but in both cases the contract was awarded to St. Gabriels Laundry, Athlone on the basis of a lower tender price.
  - The contract for Custume Barracks, Athlone was awarded to St Gabriel's Laundry, Athlone who tendered at a price of £1,268, as compared to the tender of £1,323 by the Magdalen Laundry, Galway;
  - The contract for Columb Barracks, Mullingar was awarded to St. Gabriel's Laundry, Athlone who tendered at a price of £508 rather than the tender of £510 by the Magdalen Laundry.

*Fair wages clauses in State contracts*

164. A small amount of information was identified by the Committee, during searches in relation to contracts for laundry services, in relation to the so-

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<sup>131</sup> Id

<sup>132</sup> Id. The submission notes that “firms invited to tender but who did not quote” were detailed on an attached sheet, but that sheet has not been identified.

<sup>133</sup> Id

called “fair wages” clause intended for use in State contracts. The material identified in this respect is far from comprehensive. Nonetheless, this information is detailed in this Chapter, in the interests of reporting on all possible issues and in the hope although not comprehensive it may assist in shedding some light on the State’s historic position on this matter.

165. This Chapter demonstrates that Magdalen Laundries were among the laundries tendering for and, in some cases, awarded state contracts for laundry services. State contracts for such services were standardised and included a number of conditions. For example, beginning in the 1920s and for many decades thereafter, all State laundry contracts included a clause requiring that all detergent, soaps and bleaches used by the laundry were manufactured in Ireland.
166. Another common condition in State contracts for services, originally included at the request of trade unions, was a clause requiring payment of fair wages by the contractor to the people who would perform the services in question.
167. The application of this clause to charitable institutions, including Magdalen Laundries, was controversial. The Committee found that the question of the scope of application of the ‘fair wages clause’ was considered at the Government Contracts Committee as early as 1927.
168. This first consideration of the matter by the Government Contracts Committee appears to have arisen due to contact by an official of the Department of Education with the Government Contracts Committee in advance of preparation of tender forms by that Department for laundry services. An internal Departmental Memorandum records this as having been due to the specific question of religious-operated institutional laundries. This category would include, but not be confined to, Magdalen Laundries. The internal Memorandum indicates as follows:

"Before preparing tender form I asked GCC secretary on phone to raise on behalf of this Dept the question as to Fair Wages clause in contracts with convent (institution) laundries".<sup>134</sup>

169. The question of inclusion of the fair wages clause in laundry contract forms was put to the Government Contracts Committee shortly thereafter in July 1927. The Department of Education received, under cover of a letter from the Secretary of the Committee, an extract from the minutes of Committee as follows:

**"2064. Laundry contracts – application of fair wages clause**

The Secretary stated that he had been asked by the Department of Education as to whether, in view of the fact that their prices were considerably lower than those quoted by ordinary commercial firms, the Fair Wages Clause affected Contracts for laundry work placed with convents. He was instructed to inform the Department of Education that there was no objection to the placing of these contracts with convents provided the lowest tender was accepted in each case".<sup>135</sup>

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<sup>134</sup> National Archives ED12/20688

<sup>135</sup> Government Contracts Committee Meeting 14 July 1927, Minute 2064, attached to letter dated 21 July 1927. File ref Id. Letter provided in full:

Chief Executive officer  
Primary education branch  
Marlborough St  
Dublin

A chara

I have to subjoin, for your information, an extract from the minutes of the proceedings of the Government contracts Committee at a Meeting held on 14<sup>th</sup> instant.

Mise do chara  
Runaidhe do'n choisde

170. However, the matter did not rest on that basis. In October 1928, the question of the fair wages clause in laundry contracts was again before the Government Contracts Committee. On that occasion and although the original document has not been seen by the Committee, it is understood from other records that the Government Contracts Committee decided that it should consult with the Department of Industry and Commerce on the subject.<sup>136</sup>

171. The Department of Education in the circumstances notified the Secretary of the Government Contracts Committee that:

“consideration [of a fair wages clause in connection with laundry contracts placed with charitable institutions] by this Department was postponed pending the result of correspondence on the question between the Contracts Committee and the Department of Industry and Commerce”.<sup>137</sup>

172. Almost two years later, in the context of sanction being sought for placement of the laundry work of Preparatory Colleges with institutional laundries, the Government Contracts Committee referred to the matter again. That Committee:

“noted that the question of submitting a revised form of tender for laundry contracts in accordance with the Department of Finance

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<sup>136</sup> GCC 3500 of 11 October 1928

<sup>137</sup> Letter Department of Education to the Secretary of the Government Contracts Committee, December 1928, which provided as follows in full:

“Secretary, Government Contracts Committee

Referring to your minute of the 13<sup>th</sup> instant relative to the question of a fair wages clause in connection with laundry contracts placed with charitable institutions. I am to say that, having regard to the terms of GCC minute 206 of 14<sup>th</sup> July 1927 on that issue and of your further minute, 3500 of 11 October 1928, consideration of the matter by this Department was postponed pending the result of correspondence on the question between the Contracts Committee and the Department of Industry and Commerce”. File Ref: ED12/19817, “Laundry Contract August 1928 Applications for Tender Forms”.

Circular No.11/28 of the 15<sup>th</sup> March 1928, is under consideration by the Department of Education".<sup>138</sup>

173. The application of the fair wages clause to institutional laundries (including but not limited to Magdalen Laundries) was periodically raised in the years thereafter, either by trade unions or by commercial laundry firms.
174. Correspondence dating to 1954 regarding laundry services for Sarsfield Barracks, Limerick (detailed in the Section relating to Defence Forces contracts above), sheds some further light on the topic. A tender had been

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<sup>138</sup> File ref Id. Note provided in full as follows:

Letter 20 October 1930 from Government Contracts Committee to D/Education:

"Runai, Roinn Oideachais

With reference to Mr O'Brolchain's minute of the 6<sup>th</sup> instant (No.F.16252), relative to the question of the performance of the laundry work for certain Preparatory Colleges, I am directed by the Government Contracts Committee to enclose, for the information of the Minister for Education, an extract from the report of their proceedings on the 16<sup>th</sup> instant.

Acting Secretary

Government Contracts Committee

Extract from Minutes of Meeting held on 16<sup>th</sup> October 1930

4151. Laundry contracts for the Department of Education:

A letter was read from the Department of Education in regard to the laundry work for certain Preparatory Colleges.

The Committee saw no reason to comment on the procedure proposed in regard to Coláiste Einne, Furbough, where it was proposed to accept the lower of the two tenders received.

In regard to the laundry work for the two permanent Colleges in Dublin – Coláiste Caoimhin and Coláiste Moibhi – where it was proposed to continue the existing contract, Mr Moran mentioned that the Army Laundry, Parkgate, could undertake more work than it was getting at present and, after discussion, the Committee agreed that it should be given an opportunity of quoting for the work.

It was noted that the question of submitting a revised form of tender for laundry contracts in accordance with the Department of Finance Circular No.11/28 of the 15<sup>th</sup> March 1928, is under consideration by the Department of Education".

issued for the laundry services in question, after which the contract was awarded to the Good Shepherd Laundry, Limerick. A private commercial laundry, Thomond Laundry, wrote to the Department of Defence indicating that it had unsuccessfully tendered for the contract and inquiring whether the successful tender (Good Shepherds Laundry, Limerick) "are observing clause 15 of the Conditions of Contract viz. the fair wages clause".<sup>139</sup>

175. Internal memoranda record the consideration by the Department of the appropriate response to this letter. The first internal note records that the contract was given to the Good Shepherd Laundry, Limerick "who submitted the only tender received in time". Nonetheless, the question was submitted to a more senior officer for consideration prior to issuing of a response. As set out previously, the note suggests a policy of inviting convent laundries to tender for all posts except Cork City and Dublin District; and suggested as a response that the Department would indicate only that the contract was placed with the Good Shepherd Laundry, Limerick, "who were the only institution to submit a tender by the appointed time".<sup>140</sup>
176. The responding Memorandum, as set out more fully previously, indicated that the commercial laundry should be informed that a tender was not received from them at the due time. No copy of the letter issued to Thomond Laundry Ltd was retained on file, but the response of that company is. It said:

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<sup>139</sup> File Reference 3/19752, Letter dated 6 April 1954 from Thomond Laundry Ltd to the Department of Defence

<sup>140</sup> File Reference 3/19752, Memorandum dated 14 April 1954 from the Department of Defence Contracts Officer to the Office of the Attorney General

"We are in receipt of your letter of 12<sup>th</sup> inst. and were surprised to know that no Tender was received from us on the due date. In the meantime we would appreciate a reply to our letter, copy of which we enclose".<sup>141</sup>

177. Again, internal memoranda clarify the considerations of the Department on how to respond to this direct question on whether or not the Magdalen Laundry was carrying out the 'fair wages' clause. In a note to the Contracts Officer, the same senior officer advised as follows:

"I would suggest that we reply to the effect that the Minister has no information that the Contractors are not observing Clause 15.

We could reply that it was not the practice to enter into correspondence with third parties regarding compliance with conditions by a contractor, but this might only draw further correspondence.

I feel that we are safe enough in the reply suggested in 1<sup>st</sup> para above on the grounds that allowing even no payment at all to the inmates of the institution doing the laundry the cost of keep, clothing, medical attention and all the other factors in the running of the institution would more than amount to the equivalent of a fair wage. The only other course is to ignore the letter and this would only be shirking any issue".<sup>142</sup>

178. A subsequent internal memorandum to the Contracts Officer said further as follows:

"I am afraid that this may ultimately resolve itself into a question of whether, under pressure, we are prepared to cease business with Convent Laundries in Limerick, as in Dublin and Cork. If we are pressed, our precedents leave us little choice in the matter.

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<sup>141</sup> File reference 3/19752, Letter dated 13 May 1954 from Thomond Laundry Ltd to the Department of Defence

<sup>142</sup> File reference 3/19752, Internal note dated 10 June 1954

I feel that the responsibility for applying the pressure should be made to rest fairly and squarely on Thomond Laundry Ltd. I suggest accordingly that we inform this firm that the Good Shepherd Laundry has the contract that they were the only party who submitted a tender by the due date and time; that the Minister has no information that they are not observing the fair wages clause in the contract, and ask them whether it is to be understood that they (Thomond Laundry Ltd) are making a formal complaint that the clause is not being observed".<sup>143</sup>

179. A response along these lines was subsequently issued:

"With reference to your letter of the 13<sup>th</sup> ultimo and previous correspondence, I am directed by the Minister for Defence to state that the contract for the laundering of articles from Sarsfield Barracks, Limerick, during the period 1<sup>st</sup> April 1954 to 31 March 1955 has been placed with the Good Shepherd Laundry, Limerick, who were the only party who submitted a tender by the due date and time. The Minister has no information that the Good Shepherd Laundry is not observing Clause 15 of the Conditions of Contract, viz., the fair wages clause.

I am to enquire whether it is to be understood that your firm is making a formal complaint that the clause mentioned is not being observed".<sup>144</sup>

180. The private company in question again responded, confirming that they:

"do make a formal complaint regarding the non-observance of Clause 15 of Conditions of Contract, viz: the fair wages clause".<sup>145</sup>

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<sup>143</sup> File reference 3/19752, Internal note dated 18 June 1954

<sup>144</sup> File reference 3/19752, Letter dated 24 June 1954 from the Department of Defence to Thomond Laundry Ltd

<sup>145</sup> File reference 3/19752, Letter dated 29 June 1954 from Thomond Laundry Ltd to the Department of Defence

The Department's internal consideration of this correspondence was again recorded. Three officials recorded their views on the matter. It was first proposed to reply "asking for particulars or evidence of the non-observance of Clause 15".<sup>146</sup> A draft was prepared on that basis. An internal note in response noted that:

"The alternative to action as proposed in attached draft letter would appear to be a letter to the Good Shepherd Laundry saying that a complaint has been made and asking for their observations. The Good Shepherd Laundry might well reply by asking us for particulars of the complaint".<sup>147</sup>

181. The final internal note on the matter confirms a view that the "draft letter is appropriate to the circumstances".<sup>148</sup> The Department's response issued to Thomond Laundry issued accordingly, stating that:

"With reference to your letter of the 29<sup>th</sup> ultimo and previous correspondence regarding the contract for the laundering of articles from Sarsfield Barracks, Limerick, during the period 1<sup>st</sup> April 1954 to 31<sup>st</sup> March 1955, I am directed by the Minister for Defence to request you to furnish particulars or evidence of the non-observance of Clause 15 (viz., the fair wages clause) of the Conditions of Contract by the Good Shepherd Laundry, Limerick".<sup>149</sup>

182. A final response was received from Thomond Laundry Ltd a number of days later. It stated as follows:

"We are in receipt of your letter of 16<sup>th</sup> inst. We cannot offer any evidence of the non-observance of Clause 15 of Conditions of Contract

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<sup>146</sup> File reference 3/19752, Internal memorandum dated 5 July 1954

<sup>147</sup> File reference 3/19752, Internal memorandum dated 15 July 1954

<sup>148</sup> File reference 3/19752, Internal memorandum dated 15 July 1954

<sup>149</sup> File reference 3/19752, Letter dated 16 July 1954 from the Department of Defence to Thomond Laundry Ltd

beyond the well known fact that the Good Shepherd Convents particularly the Good Shepherd Convent of Limerick are Institutions for the reception of delinquent women who work in the laundry during their period of incarceration, without payment of wages. We are further aware that the Good Shepherd Convent of Cork which is a kindred Institution is forbidden to tender for this Contract, owing to above facts. If however the Superior of the Good Shepherd Convent Limerick has signed the Conditions of Contract including Clause 15, stating that she pays Trade Union rates of wages to workers of the Convent laundry, we have nothing more to say".<sup>150</sup>

183. There are two final relevant notes on the file. An officer noted as follows:

"In my opinion, the attached letter dated 19 July 1954 from the Thomond Laundry Ltd does not apply pressure of the nature envisaged in the [... Contract Officer's] minute of 18 June 1954. I would suggest a reply noting the Thomond Laundry remarks and saying that on present information it is not proposed to interfere with the existing contract".<sup>151</sup>

184. The final note in response from a more senior official directed to the Contracts Officer stated simply: "I would suggest no further correspondence".<sup>152</sup> No further correspondence with the commercial Laundry in question appears on the file and the contract appears to have continued undisturbed.

185. These records accordingly suggest that the Department of Defence, in 1954, considered that:

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<sup>150</sup> File reference 3/19752, Letter dated 19 July 1954 from Thomond Laundry Ltd to the Department of Defence

<sup>151</sup> File reference 3/19752, Internal Memorandum dated 21 July 1954

<sup>152</sup> File reference 3/19752, Internal Memorandum dated 21 July 1954

“allowing even no payment at all to the inmates of the institution doing the laundry, the cost of keep, clothing, medical attention and all the other factors in the running of the institution would more than amount to the equivalent of a fair wage”.<sup>153</sup>

186. The Department was, further, prepared to defend its ability to include institutional laundries (including Magdalen Laundries) in invitations to tender for laundry services. On the basis of the records set out above, this did not extend, however, to favouring such laundries with award of contracts, which occurred only on the basis of lowest tender received.

187. The only other internal records identified by the Committee in relation to the fair wages clause also relate to Defence Forces laundry contracts. A note was identified of a meeting held in the Department of Defence Contracts Branch in July 1982, aimed at consideration of new laundry contracts for the Defence Forces from October 1982 onwards. A brief mention is made in the note of the meeting to the fair wages clause. The Note records discussion as follows:

“The Fair Wages Clause of the contract was discussed as it applies to the Convent Laundries. It was agreed that as part of their wages / upkeep was supplied from Public Funds the essence of the clause was complied with in these circumstances”.<sup>154</sup>

188. No further information is included in the Note or the file in question; and there is no attempt to reconcile this with the previous position of the Department (i.e. that the cost of keep and so on of the women working in the Magdalen Laundry would amount to the equivalent of a fair wage).

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<sup>153</sup> As above.

<sup>154</sup> File reference 3/85434, Note of meeting held on 8 July 1982 entitled “Laundry Contracts”

**D. Use by the health authorities of the laundry services provided by Magdalen Laundries**

189. The Committee also considered the potential use by the health services of the laundry services provided by the 10 Magdalen Laundries. This was considered important given the consistent need of hospitals for laundry services and the patterns of contracts identified in other fields.
190. This practice of use of external laundry services, including Magdalen Laundries, by Irish hospitals appears to have continued until very modern times. A Report was produced in 1984 on "the Policy of Hospital Linen Services", on behalf of the Hospital Joint Services Board.<sup>155</sup> The Report, produced by an independent consultancy firm, confirms that three Magdalen Laundries were then commonly used by health authorities and Dublin hospitals for laundry services.
191. The Report was prepared at a time when deteriorating industrial relations were regarded as a threat to the reliable supply of emergency and surgical linen for hospitals. The Consultant's Report recommended that the hospitals, which previously relied in great part on the Joint Services Board, make greater use of private laundries in order to ensure cost-effective laundry services on a reliable and continual linen supply.<sup>156</sup>
192. Of the 14 laundries considered by the Report, 4 were Magdalen Laundries which fall within the scope of this Report, namely:
  - Sean McDermott Street
  - High Park
  - Donnybrook

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<sup>155</sup> Report on the Policy of Hospital Linen Services, produced by Craig Gardner on behalf of the Hospital Joint Services Board, 1984

<sup>156</sup> Craig Gardner Consulting. *Hospitals Joint Services Board; Policy Study of Hospital Linen Services*; Dublin, September 1984

- Galway

Another laundry, identified only as “St Mary’s” in documents seen by the Committee may also refer to a Magdalen Laundry but it was not possible to confirm this on the basis of information supplied.

193. At the time of preparation of the 1984 Report, these institutions were, with the exception of Galway, providing laundry services to hospitals and expressed an interest in taking on Dublin-area related hospital work in the future.
194. A set of criteria for future laundry services were suggested by the Consultant’s Report. It was suggested that private companies could be considered for such contracts based on the following considerations:
  - Expressed interest in taking on Dublin area related hospital work;
  - Existing hospital work which was deemed satisfactorily;
  - Excess range of capacity without substantial additional resources;
  - Documented financial stability;
  - Existing management expertise; and
  - Good record of industrial relations.
195. All 14 laundries, including both religious-operated and non-religious operated (commercial) laundries were assessed and compared against that set of criteria. A table assessing and comparing these 14 Laundries, extracted from the Report, is reproduced below. The names of all commercial laundries have been redacted, as some of them continue to operate at the present time. An asterisk \* has also been added prior to the laundries referred to in the Table which fall (or in the case of the laundry identified as “St Mary’s”, which could fall) within the scope of this Report.

	INTEREST	EXISTING WORK	EXCESS CAPACITY	FINANCIAL STABILITY	MANAGEMENT EXPERTISE	INDUSTRIAL RELATIONS
[Named Commercial laundry]	Y	Y	Y	Y	Y	Y
[Named Commercial laundry]	Y	Y	Y	Y	Y	Y
*Gloucester St.	Y	Y	?	?	Y	Y
*High Park	Y	Y	?	?	Y	Y
[Named Commercial laundry]	Y	Y	Y	Y	Y	Y
[Named Commercial laundry]	Y	N	Y	Y	Y	Y
[Named Commercial laundry]	Y	Y	Y	Y	Y	Y
*Magdalene – Dublin	Y	Y	?	?	Y	Y
*Magdalene- Galway	N	-	-	-	-	-
[Named Commercial laundry]	N	-	-	-	-	-
[Named Commercial laundry]	Y	N	-	-	-	-
*St. Mary's	Y	Y	Y	?	Y	Y
[Named Commercial laundry]	N	-	-	-	-	-
[Named Commercial laundry]	Y	Y	?	?	?	?

*Comparative table, extracted from Craig Gardner Consultancy Report for the Hospitals Joint Services Board, entitled "Policy Study of Hospital Linen Services". Dublin, September 1984.*

196. The Magdalen Laundry, Galway did not express an interest in being considered for the future hospital laundry contracts and was therefore not further assessed.
197. The assessment of the three Dublin-based Magdalen Laundries, namely Donnybrook, High Park and Sean McDermott Street (Gloucester Street),

were similar. In each case, these Laundries were already providing laundry services to relevant hospitals or health authorities. The Report also assessed positively the management expertise and industrial relations of each of these Magdalen Laundries. On the foot of assessment, however, there was uncertainty over whether these laundries had excess capacity for additional work and also uncertainty over their financial stability.

198. On the basis of materials provided to it and as noted above, the Committee was not in a position to determine whether the laundry identified as "St Mary's" referred to one of the Laundries within the scope of the Report. The assessment of this laundry similarly demonstrated a lack of certainty on the financial stability of the institution, but confirmed the existing services provided by the institution to the health service and positively assessed the management expertise and industrial relations of the laundry. The Report further confirmed that it had the necessary excess capacity for additional work.
199. The uncertainty about financial stability, common to all the Magdalen Laundries assessed by the Report, was considered in more detail in the body of the Consultant's Report. The conclusion reached on this point was that the Magdalen Laundries were unlikely to be successful in any future tendering process for linen services as the prices they charged, while competitive, were too low to be realistic or sustainable.<sup>157</sup>
200. Therefore, and although the Report did not foresee extensive future use of the Magdalen Laundries for laundry services by the health services, it does confirm a number of points:

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<sup>157</sup> Craig Gardner Consulting. *Hospitals Joint Services Board; Policy Study of Hospital Linen Services*, supra.

- At least three of the Magdalen Laundries were, in 1984, performing laundry services for the health authorities, namely Donnybrook, High Park and Sean McDermott Street.
  - All were assessed and considered to be unaffected by the industrial action which, in other cases, could threaten the smooth running of linen services to vital areas such as hospital emergency departments and operating theatres.
201. On the basis of this information, the HSE view, as expressed to the Committee is that:
- “The Craig Gardner report confirms that there was a very strong business relationship between the Magdalen laundries and the State health authorities, in Dublin, at any rate”.<sup>158</sup>
202. In the absence of documentary evidence of laundry contracts with the health authorities for periods prior to 1984, efforts were made to explore the question further through the memories of retired officers who, in earlier years, served in the health boards and earlier health authorities.
203. The HSE reported to the Committee that two retired officers had provided information to it as follows:
- A retired Area Administrator recalled that payments were made to Sean McDermott Street Laundry for laundry services for one of the local Eastern Health Board clinics in a commercial arrangement until the mid-1990s.
  - An officer also recalled that small payments were made from January 1993 to June 1996 for laundry services to the Laundry at Donnybrook Laundry – however as noted elsewhere in this Report, the Religious

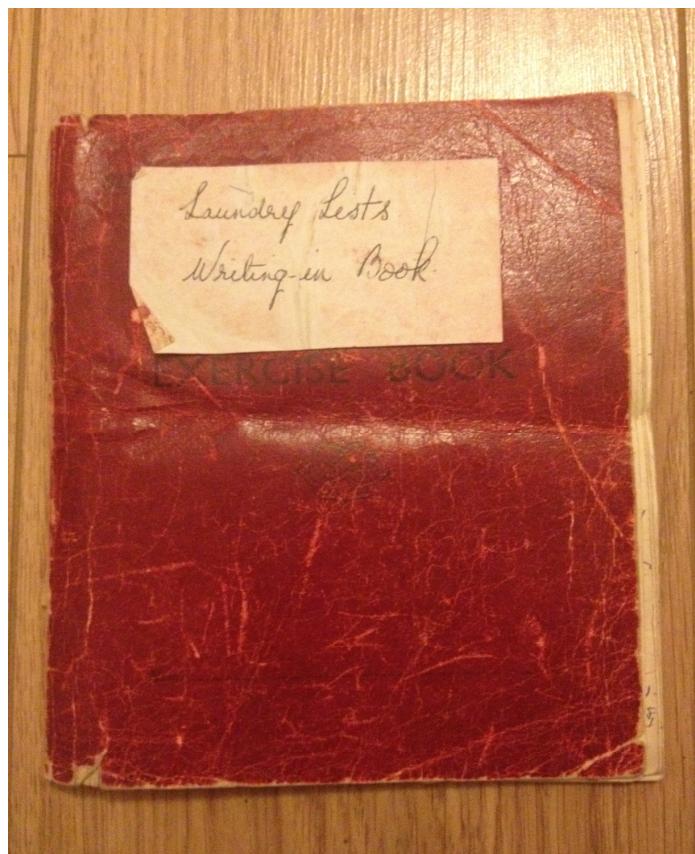
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<sup>158</sup> HSE Report to the Inter Departmental Committee to establish the facts of State involvement in the Magdalen Laundries

Sisters of Charity ceased to operate this laundry in 1992 and sold it at that time as a going concern to a commercial operator. As a result, these contracts or payments would not have been with the Magdalen Laundry.

**E. Notebook submitted by Magdalen Survivors Together, relating to High Park**

204. The Committee was also provided, by the representative group “Magdalen Survivors Together”, with access to a small soft-back notebook described as a “Laundry Lists Writing-in book”.<sup>159</sup> The notebook was given to Steven O’Riordan of Magdalen Survivors Together by a third party (whose identity is known to the Committee) who said that he had found the notebook at High Park following closure of the Laundry in 1993. The notebook appears to list the customer base of the Laundry and contains information for the period from 20 October 1980 to 18 June 1981.



*“Laundry Lists writing-in Book”, High Park.  
Access provided courtesy of Magdalen Survivors Together.*

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<sup>159</sup> Now held at the “Little Museum of Dublin”, 15 St Stephen’s Green, Dublin 2

205. Although the notebook passed out of the control of archives for a period, the Committee had no reason to suspect that it was not genuine. Further, the information contained in the notebook is not inconsistent with what was found by the Committee in relation to other Magdalén Laundries.
206. Analysis of the notebook suggests regular (weekly or near-weekly) use of the Laundry by a number of Government Departments or State agencies, as follows:
- the Department of Fisheries
  - the City Laboratory
  - the Department of Education (referred to as ‘Marlboro Street’ throughout the notebook)
  - the Department of Health (referred to as “DOH”)
  - the Department of Agriculture (and “Beef Classification”)
  - Dr Steven’s Hospital
  - Central Remedial Clinic (referred to as “CRC”)
  - Coras Iompair Éireann (CIE) at a number of its locations or departments:
    - North Wall
    - Punchestown
    - Heuston Station
    - Dining rooms, Inchicore
    - General stations
    - Purchasing Department
207. Also recorded as having utilised the laundry less frequently over the period covered by the notebook are:
- The National Library (twice)
  - The Department of Justice (once)
  - Áras an Uachtaráin (once).

208. Other than the above Government Departments and State agencies, the customer base listed in the notebook includes commercial hotels, private individuals and a small number of schools.

**F. Other miscellaneous information regarding laundry services**

209. Information on State contracts with one Magdalen Laundry was also provided to the Committee by a person who acted as commercial manager for that institution for a period of 6 years.

210. John Kennedy was employed from 1976 to 1982 as commercial manager of the Laundry operated by the Good Shepherds at Limerick. In 1982 he purchased the business from the Order as a going concern. In June 1991 he also purchased the business of the Laundry operated by the Religious Sisters of Charity at Peacock Lane, Cork. He provided information directly to the Committee throughout the process and was of considerable assistance in its work.

211. Mr Kennedy shared with the Committee his recollection of tenders by the Limerick Magdalen Laundry for state contracts. He detailed that, "even in the old days", there were clear procedures for tenders and that he had no reason to believe that the institution was being accorded preferential treatment:

"All tender forms had very exact conditions and were printed on official, headed paper or in mini booklet form. When completed they had to be sealed in a special envelope and be delivered by a very specific deadline, the time of which was registered".<sup>160</sup>

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<sup>160</sup> Note from John Kennedy to the Inter-Departmental Committee dated 8 October 2012

212. He confirmed that the same tender forms were utilised by the Laundry operated by the Congregation as non-religious commercial laundries.
213. His view on how the Magdalen Laundry secured State contracts in the Limerick region was “very simple, their prices were the lowest and they had excellent quality”, and his view that the main reason for contracts not being secured would be “when competing commercial laundries had spare capacity, because their costs for the extra work to fill this gap would only be marginal”.<sup>161</sup>
214. Mr Kennedy also indicated that, during his time as manager of the Laundry at Limerick, he secured many new contracts (including State and semi-state) which had not previously been held by the Magdalen Laundry when operated directly by the Religious Congregation. His view is that all such contracts secured during his tenure as manager:

“were secured only on a price, quality and delivery at a specified time, basis. I am absolutely sure there was no other consideration taken into account when awarding them to the Good Shepherd Laundry in Limerick”.<sup>162</sup>

215. He also informed the Committee that, in order to secure and carry out these new contracts, he:

“had to increase the throughput of the Laundry to handle this extra work. I achieved this by, for example, installing bigger and better washing machines, taking on male staff for the heavy physical work, buying bigger delivery vans and sinking a borehole well for our own reliable, cheaper, high pressure water supply”.<sup>163</sup>

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<sup>161</sup> Id

<sup>162</sup> Id

<sup>163</sup> Id

216. In that context, Mr Kennedy's recollection is of contracts during his tenure as manager with a number of State bodies including:

- Aer Rianta;
- Coras Iompair Eireann (CIE);
- Department of Agriculture;
- Electricity Supply Board (ESB);
- Limerick prison; and
- a number of hospitals.

As part of the above, the Laundry had what was referred to colloquially as the "Shannon Office" to administer the business from Shannon Airport.

## **Chapter 15:**

### **Financial (C): Taxation, Commercial Rates and Social Insurance**

#### ***Summary of findings:***

*This Chapter additionally sets out the relevant legislation and practice of the Revenue Commissioners in relation to charitable tax exemptions. The Magdalen Laundries were, from an early stage, adjudged by the Revenue Commissioners to meet the applicable tests for the charitable tax exemption.*

*This Chapter further addresses the question of commercial rates and rates exemptions. The Committee found that the Magdalen Laundries were in general rated at a central level. In one case, a Magdalen Laundry was exempt from rates for the entire period of its operation. In five cases, Magdalen Laundries were rated both prior to and after the establishment of the State. Finally, in four cases, Magdalen Laundries were exempt from rates prior to the establishment of the State but were subsequently rated at differing points after the establishment of the State.*

*This Chapter also addresses the question of social insurance. It sets out the legislative requirements and thresholds which applied over the relevant periods to determine whether or not employment was insurable and applies those tests to the case of the women who worked in the Magdalen Laundries. It includes information on the case of a woman whose work in a Magdalen Laundry was assessed contemporaneously by the relevant State authorities and found not to be insurable.*

*In that context, this Chapter also records details of a redundancy rebate claim identified by the Committee in relation to a small number of women who worked in a commercial laundry which succeeded a Magdalen Laundry.*

**Introduction**

1. Chapter 14 addressed the question of State contracts for laundry services with the Magdalen Laundries. The Committee considered that issue as part of the overall landscape of State interaction with the Laundries and in an effort to identify and, where possible, quantify what might be considered as the indirect financial support provided by the State to the Magdalen Laundries in that way.
2. For similar reasons of setting out the widest possible picture of State interaction with the Magdalen Laundries, the Committee also examined the status of the Magdalen Laundries from a revenue (taxation) perspective, as well as their status in the system for commercial rates and rates exemptions.
3. This wide approach was adopted by the Committee to ensure that all areas would be examined where possible indirect financial benefits might have accrued to the Magdalen Laundries.
4. The Committee engaged in this respect with the Office of the Revenue Commissioners, the Valuation Office and the Department of Social Protection, to determine the historic operating status of the Magdalen Laundries from the perspectives of these Offices and any records which might exist in this regard.
5. The Committee engaged with these offices with the full assistance and cooperation of the Religious Congregations, without in any way contravening the strict confidentiality rules which apply to revenue matters.
6. The issue of the charitable tax exemption is one of the issues addressed in this Chapter. It may be noted, however, that the Office of the

Commissioners of Charitable Donations and Bequests has no role in relation to this issue. The relevance of that Office to the Magdalen Laundries is dealt with separately in Chapter 17.

#### **A. Taxation - the charitable tax exemption**

7. This Section sets out the investigations carried on by the Committee in relation to charitable status or what is more frequently referred to as the charitable tax exemption. The rules and practices applied in relation to charitable tax exemptions across the full period of concern to the Committee, namely from 1922 until 1996, were explored with the Office of the Revenue Commissioners.
  8. This Section sets out the results of this exercise, covering the general rules in relation to charitable exemptions, the practices of the Revenue Commissioners in the administration of the charitable tax exemption and the practical implications of these rules and practices for the Magdalen Laundries. The status granted to certain Magdalen Laundries is also recorded.
- i. General rules relating to charitable tax status*
9. The Charities Act 2009 provides, as part of a comprehensive review of Irish law in relation to charities, for the establishment and maintenance of a Register of Charitable Organisations. The relevant provisions of that Act have, however, not yet been commenced, and in any event having regard to the fact that the last Magdalen Laundry closed in 1996, do not relate to the issues under examination by this Report.
  10. In relation to the time period under consideration by the Committee, there was no single body charged with the registration, regulation or oversight of charitable bodies – and this will remain the case until commencement of the 2009 Act.

11. Instead, what is commonly referred to as ‘charitable status’ related (and at present still relates) to the recognition of a body of persons or a trust established for charitable purposes as being eligible for a charitable tax exemption.
12. A charitable tax exemption has existed at all times since the foundation of the State. The Office of the Revenue Commissioners has confirmed to the Committee that its role has always been to administer the exemption and that it has never held any responsibility in relation to the registration, regulation or oversight of charitable bodies.<sup>1</sup>
13. The legislative basis for the charitable tax exemption at the time of the foundation of the State was the Income Tax Act 1918. A charitable tax exemption has existed at all times since then, with the legislative basis under which the exemption is currently available being the Taxes Consolidation Act 1997.
14. In establishing the exemption, neither the 1918 Act nor the intervening Taxes Acts defined the meaning or scope of the terms “charity” or “charitable purposes”, other than by reference to each other.<sup>2</sup>
15. The Office of the Revenue Commissioners has confirmed that in the absence of any such definition in the Taxes Acts, it “has therefore looked to the general law relating to charities to find a definition of ‘charity’ and ‘charitable purposes’”, in order to fulfil its role in the administration of the exemption.<sup>3</sup>
16. As a result, the general legal criteria upon which the Office of the Revenue Commissioners relies in determining eligibility for the charitable tax

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<sup>1</sup> Letter dated 3 August 2012, Revenue Commissioners to the Inter-Departmental Committee.

<sup>2</sup> For example, section 30 of the Finance Act 1921 provided that “the expression ‘charity’ means any body of persons or trust established for charitable purposes only”

<sup>3</sup> Letter dated 3 August 2012, Revenue Commissioners to Inter-Departmental Committee.

exemption are also those used by the Courts in determining whether or not a particular organisation is a charity.

17. An Act dating to 1634, now repealed, is still generally considered as the starting point of modern charity law and a guide in determining the scope of the term “charity”. The Office of the Revenue Commissioners confirmed that, as a result, it has regard to that Act and the development of the general law on charities from that time onwards. Insofar as relevant to this Report, the Statute of Charitable Uses (Ireland), 1634 provided that dispositions:

“... for the erection, maintenance or support of any college, school, lecture in divinity, or in any of the liberal arts or sciences, or for the relief or maintenance of any manner of poor, succourless, distressed or impotent persons, or for the building, re-edifying or maintaining in repair of any church, college, school or hospital, or for the maintenance of any minister and preacher of the holy word of God, or for the erection, building, maintenance or repair of any bridges, causeways, cashes, paces and highways, within this realm, or for any other like lawful and charitable use and uses, warranted by the laws of this realm, now established and in force, are and shall be taken and construed to be good and effectual in law”.<sup>4</sup>

18. Although this Act has been repealed, it heavily influenced the development of charity law and the Office of the Revenue Commissioners has confirmed that:

“The principles laid down in the Charitable Uses Statutes, and adopted in judicial decisions over many years, as to what types of disposition were to be regarded as valid gifts for charitable purposes, are broadly the principles to apply in deciding what are (or are not) charitable purposes for the tax exemptions”.<sup>5</sup>

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<sup>4</sup> 10 CH 1 Sess 3, c 1

<sup>5</sup> Letter dated 3 August 2012, Revenue Commissioners to Inter-Departmental Committee.

19. Other than the broad brush of charity law, the question of charitable tax exemptions has also been considered by the Courts. *IT Comrs v Pemsel*<sup>6</sup> is considered the leading tax case on the subject, in that it grouped charitable purposes into four general categories, namely:
  - Relief of poverty;
  - Advancement of education;
  - Advancement of religion; and
  - Other purposes beneficial to the community not falling within the other three categories.
20. These four general categories of charitable purposes, commonly referred to as Pemsels Rule, have been accepted by the Irish Courts both for the purposes of Irish law generally and for tax law in particular.
21. This is a two-stage test and, in addition to falling within one of these categories, the Office of the Revenue Commissioners points out that there is a requirement for public benefit, that is, a benefit arising from the activities either to the general public or to a sufficient section of the public.
22. In both Irish and UK charity law, there is a presumption of public benefit in relation to the category of advancement of religion and this presumption was made conclusive in Ireland by the Charities Act 1961.
23. The position in relation to any possible profits of trades was also explored by the Committee with the Revenue Commissioners. It might be thought that if an otherwise charitable body carried on a trade from which it derived profits, it might not be eligible for a charitable tax exemption. However, section 30 of the Finance Act 1921 had the effect that the profits of a trade were exempt from tax where the work in connection with the trade was

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<sup>6</sup> [1891] AC 531 at 538

mainly carried out by the beneficiaries of the charity. It established, in pertinent part, that exemption would be granted from income tax:

“in respect of the profits of a trade carried on by any charity, if the work in connection with the trade is mainly carried on by beneficiaries of the charity and the profits are applied solely to the purposes of the charity”<sup>7</sup>

24. A similar provision remains in place today in the form of section 208 of the Taxes Consolidation Act 1997, which provides that a charitable tax exemption may be granted from income tax chargeable on the profits of a trade carried on by a charity, if the profits are applied solely for charitable purposes and either:
  - the trade is exercised in the course of the actual carrying out of the primary purpose of the charity; or
  - the work in connection with the trade is mainly carried on by beneficiaries of the charity.

*ii. Procedures for administration of the charitable tax exemption by the Office of the Revenue Commissioners*

25. The process for administration of the charitable tax exemption has differed over the time-period under examination by the Committee.
26. Today, formal application procedures are in place for organisations seeking to avail of the charitable tax exemption, including a requirement to submit to the Revenue Commissioners an application appending the Governing Instruments of the body as well as other documents. The Office of the Revenue Commissioners has confirmed to the Committee that a comprehensive vetting and review is carried out on all such applications; and the Office also carries out periodic reviews to ensure that, once granted charitable tax exemption, the body or organisation in question continues to comply with the terms of the exemption.

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<sup>7</sup> Finance Act 1921, Section 30(1)(c)

27. However, the Office of the Revenue Commissioners confirmed to the Committee that, prior to October 1996, there was no such formal application process for organisations seeking to obtain a charitable tax exemption. The system which evolved and was in place at all relevant times prior to 1996 was as follows.
28. If an organisation sought to obtain a charitable tax exemption, it was necessary for the organisation to submit a claim for repayment of tax deducted *after* a taxable event - that is, any situation where tax was paid to Revenue by, or on behalf of, an organisation.
29. In consideration of the repayment claim, the Office of the Revenue Commissioners would then satisfy itself whether or not the body in question was entitled to the charitable tax exemption on the basis of the test set out above, that is, Pemsels Rule. There was no requirement, at that stage of initial assessment, to submit accounts or other supporting documentation to the Revenue Commissioners. However, if the Office had any concerns in any particular case as to whether or not the activities of a body making a claim were charitable, it would have been open to it to carry out further investigations, including by seeking copies of accounts or other such documents.
30. If, after its assessment of the application, the Office of the Revenue Commissioners was satisfied that the body in question was entitled to a charitable tax exemption, the repayment claim was approved and the tax deducted was repaid.
31. After the first such successful claim for repayment of tax by a body on the basis of the charitable tax exemption, the practice of the Office was to assign that body a charity number ("CHY number"), with the effect that

subsequent claims could be repaid in a more streamlined fashion and with what the Office termed “minimum checking”.<sup>8</sup>

32. During the time-period under examination by the Committee, there was no ongoing review or monitoring to ensure that bodies assigned a charity number continued to operate for charitable purposes. Nor was there a requirement for organisations granted a charity number to submit accounts to the Revenue Commissioners on a regular basis. Rather, the checking procedures historically adopted by the Office of the Revenue Commissioners for the period in question were limited to ensuring that the tax being repaid had in fact been deducted and paid to Revenue; that the income which gave rise to the tax was the income of the relevant charitable body; and that the correct applicant was being repaid.<sup>9</sup>
33. The Office of the Revenue Commissioners, reflecting on this historic approach, has noted that the perceived risk of tax evasion amongst charitable bodies would have historically been considered minimal and that the monitoring procedures of the time reflected this, commensurate with the perceived risks involved.<sup>10</sup>

*iii. Application of these principles to the Magdalen Laundries*

34. The Office of the Revenue Commissioners has confirmed that during the period 1921 to 1996 and in general:

“Religious Congregations and other ancillary bodies operating under their control would have qualified for charitable tax exemption under a number of charitable purpose headings, including the advancement of religion, in line with the definition of charitable purposes contained in both English and Irish case-law”.<sup>11</sup>

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<sup>8</sup> Letter dated 3 August 2012, Revenue Commissioners to Inter-Departmental Committee.

<sup>9</sup> Id

<sup>10</sup> Id

<sup>11</sup> Id

35. The Office further informed the Committee that this would have been the case in the State and:

“during the period in question, the activities of Religious Congregations or Congregations would have been generally accepted as charitable by Revenue”.<sup>12</sup>

36. Specifically in relation to the four relevant Religious Congregations, the Office indicated that they would have been entitled to a charitable tax exemption:

“on the basis that their activities contained the necessary elements of charitable purpose and public benefit required under one or more of the four headings defined in the *IT Comrs v Pemsel* ruling”.<sup>13</sup>

37. Chapter 20 of this Report considers, on the basis of the Congregation’s financial accounts, the financial viability of the Magdalen Laundries. The analysis contained in that Chapter challenges the perception that the Magdalen Laundries were highly profitable. However, regardless of that matter, in line with the applicable principles for the charitable tax exemption set out above, and in particular in light of the fact that the work in connection with the trade was mainly carried on by the women who lived in these institutions, any profits earned by the Magdalen Laundries would not in general have had an impact on the application of the charitable tax exemption. Rather, the Office of the Revenue Commissioners has confirmed that the provisions of the Acts set out above:

“would ensure that the bodies you describe in your letter would have been entitled to a charitable tax exemption on the basis that the work of any trade they may have been carrying out was mainly carried on by the beneficiaries of the charity and that any profits arising were applied solely for charitable purposes”.<sup>14</sup>

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<sup>12</sup> Id

<sup>13</sup> Id

<sup>14</sup> Id

38. This would not have been the case for every trade or activity carried out by Religious Congregations. For instance, a knitting industry operated by the Sisters of Mercy in Galway with paid employees did *not* qualify for the charitable tax exemption; while the Magdalen Laundry (where the work was carried out not by employees but by the women who lived there) *did* qualify.
39. The Committee also examined the archives of the Religious Congregations to identify any possible records relating to charitable status. In the case of two Magdalen Laundries (Donnybrook and Peacock Lane), the Committee identified the Charity Number which had been granted by the Revenue Commissioners, which allowed additional searches to be carried out by that Office on its records.
40. In both cases, the Revenue Commissioners confirmed to the relevant Religious Congregation that the Magdalen Laundries had both been first granted the charitable tax exemption and thereafter a Charity Number in 1921. In both cases, the relevant Charity Number is no longer operational (amalgamated with the Charity Number for the Provinciate).<sup>15</sup>

## **B. Rates and rates exemptions**

### *i. Introduction and general law on rates and rates exemptions*

41. The primary legislation relating to rates is the Poor Relief (Ireland) Act 1838. With the exception of the Local Government (Financial Provisions) Act 1978 (which removed domestic dwellings from rates liability) and a Supreme Court decision in 1984 which exempted agricultural land from rates<sup>16</sup>, only minor changes and adjustments have been made since 1838 to the operation of the rating system.

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<sup>15</sup> Letter dated 4 January 2013 Revenue Commissioners to the Religious Sisters of Charity.

<sup>16</sup> Brennan v. Attorney General [1984] ILRM 355

42. Section LXIII (63) of the Poor Relief (Ireland) Act 1838 states that no:

“Building used exclusively for charitable Purposes, ... shall be rateable, except where any Private Profit or Use shall be directly derived therefrom, in which Case the Person deriving such Profit or Use shall be liable to be rated as an Occupier according to the annual Value of such Profit of Use”.<sup>17</sup>

43. A good description of the nature of the charitable exemption from rates is provided by the Report on Exemptions from and Remissions of Rates, 1967.<sup>18</sup> That Report was issued by the Inter-Departmental Committee on Local Finance and Taxation, which had been established by the Minister for Local Government, comprising officials of the Departments of Agriculture and Fisheries, Education, Finance, Health and Local Government, with a mandate:

“to examine and report on the present system of financing the operations of local authorities, the changes, if any, which are desirable in the present system and the sources of local revenue as an alternative or supplement to rates which it may be considered practicable to recommend”.<sup>19</sup>

44. The Second Report of the Committee, on exemptions and remissions from rates, reviewed “the great variety and number of rating concessions, the basis for these concessions and their effects on the local taxation system” and made recommendations “as to the rules which, in the Committee’s view, should govern rating concessions in the future”.<sup>20</sup> The Report was published by Government “for the general information of the public and to stimulate constructive comment”.<sup>21</sup>

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<sup>17</sup> Section LXIII (63) of the Poor Relief (Ireland) Act 1838

<sup>18</sup> Government Publications PR 9378

<sup>19</sup> Inter-Departmental Committee on Local Finance and Taxation, Report on Exemptions from and Remissions of Rates, 1967, at page 5

<sup>20</sup> Id

<sup>21</sup> Id

45. The Report notes the various exemptions which applied, including for example property used for public purposes within the meaning of the Poor Relief (Ireland) Act 1838 and the Valuation Ireland Acts 1852 and 1854, semi-state bodies, and property used for charitable purposes.<sup>22</sup>

46. It was, however, acknowledged that anomalies and uncertainties existed in the rating and valuations system:

“These statutory exemptions and the great body of judicial decisions relating to them have brought about many rating anomalies. The position in this regard can be illustrated by some examples of current rating concessions in Dublin City, many of which are based directly or consequentially on the 1838 and 1854 Acts. The Dogs and Cats Home at Grand Canal Quay is exempt from rates. The premises of the Royal National Lifeboat Institution are rated. The Institute for Industrial Research and Standards is exempt but the Institute for Advanced Studies is rated”.<sup>23</sup>

47. The Report confirmed that Reformatory and Industrial Schools were exempt from rating “on the basis of the public purposes which they fulfil”.<sup>24</sup>

48. The question of the charitable exemption was considered in some detail by the Report. It confirms that the Poor Relief Act identified rateable properties, followed by a general exception:

“provided also that no church, chapel or other building exclusively dedicated to religious worship or *exclusively used for the education of the poor*, nor any burial ground or cemetery, *nor any infirmary, hospital, charity school or other building used exclusively for charitable*

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<sup>22</sup> Noting in particular that:

“Under section 2 of the Valuation (Ireland) Act 1854, the Commissioner of Valuation must distinguish in the valuation lists premises of a public nature or used for charitable purposes or for the purposes of science, literature and the fine arts. Hereditaments so distinguished are to be exempt from rating as long as they continue to be used for the purposes mentioned”. (Id at paragraph 8)

<sup>23</sup> Id at paragraph 9

<sup>24</sup> Id at paragraph 39

*purposes, nor any building, land or hereditament dedicated to or used for public purposes, shall be rateable, except where any private profit or use shall be directly derived therefrom ...*".<sup>25</sup>

49. The Report then refers to section 2 of the Valuation (Ireland) Act 1854:

"... in making out the lists or tables of valuation mentioned in the said firstly herein before mentioned Act, the Commissioner of Valuation shall distinguish all hereditaments and tenements, or portions of the same, of a public nature, *or used for charitable purposes*, or for the purposes of science, literature and the fine arts, as specified in an Act of the sixth and seventh years of Her Majesty, Chapter 36 and all such hereditaments or tenements or portions of the same, so distinguished, shall, so long as they shall continue to be of a public nature, and occupied for the public service, or used for purposes aforesaid, be deemed exempt from all assessment for the relief of the destitute poor in Ireland and for grand jury and county rates".<sup>26</sup>

50. The Report confirms that, in relation to the consideration of charitable status for tax purposes, the interpretation of charitable purposes in regard to rates relied on the decision in Pemsel's case:

"Legal interpretation gives to the word 'charitable' a wider scope than in everyday usage. An authoritative ruling on the meaning to be placed for fiscal purposes on the phrase 'charitable purposes', was given by the House of Lords in Pemsel's case. The House explicitly related its interpretation of 'charitable purposes' to land and buildings in Ireland as well as England and held that in interpreting the phrase in any Act regard should be had to the Charitable Uses Act 1601, in which education, relief of poverty, religion and other works of public advantage are separately distinguished as charitable purposes. This implies, for example, that education is charitable in its own right without

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<sup>25</sup> Id at paragraph 23 (emphasis in original)

<sup>26</sup> Id at paragraph 23 (emphasis in original)

any necessity to find an eleemosynary element in any particular form of education".<sup>27</sup>

51. The Report, building on these comments, notes that two questions have given rise to the “most difficulty in the Irish courts” in this regard, namely:

- (a) should the requirement in section 2 of the 1854 Act on the Commissioner of Valuation, in making out the valuation lists, to distinguish certain properties as being exempt from rating, be regarded as superseding the exemption given by the 1838 Act, and
- (b) should the term “charitable purposes” be interpreted in the Pemsel sense, i.e. as having a wider scope than in the purely eleemosynary sense?”.<sup>28</sup>

52. The Report thereafter reviews a variety of cases relating to rating, building on the so-called Derry Bridge case which found that the Valuation Acts did not create new or abolish old obligations, but only:

*“provide a machinery for valuing property according to the standards provided by the existing legislation.* This exemption from rating under section 63 of the Act of 1838 on grounds of the charitable nature of use was restricted to property used exclusively for such purposes”.<sup>29</sup>

53. It suggested that Irish courts had generally adopted this interpretation of charitable purposes, namely that the charitable exemption was limited to property used exclusively for charitable purposes.<sup>30</sup> The Report ultimately recommended that, as one of the principles which should govern rating exemptions and remissions, that:

- (c) “Charitable purposes” should secure exemption only where property is used to provide, on a non-profit basis, services of general public

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<sup>27</sup> Id at paragraph 23 [Note: “eleemosynary” means of or relating to or supported by charity]

<sup>28</sup> Id at paragraph 24.

<sup>29</sup> Id at paragraph 25 (emphasis in original)

<sup>30</sup> Id at paragraphs 26-29, referring to a range of case-law, some of it contradictory, on the subject.

benefit and of a social, public assistance or similar character such as might otherwise have to be provided by a public authority.<sup>31</sup>

*ii. Archives of the Valuation Office and status of the Magdalen Laundries*

54. All the Religious Congregations relevant to this Report were considered charitable organisations. On the basis of the principles set out above, it might have been possible that some of the properties coming within the scope of this Report might have been exempt from rates as charitable institutions.
55. The Committee decided that it should, on the basis of the archives of the Valuation Office, determine precisely what status the Magdalen Laundries had in relation to commercial rates for the entire period of relevance (1922-1996).
56. The archives of the Valuation Office hold records including maps and rateable valuation records dating back to 1850. At the request of the Committee, a search was carried out to determine the position of each of the ten Magdalen Laundries and in particular, whether they were considered exempt from rates or otherwise.
57. Searches were carried out covering from at least the 1920s or earlier until the 1970s to match the Magdalen Laundries with the entries on the historic valuation lists. The following were the results of the searches conducted.
58. Five of the ten Magdalen Laundries were rated prior to establishment of the State and continued to be rated after the establishment of the State, as follows:

*- High Park, Drumcondra (closed 1991)*

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<sup>31</sup> Id at paragraph 94(c)

Searches were conducted of all Valuation Office records from 1916 onwards. The Magdalen Laundry at High Park was rated from 1916 onwards.

- *Sean McDermott Street, Dublin (closed 1996)*

Searches were conducted of Valuation Office records from 1895 onwards. The Magdalen Laundry at Sean McDermott Street was exempt from 1895 to 1914. The Laundry was first rated in 1914 and continued to be rated from then on.

- *Donnybrook (closed 1992)*

Searches were carried out of all records from 1910 to the present. The Magdalen Laundry at Donnybrook was rated from 1910 onwards.

- *Peacock Lane, Cork (closed 1991)*

Searches were conducted of all records from 1908 onwards. The Magdalen Laundry at Peacock Lane was rated from 1908 onwards. (It was from 1970 onwards rated as a hostel).

- *St Mary's, Cork (closed 1977)*

Searches were conducted of Valuation Office records from 1910 onwards. The Magdalen Laundry at Sunday's Well was rated from 1910 until its closure.

59. Four Magdalen Laundries were exempt from rating prior to the establishment of the State, but were rated after establishment of the State, as follows:

- *St Mary's, Waterford (closed 1982)*

Searches were conducted of Valuation Office records from 1927 onwards. The Magdalen Laundry in Waterford appears to have been exempt from rates prior to the establishment of the State, but was rated from 1927 onwards.

- *Magdalen Home, Galway (closed 1984)*

Searches were conducted of all Valuation Office records from 1899 onwards. These records indicated that the Magdalen Laundry in Galway was exempt from rates from 1899 to 1947. The Laundry was rated for the first time in 1947.

- *St Mary's, Limerick (closed 1982)*

Searches were conducted of Valuation Office records from 1900 onwards. The Magdalen Laundry in Limerick was exempt from rates from 1900 to 1948. The Laundry was first rated in 1948 and continued to be rated consistently thereafter.

- *St Patrick's Refuge, Dun Laoghaire (closed 1963).*

Searches were conducted of all Valuation Office records from 1915 to 1963. These records indicated that the Magdalen Laundry in Dun Laoghaire was exempt from rates from 1915 to 1952. The Laundry was rated for the first time in 1952 and from then until its closure.

60. And finally, one Magdalen Laundry was not rated either before or after establishment of the State:

- *St Mary's, New Ross (closed 1967)*

Searches were conducted of Valuation Office records from 1910 to 1969. The records do not identify a Laundry, but rather only the Convent. There was accordingly no rating for the laundry premises.

*Rates on the Good Shepherd Convent, Waterford*

61. In the case of the Good Shepherd Convent, Waterford, information is available on the circumstances around this revision of rating. This Convent, including the Magdalen Laundry, was until 1925 exempt from rates. In 1926, Waterford City Council sought to apply rates to the institution. The rateable valuation applied to the "Laundry, yard, Drying room" appears to

have been £100.<sup>32</sup> That valuation remained on the relevant rate books until 1970.

62. This decision by Waterford City Council was appealed by the Good Shepherd Sisters first to the Circuit and then to the High Court.
63. The High Court in 1930 upheld the decision of the Circuit Court finding that, while the Industrial School and the “Magdalen Asylum” were exempt from rates, the Convent building, “the laundry” and land attached to the Magdalen Asylum and Industrial School were not exempt from rates.<sup>33</sup> (In this context, the reference to the “Magdalen Asylum” as opposed to the “laundry” presumably applies to the living quarters of the women who worked in the Laundry.)
64. Spot-checks of the Waterford City Archives demonstrate that the rates which arose for the Good Shepherd Convent due to this decision were paid annually.
65. However, the manner in which the Good Shepherd Convent was viewed by Waterford City Council appears to have been somewhat inconsistent or to have altered in later years. A Manager’s Order dating 18 August 1954 was identified by the Waterford City Archivist, which includes the Good Shepherd Convent as one of 9 named institutions in the City exempted from the payment of metered water charges “as they are maintained mainly for charitable purposes”.<sup>34</sup> Arrears as of that date were ordered to be written off.<sup>35</sup>

### **C. Social Insurance**

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<sup>32</sup> Rate books for South Ward, Waterford, Ref Fin7/3/passim

<sup>33</sup> Commissioner for Valuations v Good Shepherd Convent

<sup>34</sup> Waterford City Manager’s Order 18 August 1954

<sup>35</sup> Ref TNC16/8

*Introduction*

66. The question of the employment status, in particular whether work in the Magdalen Laundries qualified as insurable employment and whether insurance contributions were made on behalf of the women working there was also considered by the Committee.
67. In addressing this question, the Committee first reviewed the historic legislative provisions, in order to determine what tests applied for any person to be considered to be in insurable employment. The application of these tests to the women who worked in the Magdalen Laundries would establish whether or not they were in insurable employment. If they were in such employment, there would have been a requirement for the Congregations to make insurance contributions on their behalf.
68. The Department which now holds responsibility for this area is the Department of Social Protection. Although the Department offered full cooperation to the Committee, establishment of the status of the women who worked in the Magdalen Laundries, as well as whether or not contributions were made on behalf of these women was not straightforward. This is the case as most records held by the Department for employed persons are organised on the basis of Personal Public Services Numbers (formerly “Revenue and Social Insurance (RSI)”) rather than by employer; and as some historic records have been destroyed (set out in further detail below).
69. Despite these challenges, the Department carried out searches of available records and assisted the Committee in its work. The Committee has on that basis identified a certain number of relevant records relating to the employment status of the women working in the Magdalen Laundries, and the implications of that status in relation to social insurance. This Section sets out the findings of the Committee in this regard.

- i. *Legislative tests for insurable employment*

70. The first compulsory social insurance scheme in Britain and Ireland was brought into effect, prior to establishment of the State, by the National Insurance Act 1911. Under the terms of the Act, unemployment and sickness benefit schemes were established and insurance was made compulsory for persons over 16 years of age who were either:

- manual workers employed under a contract of service, whatever their rate of remuneration; or
- non-manual workers whose remuneration did not exceed a specified limit (£160 per year).<sup>36</sup>

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<sup>36</sup> National Insurance Act 1911 Section 1 (extract):

“(1) Subject to the provisions of this Act, all persons insured of the age of sixteen and upwards who are employed within the meaning of this Part of this Act shall be, and any such persons who are not so employed but who possess the qualifications herein-after mentioned may be, insured in manner provided in this Part of this Act, and all persons so insured (in this Act called “insured persons”) shall be entitled in the manner and subject to the conditions provided in this Act to the benefits in respect of health insurance and prevention of sickness conferred by this Part of this Act.

(2) The persons employed within the meaning of this Part of this Act (in this Act referred to as “employed contributors”) shall include all persons of either sex, whether British subjects or not, who are engaged in any of the employments specified in Part I. of the First Schedule to this Act, not being employments specified in Part II of that Schedule”.

First Schedule, Part I, Employments within the meaning of Part I of this Act relating to Health Insurance (extract):

“(a) Employment in the United Kingdom under any contract of service or apprenticeship, written or oral, whether expressed or implied, and whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece or partly by time and partly by the piece, or otherwise, or, except in the case of a contract of apprenticeship, without any money payment”.

Part II Exceptions (extract):

“(g) Employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value one hundred and sixty pounds a year, or in cases where such employment involves part-time service only, at a rate of remuneration which in the opinion of the Insurance Commissioners, is equivalent to a rate of remuneration exceeding one hundred and sixty pounds a year for whole-time service”.

71. In 1920, again prior to the establishment of the State, these provisions were extended to include certain other categories (including persons in paid apprenticeships) and new rates of contribution and benefit, differentiating between men and women, boys and girls were introduced.
72. After its creation in 1947, the Department of Social Welfare became responsible for coordination and administration of the social welfare schemes already in operation. The need for reform was considered and, in 1949, a White Paper was issued concerning Social Security.<sup>37</sup>
73. In summary, the White Paper proposed that social insurance be extended to cover the entire employee class. Some, but not all, of the recommendations of the White Paper were implemented over subsequent years.
74. The key piece of legislation for the purposes of this Report was the Social Welfare (Insurance) Act 1952. With effect from January 1953, it provided for a single social insurance scheme, replacing the previous separate schemes for unemployment, widow's and orphan's pensions and national health.
75. The 1952 Act provided as follows in relation to insured persons:

“Subject to the provisions of this Act

- a) every person who on or after the appointed day, being over the age of sixteen years and under pensionable age, is employed in any of the employments specified in Part I of the First Schedule to this Act, not being an employment specified in Part II of that Schedule, shall be an employed contributor for the purposes of this Act”.<sup>38</sup>

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<sup>37</sup> White Paper on Social Security, October 1949

<sup>38</sup> Social Welfare Act 1952, Section 4(1)

76. The First Schedule sets out in some detail the employments which qualified, including the following:

“Employment in the State under any contract of service or apprenticeship, written or oral, whether expressed or implied, and whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece or partly by time and partly by the piece, or otherwise, or without any money payment”.<sup>39</sup>

77. It also set out the employments which were excluded from social insurance, including, among other categories:

- Employment at a rate of remuneration exceeding in value six hundred pounds a year, (or pro rata in the case of part-time employment); or
- “Employment specified in regulations as being of inconsiderable extent”.

78. The Act also provided that these excluded types of employment could, by Ministerial Regulation, be brought within the scope of “employed contributors”<sup>40</sup> or that other “classes of employment” could be added.<sup>41</sup>

79. As permitted by the 1952 Act, certain other employments were excluded from insurability by Regulation. One such Order was made in 1952, excluding:

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<sup>39</sup> First Schedule to the 1952 Act, section 1. A number of specific employments are also mentioned, although none relevant to this Report.

<sup>40</sup> Section 4(4) of the 1952 Act

<sup>41</sup> Section 4(5) of the 1952 Act

"Employment where the employed person is a person in Holy Orders or other Minister of Religion or a person living in a religious community as a member thereof".<sup>42</sup>

80. Employment of "inconsiderable extent", which was excluded from insurability by the 1952 Act, is important in the context of this Report. A Statutory Instrument was made by the Minister in 1953 which specified that employment of this type would be defined by reference to a minimum income threshold. It provided that employment of inconsiderable extent consisted of:

"employment, other than employment under a contract of apprenticeship, in any one or more employments (which apart from these Regulations would be insurable) from which employment or employments the earnings of the employed person are less in value than 30 shillings a week".<sup>43</sup>

81. However, a further Statutory Instrument made that year revoked these regulations and with effect from 31 August 1953, specified that employment of inconsiderable extent would be defined as:

"Employment (other than employment which is under a contract of service and is for the purpose of the employer's trade or business), in any one or more employments (which apart from these Regulations would be insurable) for less than eighteen hours in a contribution week where the employed person is not mainly dependent for his livelihood on the remuneration received for such employment or employments".<sup>44</sup>

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<sup>42</sup> Article 8, Social Welfare (Insurance Inclusions and Exclusions) Regulations, S.I. 373 of 1952

<sup>43</sup> Article 2, Social Welfare (Employment of Inconsiderable extent) Regulations 1953, S.I. 20 of 1953

<sup>44</sup> Social Welfare (Employment of Inconsiderable Extent)(No.2)(Regulations) 1953, S.I. 290 of 1953

82. These regulations remained in force until 1979, when a further Order was made revoking them and providing that, with effect from April 1979, employment of inconsiderable extent consisted of either:

“(a) Employment (which apart from these Regulations would be insurable) in one or more employments ... for less than eighteen hours in a contribution week where the employed person is not mainly dependent for his livelihood on the remuneration received for such employment or employments”

Or

“(b) Employment (which apart from these Regulations would be insurable) in respect of which the rate of remuneration of the employed person does not exceed a rate equivalent to a rate of £6 a week, or £26 a month, where the person has no other employment”.<sup>45</sup>

83. The above means that – between 1953 and 1979 - the exclusion from insurability of employment of ‘inconsiderable extent’ applied only to employment of less than 18 hours a week, without any minimum income threshold; and it was only after 1979 that a minimum income threshold also applied as a test for employment of ‘inconsiderable extent’.

84. In terms of primary legislation, it can also be noted that the Social Welfare Act 1973 abolished the income threshold which applied in the case of non-manual workers with effect from April 1974. The practical effect of this was that the number of people covered by social insurance increased significantly – the Department of Social Protection has informed the Committee that from 1973 to 1975, the number of insured persons increased by almost 19%.<sup>46</sup>

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<sup>45</sup> Social Welfare (Employment of Inconsiderable Extent) Regulations 1979, SI 136 of 1979

<sup>46</sup> Letter dated 26 November 2012, Department of Social Protection to the Inter-Departmental Committee

85. Although relating to more recent decades only, it can also be noted that the Social Welfare (Amendment) Act 1978 provided that social insurance contributions would be levied as a percentage of earnings up to a specified ceiling and would be collected by the Revenue Commissioners rather than by the Department of Social Welfare. The new system came into effect on 6<sup>th</sup> April 1979.
86. The system for the making of social insurance contributions has also been adjusted over time. Prior to 1979, social insurance contributions were recorded for individual employees against their PRSI number - employers purchased stamps for their employees and recorded them on cards, which were forwarded each year to the Department. The details on these cards were then recorded on the Register Sheet maintained for each person by the Department.<sup>47</sup>
87. The Department indicated to the Committee that, since 1979, contributions to the Social Insurance Fund:

“are collected in the main by the Revenue Commissioners together with income tax due. All employers must make tax/PRSI returns to the Revenue Commissioners which then compile the data and send it to the Department”.<sup>48</sup>

*ii. Application of these tests to the women working in the Magdalen Laundries*

88. The Committee sought to identify any records which might demonstrate what contemporaneous assessment, if any, the authorities made of the status of the work carried out by women admitted to the Magdalen Laundries during their operation.

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<sup>47</sup> Letter dated 26 November 2012, Department of Social Protection to the Inter-Departmental Committee

<sup>48</sup> Id

89. As set out above, targeted searches of the case-files of the Department of Social Protection are not possible without certain key information – in particular PPS (previously RSI) numbers. Nonetheless, a number of searches were carried out.
90. Generalised searches previously carried out by the Department did not identify returns from the Magdalen Laundries.<sup>49</sup> At the request of the Committee, the Department searched for any files relating to employment by each of the 4 Religious Congregations which operated the Magdalen Laundries. These searches did not result in the identification of any relevant records.
91. The Department also searched for any general files relating to the 1952 and 1953 Statutory Instruments specified above, as it was considered that such general files might provide further insight into included and excluded categories of employment. It was not possible for the Department to identify any of these files.
92. However, the Committee identified a letter in searches of non-state archives, issued in 1969 by the Department of Social Welfare to a woman who was at that time working in a Magdalen Laundry. A separate letter was also sent by the Department to the Reverend Mother of the Religious Congregation which operated that laundry.
93. The letter was issued in response to an enquiry as to whether the named woman, who had been admitted to and was working in the Magdalen Laundry, was in insurable employment. The Department's letter to the Religious Congregation said as follows:

“I am directed by the Social Welfare to refer to the question whether, since [date of admission] 1968, [name] is employed by you in

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<sup>49</sup> Searches carried out in 2010 in the context of research by the Department prior to the answering of PQ5868/10 of 4 February 2010

employment which is insurable under the Social Welfare Acts and to inform you that in the light of the information obtained it has been decided by a Deciding Officer that she is not so employed".<sup>50</sup>

A copy of the letter is included in the Appendices.

94. From the records of the relevant Religious Congregation and those of the Department of Education and Skills, the Committee determined that the person in question was at the time a 17-year old girl. She had no known family and had been raised in a named Industrial School. It appears that she had been released on licence from the Industrial School at the age of 15 and worked for 2 years as a housekeeper for a named person. The Register of the Magdalen Laundry alleges that she stole an item from that named (private) employer. Based on the records of the Department of Education and Skills, it appears she was recalled to her former Industrial School and agreed with the Manager of that School to enter the Magdalen Laundry in Limerick for a period. The Register of the Magdalen Laundry confirms that she was referred there by that Industrial School to the Magdalen Laundry. She had been in the Magdalen Laundry approximately 5 months when the above insurability decision was taken. She remained there a little more than 1 additional year before leaving for a named job.
95. The Committee requested the relevant underlying file (IE 1873/68) for this case from the Department of Social Protection, in order to review the information on which the then Department of Social Welfare based its decision that the woman was not in insurable employment.
96. The Department of Social Protection carried out searches for the file in question. However the Department, on foot of these searches, determined that:

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<sup>50</sup> Letter dated 12 February 1969, Department of Social Welfare to Good Shepherd Convent, Limerick, Ref IE 1873/68

"files in the IE series up to 1970 were destroyed by Facilities Management when the Department vacated its offices in Townsend Street".<sup>51</sup>

As the file in question dates to 1969, it is highly likely that it was also destroyed at that time.

97. Searches were also carried out for any other Departmental records relating to this person. The Department confirmed to the Committee that paid contributions were made in relation to this person, for specified dates in 1968, with her occupation recorded as "housework". These details correspond with the records of the Department of Education and Skills, insofar as they identify her employment as a domestic prior to her entrance to a Magdalen Laundry.
98. A smaller number of contributions were also recorded (again in the category 'housework') corresponding to the period after her departure from the Magdalen Laundry.
99. The same record sheet also has a note as follows:

"IE 1873/68 emp at Good Shep Conv wk fr 10/9/68 is not insurable, Dec 7/2/69".<sup>52</sup>
100. The Department's records also detail that the person in question claimed dental benefit on a specified date, which fell during her time in the Magdalen Laundry.
101. These records confirm the information identified by the Committee in the relevant non-State archive, namely that the Department of Social Welfare,

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<sup>51</sup> Department of Social Protection letter dated 4 January 2012 to the Inter-Departmental Committee

<sup>52</sup> Letter dated 15 January 2012 Department of Social Protection to Inter-Departmental Committee

in 1969, considered the issue and determined that a woman working in a Magdalen Laundry was not in insurable employment.

102. That much is clear, but in light of the fact that the case-file (IE1873/68) was not available, it is not possible for the Committee to state definitively on what basis it was decided by the Department that the woman was not in insurable employment during her time in a Magdalen Laundry.

103. The decision can only have been made, however, on the existing legislative tests. The Committee therefore considered the various possible explanations for this decision.

- First, as there was no general income threshold for insurable employment until 1979, this decision, taken in 1969, could not have been based on the fact that the woman was not paid.
- Further, as she was 17 years of age when admitted to the Magdalen Laundry, the decision could not have been based on her being under the age of 16 or over the pensionable age.
- Third, it is also unlikely that the young woman was considered by the Department to be in employment of inconsiderable extent (i.e. for 18 hours or less a week and not dependent for her livelihood on the remuneration received), given that the working week in the Magdalen Laundries exceeded the threshold of 18 hours a week.

104. The only legislative bases, therefore, which remain and which this decision could have been based on were the following possible grounds:

- That the woman was not considered by the Department to be employed “under any contract of service... written or oral, whether expressed or implied”; or

- That the woman was considered by the Department to be “living in a religious community as a member thereof”.
105. The Department of Social Protection has indicated to the Committee that the assessments set out in the preceding paragraphs are correct, and considered that the first of these two options, namely that it was not considered that the woman was employed under a contract of service, is the most likely basis for the decision.
106. The position following 1979 is somewhat clearer. As set out above, the Social Welfare (Employment of Inconsiderable Extent) Regulations 1979, established a minimum income threshold for insurable employment. From that point onwards, employment, which otherwise would qualify as insurable, was excluded from insurability if it was of “inconsiderable extent”, one of the tests for which was that the employee earned less than £6 a week, or £26 a month.<sup>53</sup>
107. Accordingly, after 1979, it is likely that the women working in the Magdalén Laundries did not qualify as being in insurable employment, as they would not have been in receipt of payment of greater than the threshold amount of £6 per week.
- iii. Redundancy payments or rebate claims*
108. The Committee also identified and examined a small number of files relating to redundancy payments or rebate claims.
109. It can first be noted that an employer who makes a redundancy payment to a redundant employee is entitled, subject to certain conditions, to claim a rebate from the State of up to 60% of the statutory payment made. For rebate purposes, years of reckonable service were required to be fully insurable employment and the redundant employees were required to be over 15 and under retirement age.

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<sup>53</sup> SI 136 of 1979

110. This scheme, now operated by the Department of Social Protection, was at the time material to this Report operated by the Department of Labour. The process involved was for an employer, in making a claim, to state the number of years of reckonable service of the redundant employee or employees in relation to which the claim was made.
111. The Committee therefore examined the small number of files identified in the archives of the Department of Enterprise, Jobs and Innovation (successor to the Department of Labour) concerning redundancy payments or rebate claims from Magdalen Laundries or former Magdalen Laundries.
112. In two cases (Peacock Lane and Donnybrook Magdalen Laundries), the rebate claims related to male (non-resident) employees of the Religious Sisters of Charity.<sup>54</sup> These are not of relevance to the question of the employment status of the women who were admitted to and worked in the Magdalen Laundries and are not detailed here.
113. A file was also identified in relation to redundancy rebate claims submitted by a private limited company which operated a laundry business from the premises of a former Magdalen Laundry, after purchasing it as a going concern from the Congregation which had previously operated it.<sup>55</sup>
114. These claims were submitted by the private company in the years after the closure of the Magdalen Laundry. However, two of the claims related to female employees of the new owners who had, in earlier years, been admitted to and worked in the Magdalen Laundry. The handling of these claims is therefore of interest in the context of this Report.

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<sup>54</sup> Redundancy Rebate claims from the Sisters of Charity, Peacock Lane Laundry, St Mary's Road, Cork, File Ref 91/46805; and Redundancy Rebate claim from the Sisters of Charity Laundry, Donnybrook, Dublin 4, File Ref 93/51387

<sup>55</sup> File Ref 90/40384

115. In the case in question, one rebate claim was made in 1990 for a female employee of the new owners. The file indicates that she was employed from February 1977 to October 1990, that is, 5 years during which the Laundry was operated by the Congregation and 8 years while it was owned and operated by the private company, which employed her. The claim form submitted by the private company states that the years of employment for this woman (which also constituted the period for which the employer had paid statutory redundancy) were 13, that is, including her years working in the Laundry during the time it was operated by the Congregation prior to its sale.<sup>56</sup>
116. The file confirms that the Department accepted the full period of 13 years as reckonable years and paid a rebate based on that full period. However, the file contains no information that would suggest that the status of the woman's employment was known or taken into consideration by the Department of Labour when making this decision. It would appear that the rebate was based solely on a calculation of the woman's total years of service, based on the dates of employment as recorded in the rebate claim.
117. A further rebate claim was made by the same company in 1994 in relation to 8 male and female employees.<sup>57</sup> Seven of these had been employed after the sale of the Laundry premises by the Congregation and are therefore not relevant to this Report. One female employee is indicated by the relevant rebate claim to have worked in the Laundry from November 1974 until November 1993, that is, 8 years while the Laundry was operated by the Congregation and 11 years after its sale to and operation by its new owners. The handling of her case is therefore relevant to this Report.
118. As in the earlier claim, the years during which this woman worked in the Laundry when it was operated by the Congregation were included in the claim form submitted to the Department and in relation to which the

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<sup>56</sup> Id

<sup>57</sup> File Ref 94/40384

employer had paid statutory redundancy.<sup>58</sup> Again, the Department accepted the full period, as reflected in the claim, as reckonable service. Again, the Department paid the employer a rebate based on the full period of reckonable years included in his claim. However and similar to the earlier case, there is no record on file to suggest that the Department of Labour was aware of or considered the status of the woman's employment prior to the private company purchasing the Laundry. Rather, it includes only a simple calculation of the woman's years of service, based on the rebate claim submitted.

119. A rebate was refused in respect of one other woman, who had worked in the same Laundry both before and after the time of its sale by the Congregation. The rebate was refused on the grounds that she was above the age of retirement at the time of her redundancy. The file demonstrates some confusion with respect to her age, due to the fact that she had neither a birth nor a baptismal certificate. Although the matter was appealed to the Employment Appeals Tribunal, a rebate was not granted in her case.<sup>59</sup> This decision was not based on any consideration of her employment status, which was not analysed or considered, but rather only on the grounds of her age.
120. These decisions of the Department of Labour would appear, on their face, to be in conflict with the decision of the Department of Social Welfare noted above, as follows:

- A formal determination was made in 1969 by the Department of Social Welfare (set out above) that a woman admitted to and working in a Magdalen Laundry was *not* in insurable employment;
- while
- In the Department of Labour (redundancy rebate) cases, the Department accepted as reckonable service the periods in which two

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<sup>58</sup> Id

<sup>59</sup> Id

women worked in a Magdalen Laundry as well as their time as employees of the private company which purchased that Magdalen Laundry from the Congregation.

121. However, the decisions of the Department of Labour in the redundancy rebate cases were based solely on the rebate claim submitted and the dates indicated thereon for the period of employment of the women (which included their previous work in the Laundry under its previous operators, the Congregation). There is no indication on the Department of Labour file that the Department was aware of this point. Nor is there any indication that the Department was aware of the Department of Social Welfare determination on the insurability of employment in Magdalen Laundries, or, further, that it had reason to consult with the Department of Social Welfare on these cases. Rather and as noted above, the file demonstrates that these decisions of the Department of Labour were based solely on the rebate claim submitted by the employer, and the dates for the woman's period of employment indicated thereon, which were accepted at face value.
122. It appears therefore that the only formal consideration of the insurability or otherwise of the women who worked in the Magdalen Laundry took place in the social welfare case detailed above.
123. The Committee notes, finally, that the private company which lodged the redundancy rebate claims with the Department of Labour did so in good faith and had made redundancy payments based on what they understood to be the full period of service of the redundant employees of the Laundry, that is, including the period for which they worked in the Laundry while it was operated by the Religious Congregation.

**Chapter 16:****Death Registration, Burial and Exhumation*****Summary of findings:***

*This Chapter applies only to the small number of women who remained in the Magdalen Laundries until their death or who, after death elsewhere, were buried there. These cases represent approximately 8.8% of the estimated number of women to have been admitted to the Magdalen Laundries. Of those cases for which entry information is available, 35.9% of deaths were women who had been admitted to a Magdalen Laundry before the foundation of the State in 1922.*

*This Chapter addresses a number of issues arising at end of life in these cases – namely death registration, burial and exhumation.*

*It first sets out the legislative requirements in relation to death registration, as well as the findings of the Committee's investigations in regard to whether or not the deaths of women had been registered.*

*These searches were not straightforward, due to the multiple variations of names by which women could be registered, as well as the place in which deaths could be registered (i.e. at the woman's former home-place, rather than the Laundry). Nonetheless, the Committee, with the assistance of the General Register Office, examined the position in relation to registration of deaths from 1922 onwards.*

*For the eight Magdalen Laundries for which good records survive, the Committee confirmed death registration of almost 86% of the women who died or were buried there from 1922 onwards. Accordingly and in approximately 14% of cases, death certificates were not identified. It is not possible to determine conclusively whether these deaths were in fact not registered, or whether they may have been registered under a different name or in a different location (in particular where a woman died elsewhere and was returned to a Magdalen Laundry for burial).*

*In relation to the Magdalens Laundries in Galway and Dun Laoghaire, where full Entry Registers are not available, the Committee confirmed a death registration of 72%. In approximately 28% of cases death registration was not confirmed. Again, it may be that some of these deaths were registered at a different place or under a variant of the woman's name, but this cannot be confirmed on the basis of available information.*

*This Chapter also sets out the legislative background in relation to the development and use of burial grounds. In summary, before 1994 development of burial grounds by persons other than local authorities was not subject to the planning process. In relation to the use of burial grounds, it was a requirement to provide advance notification of burials to local authorities (acting as the sanitary authority) only when the relevant graveyard was maintained by the local authority. There was no requirement for notification to the local authorities of intended burials in private graveyards. The practical implications of this for the Magdalens Laundries are set out in this Chapter.*

*The third issue addressed in this Chapter is exhumations. The legislative basis for exhumations, which may occur only under licence, is first set out.*

*The results of the Committee's examination of the exhumation which occurred at High Park, Drumcondra in 1993 are then recorded. The burial ground in question had been in use from 1889 to 1976 and was the location for burial only of consecrates from High Park - other women who died at High Park were buried at Glasnevin Cemetery. The Committee examined all records of the relevant Religious Congregations, the Department of Environment, Heritage and Local Government (as the licensing authority) as well as a Report of An Garda Síochána into the matter (including a report to the Gardaí by the Dublin City Coroner) to assess issues including:*

- *The absence of identified death certificates for all women buried there prior to grant of the exhumation licence;*

- *The additional remains identified after grant of the General Exhumation Licence; and*
- *The condition of the disinterred remains.*

*With regard to the latter issue, the enquiries of the Gardaí and the Dublin City Coroner confirmed in summary that:*

- *All the remains were adult and female;*
- *The remains were buried correctly ("i.e. not in shallow graves"); and*
- *The condition of the remains was "in keeping with what one would expect to find" in the circumstances.*

## **Introduction**

1. Part II of this Report sets out statistics on the number and proportion of women who died at Magdalen Laundries from the foundation of the State in 1922 onwards. As is clear from that Part, the percentage of women who remained in the Magdalen Laundries until their death was approximately 6% of known entries to the Laundries, or approximately 8% of the number of women estimated to be represented by those entries. Although the relative numbers concerned are small, end of life issues for and relating to these women are of central importance to this Report.
2. Some of these women were buried in graveyards attached to a Magdalen Laundry. Others were buried in plots maintained by the relevant Congregation in a public graveyard. Others still were taken home by their families for burial in their former home-place.
3. In addition, it is also the case that a small number of women who had at an earlier point in their lives left the Magdalen Laundries and who eventually died at home, in hospital or elsewhere were, at their own request or at the request of their families, returned for burial to a graveyard attached to a Magdalen Laundry or a plot maintained by the Congregation in a public graveyard.

4. This Chapter addresses State involvement in end of life issues for these women, dealing with three main areas in turn:
  - Death registration;
  - Burial and burial notification; and
  - Exhumations.
5. It sets out the legislative requirements in relation to registration of deaths, as well as the findings of the Committee's investigations in relation to the practice of registration of deaths occurring in Magdalen Laundries. It similarly sets out the legislative requirements in relation to burial and burial notifications, as well as the procedures involved in exhumations. The section of this Chapter relating to exhumations includes the findings of the Committee's examination of the exhumation carried out at High Park in 1993.

#### **A. Registration of deaths**

6. This section sets out the process involved in certification and registration of deaths, detailing the respective roles of persons present at the time of a death, doctors, undertakers and – where applicable – the Coroner's Office.
  - *Death Certification*
7. Certification of death is generally carried out by a Doctor, provided he/she is satisfied as to the cause of death and the death is not sudden, unexplained or the result of an accident or unnatural causes. However if any of those circumstances arise, a doctor cannot certify the death and is instead required to inform the relevant Coroner of the matter.
8. The Coroners Service is a network of independent official coroners located throughout the State. The current controlling legislation is the Coroner's Act 1962 (as amended by the Coroner's (Amendment) Act 2005), which repealed a range of historic legislation relating to coroners in Ireland.

9. The essential function of each Coroner is to investigate sudden or unexplained deaths, to establish the identity of the deceased person as well as when, where and how they passed away, so that a death certificate can be issued. The Coroner's service does not have a role in relation to all deaths, nor does it act of its own initiative in determining which deaths it shall examine. Rather and in summary, deaths which are unexpected, unexplained, sudden, violent or unnatural must be reported to the Coroner.
10. Reports of such deaths must be made to the Coroner by Doctors (as noted above), undertakers, or any householder or person in charge of an institution or premises where the person who died was residing at the time of their death.
11. The categories of deaths which must be reported are broad. They include a death (directly or indirectly) due to unnatural causes such as falls, accidents, drug overdose, poisoning, and so on; deaths resulting from industrial or occupational accidents; deaths due to surgical or medical treatment; deaths due to or connected with crime or suspected crime; death of a patient in a mental hospital; death of a child in care or detention; and so on, , as well as deaths which occurred in suspicious circumstances or any unexpected or unexplained death, which effectively means any case in which there is a doubt as to cause of death.
12. Cases which must also be reported to the Coroner include deaths where a Doctor cannot certify the cause of death as the deceased was not seen or treated within a month of death, or where the cause of death is unknown or uncertain, or where the death may have been due to an unnatural cause.
13. Following report of a death to the Coroner, the standard process involves communication by the Coroner with the Doctor of the deceased person to establish basic facts, including whether or not the Doctor had seen the person

within a month of their death; whether the cause of death was known; and whether the death was due to natural causes.

14. Based on the information provided, the Coroner decides whether the death can be certified without further action; whether a post mortem is required; or whether a post mortem and inquest are required. If the death was due to unnatural causes, an inquest is required in all cases. In cases where either a post-mortem or an inquest is held, death is registered by way of a Coroner's Certificate.
15. In summary therefore, the Coroner will not be involved where a person died from natural causes and was treated by a Doctor within one month prior to death. In such cases, the Doctor will issue the Medical Certificate of the Cause of Death, and the death may be registered accordingly. However where a death occurs suddenly or unexpectedly or from a cause which is unknown or unclear or unnatural, it must be reported to the Coroner.

- *Death Registration*

16. The current requirements for registration of deaths arise under the Civil Registration Act 2004, which entered into force on 5 December 2005. It is not a requirement for a death to be registered by the next of kin of the deceased person. Rather, the 2004 Act places a duty on a relative (whether by blood or by marriage) or civil partner of the deceased person who had knowledge of the particulars of the death to register the death within a period of 3 months.<sup>1</sup> In some cases there is no such relative or civil partner, or they cannot be found. In such cases, any "qualified informant" who is aware of the circumstances and is capable of registering the death has a duty to do so, as soon as possible after he or she receives the Death Notification Form.

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<sup>1</sup> There is an exception for a person who is incapable of complying with these procedures by reason of ill-health.

17. If a death has not been registered within 3 months, it may be registered thereafter by any qualified informant. A qualified informant under the 2004 Act is defined broadly to mean a relative, any person present at the death, any other person with knowledge of the required particulars, any person in the dwelling in which the person died, the chief officer of a hospital or other institution in which the person died, the person who found the body, took charge of the body, procured the disposal of that body or any other person with knowledge of the death.

18. However in light of the dates of key concern to the Committee's work, that is, 1922 to 1996, it is the legislative framework prior to the 2004 Act which is of central importance, that is:

- the Births and Deaths Registration (Ireland) Act 1863; and
- the Births and Deaths Registration Acts 1880-1996.

19. In summary, section 36 of the Registration of Births and Deaths (Ireland) Act 1863 ("the 1863 Act") established a requirement for the following persons (in descending order) to notify the District Registrar within 7 days after the date of death:

- a person "present at the death or in attendance during the last illness" of the deceased person, or
- the occupier of the house or tenement in which such death took place, or
- some one or more of the persons residing in the house in which such death took place.<sup>2</sup>

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<sup>2</sup> Registration of Births and Deaths (Ireland) Act 1863, Section 36 provides in full as follows:

" Some person present at the death or in attendance during the last illness of any person dying in Ireland after the said 31 December 1863 or the occupier of the house or tenement in which such death took place, or if the occupier be the person who shall have died, then some one or more of the persons residing in the house in which such death took place shall, within 7 days next after the day of such death, give notice of such death to the registrar of the district in which such death occurred; and such persons as aforesaid, or if such death shall not have taken place within a house, then any person present at such death or having a knowledge of the circumstances attending the same shall, whether they have given such

20. In connection with the second category noted (the occupier of the house or tenement in which the death had occurred), for the purposes of the Act, an “occupier” was taken to mean:

“the Governor, Keeper, Master, Superintendent, or other chief Resident Officer of every Gaol, Prison, or House of Correction, and of every School, Reformatory, Workhouse, Hospital, Lunatic Asylum, or other Public or Charitable Institution and where any House is let in separate Apartments or Lodgings, shall include the person under whom such lodgings or separate Apartments are immediately held, and any Agent or Servant of such Person residing in such House”.<sup>3</sup>

21. Where applicable, the 1863 Act also required the doctor “who shall have been in attendance during the last illness and until the death of any person dying” to transmit a medical certificate of death to the District Registrar within 7 days after the death.<sup>4</sup>

22. Finally, the 1863 Act also established a penalty for any person required by the Act to give notice of a death who failed to do so within the required period.<sup>5</sup>

23. The Births and Deaths Registration (Ireland) Act 1880 (“the 1880 Act”) amended the 1863 Act, establishing a duty to register a death within 5 days.<sup>6</sup> This duty fell on different categories of people, depending on where the death

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notice of not, upon being required personally or upon written requisition of the Registrar, within 14 days after the date of such death attend personally at some dispensary district, or vaccination station within the Registrar’s district , or otherwise at the place of residence of such person, and give information to the registrar of the district in which such death occurred, according to the best of his or her knowledge and belief of the several particulars required by the said form to be registered touching such death and shall sign the registry in the presence of the registrar”.

<sup>3</sup> Registration of Births and Deaths (Ireland) Act 1863, Section 3

<sup>4</sup> Registration of Births and Deaths (Ireland) Act 1863, Section 46

<sup>5</sup> Registration of Births and Deaths (Ireland) Act 1863, Section 60 provided in full:

“Any person required by this act who shall, within the period specified by this act, fail to give notice of any birth or death to the registrar of the district within which such birth or death shall have occurred shall be liable to a penalty not exceeding 20 shillings”.

<sup>6</sup> Births and Deaths Registration (Ireland) Act 1880, Sections 10 and 11

had taken place. Where a person died in a house – defined to include a “public institution”, which included “a prison, lock-up, workhouse, barracks, lunatic asylum, hospital and any prescribed public, religious or charitable institution”<sup>7</sup> - the following categories were under a duty to register the death, in descending order of priority:

- “the nearest relatives” of the deceased person present at the death or “in attendance during the last illness of the deceased; or, “in default” of such persons
- “every other relative of the deceased dwelling or being in the same district as the deceased”, or
- “each person present at the death, and of the occupier of the house in which, to his knowledge, the death took place”, or
- “each inmate of such house”, or
- “the person causing the body of the deceased person to be buried”.<sup>8</sup>

24. Where a person died other than in a house (broadly defined as in the preceding paragraph), the following categories of persons were under a duty to register the death within 5 days:

- every relative of such deceased person having knowledge of any of the particulars required to be registered, and “in default” of such person;
- every person present at the death; or

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<sup>7</sup> Births and Deaths Registration (Ireland) Act 1880, Section 38

<sup>8</sup> Births and Deaths Registration (Ireland) Act 1880, Section 10 provided in full:

“When a person dies in a house after the commencement of this act it shall be the duty of the nearest relatives of the deceased present at the death or in attendance during the last illness of the deceased and in default of such relatives of every other relative of the deceased dwelling or being in the same district as the deceased, and in default of such relatives of each person present at the death, and of the occupier of the house in which, to his knowledge, the death took place, and in default of the persons herein-before in this section mentioned, of each inmate of such house, and of the person causing the body of the deceased person to be buried, to give, to the best of his knowledge and belief to the registrar, within the five days next following the day of such death, information of the particulars required to be registered concerning such death, and in the presence of the registrar to sign the register”.

- any person finding, and of any person taking charge of the body; or
- the person causing the body to be buried.<sup>9</sup>

25. Section 15 of the Act provided that registration was not permitted without written authority of the Registrar General following 12 months after the death.

26. A further amendment, made by way of the Births, Deaths and Marriages Registration Act 1972, was that in certain strictly limited cases, the Office of the Register General could authorise registration of a death “without the attendance and signature” of one of the persons under a duty to provide the necessary information.<sup>10</sup>

- *Registration of deaths at the Magdalen Laundries*

27. In light of the above requirements, the Committee undertook to examine whether the deaths which occurred during the lifetime of the Magdalen Laundries had been registered.

28. With the cooperation and assistance of the Certificate Production Office of the Office of the Register General, the Committee examined this issue in detail.

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<sup>9</sup> Births and Deaths Registration (Ireland) Act 1880, Section 11 provided in full:

“Where a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of any of the particulars required to be registered concerning the death, and in default of such relative, of every person present at the death and of any person finding, and of any person taking charge of the body, and of the person causing the body to be buried, to give to the registrar, within the 5 days next after the death or the finding, such information of the particulars required to be registered concerning the death as the informant possesses, and in the presence of the registrar to sign the register”.

<sup>10</sup> Births, Deaths and Marriages Act 1973, Section 3

“Where none of the persons who under the Acts have the duty to give to a registrar information of the particulars to be registered concerning a birth or death is available to attend at the Office of the Registrar and to sign the Register or could do so only with undue hardship, an tArd-Chláraitheoir may, if satisfied that the circumstances so warrant and on submission to him of the information required, authorise and require the registrar to register the birth or death without the attendance and signature of any of those persons”

29. The Committee first compiled a list of all the women who died in Magdalen Laundries from 1922 onwards until their closure. There were two main sources for this exercise:

- the Entry Registers maintained by the Religious Congregations, which were in some but not all cases updated on death of a woman; and
- records drawn from graveyards, including both the private graveyards which were attached to some Magdalen Laundries and public graveyards in which some Congregations maintained plots.

30. Graveyards exist, or at one point existed, on the grounds of 8 of the Magdalen Laundries within the scope of this Report, as follows:

- High Park, Drumcondra, Dublin;
- Waterford;
- Sunday's Well, Cork (2);
- Limerick;
- Galway (2);
- New Ross;
- Donnybrook
- Peacock Lane, Cork.

31. In some cases, these graveyards were reserved for Sisters of the relevant Congregation (Waterford, Limerick and New Ross). In other cases, there were separate graveyards on-site both for the Sisters of the Congregation and also for consecrates, that is, women who had been admitted to a Magdalen Laundry and decided to remain for life (Galway and Sunday's Well, Cork).

