

COMMISSION TO INQUIRE INTO CHILD ABUSE
PUBLIC HEARING

HELD AT HERBERT PARK HOTEL
BALLSBRIDGE, DUBLIN 4

ON WEDNESDAY, 24TH MAY 2006 - DAY 221B

EVIDENCE OF BR. SEAMUS NOLAN

BEFORE:

MR. JUSTICE SEÁN RYAN
CHAIRPERSON OF THE INQUIRY

and

MS. MARIAN SHANLEY
MR. FRED LOWE

221B

I hereby certify the
Following to be a true
and accurate transcript
of my shorthand notes of
the evidence in the
above-named action.

MEMBERS OF THE COMMISSION PRESENT:

REGISTRAR TO INVESTIGATION COMMITTEE: MR. B. REEDY

COUNSEL FOR THE COMMISSION: MR. N. MacMAHON SC
MS. L. RATTIGAN BL
MR. P. WARD BL

Instructed by: MS. E. McHUGH

FOR THE CHRISTIAN BROTHERS: MR. P. HANRATTY SC
MS. S. MOORHEAD BL

Instructed by: MR. P. LANKFORD
MAXWELL WELDON & DARLEY

FOR THE DEPT. OF EDUCATION: MR. C. DIGNAM BL

MR. M. CONNAUGHTON SC
MR. M. DOWLING BL

Instructed by: LAVELLE COLEMAN

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1 THE HEARING COMMENCED AS FOLLOWS ON WEDNESDAY, 24TH MAY
2 2006

3
4 BR. NOLAN WAS QUESTIONED, AS FOLLOWS, BY THE COMMISSION

5
6 MS. RATTIGAN: We are here at the moment
7 to hear evidence in respect
8 of Carri g lea Park Industrial School .

9 THE CHAIRPERSON: And Br. Nolan is also
10 dealing with that?

11 MS. RATTIGAN: Br. Nolan is also dealing
12 with that.

13 THE CHAIRPERSON: Could I just ask something.
14 Mr. Ward, you spoke to the
15 people who had questions?

16 1 Q. MR. WARD: I have indeed, Chairman,
17 yes. There is one question
18 perhaps I might put to Br. Nolan at this stage, it is a
19 very simple question, Brother. Could you perhaps tell
20 us what documents or rules and regulations were put on
21 notice to the arriving students in the school, if at
22 all?

23 A. There were certainly no documents. It was an informal
24 induction. Somebody had to tell them and I think they
25 had to learn the rest then from the boys around them.

26 2 Q. MR. WARD: But there was no formal set
27 of rules on a wall or
28 anything like that?

29 A. No. Unfortunately, there were no sanctions. It wasn't

1 in the culture at the time. Now, I am not speak of
2 culture of Industrial Schools. I just mentioned during
3 the hearing there that the question of identifying
4 faults and pairing them with a punishment really only
5 occurred around 1989, when, first of all, a circular
6 following the abolition of corporal punishment in 1982,
7 there was a Committee sat for a number of years on
8 that. They issued, first of all, their report and then
9 a circular came. By then it was being done anyway.
10 But the idea was that a school would make the rules and
11 have the sanctions known. Now, in say the 1940's to
12 the 1970's that idea wasn't there.

13 MR. WARD: Okay thank you. Thank you
14 Chairman.

15 THE CHAIRPERSON: Very good. Sorry
16 Ms. Rattigan, you are about
17 to start on Carriglea.

18 3 Q. MS. RATTIGAN: That's correct, Chairman,
19 Br. Nolan, you are also
20 here as a member of the Provincial Leadership Team in
21 respect of St. Helen's?

22 A. Yes.

23 4 Q. And you are dealing with Carriglea Park Industrial
24 School in Dun Laoghaire.

25 A. Yes.

26 5 Q. I think it is also the case that you have no direct
27 personal involvement in respect of Carriglea?

28 A. Not as an industrial school. Later on, when it was
29 used as a house of formation, though I was never on the

1 staff there I was very familiar with the building,
2 modified as it was, of course, by then.

3 6 Q. I think you are referring to the fact that in 1956
4 Carriglea became a juniorate; is that correct?

5 A. That's right.

6 7 Q. After the Industrial School itself had closed in June
7 1954?

8 A. That's right.

9 8 Q. You have provided the Commission with a submission in
10 respect of the Industrial School, and in that you have
11 set out various sources of information. I think, also,
12 you have attended all the private hearings; is that
13 correct, Brother?

14 A. I did, yes.

15 MS. RATTIGAN: I will pass you over
16 now to Mr. Dowling, who may
17 have questions for you.

18

19 END OF QUESTIONING OF BR. NOLAN BY THE COMMISSION

20

21 BR. NOLAN WAS THEN EXAMINED, AS FOLLOWS, BY

22

MR. DOWLING:

23

24 9 Q. MR. DOWLING: Br. Nolan, I am just going
25 to ask you some questions
26 about Carriglea Park. I suppose the questions are
27 based mostly upon the documentation which has been
28 furnished. I think, as has already been explained, you
29 have no personal knowledge of the industrial school in

1 Carri g l e a Park?

2 A. No, I was never a staff member there.

3 10 Q. Could I just ask you, in terms of equipping yourself to
4 prepare this submission to the Committee, what steps
5 did you take, besides reviewing the documentation? Did
6 you speak to Brothers who worked there, or what steps
7 did you take?

8 A. Well it was difficult to find -- there was only one
9 that I could speak to.

10 11 Q. Right. So there was only one surviving Brother who had
11 actually been there?

12 A. Yes. But, nonetheless, some years earlier
13 questionnaires had been sent to people, I am speaking
14 about around the year 2000, and I may have picked up a
15 little more from that. But as regards to personal
16 contact there was only one available.

17 12 Q. In terms of those questionnaires -- sorry, maybe this
18 has been explained already -- what were those
19 questionnaires about?

20 A. Well, general life in the institution, their workload,
21 the timetable as they remembered it. All that kind of
22 information.

23 13 Q. Do you have copies of those questionnaires?

24 A. I don't have them here, no.

25 14 Q. Are they --

26 A. I am sure they can be found, yes. They are not
27 specific to Carri g l e a Park alone.

28 15 Q. They were just generally sent out?

29 A. To people who were in industrial schools.

1 THE CHAIRPERSON: Would they be of relevance
2 to us?

3 A. I think we should send them on to you.

4 THE CHAIRPERSON: Thank you very much.

5 MR. DOWLING: I wasn't aware that there
6 were such a thing.

7 THE CHAIRPERSON: Neither was I.

8 16 Q. MR. DOWLING: In relation to Carriglea
9 Park, I suppose we have
10 heard evidence in relation to Tralee, Letterfrack and
11 Artane and in general terms Carriglea seems to have
12 been fairly different from them, it is more of a
13 haphazard sort of a place. That is how it comes across
14 from the documentation. I don't know if you would
15 agree with that assessment.

