

## Chapter 16:

## Death Registration, Burial and Exhumation

**Summary of findings:**

*This Chapter applies only to the small number of women who remained in the Magdalen Laundries until their death or who, after death elsewhere, were buried there. These cases represent approximately 8.8% of the estimated number of women to have been admitted to the Magdalen Laundries. Of those cases for which entry information is available, 35.9% of deaths were women who had been admitted to a Magdalen Laundry before the foundation of the State in 1922.*

*This Chapter addresses a number of issues arising at end of life in these cases – namely death registration, burial and exhumation.*

*It first sets out the legislative requirements in relation to death registration, as well as the findings of the Committee's investigations in regard to whether or not the deaths of women had been registered.*

*These searches were not straightforward, due to the multiple variations of names by which women could be registered, as well as the place in which deaths could be registered (i.e. at the woman's former home-place, rather than the Laundry). Nonetheless, the Committee, with the assistance of the General Register Office, examined the position in relation to registration of deaths from 1922 onwards.*

*For the eight Magdalen Laundries for which good records survive, the Committee confirmed death registration of almost 86% of the women who died or were buried there from 1922 onwards. Accordingly and in approximately 14% of cases, death certificates were not identified. It is not possible to determine conclusively whether these deaths were in fact not registered, or whether they may have been registered under a different name or in a different location (in particular where a woman died elsewhere and was returned to a Magdalen Laundry for burial).*

*In relation to the Magdalen Laundries in Galway and Dun Laoghaire, where full Entry Registers are not available, the Committee confirmed a death registration of 72%. In approximately 28% of cases death registration was not confirmed. Again, it may be that some of these deaths were registered at a different place or under a variant of the woman's name, but this cannot be confirmed on the basis of available information.*

*This Chapter also sets out the legislative background in relation to the development and use of burial grounds. In summary, before 1994 development of burial grounds by persons other than local authorities was not subject to the planning process. In relation to the use of burial grounds, it was a requirement to provide advance notification of burials to local authorities (acting as the sanitary authority) only when the relevant graveyard was maintained by the local authority. There was no requirement for notification to the local authorities of intended burials in private graveyards. The practical implications of this for the Magdalen Laundries are set out in this Chapter.*

*The third issue addressed in this Chapter is exhumations. The legislative basis for exhumations, which may occur only under licence, is first set out.*

*The results of the Committee's examination of the exhumation which occurred at High Park, Drumcondra in 1993 are then recorded. The burial ground in question had been in use from 1889 to 1976 and was the location for burial only of consecrates from High Park - other women who died at High Park were buried at Glasnevin Cemetery. The Committee examined all records of the relevant Religious Congregations, the Department of Environment, Heritage and Local Government (as the licensing authority) as well as a Report of An Garda Síochána into the matter (including a report to the Gardaí by the Dublin City Coroner) to assess issues including:*

- *The absence of identified death certificates for all women buried there prior to grant of the exhumation licence;*

- *The additional remains identified after grant of the General Exhumation Licence; and*
- *The condition of the disinterred remains.*

*With regard to the latter issue, the enquiries of the Gardaí and the Dublin City Coroner confirmed in summary that:*

- *All the remains were adult and female;*
- *The remains were buried correctly (“i.e. not in shallow graves”); and*
- *The condition of the remains was “in keeping with what one would expect to find” in the circumstances.*

## **Introduction**

1. Part II of this Report sets out statistics on the number and proportion of women who died at Magdalen Laundries from the foundation of the State in 1922 onwards. As is clear from that Part, the percentage of women who remained in the Magdalen Laundries until their death was approximately 6% of known entries to the Laundries, or approximately 8% of the number of women estimated to be represented by those entries. Although the relative numbers concerned are small, end of life issues for and relating to these women are of central importance to this Report.
2. Some of these women were buried in graveyards attached to a Magdalen Laundry. Others were buried in plots maintained by the relevant Congregation in a public graveyard. Others still were taken home by their families for burial in their former home-place.
3. In addition, it is also the case that a small number of women who had at an earlier point in their lives left the Magdalen Laundries and who eventually died at home, in hospital or elsewhere were, at their own request or at the request of their families, returned for burial to a graveyard attached to a Magdalen Laundry or a plot maintained by the Congregation in a public graveyard.

4. This Chapter addresses State involvement in end of life issues for these women, dealing with three main areas in turn:
  - Death registration;
  - Burial and burial notification; and
  - Exhumations.
  
5. It sets out the legislative requirements in relation to registration of deaths, as well as the findings of the Committee's investigations in relation to the practice of registration of deaths occurring in Magdalen Laundries. It similarly sets out the legislative requirements in relation to burial and burial notifications, as well as the procedures involved in exhumations. The section of this Chapter relating to exhumations includes the findings of the Committee's examination of the exhumation carried out at High Park in 1993.

**A. Registration of deaths**

6. This section sets out the process involved in certification and registration of deaths, detailing the respective roles of persons present at the time of a death, doctors, undertakers and – where applicable – the Coroner's Office.
  - *Death Certification*
  
7. Certification of death is generally carried out by a Doctor, provided he/she is satisfied as to the cause of death and the death is not sudden, unexplained or the result of an accident or unnatural causes. However if any of those circumstances arise, a doctor cannot certify the death and is instead required to inform the relevant Coroner of the matter.
  
8. The Coroners Service is a network of independent official coroners located throughout the State. The current controlling legislation is the Coroner's Act 1962 (as amended by the Coroner's (Amendment) Act 2005), which repealed a range of historic legislation relating to coroners in Ireland.

9. The essential function of each Coroner is to investigate sudden or unexplained deaths, to establish the identity of the deceased person as well as when, where and how they passed away, so that a death certificate can be issued. The Coroner's service does not have a role in relation to all deaths, nor does it act of its own initiative in determining which deaths it shall examine. Rather and in summary, deaths which are unexpected, unexplained, sudden, violent or unnatural must be reported to the Coroner.
10. Reports of such deaths must be made to the Coroner by Doctors (as noted above), undertakers, or any householder or person in charge of an institution or premises where the person who died was residing at the time of their death.
11. The categories of deaths which must be reported are broad. They include a death (directly or indirectly) due to unnatural causes such as falls, accidents, drug overdose, poisoning, and so on; deaths resulting from industrial or occupational accidents; deaths due to surgical or medical treatment; deaths due to or connected with crime or suspected crime; death of a patient in a mental hospital; death of a child in care or detention; and so on, , as well as deaths which occurred in suspicious circumstances or any unexpected or unexplained death, which effectively means any case in which there is a doubt as to cause of death.
12. Cases which must also be reported to the Coroner include deaths where a Doctor cannot certify the cause of death as the deceased was not seen or treated within a month of death, or where the cause of death is unknown or uncertain, or where the death may have been due to an unnatural cause.
13. Following report of a death to the Coroner, the standard process involves communication by the Coroner with the Doctor of the deceased person to establish basic facts, including whether or not the Doctor had seen the person

within a month of their death; whether the cause of death was known; and whether the death was due to natural causes.