32. Plots within public graveyards were also maintained by some of the Congregations in a number of locations, as follows (this list includes only cemeteries which were in use by the relevant Congregations during the period of operation of each relevant Magdalen Laundry):

- Glasnevin Cemetery, Dublin;
- St Joseph's, Turner's Cross, Cork;
- St Finbarr's Cemetery, Glasheen Road, Cork;
- St Stephen's Cemetery, Irishtown, New Ross;
- Bohermore ("the New Cemetery"), Galway;
- Ballygunnar Cemetery, Waterford;
- Mount St Laurence Cemetery, Limerick;
- Mount St Oliver, Limerick;
- Dean's Grange, Dun Laoghaire.

33. These plots in public graveyards were used for burials either in the case of Magdalen Laundries which did not have a graveyard on-site; or in other cases, for women, other than consecrates, who passed away while in a Magdalen Laundry which had a graveyard for consecrates only.

34. Another factor must be borne in mind when studying these lists and in particular when assessing the records provided by graveyards: in some cases, women who died in a Magdalen Laundry were taken home by their families for burial. In other cases, women who passed away while in hospital for medical treatment were returned to the Magdalen Laundry for burial.

35. In other cases still, women who had in their earlier lives spent time in a Magdalen Laundry were, at their own request or at the request of their families, returned there for burial despite the fact that they died at their home-place or elsewhere.

36. This means that the list of deaths compiled by the Committee is likely to include some women who did not die at a Magdalen Laundry, although they had at some point in their lives been there.

37. Regardless of this, the Committee compiled a list of deaths which occurred from 1922 until the date of closure of each Magdalen Laundry. Deaths, occurring in nursing homes after the closure of the Magdalen Laundries, of

women who had in their earlier lives been admitted to a Magdalen Laundry, were not included. Deaths which occurred in the Magdalen Laundries operated by the Sisters of Mercy are dealt with separately, in light of the fact that complete Entry Registers are not available for these institutions.

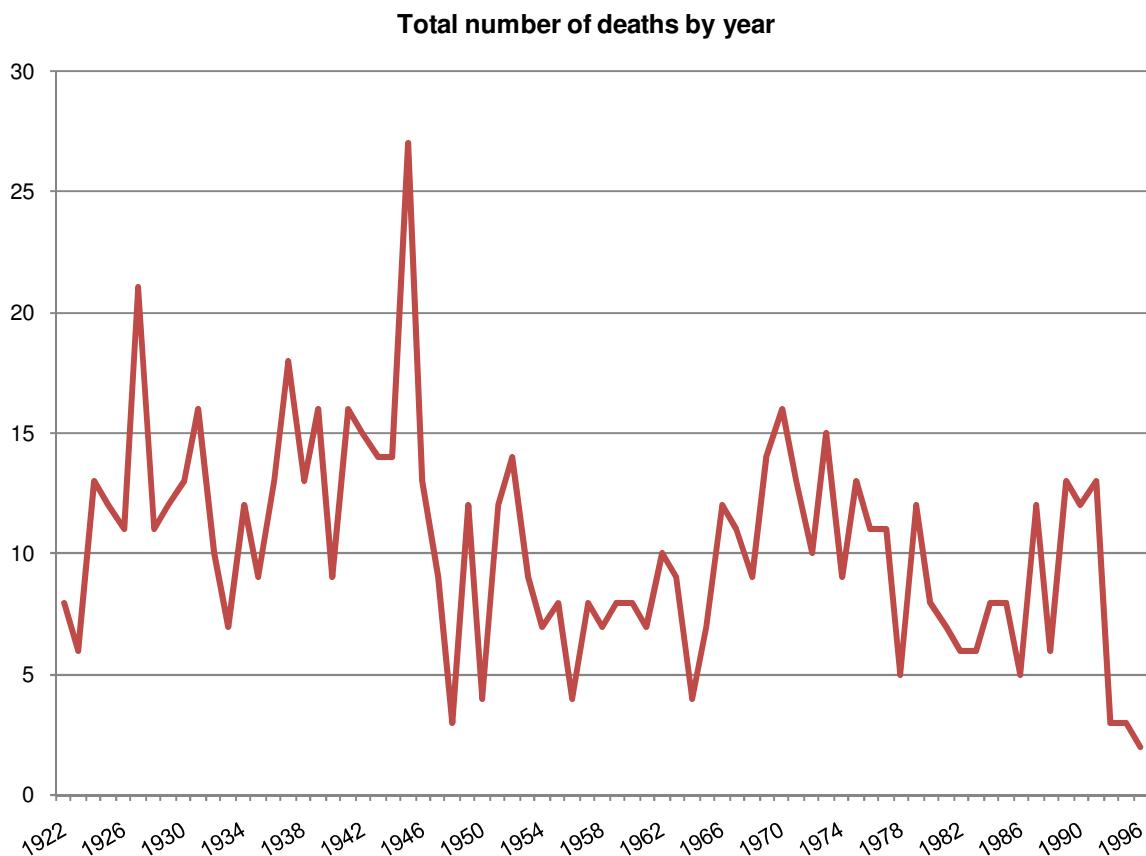
38. Through this process and on the basis of available information, the Committee compiled a list of 879 women who died in the Magdalen Laundries between the establishment of the State in 1922 and the closure of the last Magdalen Laundry in 1996, or who were buried in graveyards maintained by those Laundries between the same dates.

39. A breakdown on where and when these deaths occurred is as follows:

- New Ross (1922-1967)	30
- Sunday's Well, Cork (1922-1977)	86
- Waterford (1922-1982)	42
- Limerick (1922-1982)	93
- High Park (1922-1991)	231
- Peacock Lane (1922-1991)	89
- Donnybrook (1922-1992)	167
- Sean McDermott Street (1922-1996)	141

[Details relating to the Sisters of Mercy included separately below].

40. The time-periods in which these deaths occurred are recorded on the following graph.



41. The requirements for death registration in the Magdalen Laundries from 1922 onwards were governed by the 1880 Act detailed above, which meant that the duty to register would have fallen, in descending priority, on the following:

- “the nearest relatives” of the deceased person present at the death or “in attendance during the last illness of the deceased”; or, “in default” of such persons
- “every other relative of the deceased dwelling or being in the same district as the deceased”, or
- “each person present at the death, and of the occupier of the house in which, to his knowledge, the death took place”, or
- “each inmate of such house”, or

- “the person causing the body of the deceased person to be buried”.<sup>11</sup>
42. To determine whether or not this registration had occurred, the Committee consulted with the Office of the Register General (“the GRO”). The GRO maintains records of all deaths registered in the State. The list compiled by the Committee of women who died in Magdalen Laundries was cross-checked to these records of the GRO, to determine whether and when these deaths were registered.
43. These searches were both challenging and time-consuming. Difficulties in identifying or matching records arose for a variety of reasons, including the following:
- First, for a very small number of the earliest deaths, full details of the relevant woman’s name was not available (that is, where a woman had been recorded in the Entry Register under her first name only, on entry to a Magdalen Laundry).
  - Second, where a woman had been recorded under her maiden name, rather than her married name, on entry to a Magdalen Laundry and had been registered under her married name at time of death (or vice versa).
  - Name variations of first names, for example Bridget possibly registered as Brigid or Breda; Kathleen possibly registered as Kate, Catherine or Katherine; Margaret possibly as Maggie or Peggy; Elizabeth possibly registered as Eliza, Lillie, Lily, Bessie; and so on.
  - Name variations of family names, for example O’Connor possibly registered as Connor or Connors; Connell possibly registered as McConnell or O’Connel; Keogh possibly registered as Keough or

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<sup>11</sup> Births and Deaths Registration (Ireland) Act 1880, Section 10

Kehoe, Mahon possibly registered as McMahon or MacMahon; Harrington as Farrington; and so on.

- Deaths registered not in the district in which the Magdalen Laundry was located but in another district (i.e. where the woman had died in another district, for example in hospital or her home-place, but was returned for burial to the Magdalen Laundry).

44. These and many combinations of these challenges were experienced in attempting to determine whether or not deaths occurring at the Magdalen Laundries were registered.

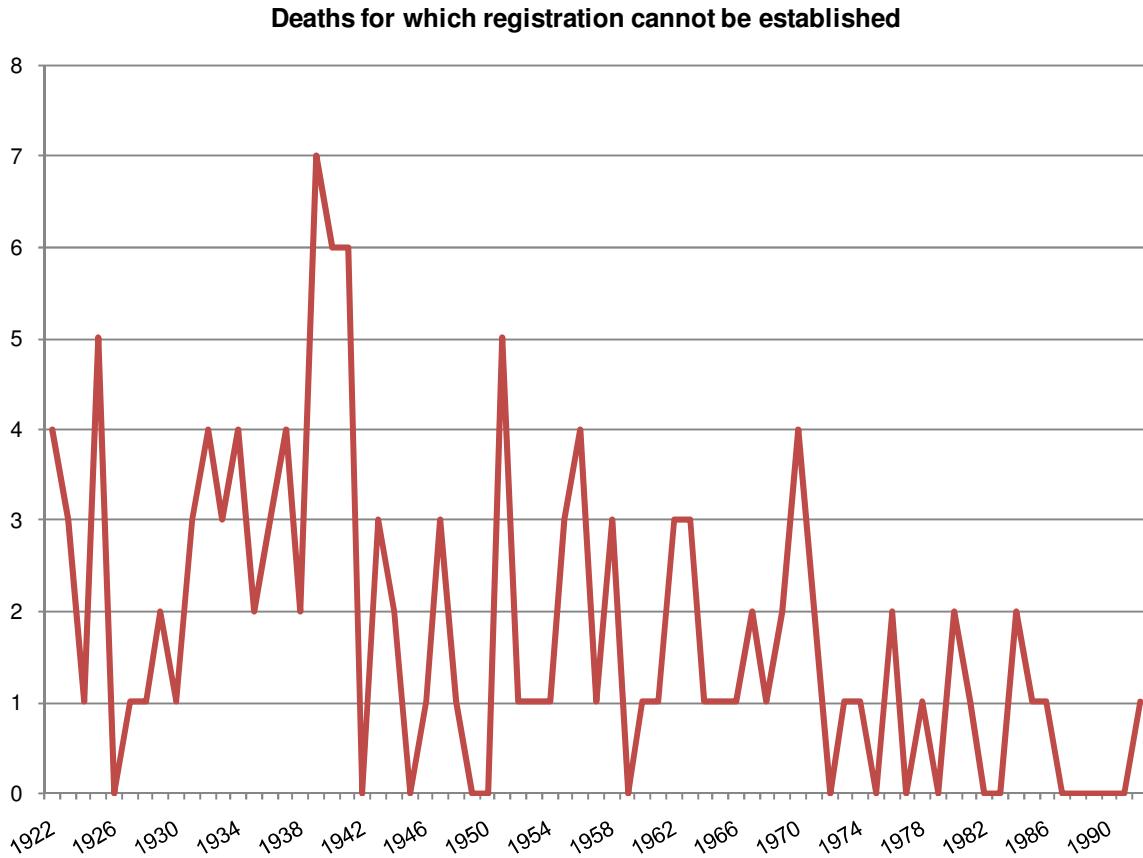
45. Nonetheless, searches were conducted against the list of 879 women known to have died or women known to have been buried in graveyards maintained by the Religious Congregations which operated the Magdalen Laundries. In the majority of cases (almost 86%), it was confirmed that the deaths in question had been appropriately registered with the Office of the Register General.

46. However, in a total of 127 cases from 1922 onwards, the Committee was unable to identify with certainty that registration of the death of the women in question had occurred. This total was made up of the following:

- New Ross (1922-1967)	9
- Sunday's Well Cork (1922-1977)	18
- Waterford (1922-1982)	9
- Limerick (1922-1982)	15
- High Park (1922 – 1991)	33
- Peacock Lane (1922-1991)	8
- Donnybrook (1922-1992)	22
- Sean MacDermott Street (1992–1996)	13

[Details relating to the Sisters of Mercy included separately below].

47. This total number of cases in which the Committee was unable to confirm death certification amounts to approximately 14% of the deaths of women who died in the Magdalen Laundries or who were buried in graveyards maintained by the relevant Religious Congregations between 1922 and the closure of the Laundries.
48. The time-periods in which these deaths, for which the Committee could not confirm death registration, occurred are recorded on the following graph.



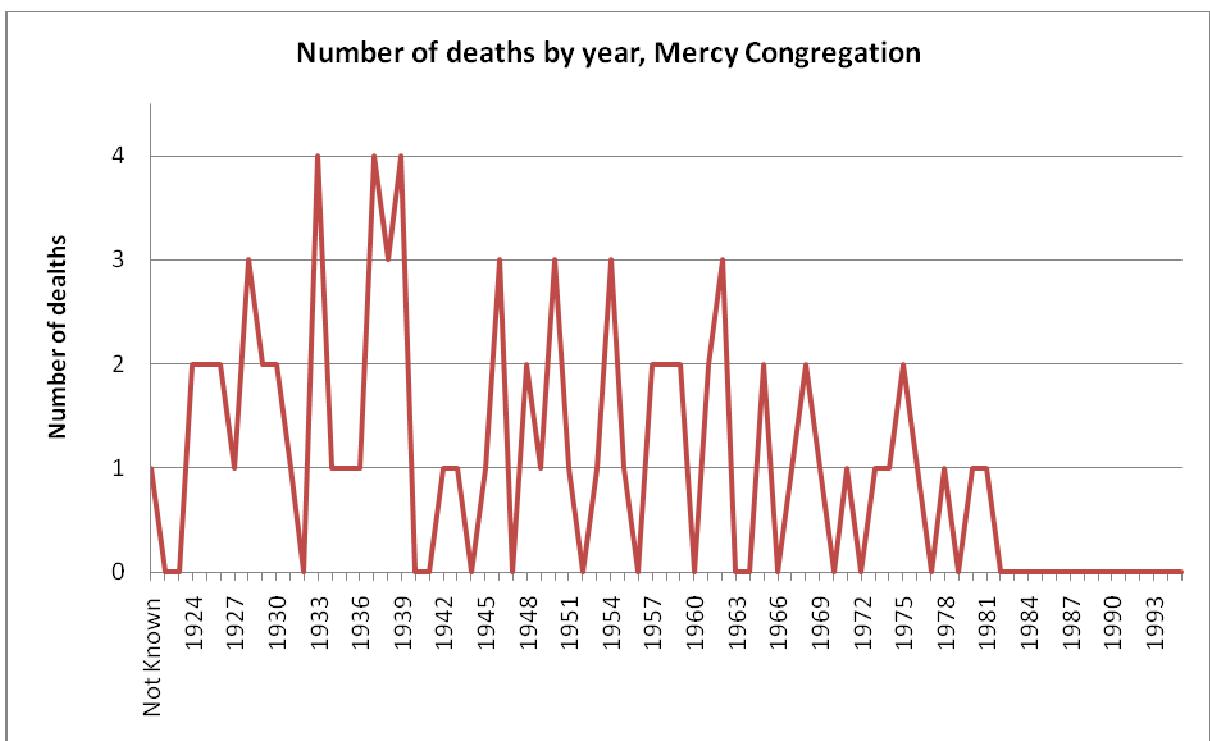
49. At all material times, legislation was in force requiring registration of deaths and placing a duty to do so, in sequence, on every relative of the deceased having the necessary information, or on persons present at the death, or on the undertaker carrying out the burial. Failure to do so was an offence attracting penalties.

50. Due to the challenges set out above, the Committee is unable to state definitively whether all the deaths noted above were never registered, or whether instead some of them may have been registered under variant names or combinations of names, or whether some of them may have been registered in alternative locations other than the district in which the relevant Magdalen Laundry was located.
51. The cases of the two Magdalen Laundries operated by the Sisters of Mercy in Galway and Dun Laoghaire respectively were separated from the analysis above, as the information available in these cases is of a different order. Chapters 4 and 7 detail the limitations of the source material available for these Laundries – in summary, no Entry Register survives for Dun Laoghaire; and only a very incomplete Register survives for Galway.
52. In the circumstances, a list of deaths occurring at these Laundries is considerably more difficult to compile and the Committee was reliant, in that regard, primarily on graveyard records.
53. Again this list is likely to include some women who may have been taken home for burial and others who, having died elsewhere, may have been returned to the Magdalen Laundry for burial.
54. An added difficulty in analysis of these cases is that it is not possible to determine, for example, the overall proportion of women represented by those cases as against the overall number of women who entered these Laundries.
55. Nonetheless and with these caveats the Committee found that 78 women died or were buried at the Magdalen Laundry in Galway or in the public cemeteries used by the Magdalen Laundries in both Galway and Dún Laoghaire, as follows:

-	Dun Laoghaire (1922-1963)	21
-	Galway (1922-1984)	57

It is not known what proportion this represents of the overall number of women who were admitted to these Laundries.

56. The time-period within which these deaths occurred is demonstrated on the following graph.



57. Despite limitations in the available information, the GRO again assisted the Committee in carrying out searches to determine whether or when these deaths were registered.

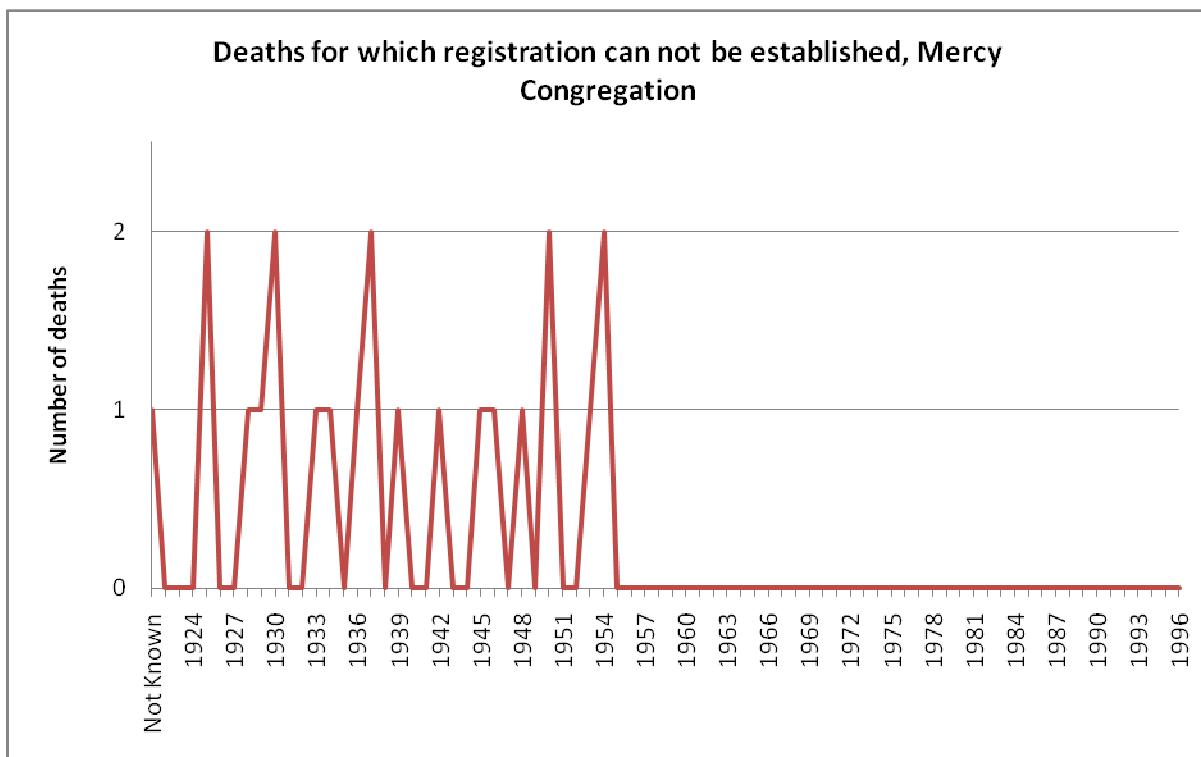
58. In a total of 22 cases from 1922 onwards, the Committee was unable to identify with certainty that registration of the death of the women in question had occurred. This total was made up of the following:

- Dún Laoghaire (1922-1963) 4
- Galway (1922-1984) 18

59. This total number of cases in which the Committee was unable to confirm death certification amounts to approximately 28% of the deaths of women who died in the Magdalen Laundries in Galway and Dún Laoghaire between

1922 and the closure of those Laundries, or who were buried in graveyards maintained by the Sisters of Mercy at those locations during the same time-period.

60. The time-periods in which these deaths, for which the Committee could not confirm death registration at these Magdalen Laundries, occurred are recorded on the following graph.



61. The same applies to these findings as those detailed above for the other 8 Magdalen Laundries: for the entire period, legislation required registration of all deaths occurring in the State and imposed penalties for failure to do so. Due to the challenges inherent in the searches set out above, the Committee is unable to state definitively whether the deaths noted above were never registered, or whether instead some of them may have been registered under variant names or combinations of names, or whether some of them may have been registered in alternative locations other than the district in which the relevant Magdalen Laundry was located.

**B. Burials and notification of burial**

62. A number of areas of law are relevant to the question of burials, in particular sanitary and planning law. The Public Health (Ireland) Act 1878 (“the 1878 Act”) deemed each Sanitary Authority to be the burial board for its administrative area.<sup>12</sup> In that regard, the Act permitted a Sanitary Authority to acquire land for cemeteries or an existing cemetery by agreement or to contract with a cemetery company for burials.<sup>13</sup> It empowered the Minister to make Regulations for the control of burial grounds provided by Local Authorities. Regulations were made thereunder providing for matters such as the lay-out of burial grounds, the size and depth of graves, the keeping of records of interments and so on.<sup>14</sup>

63. The 1878 Act also authorised the Minister to order the discontinuance of burials in any burial ground following representations by the Sanitary Authority; and to prohibit the opening of a new burial ground in order to protect public health.<sup>15</sup>

64. It further empowered Sanitary Authorities to serve notice requiring a burial ground to be put in good order, within a specified time limit of not less than 6 months.<sup>16</sup> However this power did not apply to burial grounds attached to or contiguous to a church, chapel or place of worship. In such cases, maintenance of a burial ground could not be directed by the Sanitary Authority, unless the owner, pursuant to section 187 of the Act requested it to undertake management of the burial ground.

65. The application of planning law to burial grounds is of more recent origin. It was not until the Local Government (Planning and Development) Regulations

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<sup>12</sup> Public Health (Ireland) Act 1878, Section 160

<sup>13</sup> Public Health (Ireland) Act 1878, Section 175

<sup>14</sup> Public Health (Ireland) Act 1878, Section 181 and Regulations made thereunder (e.g. Regulations 1888, 1919, 1929)

<sup>15</sup> Public Health (Ireland) Act 1878, Section 162

<sup>16</sup> Public Health (Ireland) Act 1878, Section 185

1994<sup>17</sup> came into effect on 16 May 1994 that burial ground development by persons other than local authorities ceased to be classified as “exempted development”. Thereafter, development of burial grounds by persons other than local authorities became subject to the planning process.

66. The rules which apply for notification of individual burials differ, depending on the nature and in particular the ownership or management of the relevant burial ground.
67. For burial at a Local Authority cemetery, it is a requirement that an entry must be made in the Register of Burials (also referred to as the “Registry Book”) before an interment may be carried out. This entry in the Register is made by the responsible Local Authority officer, based on information provided either from a relative of the deceased or from the person managing the interment (that is, the funeral director or undertaker).
68. There neither was nor is a special licensing system or approval procedure for the opening or operation of burial grounds other than under the Planning and Sanitary Acts.
69. Accordingly, and with the exception noted above of notification in advance of burial in a Local Authority cemetery, no general requirement applied for the Congregations which operated the Magdalen Laundries, or for the undertakers hired by them for funeral and burial arrangements, to notify the Local Authorities or any other agent of the State of individual burials intended to be made in their private (non-Local Authority operated) graveyards.

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<sup>17</sup> S.I. No. 86 of 1994

**C. Exhumations***Legislative basis*

70. Exhumations are not permitted otherwise than by licence under section 46 of the Local Government (Sanitary Services) Act 1948<sup>18</sup> or by Order of the Minister for Justice and Equality under section 47 of the Coroners Act 1962. The latter category (exhumations under the Coroners Act) does not arise in these cases and is not detailed further here.
71. The powers vested in the Minister for the Environment, Community & Local Government under the Local Government (Sanitary Services) Act 1948, including the powers of section 46 in relation to issuing of exhumation licences, were devolved to Local Authorities by the Local Government Act 1994.<sup>19</sup> Nonetheless, as the exhumation referred to in this Section occurred prior to this date, this Section refers throughout to the powers of the Minister in regard to exhumation licences.

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<sup>18</sup> Local Government (Sanitary Services) Act 1948, Section 46 provides in full as follows:

- (1) The Minister may grant a licence for the exhumation of the body of a deceased person
- (2) The Minister may attach to a licence under this section such conditions as he thinks proper including, in particular
  - a. Conditions requiring re-interment at a specified place or within a specified period;
  - b. Conditions for securing that the exhumation and re-interment required by the conditions shall be carried out with due care.
- (3) A licence under this section may be granted in respect of a particular body or in respect of all or any of the bodies buried in a particular place
- (4) A person shall not exhume from a burial ground the body of a deceased person save under a licence granted under this section or pursuant to an order of the Minister for Justice under section 15 of the Coroners (Amendment) Act 1927 (No. 1 of 1927).
- (5) A person who contravenes subsection (4) of this section or who, on or after the exhumation of a body under the authority of a licence under this section, does not comply with a condition attached to the licence, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.
- (6) A person shall not be entitled solely by reason of a licence granted under this section to carry out any exhumation or re-interment".

<sup>19</sup> Local Government Act 1994, Section 4

72. Section 46 of the 1948 Act provides that the Minister may grant a licence for exhumation, and that he may attach to a licence:

“such conditions as he thinks proper including-

- a. Conditions requiring re-interment at a specified place or within a specified period
- b. Conditions for securing that the exhumation and re-interment required by the conditions shall be carried out with due care”.<sup>20</sup>

73. The Act further permits the Minister to grant a licence:

“in respect of a particular body or in respect of all or any of the bodies buried in a particular place”.<sup>21</sup>

Offences are established for contraventions of the section or, in cases where a licence had been granted, for contravention of the conditions of a licence.<sup>22</sup>

*Exhumation at High Park: Background*

74. In the context of the sale of 12 acres of land, including the land on which a burial ground was situated, an exhumation was carried out at High Park, Drumcondra in 1993. The burial ground had been in use from 1889 to 1976 and was the location for burial of consecrates from High Park (that is, women who, having entered a Magdalen Laundry, decided to remain there for life). Other women who died while at High Park were buried in a plot maintained by the Congregation at Glasnevin Cemetery.

75. The Committee, in carrying out a review of this exhumation, examined all relevant records of the Order of Our Lady of Charity and of the licensing authority, namely the Department of Environment, Community and Local Government.

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<sup>20</sup> Local Government (Sanitary Services) Act 1948, Section 46

<sup>21</sup> Local Government (Sanitary Services) Act 1948, Section 46(3)

<sup>22</sup> Local Government (Sanitary Services) Act 1948, Section 46(5)

76. An Garda Síochána had, at an earlier point, made enquiries into this matter. At the request of the Committee, an Assistant Commissioner reviewed the existing file of Garda enquiries and carried out further enquiries, with the cooperation of the Dublin City Coroner, with a view to providing a report to the Committee.
77. Some but not all of the circumstances surrounding the exhumation are already in the public domain. The following section sets out the investigations carried out by the Committee and the factual findings of these investigations.
- *Exhumation at High Park: application and approvals process*
78. An application for an exhumation licence was made to the Department of Environment, Community and Local Government on 6 August 1992 by a firm of solicitors acting on behalf of the Sisters of Our Lady of Charity. The application set out that the Congregation had entered a contract for the sale of 12 acres of land for housing and that these lands included the burial ground referred to above which had been in use from 1889 to 1976. An exhumation licence for disinterment of 133 women was sought.
79. Department of Environment files indicate that between that date and grant of the licence in May 1993, there was extensive correspondence between that firm, the Department and the Office of the Register General in relation to the request.
80. The Department responded to the initial exhumation application by requesting that death certificates be obtained and submitted in relation to the women in question.<sup>23</sup> A further application was submitted by the Solicitors for the Congregation on 28 January 1993, requesting an exhumation licence for 133 named women. The majority of the women were referred to by their full

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<sup>23</sup> Internal Memorandum on exhumations at High Park, Drumcondra, Department of Environment File Ref LSS/66/29/33 Part II

name, but 24 were referred to only by their religious name, in other words the name by which they were known after having become consecrates (e.g. “Magdalen of [Saint’s name]”). Death certificates were provided for 75 named women. 34 had “no trace” forms furnished by the Office of the Register General (“GRO”), and 24 had insufficient details to enable identification by the GRO.

81. The application was considered again by the Department, which consulted in that regard with the Assistant Registrar General. The internal view in the Department, as demonstrated on the file, was that the application had been filled in carelessly.
82. The Department again contacted the Solicitors for the Congregation seeking death certificates for the final 58 individuals listed on the application (that is, the 34 women for whom ‘no trace’ forms had been provided by the GRO and the 24 women who had been identified by religious name only).
83. A revised and more detailed application was submitted by the solicitors for the Congregation on 12 May 1993. It provided an explanation of the history of burials at High Park dating back to the 1800s as well as detailing their inability to identify burial records for the period 1942-1968.
84. The Department of Environment, Community and Local Government granted the licence on 25 May 1993 for the exhumation of the 133 deceased women specified “interred in Saint Mary’s Private Graveyard, High Park”, subject to two conditions, namely that:
  - (1) “Each exhumation shall be carried out within 12 months of the date of this licence under the supervision of a person appointed for the purpose of such supervision by Dublin Corporation and in accordance with such directions as may be given by the Eastern Health Board with respect to matters affecting or likely to affect public health.

(2) Each of the said remains shall, within forty-eight hours after the exhumation, be either:

- (a) re-interred in Glasnevin Cemetery, Glasnevin, Dublin 11, under the supervision of a person appointed for the purpose of such supervision by Dublin Corporation and in accordance with such directions as may be given by the Eastern Health Board with respect to matters affecting or likely to affect public health, or
- (b) cremated".<sup>24</sup>

85. The letter transmitting the licence further specified that notice must be given to the Eastern Health Board (Director of Community Care and Medical Officer of Health); and to Dublin Corporation (Environmental Health Section) before the exhumation took place.<sup>25</sup>

86. The Committee analysed the data concerning the 75 women for whom death certificates were identified prior to the exhumation. Of these 75, a total of 45 were women who died between 1889 and the foundation of the State in 1922. The causes of death, which were listed on the death certificates included the following:

- Cancer (more detailed explanations given in the certificates e.g. ‘abdominal tumour’, ‘carcinoma of oesophagus’ and so on);
- Respiratory illnesses (e.g. ‘acute bronchitis’, ‘bronchial asphyxia’, ‘pulmonary tuberculosis’)
- Heart diseases or related illnesses (e.g. “a weak /dilated heart”, aortic diseases and so on)
- Illnesses relating to old age (“senile decay”); and
- Other illnesses (influenza, pneumonia).

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<sup>24</sup> LSS 66/29/33 Department of the Environment Local Government (Sanitary Services) Act 1948, County Borough of Dublin

<sup>25</sup> Letter dated 26 May 1993 transmitting initial exhumation licence for 133 persons. File ref LSS/66/29/33 Part I

87. The remaining 30 women (5 of whom were widows) for whom death certificates were available and who had died after the foundation of the State had died at various points from 1923 onwards and again the causes of death varied among a range of natural causes, including:

- Cancer (e.g. 'cancer of liver', 'gastric carcinoma')
- Respiratory illnesses (e.g. 'pulmonary tuberculosis', 'bronchial pneumonia, pulmonary embolism')
- Heart diseases or related illnesses (e.g. cardiac arrest, 'cardiac respiratory failure', and so on).

88. The 34 women for whom 'no trace' forms were provided by the GRO died between 1896 and 1976. The large majority of these were women who had died on specified dates in the 1930s and 1940s. The Congregation indicated at the time that certain records for the period 1941-1968, which would have assisted in identifying further information about these women, were not available.

89. The deaths of the 24 women whose birth names had not been identified occurred between 1942 and 1968.

90. Following grant of the licence, the Director of Community Care, the Medical Officer of the Eastern Health Board, Dublin Corporation and the Dublin Cemeteries Committee were notified. Exhumation of the remains by a firm of undertakers commenced on 23 August 1993.

91. Following a number of days work, the undertakers carrying out the exhumation became aware that there were remains interred in the burial ground which had not been included in the exhumation licence. Four days later on 30 August 1993, the solicitors for the Congregation submitted a second application for a licence to exhume all deceased persons interred in the burial ground, which was delineated on a map attached to the application. As permitted by the 1948 Act, a General Exhumation licence was granted by the Minister on 31 August 1993 for the exhumation of all human remains in

the graveyard, subject to the same two conditions attached to the first licence.<sup>26</sup> The letter transmitting the licence again specified that notice must be given to the Eastern Health Board (Director of Community Care and Medical Officer of Health); and to Dublin Corporation (Environmental Health Section) before the exhumation took place.<sup>27</sup>

92. A total of 22 additional remains were located during the exhumation which proceeded after grant of the second (general) exhumation licence.

93. After their exhumation and in order to comply with the conditions attached to the licence, all the remains were removed by the undertakers to Glasnevin Cemetery, where they were cremated and re-interred in that cemetery, in a plot maintained by the Congregation. There was one exception, in which case a family made arrangements for the remains of a deceased relative to be re-interred in a family plot.

- *High Park exhumation: contemporaneous and subsequent enquiries*

94. A number of separate examinations occurred, both at the time and subsequently, into this exhumation. First, at the time of the exhumation, the Dublin City Coroner was requested by Dublin Cemeteries Committee to ensure that the conditions of the exhumation licence were adhered to. His report on the matter is referred to below.

95. Further, in 2003, after the circumstances of the exhumation were reported in the press, An Garda Síochána made enquiries in relation to the matter.

96. Finally, in 2010, the Department of the Environment, Community and Local Government raised with the Congregation the question of the details recorded at the memorial at Glasnevin Cemetery. This action was taken following

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<sup>26</sup> LSS 66/29/33 Department of the Environment Local Government (Sanitary Services) Act 1948, County Borough of Dublin

<sup>27</sup> Letter dated 1 September 1993 transmitting General Exhumation Licence. File ref LSS/66/29/33 Part I

information to the Department from the representative group “Magdalene Survivors Together”, which suggested that there were discrepancies between that memorial and information then publicly available concerning the women listed in the 1993 exhumation licences.

97. A number of issues were examined by the Committee in relation to this exhumation, as follows:

- The absence of death certificates for all women prior to grant of exhumation licence;
- The additional remains identified after grant of the General Exhumation Licence; and
- The enquiries of An Garda Síochána and associated report of the Coroner.

These three issues are here addressed in turn.

a. *Absence of death certificates for all women prior to grant of exhumation licence at High Park*

98. The Department of Environment, as set out above, originally sought death certificates from the Solicitors for the Congregation, but ultimately issued an exhumation licence in relation to the remains of 133 women although death certificates were not available for all of those women.

99. The legislation does not require that death certificates are furnished in the course of an exhumation application – indeed, it is possible for applications to be made for unknown remains or for exhumations in an area where there is reason to believe that unknown remains may be found. Nonetheless, the Department of Environment in 1989, by Circular to all Local Authorities, indicated that exhumation applications should be accompanied by death certificates in respect of the persons whose remains are to be exhumed.<sup>28</sup>

100. The Department’s instructions on this topic were developed by a further Circular to all Local Authorities in 1990, which provided as follows:

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<sup>28</sup> Circular Letter ENV 3/89 of 8 February 1989

"It was indicated in Circular Letter ENV 3/89 of 8 February 1989 that applications should be accompanied by death certificates in respect of the persons whose remains are to be exhumed. This should be a normal requirement but it should not be insisted upon where a death certificate would be inordinately difficult to obtain".<sup>29</sup>

101. An internal Memorandum in 1993 noted that:

"the original draft of the Circular included a provision that death certificates were not required in cases where death occurred more than 40 years before the date of the exhumation licence application but this was deleted in the final version. Perhaps we would use this as an informal "rule of thumb" for future applications where applicant is unable to produce a death certificate and has made reasonable attempts to do so".<sup>30</sup>

102. The Department of Environment in 2003 (in response to a press query seeking information on the meaning of the 1990 Circular) added further information, to the effect that:

"reasons, other than passage of a fixed number of years since the death of the person(s) to be exhumed, could give rise to difficulty in obtaining a death certificate. The wording in the Circular allows for such other factors to be taken account".<sup>31</sup>

103. The fact that death certificates were not available for all women in respect of whom the original application was made was not therefore in itself a bar to issuance of an exhumation licence by the Department. The Circulars issued by the Department permitted issuance of a licence without death certificates as set out above; and the underpinning legislation also permitted exhumation licences to be granted generally.

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<sup>29</sup> Circular Letter ENV 11/90 of 5 October 1990

<sup>30</sup> Internal Memorandum, Department of Environment Local Services Section, April 1993, File Ref Id.

<sup>31</sup> Department of the Environment note dated 2 April 2003 in response to a press query (Mary Raftery, Irish Times), File Ref Id.

*b. Additional remains identified after grant of the General Exhumation Licence*

104. 22 additional remains, above and beyond the 133 for which an exhumation licence had originally been sought, were located at the High Park graveyard during the exhumation in 1993. At the time, it was explained by the relevant Congregation that the original total of 133, and names attached to that total, had been arrived at:

“from a physical counting of the crosses and graves. Enquiries established that the graveyard had been subject over time to incidents of vandalism, resulting in the removal of some crosses”.<sup>32</sup>

105. The paper-work and historic records of the Congregation were, at the time, uncatalogued and the Congregation was not in a position to identify either the additional 22 remains found during the exhumation, or the 24 women in respect of whom only religious names were available at that time.

106. The Committee has found that, following Garda enquiries in relation to the matter in 2003, the Congregation appointed a number of persons to catalogue and archive all available records, to identify any further burial records or information on the women whose remains had not been identified at the time of the exhumation in 1993.

107. In total, 4 people carried out this research and cataloguing exercise for the Congregation from 2003 until 2005. These searches involved examination of the Entry Registers of the Congregations, other manuscript sources such as the annals of the Order and sodality notebooks and other miscellaneous records (including for example financial records including invoices or receipts for purchase of coffins or burial expenses, obituaries and so on). Searches were also conducted against the records of the Office of the Register General and the records office of Glasnevin Cemetery. These

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<sup>32</sup> Garda report to the Committee, dated 16 October 2012

steps were all taken to seek to identify all women with sufficiently precise information to enable matching.

108. The final outcome of this research was that all 155 women whose remains were exhumed from the consecrates graveyard at High Park were identified and matched to their names and dates of death. The position in relation to registration of these deaths was set out in the preceding sections.
109. The Gardaí reviewed the results of that research carried out by the Congregation, as did the Committee. A researcher on this topic had, in 2010, indicated to the Gardaí a view that the absence of death certificates for certain of the women involved was “down to the lack of a single historical database of all residents” and the need for full and accurate information to secure death certificates from the GRO. Sample cases were identified, where minor discrepancies between the spelling of a name in the records of the Congregation and the records of the GRO had led to difficulties in identification.
110. The Committee accepts that this administrative reason, namely the absence at that time of archived or catalogued records at the Congregation, was the most likely reason why fuller information was not forthcoming at the time of the exhumation to identify the women whose remains were disinterred. The availability at the time of the exhumation of the full particulars on each of the women concerned would have prevented concern and distress among women who had in their earlier lives been admitted to the Magdalen Laundries, their families, as well as the general public.
111. The Committee notes that the files of the Department of Environment indicate that, when discrepancies in the information recorded on the exhumation licences and the headstone at Glasnevin Cemetery were

brought to the attention of the Department, it raised the matter with the Congregation. In that communication, the Department noted that:

“it would appear reasonable to expect that all the remains identified as part of the exhumation would be commemorated at the place they were re-interred”<sup>33</sup>

112. A response issued to the Department directly from the researcher who had completed the review of the Congregation’s records in relation to this matter. It provided a full schedule including the names and burial details of all persons identified, as well as confirmation that the Congregation had commissioned a memorial for Glasnevin Cemetery:

“which will correct the discrepancies on the earlier memorial and in addition will add the individual names, and dates, of all those women who were buried from High Park in Glasnevin Cemetery”.<sup>34</sup>

113. The Committee has been informed that the Congregation is now at an advanced stage in making arrangements for the full and accurate details relating to these women (birth names and dates of death) to be recorded in Glasnevin Cemetery.

c. *Garda enquiries and report of the Coroner (including regarding conditions of the remains)*

114. The Dublin City Coroner was, at the time of the High Park exhumation in 1993, requested by the Dublin Cemeteries Committee to review the conditions of the licences issued by the Department of the Environment, Community and Local Government.

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<sup>33</sup> Letter dated 19 August 2010 from the Department of Environment, Heritage and Local Government to the Sisters of Our Lady of Charity, File Ref LSS/66/29/33 Part II

<sup>34</sup> Letter to the Department of Environment, Heritage and Local Government dated 27 August 2010, File Ref Id.

115. It should be noted that the Coroner had not been a notice party to the licence, nor was he involved in the granting of the licence (which was then a matter solely for the Department). However, at the request of the Dublin Cemeteries Committee, he reviewed the matter including through consultation with the firm of undertakers who carried on the exhumation.

116. The Coroner confirmed a number of points regarding the exhumation at the time, to An Garda Síochána and subsequently to the Committee. In that regard, the Gardaí and Dublin City Coroner have confirmed that:

- All the remains were adult and female;
- The remains were buried correctly ("i.e. not in shallow graves"); and
- The condition of the remains was "in keeping with what one would expect to find" in the circumstances.<sup>35</sup>

117. The Dublin City Coroner also pointed out that he had received no complaint or enquiry into any of the deaths either at the time of the exhumation or since.

118. An Garda Síochána also carried out enquiries in relation to this matter, both in 2003 and again in 2012 at the request of the Committee. In 2003 and as referred to above, the Gardaí met with the Dublin City Coroner and the Order of Our Lady of Charity, examined their records, interviewed the researchers who had catalogued these records and examined the files on the matter at the Department of the Environment, Community and Local Government. These enquiries concluded without any suggestion of criminal action or wrongdoing and, on the basis of those records, no further action on the matter was deemed necessary by the Gardaí.

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<sup>35</sup> Garda Report to the Committee dated 16 October 2012 and Letter of the Dublin District Coroner to the Committee, dated 19 October 2012

**Chapter 17:****Other areas of State involvement*****Summary of findings:***

*This Chapter details the findings of the Committee in relation to a number of miscellaneous areas of State involvement with the Magdalen Laundry.*

*It first sets out the legislative provisions for electoral registration, in particular the rules which applied to long-term “inmates” and “patients” of institutions before and after 1963. Prior to 1963, such persons were not eligible for registration at those institutions, but retained the right to be registered to vote at their place of ordinary residence (generally their former address). After 1963, in some cases they were eligible for registration at the address of the institution.*

*The implications of these rules for women in a Magdalen Laundry are set out, as well as the findings of the Committee’s searches of historic Electoral Registers, which reveal that, despite their technical ineligibility, the women of 4 Magdalen Laundries were registered to vote at those addresses prior to 1963. In another 4 Magdalen Laundries, women were registered to vote at those addresses after 1963. In the case of 2 Magdalen Laundries, insufficient information is available to confirm the practice adopted by the local enumerators.*

*The arrangements in relation to rationing of supplies during “the Emergency” as they applied to institutions are also set out in this Chapter. The rules applicable to external institutions (which included in their number 4 Magdalen Laundries) are among those specified.*

*Relevant statistical surveys carried out from 1926 onwards are also addressed in this Chapter, namely the Census of Production and the Census of Distribution and Services, and their application to the Magdalen Laundries.*

*The Chapter finally considers the interaction of the Charity Commissioners with the Magdalen Laundries. The Committee, however, notes that the limited role of the Charity Commissioners did not and does not extend to regulation or oversight of the operation of charities.*

## **Introduction**

1. The Committee, in fulfilling its mandate, decided that it should adopt an expansive approach to the definition of State involvement and, for that reason, examined a broad range of issues in its work.
2. This Chapter addresses a number of miscellaneous areas of State involvement with the Magdalen Laundries. Four main issues are addressed in this Chapter, as follows:
  - A. Electoral Registration;
  - B. Rationing;
  - C. Relevant Statistical Surveys of workplaces; and
  - D. The role of the Office of the Commissioners of Charitable Donations and Bequests.
3. In each case, any relevant legislative basis is set out, followed by detail of the application of that legislation or practice to the Magdalen Laundries within the scope of this Report.

### **A. Electoral Registration**

4. The Committee examined the question of whether or not the women who were admitted to and worked in the Magdalen Laundries were registered to

vote. In doing so, the Committee carried out two exercises. The Committee:

- investigated the historic legislative provisions on electoral registration; and
- sourced and examined surviving electoral registers for all areas in which the Magdalen Laundries were located, to determine how the legislation was implemented in practice.

5. The results of these searches and enquiries are detailed below.

i. *Legislation relating to electoral registration*

6. Since the enactment of the Electoral Act 1923, electoral registers have been prepared for the various constituencies defined by that and subsequent legislation. In relation to eligibility, the 1923 Act provided in pertinent part that every citizen who had reached the age of 21 “without distinction of sex” was entitled to be added to the electoral register for Dáil Éireann.<sup>1</sup>
7. The 1923 Act further provided that every such person could be registered in any one of three constituencies – either the constituency “in which he or she is ordinarily resident on the qualifying date”, the constituency in which he or she occupied a business premises, or certain university constituencies.
8. The most common of these was the constituency in which a person was “ordinarily resident”. The 1923 Act provided in that regard that:

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<sup>1</sup>Electoral Act 1923, section 1(1) (now repealed)

“Every person without distinction of sex who is a citizen of Saorstát Eireann and has attained the age of twenty-one years and is not subject to any legal incapacity imposed by this Act or otherwise shall be entitled to be registered once as a Dáil elector in one, but not more than one, constituency in Saorstát Eireann”.

“A person who is an inmate or patient in any prison, lunatic asylum, workhouse, poorhouse, or any other similar institution shall not by reason thereof be treated as ordinarily resident therein or as occupying the same within the meaning of this section”.<sup>2</sup>

9. In practice, this meant that an inmate or patient in an institution, even a long-term inmate or patient, would *not* be eligible for registration to vote at that address or within that constituency, because they were not considered “ordinarily resident” there.

10. The law relating to electoral registration and ordinary residence was amended in 1963. The Electoral Act 1963 provided as a general rule that:

“A person shall be entitled to be registered as a Dáil elector in a constituency if he has reached the age of twenty-one years and he was, on the qualifying date

- (a) a citizen of Ireland, and
- (b) ordinarily resident in that constituency”.<sup>3</sup>

11. In relation to the question of patients and inmates of institutions, the Act provided that a patient or inmate in:

“any hospital, sanatorium, county home, home for persons suffering from physical or mental disability or similar institution or is detained in any premises in legal custody”,

would be deemed to be resident in his or her home-place (“where he would have been residing but for his having been such a patient or inmate or having been so detained in legal custody”), with two exceptions:

- those who were resident there for employment, or

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<sup>2</sup> Electoral Act 1923, section 1(9) (now repealed)

<sup>3</sup> Electoral Act 1963, section 5(1) (now repealed)

- “a person who, in the opinion of the registration authority, will continue for an indefinite period to be such a patient or inmate”.<sup>4</sup>
12. This meant that after the 1963 Act came into effect – and for the first time – long-term inmates or patients in institutions could be considered as ordinarily resident there and could be registered to vote using the address of the institution. Short-term inmates or patients in institutions would under the Act continue to be eligible to be registered at their other (home) address.
13. Accordingly and insofar as it concerns the Magdalen Laundries and all other residential institutions, the legislation would have the following impact:
- from 1923 until 1963, inmates, patients or residents of institutions (including long-term), could not be registered to vote using the address of the institution but would generally retain the right to be registered at their home or previous address.
  - from 1963 onwards, long-term inmates, patients or residents of institutions who were considered to be an inmate or patient for an “indefinite period” could be registered to vote using the address of the institution. Short-term inmates, patients or residents could not be registered at that address, but would continue to be eligible to be registered in the place where they were ordinarily resident (i.e. typically at their previous address).
14. On the basis of this legislative background, women in the Magdalen Laundries (whether long or short-term), would not under the law be registered to vote at that address prior to 1963, although they could be registered where they were ordinarily resident (i.e. at their previous home address). After 1963, women in Magdalen Laundries considered to be there

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<sup>4</sup> Electoral Act 1963, section 5(5). Entered into effect on 12 July 1963, now repealed.

for an indefinite period could under the law be registered to vote at that address. The same applied to patients or inmates in any other institution, including City or County Homes, hospitals, psychiatric hospitals and so on.

*ii. Analysis of historic electoral registers*

15. The Committee also sought to establish how these rules were put into practice in relation to the Magdalen Laundries. To do so, the Committee contacted the Local Authorities for all constituencies in which the Magdalen Laundries were located, to request copies of all historic electoral registers for these constituencies.
16. In some cases, historic electoral registers had not been retained by the relevant Local Authorities. Other sources, including the National Library, were utilised by the Committee to secure some of the registers which were otherwise not available.
17. The following section sets out the factual position in relation to electoral registration at the ten Magdalen Laundries.

*a. Registration following the 1963 Act*

18. In the case of four Magdalen Laundries, the practice was as would be expected in light of the legislative framework: women working there were not registered to vote at that address prior to 1963, but were registered to vote there at varying dates after 1963. The four Magdalen Laundries in question are: Waterford; Peacock Lane, Cork; Sunday's Well, Cork; and Sean McDermott Street, Dublin, details of which follow.
  - *Waterford (closed 1982)*
19. Sixteen historic electoral registers were identified for the Magdalen Laundry operated by the Good Shepherd Sisters in Waterford prior to its closure in 1982, as follows:

- 1936-37
  - 1942-43
  - 1964-65
  - 1965-66
  - 1966-67
  - 1967-68
  - 1968-69
  - 1973-74
  - 1974-75
  - 1975-76
  - 1976-77
  - 1977-78
  - 1978-79
  - 1979-80
  - 1981-82
  - 1982-83
20. The Register for 1936-37 included only Sisters forming part of the Convent at Waterford. The Register for 1942-43 included 42 Sisters registered at the “Good Shepherd Community” on the Cork Road. It did not include any of the women who lived there, in accordance with the rules then applicable to electoral registration of ‘patients or inmates’ of institutions. This is also the case for the Electoral Registers for the years 1964 to 1967.
21. By contrast, the Register for 1966-67 included both Sisters and women without religious titles. This remains the case for all surviving Registers from that point onwards until closure of the Laundry. For example, the Register for 1968-1969 included 36 Sisters as well as 17 women without religious titles registered at the “Good Shepherd Community”. This suggests that these 17 women were considered at the time of preparation

of the Electoral Register to have reached the age of 21 and to be long-term or ‘indefinite’ patients or inmates of the institution and as such qualified for registration there.

- *Sunday's Well, Cork (closed 1977)*
22. Thirteen historic electoral registers were identified for the Magdalen Laundry at Sunday's Well, Cork. The Registers identified were for the following years:
- 1960-61
  - 1966-67
  - 1967-68
  - 1968-69
  - 1969-70
  - 1970-71
  - 1971-72
  - 1972-73
  - 1973-74
  - 1974-75
  - 1975-76
  - 1976-77 and
  - 1977-78
23. Examination of these Electoral Registers confirmed that neither the Sisters nor the women living at Sunday's Well were registered to vote in the initial Register available dated 1960-61.
24. There is then a gap in available Registers until 1966-67, by which point both the Sisters and women at Sunday's Well were registered to vote, recorded separately as “Good Shepherd Convent, Sunday's Well (Community)” and “Good Shepherd Convent, Sunday's Well”. In the

Electoral Register for the following year 1967-68 and from that point onwards, the Register adds the word “Residents” to the latter category.

- *Peacock Lane, Cork (closed 1991)*
25. Thirty-two historic Electoral Registers were identified for the Magdalen Laundry operated at Peacock Lane by the Religious Sisters of Charity, as follows:
- |           |           |
|-----------|-----------|
| - 1942-43 | - 1965-66 |
| - 1944-45 | - 1966-67 |
| - 1947-48 | - 1967-68 |
| - 1948-49 | - 1970-71 |
| - 1949-50 | - 1971-72 |
| - 1950-51 | - 1972-73 |
| - 1951-52 | - 1973-74 |
| - 1952-53 | - 1974-75 |
| - 1953-54 | - 1975-76 |
| - 1954-55 | - 1976-77 |
| - 1955-56 | - 1977-78 |
| - 1956-57 | - 1978-79 |
| - 1957-58 | - 1979-80 |
| - 1958-59 | - 1980-81 |
| - 1963-64 | - 1981-82 |
| - 1964-65 | - 1982-83 |
26. In the initial Electoral Registers detailed above, neither Sisters nor women were listed at this address. For a number of years – namely 1963-64, 1964-65 and 1965-66, only the Sisters living at the Convent were registered to vote at that address.

27. From the 1966-67 Register onwards, all surviving Electoral Registers include not only the Sisters but also the women who were admitted to and working at Peacock Lane. These women were identified in the Register as “residents” of the Convent.
- *Sean McDermott Street, Dublin (closed 1996)*
28. Forty-two historic electoral registers were identified for the Magdalen Laundry at Sean McDermott Street, Dublin, as follows:
- |           |               |
|-----------|---------------|
| - 1937-38 | - 1963-64     |
| - 1939-40 | - 1969-70     |
| - 1940-41 | - 1970-71     |
| - 1942-43 | - 1973-74     |
| - 1944-45 | - 1975-76     |
| - 1945-46 | - 1976-77     |
| - 1947-48 | - 1977-78     |
| - 1949-50 | - 1979-80     |
| - 1950-51 | - 1982-83     |
| - 1951-52 | - 1983-84     |
| - 1952-53 | - 1985-86     |
| - 1953-54 | - 1986-87     |
| - 1954-55 | - 1987-88     |
| - 1955-56 | - 1988-89     |
| - 1956-57 | - 1989-90     |
| - 1957-58 | - 1990-91     |
| - 1958-59 | - 1991-92     |
| - 1959-60 | - 1992-93     |
| - 1960-61 | - 1993-94     |
| - 1961-62 | - 1994-95 and |
| - 1962-63 | - 1995-96.    |

29. No person at the Convent, including the Sisters, was registered to vote prior to 1943-44. The Register for 1944-45 includes a number of members of the “Monastery of Our Lady of Charity of Refuge” (registered under their birth rather than religious names). The intervening years do not appear to have any listings either for the Sisters in the Convent or the women who worked in the Laundry.
30. The Registers for 1969-70 and 1970-71 have listings for the “Convent of our Lady of Charity” which also includes the women living there. From that point onwards, all are registered to vote, although the terminology alters over time. The 1969-70 Electoral Register is divided into two categories, namely “Community” and “Inmates”. By 1973, the Electoral Register referred instead to “Community” and “Residents”. From 1982 onwards, no distinction was made on the Register between the Sisters and the women, all being recorded together.

*b. Registration prior to the 1963 Act*

31. In the case of another four Magdalen Laundries, the women who worked there – although technically ineligible for registration at that address – were included in Electoral Registers at that address even before entry into force of the 1963 Act. In one case, registration occurred for these women as early as 1950. The four Magdalen Laundries in question were: Dun Laoghaire; Limerick; High Park, Dublin; and Donnybrook, Dublin.
  - *Dun Laoghaire (closed 1963)*
32. Nineteen historic electoral registers were identified for St Patrick’s Refuge, Dun Laoghaire between the years 1937 and closure of the Laundry in 1963. The Registers identified were:
  - 1937-38

- 1939-40
- 1940-41
- 1941-42
- 1942-43
- 1943-44
- 1944-45
- 1945-46
- 1950-51
- 1951-52
- 1952-53
- 1953-54
- 1954-55
- 1955-56
- 1957-58
- 1958-59
- 1960-61
- 1961-62 and
- 1963-64.

33. Based on the applicable legislation, women living and working in St Patrick's Refuge were technically ineligible to be registered to vote using that address until after 1963. However, based on the Electoral Registers identified and examined by the Committee, from 1950 onwards, women admitted to and working in the Dun Laoghaire Magdalen Laundry were recorded on the electoral Register at that address.

- *Donnybrook (closed 1992)*

34. Thirty-seven historic Electoral Registers were identified for the Magdalen Laundry at Floraville Road, Donnybrook, as follows:

- 1937-38
- 1958-59

- 1939-40	- 1959-60
- 1940-41	- 1960-61
- 1941-42	- 1961-62
- 1942-43	- 1962-63
- 1943-44	- 1963-64
- 1944-45	- 1969-70
- 1945-46	- 1970-71
- 1946-47	- 1971-72
- 1947-48	- 1972-73
- 1949-50	- 1973-74
- 1950-51	- 1975-76
- 1951-52	- 1976-77
- 1952-53	- 1977-78
- 1953-54	- 1978-79
- 1954-55	- 1982-83
- 1955-56	- 1983-84
- 1956-57	- 1985-96
- 1957-58	

35. Based on the applicable legislation set out above, women admitted to and working in the Donnybrook Magdalen Laundry were ineligible to be registered at that address until after 1963.
36. The available Electoral Registers confirm that only members of the religious community, i.e. Religious Sisters, were registered to vote for 1937-38, 1939-40, 1940-41, 1941-42, 1942-43, 1943-44, 1944-45, 1945-46, 1946-47, 1947-48, 1949-50, 1950-51 and 1951-52. In some years the Sisters were registered under their birth names, while in others they were registered under their religious names.
37. However the Electoral Registers from 1952-53 onwards show that, more than a decade before the legislative framework was amended, the women

working in the Magdalen Laundry at Donnybrook as well as the Sisters living in the community there were registered to vote at that address.

38. From 1953-54 onwards, the Electoral Register identifies separately the “Community”, the “domestic staff” (where applicable) and the “inmates” of what was termed the Convent of the Sisters of Charity at Floraville Road. From 1969-1970 onwards, the Registers refer instead to “residents” of “St Mary Magdalen’s”; and from 1973-74 the “Magdalen Home”. From 1982 onwards the Register did not make any distinction between the various categories of women at the “Magdalen Home”.
  - *High Park, Drumcondra, Dublin (closed 1991)*
39. Twenty-seven historic Electoral Registers were identified for the Magdalen Laundry at High Park, Dublin, as follows:

- 1937-38	- 1963-64
- 1939-40	- 1970-71
- 1940-41	- 1972-73
- 1941-42	- 1973-74
- 1942-43	- 1974-75
- 1943-44	- 1975-76
- 1944-45	- 1976-77
- 1945-46	- 1977-78
- 1949-50	- 1980-81
- 1950-51	- 1987-88
- 1954-55	- 1988-89
- 1955-56	- 1989-90 and
- 1956-57	- 1990-91.
- 1962-63	

40. Based on the applicable legislation set out above women admitted to and working in the Magdalen Laundry at High Park, Dublin were technically ineligible to be registered to vote using that address until after 1963.
41. However three of the Electoral Registers prior to that, namely the Registers for 1954-55, 1955-56 and 1956-57 include listings for “St Mary’s Asylum (High Park Convent) – inmates”. The 1956-57 Register also lists Sisters as a separate category and this practice of two separate categories (“Religious Community” and “St Mary’s Home - Inmates”) applied also to the next surviving Registers, namely those for 1962-63 and the 1963-64.
42. At this point there is a gap in the records, with the next available Register being that for 1970-71. Here the listed categories had changed to “Religious Community” and “St Mary’s Home – Residents”. From 1986 onwards, the Electoral Registers made no distinction between these categories, with the Sisters and women recorded together.
  - *Limerick (closed 1982)*
43. Thirty-one historic Electoral Registers were identified for the Magdalen Laundry at Pennywell Road, Limerick, as follows:

- 1940-41	- 1957-58
- 1941-42	- 1960-61
- 1942-43	- 1961-62
- 1943-44	- 1962-63
- 1944-45	- 1963-64
- 1945-46	- 1969-70
- 1946-47	- 1971-72
- 1947-48	- 1974-75
- 1948-49	- 1975-76
- 1949-50	- 1976-77

- |           |               |
|-----------|---------------|
| - 1950-51 | - 1977-78     |
| - 1951-52 | - 1978-79     |
| - 1952-53 | - 1979-80     |
| - 1953-54 | - 1980-81 and |
| - 1954-55 | - 1981-82.    |
| - 1955-56 |               |

44. Based on the law at the time, the women admitted to and working in the Magdalen Laundry at Limerick were technically ineligible to be registered to vote using that address until after 1963.
45. On examination of the Electoral Registers, the Committee found that from the Electoral Register for 1940-41 onwards, the Sisters of the community in Limerick were registered to vote (Registered as "Clare Street Good Shepherd Convent", including religious titles of each individual). This remained the case consistently in all Registers identified until 1961.
46. However the Register for 1961-62 included the women who lived there as well as the Sisters. There was no distinction made between the women and the Sisters on this list. They were all registered under the same heading ("Clare Street Good Shepherd Convent"). This remained the case for all surviving Registers, until closure of the Laundry.

*c. Insufficient information to establish position*

47. In the case of the two remaining Magdalene Laundries, insufficient information is available to determine definitively whether or not the women who were admitted to and worked there were registered using the addresses of the institutions. These two cases are those of New Ross and Galway.
  - *New Ross, Wexford (closed 1967)*

48. Only two Electoral Registers were identified which pre-date the closure of the Magdalens Laundry at New Ross, namely:
- 1943-44 and
  - 1955-56.
49. Neither the Sisters nor the women admitted to and working in the Magdalens Laundry were registered to vote at that address on the two surviving Electoral Registers. As Electoral Registers cannot be identified for the period after entry into force of the 1963 Act, it is not possible to determine whether or not women were registered to vote using that address after the law had been amended.
- *Forster Street, Galway (closed 1984)*
50. Seventeen historic Electoral Registers were identified for the Magdalens Laundry operated at Number 47 Forster Street, Galway, by the Sisters of Mercy, all of which post-date the 1963 Act, as follows:
- 1964-65
  - 1966-67
  - 1967-68
  - 1969-70
  - 1970-71
  - 1971-72
  - 1972-73
  - 1973-74
  - 1974-75
  - 1975-76
  - 1976-77
  - 1977-78
  - 1978-79

- 1979-80
  - 1981-82
  - 1982-83 and
  - 1983-84.
51. The Electoral Registers for the years from 1964 to 1973 identify those registered to vote by Street only. This means that all residents of Forster Street as a whole are registered without further sub-division. A number of Sisters are registered periodically on these lists and - although due to the structure of the Register it is not possible to be definitive on the point - it does not appear that any of the women admitted to and working in the Magdalen Laundry were registered.
52. From 1976 to 1984 (with one gap in available Registers as identified above), the Electoral Registers include Sisters at the Forster Street address. Although the Magdalen Laundry at Forster Street closed in 1984, some women continued to live there and Electoral Registers up to 1987-88 identify the location as "Magdalen Home" and include the women who live there (Sisters and women) without distinction.
53. In summary, the above searches and examinations demonstrate as follows:
- Prior to July 1963, the law did not provide for electoral registration of 'patients' or 'inmates' at institutions using the institution address, even if long-term patients or inmates there. They would instead remain eligible for registration at their prior addresses (where they were considered ordinarily resident).
  - Nonetheless, the women of 4 different Magdalen Laundries were in fact registered to vote using the addresses of these institutions before that date, although technically ineligible for registration in this way.

- Following July 1963, long-term or indefinite ‘inmates’ or ‘patients’ at institutions were eligible for electoral registration at the address of the institution. Others remained eligible to be registered at their prior addresses.
- In four Magdalen Laundries, the pattern which would be expected given the change of law was observed, namely non-registration of the women prior to 1963, and registration at that address of women at varying points after 1963.
- In the case of two Magdalen Laundries (one of which closed in 1967, four years after the change of legislation), insufficient information was available to determine whether or not women were registered to vote using that address either before or after the change in electoral legislation.

## **B. Rationing**

54. Rationing applied in Ireland from 1942 until 1952. In light of the broad nature of its mandate, the Committee decided that it would be appropriate to attempt to identify what arrangements applied in relation to rationing and the Magdalen Laundries.
55. The Department of Supplies (which was subsequently subsumed back into the Department of Industry and Commerce) was primarily responsible for the rationing system, with the input and assistance of other Departments and Local Authorities where necessary. A number of Statutory Instruments underpinned the operation of the system, beginning with the Emergency Powers (General Rationing Provisions) Order 1942.
56. The Committee carried out searches of the records of the Department of Enterprise, Jobs and Innovation (as successor Department to the

Department of Industry and Commerce) including its holdings in National Archives to attempt to identify any relevant material.

57. Through these searches, the Committee found that a Register of Population – also referred to as a mini-census – was carried out in 1941 for the purposes of establishment and administration of the rationing system.<sup>5</sup> The date chosen as ‘registration night’ was 16 November 1941.
58. The Department of Industry and Commerce carried out this exercise and the resulting Register of Population (which included a unique number for every person) was issued to the Department of Supplies.<sup>6</sup> The Hospitals Trust Limited then carried out the physical task of creating ration books for all persons listed in the Register of Population. The Department of Posts and Telegraphs thereafter sorted and distributed the ration books throughout the State.<sup>7</sup>
59. The Committee attempted to identify a copy of the Register of Population or associated records, in order to establish the manner in which women working in the Magdalen Laundries were registered. However none was found either in Departmental records, National Archives or the Central Statistics Office.
60. Nor were copies found of the “Register of Catering Establishments” and the “Register of Institutions”, which were also created for certain rationing purposes. It is considered likely by the Department of Enterprise, Jobs and Innovation and the CSO that these records were destroyed at the time of termination of the rationing system, along with other documents such as ration books which are known to have been destroyed at that time.

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<sup>5</sup> File Ref NAI/INDC/EMR/7/3

<sup>6</sup> Id

<sup>7</sup> File Ref INDC/EMR/3/336

61. Nonetheless, all available records relating to rationing generally were examined by the Committee. No specific reference was found to any of the ten Magdalen Laundries within the scope of this Report.
62. The Committee did, however, find certain general materials in relation to the application of rationing to institutions, including “extern institutions”, details of which are recorded here.
63. Specific instructions in relation to the arrangements for rationing were issued to a whole range of residential institutions. For example, an instruction was issued to Governors of Prisons from the Department of Justice indicating, in pertinent part, that Governors should “keep the books and when a prisoner is about to be released his (her) address should be inserted in the appropriate space and the book handed to the prisoner”. Special arrangements were also made for issue of ration books to “Army personnel”<sup>8</sup> as well as “Gardaí who were returned in the Register of Population as living in barracks”<sup>9</sup>.
64. Instructions were also issued to other institutions, including Boarding Schools, similarly setting out arrangements for issuance and retention of ration books for residents and boarding pupils.
65. Of most relevance to this Report are the arrangements in relation to institutions under the “control or supervision” of the Department of Local Government and Public Health.<sup>10</sup>

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<sup>8</sup> Letter dated 23 January 1942 Department of Defence to Department of Supplies. File Ref NAI INDC/EMR/3/336

<sup>9</sup> Letter dated 22 January 1942, Department of Supplies to Garda Síochána. File Ref Id.

<sup>10</sup> Reference to institutions “under the Department’s control or supervision” taken from Memorandum of meeting, Department of Supplies and Department of Local Government and Public Health, attached to letter dated 22 January 1942. File Ref Id

66. From communications between the Departments, it appears that the Department of Local Government and Public Health supplied, on the request of the Department of Supplies, a list of "District and Private Mental Hospitals, County Homes and Homes for Unmarried Mothers"<sup>11</sup> under the Department's "control or supervision". This list included institutions entitled as being "under the control of local authorities" (mainly County and City Homes and Hospitals) as well as four Mother and Baby Homes which are referred to as institutions which "though Voluntary, receive patients from Poor Law Authorities".<sup>12</sup>
67. In regard to the category of Mother and Baby Homes (referred to in a Memorandum recording a meeting between the Departments as "Homes for Unmarried Mothers"), the Departments:

"agreed that in these cases it was highly undesirable that the names of the institutions should appear in the space for the address on the cover of the ration books, and that it would be sufficient if the names of the persons concerned were inserted on the cover and the books for the institution in question sent to the Matron".<sup>13</sup>
68. More broadly, the Department of Supplies prepared a Circular for issue to all residential institutions on the list supplied by the Department of Local Government and Public Health setting out the particular arrangements which would apply to them in the context of rationing.
69. The Circular (attached in full in the Appendices) provided, in pertinent part, that the "Heads" of these institutions would receive the ration books of all

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<sup>11</sup> Letter dated 5 March 1942, Department of Supplies to Department of Local Government and Public Health. File Ref NAI/INDC/EMR/3/336

<sup>12</sup> Nazareth House, Mallow, Cork; Sacred Heart Home Bessboro, Cork; St Peter's Maternity Hospital, Castlepollard, Co Westmeath; St Gerrard's Home, Shan Ross Abbey, Roscrea, Co Tipperary

<sup>13</sup> Memorandum of meeting, Department of Supplies and Department of Local Government and Public Health, attached to letter dated 22 January 1942, File ref Id

persons who were entered on the Register of Population “as being resident in your institution on Registration Night”. The address field on individual ration books for these people would be left blank.

70. The Heads of institutions were instructed to retain the ration books for:

“inmates ... as long as they are resident in the institution. When an inmate is leaving, the address to which he is going should be inserted on his book which should then be handed to him”.

By contrast, ration books for “members of the resident staff” could be either retained by the manager or provided to those individual staff.

71. If an “inmate” had left the institution between creation of the Register of Population and issuance of the ration books, they were to be either forwarded to that person’s new address or returned to the Department. The reverse situation was also provided for – if a person entered the institution after issuance of the ration books, “his book should be handed to the head of the institution for custody as long as he remains an inmate there”.
72. The Circular also instructed managers of institutions that “if a person dies in the institution, his book should be handed to the local Registrar of Births, Deaths and Marriages when the death is being registered”.
73. Although not included in the list provided at that time to the Department of Supplies for issuance of the Circular, an earlier meeting between the Departments had also included the category of extern institutions, and decided in respect of those institutions as follows:

“Extern Institutions (a list of which is contained in Appendix XXXIII of the Report of the Department of Local Government and Public Health for 1927/28).

These institutions contain about 1,270 adults and 1,400 children who are mostly long term inhabitants of the institutions. The books would, in these cases, be sent to the person in charge and retained by him while the persons to whom they related were attached to his institution".<sup>14</sup>

74. Although no specific reference to the Magdalen Laundries was identified on these files, the following conclusions can be reached based on the available information.
75. First, the Register of Population, compiled on 16 November 1941, was a comprehensive survey of population for the purposes of rationing. The Magdalen Laundries – along with all institutions and other places of residence within the State – would have been included in this exercise and the women working in the Magdalen Laundries would have been enumerated.
76. Second, as set out in Chapters 11 and 13 of this Report, at least 5 and possibly 6 Magdalen Laundries were recognised as “extern institutions” by the Department of Local Government and Public Health. These Magdalen Laundries would accordingly have been covered by the arrangements for rationing in respect of extern institutions, as agreed between the Department of Supplies and the Department of Local Government and Public Health. As a consequence, ration books for the women working in these 4 Magdalen Laundries would have been issued, through the machinery set out above, to the “person in charge” of the Magdalen Laundry and retained by that person “while the persons to whom they related were attached to [her] institution”.

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<sup>14</sup> Memorandum of meeting, Department of Supplies and Department of Local Government and Public Health, attached to letter dated 22 January 1942, File ref Id

77. Although this cannot be confirmed, it is considered likely by the Committee that similar arrangements applied in relation to the remaining 6 Magdalen Laundries which had not at that point been recognised as “extern institutions”.

**C. Statistical surveys: Census of Production and Census of Distribution and Services**

*i. Introduction*

78. There is a long history, pre-dating the establishment of the State, of surveys of industrial production. This Section details the purpose and scope of such surveys carried out by the Statistics Branch of the Department of Industry and Commerce and subsequently, the Central Statistics Office. The application of these surveys to the Magdalen Laundries is then addressed.
79. A study entitled the “Census of Industrial Production” continues to be carried out in the State in present times. Its purpose is to capture and provide structural data on the industrial sector of the economy. The current Census of Industrial Production relates to enterprises and units with three or more persons engaged that are wholly or primarily engaged in industrial production.<sup>15</sup>

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<sup>15</sup> Statistics (Census of Industrial Production) Order 2008, SI No. 78 of 2008

80. The first Census of Production in the territory of the State was carried out prior to the establishment of the State. The legal basis for the first such exercise was an Act of the British Parliament, the Census of Production Act 1906<sup>16</sup>, which empowered the Board of Trade to collect data from industrial establishments throughout the United Kingdom (then including Ireland).
81. The first Census of Production was duly carried out in 1907. A census was also commenced in 1912, but was never completed due to the outbreak of World War One in 1914.
82. This Section sets out the history of the Census of Industrial Production after the foundation of the State and its relevance to the Magdalen Laundries. It should be noted that these surveys were separate to and distinct from the annual returns required under the Factories Acts (Chapter 12) and the scope of “factories” under those acts and “establishments” under the surveys detailed in this Section differed.

*ii. Legislative basis and surveys conducted following the establishment of the State*

83. The Statistics Act 1926 conferred a number of powers on the Minister for Industry and Commerce - the Central Statistics Office had not yet been established and statistical analysis on economic matters formed part of the responsibilities of that Department pursuant to a decision of the Executive Council.<sup>17</sup>
84. Section 16 of the 1926 Act empowered the Minister to prescribe:

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<sup>16</sup> 6 Edw. VII. c. 49

<sup>17</sup> Minutes of the Executive Council Minutes 15, 23, 25 October 1924. Cited in Thomas P Linehan, “The Development of Official Irish Statistics”, Journal of the Statistical and Social Inquiry Society of Ireland, Vol. XXVII, Part V. A specific Division of the Department – the Statistics Branch – was subsequently established for that purpose.

“the subject-matter, nature, character and periodicity of the statistics to be collected under this Act”<sup>18</sup>,

as well as issues such as the persons or classes of persons by whom returns were to be made and the schedules, forms and instructions to be used in that regard.

85. An Order was made under the Act in 1926, providing for the taking of a Census of Production. The Statistics (Census of Production) Order 1926 was made by the Minister for Industry and Commerce, which at that point was the responsible Department for statistics.
86. The Order provided that a Census of Production would be carried out in 1927, in respect of the year 1926, with respect to a number of industries, trades and businesses.<sup>19</sup>
87. The Industries, Trades and Businesses covered by this census were primarily manufacturing – for instance, manufacturers of certain foodstuffs and drink, chemicals, oils and paints, brick, cement and glass, metal, shipbuilding, construction and repair of vehicles, furniture, leathers and textiles, clothing, paper and printing. However “laundry, cleaning and dyeing trades” were also included in the “other industries, trades and businesses” captured by the Census.<sup>20</sup>
88. The information required to be returned as part of the Census was relatively extensive. It was necessary to provide information on, for example:<sup>21</sup>
  - Ownership and year established.

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<sup>18</sup> Statistics Act 1926, section 16(1)(a)

<sup>19</sup> Statistics (Census of Production) Order 1926, SI No. 20/1928, Article 1

<sup>20</sup> Id, Schedule, First Part

<sup>21</sup> Id, Schedule, Second Part “Information, Returns and Particulars”

- Time in operation (including number of days in which work was carried out during the year).
  - Number of hours worked by “wage earners”. Wage earners were defined in that regard as “industrial workers at the factory” and “storekeepers, packers, messengers, porters, carters etc”. “Outworkers” (workers employed in their own homes) were excluded.
  - Number of people employed (“distinguishing Males and Females and those under 18 years and over 18 years of age”).
  - Salaries and wages paid.
  - Quantity and value of products manufactured or work performed.
  - Fuel and electricity use for the period and materials used.
  - Information regarding machinery.
89. The industries and businesses required to submit information were not self-selecting – rather, the statistics in question were to be collected by way of forms “which shall be transmitted by post ... to all persons by whom returns are to be made or information is to be given...”.<sup>22</sup>
90. A Second Census of Production was provided for by way of a Statutory Instrument in 1929 (to be taken in 1930)<sup>23</sup>, and a third was provided for in 1931 (to be taken in 1932).<sup>24</sup> In the surveys of subsequent years – and beginning with provision for statistics from 1932 to 1935 (collected in 1933-1936) - the laundry trade was excluded from the Census of Production.<sup>25</sup>
91. The laundry trade would, however, have been included in a separate statistical survey – the “Census of Distribution”, described as “the first major

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<sup>22</sup> Id, article 3

<sup>23</sup> Statistics (Census of Production) Order 1929. SI No. 38/1929. The forms to be used for the exercise were prescribed by way of the Statistics (Census of Production)(Forms) Order 1930, including a specific form for “laundry, cleaning and dyeing trades” – CPI 20

<sup>24</sup> Statistics (Census of Production) Order 1931. SI No. 27/1931. Forms prescribed by Statistics (Census of Production)(Forms)(Order) 1932

<sup>25</sup> Statistics (Census of Production) Order 1932. SI No. 58/1932

statistical inquiry directed to the services sector".<sup>26</sup> This was carried out in 1934 (compiling data in respect of 1933).

92. The general class required to submit returns was provided for in the Statistics (Census of Distribution) Order 1933 as "every person carrying on a wholesale or retail distribution of goods or services".<sup>27</sup> Again, however, the exercise was not carried out on the basis of self-selection, rather the forms and instructions were "transmitted by post ... to all persons by whom returns are to be made or information is to be given".<sup>28</sup> This was done "on the basis of a register specially compiled for the purpose by the Gardaí".<sup>29</sup>

93. The range of information sought was again broad, encompassing the following categories:

- Description of establishment
- Description of business
- Persons engaged and salaries, wages and commissions paid (divided between male and female)
- Sales of Merchandise and Services
- Rent and rates
- Stock.<sup>30</sup>

94. The instructions attached to this Order confirmed that the returns sought were for "statistical purposes only" and that estimates were acceptable where exact figures were not available.<sup>31</sup>

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<sup>26</sup> Linehan, "The Development of Official Irish Statistics", *supra*

<sup>27</sup> Statistics (Census of Distribution) Order 1933. SI No. 103/1933. Article 2

<sup>28</sup> *Id*, article 4

<sup>29</sup> Linehan, "The Development of Official Irish Statistics", *supra*

<sup>30</sup> Schedule to the Statistics (Census of Distribution) Order 1933.

<sup>31</sup> *Id*, General Instructions at paragraph 2

95. The Laundry trade was similarly not included in the provision made for Census of Production in 1939, 1940, 1941 and 1942<sup>32</sup>, however it was re-included in provision for Census of Production from 1943 onwards.<sup>33</sup>
96. These surveys continued after transfer of responsibility in 1949 from the Minister for Industry and Commerce to An Taoiseach and the establishment of the Central Statistics Office.<sup>34</sup>
97. A second Census of Distribution was carried out on the basis of a Statutory Instrument in 1952. The Order providing for this survey required returns of certain statistical information, with the list of required information relating to:
  - Particulars of establishment
  - Year of return
  - Description of business
  - Persons engaged
  - Wages, salaries and commissions paid
  - Rents and rates
  - Total takings
  - Payments and purchases
  - Stocks on hand for sale.<sup>35</sup>
98. Subsequently, annual surveys of this kind were provided for until 1961, with a gap thereafter until provision (under the alternative name of “Census of

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<sup>32</sup> SI No 391/1939, SI No. 359/1940, SI No. 556/1941 and SI No. 518/1942.

<sup>33</sup> See e.g. Statistics (Census of Production) Order 1943. SI No. 422/1943; Statistics (Census of Production) Order 1944. SI No. 350/1944; Statistics (Census of Production) Order 1946. SI No. 60/1946; Statistics (Census of Production) Order 1947. SI No. 34/1947; Statistics (Census of Production) Order 1948. SI No. 49/1948; Statistics (Census of Production) Order 1949. SI No. 90/1949; Statistics (Census of Production) Order 1950. SI No. 25/1950; Statistics (Census of Production) Order 1951. S.I. No. 17/1951; Statistics (Census of Production) Order 1952. SI No. 2/1952

<sup>34</sup> The Statistics Acts 1926 and 1946 (Transfer of Ministerial Functions) Order 1949 (SI 142/1949)

<sup>35</sup> Statistics (Census of Distribution) Order, 1952. S.I. No. 20/1952

Distribution and Services") on the basis of Orders made under the Statistics Acts in 1967, 1972 and 1978.<sup>36</sup>

*iii. Records of surveys conducted and application to the Magdalen Laundries*

99. The Committee decided that it would be appropriate to attempt to identify whether or not the Magdalen Laundries were included in the scope of some or all of the above surveys of Production or Distribution and Services. To this end, extensive searches were carried out of the records of the Department of Enterprise, Jobs and Innovation (as successor Department to the Department of Industry and Trade) and the Department of An Taoiseach. The Central Statistics Office also confirmed that it does not hold any such records of raw data in these cases.
100. Although general files were found relating to publications based on the returns from these surveys, no files were identified including the actual returns of establishments made under these Statutory Instruments.
101. If any such files existed, it is likely that they would have been transferred, along with responsibility for statistics, at the time of transfer of responsibility for statistics to the Department of An Taoiseach and creation of the Central Statistics Office. However as noted above, no such primary data (forms returned by establishments under the surveys) were identified in the holdings of the CSO.

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<sup>36</sup> See S.I. No. 20/1952 Statistics (Census of Distribution) Order, 1952; SI No. 44/1953 Statistics (Census of Distribution) Order, 1953; SI No. 48/1954 Statistics (Census of Distribution) Order, 1954; SI No. 15/1955 Statistics (Census of Distribution) Order, 1955; SI No. 6/1956 Statistics (Census of Distribution) Order, 1956; SI No. 39/1957 Statistics (Census of Distribution) Order, 1957; SI No. 62/1958 Statistics (Census of Distribution) Order, 1958; SI No. 43/1959 Statistics (Census of Distribution) Order, 1959; SI No. 5/1960 Statistics (Census of Distribution) Order, 1960; SI No. 3/1961 Statistics (Census of Distribution) Order, 1961; SI No. 67/1967 Statistics (Census of Distribution and Services) Order, 1967; SI No. 56/1972 Statistics (Census of Distribution and Services) Order, 1972; SI No. 101/1978 Statistics (Census of Distribution) Order, 1978.

102. The Committee was able, however, to identify additional information in relation to the treatment of the Magdalen Laundries through other sources.
103. First, certain of the general files relating to these surveys include information, not on the returns of individual laundries, but on the overall categories of laundries for which returns had been made. The earliest example of this dates to 1926.
104. A file containing preliminary reports on the Census of Production 1926 includes the preliminary report relating to the laundry trade aggregated from the returns of 80 establishments in the “laundry, dyeing and cleaning trades”.<sup>37</sup> Of this total, 37 were from establishments categorised as “Institutions (Convents, Penitentiaries, Female Industrial Schools, etc)”.<sup>38</sup>
105. Although these institutions represent over 46% of the number of laundries having made returns to the Department as part of the census (37 of 80), their turnover represented only approximately 17% of the total laundry turnover of the industry (collective turnover of approximately £97,000 compared to collective turnover of approximately £470,000 for the remaining 43 laundry establishments).<sup>39</sup>
106. The file indicates that these establishments would be excluded from the statistical analysis of the Census of Production. Although the file contains no information on the rationale for this decision, one possible technical explanation is that, given their institutional nature as opposed to commercial laundries staffed by paid employees, they would not have been representative of the laundry trade as a whole and could have distorted the statistical information which the Census was aimed at producing.

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<sup>37</sup> Census of Production 1926, File Ref NAI/TSCH/3/S3729. Preliminary Report No 24, Laundry, Dyeing and Cleaning Trades.

<sup>38</sup> Id

<sup>39</sup> Id

107. The publication in 1933 of the results of the 1926 Census of Production, which were published together with the results of the 1929 Census of Production, did not include these returns.<sup>40</sup> Again, the rationale for this is not included in the report, although it states, in pertinent part, that:

“it was decided that Returns should not be required from the following types of establishments and accordingly, this Report does not include the value of laundry, etc, work performed by them.

(a) Convents, Penitentiaries, Industrial Schools, etc., which, as well as executing laundry for their own inmates and staffs, did work on a commercial basis for outside customers. ...”.<sup>41</sup>

108. It was not possible to determine whether, in the 1929 Census, returns had been sought from or made by institutional laundries of this kind.

109. The return for the 1937 Census of Industrial Production may however shed some light on the matter, as it refers to salaried employees and wage-earners.

110. Second, the archive of one of the relevant Religious Congregations contains partial duplicate forms relevant to this matter. Such forms were identified in relation to the Magdalen Laundry at Sean McDermott Street for the Census of Industrial Productions annually from 1952 until 1963; and again for 1965 and 1966.<sup>42</sup>

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<sup>40</sup> Census of Industrial Production, 1926 and 1929. Compiled by the Department of Industry and Commerce. Dublin: Stationery Office, 1933. Census of Industrial Production, 1929. File Ref NAI/TSCH/3/S7402.

<sup>41</sup> Id

<sup>42</sup> Reference numbers 1952: CIP-36-15; 1953: CIP 53-36-16; 1954: CIP 54-60-16; 1955: CIP 55-60-16; 1956: CIP 56-60-16; 1957: CIP 57-60-16; 1958: CIP 58-60-16; 1959: CIP 56-60-16; 1960: CIP 60-60-16; 1961: CIP 61-60-16; 1962: CIP 62-60-16; 1963: CIP 63-60-16; 1965: CIP 65-60-16; 1966: CIP 66-61-60/16.

111. As set out in this Section, forms were issued to all persons required to submit returns, which means that the administering office (the CSO for the relevant period) issued the forms to the Magdalen Laundry at Sean McDermott Street for completion.
112. Although there is no documentary evidence to establish conclusively whether this was also the case for the other Magdalen Laundries, it would not be an unreasonable assumption that they were similarly considered to be covered by the scope of the surveys.

#### **D. Office of the Commissioners of Charitable Donations and Bequests**

113. The Office of the Commissioners of Charitable Donations and Bequests (“the Charity Commissioners”) was established by the Charitable Donations and Bequests Act 1844, with substantial legislative amendment by way of the Charities Acts 1961 and 1973. As set out in Chapter 15, the Charities Act 2009 does not relate to the time-period under examination by this Report and its provisions are not considered in this Section.
114. Some aspects of the work of the Charity Commissioners have been the subject of public comment in relation to the Magdalen Laundries, in particular:

- exemptions in relation to publication of details of charitable bequests; and
- approval for sale of lands.

These and other, lesser known, aspects of the work of the Office – as well as the general character of the role of the Charity Commissioners – are examined in this Section.

115. The Office of the Charity Commissioners cooperated with the Committee in relation to these matters and the outcomes of this engagement are set out as follows.

*i. Establishment and functions of the Charity Commissioners*

116. The initial purpose of the Charity Commissioners was to ensure “the more effectual application of charitable donations and bequests in Ireland”. On foot of the 1961 Act, Commissioners are appointed by the Government, with a maximum number of 11 at any given time.

117. No set term is served by Commissioners. Rather, each holds office until his or her death, resignation or removal from office. Although not required by the legislation, the Government practice in appointments has been to appoint Commissioners in a manner which maintains the tradition of representation of members of the judiciary and the different religious denominations. Commissioners have at all relevant times acted in a voluntary (wholly unpaid) capacity.

118. The main functions of the Office are administrative or facilitative, rather than regulatory. As indicated by the Law Reform Commission, the Commissioners:

“have a wide role as an enabling body, rather than as a regulatory body with investigative or punitive powers”.<sup>43</sup>

119. The powers which may be exercised by the Charity Commissioners include:

- the power, on application in that regard, to appoint trustees, either in substitution of an existing trustee or as additional trustees;<sup>44</sup>
- the power to authorise the disposition of lands held upon charitable trusts, where the trustees do not otherwise have such a power (including sale by a charity to a non-charity for full value; transfer to another charity for below market value; lease by a charity; surrender of a lease by a charity; mortgage of charity property; or exchange of charity land when for the benefit of the charity);<sup>45</sup>
- to frame *cy-près* schemes<sup>46</sup>, which means a scheme “as near as possible” to the spirit or intentions of the original donor. A *cy-près* scheme enables effect to be given to a donor’s charitable intention when it is impossible or impracticable to give effect to the donor’s wishes in the precise terms provided;<sup>47</sup>
- the power to dispense with the publication of charitable bequests;

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<sup>43</sup> Law Reform Commission Consultation Paper on the Legal Structures for Charities, at 2.02

<sup>44</sup> Section 43 of the Charities Act 1961

<sup>45</sup> Section 34 of the Charities Act 1961, as amended by section 11 of the Charities Act 1973

<sup>46</sup> Section 39 of the Charities Act 1961 as amended by section 8 of the Charities Act 1973 and Part II of the Social Welfare (Miscellaneous Amendments) Act 2002. Until enactment of the 2002 Act, the jurisdiction of the Charity Commissioners to frame cy-pres schemes was limited to values of IR £ 250,000 or less. It was necessary for any cy-pres applications in excess of that limit to be made to the High Court.

<sup>47</sup> See e.g. Law Reform Commission Consultation Paper on the Legal Structures for Charities, at 6

- approval of or sanction for proposed compromises in relation to claims by or against a charity;<sup>48</sup>
  - to provide advice to trustees experiencing difficulty in administering a charitable trust;<sup>49</sup> and
  - the power to accept gifts for charitable purposes.
120. The Office of the Commissioners of Charitable Donations and Bequests has no role in relation to the administration of charitable tax exemptions, which is wholly a matter for the Office of the Revenue Commissioners. The rules applicable to charitable tax exemptions and their application to the Magdalén Laundries are dealt with in Chapter 15.

*ii. Procedures in relation to exemptions from publication of charitable bequests and sale of land*

121. The Office of the Charity Commissioners confirmed to the Committee that the procedure by which it considers exemptions from publication of charitable bequests is as follows.
122. The Charity Commissioners receive details from the Probate Office of all charitable bequests granted probate. An Executor may apply to the Commissioners for an exemption from publication of the details of the charitable bequest. In such cases, the practice of the Office of the Charity Commissioners is to seek a receipt from the relevant charity to ensure that it does in fact receive the funds bequeathed to them.

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<sup>48</sup> Section 22 of the Charities Act 1961

<sup>49</sup> Section 21 of the Charities Act 1961

123. The Charity Commissioners do not have enforcement powers in this regard. However, in the event of any difficulty, the Office has only two options:

- to exercise the power to refuse to grant exemption from publication of the bequest; or
- if the Commissioners had reason to suspect that the funds bequeathed had not reached the intended recipient charity, the Commissioners could refer the matter to the Attorney General (in the role of Protector of Charities) pursuant to section 26 of the Charities Act 1961.

124. Concerning the functions of the Charity Commissioners in regard to the sale of land, the following is the procedure and standard practice applied.

125. In keeping with its general role, the function of the Charity Commissioners in respect of disposition of land is *enabling* rather than *regulatory*. Where charity trustees do not have an express power of sale in their trust documents, an intended sale of property carried out by them may not be valid. In order to overcome this difficulty, the charity trustees may apply to the Charity Commissioners, who have power to grant to them an authority enabling them to lawfully proceed with the transaction.

126. When applications are received for such an authorisation, the Charity Commissioners must satisfy themselves that the proposed transaction is advantageous to the charity. The general criteria used by the Charity Commissioners in this regard are that the charity must:

- receive the full market value for the property; and

- continue to apply that value for its original charitable purposes.
127. To enable them to make a decision on whether or not to grant authorisation, upon receipt of an application for their consent to a sale of property, the Charity Commissioners will seek the necessary information from the charity, including information on:
- how the charity intends to apply the sale proceeds; and
  - confirmation that the proceeds will be applied for the charitable purposes for which they were originally given.
128. On that basis, a decision will be taken on whether to grant an authorisation. Although the Charity Commissioners must be satisfied that a charity disposing of property to a non-charity is receiving full value for the property, this is only one aspect of the overall requirement that the transaction is advantageous to the charity and the Office of the Charity Commissioners has confirmed that it will:
- “look at every application on its own merits, bearing in mind that their role is to assist the charity in carrying out its charitable objects”.<sup>50</sup>
129. The Office of the Charity Commissioners has pointed out that the Office has neither the function nor the legal authority to oversee or investigate charities. This position is confirmed by the legislative basis of the Office and by the Law Reform Commission’s view on the Office as set out above. Indeed as set out at Chapter 15, there is currently no office or body in the State which has such a function or authority. Further, the role and authority of the Office of the Charity Commissioners does not extend to investigating whether or to what degree a charity is fulfilling its charitable aims.

