

Chapter 1

Institute of Charity: St Patrick's, Upton, and St Joseph's, Ferryhouse

Introduction

A history of the Rosminians and their involvement in industrial schools

- 1.01** The Institute of Charity was founded by Antonio Rosmini-Serbati in 1828 at Calvario in Italy. It received the approbation of the Holy See on 20th December 1838 and was given the status of a religious Order. It was a society that included religious members, who took the vows of poverty, chastity and obedience, and also lay members who shared the special objectives of the Institute. Rosmini believed in a 'principle of passivity', based on the consciousness of humanity's 'nothingness', or its inability on its own to achieve lasting good. He had a conviction that God's Providence guides by means of his Church and the needs of people. By remaining open, or having an attitude of 'indifference', as Rosmini put it, as to what work of charity was undertaken by them, the Rosminians, as they came to be known, were being guided by Divine Providence to doing lasting good for their neighbours.
- 1.02** In 1835, Luigi Gentili founded a Novitiate in England and set up further missions across England and Wales in the two following decades. The Institute of Charity continued to grow and became an international organisation with four major provinces: the Italian province, which included the regions of India and Venezuela; the English province, which included New Zealand; the Irish province, which included the vice province of Africa; and the province of the United States. Until 1931, the Institute of Charity in Ireland came under the jurisdiction of the English province.
- 1.03** In 1860, the Institute, which had experience of running a Reformatory School in North East Yorkshire, was invited to run the proposed new Reformatory School at Upton, County Cork, which became the first Rosminian Community established in Ireland. Upton Reformatory operated for 29 years and closed in 1889, to reopen five days later as Danesfort Industrial School, certified for the reception of 300 boys.
- 1.04** In 1884, the Rosminian Institute took charge of a second establishment, the Clonmel Industrial School for Roman Catholic Boys, which received a certificate to receive 150 boys the following year. Count Arthur Moore, the MP for Clonmel, had approached them to manage and run the school that he had built for orphaned and abandoned children at the cost of £10,000, a considerable sum in those days. It was situated about four kilometres east of the town of Clonmel, in the townland of Ferryhouse, on the northern bank of the River Suir. The 3.6 hectares of land it was built on was soon expanded to 16 hectares, and ultimately to 32 or more hectares of farmland.
- 1.05** In 1901, the Institute of Charity acquired Ballyoonan House, Omeath, situated on 14 acres of land, to serve as its Novitiate. It was given the name of St Michael's, becoming a Scholasticate in 1935, until 1945, when it again became a Juniorate for 28 students. In 1931, a new Novitiate was established in Kilmurry House, Kilworth, County Cork. In 1954, St Michael's applied to be

recognised as a secondary school, taking in students who did not necessarily want to become members of the Institute of Charity.

- 1.06** The Rosminians operated two industrial schools: St Patrick's Industrial School, Upton, County Cork; and St Joseph's Industrial School, Ferryhouse, Clonmel, County Tipperary. In addition, the Order had other establishments primarily concerned with the education and religious formation of boys and young men intending to be ordained (as priests) or professed (as Brothers). Both the priests and Brothers would be members of the Institute. Those institutions were at Omeath, County Louth; Kilmurry, County Cork; and Glencomeragh, County Tipperary. The Rosminians were principally a missionary Order, and most of the young men trained in their houses of formation were destined for work in their missions.