16 A. There is no doubt in the early 1940's the staff there
17 was an ageing one, and it doesn't make good reading.
18 There was apparently very little done in the line of
19 games and occupations, recreational occupations. Those
20 complaints are there in the Visitation Reports. Quite
21 an amount of time is spent on explaining, trying to
22 explain the way the school responded to complaints by
23 the visitors.

24 17 Q. That's exactly what I wanted to touch upon. The
25 Visitation Reports, as you said, for the late 1930's,
26 early 1940's contain a substantial amount of criticism
27 of the school and there doesn't appear, perhaps, to
28 have been a fantastic response to the criticisms made
29 by the visitor. There isn't the same picture which you

1 might get in other institutions where there is a
2 criticism in a Visitation Report and then by the next
3 year it has been sorted out. The same problems appear
4 to persist in relation to hygiene, the general
5 conditions of the buildings -- I will ask you about
6 specifics in a second -- over a number of years. The
7 impression you get is that it was a kind of difficult
8 place to manage, essentially on behalf of the Christian
9 Brothers. There were a kind of law unto themselves in
10 some ways. I don't mean in a bad way, I just mean it
11 was haphazard if you like.

12 A. Haphazard insofar as they were struggling to work with
13 staff that was rather aged for that type of the work.
14 Another effort -- now this is not in anyway denigrating
15 the work of the lay teachers, because they did
16 remarkably well and I think it is well to pay attribute
17 to them. Nonetheless, the lay teachers were teachers
18 who taught from 9:00 to 3:00 and if they hadn't been
19 there probably the staff of Brothers would have been
20 slightly bigger and there would have been more
21 supervisory staff available.

22 18 Q. If I could just ask you then some of the specifics.
23 You have a small book of documents there, it is a
24 compendium of the discovery that we have received.
25 There are page numbers in the top right-hand corner of
26 each page and I am going to be asking you to refer to
27 those page numbers. In this case they are sequential
28 the whole way through the documents so you don't need
29 to worry about which tab the documents are in. If I

1 could just ask you to look, first of all -- and this is
2 about the Visitation Reports -- at the Visitation
3 Report from 1938, which you will find at page 59 of the
4 book?

5 A. Yes.

6 19 Q. I am just going to ask you to comment on a couple of
7 things on this Visitation Report and the following one.
8 If you look at page 60, and it is in about the 4th
9 paragraph.

10

11 "The classrooms are very suitable.
12 They are heated by ordinary open fires
13 and as the rooms are small the heating
14 is adequate and the rooms comfortable.
15 There is a total absence of the barrack
16 atmosphere from this institution, the
17 only relic left is the bugle call,
18 which might also be discarded."

15

16 I was struck when I read that, that the visitor seems
17 to be making a virtue of the fact that this institution
18 isn't run along the militaristic lines that we have
19 heard described in respect of the other institutions.

20 A. That's correct, yes.

21 20 Q. I just wonder, from your perspective, because obviously
22 you have dealt with Tralee as well.

23 A. Yes.

24 21 Q. Why do you think it was that in the case of this
25 institution it was identified that it was good that
26 almost all of the barrack, bugle calls, marching were
27 gone and in respect of the other ones that was a key
28 focus of how they were managed?

29 A. It may be attributable to one person actually, who was

1 on the staff for a very long time, I think going back
2 to the 20's, was a Resident Manager in the mid 30's and
3 when his time was up, instead of being transferred he
4 remained on until the mid 40's. Now, he was a gentle
5 person himself, he gave all his time to work. He
6 overworked really. There is a book written by a past
7 student called "A stolen child", I think, and he speaks
8 very highly of him. It is also noted that later on,
9 when he left the establishment, visitors called to see
10 him, past students of Carriglea. So he was a man that
11 had a particular gift apparently.

12 22 Q. He seems to have been a bit of a character.

13 A. Yes.

14 23 Q. I am going to come to that now in a second, if you
15 like. If you look then at the next Visitation Report,
16 which starts at page 61, and this Visitation Report at
17 page 62 contains criticism of the institution and its
18 conditions. So, for example, it says:

19 "The boys make a better impression than
20 the institution."

21
22 And following that visitation a letter was written to
23 the Resident Manager criticising the condition of the
24 institution. That letter is at page 66.

25 A. Yes, I have that.

26 24 Q. You see it says that:

27 "The Brother's apartments and the
28 infirmary are said to be clean, other
29 parts of the establishment are not so
well described. The refectory is being
done up. The dormitories are fairly

1 clean. The classrooms and furniture
2 therein are in a poor state of require
3 and ill furnished. The walls require
4 cleaning down. Gymnasium is a lumber
5 room...

6 And this comes up a number of times, they appear to be
7 storing timber for fires in the gymnasium, or something
8 like that.

9 "This is strange in an age that is
10 endeavouring to improve the physique of
11 the rising generation. You have two
12 Brothers who are said to have not much
13 to do, Brothers (blank) and (blank).
14 Get either or both of them to do the
15 work of cleaning up the parts of the
16 house which have come in for criticism.
17 The work will do them good as well as
18 the apartments cleaned by their
19 exertions."

20 Now, that seems to suggest that the fault mightn't
21 necessarily be that the staff was overworked, it seems
22 to suggest that some of the staff were idle or lazy.
23 Would that be fair to say?

24 A. It would. I don't know who the Brothers were. It is
25 possible they were people beyond their teaching age, in
26 that they would have been teachers beforehand. I am
27 amazed actually that coming from headquarters that
28 there is reference to a kind of "do-it-yourself" job
29 given. But there is no doubt about it that the
30 building was beginning to run down. It was a
31 comparatively new building at the time, having been
32 opened in the 1890's. Later on I made a point as
33 regards finances and so on, because they found
34 themselves fairly well off at the end. There was

1 another reason for that. But one of the reasons was
2 that the large scale work on the fabric of the building
3 wasn't really required. But certainly minor works were
4 apparently put on the long finger.

5 25 Q. That's what I wanted to ask you about. Because, as I
6 said, in other institutions you have a pattern where if
7 the fairly strict letter comes from the visitor it
8 appears to have been acted upon. That letter was
9 written in April 1938?

10 A. Yes.

11 26 Q. We know then from an inspection by Dr. McCabe in April
12 1939 that, in fact, it doesn't appear to have been
13 sorted out because if you look at page 8 of the book?

14 A. Yes, I am familiar with the letter all right.

15 27 Q. Dr. McCabe writes to say that she visited Carriglea
16 Industrial School and she states that:

17 "The general condition of the school
18 was not too satisfactory. The
19 passages, dormitory and refectory were
none too clean."

20 She talks about the ventilation of the classrooms.
21 She says that the food is rather below standard but
22 does say that the infirmary is good and that the boys
23 in it looked happy. So, I suppose, she comes along,
24 the letter doesn't appear to have been actioned by the
25 visitor and this letter, I think, elicits -- well, her
26 letter is sent then by the Department to the Resident
27 Manager and the Resident Manager goes ballistic, I
28 think, when he gets the letter and pens a very upset
29 response to it. I think that's correct. That's at

1 page 10 of the book.

2 A. Yes, it is the man we are speaking about, that I have
3 been speaking about earlier, who enumerates all the
4 things he does and feels very let down by the type of
5 report.