14. Based on the information provided, the Coroner decides whether the death can be certified without further action; whether a post mortem is required; or whether a post mortem and inquest are required. If the death was due to unnatural causes, an inquest is required in all cases. In cases where either a post-mortem or an inquest is held, death is registered by way of a Coroner's Certificate.
15. In summary therefore, the Coroner will not be involved where a person died from natural causes and was treated by a Doctor within one month prior to death. In such cases, the Doctor will issue the Medical Certificate of the Cause of Death, and the death may be registered accordingly. However where a death occurs suddenly or unexpectedly or from a cause which is unknown or unclear or unnatural, it must be reported to the Coroner.

- *Death Registration*

16. The current requirements for registration of deaths arise under the Civil Registration Act 2004, which entered into force on 5 December 2005. It is not a requirement for a death to be registered by the next of kin of the deceased person. Rather, the 2004 Act places a duty on a relative (whether by blood or by marriage) or civil partner of the deceased person who had knowledge of the particulars of the death to register the death within a period of 3 months.<sup>1</sup> In some cases there is no such relative or civil partner, or they cannot be found. In such cases, any "qualified informant" who is aware of the circumstances and is capable of registering the death has a duty to do so, as soon as possible after he or she receives the Death Notification Form.

---

<sup>1</sup> There is an exception for a person who is incapable of complying with these procedures by reason of ill-health.

17. If a death has not been registered within 3 months, it may be registered thereafter by any qualified informant. A qualified informant under the 2004 Act is defined broadly to mean a relative, any person present at the death, any other person with knowledge of the required particulars, any person in the dwelling in which the person died, the chief officer of a hospital or other institution in which the person died, the person who found the body, took charge of the body, procured the disposal of that body or any other person with knowledge of the death.

18. However in light of the dates of key concern to the Committee's work, that is, 1922 to 1996, it is the legislative framework prior to the 2004 Act which is of central importance, that is:

- the Births and Deaths Registration (Ireland) Act 1863; and
- the Births and Deaths Registration Acts 1880-1996.

19. In summary, section 36 of the Registration of Births and Deaths (Ireland) Act 1863 ("the 1863 Act") established a requirement for the following persons (in descending order) to notify the District Registrar within 7 days after the date of death:

- a person "present at the death or in attendance during the last illness" of the deceased person, or
- the occupier of the house or tenement in which such death took place, or
- some one or more of the persons residing in the house in which such death took place.<sup>2</sup>

---

<sup>2</sup> Registration of Births and Deaths (Ireland) Act 1863, Section 36 provides in full as follows:

"Some person present at the death or in attendance during the last illness of any person dying in Ireland after the said 31 December 1863 or the occupier of the house or tenement in which such death took place, or if the occupier be the person who shall have died, then some one or more of the persons residing in the house in which such death took place shall, within 7 days next after the day of such death, give notice of such death to the registrar of the district in which such death occurred; and such persons as aforesaid, or if such death shall not have taken place within a house, then any person present at such death or having a knowledge of the circumstances attending the same shall, whether they have given such

20. In connection with the second category noted (the occupier of the house or tenement in which the death had occurred), for the purposes of the Act, an “occupier” was taken to mean:

“the Governor, Keeper, Master, Superintendent, or other chief Resident Officer of every Gaol, Prison, or House of Correction, and of every School, Reformatory, Workhouse, Hospital, Lunatic Asylum, or other Public or Charitable Institution and where any House is let in separate Apartments or Lodgings, shall include the person under whom such lodgings or separate Apartments are immediately held, and any Agent or Servant of such Person residing in such House”.<sup>3</sup>

21. Where applicable, the 1863 Act also required the doctor “who shall have been in attendance during the last illness and until the death of any person dying” to transmit a medical certificate of death to the District Registrar within 7 days after the death.<sup>4</sup>

22. Finally, the 1863 Act also established a penalty for any person required by the Act to give notice of a death who failed to do so within the required period.<sup>5</sup>

23. The Births and Deaths Registration (Ireland) Act 1880 (“the 1880 Act”) amended the 1863 Act, establishing a duty to register a death within 5 days.<sup>6</sup> This duty fell on different categories of people, depending on where the death

---

notice of not, upon being required personally or upon written requisition of the Registrar, within 14 days after the date of such death attend personally at some dispensary district, or vaccination station within the Registrar’s district, or otherwise at the place of residence of such person, and give information to the registrar of the district in which such death occurred, according to the best of his or her knowledge and belief of the several particulars required by the said form to be registered touching such death and shall sign the registry in the presence of the registrar”.

<sup>3</sup> Registration of Births and Deaths (Ireland) Act 1863, Section 3

<sup>4</sup> Registration of Births and Deaths (Ireland) Act 1863, Section 46

<sup>5</sup> Registration of Births and Deaths (Ireland) Act 1863, Section 60 provided in full:

“Any person required by this act who shall, within the period specified by this act, fail to give notice of any birth or death to the registrar of the district within which such birth or death shall have occurred shall be liable to a penalty not exceeding 20 shillings”.

<sup>6</sup> Births and Deaths Registration (Ireland) Act 1880, Sections 10 and 11



had taken place. Where a person died in a house – defined to include a “public institution”, which included “a prison, lock-up, workhouse, barracks, lunatic asylum, hospital and any prescribed public, religious or charitable institution”<sup>7</sup> - the following categories were under a duty to register the death, in descending order of priority:

- “the nearest relatives” of the deceased person present at the death or “in attendance during the last illness of the deceased; or, “in default” of such persons
- “every other relative of the deceased dwelling or being in the same district as the deceased”, or
- “each person present at the death, and of the occupier of the house in which, to his knowledge, the death took place”, or
- “each inmate of such house”, or
- “the person causing the body of the deceased person to be buried”.<sup>8</sup>

24. Where a person died other than in a house (broadly defined as in the preceding paragraph), the following categories of persons were under a duty to register the death within 5 days:

- every relative of such deceased person having knowledge of any of the particulars required to be registered, and “in default” of such person;
- every person present at the death; or

---

<sup>7</sup> Births and Deaths Registration (Ireland) Act 1880, Section 38

<sup>8</sup> Births and Deaths Registration (Ireland) Act 1880, Section 10 provided in full:

“When a person dies in a house after the commencement of this act it shall be the duty of the nearest relatives of the deceased present at the death or in attendance during the last illness of the deceased and in default of such relatives of every other relative of the deceased dwelling or being in the same district as the deceased, and in default of such relatives of each person present at the death, and of the occupier of the house in which, to his knowledge, the death took place, and in default of the persons herein-before in this section mentioned, of each inmate of such house, and of the person causing the body of the deceased person to be buried, to give, to the best of his knowledge and belief to the registrar, within the five days next following the day of such death, information of the particulars required to be registered concerning such death, and in the presence of the registrar to sign the register”.