Committee's investigation into Upton and Ferryhouse

- 1.07** The Investigation Committee carried out a detailed examination into the industrial schools at Upton and Ferryhouse. In June 2004, at the Emergence Hearings, the Institute began by outlining at a public hearing how the issue of child abuse in their schools emerged. Then they gave evidence at public introductory hearings (Phase I) into Ferryhouse, which took place from 6th to 9th September 2004, and into Upton, which took place on 26th October 2004.
- 1.08** Between 14th September and 17th November 2004, witnesses from Ferryhouse were heard in private, and between 18th November and 16th December 2004, witnesses who were in Upton gave evidence. Finally, a public hearing in Phase III was held on 9th May 2006, at which Fr Joseph O'Reilly, the Provincial Superior of the Rosminian Institute of Charity in Ireland, dealt with general issues in both institutions that had arisen in the course of the Phase II hearings.
- 1.09** The Institute furnished written statements in advance of the hearings and also provided Submissions following the private hearings.
- 1.10** The figures for Upton were as follows: 11 complainant witnesses gave evidence, out of a total of 13 who were invited. Three respondent witnesses testified.
- 1.11** The figures for Ferryhouse were as follows: 29 complainant witnesses gave evidence, out of a total of 39 who were invited to do so. Nine respondent witnesses gave evidence.
- 1.12** The hearings into Ferryhouse and Upton differed from other hearings, because the Rosminians adopted a markedly different position on the role of industrial schools generally, a position which affected the way they responded to the complaints that were made. The attitude of the Order to the complainants is dealt with in the sections relating to the individual schools, but something can briefly be said here about the position that the Order.
- 1.13** Giving evidence on behalf of the Rosminian Institute on 9th May 2006, at the Phase III public hearing, Fr O'Reilly said that he had *'no doubt that there were many areas in which we failed and I have no doubt that the entire system was a failure'*. He said that they were given the task of trying to manage an apparently unmanageable system, and that control was the first priority. He acknowledged that there was pressure to keep up numbers, so as to maximise income from the capitation payment system, and that the numbers themselves presented a problem in caring for children:

... that's why it was a trap, it was trap for us, if we didn't have an adequate number of children then we didn't get a sufficient income. If we had children well in excess of any number, or whatever number it was, then we were into the position of finding that it was more difficult to manage the whole thing. It was a trap. How do you deal with that?

1.14 Fr O'Reilly said that it was not even clear that children were better off in industrial schools than they had been in their previous circumstances:

I think that children were often taken from fairly hopeless situations and they were handed over to despair in a way. Because I am not too sure that we can say definitely that the situation that they found themselves in was an awful lot better than the situation that they had come from. They got some things and there are other things that they didn't get. Frying pan into the fire.

1.15 The industrial school system, he said, was fundamentally flawed and was not capable of fulfilling the needs of children. He did not think that there was any clear objective, or that anybody had a sense of what was going on, or that anybody was really giving direction to it. He was not sure that such strategic thinking existed, even in more recent decades.

1.16 Unlike other Orders, the Rosminians did not seek solace in the contents of the Inspection Reports of the Department of Education. These reports found the schools to be more or less satisfactory, but identified continuously a need for improvement. Fr O'Reilly stated that the approach to industrial schools 'was just making do'. He added:

Unfortunately, some things can't be done on a just enough basis, you have just enough of this or you have just enough of that, some things need more than just enough. But I think that we had just enough of this, that and the other and we made do.

1.17 The stance adopted by the Rosminians on the very nature of the industrial schools system was unusual. They were also unusual, if not unique, in that they had begun looking back critically, as long ago as 1990, on the operation of these schools. On 11th May 1990, at the opening of a new development at Ferryhouse Industrial School, the then Provincial, Fr James Flynn, apologised for the abuse that children had suffered in the past in the Institution and then said:

Like any human institution, old Ferryhouse had its bad points as well as its good points, its weaknesses as well as its strengths. It damaged some boys and those have looked back in bitterness and anger to their time here. For many of them, this was the only home that they ever knew and sadly they did not find it a good one. Let me say that a lot of that anger is justified ... The greatest guilt has to be borne by those of us who utilised or condoned or ignored the extreme severity, even brutality which characterised at times the regime at old Ferryhouse. An occasion like this is an opportunity for me on behalf of the Rosminians to publicly acknowledge this fact and to ask forgiveness of those who were ill-treated or hurt. We have sinned against justice and against the dignity of the person in the past and we always need to be on our guard that we do not do the same today in more subtle or equally hideous ways.