6 28 Q. There is just one part of it I wanted to ask you about
7 in particular, which is the start of it. I can't read
8 all of his handwriting but he says -- well, first of
9 all, he writes it as soon as he gets the one from the
10 Department, he doesn't seem to sit on it for too long.
11 He writes and says:

12 "It is 9:40 p.m. old time, that which
13 we work on here. It is 10:40 p.m.
14 summer time, that which you and the
15 rest of the world reckon your day by,
16 including our fair medical
17 inspector..."

18 I think that's what he seems to be saying.

19 A. Yes.

20 29 Q. "...have had several hours..."

21

22 THE CHAIRPERSON:

23 "...put several hours restful leisure
24 over them."

25

26 30 Q. MR. DOWLING:

27 "Not so this unfortunate, however, for
28 it is only now that I have time to sit
29 down to write my observations on the
letter from the doctor."

1 He goes crazy. There is a lot more of the same in the
2 letter, saying about the work that he does, he calls
3 it:

4 "...wearying, slavish work..."

5
6 and he makes a number of complaints about the type of
7 work that he has to do. Brother, the first thing I
8 just wanted to ask you about, and maybe this has come
9 up before, the schools never changed their clocks in
10 summertime; is that correct?

11 A. It was a local idea and I am a little bit confused
12 about the whole thing. Because I do remember myself,
13 as a youngster, during wartime I think it was imposed
14 all round and at one stage there was double summertime.
15 The whole idea was daylight saving anyway.

16 THE CHAIRPERSON: But I find letters,
17 Brothers, in Letterfrack
18 that acknowledge the fact that summertime goes on
19 elsewhere but not here.

20 A. That's correct, they must have had their own reasons.

21 THE CHAIRPERSON: For some reason there was
22 some policy.

23 MR. DOWLING: That's mentioned in one of
24 the Visitation Reports,
25 that it is always run on old time, all year around, and
26 it doesn't run in summertime. I suppose that was just
27 to stop confusion in terms of the highly regimented
28 day. That seems to have been the reason for it, that
29 it made it very simple to follow the same routine every

1 day if the clocks never changed.

2 A. It is possible. But, you know, just immediately after
3 the change of clock all days are the same again. So I
4 really don't understand the reason for that.

5 31 Q. Well, obviously, it seems to have posed a difficulty in
6 the minds of your predecessors in the Christian
7 Brothers that they had to re-order everything?

8 A. Oh everywhere. There are some convents until the
9 1960's, you knew well from the ringing of their bells,
10 around Dublin even, that they were following a
11 different clock time.

12 32 Q. The thing that seems, I suppose, and I wanted to ask
13 you to comment on it, is that whereas the Visitation
14 Report didn't have any effect upon the conditions of
15 the building, and whereas the Resident Manager was
16 incensed by what Dr. McCabe said it is clear from the
17 following Visitation Report that in fact he then took
18 steps to clean the place and boys were allocated to
19 clean it.

20 A. Yes.

21 33 Q. If you look at page 68 of the book, he doesn't appear
22 to have taken the example of the Resident Manager, of
23 the visitor, and asked Brothers to do it. It
24 says that:

25 "a few selected boys were assigned to
26 see to its cleanliness".

27 That's at the bottom of the page there.

28 A. Yes, I have that.

29 34 Q. If you just look over to the next page, I wanted to ask

1 you about this, it is in relation to the education of
2 the boys, and this is mentioned in your submission.

3 "It is recorded here that the practice
4 of sending a few of the more talented
5 boys to the secondary school in Dun
6 Laoghair has been discontinued. Then
7 it states that instead boys are
8 prepared for elementary examines, such
9 as that of boy messengers in the post
10 office."

11 There is a number of other criticisms, I think, in the
12 Visitation Reports of the education standard of the
13 boys, that there is no music for them, the library is
14 badly stocked, and so on. Do you have any comment, or
15 were you able to find anything about why that happened
16 in this institution?

- 17 A. First of all, the comments on the library were as
18 regards the house library rather than the school one,
19 to my knowledge. An effort was made in the 30's, again
20 now during the time of office of the man we mentioned,
21 of getting people into a school in Dun Laoghair,
22 Christian Brothers secondary school in Dun Laoghair.
23 It lasted for a few years, was apparently successful
24 but the official term was unsuccessful. We have not
25 got any reason for it. There are suggestions that the
26 social gap was a bit much for the school to take,
27 because they withdrew. I think it was at that time
28 that an alternative method of doing something for them
29 after primary school, in a school sense, opened up the
possibility of the post office examines. That's the
boy messengers, that in the long term could lead to

1 permanent, pensionable employment. They followed on
2 that until the early 1950's, just before they closed.

3 35 Q. But you are aware that -- I know there is a limited
4 number of complaints that have been made in respect of
5 this institution, but that some of the complaints made
6 relate to the lack of opportunity and the lack of
7 education, and that that would seem to point to some
8 veracity of that, that whereas there was a practice of
9 boys being sent to secondary schools that was
10 discontinued?

11 A. That was. That's one of them. But, again, there was
12 the substitute that some availed of, and some did quite
13 well out of it apparently. Now, there were various
14 efforts, as in the other schools, of getting some form
15 of recognition for vocational training, either in the
16 primary school or in conjunction with the local
17 vocational school. None of these were really well
18 fastened down but there were efforts being made all
19 along.

20 36 Q. Okay. If I could ask you then just in relation to, I
21 think as you have described, the Resident Manager, who
22 was there for a long time, he became sick, I think he
23 had cancer.

24 A. That was a another person.

25 37 Q. That was a different person, was it?

26 A. Yes, another person.

27 38 Q. If you look at page 78. I think it is being suggested
28 by yourself and by the other witnesses that it was very
29 easy to make complaints to the visitor, and it was an

1 opportunity really to criticise management in the
2 institution. But there is an example on page 78, which
3 is a Visitation Report from the early 1940's, 1943, of
4 somebody only being able to make complaints about the
5 management of the institution after the Superior had
6 died. If you look at the bottom of the page there, or
7 that's what it seems to suggest. I am just wondering
8 if you clarify that? It says:

9
10 "Br. (Blank) made the following
11 complaints, all of which were directed
12 against the late superior. He
13 complains that boys were taken out of
school to work in garden, which
interfered with their chances of
getting a proper education."

14 A. Yes, I think it is not actually the Superior who had
15 died, it was a person who had been Superior. There is
16 a complaint there for taking boys out of school. It
17 would be talking about the person we praised so much in
18 the beginning and it doesn't seem to suit that he would
19 be taking boys out of school to work in the garden. I
20 am a bit (inaudible) by that really. Occasionally this
21 type of thing did happen, to take someone out to do a
22 special job. But to have it on a permanent basis just
23 wouldn't be acceptable.

24 39 Q. That's what I wanted to suggest to you. Taken together
25 with the previous comment that we have seen, that
26 whatever about the merits of this person as a man it
27 appears that he may have been insufficiently focussed
28 on the education of the boys, to the extent that a
29 Brother made a specific complaint about him in relation

1 to that?