- any person finding, and of any person taking charge of the body; or
- the person causing the body to be buried.<sup>9</sup>

25. Section 15 of the Act provided that registration was not permitted without written authority of the Registrar General following 12 months after the death.

26. A further amendment, made by way of the Births, Deaths and Marriages Registration Act 1972, was that in certain strictly limited cases, the Office of the Registrar General could authorise registration of a death “without the attendance and signature” of one of the persons under a duty to provide the necessary information.<sup>10</sup>

- *Registration of deaths at the Magdalen Laundries*

27. In light of the above requirements, the Committee undertook to examine whether the deaths which occurred during the lifetime of the Magdalen Laundries had been registered.

28. With the cooperation and assistance of the Certificate Production Office of the Office of the Registrar General, the Committee examined this issue in detail.

---

<sup>9</sup> Births and Deaths Registration (Ireland) Act 1880, Section 11 provided in full:

“Where a person dies in a place which is not a house, or a dead body is found elsewhere than in a house, it shall be the duty of every relative of such deceased person having knowledge of any of the particulars required to be registered concerning the death, and in default of such relative, of every person present at the death and of any person finding, and of any person taking charge of the body, and of the person causing the body to be buried, to give to the registrar, within the 5 days next after the death or the finding, such information of the particulars required to be registered concerning the death as the informant possesses, and in the presence of the registrar to sign the register”.

<sup>10</sup> Births, Deaths and Marriages Act 1973, Section 3

“Where none of the persons who under the Acts have the duty to give to a registrar information of the particulars to be registered concerning a birth or death is available to attend at the Office of the Registrar and to sign the Register or could do so only with undue hardship, an tArd-Chláraitheoir may, if satisfied that the circumstances so warrant and on submission to him of the information required, authorise and require the registrar to register the birth or death without the attendance and signature of any of those persons”

29. The Committee first compiled a list of all the women who died in Magdalen Laundries from 1922 onwards until their closure. There were two main sources for this exercise:

- the Entry Registers maintained by the Religious Congregations, which were in some but not all cases updated on death of a woman; and
- records drawn from graveyards, including both the private graveyards which were attached to some Magdalen Laundries and public graveyards in which some Congregations maintained plots.

30. Graveyards exist, or at one point existed, on the grounds of 8 of the Magdalen Laundries within the scope of this Report, as follows:

- High Park, Drumcondra, Dublin;
- Waterford;
- Sunday's Well, Cork (2);
- Limerick;
- Galway (2);
- New Ross;
- Donnybrook
- Peacock Lane, Cork.

31. In some cases, these graveyards were reserved for Sisters of the relevant Congregation (Waterford, Limerick and New Ross). In other cases, there were separate graveyards on-site both for the Sisters of the Congregation and also for consecrates, that is, women who had been admitted to a Magdalen Laundry and decided to remain for life (Galway and Sunday's Well, Cork).

32. Plots within public graveyards were also maintained by some of the Congregations in a number of locations, as follows (this list includes only cemeteries which were in use by the relevant Congregations during the period of operation of each relevant Magdalen Laundry):

- Glasnevin Cemetery, Dublin;
- St Joseph's, Turner's Cross, Cork;
- St Finbarr's Cemetery, Glasheen Road, Cork;
- St Stephen's Cemetery, Irishtown, New Ross;
- Bohermore ("the New Cemetery"), Galway;
- Ballygunnar Cemetery, Waterford;
- Mount St Laurence Cemetery, Limerick;
- Mount St Oliver, Limerick;
- Dean's Grange, Dun Laoghaire.

33. These plots in public graveyards were used for burials either in the case of Magdalen Laundries which did not have a graveyard on-site; or in other cases, for women, other than consecrates, who passed away while in a Magdalen Laundry which had a graveyard for consecrates only.

34. Another factor must be borne in mind when studying these lists and in particular when assessing the records provided by graveyards: in some cases, women who died in a Magdalen Laundry were taken home by their families for burial. In other cases, women who passed away while in hospital for medical treatment were returned to the Magdalen Laundry for burial.

35. In other cases still, women who had in their earlier lives spent time in a Magdalen Laundry were, at their own request or at the request of their families, returned there for burial despite the fact that they died at their home-place or elsewhere.

36. This means that the list of deaths compiled by the Committee is likely to include some women who did not die at a Magdalen Laundry, although they had at some point in their lives been there.

37. Regardless of this, the Committee compiled a list of deaths which occurred from 1922 until the date of closure of each Magdalen Laundry. Deaths, occurring in nursing homes after the closure of the Magdalen Laundries, of

women who had in their earlier lives been admitted to a Magdalen Laundry, were not included. Deaths which occurred in the Magdalen Laundries operated by the Sisters of Mercy are dealt with separately, in light of the fact that complete Entry Registers are not available for these institutions.

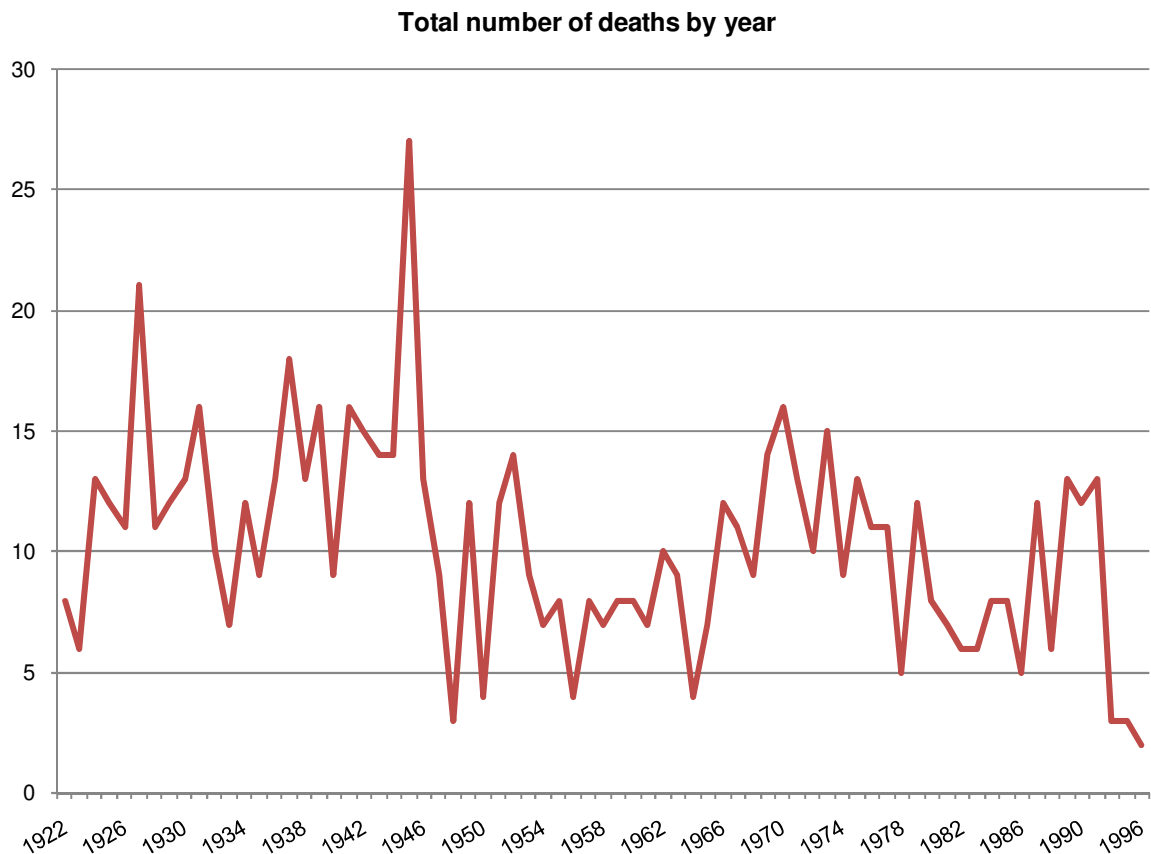
38. Through this process and on the basis of available information, the Committee compiled a list of 879 women who died in the Magdalen Laundries between the establishment of the State in 1922 and the closure of the last Magdalen Laundry in 1996, or who were buried in graveyards maintained by those Laundries between the same dates.