1.18 Fr O'Reilly at the public hearing referred to this apology:

When we opened the new Ferryhouse we started off by drawing attention to the fact that many of the children who went through the school over the previous hundred years or so suffered, suffered greatly, suffered from fear and suffered ... he spoke about brutality. He spoke about people who condoned or ignored extreme severity, even brutality that characterised the old regime.

1.19 The Rosminians sought to understand abuse, in contrast to other Orders who sought to explain it. They accepted that abuse had occurred in their institutions, and that the institutions in themselves were abusive.

1.20 The biggest contrast between the Rosminians' position and other Orders was in its acceptance of responsibility for what happened in their industrial schools. Even when factors such as inadequate resources were involved, they took responsibility for tolerating them and doing nothing about it.

Sources of information: the Rome archive

- 1.21** The Investigation Committee had at its disposal discovery documentation furnished by the Department of Education and Science, the Department of Justice, Garda Discovery, Bishop's Discovery and the Rosminians.
- 1.22** The Rosminian Order originally believed that the only documentary material it was able to produce on the use of physical punishment consisted of two punishment books for Upton, one dating from the nineteenth century and the other dealing with part of the relevant period, from 1952 to 1963. The latter is incomplete and deficient in some other respects, but is nevertheless a valuable source of information about punishment in Upton.
- 1.23** There also appeared to be a dearth of written information on sexual abuse in their schools before 1979, when the issue first came to the notice of the management of the Institute at that time. This belief, that no documentation existed, was reflected in a General Statement submitted by Fr Matthew Gaffney to the Investigation Committee on 3rd May 2002.
- 1.24** The position changed with the discovery of an archive of correspondence in Rome, containing letters between the Irish Province and the Superior General about members of the Irish Province. The documents concerned Brothers who had been suspected of, or who had admitted to, or who were found to have engaged in, the sexual abuse of children. The Institute discovered this material to the Investigation Committee in May 2004.
- 1.25** The Rome archive consisted of 68 letters written between 20th October 1936 and 11th January 1980. They reveal how the Rosminians dealt with cases of sexual abuse and also reveal the career details of those who had committed such abuse in Upton and Ferryhouse, and these are dealt with in the appropriate sections of this chapter.
- 1.26** Sexual abuse was a recurring problem for the managers of Upton and Ferryhouse and for their Provincial. On the basis of these records and the other confirmed cases, it is apparent that there was a sexual abuser present in each of the institutions for much of the period being inquired into, and there were multiple abusers present for significant periods of time.
- 1.27** These documents showed how the Rosminians handled cases of sexual abuse perpetrated by staff, and they are also relevant in attempting to establish how much more sexual abuse took place in Upton and Ferryhouse than has been alleged by complainants.
- 1.28** The Rome archive also revealed how other members of the Irish Province were dealt with when it was discovered that they had perpetrated child sexual abuse. The Provincial, who for most of the period of our inquiry resided at Upton, was the head of the Irish-American Province, with the two countries operating as a unit. The English Province was separate, and reported separately to Headquarters in Rome. The correspondence discloses that two members of the Institute who served in the USA were found to have abused children in that branch of the Irish-American Province. Neither of the offenders served in Upton or Ferryhouse, but their histories are relevant in considering the attitude of the Institute and of the Irish Province to the matter of sexual abuse and its management.

The management system and staffing

- 1.29** The Provincialate of the Irish Province of Rosminians was located at Upton, and the Provincial had his residence there in St Patrick's. Each of the schools, Ferryhouse and Upton, was under the control of a Resident Manager, who was appointed by the Provincial.

1.30 The Religious Community in Ferryhouse comprised between 10 and 12 members, made up of both priests and Brothers, each with a separate area of responsibility. The Rector of the Community also held the post of Resident Manager and was responsible for the day-to-day management of the School.