2 A. Speaking of the person in question, he was actually
3 responsible for any advancement that had been made. So
4 maybe we are returning to something like the Tralee
5 situation, where there was a little bit of bickering
6 going on. I could see at this time that the man in
7 question was losing some of his power, it was obvious
8 in this, recreation facilities and so on, and some
9 other members in the community were beginning to talk.
10 That's what I can see from the documentation.

11 UNKNOWN SPEAKER: Before I go could I just
12 say a word please? My
13 brother was in Artane school, Michael
14 Flanagan. . . (INTERJECTION)

15 THE CHAIRPERSON: Sorry, we are in the
16 middle. . . (INTERJECTION.)

17 UNKNOWN SPEAKER: And I just can't sit here
18 and listen to this anymore.
19 He was very badly beaten, punished, abused.

20 THE CHAIRPERSON: We'll just carry on.

21 UNKNOWN SPEAKER: And died eight years. I
22 had the pleasure of burying
23 him myself. Thank you. Michael Flanagan was his name.

24 40 Q. MR. DOWLING: Brother, what I wanted to
25 ask you about now is,
26 again, even though there had been a criticism by the
27 visitor of the condition of the building and then a
28 criticism from Dr. McCabe, things appeared to have
29 continued to deteriorate and over the next three or

1 four years there is a picture of what sound like quite
2 disgusting conditions in the institution. Would you
3 accept that?

4 A. Yes, it just can't be denied. The conditions would be
5 with regard to occupations, recreation occupations
6 essentially. In the meantime, for some particular
7 reason the band had been discontinued. So there was
8 calls for re-establishing the band.

9
10 Now, every time a complaint was made an effort was made
11 to solve but the use of monitors was chosen. This
12 brings us back again to the Brother we were speaking
13 of. He could manage these very well and at some time,
14 apparently, had met with success. But at this time
15 now, ten years later than when he was at his best, I'm
16 afraid it just didn't work. So eventually, I think
17 1945, he was replaced and went on to be very successful
18 elsewhere. The initial change wasn't actually enough
19 so another year, it was 1946, before there was a
20 completely new approach, with new staff, quite an
21 experienced one. As well as that things that had
22 fallen into disuse were reconstituted, especially the
23 band.

24 41 Q. I am not, obviously, accepting, that's a different -- I
25 am talking about the physical conditions and the
26 conditions in relation to the clothing and the hygiene
27 of the boys, that over a substantial number of years,
28 maybe four or five years, between the inspections from
29 Dr. McCabe and the visitors there is a picture painted

1 of an institution that is really run down, in terms of
2 the physical condition. So, for example, in 1943 the
3 visitor records that:

4 "Six or seven of boys' toilets had been
5 used, were out of order and could not
6 be flushed except by bringing water in
buckets."

7 So there are problems with sanitation. He says:

8 "Large patches of paint are peeling off
9 the walls. There is an unfinished
10 piggery, which ought to be removed or
completed."

11
12 This picture continues in terms of very bad physical
13 conditions. Also, I think quite poor hygiene amongst
14 the boys, so that there are two letters written
15 complaining about that by Dr. McCabe. If I could just
16 ask you to look at the first of those, which is page 24
17 of the book.

18 A. Could I just mention in passing that they had a
19 difficulty with water pressure there. It was on a
20 rather high part of the land around Dun Laoghaire. Not
21 quite into the mountains by any means. But that is
22 mentioned in one of those reports as well. The water
23 pressure did cause a problem.

24 42 Q. That might explain one part of it. I just would ask
25 you to look at these two documents and the Visitation
26 Reports. If you look at the first one, page 24 of the
27 book, while Dr. McCabe says that on the whole the
28 school is run in a satisfactory manner she makes a
29 number of complaints about:

1 "... the boys not getting enough milk,
2 they should be given porridge for
3 breakfast or supper during the winter.
4 They should have a bath at least once a
5 week. Their bed linen should be changed
6 more frequently. They should be given
7 a toothbrush and steps should be taken
8 to ensure that the boys clean their
9 teeth regularly... a dentist should
10 visit the school every three months."

11 Then there is a suggestion about medical charts.
12 Notwithstanding that a letter is sent by the school
13 saying:

14 "We will deal with these issues."

15 If you look at page 29. This is two years later, there
16 is a letter making a number of criticisms of the
17 hygiene of the boys and the general conditions, but two
18 years later the medical inspector makes a number of
19 similar complaints. For example, she says that:

20 "The boys clothing is very patched and
21 it should be improved. Nightshirts
22 should be provided. Their underpants
23 should be changed weekly. At present
24 this is done only ever four to six
25 weeks."

26 That just seems extraordinary, that it would be done as
27 infrequently as that.

28 A. But, again, they were very, very slow on catching up.
29 As regards shirts, that arose at the Manager's meeting
30 as ability to get them. Now, that was during the war.
31 But apparently there was a shortage into much later
32 than that.

33 43 Q. For example, it says here:

1 "The boys should be made to use their
2 toothbrushes at night. The shower bath
3 should be put in order for use as soon
4 as possible."

4 Again, she is saying a boy should get a pint of milk
5 each day and then the dentist is again requested.
6 While you may have an excuse in relation to the
7 individual items, the picture painted is of one where
8 the boys are of poor hygiene, run down and nothing is
9 being done about it, even though the medical inspector
10 is writing about it over a two year period. Would you
11 accept that?

12 A. I'd have to. Incidentally, there is something I think
13 I should mention about these reports, about how
14 forthright and also how particular they are. Because,
15 first of all, there is a report from the medical
16 inspector, that's the handwritten one, that always is
17 followed -- that was given apparently to the Department
18 of Education, then the Department of Education, very
19 like the visitation, sends on the recommendations and
20 then that has to be replied to. That is the sequence.
21 Well, apparently, in spite of all of that they didn't
22 get there right up to practically the end.

23 44 Q. Nothing was done about these complaints. They are not
24 complaints that are reflected in the other
25 institutions, it seems that for whatever reason the
26 general conditions of hygiene and so on with boys in
27 this institution were exceptionally bad. You accept
28 that I think?

29 A. They were bad during that period. I think we should

1 look as well at some of the Visitation Reports that
2 mention around the farm. This would result from having
3 an incompetent farm Brother. Towards the end that
4 improved. I don't think they ever overcame the
5 question of water pressure.

6 45 Q. Just over the same period, and I think you may have
7 flagged this already, there are, again over a number of
8 years, the visitor in the Visitation Report flags the
9 fact that there is a problem with the boys of peer
10 abuse; isn't that correct?

11 A. That's correct.

12 46 Q. Again, for reasons which you may have adverted to, that
13 just doesn't appear to have been addressed. So if you
14 look at page 84 of the book, for example. Just towards
15 the bottom of the page it states:

16 "Several Brothers stated that
17 supervision outside needed tightening
18 up because boys could slip away rather
19 easily. A few were caught acting
 immorally some time back, in the
 garden."

20
21 Then he suggests that a monitor should be located to
22 supervise the toilet area. Then the visitor goes on to
23 criticise the fact that there are not games for the
24 boys.

