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Prof. James Smith,
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Our Ref : 21/811

Dear James,

Further to our very useful and constructive meeting this morning I promised I would provide information on the exhumation of over 100 remains on the site of the Magdalene Graveyard at High Park, Drumcondra in 1993.

Late last year the Department asked the Garda Commissioner to re-examine the exhumation of the bodies from the Graveyard. Following from this request the Garda Commissioner has advised that in August, 2003 following the publication of a number of articles in the Irish Times, the Gardaí conducted enquires into the circumstances of the exhumation of the remains. These enquires established that on the 25th May, 2003, an Exhumation Licence was granted by the Department of the Environment to the Sisters of Our Lady of Charity in respect of St. Mary's Private Graveyard in the grounds of High Park, Drumcondra. The application from the firm of solicitors representing the Religious Order related to 133 remains that were believed to be buried in the graveyard. A schedule of the names of the deceased accompanied the Licence. It is understood that in some cases the name used was the actual name of the deceased. In others, the religious name of the deceased was used. It appears that at the time of the application for the Exhumation Licence the Register of Deaths was examined to establish if all of the deaths were registered and a Death Certificate available. The records examined showed that 75 Death Certificates were identified. Death Certificates could not be identified for 58 remains. In the case of 24 of these 58, Death Certificates could not be identified as the deceased were only known by the religious name.

We understand that the Department of the Environment granted the Exhumation Licence, having been satisfied that efforts were made to obtain Death Certificates. It appears a Death Certificate should accompany an application for an exhumation but that this requirement should not be insisted upon where a Death Certificate would be inordinately difficult to obtain.

It is understood that on receipt of the Exhumation Licence, Funeral Undertakers were engaged by the Religious Order to conduct the exhumation and re-internment. Notification of the intent to carry out the exhumations was given to the Director of Community Care and the Medical Officer of the then Eastern Health Board, Dublin Corporation and the Dublin Cemeteries Committee. There was no requirement to notify the Garda Síochána.

Garda enquires reveal that the exhumations commenced on the 23rd August, 1993. The figure of 133 remains referenced in the application for the Exhumation Licence was calculated on the basis of the existing crosses on graves. In arriving at the figure of 133 remains it appears no account was had to the fact that due to vandalism other crosses on

graves had been removed. However, when the work of exhumation and re-internment began it was discovered that there were more remains than the 133 first identified (by a count of the crosses on the graves) as having been buried in the private graveyard. Following the realisation that there were more remains buried in the plot a **further application** was made to the Department of the Environment for an Exhumation Licence to cover the additional remains found. It appears that a General Exhumation Licence for the exhumation of all human remains within the private graveyard was granted. During the exhumation a total of 22 additional remains were located but not identified. All the remains were removed by Funeral Undertakers and subsequently cremated.

The Garda Commissioner has advised that Gardaí met with the Dublin City Coroner on the 17th September, 2003 who advised that at the time of the exhumations he was requested by the Dublin Cemeteries Committee to look into the exhumations to ensure that the conditions of the Licence were complied with. In particular, it is understood he was satisfied that:

- all the remains were female;
- the remains were buried correctly (i.e. not in shallow graves); and
- the condition of the remains was in keeping with what one would expect to find.

The Coroner indicated in September, 2003 that he received no complaints or enquiry into any of the deaths at that time.

Records maintained by the Order show that women stayed for varying lengths of time, ranging from days to many years. A record was created when a woman first came to the home, when they were given a 'house name' which was stated to be for confidentiality reasons. The record also recorded the date of the woman's departure from the home or when death took place. Some women who showed particular spiritual devotion were given special status and a religious title 'Magdalene' followed by the name of a saint or other religious imagery. This group were permitted to have their remains interred in the grounds of High Park Convent. Their gravestones carried the religious title taken as opposed to the 'house names'.

Arising from the 2003 Garda enquiries, the Order appointed two members from its congregation to undertake a search of all records within the Community with the support of an Archivist to examine records and cross-reference details with a view to identifying all the remains. The preliminary indications provided to the Gardaí last April (2010) suggest that the Religious Order followed all the appropriate steps in registering the deaths of their residents.

I trust the details I have set out in this letter are helpful.

Yours sincerely,


James Martin,
Assistant Secretary

25 June, 2010