39. A breakdown on where and when these deaths occurred is as follows:

- New Ross (1922-1967)	30
- Sunday's Well, Cork (1922-1977)	86
- Waterford (1922-1982)	42
- Limerick (1922-1982)	93
- High Park (1922-1991)	231
- Peacock Lane (1922-1991)	89
- Donnybrook (1922-1992)	167
- Sean McDermott Street (1922-1996)	141

[Details relating to the Sisters of Mercy included separately below].

40. The time-periods in which these deaths occurred are recorded on the following graph.



41. The requirements for death registration in the Magdalen Laundries from 1922 onwards were governed by the 1880 Act detailed above, which meant that the duty to register would have fallen, in descending priority, on the following:

- “the nearest relatives” of the deceased person present at the death or “in attendance during the last illness of the deceased”; or, “in default” of such persons
- “every other relative of the deceased dwelling or being in the same district as the deceased”, or
- “each person present at the death, and of the occupier of the house in which, to his knowledge, the death took place”, or
- “each inmate of such house”, or

- “the person causing the body of the deceased person to be buried”.<sup>11</sup>

42. To determine whether or not this registration had occurred, the Committee consulted with the Office of the Register General (“the GRO”). The GRO maintains records of all deaths registered in the State. The list compiled by the Committee of women who died in Magdalen Laundries was cross-checked to these records of the GRO, to determine whether and when these deaths were registered.

43. These searches were both challenging and time-consuming. Difficulties in identifying or matching records arose for a variety of reasons, including the following:

- First, for a very small number of the earliest deaths, full details of the relevant woman’s name was not available (that is, where a woman had been recorded in the Entry Register under her first name only, on entry to a Magdalen Laundry).
- Second, where a woman had been recorded under her maiden name, rather than her married name, on entry to a Magdalen Laundry and had been registered under her married name at time of death (or vice versa).
- Name variations of first names, for example Bridget possibly registered as Brigid or Breda; Kathleen possibly registered as Kate, Catherine or Katherine; Margaret possibly as Maggie or Peggy; Elizabeth possibly registered as Eliza, Lillie, Lily, Bessie; and so on.
- Name variations of family names, for example O’Connor possibly registered as Connor or Connors; Connell possibly registered as McConnell or O’Connel; Keogh possibly registered as Keough or

---

<sup>11</sup> Births and Deaths Registration (Ireland) Act 1880, Section 10

Kehoe, Mahon possibly registered as McMahon or MacMahon; Harrington as Farrington; and so on.

- Deaths registered not in the district in which the Magdalen Laundry was located but in another district (i.e. where the woman had died in another district, for example in hospital or her home-place, but was returned for burial to the Magdalen Laundry).

44. These and many combinations of these challenges were experienced in attempting to determine whether or not deaths occurring at the Magdalen Laundries were registered.

45. Nonetheless, searches were conducted against the list of 879 women known to have died or women known to have been buried in graveyards maintained by the Religious Congregations which operated the Magdalen Laundries. In the majority of cases (almost 86%), it was confirmed that the deaths in question had been appropriately registered with the Office of the Register General.

46. However, in a total of 127 cases from 1922 onwards, the Committee was unable to identify with certainty that registration of the death of the women in question had occurred. This total was made up of the following:

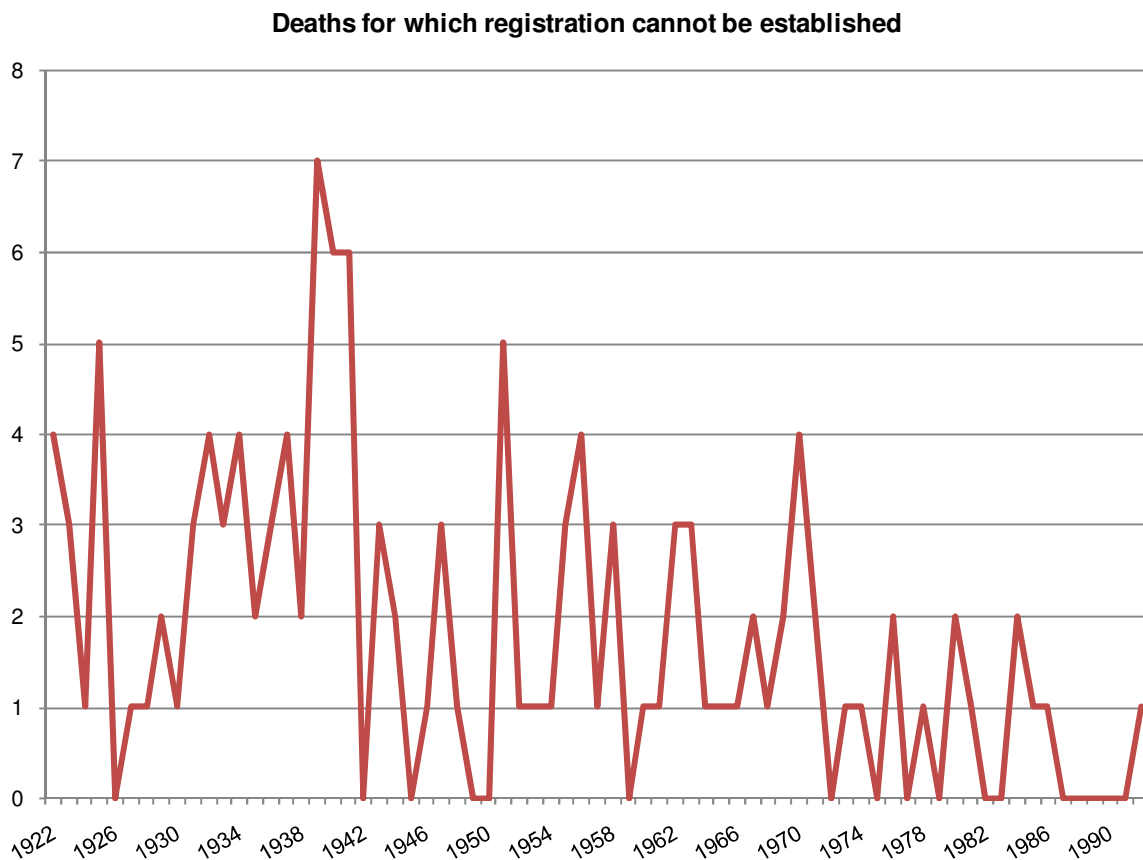
- New Ross (1922-1967)	9
- Sunday's Well Cork (1922-1977)	18
- Waterford (1922-1982)	9
- Limerick (1922-1982)	15
- High Park (1922 – 1991)	33
- Peacock Lane (1922-1991)	8
- Donnybrook (1922-1992)	22
- Sean MacDermott Street (1992–1996)	13