25 "The Sub-Superior and others are
26 anxious to have more attention given to
27 organised games so as to keep the boys
28 actively employed. I saw them sitting
29 or lying on the concrete yard for long
 periods when they could be playing the
 field if games were organised for
 them."

1 Then it says there are no swings and it just makes
2 other criticisms. Then if you turn on to page 92,
3 which is two years later I think, it says that, in
4 relation to the boys:

5 "Immoral practices are rife among them,
6 so much that even the younger boys are
7 contaminated. Boys of 11 years of age
8 have been discovered practicing
9 immorality with one another. The
10 chaplain has little influence with the
11 boys and the Brothers say that many of
12 them refuse to go to confession to him.
13 A number of them have been months
14 without approaching the sacraments,
15 although we have two extraordinary
16 confessors once a month."

17 Then the reasons for this are given.

18 "This unfortunate state of affairs has
19 been brought about by weak discipline,
20 lack of suitable occupation and an
21 insufficiency of games and other
22 amusements."

23 I think you will see, Brother, that it is virtually the
24 same criticisms that were made two years beforehand are
25 identified as the cause for this; is that correct??

26 A. There is no doubt about it, and it is particularly
27 strong because they are actually harping because they
28 have made these recommendations before. Now, in the
29 submission there is reference to efforts to try and
counter that. It is mainly the use of monitors. But
that last page we mentioned, that was the end of it
really. The first effort on really solving it by
changing personnel took place in 1945, not a hundred
percent successful but in 1946 things began to come

1 back into place, as regards discipline, recreation,
2 activities for the boys, keeping with the building at a
3 much lower rate we'll say.

4 47 Q. What I wanted to ask you about, Brother, and I suppose
5 just to comment on this because you have already given
6 evidence in relation to Tralee and the Visitation
7 Reports, it does point to something of a failure in the
8 whole system of central management that the visitor
9 goes out once a year, he is there for three days and it
10 appears to be left entirely in the hands of the local
11 management then to make sure that something is done.
12 Isn't that correct?

13 A. That's correct. Well, in some places it depended of
14 course on the local management, it is possible to have
15 recourse to the headquarter's people at any time if
16 they are at home. Because at that time visitation
17 meant being away from home for fairly lengthy periods.
18 But in extreme cases, yes, they would visit again. And
19 there was such a thing as a special visitation, which
20 was one out of the normal context, the annual
21 visitation. However, it wasn't done in Carriglea.

22 48 Q. It wasn't done there. For whatever reason there
23 appears to have been a situation allowed to arise where
24 the same identical problems persisted over a number of
25 years, giving rise to the difficulties of peer abuse
26 that have been identified in reports; is that correct?

27 A. That's correct.

28 49 Q. In fact -- on page 92 -- the problem, I suppose, also
29 seems to have extended to discipline, because the boys,

1 unlike I suppose the other institutions, appear to have
2 taken matters into their own hands in Carriglea?

3 A. Yes.

4 50 Q. And it is recorded.

5 A. It is recorded there.

6 THE CHAIRPERSON: What page?

7 MR. DOWLING: It is page 92. It
8 says that:

9
10 "The boys were very much out of hand
11 during the past year and showed a very
12 rebellious spirit. Booming the Brothers
13 was not uncommon and they refused more
14 than once to submit to control. They
15 made a determined attempt on one
16 occasion to burn down the place and
17 actually got a fire going in one of the
18 dormitories before they were
19 discovered."

20 I am sorry, it is difficult not to laud their spirit in
21 some ways because this didn't happen anywhere else.

22 "This insubordination reached its
23 climax during the month of June, when
24 Br. (Blank) was absent and they were
25 under the control of the Superior and
26 Br. X. Things have improved
27 considerably since he took charge in
28 August and they are now more
29 disciplined."

30 So in Carriglea I suppose, unlike other institutions,
31 the boys actually appear to have been able to assert
32 their collective will against the Brothers, as opposed
33 to the other way around. Why do you think that what
34 happened here and didn't happen elsewhere?

35 A. Well this particular incident, as you will see, so and

1 so took charge in August, it was during July, the
2 regular staff was away. On a particular evening, the
3 one in which this boeing took place and the fire
4 attempt, the Superior was there and the second
5 Br. (Blank) was quite an old person. It appeared that
6 the person who turned up set things right. He was
7 apparently in town for the evening, or something. He
8 should have been at home, I would say. And as soon as
9 he returned things came back into shape. But they were
10 actually understaffed at that particular moment.

11 51 Q. But isn't there another way of looking at it? Doesn't
12 it suggest, because you have heard the evidence from
13 your colleagues in relation to the happy families in
14 Artane and the general contented atmosphere of the
15 boys, that in this institution, where the boys weren't
16 under the same rigid discipline as in Artane and Tralee
17 and Letterfrack, that they didn't seem too happy with
18 the conditions generally and that they were able to
19 stand up to the Brothers and express their
20 dissatisfaction to the Brothers in a vocal way? Does
21 that not make you wonder was the happy families in the
22 other institutions not solely as a result of the rigid
23 discipline that was applied?

24 A. It could well have been. The discipline, not
25 particularly in that year but in some years beforehand,
26 was a rather relax one by comparison with the others.
27 Why it happened to come to a head at this particular
28 time I don't know. But what it did is it highlighted
29 the fact that it wasn't working, what they were doing

1 wasn't working and that stronger measures would have to
2 be taken. The regime that followed was very like
3 Artane, it was quite regimented and staff taking
4 responsibility rather than monitors.

5 52 Q. I think, and obviously because there was a smaller
6 number of complaints in relation to this institution it
7 is more difficult to ask you general questions about
8 them. But you were present during all of the evidence
9 given by the complainants?

10 A. I was.

11 53 Q. Isn't it correct that evidence was given of severe
12 physical abuse, some of it in the late 40's and early
13 1950's? Isn't that correct?

14 A. Especially in the early 1940's, there was a person
15 mentioned, yes.

16 54 Q. But there was also evidence given in relation to severe
17 beatings at a later stage as well; isn't that correct?

18 A. That is correct, yes. Probably part of the stronger
19 regime. Though the person against whom those
20 allegations would have been made has been praised as
21 being a fair person. So it is difficult really to come
22 down to the nitty-gritty. But, certainly, strong
23 measures were to be taken after 1946. There is some
24 evidence that that did happen.

25 55 Q. That just comes back to the general question I asked
26 you earlier, which is that there seems to be a cause
27 and affect relationship there, that the only way,
28 equipped as they were, the Christian Brothers were able
29 to manage these type of boys was through severe

1 discipline. That the school was chaotic when it was
2 being run without the iron fist and then order was only
3 restored when the iron fist was introduced. Isn't that
4 one reading of what happened?

5 A. It is a reading that can be taken from it. But I think
6 there is also a question of aging. That we are really
7 down to practically one person who had a means of doing
8 it and for whom it worked well, and towards the end of
9 his time it didn't work anymore. It is also the case
10 too, of course, that during the wartime numbers went up
11 a little bit and the type of person being committed
12 were more and more people who came from difficult
13 families and possibly a certain amount of those who
14 were being put in for petty crime, and so on. So the
15 actual cohort there in 1943/44 could have been quite
16 different from those who were there earlier.