1.31 All of the Resident Managers appointed were ordained members of the Institute of Charity. Fr O'Reilly told the Investigation Committee that the post was not one '*regarded as a reward for long service*'. He stated most of the priests who were appointed managers '*would have worked at some stage on the ground as a Prefect in either St. Patrick's Upton, or St. Joseph's*'.

1.32 Fr O'Reilly spoke about the calibre of the Resident Managers in Ferryhouse:

... certainly most of the Managers that I know about and have come to know about would seem to have been people who were quite suited to it and who were keen for the position and keen to do something with the work that was there and they were people, I would say, who had a degree of vision at the time, for the most part.

1.33 A Spiritual Director assisted the Resident Manager in his management duties in Ferryhouse.

The Prefect

1.34 One of the most important staff positions to be held in Ferryhouse and Upton was that of the Prefect. Fr Stefano,¹ former Resident Manager in Ferryhouse stated, '*there was a manager ... and the next people ... on the care side were the Prefects*'. While the Resident Manager had responsibility for the running of the Industrial School itself, the Prefect was in charge of the day-to-day care of the children. As one witness explained, '*The Prefect was in charge right through the day and right through the night, you know*'.

1.35 Ferryhouse and Upton each had two Prefects, one for the senior group and one for the junior group. Until the 1940s, the Prefect would have been a priest. However, this changed and, from the 1940s, Brothers were appointed Prefects. Each Prefect had sole responsibility for his group, which at times could consist of more than 100 boys. This responsibility was for 24 hours a day throughout the whole year, with little respite or additional help from his fellow Brothers.

1.36 Fr O'Reilly told the Investigation Committee:

I would say that most of the responsibility fell on the Prefect. Only occasionally could he call on others, who had their own duties to go on with. So if a Prefect was – for example, it wouldn't have been uncommon that the Prefect, one of the Prefects who was on, would have to leave to go and look for a child who had run away or go to a Garda station to pick up a child who had been picked up by the Gardaí, and so all the responsibility rested on the shoulders of the Prefect who remained behind and, indeed, it wasn't uncommon for a Prefect to have to leave a dormitory of children in the middle of the night to go to pick up a child. They, obviously, relied on the other Prefect primarily, you know, to look after the situation. He'd have been made aware of things, as would the Manager.

1.37 Fr O'Reilly explained that Prefects' responsibilities covered everything to do with the children:

From the time that they got up in the morning, getting children up, sorting out what had to be sorted out, making sure that they were all in place, getting them down to Mass, getting them back up, to breakfast, making sure they got out to school – when they got out to school, okay, the school had responsibility then, but almost inevitably, you know, you have a child who is sick or a child who has cut himself or who has got in trouble in

¹ This is a pseudonym.

school, and a Prefect who has to pick up the pieces. I mean, I have seen that in my own time working in St. Joseph's, Ferryhouse.

1.38 During non-school hours the Prefect would also have to be constantly vigilant, especially at mealtimes in the School. He would have to manage the dining area where over 150 boys would be eating their meals. Bullying at mealtimes was common: older boys would take the food of younger boys, and these younger boys had to be protected. As a result, the dining hall area was *'a highly charged situation ... where any number of things could happen'*.

1.39 The Prefects were mainly responsible for administering corporal punishment in the School. Boys who badly misbehaved were generally sent to the Prefect's office to receive their punishment.

1.40 The Prefect was answerable to the Resident Manager in all matters. Among the Resident Manager's numerous duties and responsibilities was overseeing the performance of duties by the Prefects. Fr O'Reilly spoke of this requirement:

The Manager, although he had other responsibilities, would have obviously had to keep an eye on what was happening. I think the Manager would know on a very regular basis what was going on in the place because, although this might not be a term that everybody would agree with, there would have developed a certain sort of family atmosphere insofar as when you live in a place for 24 hours a day, seven days a week, 52 weeks of the year and there is not an awful lot of change in life, you know, you soon become quite acquainted with everybody who is in the place.