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<sup>50</sup> Id

130. One exception to this general rule is that from time to time notice of suspected misapplication of charity funds may be brought to the attention of the Charity Commissioners. In such a case, the practice of the Charity Commissioners is to refer the matter to the Attorney General, in his/ her role as the Protector of Charities<sup>51</sup>, or alternatively to instigate proceedings for the recovery of misapplied charitable funds.<sup>52</sup>

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<sup>51</sup> Section 26 of the Charities Act 1961

<sup>52</sup> Section 23 of the Charities Act 1961

**Chapter 18:****Non-State Routes of Entry to the Magdalen Laundries*****Summary of findings:***

*This Chapter sets out the routes of entry for girls and women to the Magdalen Laundries which were not attributable to the State. These consisted of referrals by*

- *Family members (10.5% of known entries);*
- *Roman Catholic priests (8.8% of known entries);*
- *other non-state agencies, organisations and individuals (9.3% of known entries); and*
- *what were referred to as “self-referrals”, that is, girls and women themselves seeking admission to a Magdalen Laundry (16.4% of known entries).*

*Some cases involving referrals made jointly by family members and the National Society for the Prevention of Cruelty to Children (“NSPCC”) are also recorded here. Other referrals made by the NSPCC in the context of its work with and for social services are referred to in Chapter 11.*

*Some cases involving referrals made by the Legion of Mary are also recorded here, while other referrals made by officers of the Legion of Mary while acting as Voluntary Probation Officers are detailed in Chapter 9. Their role in relation to Industrial and Reformatory Schools in Chapter 10.*

*A very small number of referrals made by other non-State organisations including*

- *Old I.R.A. (17 cases);*
- *Refugees, some of whom were placed by the Red Cross (7 cases);*
- *Simon Community (4 cases);*

- *Society of St Vincent de Paul (2 cases); and*
- *Samaritans (1 case)*

*and a small number of referrals made by private individuals apparently in their position as employers are also recorded in this Chapter.*

*This Chapter presents patterns identified by the Committee within these overall categories, as well as sample cases of all such patterns. Some of the patterns identified related to poverty, homelessness, domestic abuse, physical disability, mental illness, intellectual disability and family disputes. Other patterns indicated that the Magdalen Laundries were regarded by some as places of temporary or short-term refuge (in some cases, involving repeated entering and leaving), or alternatively as a means of discipline for young girls, or providing for women in old age.*

*This Chapter also includes a brief summary, by way of context, of previous historical analysis on the possible reasons for high levels of institutionalisation in 20<sup>th</sup> century Ireland.*

## **Introduction**

1. As set out in Parts II and III of this Report, a significant number of routes of entry to the Magdalen Laundries were referrals made or facilitated by the State. However these were not the only routes by which girls and women entered the Magdalene Laundries and this Report would not present an accurate or complete picture of this subject without recording some of the categories of non-State referrals found by the Committee.
2. A full statistical breakdown of routes of entry to the Magdalen Laundries is included in Chapter 8 of this Report. As is clear from that Chapter, large numbers of girls and women also entered the Magdalen Laundries as a result of referrals made by:
  - Family members;

- Roman Catholic priests;
  - What were referred to as “self-referrals”, in other words, voluntary admissions or admissions sought by the girl or woman herself; and
  - A variety of non-state agencies and individuals.
3. This Chapter presents information relating to these non-State routes of entry, drawing primarily on the details contained in the records of the Religious Congregations as well as material found in other non-State archives.
4. To illustrate patterns of referrals, sample cases taken from the Registers of the four Congregations which operated the Magdalen Laundries are included throughout this Chapter. These sample cases have been selected by the Committee, which is aware of the full recorded details of each case. However, to protect the privacy of the women and their families, all identifying information, including name, geographical origin, which institution was involved and the precise years in question, has been removed before inclusion in this Chapter.
5. In today’s world, it is difficult to understand the circumstances which could in the past have led to daughters, sisters and mothers being abandoned or disowned by their own families. It may be equally difficult to understand the apparent acceptance by certain families of instructions from people in positions of authority, particularly priests, in relation to family matters.
6. It would however be unfair to judge these cases or the people concerned by applying today’s standards and societal norms. Many of the case-studies which follow demonstrate the regular use of terms which are now offensive, as well as the widespread acceptance of practices that would be repugnant to us today. Many of these case-studies and patterns are accordingly of their own times and perhaps demonstrate some of the prevailing attitudes in Ireland across the years since 1922.

7. A study of the Registers of the Magdalen Laundries suggests that there were linkages between many of these non-State routes of entry. In particular, a significant number of referrals of girls and women to Magdalen Laundries are recorded as having been made jointly by a priest and a family member; while it also seems likely that some voluntary admissions of girls and women to Magdalen Laundries were influenced by the fact that no other door was open to them, either due to rejection by their families or a need to escape abuse or neglect in the home. These and other possible patterns are detailed in the sections which follow.
8. In broader context, historians have suggested a variety of factors which might have contributed to the very high levels of institutionalisation which existed in Ireland throughout much of the 20<sup>th</sup> century. Although it is not the task of this Report to take a view on these broad historical questions, these studies may be an interesting prism against which to consider the findings of the independent analysis carried out by the Committee on the Registers of the Magdalen Laundries.
9. This Chapter is, as a result, split in two parts:
  - A. The patterns identified by the Committee among the non-State routes of entry to the Magdalen Laundries from direct analysis of the Entry Registers of these institutions; and
  - B. A summary of the views of historians, suggesting possible reasons for high levels of institutionalisation in 20<sup>th</sup> century Ireland.

**A. Patterns among non-State routes of entry to the Magdalen Laundries**

10. This Part sets out the findings of the Committee in relation to non-State routes of entry to the Magdalen Laundries. Through analysis of the Entry

Registers of the Magdalen Laundries, patterns of referrals within the broad headings of ‘family’, ‘priest’, ‘self’ and ‘other’ have, where possible been identified. The following sample cases have been selected from the Entry Registers by the Committee. All identifying information has been removed prior to inclusion in this Chapter, to protect the privacy of the women and families concerned.

11. Unless otherwise indicated, all quotations in the following section are taken directly from the Registers, namely the written records created by all four Religious Congregations on the date of entry or date of exit (as appropriate) of the girl or woman in question.

### I. Family

12. Family referrals of girls and women to the Magdalen Laundries identified by the Committee spanned the whole range of family and extended families. In analysis of the Registers, the Committee found documentary evidence that significant numbers of girls and women were placed in the Magdalen Laundries by their mothers, fathers, brothers, sisters, husbands, sons, daughters, uncles, aunts, cousins, grandparents, grandaunts, foster parents, step-parents and sisters or brothers in law.
13. Family referrals of this kind amounted to 10.5% of known routes of entry to the Magdalen Laundries. The youngest girl recorded as having been placed in a Magdalen Laundry by a family member was 12 years of age; while the oldest was 72 years of age.
14. Some were, after a period, accepted back in their former homes, while others were not. In some cases, the information recorded in the Registers gives a sense of why the girl or woman was placed in the Laundry by their family members, but in many cases it does not.

15. Nonetheless and quite aside from any assumptions which might be made based on general societal conditions, a number of possible patterns of family referrals to the Magdalen Laundries can be identified in the documentary records.
16. In summary, the patterns of family referrals which appeared to the Committee to emerge from the study of the Registers of all four Congregations include placements of girls or women in Magdalen Laundries by members of their family as a means of disciplining young girls; or to provide for girls or women with physical disabilities, with mental or psychiatric illness, with intellectual disabilities and special needs or for those in advanced age. In other cases, girls or women were placed in Magdalen Laundries by their families following family disputes, as a result of abuse or neglect in the home; or after having been rejected by their families for having a child outside of marriage.
17. In most cases in which a girl or woman returned to her family after time in a Magdalen Laundry, it is unclear how or why this occurred. But in a very small number of cases, additional information is included which suggests that some women were reclaimed by their families when they had a need for them; or that some girls or women were reclaimed by their families from a Magdalen Laundry, with the intention of taking them out of Ireland, typically to England or America.

*Patterns of family referrals suggested by analysis of the Registers of all 4 Congregations*

18. Some placements of young girls in the laundries by their parents or other family members were for short periods, with family members reclaiming them thereafter. It is possible that in such cases the Magdalen Laundries were being used by some families as a means of discipline, or alternatively as a type of informal respite. Possible examples of cases such as these are the following:

- A girl was placed in a Magdalen Laundry in the 1950s by her sister “as she would not do anything she was told”. She was taken out of the institution by her sister over a year later.
  - A girl was placed in a Magdalen Laundry in the 1980s “until her sick mother recovers”. Her departure thereafter is recorded as “went home, unsettled”.
  - A 15-year old girl was placed in a Magdalen Laundry by her mother in the 1930s. Three days later she was “taken out by her mother”.
  - In the 1950s, a girl was placed in a Magdalen Laundry “by her mother for a month”. Her departure is recorded as “father took her out”.
  - An 18-year old woman was “brought here by her father” to a Magdalen Laundry in the 1950s. It is recorded that she was “keeping suspicious company, late home”. Her mother had “abandoned family” and left the country. After approximately 10 months, she was “taken home by her father”.
19. In other cases, the information available suggests that some families used the Magdalen Laundries as a place to provide for girls or women with physical disabilities, illnesses or advanced age. Possible examples of cases such as these are the following:
- Another girl, aged 13, was placed in a Magdalen Laundry in the 1920s by her mother “because of fits”. She was “taken out by her sister” a few days later. She was again brought to the same Magdalen Laundry by her mother a year later, being noted to be “subject to epileptic fits”. After 6 days, she was “sent to the County Home”.

- A woman aged 20 was in the 1920s “brought by her mother” to a Magdalen Laundry, from where she was “ordered to hospital by the doctor – T.B.” She was thereafter “taken home by her mother”.
- A woman was in the 1950s placed in a Magdalen Laundry by her aunt and uncle. The Register records that she had previously been employed in an identified location but had had a “breakdown in health”. She ultimately left the Magdalen Laundry for a job.
- A 42-year old woman was placed in a Magdalen Laundry by her brother in the 1950s. The Register records that he placed her there “to take care of her”. No further details are recorded.
- A 72-year old woman was “brought by her nephew” to a Magdalen Laundry in the 1950s. The date of her departure is not recorded – but the Register records that she “went to hospital” and no further information appears thereafter.
- A 25-year old woman was “brought by her mother” to a Magdalen Laundry in the 1950s. She was “sent home” the next day, with the Register recording that she was “getting epileptic fits, could not be kept”.
- A 16-year old girl, whose parents were dead, was “brought by her brother” to a Magdalen Laundry in the 1960s. The Register records that she had a particular (named) heart condition. She was “taken home by her brother” a month later.
- A woman was placed in a Magdalen Laundry in the 1970s by her sisters. She was discharged to a named institution for the deaf and blind.

20. In other cases, the information available suggests that some families used the Magdalen Laundries as a place to provide for girls or women with intellectual disabilities or special needs. Possible examples of cases such as these are the following:
- A girl whose parents were dead was placed in a Magdalen Laundry by her siblings in the 1920s. Her previous history suggests she may have had special needs. A teenager at the time, the remainder of her family emigrated while she remained in the institution for the rest of her life (some 50 years more).
  - A woman entered a Magdalen Laundry in the 1930s, being recorded as "mentally deficient". She was "taken out by her brother" 2 weeks later.
  - A 43-year old woman was "brought by her mother and sister" to a Magdalen Laundry in the 1930s. She had previously been in an institution for persons with special needs. After more than 4 years, she was "sent to a Mental Ward".
  - A 20-year old woman was placed in a Magdalen Laundry in the 1950s, having been "brought here by her aunt". The Register records the cause of her placement as "Mentally defective. Unable to mind herself".
  - A woman was "brought by her father" to a Magdalen Laundry in the 1960s. She had previously been in an institution for children with intellectual disabilities. No additional details are recorded in the Register and it is not known how long she remained in the Magdalen Laundry.
  - A teenage girl was placed in a Magdalen Laundry by her aunt in the 1970s. At the time, her mother was dead but her father was living. She was, less than a year later, placed in an identified "training school for adult mentally retarded".

21. In other cases, the records tend to suggest that mental or psychiatric illness may have been a factor leading to a family member or members placing a girl or woman in a Magdalen Laundry. Some possible examples of this include:
  - A woman was placed in a Magdalen Laundry by her mother in the 1930s. Less than 2 weeks later she was “dismissed. Mind deranged. Given to her sister”.
  - A woman was placed in a Magdalen Laundry by “her sister” in the 1960s. The details of her exit are recorded as “sent to [named psychiatric hospital] by her sister”.
22. In other cases, the family background reflected in the Registers suggests that abuse or neglect might have been occurring, with family members sometimes being the perpetrator. Possible examples of cases such as these are the following:
  - One girl was placed in a Magdalen Laundry in the 1970s, with the register simply recording that she had been “locked in her room by mother 15 years”. She spent just over 3 months in the Magdalen Laundry before leaving.
  - In another case, a young teenager entered a Magdalen Laundry in the 1940s, having been “taken away from a wicked bad father”. The Register is unusually explicit, recording it as “a terrible case”, noting prior sexual abuse against her equally young sister (who was not in the Magdalen Laundry) and that “a court case revealed crimes and sins”.
23. In some cases, the information contained in the Register suggests that the girl or woman was rejected by her family either having had a child or for other reasons. It should be noted in this regard that pregnant women were

not allowed in the Magdalen Laundries, and any such cases of placements would have arisen after the woman in question had had her child elsewhere. Examples of cases such as these are the following:

- A 21-year old woman entered a Magdalen Laundry in the 1940s from a Mother & Baby Home “having fallen twice her mother refused to take [name] at home”. The Register also notes “a brother of hers in mental home”.
  - A 21-year old woman entered a Magdalen Laundry from a named County Home in the 1950s. The Register records that “her people refuse to have her home owing to her history” and that she had while a teenager been in a “mental hospital” and had subsequently given birth to a child in a Mother & Baby Home. The details of her departure from the Magdalen Laundry are not recorded.
  - A woman was brought from an identified County Home “by her mother” and a named priest, in the 1950s. She was “taken home by her mother” 6 months thereafter.
  - A girl was placed in a Magdalen Laundry in the 1960s by her mother, with the Register recording that she was “brought by her mother from St Patrick’s”. The details of her departure are not recorded.
  - A teenage girl was “brought by her step-sister” to a Magdalen Laundry in the 1960s. The Register records that she had had a child a specified number of years earlier; and that there was a “second baby awaiting adoption”. No further information is recorded and it is not known how long she remained in the institution.
24. In others, family disputes may have led to a girl or woman being placed in or herself seeking admission to a Magdalen Laundry. Possible examples of cases such as these are the following:

- A woman entered a Magdalen Laundry in the 1950s of her own choice (“presented herself”). She remained there until an identified family member died, after which she “went back to her old home”.
  - A 30-year old woman entered a Magdalen Laundry in the 1940s. The Register records “Had another man and her husband sent her off”. The details of her departure are not recorded.
25. In most cases in which a girl or woman returned to her family after time in a Magdalen Laundry, it is unclear how or why this occurred. However in a very small number of cases, additional information is included in the Register which suggests that a woman was reclaimed by her family when they had a need for her. Possible examples of cases such as these are the following:
- A girl was placed in a Magdalen Laundry by her aunt in the 1950s and remained there for over 2 years, eventually being “taken out” by her aunt “to housekeep for her father”.
  - A girl entered a Magdalen Laundry in the 1940s, aged 17, from a named Mother and Baby Home and remained there for over 30 years. When she left, it was “to help” her widowed sister-in-law.
  - A girl entered a Magdalen Laundry in the 1930s, but “went home to look after her father”.
26. In a more significant number of other cases, the Registers indicate that when a girl or woman was reclaimed by her family from a Magdalen Laundry, it was with the intention of taking her out of Ireland, typically to England or America. Some of these cases appear to have been for family re-unification; while in others, the other members of the family were not

emigrating with the girl or woman. Examples of cases such as these are the following:

- A girl was placed in a Magdalen Laundry by her parents in the 1920s. Her departure is recorded as “taken out by her father who sent her to America”.
- An 18-year old woman, who had earlier been in an industrial school, was sent to a Magdalen Laundry in the late 1930s. Almost two years later in the 1940s, she was “taken to England by her aunt”.
- A woman entered a Magdalen Laundry in the 1950s and was “taken to England by her sister”.
- A former industrial school child entered a Magdalen Laundry on the recommendation of a named nun in the 1950s. She remained there over 6 years until she was “taken to England by her brother”.
- A woman entered a Magdalen Laundry in the 1960s. The route of her entry is not recorded, but her departure is reflected as “taken to England by her father”.
- A woman was placed in a Magdalen Laundry by her mother in the 1960s. Over a year later, she was “taken to England by her uncle”.
- A 16-year old girl was placed in a Magdalen Laundry on the recommendation of a named priest in the 1960s. She remained there for over 5 years, until she was “taken to England by her sister”.
- A woman, who had spent her childhood in an industrial school, was “taken to England by her brother” from a Magdalen Laundry, the Register also recording “mother and brothers in England”.

27. And in many cases, the Registers simply do not include sufficient information to explain what circumstances might have caused a person to place a family member in a Magdalen Laundry, or their reasons either for leaving them there, or alternatively for allowing them to return home. Some examples of the very many cases of this kind include the following:

- A woman was placed in a Magdalen Laundry by her brother in the 1930s. The date of her departure is not recorded, but the manner of her departure is – she was “taken out by her husband”.
- A 36-year old woman was “brought by father” to a Magdalen Laundry in the 1930s. Three years later she was “sent to the County Home”.
- A 17-year old girl was “brought by her father” to a Magdalen Laundry in the late 1930s. The Register records that she “ran away” and was “brought back” and “her father signed a paper promising to let her be here for 2 years”. She left some months afterwards in the 1940s.
- A 20-year old woman was “brought by her mother” to a Magdalen Laundry in the 1940s. Almost 2 months later, she was “taken home by mother”.
- A 15-year old girl was “brought by her aunt” to a Magdalen Laundry in the 1940s. 11 months later she was “taken home by her aunt”.
- A woman was “brought by her husband and son” to a Magdalen Laundry in the 1940s. The Register records that she was “sent home after a week”.
- A 55-year old woman was “brought by her sisters” to a Magdalen Laundry in the 1940s. Slightly over a year later, she was “taken home by sisters”.

- A 26-year old woman was “brought by her father” to a Magdalen Laundry in the 1950s. The Register records that she “ran away”, but the date on which she did so is not identified.
- A woman was brought to a Magdalen Laundry by her sister-in-law in the 1960s. She remained there until her death.
- Two sisters were in the 1960s placed in a Magdalen Laundry by an identified family member. They both remained there for just over a year, leaving on the same date.
- A 15-year old girl was brought to a Magdalen Laundry in the 1970s by her father and uncle. Approximately 3 weeks later, she was “sent home with her sister”.
- A woman was placed in a Magdalen Laundry in the 1970s by her brother, who was recorded as living in another country. She remained there over 4 years.

## **II. Priests**

28. A significant number of referrals are also recorded in the Registers as having been made by Roman Catholic priests, either alone or together with a family member. These amounted to 8.8% of known routes of entry to the Magdalen Laundries.
29. For the vast majority of referrals made by priests, it is not recorded how old the relevant girls and women were at the time of their entry to the Magdalen Laundries. Of those cases where age is recorded, the youngest girl referred to a Magdalen Laundry by a priest was 13 years of age; and the oldest woman referred to a Magdalen Laundry by a priest was 63 years of age.

30. In many cases, the Registers simply record the name of a priest as the person who recommended that a girl or woman should enter the Magdalene Laundry. In a smaller number of cases, the Registers give a fairly complete explanation for the process by which a referral was made, or influenced, by a priest.
31. In the following sections, an attempt has been made by the Committee to identify possible patterns of referrals made by priests, with all cases and quotations drawn from the Registers of the four Religious Congregations.

*Patterns of referrals involving priests*

32. A significant number of girls and women were placed in Magdalene Laundries jointly by a priest and a family member or members. Priests are recorded as having made referrals in combination, in individual cases, with both parents, or mothers or fathers alone, or the aunts, uncles, sisters, brothers, husbands or grandparents of the girls and women in question.
33. In some cases the Register makes clear whether it was the priest or the family member who instigated the move - in other words, whether the named priest insisted on the placement of a girl or woman in a Magdalene Laundry by her family; or alternatively whether a family consulted a priest for guidance or advice on placement options for their daughters, sisters or mothers in a variety of circumstances, including illness, family breakdown, homelessness and so on.
34. Samples of cases of joint referrals by families and priests, in which it is clear which party instigated the action include the following:

- A girl was “brought by her mother through [named priest]’s influence” to a Magdalen Laundry in the 1940s. After approximately 3 weeks, “her mother took her out”.
  - A woman aged in her mid-twenties is recorded as having been referred by her parents to a Magdalen Laundry in the 1940s. The Register notes that she had had a child outside marriage. Although it was her parents who brought her to the Laundry, the Register notes that a named priest “insisted on her coming here”. Approximately 4 months after her entry to the Magdalen Laundry, she was committed to a psychiatric hospital by a doctor, Garda and two Peace Commissioners.
  - A girl (age not recorded) was placed in a Magdalen Laundry in the 1950s. She was recorded as having entered “at the request of a named priest”, however the Register also records “mother left here of her own free will to go to Mental Hos[pital]”.
35. However in most cases, it is not clear from the Registers whether it was the family member or the priest who set in train the events leading to a girl or woman entering a Magdalen Laundry. In relation to referrals by families alone, there were some cases where the girls and women were accepted back by their families, in others, they were not. Samples of joint referrals by priests and families include the following:
- A woman, whose parents were dead, was “sent by [named priest]; brought by her aunt” to a Magdalen Laundry in the 1920s. She was “taken home by her aunt” a year later.
  - A 17-year old girl entered a Magdalen Laundry in the 1930s “brought by father at request of [named priest]”. Just over 4 years later, she “left at her own request”.

- A 15-year old girl entered a Magdalen Laundry having been “brought by mother; recommended by [named priest]” in the 1930s. She remained there for over a year and a half, until she “ran away”.
- A girl, whose parents were dead, was “sent by” a named priest and “brought by” her aunt to a Magdalen Laundry in the 1930s. She remained there for more than 5 years, but was at that point (in the 1940s) “sent to her aunt”.
- An 18-year old woman was brought to a Magdalen Laundry in the 1930s “by sister on advice of [named priest]”. Her mother was alive at the time, but no details of her father are recorded. She remained in the Magdalen Laundry for approximately 2 years, after which she “ran away” on an unrecorded date. She “returned” and spent approximately two weeks in the institution before being dismissed (“sent away”). No further details are recorded.
- A 30-year old woman entered a Magdalen Laundry in the late 1930s. She was “brought by her father; recommended by [named priest]”. There is no further mention in the Register of her family. After approximately 8 months in the Magdalen Laundry, she was “sent to Mental Ward, County Home”. She “returned” 4 months later, before running away approximately 5 months later. There are two further entries in relation to her – she was “brought back” (by whom is not specified) two months after running away, but within 2 days of that return she was “taken to Mental Ward” (presumably at the County Home). She does not seem to have entered a Magdalen Laundry again thereafter.
- A 20-year old woman entered a Magdalen Laundry in the 1940s, “brought by her father and recommended by [named priest]”. After approximately 3 months, she was “taken home by her father”.

- A 22-year old woman was “brought by [named priest] and her mother” to a Magdalen Laundry in the 1940s. No further mention is made of her family. Almost a year later, she “left at her own request”.
- A woman (age unrecorded) entered a Magdalen Laundry in the 1940s, “brought by her brother on the advice of [named priest]”. She remained in the Magdalen Laundry until her death approximately 10 years later.
- A woman (age not recorded) had been living with her brother until she was in the 1930s “sent by [named priest]” to a Magdalen Laundry. It is not recorded how long she spent there, but she was thereafter “sent to County Home”.
- A woman was “brought by her father – sent by [named priest]” to a Magdalen Laundry in the 1940s. She had previously spent time in two other Magdalen Laundries. After a year in the Magdalen Laundry, she is recorded as having “run away”.
- A woman, whose parents were both recorded as alive, was “brought by her father at the request of [named priest]” to a Magdalen Laundry in the 1950s. She remained there until her “father took her” slightly more than a year later.
- A girl (age unrecorded) was placed in a Magdalen Laundry in the 1950s, a “[named priest], her mother & aunt brought her”. After less than a week she was sent back to her family- the Register records that she “had to be sent back under escort”.
- An 18-year old woman was in the 1950s “brought by her aunt and [named priest]” to a Magdalen Laundry. After almost a year, she was “taken out by her aunt”.

- A 19-year old woman was in the 1950s brought to a Magdalen Laundry “by her sister at the request of [named priest]”. No further mention is made of her family in the Register. She remained there for 14 years, until she was placed in a job in the late 1960s – she “went to a situation” with a named doctor.
- A 17-year old girl whose parents were dead entered a Magdalen Laundry in the 1950s “brought by her uncle [named] at the request of [named priest]”. After almost two years she was “taken out by her brother”.
- A girl, whose parents were recorded as living outside the State, was brought to a Magdalen Laundry in the 1960s “by her uncle on the advice of [named priest]”. After a month, she was “sent to” a named psychiatric hospital “under police escort”.
- A girl was sent to a Magdalen Laundry in the 1960s by her parents and a named priest. No further details, of the duration of her stay or ultimate departure, are recorded.
- A girl was “brought by [named priest] & Legionary with consent of parents” to a Magdalen Laundry in the 1960s. After 3 months, she was “taken home by her mother”.
- A 16-year old girl entered a Magdalen Laundry in the 1960s, having been brought by a named priest and her mother. After 5 months, she was “taken home by her mother”. She “returned” 6 months later and spent approximately another two months in the Magdalen Laundry before again being “taken out by her mother”.
- A woman was “brought by her sister and [named priest]” to a Magdalen Laundry in the 1960s. There is no further mention in the Register of her family- she remained in the Magdalen Laundry for over 3 years, after

which she was transferred to another Magdalen Laundry, where she remained for another 5 years, finally leaving in the 1970s.

- A girl (age unrecorded) was in the 1960s “brought by her grandparents on recommendation of [named priest] and [Order of Sisters]” to a Magdalen Laundry. The Register notes that her mother was alive but includes no other details in relation to her. After approximately a year, she was “taken home by grandparents”.
  - A woman (age not recorded) was in the 1960s brought to a Magdalen Laundry “by mother and [named priest]”. No further mention is made in the Register of her family. She “ran away” after 3 years in the institution.
36. Although ordinarily not so detailed, in a very small number of cases, the Registers record the opposition of a priest to the return of a girl or woman to her former home after birth of a child outside marriage, which may have left the girls or women without any alternative place to go. These cases are as follows:
- A 28-year old woman entered a Magdalen Laundry in the 1940s from a named Mother and Baby Home. She had no known family, having been “a boarded out child”. The cause of her entry is described as “no protection and not fit to mind herself”. Prior to her pregnancy she had been a domestic servant for a named family. The Register records that she was “left alone all day. [Named priest] does not want her back to his parish”.
  - A 27-year old woman entered a Magdalen Laundry in the 1940s from a named Mother and Baby Home. The Register notes that “her parish priest [name recorded] would not allow her into [his?] parish. As soon as [named priest] was ... away from there, [her] father came to take her

and [she] refused to go with him". She left the Magdalen Laundry less than 2 years after entering.

37. A similarly small number of Register entries refer to prostitution as the reason for the referral of a girl or woman to a Magdalen Laundry by a priest. Such cases are:
  - A woman (age not recorded) entered a Magdalen Laundry on the recommendation of a named priest in 1870. The Register records that she was "sent here because of prostitution". In the 1930s she left the institution "to housekeep for her niece". She returned after a year, although the circumstances of her return are not recorded. She stayed in the Magdalen Laundry for the rest of her life, dying in the 1940s.
  - A 32-year old woman of no fixed abode was placed in a Magdalen Laundry by a named priest in the 1940s, having been "found loitering about the streets." The Register is unusually detailed and notes that she had an "infectious disease" and that the named doctor (who is known to have provided medical attention to women in that Magdalen Laundry) "sent her to [Hospital] and thence to her own county". Four months later, she returned to the Magdalen Laundry from the named hospital. After 3 months, she was "committed to" a named psychiatric hospital by the doctor.
  - A 37-year old woman of no fixed abode is recorded as having been placed in a Magdalen Laundry in the 1940s having been "found straying". The Register notes that she "had infection". She was "discharged a few days after arrival. Injections and isolation ordered. No room for isolation. She insisted on going away, smashed and broke windows if not. Notified Civic Guards and priests to get her out of [city name]."

38. In a somewhat larger number of cases, the Registers provide details which suggest that homelessness or the social role performed by the priest for many years was the background to the referral of a girl or woman to a Magdalen Laundry by a priest. Such cases are:
- A woman entered a Magdalen Laundry in the 1920s having been “sent by” a named priest “as he found her in the ... Church”. She left the institution 4 months later.
  - A 16-year old girl, with no fixed abode, entered a Magdalen Laundry in the 1920s on the recommendation of a named priest. The Register records that she was dismissed – she “had to be discharged – a dangerous character”.
  - A 63-year old woman was placed in a Magdalen Laundry in the 1940s by a named priest. She spent 3 winter months there, with the Register recording that she “left” thereafter.
  - Two young sisters entered a Magdalen Laundry in the 1940s, having been “found loitering and sent to [named nun] by [named priest]. [named nun] brought her here with her sister”. The Register records that they “ran off from their home”, which was a considerable distance from the city in which they were found. After less than 2 weeks, “their mother [name] came and took them”.
  - A 23-year old woman and her sister were placed in a Magdalen Laundry in the 1940s by an identified priest and nun, having been “found wandering”. Both were “taken by their mother” shortly thereafter, with the Register noting that she “thanked us for minding them for the time”.

- A woman entered a Magdalen Laundry in the 1970s “brought by” a named priest, having gone to the Presbytery having “thumbed a lift” to get there. She left on an unknown date for a job.
39. A small number of referrals to Magdalen Laundries by priests explicitly refer to the need for “protection” for a girl or woman. Cases include:
- A 20-year old woman was placed in a Magdalen Laundry by a named priest “for protection” in the 1940s. The details of her departure are not recorded.
  - A 17-year old girl was brought to a Magdalen Laundry by a named lay person (female) and a named priest in the late 1940s. The Register records that she was “in great danger, sleeping out at night”. She remained in the Laundry for over 3 years, until she was “taken out by her brother” in the 1950s.
  - A 19-year old woman was placed in a Magdalen Laundry in the 1950s by a named priest. The Register states that she was “out at night in dangerous surroundings”. The details of her departure are not recorded.
40. A relatively small number of cases refer to a priest together with either a Judge or a Garda as the source of referral of a girl or woman to a Magdalen Laundry. In early cases, it is possible that cases like this arose, for example, when a priest was entrusted with the task of transporting a girl or woman from court to a Magdalen Laundry on foot of conviction of an offence; or to a Magdalen Laundry for a period of detention on remand. In other cases and particularly in early decades, these joint referrals may have arisen in circumstances where families consulted local priests and members of An Garda Síochána on problems of a social nature.

41. Other referrals attributed in the Registers to priests may similarly have arisen in these kinds of circumstances, but without the additional background detail being recorded in the Registers. Where applicable, these cases have been computed in the total of ‘State’ referrals set out in Chapter 8 and Part III of this Report and the legislative basis set out therein would apply to them. Nonetheless, a sample is included here to illustrate the pattern:

- A woman, whose mother was dead, was “sent by” a named Judge and a named priest to a Magdalen Laundry in the late 1920s. She left the institution three years later.
  - An 18-year old woman entered a Magdalen Laundry in the 1920s. Her entry is described as “sent by [named priest]”. However after 12 days, she was “taken by Civic Guards for trial”.
  - A 17-year old girl (whose parents were both alive) was placed in a Magdalen Laundry in the 1970s. A named priest and named Garda are identified by the Register as “instrumental in having her admitted here”. After four months she was “taken home by her parents”.
42. A very small number of girls or women referred to Magdalen Laundries were, within a short time of their arrival, discovered to be pregnant. As set out elsewhere in this Report, pregnant women were not permitted in Magdalen Laundries and these girls or women were accordingly dismissed, or sent to hospital, the County Home, or Mother and Baby Homes. These cases are as follows:
- A woman (age not recorded) entered a Magdalen Laundry in the 1920s on the recommendation of a named priest. “Sent to Dublin Union. Circumstances necessitated her going”. (The Dublin Union was the equivalent of a County Home).

- A 19-year old woman, whose parents appear to have been dead, was brought to a Magdalen Laundry in the 1930s by a named priest. She had previously been working in an identified nursing home. After 3 months, it seems she was discovered to be pregnant as the Register records “sent to hospital, maternity case”.
  - An 18-year old woman was “sent by” a named priest to a Magdalen Laundry in the late 1930s. Within 2 weeks she was “sent to Bessboro Convent”. Approximately 2 and a half years later in the 1940s, she “returned” to the same Magdalen Laundry. After 3 months, she was “sent to the sisters of Charity”.
43. Just as in the case of family referrals, some referrals to Magdalen Laundries by priests appear to have arisen due to physical illness or intellectual disability of the girl or woman. Possible examples of this include:
- A woman (age not recorded) entered a Magdalen Laundry in the late 1920s on the recommendation of a named priest. She was “sent to the Dublin Union, subject to fits”. She was readmitted to the Magdalen Laundry a number of years after her original entry, but four days later she was “dismissed”. No further details are recorded.
  - A woman (age not recorded) was placed in a Magdalen Laundry on the recommendation of a named priest in the 1920s. The duration of her stay is not recorded, but she was “given to her sister (subject to fits)”.
  - A 50-year old woman was “sent by” a named priest to a Magdalen Laundry in the 1920s. She died there approximately a month after entry.
  - A woman (age not recorded) entered a Magdalen Laundry in the 1940s on the recommendation of a named priest. The Register notes that she

was “mentally defective”. “Her brother came and took this girl away. She was not fit for this place”. “All clothes and case etc given back”.

- A woman (age unrecorded) with no known relatives entered a Magdalen Laundry in the late 1950s. She “came on advice of [named priest]”. A month later, she was “sent to [named hospital] for treatment” and did not return to the Laundry thereafter.
  - A woman (age not recorded) was “brought by [named priest]” to a Magdalen Laundry in the 1960s, having “suffered nervous breakdown”. No further details of her life are recorded.
44. A number of referrals attributed to priests relate to girls or women who are identified in the Registers as having been, in their earlier lives, in Industrial Schools. In some of these cases, given the ages of the women concerned and the fact that they had been in Industrial Schools, it is apparent that these referrals occurred during the period of their post-discharge supervision (the legislative basis for which is set out in Chapter 10 of this Report). It is possible that in some of these cases, this was the basis on which they were referred to Magdalen Laundries, although they were recorded as having been referred by priests. In other cases, (including the first case recorded below), the fact that the woman had previously been in an Industrial School seems to have been recorded as additional information on her past life, rather than as the reason for her referral. Samples of such cases are as follows:

- A 21-year old woman was placed in a Magdalen Laundry in the 1930s on the recommendation of a named priest. She had previously been in an Industrial School and had no known family. After a period of approximately 9 months, she was “sent to County Home”.

- An 18-year old woman was placed in a Magdalen Laundry in the 1940s by the Industrial School she had attended “at request of” a named priest. She was discharged to a named sanatorium.
  - A 15-year old girl was “brought by” a named priest to a Magdalen Laundry in the 1960s. She is recorded as having previously been in an Industrial School. Her parents were alive, and the number of her siblings was recorded. The Register records that at the time of her admission to the Magdalen Laundry she had been living with a named (unrelated) man. She “ran away” from the Magdalen Laundry on an unspecified date.
45. Some very young girls were placed in the Magdalen Laundries by priests and were thereafter placed in employment outside the Magdalen Laundry. Cases include:
- A 14-year old girl, whose parents were alive, entered a Magdalen Laundry in the 1970s, having been recommended by a named priest. Within a week, she had been placed in employment with a named person. The Register records that she “returned” to the Magdalen Laundry approximately 6 weeks later, staying 2 days before leaving again.
  - A 15-year old girl, whose father was dead, entered a Magdalen Laundry in the 1970s. She was recommended by a named doctor and a named priest, for whom the girl’s mother was employed as housekeeper. Almost 2 years later, she left for a job in a named hotel.
  - A 13-year old girl was “sent by” a named priest to a Magdalen Laundry in the 1940s. Her father was recorded in the Register as being alive at the time of her entry to the Laundry. She remained there for approximately 4 years, after which time she left for a job.

- Siblings, whose parents were living, entered a Magdalen Laundry on the same day in the 1950s having been “brought by” a named priest “to be trained”. One was “sent home” to her family within a short time, while the exit details of her sister are not recorded.
46. There remain many cases, unfortunately where it is not possible to determine what prompted the referral of a girl or woman to a Magdalen Laundry by a priest. Some were accepted home by their families, some were not, again for reasons unspecified. Some of these girls and women, having left the Magdalen Laundries, returned to them in later years. A small selection of the very many cases of this kind follows:
- A 13-year old girl was placed in a Magdalen Laundry by a named priest in 1890. Her mother was recorded as being alive at the time of her placement in the laundry. She spent the rest of her life there, and died in the 1960s.
  - A 45-year old woman was “brought by [named priest]” to a Magdalen Laundry in the 1920s. Her husband’s details were noted in the Register. She “left at her own request” 4 months later.
  - A woman (age not recorded) was placed in a Magdalen Laundry in the 1920s on the recommendation of a named priest. Five days after entry, she was “dismissed, would not stay.” Over two years later she returned to the Magdalen Laundry, spending approximately 2 weeks there before again being “dismissed”.
  - A 14-year old girl and her 18-year old sister were “sent by” a named priest to a Magdalen Laundry in the 1920s. Both their parents were living, although their father was living in another (named) country. After almost a year and a half in the Magdalen Laundry, their father “sent for her” and both left the institution to rejoin him outside the State.

- A married woman entered a Magdalen Laundry in the 1920s on the recommendation of a named priest. The date of her exit was not recorded, rather only that she was “given to her daughter”.
- A woman (age not recorded) entered a Magdalen Laundry in the 1920s on the referral of a named religious. After approximately 2 weeks, she was “dismissed for quarrelling and throwing a bucket”.
- A 17-year old girl entered a Magdalen Laundry in the mid 1920s on the recommendation of a named priest. At the time of her entry, her father was living but her mother was dead. After approximately a year and a half, she was sent “to the Union for bad conduct” (Comment: the Union was the County Home)
- A 48-year old woman entered a Magdalen Laundry in the 1920s on the recommendation of a named priest. Less than 2 weeks later, she “left at her own request”.
- A 22-year old girl was “sent by” a named priest to a Magdalen Laundry in the late 1920s. The Register notes that she had previously spent almost a year in a Magdalen Laundry in the United Kingdom. She was sent to the County Home 2 months after entry, but returned to the Magdalen Laundry within a month of that transfer. After approximately another week in the Magdalen Laundry, she was again “sent to County Home”.
- A 40-year old woman was “brought by” a named priest to a Magdalen Laundry in the 1930s. She was recorded as having been “sent to County Home after a few days”.
- A 38-year old woman was “brought by [named priest]” to a Magdalen Laundry in the late 1930s. After 3 months she was “left back to her mother”.

- A 17-year old girl was “brought by” a named priest and a named lay person (female) to a Magdalen Laundry in the 1930s. Her parents appear to have been dead, with a sister listed as her family. She was “sent home” after 2 months.
- A 42-year old woman entered a Magdalen Laundry in the 1930s on the recommendation of a named priest. Her only listed family was her married sister. After less than a month, she “left at her own request”.
- A 36-year old woman entered a Magdalen Laundry in the 1930s. She “came in a boat from England, sent by a priest”. She is recorded as having left approximately 6 months later.
- A woman (age not recorded) was placed in a Magdalen Laundry in the 1930s by a named priest. After 6 months, she was “dismissed for giving great disrespect to a sister”.
- A 31-year old woman was “brought by [named priest]” to a Magdalen Laundry in the 1930s. The only listed family was her step-father. She remained there until her death in the 1980s.
- A 19-year old woman with no known family was “brought by” a named priest to a Magdalen Laundry in the late 1930s. After more than 13 years, she was “sent to a situation in Dublin” (a job).
- A 14-year old girl was “sent by [named priest]” to a Magdalen Laundry in the 1940s. After 8 months she was “taken home by her mother”.
- A 16-year old girl was “sent by [named priest]” to a Magdalen Laundry in the 1940s. After approximately 2 years, she was “taken home by her father”.

- A 16-year old girl entered a Magdalen Laundry in the 1940s, recorded as being “sent by” a named priest. She remained there for over a year, at which point she was “taken out by her mother”. She entered and left the Laundry two more times. First, approximately a month after she had been taken out by her mother, she was brought back. Approximately 3 months later she was “taken out by her father”. Her final entry to the Magdalen Laundry is recorded as having taken place four months later, and then she “left” a month later.
- A 20-year old woman was “sent by [named priest]” to a Magdalen Laundry in the 1940s. Her father was alive at the time. Approximately a year and a half later, she was “sent to a situation” (a job).
- A 26-year old woman was brought to a Magdalen Laundry “by a Legionary from [town] on advice of [named priest]”. After approximately 3 weeks, she “went home at own request”.
- A 35-year old woman entered a Magdalen Laundry in the 1940s on the recommendation of a named priest. Her “sister came here with her. On the way they called at bank and got deposit receipt transferred”.
- A 17-year old girl was placed in a Magdalen Laundry by a priest in the late 1940s. Her parents were alive at the time. She remained there for over a year until she is recorded as having “run away”.
- A woman (age not recorded) entered a Magdalen Laundry in the 1950s on the recommendation of a named priest. The date on which she left is not recorded, but the manner in which she left is – she “left at her own request to go to work”.
- An 18-year old woman entered a Magdalen Laundry in the 1950s on the recommendation of a named priest. After approximately a year and a half, she was “taken home by her foster parents”.

- A 39-year old woman entered a Magdalen Laundry in the 1960s on the recommendation of a named priest. She remained there for over twenty years until her death in the 1980s. She was buried in her homeplace at the request of an identified family member.
- A 16-year old girl was placed in a Magdalen Laundry in the 1960s by a named priest. Her parents were living- her mother was in the State, but her father was living in another (named) country. She remained there for 5 years until she was “taken to England by her sister”.
- A 15-year old girl entered a Magdalen Laundry in the 1960s on the recommendation of a named priest. Her parents were alive at the time of her entry to the Laundry. She was “taken home by her mother” after approximately 10 months, but returned again after 4 months at home. After one month in the Magdalen Laundry, she “went to her sister”.
- A 17-year old girl was placed in a Magdalen Laundry by a named priest in the 1960s. The Register records that her father was “not known” but notes the details of her mother. She remained there for 2 years, after which she was “taken home by her mother”.
- A 44-year old woman was placed in a Magdalen Laundry by a named priest in the 1960s. Her closest relative appeared to be an aunt (whose name and address was listed). She remained there for over 10 years, at which point she left for a job – the Register records that she “left for a situation” (named lay person listed as employer).
- A 16-year old girl was placed in a Magdalen Laundry in the 1960s by a named priest. She was “taken home by her father” a week later.
- A 46-year old woman was placed in a Magdalen Laundry in the 1960s on the recommendation of a named priest. Her only listed family was

her foster mother. She remained in the Magdalen Laundry until its closure.

- A 15-year old girl, whose parents were alive, was placed in a Magdalen Laundry by a named priest in the 1970s. After slightly more than a month, she was “taken out by her father”.
  - A 14-year old girl entered a Magdalen Laundry in the 1970s, on the recommendation of a named priest. The Register notes that she had brothers and sisters, but no details of her parents are listed. After approximately a month, she “ran away”.
  - A 15-year old girl, whose parents were alive, was placed in a Magdalen Laundry on the recommendation of a named priest in the 1970s. After approximately a month, her married sister (who lived outside the State) “returned ... to take” her.
  - A woman (age not recorded) entered a Magdalen Laundry in the 1980s on the recommended of a named Religious Brother. After 3 days she “left. Offering drugs to others”.
47. Two interesting cases were identified where the *departure* of a girl or woman from a Magdalen Laundry was linked to a priest. Although neither had been placed there by a priest, the records suggest that in both cases (both occurring in the same year in the same Magdalen Laundry) a family member reclaimed the girl or woman with a letter from their parish priest:

- A 15-year old girl was placed in a Magdalen Laundry in the 1940s. She is recorded as having been placed there on the recommendation of a member of the Legion of Mary, although the Register also notes that she “stole and was committed by a district justice”. Her placement in a Magdalen Laundry therefore is likely to have been as a condition of probation following conviction of theft (the legislative basis for which is

set out in Chapter 9 of this Report). Nonetheless, she left the Laundry “taken away by her brother having parish priest’s letter”. The Register also records that “her whole family went to England and [she] with them”.

- A 33-year old woman entered a Magdalen Laundry in the 1940s “sent in ambulance from [named Mother & Baby Home]”. 9 months later, she was “taken by her father, had letter from parish priest [named] and curate”.

### **III. Self**

48. As detailed in Chapter 8 of the Report, a large number of referrals are recorded in the Registers of the Magdalen Laundries as “self-referrals”, that is, voluntary admissions or admissions sought by the girls and women themselves. These amounted to 16.4% of known routes of entry to the Magdalen Laundries.
49. The ages of these girls and women is not always known, but of those for whom age is recorded, the youngest voluntary entry was by a 13-year old girl, and the oldest voluntary entry was by an 84-year old woman. The shortest duration of stay by these women was one day, while the longest was approximately 60 years.
50. In some cases, the reasons which caused a girl or woman to choose to enter a Magdalen Laundry can be determined from the contemporaneous short entries made in the Registers of the Religious Congregations. For many other girls and women, we will never know what prompted them to seek admission to a Magdalen Laundry.

51. In the following sections, patterns identified among the voluntary entries of girls and women are detailed, through the use of anonymised case-studies drawn from the Registers of the four Religious Congregations.
52. The most common patterns identified in this category were girls or women affected by poverty and homelessness, domestic abuse, older women perhaps seeking a safe place to live or die (particularly in earlier decades), and women with nowhere else to turn, who made frequent repeat entries to the Magdalen Laundries.

*Patterns of voluntary entries*

53. A substantial number of women appear to have entered Magdalen Laundries voluntarily due to poverty or homelessness. Likely cases of this include the following:
  - A 50-year old woman entered a Magdalen Laundry as a “self-referral” in the 1930s. The Register states “all relatives in America”. She spent almost 3 (winter) months there before she “left at her own request”.
  - A 22-year old married woman voluntarily entered a Magdalen Laundry in the late 1920s. Her parents and husband were all living outside the State (America). Almost 10 months later, she left for a County Home.
  - A 22-year old woman with no known family voluntarily entered a Magdalen Laundry in the 1930s. After 3 days she was “sent to County Home”.
  - A 57-year old woman entered a Magdalen Laundry at her own request in the 1930s. The only family recorded in the Register is her brother. She had previously spent “about 30 years in [another Magdalen Laundry]”. She spent almost 4 winter months there before she “left at her own request”.

- A woman (age not recorded) voluntarily entered a Magdalen Laundry in the late 1950s (“self-referral”). After two days she was “directed to Legion of Mary Hostel” in a named place.
  - A 37-year old woman entered a Magdalen Laundry as a “self-referral” in the 1950s. She was of no fixed abode and her parents were recorded to be dead. She “ran away” two years later.
  - A married woman (age not recorded) entered a Magdalen Laundry in the late 1960s- she was “brought by husband; no place to stay”. She subsequently (on an unrecorded date) “walked out”.
54. In a similar vein, some women appear to have used the Magdalen Laundries as places of temporary refuge. Examples include the following:
- A woman with no fixed abode entered a Magdalen Laundry voluntarily in the 1970s. The Register records that she “came at 2a.m.”. She left 2 days later.
  - A woman (age not recorded) voluntarily entered a Magdalen Laundry in the mid 1920s. She “left in a couple of days”.
  - A woman of no fixed abode (age not recorded) voluntarily entered a Magdalen Laundry in the 1970s, having “walked out of job”. She left after less than 2 weeks.
  - A woman (age not recorded) voluntarily entered a Magdalen Laundry in the 1970s. She was at the time living at a named hostel for the homeless. The Register records that she came “Self. Locked out of hostel, needed accommodation for one night”. She remained there for one night and left the next day.

- A 22-year old woman requested entry to a Magdalen Laundry in the 1970s. She did so “while awaiting for her parents to send her fare” to return to England. When the money arrived from her parents (5 days later), she left the institution and travelled to England. The details of her life afterwards are not known – but she was never again in a Magdalen Laundry.

55. A number of women entered Magdalen Laundries voluntarily due to disputes or abuse in the home. Possible examples include the following:

- A woman (age not recorded) voluntarily entered after she “left husband”. The date of her departure was not recorded, but her destination was; she went to a job in a named hospital.
- A girl, (age not recorded) voluntarily entered a Magdalen Laundry in the 1930s. The Register notes that she “ran away from her uncle”. The details of her departure are not recorded.
- A girl, whose age was not recorded, voluntarily entered a Magdalen Laundry in the 1970s. The Register records that she “ran away from her home- cannot agree with her mother”. The details of her departure are not recorded.
- A married woman with two young children entered a Magdalen Laundry in the 1970s at her own request. She was recorded as having entered the institution “having left her husband”. The Register recorded that her two children were being cared for by a different (identified) family member. After a month in the institution, she left and went to the home of the family member minding her children. She remained there only 2 days before returning to the Magdalen Laundry again. She spent only 1 more week in the institution, after which she is recorded as having ‘left with her husband’. She never again spent time in any other Magdalen Laundry.

56. Others seem to have entered Magdalen Laundries to be cared when they had nowhere else to turn to for care in old age or with an illness. Possible examples include the following:

- A married woman (age not recorded) voluntarily entered a Magdalen Laundry in the late 1960s. She entered “from home after death of daughter”. She remained there until her death.
- A 16-year old girl entered a Magdalen Laundry in the 1940s, with her previous address being the institution in which she had been raised. The Register records that she “got epileptic fits” and “could not be kept here. Sent to [named] Hospital by [named Doctor]. Discharged from [named Hospital] to [named] County Home”.
- A 20-year old woman entered a Magdalen Laundry voluntarily in the 1930s (“self-referral”). Approximately a week later, she was “transferred to County Hospital, epileptic”.

57. Some women with psychiatric illnesses or suffering mental distress also appear to have voluntarily entered the Magdalen Laundries. Some of these women may have turned to the Laundries as a place of refuge. Some examples include:

- A woman (age not recorded) voluntarily entered a Magdalen Laundry in the 1970s. She “worked, not able to cope”. After an unspecified time there, she left and was admitted to a named psychiatric hospital.
- A woman (age not recorded) voluntarily entered a Magdalen Laundry as a “self-referral from County Home” in the late 1920s. Within 3 weeks she had been “sent away for bad conduct”. More than a year later, she again voluntarily entered that same Magdalen Laundry “from Mental

Hospital [city] at own request". Approximately 3 years later in the 1930s she was "sent to Mental Ward, County Home".

- A woman (age not recorded) "presented herself" to a Magdalen Laundry in the 1920s. On an unspecified later date, she was "sent to [named City Home]. Not right in her mind".
- A woman (age not recorded) entered a Magdalen Laundry voluntarily ("herself") in the 1960s. On an unspecified date thereafter, she was "sent back to St Brendans by her mother".

58. A number of women entered Magdalen Laundries voluntarily, having returned from abroad. Some examples are the following:

- A woman (age not recorded) "returned from England" and entered a Magdalen Laundry in the 1960s. She "ran away" on an unspecified date thereafter.
- A 55-year old woman voluntarily entered a Magdalen Laundry in the 1923 ("self-referral"). The register notes that she had previously "been in America". The details of her departure are not recorded.
- A 49-year old woman entered a Magdalen Laundry of her own request, "came from USA". The date of her departure is not recorded.

59. A substantial number of women entered and left Magdalen Laundries on repeated occasions, sometimes over a long number of years. Some examples include the following:

- A woman (age not recorded) "presented herself" at a Magdalen Laundry in the early 1940s. She was "dismissed for striking" another woman after approximately 4 months. The following year, she again "presented herself" at the same Magdalen Laundry. After a month, she

was “dismissed at her own request. Troublesome at times”. A full year later, she again “presented herself” and sought admittance. However after a month living there, she was “dismissed, very discontent”.

- A 50-year old woman voluntarily entered Magdalen Laundries 5 times in the 1920s. At the time of her first entry in the early 1920s, the Register noted that “all friends are dead”. She spent six months there before leaving. After approximately 3 months she returned, again as a “self-referral”, this time spending 2 months at the Magdalen Laundry. It is not known what became of her immediately thereafter, but 2 years later she voluntarily entered a different Magdalen Laundry and spent 2 months there. Later that year, she once more voluntarily entered the Magdalen Laundry she had first entered. A year later (4 years after her first entry), she entered a different Magdalen Laundry again presenting as a self-referral and remaining there for 6 months, until she left for hospital.
- Another woman entered 6 different Magdalen Laundries, entering a total of 14 times in her life over the course of 4 decades (1950s-1980s),

Her first entry to a Magdalen Laundry was recorded as having been at the age of 15. Her mother was alive, although the girl had been in an industrial school prior to her admission to the laundry. She is recorded as having been referred to the laundry by a priest. After 9 months in that institution, she was transferred to another Magdalen laundry. Her age was at that time recorded as 17. She spent two months there before she was again transferred to another laundry. After 4 years, she was dismissed from that laundry. The reason is not recorded, but she was “sent home to her mother”.

One year later, she appears again in the records of the Magdalen Laundries. She is recorded as having entered “returned” and from that time on, she entered and departed the same Magdalen Laundry 9

times. Twice she left to take up employment – both times she returned and asked to be readmitted. Twice she ran away – once she is recorded as having ‘[run] out the laundry gate and came back the following day’, while another time she ‘left in a temper because she could not have a bath’- both times, she is recorded as having returned to the institution the following day. Twice she was hospitalised – once for routine tests; and once for psychiatric treatment. Her final departure was in the 1980s.

60. A variety of other circumstances led in different cases to women seeking entry to a Magdalen Laundry. Examples of these miscellaneous cases are:

- Two women entered the same Magdalen Laundry on the same day in the late 1960s, both being listed as “came looking for a job”. One left the next day, the other left just over a week later.
- A woman (age not recorded) is recorded as having entered a Magdalen Laundry “daily from brother’s flat” in the 1970s. She is recorded as having been admitted to a named psychiatric hospital thereafter.
- A woman (age not recorded) entered a Magdalen Laundry voluntarily in the 1980s. She had a sister there and “wanted to come. Stayed a few months”.
- A 22-year old woman entered a Magdalen Laundry voluntarily in the 1940s. The Register records that she “Came herself to gate brought by bus conductor, came to Galway by bus in hopes of getting employment”. The Register also records that she “hadn’t a penny in her possession. She states she worked in a [named workplace] and stole money” and that she had also previously had a child. At some point (date not recorded), she “escaped from here by night, came back again didn’t pretend, was at mass next morning and worked all day quietly”. The date of her departure is not recorded but the Register

notes that she was sent away by the Doctor who “as she made an almost successful attempt to take her own life”.

61. For many girls and women, the Registers do not provide sufficient information to identify why they might have voluntarily entered a Magdalen Laundry. Examples of these cases include the following:

- A 37-year old woman voluntarily entered a Magdalen Laundry in the late 1920s. Her mother was alive at the time of her entry. She remained there until her death in the 1950s.
- A 17-year old girl voluntarily entered a Magdalen Laundry in the mid-1920s. After a year and half, she was “taken out by her father”. What happened in the immediate period thereafter is not clear but 4 months later she “returned again … came from the Union”. Two months later she was “dismissed again to the Union”.
- A woman (age not recorded) voluntarily entered a Magdalen Laundry in the late 1920s (“presented herself”). After 2 weeks she was “Dismissed for refusing to do the work given her”. She returned to the institution after 4 months. On this occasion, she remained there for almost three years until she was again “dismissed” (in the 1930s).
- A 47-year old woman entered a Magdalen Laundry as a “self-referral” in the late 1920s. She “left at her own request” 2 months later.
- A 23-year old woman voluntarily entered a Magdalen Laundry in the 1920s as a “self-referral”. After 5 months she “left for an operation”.
- A 33-year old woman voluntarily entered a Magdalen Laundry in the 1930s (“self-referral”). The Register records that her “family was not known”. She “left at own request” 2 months later, but “returned same day”.

- A woman (age not recorded) “presented herself” to a Magalen Laundry in the 1930s. Just over 3 months later, she was “dismissed. Not to be readmitted”.
- A 20-year old woman entered a Magdalen Laundry (“self-referral”) in the late 1940s. The Register notes that there was “no account of parents”. She remained there until the 1970s.
- A 24-year old woman entered a Magdalen Laundry as a “self-referral” in the 1930s. The Register remarks that her “family not known”. After less than a month, she “went to another [named] Magdalen Laundry”.
- A 23-year old woman voluntarily entered a Magdalen Laundry in the 1930s. Her mother was dead at the time of her entry. She “left at own request” approximately 5 months later and returned voluntarily approximately 4 months thereafter. This time she spent a decade in the Laundry, until she was “taken by her sister”.
- A 42-year old woman “presented herself” at a Magdalen Laundry in the 1930s. She remained there until her death.
- A woman (age not recorded) “presented herself” at a Magdalen Laundry in the 1940s. She left on an unspecified date – “gave her notice, wouldn’t settle down”.
- A 26-year old woman entered a Magdalen Laundry as a “self-referral” in the 1940s. After two weeks she was “taken out by her husband”.
- A woman (age not recorded) “presented herself” at a Magdalen Laundry in the 1940s. The circumstances of her departure are not specified but the Register notes that she was a “very highly strung girl, shouldn’t be re-admitted”.

- A 25-year old woman entered a Magdalen Laundry in the 1940s as a “self-referral”. Less than 2 months later, she “left at her own request”.
- A 26-year old woman voluntarily entered a Magdalen Laundry as a “self-referral” in the 1950s. She “went of her own accord to her sister” the same year.
- A woman (age not recorded) entered a Magedalen Laundry voluntarily in the 1940s (“presented herself”). 6 months later, she was “dismissed for refusing to make an apology”.
- A 15-year girl voluntarily entered a Magdalen Laundry in the late 1950s (“self-referral”). She entered and left twice after that point: approximately a month after arrival she was “taken out by her mother”, but returned less than 2 months later. A few days thereafter she was “taken out by her father”.
- An 18-year old woman “presented herself” at a Magdalen Laundry in the 1960s. Shortly thereafter she “walked out, went to [another named Magdalen Laundry]”.
- A 15-year old girl (whose parents were alive) voluntarily entered a Magdalen Laundry in the 1970s (“self-referral”). After approximately 5 months, she left for a job – “got job [named employer]”.
- A 17-year old girl (whose parents were alive) was accepted to a Magdalen Laundry as a “self-referral” in the 1970s. She had previously spent time in two other Magdalen Laundries. She left after less than a month.
- A woman (age not recorded) “presented herself” at a Magalen Laundry in the 1970s. After 2 months she “went to England”. The Register

records that she returned and left on a number of occasions thereafter for the next 12 years, that she “comes and goes”.

#### **IV. Other non-State agencies and private individuals**

62. Girls and women were also referred to the Magdalen Laundries by a variety of other non-State agencies, organisations and private individuals. This Section provides information on some of the referrals made jointly by families and the National Society for the Prevention of Cruelty to Children (“NSPCC”). Other referrals made by the NSPCC in the context of its work with and for social services are referred to in Chapter 11.<sup>1</sup> Information some referrals by the Legion of Mary is also included.

63. The other non-state agencies or organisations which were found in the Registers to have referred girls and women to the Magdalen Laundries are also recorded here. These consisted of a very small number of cases, namely:

- Old I.R.A. (17 cases);
- Refugees, some of whom were placed by the Red Cross (7 cases);
- Simon Community (4 cases);
- Society of St. Vincent de Paul (2 cases); and
- Samaritans (1 case).

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<sup>1</sup> Note: the National Society for the Prevention of Cruelty to Children (“NSPCC”) was renamed in 1956 as the Irish Society for the Prevention of Cruelty to Children (“ISPCC”). The ISPCC holds the surviving archives and case-files of the NSPCC. For avoidance of confusion and having regard to the time-periods of relevance to the Committee’s work, the Report refers throughout to the NSPCC rather than the ISPCC.

64. In addition, one woman appears to have been referred by the authorities of another State. Small numbers of girls and women were also referred to Magdalen Laundries by named lay people who cannot be identified as belonging to any particular organisation. In two cases, a number of girls and women were identified by the same person, at least one of whom appears to have been a hotel worker or manager.
65. In total, these residual non-State cases amounted to approximately 9.5% of known routes of entry to the Magdalen Laundries. Taking the above categories together, the youngest known referral in these categories was a 12-year old girl, while the oldest was a 77-year old woman.

*NSPCC, jointly with families*

66. A number of cases of referral by the National Society for the Prevention of Cruelty to Children (“NSPCC”), either alone or in conjunction with family members, involved cases of girls too old for committal to Industrial School who were considered to be neglected or ill-treated in the home. Others related to temporary placements of girls in Magdalen Laundries pending the making of an application to the Courts by the NSPCC for their committal to Industrial School. The following sample cases are taken both from the archives of the NSPCC and the Registers of the Religious Congregations which operated the Magdalen Laundries.

- One such case arose in relation to a 14-year old girl in the 1950s.<sup>2</sup> The girl, who lived with her parents and 7 siblings was the subject of an NSPCC inquiry. The file described the position as follows:

“The girl [name] has stayed out for 4 nights in the company of another girl named [name] of the same age. The latter is from [address]. They both slept on boats docked in Cork and drank [illegible] liqueur. The [name] parents are careless and did not

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<sup>2</sup> Ref 15255

report that their daughter was absent from the home. I suggest application for her committal be made. She was placed by me in the Good Shepherd's [place].

A letter from the NSPCC to The Cork Corporation (City Manager) sets out the facts in similar terms to the above and records that the girl was "receiving temporary shelter at the Good Shepherd Convent [place] pending committal to the School [place]".<sup>3</sup> The responding letter of the Corporation said that the letter "does not state any grounds which would justify the Corporation in moving in the matter".<sup>4</sup>

The Register of the relevant Religious Congregation confirms admission of the girl, aged 14, to the Magdalen Laundry "brought by Inspector [name]" of the NSPCC. Her departure approximately two weeks later is also recorded – she was "taken to court by Insp. [name], committed to [named Industrial School]". The NSPCC file again in turn confirms this with its final note "the girl [name] was committed to [name] Industrial School from [place] District Court".

- A case of a girl too old for Industrial School was identified in the 1960s in relation to a 15-year old girl, one of 6 children living with her parents.<sup>5</sup> The NSPCC received two complaints of neglect in relation to the family's treatment of the children in successive years. On the first occasion, the NSPCC Inspector visited the family home and recorded the "dirty appearance" of the children and their clothes as "dirty and torn". The children's mother was described as "not looking after her children properly" and "a very dim, inadequate person". The NSPCC on that occasion offered assistance with clothing or other items for the family.

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<sup>3</sup> Letter dated 24 March 1959 NSPCC to Cork Corporation. File Ref Id.

<sup>4</sup> Letter dated 7 April 1959 Cork Corporation to NSPCC. File Ref Id

<sup>5</sup> Ref 18242

Approximately a year later, when the girl was 16 years of age, the NSPCC received another allegation of neglect (this time seemingly from a member of An Garda Síochána) in relation to the children of this family. A different NSPCC Inspector visited the family and described the position as follows:

“The [name] home is in a shocking state of filth, both upstairs and down stairs. The father and the two older girls share one bed and the boys the other. All in the same room. The other room upstairs is empty of furniture. The beds are without sheets, pillow covers. The covering consists of filthy rags. The girl [name] is in grave moral danger. She is associating with bad company and is having immoral associations with youths in the area. She admitted this to Sergeant [name]. Mr [Name of father] was seen by me. He agrees that this girl should be placed in care of the Good Shepherd Convent and has given me permission to take her there. He also agrees that the other children should be placed in Industrial Schools. I shall see if I can get vacancies for them”.

A permission slip signed by the father confirms his consent to these placements. The NSPCC file confirms this placement and that, within a few days of her entry to the Magdalen Laundry, all her younger siblings were admitted to Industrial Schools.

The girl in question is confirmed by the Register of the Religious Congregations as having been admitted to the Magdalen Laundry on that date, brought by “Inspector [name]” of the NSPCC. The Register records that the mother of the family was at that point “in Mental Home”. The girl remained there approximately 4 years, after which she was “taken home by parents”.

- Another case which arose in the 1970s related to a girl then aged 15.<sup>6</sup> She was one of a very large family living with her parents. She was the subject of a complaint to the NSPCC by a member of An Garda Síochána. The NSPCC file said as follows:

"The girl [name] has been going on the Boats in [place] Harbour and is missing at the moment. The mother was in touch with me and requested that the girl be placed in care in her own interests. As the girl is over 15 years of age, it is impossible to have her committed to an industrial school."

An NSPCC report later the same month on the girl states:

"the girl [name] was on the Boats in [place], in the company of prostitutes. She admitted that to me and gave me their names. The Father and Mother of the [name] girl are very concerned about their daughter and have requested me to have her placed in care. I have phoned the [Magdalen Laundry, place]. They are willing to accept her. I shall take her there in the morning".

The Register of the relevant Magdalen Laundry confirms her admission there, brought by "ISPCC, [place]". She remained there approximately 7 months, at which point she "left".

67. In other cases, the NSPCC files record cases where girls who were considered by their parents to have behavioural difficulties, to be 'out of control' or to be in danger. In a number of these cases, the parents either requested or consented to the placement of their daughters in Magdalen Laundries by the NSPCC. Examples of such cases follow:

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<sup>6</sup> Ref 18605 and 18787

- One such case arose in the 1960s in relation to a 15-year old girl.<sup>7</sup> The girl was living with her parents and siblings. The file records that she was

"found by the Garda in [city] on the morning of [date] about the streets. She said she had been sacked by her employer at 10.30. The Garda took her in [place] Garda Station and contacted [NSPCC] Inspector. The latter got in touch with the girl's uncle. We made enquiries and discovered that the girl was telling us a pack of lies. I took the girl to the Good Shepherd Convent [place] and placed her in care.

I called on the child's mother on [date- next day]. I told her about the girl's behaviour. She agreed that she could not control her. She admitted that she was a fit person for training in the Good Shepherd Convent as she was likely to get into trouble".

The Register of the relevant Religious Congregation confirms her admission on that date, with her entry referred by "Inspector [name, NSPCC] and her uncle [name]". The Register records that she was "taken home by her mother" four months later. This in turn is confirmed by the NSPCC file on the matter, which includes a note "girl back home with her mother" and detail of a number of subsequent follow-up visits on the girl and her family by the NSPCC Inspector on dates after her departure from the Magdalen Laundry.

- A case also falling within this pattern from the 1960s involved a girl of only 13 years of age.<sup>8</sup> A member of An Garda Síochána appears to have made the original complaint to the NSPCC regarding her. The NSPCC Report recorded as follows:

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<sup>7</sup> Ref 18346

<sup>8</sup> Ref 18400

"The girl [name] is out of control and in moral danger. The parents are not able to make a hand of her. She has already gone down on the boats. I advised [name of mother] to have the girl placed in the care of the Good Shepherd Nuns. She said she would consider it."

The file contains brief notes of two additional meetings of the NSPCC Inspector and a named member of An Garda Síochána- one recording that "we gave her a good talking to and advised generally" and that she was "left with mother". Approximately a month later a note was added to the file that "Girl placed in the care of the Good Shepherd Convent [place] this date at the request of her parents". A letter is on file, signed by both the girl's parents, confirming their consent in the following terms: "I am agreeable to place my daughter [name] in the care of the Good Shepherd nuns".

The Register of the relevant Magdalen Laundry records that she was admitted, aged 13, on the date in question, although her source of referral is captured as "School Inspector" in the Register rather than NSPCC Inspector. The Register confirms that she remained there for approximately one and a half years, after which time she "went home".

- A similar case arose in the early 1970s in relation to a 15 year old girl, one of a large family, who had been the subject of a complaint to the NSPCC by a member of the Gardaí.<sup>9</sup> The NSPCC Inspector's report indicated as follows:

"The girl [name] was out of hand. She had gone away for periods, with other girls and gone on the Boats in [place]. She travelled to Belfast and Limerick. She and the other girls were

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<sup>9</sup> 18599

picked up by the Garda. Mr Murphy said that he could not control his daughter and requested that she be placed in the care of the Good Shepherd Convent [place]. She was taken there by me this date".

The Register of the relevant Religious Congregation confirms that she entered the Magdalen Laundry on the noted date, recommended by a named NSPCC Inspector. However within a week, the Register records that she was "sent home by bus at [NSPCC Inspector]'s request".

The NSPCC file confirms that at the time of the next supervision visit by the NSPCC (approximately 2 months later) that the girl was "home".

- Another case dating to the early 1970s concerned a 16-year old girl who was also placed in a Magdalen Laundry by an NSPCC Inspector with the agreement of her family.<sup>10</sup> However the NSPCC file also recorded

"girl could not be kept in [Magdalen Laundry] owing to her bad behaviour. She was sent home again. She was taken to the [Garda Station] this date for stealing clothes".

This record matches that in the Register of the Magdalen Laundry, which confirms that she was sent home 2 days after admission to that institution.

#### *Legion of Mary*

68. The role of the Legion of Mary in certain State referrals in the context of probation (Chapter 9) and young women during the period of supervision following their discharge from Industrial and Reformatory School (Chapter 10)

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<sup>10</sup> Ref 18593

has already been detailed. However the Legion of Mary was also responsible for other referrals, not connected to the State, but in the context of its general work.

69. Referrals attributed to the Legion of Mary amount to 4.9% of known entries to the Magdalen Laundries. It is not possible to identify the exact proportion of these cases which might be considered State (probation or Industrial School cases) or non-State (regular referrals by the Legion of Mary in the course of its work). For this reason the statistics on the Legion of Mary are presented separately in the assessments of State and non-State referrals in Chapter 8.

70. Some of the referrals made by the Legion of Mary in the course of its ordinary work came from hostels or shelters it operated, particularly in Dublin. On the basis of available information, the full background to these cases is difficult to discern. However in light of the role of these hostels, some cases possibly related to difficulties including homelessness and in some early cases crime or prostitution.

71. Some of these entries were repeat entries, with the woman in question moving between a Legion of Mary Hostel and a Magdalene Laundry on more than one occasions. Some examples of referrals by the Legion of Mary include:

- A woman, age not recorded, entered a Magdalene Laundry in the 1940s from a named Legion of Mary hostel. On the first occasion, she was “dismissed. Sent back to [name of hostel], very discontent”. However, she returned again to the same Magdalene Laundry the following year. The duration of her stay on the second occasion is not recorded.
  
- A woman, age not recorded, entered a Magdalene Laundry in the 1920s from a named Legion of Mary hostel. The Register notes that she “left of her own request. Was glad to have the opportunity of letting her go. Influence not good”.

- A woman, age not recorded, was brought to a Magdalen Laundry by a named member of the Legion of Mary in the late 1920s. She remained there for approximately 5 years, after which she was “dismissed for striking”.
- A woman was brought to a Magdalen Laundry in the 1930s by “[name], Legion of Mary Hostel, [place]”. It was her second admission. She remained there approximately 5 months.
- A 23-year old woman entered a different Magdalen Laundry in the 1930s brought by a named member of the Legion. The day after her arrival she was “sent to hospital”. She returned from there to the Magdalen Laundry approximately 2 weeks later and remained there 2 months before being “sent to County Home”.
- A 21-year old woman was admitted to another Magdalen Laundry in the 1930s, referred by a named member of the Legion of Mary. She was “taken out by her sister” 18 years later.
- A woman, age not recorded, entered a Magdalen Laundry in the 1930s from a named Legion of Mary hostel. Four months later she was “sent to Kingstown Refuge. A bad influence”. As the Register of the Magdalen Laundry in Dun Laoghaire has not survived, it is not possible to confirm the details of her admission to or departure from there.
- A 19-year old woman was admitted to a Magdalen Laundry in the 1930s, “sent by” a named member of the Legion of Mary. After 5 months, she “ran away”.
- A woman was admitted to a Magdalen Laundry in the 1940s, referred by “Legion of Mary, Dublin”. She had “no relatives”. She “left at her own request” one day later.

- A woman entered a Magdalen Laundry in the 1940s from “Legion of Mary [place]”. On an unrecorded date thereafter, she “escaped from lawn in her uniform. Not to be taken back”.
- Another woman entered a Magdalen Laundry in the 1940s from a named Legion of Mary hostel. She “gave her notice, wouldn’t stay”.
- A woman was “brought by [name], Legionary, Wexford” to a Magdalen Laundry in the 1940s. The Register indicates that “her mother took her home” approximately one and a half years later.
- A woman “came from [named Legion Hostel]” to a Magdalen Laundry in the 1950s. The Register records that she was a widow. No further information is included.
- A woman entered a different Magdal Laundry in the 1950s, referred by “Legion of Mary”. She “stayed only 3 days”.
- A 45-year old woman entered a Magdalen Laundry in the 1950s from a named Legion of Mary Hostel. She had “no relatives”. She “left at her own request after a few weeks”.
- A woman, age not recorded, entered a Magdalen Laundry in the 1960s, “brought by [name], [named Legion hostel]”. The Register records “looking for work, no place of residence, been in England”. The details of her departure are not recorded.
- A woman, age not recorded, entered a Magdalen Laundry twice in the 1970s from a named Legion of Mary hostel. On both occasions she left and returned to that hostel after approximately a month.

- A woman, age not recorded, entered a Magdalen Laundry in the 1970s with her referral source marked simply as “Legion of Mary”. Her departure was recorded as “went to her mother”.
  
- A woman, age not recorded, entered a Magdalen Laundry in the 1970s from a named Legion of Mary hostel. After approximately 6 months she “went to work”.

*The Old IRA*

72. A small number of girls and women (17 in total) were during the early 1920s brought to Magdalen Laundries by “the IRA” or “the Volunteers”. All but four of these were teenagers at the time of their placement in the Laundry. The remaining four women were aged 20, 22, 23 and 50 years of age at the time of their entry. The period of time they stayed varied from one day to over 60 years. Samples of these cases are as follows:

- A 17-year old girl whose parents were dead was “brought by the IRA” to a Magdalen Laundry in the 1920s. She is recorded as having left 2 days later.
  
- A 15-year old girl was “brought by the IRA” to a Magdalen Laundry in the 1920s. Her mother was recorded as being “in a workhouse” at the time. Neither the duration of her stay nor the details of her departure are recorded.
  
- A 17-year old girl whose parents were dead was “brought by the IRA” to a Magdalen Laundry in the 1920s. After less than a week, she “left for hospital”.
  
- A 14-year old girl whose parents were alive was “brought by the Volunteers” to a Magdalen Laundry in the 1920s. She remained there for almost 2 years until she is recorded as having “left for home”.

- A 50-year old woman was “brought by the IRA” to a Magdalen Laundry in the 1920s. She is recorded as having left 10 days later.
- A 17-year old girl was “brought by the IRA” to a Magdalen Laundry in the 1920s. She left once for hospital, from which she returned a month afterwards. She spent another 6 months in the Magdalen Laundry before being “taken out by her parents”.
- A 17-year old girl was “brought by the IRA” to a Magdalen Laundry in the 1920s. She left the following day.
- A teenage girl was “brought by the IRA” to a Magdalen Laundry in the 1920s. Very shortly after her arrival, she is recorded as having “left for hospital”. Some months later, she returned to the Magdalen Laundry and is recorded as having remained there until her death in the 1980s.

### *Refugees*

73. Seven refugee girls and women were placed in three different Magdalen Laundries during the 1950s. In three cases, the Registers indicate that the Red Cross made the placement, while the remaining four entries do not specify how the girls or women came to enter the institution. Samples of these cases are as follows:

- A woman identified as a refugee from a named country was “sent by the Red Cross” to a Magdalen Laundry in the 1950s. She remained there just over two weeks before transferring to a named psychiatric hospital.
- A woman identified as a refugee from a named country entered a Magdalen Laundry in the 1950s. She left the institution over a year later, to take up employment at a named hospital.

- A woman identified in the Register as a refugee from a named country entered a Magdalen Laundry in the 1950s and is simply recorded as having “left” less than a week later.
- A teenage girl identified as a refugee from a named country entered a Magdalen Laundry in the 1950s. It was recorded that her father was dead and that her mother was in her country of origin. After 2 years in the Magdalen Laundry she was “taken out” by a named lay person.
- A woman was brought by the Red Cross to a Magdalen Laundry in the 1950s. She is recorded as having left 4 months later, that she was “dismissed, very discontent, taken by Red Cross”.

*Simon Community*

74. Four girls and women were referred to two different Magdalen Laundries by the Simon Community in the 1970s. Two were teenage girls, the ages of the other two are not known. These cases were as follows:

- A girl was referred to a Magdalen Laundry by the Simon Community in the 1970s. She is recorded as having been “taken home by mother” on an unknown date thereafter.
- A girl was referred to a Magdalen Laundry by the Simon Community in the 1970s. She is recorded as having been “out every night”. The details of her departure from the institution are not recorded.
- Two teenage girls were referred to a Magdalen Laundry on the same date in the 1970s by a named officer of the Simon Community. Both are initially recorded as having “stayed 2 nights” and then “left”. One of the girls “returned” a day later, the other is recorded as having returned

three days after leaving. Both subsequently left, with the Registers recording a number of details of their subsequent lives.

*Society of St. Vincent de Paul*

75. Two instances of women being referred by the Society of St Vincent de Paul were also recorded in the Registers:

- A woman was brought to a Magdalen Laundry “by Vincent de Paul ladies” in the 1930s. Her age upon entry was not recorded. She remained there until her death less than four months later.
- A woman was placed in a Magdalen Laundry in the 1970s by “S.V. de Paul”. The date of her departure was not recorded, but her destination was – she left “to work” in a specified hospital.

*Samaritans*

76. One woman was recorded as having been referred to a Magdalen Laundry in the 1970s by the Samaritans. She left the institution of her own accord on an unrecorded date thereafter.

*Other*

77. A variety of referral routes were identified in the Registers which do not fit within any of the broad categories identified above. Detail on these miscellaneous routes of referrals follows.

78. A woman was recorded in one Register in the State as having been “sent” to a Magdalen Laundry during the 1960s by an official in another State. The nature of the referral is not clear from the Register, although background information is included on her separation from her husband and the country in which their children were living (the same country from which she had returned).

79. Nine girls and women appear to have been referred to three different Magdalen Laundries by a named woman at two identified Dublin hotels over a 15-year period. At least one of the women concerned had been in an industrial school at an earlier point in her life; and both she and another one of the women had been in a Legion of Mary hostel. On the basis of the information contained in the Registers, it is not possible to determine the precise circumstances in which these women were placed in Magdalen Laundries. It may be that they were employed in the hotels in which the named woman was employed; or they may have come into contact with her in some other way. Samples of some of these cases are as follows:

- A woman was placed in a Magdalen Laundry in the 1930s by a named woman at an identified Dublin hotel. She remained there for 5 months.
- A woman, whose parents were dead, was referred to a Magdalen Laundry in the 1930s by a woman of the same name at a street address in Dublin. Her departure from the institution is recorded as having been 3 days later.
- A woman was placed in a Magdalen Laundry in the 1940s “sent by” the same named woman at a different Dublin hotel. She was there for less than a week before being “sent back again”.
- A woman was “sent by” the same named woman at the Dublin hotel to a Magdalen Laundry in the 1940s. The Register noted that she was “formerly a school child” at an identified industrial school and had also been in an identified Legion of Mary hostel. Less than a month later she was “sent back to Dublin”. A year later, now aged 18, she was “sent by” the same named woman (at that Dublin hotel) to a different Magdalen Laundry. Slightly more than 2 weeks later, she was “sent back to Dublin at own request”.

80. A married woman from a small (identified) town also appears to have referred 4 different girls or women to two different Magdalen Laundries over a 4-year period in the 1930s and 1940s. The Registers do not give information on the background circumstances in any of these cases. Again, it may be that the girls or women in question were employed by the woman or that she came into contact with them in some other way. Samples of these cases are:

- A woman was placed in a Magdalen Laundry in the 1930s by a named woman in an identified town. She remained there for almost 3 years.
- A woman was placed in a Magdalen Laundry in the 1940s by the same named woman living at the same address (“sent by [name][address]”). She remained there for almost 8 months.

81. A number of referrals were also made by named individuals who, due to lack of information, cannot be categorised either as family members or as representatives of any particular organisation. Samples of such cases include:

- An 18 year old girl was “brought by a lady” to a Magdalen Laundry in the 1920s. No further information on the girl, the duration of her stay or departure are recorded.
- A woman was placed in a Magdalen Laundry in the 1870s, having been “sent by” a named lay person (male). She was identified as “deaf and dumb” and remained in the institution until her death in the 1920s.
- A woman was brought to a Magdalen Laundry by a named lay person (female) in the 1950s. She was “dismissed” 5 months later.
- A 32-year old woman was placed in a Magdalen Laundry in the 1920s, with the referral being attributed only as “sent from Dublin”. Approximately a year and a half later, she “left for Dublin for treatment”.

- A woman with no fixed abode entered a Magdalen Laundry in the 1970s. The Register records the name of the lay woman who referred her and the remark “wanted her kept safe till employment arranged”. She left the Magdalen Laundry two days later for a named hospital (that hospital not being in the locality of the Magdalen Laundry).
- A woman was placed in a Magdalen Laundry in the 1980s, with the referral column containing only another lay woman’s name and the phrase “(short term)”. She is recorded as having left for a named hospital (again, a hospital which was not in the locality of the Magdalen Laundry, suggesting this was for employment).

#### **B. Summary of some views advanced by historians to explain high levels of institutionalisation in 20<sup>th</sup> century Ireland**

82. Part A of this Chapter sets out the emerging patterns of referral to the Magdalen Laundries, based on the Committee’s direct analysis of the Entry Registers of the Magdalen Laundries.
83. This Part summarises some of the views of historians on possible factors and prevailing attitudes which may have contributed to the very high levels of institutionalisation which existed in Ireland throughout much of the 20<sup>th</sup> century. Some of these factors may have resulted in people admitting family members to any of a variety of institutions including Magdalen Laundries, psychiatric hospitals, Mother and Baby Homes, County or City Homes, and so on.

84. The following summary of views proposed by historians relate to institutionalisation in its broadest form, including historic institutions such as Industrial and Reformatory Schools, psychiatric hospitals, County and City Homes, Mother and Baby Homes as well as Magdalen Laundries.

85. It should be noted that the Committee neither supports nor endorses any particular views or theories contained in prior historical research. The following summary of such theories is provided solely by way of context. In relation to the Magdalen Laundries, in particular, these views and theories have been proposed without the advantage, which the Committee had, of access to the records of the Magdalen Laundries from 1900 onwards.

86. At the simplest level, three key factors which have been suggested by historians as contributing to institutionalisation in 20<sup>th</sup> century Ireland are:

- Financial considerations;
- Inheritance of land; and
- Questions of reputation, respectability and morality.

87. The literature to date suggests that financial considerations arose in the context or from the possibility that families may have used institutions (including Magdalen Laundries) as a place to house and provide for family members in times of poverty or destitution, or to provide for disabled members of the family who could not contribute financially to the household.

88. In this regard and referring to psychiatric hospitals, it has been suggested that such institutions:

“reduced the financial burden that problematic members placed on certain farming families (the ward easing the pressure on the meagre homestead), while simultaneously supporting the rural economy by providing opportunities for steady employment”.<sup>11</sup>

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<sup>11</sup> O’Sullivan and O’Donnell, Coercive Confinement in Post-Independence Ireland at 259-160

89. Maguire has also identified poverty (including urban poverty) as affecting a "significant proportion of the Irish population" until at least the 1950s<sup>12</sup> and as "the predominant factor in the committal of children to industrial schools".<sup>13</sup> She indicates that:

"they were committed, by and large, because their parents could not afford to care for them or because their parents neglected them according to the standards of the middle-class system and middle-class ISPCC inspectors (typically the neglect could be traced directly to poverty rather than to malice)".<sup>14</sup>

90. The argument typically made to explain land as a factor in institutionalisation is that an alternative outlet was required to deal with additional family members and thereby allow for less complex inheritance of small landholdings. McCullagh notes that:

"It is certainly part of Irish 'folklore' that the use of mental hospitals to dispose of 'surplus' children was an important resource in the preservation of the inheritance system in rural Ireland. A son, inheriting from the father and bringing a wife into a farm which could only offer a subsistence income, may not have been pleased with the presence of his unmarried and ageing brothers and sisters in the household. Commitment to mental hospital may have seemed an attractive solution in these circumstances".<sup>15</sup>

91. Clear also refers to psychiatric hospitals and Magdalen Laundries as giving "families a chance to dump unwanted members".<sup>16</sup>

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<sup>12</sup> Moira Maguire, *Precarious Childhood in Post-Independence Ireland* at 19 et seq

<sup>13</sup> Moira Maguire, *supra* at 42

<sup>14</sup> Moira Maguire, *Precarious Childhood in Post-Independence Ireland* at 19 et seq

<sup>15</sup> McCullagh, cited by O'Sullivan and O'Donnell, *supra*, at 268

<sup>16</sup> Caitriona Clear, *Social Change and everyday life in Ireland 1850-1922* at 122

92. Reputational considerations and questions of respectability raise a broader range of issues, including a sense of shame and desire to hide family members who displayed a difference - whether that be through physical disability, intellectual disability, or due to behaviour considered unacceptable at the time.
93. The essential argument made on this score by historians is “that Irish families utilised certain institutions to manage their deviant or troublesome members”.<sup>17</sup>
94. The phrase ‘the child in the back room’, quite alien today, would have been immediately understandable to those of previous generations and conveyed a multitude of meanings – anything from the unacknowledged child born outside marriage; to the child with a physical disability hidden away from sight of the community; to the so-called ‘duine le Dia’ – a person with intellectual disabilities.
95. Unacceptable behaviour, most memorably described as those “deemed troubled or troublesome”<sup>18</sup>, could cover a multitude, but would for long periods have included those considered to have offended against the morality or social teaching of the Catholic Church, including those engaging in sexual activity or becoming pregnant outside marriage.
96. In that regard, Rhattigan argues that “single motherhood was clearly a feature of Irish life during the first half of the twentieth century, but Irish society was deeply intolerant of unmarried mothers and their illegitimate children”.<sup>19</sup>

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<sup>17</sup> Id at 267

<sup>18</sup> Elizabeth Malcolm, Ireland’s Crowded Madhouses: the Institutional confinement of the insane in Nineteenth and Twentieth-Century Ireland in Porter and Wright (eds) *The Confinement of the Insane* at 332

<sup>19</sup> Cliona Rattigan, “What else could I do? Single mothers and infanticide, Ireland 1900-1950 at 9

97. It is probably fair to say that for many of the decades covered by this Report, Church, State and family views on morality in Ireland were mutually self-reinforcing. A person deviating from the prevailing norms ran the risk of ending up in a religious-run institution. While such institutions could legitimately claim to be a charitable outreach to the marginalised, they were at the very same time a powerful reinforcer of those self-same moral norms. It has been suggested that the very existence of such institutions was a visible reminder of the possible fate that awaited those who did not or could not conform. Underpinning this, perhaps, was a web of embedded negative attitudes which evinced a strong antipathy to mental or physical disability, as well as to motherhood outside of marriage.

98. Some of the provisions of the 1917 Code of Canon Law of the Catholic Church (repealed in 1983) reveal the extent of rather primitive attitudes to illegitimacy, epilepsy and disability during some of this period.<sup>20</sup> However, these views became increasingly untenable as the century progressed. The State abolished the status of illegitimacy in 1987<sup>21</sup> and attitudes to disability and mental health changed dramatically, particularly towards the latter end of the twentieth century.

99. In relation to the specific question of unmarried mothers, it should also be acknowledged that not all people or families turned their back on family members who engaged in sexual activity outside marriage, and that not all unmarried mothers gave their children up for adoption because of lack of support or otherwise. Maguire notes that:

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<sup>20</sup> The 1917 Pio-Benedictine Code of Canon Law in English, translation curated by Dr. Edward N. Peters Ignatius Press, San Francisco 2001 @pp341-342. Canon 984 dealing with what are termed "Irregularities" for admission to Holy Orders says

"The following are irregular by defect:

1° Illegitimate ones.....

2° Those impaired in body who cannot safely because of the deformity or decently because of the deformity, conduct ministry of the altar.....

3° Those who are or were epileptics, insane, or possessed by the devil....."

<sup>21</sup> Status of Children Act 1987

“while there was a general social censure of unwed motherhood and illegitimacy, nonetheless thousands of unmarried mothers kept their children, loved them, and raised them as best they could”<sup>22</sup>;

and further that

“[t]he received wisdom in twentieth-century Irish history is that all unmarried mothers were shunted into institutions – either magdalen asylums or mother and baby homes – and their babies taken from them and sent to institutions themselves, boarded out in foster homes in Ireland, or sent to the United States for adoption. This perception is far from accurate, however”.<sup>23</sup>

100. Rather, she suggests that in many cases:

“individual families [made] decisions, based on their personal aspirations to respectability or a normal life for themselves, about whether the children would be rejected or accepted”.<sup>24</sup>

101. O’Sullivan and O’Donnell have recently studied what they term the “stubbornly high” rate of institutionalisation in Ireland until the 1970s and examined the various explanations (including those noted above) suggested by other historians for the patterns of institutionalisation in industrial schools, Mother and Baby Homes, Magdalen Laundries and psychiatric hospitals respectively as well as prisons.<sup>25</sup> They have put forward a theory that seeks to build on and unite earlier theories and suggest that:

“to comprehend the rate and pattern of institutional usage we must think in terms of how Church, state and family influenced, and

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<sup>22</sup> Maguire, *supra*, at 49

<sup>23</sup> Maguire, *supra* at 50

<sup>24</sup> Maguire, *supra* at 105

<sup>25</sup> O’Sullivan and O’Donnell, *Coercive Confinement in Post-Independence Ireland* at 250

responded to, the social changes associated with a reconfiguration of the rural economy".<sup>26</sup>

102. Their theory is based on the “dominance of the stem family”, which was:

“a family that exists generation after generation on the same holding through a mechanism that in each generation sheds from the farm all children except the heir and the principle of patrilineal and imitable inheritance”.<sup>27</sup>

103. Contrasting this with the earlier system of sub-division of land among multiple heirs, they argue that:

“the emerging stem family ... was in turn receptive to the changes taking place in the Catholic Church in Ireland, which stressed sexual prudery and familial obedience. ... In other words the Catholic Church reflected and reinforced the underlying values and beliefs of rural Ireland rather than imposing a new normative system”.<sup>28</sup>

104. Inheritance along these lines would result in one child inheriting the family farm. Citing Hannon and Commins, they argue that economic survival of the farm required:

“a mechanism to manage those members of the family who were surplus to economic requirements in addition to mechanisms to deal with anyone who threatened the model of imitable inheritance”.<sup>29</sup>

105. Accordingly, they suggest that so-called surplus siblings “in a rough descending order” either:

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<sup>26</sup> Id at 269

<sup>27</sup> Id at 269-270, citing Rosemary Harris “Theory and Evidence: The Irish Stem Family and Field Data”

<sup>28</sup> Id at 270, citing Eugene Hynes “The Great Hunger and Irish Catholicism” and Joe Lee “The Modernisation of Irish Society 1848-1918”.

<sup>29</sup> Id at 272, citing DF Hannan and P Commins “The significance of small-scale landholders in Ireland’s socio-economic transformation” in Goldthorpe and Whelan (eds), *The Development of Industrial Society in Ireland*

- emigrated;
- “the more fortunate females” received a dowry to marry or enter religious life;
- “the less fortunate” females entered domestic service;
- were educated for employment in the public service or Church structures;
- “remained on the farm in a celibate subordinate role to the heir”; or
- “were institutionalised in the extensive network of psychiatric hospitals and other sites of coercive confinement that dotted rural Ireland”.<sup>30</sup>

106. Psychiatric hospitals were in this regard termed “a favoured repository”. O’Sullivan and O’Donnell rhetorically ask “What better place for the supernumerary spinster or bachelor (or indeed in time for the ageing and unproductive former matriarch or patriarch)?”<sup>31</sup>

107. But the challenge posted by women giving birth outside marriage is suggested to be somewhat different - this “threatened the viability of the family farm by disrupting the system of inheritance and by lessening the likelihood of marriage”. Accordingly they suggest that “raw economics rather than a concern with sexual morality” required both mother and child to be “managed”.<sup>32</sup>

108. O’Sullivan and O’Donnell link this economic concern with institutionalisation of women giving birth outside marriage as well as fostering, adoption or institutionalisation of the children born outside marriage. But they argue that children born *within* marriage were also subject to a similar economic analysis:

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<sup>30</sup> Id at 270-271

<sup>31</sup> Id at 273

<sup>32</sup> Id

“Children born within wedlock, but whose mental or physical disability rendered them unproductive on the family farm were regularly deposited in specialist institutions”.<sup>33</sup>

109. Built in to the theory is its demise, as economic development provided opportunities for employment and thereby undercut the “economic necessity to remove surplus members”<sup>34</sup> of rural families, including “the pressure to find institutional outlets ... for children who were seen as economically disadvantaged”.<sup>35</sup> Accordingly – and in addition to factors such as social welfare provision, advances in medical treatment for psychiatric illness and so on – the suggestion made by O’Sullivan and O’Donnell is that broad changes to the rural economy from the 1970s onwards had a key influence on reduction of the levels of institutionalisation in Ireland.

110. It was not the task of the Committee or of this Report to come to a view on these broad historical debates, or to endorse any overall theory on the factors which could have led to the placement of girls and women in Magdalen Laundries by their families, priests, other non-State organisations or indeed self-referrals. As explained in more detail at paragraph 85, the above views and theories of historians are provided solely as context and are neither supported nor endorsed by the Committee.