17 56 Q. Could I just ask you one question, and maybe I missed
18 this elsewhere. There is mention in the Visitation
19 Reports of a visitation fee, what exactly was that, do
20 you know, or have you investigated that?

21 A. You see, all of these groups had to live. The Brothers
22 in the community maintained their house through taking
23 a stipend and taking a salary from the money available.
24 So also would the Provincial Council, they had no means
25 of support other than putting a stipend on each house.
26 It is a few hundred pounds. It changed with time of
27 course. It was a levy on each Brother to contribute to
28 the Provincial Council. It was collected usually when
29 it was available. It wasn't always available. It was

1 collected during visitation, or at least the bill was
2 given at that time.

3 57 Q. That's right. If you could look at page 73.

4 A. Now and again it turns up in the finances heading.

5 58 Q. It says:

6 "visitation dues, £320 herewith."
7

8 So the bill appears to be presented with the report.
9 What strikes me is that relative to the amount of money
10 that was going through Carriglea it was a substantial
11 amount of money, £320, in the context of the finances.
12 So, for example, it was... (INTERJECTION)

13 A. It wasn't coming out of the college, or the school
14 account. It was coming out of the house account.
15 Admittedly, it would have come -- the house account
16 drew on the school account.

17 THE CHAIRPERSON: So in a round about way it
18 could be traced back --

19 A. It could be traced back.

20 THE CHAIRPERSON: -- to the capitation.

21 A. Through the earnings of the community out of the
22 capitation.

23 59 Q. MR. DOWLING: That's just the point I
24 wanted to make. The
25 finances do appear to have been treated all as one and,
26 in fact, there appear to have been, while I suppose
27 nothing arises there is some confusion over the
28 finances.

29 A. As a matter of fact the Visitation Reports are not

1 really reliable on finances. First of all, they are
2 not at the same time every year. But in the submission
3 the chapter on finances is based on annual reports that
4 houses and schools submitted at the given time every
5 year, the end of the year.

6 60 Q. If I could just ask you in relation to the question of
7 sex abuse, because that, again, appears to have been a
8 difficulty in Carriglea, as it was in the other
9 institutions run by the Christian Brothers. Isn't that
10 correct?

11 A. Well, there are only one or two occasions. Of course
12 any one is far too many. But actually you have give us
13 some of the documentation here. We dealt with them
14 yesterday actually, they were the same too people that
15 were mentioned yesterday in relation to Artane.

16 61 Q. That's right, they are some of the same people. So,
17 for example, on page 51 you have an example of one
18 Brother.

19
20 "He was accused by the boys in
21 Carriglea of immodest conduct towards
22 themselves. He admitted the truth of
23 the accusations when called before the
24 General Council for trial. One offence
25 occurred on Christmas day 1944, though
26 he made vows on Christmas morning. He
27 was unanimously dismissed."

28
29 Then it says, which I think was covered yesterday:

30
31 "Suspicion had been aroused by a
32 tendency to a particular friendship
33 with a boy in Artane."

34
35 The second one, which is the one I just wanted to ask

1 you about because you made a comment about it in your
2 submission. Just bear with me one second. That's
3 dealt with at page 54 onwards. It says:

4 "Clear evidence came to light from boys
5 at Artane re serious misconduct of
6 indecent character. He was tried by
7 General Council and unanimously judged
8 guilty. Then he appealed and was
9 advised to seek a dispensation. He
10 appealed to the apostolic visitor."

11 Whom we heard mentioned yesterday.

12 A. Yes.

13 62 Q. Just go over the page to page 55. It just says, about
14 half way down the page:

15 "The charges against him were of a
16 serious of accusations by boys of the
17 school indicating criminal or indecent
18 assault."

19 I am not sure if that has been dealt with before, but
20 it seems to very specifically identify these as
21 criminal offences as opposed to moral failure?

22 A. It does, yes.

23 63 Q. And again this wasn't, of course, reported to the
24 guards, that has been established well at this stage.

25 "His position was fully explained to
26 him. He was also reminded of the
27 causes of his removal from Marino and
28 Carriglea, a canonical warning had been
29 given to him re the Carriglea
30 incident."

31 He goes on about the charges. So obviously this is a
32 case where somebody had two previous incidences of
33 having abused boys, he was given a warning in relation

1 to one of them and he again committed the offence again
2 in Carriglea. What I couldn't understand is -- if you
3 look at page 64 of your submission.

4 A. I have it here now.

5 64 Q. You describe the incident and you say that he talked
6 about what happened, you then say:

7 "He left the Congregation in October
8 1944. It transpired later, in the", I
9 think that's just a typo, "that he also
offended while in Carriglea Park.

10 A. That would be the investigation that was mentioned
11 there on page 56 here.

12 65 Q. It is a mistake to say that it transpired later?

13 A. Well, it transpired to me. That's the inference there.
14 The General Council people knew all about it at the
15 time.

16 66 Q. Exactly. So it is misleading to say it transpired
17 later. In fact, the situation is that they knew full
18 well when he had been sent to Carriglea that he had
19 been guilty of this in the past. So for whatever
20 reason the statement "it transpired later" is simply
21 incorrect; is that correct?

22 A. It is incorrect.

23 67 Q. There is just one last thing I want to ask you about,
24 it also relates to abuse. If you look to page 45 of
25 the documents, this is a minute of a meeting between
26 District Justice McCarthy and the Reverend
27 Br. O'Hanlon. Can I ask you, was he one of the people
28 who, for example, sat on that Provincial Council, if
29 you go back to page 56, or that General Council?

1 A. No, there is a similar name, but the Irish for that is
2 not O' Hanlon.

3 68 Q. It is somebody different?

4 A. A completely different person. The person you have
5 just mentioned, he was the manager, as Provincial he
6 was manager. He was the person who instigated, or set
7 in motion anyway, the closing of Carriglea and then in
8 the discussions that followed the move to move
9 offenders to Letterfrack. It is in connection with
10 that that this meeting took place.

11 69 Q. There is just one thing I want to ask you about in
12 respect of this and I am not sure if any of your
13 colleagues have been asked about this in the context of
14 the other schools. This is a meeting between District
15 Judge McCarthy, Reverend O' Hanlon, who is the
16 Provincial, and then also some very senior civil
17 servants, a secretary and the assistant secretary of
18 the Department were present at the meeting. In the
19 last paragraph it states:

20 "Before the arrival of District Justice
21 McCarthy and after his departure the
22 recent incident in the Artane school in
23 which boy sustained a fracture of an
24 arm was discussed."

24 So the officials raised this issue with the Provincial?

25 A. It was in 1964, it was current news at the time.

26 70 Q.

27 "The secretary pointed out the
28 importance," this is the secretary of
29 the Department, "of having only the
most suitable persons placed on the
staff of these schools."