[Details relating to the Sisters of Mercy included separately below].



47. This total number of cases in which the Committee was unable to confirm death certification amounts to approximately 14% of the deaths of women who died in the Magdalen Laundries or who were buried in graveyards maintained by the relevant Religious Congregations between 1922 and the closure of the Laundries.

48. The time-periods in which these deaths, for which the Committee could not confirm death registration, occurred are recorded on the following graph.



49. At all material times, legislation was in force requiring registration of deaths and placing a duty to do so, in sequence, on every relative of the deceased having the necessary information, or on persons present at the death, or on the undertaker carrying out the burial. Failure to do so was an offence attracting penalties.

50. Due to the challenges set out above, the Committee is unable to state definitively whether all the deaths noted above were never registered, or whether instead some of them may have been registered under variant names or combinations of names, or whether some of them may have been registered in alternative locations other than the district in which the relevant Magdalen Laundry was located.

51. The cases of the two Magdalen Laundries operated by the Sisters of Mercy in Galway and Dun Laoghaire respectively were separated from the analysis above, as the information available in these cases is of a different order. Chapters 4 and 7 detail the limitations of the source material available for these Laundries – in summary, no Entry Register survives for Dun Laoghaire; and only a very incomplete Register survives for Galway.

52. In the circumstances, a list of deaths occurring at these Laundries is considerably more difficult to compile and the Committee was reliant, in that regard, primarily on graveyard records.

53. Again this list is likely to include some women who may have been taken home for burial and others who, having died elsewhere, may have been returned to the Magdalen Laundry for burial.

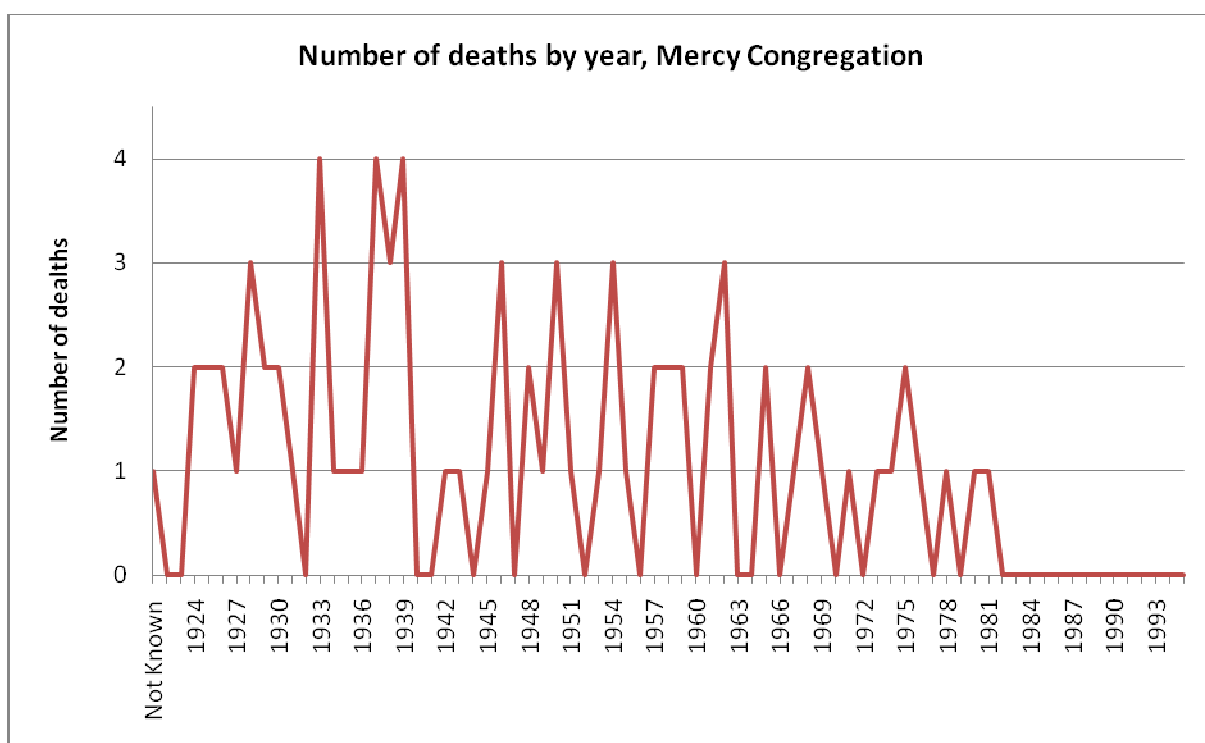
54. An added difficulty in analysis of these cases is that it is not possible to determine, for example, the overall proportion of women represented by those cases as against the overall number of women who entered these Laundries.

55. Nonetheless and with these caveats the Committee found that 78 women died or were buried at the Magdalen Laundry in Galway or in the public cemeteries used by the Magdalen Laundries in both Galway and Dún Laoghaire, as follows:

- Dun Laoghaire (1922-1963)            21
- Galway (1922-1984)                    57

It is not know what proportion this represents of the overall number of women who were admitted to these Laundries.

56. The time-period within which these deaths occurred is demonstrated on the following graph.



57. Despite limitations in the available information, the GRO again assisted the Committee in carrying out searches to determine whether or when these deaths were registered.