Selection and training of the Prefect

1.41 Every September, the Rosminian Provincial would decree assignments to the priests and Brothers. If a vacancy for a Prefect arose in either of the Rosminian Industrial Schools, it was the Provincial who selected the person to fill this role. During the 1940s, the appointment was usually a priest, but later it was normally a Brother who was appointed.

1.42 Prefects were the younger men of the Order, who were able to manage the task of being in charge of a large group of young, active boys. They would have ordinarily worked as teachers or Prefects in other schools. Fr O'Reilly stated that the new Prefects would have seen it as a very responsible post, and would have been proud of being appointed, but he added, a few of them would not have been very happy at being selected. He explained:

Now there were some men who didn't like being Prefects and I know that one or two would have seen it as – I am not too sure what the word is now ... yeah, hell is a good word all right ... A punishment posting. Well, I know, for example, one man has often recounted to me how he was regarded as difficult by his superiors so they appointed him as Prefect.

1.43 Training for a newly appointed Prefect was minimal. The previous holder of the position would initially help the new trainee. However, the period of overlap of the experienced Brother Prefect and his trainee replacement was short, with a week being the norm. Very often, the new Prefect would initially be sent to Woodstown Summer camp to obtain some experience with a smaller number of boys before returning to Ferryhouse or Upton.

1.44 The young men appointed Prefects had themselves only left school a small number of years previously. A number of the Rosminian Prefects would have completed their secondary education in the Rosminian secondary school, St Michael's, Omeath. Priests who held the position would have completed their third level education. The Rosminians accept that this education *'wouldn't have been particularly useful for childcare'*.

1.45 Fr O'Reilly explained:

You learnt by the tradition, you know. You were told as a Prefect that this is what you do and you get in there and you sink or you swim. The tradition was useful for a period and then it wasn't useful any longer.

1.46 It was an extraordinarily demanding job. Fr O'Reilly told the Investigation Committee:

It was unnatural what was asked of them, really, and utterly unfair. Quite obviously in retrospect, you know, it was truly unfair what was asked of them. Like, where do you begin with comparisons? I mean, the School that had two Prefects looking after 200 children now has, you know, 35 or 36 children in the school and there are probably in the range of, maybe, 60 to 70 who were childcare workers, you know. In addition, probably another 30 to 40 staff who have auxiliary roles.

The evidence of former Prefects to the Investigation Committee

1.47 One former Prefect recounted what he had been told prior to his starting as a Prefect at the age of 22:

The advice I was given when I went over there first, make sure they know who is boss and your job was to keep control. There was very little support, I might add.

1.48 He went on to explain why he and his colleagues used physical punishment on a regular basis:

Hindsight is a wonderful thing, but I suppose the lack of support for ourselves. There was the big numbers and a small amount of staff, there was only three staff at that time. [The absence of training] was a disaster ... you were only going on instinct at that time.

1.49 Another former Prefect, who worked in Ferryhouse for periods during the 1960s and 1970s, complained about the long hours required for the job. He was exclusively in charge of 100 boys, for 24 hours a day, and had limited time on his own. He had just reached his twentieth birthday and had been appointed straight into Ferryhouse in the 1960s as a Prefect. He found his experience of being Prefect 'difficult to cope with'. He agreed that trying to control 100 boys made him feel 'like a sheepdog'. He had no previous experience of any kind in relation to boys in care. When asked how he was trained for the role of Prefect, he replied:

Well, you would have just learned from Br Benito.² He was there before me and, you know, you would have fed into a system in some sense. Albeit there was never any written, any programme as such, you know, of what you should or shouldn't do, like ... Yeah. It was learned on the job, really, I suppose, yeah.