1

2

3

Then Br. O' Hanlon stated that:

4

"No Brother with a black mark against
him is put on the staff of those
schools".

5

6

Now, just looking back, that's obviously a

7

representation made by Br. O' Hanlon to senior civil

8

servants in the Department; isn't that correct?

9

A. Yes.

10

71

Q. Would you accept that that was simply incorrect?

11

A. No, because we are talking about 1954 and the incidents
we had just discussed go back to the early 1940's.

12

13

O' Hanlon would have -- in 1954, he would have a

14

different approach. Except there is one thing, that

15

transfers with regard to domestic people were limited

16

because they could only be in either a Christian

17

Brother's house of formation, or Industrial Schools,

18

and these were the only resident ones. But an effort

19

was made, I think, and certainly by Br. O' Hanlon's

20

time, that people in Industrial Schools, in all

21

schools, would have 100% clear record.

22

72

Q. Maybe I am a bit confused, but did you hear the

23

evidence given by your colleague Br. Reynolds

24

yesterday, that in fact people were moved from school

25

to school who had allegations against them and people

26

ended up in Industrial Schools who had previously been

27

accused of sexual misconduct elsewhere; isn't that

28

correct?

29

A. That's correct, yes.

- 1 73 Q. And that happened throughout the entire period which
2 this Committee is enquiring into; isn't that correct?
- 3 A. Yes, that's correct. But on account of changes of
4 administration, even though there was some carry over,
5 I'm afraid the system was open to errors. I would hope
6 that they were all errors that were made through lack
7 of knowledge rather than done deliberately.
- 8 74 Q. Well, if, for example, the Committee were to establish
9 that, in fact, while under Br. O'Hanlon's management
10 people were sent into Industrial Schools who had
11 previous allegations of sexual misconduct against them,
12 what would you say without that, about Br. O'Hanlon
13 telling senior civil servants?
- 14 A. I would say if it did happen in his time it would be
15 without his knowledge, I would say. He was a very
16 forthright person.
- 17 75 Q. So you are unable to accept, for example, that it is
18 possible that Br. O'Hanlon was actually misleading the
19 civil servants?
- 20 A. Certain not misleading them, that he could be in error
21 certainly. But not a deliberate effort of misleading.
- 22 76 Q. Maybe that's obviously, but you weren't there. Are you
23 seriously trying to suggest that you can't accept, even
24 at this remove, having heard the evidence of the
25 Christian Brothers allowing child abusers move
26 institution to institution, that this could actually be
27 a lie and a cover up, you just can't accept that's
28 right?
- 29 A. I can't, having -- I didn't know man that well

1 personally, but his standing in the Congregation, his
2 standing on various things, that I just couldn't accept
3 him making that remark as a lie.

4 77 Q. It must be a mistake, as far as you are concerned?

5 A. It -- well, I just wonder what the actual words were as
6 well, but if he made that mistake he made it to the
7 best of his knowledge.

8 MR. DOWLING: I have no further
9 questions. Thank you.

10 END OF EXAMINATION OF BR. NOLAN BY MR. DOWLING.

11
12 THE CHAIRPERSON: Thank you very much. Now,
13 Ms. Rattigan, have you any
14 questions?

15
16 BR. SEAMUS NOLAN WAS FURTHER QUESTIONED, AS FOLLOWS, BY
17 THE COMMISSION:

18
19 78 Q. MS. RATTIGAN: Chairman, I have just one
20 question arising in respect
21 of the Visitation Reports and the outcome of those
22 Visitation Reports.

23
24 (To the witness) Brother, if I could just bring you to
25 page 57 of your submission.

26 THE CHAIRPERSON: Sorry, just before you do
27 that. Mr. Dowling, may I
28 say that you and your solicitors deserve compliments on
29 the way these documents were prepared. They are

1 extremely well done and it is very easy for us to use
2 them.

3 MR. DOWLING: Well Ms. Downey will be
4 delighted.

5 THE CHAIRPERSON: It is only fair to
6 acknowledge that they are
7 very well prepared AND very neatly done and it makes
8 life easy for us in following your examination. Thank
9 you very much indeed. Sorry, Ms. Rattigan.

10 79 Q. MS. RATTIGAN: Can I just refer you to
11 page 57 of your submission,
12 Brother, under the heading "Outcome of the Visitation."
13 You say... (INTERJECTION)?

14 THE CHAIRPERSON: Mr. Rattigan, could you
15 pull your microphone a tiny
16 bit towards you and I'm finding it difficult and I can
17 see people in the room are having difficulty hearing
18 you.

19 80 Q. MS. RATTIGAN: Sorry about that. You say
20 at page 57:

21 "On the conclusion of the visitation
22 the visitor usually discussed his
23 impressions of the running of
24 establishment with the Superior
25 Resident Manager. He then wrote a
26 report which was discussed by the
27 Provincial Council that any strictures
or recommendations arising from this
report were formally communicated by
the relevant higher Superior to the
local Superior of the house concerned
by means of a visitation letter".

28 Were there any enforcement procedures available to the
29 Provincial Council to enforce the recommendations that

1 were set out in their letters?

2 A. Not really, except by following up the file the next
3 year, to ask the same questions again. If things
4 really got out of hand, of course, they could move on
5 the question of replacing somebody, something like
6 that. But it wasn't built into the system. It wasn't
7 expected that there would be failure. So when it did
8 happen the only thing left was to do it again,
9 apparently. Incidentally, while we are on that, the
10 Visitation Report was for the Provincial Council, the
11 community in the school itself didn't see that letter.
12 The Superior didn't even see it. But he got some
13 intimation of what was in it in a talk.

14 81 Q. THE CHAIRPERSON: He got a sanitised letter?

15 A. He did. No, even before that, maybe a little bit
16 later. But I assume it was normal that it should have
17 happened in these times too, was that the visitor met
18 the Superior before leaving and gave him more or less
19 what he thought, which would be the gist of his report.
20 Then after having discussed a being discussed at the
21 Council, a very much sanitised letter was sent to the
22 community, who may not have seen that, it was up to the
23 Superior to relay that. It could have been put up on a
24 notice board, it could be read out, or they could be
25 given the gist of it. If one wanted to make
26 improvements in a community to mention that it was in a
27 Visitation Report that had weight.

28 82 Q. MS. RATTIGAN: But basically, Brother,
29 there were no other

1 sanctions available?
2 A. There wasn't, no.
3 MS. RATTIGAN: Thank you, Brother. I have
4 no further questions.
5 THE CHAIRPERSON: Thank you very much. Now,
6 Ms. Moorhead.
7 MS. MOORHEAD: I have no questions.
8 THE CHAIRPERSON: You have no questions.
9 Mr. Lowe, have you any
10 questions?
11 83 Q. MR. LOWE: I have only one general
12 question, on page 46.
13 A. Of my submission?
14 84 Q. MR. LOWE: Of the Lavelle Coleman
15 file.
16 A. Yes, I have it here.
17 85 Q. MR. LOWE: This is on the closing of
18 Carriglea:
19 "I am enclosing for your information a
20 list of boys in Carriglea school whom
21 it is proposed to send on transfer to
22 your school".
23 A little bit further on we have similar letters, for
24 example, page 49:
25 "I wish at the same time to inform you
26 that we have decided to introduce
27 henceforth into our Industrial Schools
28 a certain measure of segregation. We
29 have decided to inform the Resident
Managers of Artane, Glynn, Tralee and
Salthill Industrial Schools that they
are to take no boys at a category
charged with an offence, etc. etc."