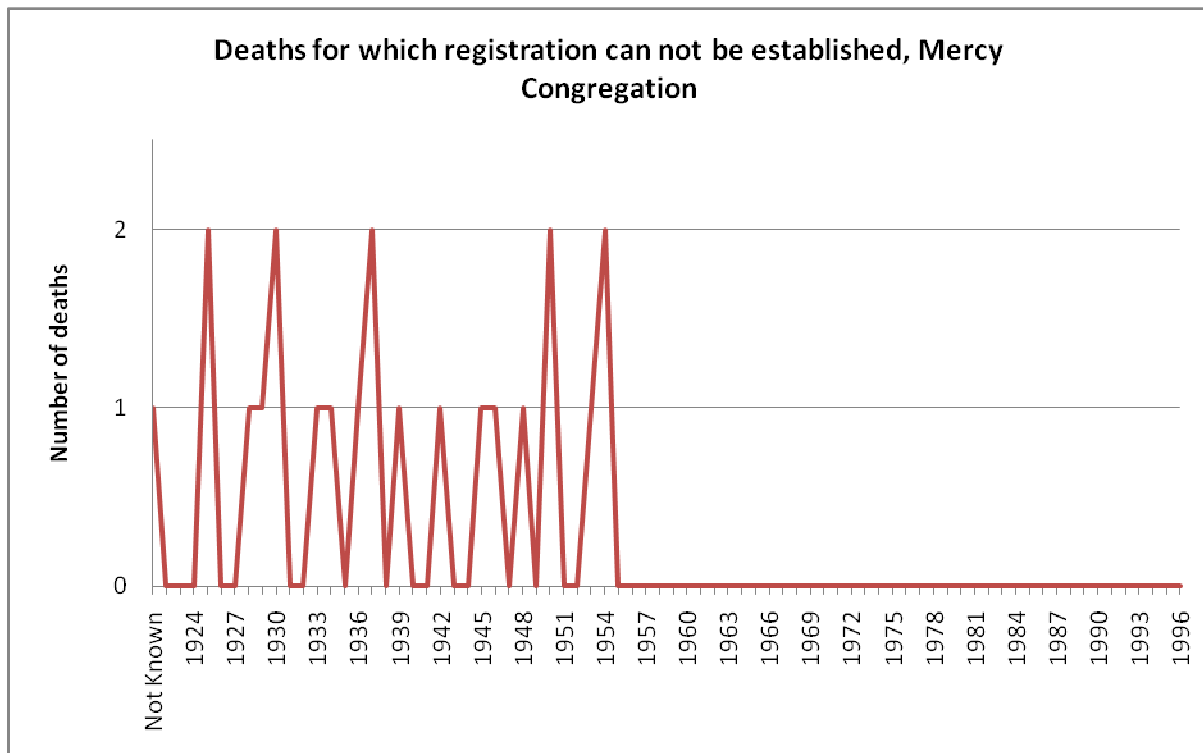
58. In a total of 22 cases from 1922 onwards, the Committee was unable to identify with certainty that registration of the death of the women in question had occurred. This total was made up of the following:

- Dún Laoghaire (1922-1963)      4
- Galway (1922-1984)                18

59. This total number of cases in which the Committee was unable to confirm death certification amounts to approximately 28% of the deaths of women who died in the Magdalen Laundries in Galway and Dún Laoghaire between

1922 and the closure of those Laundries, or who were buried in graveyards maintained by the Sisters of Mercy at those locations during the same time-period.

60. The time-periods in which these deaths, for which the Committee could not confirm death registration at these Magdalen Laundries, occurred are recorded on the following graph.



61. The same applies to these findings as those detailed above for the other 8 Magdalen Laundries: for the entire period, legislation required registration of all deaths occurring in the State and imposed penalties for failure to do so. Due to the challenges inherent in the searches set out above, the Committee is unable to state definitively whether the deaths noted above were never registered, or whether instead some of them may have been registered under variant names or combinations of names, or whether some of them may have been registered in alternative locations other than the district in which the relevant Magdalen Laundry was located.

**B. Burials and notification of burial**

62. A number of areas of law are relevant to the question of burials, in particular sanitary and planning law. The Public Health (Ireland) Act 1878 (“the 1878 Act”) deemed each Sanitary Authority to be the burial board for its administrative area.<sup>12</sup> In that regard, the Act permitted a Sanitary Authority to acquire land for cemeteries or an existing cemetery by agreement or to contract with a cemetery company for burials.<sup>13</sup> It empowered the Minister to make Regulations for the control of burial grounds provided by Local Authorities. Regulations were made thereunder providing for matters such as the lay-out of burial grounds, the size and depth of graves, the keeping of records of interments and so on.<sup>14</sup>

63. The 1878 Act also authorised the Minister to order the discontinuance of burials in any burial ground following representations by the Sanitary Authority; and to prohibit the opening of a new burial ground in order to protect public health.<sup>15</sup>

64. It further empowered Sanitary Authorities to serve notice requiring a burial ground to be put in good order, within a specified time limit of not less than 6 months.<sup>16</sup> However this power did not apply to burial grounds attached to or contiguous to a church, chapel or place of worship. In such cases, maintenance of a burial ground could not be directed by the Sanitary Authority, unless the owner, pursuant to section 187 of the Act requested it to undertake management of the burial ground.

65. The application of planning law to burial grounds is of more recent origin. It was not until the Local Government (Planning and Development) Regulations

---

<sup>12</sup> Public Health (Ireland) Act 1878, Section 160

<sup>13</sup> Public Health (Ireland) Act 1878, Section 175

<sup>14</sup> Public Health (Ireland) Act 1878, Section 181 and Regulations made thereunder (e.g. Regulations 1888, 1919, 1929)

<sup>15</sup> Public Health (Ireland) Act 1878, Section 162

<sup>16</sup> Public Health (Ireland) Act 1878, Section 185

1994<sup>17</sup> came into effect on 16 May 1994 that burial ground development by persons other than local authorities ceased to be classified as “exempted development”. Thereafter, development of burial grounds by persons other than local authorities became subject to the planning process.

66. The rules which apply for notification of individual burials differ, depending on the nature and in particular the ownership or management of the relevant burial ground.

67. For burial at a Local Authority cemetery, it is a requirement that an entry must be made in the Register of Burials (also referred to as the “Registry Book”) before an interment may be carried out. This entry in the Register is made by the responsible Local Authority officer, based on information provided either from a relative of the deceased or from the person managing the interment (that is, the funeral director or undertaker).

68. There neither was nor is a special licensing system or approval procedure for the opening or operation of burial grounds other than under the Planning and Sanitary Acts.

69. Accordingly, and with the exception noted above of notification in advance of burial in a Local Authority cemetery, no general requirement applied for the Congregations which operated the Magdalen Laundries, or for the undertakers hired by them for funeral and burial arrangements, to notify the Local Authorities or any other agent of the State of individual burials intended to be made in their private (non-Local Authority operated) graveyards.