1.50 One Prefect, Fr Antonio,³ spoke about the difficulty he encountered when he was appointed Prefect when he was a young member of the Rosminian Order. A small number of Prefects were required to look after a large number of boys for 24 hours a day. He stated that this system was never questioned by any of them:

I don't think we had the courage to do it or the maturity to do it, personally speaking I wouldn't have had the maturity to do it at the time to even question it. Your work was your prayer and you did what you were told to do, you were told you would get religious if you did all your work.

² This is a pseudonym.

³ This is a pseudonym.

1.51 He explained that the pressure could lead to excesses of punishment:

[Was there] physical abuse and that kind of stuff? I'm sure there would be because the frustration would have been there, if you are going to lose control, fear comes in. As time went on things would have improved a lot, but things would have got out of hand, certainly.

The Rosminian approach to allegations of abuse in Ferryhouse and Upton

1.52 The Order, in its Submissions and in its evidence to the Commission, accepted that the abuse of children in its various forms, including physical and sexual abuse, had occurred in both Ferryhouse and Upton during the period under investigation.

1.53 In the course of a Submission to the Investigation Committee, dated 17th June 2004, Fr O'Reilly referred to, and quoted from, the apology expressed in 1999, at a time when three former members of the Rosminian Institute had been convicted of sexually abusing children in its care:

The members of the Rosminian Institute are saddened and shamed that young people in our care were abused by members of our Order. We deeply regret not only the abuse, but also the shadow cast on the lives of those abused. We abhor all mistreatment of children and we wish to express our profound sorrow.

1.54 Fr O'Reilly again acknowledged on behalf of his Order that the use of corporal punishment had led to physical abuse in its schools. He also accepted that children had been sexually abused, although he submitted that, amongst those in authority in recent times, there was not any knowledge of sexual abuse prior to the late 1970s. He added that, in the course of working for the Commission, the Rosminian Institute had become aware that sexual abuse had in fact occurred earlier than previously believed. He said that, while the Rosminians did not know by what standard to criticise their predecessors, they did not disassociate themselves from them. In giving evidence to the Commission, they intended to assume responsibility for the past, to account for it, to bear criticism for it and to learn from it.

1.55 Fr O'Reilly, in his Submission to the Investigation Committee, outlined the approach taken by the Order in its response to individual complaints made through the Commission:

In our individual responses to the Commission, we have apologised and we have intended that our co-operation with the Commission should be seen as an act of apology.

In some instances, our apologies have been qualified. In this, we have been fearful of betrayal of our members and shocked by allegations. But we do not challenge the accounts of survivors where we have no good evidence to do so, and we have resolved, where people have been injured in the past, to do no further harm by denial. We have witnessed and read of the courage and trauma of survivors, and it has affected us. We are determined that errors of the past should not be compounded by our conduct in the present.

1.56 During a preliminary hearing held in public on 18th June 2004, counsel for the Order focused on the approach to complaints being taken by the Order:

We have resolutely declined to deny a case in which we have no evidence for denial. That is a reversal of all of the established legal procedures ... it has been a difficult task, but it has been, I have to say, a most emphatic decision of the Rosminian Order.

1.57 According to Fr O'Reilly, this decision was implemented even in situations where the Order found itself in a dilemma. There were instances where a complainant said that he was hurt or abused whilst in the care of a member of the Institute, and the complaints related to a member of the Institute against whom there was no objective evidence, and whose general reputation was that

of a hard-working and respected member of the community. The decision was implemented even though it created a difficulty for the member concerned, or for his family.

1.58 Fr O'Reilly explained that the Rosminian Institute had decided to take this approach because of the ethos of the Order. They also desired to avoid an adversarial approach to the resolution of conflicts before the Commission. He said that in the past, the Order's responsibility was to work for those who were in their care and that part of their job was to advocate for them before other bodies, before the Department and society in general. That was their ethos, and that was what the Rosminian Institute was about. For that reason, he said:

We are not going to contradict that type of approach that we have had throughout our lives unless there is extremely good reason to do so.