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<sup>33</sup> Id at 273

<sup>34</sup> Id at 275

<sup>35</sup> Id at 275-276

## **Chapter 19:**

### **Living and working conditions**

#### **Summary:**

*This Chapter records the memories of the living and working conditions in the Magdalen Laundries as shared with the Committee by the women who were admitted there. Although this Chapter identifies a number of patterns among the stories shared with it, the Committee did not make specific findings in relation to this issue, in light of the small sample of women available.*

*These women, to a large extent, have not previously had the opportunity to share their memories and experiences.*

*This Chapter also records the experiences shared with the Committee by others with direct experience of the Magdalen Laundries, including:*

- *some members of the Religious Congregations who operated the Laundries;*
- *General medical practitioners who served as GPs to the Laundries;*
- *a priest who served as Chaplain to a Magdalen Laundry;*
- *two retired Probation Officers;*
- *a person who served as manager of a Magdalen Laundry for 6 years;*
- *a woman who spent a week as a novice at a Magdalen Laundry during the 1950s; and*
- *a small number of people who periodically visited two Magdalen Laundries as part of the activities of a club from the 1960s onwards.*

*The majority of the women who engaged with the Committee had been at Reformatory or Industrial Schools prior to their admission to a Magdalen Laundry. They made a clear distinction between some of the practices in Industrial and Reformatory Schools and the Magdalen Laundries, particularly in relation to physical punishment and abuse.*

**Introduction**

1. The question of the conditions experienced by the girls and women who lived and worked in the Magdalen Laundries has been one of public concern for some time. This is a particularly sensitive issue.
2. There has been very little direct information in the public domain on this issue, principally because the women concerned have generally either had no opportunity to share their experiences, or have felt unable to do so due to a continuing fear of stigma or judgement. Additionally, the Religious Orders which operated the Magdalen Laundries have not made any public comment on the matter.
3. Consequently, this absence of direct information about the living and working conditions within the Magdalen Laundries has been largely replaced by historical (pre-State) experience and fictional writings or representations. It is also likely that assumptions have been made regarding these institutions based on the evidence of the grievous abuse suffered by male and female children in Industrial and Reformatory Schools in Ireland throughout the twentieth century.
4. The Committee, in the course of its work, met with a number of people who had direct experience of the Magdalen Laundries - that is, some of the women who lived and worked there, the Sisters of the Religious Orders who operated the Laundries, and others closely associated or holding direct experience of the operation of the Laundries.
5. These people provided the Committee with a range of information relating to the Magdalen Laundries, including information on the conditions they experienced or observed there.
6. The Committee considered that it would be in the public interest to disclose this information, while protecting the privacy of all the women who spent time

in the Magdalen Laundries. Where information was supplied to the Committee by these women it is summarised in anonymised form.

7. This Chapter relies mainly on the stories shared with the Committee by the women themselves who lived and worked in the Magdalen Laundries. As the most direct source of experience, the stories they shared with the Committee provided invaluable insights into the operation of the Laundries. The Committee wishes to acknowledge the courage and generosity which these women demonstrated through their willingness to contribute to the work of the Committee by disclosing some very personal, often difficult and intimate details of their lives both inside and outside the Magdalen Laundries.
8. The Congregations which operated the Magdalen Laundries also engaged in an exercise of gathering what memories they could from older members of their Communities. Their reflections on the operation of the Magdalen Laundries are also recorded in this Chapter.
9. This Chapter also includes information drawn from extensive conversations with others with direct experience of the Magdalen Laundries. The full list of those who provided information to the Committee in relation to this matter is as follows:
  - A. The women who were admitted to and worked in the Magdalen Laundries;
  - B. Reflections of the Religious Congregations;
  - C. Recollections of General Practitioners;
  - D. John Kennedy, Manager of the Laundry at Limerick 1976-1982;
  - E. Patricia Burke Brogan, novice at Galway Laundry for a week in the 1950s;
  - F. Two retired Probation Officers;
  - G. Chaplain at Sean McDermott Street Laundry;
  - H. Summary by Sally Mulready and Phyllis Morgan;
  - I. Dublin Lions Club;

10. The Committee reviewed other relevant written sources, including the Report of the Commission to inquire into Child Abuse (“the Ryan Report”).
11. The Committee also considered certain other materials in the public domain, including some comments attributed to women who at various times lived and worked in the Magdalen Laundries but who were not available to engage with the Committee. Examination of these materials and comments against the primary written records of the Religious Congregations revealed contradictions which were, in some cases, difficult to reconcile.
12. This Chapter records the memories of the living and working conditions in the Magdalen Laundries shared with the Committee by all the above. Although identifying common patterns in those stories, the Committee did not make specific findings on these points, in view of the small sample of women and others available with direct experience of the Magdalen Laundries.

#### **A. The stories of women who lived and worked in the Magdalen Laundries**

13. The Committee conducted a series of meetings with a number of women who spent time in the Magdalen Laundries.
14. In all cases, the first meeting consisted of an opportunity for the women concerned to tell their story in a natural and unprompted way. Subsequent meetings afforded the Committee an opportunity to seek clarifications on areas of particular interest. In addition to these meetings, the women were given an opportunity to submit information in writing.
15. The Committee believes that this process enabled it to gain a greater understanding of a number of significant issues in relation to the Magdalen Laundries. Information provided by many of the women through this process included a clear distinction between some of the practices in industrial and reformatory schools and the Magdalen Laundries, in particular in relation to practices of physical punishment and abuse. These meetings accordingly

enabled the Committee to express this distinction, where up to now there may have been confusion in public analysis.

16. A total of 118 women who had lived and worked in at least one Magdalene Laundry came forward and engaged with the Committee. The women who shared their stories with the Committee included:

- 31 women represented by the Irish Women's Survivor's Network (UK);
- 15 women represented by Magdalene Survivors Together;
- 7 women introduced to the Committee by the Advocacy Group Justice for Magdalenes;
- 7 women who made contact directly, on their own behalf, with the Committee; and
- 58 women currently living in nursing homes or sheltered accommodation under the care of the Religious Orders.

17. An additional 10 women represented by Magdalene Survivors Together, who had spent time in other institutions including in particular St Mary's Laundry, Stanhope Street, also shared their stories with the Committee. As set out in Chapter 3, this was not one of the 10 institutions within the Committee's remit and the Committee did not have discretion to add it to its mandate. The Committee did, however, agree to meet with the women concerned as part of their representative group and to hear their stories as part of the overall context of its work. In the majority of these cases, the women entered Stanhope Street through placement by their families, following recommendations variously by teachers, neighbours and others.

18. A number of family members of women who had been in Magdalene Laundries were also introduced to the Committee by Justice for Magdalenes.

19. The Committee is fully aware that there are many other women who have not felt able to share their experience of the Magdalen Laundries with it, or indeed with anyone.
20. Because the total number of women who provided direct information to the Committee was limited to a small proportion of all those who spent time in a Magdalen Laundry and as the sample was not randomly selected, it cannot be considered representative. Given passage of time, it is also clear that the sample is biased towards more modern years – the 1940s was the earliest period for which the Committee had access to the direct experience of women who spent time in the Magdalen Laundries.
21. The Committee would also note that it did not have the power to make findings of fact in relation to individual cases. Nonetheless, the following stories and experiences are included in the Report, as they were told to the Committee and as the people concerned remember them.

*Routes of entry to the Magdalen Laundries for the women who met the Committee*

22. The women who engaged with the Committee were admitted to Magdalen Laundries in a variety of ways. The majority of the women had previously been committed to Industrial or Reformatory Schools. In some of these cases, the women referred to the involvement of the Legion of Mary or the NSPCC ('cruelty man').
23. A smaller number of women who met the Committee had been placed in Magdalen Laundries by members of their families, including one case involving placement by a foster-family and/or the local health authorities, and one case involving placement by family members and a priest.
24. One woman had entered a Magdalen Laundry after the birth of a child outside marriage.

25. No women admitted to Magdalen Laundries by any of the other routes of entry detailed in Part III (namely County and City Homes, Prison, Remand and Probation or psychiatric hospitals), came forward to describe the circumstances of their admission to or their experience of living and working there.
26. The majority of the women who engaged with the Committee were admitted to Magdalen Laundries following time in an Industrial School. Chapter 10 of this Report sets out the circumstances in which some former young women were placed in a Magdalen Laundry during the period of their supervision after discharge from Industrial School. It appears to the Committee that, for many of the women it met, these were the circumstances in which they came to enter a Magdalen Laundry.
27. None of these women were aware that a period of supervision followed their discharge from an Industrial or Reformatory School or that they were liable to recall during that period. None of them recall being told this either at the time of their discharge from School or at any time during the supervision period.
28. The confusion and hurt experienced by these women when placed in a Magdalen Laundry was, undoubtedly, exacerbated by the fact that they had absolutely no idea why they were there. For many of them, this also meant that on leaving the Magdalen Laundry, they were fearful that, for some unknown reason, they might be brought back there again. Some of the women told the Committee that they felt free of this fear only after they left Ireland to live abroad.
29. The information provided to the Committee by these women is summarised, under the following headings:

- i. Sexual abuse
- ii. Physical abuse
- iii. Psychological and verbal abuse and non-physical punishment
- iv. Work environment

- v. Reports of hair cutting
- vi. Communication with the outside world - letters and visitors
- vii. Lack of information and a real fear of remaining there until death
- viii. Recreation
- ix. Manner of leaving

30. In all cases, the quotes that follow are taken from women with whom the Committee met who had, in their earlier lives, been admitted to and worked in a Magdalen Laundry.

*i. Sexual abuse*

31. One woman told the Committee that she was subjected to sexual abuse by an auxiliary during her time in a Magdalen Laundry. She was not aware of this happening to anyone else. Auxiliaries, referred to variously as "consecrates" or "magdalenes", were women who, having entered a Magdalen Laundry, decided to remain there for life.

32. No other women in contact with the Committee made any allegation of sexual abuse during their time in the Magdalen Laundries. However a significant number told the Committee that they had suffered sexual abuse in the family home or in other institutions, either before or after their time in the Magdalen Laundries.

*ii. Physical abuse*

33. A large majority of the women who shared their stories with the Committee said that they had neither experienced nor seen other girls or women suffer physical abuse in the Magdalen Laundries.

34. In this regard, women who had in their earlier lives been in an industrial or reformatory school drew a clear distinction between their experiences there and in the Magdalen Laundries, stating clearly that the widespread brutality which they had witnessed and been subjected to in industrial and reformatory schools was not a feature of the Magdalen Laundries.

35. The following examples and quotations relate to the majority of women who shared their stories with the Committee and who indicated that they had never experienced or seen physical punishment in a Magdalen Laundry:

- One woman summarised her treatment in a Magdalen Laundry by saying “I might have been given out to, but I was never beaten”.<sup>1</sup>
- Another woman said about the same Magdalen Laundry “I was never beaten and I never seen anyone beaten”.<sup>2</sup>
- Another woman said “It has shocked me to read in papers that we were beat and our heads shaved and that we were badly treated by the nuns. As long as I was there, I was not touched myself by any nun and I never saw anyone touched and there was never a finger put on them. ... Now everything was not rosy in there because we were kept against our will ... we worked very hard there ... But in saying that we were treated good and well looked after”.<sup>3</sup>
- Another woman, in response to a question about whether she had suffered corporal punishment at the Magdalen Laundry, said “no, mind you, thank god” and that neither had she seen others hit.<sup>4</sup>
- A different woman who spent time in the same Magdalen Laundry said “I don’t ever remember anyone being beaten but we did have to work very hard”. She described the manner in which women would protest – “If we were down and out, we’d go on the wren”. She described this as sitting on the stairs and refusing to work.<sup>5</sup>
- Another woman at a different Magdalen Laundry said she was “not beaten, no-one would”. There were other punishments for

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<sup>1</sup> Woman represented by Magdalene Survivors Together

<sup>2</sup> Woman represented by Magdalene Survivors Together

<sup>3</sup> Woman not part of any formal group who made direct contact with the Committee

<sup>4</sup> Woman introduced to the Committee by Justice for Magdalenes

<sup>5</sup> Woman represented by Magdalene Survivors Together

misbehaviour – “you were punished – put to bed without your supper, things like that”.<sup>6</sup>

- A woman at that same Magdalen Laundry when asked if there had been any physical punishments or beatings said “No, they never hit you in the laundry. They never hit me, but the nun looked down on me ‘cause I had no father”.<sup>7</sup>
- A woman at another Magdalen Laundry said that “they might rap your knuckles with theirs, that’d be it”.<sup>8</sup>
- Another woman, who was at a Magdalen Laundry for periods in the 1940s, 1950s and 1960s told the Committee “I have lovely scars from the orphanage ... I was never hit in [name of Laundry]. The nuns never hit me in [name of Laundry], I’ll give that to them. But they gave it to you in your mind”. She added “I hit one of the nuns once with a stick from the laundry”.<sup>9</sup>
- A woman who was at a different Magdalen Laundry said “they’d poke you with pointer but they didn’t lash out”.<sup>10</sup>
- A woman at the same Magdalen Laundry said “I wasn’t beaten but they’d shake you. And we were hungry – bread and dripping”.<sup>11</sup>
- Another woman said “I don’t ever remember anyone being beaten but we did have to work very hard. We were robbed of our childhood, but then, I had a mother that beat the crap out of me”.<sup>12</sup>

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<sup>6</sup> Woman represented by Irish Women’s Survivors Network UK

<sup>7</sup> Woman represented by Irish Women’s Survivors Network UK

<sup>8</sup> Woman living in sheltered accommodation

<sup>9</sup> Woman represented by both Irish Womens Survivors Network and Justice for Magdalenes

<sup>10</sup> Woman represented by Irish Women’s Survivors Network

<sup>11</sup> Woman represented by Irish Women’s Survivors Network

<sup>12</sup> Woman represented by Magdalene Survivors Together

- Another woman described the difference between her experience of industrial school and the Magdalen Laundry “In the industrial school it was weapons, it was desperate. It wasn’t the same in the Laundry and I never remember being hit with a weapon”.<sup>13</sup>
- A woman who spent time in 3 different Magdalen Laundries summarised the treatment she had received as follows: “No beatings, only working. Hardest work ever”.<sup>14</sup>
- Another woman, who had been in two Magdalen Laundries described the physical punishment she suffered in industrial school as “desperate”. She categorised her treatment in the Magdalen Laundries as “mental cruelty”. Regarding that time, she said that the nuns were “very cruel, but they couldn’t hit us … physical cruelty didn’t happen, but mental cruelty did”.<sup>15</sup>
- A woman who had been in a different Magdalen Laundry in the 1950s, when asked about any physical punishment said “no, we were just mass, breakfast, silence, mass again, then work in the laundry”.<sup>16</sup>
- A different woman who was in a Magdalen Laundry in the 1940s and 1950s said “I never saw any of the women and girls living with me being ill treated or severely punished in any way, no beatings, no head shaving, no denial of food, my only complain was that of being kept there for no reason. … Many many more would say the same”.<sup>17</sup>
- Another woman described the difference between Magdalen Laundries and industrial schools as “… a big difference. A very big difference”. She said that at the Magdalen Laundries “there was no physical

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<sup>13</sup> Woman represented by Magdalene Survivors Together

<sup>14</sup> Woman represented by Irish Women’s Survivors Network

<sup>15</sup> Woman represented by Irish Women’s Survivors Network

<sup>16</sup> Woman represented by Irish Women’s Survivors Network

<sup>17</sup> Woman not represented by any group but having made direct contact with the Committee

punishment, it was all mental really. We were never hit. I think they were afraid to hit us. I would hit back". She also reported that women would in protest "go up to sit on the stairs, we went to Coventry, went and sat on the stairs and not do any work". The punishment for this would be that the woman would "not be let in for evening meal". This "could go on a whole week, we were able to endure it because our friends brought us the food ... we were too crafty for them, they were praying the whole time ... some girls would stay there in the evening too in the dark, with no recreation".<sup>18</sup>

- Another woman at a different Magdalen Laundry when asked if she had ever suffered physical or corporal punishment, said "no, no, not that. But it was just this big building and laundry and I had a terrible childhood and then I was grieving over [specified bereavement]".<sup>19</sup>

36.A small number of women described physical punishment on at least one occasion.

- One woman described suffering a physical assault at the hands of 2 auxiliaries on the day of her entry to a Magdalen Laundry. She said that on arrival to the Magdalen Laundry:

"two ladies were standing there, not nuns but dressed in navy. I was left with those two"; and after being made to remove her clothing and stand on a stool, she described being "punched by one of them, one side to another. I was dizzy, I kept saying I'm dizzy".

She described the following morning as follows:

"I had to line up with the rest of the Magdalens for prayers, church, breakfast. A nun sitting on a high chair told the '3 new penitents to say your name'. I saw they were bruised too. I never ever saw another one, just that one time, never anything

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<sup>18</sup> Woman represented by Irish Women's Survivors Network

<sup>19</sup> Woman introduced to the Committee by Justice for Magdalenes

like that again. They would raise voices more than anything – not hands".<sup>20</sup>

- Another woman described physical contact on more than one occasion. Regarding her time in a Magdalen Laundry in the 1950s, she said:

"If you were talking you used to get a slap with a stick get on with work. It could be a nun or a woman who was there a long time ... if you were whispering the bigger girls might push you or pull your hair".<sup>21</sup>

- Another woman provided the following description of her experience of physical abuse at a Magdalen Laundry. She said that there were only two nuns in the Laundry, one "used to sit and watch over all the girls and there was another down the bottom floor checking it". She said:

"I never saw a cane. There was a nun with a thick stick but she'd dig it at you. I never seen her draw it and hit anyone. They'd dig you with the cross too. And they used to pull their hair and box their face".<sup>22</sup>

### *iii. Psychological and verbal abuse and non-physical punishment*

37. The overwhelming majority of the women who spoke to the Committee described verbal abuse and being the victim of unkind or hurtful taunting and belittling comments. Even those who said that some Sisters were kind to them reported verbal cruelty as occurring during their time in the Magdalen Laundries.

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<sup>20</sup> Woman represented by Irish Women's Survivors Network

<sup>21</sup> Woman represented by Irish Women's Survivors Network

<sup>22</sup> Woman represented by Magdalene Survivors Together

- One woman spoke of receiving “cruel talk”.<sup>23</sup>
- Another woman at a different Magdalen Laundry said she remembered hurtful comments “I remember a nun telling me that you came from an illegitimate mother. I suppose it was that you were no good and that’s why we were there”.<sup>24</sup>
- Another woman also spoke of her family background as being unkindly referred to - she said that “the nuns looked down on me ‘cause I had no father”.<sup>25</sup>
- Another woman in that same laundry said “we were never happy. You were lonely”. She described how, on the journey to the Laundry, “in the car the nuns were saying I had the devil in me, shaking holy water and saying the rosary in the car”. She had been raised in an industrial school with no known family and also described how a Sister on her entry to the Laundry, in front of all the other women, said “tell them where you were brought up and reared”.<sup>26</sup>
- Another woman, who was in a number of Magdalen Laundries, said that in one of these Laundries the Sisters would make cruel comments about her family background, such as “what do you think you are, I heard all about your family”. This was particularly hurtful to the woman concerned as she said that “my father interfered with the bigger girls”.<sup>27</sup>
- Another woman said that “conditions were bad now ... one nun took me under her wing and a lovely woman she was, she was good to me”.<sup>28</sup>

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<sup>23</sup> Woman represented by Magdalene Survivors Together

<sup>24</sup> Woman represented by Magdalene Survivors Together

<sup>25</sup> Woman represented by Irish Women’s Survivors Network UK

<sup>26</sup> Woman represented by Irish Women’s Survivors Network

<sup>27</sup> Woman represented by Irish Women’s Survivors Network

<sup>28</sup> Woman introduced to the Committee by Justice for Magdalenes

- Another woman at the same Magdalen Laundry said “the nuns were very nasty. They’d say ‘your father is a drunkard’ in front of everyone. It would degrade me. You know everyone knows your business”.<sup>29</sup>
- Another woman said “They were very very cruel verbally- ‘your mother doesn’t want you, why do you think you’re here’ and things like that”.<sup>30</sup>

38. The types of non-physical punishments reported by the women to the Committee varied.

- A woman reported that, after running away from a Magdalen Laundry in the 1950s and being returned by the Gardaí, she was “put in isolation for two days”.<sup>31</sup>
- A woman at a different Magdalen Laundry said “I broke a cup once and she put a string on it and I had to wear it for 3 days and 3 nights. And I threw a hanger one time and she made me wear it 3 days and 3 nights”.<sup>32</sup>
- Another woman who had been in two Magdalen Laundries reported that, in one of these Laundries, “there was a padded cell, I was put in there 3 times”. In the other Laundry, she was “told if I didn’t work there’d be no food and the infirmary”. Apart from that, punishment was “not let you write to anyone”. In neither of the Laundries did she experience physical punishment - she said of one of the Laundries “they were very cruel but they couldn’t hit us”, and of the other “physical cruelty didn’t happen but mental cruelty did”.<sup>33</sup>

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<sup>29</sup> Woman represented by Irish Women’s Survivors Network UK

<sup>30</sup> Woman represented by Magdalene Survivors Together

<sup>31</sup> Woman represented by Irish Women’s Survivors Network

<sup>32</sup> Woman represented by Irish Women’s Survivors Network

<sup>33</sup> Woman represented by Irish Women’s Survivors Network

- A woman at a different Magdalen Laundry reported that the punishment she saw was “they would make you walk in front of all the women in the refectory and lie on the ground and kiss the floor”.<sup>34</sup>
- Another woman said that as a young girl she moved an item of clothing (a bra) from the laundry. She said “I was made an example of next day. She called my name at dinnertime. You’d be mortified. She said ‘you took a brassiere out of the laundry’, ‘yes I wanted to be like the other girls’. Didn’t she make me kneel there for two hours”.<sup>35</sup>
- Another woman said that, during her time in a Magdalen Laundry, she began to wet the bed. She said that “they pinned the sheet to me back and I was walking on the veranda with it”.<sup>36</sup>

iv. *Work environment*

39. The women who met the Committee were at one regarding their memories of the work which they carried out in the Magdalen Laundries. They described harsh and physically demanding work, in some cases for long hours. Some of them were only young girls while carrying out this heavy and difficult work.

- One woman recalled that she “only saw nuns and hard work. I was soaking wet in the washing machine, the plastic apron was full of holes”. She also said that “In the evening you’d be tired but only the Child of Mary could go to bed after tea, the rest would sit in circle with their circle of consecrates and sew”.<sup>37</sup>
- Another woman who was at 3 different Magdalen Laundries described that at one of these Laundries she was “so short I needed a stool to put

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<sup>34</sup> Woman represented by Magdalene Survivors Together

<sup>35</sup> Woman introduced to the Committee by Justice for Magdalenes

<sup>36</sup> Woman represented by Irish Women’s Survivors Network

<sup>37</sup> Woman represented by Irish Women’s Survivors Network UK

washing in. One day I fell in and the lid snapped down, I screamed to get out".<sup>38</sup>

- A woman at another Magdalen Laundry said that the Sisters "didn't put me working for a week. I was in the sewing room, I was left in there with them looking after me for a week". She said that after that she "went to work in the packing room. I was about 14 years old. You would get up very early, the van men brought it in. You'd check the customer of the dirty laundry, mark it and put it in baskets. You'd pack it in bags and collect them. We had to leave the room when the van men came. It was repetition all the time". She described that sometimes the women would protest by "sitting on the stairs or walking up and down the veranda. You would get told off then".<sup>39</sup>
- A woman who entered a Magdalen Laundry following an earlier time in an industrial school said it was "very hard work. At about 8 o'clock you'd really drop. You'd be soaking wet. I only think I loved the clothes horses, 'cause it was warm in the drying room". She also said that she was "never allowed talk. If you were caught you'd be moved to other end of laundry".<sup>40</sup>
- A woman said she had been sent to a Magdalen Laundry at a young age by her family. She described her work environment by saying "I needed a footstool 'cause I was too small for the callendar. You couldn't speak and needed permission for the toilet. ... The recreation time you were making beads and aran sweaters".<sup>41</sup>
- Another woman said "The only thing was I had appendicitis and asked [named nun] could I go to bed and she wouldn't let me".<sup>42</sup>

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<sup>38</sup> Woman represented by Irish Women's Survivors Network

<sup>39</sup> Woman represented by Irish Women's Survivors Network

<sup>40</sup> Woman represented by Irish Women's Survivors Network

<sup>41</sup> Woman represented by Magdalene Survivors Together

<sup>42</sup> Woman represented by Magdalene Survivors Together

- Another woman described her experience of working in a Magdalene Laundry in the 1960s by saying “It was very hard work in the Laundry. The roof was all glass, the heat was unbelievable. You couldn’t leave your station unless a bell went. In the workroom I was trained to sew, we made fantastic stuff for the outside- kids clothes, first communion clothes, priests vestments … there was a sale of work in November for 3 days and the public came in”. She said “If we were down and out we’d go on the wren. I don’t ever remember anyone being beaten but we did have to work very hard”.<sup>43</sup>
- A different woman said “We used to work hard that way. I would prefer I hadn’t been there, I was worried about my name, but I suppose … I think myself they put us where we are today”.<sup>44</sup>
- A woman said that you would have to work “unless you were really ill and see the doctor and you couldn’t move”.<sup>45</sup>
- Another woman described the structure of the day. “It was regimented. At the Laundry it was constant, you had to get up at a certain time, have this kind of breakfast, we all had our own sections, then scrub … As time went by it was so regimental you learned not to ask questions or complain. You couldn’t be forward in any way. Talking was a thing that was seen as sinful”.<sup>46</sup>
- A woman indicated that she had spent 3 weeks in the laundry but was then moved to “the sewing room. I was one of the privileged ones”. She said the Magdalene Laundry she was in had an infirmary, but that

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<sup>43</sup> Woman represented by Magdalene Survivors Together

<sup>44</sup> Woman represented by Magdalene Survivors Together

<sup>45</sup> Woman represented by Irish Women’s Survivors Network

<sup>46</sup> Woman represented by Irish Women’s Survivors Network

“you had to be almost bed bound to get in there. [Named auxiliary] did the looking after there, she was alright”.<sup>47</sup>

- One woman described her experience succinctly as “laundry and prayer, laundry and prayer”.<sup>48</sup>
- Another woman said that “you’d have to handle all that dirty laundry and you could’ve picked up anything. They started to pay us a pound a month. And they did try to educate a few of us, a teacher came in, she was a lovely woman”.<sup>49</sup>

40. Some of the women who spoke to the Committee said that the Sisters worked alongside them in the Laundry, while others said that they did not.

- One woman said that “a nun in the packing room did the public’s sewing for them on my behalf”. But that the other nuns “they did very little work in the laundry, round with their beads praying”.<sup>50</sup>
- Another woman who was at the same Magdalen Laundry said “I never saw the nuns working only giving orders”.<sup>51</sup>
- By contrast, a woman who was in a different Magdalen Laundry from the 1940s onwards said “Nuns worked with the women, mind you, I’ll give them that”.<sup>52</sup>
- A woman at a different Magdalen Laundry also reported the Sisters working in the Laundry with the women. She said “I couldn’t believe

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<sup>47</sup> Woman represented by Irish Women’s Survivors Network

<sup>48</sup> Woman represented by Magdalene Survivors Together

<sup>49</sup> Woman introduced to the Committee by Justice for Magdalenes

<sup>50</sup> Woman represented by Irish Women’s Survivors Network

<sup>51</sup> Woman represented by Irish Women’s Survivors Network

<sup>52</sup> Woman represented by both Irish Womens Survivors Network and Justice for Magdalenes

nuns worked with you, it was humbling. The nuns were charitable and they worked with us, there was no-one on a throne".<sup>53</sup>

- Another woman at a different laundry reported that "the nuns worked as well".<sup>54</sup>

v. *Reports of hair cutting*

41. None of the women told the Committee that their heads had been shaved, with one exception. The exception occurred where one woman had her head shaved because she had lice:

- "When I said it was all itchy they shaved it ... If you got lice your head was shaved". In response to a question on whether hair was ever shaved as a punishment, she replied "Just for the lice".<sup>55</sup>

42. Some, but not all women reported that their hair had been cut on entry to the laundry. Some described this as an upsetting and degrading experience.

- One woman, in response to a question on whether her hair was cut on entry to a Magdalen Laundry answered "no, my hair was short".<sup>56</sup>
- Another woman described her hair being cut and described the effect on her as follows "t'was the ultimate humiliation for you. It changed me as a person to authority, God forgive me I learned to hate people then".<sup>57</sup>
- Another woman in response to the same question said "in School oh God yes I got it. In the Laundry, no I didn't".<sup>58</sup>

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<sup>53</sup> Woman represented by Irish Women's Survivors Network

<sup>54</sup> Woman introduced to the Committee by Justice for Magdalenes

<sup>55</sup> Woman represented by Magdalene Survivors Together

<sup>56</sup> Woman represented by Magdalene Survivors Together

<sup>57</sup> Woman introduced to the Committee by Justice for Magdalenes

<sup>58</sup> Woman represented by Irish Women's Survivors Network

- Another woman, when asked if her hair was cut on entry to a different Magdalen Laundry, said “no, my hair was short, I had bobbed hair”.<sup>59</sup>
- Another woman described that on entry to the Magdalen Laundry she had long styled hair, which was cut on her first day “It was cut like a pot, like a saucepan on your head. Then they gave you a clip and you had to put the clip in your hair. No one had long hair”.<sup>60</sup>
- One woman said that she had long hair which was cut on her first day at the laundry, “they didn’t shave it but they’d chop it with a shears”. She said it happened only on the day she entered the Laundry.<sup>61</sup>
- Another woman also reported having her hair cut on entry to a Magdalen laundry. She said “If you had long hair it was cut, you were not allowed to have long hair. It didn’t happen after”. She described the effect of this also: “It was cut up to my ears. It was humiliating, making us feel like less of a person”.<sup>62</sup>
- A different woman similarly described having her hair cut upon entry to a Magdalen Laundry. She said “They cut the hair, they cut it up in a bob”. In response to a question on whether her hair was ever cut after her first day or as a punishment, she said “oh no not for punishment, there was never anything done for me for punishment”.<sup>63</sup>
- Another woman said that her hair had not been cut “they didn’t cut my hair ... it was to my shoulders not long like [name of other woman]”.<sup>64</sup>

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<sup>59</sup> Woman introduced to the Committee by Justice for Magdalenes

<sup>60</sup> Woman represented by Irish Women’s Survivors Network UK

<sup>61</sup> Woman represented by Magdalene Survivors Together

<sup>62</sup> Woman represented by Irish Women’s Survivors Network

<sup>63</sup> Woman represented by Magdalene Survivors Together

<sup>64</sup> Woman represented by Irish Women’s Survivors Network

- Another woman who entered a Magdalen Laundry in the 1950s said “I had lovely long hair. They cut my hair short when I arrived in. They cut my hair and called me [specified name]”.<sup>65</sup>
- Another woman who was in a different Magdalen Laundry also reported that her hair was cut on her first day there “Click click the scissors. The first day but never afterwards. My hair was cut as punishment in the [Industrial] School but not there”.<sup>66</sup>
- Another woman, in response to a question on whether her hair had ever been cut in the Magdalen Laundry said “no, my hair was short”.<sup>67</sup>
- One woman who was in 3 Magdalen Laundries said that in one of those Laundries she was told her hair would be cut but before that could happen “I cut off all my own plait and tied it with a band and kept it”.<sup>68</sup>
- Another woman at a different Magdalen Laundry summarised it by saying “My hair was cut short, not shaved just short”.<sup>69</sup>
- A different woman at another Magdalen Laundry said that her hair had been cut and shaved in an Industrial School, but that in the Magdalen Laundry “nothing like that happened to me”.<sup>70</sup>
- Another woman described having had her hair cut while in Reformatory School, but said this was not repeated in the laundry “oh no, not that I saw, there was definitely a difference”.<sup>71</sup>

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<sup>65</sup> Woman represented by Irish Women’s Survivors Network

<sup>66</sup> Woman represented by Irish Women’s Survivors Network

<sup>67</sup> Woman represented by Magdalene Survivors Together

<sup>68</sup> Woman represented by Irish Women’s Survivors Network

<sup>69</sup> Woman represented by Magdalene Survivors Together

<sup>70</sup> Woman represented by Irish Women’s Survivors Network UK

<sup>71</sup> Woman represented by Irish Women’s Survivors Network

43. Three women told the Committee that they had either experienced or seen hair-cutting as a punishment.

- One woman said that her “hair was never cut in Industrial School, but it was in [name of Magdalen Laundry]. … ‘the black habits’ who were there for a long time, one of them did it”.<sup>72</sup> [Note: ‘black habits’ refers to auxiliaries]
- One woman said “If you answered her back, your hair would be cut”.<sup>73</sup>
- Another woman who was at the same Magdalen Laundry said that “they didn’t cut it first day, but yes for punishment”.<sup>74</sup>

*vi. Communication with the outside world - letters and visitors*

44. The women who shared their experiences of the Magdalen Laundries with the Committee spoke of very similar experiences in relation to communication by letter with family or friends. They told the Committee that all letters which they sent or received were read by the Sisters.

- One woman said that in the Magdalen Laundry “Your letters were checked and letters in were definitely checked”.<sup>75</sup>
- Another woman described the practice as follows: “They read them and they didn’t get out or in if they didn’t suit”.<sup>76</sup>
- One woman said that in the Magdalen Laundry in which she was, “You could write once a month but the nun would read the letters”. She also

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<sup>72</sup> Woman represented by both Irish Women’s Survivors Network and Justice for Magdalenes

<sup>73</sup> Woman represented by Irish Women’s Survivors Network

<sup>74</sup> Woman represented by Irish Women’s Survivors Network

<sup>75</sup> Woman represented by Magdalene Survivors Together

<sup>76</sup> Woman represented by Magdalene Survivors Together

said that “when you got letters they were open”. She also described the deep hurt caused when she wrote to her mother asking her to take her home and “she wrote back and said to them to keep me in 20 years”.<sup>77</sup>

- A woman who lived at a different Magdalen Laundry said “I tried to write a letter saying I wasn’t getting school and the nun said ‘it can’t go’.”<sup>78</sup>
- At another Magdalen Laundry, a woman told the Committee that “You were able to write letters but they were checked”.<sup>79</sup>
- Another woman said that “They’d look at letter and tell me what to write”.<sup>80</sup>
- Another said “my aunt started to write to me and my letters were opened”.<sup>81</sup>
- One woman said there were restrictions on who she could write to, that she was permitted to “only write to the last place I left”.<sup>82</sup>

45. One woman said that letters were read aloud to her, that she was not permitted to read them herself:

- “Our letters were read. You’d never see it [the letter]”.<sup>83</sup>

46. A number of women told the Committee that they had neither sent nor received letters as they did not have family or others to write to.

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<sup>77</sup> Woman represented by Irish Women’s Survivors Network UK

<sup>78</sup> Woman represented by Magdalene Survivors Together

<sup>79</sup> Woman represented by Magdalene Survivors Together

<sup>80</sup> Woman represented by Irish Women’s Survivors Network

<sup>81</sup> Woman represented by Magdalene Survivors Together

<sup>82</sup> Woman represented by Irish Women’s Survivors Network

<sup>83</sup> Woman represented by Irish Women’s Survivors Network

- A woman who was in a Magdalen Laundry in the 1950s said “I never had a letter because I had nobody to write to”<sup>84</sup>
- Another woman simply said “I had no letters”.<sup>85</sup>

47. Two women described giving letters to people other than the Sisters, for postage.

- “My sister worked in [place], she did try to see me and write but I never got letters. Sometimes I used write to a friend, and get the priest to post it for me”.<sup>86</sup>
- The second woman who told us that she had given a letter to somebody else for postage had previously spent time in a Magdalen Laundry in the State, but it was at a Magdalen Laundry outside the State that the incident occurred. (“My friend [name] knew she was getting out for good the next day and she said write a letter for your mam and I’ll post it”).<sup>87</sup>

48. The women who spoke to the Committee also shared their memories of the arrangements for visitors while they were in the Magdalen Laundries. The general pattern, as told to the Committee, seems to have been that visits were permitted, but that they were supervised.

- A woman who had been placed in a Magdalen Laundry by her father said “my father used to come to see me but the nun would be there all the time”.<sup>88</sup>

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<sup>84</sup> Woman represented by Irish Women’s Survivors Network

<sup>85</sup> Woman represented by Irish Women’s Survivors Network

<sup>86</sup> Woman represented by Irish Women’s Survivors Network

<sup>87</sup> Woman represented by Irish Women’s Survivors Network

<sup>88</sup> Woman represented by Magdalene Survivors Together

- Another described how she had been placed in a Magdalen Laundry following severe abuse in the home. On being told she had a visitor, “I was sure it was [named Sister from industrial school], but she said it was my mother. I said ‘I have no mother’. She said ‘Yes and your auntie is there too.’” She said that her mother told her “all is forgiven, we can start afresh but I said ‘no thanks’.”<sup>89</sup>
- Another woman who entered a Magdalen Laundry in the 1950s said “My friend did come and see me but she laughed at me when she seen me” in her uniform.<sup>90</sup>
- A woman at a different Magdalen Laundry said “One neighbour came to see me, they said don’t be mentioning that, say it’s domestic economy”.<sup>91</sup>
- Another woman said that she received visits from “the Legion of Mary, one Sunday in a month. You wouldn’t be deprived of a visitor”.<sup>92</sup>

49. A small number of women said that family members were discouraged from visiting.

- One woman said that at the beginning of her time in a Magdalen Laundry, her “aunt came once or twice. I never saw anyone after that”.<sup>93</sup>
- A different woman said she didn’t receive any visitors “I never saw my mam. My aunt said the nuns told her I was quite happy there”.<sup>94</sup>

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<sup>89</sup> Woman represented by Magdalene Survivors Together

<sup>90</sup> Woman represented by Irish Women’s Survivors Network

<sup>91</sup> Woman represented by Irish Women’s Survivors Network

<sup>92</sup> Woman represented by Magdalene Survivors Together

<sup>93</sup> Woman represented by Irish Women’s Survivors Network

<sup>94</sup> Woman represented by Magdalene Survivors Together

50. Some women also said they had no visitors as they had no family or friends:

- One woman said “I had no visitors, sure I didn’t have anyone”.<sup>95</sup>

vii. *Lack of information and a real fear of remaining there until death*

51. Another very common grievance of the women who shared their stories with the Committee – particularly those who had previously been in Industrial or Reformatory Schools - was that there was a complete lack of information about why they were there and when they would get out. None of these women were aware of the period of supervision which followed discharge from industrial or reformatory school.

52. Due to this lack of information and the fact that they had been placed in an institution among many older women, a large number of the women spoke of a very real fear that they would remain in the Magdalen Laundry for the rest of their lives. Even if they left the Laundries after a very short time, some women told the Committee that they were never able to fully free themselves of this fear and uncertainty.

- A woman who was in a Magdalen Laundry in the 1950s (and who had previously been in an Industrial School) said that there was “never any communication to tell me the reason for anything. ... No one ever spoke why I was there. In our heads all we could think of is we are going to die here. That was an awful thing to carry”.<sup>96</sup>
- A woman in a different Magdalen Laundry in the 1960s (who had also previously been in an industrial school) said “there was never a reason given for anything, we never thought we’d see the outside of the world

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<sup>95</sup> Woman represented by Irish Women’s Survivors Network UK

<sup>96</sup> Woman represented by Irish Women’s Survivors Network

again. ... While you were in Ireland they knew exactly what you were doing. You had to leave Ireland to escape them".<sup>97</sup>

- Another woman who had formerly attended an Industrial School said that what made her feel worst while in a Magdalen Laundry was "not knowing if you were ever going to get out of there ... I thought I was there forever".<sup>98</sup>
- A woman who was in a Magdalen Laundry in the 1950s ( placed there by a named person from her former Industrial School shortly after she had stayed out late one night while in employment) said "I don't know why that happened. I learned later only women with illegitimate babies went there. I was a young virgin, I don't know why I was put there".<sup>99</sup>
- Another woman who was placed in a Magdalen Laundry as a young girl, after time in an Industrial School, said "I thought I'd be there for life and die in there. I was frightened".<sup>100</sup>
- Another woman was released from an Industrial School to her family home. She said on leaving the Industrial School she had "no paperwork, no explanations, I had nothing". After reporting to the Industrial School that she was suffering physical and other abuse in the home, she was placed in a Magdalen Laundry. She said "the thing that gutted me mostly in the Laundry was knowing I probably would never get out of there. I went into myself a lot".<sup>101</sup>
- Another woman who entered a Magdalen Laundry as a young girl, following previous time in an Industrial School, said "I seen all these older people beside me, I used to cry myself to sleep".<sup>102</sup>

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<sup>97</sup> Woman represented by Irish Women's Survivors Network

<sup>98</sup> Woman represented by Irish Women's Survivors Network

<sup>99</sup> Woman represented by Irish Women's Survivors Network

<sup>100</sup> Woman represented by Irish Women's Survivors Network

<sup>101</sup> Woman represented by Irish Women's Survivors Network

<sup>102</sup> Woman represented by Irish Women's Survivors Network

- A different woman, who was placed in a Magdalen Laundry as a young girl shortly following her discharge from industrial school, said “It was devastating to hear that door locked and I was never ever to walk out. There was a big wall. I knew I was there for life. When that door was locked my life ended. I never moved on from there”.<sup>103</sup>

53. A similar lack of information and awareness was also evident among young girls who were placed in Magdalen Laundries by their families.

- One woman who was placed in a Magdalen Laundry by a priest, at the request of her father, said “Father … asked the priest to take me away. I went with him, I had no idea where i was going”.<sup>104</sup>

*viii. Recreation*

54. The women who spoke to the Committee gave different accounts of recreation in the Magdalen Laundries.

- A woman described there being “a radio in the Laundry” in the 1950s, but that there was strict “silent at meals”.<sup>105</sup>
- A woman who was in a different Magdalen Laundry in the 1950s said “we used to entertain people singing”.<sup>106</sup>
- A woman who was in a Magdalen Laundry in the 1960s, said “There were outings in the summer, I remember going to Balbriggan”.<sup>107</sup>

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<sup>103</sup> Woman represented by Magdalene Survivors Together

<sup>104</sup> Woman represented by Magdalene Survivors Together

<sup>105</sup> Woman represented by Irish Women’s Survivors Network

<sup>106</sup> Woman represented by Irish Women’s Survivors Network

<sup>107</sup> Woman represented by Magdalene Survivors Together

- Another woman said “they used to put on a bit of music and we were in operas”.<sup>108</sup>
- Another woman who was in a different Magdalen Laundry in the 1960s said “They used to have cinefilms and if any kissing came on, the hand went over the film and we used to all boo. ... Two years before the end we got a TV. But Sunday evening halfway through the movie you’d hear ‘right now, bedtime’.”<sup>109</sup>
- Another woman who was in a different Magdalen Laundry for a short time in the 1960s said “We seen one film one time”.<sup>110</sup>
- A different woman who was in that same Magdalen Laundry in the 1960s said “The recreation time you were making beads and Aran sweaters”.<sup>111</sup>
- A different woman said that “there was a music room but they covered over the screen with a white cloth if there was kissing or anything in the film. And there was a lot of religious stuff”.<sup>112</sup>
- A different woman who spent time in two Magdalen Laundries spoke of her cell and said “I painted mine”. She said that a Sister asked where she had got the paint and that she answered “I knicked it. She laughed about that. And she let me pin up the Beatles on my wall”. She also said that “They took us to the seaside for a day”. She described one of the Laundries as having more freedom than the other – she said in that Laundry “you could go to bed or not. There was a radio in the laundry and I could listen to Radio Caroline and Luxembourg” in the evening.<sup>113</sup>

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<sup>108</sup> Woman introduced to the Committee by Justice for Magdalenes

<sup>109</sup> Woman represented by Irish Women’s Survivors Network

<sup>110</sup> Woman represented by Irish Women’s Survivors Network

<sup>111</sup> Woman represented by Magdalene Survivors Together

<sup>112</sup> Woman introduced to the Committee by Justice for Magdalenes

<sup>113</sup> Woman represented by Irish Women’s Survivors Network

- Another woman said “we had plenty of different programmes, music, dancing, concerts and a number of other things”.<sup>114</sup>

ix. *Manner of leaving*

55. The manner in which these women came to leave the Magdalens Laundries was also a source of distress for a number of them. A number of women said that they were not informed of the day of their departure or their destination.

- One woman described her departure as follows:

“I remember it clearly. ... [named auxiliary] knew I was good at sewing and came and said ‘come and fix a zip’. She closed the door and said ‘come on, you’re going’. Leaving just like that, I had butterflies and bumblebees in my stomach. I made friends there, I was leaving my security, I was going out in the big world. I was given shitty clothes and shoes and a tiny brown suitcase and then taken to train by an auxiliary to [place]”.

A live-in job at a hospital had been arranged for her. She explained that from then on,

“I had to hide my past, I was so ashamed ... the lies I had to tell to cover up”.<sup>115</sup>

- Another woman said that similarly she was not aware of her imminent departure “I was working in the packing room and they took me out and said I was going home. They dressed me in a brown skirt and white top” and she then left.<sup>116</sup>

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<sup>114</sup> Woman not represented by any group but having made direct contact with the Committee

<sup>115</sup> Woman represented by Irish Women’s Survivors Network

<sup>116</sup> Woman introduced to the Committee by Justice for Magdalenes

56. A number of women told the Committee of being placed in live-in jobs (i.e. accommodation provided) upon departure from the Laundries, but that they had no say in selection of these jobs. Others said that they had, from time to time asked to be allowed to leave the Laundry, but were convinced to stay longer.

- A woman who had been placed in a Magdalen Laundry following her time in industrial school remained there until she was over 21, at which point she was sent to work in a hospital. “They had that hold on you”. She had once, at an earlier point, asked to leave the Laundry but the answer she received was “oh no, you can’t go out in the big bad world, you’re too thin and not able”.<sup>117</sup>
- A woman who had been in a Magdalen Laundry for a number of years described how she ultimately left. “I kept going to [named nun]. She would say ‘It’s a big bad world out there and I couldn’t. See I’m a quiet person. She was telling me you’re going to be a Child of Mary, I’d be going for my blue ribbon, this was going on for years. I had to sit on the stairs and go on hunger strike. It could go on for a week”.<sup>118</sup>
- A woman, who entered a Magdalen Laundry from Industrial School at the age of 13, left the Laundry at 16, when she was sent to a Domestic Economy School by the Religious Order.<sup>119</sup>
- One woman (who had in her earlier life been in an Industrial School) said she left the Magdalen Laundry when she was allowed to return to the live-in job she had held before her admission. This appears to have been arranged by the same ‘cruelty man’ (NSPCC Inspector) who had placed her in the Magdalen Laundry.<sup>120</sup>

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<sup>117</sup> Woman represented by Magdalene Survivors Together

<sup>118</sup> Woman represented by Magdalene Survivors Together

<sup>119</sup> Woman represented by Irish Women’s Survivors Network

<sup>120</sup> Woman represented by Magdalene Survivors Together

57. Some women told the Committee that they were reclaimed by members of their families following time in a Magdalen Laundry.

- A woman, who had been placed in a Magdalen Laundry by a priest at the request of her father, said “I could’ve got out after 3 months – my father came for me. But I was too ashamed to go home. I was put in there and it had a bad name and I’d have a bad name then too”. She remained in the Laundry for a number of years until she “made up my mind” that she would leave. “My aunt and father came for me and I went home then”.<sup>121</sup>
- One woman left a Magdalen Laundry when her brother came and “took me out”. That same woman recounted how, during her time in the Laundry, other girls and women “used to come and go. The nuns would send them to farms and people they knew to work. But sometimes they’d come back, God help them”.<sup>122</sup>
- A woman who had been in a Magdalen Laundry for a number of years was temporarily helping at a hospital while living at the Laundry. She said that a nurse said to her “why don’t you try to get out of there” and that after that “I kept asking and asking”. She said that “in the end, [the priest who placed her there] gave them permission”.<sup>123</sup>

58. Some women described running away from the Magdalen Laundry:

- A woman after a few months “ran out. I thumbed to get a lift”.<sup>124</sup>
- Another woman said that she planned to run away. She said telling the Sisters “you are happy in and don’t mind staying and want to be an

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<sup>121</sup> Woman represented by Magdalene Survivors Together

<sup>122</sup> Woman represented by Irish Women’s Survivors Network

<sup>123</sup> Woman represented by Irish Women’s Survivors Network

<sup>124</sup> Woman represented by Irish Women’s Survivors Network UK

auxiliary, you get trust by them". She described running away in the laundry van "We would roll the trollies to the van at the back of laundry. I told the van man 'I'm running away, I'm going to get in the van'. He said 'oh no not another one'. He said 'I don't know you're there'."<sup>125</sup>

59. A variety of other circumstances of departure were described to the Committee by some of the women. For example:

- A woman, who was in three Magdalen Laundries, said that in her second laundry she "screamed all night as a plan to get out". She was transferred to another Laundry after that. "So I decided to scream all night there too. In the morning they opened the door and let me out. I had nowhere to go".<sup>126</sup>
- Another woman said she left the Magdalen Laundry for a hostel operated by the religious congregation which had operated the laundry.<sup>127</sup>

#### **B. Comments by the Religious Congregations in response**

60. Representatives of all four Religious Congregations which operated the ten Magdalen Laundries within the scope of this Report also spoke to the Committee. In addition to sharing their records with the Committee, they sought to gather any memories they could from older members of their Communities and to reflect on them.

61. All four Congregations told the Committee that they deeply regret the fact that some women who were in their care carry painful memories.

62. They also made comments in relation to some of the specific issues raised above.

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<sup>125</sup> Woman represented by Irish Women's Survivors Network

<sup>126</sup> Woman represented by Irish Women's Survivors Network

<sup>127</sup> Woman represented by Magdalene Survivors Together

63. In relation to the practice, in some Magdalen Laundries, of giving “House” or “Class” names to girls and women on entry in place of their given names, the Sisters explained that they did not intend to undermine the identity of the girls or women involved. They state that the practice was adopted from the very first days of the institutions in the 1800s, in order to preserve the anonymity and privacy of the girls and women who were admitted – in other words, that the intention of the practice was that every entrant would be protected from discussion of her past. They said that they regret the impact which this practice had on some women.

64. Regarding the daily routine at the Laundries as well as the nature of the working environment, one Congregation said:

“Sisters and women worked long and hard in a difficult environment of noise and steam. Over time as methods developed modern machinery was installed to ease the workload and men were employed to do the heavy work”.

65. Another Congregation, referring to the wash house, said:

“this was a hot, steamy environment ... The work was demanding and residents were separated from their previous lives and attachments” while a third said

“At times the work undertaken was undoubtedly hard and no doubt the environment depended on and varied with the Sister in charge”.

66. All four Congregations said that the daily routine at the Magdalen Laundries operated by them was influenced by the pattern of religious life, including daily Mass and prayer. One Congregation said in relation to the Sisters “the lifestyle would have been predominately monastic prior to the second Vatican Council”.

67. Another Congregation noted as follows:

"Until the 1970s life in the refuge was influenced by the monastic routine. The residents normally began their day with Mass, followed by breakfast, then work. Dinner was served at 12.30pm and tea at 6.00pm. What was termed 'recreation time' followed the midday and evening meals. Periods of prayer were observed during the day. The following were the practices:

- The rosary was recited during the working day - called out by a resident or Sister to which all responded as they worked
- There was a pause for the Angelus at 12.00 and 6.00pm
- The Sacred Heart prayer was recited at 4.00pm.

Within these specific prayer times, silence was observed".

68. Similar to that comment, the other three Congregations also said that the typical daily routine for women in the Magdalen Laundries began with Mass, followed by breakfast, before the commencement of the working day in the Laundry. For example:

"The residents normally began their day with mass at 7am followed by breakfast and then work. Working hours were from 9.00 a.m. until 12.00 p.m. and from 1.00 p.m. until 5.00 p.m. Dinner was served at 12.15 and the evening meal at 5.30pm. Morning and evening tea breaks were part of the daily routine. In the earlier years, the rosary was recited during the working day and periods of silence were observed. This practice seems to have ceased after Vatican II".

Similarly:

"Both the Sisters and the women worked in the Laundry where the normal working week was Monday to Saturday from 9 a.m. to 5 p.m. in 1963. The laundry ceased for dinnertime (which was an hour long) and there was a half-day on Thursdays. No laundry work was carried out on Sundays or Holy Days or Bank Holidays. In 1958, the working week was Monday to Friday in wintertime, with a half-day on Saturday, not Thursday in summertime".

69. Regarding freedom and lack of freedom in the Magdalen Laundries, two of the Congregations note that they were, until the aftermath of the Second Vatican Council in 1963, enclosed Orders. This – as well as general security concerns – were stated by the Congregations to be the reason for certain practices. One Congregation said:

“Entrance gates to the grounds of the convent were locked at night. External doors to all buildings were also locked for security reasons. Dormitory doors were locked to prevent people moving about the buildings. Designated sisters held the keys and were on duty during the night to ensure safety, access to toilets and to prevent someone running away”.

70. Another Congregation stated:

“Residents were free to walk about in the grounds of both institutions. However, up to the 1960s the main entrance gates were locked during the times the women were out in the gardens. Anyone who called to the house was obliged to ring the outside bell for attention.

Over time, the policy was adopted of giving the residents freedom to move about as they wished. They began going out to shop, for walks, visiting family and friends, having weekends away and going on annual holidays”.

71. Another Congregation also indicated its awareness of how these practices would have been experienced by women living there, as well as noting a change in these practices in the 1960s.

“Refuges by their nature and proximity to enclosed convents had a need to give attention to security. We are aware that the intention of providing security to the residents could be experienced as a restriction on freedom.

In the 1960s, decisions were made to increase the personal freedom and responsibility of those in our Refuges and to encourage people,

where appropriate, to leave. Having said that, there is truth in the notion that the residents were not always encouraged or supported to leave the Refuge and indeed there was in an earlier time an active encouragement to remain. This was in part due to the fears of Sisters for the residents in view of the difficulties and hard realities they would have to contend with outside the Refuge".

72. The Congregations also spoke to older members of their Communities to attempt to identify the practices which were adopted in relation to discipline in the Magdalen Laundries. As set out below, many of the descriptions they provide tally with those non-physical punishments detailed to the Committee by women who were admitted to the Magdalen Laundries.

73. One Congregation indicated as follows:

"Discipline was mainly exercised through persuasion and verbal correction. If a person was to be disciplined she could be reprimanded and have to make an apology. However, she could also find herself being deprived of a meal or being transferred to another refuge. Occasionally the call to prayer was used by some Sisters as a means of containing or defusing potentially difficult situations".

74. Another Congregation said:

"Discipline was mainly exercised through persuasion, deprivation of pocket money / treats and verbal correction".

75. Another, referred first to "persuasion and verbal correction", and then noted as follows:

"Where such approaches failed there were other forms of discipline, such as having to stand or kneel for a period of time. Disciplinary actions would have varied from House to House. Ultimately if a person was perceived to be persistently difficult, they may have been transferred to another House within Good Shepherd or sent to another setting e.g. home or another religious run institution".

76. All Congregations further acknowledge that these practices were of their time and regret the impact which they had on the women concerned. On this point, one Congregation said that:

“Whatever deprivations a person experienced prior to coming to a refuge, it needs to be acknowledged that these could have been compounded by the deprivations that existed as part of the nature of the refuge”.

And further acknowledged:

“There is the actual experience of the refuge itself, with little opportunity to discuss, discover or discern what had happened, or why, or what was now happening”.

77. In the words of one Sister, “There were a lot of things you would do differently if you had it again. But sure, we were institutionalised too”.

78. Overall and reflecting on the period of operation of the Laundries, the four Congregations which operated the Magdalen Laundries stated as follows:

“Through ongoing reflection we have become increasingly aware that whereas our intention was to provide refuge and a safe haven, the impact on some who have experienced our care has been something different. We are aware that for some, their experience of our care has been deeply wounding. We profoundly regret this”.

### **C. Recollections of General Medical Practitioners**

79. The Committee also made contact with a number of medical doctors (General Practitioners) who had attended the girls and women who lived and worked in various Magdalen Laundries and invited them to contribute to the Committee’s work. In most cases, the doctors only had experience of the Magdalen Laundries in more recent decades, while in others, records were available which provided an insight into earlier times.

*Galway*

80. Dr Michael Coughlan was the general medical practitioner to the Galway Magdalen Laundry, first as a locum for three months in 1979 and then continuously from 1981 until its closure in 1984. He continued to attend the women who remained under the care of the Order until 1997.<sup>128</sup> He noted that it was his:

“privilege in providing a GP service [which] spanned a 16 year period, from 1981 to 1997. I cannot comment on conditions before those dates, only to say that I did not come across any complaints, symptoms or clinical signs which might alert one to maltreatment in the past”.

81. Dr Couglan informed the Committee that he conducted a monthly clinic in the Magdalen Laundry. He said as follows:

“My first attendance as a GP at the Magdalen Residential Home was, I believe around 1979, when the regular GP, [named] (now deceased RIP), became ill and asked me to look after her patients over a period of about 3 months. My first impression was one of pleasant relief. I had expected to find a very unhappy, deprived group who would have significant medical and especially psychological complaints and special needs. I was, therefore, surprised to encounter a group of ladies who appeared to be quite happy and content with their current environment and who presented with the type of symptoms and problems that reflected those of the wider Practice population.

I was also pleasantly surprised to find that my visit to the Home consisted of a formal Clinic in a well-furnished Consulting Room and that I was assisted by a Nurse. All the Residents were allowed to “see the doctor” and the majority of them did. The Laundry was still in operation at that time but those who were working their shift were allowed time out to see me. My expected image of them all looking the same in drab uniform was quickly dissipated when I observed that each one presented dressed in colourful clothes and those who came

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<sup>128</sup> Letter dated 22 September 2012 to the Inter Departmental Committee

directly from the Laundry were wearing a type of overlapping protective overall or apron, under which I could notice that they were wearing a variety of more personal choice of clothes. The most striking realisation, however, was that each lady presented as a unique individual, with a unique personality, well able to ask relevant questions and to express her opinion and, above all, ready and willing to gossip, to tease and be teased and to joke.

Although I seldom needed to visit a patient who was confined to bed, I was further pleasantly surprised to discover that each Resident had her own room, nicely furnished and I particularly remember the colourful bedclothes. I believe that they used to sleep in dormitories up to 1978, when a renovation programme commenced and they had their own rooms thereafter. I cannot recall whether I entered clinical notes in the regular patient files, during those 3 months or whether I made my own notes. In the 4 files which I found, my notes begin in 1981 in each case".

82. Apart from these recollections of his initial impressions of the Magdalen Laundry, Dr Coughlan also informed the Committee of his ongoing engagement with the Laundry as follows:

"[Named Doctor] retired and I was invited to serve as GP to the Magdalen ladies around 1981. ...When I assumed this post I decided that, because of their unfortunate life histories these ladies deserved special attention and I dedicated my (free) time to them by holding a special two hour Clinic for them on a Saturday, once a month. This was much appreciated by both the ladies and the Mercy Sisters and was always treated as a bit of an occasion by all concerned.

On my way to the consulting room I had to pass through a dining room where I was welcomed by the ladies, seated around tables in groups of four, happily chatting as they finished breakfast. I was also greeted by [name] a local lady who was employed as Cook and she appeared to

have a unique relationship with the ladies. After I sat down at my desk [name] a jovial Resident would proudly arrive with a linen-covered tray laden with tea and buns. I was always accompanied by a qualified Nurse, or if she could not attend, by one of the Nuns who assisted me in her absence".

83. Regarding the general pattern of consultations and medical complaints, Dr Coughlan said as follows:

"On almost every occasion all the Residents came to see me and I believed that in the case of many of them the reason for coming was more social than medical. They used to share their recent news with me, such as somebody's birthday, an entertainment event that they had attended either in-house or out-town, a trip to Knock and even to Lourdes or to draw to my attention that they had been to the hairdresser: "Do you like my hair Doctor?". Almost all of them were curious about my own life and would want to know about my family, on an ongoing basis.

Assisted by the Nurse I was in the habit of listening to and to performing a physical examination on each Resident and attention was regularly paid to Blood Pressure and urine testing, along with blood tests, such as Cholesterol estimation, from time to time.

Whenever I sensed that one of the ladies had something personal or sensitive to discuss, I always asked the Nurse or Nun to leave and afforded them the opportunity to elaborate in confidence. Interestingly, I cannot recall any occasion that the patient complained in any manner about her treatment by the Nuns in the Home, neither recently nor in the distant past, but I do recall them discussing problems such as incontinence, prolapse and other sensitive issues. Significantly, I do remember that on several occasions during such more intimate consultations I would be told, in a whispered, but happy voice, bits of news such as "I had a visitor during the week. It was my son and it

went very well. He will be back again next month". I remember feeling pleased that such reunions were happening, whether the identity of the visitor was officially known or not".

He also made more general remarks of his experience of the institution:

"The Laundry did not close until 1984 and, as mentioned earlier, all the Residents attended in their clothes of choice, which were varied and colourful. Those who came directly from the work place wore their own clothes, but also wore a protective bright apron which often had a floral pattern. There was no uniform as such. They were always clean and tidy and I particularly remember that they all had regular hair do's.

I cannot comment on conditions within the laundry itself as I never had occasion to go there. However, I can vouch that, the home environment was, surprisingly good. There was adequate heating and nice furnishings. There was a spacious recreation hall which had a radio and television. I think it was around 1985 that I attended the official opening of a new purpose-built wing for the Residents which was fitted with modern equipment and furnishings had hotel-style rooms for the residents and a spacious and pleasant sitting room.

I could see for myself that they had a very good and varied diet and were very well nourished. On occasions, especially when my Clinic ran late, [name] was serving lunch and I was always pleased when she invited me to sit down with the Residents and have some. It always tasted delicious".

84. Dr Coughlan also made the following comment regarding any possible evidence of physical abuse in the past:

"With respect to the question of any evidence of past injuries, broken bones or any other suggestions of physical or psychological abuse in the past, I cannot remember coming across any patient that presented with symptoms or signs that would or should have alerted me to such

maltreatment, apart from one case when a resident got scalded with hot water, which I believed to be an accidental injury”.

85. He made the following comment regarding certification of death:

“Regarding the issue of Death Certification, I recall that there was some weakness in the system. This did not appear to be due to any deliberate decision to not seek certification, but rather to an apparent ignorance or lack of awareness on behalf of the person in charge of their responsibility in this regard. It has always been my understanding that the Law of the Land requires the Next of Kin, or the Householder, or the Custodian or Guardian of the deceased to register a death and that the GP has no direct responsibility. Yet, as has often happened when dealing with the wider Practice population, I have often had to remind people to do so”.

86. He summarised his experience as follows:

“Overall, my experience with the Magdalen was a happy and gratifying one. The Residents were a delightful and happy group of ladies, each with their own unique personality and they appeared to me to have a good and friendly relationship with the Mercy Sisters. Equally, my impression was that the Sisters were very caring towards the Residents and I never found any evidence to the contrary”.

*Sean McDermott Street*

87. Dr John Ryan was the general medical practitioner to the Magdalen Laundry at Sean McDermott Street in Dublin from 1980 until closure. He also contributed to the Committee’s work.<sup>129</sup> Prior to doing so, he reviewed some contemporaneous patient’s records and materials going back to 1963.

88. Regarding injuries and the possibility of illtreatment, he said as follows:

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<sup>129</sup> Letter dated 2 November 2011 to the Inter-Departmental Committee

"there were a number of incidents of fractures but they were all from falls and usually out in the city, but none were suspicious in any way and I did not come across any evidence of unexplained bruising or scalding etc. ... There was nothing stated by any of the residents ... in relation to any possible ill treatment in the convent".

*Donnybrook*

89. Dr Donal Kelly was the general medical practitioner to the Magdalen Laundry at Donnybrook in Dublin from 1968 onwards and, before contributing to the Committee's work, reviewed some contemporaneous patients records.<sup>130</sup>
90. He said that he "visited on a weekly basis to assess the sick, the old and the infirm. I would also be called for any medical emergencies that might arise". In pertinent part, his letter indicated as follows:

"Many of these ladies were forgotten by their own or orphaned. They were poorly educated and some were mentally retarded. If the Sisters of Charity had not provided them with a home I don't know who would have cared for them. ....

Never did I witness any evidence of physical or mental abuse. My surgery could also be visited by the ladies if they were fit enough to travel there. They were well fed and dressed in ordinary clothes provided often by [name of Sister]. A small stipend was given to them for cigarettes, chocolate and the cinema".

*Sunday's Well, Cork*

91. Dr Harry Comber was the general medical practitioner from 1986 to 1992 to the women who remained at the premises of the Magdalen Laundry at Sunday's Well, Cork after closure of the Laundry in 1977.<sup>131</sup>

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<sup>130</sup> Letter dated 16 June 2012 to the Inter-Departmental Committee

<sup>131</sup> Letter dated 16 June 2012 to the Inter-Departmental Committee

92. He noted as follows, in pertinent part:

"I held a surgery fortnightly at the convent / residence from 1986 to 1992 (there was no laundry in operation during my time there) alternatively for the residents and the Sisters. Many of the residents attended me at these monthly surgeries for routine checkups of blood pressure and other chronic conditions, although they were mostly in good health. The women could also attend me at my surgery and most did so from time to time if acutely ill or if they didn't wish to wait for my next visit.

The Sister who acted as nurse was sometimes present during consultations at the convent and supplied useful information, but she would leave if requested.

I think her presence was a little inhibitory, but I always had the opportunity to discuss matters with the women in private if they wished. She rarely accompanied them to my outside surgery unless she had some concerns which she needed to share with me.

The women were in good general health. They tended to be overweight and sedentary and many took little or no exercise. I have no specific information on their diet, but my impression was that it was a traditional Irish diet, with a lot of carbohydrate".

93. He made the following comments on the general types of presenting complaints and the question of any possible physical abuse:

"Their presenting complaints were those I would expect from women their age; most were in their 60s or older. There were more osteoarthritis than usual, partly due to overweight, but a number blamed repetitive work on treadle sewing machines for knee and ankle problems. I could not quantify this; it is just an impression, but it seemed plausible at the time.

There was no evidence of any traumatic injuries inflicted during my time, nor did anyone ever show me evidence of any previous injury.

However the overall atmosphere in the 1980s and 1990s was very benign and it didn't occur to me that this was a possibility during that period I never actively searched for or enquired after this. However two women complained to me of previous ill treatment. I cannot now recollect when this alleged illtreatment took place, but it had been a long time, probably in the 1940s or 1950s. They told me that one particular sister ... had frequently beaten them, sometimes with a heavy crucifix which she wore on her belt. They also told of being locked in solitary confinement in a padded room, of having letters to and from their families withheld and of wearing only a cape over their underclothes ("in case they would run away") when they left the grounds. I found these accounts quite convincing. ... They asked me not to take any action on the basis of these complaints. No other women ever complained to me of mistreatment and by the 1980s this illtreatment seemed to have ceased a long time in the past".

94. He summarised his experience as follows:

"The women seemed reasonably happy, although some regretted the loss of opportunity to have a life, families and children of their own. They were treated well, although patronisingly, by the sisters. They were expected to be rather passive within the community. They had the usual opportunities for recreation – reading, walking, TV. They were to a large extent institutionalised and rarely seemed to go out except for walks in the locality. ... I would be surprised if there was, in the time I was there, any mistreatment of them, either verbal or physical".

#### *Waterford*

95. Dr Malachy Coleman was the general medical practitioner to the Magdalene Laundry at Waterford from 1984 and, after closure of the Laundry, for the

women who remained in sheltered accommodation until approximately 2000. Prior to providing an input to the Committee's work, he reviewed some contemporaneous patients records.<sup>132</sup>

96. Dr Coleman, after joining the Keogh Practice, replaced a colleague who had for an earlier period been designated as the Doctor for the Sisters and women living at the Good Shepherd convent. He confirmed that clinics were held at the convent:

"I was instructed to attend the convent for a two hour session on Friday evenings and did so for up to ten years until the old convent closed and the ladies transferred into purpose built accommodation at another site. I did attend the newly built convent for a further few years but gradually the ladies began to make appointments and attend other doctors at our surgery... We discontinued the weekly clinics in the convent".

97. Regarding the structure of the clinic and consultations, Dr Coleman noted as follows:

"A specific nun was usually designated to take care of the ladies and she would usually outline any specific complaints the ladies had and she usually would remain throughout the consultation. Occasionally one or two of the ladies would request to be seen on their own. Examinations in the convent were quite limited and involved blood pressure checks, lung examination, general abdominal and ear, nose and throat examinations. Any intimate examinations were referred to the surgery to be carried out by our lady doctors.

When the ladies moved in to the family unit houses they began to attend the surgery in the company of their carer. ... The environment allowed free communication between the ladies and me and I would

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<sup>132</sup> Letter dated 6 July 2012 to the Inter-Departmental Committee

feel that, despite the presence of a chaperone, I never felt that the ladies were inhibited from talking to me on any subject”.

98. He also made some comments on the general nature of presenting medical complaints of the women and on their living environment:

“I always felt that the ladies were well fed and well cared for. Their complaints were routine and normal consistent with those presenting in general practice. I saw no evidence of any traumatic injuries either historically, prior to my taking up the post, or for the time I cared for the ladies.

In spite of the fact that the original convent was an old building it always seemed quite warm and water was always available for hand washing. The ladies wore ordinary clothing throughout my time. The ladies were always well kept in their general appearance.

I know they did go on holidays every year and were brought on trips by the local Lions Club”.

99. In conclusion he made the following general remarks:

“My overall impression of the Good Shepherd Convent in the main, was of an institute run by caring nuns which contained a number of ladies who were unlikely to be able to care for themselves. It would be fair to comment that they were quite institutionalised and so it would be difficult to judge their capacity to care for themselves at the time I took over their care. While the ladies were very deferential to the nuns I did not at any stage get an impression of coercion or fear in the relationship between the ladies and the nuns. If anything I think the nuns did too much for the ladies and so decreased their capacity to care for themselves”.

**D. Mr John Kennedy (Limerick)**

100. Mr John Kennedy was, as set out elsewhere in this Report, employed as manager of the laundry operated by the Good Shepherd Sisters in Limerick from 1976 to 1982, at which point he purchased the laundry as a going concern.

101. Mr Kennedy provided a statement to the Committee setting out his recollections of the laundry both from during his time as manager of the laundry, and also from earlier years, when he visited the Laundry. In that regard, he noted that he had:

“been visiting the convent in Limerick since I was a baby in a Moses basket and as I grew up I got to know some of the Residents from tours of the Laundry with my aunt [named]”.<sup>133</sup>

Throughout his statement, he terms the women who lived and worked in the Laundry as Residents, “as the term Magdalene is derogatory and offensive to them”.

102. Mr Kennedy’s comments may be summarised to the effect that significant changes occurred in the Laundry from the 1960s, or more particularly in the aftermath of the Second Vatican Council. His comments can be divided into the period before and after this.

103. He provided a brief summary of the general conditions which he had either witnessed as a child or heard about from older women living in the Laundry upon his employment:

“I never saw or was told of any instance of corporal punishment. However, verbal reprimanding was often used to discipline the Residents, sometimes for very petty infringements of the rules. More alleged serious offences could involve the person apologizing on their

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<sup>133</sup> Statement of John Kennedy to the Inter Departmental Committee dated 8 October 2012

knees in front of the entire Class in the refectory. I have heard of so called “difficult” Residents being transferred to the laundries in Cork, Waterford and New Ross”.<sup>134</sup>

104. He further stated that he had been told by some older women of restrictions on communication during this earlier period:

“All their outgoing and incoming mail was censored and no negative comments about the establishment were allowed. They had no access to newspapers or magazines or radio and they weren’t even allowed to vote. Their first outing outside the walls was in the 50’s when they were taken on a bus trip to Glin and back”.

105. Regarding living arrangements in this early period, he was told that:

“They had no privacy as they slept in a large open plan dormitory and had a communal washing area which had to be accessed every morning by crossing an open yard. Daily, they had to endure long periods of silence and had to pray in the morning at Mass, at their work and in the evening”.<sup>135</sup>

106. Mr Kennedy then indicated what he was told of changes in practices in the Magdalan Laundry after the Second Vatican Council:

“In this new era the ‘*compus mentus*’ Residents could freely leave St. Mary’s permanently without somebody having to “claim” them. They were freely able to talk to Nuns and many became good friends with some of them. After leaving, if they ever wanted to come back as Residents they were welcome, and some did after some years like [3 named residents]. The intellectually challenged had the same freedoms but had to have a ‘minder’.

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<sup>134</sup> Id

<sup>135</sup> Id

Also at this time (1960s) a big building project which benefited the Residents was undertaken voluntarily by the Nuns with no help from the Government. Architects drew up plans to completely refurbish and modernize St. Mary's accommodation building, their kitchen and refectory and recreation areas. Laundry consultants advised the architects on redesigning the laundry, improving lighting, ventilation and replacing circa two thirds of the laundry washing capacity with new state of the art fully automatic washer-extractors, a new automatic steam boiler and so on. The list is too long to document in full. The end result was stunning and was a huge improvement in the living and working conditions of the Residents".<sup>136</sup>

107. He makes a number of comments from his direct experience as manager of the laundry from 1976 to 1982. He indicates there were 93 women living and working there upon taking up his post.

"I always found them to be kind, decent, gentle and pious ladies. They were also very hardworking and dedicated to their daily duties. ... By 1976 when I started, most of them ranged in ages from over 40 to circa mid 80's. The absence of young Residents was a clear reflection of the changes in society. I should point out that the elderly ladies were not expected to work in the Laundry, but some of them ambled in every day to see what was going on. They used to sit on a long bench behind the big table in the "Crescent room" watching everything and folding the odd amice or purifier.

The laundry that I came into in 1976 bore no resemblance in atmosphere or appearance to that of the pre 60's. ... Walking into the laundry with its expensive non slip vinyl floor covering, standards of cleanliness like those found in a hospital and all the other changes, made it for me, a state of the art industrial place of work. The maintenance problems with the plant were easily solved over time by

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<sup>136</sup> Id

hiring a full time fitter/ electrician – something the Nuns never did, which was false economy.

I can remember many occasions during my time as manager when [named woman's] sister and her family visited her; they walked in off the street to the Packing room where she worked and casually chatted to her before she took them for a cup of tea. There were transistor radios blaring out pop music all over the place. [Named woman] RIP used to give my small children rides around the laundry in a trolley, which they still fondly remember".<sup>137</sup>

#### ***E. Patricia Burke Brogan (Galway)***

108. Patricia Burke Brogan was a novice in the Sisters of Mercy and spent a week in the Magdalen Laundry in Galway in the late 1950s. She later wrote two plays, Eclipsed (1992) and Stained Glass at Samhain (2002), both of which are set in a Magdalen Laundry. She also wrote a poem on the subject entitled "Make Visible the Tree".
109. A statement by Ms Brogan was submitted to the Committee by the advocacy group Justice for Magdalenes. The Chair also met with Ms Brogan to discuss directly her recollections of the Magdalen Laundry in Galway and subsequently agreed the following summary of her position with her.
110. Ms Brogan first said that her writings were fictionalised accounts and were not to be considered a narrative of what she had witnessed in the course of her week in the Magdalen Laundry.
111. She said, however, that she was very disillusioned by her time in the Laundry and that the emotion and passion she felt on the subject are demonstrated in her plays.

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<sup>137</sup> Id

112. She confirmed that both the external and internal doors of the Laundry were locked. She said that this deprivation of the freedom of the women who lived there was the principal issue which she recalled and found most difficult to accept. She also said that the women were not paid for their work.
113. She said that she did not witness any physical illtreatment or punishment of the women in the Magdalen Laundry by the Sisters working there or by auxiliaries.
114. She did however witness cutting remarks or psychological abuse – she recalled, for instance, that when an elderly woman tripped in the Laundry, a Sister said “that’s not the first time you’ve fallen”.
115. Regarding the broader context, she described the Magdalen Laundries as an “underworld”. She said that “the women were dumped in the laundries by their families, their lovers and by the State”. She spoke of women with low IQ or who were otherwise not “marriageable were also dumped in the laundries” and “despised and rejected”.

***F. Retired Probation Officers***

116. Two retired Probation Officers, both of whom took up their duties in 1966, also provided input to the Committee’s work. They confirmed that in the course of their work, they would meet regularly with girls and women who were on probation in the Magdalen Laundries. The information they provided to the Committee on this issue is included in Chapter 9. However they also made some broader comments regarding the conditions they observed in the Magdalen Laundries during their visits.
117. In general and regarding conditions in the laundries, the retired Probation Officers said that in their time visiting the Magdalen Laundries they saw no instances of girls having their heads shaved. Nor was there any complaint about that or any other ill-treatment in their regular (unsupervised) meetings in the Laundries with the girls and women who were there on probation.

118. These retired Probation Officers both recalled seeing other women in the Magdalen Laundries “in passing” while visiting girls and women on probation. They said their impression was that many of these other women were older, “simple”, “unemployable” or “past anything”. One of the Probation Officers said that they often looked “infirm before their time”.
119. Although they said that “life in general could be difficult then”, they felt that overall the conditions “were reasonable for the time”. “There would be the occasional concert or garden party, but it would be fair to say the atmosphere in general was institutional.”
120. Both recalled other people visiting the Magdalen Laundries, including “teachers going in to the girls and women in the laundries, as the nuns had set up other activities and classes such as literacy and typing”, as well as doctors. One of the retired Probation Officers recalled an instance in which she had contacted a doctor in St Brendan’s Psychiatric Hospital to ask his advice on the case of woman in Sean MacDermott Street, and that the doctor “attended to her within the hour” at the Magdalen Laundry.

#### ***G. Chaplain at Sean McDermott Street***

121. A priest who served as Chaplain at Sean McDermott Street for a 9 year period from the early 1960s until the early 1970s also provided input to the Committee. He made a detailed statement, including comment on the changes brought about in the operation of the institution during the 1960s. On his first arrival, he said

“the residents would have been dressed in dark bottle green and some of them would be in black ... Now I would say that there was a very large number of them in an open dormitory. ... It was awful. ... And I sat down with the Sisters and said you know, we’re going to have to work on things”.

His recollection of some of the older women was that:

"quite a number of them would be special needs. They would be mildly mentally handicapped, or a physical handicap or both. Literacy would be very low".

122. He then described some of the improvements brought about over the next years.

"We set up what is called the Celtic Industry. And the Celtic Industry was the bawneen cloth, a white Donegal cloth which was big and in fashion then. And we got designs from the museum and we made cushion covers and backs for this and that and we knitted Aran sweaters. You see the Sisters were semi-enclosed, so I went up to Arnotts and they supported me like most supported me like nobody's business, they were great. Arnotts and Brown Thomas, they were the two main outlets and they bought the stuff from me. So all the girls who were making stuff formed a co-operative, my God a lot of them didn't understand. ... So as time went on, out of the money they all got, they all bought their clothes. So nobody was in bottle green or black dresses, they were all able to dress themselves. Then we tackled the dormitories and we built cubicles for every single girl with her own wardrobe, so life was transformed".

123. He also described alterations to the lifestyle and the possibility of outings for the women. For example he recounted going to the cinema with a group of the women:

"So I went down to 30 of them and I said 'I'll take you to the pictures provided you don't let me down. That we'll go, enjoy the picture and com(e) back'. I said 'it's on your honour'. And the Sisters agreed on my honour! God if it happened today! I walked up Sean McDermot Street, collar and coat the works. At that time ... with 30 women! ... So we went down we looked in Clery's window and a few others and it was great and we went home and it was a great success so that kind of thing went on a little bit".

He also referred to a holiday house in Rush and a school in Greystones, which they hired for a holiday in summer, as well as visits to Lourdes.

124. He added, however, that “There was no violence that I ever came across”.

His only additional comment in that regard was that “You might have a girl pull the hair off another girl”. As an example, he recounted small disputes between the women living there such as:

“Confessions were on Saturday and I’d be in, sure the next thing is she’d be in and it was no more confession than the man on the moon but they’d say: ‘Do you know Mary so and so whose come in yesterday? And I’d say ‘yeah’, ‘well she’s a black bra and I want it for the weekend. I’m going out and she won’t be going out, would you get it for me?’ Now I wouldn’t of course, but you’d have to listen to that sort of thing but that was the simple human life that was going on and you help them along like you help your own children”.

125. Regarding outside work, the priest said that a number of hostels provided cleaning jobs for women living at Sean McDermott Street who wished to take up such opportunities:

“It would be cleaning rooms and sweeping, that sort of thing, so quite a lot of them had a Saturday, Sunday job. And they got money for that and that money was theirs. And again they bought clothes and things that they wanted. But more importantly, they were getting out and were coming back. They were now beginning to live a near normal life if you know what I mean”.<sup>138</sup>

126. He also recalled entertainment in the institution itself. He said:

“We used to have concerts on Sunday nights. I think the Guards were great. You had a few comedians and things like that. ... Some of the Guards came in not because they were Guards but because they were

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<sup>138</sup> Id at 70

in an entertainment club or something like that. They'd come in as members of that. ... So I'm only telling you that to show that there is a humane side to the whole story. And I am sure that there are sad, sad cases and terrible cases. The fact that they were put in was a tragedy".

[This comment likely refers to the Dublin Lions Club, on which see below]

***H. Summary of position by Sally Mulready and Phyllis Morgan***

127. Thirty-one women who, in their earlier lives, were admitted to and worked in a Magdalen Laundry are represented by the Irish Women's Survivor's Network, chaired by Sally Mulready with Phyllis Morgan serving as vice-Chair.

128. On the strength of their long and close engagement with the women, Ms Mulready and Ms Morgan provided the Committee with a letter summarising the main issues of concern to these women. Prior to sending the letter to the Committee, Ms Mulready and Ms Morgan also verified with the women that it accurately captured their experiences.

129. This contribution was additional and not alternative to direct contact by the Committee with these women who had lived and worked in the Magdalen Laundries. Some key elements of that submission are summarised here.

130. The overall effect on these women, most of whom had also been in Industrial or Reformatory School, of time spent in a Magdalen Laundry was summarised as follows:

"The psychological and physical impact of their experience has been devastating and has stayed with them throughout their adult lives. Their suffering was greater still because they did not know why they were there, or who was responsible for placing them in these laundries. They had no idea when they would be released."

Transportation of 14-16 year old girls from Industrial Schools to the laundries was a common occurrence. It was carried out very like the system of transferring prisoners from one prison to another, with no

consent sought or given by the young women themselves and little to no explanation of where they were going or why this was happening. Many women tell us how heartbroken they were to know they were never returning to their friends and to the place, the only place, which they knew of as home. The callous way in which this was done is often highlighted as a major reason for the heartache it caused. You were given no warning and no chance to say goodbye to friends".

131. The summary also addresses the women's recollections of working conditions in the Laundries:

"The floors of the laundry were constantly floating with water – often soapy dirty water streaming out. There was constant inhaling of steam from the large colander (large ironing board). Young women stood either side of the colander for up to two or three hours in the morning and again in the afternoon. Large buckets of boiling water were scattered around the floor used for starching and steaming. The light was poor and their only view from the windows was more iron bars. There was often a foul smell in the air from the extensive, industrial laundry of soiled sheets from hospitals, hotels, convents, farms and more".

132. The summary provided by Ms Mulready and Ms Morgan also addresses the information given to them in relation to the effect on the women of uncertainty about their position.

"The women have told us of the mental turmoil and agony at being unable to find out why they were placed in the laundries, who put them there and when they would be released. Many women asked constantly when they might be released and rarely got a straight answer. They were often told "when you are ready" or they would be told "there is nobody out there wants you" or "you will soon find out".

Women were given so little information about their detention that they frequently believed that no-one on the outside world knew about them,

no one would come for them and that they would die in the Laundries. One woman recently told us that “I knew nobody on the outside and so I wrote to nobody. I was not aware if anyone knew I was there”.

Women speak of severe distress and anxiety and how they cried often at night in the darkness of their dormitories. Crying themselves to sleep in utter despair about their future lives was common”.

133. The letter also addresses the issue of punishments in the Magdalen Laundries.

“The punishments for trying to escape included being separated from other women, left in isolation (a separate room) for two or three days after the attempted escape and fed their meals in isolation. They were escorted to and from the toilet and then back to isolation. One woman has told us that she was isolated from everyone else for three days and never again saw the girl who she tried to escape with”.

134. The issue of physical punishment or abuse is also addressed in the letter:

“We have asked many times by those looking into this terrible part of Irish history, both privately to the women and in group meetings, about the role nuns played in any kind of physical punishment in the Laundries. Bearing in mind that we are talking here only about the experiences of women *in the Laundries*, (as opposed to in other parts of religious institutional care), it is our understanding that the severe physical brutality, including beatings and sexual assault which was common place in other institutions, did not take place in the Magdalene Laundries. We have in fact never been told of sexual assault or brutal physical assault, including beatings with canes or belts, being perpetrated by nuns in the Laundries.

Two women describe seeing nuns wearing belts perhaps for intimidation purposes, but no-one has told us they were used on them. Women have often described getting a ‘thump in the back’ or their hair

pulled in retaliation for answering back or complaining but physical violence from the nuns does not seem to have gone beyond this in most cases.

As both authors of this submission spent our childhoods and young adulthood in institutions, we are both fully aware from personal experience and observations that violence of all kinds was common place in children's institutions. However, we do not believe such violence took place in the Laundries".

135. The summary suggests that instead of physical punishment, the Laundries were places of hard labour and "psychological cruelty and isolation". Ms Mulready and Ms Morgan come to the view that "this was a different, not a lesser, form of assault".

136. The letter also made a number of comments regarding the Laundries as they impacted on the women as women.

"Many women have spoken of 'new arrivals' being brought to the auxiliaries upon their arrival in order to have their hair cut (to defeminise them), to have their clothing taken from them and their new Laundry clothes given to them to wear (always unflattering clothes.)"

137. Following these and other comments, the letter summarising the experiences and concerns of the 31 women they represent says:

"We hope that time is not wasted calling for more statutory enquiries or demanding yet more investigations and more bureaucratic statutory processes. In their advanced years the women have repeatedly told us they have no wish for conflict or confrontation. Nor do they want to enter into lengthy litigation or another redress process, which would cause more distress and anxiety".

## **I. Dublin Lions Club**

138. A member of the Dublin Lions Club also made a submission to the Committee. He indicated that, in the early 1960s, the Dublin Lions Club began to take part in entertainment sessions for the women at Sean McDermott Street. These continued until closure of the Laundry. He said:

"We brought a professional keyboard player and usually 7 -10 of our members. We danced with them or got them to sing or recite, we told them funny stories and brought minerals and biscuits for the interval. They were always very happy and contented. We stayed from 7.30 to about 9 / 9.15p.m.

In those early days we met about 100 who attended each session that sadly because of deaths reduced to about 25. We were always well received by staff and residents particularly showed their excitement. We never got any complaint. The residents were well cared for and well dressed.

About 20 years ago we got the bright idea of including 4 of them for a holiday for 1 week with 900 other old folks. It was a disaster, they could not cope outside and missed the care and routine of the Institution. We brought them back after 1 or 2 days".

#### **J. Materials considered**

##### *Document entitled "Magdalen Home Rules and Horarium"*

139. A document entitled "Magdalen Home Rules and Horarium" and relating to the Magdalen Laundry operated in Galway by the Sisters of Mercy was identified in a non-State archive.<sup>139</sup> The record, of which there was no institutional memory in the Sisters of Mercy, presents as a general guide to the "object of the Institute" and its daily routine.

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<sup>139</sup> Ref B/2249

140. No date is marked on the document, but the Committee made efforts to estimate the time-period in which it might have been created. Members of the Sisters of Mercy who worked in the Magdalen Laundry were consulted and none – the earliest of whom had been in the Magdalen Laundry in 1948 and others who were there from the 1950s onwards - had been aware of any rule book or heard mention of it. Further, although a Sister who was in the Magdalen Laundry in 1948 remembered some older women being referred to as “consecrated”, Sisters who worked in the Laundry from the 1950s onwards were not aware of any such practice of women becoming consecrates occurring in Galway. The section of the document referring to burials refers to the use of two cemeteries – one on the site and one a public cemetery. The public cemetery referred to is the “New Cemetery”. The first burial of a woman from the Magdalen Laundry at that public cemetery was in 1924. The last burial in the cemetery on the site was in 1955.

141. Accordingly it appears that the document may date to the period between first use of the “New Cemetery” in 1924 and the late 1940s (when institutional memory for the Magdalen Laundry commences) or at a minimum prior to 1955 (when the last burial took place in the cemetery on site).

142. The document refers to women as “penitents” and indicates they are, on admission, “strictly forbidden to mention anything concerning their past life or associates”.<sup>140</sup> It further indicates that the women were:

“to have no communication whatever with their friends and acquaintances, but parents may see them occasionally, and for a short time, in presence of one of the Sisters”.<sup>141</sup>

143. It refers to their assigned duties “which usually consist of laundry work”.<sup>142</sup> A daily routine including daily Mass and frequent prayer is given. The indicated times for “laundry and duties” are from 8.30am to 12 o’clock, from 12.50pm to

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<sup>140</sup> Id at 1

<sup>141</sup> Id at 7

<sup>142</sup> Id at 1

3.15pm and from 3.30pm until 7pm. The period for “recreation” was from the end of supper at 7.30pm until 9pm.<sup>143</sup>

144. General rules including a prohibition on “conversing with the workmen” and avoidance of “particular friendships with each other” are included.<sup>144</sup> The issue of punishments is also addressed. Four types of punishment are mentioned, as follows:

- “cutting of hair”;
- “Being deprived of sugar in tea” and “number of meals being lessened”;
- “being deprived of general recreation”;
- where “the fault be a grievous one against Superiors of Sisters, the Penitent must apologise in the Chapel after Mass in the presence of all”; or
- where the “culprit be a Child of Mary she is deprived of her ribbon”.<sup>145</sup>

145. The possibility of women becoming consecrates and, in doing so, to decide to remain in the Magdalen Laundry for life, is referred to.

“when penitents have spent a number of years in the Home and are most exemplary with regard to their work, conduct and the observance of the Rules of the Institute, they may, if they so desire, consecrate their lives to God in the Magdalen Home.”<sup>146</sup>

After becoming a consecrate, such a woman would receive a “name in penance” by which they would be known. Consecrates were buried in the cemetery on the grounds, while others were buried in an identified public cemetery.

146. Departure from the Magdalen Laundry of women who did not choose to become consecrates is also referred to and confirmed. It says there was

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<sup>143</sup> Id at 19

<sup>144</sup> Id at 16

<sup>145</sup> Id at 18

<sup>146</sup> Id at 11

"no special length of time for Penitents to be kept in the Home. If a girl remains for three years and if, during that time, she leads a good, regular life ... she may return to the world at the end of that period."<sup>147</sup>

147. The suggestion is, however, that such a woman would need somewhere to go to: "It is to be understood that she returns to her parents or relations, otherwise she is detained in the Home".<sup>148</sup> The record continues to state that:

"Many Penitents have actually returned to the world and have not relapsed into their former way of living. In fact they have become good wives and mothers. On leaving they are given a suitable outfit and sufficient money to pay their expenses to their destination. These girls continue to correspond with the Sisters".<sup>149</sup>

*Ryan Report*

148. The Report of the Commission to enquire into Child Abuse (CICA, commonly referred to as "the Ryan Report") is sometimes cited in relation to the conditions in the Magdalen Laundries.

149. Volume III Chapter 18 of that Report concerns "Residential laundries, hostels, Novitiates, short-term residential services for children and adolescents, and other residential settings". The source on which this Chapter was based was the hearings of the Confidential Committee.

150. This Chapter of the Ryan Report relates to a considerably broader range of institutions than Magdalen Laundries. It includes the testimony of both men and women who spent time in a range of institutions such as novitiates, training centres, short-term residential homes for children, and so on. Even

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<sup>147</sup> Id at 14-15

<sup>148</sup> Id

<sup>149</sup> Id

the category “residential laundries” is broader than the category of Magdalen Laundries, with which this Report is concerned.

151. The Committee had hoped that the Secretariat of CICA would be in a position to clarify for it which, if any, of the paragraphs contained in Volume III Chapter 18 of its Report related to any of the 10 Magdalen Laundries within the scope of this Committee’s work, and which paragraphs of the Chapter relate instead to other institutions such as other institutional laundries, novitiates or hostels. No personal information of any kind was sought. Rather, as Volume III Chapter 18 concerns a wide range of categories of institutions, the Committee would have found it useful to have an indication of which of these paragraphs (if any) referred to Magdalen Laundries.
152. The CICA Secretariat was, however, unable to provide this clarification. It indicated that it was prohibited from disclosing any information provided to the Confidential Committee due to section 27 of the Commission to enquire into Child Abuse Act 2000, which provides in pertinent part as follows:

“(1) Subject to the provisions of this section but notwithstanding any provision of, or of an instrument made under, a statute or any rule of law, a person (including the Confidential Committee) shall not disclose information provided to the Confidential Committee and obtained by the person in the course of the performance of the functions of the person under this Act.

...

(6) A person who contravenes subsection (1) shall be guilty of an offence”.

153. As a result, the CICA was unable to indicate to the Committee whether or to what extent Volume III Chapter 18 related to the Magdalen Laundries.

154. As a second step, the Committee requested the CICA Secretariat to write to any women who had complained to it regarding a Magdalen Laundry,

informing them of the existence of the Committee and providing contact details should they wish to make contact. The Committee also studied the Chapter to assess, insofar as possible, which, parts, if any, might possibly have related to the Magdalen Laundries.

155. Chapter 18 of the Ryan Report refers to 25 witnesses before the Confidential Committee, made up of 12 male and 13 female witnesses covering 15 facilities including:

- 5 novitiates
- 4 residential laundries, and
- 3 hostels.

156. As only girls and women were in the Magdalen Laundries, all portions of the Chapter referring to complaints made by males were disregarded by the Committee.