---

<sup>17</sup> S.I. No. 86 of 1994

## C. Exhumations

### *Legislative basis*

70. Exhumations are not permitted otherwise than by licence under section 46 of the Local Government (Sanitary Services) Act 1948<sup>18</sup> or by Order of the Minister for Justice and Equality under section 47 of the Coroners Act 1962. The latter category (exhumations under the Coroners Act) does not arise in these cases and is not detailed further here.

71. The powers vested in the Minister for the Environment, Community & Local Government under the Local Government (Sanitary Services) Act 1948, including the powers of section 46 in relation to issuing of exhumation licences, were devolved to Local Authorities by the Local Government Act 1994.<sup>19</sup> Nonetheless, as the exhumation referred to in this Section occurred prior to this date, this Section refers throughout to the powers of the Minister in regard to exhumation licences.

---

<sup>18</sup> Local Government (Sanitary Services) Act 1948, Section 46 provides in full as follows:

“(1) The Minister may grant a licence for the exhumation of the body of a deceased person

(2) The Minister may attach to a licence under this section such conditions as he thinks proper including, in particular

- a. Conditions requiring re-interment at a specified place or within a specified period;
- b. Conditions for securing that the exhumation and re-interment required by the conditions shall be carried out with due care.

(3) A licence under this section may be granted in respect of a particular body or in respect of all or any of the bodies buried in a particular place

(4) A person shall not exhume from a burial ground the body of a deceased person save under a licence granted under this section or pursuant to an order of the Minister for Justice under section 15 of the Coroners (Amendment) Act 1927 (No. 1 of 1927).

5) A person who contravenes subsection (4) of this section or who, on or after the exhumation of a body under the authority of a licence under this section, does not comply with a condition attached to the licence, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(6) A person shall not be entitled solely by reason of a licence granted under this section to carry out any exhumation or re-interment”.

<sup>19</sup> Local Government Act 1994, Section 4

72. Section 46 of the 1948 Act provides that the Minister may grant a licence for exhumation, and that he may attach to a licence:

“such conditions as he thinks proper including-

- a. Conditions requiring re-interment at a specified place or within a specified period
- b. Conditions for securing that the exhumation and re-interment required by the conditions shall be carried out with due care”.<sup>20</sup>

73. The Act further permits the Minister to grant a licence:

“in respect of a particular body or in respect of all or any of the bodies buried in a particular place”.<sup>21</sup>

Offences are established for contraventions of the section or, in cases where a licence had been granted, for contravention of the conditions of a licence.<sup>22</sup>

#### *Exhumation at High Park: Background*

74. In the context of the sale of 12 acres of land, including the land on which a burial ground was situated, an exhumation was carried out at High Park, Drumcondra in 1993. The burial ground had been in use from 1889 to 1976 and was the location for burial of consecrates from High Park (that is, women who, having entered a Magdalen Laundry, decided to remain there for life). Other women who died while at High Park were buried in a plot maintained by the Congregation at Glasnevin Cemetery.

75. The Committee, in carrying out a review of this exhumation, examined all relevant records of the Order of Our Lady of Charity and of the licensing authority, namely the Department of Environment, Community and Local Government.

---

<sup>20</sup> Local Government (Sanitary Services) Act 1948, Section 46

<sup>21</sup> Local Government (Sanitary Services) Act 1948, Section 46(3)

<sup>22</sup> Local Government (Sanitary Services) Act 1948, Section 46(5)



76. An Garda Síochána had, at an earlier point, made enquiries into this matter. At the request of the Committee, an Assistant Commissioner reviewed the existing file of Garda enquiries and carried out further enquiries, with the cooperation of the Dublin City Coroner, with a view to providing a report to the Committee.

77. Some but not all of the circumstances surrounding the exhumation are already in the public domain. The following section sets out the investigations carried out by the Committee and the factual findings of these investigations.

- *Exhumation at High Park: application and approvals process*

78. An application for an exhumation licence was made to the Department of Environment, Community and Local Government on 6 August 1992 by a firm of solicitors acting on behalf of the Sisters of Our Lady of Charity. The application set out that the Congregation had entered a contract for the sale of 12 acres of land for housing and that these lands included the burial ground referred to above which had been in use from 1889 to 1976. An exhumation licence for disinterment of 133 women was sought.

79. Department of Environment files indicate that between that date and grant of the licence in May 1993, there was extensive correspondence between that firm, the Department and the Office of the Register General in relation to the request.

80. The Department responded to the initial exhumation application by requesting that death certificates be obtained and submitted in relation to the women in question.<sup>23</sup> A further application was submitted by the Solicitors for the Congregation on 28 January 1993, requesting an exhumation licence for 133 named women. The majority of the women were referred to by their full

---

<sup>23</sup> Internal Memorandum on exhumations at High Park, Drumcondra, Department of Environment File Ref LSS/66/29/33 Part II

name, but 24 were referred to only by their religious name, in other words the name by which they were known after having become consecrates (e.g. “Magdalen of [Saint’s name]”). Death certificates were provided for 75 named women. 34 had “no trace” forms furnished by the Office of the Register General (“GRO”), and 24 had insufficient details to enable identification by the GRO.

81. The application was considered again by the Department, which consulted in that regard with the Assistant Registrar General. The internal view in the Department, as demonstrated on the file, was that the application had been filled in carelessly.

82. The Department again contacted the Solicitors for the Congregation seeking death certificates for the final 58 individuals listed on the application (that is, the 34 women for whom ‘no trace’ forms had been provided by the GRO and the 24 women who had been identified by religious name only).

83. A revised and more detailed application was submitted by the solicitors for the Congregation on 12 May 1993. It provided an explanation of the history of burials at High Park dating back to the 1800s as well as detailing their inability to identify burial records for the period 1942-1968.

84. The Department of Environment, Community and Local Government granted the licence on 25 May 1993 for the exhumation of the 133 deceased women specified “interred in Saint Mary’s Private Graveyard, High Park”, subject to two conditions, namely that:

- (1) “Each exhumation shall be carried out within 12 months of the date of this licence under the supervision of a person appointed for the purpose of such supervision by Dublin Corporation and in accordance with such directions as may be given by the Eastern Health Board with respect to matters affecting or likely to affect public health.