1.59 He added that the avoidance of an adversarial approach was also driven by a desire to do no further harm. This was an objective promoted in the course of inquiries into abuse in other countries, such as Canada.⁴ Nevertheless, he explained, the avoidance of an adversarial approach presented its own difficulties and dangers when seeking to determine the extent to which abuse occurred.

1.60 The Rosminian Institute had taken the view that a strictly adversarial approach was unnecessary and inappropriate, and that it could create a distracting polarisation of views and obscure the truth. It believed that many of the individual allegations and complaints were beyond proving or disproving, and that such investigation was unnecessary, as the faults and limitations of the schools being inquired into would become apparent without the need to pursue every conflict of evidence.

1.61 This issue was revisited in the course of written Submissions furnished by the Rosminian Institute at the conclusion of hearings. They wrote:

Many aspects are visible through time without confronting uncertainties of memory, or raising the divisive issue of recollection distorted by feeling or shared experiences. These points have some relevance, but can create a distracting polarisation of views and obscure the truth.

For some allegations of serious or wilful abuse, this approach may seem like indifference to the truth, or to the reputation of our members. But there is a greater danger in thinking that any length of inquiry could prove or disprove many of the individual cases. We believe we must live with the uncertainty, and deal with matters as a whole.

1.62 The Rosminian Institute asserted that the confrontation of evidence in an adversarial way was also unnecessary because, in many instances, the complainants' accounts of hardship, deprivation or neglect were not necessarily contradictory to the evidence given by members of the Order, who described trying to cope with conditions which were brought about by a shortage of staffing, training, and of resources that ought have been in place to facilitate the provision of proper care for the children in their charge. Both sides were describing essentially the same thing, viewed from different perspectives: on the one hand, the former resident was describing a deprived and neglected childhood, with real needs not being addressed; while, on the other hand, the overworked and under-resourced priest or Brother was describing their very real struggle to provide, despite inadequate resources, good care for the children in their schools.

1.63 At the first public hearing, counsel for the Rosminian Institute outlined their legal position. He submitted that whether boys resident in Ferryhouse were sexually abused was not in dispute, as it is accepted that such abuse did occur. What had to be addressed by the Investigation Committee

⁴ Law Commission of Canada: + Institutional Child Abuse – Restoring Dignity Pt II Responses 'Guiding Principles' at p 7.

was how pervasive sexual abuse was in the School, and the extent of that abuse during the time under investigation. In their statements of complaint, former residents from every era had made allegations of such abuse. While, in general, allegations of sexual abuse were not expressly denied in the Rosminian Statements, such allegations were not admitted either. For this reason it was submitted it would not be appropriate for the Investigation Committee to take the view that the absence of a denial should be deemed to be an admission of the truth of allegations, as may be the case in civil proceedings.

1.64 In an inquiry into an institution, the Rosminians submitted, it was not necessary or appropriate to decide on the validity of each complaint on an individual basis, but it was necessary to determine how widespread abuse was during the history of the Institution. He pointed out that a reasonable insight might be gained by looking elsewhere, beyond the allegations and counter-allegations, to see what was known at the time.

1.65 Part of the reason for taking this approach was to avoid causing further distress to the former residents of Ferryhouse and Upton. During the hearings, counsel for the Order examined witnesses sympathetically, and, even when evidence was being challenged, it was done with courtesy and care. The Investigation Committee was impressed by the number of apologies that were made. The following are examples:

- *we have learned since your statement to the Commission came in that Br Lazarro⁵ did sexually abuse boys, I hope you will accept the Rosminian's apology if that happened to you. We haven't ever suspected it of [the other Brother] and I am sorry to ask you questions about it.*
- *I am ashamed to ask you questions about what you describe about Br Valerio⁶ (the questioning that followed was solely to elucidate how contact was made after the boy had left the school).*
- *I don't want to ask you much at all because the hardship you have described deserves not to be investigated in any way or questioned.*
- *We accept what you have said, we trust the truth of it completely. There is one very big thing, which you have done today. [Your evidence] is a testament to the pain you suffered and others with you.*

1.66 While many witnesses found it hard to accept the apologies made by the Rosminians for the pain and hardship they had suffered, it may have helped them to find that their evidence was treated by the Order in such a sympathetic way.