1 All I am wondering is how are these boys prepared for
2 this massive upheaval and moving around?

3 A. Very, very little, as far as I could make out. There
4 is a Brother who wrote about it. First of all, the
5 staff didn't know too much about it until they were
6 told towards the end. The boys got very little
7 preparation as far as I can make out. Except that they
8 were brought to the new location by a staff member.

9 86 Q. MR. LOWE: No matter how harsh the
10 environment they lived in,
11 it was their home?

12 A. It was their home, yes. Some complained about it all
13 right. I found that in -- not so much in the private
14 hearings but to the Redress Board, even a couple of
15 people mentioned that as well. It is difficult now to
16 see what they did do but we had no records, whatever,
17 of formal preparation. It seems that whatever it was,
18 it was very informal, if at all, beyond telling them
19 that they there was travelling involved and going to a
20 new place.

21 87 Q. MR. LOWE: When the whole Christian
22 Brother Industrial School
23 system closed down, was there equally little
24 preparation for the boys?

25 A. I think certainly in Tralee for a lot of the boys it
26 going home, then for an about a year and a half they
27 were finally winding down and I think those who
28 remained for that, yes, they were prepared, because it
29 was obvious and also they were being allowed to finish

1 courses they were doing. What other preparation as
2 regards preparation for life later on I couldn't say, I
3 have no records of that at all.

4 MR. LOWE: Okay. Thank you.

5 88 Q. MS. SHANLEY: Can I just ask you one
6 question, Brother, you may
7 not be able to help. Do you know, or have you any
8 information on how rationing was operated during the
9 war for the boys in industrial schools?

10 A. Very, very little. Except as regards Carriglea an
11 effort was made -- one of the Resident Managers
12 apparently was well in with the people in the know
13 around Dun Laoghaire and I think even with a certain
14 amount of foresight he began to buy up the like of
15 things you could. But as regards I can only mention
16 from our own house of formation in which I was at the
17 time. I remember in the early 1950's, rationing was
18 still on, that we had ration books and whatever came
19 in, in that time it was only butter or sugar or
20 something like that, so the system then in Carriglea
21 would have been that the authorities in the school held
22 the ration books and purchased whatever they could
23 using the coupons in the book.

24 89 Q. MS. SHANLEY: And every child had a
25 ration book?

26 A. Oh, yes, they were citizens and they were children they
27 could be claimed for.

28 90 Q. MS. SHANLEY: Were there any particular
29 arrangements made of

1 Industrial Schools and residential schools?

2 A. I don't think so.

3 91 Q. MS. SHANLEY: It was just
4 generalised

5 ... (INTERJECTION)?

6 A. They arrived in the post, under the children's names.
7 Now, there could have been a kind of joint measure set
8 up whereby a parcel of them arrived for the place but
9 there was a book related to every person. All right.

10 MS. SHANLEY: Okay thank you very much.

11 THE CHAIRPERSON: Thank you very much indeed.

12

13 END OF FURTHER QUESTIONING OF BR. NOLAN BY THE
14 COMMISSION

15

16

17 MR. CONNAUGHTON: Before you rise, just a
18 small practical matter, it
19 has nothing do with the Brother.

20 THE CHAIRPERSON: We can let Br. Nolan go.

21

22 THE WITNESS THEN WITHDREW

23

24 MR. CONNAUGHTON: Yes, I was going to say
25 that. We have already
26 indicated that we intend to put in submissions and I
27 just wonder whether you wanted to set any limits in
28 relation to that.

29 THE CHAIRPERSON: We anticipate that people

1 the nature of submissions based on documents rather
2 than questions in the way that we would normally put
3 questions to witnesses in an oral hearing.

4 THE CHAIRPERSON: Yes.

5 MR. CONNAUGHTON: I wondered in those
6 circumstances -- and maybe
7 this isn't the time for it, but I wondered whether in
8 the circumstances the Commission, or this Committee of
9 the Commission, might consider it beneficial to briefly
10 hear relevant parties in respect of those submissions
11 at some future date in the context that those
12 submissions can then be made concisely but directly to
13 you in that regard and whether you think that might be
14 of some benefit in your final deliberations in the
15 matter. Certainly I felt constrained that I was
16 putting -- there were matters that I would like to put
17 to you again by reference to the documentation by way
18 of submission as to particular conclusions that might
19 be merited on that, that I didn't feel I could put in
20 this particular forum. Again, it is a respectful
21 suggestion that I make to you, to the members of the
22 Committee.

23 THE CHAIRPERSON: Well, we are happy to
24 consider that,

25 Mr. Connaughton. From my own part, my leaning would be
26 in one direction. But never say never, we are not so
27 closed. I see difficulties in allowing one party a
28 capacity to address when one would be faced -- I mean
29 no conclusion, I am just... (INTERJECTION).

1 MR. CONNAUGHTON: I certainly wasn't
2 suggesting
3 ... (INTERJECTION).
4 THE CHAIRPERSON: I am not unhelpfully
5 indicating a general -- it
6 is all right.
7 MR. CONNAUGHTON: I wasn't suggesting
8 anything on a one sided
9 basis, I think that it would be something that I would
10 envisage taking place on a two side basis. The other
11 thing... (INTERJECTION)
12 THE CHAIRPERSON: I appreciate that. The
13 question is where could it
14 stop? How could we ever say to somebody, "no, we won't
15 hear you."
16 MR. CONNAUGHTON: I think you might well have
17 some constraints in that
18 regard that you have operated in relation to the
19 conduct of this particular... (INTERJECTION).
20 THE CHAIRPERSON: Of the 450 people who have
21 given evidence.
22 MR. CONNAUGHTON: Yes, but you have managed
23 very successfully to run it
24 up to this point in relation to how representations
25 were being made to you. The other point I would make
26 to you is in the context of ordinary court proceedings,
27 it is increasingly coming the case that judges, learned
28 judges, are saying to practitioners you have got X
29 amount of time for submissions and that's what has been

1 allocated. Nobody seems to consider that that's
2 unethical or unreasonable.

3 THE CHAIRPERSON: My own feeling is that the
4 sensible response is that
5 we will consider that. No formal decision will be made
6 and if somebody wants to say something to us about that
7 we are quite happy to consider something.

8 MR. CONNAUGHTON: Thank you.

9 THE CHAIRPERSON: We have not made a final
10 decision on that. We would
11 want to try to be as open as possible to people and to
12 accommodate ourselves, as far as reasonably practicable
13 with what people would like us to do. If we can't do
14 that, we can't do it. Thank you very much.

15 MR. CONNAUGHTON: Thank you.

16
17 THE HEARING THEN CONCLUDED AT 1:36 P.M.

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