157. There were a number of paragraphs in the Chapter which either include complaints by female witnesses at unspecified categories of institutions or complaints by female witnesses referring to residential laundries. These residential laundries may possibly have been laundries attached to schools, training centres, hospitals, psychiatric hospitals, convents and so on, or alternatively some of them could have been Magdalen Laundries.

- Paragraph 18.25 of the Chapter refers to 7 female witnesses recounting hard physical work in residential laundries; and 3 women giving accounts of physical abuse in residential laundries.<sup>150</sup>
- Paragraph 18.30 refers to 1 female witness being sexually abused by an older co-resident in a residential laundry. That complaint is also referred to in paragraph 18.37.<sup>151</sup>

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<sup>150</sup> Ryan Report, Volume III Chapter 18 Paragraph 18.25

<sup>151</sup> Ryan Report, Volume III Chapter 18 Paragraph 18.30 and 18.37

- Paragraph 18.44 includes 2 female witness reports of neglect, while paragraph 18.45 includes 4 female witnesses (at least one of whom related to a residential laundry) concerning neglect of education, social development and emotional wellbeing.<sup>152</sup>
- Para 18.52 refers to reports of emotional abuse.<sup>153</sup>
- Para 18.57 includes reports by females who had been in residential laundries of loss of liberty, social isolation and deprivation of identity.<sup>154</sup>
- Paragraph 18.58 set out the reports of two female witnesses of being given a name other than their own when admitted to institutions at 15 years of age.<sup>155</sup>
- Paragraph 18.61 includes reports by three witnesses of ‘warnings against men’ having a negative impact on their ability to establish relationships.<sup>156</sup>
- Paragraphs 18.70 to 18.73 includes reports of witnesses of positive experiences, including some recreational and social activities, opportunity for friendship, and that the institutions provided respite and protection from physical or sexual abuse experienced in the home.<sup>157</sup>

158. In light of the position of the CICA Secretariat, it is not possible for the Committee to determine which, if any, of these paragraphs relate to any of the 10 Magdalen Laundries within the scope of this Report.

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<sup>152</sup> Ryan Report Volume III Chapter 18, Paragraph 18.44 and 18.45

<sup>153</sup> Ryan Report Volume III Chapter 18, paragraph 18.52

<sup>154</sup> Ryan Report Volume III Chapter 18, paragraph 18.57

<sup>155</sup> Ryan Report Volume III Chapter 18, paragraph 18.58

<sup>156</sup> Ryan Report Volume III Chapter 18, paragraph 18.61

<sup>157</sup> Ryan Report Volume III Chapter 18, paragraphs 18.70-18.73

## **Chapter 20:**

### **Financial viability of the Magdalen Laundries**

#### ***Summary of findings:***

*This Chapter examines the financial viability of the Magdalen Laundries, on the basis of the financial accounts or other financial records prepared contemporaneously by the relevant Religious Congregations.*

*The results of the financial analysis carried out tends to support a view that the Magdalen Laundries were operated on a subsistence or close to break-even basis rather than on a commercial or highly profitable basis.*

*This view is supported both by the contemporaneously prepared accounting records of the Congregations which were reviewed by the Committee, as well as the separate Financial Reports prepared (though not audited) by the professional advisors to the Congregations and submitted to the Committee.*

#### **Introduction**

1. During the course of its work, the Committee was given full access by the relevant Religious Congregations to the financial records of the Magdalen Laundries. The primary purpose of the Committee's examination of these records was to identify any evidence in relation to funding of or financial assistance to the Magdalen Laundries by the State or State Agencies. This was carried out in pursuance of the core mandate of the Committee to establish the facts of State involvement in the Magdalen Laundries. The findings of the Committee in relation to the question of State funding of or financial assistance to the Magdalen Laundries are set out in Chapter 13.

2. However, the Committee was also aware in its examination of these records that there is significant public interest in relation to the question of the profitability of the Magdalen Laundries during their years of operation. A common perception has been that the Laundries were highly profitable.
3. In public comment on this matter there have been instances where laundry receipts (income) have been confused with profit (income minus expenditure). For example, a recent current affairs television programme broadcast a statement that the Magdalen Laundry in Galway made a profit of £56,000 in 1968. This is incorrect. The financial accounts for that year demonstrate that the figure broadcast was the approximate value of the Laundry receipts without any deduction of operating costs and expenses. When these are taken into account, the Magdalen Laundry in Galway in fact made a *net loss* in that year.
4. Although the Committee was not required to do so, it decided, in the public interest, to conduct an analysis of the available financial records of the Magdalen Laundries in order to more accurately assess their financial viability. This Chapter sets out the results of that analysis.
5. In summary, the analysis of the available financial records suggested that, in general, the Magdalen Laundries operated on a subsistence or close to break-even basis, rather than on a commercial or highly profitable basis and would have found it difficult to survive financially without other sources of income – donations, bequests and financial support from the State.

#### **Financial records of the Magdalen Laundries**

6. Financial records of 5 of the Magdalen Laundries survived and were available for examination by the Committee. The records examined in respect of each Magdalen Laundry are described below.

*Order of Our Lady of Charity*

7. Archived financial ledgers are held in the archives of the Order of Our Lady of Charity relating to both High Park and Sean McDermott Street from 1922 to 1973. In both cases, these are summary ledgers that record receipts and payments on a biannual or annual basis.
8. For both High Park and Sean McDermott Street, these summary ledgers are supported by the prime books of entry, which contain a more detailed breakdown of income and expenditure.
9. In addition to these ledgers, the following combined Laundry and Residential Home accounts prepared by the Congregation's accountants were also available:
  - Sean McDermott Street for each of the years from 1974 to its closure in 1996 and
  - High Park for each of the years from 1985 to its closure in 1991.

*Sisters of the Good Shepherd*

10. An accounts ledger for the Good Shepherd Convent, schools and Laundry in Limerick covering the period December 1920 to 1992 was the primary source of information on the finances of the Magdalene Laundry in Limerick.
11. This accounts ledger is a single hardcover book, with pre-printed ledger pages for receipts and expenditure. The ledger includes details of 4 different accounts: the Convent, the "penitents" (i.e. combined laundry and residence accounts for the women. This title changed to St Mary's from 1975 onwards), the industrial school (St Georges) and the reformatory school (St Josephs). All receipts and expenditure are allocated to the appropriate account, by way of separate pre-printed headings for substantive columns. From 1970 to 1982 the accounts ledger is supported by prime books of entry, for the Laundry and

St. Mary's, which contain a more detailed breakdown of income and expenditure.

12. Financial records for the Magdalen Laundries at New Ross, Waterford and Cork did not survive.

*Religious Sisters of Charity*

13. Financial records relating to the Magdalen Laundry operated by the Religious Sisters of Charity at Peacock Lane, Cork, comprise both Annual Accounts and Payments and Receipts Books.

14. The Payments and Receipts books are three handwritten hard-backed books, which were the books of prime entry for the institution. One Receipts Book covers the years 1974-1996 and two Payments Books cover the years 1974-April 1985 and May 1985-January 1993 respectively.

15. There are annual income and expenditure accounts relating to the following:

- the Laundry
- the Institution (in this context, 'institution' refers to the residence or living quarters for the women who worked in the laundry); and
- the Convent.

16. Laundry accounts were identified for the years 1970 to 1983, as well as for the years 1986, 1988 and 1990. In addition accounts were available for the 9 month period to 30 September 1989. The total period covered by these accounts amounted to 17 years and 9 months.

17. For the years 1970 to 1973, the Laundry and Institution (i.e. residence) accounts are combined. Separate accounts for the Laundry and Institution were prepared from 1974 onwards.

18. Most of the accounts, from 1970 to 1986, comprise a Receipts and Payments account and bank reconciliation. Additional information is included in some cases, such as a list of the staff employed and their weekly wages (these were paid outside staff and typically comprised of 2 van men, a “helper” and 2 office staff).
19. The accounts from 1988 to 1990 (which appear to have been prepared by a firm of accountants) are more complete, including a detailed Trading and Profit and Loss Account, a Balance Sheet, Statement of Source and Application of Funds and Notes to the Accounts.
20. As noted above, combined Laundry and Institution (i.e. residence) accounts were prepared for 3 years but for the years 1974 to 1986 they were prepared separately. These separate accounts are similar in format comprising receipts and payments accounts with a bank reconciliation.
21. Accounts for the Convent were also examined. These accounts span the years 1974 to 1986, with the exception of the years 1981, 1984 and 1985 for which no accounts were available.
22. Financial records for the Donnybrook Magdalen Laundry did not survive.

*Sisters of Mercy*

23. The Sisters of Mercy in Galway had a practice of submitting annual accounts to the local Ordinary, the Bishop of Galway. Accounts, which appear to have been prepared by a firm of external accountants for submission to the Diocesan Office in accordance with this practice, were identified for the years 1943 to 1971. Within that period, the accounts for 5 years were missing: 1949, 1950, 1964, 1969 and 1970.

24. This means that annual accounts are available for the Magdalen Laundry in Galway for a total of 24 years. The accounts are comprised of an income and expenditure account over the 3 bank accounts operated, namely:

- the Convent and Home (the residence for the women) bank account;
- the Laundry bank account; and
- the Capital bank account.

25. Financial records for the Dun Laoghaire Magdalen Laundry did not survive and the practice of submission of accounts to the Diocesan Office did not operate.

### **Examination of records**

26. The Committee examined the records detailed above. This examination suggested that the Magdalen Laundries were operated on a subsistence or close to break-even basis rather than on a commercial or highly profitable basis.

27. In order to seek clarification on this matter the Committee requested the Religious Congregations to ask their accountants to review the records and, where possible, to prepare financial reports. The accountants were requested to include in their reports a statement of average annual income and expenditure for the periods under review expressed in 2011 euro values using the Consumer Price Index produced by the Central Statistics Office.<sup>1</sup>

28. The financial reports prepared by the accountants to each Religious Congregation are included in the archives of the Committee's work.

29. The figures in the individual reports were prepared consistently from year to year, on a cash, as opposed to an accruals, basis.

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<sup>1</sup> Table CPA 04 - Consumer Price Index by Selected Base Reference Period and Year

30. The treatment of machinery and other fixed assets was consistent in all accounts – the associated costs were included as an expense in the year in which the costs were incurred, and not depreciated over their useful life time. The exceptions to this are the accounts of the Religious Sisters of Charity, Peacock Lane, from 1988 to 1990 and the accounts of the Order of Our Lady of Charity in respect of Sean McDermott Street from 1974 to 1996 and High Park from 1985 to 1991.
31. Other income such as donations, bequests, dowry income, fundraising and State financial assistance, has been included in the statements of income and expenditure for all the Magdalen Laundries with the exception of the Magdalen Laundry in Galway operated by the Sisters of Mercy.
32. The costs associated with the running of the Laundries were identified as the direct operating costs (Laundry Expenses) and the General Maintenance costs of the girls and women who lived and worked there. The Laundry expenses include capital expenditure on machinery, equipment, vans and related repairs, refurbishment costs, boiler fuel oil, detergents, washing powders, bleach, packaging, clothing for ironing machines, solvent and tape for polymarking machines, salt for water softeners, fuel for delivery vans and so on. In the case of the Magdalen Laundries in Galway and Limerick capital expenditure is shown separately in the statements of income and expenditure.
33. Wages were not paid either to the girls or women who worked in the Laundries or to the members of the Religious Congregations who also worked there. However, included in Laundry Expenses are wages paid to van drivers and, in some cases, Laundry managers and external labour as the number of women declined. Payment of pocket-money to the girls and women who worked in the Laundries (which commenced at different times in different laundries) is included in the General Maintenance costs for the girls and women.

34. General Maintenance expenses for the girls and women include costs in relation to food, clothing, infirmary, household (residential quarters) such as fuel and so on.
35. The maintenance costs and expenses relating to the Sisters who managed and worked in the Laundries are included. Charges for their contributions to the operation of the Laundries are also included in all statements of income and expenditure with one exception, namely the statement prepared for the Magdalen Laundry in Galway operated by the Sisters of Mercy.
36. The Committee is conscious of the fact that none of the statements of income and expenditure examined in this chapter were subject to independent audit and that, as outlined above, there were some differences of approach adopted by the Laundries in the recognition and allocation of costs.

## **Financial Reports**

### *Order of Our Lady of Charity*

37. The following information and figures are taken from the report prepared by Robert J Kidney & Co. from the available records of the Laundries at Sean McDermott Street and High Park.
- a. *Sean McDermott Street*
38. The following table shows the average annual income and expenditure for Sean McDermott Street Convent, Residence and Laundry from 1922 to 1973, converted to their equivalent in 2011 euro values.

**1922-1973  
Average  
(2011 Euro values)**

<b>Laundry Receipts</b>	<b><u>705,063</u></b>
<b>Expenditure</b>	
Laundry expenses	414,080
Maintenance expenses	415,748
Other	84,935
	<b><u>914,763</u></b>
Deficit before other income	(209,700)
Other income	<u>222,057</u>
<b>Surplus</b>	<b><u>€ 12,357</u></b>

*Average annual income and expenditure 1922 - 1973  
Sean McDermott Street Convent, Residential & Laundry  
(expressed in 2011 Euro values)*

39. As noted above, the financial records of Sean McDermott Street Laundry and Residential Home for the period from 1974 until their closure in 1996 were also available.
40. The following table shows the combined annual average income and expenditure for Sean McDermott Street laundry and Residential Home from 1974 to their closure in 1996 expressed in 2011 Euro terms.

		<b>1974-1996 Average (2011 Euro values)</b>
<b>Income</b>		
<b>Laundry sales</b>	603,147	
Laundry Expenses	<u>525,168</u>	
Laundry (Deficit)	(77,979)	
Other income	<u>119,484</u>	
<b>Total income</b>	<b><u>197,463</u></b>	
<b>Expenditure</b>		
Residents Maintenance	<u>259,836</u>	
<b>Total expenditure</b>	<b>259,836</b>	
<b>Total (Deficit)</b>	<b>€ (62,373)</b>	

*Combined Average annual income and expenditure 1974-1996,  
 Sean McDermott Street Laundry and Residential Home.  
 (expressed in 2011 Euro values)*

41. Robert J Kidney & Co. made the following comments in relation to the above tables relating to Sean McDermott Street:

- "... the laundry sales were relatively consistent from year to year, increasing slightly from €456k in 1922 to €677k in 1973. Within that period the most notable changes were in the 1944 to 1948 period where sales increased from €540k to €956k. The 1948 sales were the highest and the sales generally decreased on an annualised basis after that".

- “The average laundry receipts over that period of €705k would not be considered substantial in today’s terms given that the current turnover threshold for a small company for audit purposes for example is €3.8 million”.
- “The average surplus of €12,358.00 varied considerably due to fluctuations in fundraising and bequest income and repairs or improvements expenditure. All other income and expenses were largely consistent from year to year”.
- “It is evident that the average cash surplus of €12k is significantly lower than the average income from other sources of €222k. This indicates that in themselves, the laundries did not generate sufficient income to cover the running costs of the facility”.

*b. High Park*

42. It was not possible for Robert J Kidney & Co. to compile a similar chart of average annual laundry income and expenditure for High Park, for the following reason: the records were prepared in a way that all the expenditure was pooled.
43. This was easily overcome in the Sean McDermott Street records as the laundry was the main activity on the premises so the income and expenditure was easily identifiable. Given the different types of activities that took place in High Park (e.g. the farm and school) it was not possible to retrospectively separate the share of various expenditure heading costs between the different activities. For example it is not possible to allocate a portion of the overall share of fuel, repairs and maintenance to the Laundry as compared to the School or Convent.
44. Although the calculation of the average annual income and expenditure for the High Park Laundry was not possible, Robert J Kidney & Co. was able to

determine that the average annual laundry receipts over the period 1922 to 1979 was € 695,842.

45. Based on these calculations, Robert J Kidney & Co has noted that "it can be seen that although High Park was a larger campus in relation to operations generally, the scale of the laundry facility was not dissimilar to Sean McDermott Street".

46. A combined Laundry and Residential Home income and expenditure statement for High Park was prepared by Robert J Kidney & Co for the period 1985 until the closure of the laundry in 1991. This is expressed in 2011 euro values and is set out in the following table.

	<b>1985-1991</b> € <b>Average</b>
<b>Income</b>	
<b>Laundry Sales</b>	<b>361,229</b>
Laundry Expenses	419,271
Laundry (Deficit)	( 58,042)
Other income	303,547
<b>Total income</b>	<b><u>245,505</u></b>
<b>Expenditure</b>	
Residents Maintenance	281,081
Other costs	101,322
<b>Total expenditure</b>	<b><u>382,403</u></b>
<b>Total (Deficit)</b>	<b><u>€(136,898)</u></b>

*Combined average annual income and expenditure,  
High Park Laundry and Residential Home (1985-1991)  
(expressed in 2011 Euro values)*

47. The following overall comments were also made by Robert J Kidney & Co in relation to both Sean McDermott Street and High Park:

- “The Laundries were not financially substantial undertakings. Average sales from both Sean McDermott Street and High Park from 1922 to 1973 was around €700k per annum in 2011 euro terms.
- “The Receipts from the laundry sales were applied towards the maintenance of the residents and the religious”.
- “There is no evidence that operation of the laundries had a financial benefit to the Order”.
- “Sean McDermott Street was heavily reliant on other sources of revenue to survive financially. The average deficit from the facility before other sources of income such as bequests and donations for the period 1922 to 1973 was €210k in 2011 euro terms”.

*Sisters of the Good Shepherd*

48. The following information and figures are taken from the report prepared by Noel Delahunty & Co on the basis of the financial records for the Magdalen Laundry in Limerick operated by the Good Shepherd Sisters.

49. The following note was attached to explain the reason for the provision of two tables:

“The Sisters managed the laundry up to 31 December 1975. From 1 January 1976 it was managed by Mr John Kennedy who, from that date, introduced outside people to the workforce. It is apparent from the records that the operation of the laundry moved from the provision

of a local service to a commercial operation after Mr Kennedy's appointment. We have, therefore, prepared Income and Expenditure accounts in 2 parts, 1922 to 1975 and 1976 to 1982. We have prepared the figures on an actual basis and also at 2011 Euro values".

**Period 1922 to 1975**

	<b>Yearly Average</b>	
	2011	
	Actual	Values
	£	€
<b>Laundry Income</b>	<u>29,623</u>	<u>766,381</u>
Laundry Expenditure	14,919	411,624
Laundry Plant & Equipment	<u>1,337</u>	<u>29,547</u>
<b>Surplus</b>	13,367	325,210
Other Income	866	14,571
	<u>14,233</u>	<u>339,781</u>
General Expenses		
- Girls and women	7,875	207,614
- Sisters	<u>4,260</u>	<u>118,811</u>
<b>Surplus</b>	<u>£2,098</u>	<u>€13,356</u>

*Average annual income and expenditure,  
Good Shepherd Laundry Limerick 1922-1975  
(Expressed in Irish Pounds and at Euro 2011 values)*

50. The following table sets out the average annual income and expenditure for the period 1976-1982, during which an external commercial manager operated the laundry for the Sisters of the Good Shepherd, with the assistance of external paid employees.

**Period 1976 to 1982**

	<b>Yearly Average</b>	
	<b>Actual</b>	<b>2011 Values</b>
	£	€
<b>Laundry Income</b>	283,076	1,311,237
	-----	-----
Laundry Expenditure	214,203	983,456
Laundry Plant & Equipment	17,907	82,076
<b>Surplus</b>	50,966	245,705
Other Income	33,556	154,402
	84,522	400,107
General Expenses		
- Girls and Women	37,108	183,852
- Sisters	22,768	113,954
<b>Surplus</b>	<b>£24,646</b>	<b>€102,301</b>

*Average annual income and expenditure,  
Good Shepherd Laundry Limerick 1976-1982  
(Expressed in Irish Pounds and Euro 2011 values)*

51. The following notes were attached to the tables above:

- “General Expenses for the girls and women who lived and worked there: This included food, medical, bedding and clothing, outings and pocket money. If one costed their work at average weekly earnings for industrial workers the results would show massive deficits, for example year 1950 would show, in 2011 values, estimated deficit of €664,000 compared with €13,000 in the above figures.
- General Expenses Sisters: This represents similar outlay as for the girls and women in respect of Sisters in the laundry. Taking into account the number of Sisters involved in all aspects of the operation of the laundry over the full period under review, to ignore their work contribution would distort the laundry costs”.

52. The following comments were made by Delahunty & Co in relation to the two tables above:

“The above summaries illustrate the impact which the employment of lay staff from 1976 had on the turnover and net surplus for the laundry from that date. They also support the view already expressed that:

- The Sisters were not skilled in the management of a commercial enterprise. The laundry, while under their management, was operated as a source of funds to support the maintenance of the girls and women together with a contribution to the upkeep of the sisters.
- A review of the laundry operation over the 61 years, 1922 to 1982, should be done in two time-spans, before / after 1976.
- Any assessment of the funds generated over the periods must take account of the increases as a result of lay staff employment over the last 7 years”.

53. The following general comments were also made by Delahunty & Co in relation to all the information examined:

- “No significant variations in income pattern were noted with the exceptions of (a) the Shannon Airport Contract and (b) the knock-on effect of the employment of lay manager / staff.
- The figures show, on average after other income, a small yearly surplus for the years 1922-1975 with substantial increase in the following 7 years. The breakdown was as follows:

Years showing surplus	27
Years showing deficit	<u>34</u>
Total	61

- The Laundry did not generate large sums of money for the Province, the records show that it was operated as a source of funds to support the maintenance of the girls and women together with contribution towards the upkeep of the Sisters. Any surplus was part used to fund other works. For example, in 2011 values, €536,761 was spent on Capital Outlay for a Teenage Unit".

54. The Committee was also provided with input in this regard by the lay manager who operated the laundry from 1976-1982 on behalf of the Sisters of the Good Shepherd.

55. As set out elsewhere in this Report, John Kennedy was employed as manager of the laundry operated by the Good Shepherds at Limerick from 1976 to 1982. In 1982 he purchased the business from the Order as a going concern.

56. Mr Kennedy has been quoted publicly as saying that he made a profit of approximately £100,000 in his first year trading in 1982. Mr Kennedy has commented as follows on this point:

"it is stated that I made a profit of 100,000 pounds in my first years trading after I bought the business from the Nuns. Firstly, this figure is misleading, as it is gross profit and secondly I worked tooth and nail to increase turnover in that year to repay my borrowings. Thirdly, it bears no relation to what the Nuns may or may not have earned in previous years".<sup>2</sup>

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<sup>2</sup> Note for the Inter-Departmental Committee by John Kennedy, dated 8 October 2012

57. He also refers to the fact that he secured:

"many new contracts and had to increase the throughput of the Laundry to handle this extra work. I achieved this by, for example, installing bigger and better washing machines, taking on extra male staff for the heavy physical work, buying bigger delivery vans and sinking a high capacity submersible pump in the borehole well for our own reliable, cheaper, high pressure water supply".<sup>3</sup>

*Religious Sisters of Charity*

58. The following information and figures are taken from a report prepared by Nolan & Associates on the basis of the available financial records of the Peacock Lane Laundry, Cork.

59. The following table shows the average annual Laundry income and expenditure for the 17 years and 9 months period for which records are available. The figures are expressed in both Irish Pounds and their equivalent in 2011 Euro values.

	<b>Actual £</b>	<b>2011 €</b>
Receipts	130,809	621,238
Laundry Expenses	<u>(92,985)</u>	<u>(415,909)</u>
	37,824	205,329
 Maintenance Expenses		
- Girls and Women	(25,397)	(142,746)
- Sisters	<u>(11,377)</u>	<u>(57,599)</u>
 Surplus	<b><u>£1,050</u></b>	<b><u>€4,984</u></b>

*Average annual income and expenditure, Peacock Lane, Cork  
for the 17 years and 9 months period detailed in paragraph 16*

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<sup>3</sup> Id

*(Expressed in Irish Pounds and in Euro 2011 values)*

60. Notes were attached to the above table, which are summarised as follows:

- The Laundry accounts are unusual in that there is no expense for rent or insurance, which was paid by the Convent.
- Maintenance Expenses – Sisters represents the amounts paid to the Convent for the upkeep of the sisters who worked there (in the Laundry), but also includes some maintenance of the institution and grounds, insurance and chapel / chaplain costs, all of which were shared with the women.
- For the first four years (1970-1973), the Laundry and Institution (Residence) accounts are combined - costs have been allocated between “Maintenance of the Institution”, “Maintenance of the Convent”, as accurately as possible (most items were clearly one or the other). The formats of the accounts for the last two years and the nine months period were less clear and allocation of costs has been calculated by way of the total transfers to the Institution (drawn from its Receipts Book) for those years.
- The Convent Accounts show that its main source of income was the salaries of Sisters working in the schools.
- An average of about eight or nine Sisters worked in the Laundry/Institution at any one time (the number could vary).

61. Nolan & Associates made the following comments on the table above:

- “For most years there were small surpluses or deficits. There may have been distortions caused by the purchase of equipment (which was simply included in the repairs expense in the year of purchase) or

because of the nature of Receipts and Payments accounts, which don't use accruals to relate expenditures to the appropriate time periods".

– "The figures appear to support the contention by the Sisters that the purpose of the Laundry was both "to provide the residents with an activity and to produce funds to support them, and that it was never run on a commercial basis".

*Sisters of Mercy*

62. The following information and figures are taken from a report prepared by L & P Trustee Services Limited on the basis of available diocesan returns for the Magdalen Laundry, Galway.
63. As noted previously, the figures included in the Diocesan Returns are comprised of three separate income and expenditure accounts i.e. one for each bank account.
64. The 3 separate income and expenditure accounts, relating respectively to the Convent & Home, Laundry and Capital bank accounts were reviewed and analysed for each of the available 24 years to determine which items related to the operation of the Laundry.
65. This data was used to prepare an average annual income and expenditure statement for the Laundry for the period under review. This is expressed in historic Irish pounds and 2011 euro values and is set out in the following table:

Average annual Laundry related cash-flows	£ Average actual figures	Euro (Average after yearly figures have been Indexed to 2011 values)
Laundry receipts	31,681	815,774
Laundry expenses	(19,489)	(479,709)
<b>Net Laundry income</b>	<b>12,192</b>	<b>336,065</b>
General expenses	<u>6,375</u>	<u>76,922</u>
<b>Surplus</b>	<b>5,817</b>	<b>159,143</b>
Capital expenditure	(3,891)	(109,372)
<b>Net Surplus</b>	<b><u>£1,926</u></b>	<b><u>€49,771</u></b>

*Average annual income and expenditure for the Magdalen Laundry, Galway*

*for a 24 year period between 1943 and 1971 as detailed in paragraph 23*

*(Expressed in Irish Pounds and in Euro 2011 values)*

66. The following notes were attached to the above table, in relation to the basis on which these figures were prepared:

- The figures included in the report are cash-flow figures and as such, capital expenditure on items such as machinery, delivery vans, etc. has been written-off in the year of acquisition.
- The Laundry-related figures were averaged over the 24 years, i.e. over all years for which accounts have survived.
- These figures were then indexed-up on a year-by-year basis so as to also show them in 2011 values; and then averaged over the 24 years.

67. L & P Trustee Services also made the following comments on the findings of these calculations:

- “The Laundry element of the Home generated a surplus for 16 of the 24 years and a deficit for the other eight years”.
- The average annual Laundry-related surplus for the 24 years was IR£1,925. When all the figures are indexed to 2011 values, the average annual Laundry related surplus increases to €49,771”.
- “Were these figures to have been prepared in respect of a business, charges would have been recorded for the services provided by the Sisters of Mercy in the management and operation of the Home and laundry and for the utilisation of its premises. However, as this was a charitable undertaking no such charges are recorded”.
- “There is no evidence of the Home, Laundry or Capital bank accounts receiving any State subvention”.
- “The average annual capital expenditure appears to reflect a pattern of continual modernisation of equipment, machinery and premises”.
- “While the figures above indicate that the Laundry element of the Home generated an average annual surplus over these 24 years, the Sisters of Mercy continued to care for 18 Women in the Home after the closure of the Laundry in 1984 for the remainder of their lives. For some Women, this provision included financing care in Private Nursing Homes prior to the introduction of the Nursing Home Support Scheme in late 2009”.

*Galway - Income and expenditure for 1968*

68. A Prime Time programme broadcast on 25 September 2012 stated that in 1968, the Magdalen Laundry in Galway made a profit of over €1 million in 2011 values. However, on the basis of a review of the diocesan returns for the Magdalen Laundry, L & P Trustee Services Limited has noted that:

“this is plainly mistaken as the figures referred to are the turnover / receipt figures, without any reference to the expenses associated with generating this income”;

and that

“the Laundry related deficit for 1968 was (IR£1,741). When the figures are indexed to 2011 values, the deficit increases to (€32,605)”.

69. The following table provides a summary income and expenditure statement for the Galway Magdalen Laundry in 1968.

<b>Laundry related cash-flows for 1968</b>	<b>£ (Average actual figures)</b>	<b>Euro (Average after yearly figures have been indexed to 2011 values)</b>
Laundry receipts	54,680	1,024,008
Laundry expenses	<u>(45,572)</u>	<u>(853,440)</u>
<b>Net Laundry income</b>	<b>9,108</b>	<b>170,568</b>
General expenses	<u>(6,712)</u>	<u>(125,698)</u>
<b>Surplus</b>	<b>2,396</b>	<b>44,870</b>
Capital expenditure	(4,137)	(77,475)
<b>Net Deficit</b>	<b><u>(£1,741)</u></b>	<b><u>(€32,605)</u></b>

*Income and expenditure for the Magdalen Laundry, Galway 1968*

*(Expressed in Irish Pounds and Euro 2011 values)*

# **Appendices**

## **Index of Appendices**

1. Interim Report of the Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries, October 2011
2. Historic Ordnance Survey maps for the ten Magdalen Laundries within the scope of the Report. © Ordnance Survey Ireland / Government of Ireland. Copyright Permit No. MP 000413.
  - a. High Park, Dublin
    - Appendix 2a – 1911. Dublin (Coolock) Sheet XVIII.4. Surveyed 1837. Revised 1907. Scale 1:2500
    - Appendix 2a1 -1938. Dublin (Coolock) Sheet 18. IV. Surveyed 1837. Revised 1935-36. Levels revised 1936. Scale 1:2500
    - Appendix 2a2 - 1989. Map 3198-2. Surveyed 1971. Revised 1989. Levelled 1983. Scale 1:1000
  - b. Sean McDermott Street, Dublin
    - Appendix 2b - 1911. Dublin Sheet XVIII 7. Surveyed 1837. Revised 1907-8. Scale 1:2500
    - Appendix 2b1 - 1939. Dublin Sheet 18 VII. Surveyed 1837. Levelled 1888 & 1907. Levels revised 1936-7. Revised 1936. Scale 1:2500
    - Appendix 2b2 - 1992. Map 3198-21. Surveyed 1970. Levelled 1983. Revised 1990-91. Scale 1:1000
  - c. Forster Street, Galway
    - Appendix 2c - 1898. Galway Sheet XCIV 2. Part surveyed 1893. Part revised 1895. Scale 1:2500
    - Appendix 2c1 - 1918. Galway Sheet XCIV 2. Surveyed 1893. Revised 1913. Levelled 1913.
    - Appendix 2c2 - 1944. Galway Sheet 94 II. Surveyed 1893. Revised 1944. Levelled 1913. Levels revised 1945. Scale 1:2500

d. Dun Laoghaire, Dublin

- Appendix 2d - 1911. Dublin (Rathdown) Sheet XXIII 7. Surveyed 1837. Revised 1908. Scale 1:2500
- Appendix 2d1 - 1938. Dublin (Dun Laoghaire) Sheet 23 VII. Surveyed 1837. Revised 1936. Levelled 1892. Levels revised 1937. Scale 1:2500
- Appendix 2d2 - 1988. Map 3394-1. Surveyed 1973. Levelled 1983. Revised 1988. Scale 1:1000

e. Donnybrook, Dublin

- Appendix 2e - 1911. Dublin (Rathdown. Uppercross) Sheet XVIII 16. Surveyed 1837. Revised 1907-8. Scale 1:2500
- Appendix 2e1 - 1938. Dublin Sheet 18. XVI. Surveyed 1837. Levels revised 1937. Edition of 1938. Scale 1:2500
- Appendix 2e2 - 1985. Map 3329-2. Surveyed 1968. Revised 1985. Levelled 1983. Scale 1:1000

f. Peacock Lane, Cork

- Appendix 2f - 1902. Cork Sheet LXXIV 6. Surveyed 1899 & 1900. Scale 1:2500
- Appendix 2f1 - 1932. Cork Sheet. LXXIV 6. Surveyed 1899 & 1900. Revised 1926-7. Levelled 1890 & 3. Levels revised 1927-8.

g. Limerick

- Appendix 2g - 1902. Limerick (Clanwilliam) Sheet V 11. Surveyed 1900. Scale 1:2500
- Appendix 2g1 - 1922. Limerick (Clanwilliam) Sheet V 11. Surveyed 1900. Revised 1919. Levelled 1891-1900. Levels revised 1920.
- Appendix 2g2 - 1941. Limerick (Clanwilliam) Sheet 5 XI. Surveyed 1900. Revised 1938. Levelled 1899 & 1902. Levels revised 1938. Scale 1:2500

h. Waterford

- Appendix 2h - 1907. Waterford (Gaultiere. Middlethird). Sheet IX 16. Surveyed 1905. Scale 1:2500
- Appendix 2h1 - 1924. Waterford (Gaultiere. Middlethird). Sheet IX 16. Surveyed 1905. Revised 1922. Levelled 1890-1905. Levels revised 1922.
- Appendix 2h2 - 1966. Waterford (Gaultiere). Sheet 9-16. Scale 1:2500

i. New Ross, Wexford

- Appendix 2i - 1904. Wexford (Bantry IDA) Sheet XXIX 11. Surveyed 1902. Scale 1:2500
- Appendix 2i1 - 1939. Wexford (Bantry IDA) Sheet 29 XI. Surveyed 1902. Levelled 1903. Levels revised 1944. Revised 1939. Scale 1:2500

j. Sunday's Well, Cork

- Appendix 2j - 1902. Cork Sheet LXXIV 6. Surveyed 1899 & 1900. Scale 1:2500
- Appendix 2j1 - 1932. Cork Sheet. LXXIV 6. Surveyed 1899 & 1900. Revised 1926-7. Levelled 1890 & 3. Levels revised 1927-8.

3. Indicative list of Magdalen institutions in Ireland, compiled by Maria Luddy  
(extract from Maria Luddy, "Prostitution and Irish Society 1800-1940".)

4. Additional statistical analysis in relation to the Magdalen Laundries
  - a. Number of entries for individual Magdalen Laundries by year
  - b. Routes of entry by decade
  - c. Routes of entry for individual Magdalen Laundries
  - d. Routes of exit by decade
  - e. Routes of exit for individual Magdalen Laundries
  - f. Routes of exit by routes of entry
  - g. Routes of exit by parental background
5. "Women and Girls who come before the Central Criminal Court on serious charges – and other relevant matters". Memorandum by a Probation Officer, July 1941.
6. Circular 1 of 1924 regarding release of children on licence from Industrial Schools.
7. Memorandum regarding "the question of making suitable provision for dealing with cases of young girls (age 12-17) who are brought before the courts and convicted on charges involving immorality". Memorandum of the Department of Education to the Department of Justice, 12 February 1942.
8. 1933 Rules and Regulations for the Certified Industrial Schools
9. List of Charitable Institutions voluntarily accepting inspection, 1906
10. Sample Statutory Inspection forms under the Factories Act 1955
11. Letter Department of Industry and Commerce, 15 January 1965

12. Sample extracts from the Green Books (Registers) of the Factories Inspectorate in relation to inspections of Magdalen Laundries
13. Letter regarding social insurance of a woman working in a Magdalen Laundry.  
Department of Social Welfare to Good Shepherd Sisters, Limerick, 12 February 1969.
14. Circular regarding rationing, addressed to residential institutions.
15. Letter and note of meeting regarding rationing, 22 January 1942.

# Inter-Departmental Committee

*to establish the facts of State involvement with the Magdalen Laundries*

Chaired by Senator Martin McAleese

## **Interim Progress Report**

### **I. Background**

- A. Establishment
- B. Membership

### **II. Terminology and overall approach of the Committee**

### **III. Mandate of the Committee**

- A. Institutions
- B. Dates
- C. Nature of the mandate: fact-finding role

### **IV. Procedures of the Committee**

- A. General procedures
- B. Data protection and confidentiality
- C. Archive of the Committee's work

### **V. Activities and progress to date**

- A. Meetings of the Committee and cooperation by Departments and State agencies
- B. Cooperation with the relevant Religious Orders
- C. Cooperation with relevant expert agencies and academic experts
- D. Cooperation with relevant advocacy and/or representative groups (including submissions from former residents)

### **VI. Intended timeline for Final Report**

## **I. Background**

### ***A. Establishment***

1. The Inter-Departmental Committee to establish the facts of State involvement with the Magdalen Laundries (“the Committee”) was established pursuant to a Government decision in June 2011. At that time, Government decided the Committee should be chaired by an independent person. It tasked the Committee with a function of establishing the facts of State involvement with the Magdalen Laundries and producing a narrative report thereon. An initial report on progress was requested within 3 months of commencement of the Committee’s work.
2. It was decided that, in addition to the independent Chair, the Committee should be composed of representatives of six Government Departments, as follows:
  - Department of Justice and Equality;
  - Department of Health;
  - Department of Environment, Community and Local Government;
  - Department of Education and Skills;
  - Department of Jobs, Enterprise and Innovation; and
  - Department of Children & Youth Affairs.

### ***B. Membership***

3. Senator Martin McAleese was formally appointed as Independent Chair of the Committee, by letter dated 14 July 2011 signed by the Minister for Justice and Equality, Alan Shatter T.D.
4. At the request of Senator McAleese, each Department forming part of the Committee has nominated a senior official to sit on the Committee, as follows:
  - a. Department of Justice & Equality: Mr Jimmy Martin
  - b. Department of Health: Ms Bairbre Nic Aongusa
  - c. Department of Environment, Community & Local Government: Ms Mary Moylan
  - d. Department of Education & Skills: Ms Mary McGarry
  - e. Department of Jobs, Enterprise & Innovation: Mr Philip Kelly & Mr Francis Rochford
  - f. Department of Children & Youth Affairs: Mr Denis O’Sullivan
5. In addition, Ms Nuala Ní Mhuircheartaigh (Department of Foreign Affairs & Trade) serves as adviser to Senator McAleese in his role as Independent Chair.

## **II. Terminology and overall approach of the Committee**

### ***A. Terminology***

6. The question of whether there was State involvement in the Magdalen Laundries is an issue of significant public interest. However the Committee is also conscious that the subject of the Magdalen Laundries is a very sensitive one.

7. Senator McAleese, as Chair, has stressed that an overriding principle throughout the Committee's work will be the desire to work positively with all those who have information of interest and assistance to the Committee. Accordingly the Committee is approaching its functions in a spirit of cooperation with all interested parties in order to establish the full facts and their broader context.

8. At the most fundamental level this is a consideration which is relevant to the terminology to be used by the Committee as it carries out its work. The Committee will seek to avoid language which might in any way label, stigmatise or demonise those concerned. It is also considered important that the Committee should avoid terms which might prejudge the conclusions of our work.

9. A variety of terms have been used in relation to the Magdalen Laundries over the past 90 years. Much of the language itself altered over time as the societal context developed and early terminology came in some cases to be considered inappropriate.

10. The institutions themselves are now commonly called Magdalen Laundries, although while in operation they were known by a variety of terms, including 'Asylum', 'Refuge' and 'Homes'. In light of the Government mandate conferred on it, the Committee will use the term 'Magdalen Laundry'.

11. The language used in relation to the women who resided and worked in the institutions has varied considerably, including early terms such as 'penitent' and 'inmate', or more latterly 'girls' and 'women', or in some cases 'victims' and 'survivors'. To avoid distress to any party and in the modern context, the Committee will use the terms 'resident' and 'former resident' throughout its work.

### ***B. Overall approach***

12. The Committee is a non-statutory body and while Governmental agencies are required to cooperate with its inquiries, cooperation with the Committee by other persons and groups is voluntary. Challenges facing the Committee in its work arise due to factors including the wide span of time to be covered; the difficulty of identifying and tracing relevant official records; the potential volume of other (non-State) records; and the likelihood of a wide variety of patterns and experiences across the institutions and time-periods covered.

13. Senator McAleese has emphasised that the Committee will operate under principles of genuine openness and fairness. There are no pre-determined conclusions and the Committee will approach its work in a practical and positive way, giving fair hearing to any bodies or groups which wish to input to its work.

14. This is particularly important as the assistance and voluntary cooperation of all parties, in particular regarding access to files and relevant documentation, will be crucial to the success of the Committee. The Committee is conscious that this represents the first opportunity for a holistic examination of all records in relation to the Magdalen Laundries – including both State and non-State records – and hopes that in doing so it can assist in bringing clarity to the involvement of the State in this matter.

### **III. Mandate of the Committee**

#### ***A. Institutions***

15. Ten Magdalen Laundries, operated in the State by four Religious Orders, were identified by Government and included in the mandate conferred on the Committee. The institutions within the remit of the Committee’s work are as follows:

*Sisters of Our Lady of Charity:*

- High Park, Drumcondra, Dublin;
- Sean McDermott St/Gloucester Street, Dublin;

*Congregation of the Sisters of Mercy:*

- No. 47 Forster Street, Galway;
- St Patrick’s Refuge, Crofton Road, Dun Laoghaire, Dublin;

*Religious Sisters of Charity:*

- Donnybrook, Dublin;
- Peacock Lane, Cork;

*Sisters of the Good Shepherd:*

- Cork Road, Waterford;
- New Ross, Wexford;
- Pennywell Road, Limerick;
- Sunday’s Well, Cork.

16. These 10 institutions form the exclusive set which the Committee may examine. Neither the Chair nor the Committee has discretion to extend the mandate of the Committee to other institutions beyond the ten listed above; or to examine other institutions including schools, homes, asylums, orphanages or other institutions which may have had laundry facilities attached to them. Any possible extension of the mandate of the Committee would be a matter for the Government.

#### ***B. Applicable date-range***

17. The Government left to the Committee’s own discretion the determination of the appropriate time period which its investigations should cover.

18. The 10 Magdalen Laundries were in operation even prior to the foundation of the State. However, as the Committee’s function is to clarify State interaction with the

Laundries, the period of operation of the laundries in the territory of the State prior to 1922 will not generally be included in the Committee's enquiries.

19. In light of the fact that the last Magdalen Laundry in the State closed in 1996, that is considered the most appropriate general end date for the Committee's examination.

20. The Committee will as a result focus its primary enquiries into the State's interaction with the Magdalen Laundries on the period 1922 to 1996. Within that time-span and where necessary, the Committee will identify particular focus periods which might better clarify its findings or where the availability of records so dictates. Further, in some cases issues arising outside that time-period may also be of some relevance.

#### ***C. Nature of the mandate: fact-finding role***

21. The role given by Government to the Committee is a fact-finding one. The Committee is not authorised to consider or make determinations on individual complaints, or to recommend or provide redress in individual cases. The fact-finding role of the Committee also means that it will not issue or recommend apologies.

### **IV. Procedures of the Committee**

#### ***A. General procedures***

22. The Committee was authorised by Government to decide on its own behalf how best to carry out its work. The Committee accordingly considered the appropriate methods of work and procedures at its first meeting.

23. It was agreed that in light of the factual nature of the mandate, aimed at State interaction with the Magdalen Laundries, the primary method of work would be by file and record searches and inspections. However, it was decided that submissions from relevant groups - including the Religious Orders, expert bodies, academics, advocacy groups and individuals or representative groups - would also be facilitated. This would permit an input to the Committee's work by broader society, reflective of the public interest in the matter. It could also lead to potentially valuable information or identify areas where records may not otherwise have been easily identifiable.

24. Further information on the means for groups to input to the work of the Committee is contained in Section V below.

#### ***B. Confidentiality and data protection***

25. The relevant Religious Orders were from the outset of the process willing to cooperate with the Committee to the fullest possible extent. However in light of the fact that many records which the Committee hoped to examine contain personal or sensitive personal data, it was necessary to consider and make the appropriate legal arrangements to permit access to those records by the Committee, while respecting the privacy of former residents and the legal obligations of the Orders.

26. A Data Protection and Confidentiality Policy has been agreed, in consultation with the relevant Religious Orders, to facilitate this process. It is important to note that it is agreed that the names or personal data of former residents of the Magdalen Laundries will not be published or otherwise released to the general public.

27. In relation to disclosure of personal data to the Committee, it is considered that the Committee is performing a function of a public nature in the public interest (section 2A(1)(c)(iv) of the Data Protection Acts 1988 and 2003) and further that such disclosure and processing is necessary for the purposes of the legitimate interests pursued and that it is not unwarranted by reason of prejudice to the fundamental rights and freedoms or legitimate interests of the data subjects (section 2A(1)(d) of the Acts).

28. An Order has been made by the Minister for Justice and Equality under section 2B(1)(xi) of the Acts to authorise the disclosure of sensitive personal data to and processing of such data by the Committee.<sup>1</sup> The Order was made for reasons of substantial public interest, namely to ensure that the facts of State involvement in the Magdalen Laundries are established.

29. As a result of these arrangements, relevant records containing personal data or sensitive personal data may now be shared with the Committee in accordance with the Data Protection Acts 1988 and 2003 and the Data Protection Act 1988 (Section 2B) Regulations 2011. In performance of its functions, the Committee and its members will operate in accordance with requirements of the Acts and the Regulations.

30. In particular, data will be processed only for the purposes of and insofar as necessary for the performance of the Committee's functions. Any such data will be stored securely. Access to any source materials containing sensitive personal data disclosed to the Committee will be limited to Government Ministers, members of the Committee and named associated staff. In no case will sensitive personal data be published or made available to the public without the consent of the data subject.

31. The Committee will respect the sensitivity of the materials disclosed to it and will operate on a confidential basis – all materials disclosed to the Committee by the Religious Orders are disclosed on the basis of a mutual understanding of confidence.

32. These principles will be followed by the Committee regardless of whether the persons concerned (the data subjects) are living or deceased.

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<sup>1</sup> Data Protection Act 1988 (Section 2B) Regulations 2011, S.I. No. 486 of 2011

### ***C. Archive of the Committee's work***

33. One of the challenges faced by the Committee is that any official records which may exist in relation to the Magdalen Laundries appear to be scattered across a variety of Government Departments, State agencies and bodies; and are not readily identifiable using modern file tracking systems.

34. As one intended practical outcome, the Committee has agreed that, upon conclusion of its work and publication of its Report, the archives of the Committee's work would be stored centrally, including copies of all relevant official papers identified by the Committee from across all Departments, State agencies and bodies.

35. This archive will not include data disclosed to the Committee by the Religious Orders, which includes personal and sensitive personal data. All such records will be destroyed and/or returned to the relevant Religious Order upon conclusion of the Committee's work and publication of its Report. This is necessary in light of sensitive personal data contained in those records; and the legal obligations of the Orders in their role as data controllers.

## **V. Activities and progress to date**

### ***A. Meetings of the Committee and cooperation by Departments and State agencies***

36. Three full meetings of Committee have been held to date.

37. The first meeting of the Committee took place on 20 July, within one week of the formal appointment of the Chair. Full Committee meetings were also held on 30 August and 26 September 2011. These are in addition to the meetings of the Chair with the Religious Orders as well as five separate meetings held by the Committee with relevant academics and groups (on which see below).

38. Working methods and procedures have been established, as set out in the present Interim Progress Report. Extensive searches (including general trawls of all State records) have commenced and results are being reported to the Committee on an ongoing basis.

39. A broad approach is being taken in this regard. Contact has also been made, via participating Departments, with all relevant State agencies and bodies under the aegis of Departments, including An Garda Síochána, the Courts Service, Probation Service, local authorities, the Health Service Executive, the Health and Safety Authority, the National Employment Rights Authority, the Labour Relations Commission, the Labour Court, the Companies Registration Office, in addition to the National Library and National Archives. In each case, record searches will also be conducted across these bodies and agencies where it appears they may have relevant materials.

40. Relevant Departments and State Offices not represented on the Committee have also been contacted with a view to checks being conducted on their records. These

include the Department of Finance, Department of Social Protection, Department of An Taoiseach, Office of the Attorney General and Office of the Chief State Solicitor.

41. Although it is a difficult task to identify and trace records across 90 years, the cooperation and level of assistance provided by Departments and State agencies has to date been of the highest quality, with significant time and effort devoted to the task by all concerned.

#### ***B. Cooperation with the relevant Religious Orders***

42. The four relevant Religious Orders – the Sisters of Our Lady of Charity; the Congregation of the Sisters of Mercy; the Religious Sisters of Charity; and the Sisters of the Good Shepherd – have offered their full assistance to the Committee. Their cooperation has been commendable. This is particularly notable given that, as stated elsewhere in this Report, cooperation with the Committee is voluntary.

43. From the outset, it was clearly stated by the Religious Orders in their meetings with the Chair that they were willing to cooperate with the Committee and to attempt to assist in shedding a true and full light on the past. However it is equally clear that the Orders take very seriously their legal responsibilities as data controllers and the privacy of the former residents of the Magdalens Laundries and their families.

44. In light of the confidentiality and data protection arrangements set out in this Report, the Religious Orders have been in a position to agree to give the Committee full access to their relevant records. Appropriate safeguards have been built into the process (set out at Section IV above) to enable them do so within the law and while fully respecting the sensitivity and confidentiality of the records.

45. Senator McAleese and the Committee wish to acknowledge and thank the Sisters of Our Lady of Charity, the Congregation of the Sisters of Mercy, the Religious Sisters of Charity and the Sisters of the Good Shepherd for their willingness to assist in this process.

#### ***C. Cooperation with relevant representative and advocacy groups, including submissions from former residents***

46. An important element in the work of the Committee is engagement with the relevant advocacy and/or representative groups which exist in relation to the Magdalens Laundries.

47. The Committee has to date had separate meetings with representatives of 3 groups, as follows:

- Justice for the Magdalenes;
- Irish Women Survivors Support Network (UK); and
- Magdalene Survivors Together.

48. In each case, the Committee has been struck by the constructive nature of the contribution provided. It is clear that significant amounts of work have been conducted by these groups, including academic research as well as consultation with a number of former residents of the Magdalene Laundries. Each group has contributed both in relation to the mandate of the Committee and its substantive work; and the Committee is reflecting carefully on all contributions made. The materials provided are also being closely reviewed, with a view to identifying new areas in which official records may be identified.

49. The Committee is committed to continuing to cooperate with these groups as well as any other representative groups which may come forward. As part of that process, the Committee is willing to receive submissions from former residents, which may assist the Committee in coming to a fuller view on the facts of State involvement in the Magdalene Laundries. Any information provided will be held in strictest confidence. As the Committee does not have a mandate to consider or decide on individual complaints, recommend an apology or to recommend or provide redress in individual cases, any information provided will be used for the purpose of the Committee's investigations into the facts of State involvement only.

#### ***D. Cooperation with relevant academics and groups***

50. The Committee has also begun a process of engagement with relevant academics and groups. The Committee has to date had separate presentations and very useful discussions with:

- the Irish Human Rights Commission, represented by its President Maurice Manning, CEO Eamonn Mac Aodha, and Des Hogan, Director of Enquiries and Deputy Chief Executive;
- Dr Jacinta Prunty, National University of Ireland, Maynooth, author of the forthcoming publication “From Magdalene Laundries to Family Group Homes: the Sisters of Our Lady of Charity in Ireland, 1853 to 1970”; and
- Dr Francis Finnegan, author of “Do Penance or Perish” and historical consultant to the Channel 4 Documentary “Sex in a Cold Climate”.

51. The Committee is very grateful to each for their willingness to share their time, expertise and insights. The Committee will continue to seek and facilitate input from relevant groups and academics throughout the course of its work.

#### **VI. Intended timeline for the Final Report**

52. As is clear from this Progress Report, the task before the Committee is a complex one. It will require tracing and examination of a large volume of records across a wide range of sources and covering a period of some 90 years. In addition, the context of the operation of the Magdalene Laundries also requires appropriate attention.

53. Senator McAleese is determined to ensure that the work of the Committee is not unnecessarily prolonged. Steady progress has already been made in the short time since the first meeting of the Committee on 20 July and the work of the Committee (including cooperation with all parties) continues apace. It is accordingly the hope and intention of the Committee to conclude its work by mid 2012.

54. If the volume of records uncovered or available resources, including personnel, vary substantially from those currently anticipated, it may be necessary to adjust this intended time-line. In such a case, the Committee would immediately inform Government, by way of a further Progress Report, and set out a revised time-line for completion of its work.

Senator Martin McAleese

Independent Chair of the Inter-Departmental Committee to establish the facts of State involvement in the Magdalene Laundries

20 October 2011

**Extract**

**Maria Luddy, “Prostitution and Irish Society 1800-1940”, Cambridge University Press, at 78-82.**

**Reproduction of Table 3.1: Magdalen asylums in Ireland, 1765-1993**

Institution	Address	Denomination	Date founded	Other information
Magdalen Asylum	Leeson Street, Dublin	CI	1767	11 inmates in 1911
Asylum for Penitent Females			1785	
Lock Penitentiary	Dorset Street, Dublin	CI	1794	Founded by John Walker to employ and reform destitute women leaving the lock hospital
St Mary Magdalen Ashlum for Female Penitents	Donnybrook	RC	1798	Originally established at 91 Townsend Street, Dublin; taken over by the Sisters of Charity in 1833 and moved to Donnybrook in 1827; 99 inmates in 1911
St Patrick's Refuge	Crofton Road, Dun Laoghaire	RC	1786 or 1798	Founded in Bow Street, moved to Dominick Street Dublin, Sisters of Mercy took the women from this asylum into a convent in Glasthule in 1856; moved to Dun Laoghaire in 1880; closed 1963; 44 inmates in 1901
Magdalen Asylum	Waterford City	?	1799	May have survived to 1810
Magdalen Asylum	Peacock Lane, Cork City	RC	1809	Founded by a Mr Terry; taken over by the Sister of Charity 1846; 97 inmates in 1911

Magdalen Asylum	Sawmill Street, Cork City	CI	1810	14 inmates in 1911
Dublin Female Penitentiary	Berkely Place, North Circular Road, Dublin	CI	1812	40 inmates in 1901
Richmond General Penitentiary	Grangegorm an Lane, Dublin	CI	1812	
Ulster Female Penitentiary , later known as the Edgar Home (1892)	Belfast	Presbyterian	Opened in 1820/22	The original asylum closed and a new one was opened c.1831; originally in York Lane, new building erected on Brunswick St in 1839, when taken over by Rev. John Edgar; 47 inmates in 1911; closed 1926
St Mary's Penitents' Retreat	104 Lower Gloucester Street, Dublin	RC	1822	In 1873 the asylum was taken over by the Sisters of Mercy and in 1887 handed over to the Sisters of Charity of Refuge; 79 inmates in 1901
Magdalen asylum	Carlow		c.1824	No information
Magdalen asylum	Galway City	RC	1824	Sisters of Mercy assisted in the care of women from 1840 and took over the asylum between 1845 and 1847; 64 inmates in 1901; laundry closed in 1984
Magdalen asylum	Limerick city	RC	1826	Taken over by the Good Shepherd nuns in 1848; 95 inmates in 1911; closed 1984

Female Penitents' Retreat	Marlborough Street, Dublin	RC	1826	Originally founded in Chancery Lane, and then moved to James' St, in Marlborough St by 1850
Ulster Female Penitentiary	Derry city	?	1829	Originally known as the Londonderry Penitentiary; 17 inmates in 1901
Penitent asylum	Brown Street South, Dublin	CI	1830	
Asylum for Penitent Females	South Circular Road, Dublin	CI	1830	
St Mary's Asylum	Drumcondra, Dublin	RC	1833	Taken over by the Sisters of Charity of Refuge in 1853; moved to High Park, Druncondra in 1858; room for 200
Asylum for Penitent Females	Upper Baggot Street, Dublin	Episcopalian	1835	35 inmates in 1911
Magdalen asylum	82 Marlborough Street, Dublin	RC	1839	'Lapsed' soon after 1839
Ulster Magdalen asylum	Donegal Pass, Belfast	CI	1842/49?	Closed in 1916
Magdalen asylum	Waterford City	RC	1842	Originally established by two priests and handed over to the Good Shepherd sisters in 1858; 121 inmates in 1911; closed in 1994
Magdalen asylum	Blackmill Street, Kilkenny	RC	1843	Had closed by 1847

Olivemount Institution of the Good Samaritan	Dundrum, Co Dublin	RC	1843	Had closed by 1857
Magdalen asylum	Belfast	RC	c.1840s?	Originally managed by the Sisters of Mercy; taken over by the Good Shepherd nuns in 1867; 132 inmates in 1911; laundry closed 1977
Ulster Magdalen asylum	Donegal Pass, Belfast	CI	1849	Replaced an earlier asylum which had closed in the 1830s; 29 inmates 1911
Cork Midnight Mission and Temporary Refuge	Cork City	CI	c.1850s	
Dublin by Lamplight	Ballsbridge, Dublin	CI	1855	20 inmates 1911
Magdalen asylum	Tralee, County Kerry	RC	1858	Run by the Sisters of Mercy; asylum closed in 1910
The Rescue Home or the Home for Fallen Women	2 Northcote Avenue, Dun Laoghaire	CI	1860	15 inmates in 1898
Good Shepherd Magdalen asylum	New Ross, Co. Wexford	RC	1860	Closed 1967
Dublin Midnight Mission	31 Marlborough Street, Dublin	CI	1862	17 inmates in 1901

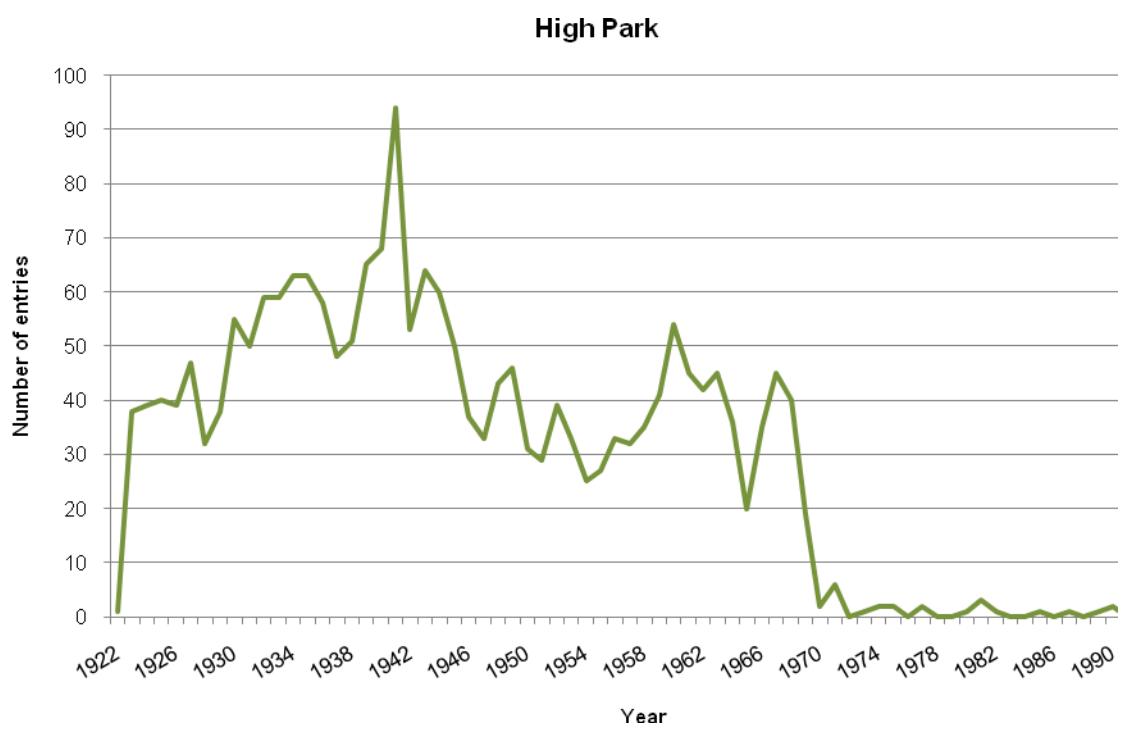
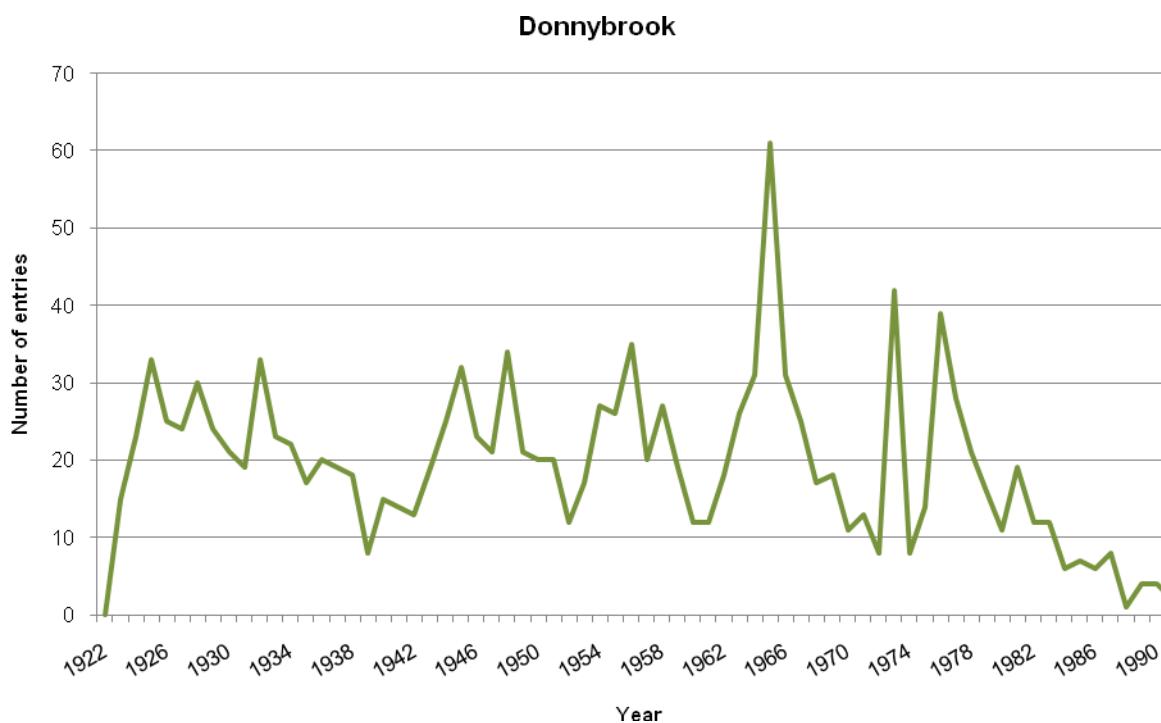
and Home				
Belfast Midnight Mission	Malone Place, Belfast		c.1862	
Derry Women's Penitentiary	Hawkins Street		1862	
Rosevale Home, Lisburn	Co Antrim	CI	1862	30 inmates in 1911; closed c.1917
House of Refuge	Ballynafeigh Road, Castlereagh, Co Down		1869	
Good Shepherd Magdalen Asylum	Cork City	RC	1872	167 inmates in 1911
The Rescue Mission Home	33 Lower Gardiner Street, Dublin	CI	1875	19 women admitted in the year 1899-1900
Magdalen Cottage Home	Roches Street, Cork		1890	Room for 24

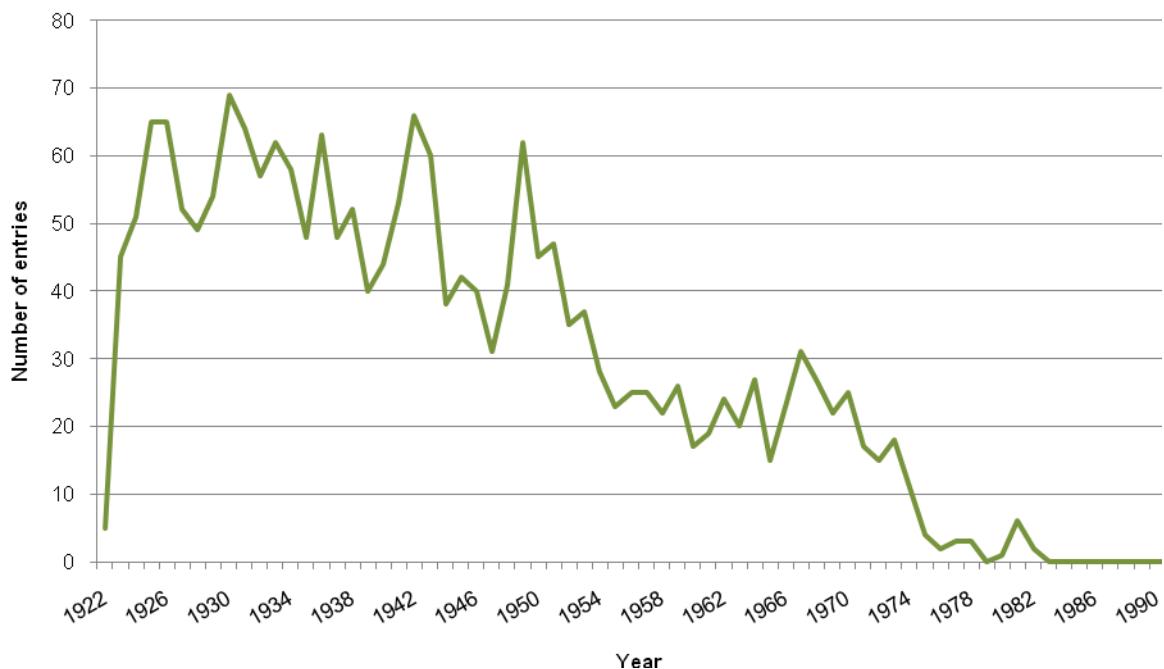
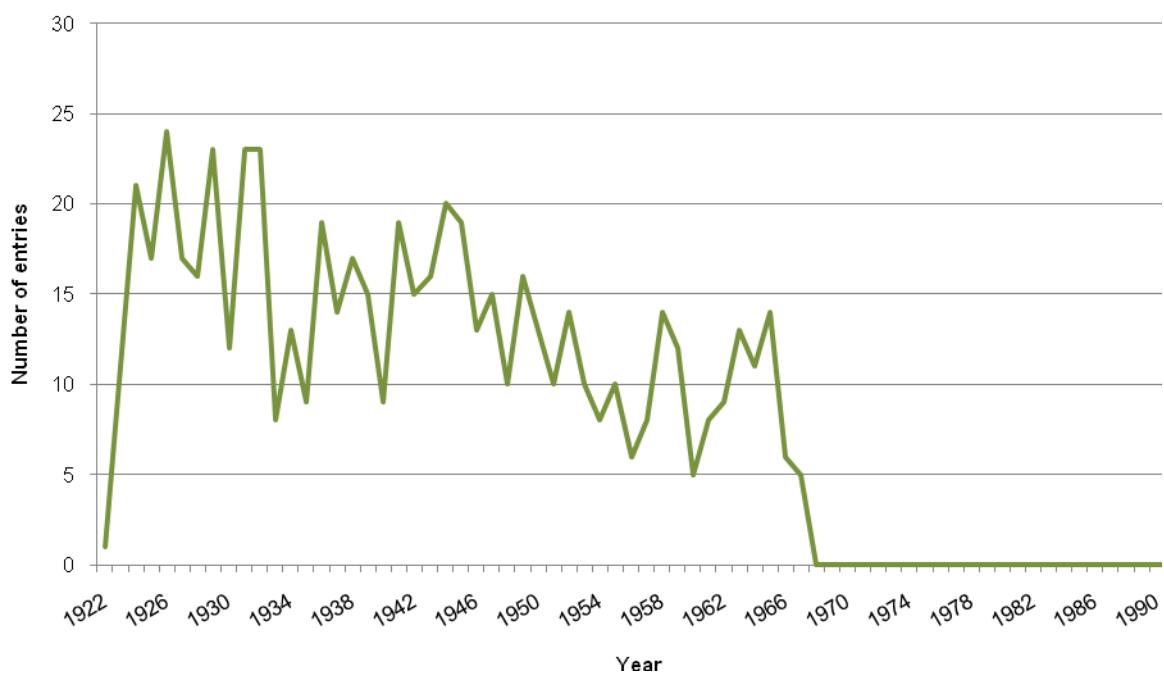
## Notes:

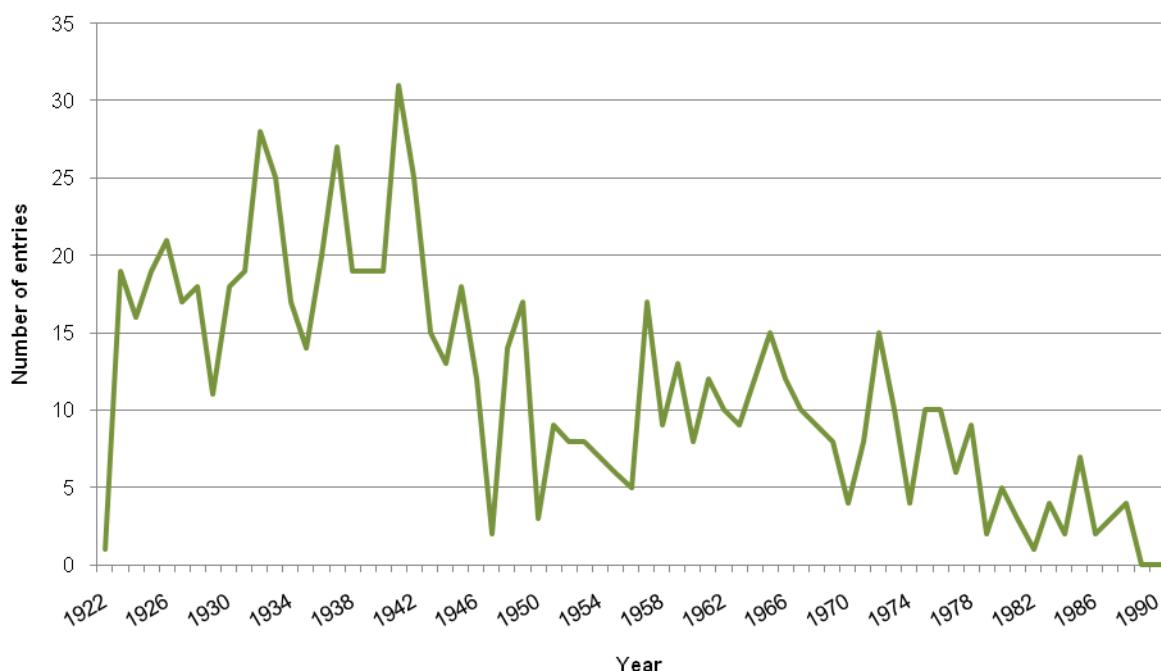
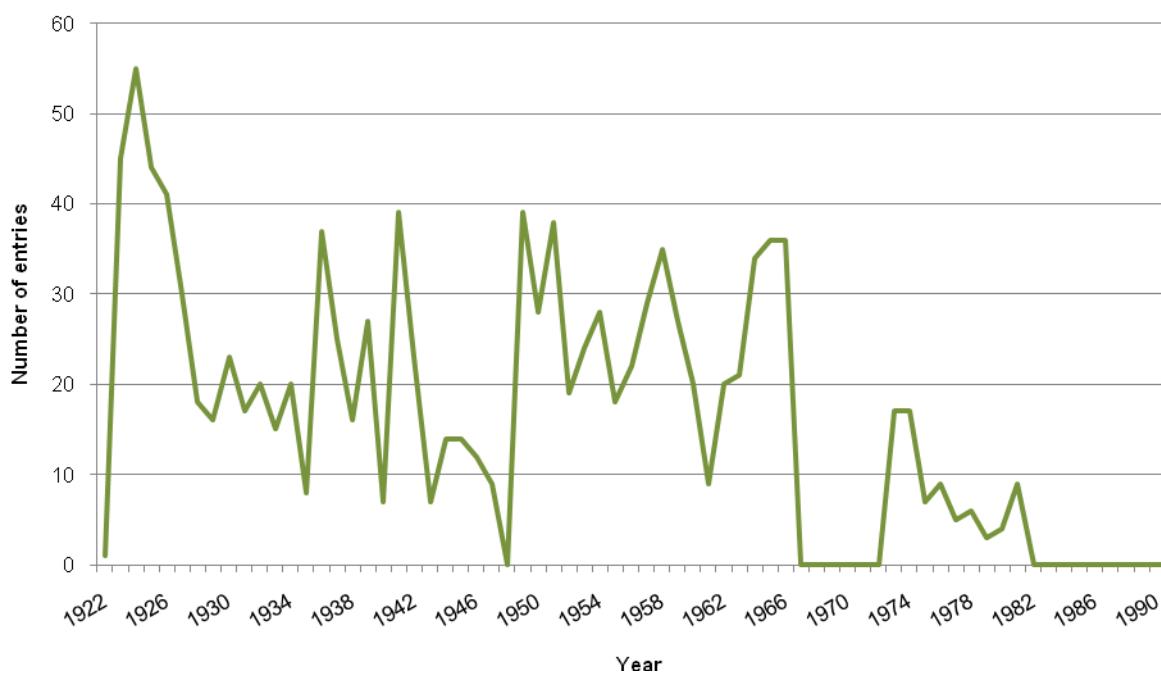
This is not intended to be a definitive list of asylums. The information on some asylums is so sparse that it is difficult to know whether they survived or not, or even if they were Magdalen asylums. Some of these listed may be the same asylum under a different name

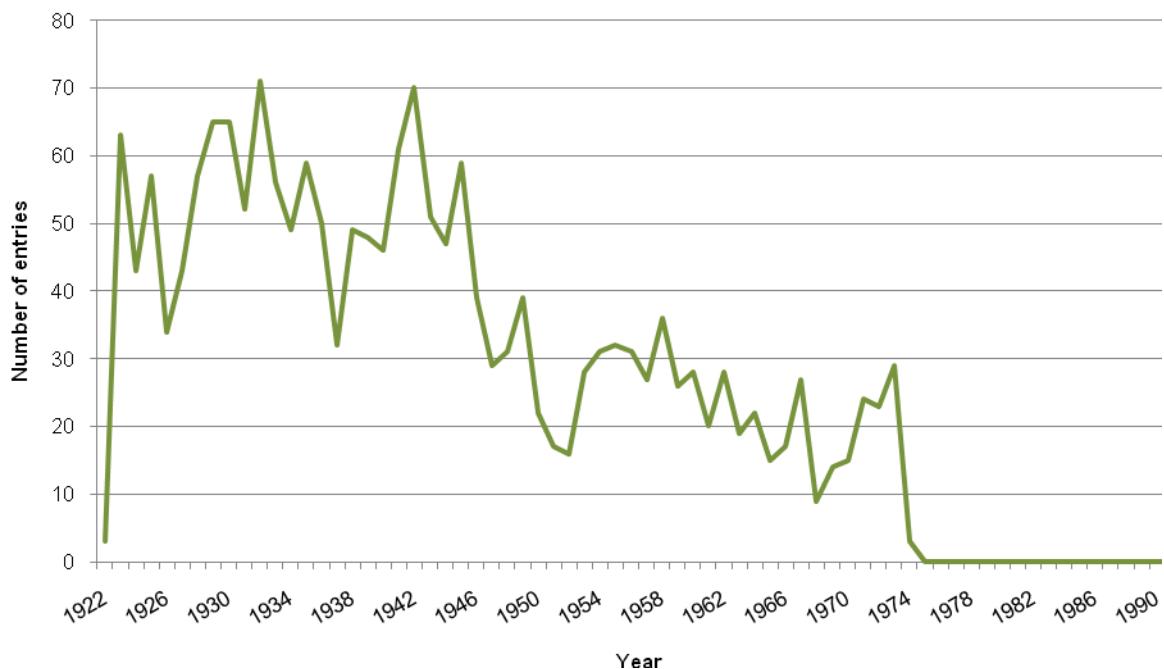
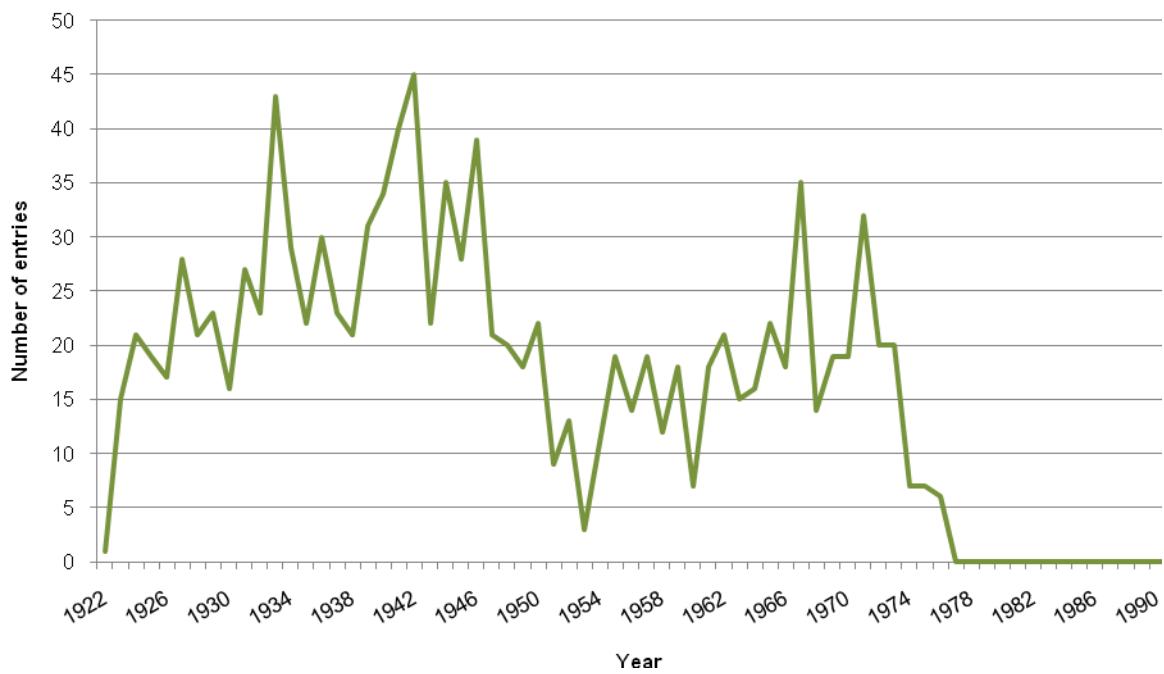
CI = Church of Ireland

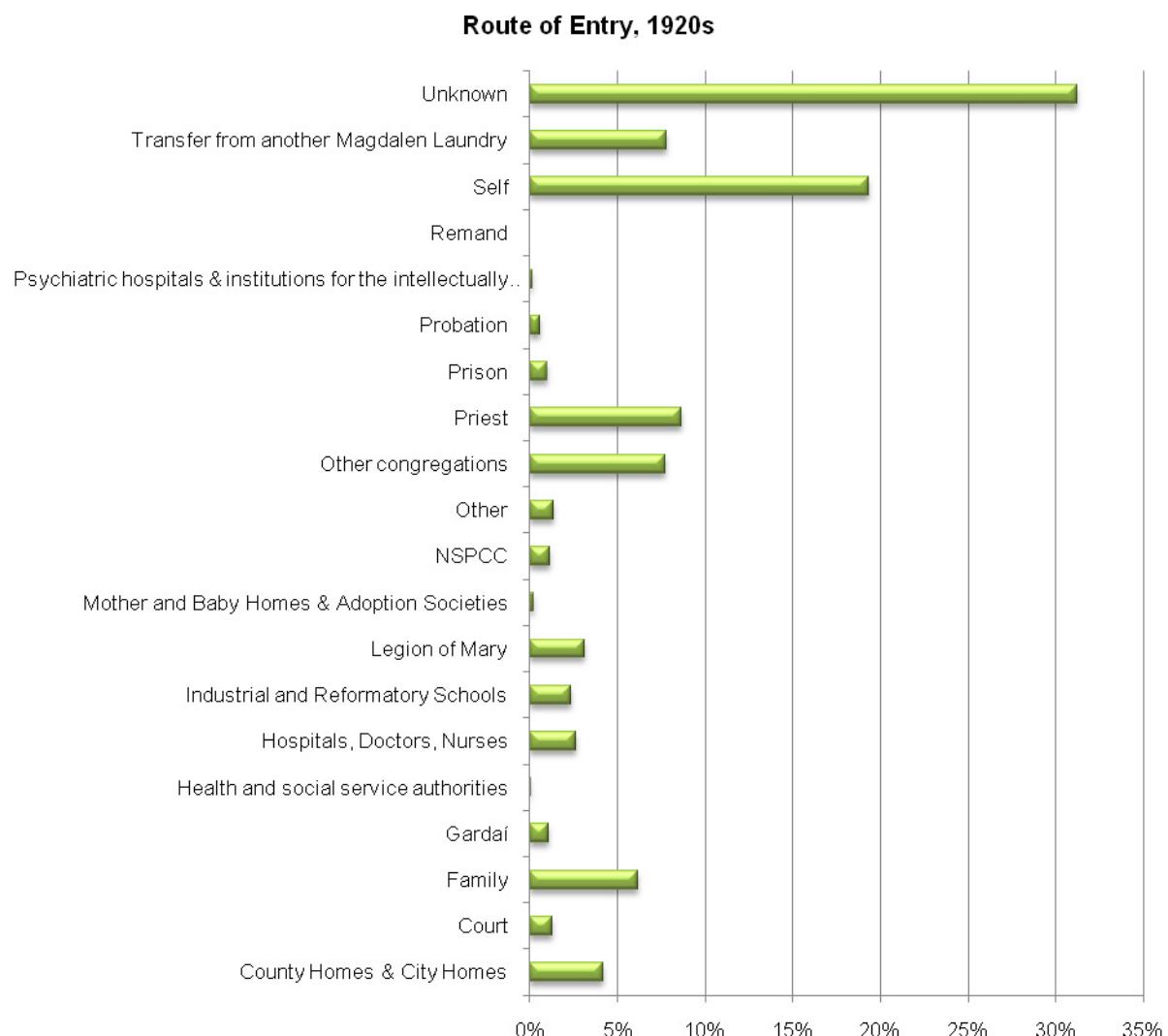
RC = Roman Catholic

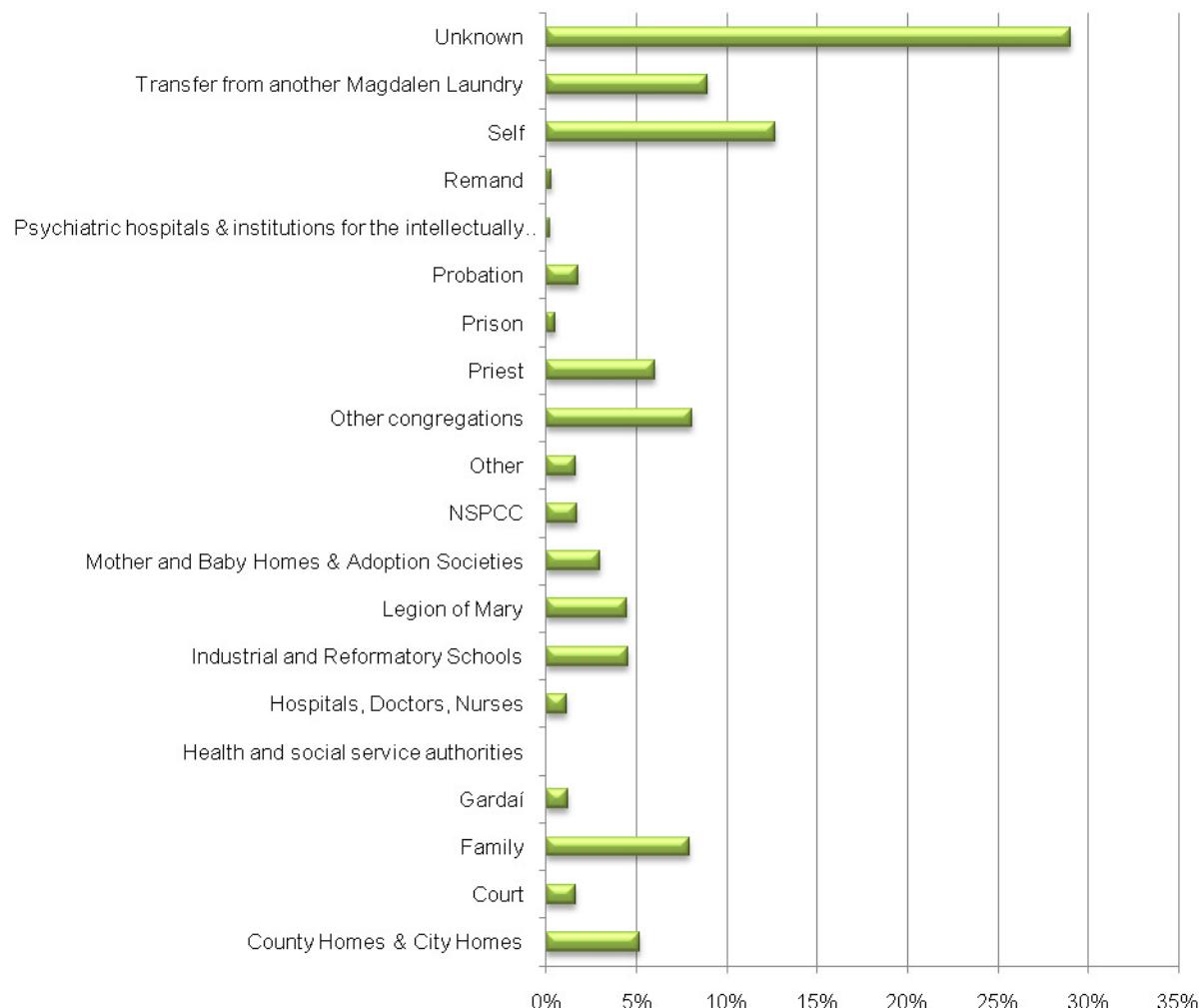
**Additional statistical analysis in relation to the Magdalen Laundries****a. Number of entries for individual Magdalen Laundries by year**

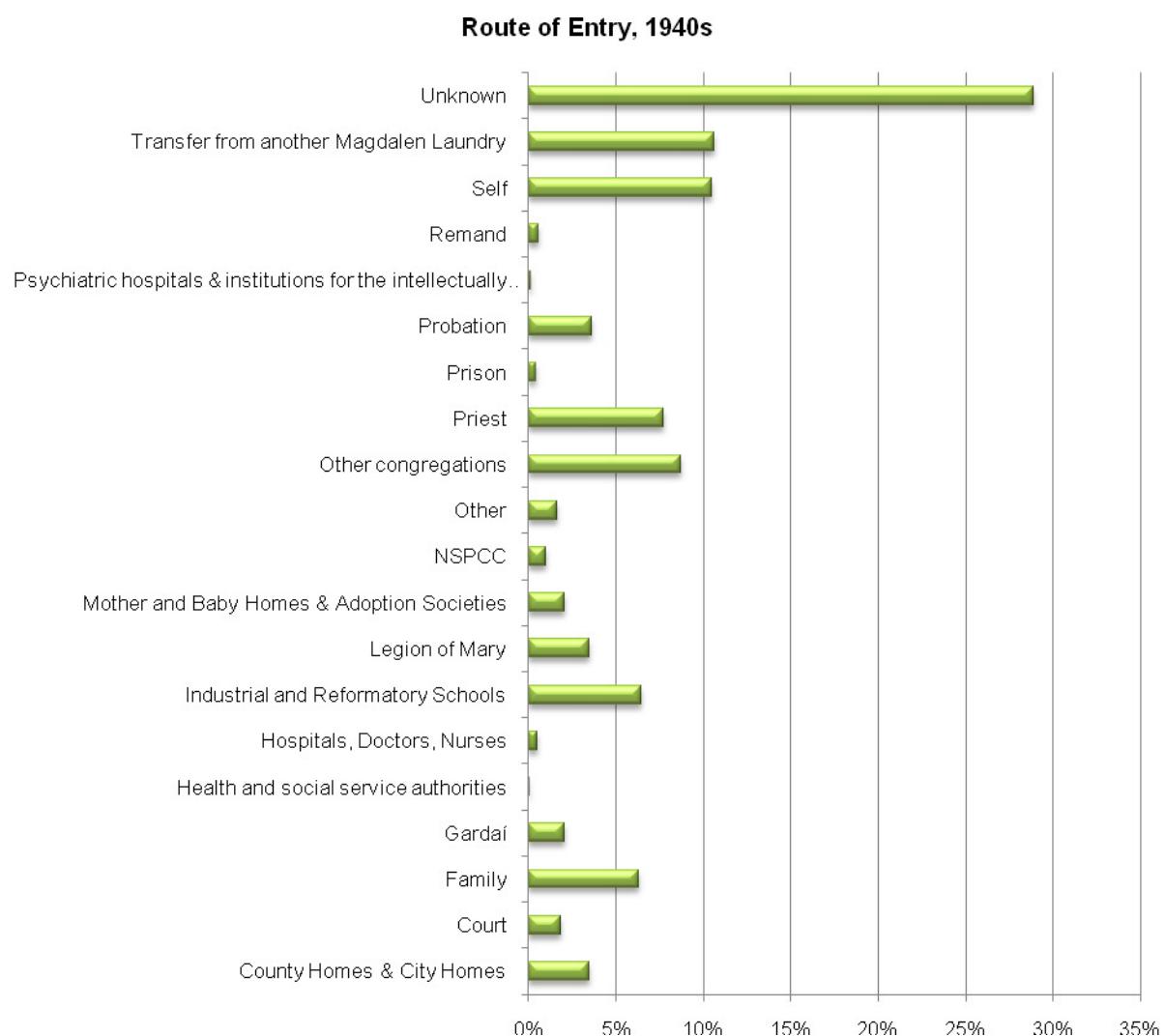
**Limerick****New Ross**

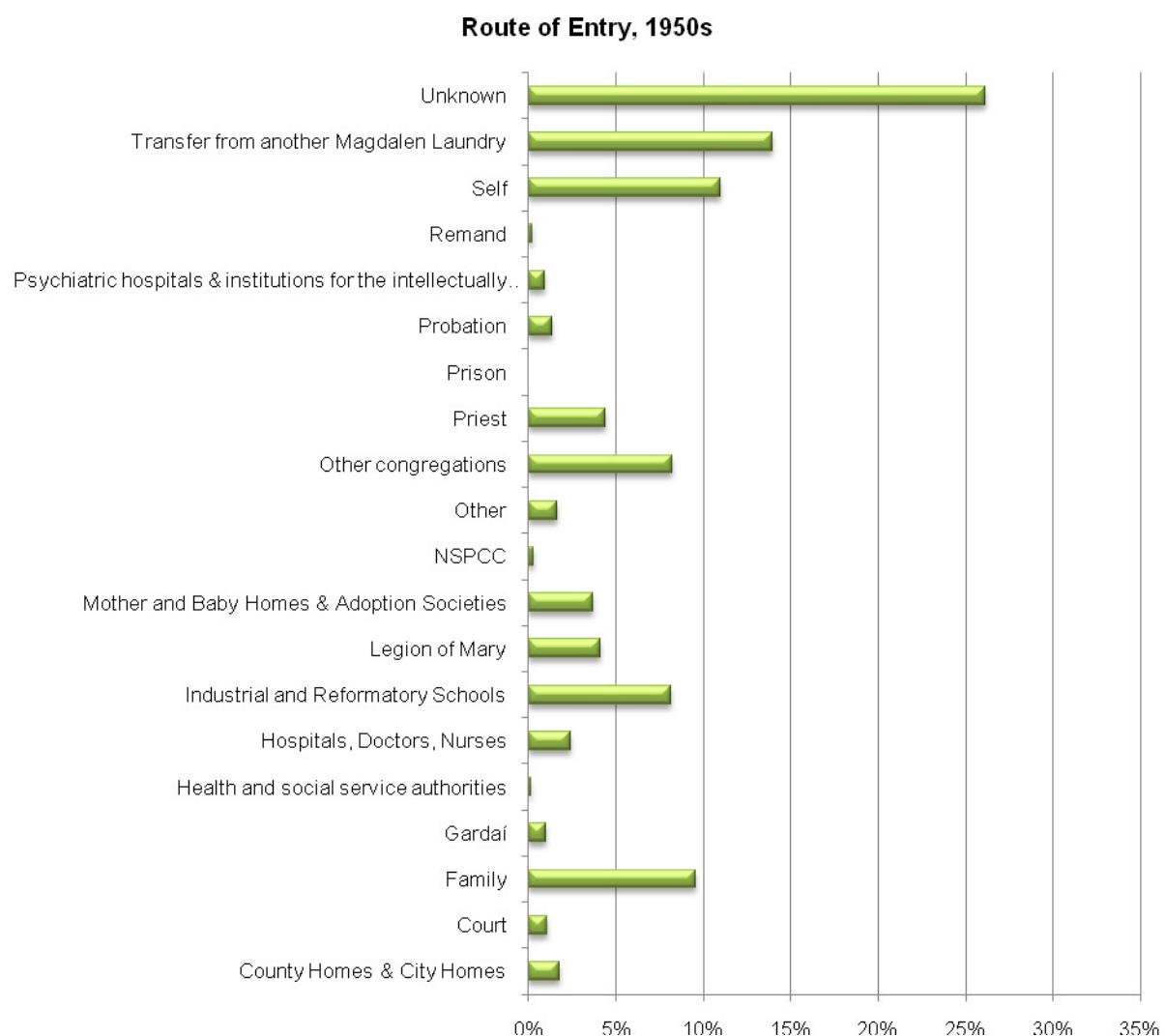
**Peacock Lane, Cork****Sean McDermott St**