1.67 This approach facilitated investigation. Counsel for the Rosminians often brought out details that might have been missed. He elicited facts about school routines, practices and conditions, in order to gain as much information as possible from witnesses. Sometimes, they were asked to fill in gaps in the knowledge available to the Order. The Rosminians were correct in their submission following the Phase II hearings by stating that:

the faults and limitations of the Schools become apparent without pursuing every conflict of evidence.

The leather straps

1.68 The official instrument used to administer corporal punishment was the leather strap. There were two kinds: one was a single piece of leather a $\frac{1}{4}$ of an inch thick (0.63cm). It was about 19 inches long (48.2cm), and $2\frac{1}{2}$ inches wide (6.3cm), with one end shaped to form a handle. It was used to slap the palm of the hand. It weighed 5oz (147grms).

⁵ This is a pseudonym.

⁶ This is a pseudonym.

1.69 The second kind was a 'doubler'. It was made in the shoemaker's shop from two layers of leather approximately $2\frac{1}{2}$ inches wide (6.3cm) and 22 inches long (55.8cm). The two strips were sewn together and, again, one end was shaped to form a handle. Br Antonio, who worked in Ferryhouse, confirmed that coins were sometimes inserted between the two layers of leather when this strap was being assembled. He told the Investigation Committee:

And they are right what they say, because I opened the leather myself and saw there were coins in the leather strap, which were stitched in the shoe shop.

1.70 Without coins, the strap weighed 11oz (311grms).

1.71 It is likely that different straps were in use from time to time, and it is not certain that all of them contained metal or coins within them. One witness described the effectiveness of these two kinds of straps:

If you are out in the yard – they carry their own straps, some of them, and it is only a small one. You wouldn't even feel it.

1.72 The Brothers carried the leather straps on them. The heavier strap was kept in the Prefect's office.

Finance

1.73 The Investigation Committee commissioned chartered accountants, Mazars, to examine the accounts of Upton and Ferryhouse with a view to assessing the application of state funding to the institutions, and the financial consequences for the relevant institutions as a result of caring for the children over the period 1939 to 1969. The Mazars report is in Volume IV.

1.74 Limited financial information was available. No accounts had survived from the 1940s, in respect of Upton or the Irish Province of the Institute of Charity, and only two years' accounts, 1941 and 1947, were available for Ferryhouse. No accounts were available between 1954 and 1960 for either of the schools or for the Irish Province. The 1960s had better records for all three bodies.

1.75 It is impossible, therefore, to assess the actual day-to-day costs of running the industrial schools. Mazars' analysis of the capitation grant, by reference to Household Income and Unemployment Assistance, would indicate that funding was adequate for both schools in the 1940s and 1950s, although Upton would have been more financially challenged because of the fall of numbers in the early 1950s. In Ferryhouse, high numbers and a farm of good-quality land should have ensured a reasonably good basic standard of living for the boys.

1.76 Once numbers of residents began to fall in the 1960s, financial problems would have arisen and, indeed, this led to the closure of Upton in 1966. By the time the Kennedy Committee reported in 1970, the capitation grant as a system of funding, which depended on high rates of committals, was clearly inadequate, and alternatives had to be found. In the case of Ferryhouse, these alternatives were not finally put in place until the early 1980s, when an annual budget based on submitted estimates was agreed with the Department of Finance. During the 1970s, however, significant increases in the State grant alleviated the position for those institutions like Ferryhouse that continued to operate.