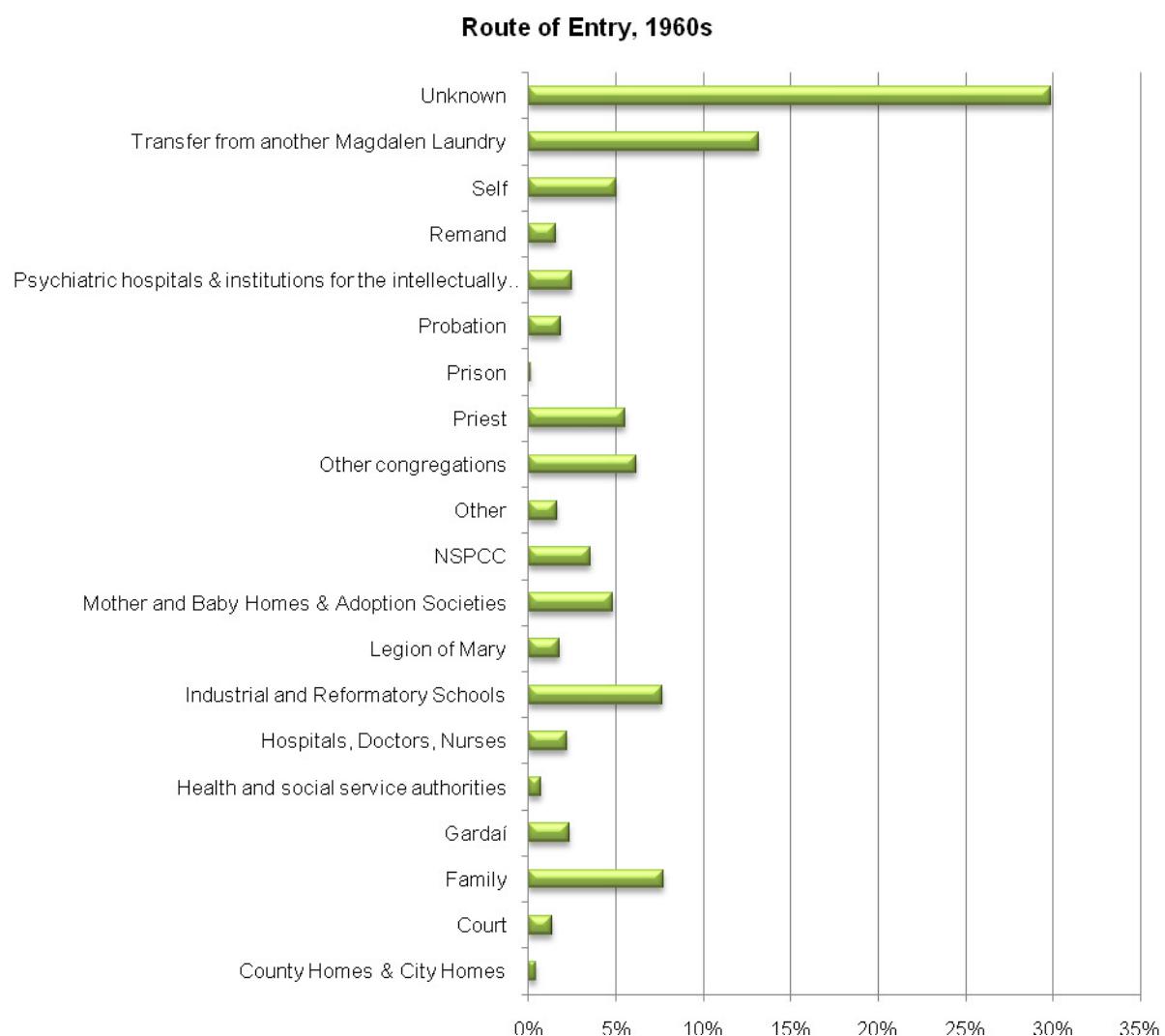
**Sunday's Well, Cork****Waterford**

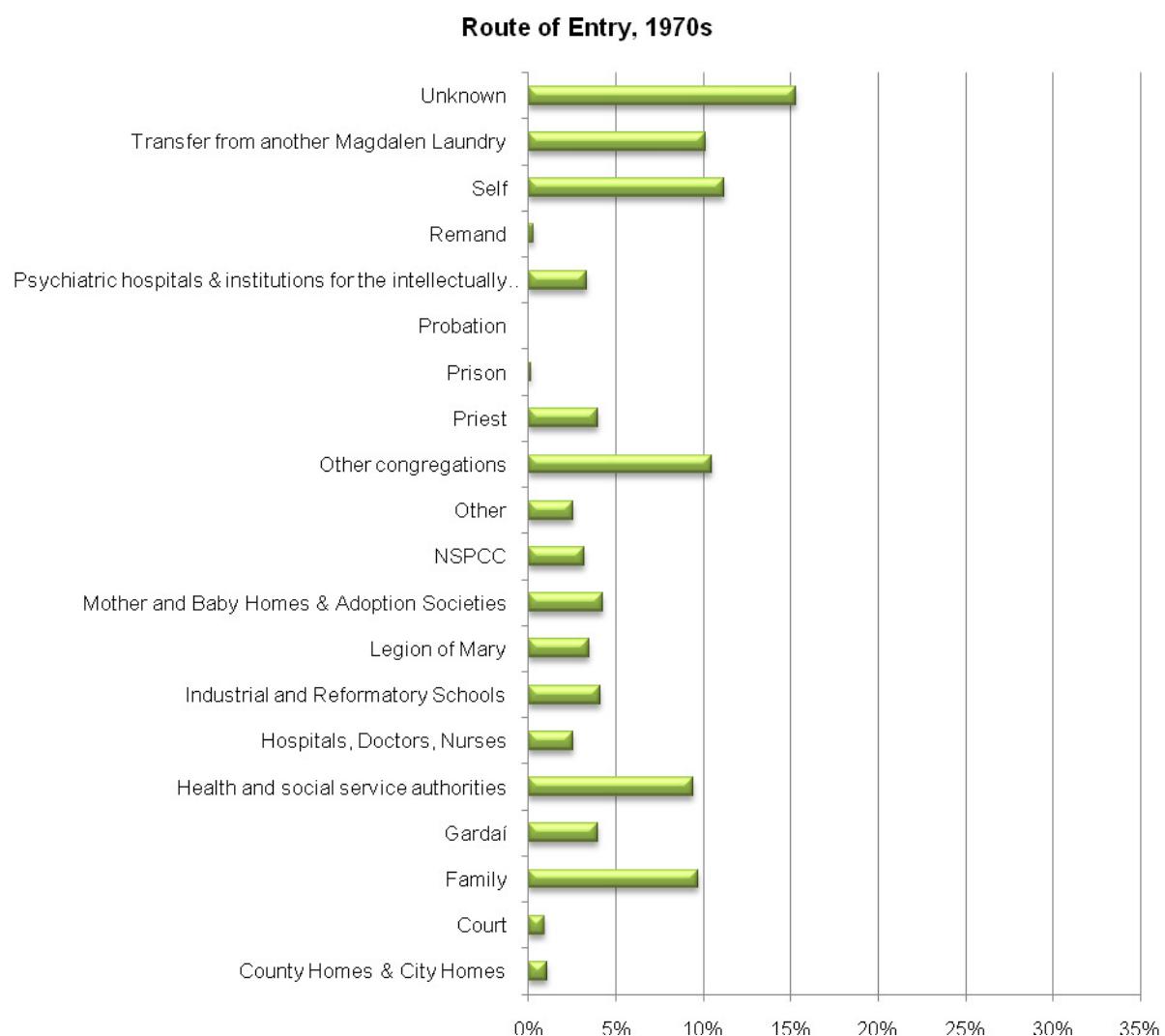
**b. Routes of entry by decade**

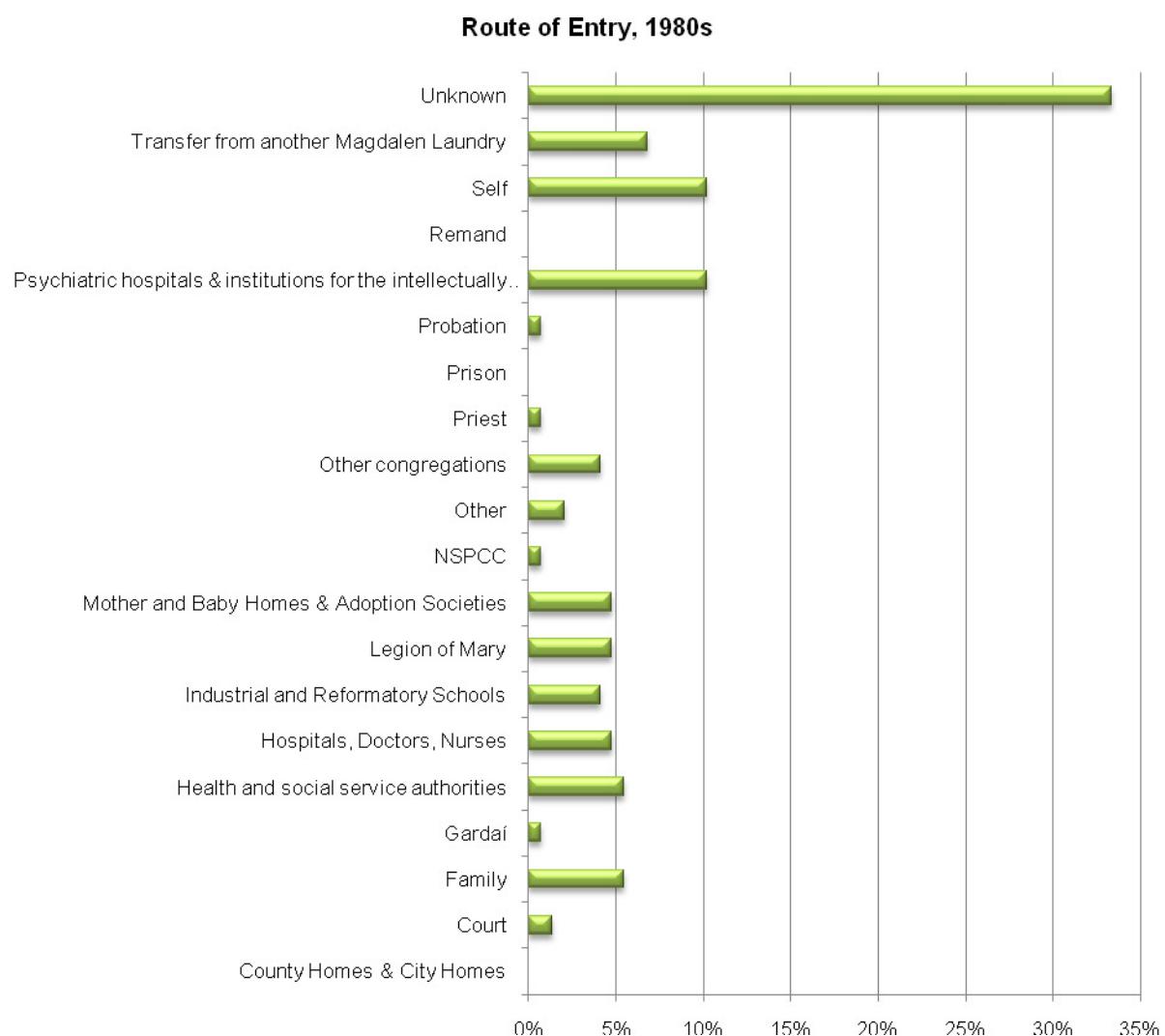
**Route of Entry, 1930s**

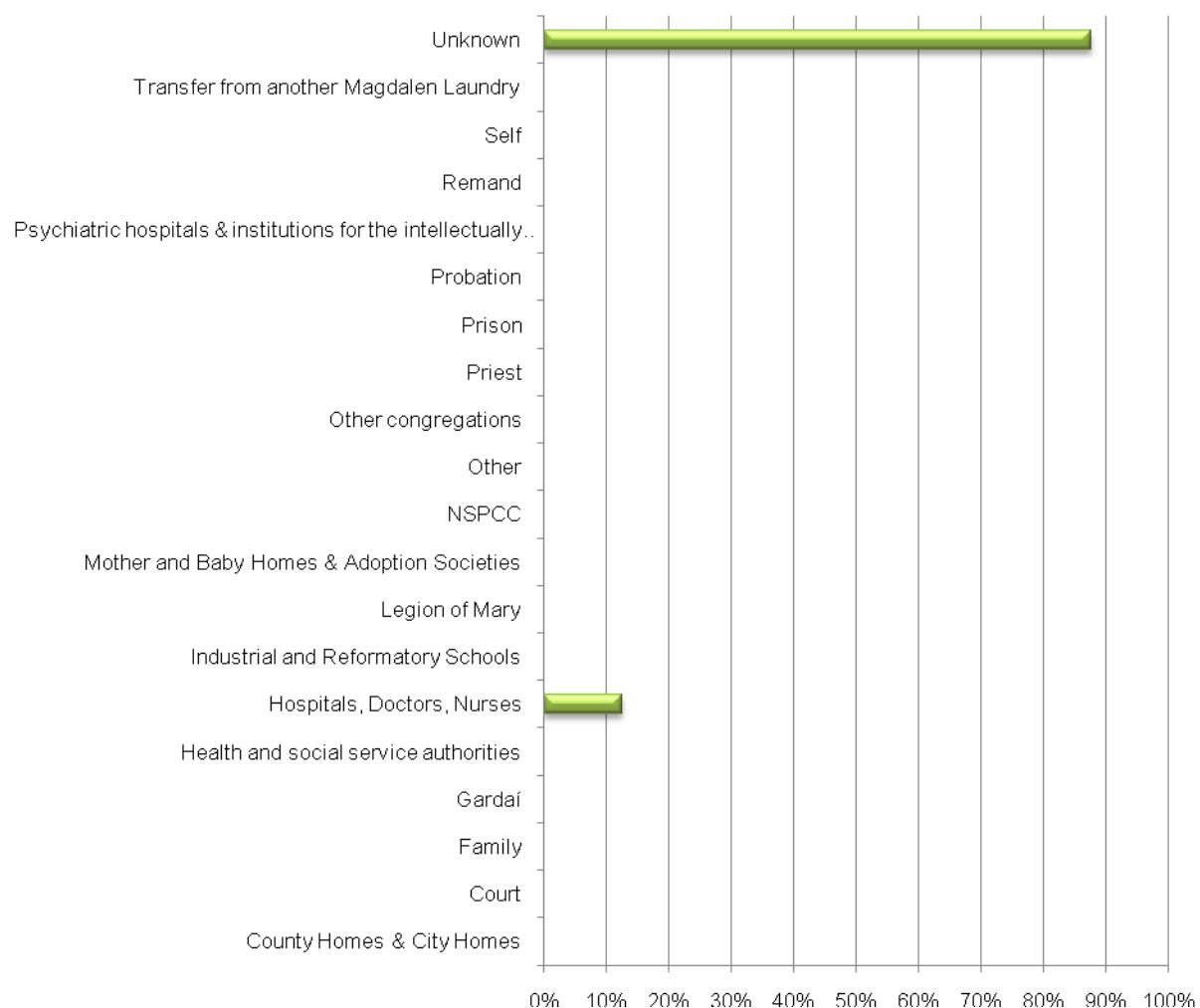


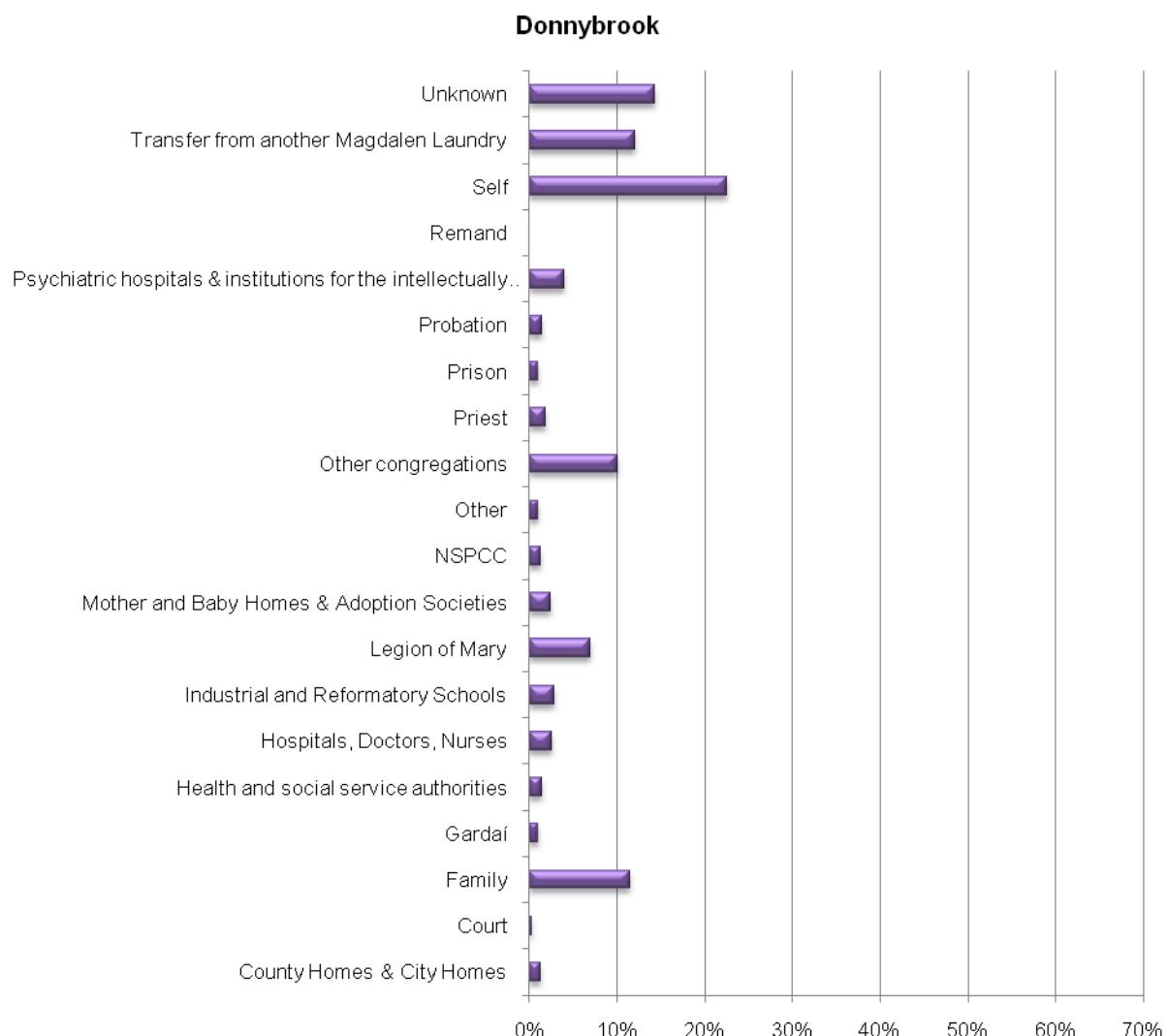




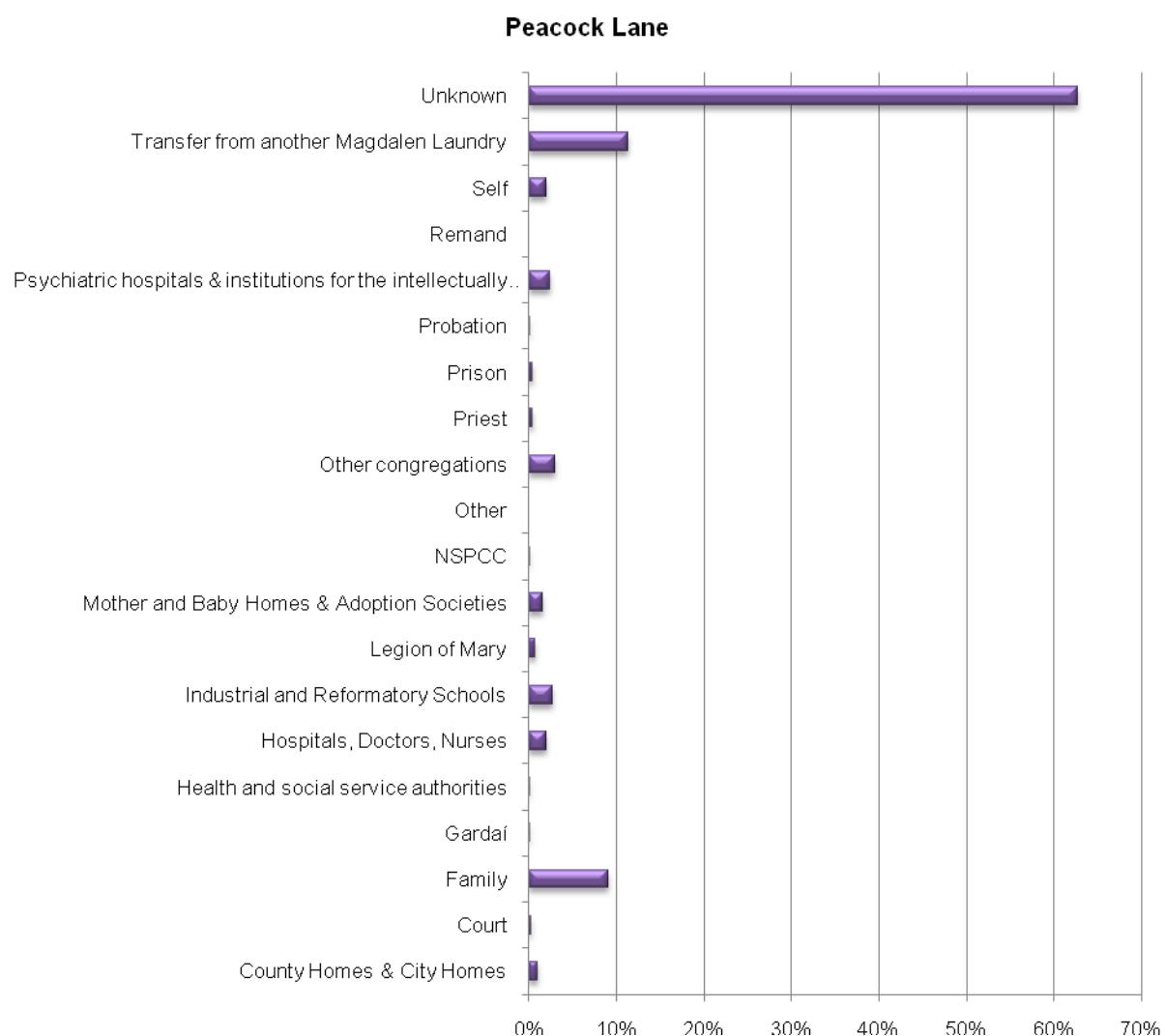




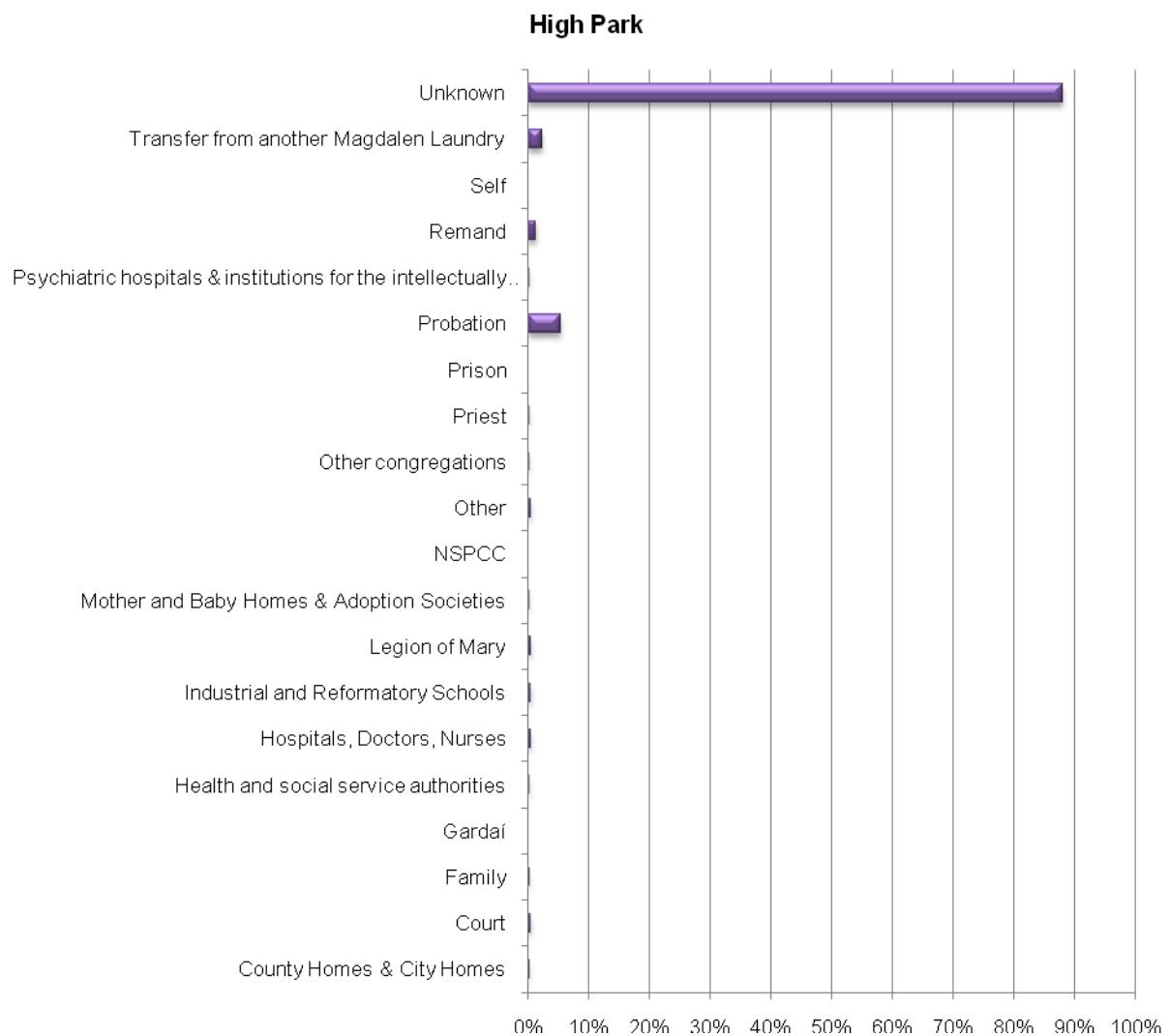
**Route of Entry, 1990s**

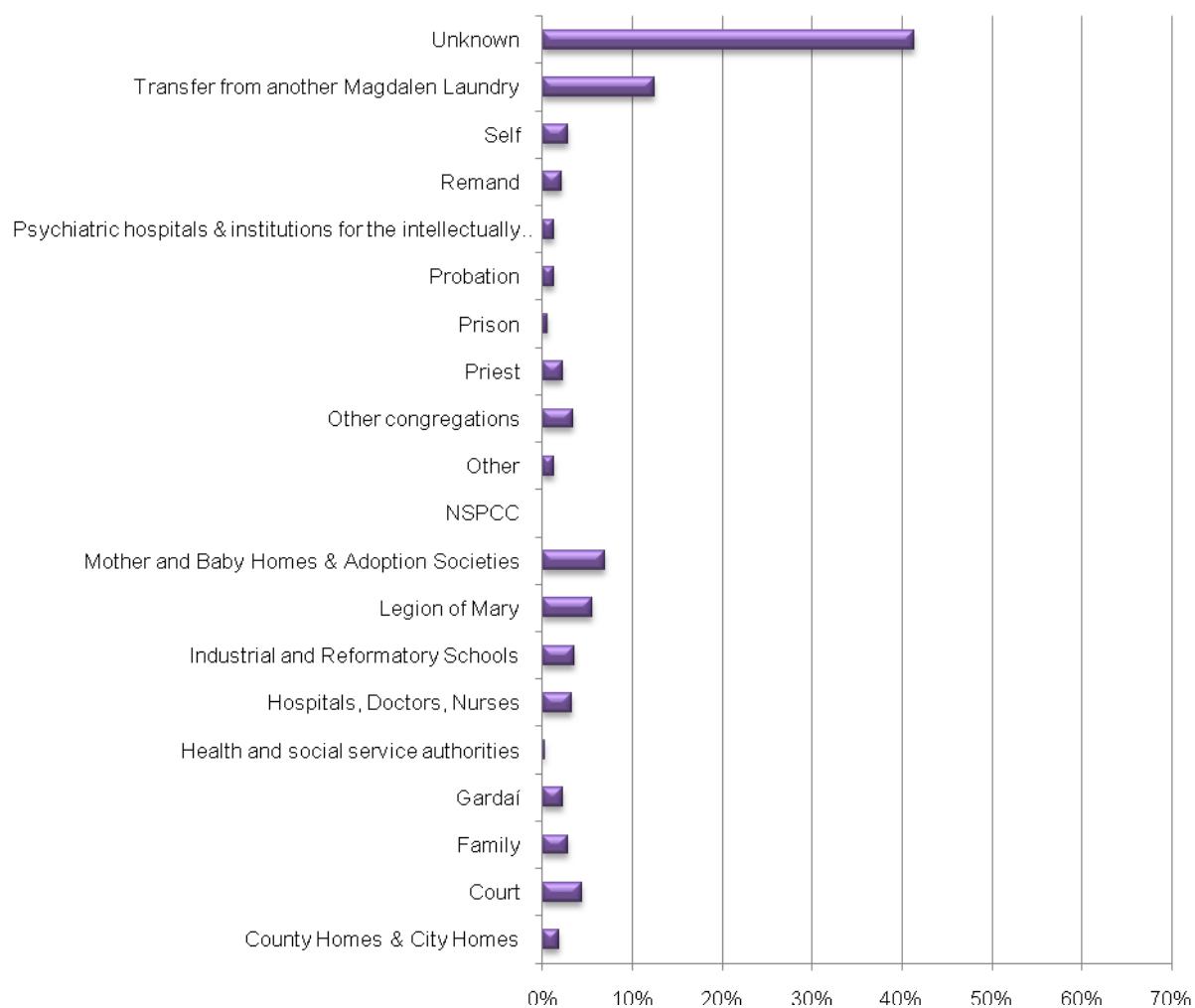
**c. Routes of entry for individual Magdalen Laundries**

## Appendix 4



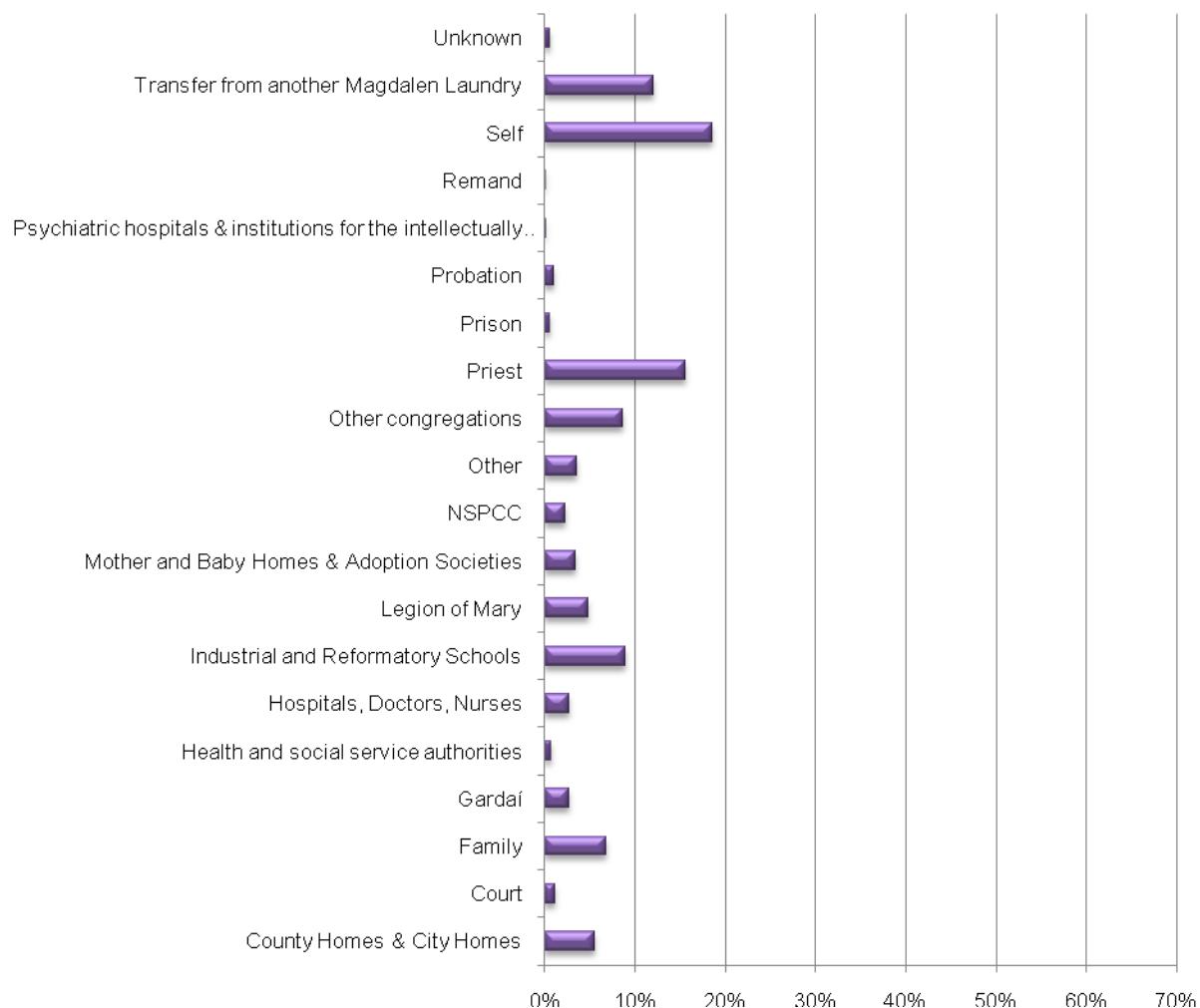
## Appendix 4



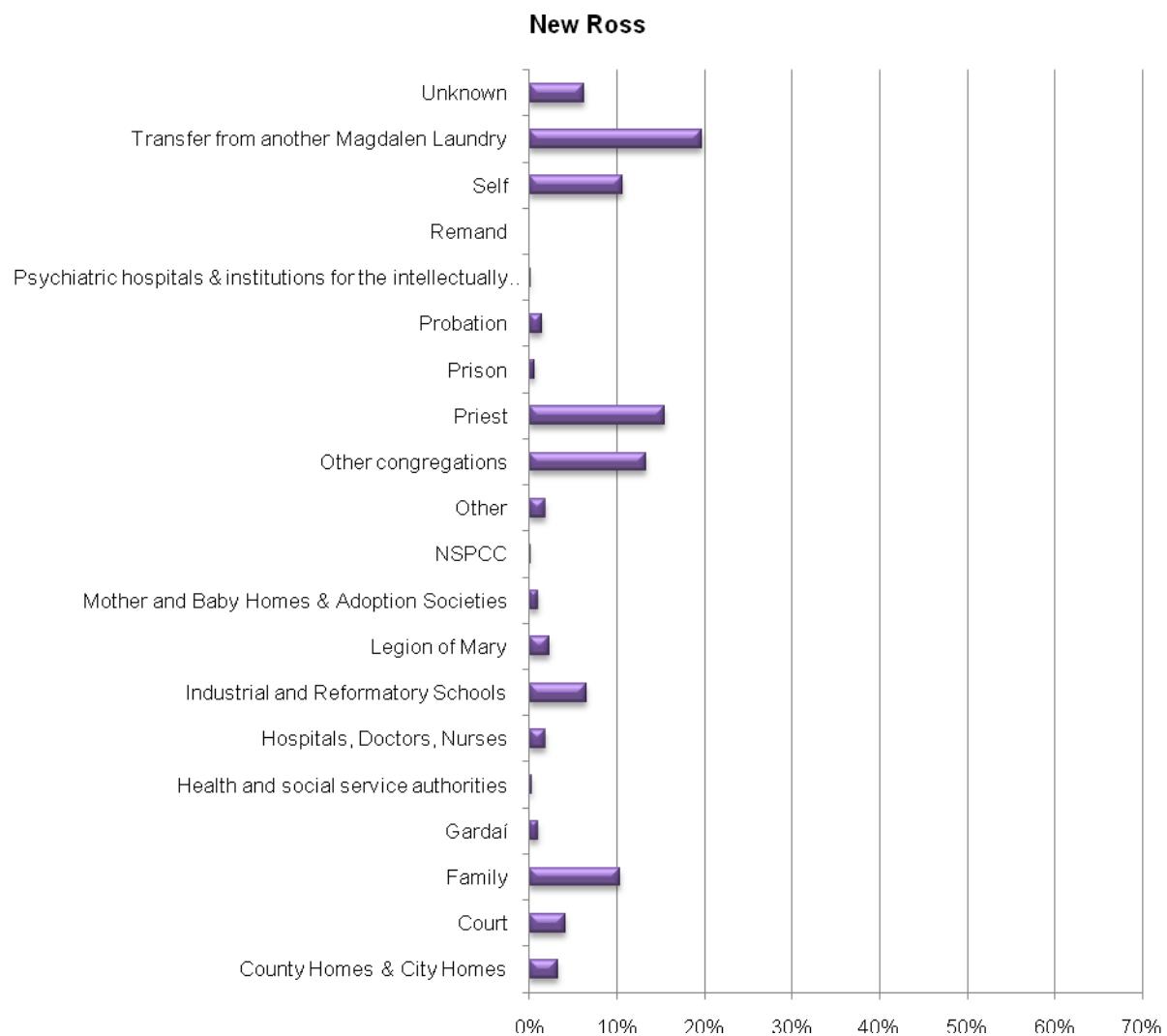
**Sean McDermott St**

## Appendix 4

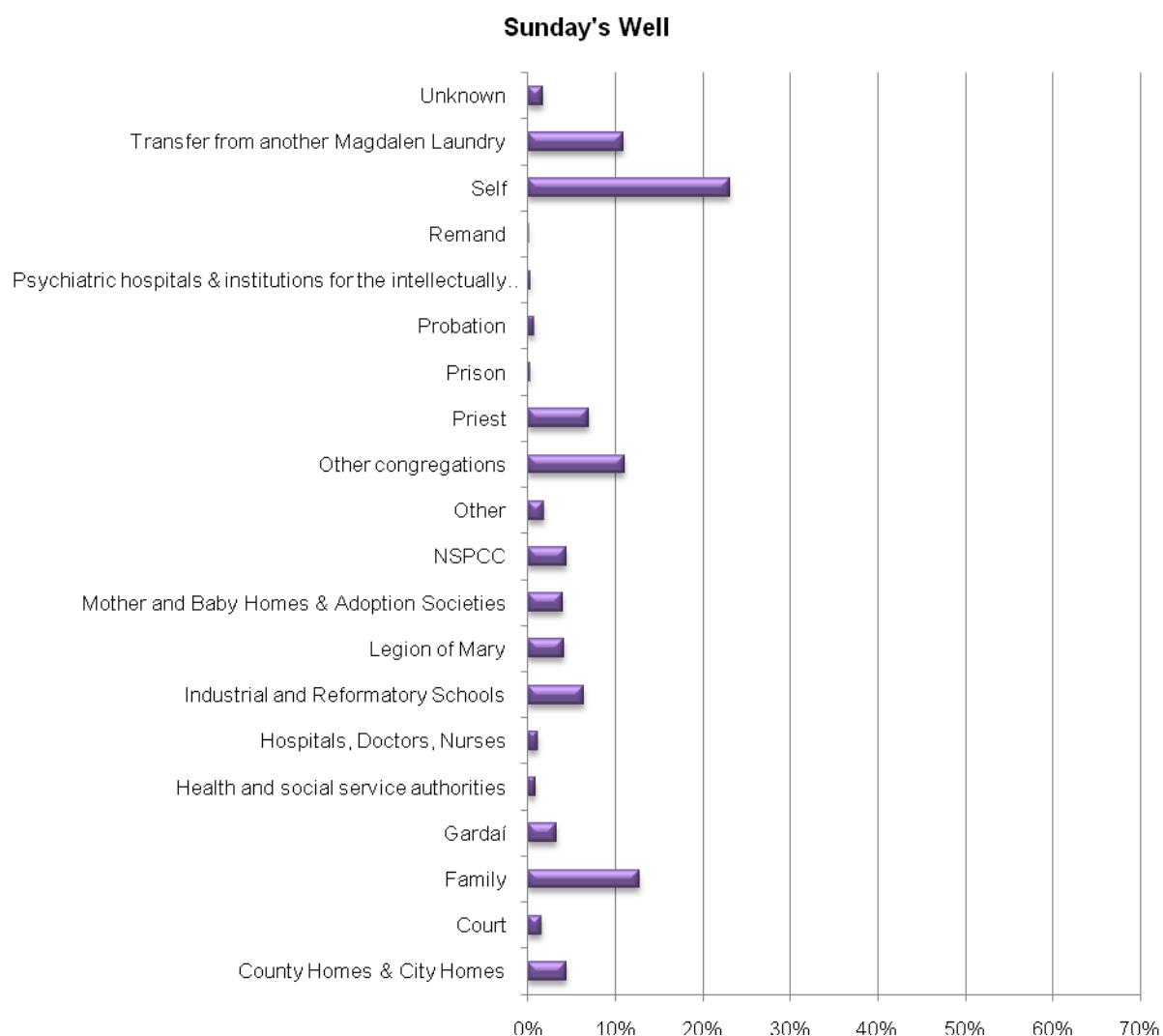
### Limerick



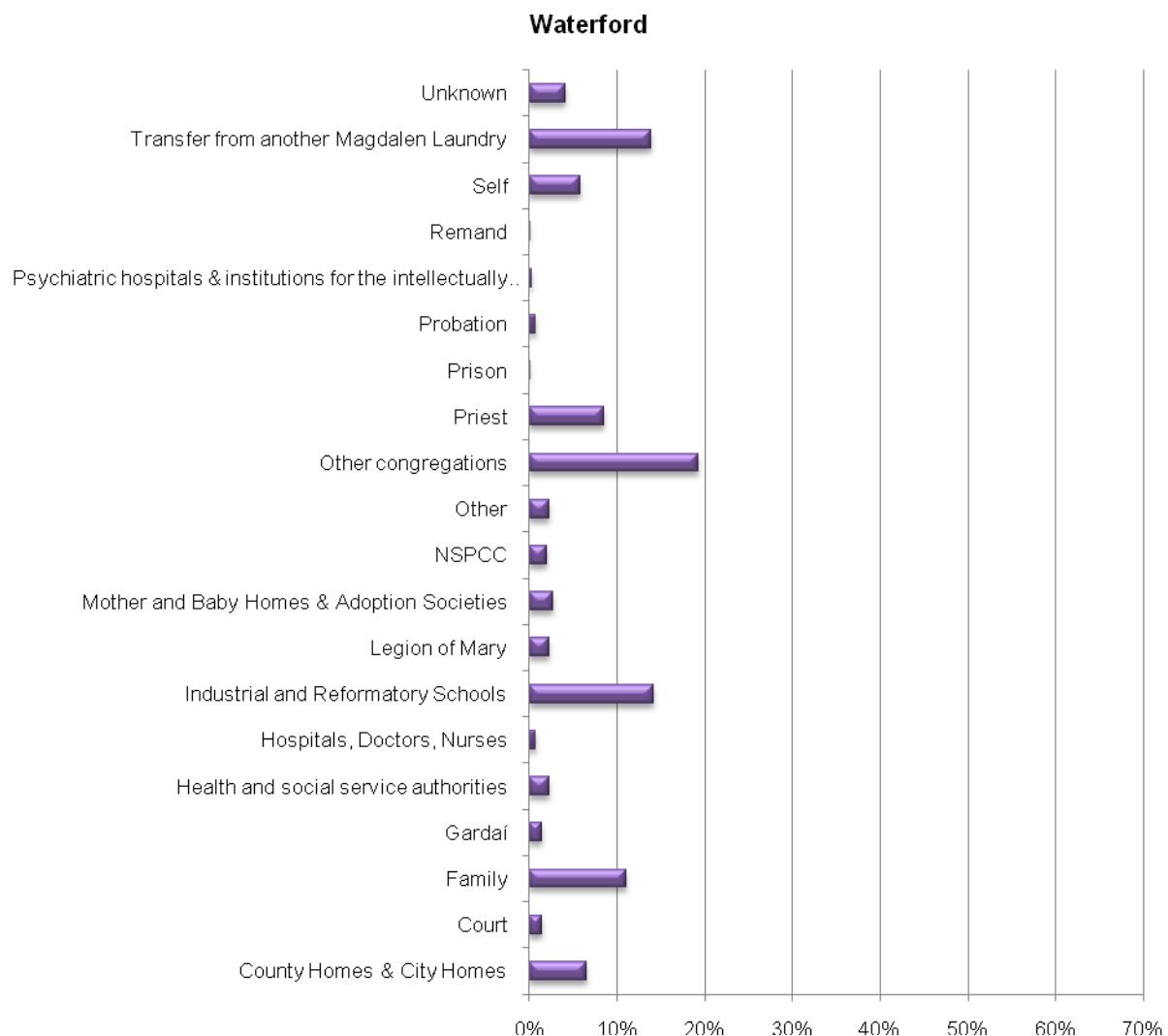
## Appendix 4

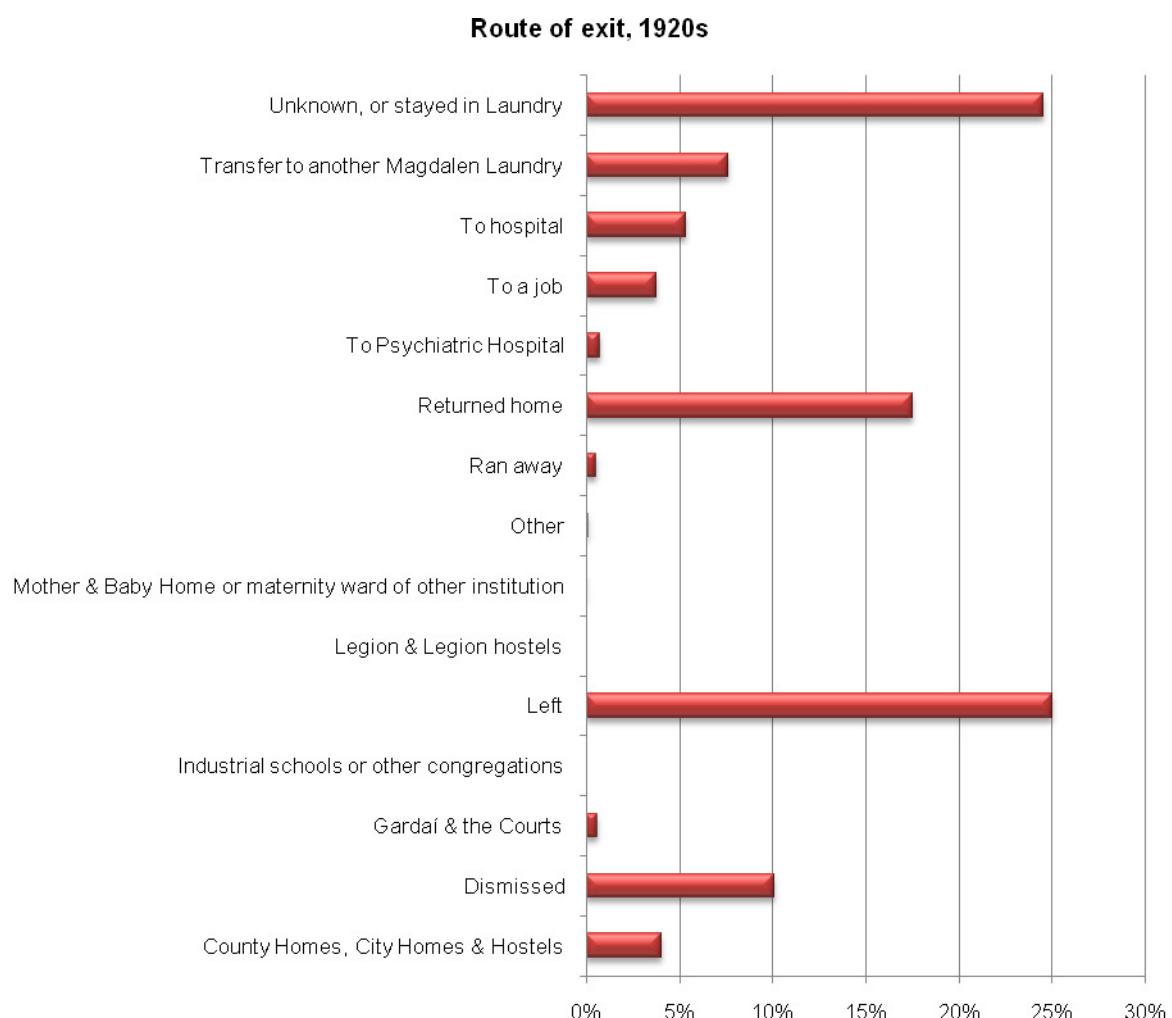


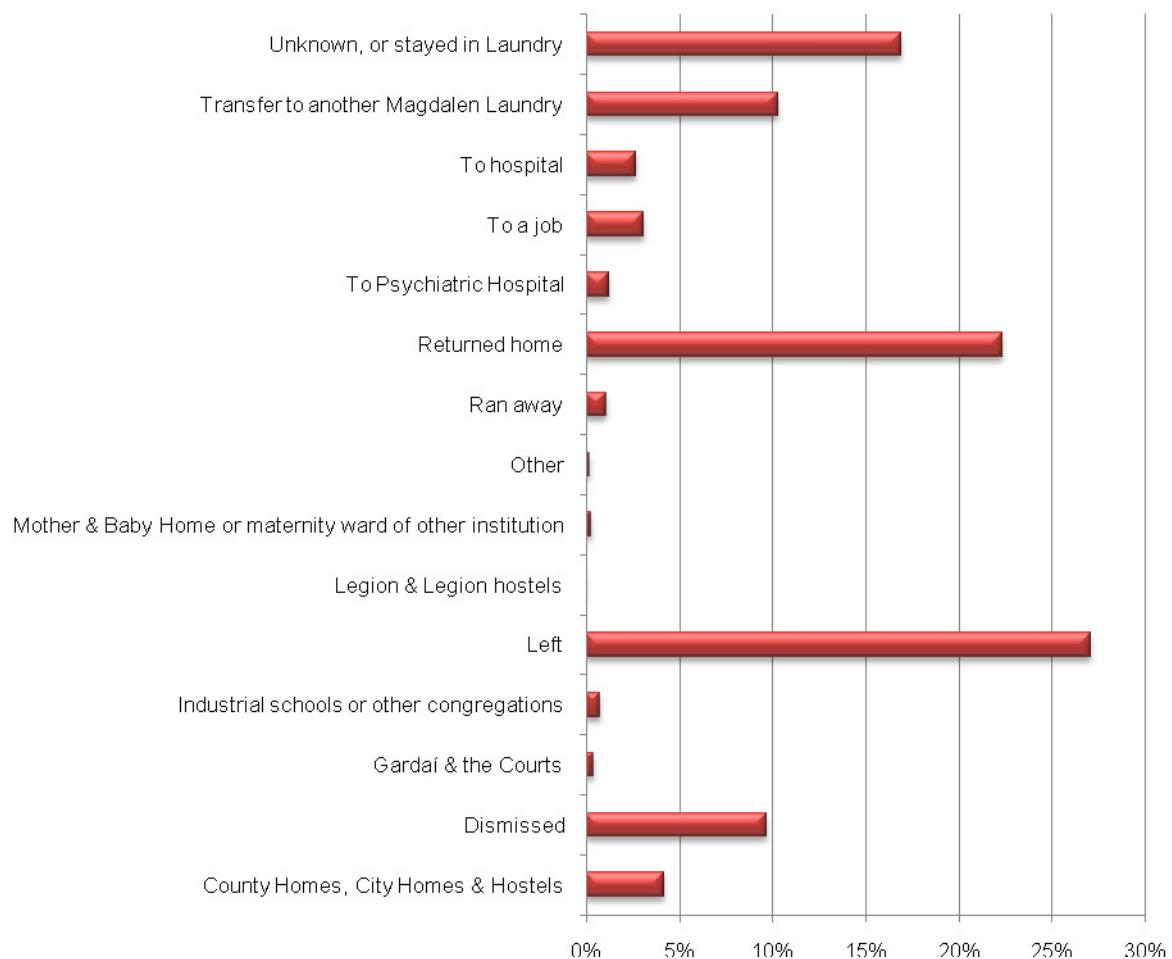
## Appendix 4

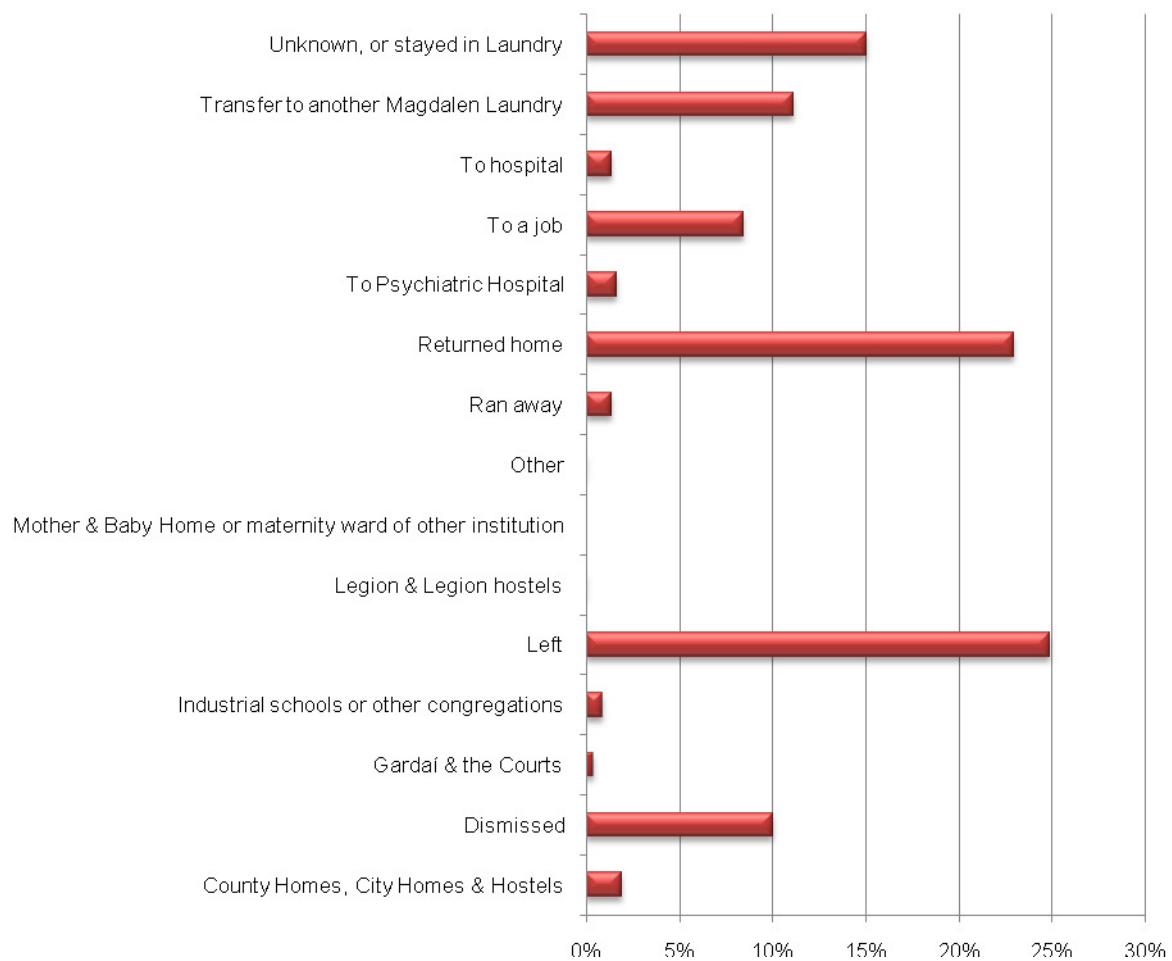


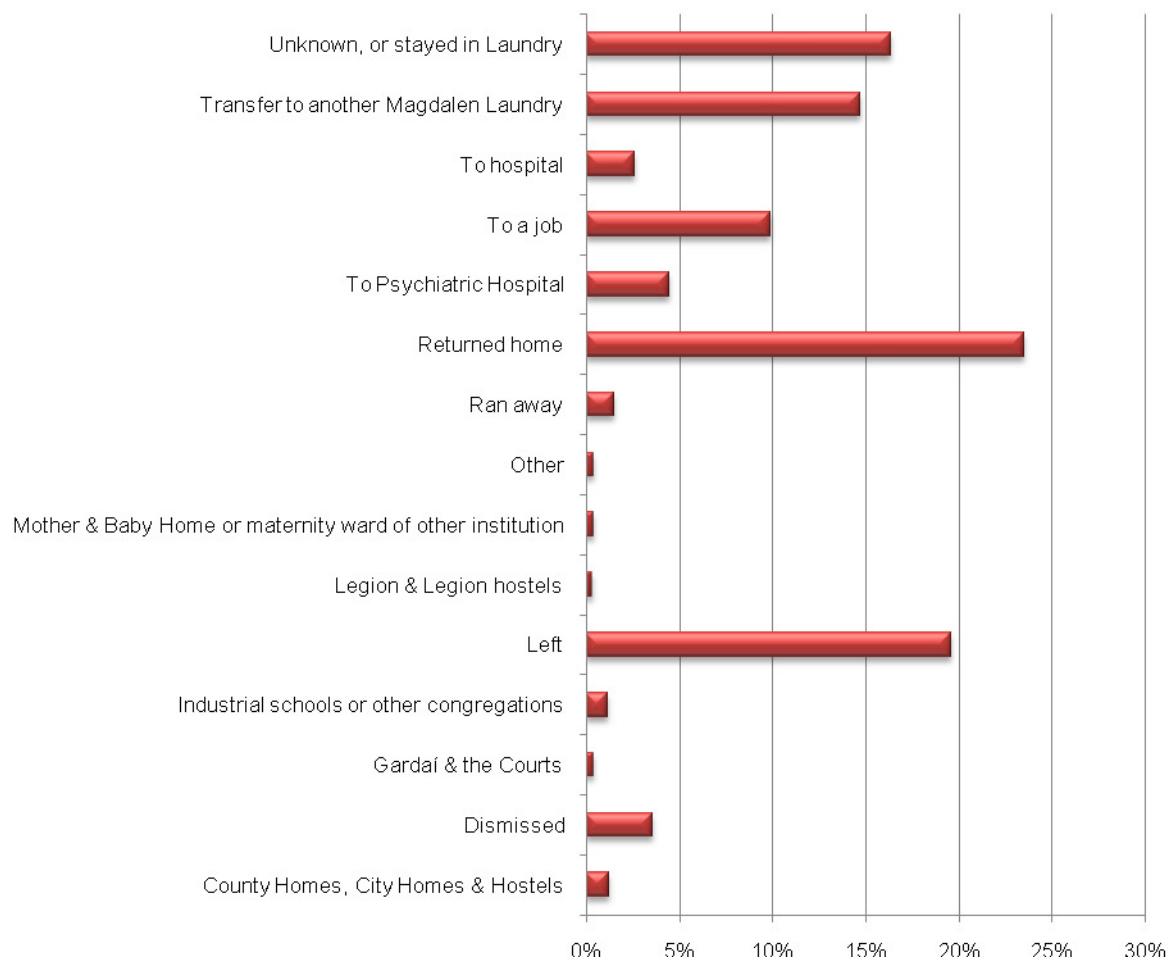
## Appendix 4

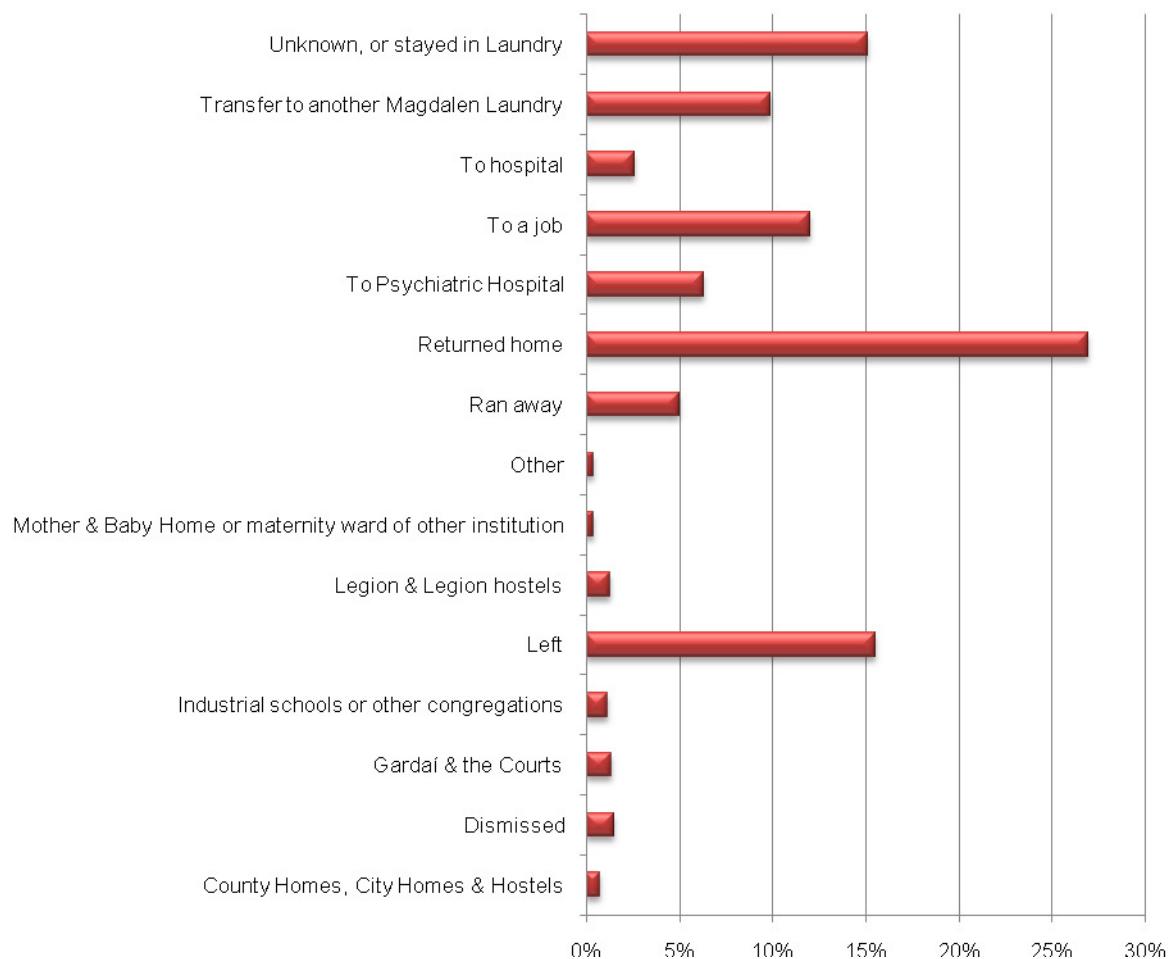


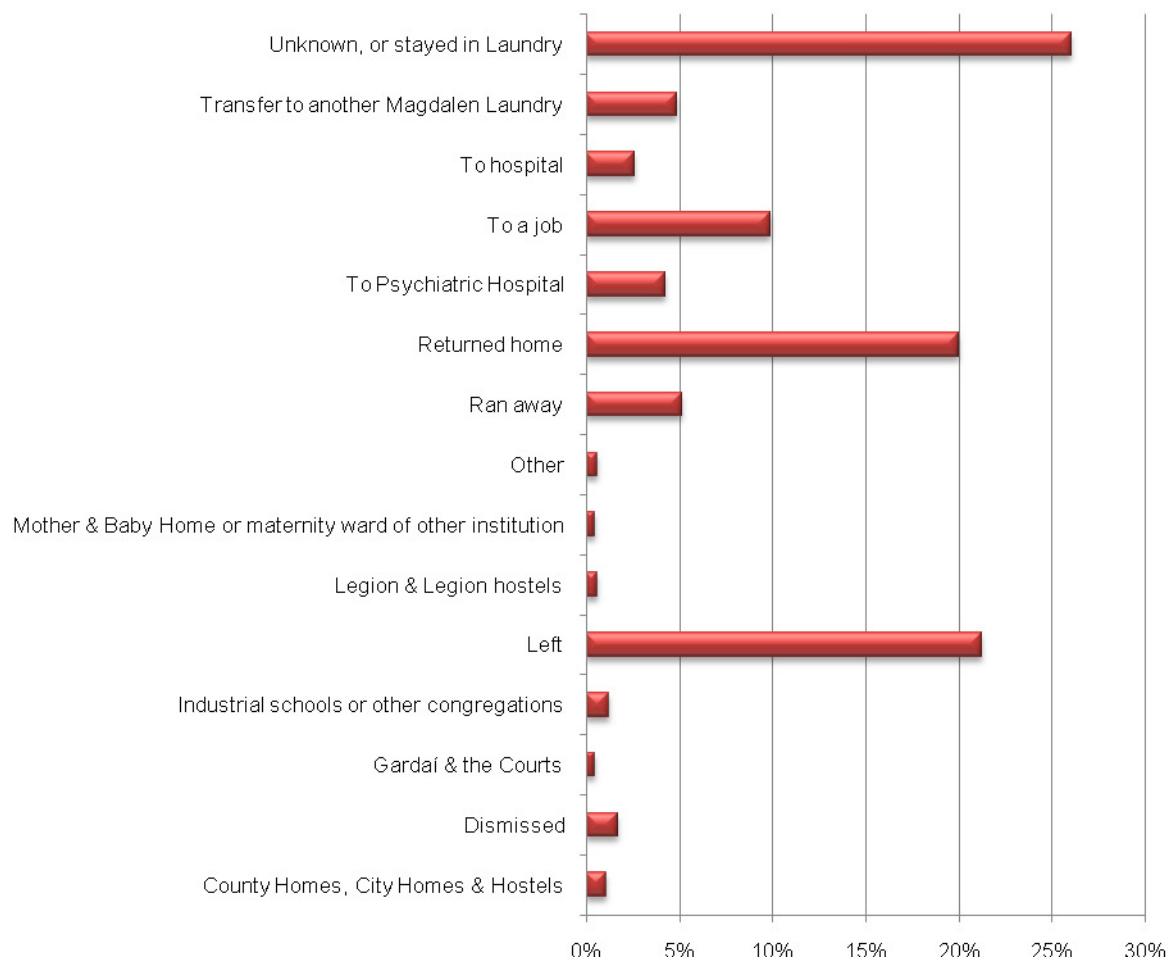
**d. Routes of exit by decade**

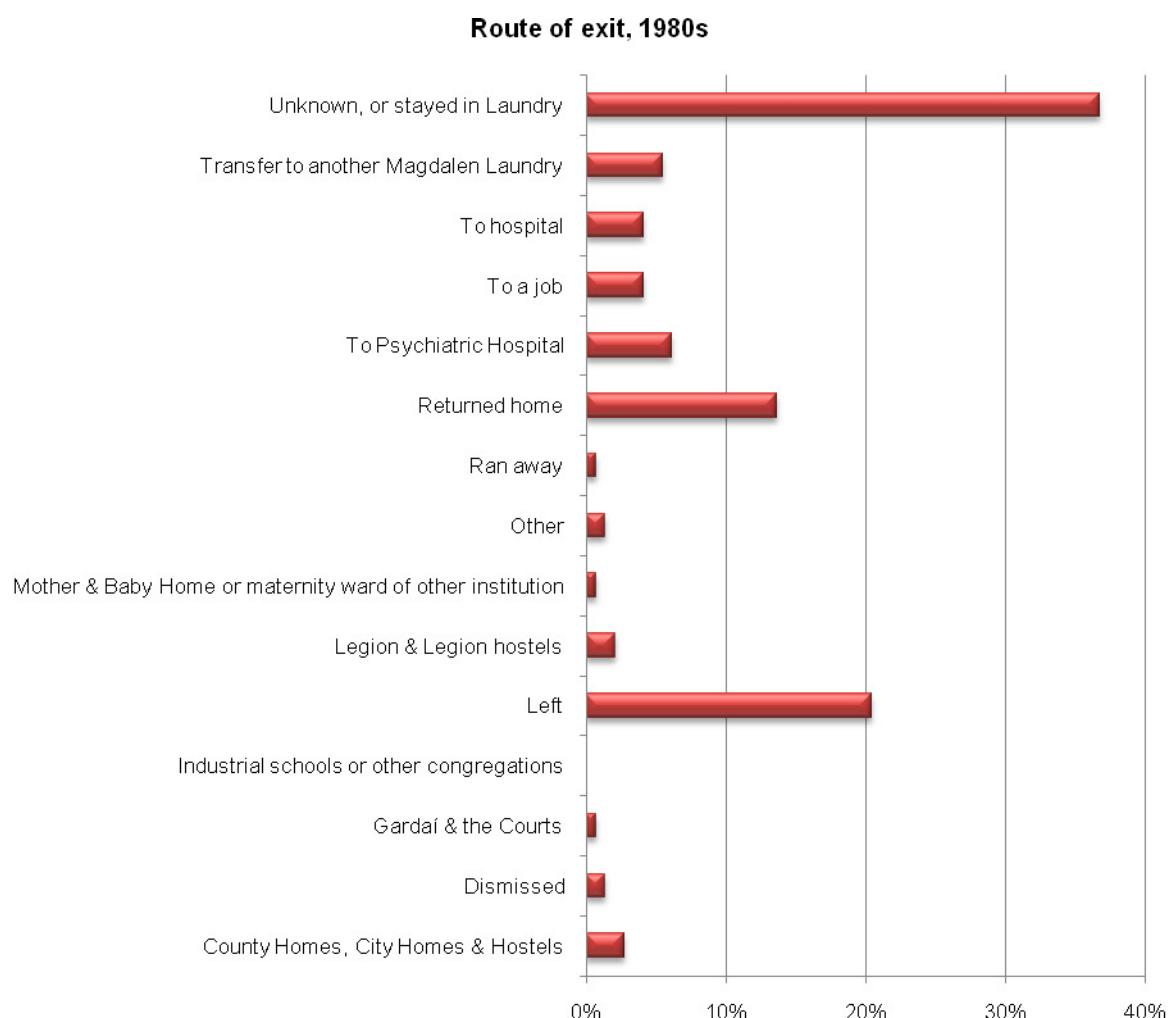
**Route of exit, 1930s**

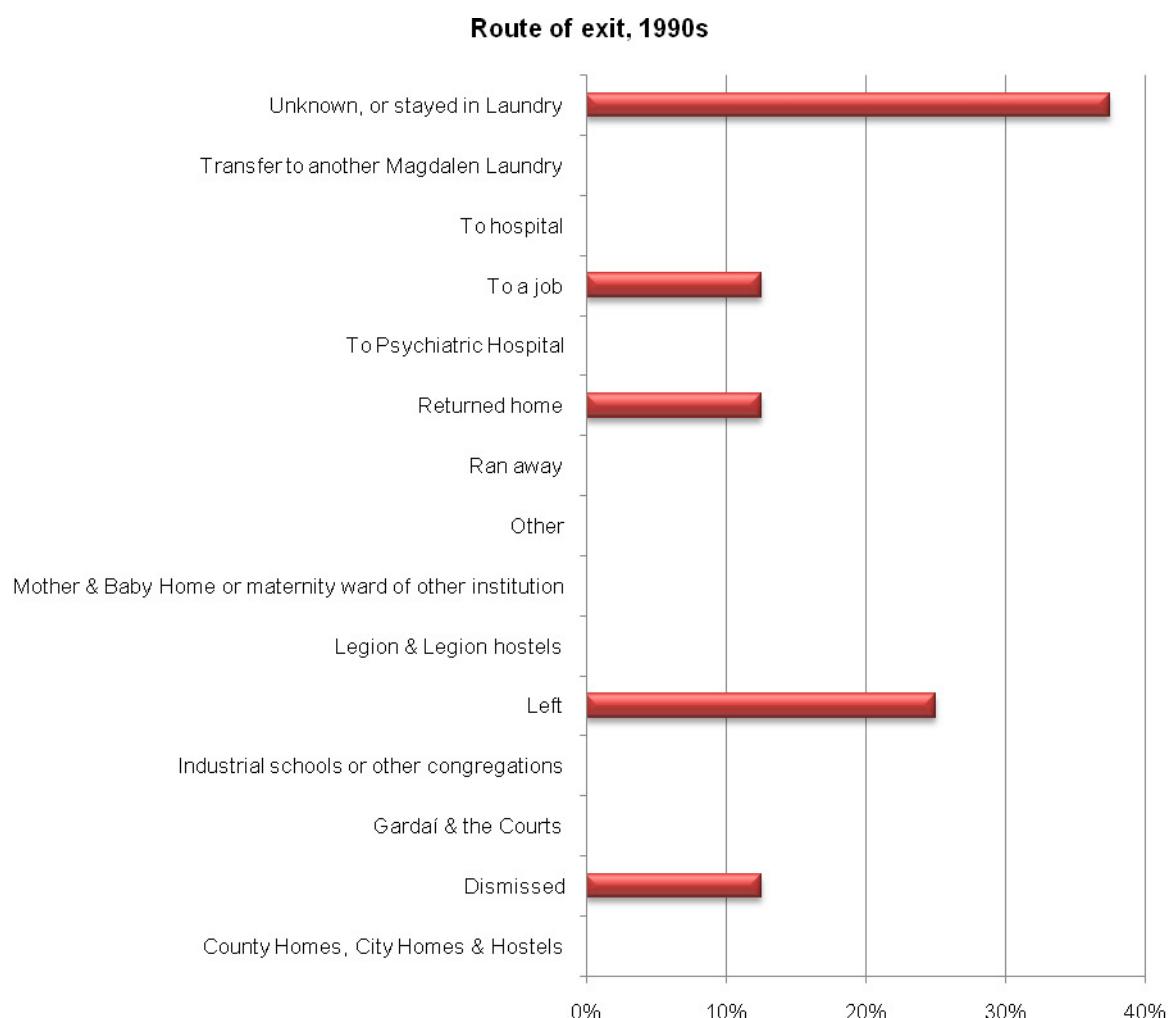
**Route of exit, 1940s**

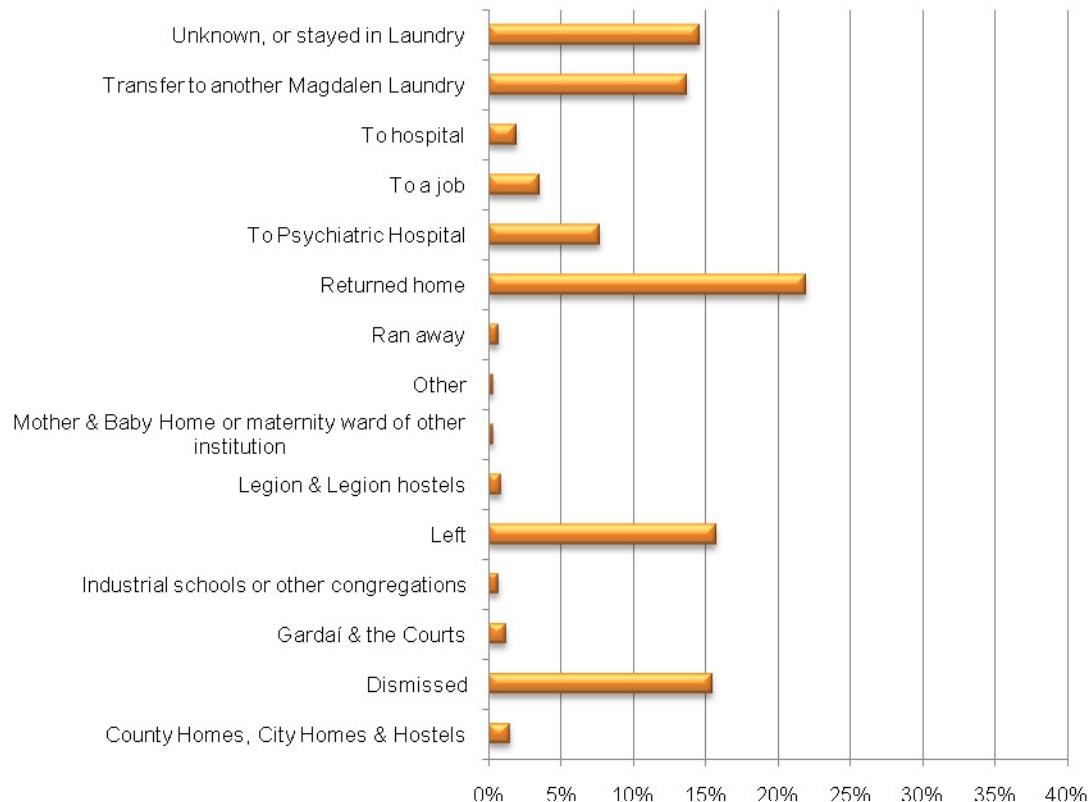
**Route of exit, 1950s**

**Route of exit, 1960s**

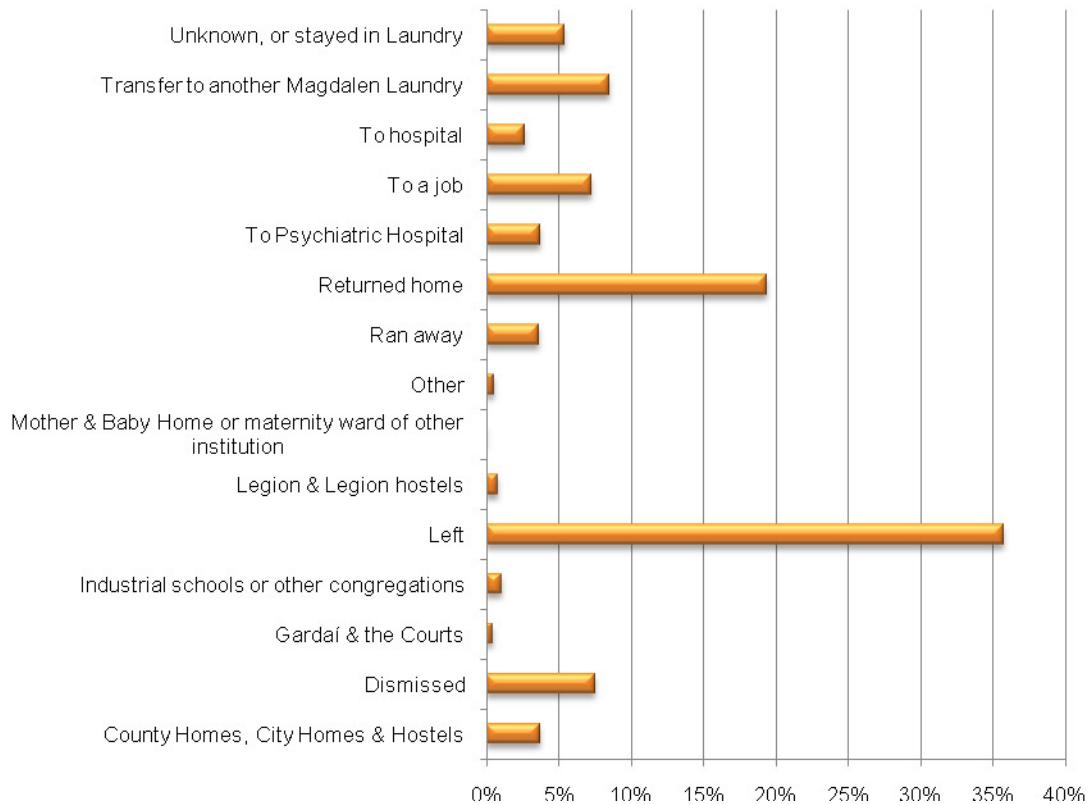
**Route of exit, 1970s**



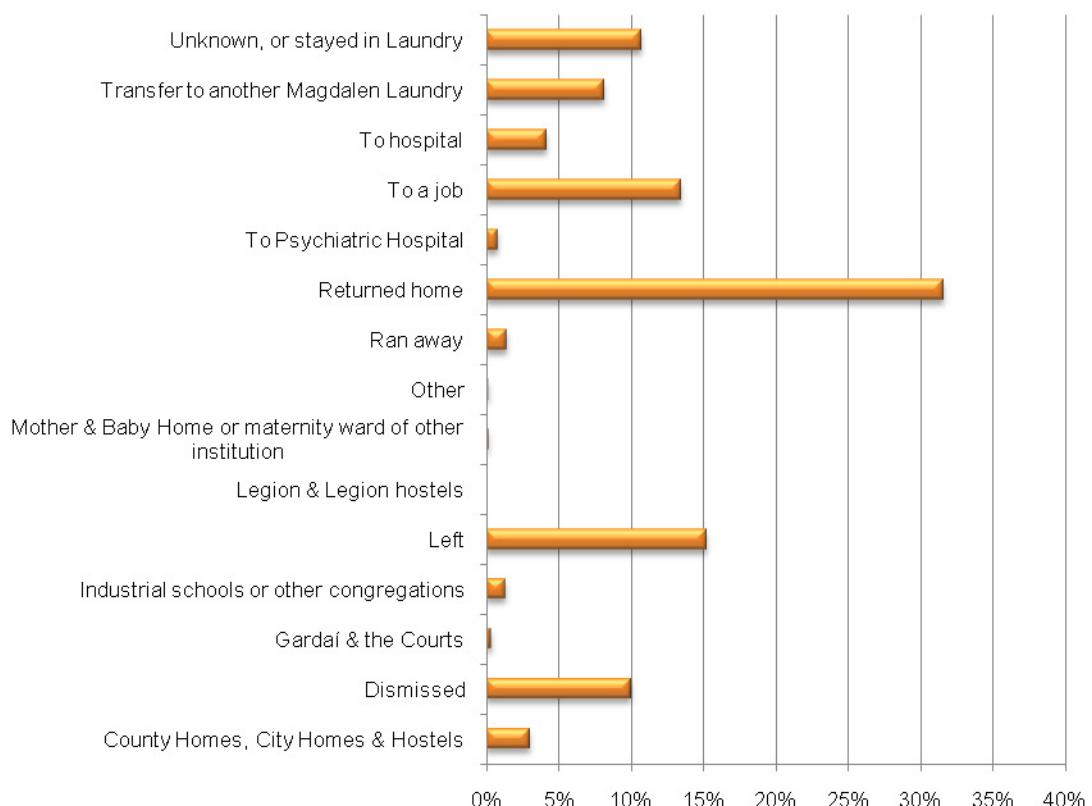


**e. Routes of exit for individual Magdalen Laundries****Route of exit by Institution - Donnybrook**

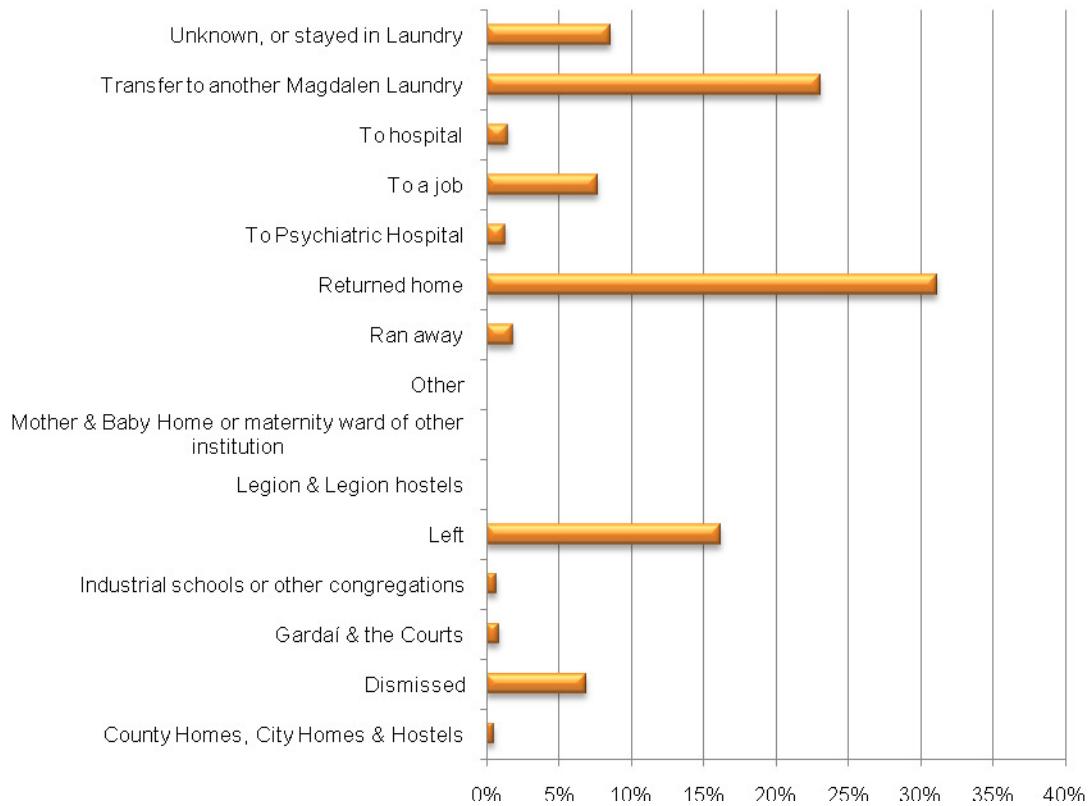
**Route of exit by Institution - High Park**



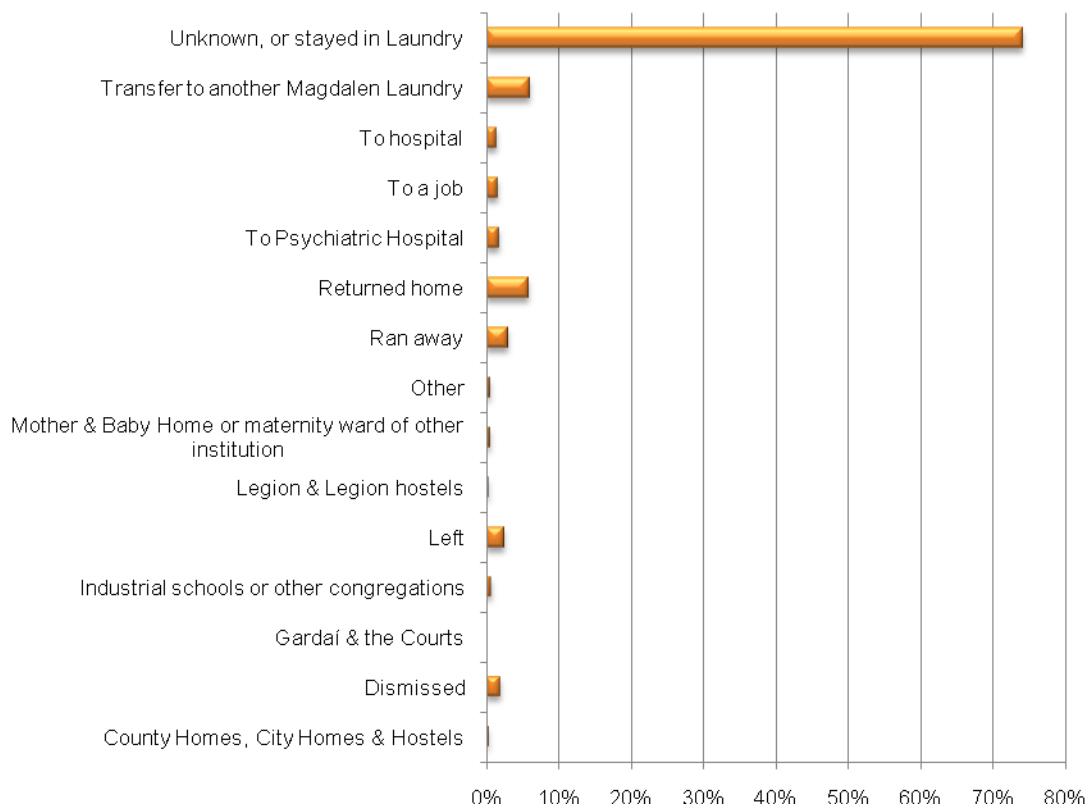
**Route of exit by Institution - Limerick**



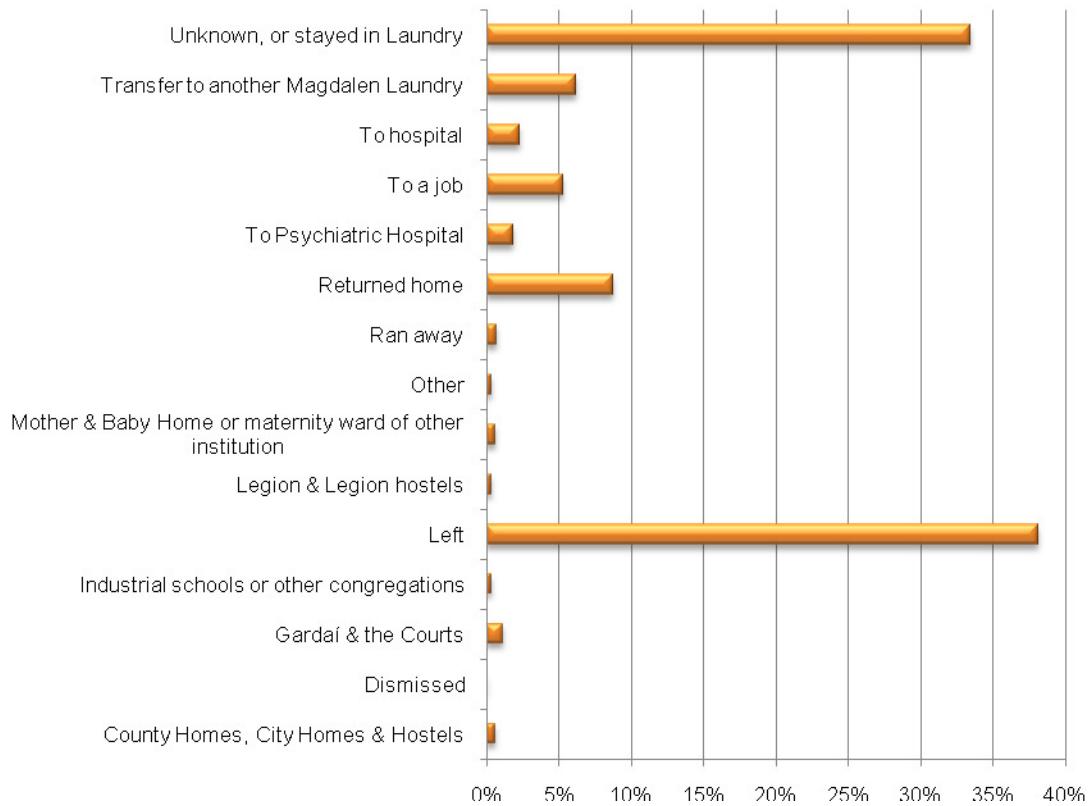
**Route of exit by Institution - New Ross**



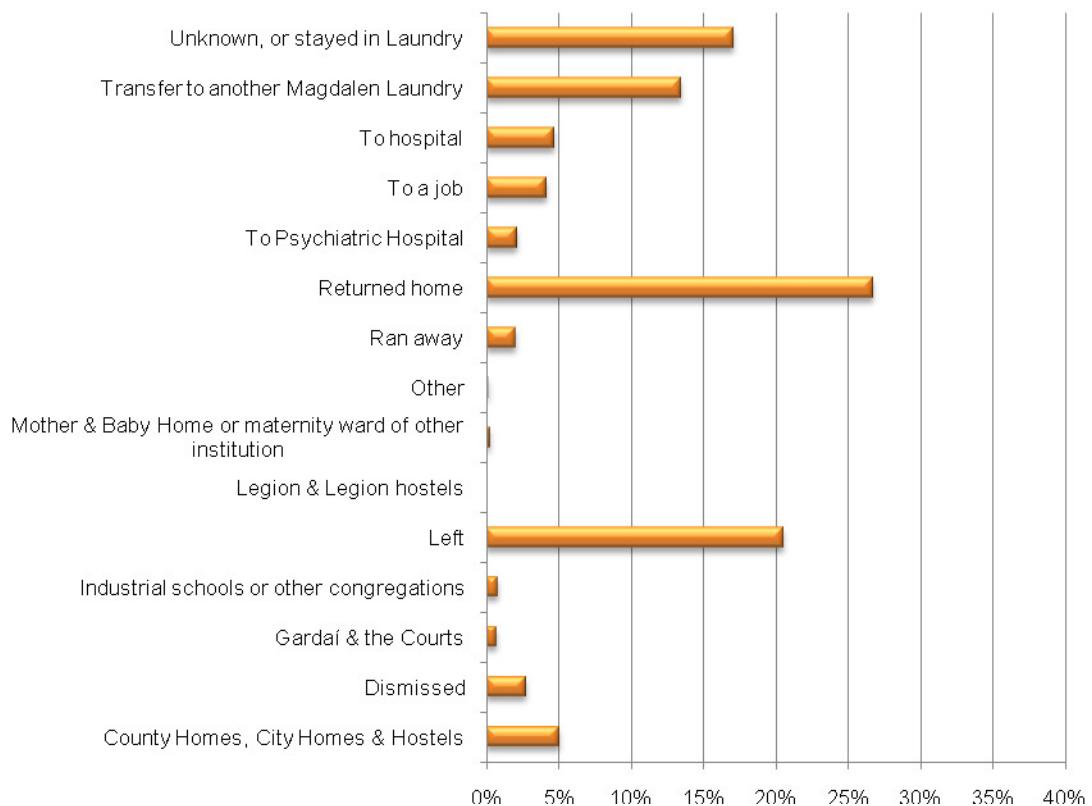
**Route of exit by Institution - Peacock Lane, Cork**

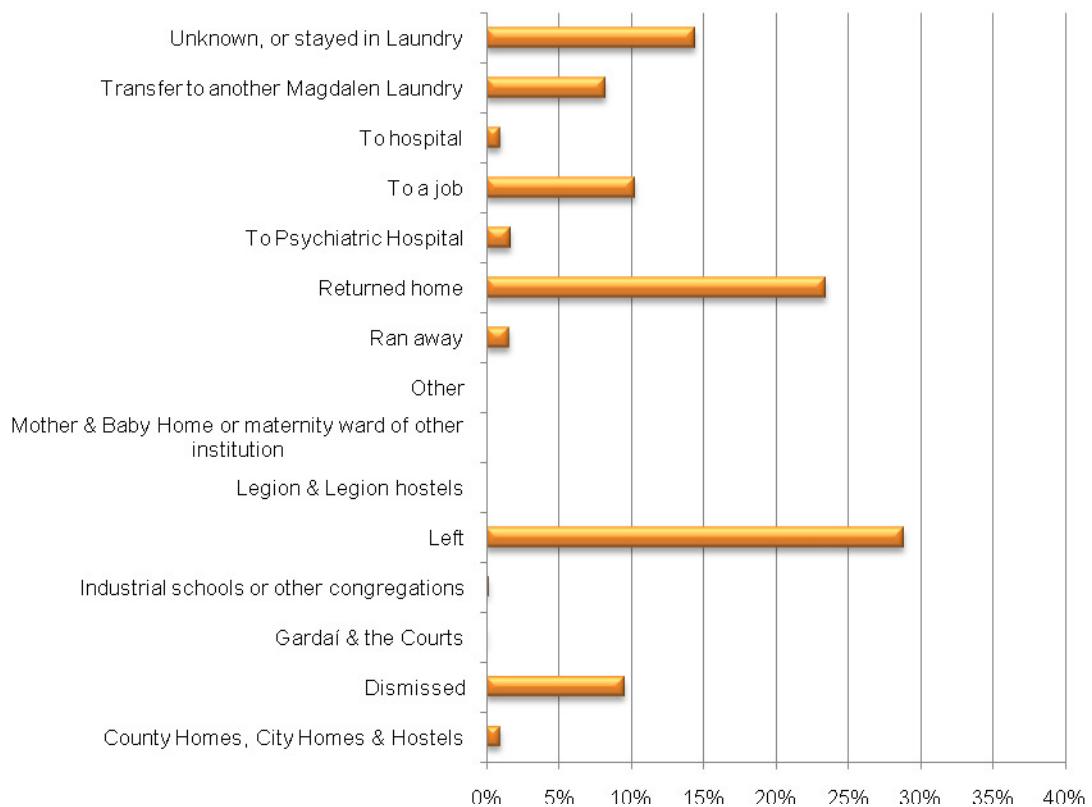


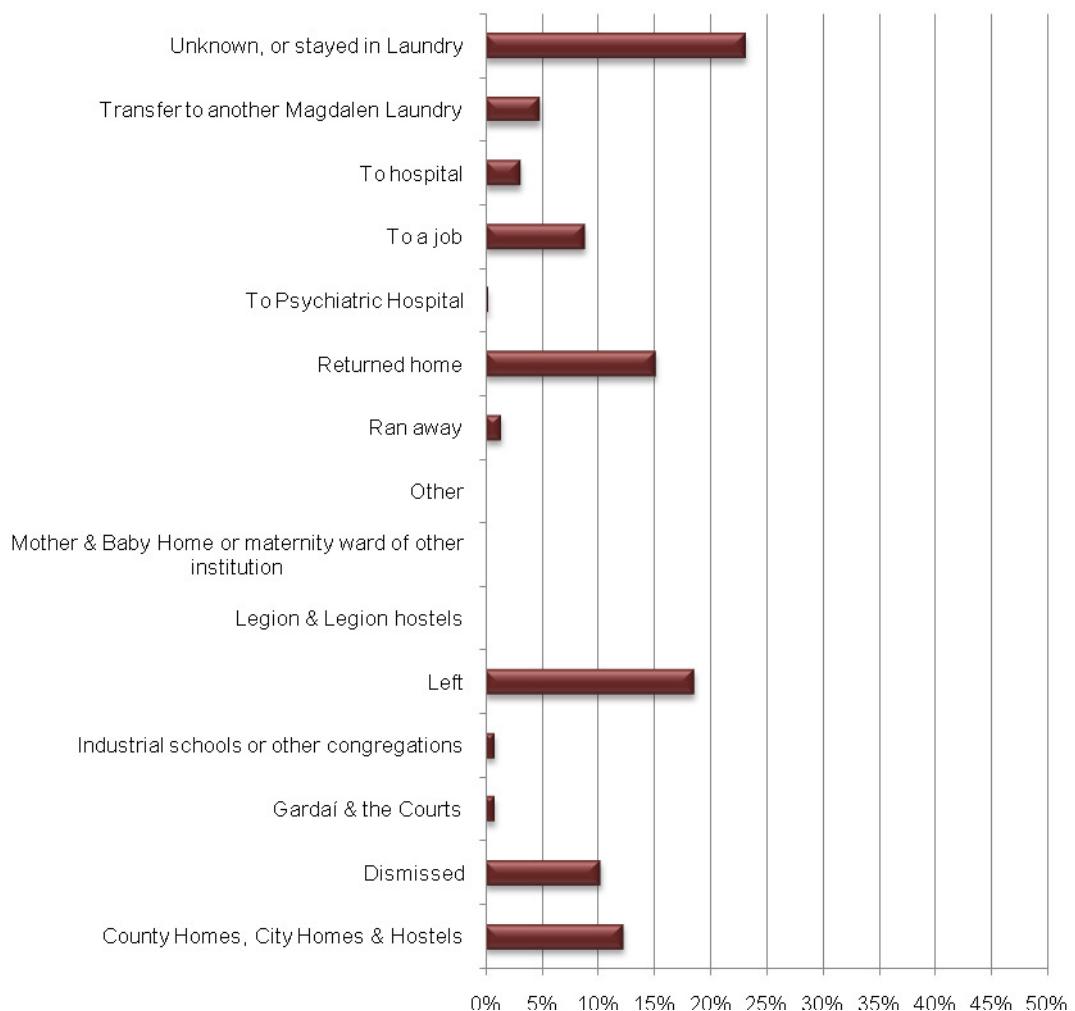
**Route of exit by Institution - Sean McDermott Street**

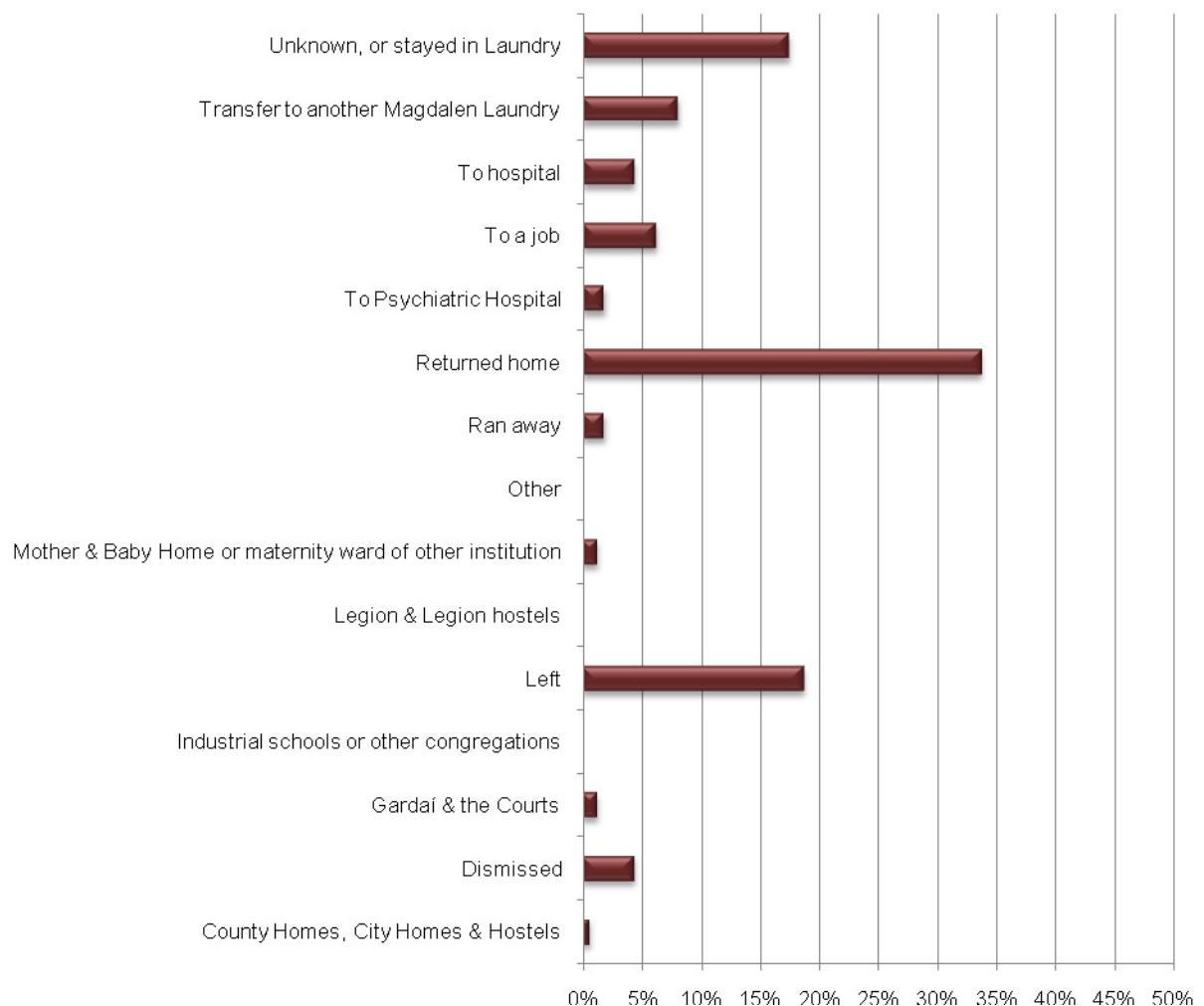


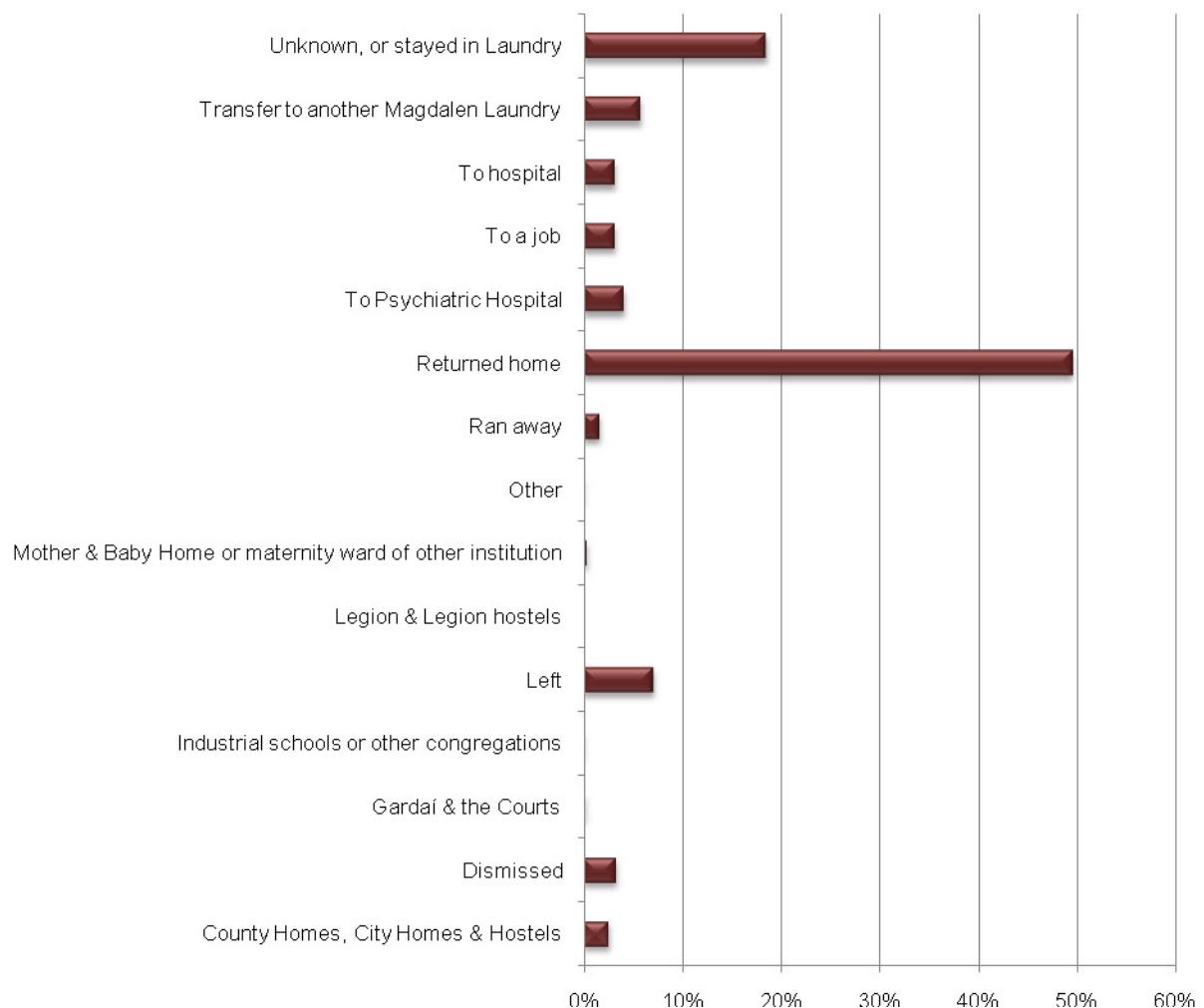
**Route of exit by Institution - Sunday's Well, Cork**

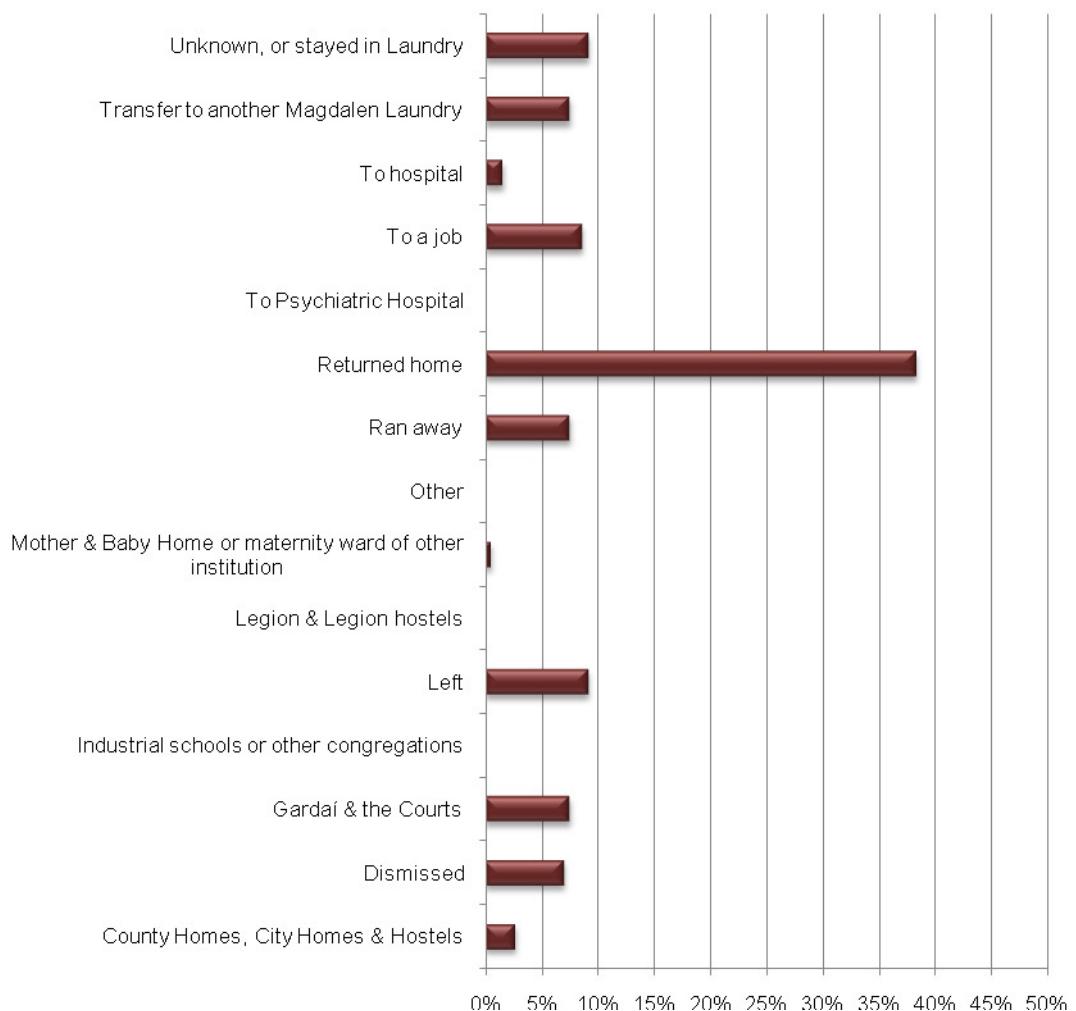


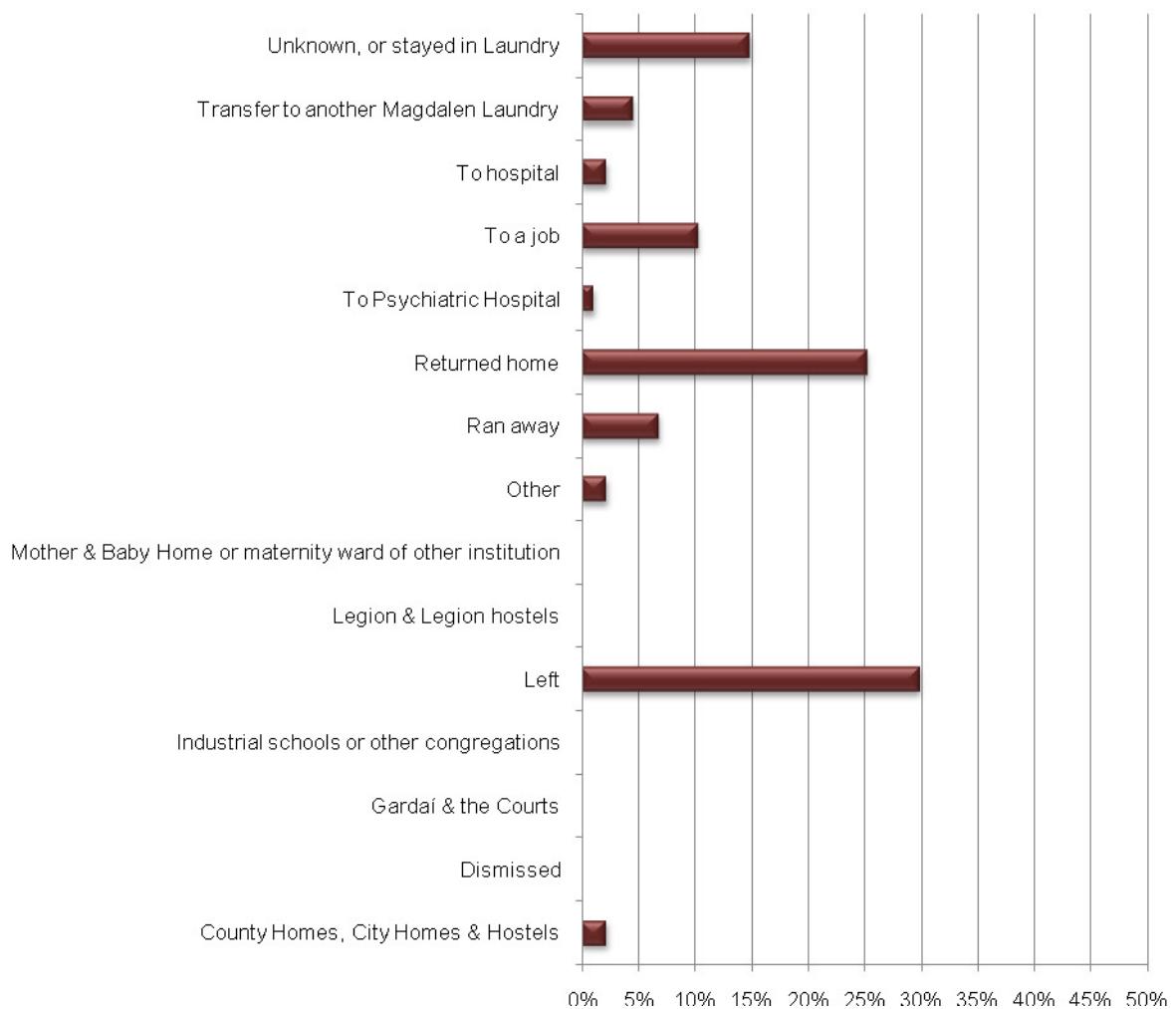
**Route of exit by Institution - Waterford**

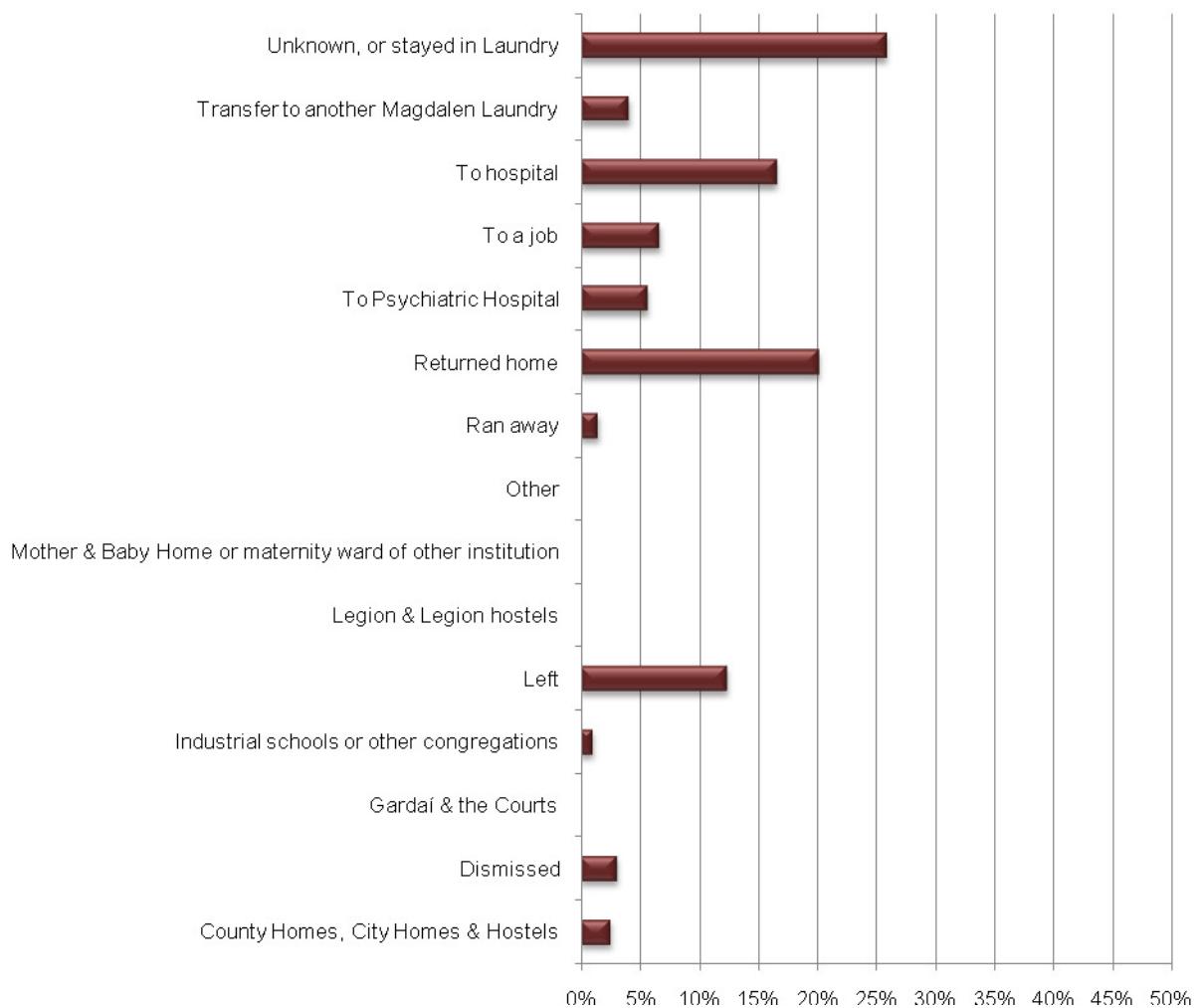
**f. Routes of exit by routes of entry****Route of exit for entries from County Homes & City Homes**

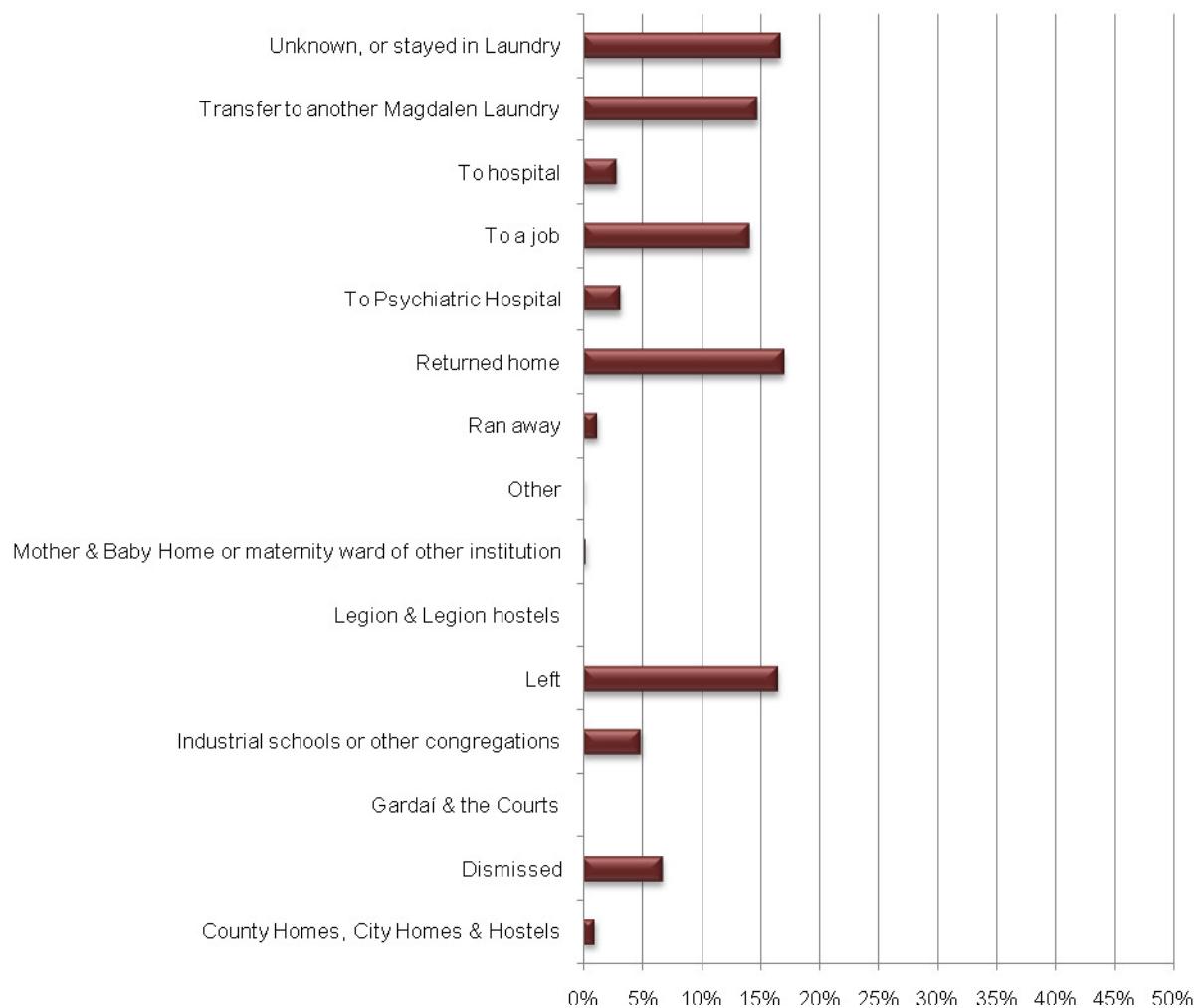
**Route of exit for entries from Court**

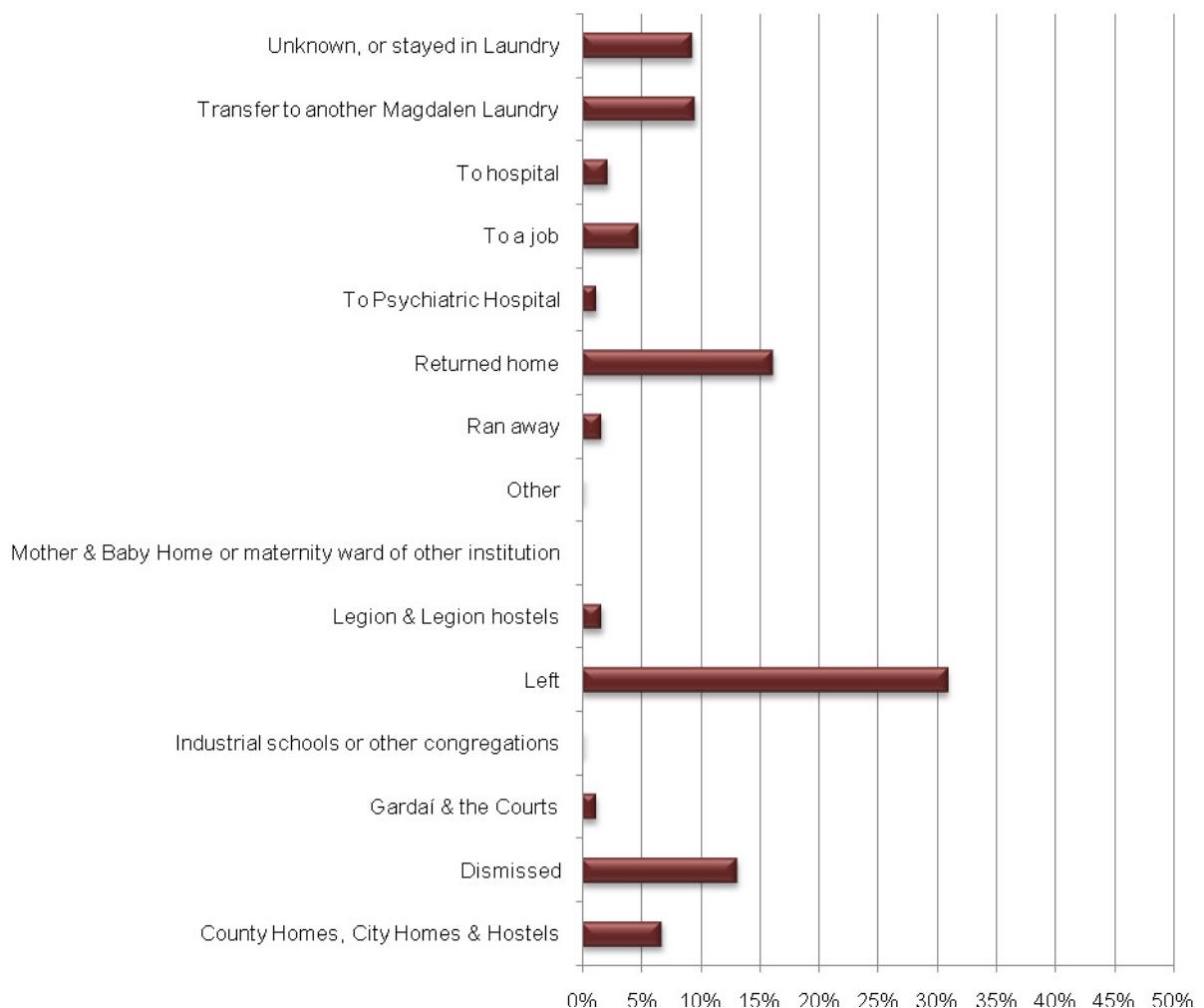
**Route of exit for entries from Family**

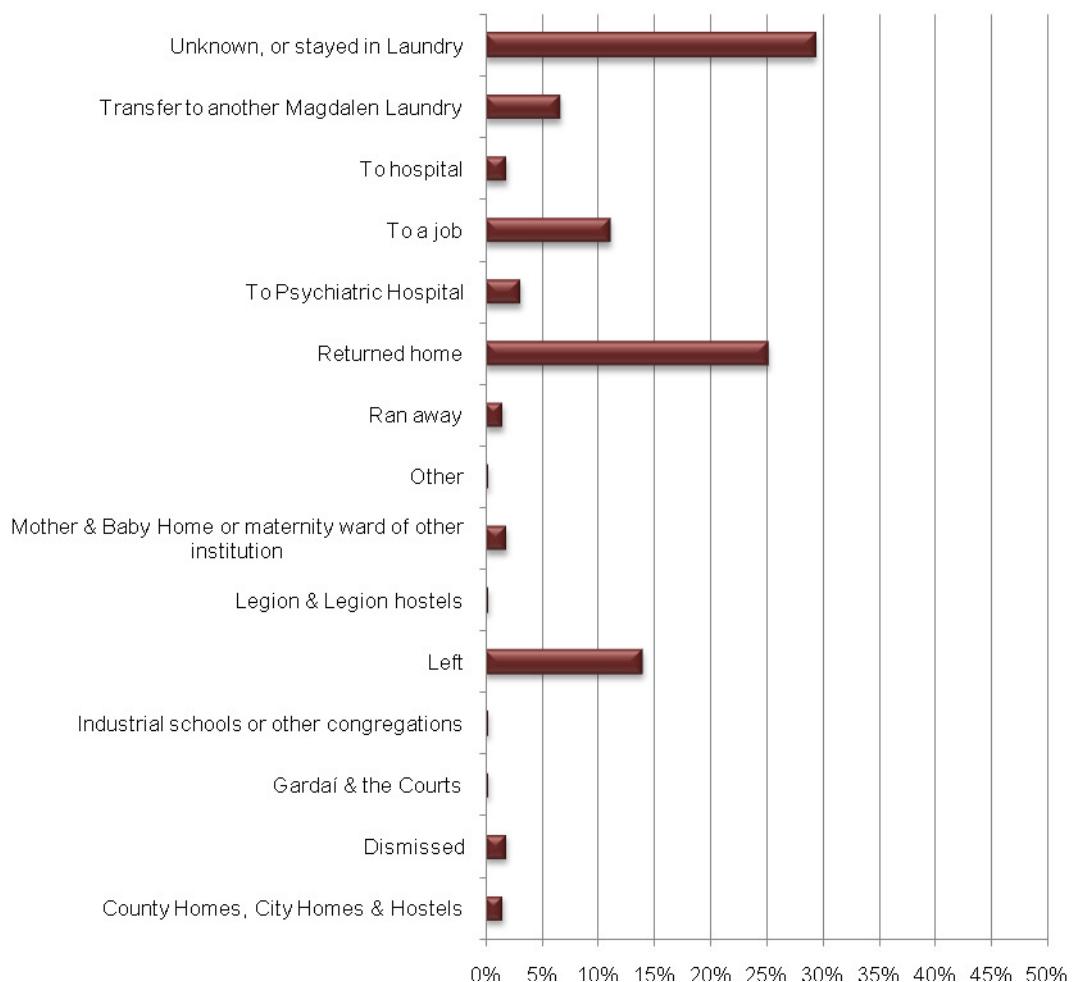
**Route of exit for entries from Gardai**

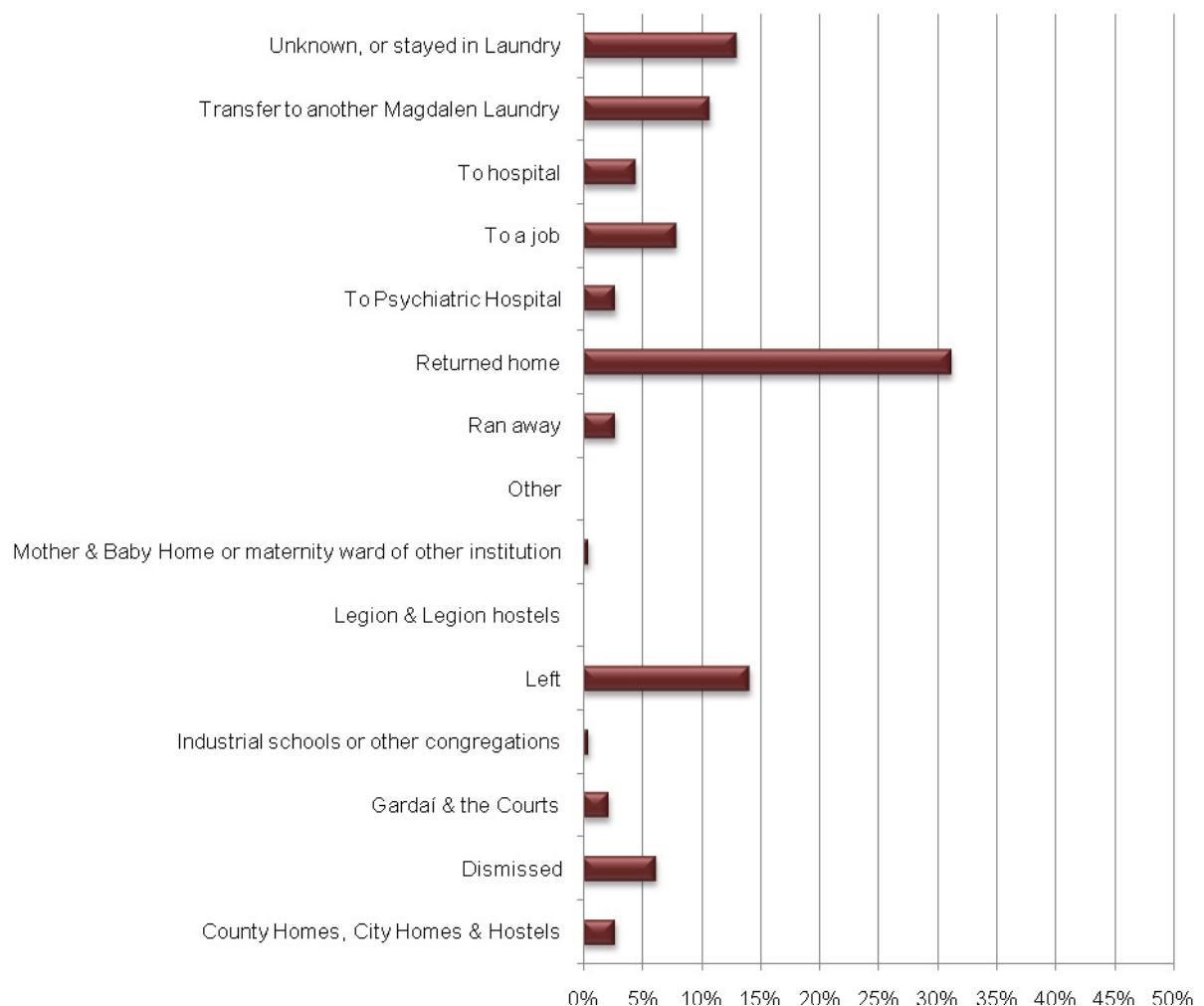
**Route of exit for entries from Health and social service authorities**

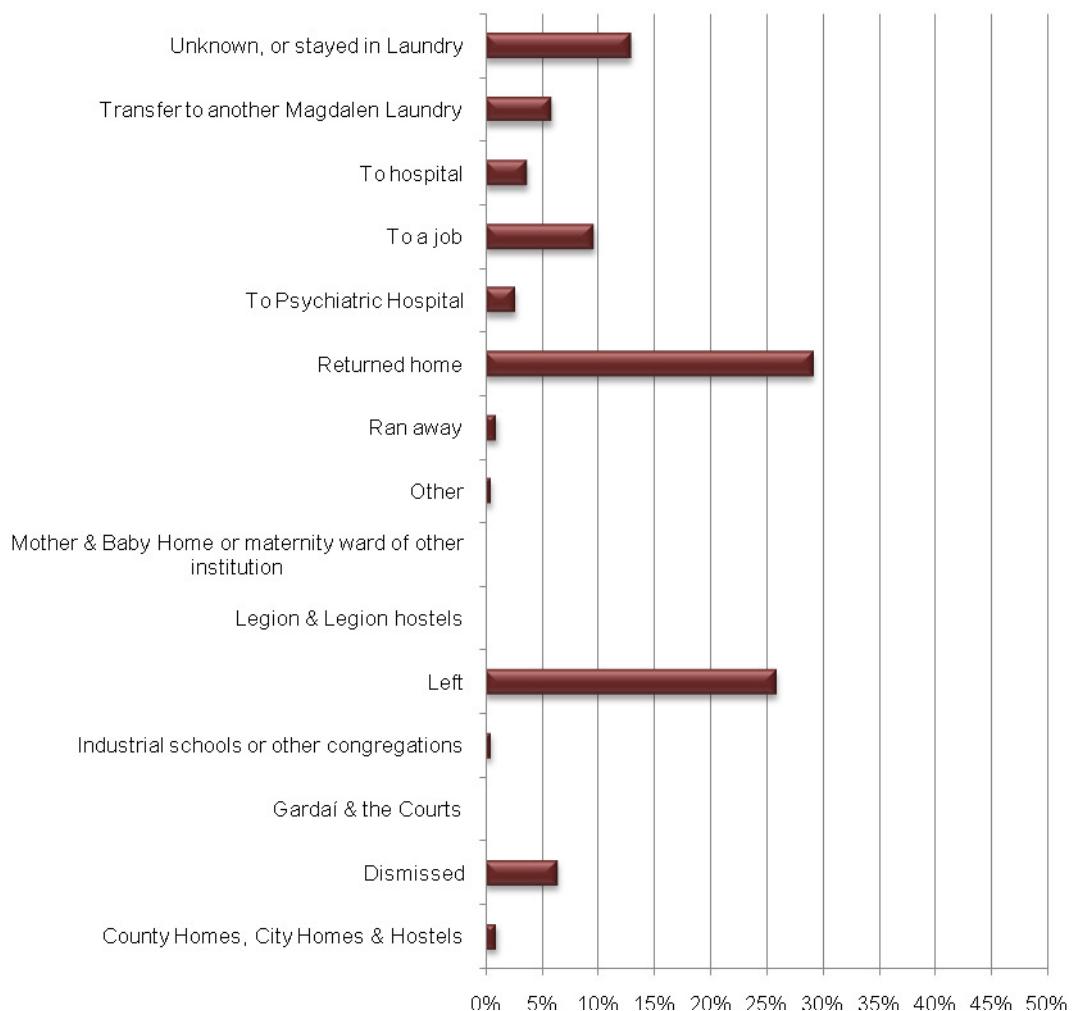
**Route of exit for entries from Hospitals, Doctors, Nurses**

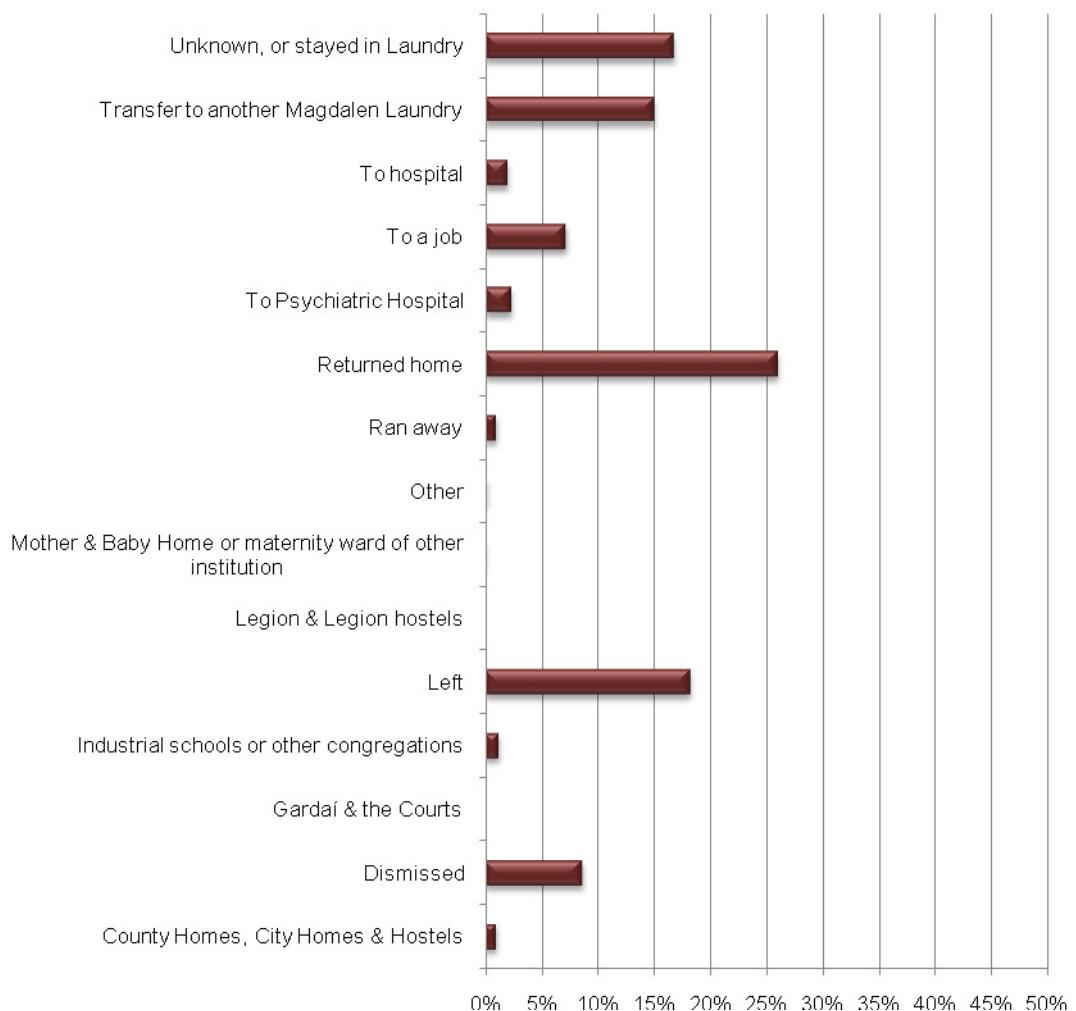
**Route of exit for entries from Industrial and Reformatory Schools**

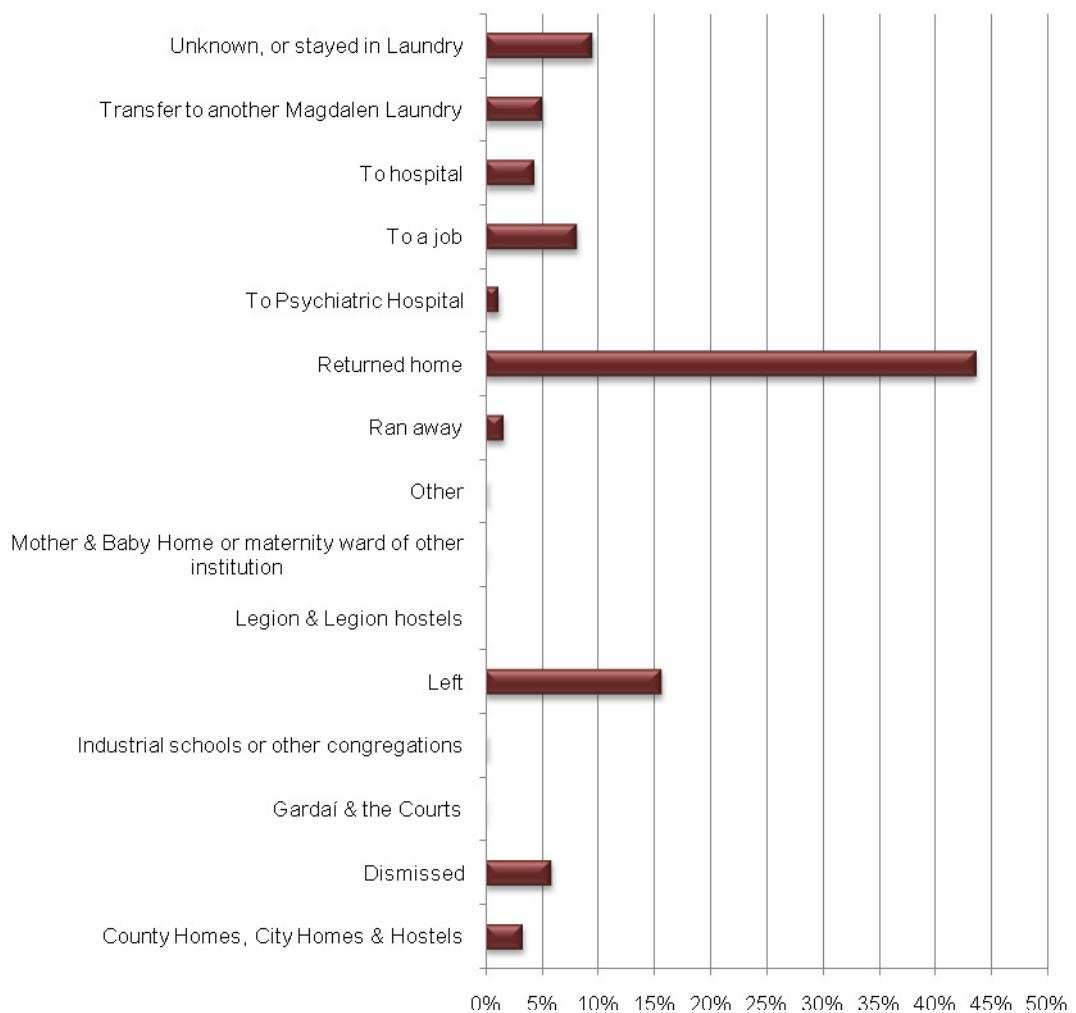
**Route of exit for entries from Legion of Mary**

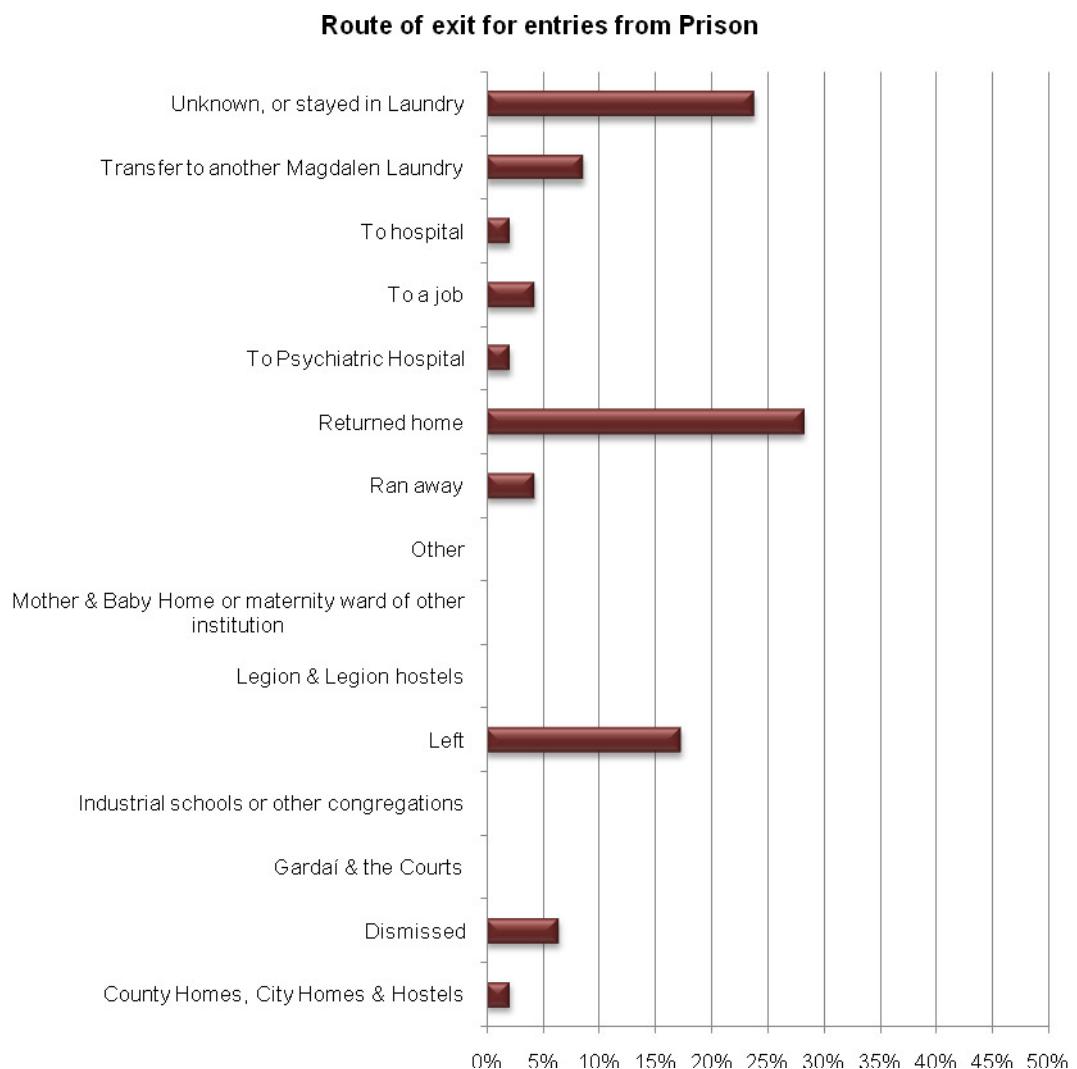
**Route of exit for entries from Mother and Baby Homes & Adoption Societies**

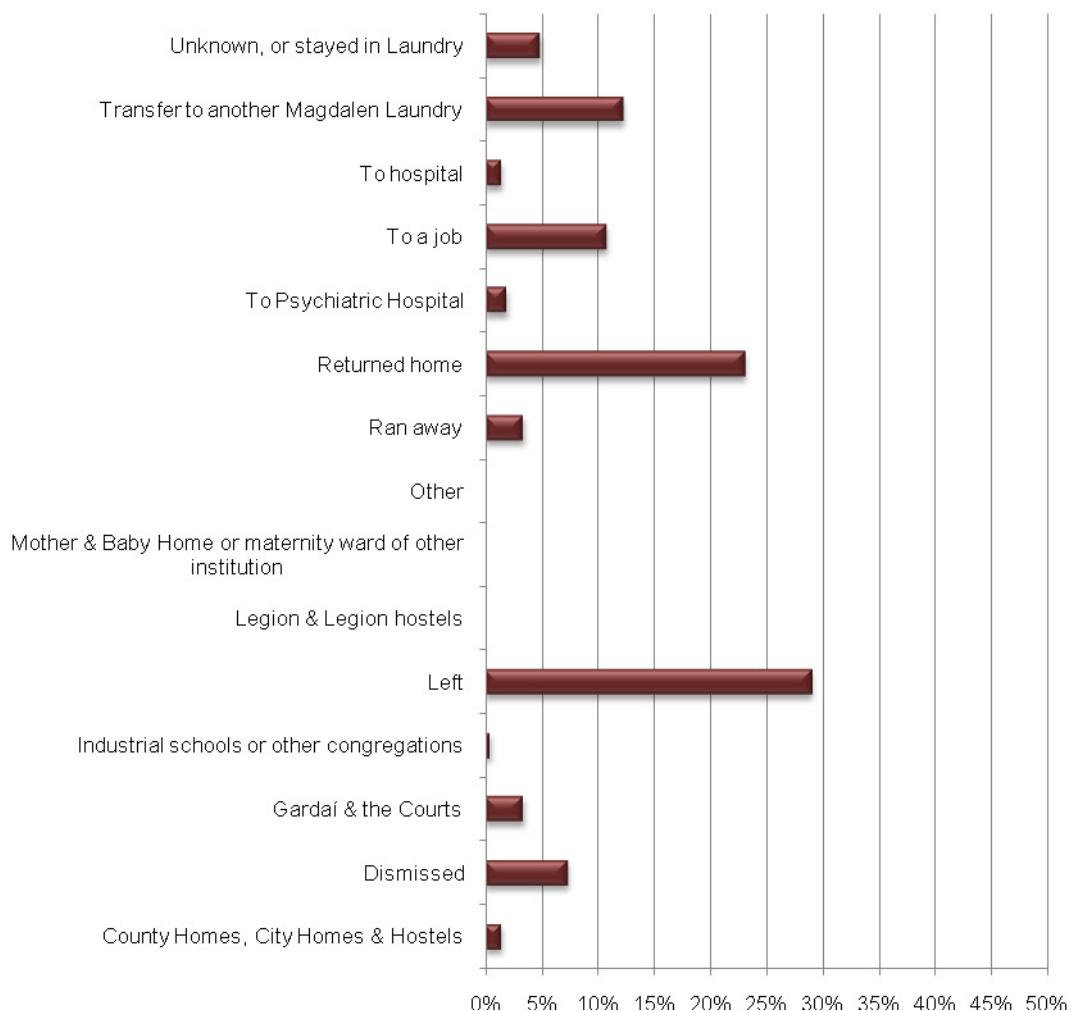
**Route of exit for entries from NSPCC**

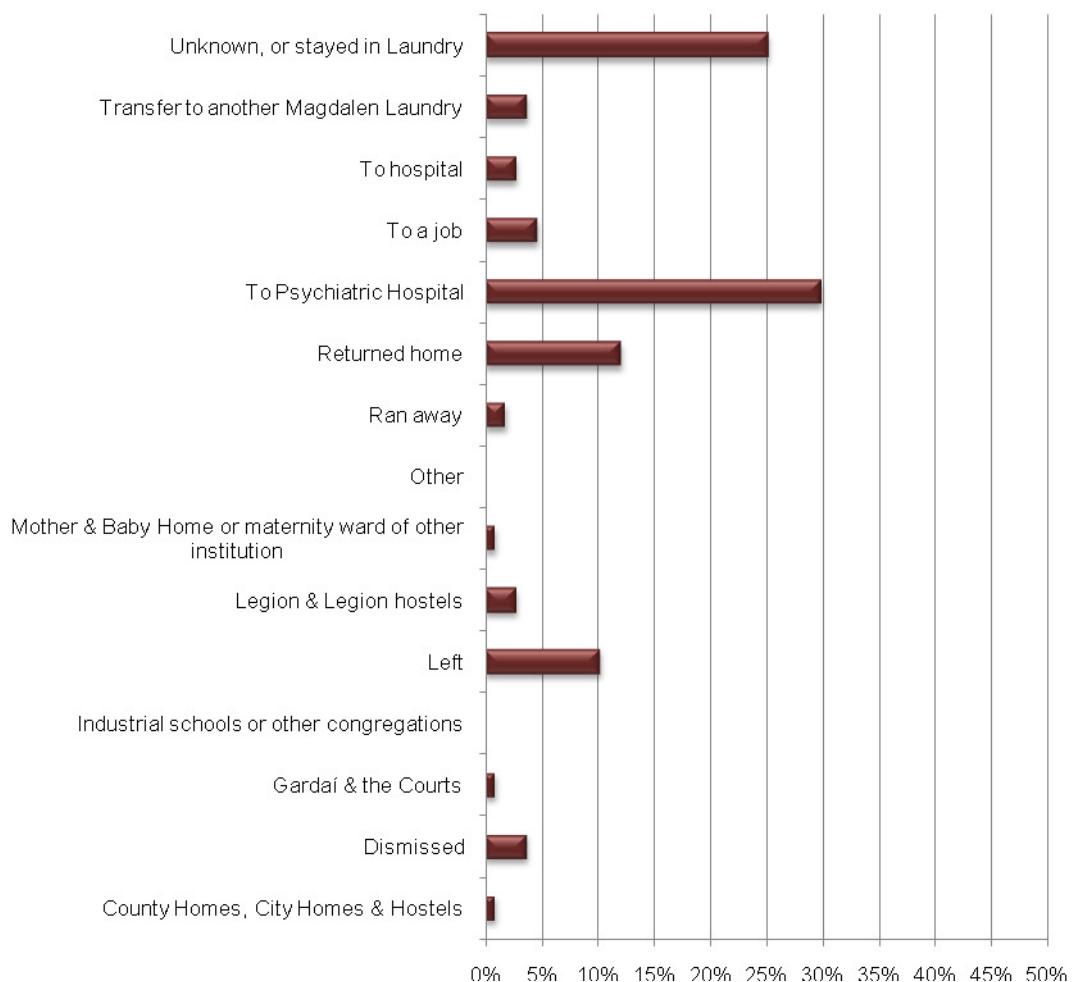
**Route of exit for entries from Other**

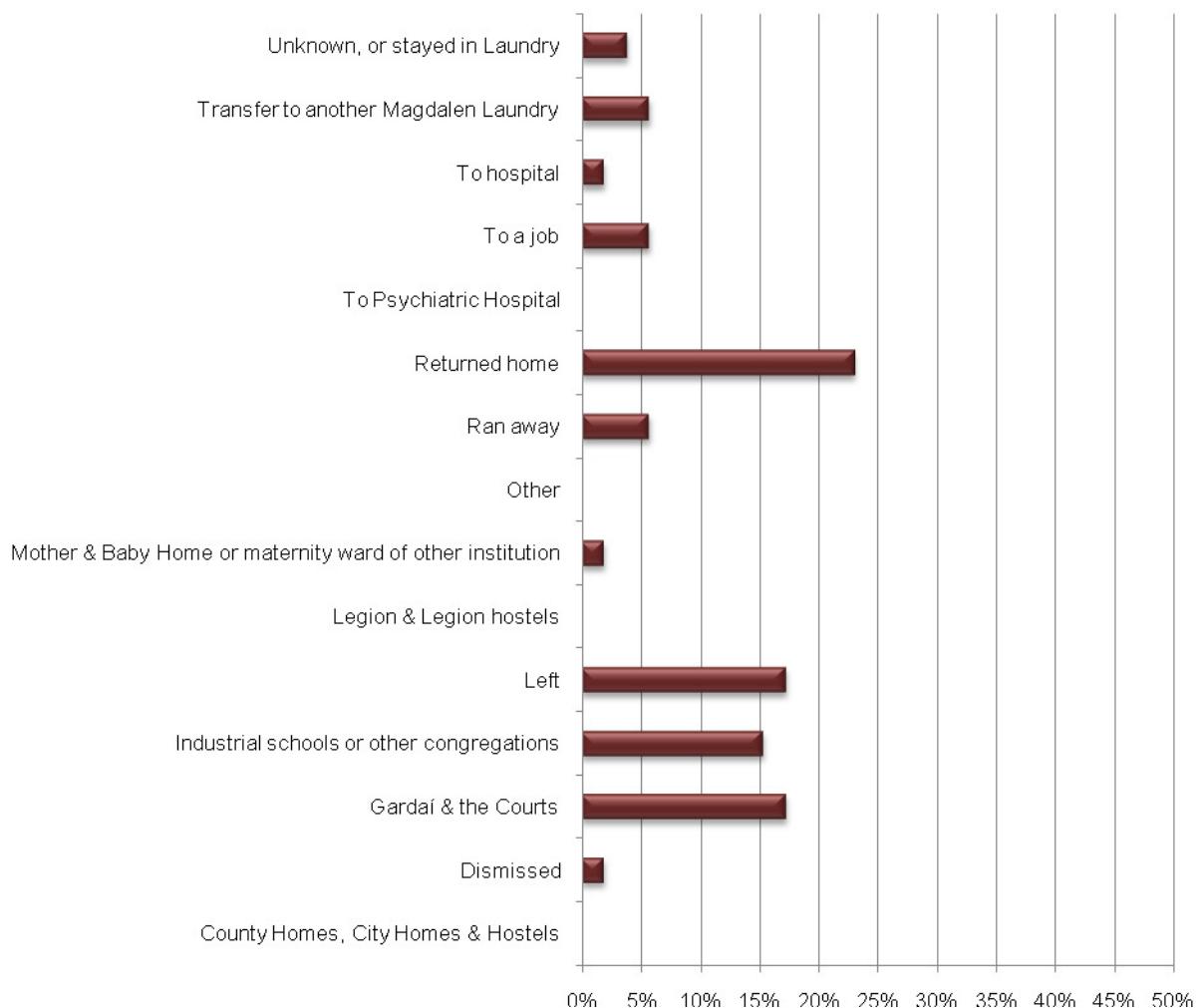
**Route of exit for entries from Other congregations**

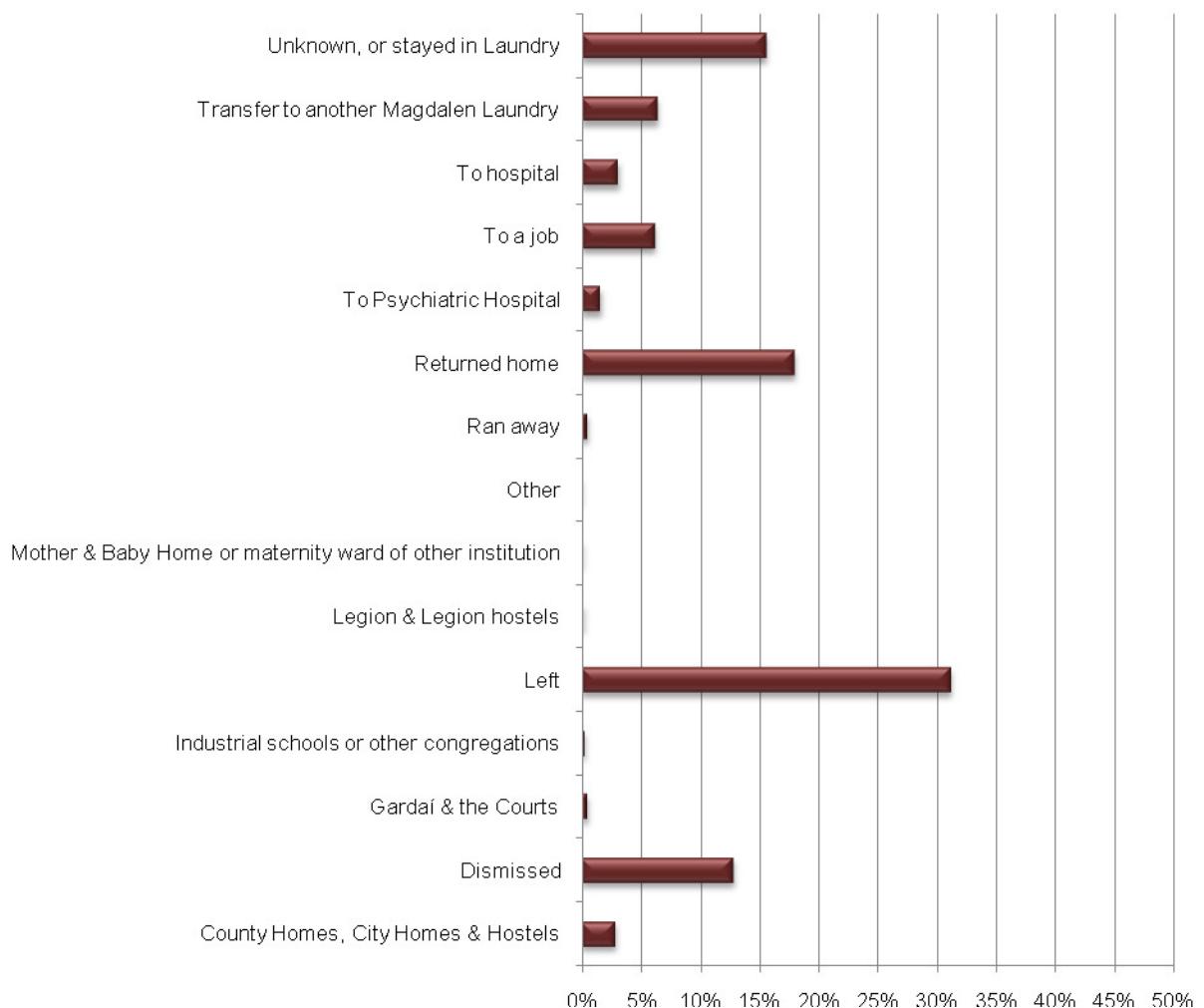
**Route of exit for entries from Priest**

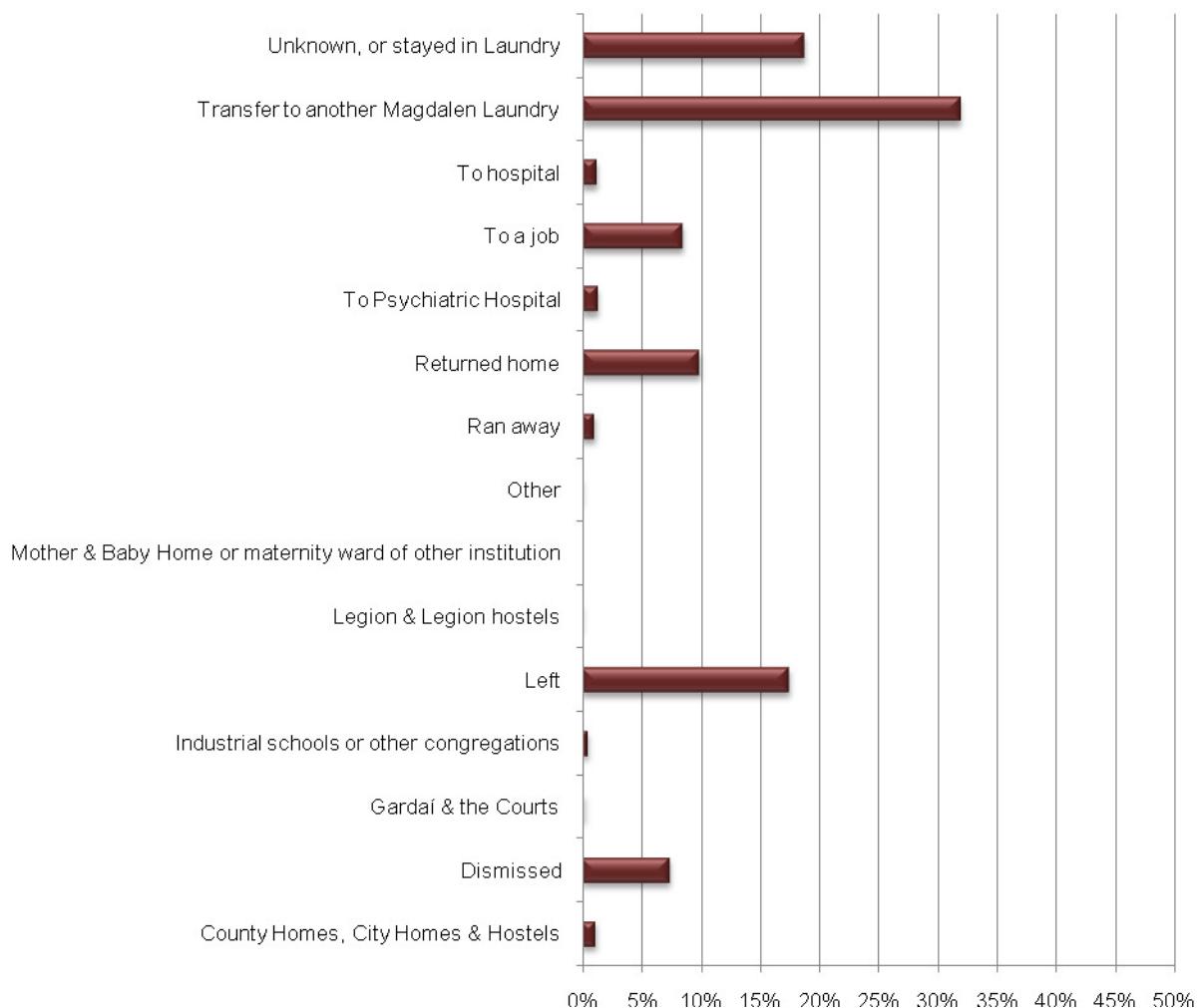


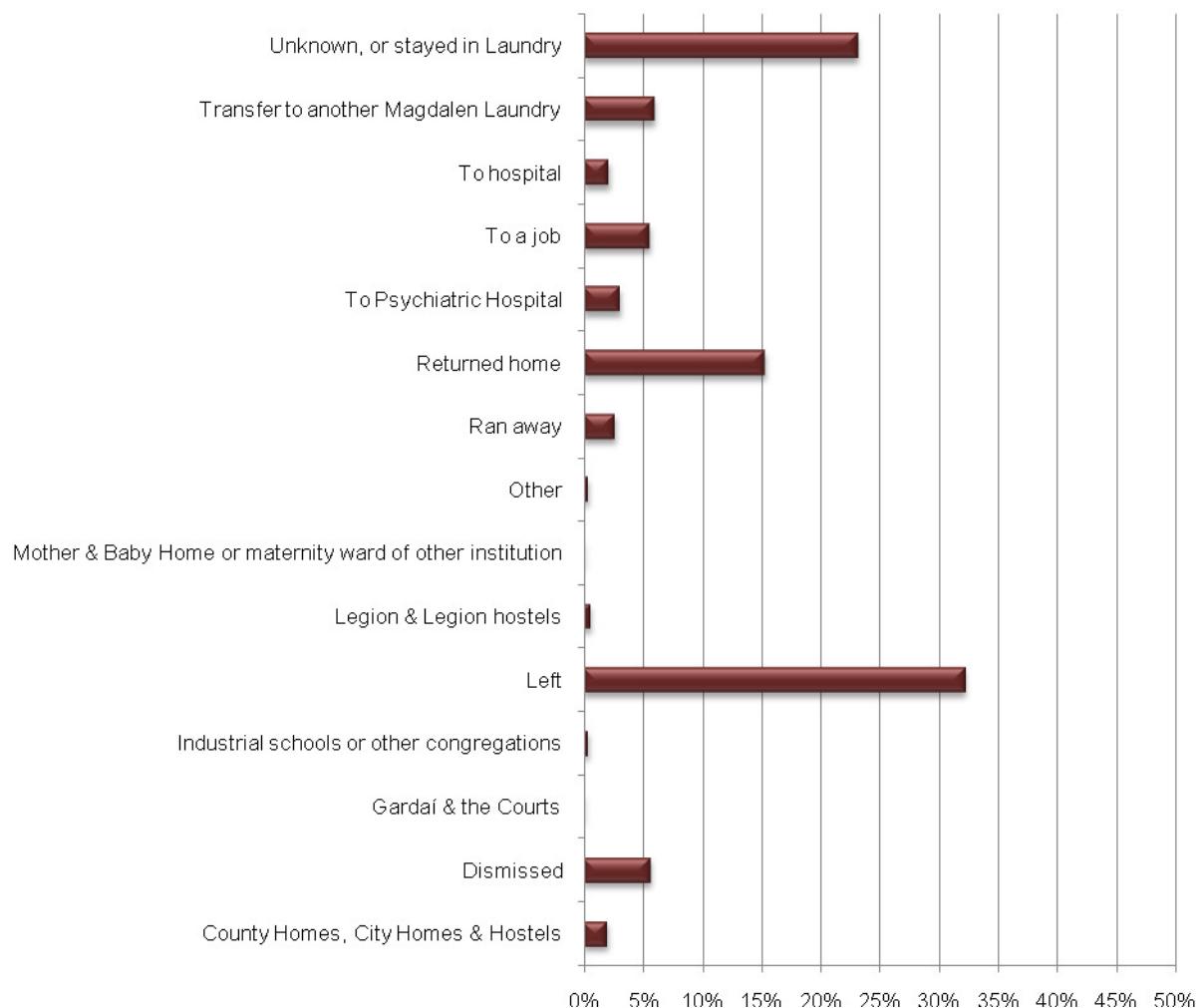
**Route of exit for entries from Probation**

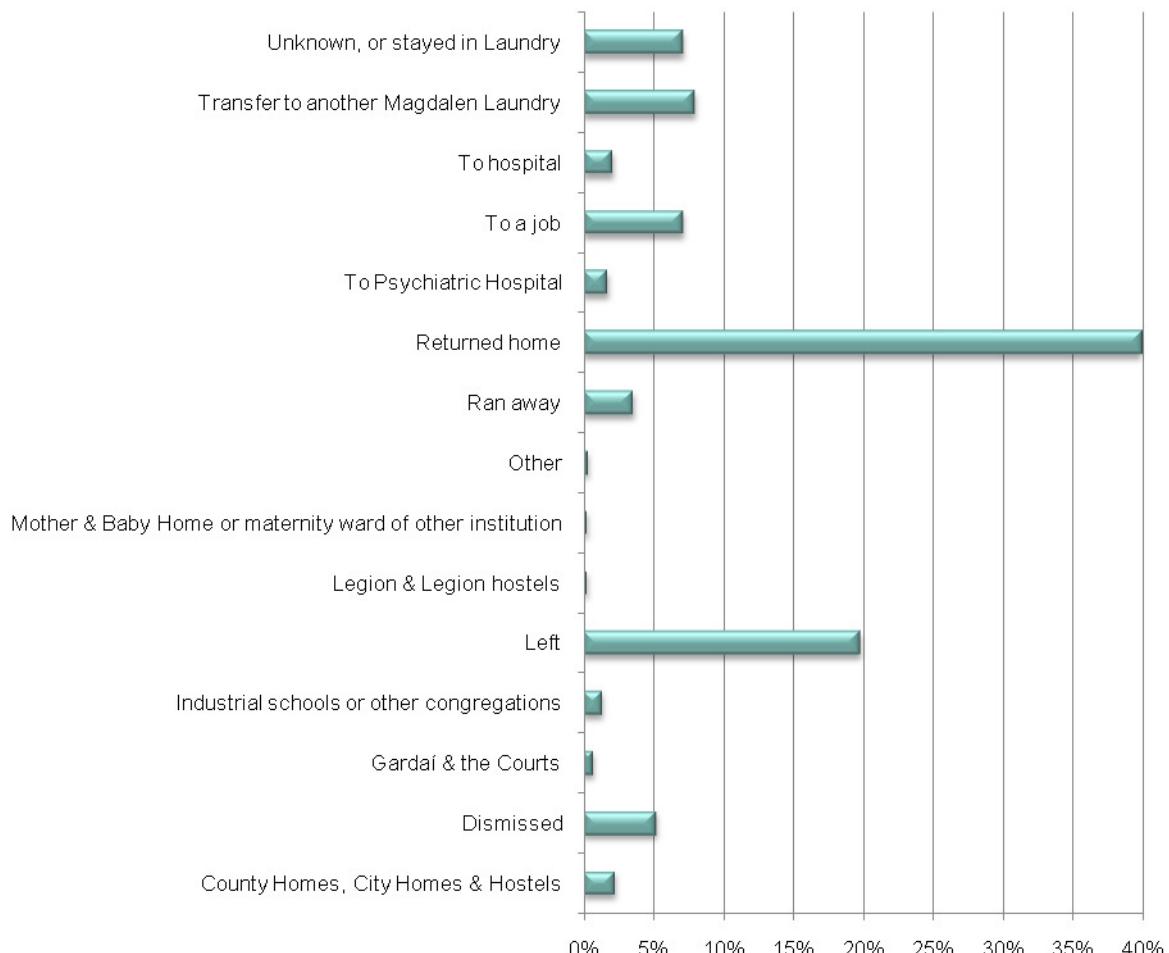
**Route of exit for entries from Psychiatric hospitals & institutions for the intellectually disabled**

**Route of exit for entries from Remand**

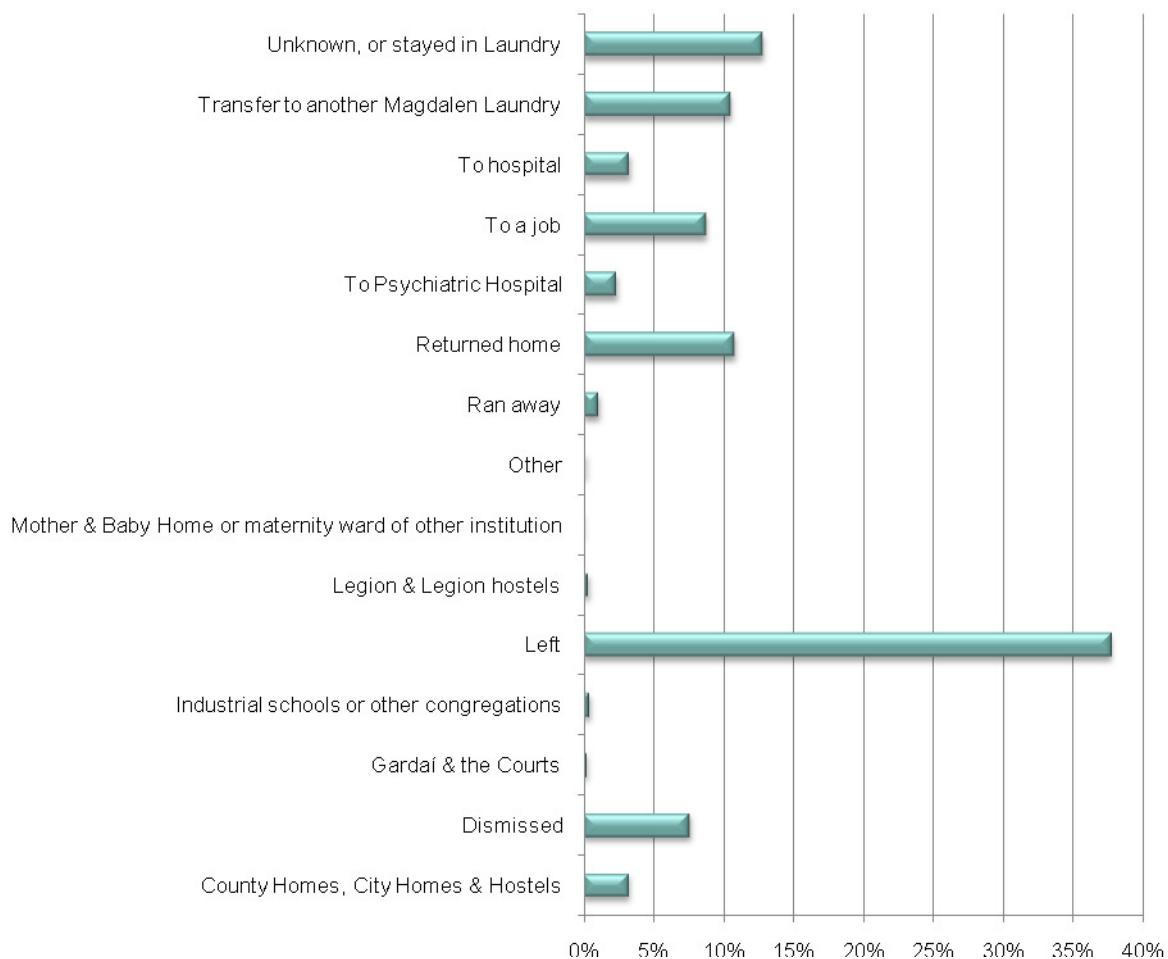
**Route of exit for entries from Self**

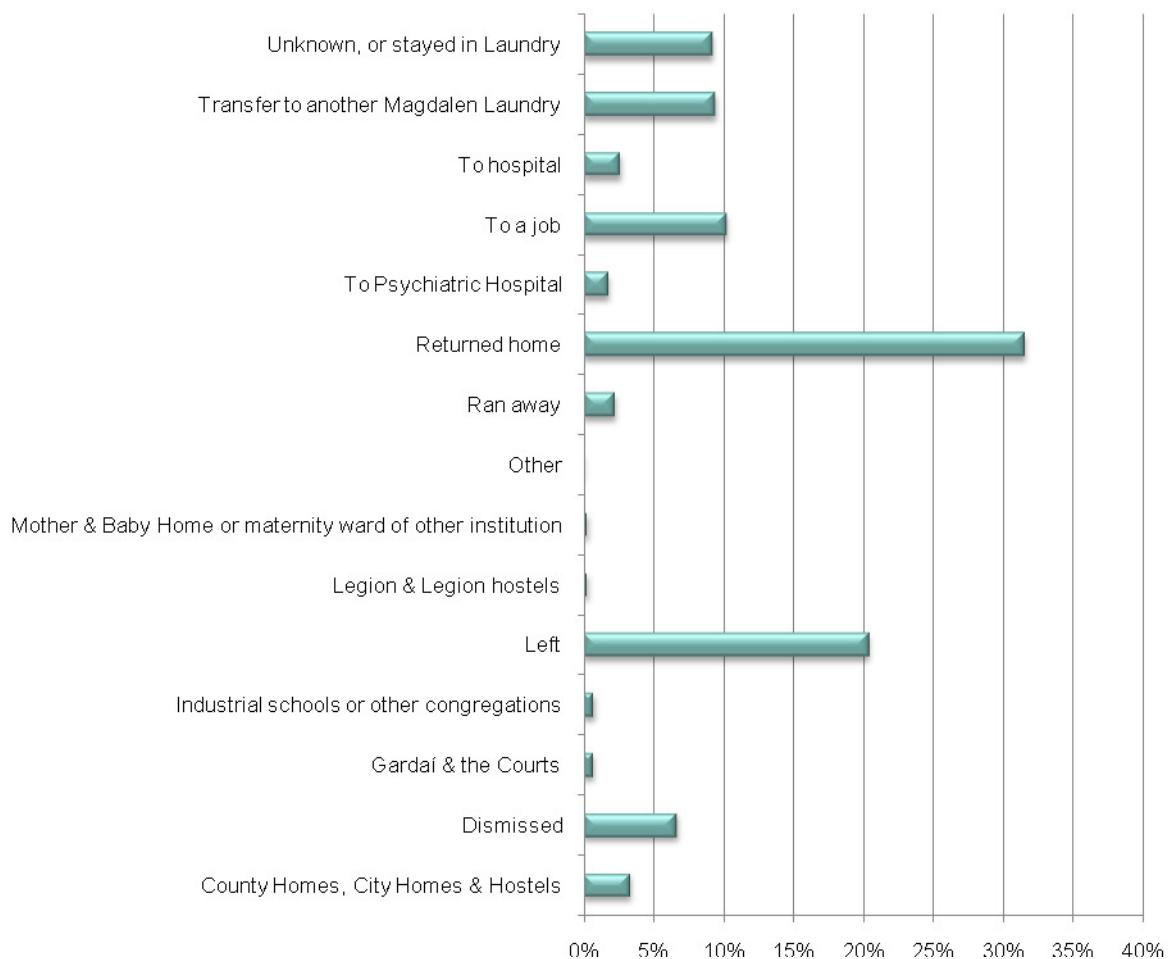
**Route of exit for entries from Transfer from another Magdalen Laundry**

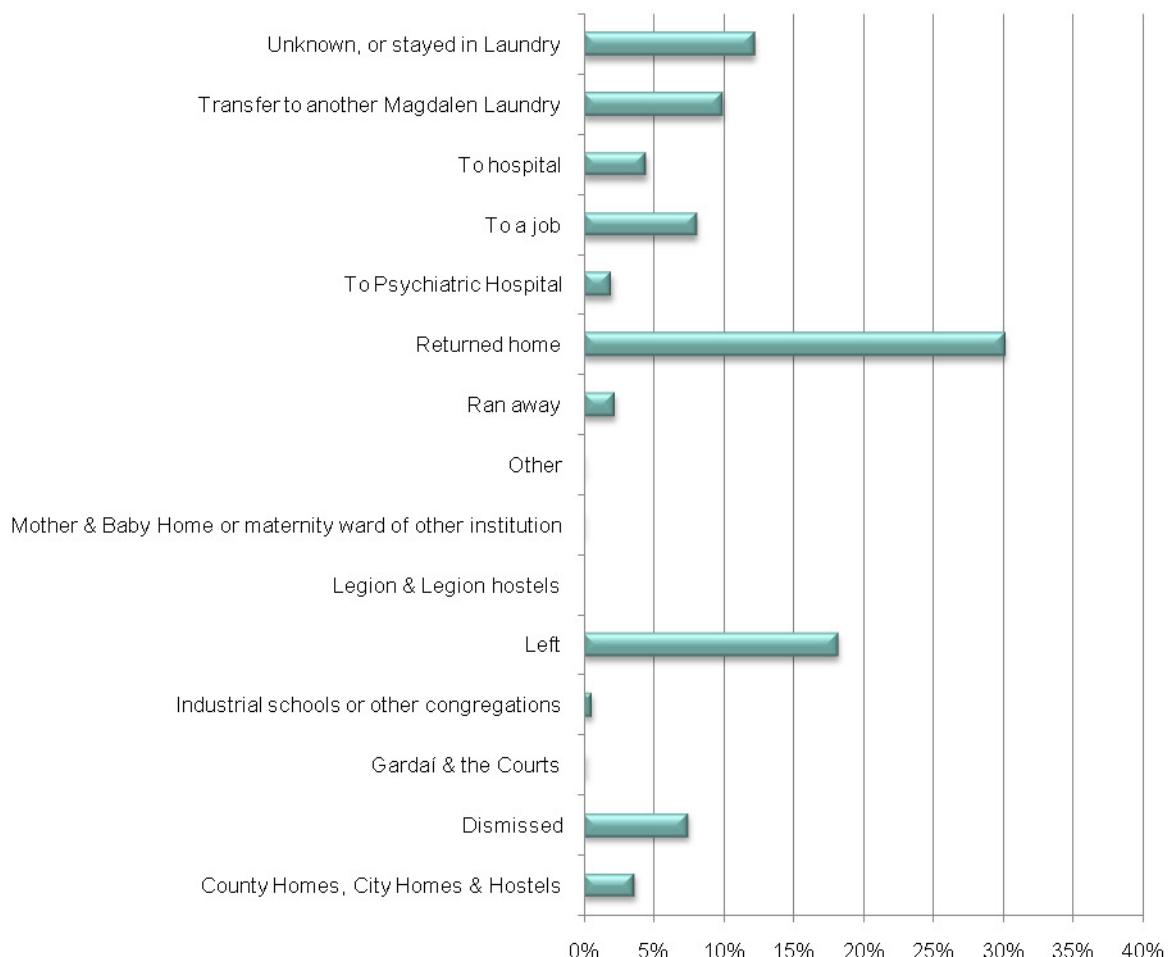
**Route of exit for entries from Unknown, or stayed in Laundry**

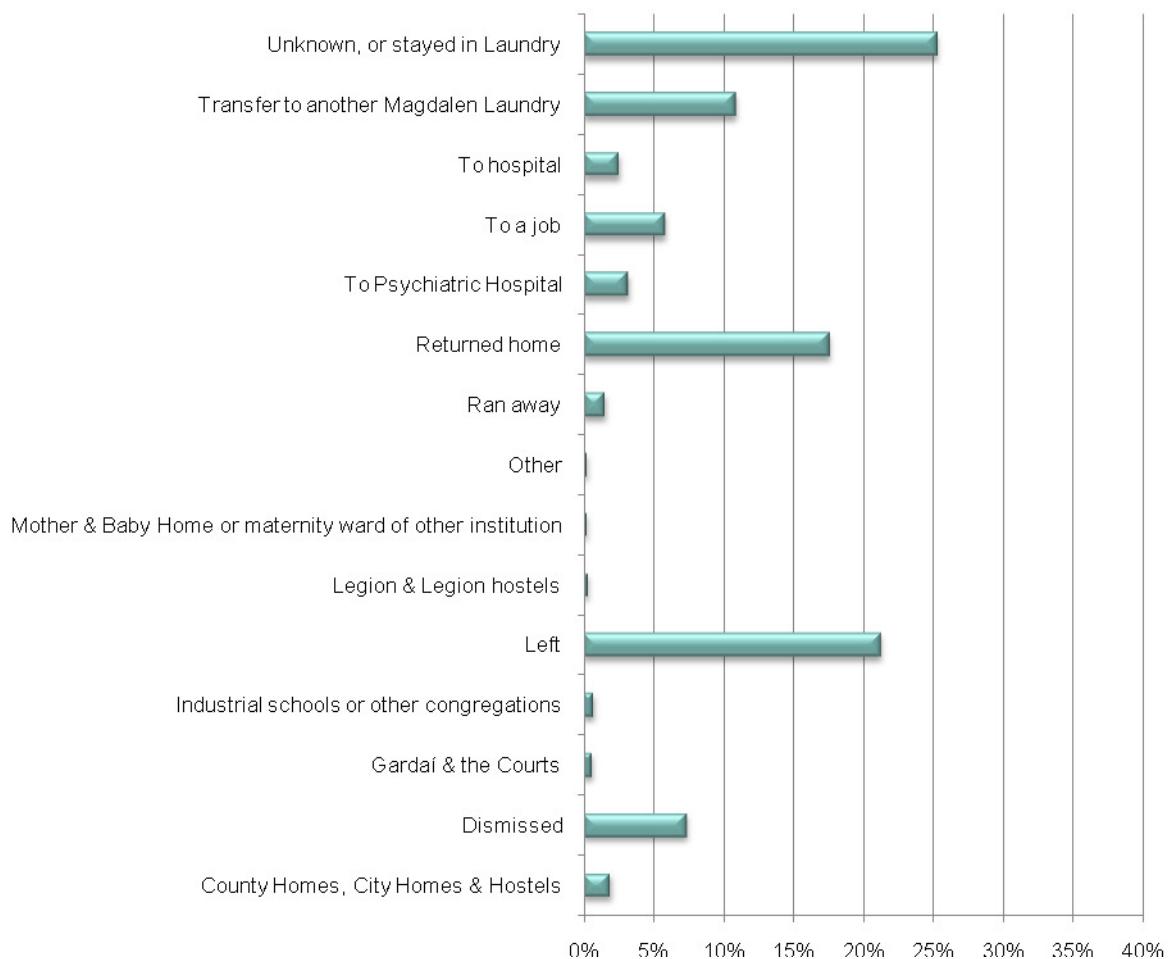
**g. Routes of exit by parental background****Route of exit by Family status - Both parents alive**

**Route of exit by Family status - Both parents dead**



**Route of exit by Family Status - Father dead, Mother alive**

**Route of exit by Family status - Mother dead, Father alive**

**Route of exit by Family status - Unknown**

## MEMORANDUM

RE:

(also *Want*)  
C. C.

Women and Girls who come before the Central Criminal Court on serious charges - and other relevant matters - under the following

Headings: -

## 1. TYPES.

## 2. CAUSES.

## 3. TREATMENT.

- (a) Prison
- (b) Institutions or Homes.
- (c) Magdalen Asylums.

## 4. SUGGESTIONS FOR IMPROVEMENT OF PRESENT SYSTEM.

- (a) Remand Home.
  - (b) Specialised Treatment for Young Girls.
  - (c) Court Orders.
-

TYPES.

Girls appearing before the Central Criminal Court on charges of infanticide, murder, or manslaughter, or concealment of birth, are in the majority of cases from country districts, often from isolated places in the West. Their ages vary from 17 yrs., or perhaps younger, to 39 yrs., the greater number being between 17 and 25 years.

In most instances they are first offenders, i.e., never previously charged with a criminal offence, though a certain percentage have previously given birth to one or more illegitimate children. As a class the majority spring from the ordinary labouring family, some from the decent small farmer, a few from the riff-raff of the small town back street population.

The majority of these girls have been employed as domestic servants, either in country districts near their own homes, or in provincial towns, and a small proportion may have met their "fate" when thus employed in Dublin, or other cities.

CAUSES.

The cause of the downfall of these girls may be as varied as the types. Very often in the case of the younger girls the cause may be traced in the first instance to ignorance which left them an easy prey to the snares of the first unscrupulous man who cared to take advantage of them. Particularly is this the case with young country girls who "get into trouble" in Dublin where their inexperience is easily recognised and readily exploited by the depraved types who are always seeking such victims with impunity. Older girls, or women, are very often led astray by the promise of marriage.

Environment is an important factor to be reckoned with and must be considered when dealing with criminals of any description. Perhaps more crimes could be traced to existence in unfavourable surroundings where the atmosphere is polluted with vice of various kinds than to hereditary weaknesses such as inebriety, insanity or immorality, which may often appear the obvious causes.

The actual commission of the crime of infanticide may very often be traced to the fact that by some strange series of circumstances the girl's pregnancy has remained a secret up to the last. For example, in a large proportion of cases, these crimes are committed in the residence of the girl's employer, who had failed to notice her condition. It is easy to see why a girl is driven to such a tragic act - extreme mental strain, a terrible fear of discovery, depression and the necessity for guarding her secret - all play their part.

The girl, as one of them declared to me, may have no knowledge of her real condition for a considerable time, and having discovered it becomes bewildered, even desperate. Fearing instant dismissal if her condition becomes known, she says nothing and just carries on until the baby is born. Then in the frenzy of a moment and still trying to cover up her shame, she kills her child.

Many of these crimes would have been prevented if the condition of the girls was known to their employers beforehand, or to some person of responsibility who would take the necessary steps to safeguard them. The same applies to cases occurring in the girls' own homes to which they have either returned shortly before the event, or may have been home and managed to conceal their condition from unsuspecting parents or family. Had they but confided in somebody trustworthy, they would never have appeared in Court on such a charge.

Perhaps very many of these girls would never have fallen if they had been given at least some idea of the facts of life before being launched on the world at the tender age of 14 or 16 years. To propose reformatory treatment for a girl who has murdered her unwanted infant is a far more serious and difficult problem than that which arises in the provision of some attempt to prevent the fall of the girl in the first instance.

Girls who have been brought up in Industrial Schools (and the same is true of most Primary Schools) and who not infrequently come before the Courts on one charge or another, have often told the Probation Officer that they received no preparation whatever calculated to help them in the vital matters of sex. Neither did they get any instruction of a practical nature concerning courtship and marriage. Frequently they attribute their downfall to their lack of knowledge of these things. How far this neglect of essential moral training may be held responsible for our "unmarried mother" problem is worthy of serious consideration and investigation. (See Note below.)

#### TREATMENT.

The treatment of convicted girls in the category under discussion, and other categories, whether it be the serving of a prison sentence, penal servitude, or residence in an institution under the care of a religious order, is lacking in any preconceived constructive system of reform calculated to deal effectively with the problem along modern lines.

#### PRISON.

Apart from the fact that punishment - an essential element in criminal reform - is imposed, that the public is safeguarded and the girl deprived of her liberty, there is little advantage to the State in sentencing a girl to a term of imprisonment under our existing system, for the system is lacking in fundamentals.

NOTE. We have also to consider that the women charged with such offences as infanticide are far less guilty than the larger numbers in the more exalted walks of life who have recourse to the use of contraceptives and abortion.

## Prison (contd.)

For example the prison system provides:-  
No educational facilities.  
No practical occupational training.  
No adequate segregation of case types.  
No facilities for up-to-date treatment of venereal disease.  
No blood tests (necessary in certain suspected cases of disease.)  
No organised system of after-care of ex-prisoners.

(These shortcomings, it should be noted, are in no way the fault of the Prison Governor or staffs.)

Perhaps the greatest disadvantage of the system is that young girls, even while on remand, are able to meet and converse with hardened offenders "doing time", whose vile influence is seen in the changed attitude of the newcomer, even after a few days. In my experience of Probation work, I have <sup>not</sup> yet found a first offender really benefiting from a prison sentence, but on the contrary have seen many young girls become embittered, hardened and morally decadent as the result of association with the depraved characters who form the normal population of our prisons. Moreover, this first term of imprisonment, especially if a short one, is usually the prelude to many another and soon the girl becomes an "incorrigible type."

### AFTER-CARE.

Lack of an organised system of after-care of ex-prisoners (female) may be responsible to some extent for a large proportion of these second and third convictions - not to mention the considerable number of confirmed offenders.

However a start has now been made in Dublin where a group of Approved Lady Visitors has recently been organised under the direction of the Catholic Chaplain with the object of visiting the female prisoners in Mountjoy and of keeping in touch with them as far as possible when discharged. In accordance with the rules of the Organisation to which these lady visitors belong, their work is voluntary and is of great value in the moral and spiritual aspect, especially when they are able to do effective "follow up" work.

### THE INSTITUTIONS OR HOMES.

Apart from the Probation System (not applied in the type of case that comes before the Central Criminal Court)-the only alternative to Prison treatment is the expedient of sending the girl to an institution under the care of a religious order, on her own recognisance, or under the restriction of a suspensory prison sentence. I mention "expedient" because, as already stated there is not provided at any such institution a well-planned, adequate, or specialised system of reform in keeping with modern requirements. Neither are such Homes or Institutions subject to inspection from any Government department-an essential condition in "approved homes" elsewhere.

The difficulty arises in that the Homes are voluntary, i.e., conducted according to the rules of the particular order in charge, and not in receipt of any Government grant, except in one instance where a very small grant per annum is allowed.

This is OUR LADY'S HOME, Henrietta St., Dublin, which accepts first offenders provided they are not of immoral character. In addition to these girls who are placed there under the supervision of a Probation Officer, the Home accepts the "better types" among girls charged with infanticide and kindred crimes. Besides the "court cases" there are in the Home, a number of young girls sent there on a voluntary arrangement by parents, guardians, social workers etc.

This is the only Home in Dublin catering chiefly for girls of an age group from 18/24 yrs. or thereabouts, with a few exceptions on either end of the scale. In this the Home has an advantage over other institutions. And also in the fact that the Management has a preference for Court cases.

The Home is maintained by a laundry in which most of the girls work. The others are engaged in the work room, sewing and mending, in the kitchen helping with the cooking, etc., scrubbing and cleaning. A general all-round training is not provided, for example a girl who is sent to work in the kitchen, or in the laundry on admission is likely to remain at that particular work while in the Home.

Neither are ordinary educational facilities provided.

There are limited opportunities for reading, and recreation, in the form of music, dancing etc., appears to be adequate. On Sundays the girls go out together for walks; there are various outings during the year in the form of a pic-nic in the Summer, and visits to other Houses of the Sisters of Charity of St. Vincent de Paul, as well as a few visits to the Pantomimes around Christmas.

On leaving the Home after the completion of the prescribed period of probation, or other Court order, each girl (unless going home) is placed in a situation as domestic servant, or as maid in one of the hospitals or institutions in the city, and is supplied with a suitable and full outfit for house and outdoor wear.

Here, however, the after-care ends, unless the girl happens to be still under the supervision of a Probation Officer for a further period outside the Home, or unless she continues voluntarily to visit the Home on her evenings off.

On the whole, results from this Home are fairly satisfactory. The girls are given the advantage of a fresh start without the stigma of a prison sentence and many of them definitely make good.

Better results , however, might be expected from a more general all-round training by the introduction of occasional lectures by competent speakers on subjects of educational value and by adequate provision for after-care, such as a club for past inmates.

#### THE MAGDALEN ASYLUMS OR PENITENTIARIES.

These represent the only other type of institution where these girls may be accepted as an alternative to imprisonment. Here again the great difficulty arises in lack of any specialised training calculated to permanently reclaim the subjects of court orders and give them a fresh start in life . Another aspect is if the subject is difficult to handle and unbiddable, she will not be kept.

In these Homes girls and women of all classes, ages and types work side by side. There is no minimum or maximum age-limit and one may find a girl still under sixteen subject to the same regulation and doing the same type of work as the woman of 50 or 60 years who has been through the "world" and has decided to give the remainder of her life to atone for her evil ways.

Again the educational facilities are absent and the only "training" (in the physical sense) is the ordinary routine work of the institution which always includes a public laundry, sewing, mending and cleaning. The supervision is strict and the religious atmosphere and moral training provide a barrier against contamination not available in prison treatment. This religious training, however is directed with the purpose of leading the subjects to a permanent renunciation of the world and to a life of penance in the particular institution, in accordance with its rules. All very laudable, but hardly appropriate for the type of girls undergoing a court sentence for a serious crime, seeing that with very rare exceptions none such would dream of remaining on in a Home voluntarily after the period of detention has expired.

In keeping with the idea of renunciation is the failure to equip the girls for suitable employment in the world. With very rare exceptions no Magdalen Asylum will obtain a situation for a girl on leaving. In a sense this policy may be justified in the argument put up for it by the different Orders in charge , i.e. that a reference from a Magdalen Asylum is no help to anybody.

The result is that a girl is virtually let loose on the world after a long period of discipline and close supervision, without any steps being taken to give her a fresh chance to earn an honest living. Left without a friend, with little or no money, plus the handicap of no reference or recommendation, what is such a girl to do? Seldom will her family, if she has one, welcome her home, and even if they do, she may refuse to return home. It is obvious that she needs, now more than ever , some sympathetic friend capable of advising and directing her, and where possible finding her suitable employment.

Without the assistance of the Lady Probation Officers attached to the District Courts it is to be feared that many of these girls on leaving the Magdalen Home would find themselves in a deplorable position, unless it should happen that they can be put in touch with voluntary social workers, e.g. the Legion of Mary.

Here it may be remarked that none of the Catholic Girls' Hostels in Dublin will admit a girl known to have come from a Magdalen Home, except the two Hostels conducted under the auspices of the Legion of Mary, one of which is definitely for the "street girl" and the other for "down and out" women and girls. Neither will any of the other Catholic Hostels put up a girl for even one night if it is known that she has appeared in Court on however trivial a charge.

It is obvious then from the foregoing that our prison and reformatory system for female delinquents suffer from many defects. Chiefly the items that call for immediate attention are: -

#### REMAND HOME.

The setting up of a properly constituted Remand Home for girls is essential. The only such establishment in being at present is at St. Joseph's, Whitehall, Dublin, and may only be used for Juveniles. It is inappropriate in as much as it is not a separate building; it is not in fact a Remand Home; it is a Girls' Industrial School in which young girls on remand may be detained. In order to keep these girls as far apart as possible from the pupils in the School, they are generally relegated to a portion of the house little frequented by the latter, for instance the kitchen - an arrangement not to be commended, but perhaps unavoidable under the circumstances.

Again, if a girl on remand is for any reason considered by the Manager an undesirable type for the "Remand Home", she may be sent (without waiting for official sanction) to the Magdalen Asylum attached, even though the girl is still a juvenile and perhaps awaiting trial of such offences as house-breaking, larceny, etc. Very often these girls are subjects for the Reformatory School - St. Joseph's, Limerick. If and when they have been committed to the Reformatory School, the Manager learns that they have spent even a week in High Park (i.e. the Magdalene Home and not the "Remand Home") they are no longer considered suitable subjects for St. Joseph's, and they are immediately transferred to the Good Shepherd Convent adjoining. Scarcely a fair start for young girls under 16 years who hitherto may not have had immoral tendencies. !

Perhaps even a stronger argument in favour of a Remand Home comes from the unsatisfactory arrangements in Mountjoy for the accomodation of the more respectable type of girl offender. These have been referred to already: -

(a) Possibility of association with most undesirable types of prisoners who even in a brief interval can do much to induce the newcomer to abandon good intentions and to follow ( probably without realising it) the downward path.

(b) Lack of facilities for the provision of absolutely definite medical reports. Indefinite reports are of little use when dealing with certain types of cases.

Still another argument in favour of the Remand Home is (see 6.) that prison loses its terrors for a girl who has gone there once, even on remand, and many after a week of this experience, ask to be allowed to do a short term sentence instead of the longer period of Probation - not realising or wishing to - the ultimate result. As long as girl can be kept out of prison she has a great fear of it and may be deterred from evil by its imagined punishments. When the actuality has been experienced by even a term of seven days, the spell is broken and the culprit finds prison not as bad as was anticipated. The fear has been removed; she does not mind very much having to go there again.

#### SPECIALISED TREATMENT.

The necessity for more up to date and adequate machinery for dealing with girl offenders between the ages of 16 and 21 years. The establishment of a Borstal for girls has often been advocated, but was apparently considered impracticable. As a modification it should be possible to arrange, say with one of the religious Orders to conduct a Home subject to Government inspection and restricting admission so that none other than cases from the courts would be eligible. Some educational facilities should be available in the form of occasional lectures etc., and a good general all-round training should be provided, the aim being to give the girls as wide an interest as possible, housewifery, dressmaking, gardening and poultry-keeping, for example would be highly suitable subjects for study and occupation. A Government grant would necessarily be entailed, but the functioning of such a Home, if conducted on approved lines, would save the State much of the money now expended in the maintenance in prison of many who might never have had to be sentenced, if in the early stage of their criminal career they had the advantage of a period in such a Home.

The period of detention should not be less than one year nor more than three years, and each inmate, on leaving the Home should be under some form of licence or restraint for a period of from three to six months according to their age and individual circumstances. This could best be effected by personal supervision, such as by voluntary after-care .

*might*

In considering this suggestion it be found practical to approach the Sisters of Charity of St. Vincent de Paul with a view to a possible transfer of their Henrietta St. Home to a place outside the city where opportunities would be available for training in agricultural pursuits in addition to the other subjects normally provided.

In such a development the Sisters might be induced to open three separate sections : (1) A Remand Home; (2) A Home for the types <sup>as</sup> presently catered for but larger and with the additional subjects; (3) A Home for girls who are heading for the immoral life - just starting a career on the streets.

Girls of the latter type constitute a serious problem at the moment. A large proportion of these cases on first appearance in court are found in a bad state of venereal disease requiring prolonged treatment. Since in a first conviction the Court has power only to inflict a fine of 40/- or one month's imprisonment, (The maximum.) such a sentence would not give time for any effective medical treatment even if such were available in prison. Therefore the course generally adopted where there is a reasonable hope of moral reclamation is to place the girl on probation with a condition of residence, the place designated being the Westmoreland Lock Hospital. This course, however seldom proves entirely satisfactory, because even if a girl on Probation and under the supervision of a Probation Officer, asks the Medical Officer for her discharge from hospital, he will give it to her although she may be far from well and may have been only a few weeks, or less, under treatment when she really needs a few months' course of injections.

The hospital is a voluntary institution and has no power to compel patients to remain. A girl thus obtaining her discharge may do so contrary to the express instructions of the Probation Officer, or without prior intimation of her intention. She may be induced to stay in the Legion of May hostel at 76 Harcourt St. and from there may continue to attend hospital as an extern patient, or she may leave the hostel (that is if she goes there at all), may cease to attend hospital, return to her former life and soon become a dangerous source of infection. Yet if she appears in Court on a similar charge or on a warrant for breach of Probation and is convicted - it is only a first conviction and must have an option of fine or rule of bail which provide the loophole for escape from even a short sentence. The number of girls in Dublin suffering from venereal disease and failing to take proper treatment is alarming. Could the sisters therefore provide for an appropriate clinic in the section of the above suggested section where this type of girl might be sent and where discharge would not be given until medical treatment was complete. These girls of course should be obliged to work and follow the regulations of the system which for this type should include physical exercises, drill etc. and if possible outdoor occupation in the endeavour to turn their minds to other ways of living than the one which they had begun to practise.

COURT ORDERS.

To raise a last point in relation to Court Orders, it is that any Order made should be capable of being enforced and should be enforced. For example if a girl is bound over for ~~two~~<sup>by the</sup> years, one of which is to be spent in a Home selected by the court, and the other in her own home under her parents' supervision or probation, steps should be taken to see that the latter condition is observed. Otherwise the Law becomes an object of ridicule. A few years ago when an order of this kind was made, the girl in question went to her home in the country, having completed the first year in an approved Home. Instead of remaining as ordered by the court, under her mother's supervision at home for another year, she left home, apparently with her parents' knowledge and consent and went to England. That the matter was ever questioned by the authorities is extremely unlikely, considering that no particular person was made responsible for seeing that the order was carried out. An apt example of the saying that "What is everybody's business is nobody's business."

NOTE.

It should not be inferred from the foregoing memorandum that it is intended by the suggested innovations that criminals are to be pampered or crime condoned by the provision of what might appear to be advantages for offenders above those enjoyed by the rank and file who are not law-breakers. The idea is to provide adequate treatment for those in need of it and to give them what they lack in character to enable them to overcome the disadvantages in which their environment or upbringing may have placed them.

E. M. Canale.

Probation Officer.

7th. July 1941.

10.1.1924

REFORMATORY AND INDUSTRIAL SCHOOLS DEPARTMENT,  
DUBLIN CASTLE.

April, 1924.

The Manager,

Industrial School.

Some Managers appear to regard a licence not as a temporary provision or experiment, but as a final disposal. I have therefore to state that information from reliable sources should at regular intervals be got about children on licence and that children should be recalled if and when necessary.

Section 67 of the Children Act authorises that children be licensed to trust worthy and respectable persons only and this is a condition that should always be observed in licensing. When supervision is found to be no longer essential application for discharge should be made in cases where the licence is to continue for a long period.

I wish again to draw attention to the provisions of Section 68 of the Act relating to the supervision of children placed out after the expiration of their term of detention and to the obligation under the Section to issue licences to children when they leave School (Education Act cases excepted). Where it is considered that the provisions of subsection 6 of this Section does not afford an adequate safeguard for the protection of children against undesirable parents, the facts of the case should be reported to me.

C.J. MacCormack.

COPY/

AN ROIÑN OÍDEAGHAIS,  
BAILE ATHA CLIATH.

12 Feabhra, 1942.

I.R. 38/1942.Rúnai,  
Roinn Dlíghidh agus Cirt.

I am directed by the Minister for Education to state that this Department has at present under consideration the question of making suitable provision for dealing with cases of young girls (age 12-17) who are brought before the Courts and convicted on charges involving immorality. Recently, in Limerick, there appeared before the District Court two girls aged 12 years 9 months, and 13 years 5 months, who were charged and found guilty of "being common prostitutes, loitering and importuning for purposes of prostitution" and in connection with which case prosecutions were brought against a number of males who were alleged to have been guilty of complicity in immoral offences with these girls.

The girls were committed under the Children Act, 1908, to the Reformatory School for girls in Limerick (the only school of this kind for girls) on the 6th December last. The Manager of the school agreed to accept them, believing that, because of their immature years, they might not have realised the gravity of their conduct and would be amenable to reform under her care. It has transpired, however, to quote the Manager's statement, that they are "only too well versed in immorality" and are of such a type that, in justice to the other inmates of the school, mostly convicted on charges of larceny and petty theft, the Manager considered their immediate removal from the school to be imperative. Arrangements have consequently been made to have the girls sent on licence to the care of Managers of Penitentiary Homes conducted by the same Order as manages the Reformatory School (one to a Home in Cork, the other to a Home in Waterford).

This method of dealing with cases of the kind, while effective as a means of keeping the girls away from their former surroundings and associates - the only alternative to which would be their unconditional discharge - has obvious defects from the points of view that in the Penitentiaries to which they are being sent the girls must necessarily associate with adults whose presence there is also due to immorality, and that the Managers of the Penitentiaries may not be in a position to give the attention which would be desirable to the general education of girls of immature years. There is also the consideration, important from the point of view of these Managers, that as their Institutions cannot be certified as "schools" under the provisions of the Children Acts, no State Grants can be paid towards the maintenance of girls who are sent there in circumstances such as have arisen in the Limerick case. This present procedure is simply a fortuitous arrangement made possible by the goodwill and charitable disposition of the Members of the Religious Order concerned.

While it is true that the number of cases of this kind that come to the notice of this Department (i.e. after conviction and committal by the Courts) is very small, that in itself is not sufficient to justify a conclusion that moral aberration amongst girls between the ages of, say, 12 and 17, in the country generally is a thing of rare occurrence. It may well be that in the absence of special provision for dealing with such cases and the unwillingness of the Managers of the existing Reformatory

/ School

School to accept such cases (an attitude which is quite understandable, as in the present instance) Justices may adopt the course of applying probation or discharging, in which case no record would reach this Department.

The Minister is, therefore, considering, tentatively at the present stage, the general question of making suitable provision for girls of the ages specified, who may be guilty of offences connected with immorality. One solution that suggests itself is to certify a second Reformatory School for girls to which only persons found guilty of such offences would be sent and which would be under the management of a Religious Body specially competent to deal with this type of case.

The immediate problem is to ascertain, if possible, the extent to which this type of offence exists, with a view to determining whether the foundation of such a Reformatory School would prove to be an economic and workable proposition for the Managing Body concerned, who would, of course, be aided by State and Local Grants in the same way as the existing Reformatory in Limerick.

It is on this point that the Minister for Education seeks the assistance and advice of the Minister for Justice, and he therefore directs me to request that the Minister for Justice will be good enough to have enquiries made, through District Justices and the Garda Authorities, as to the actual position regarding the prevalence amongst young girls of offences of the nature indicated, throughout the country generally, and the desirability of taking steps of the nature now tentatively suggested for devoting proper care and attention to the welfare of such girls after conviction and committal by the Courts.

It is requested that the necessary investigations will be made at your Department's earliest convenience.

(Sd.) Príomhásas ó Dubhthaigh.

Leas Rúnai.

AN ROINN OIDEACHAIS,  
(Department of Education),

BRAINSI NA SGOLLEANNA SAOTHAIR  
(Industrial Schools Branch),

SRAID UACHTARACH AN MHOITA, 9  
(9, Upper Mount Street),

ATH CLIATH.

9 JAN 1933

The Manager,

Industrial School.

New Rules for Industrial Schools.

Referring to previous correspondence as to above, I am directed to enclose herewith two copies of the revised Rules which the Minister for Education is prepared to approve. May I ask you kindly to "adopt" them on behalf of your school and to return the two copies signed and dated (page 7) at your early convenience? Please note your signature and the date only are required.

M. R. WHELAN.

**RULES AND REGULATIONS  
FOR THE  
CERTIFIED INDUSTRIAL SCHOOLS  
IN SAORSTAT EIREANN.**

Approved by the Minister for Education, under the 54th  
Section of the Act, 8 Edw. VII., Ch. 67.

**1. NAME AND OBJECT OF SCHOOL.** St. George's Industrial School,  
Limerick, for Roman Catholic Girls.

Date of Certificate. 11th December, 1869.

Number for which Certified.—Accommodation is provided in  
this School for only 170 children. This number shall not be  
exceeded at any one time. No child under the age of six years  
is chargeable to the State Grant, and of the children of the  
age of six years and upwards not more than 100 are chargeable  
to that Grant.

**2. CONSTITUTION AND MANAGEMENT.** A Staff of Sisters of the  
Good Shepherd, under a Committee.

**3. CONDITIONS OF ADMISSION.**

Being ~~Roman~~ Girls sent under the provisions of the  
Children Act, 1908, or the School Attendance Act, 1926, or  
the Children Act, 1929, or otherwise as the Management may  
determine.

**4. LODGING.**

The children lodged in the School shall have separate beds  
Every decision to board out a Child, under the 53rd Section  
of the Children Act, 1908, shall have received previous sanction  
from the Minister for Education, through the Inspector of  
Industrial Schools.

**5. CLOTHING.**

The children shall be supplied with neat, comfortable cloth-  
ing in good repair, suitable to the season of the year, not neces-  
sarily uniform either in material or colour.

**6. DIETARY.**

The Children shall be supplied with plain wholesome food,  
according to a Scale of Dietary to be drawn up by the Medical

Officer of the School and approved by the Inspector. Such food shall be suitable in every respect for growing children actively employed and supplemented in the case of delicate or physically under-developed children with such special food as individual needs require. No substantial alterations in the Dietary shall be made without previous notice to the Inspector. A copy of the Dietary shall be given to the Cook and a further copy kept in the Manager's Office.

**7. LITERARY INSTRUCTION.**

Subject to Rule 8, all children shall be instructed in accordance with the programme prescribed for National Schools. Juniors (that is, children under 14 years of age) shall have for literary instruction and study not less than four and a half hours five days a week and Seniors (that is children of 14 years of age and upwards) shall have for the same purpose not less than three hours, five days a week; at least two-thirds of the periods mentioned to be at suitable hours between breakfast and dinner, when the most beneficial results are likely to be obtained. Religious Instruction may be included in those periods, and, in the case of Seniors, reasonable time may be allotted to approved general reading. Should the case of any individual pupil call for the modification of this Rule it is to be submitted to the Inspector for approval. Senior boys shall receive lessons in Manual Instruction which may be interpreted to mean training in the use of carpenter's tools.

**8. SCHOOLS.**

The Manager may arrange for children to attend conveniently situated schools, whether Primary, Continuation, Secondary or Technical, but always subject to (a) the sanction of the Inspector in each case, and (b) the condition that no increased cost is incurred by the State.

**9. INDUSTRIAL TRAINING.**

Industrial employment shall not exceed three and a half hours daily for Juniors or six hours daily for Seniors. The training shall, in the case of boys, be directed towards the acquisition of skill in and knowledge of farm and garden work or such handicraft as can be taught, due regard being given to fitting the boys for the most advantageous employment procurable. The training for girls shall in all cases be in accordance with the Domestic Economy Syllabus, and shall also include, where practicable, the milking of cows care of poultry and cottage gardening.

Each school shall submit for approval by the Inspector a list setting forth the occupations which constitute the industrial training of the children and the qualifications of the instructors employed to direct the work. Should additional subjects be added or any subject be withdrawn or suspended, notification shall be made to the Inspector without delay.

**10. INSPECTION.**

The progress of the children in the Literary Classes of the Schools and their proficiency in Industrial Training will be tested from time to time by Examination and Inspection.

**11. RELIGIOUS EXERCISES AND WORSHIP.**

Each day shall be begun and ended with Prayer. On Sundays and Holidays the Children shall attend Public Worship at some convenient Church or Chapel.

**12. DISCIPLINE.**

The Manager or his Deputy shall be authorised to punish the Children detained in the School in case of misconduct. All serious misconduct, and the Punishments inflicted for it, shall be entered in a book to be kept for that purpose, which shall be laid before the Inspector when he visits. The Manager must, however, remember that the more closely the School is modelled on a principle of judicious family government the more salutary will be its discipline, and the fewer occasions will arise for resort to punishment.

**13. PUNISHMENTS.**

Punishments shall consist of :—

- (a) Forfeiture of rewards and privileges, or degradation from rank, previously attained by good conduct.
- (b) Moderate childish punishment with the hand.
- (c) Chastisement with the cane, strap, or birch.

Referring to (c) personal chastisement may be inflicted by the Manager, or, in his presence, by an Officer specially authorised by him, and in no case may it be inflicted upon girls over 15 years of age. In the case of girls under 15, it shall not be inflicted except in cases of urgent necessity, each of which must be at once fully reported to the Inspector. Caning on the hand is forbidden.

No punishment not mentioned above shall be inflicted.

**14. RECREATION.**

Seniors shall be allowed at least two hours daily, and Juniors at least three hours daily, for recreation and shall be taken out occasionally for exercise beyond the boundaries of the school, but shall be forbidden to pass the limits assigned to them without permission.

Games, both indoor and outdoor, shall be encouraged; the required equipment shall be provided; and supervision shall be exercised to secure that all children shall take part in the Games.

Fire Drill shall be held once at the least in every three months, and each alternate Drill shall take place at night after the children have retired to the dormitories. A record of the date and hour of each Drill shall be kept in the School Diary.

**15. VISITS (RELATIVES AND FRIENDS).**

Parents, other Relations, or intimate Friends, shall be allowed to visit the children at convenient times, to be regulated by the

Committee or Manager. Such privilege is liable to be forfeited by misconduct or interference with the discipline of the School by the Parents, Relatives, or Friends. The Manager is authorised to read all Letters which pass to or from the Children in the School, and to withhold any which are objectionable.

Subject to the approval of the Inspector, holiday leave to parents or friends may be allowed to every well conducted child who has been under detention for at least one year, provided the home conditions are found on investigation to be satisfactory. Such leave shall be limited to seven days annually.

In a very special or urgent case, such as the serious illness or death of a parent, the Manager may also, at his discretion, if applied to, grant to any child such brief leave of absence as will enable the child to spend not more than one night at home: the circumstances to be reported forthwith to the Inspector's Office.

**16. CHILDREN PLACED OUT ON LICENCE OR APPRENTICED.**

Should the Manager of a School permit a Child, by Licence under the 67th Section of the Children Act of 1908, to live with a trustworthy and respectable person, or apprentice the Child to any trade or calling under the 70th Section of the Act, notice of such placing out on Licence, or apprenticeship of the Child, accompanied by a clear account of the conditions attaching thereto, shall be sent, without delay, to the Office of the Inspector.

**17. STATE GRANT.**

Under the present financial arrangement no Child will be paid for out of the Funds voted by the Oireachtas until it has reached the age of Six Years. A Child, however, under the age of Six Years may be sent to the School under an Order of Detention signed by a District Justice; but in such case the State allowance for maintenance will not be made until it shall appear from the Order of Detention that the Child is Six Years old—from that date only will it be regularly paid for.

**18. PROVISION ON DISCHARGE.**

On the discharge of a Child from the School, at the expiration of the period of Detention, or when Apprenticed, he (or she) shall be provided, at the cost of the Institution, with a sufficient outfit, according to the circumstances of the discharge. Children when discharged shall be placed, as far as practicable, in some employment or service. If returned to relatives or friends, the traveling expenses shall be defrayed by the Manager, unless the relatives or friends are willing to do so. A Licence Form shall be issued in every case and the Manager shall maintain communication with discharged children for the full period of supervision prescribed in Section 68(2) of the Children Act, 1908. The Manager shall recall from the home or from employment any child whose occupation or circumstances are unsatisfactory, and he shall in due course make more suitable disposal.

**16. VISITORS.**

The School shall be open to Visitors at convenient times, to be regulated by the Committee (or Manager), and a Visitors' Book shall be kept. The term "visitors" means members of the Public interested in the school.

**20. TIME TABLE.**

A Time Table, showing the Hours of Rising, Work, School Instruction, Meals, Recreation, Retiring, etc., shall be drawn up, shall be approved by the Inspector of Industrial Schools, and shall be fixed in the Schoolroom, and carefully adhered to on all occasions. All important deviations from it shall be recorded in the School Diary.

**21. JOURNALS, etc.**

The Manager (or Master or Matron) shall keep a Journal or Diary of everything important or exceptional that passes in the School. All admissions, discharges, licences and escapes shall be recorded therein, and all Record Books shall be laid before the Inspector when he visits the School.

**22. MEDICAL OFFICER.**

I. A Medical Officer shall be appointed who shall visit the school periodically, a record of his visits being kept in a book to be provided for the purpose.

II. Each child shall be medically examined on admission to the School, and the M.O.'s. written report on the physical condition of the Child should be carefully preserved.

III. A record of all admissions to the School Infirmary shall be kept, giving information as to ailment, treatment, and dates of admission and discharge in each case. Infirmary cases of a serious nature and cases of more than three days duration shall be notified to the Inspector's Office.

IV. The M.O. shall make a quarterly examination of each child individually, and give a quarterly report as to the fitness of the children for the training of the school, their general health, and the sanitary state of the school. The quarterly report shall be in such form as may be prescribed from time to time by the Minister for Education. Application shall be made to the Minister for the discharge of any child certified by the M.O. as medically unfit for detention.

V. Dental treatment and periodic visits by a Dentist shall be provided and records of such visits shall be kept.

In the event of the serious illness of any child, notice shall be sent to the nearest relatives or guardian and special visits allowed.

**23. INQUESTS.**

In the case of violent death, or of sudden death, not arising in the course of an illness while the child is under treatment by

the M.O., a report of the circumstances shall be at once made to the local Gardai for the information of the Coroner, a similar report being at the same time sent to the Inspector.

**24. RETURNS, etc.**

The Manager (or Secretary) shall keep a Register of admissions and discharges, with particulars of the parentage, previous circumstances, etc., of each Child admitted, and of the disposal of each Child discharged, and such information as may afterwards be obtained regarding him, and shall regularly send to the Office of the Inspector the Returns of Admission and Discharge, the Quarterly List of Children under Detention, and the Quarterly Accounts for their maintenance, and any other returns that may be required by the Inspector. All Orders of Detention shall be carefully kept amongst the Records of the School.

**25. INSPECTOR.**

All Books and Journals of the School shall be open to the Inspector for examination. Any teacher employed in the school who does not hold recognised qualifications may be examined by the Inspector, if he thinks it necessary, and he shall be informed of the qualifications of new teachers on their appointment. Immediate notice shall be given to him of the appointment, death, resignation, or dismissal of the Manager and Members of the School Staff.

**26. GENERAL REGULATIONS.**

The Officers and Teachers of the School shall be careful to maintain discipline and order, and to attend to the instruction and training of the Children, in conformity with these Regulations. The Children shall be required to be respectful and obedient to all those entrusted with their management and training, and to comply with the regulations of the School.

**27. REMOVAL TO A REFORMATORY.**

Whenever a Child is sent to a Reformatory School, under the provisions of the 71st or 72nd Sections of the Children Act of 1908, the Manager shall, without delay, report the case to the Inspector.

**28. CHILD NOT PROFESSIONG RELIGIOUS PERSUASION OF THE MANAGER TO BE REMOVED FROM THE SCHOOL.**

In order to insure a strict and effectual observance of the provisions of the 66th Section of the Children Act of 1908, in every case in which a Child shall be ordered to be detained in a School managed by Persons of a different Religious Persuasion from that professed by the Parents, or surviving Parent, or (should that be unknown), by the Guardians or Guardian of such Child; (or should that be unknown) different from that in which the Child appears to have been baptized or

(that not appearing), different from that professed by the Child  
the Manager or Teachers of such School shall, upon becoming  
acquainted with the fact, or having reason to believe that such  
is the fact, give notice in writing, without delay, to the Inspector,  
who will thereupon immediately take any necessary steps in the  
matter.

**29. ESCAPES.**

Should any Escape from the School occur, the Manager shall,  
with as little delay as possible, notify the particulars to the  
nearest Gardai Station, to the Gardai Superintendents of the  
County and adjoining Counties, and to the Inspector's Office.

These Rules have been adopted by the Managers of

St. George's Industrial School, Limerick.

*E. H. Heale*

*Corresponding Manager.*

*January 16<sup>th</sup> 19<sup>08</sup>*

Approved under the 54th Section of the Children Act of 1908

*J. O'Deirg.*

*Minister for Education.*

(Second Issue, September, 1905.)

LIST OF  
RELIGIOUS AND CHARITABLE INSTITUTIONS

IN WHICH

L A U N D R I E S

ARE CARRIED ON.

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Presented to both Houses of Parliament by Command of His Majesty.

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LIST OF  
RELIGIOUS AND CHARITABLE INSTITUTIONS  
IN WHICH  
LAUNDRIES  
ARE CARRIED ON.

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EXPLANATORY NOTE.

The List of Religious and Charitable Institutions in which laundries are carried on was originally prepared for Home Office use after the passing of the Factory and Workshop Act, 1901. It was compiled from Directories of Charitable and Religious Institutions, supplemented by such local information as was in the possession of the District Inspectors of Factories and Workshops, and information obtained from other sources. Additions have been made to the List from time to time as fresh places were brought to the knowledge of the Department, but in the absence of any power to call for information from such places, the Secretary of State is unable to say whether or not the List is complete. The following points should be noted :—

(1.) The List only purports to be a List of Institutions which take in laundry work from outside by way of trade or for purposes of gain. The names of a very large number of Institutions were received by the Home Office in which laundry work was done but not by way of trade or for purposes of gain. These were excluded from the List as falling outside the scope of the Factory and Workshop Act.

(2.) The Institutions named in Part I. of the List are those which have accepted inspection by the Factory Department in response to a circular letter issued by the Home Office in January, 1902,\* or have since permitted a visit from one or more of the Lady Inspectors. The Institutions named in Part II. have either refused to accept inspection or in one or two cases gave no definite answer to the Home Office circular letter. Institutions (about 40 in number) who failed, after a reminder, to reply are not included, as it was not known whether they carried on laundry work for gain or not.

(3.) Column 5 of the List distinguishes between the Institutions according as they are attached to the Church of England, the Roman Catholic Church, or to other Religious or Charitable bodies. Care has been taken to make the information given in this column as accurate as possible, but the Home Office has no official means of verifying it. It has not been possible to distinguish conventional laundries from other laundries.

(4.) It is requested that attention may be drawn to any inaccuracies in this list.

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\* This circular was printed as an appendix to the Annual Report of the Chief Inspector of Factories for 1902, and is prefixed to the present List.

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Circular Letter issued by the Home Office in January, 1902.

HOME OFFICE,  
Whitehall, S.W.,

24th January, 1902.

GENTLEMEN,

It will be within your recollection that during the last Session of Parliament the question of the inspection of laundries connected with religious and charitable institutions by the Factory Inspectors in the same way as laundries carried on by way of business was the subject of considerable discussion both in the House of Commons and in the House of Lords. In the course of this discussion it was stated by the Bishop of Winchester and others connected with such institutions that the visits of a Factory Inspector and the help and advice he would be able to give would be welcomed at the institutions in which they are interested, provided suitable arrangements could be made to adapt such inspection to the real needs of the institutions. The Secretary of State is anxious to ascertain whether any considerable number of institutions would be willing to receive visits from the Factory Inspectors, and if so he is prepared to instruct the Inspectors to visit the institutions and give such advice and assistance as may be in their power. If so desired, the visits could be made by the Lady Inspectors on the Home Office staff, instead of the Inspector for the District.

The Secretary of State recognises that modifications would be required in the provisions of the Factory Act to adapt them to the circumstances of institutions of this kind; but considerable misconception seems to exist as to the real nature of these provisions.

The objects which Parliament has aimed at securing in laundries are chiefly—

1. Reasonable hours of work.
2. Healthy conditions of employment.
3. Prevention of accidents from machinery, &c.

It may perhaps help to remove some misconception if the Secretary of State mentions briefly some of the requirements of the Factory Act in these matters, as he thinks it will be apparent that these requirements are what every person interested in the welfare of the inmates of such institutions would wish to see carried out.

The maximum number of hours of employment which Parliament has considered to be reasonable are (a) for women, not more than 60 hours in any one week and not more than 14 hours in any one day; (b) for young persons under 18 years of age, not more than 60 hours in any one week and not more than 12 hours in any one day; and (c) for children under 14, not more than 30 hours in any one week and not more than 10 hours in any one day. It is compulsory to allow an interval of at least half an hour in every five hours, but intervals are not included in reckoning the hours of employment. The observance of these provisions is secured by requiring the hours of employment to be fixed beforehand, but considerable latitude in regard to the alteration of the hours in order to meet the varying requirements of laundry work is allowed by the Act.

For the purpose of securing healthy conditions of work in laundries, the Act requires the laundry to be kept in a cleanly state, sufficient means of ventilation to be provided, floors to be drained when liable to be much wetted, and 250 cubic feet of air space to be allowed for each person employed in any room, &c.

Safety is secured by requiring the provision of proper guards for dangerous parts of machinery, placing restrictions on the cleaning of moving machinery, requiring the provision of proper means of escape in case of fire, requiring notice to be given of any accidents so that their cause may be investigated if necessary, &c., &c. The experience of the Home Office shows that preventable accidents of a serious character are common, especially in steam laundries, owing to the nature of the appliances used, and that many can be obviated by suitable guards of a permanent kind, often at small cost.

On all these matters the Inspectors of the Factory Department are well qualified by their experience to assist and advise.

The Inspectors' duties are not confined merely to seeing whether regulations which have been laid down are actually carried out. Their visits are often of considerable value to those in charge of laundries by giving them opportunities of consultation with the Inspectors and of gathering from them suggestions of better arrangements and appliances based upon the wide experience of the Inspectors as to what has been found to be practicable and useful in similar circumstances elsewhere.

The Secretary of State thinks it will be generally recognised that the hours allowed by the Act are such as can hardly be exceeded without over-taxing the strength of the persons employed, and that the other requirements referred to do not go beyond what may reasonably be looked for in a well regulated laundry, irrespective of statutory obligation; and the visits of the Inspectors, if received, will give the managers and other persons interested in the institutions some guarantee that the conditions that they would wish to see are being actually observed.

The Secretary of State would be glad if you would let him know—

- (1) Whether you would wish to receive visits from the Factory Inspectors.
- (2) If so, whether you would wish the visit to be made by the Inspector for the district or by a Lady Factory Inspector.

I am, Gentlemen,

Your obedient Servant,

KENELM E. DIGNY.

The Managers  
of the

NOTE.—*This circular only applies to Institutions or Establishments which take in laundry work from outside. If your Institution does not do so, the Secretary of State would be glad if you would send him word to that effect.*

Religious and Charitable Institutions in which Laundries  
are carried on.

I.—Institutions which have accepted Inspection in response to the Home Office circular, or which have since been visited by one or more of the Lady Inspectors.

\* Signifies that a request was made for inspection by a Lady Inspector.

No.	No. of Factory District.	Name.	Address.	A.=Anglican. R.C.=Roman Catholic. O.=Other.
(1.)	(2.)	(3.)	(4.)	(5.)
1	1	Convent of Our Lady of Mercy ...	11, Harewood Avenue, N.W. ...	R.C.
2	1	Cavendish Industrial Home ...	21, Pond St., Hampstead, N.W. ...	A.
3	1	Dudley Stuart Home ... ...	76, Junction Road, N. ... ...	A.
4	1	Convent of the Good Shepherd ...	East Finchley, N. ... ...	R.C.
5	1	London Diocesan Penitentiary ...	North Hill, Highgate, N. ... ...	A.
6	1	St. Pelagia's Home ... ...	Bickerton Road, Upper Holloway, N. 1, The Triangle, Hitchin ...	R.C.
7	1	Scott House ... ...	... ...	A.
8	1	St. Catherine's Home ... ...	36, Osnaburgh St., N.W. ...	A.
9	1	London Female Guardian Society ...	191, High St., Stoke Newington, N.	O.
10	2	The Magdalen Hospital ...	Leigham Court Road West, Streatham, S.W.	A.
11	2	St. Mary Magdalen Refuge ...	Russell House, Streatham, S.W. ....	R.O.
12	2	St. Pelagia's Home ... ...	654, Rotherhithe St., S.E. ...	R.C.
13	2	St. Mary's Orphanage ... ...	Roehampton, Putney, S.W. ...	R.C.
14	2	St. Stephen's Home ... ...	Loampit Hill, Lewisham High Road, S.E.	A.
15	2	St. Joseph's Convent ... ...	Bristol Road, Brighton ...	R.C.
16	2	Convent of Mercy ... ...	Mldhurst ... ...	R.C.
17	3	St. Mary's Convent ... ...	Brontford ... ...	R.C.
18	3	Refuge and Laundry Home ...	59, Castle St., Reading ...	A.
19	3	St. Mary's Home ... ...	55, Baker St., Reading ...	A.
20	3	Community of St. Mary the Virgin Penitentiary.*	Wantage ... ...	A.
21	3	St. James' Diocesan Home ..	Fulham Palace Road, S.W. ...	A.
22	3	St. Mary Magdalene's Home ...	26, Ranleigh Road, Westbourne Square, W.	A.
23	3	St. George's Diocesan Training Home*	8, Bourdon St., Berkeley Square, W.	A.
24	3	St. Cyprian's Bethesda ...	38, Charlbert St., St. John's Wood, N.W.	A.
25	3	Orphanage of the Infant Saviour*	Percy Road, Kilburn, N.W. ...	R.C.
26	3	Convent of the Good Shepherd ...	Fulham Palace Road, Hammersmith, W.	R.C.
27	3	St. Anne's Home for Penitents	Portobello Road, North Kensington, W.	R.C.
28	4	St. Pelagia's Home ... ...	2, Church Row, Limehouse, E. ...	R.C.
29	4	Elizabeth Fry Refuge*	195, Mare St., Hackney, N.E. ...	A.
30	4	Walsham How Memorial Home*	Forest Rise, Walthamstow, N.E....	A.

I.—*continued.*

No.	No. of Factory Districts.	Name.	Address.	A.=Anglican. R.C.=Roman Catholic. O.=Other.
(1.)	(2.)	(3.)	(4.)	(5.)
31	5	Home of the Good Shepherd...	4, Prince's St., Dover ... ...	A.
32	5	St. Anne's Convent ... ... ..	Westberg, Sturry, near Canterbury	R.C.
33	5	St. Mary's Home Kent Penitentiary?	Stone, Dartford ... ... ..	A.
34	6	The Rescue Home ... ... ..	Hyde Park Road, Southsea ...	A.
35	6	St. Michael's Convent ... ... ..	Waterlooville, Cosham, Hants ...	R.C.
36	6	Winchester Refuge for Women ...	North Walls, Winchester ...	A.
37	6	Orphanage of the Sisters of Bethany	Springbourne, Bournemouth ...	A.
38	6	St. Mary's Home ... ... ..	Eastleigh, Hants ... ... ..	R.C.
39	6	St. Thomas' Diocesan Home ...	Basingstoke... ... ... ..	A.
40	6	St. Andrew's Home ... ... ..	South Hayling, Havant ...	A.
41	6	Diocesan Home for Training Girls ...	Connanght House, Romsey Road, Winchester.	A.
42	7	St. Joseph's Convent ... ... ..	Beaumont Road, Plymouth ..	R.C.
43	7	The Door of Hope for Friendless Girls. <sup>a</sup>	St. Marychurch Road, Torquay ...	O.
44	7	Devon House of Mercy ... ... ..	Bovey Tracey, Newton Abbott ...	A.
45	7	St. Michael's Convent ... ... ..	Ingsdon, Newton Abbott... ...	R.C.
46	7	St. Faith's House of Mercy <sup>b</sup> ... ... ..	St. Winnow, Lostwithiel, Cornwall	A.
47	7	The Home of the Community of the Epiphany.	Truro ... ... ... ..	A.
48	7	The Convent ... ... ... ..	Liskinnick House, Penzance ...	R.C.
49	8	Home of Mercy ... ... ... ..	Dighton Street, Bristol .. ...	R.C.
50	8	St. Mary's Home ... ... ... ..	Painswick, Gloucester ... ...	A.
51	8	Convent of St. Louis <sup>c</sup> ... ... ... ..	Minchend ... ... ... ..	R.C.
52	9	Northamptonshire Orphanage for Girls	St. Giles' St., Northampton ...	A.
53	9	St. Saviour's Mission ... ... ... ..	Kingsthorpe, Northampton ...	A.
54	10	House of Mercy ... ... ... ..	Ditchingham, Bungay ... ...	A.
55	11	Magdalene Home and Refuge for Midland Counties	Vernon Road, Edgbaston, Birmingham.	A.
56	11	St. Anthony's Home ... ... ... ..	Bath St., Birmingham ... ...	R.C.
57	11	St. Mary's Convent ... ... ... ..	Hunter's Road, Handsworth, Birmingham.	R.C.
58	12	Convent of Our Lady of Charity ...	Bartestree, near Hereford ..	R.C.
59	12	Industrial Home ... ... ... ..	Madresfield, Great Malvern ...	A.
60	13	House of Mercy, St. Joseph's Convent	Temple Street, Wolverhampton ...	R.C.
61	13	Wolverhampton Female Refuge ...	Whitmore Hill, Wolverhampton...	A.
62	13	St. Joseph's Convent ... ... ... ..	Listley Street, Bridgnorth ...	R.C.
63	13	St. Winefride's Convent of Mercy ...	Belmont, Shrewsbury ... ...	R.C.

I.—*continued.*

No.	No. of Factory District.	Name.	Address.	A.—Anglican. R.C.—Roman Catholic. O.—Other.
(1.)	(2.)	(3.)	(4.)	(5.)
64	15	County Industrial Home ... ...	Sandon Road, Staffsford ... ...	A.
65	16	Home for Penitent Females ... ...	Stoneygate Road, Leicester ...	O.
66	17	St. Barnabas Home ... ...	Millgate, Newark ... ...	A.
67	18	Derby and Derbyshire Home for Penitent Females* ... ...	Bass St., Derby ... ...	O.
68	18	Convent of St. Lawrence ... ...	Belper, near Derby ... ...	R.C.
69	19	Diocesan Home* ... ...	High St., Boston ... ...	A.
70	19	Lincoln and Lincolnshire Home ...	Carline Road, Lincoln ... ...	O.
71	20	Convent of the Good Shepherd ...	Pen-y-lan, Cardiff ... ...	R.C.
72	20	St. Margaret's House of Mercy ...	Church Terrace, Roath, Cardiff ...	A.
73	20	St. Margaret's Children's Home ...	Church Terrace, Roath, Cardiff ...	A.
74	22	Church of England Home for Waifs and Strays.	St. Chad's Home, Far Headingley, Leeds.	A.
75	22	The Home ... ... ...	St. John's, Wakefield ... ...	A.
76	22	House of Mercy ... ... ...	Horbury, Yorks ... ...	A.
77	22	Newington Home for Girls* ...	Lees Walk, Walton Street, Hull...	O.
78	22	Hull and East Riding of Yorks Penitentiary* ...	Anlaby Road, Hull ...	O.
79	27	Convent of the Good Shepherd ...	Gosforth, Newcastle-on-Tyne ...	R.C.
80	27	Wansbeck Home* ... ...	Elswick Road, Newcastle-on-Tyne	A.
81	27	St. Anne's Convent ... ...	Summerhill Grove, Westgate Road, Newcastle-on-Tyne.	R.C.
82	27	Ryhope Dene House ... ...	Ryhope Dene, near Sunderland	R.C.
83	28	Home for Destitute Women ... ...	300, Great Chester St. West, Manchester.	A.
84	28	Home of the Good Shepherd ...	Victoria Avenue, Middleton New Road, Blackley, Manchester.	R.C.
85	28	St Mary's Home ... ...	77, Dickenson Road; Rusholme, Manchester.	A.
86	28	St. Gertrude's Convent ... ...	28, Alexandra Road South, Manchester.	R.C.
87	28	Girls' Mutual Aid Home ... ...	85, Rumford St., Oxford Road, Manchester.	R.C.
88	28	Sisters of Charity of St. Vincent de Paul.	St. Vincent St., Ancoats, Manchester.	R.C.
89	33	Home and Orphanage for Girls ...	Vale House, St. Domingo Vale, Liverpool.	O.
90	33	Convent of the Good Shepherd ...	Ford, Liverpool ... ...	R.C.
91	33	St. Saviour's Refuge ... ...	Bevington Bush, Liverpool ...	R.C.
92	33	House of Providence Home for Desolate Women.	West Dingle, Liverpool ...	R.C.
93	33	Tithebarn Laundry Home ...	Tithebarn, Great Crosby, Liverpool	A.
94	33	St. Margaret's Home ... ...	Rockferry, Cheshire ... ...	R.C.
95	33	Chester Diocesan House of Mercy ...	Lache Lane, Chester ... ..	A.

I.—*continued.*

No.	No. of Factory District.	Name.	Address.	A.—Anglican. R.C.—Roman Catholic. O.—Other.
(1.)	(2.)	(3.)	(4.)	(5.)
96	36	Magdalene Institution...	17, Stirling Road, Glasgow	O.
97	36	Magdalene Institution	Lockburn, Maryhill, Glasgow	O.
98	36	Convent of the Good Shepherd	Dalbeth, Glasgow	R.C.
99	36	St. Mary's Orphanage ...	Smylum, Lanark	R.C.
100	36	Magdalene Asylum for Fallen Women	1, Gorgie Road, Edinburgh	A.
101	38	Edinburgh Industrial Home for Fallen Women.	Alnwick Hill, Liberton, Edinburgh.	A.
102	38	Rescue and Probationary Home for Fallen Women.	18, St. John's Hill, Edinburgh	A.
103	38	St. Catherine's Convent of Mercy	Lauriston Gardens, Edinburgh	R.C.
104	38	Heriot Maitland Home	25, Wellington St., Portobello	A.
105	39	Lawside Convent	Lawside, Dundee	R.C.
106	41	Edgar Home	Ormeau Road, Belfast	O.
107	41	Convent of the Good Shepherd	Ballynafeigh, Belfast	R.C.
108	41	Johnston Memorial Orphan Training Home.	Hopefield Avenue, Belfast	O.
109	41	Prison Gate Mission	Tudor Lodge, Belfast	A.
110	41	Magdalene Asylum	Donegall Pass, Belfast	A.
111	41	Rosevale Home...	Knockmore, Lisburn, Co. Antrim	O.
112	41	Women's Penitentiary...	Hawkins Street, Londonderry	A.
113	41	St. Catherine's Industrial School	Strabane	R.C.
114	42	St. Joseph's Presentation Convent	Fermoy	R.C.
115	42	Dublin Providence House*	37, Charlemont St., Dublin	A.
116	42	St. Patrick's Refuge	Crofton Road, Kingstown	R.C.
117	42	Rescue Home and Laundry	Northcote Avenue, Kingstown	A.
118	42	Convent of Mercy	Lower Baggot St., Dublin	R.C.
119	42	St. Mary's Industrial Training School	Stanhope Street, Dublin	R.C.
120	42	Prison Gate Mission	40, Blackhall Street, Dublin	A.
121	42	Dublin by Lamplight Mission	Ball's Bridge, Dublin	A.
122	42	Magdalene Asylum	104, Lower Gloucester Street, Dublin.	R.C.
123	42	Convent of Mercy	Cork Street, Dublin	R.C.
124	42	Mary Magdalene Asylum	Donnybrook, Dublin	R.C.
125	42	Home of the Holy Family	Synnott Place, Dublin	R.C.
126	42	Convent of Charity Refuge	Drumcondra, near Dublin	R.C.
127	42	St. Mary Magdalene Asylum...	Peacock Lane, Cork	R.O.
128	42	Refuge Laundry	Sawmill St., Cork	A.

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I.—*continued.*

No. (1)	No. of Factory District. (2)	Name. (3.)	Address. (4.)	A.=Anglican, R.C.=Roman Catholic. O.=Other. (5.)			
129	42	St. Mary of the Isle Convent ...	Cork ... ... ... ...	R.C.			
130	42	Convent of Sisters of the Good Shepherd.	Sunday's Well, Cork ... ...	R.C.			
131	42	Magdalen Convent Laundry ...	Clare St., Limerick ... ...	R.C.			
132	42	St. Vincent's Industrial School ...	Mount Vincent, Limerick ...	R.C.			
133	42	Convent of Mercy ... ... ...	Sligo ... ... ... ...	R.C.			
134	42	St. Bridget's Laundry...	The Convent, Elphin, Co. Roscommon.	R.C.			
135	42	Sisters of Mercy Convent ...	Clifden, Co. Galway ... ...	R.C.			
136	42	Presentation Convent ... ... ...	Maynooth, Co. Kildare ... ...	R.C.			
137	42	Convent of Mercy ... ... ...	Tuam, Co. Galway... ... ...	R.C.			
138	42	Convent of Mercy of Immaculate Conception.	Roscommon ... ... ...	R.C.			
139	42	Convent of Mercy ... ... ...	Enniscorthy, Co. Wexford ...	R.C.			
140	42	Convent of the Good Shepherd ...	Manor Street, Waterford ...	R.C.			
141	42	Convent of Mercy ... ... ...	Dungarvan, Co. Waterford ...	R.C.			
142	42	Convent of Mercy ... ... ...	St. Peter's, Athlone ...	R.C.			
143	42	Convent of the Sisters of Charity ...	Ballaghaderreen, Co. Mayo ...	R.C.			
144	42	Convent of Mercy ... ... ...	Moate, Co. Westmeath ...	R.C.			
145	42	Convent of Mercy ... ... ...	Loughren, Co. Galway ...	R.C.			
146	42	St. Joseph's Convent ... ... ...	Bullinasloe, Co. Galway ...	R.C.			
147	42	St. John's Industrial School ...	Parsonstown, King's Co. ...	R.C.			
148	42	Convent of Mercy ... ... ...	Oughterard, Galway ...	R.C.			
149	42	Magdalene Asylum ... ... ...	Galway ... ... ...	R.C.			
150	42	Galway Home and Training School	West House, Galway ...	A.			
151	42	St. Anne's Industrial Home ...	Galway ... ... ...	R.C.			
152	42	Convent of Mercy ... ... ...	Wexford ... ... ...	R.C.			
153	42	Convent of Mercy ... ... ...	Ennis, Co. Clare ...	R.C.			
154	42	Convent of Mercy ... ... ...	Summerhill, near Athlone ...	R.C.			
155	42	Convent of Our Lady of Succour ...	Newtownforbes, Co. Longford ...	R.C.			
156	42	Convent of Mercy ... ... ...	Portumna, Co. Galway ...	R.C.			
157	42	Convent of our Lady of Mercy <sup>a</sup> ...	St. John's, Tralee ...	R.C.			
158	42	Convent of Mercy ... ... ...	Ballinrobe, Co. Mayo ...	R.C.			
159	42	Presentation Convent ... ... ...	Stradbally, Queen's Co. ...	R.C.			
160	42	Presentation Convent ... ... ...	Thurles, Tipperary ...	R.C.			
161	42	Convent of Mercy ... ... ...	Tipperary ... ... ...	R.C.			

II.—Institutions which have not accepted Inspection or have not given a definite answer to the Home Office circular.

† Means that no definite answer to the Home Office circular was received.

No.	No. of Factory District.	Name.	Address.	A.=Anglican, R.C.=Roman Catholic, O.=Other.
(1.)	(2.)	(3.)	(4.)	(5.)
1	1	Sisters of Bethany ... ... ...	13, Lloyd Square, Pentonville, N.	A.
2	1	Sisters of Providence ... ... ...	15, Ely Place, E.C. .... ... ...	R.C.
3	1	Industrial Home ... ... ...	190, Haverstock Hill, N.W.† ...	A.
4	1	Home of Hope ... ... ...	4, Regent Square, Gray's Inn Road, W.C.	O.
5	2	Princess Louise Home... ... ...	Gloucester Road, Norbiton, Surrey	A.
6	2	Society for Rescue of Young Women and Children	Victoria House, Central Hill, Upper Norwood, S.E.	O.
7	3	St. John's Home Orphanage ... ...	Clever, near Windsor ... ...	A.
8	3	House of Mercy ... ... ...	Clever, near Windsor ... ...	A.
9	3	Servants' Training Home ... ...	Kennet Road, Newbury ... ...	A.
10	3	St. Barnabas Orphanage ... ...	6, Bloomfield Place, Pimlico, S.W.	A.
11	3	St. Katherine's Sisterhood ... ...	Normand Road, Fulham, S.W. ...	A.
12	3	The Church Army Women's Laundry Home	27, Nutford Place, W. ... ...	A.
13	4	Society for Rescue of Young Women and Children	Ashburnham House, Shacklewell Lane, N.E.	O.
14	4	Do. do.	Red House, Buckhurst Hill ...	O.
15	4	Do. do.	Astral House, Buckhurst Hill ...	O.
16	4	Do. do.	Knighton Girls' Home, Woodford Wells.	O.
17	4	Do. do.	Ely House, Carnarvon Road, Stratford, E.	O.
18	4	St. Alban's Diocesan House of Mercy	Great Maplestead, Halstead ...	A.
19	6	Salvation Army Rescue Home ...	Nobbs Lane, Portsmouth... ...	O.
20	6	St. Michael's Home for Friendless Girls	Endless St., Salisbury ... ...	A.
21	7	Females Penitentiary ... ... ...	Hampton House, Ham St., Plymouth.	O.
22	8	Newark House ... ... ...	Hempstead, near Gloucester ...	A.
23	8	St. Lucy's Home ... ... ...	Hare Lane, Gloucester ... ...	A.
24	8	The Female Refuge and Home ...	North Parade, Cheltenham ...	A.
25	8	Convent of the Good Shepherd ...	Arno's Court, Bristol ... ...	R.C.
26	8	Female Refuge ... ... ...	Marlborough Hill, Bristol ...	A.
27	8	St. Agnes Home ... ... ...	Knowle, Bristol ... ... ...	A.

II.—*continued.*

No.	No. of Factory District.	Name.	Address.	A.—Anglican.
				R.C.—Roman Catholic. O.—Other.
(1.)	(2.)	(3.)	(4.)	(5.)
28	8	House of Help ... ... ... ...	Misterton, Crewkerne, Somerset	A.
29	9	Bedfordshire Training Home ...	Tavistock Place, Bedford ...	O.
30	10	St. Saviour's Lodge ... ... ...	Foundation St., Ipswich ...	A.
31	10	Female Refuge ... ... ... ...	19, Church St., Cambridge ...	A.
32	11	St. Michael's Home and Penitentiary.	Leamington... ... ... ...	A.
33	11	Birmingham Home of Industry ...	Enniskerry, Knowle, nr. Birmingham.	A.
34	12	Birmingham Home of Industry ...	Arrowfield Top, Alvechurch, nr. Birmingham.	A.
35	12	Diocesan Penitentiary for Fallen Women.	Malvern Link, Worcester ...	A.
36	12	House of Refuge ... ... ...	Field House, Wyld's Lane, Worcester.	A.
37	16	St. Mary Magdalene's Refuge for Fallen Women.	The Newark, Leicester ... ...	A.
38	20	Llundai Diocesan House of Mercy ...	Penarth ... ... ... ...	A.
39	20	St. John the Baptist Mission House...	Stow Hill, Newport ... ...	A.
40	21	Poor Servants of the Mother of God	Convent, Rhyl† ... ... ...	R.C.
41	24	Huddersfield Ladies' Association for the Care of Young Girls.	Woodlands House, Huddersfield.	A.
42	27	St. Oswald's Home for Destitute Girls	Cullercoats, Newcastle-on-Tyne†	A.
43	27	Laundry and Home of Industry ...	Bew Villa, Morpeth ... ...	A.
44	27	St. Catharine's Diocesan Home ...	25, Allorgate, Durham ... ...	A.
45	28	Rescue Home, Salvation Army ...	Oak Hill, Chootham Hill, Manchester.	O.
46	28	St. Joseph's Home ... ... ...	The Convent, 43, The Crescent, Salford.	R.C.
47	31	Eden Orphanage ... ... ...	Astley Bridge, Bolton ... ...	O.
48	33	Liverpool Ladies' Association for Care and Protection of Young Girls	Adeco Pitch Lane, Knotty Ash, Liverpool.	O.
49	33	St. Phillip's House of Mercy ...	48, Mount Vernon St., Liverpool	R.C.
50	33	Liverpool Midnight Mission ...	6, Belmont Grove, Liverpool ...	O.
51	33	Liverpool Church of England Magdalen Institution.	8, Mount Vernon Green, Liverpool.	A.
52	33	St. Vincent Refuge of Charity ...	26, Buto St., Liverpool ... ...	R.C.
53	34	Industrial Home for Girls ...	Viewfield, Blackburn ... ...	O.
54	35	Our Lady of Mercy Sisters of Charity	St. Joseph's Orphanage, Theatre St., Preston.	R.C.
55	35	Little Sisters of the Poor ... ..	Preston† ... ... ... ...	R.C.

II.—*continued.*

No. (1.)	No. of Factory District (2.)	Name. (3.)	Address. (4.)	A=Anglican, R.C.=Roman Catholic, O.=Other. (5.)
56	35	Homes for the Blind ... ... ...	Fulwood, Preston† ... ...	O.
57	36	Whitvale Mission Laundry ... ...	15, Whitvale St., Glasgow ...	O.
58	36	Convent of Mercy ... ... ...	62, Hill St., Garnet Hill, Glasgow	R.C.
59	40	Seabank Home of Rescue ... ...	634, King St., Aberdeen ...	O.
60	41	St. Louis Convent ... ... ...	Middletown, Co. Armagh ...	R.C.
61	41	Nazareth Home ... ... ...	Bishop St., Londonderry ...	R.C.
62	42	Sisters of Charity ... ... ...	Baldoyle, Co. Dublin ...	R.C.
63	42	Dublin Female Penitentiary ...	North Circular Road, Dublin ...	A.
64	42	Rescue Home ... ... ...	30-31, Marlboro' St., Dublin ...	A.
65	42	Asylum for Female Penitents ...	33, Upper Baggott St., Dublin ...	A.
66	42	Convent of the Good Shepherd ...	New Ross ... ... ...	R.C.
67	42	Sisters of Mercy ... ... ..	Athlumney, Navan ... ...	R.C.
68	42	The Prosecution Convent ..	Cashel ... ... ...	R.C.
69	42	St. Martin's Laundry ... ... ...	Lady Lane, Waterford ... ...	R.C.



Anofficial.

Sister Busan.

Scan & noted

Very many thanks

M. V. Hegar  
120/13/62.

1962

**REPORT OF EXAMINATION OF STEAM BOILER WHEN COLD**

For report of examination under normal steam pressure see Form F.I. 1020.

For Economisers see Forms F.I. 1021 and F.I. 1020. For Superheaters see Forms

F.I. 1022 and F.I. 1020.

For Steam tube ovens and steam tube hotplates see Form F.I. 1026.

SB/62678

See Note on Legal Requirements and space for continuation of entries overleaf.

Name of Occupier.	Rev Mother Superiorress,
Address of (a) Factory. (b) Head Office of Occupier. NOTE.—Address (b) is required only in the case of a boiler used in a temporary location, e.g., on a building operation, work of engineering construction.	Monastery of Our Lady of Charity of Refuge, Lower Gloucester Street, Dublin.
Description and distinctive number of Boiler and type.	105354 Cyl. One Flue Boiler (Left)
Date of Construction. The history should be briefly given, and the examiner should state whether he has seen the last previous report.	Made in 1931 by Wilson Glasgow. (Report seen)
Date of last hydraulic test (if any), and pressure applied.	6th November, 1931 to 220 lbs p.s.i.
Quality and source of feed water.	Town - Good
Is the boiler in the open or otherwise exposed to the weather or to damp?	No
1. Boiler— (a) What parts of seams, drums or headers are covered by brickwork?  (b) Date of last exposure of such parts for the purpose of examination.  (c) What parts (if any) other than parts covered by brickwork and mentioned above were inaccessible?  (d) What examination and tests were made? (See Note A overleaf. If there was any removal of brickwork, particulars should be given here).	Shell at seatings, flue covers and end walls.  June, 1932.  Where lagged and confined spaces,  Thorough Internal and External as far as accessible with hammer test.
External :—  (e) Condition of boiler. (State any defects materially affecting the maximum permissible working pressure).  Internal :—	In order where seen except for isolated pitting in flue and furnace 1/16" deep.  The furnace and flue crowns are blotched 1/32" to 1/16" deep.  Otherwise in order.
2. Fittings and Attachments. (a) Are there proper fittings and attachments? (b) Are all fittings and attachments in satisfactory condition (so far as ascertainable when not under pressure)?	Yes  Subject to further report after examination under normal steam pressure.
3. Repairs (if any) required, and period within which they should be executed, and any other conditions which the person making the examination thinks it necessary to specify for securing safe working.	None required.
4. Maximum permissible working pressure calculated from dimensions and from the thickness and other data ascertained by the present examination; due allowance being made for conditions of working if unusual or exceptionally severe. Where repairs affecting the working pressure are required, state the maximum permissible working pressure: (a) Before the expiration of the period specified in (3). (b) After the expiration of such period if the required repairs have not been completed. (c) After the completion of the required repairs.	120 lbs p.s.i.  (a) (b) (c)
5. Other observations.	Buckled iron supports for brickwork in backend to renew. A number of seating blocks and brickwork in centre flue need re-pointing.

\*Subject to the reservation (noted above) of certain points for examination under steam pressure, I certify that on ... 26th January, 1962, the boiler above described was sufficiently scaled, prepared, and (so far as its construction permits) made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined this boiler, including its fittings and attachments, and that the above is a true report of the result.

Signature..... J. E. Meek

Counter-signature.....

J. R. Stephen

Qualification..... 1st Class B.O.T. Cert.

Address..... 5/9, South Frederick Street,

Dublin.

Name of Company or Association.....

IRISH NATIONAL INSURANCE LTD., W.H.B.

6/9 STH. FREDERICK ST.,

## Prescribed form for

## REPORT OF EXAMINATION OF STEAM BOILER WHEN COLD

For report of examination under normal steam pressure see Form F.I. 1020.

For Economisers see Forms F.I. 1021 and F.I. 1020. For Superheaters see Forms

F.I. 1022 and F.I. 1020.

For Steam tube ovens and steam tube hotplates see Form F.I. 1026. SB/62678

See Note on Legal Requirements and space for continuation of entries overleaf.

Name of Occupier.

Rev Mother Superiorress,

Address of

(a) Factory.

(b) Head Office of Occupier.

NOTE.—Address (b) is required only in the case of a boiler used in a temporary location, e.g., on a building operation, work of engineering construction.

Description and distinctive number of Boiler and type.

Cornish No. 2/2878

Date of Construction.

The history should be briefly given, and the examiner should state whether he has seen the last previous report.

Made in 1903 by Tinkers Ltd. (Report seen)

Date of last hydraulic test (if any), and pressure applied.

9th October, 1956 to 150 lbs p.s.i.

Quality and source of feed water.

Good - Town and Condensate.

Is the boiler in the open or otherwise exposed to the weather or to damp?

No

1. Boiler—  
(a) What parts of seams, drums or headers are covered by brickwork?

At seatings flue covers and end walls.

(b) Date of last exposure of such parts for the purpose of examination.

1949

(c) What parts (if any) other than parts covered by brickwork and mentioned above were inaccessible?

Where lagged.

(d) What examination and tests were made? (See Note A overleaf. If there was any removal of brickwork, particulars should be given here).

Thorough Internal and External with hammer test as far as accessible.

External :—

(e) Condition of boiler.  
(State any defects materially affecting the maximum permissible working pressure).

Internal :—

In order

The furnace and flue crowns blotched  $1/32$  to  $1/16$ " deep over small areas. Boiler shell pitted and wasted  $1/32$ " deep at bottom. Rivet heads of circumferential seams wasted 20% for  $\frac{1}{4}$  of circumference at bottom.

2. Fittings and Attachments.

(a) Are there proper fittings and attachments?

Yes

(b) Are all fittings and attachments in satisfactory condition (so far as ascertainable when not under pressure)?

Subject to further report after examination under normal steam pressure.

3. Repairs (if any) required, and period within which they should be executed, and any other conditions which the person making the examination thinks it necessary to specify for securing safe working.

None required.

4. Maximum permissible working pressure calculated from dimensions and from the thickness and other data ascertained by the present examination; due allowance being made for conditions of working if unusual or exceptionally severe.

100 lbs p.s.i.

Where repairs affecting the working pressure are required, state the maximum permissible working pressure:

(a)

(b)

(c)

- (a) Before the expiration of the period specified in (3).
- (b) After the expiration of such period if the required repairs have not been completed.
- (c) After the completion of the required repairs.

5. Other observations. It may be found necessary to reduce the safe working pressure of this boiler at next thorough inspection.

\*Subject to the reservation (noted above) of certain points for examination under steam pressure, I certify that on 1st November, 1960, the boiler above described was sufficiently scaled, prepared, and (so far as its construction permits) made accessible for thorough examination and for such tests as were necessary for thorough examination, and that on the said date I thoroughly examined this boiler, including its fittings and attachments, and that the above is a true report of the result.

Signature.....

J. Kenny

Counter-signature.....

Qualification... 1st Class B.O.T. Cert.

IRISH NATIONAL INSURANCE CO. LTD.

Address... 5/9, South Frederick Street,

5/9, STH. FREDERICK ST.,

Dublin

Name of Company  
or Association

# Irish National Insurance Company, Ltd., 5/9 South Frederick Street, Dublin, 2

Policy No. SBY 1c/8263

M. Rev. Father Superior... Monastery of Our Lady of Charity,

Date of Inspection..... 31st October, 1961.....

.....

Location	Distinctive Number and Description	Working or Standing	Stipulated Pressure lbs./sq. in.	Date of last thorough examination	Condition	
					FITTINGS—State if Reducing and Safety Valves; Pressure and Water Gauges; Blow Off and Drains are in satisfactory order.	
1/ 7344 Single Roller Calender.	Working	150 lbs Bed 25 lbs Rlr. 60 Bed 10 Rlr.	New	29/4/61	In order	
2/ 29176 Manlove Calender.	do	do	See remarks	do	Steam pressure on roller to be reduced to 10 lbs p.s.i. forthwith. See remarks	
3/ Braitiwaite Calender.	do	50 lbs (60 Bed 42 Rlr.	do	do	do	
4/ Twin Roller Calender.	do	60 Bed 20 Rlr. 70 lbs	do	do	do	
5/ Troy Calender.	do	do	do	do	In order	
6/ No. S10239 Stocking Dryers (3 off)	do	do	do	do	do	
7/ Clothes Press (Thump)	do	do	do	do	do	
8/ Sleeve Dryer (Twin)	do	do	do	do	do	
9/ Sleeve Dryer (Twin)	do	do	do	do	do	
10/ 9630 Clothes Press.	do	do	do	do	Safety valves not operating.	
11/ 6138 do	do	do	do	do	do	
12/ 6139 do	do	do	do	do	do	
13/ 53402 Twin Rapid Clothes Press.	do	do	do	do	do	
15/ Steam Heated Dryer (Boil and Header)	—	do	do	do	No longer in use.	

Items 1/2/3/4/5/10/11/12/13/14 Safety valves serving these items to be reset to operate at their respective blow off pressures forthwith.

Counter Signature.....

Chief Engineer

R. Kenney  
1st Class B.O.T. Cert.

Telephone:— Dublin 65801  
 Telegrams:— "FACIND  
 "INBANCOM DUBLIN"  
 Address reply to:  
 An Rúnai  
 and quote Ref. No. ....D.37.



AN ROINN TIONSCAIL agus TRÁCHTÁLA,  
 (Department of Industry and Commerce)

SRÁID CILL DARA,  
 (Kildare Street)

BAILE ÁTHA CLIATH, 2.  
 (Dublin, 2.)

15 Eanair, 1965.

Per Registered Post.

FACTORIES ACT, 1955.

A Mháthair Abb.,

I am directed by the Minister for Industry and Commerce to return herewith the documents, specified hereunder, the contents of which have been noted.

I am to add that these forms should now be attached to the gummed slips at the back of the General Register Form F.I. 1004.

Mise, le meas,

J.G.B. MacCarthy,  
 GJ Rúnai.

Rev. Mother Superior,  
 Monastery of Our Lady of  
 Charity of Refuge,  
 Lr. Sean McDermott Street,  
 Dublin 1.

Form F.I.1020, dated 10th October, 1964, relating to 1/5354 Cornish Boiler (Right).

Form F.I.1023, dated 8th October, 1964, relating to 18/5340 Twin Rapid Steam Jacketted Garment Press.

Form F.I.1023, dated 8th October, 1964, relating to No. 15/9630, 16/6138, 17/6139 Steam Jacketted Garment Presses.

Form No. 11, relating to 3/ No. 6140 Cylindrical Vertical Welded Air Receiver, Cornish Steam Boiler (R.H.) No. 2/2878.

Form No. 11, relating to 4/C.I. Sectional Heating Boiler and connected heating piping and radiators.

Form No. 13, relating to 1/3452 Oil Fuel Burner (Pillingar).

Form No. 13, relating to 2/66323 Heating Accelerator.

Form No. 13, relating to 3/40006027 Oil Fuel Burner (Clyde).

FACTORIES ACT, 1955, SECTION 41.  
 Form containing particulars prescribed for  
**REPORT OF EXAMINATION OF STEAM RECEIVER** 1C/8263

See Legal Requirements  
 and space for continuation  
 of entries overleaf.

Name of Occupier.	Rev Mother Superioreess,
Address of Factory.	Monastery of Our Lady of Charity, Lower Gloucester St. Dublin.
Description and distinctive number of receiver and type.	C.I. Steam Calender (Roller & Bed) Item No.2
Date of Construction. <i>The history should be briefly given, and the examiner should state whether he has seen the last previous report.</i>	Made by Manlove and Co. Ltd., England. No date of Make (First Report)
Date of last hydraulic test (if any), and pressure applied and for how long maintained.	No record.
Maximum pressure of steam at source of supply to the receiver. (See Note A.)	120 lbs p.s.i.
1. Receiver. (a) What parts (if any) were inaccessible? (b) What examination and tests were made? (See Note B overleaf). (c) Condition of Receiver. <i>(State any defects materially affecting the safe working pressure or the safe working of the receiver).</i>	External:- Internal:- In order where seen. Not seen due to construction.
2. Fittings. <i>Is the receiver so constructed as to withstand with safety the maximum pressure of steam at source of supply? If not, are the required fittings and appliances provided in accordance with the Act? (See paragraphs (1) and (2) overleaf). Are all fittings and appliances properly maintained and in good condition? (See Note C overleaf).</i>	Receiver not constructed to withstand steam pressure at source of supply. Proper fittings provided. Subject to supplementary report after examination under steam pressure.
3. Repairs (if any) required, and period within which they should be executed, and any other condition which the person making the examination thinks it necessary to specify for securing safe working.	None required.
4. Signalling device, whistle, fire extinguisher, and other apparatus mentioned in the general regulations, being used for conditions of working of unusual or exceptionally severe.	Bed 30 lbs p.s.i. Roller 30 lbs p.s.i.
Where repairs affecting the working pressure are required, state the safe working pressure: (a) Before the expiration of the period specified in (3). (b) After the expiration of such period if the required repairs have not been completed. (c) After the completion of the required repairs.	(a) (b) (c)
5. Other observations.	Item No.2 should be painted on this receiver.

*Irish National Insurance Company Association*  
**IRISH NATIONAL INSURANCE CO. LTD.**  
 11, DAWSON STREET,  
 DUBLIN.

Signature  
 Qualification: Inst. Class L.L.B. Govt.  
 Address: 11, South Frederick Street,  
 Dublin.

Date 25th November, 1958.

## Appendix 12

### Green Books

#### a. Cork Sunday's Well Book 60 Part

Appendix 12 a – Copy of cover

Appendix 12 a1 – Copy of map

Appendix 12 a2 – Copy of a worksheet

#### b. Cork St Vincent's Peacock Lane Book 66

Appendix 12 b – Copy of cover

Appendix 12 b1 – Copy of map

Appendix 12 b2 – Copy of a worksheet

#### c. Limerick Good Shepherd Book 5

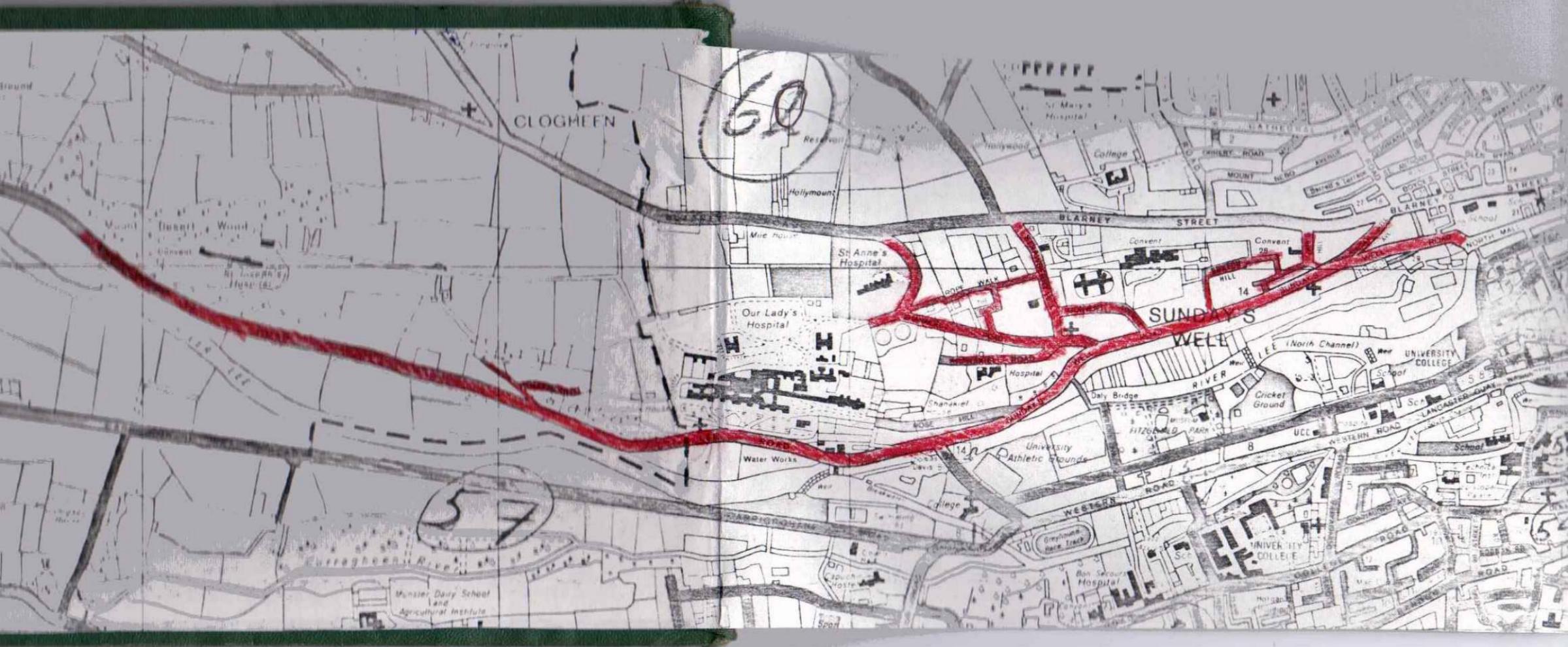
Appendix 12 c – Copy of cover

Appendix 12 c1 – Copy of map

Appendix 12 c2 – Copy of a worksheet

Cork City

Bk 60



7 Name GOOD SHEPHERD CONVENT.

31

Address Sunday's Well, CORK.

Industry Laundry and Needlework

Fire Cert.	✓	Safety Comtee.	No ?	Ambulance Room	No	Notice of Occup.	
Codes					El.	C. Doc.	64

Special Notes

P.F.

SAN. AUTHY: Cork Corporation

I

Date of Inspn.	Men	Boys	Women	Girls	
26.4.63.	-	-	72	-	E
10.3.64	-	-	72	-	F
1/4/65	-	-	75	-	G
21/4/66	-	-	67	-	H
13/1/67	-	-	70	-	I
25/3/68	-	-	70	-	J
9-4-70	-	-	60	-	K
12/9/70	-	-	57	-	L
8/12/72	3	-	80	-	M
29-11-74	3	-	32	-	N
17/6/75	4	1	39	-	O

CORK CITY

書 藏

66



Name..... Sisters of Charity, St. Vincent's  
 Address..... Penrhos Lane  
 Industry..... Laundry

Fire Cert.		Safety Comtee.		Ambulance Room		Notice of Occup.	
Codes	N.C.C. 981	EL				C. Doc.	64

Special Notes

PF

Date of Insp.	Men	Boys	Women	Girls
24/3/82	1	—	60	✓
9.5.84	2	—	44	✓

~~92~~

# LIMERICK 5

Done 11.2.88 CG

Book checked.  
all. KEYED IN  
INITIALS H.F. ~~15/6/94~~  
DATE ~~15/6/94~~

EARLS



2. CTS  
**Name** S.R. SUPERIOR, CONVENT OF THE GOOD SHEPHERD,  
**Address** CLARE ST., LIMERICK.  
**Industry** ~~FACTORY~~ LACE MANUFACTURE 439

Fire Cert.	9.9.58	Safety Comtee.		Ambulance Room		Notice of Occup.	-
Codes					EL.	C. Doc.	

**San. Auth.:** LIMERICK CORPORATION P.F.

**Special Notes:** ~~SMOKING~~

\$.

8812187

Forwarded by

John Kennedy  
 S.R. OLIVER

Date of Inspn.	Men	Boys	Women	Girls	
13.3.74	1	2	76	-	✓
18.7.75	2	-	75(8)	-	✓
11.6.76	4	-	40(9)	-	✓
18.4.77	3	-	55	-	✓
22.3.78	4	1	56	1	✓
30.3.79	3	3	56	1	✓
14.2.80	4	2	36	2	✓
17.2.81	5	-	20	-	
14.2.84	-	-	5	-	✓
15.12.86	No				✓
7.11.87	NW.				✓



An Roinn Leasa Shóisiallaigh  
(Department of Social Welfare)

Áras Mhic Dharmada,

Baile Átha Cliath 1  
(Dublin 1)

12-Drake

Mister Ógáin,

I am directed by the Minister for Social Welfare to answer the question whether, since 10th September, 1963,  
[REDACTED] is employed by you in employment which is  
covered under the Social Welfare Acts and to inform you that  
in the light of the information obtained it has been decided by  
a Deciding Officer that she is not so employed.

Any person who is dissatisfied with the decision may  
appeal against it by notifying this Department in writing; but  
such notification must be given within 21 days from the date of  
this letter.

Mise, le h-6mbs.

R. J. [Signature]

Approved by  
and Submitted  
by [Signature]

D.70/10.

A Chara,

I am directed by the Minister for Supplies to state that a delivery of ration books will shortly be made to you under the Emergency Powers (General Rationing Provisions) Order, 1942, in respect of every person entered on the Register of Population as being resident in your institution on Registration Night, i.e. the 16th November, 1941. The following arrangements for dealing with the books on receipt have been made in consultation with the Minister for Local Government and Public Health:-

1. The space for the address on the books will be left blank.
2. Books for inmates should be retained by you as long as they are resident in the institution. When an inmate is leaving, the address to which he is going should be inserted on his book which should then be handed to him.
3. Books for members of the resident staff may be either given to them or retained by you as found convenient. Where a book is handed out, the address of the institution should be inserted on the cover beforehand.
4. Where a member of the staff or an inmate has left the institution since the 17th November, 1941, and his present address is known, that address should be inserted on the cover of his book, and the book forwarded to him. It will not be necessary to enclose the book in any wrapper and no postage will be required. If his present address is not known, the book should be returned to the Secretary, Department of Supplies (General Rationing Section), Ballsbridge, Dublin, with an explanatory note.
5. If a person dies in the institution, his book should be handed to the local Registrar of Births, Deaths and Marriages when the death is being registered. Where a book is delivered in respect of a person who was resident in the institution on the 16th November, 1941, and has since died, it should be returned to the Secretary, Department of Supplies (General Rationing Section), Ballsbridge, Dublin, with an explanatory note.
6. The ration books of all persons who have entered the institution in the interval between Registration Night and the date of the general delivery of ration books are being forwarded by this Department to their home addresses as shown in the Register of Population. In some of these cases the postman may know where the parties have gone and the books will be forwarded to the institution. In the other cases the books will be retained at the Post Office serving the inmate's home district for some time, to enable them to be claimed and enquiry should be made there, accordingly.
7. Where a person enters the institution after the date of the general delivery of ration books, his book should be handed to the head of the institution for custody as long as he remains an inmate there.

The general issue of ration books to every individual in the State is intended to provide the machinery for rationing, if and when, it was deemed necessary in the national interest to ration certain commodities. The Minister would therefore greatly appreciate your co-operation in carrying out the foregoing arrangements.

Mise, le mens,

To Heads of District Mental Hospitals,  
County Homes, etc.

D.70/10.

22 January, 1942.

Dear Garvin,

I am sending you, as requested,  
a note of our discussion yesterday.  
I trust you will find it satisfactory  
as far as your Department is concerned.

Yours sincerely,

AA

J. Garvin, Esq.,  
Department of Local Government  
and Public Health,  
Custom House,  
DUBLIN.

SOC/EC.

*Copies to Secretary  
+ Mr. Shanahan*

MEMO.

Mr. Randall and Mr. O'Connell had a discussion in the Custom House on the 21st instant with Mr. Garvin of the Department of Local Government and Public Health regarding the arrangements in connection with the issue of ration books to the various institutions under that Department's control or supervision. Dr. Kearney, Inspector of Mental Hospitals, was also present during the portion of the discussion relating to mental hospitals. Mr. Randall outlined the procedure which had been agreed upon in the case of the Army and the prisons, and added that it was hoped to make arrangements on similar lines in the case of the institutions in which the Department of Local Government and Public Health was interested. These fall into the following categories:-

(1). Dundrum Criminal Lunatic Asylum and Mental Hospitals under the control of Local Authorities. The patients here are mostly permanently attached to the institutions to which they are committed. It was agreed that books in these cases should be sent to the Resident Medical Superintendent or other officer in charge who should retain them while an inmate was domiciled in his asylum. It was considered undesirable that the address of the asylum should be inserted on the cover of the book. When a patient was being discharged the Resident Medical Superintendent would insert his new address in the appropriate space on the cover of the book and hand it to the patient before leaving, at the same time notifying this Department of the new address if we should so desire. A similar procedure will be adopted in the case of patients who had left an asylum between Registration Night, (16th November, 1941) and the date on which the books are issued generally. The Resident Medical Superintendent will return to this Department books relating to persons who had died in that interval.

It was also mentioned that there were 11 private mental homes in the State and it is considered that the procedure outlined above might also be applied to them.

(2). County Homes. These have a static population of about 6,000, consisting of chronic invalids and harmless insane persons. There is also a fairly large proportion of casuals, mostly of no fixed address. It was decided that the books should be issued to the Matrons of the County Homes, and should be retained by them as long as the patients to whom they related were attached to the Home. Where a person had left since Registration Night the Matron would send on his book to his present address if she knew it. If such a person had no fixed address she would return the book to this Department. It was agreed that in the first instance no address should be written by Hospitals Trust Etc. when writing up books in respect of persons in County Homes.

(3). County and District Hospitals. The average duration of a patient's stay in one of these hospitals is about 3 weeks. It was considered that in practically all cases the patient's home address would be inserted in the

CVMS/

appropriate column of the registration form for persons temporarily away from home on Registration Night, and that the patient's ration book should be sent to that address.

(4). Homes for Unmarried Mothers, at Pelletstown, Tuam, Castlepollard, Shan Ross Abbey, Roscrea and Bessborough, Cork. It was agreed that in these cases it was highly undesirable that the names of the institutions should appear in the space for the address on the cover or the ration books, and that it would be sufficient if the names of the persons concerned were inserted on the cover and the books for the institution in question sent to the matron. In cases where a home address was given on the registration form the ration book might be sent to that address.

(5). Extern Institutions, (a list of which is contained in Appendix XXXIII of the Report of the Department of Local Government and Public Health for 1927/28). These institutions contain about 1,270 adults and 1,400 children who are mostly long term inhabitants of the institutions. The books would, in these cases, be sent to the person in charge and retained by him while the persons to whom they related were attached to his institution.

Mr. Garvin said he would send to this Department, for our guidance, a list of the institutions with which his Department was concerned, together with the names of the persons in charge of them. It would, he said, be necessary to send a circular containing comprehensive instructions to all such institutions, and he would let us know in the course of a few days, whether his Department would consider it preferable ~~whether~~ such a circular should emanate from his Department or ours.

Mr. Garvin also mentioned that in most of the institutions under discussion both patients and staff were supplied with certain commodities by the institutions, and before any particular commodity was rationed he would like to have a discussion with this Department to see if any special arrangements were necessary. Mr. Randall undertook that this point would be borne in mind.

86.

22 January, 1942.

SOC/EC.