(2) Each of the said remains shall, within forty-eight hours after the exhumation, be either:

- (a) re-interred in Glasnevin Cemetery, Glasnevin, Dublin 11, under the supervision of a person appointed for the purpose of such supervision by Dublin Corporation and in accordance with such directions as may be given by the Eastern Health Board with respect to matters affecting or likely to affect public health, or
- (b) cremated".<sup>24</sup>

85. The letter transmitting the licence further specified that notice must be given to the Eastern Health Board (Director of Community Care and Medical Officer of Health); and to Dublin Corporation (Environmental Health Section) before the exhumation took place.<sup>25</sup>

86. The Committee analysed the data concerning the 75 women for whom death certificates were identified prior to the exhumation. Of these 75, a total of 45 were women who died between 1889 and the foundation of the State in 1922. The causes of death, which were listed on the death certificates included the following:

- Cancer (more detailed explanations given in the certificates e.g. 'abdominal tumour', 'carcinoma of oesophagus' and so on);
- Respiratory illnesses (e.g. 'acute bronchitis', 'bronchial asphyxia', 'pulmonary tuberculosis')
- Heart diseases or related illnesses (e.g. "a weak /dilated heart", aortic diseases and so on)
- Illnesses relating to old age ("senile decay"); and
- Other illnesses (influenza, pneumonia).

---

<sup>24</sup> LSS 66/29/33 Department of the Environment Local Government (Sanitary Services) Act 1948, County Borough of Dublin

<sup>25</sup> Letter dated 26 May 1993 transmitting initial exhumation licence for 133 persons. File ref LSS/66/29/33 Part I

87. The remaining 30 women (5 of whom were widows) for whom death certificates were available and who had died after the foundation of the State had died at various points from 1923 onwards and again the causes of death varied among a range of natural causes, including:

- Cancer (e.g. 'cancer of liver', 'gastric carcinoma')
- Respiratory illnesses (e.g. 'pulmonary tuberculosis', 'bronchial pneumonia, pulmonary embolism)
- Heart diseases or related illnesses (e.g. cardiac arrest, 'cardiac respiratory failure', and so on).

88. The 34 women for whom 'no trace' forms were provided by the GRO died between 1896 and 1976. The large majority of these were women who had died on specified dates in the 1930s and 1940s. The Congregation indicated at the time that certain records for the period 1941-1968, which would have assisted in identifying further information about these women, were not available.

89. The deaths of the 24 women whose birth names had not been identified occurred between 1942 and 1968.

90. Following grant of the licence, the Director of Community Care, the Medical Officer of the Eastern Health Board, Dublin Corporation and the Dublin Cemeteries Committee were notified. Exhumation of the remains by a firm of undertakers commenced on 23 August 1993.

91. Following a number of days work, the undertakers carrying out the exhumation became aware that there were remains interred in the burial ground which had not been included in the exhumation licence. Four days later on 30 August 1993, the solicitors for the Congregation submitted a second application for a licence to exhume all deceased persons interred in the burial ground, which was delineated on a map attached to the application. As permitted by the 1948 Act, a General Exhumation licence was granted by the Minister on 31 August 1993 for the exhumation of all human remains in

the graveyard, subject to the same two conditions attached to the first licence.<sup>26</sup> The letter transmitting the licence again specified that notice must be given to the Eastern Health Board (Director of Community Care and Medical Officer of Health); and to Dublin Corporation (Environmental Health Section) before the exhumation took place.<sup>27</sup>

92. A total of 22 additional remains were located during the exhumation which proceeded after grant of the second (general) exhumation licence.

93. After their exhumation and in order to comply with the conditions attached to the licence, all the remains were removed by the undertakers to Glasnevin Cemetery, where they were cremated and re-interred in that cemetery, in a plot maintained by the Congregation. There was one exception, in which case a family made arrangements for the remains of a deceased relative to be re-interred in a family plot.

- *High Park exhumation: contemporaneous and subsequent enquiries*

94. A number of separate examinations occurred, both at the time and subsequently, into this exhumation. First, at the time of the exhumation, the Dublin City Coroner was requested by Dublin Cemeteries Committee to ensure that the conditions of the exhumation licence were adhered to. His report on the matter is referred to below.

95. Further, in 2003, after the circumstances of the exhumation were reported in the press, An Garda Síochána made enquiries in relation to the matter.

96. Finally, in 2010, the Department of the Environment, Community and Local Government raised with the Congregation the question of the details recorded at the memorial at Glasnevin Cemetery. This action was taken following

---

<sup>26</sup> LSS 66/29/33 Department of the Environment Local Government (Sanitary Services) Act 1948, County Borough of Dublin

<sup>27</sup> Letter dated 1 September 1993 transmitting General Exhumation Licence. File ref LSS/66/29/33 Part I

information to the Department from the representative group “Magdalene Survivors Together”, which suggested that there were discrepancies between that memorial and information then publicly available concerning the women listed in the 1993 exhumation licences.

97. A number of issues were examined by the Committee in relation to this exhumation, as follows:

- The absence of death certificates for all women prior to grant of exhumation licence;
- The additional remains identified after grant of the General Exhumation Licence; and
- The enquiries of An Garda Síochána and associated report of the Coroner.

These three issues are here addressed in turn.

*a. Absence of death certificates for all women prior to grant of exhumation licence at High Park*

98. The Department of Environment, as set out above, originally sought death certificates from the Solicitors for the Congregation, but ultimately issued an exhumation licence in relation to the remains of 133 women although death certificates were not available for all of those women.

99. The legislation does not require that death certificates are furnished in the course of an exhumation application – indeed, it is possible for applications to be made for unknown remains or for exhumations in an area where there is reason to believe that unknown remains may be found. Nonetheless, the Department of Environment in 1989, by Circular to all Local Authorities, indicated that exhumation applications should be accompanied by death certificates in respect of the persons whose remains are to be exhumed.<sup>28</sup>

100. The Department’s instructions on this topic were developed by a further Circular to all Local Authorities in 1990, which provided as follows:

---

<sup>28</sup> Circular Letter ENV 3/89 of 8 February 1989

“It was indicated in Circular Letter ENV 3/89 of 8 February 1989 that applications should be accompanied by death certificates in respect of the persons whose remains are to be exhumed. This should be a normal requirement but it should not be insisted upon where a death certificate would be inordinately difficult to obtain”.<sup>29</sup>

101. An internal Memorandum in 1993 noted that:

“the original draft of the Circular included a provision that death certificates were not required in cases where death occurred more than 40 years before the date of the exhumation licence application but this was deleted in the final version. Perhaps we would use this as an informal “rule of thumb” for future applications where applicant is unable to produce a death certificate and has made reasonable attempts to do so”.<sup>30</sup>

102. The Department of Environment in 2003 (in response to a press query seeking information on the meaning of the 1990 Circular) added further information, to the effect that:

“reasons, other than passage of a fixed number of years since the death of the person(s) to be exhumed, could give rise to difficulty in obtaining a death certificate. The wording in the Circular allows for such other factors to be taken account”.<sup>31</sup>

103. The fact that death certificates were not available for all women in respect of whom the original application was made was not therefore in itself a bar to issuance of an exhumation licence by the Department. The Circulars issued by the Department permitted issuance of a licence without death certificates as set out above; and the underpinning legislation also permitted exhumation licences to be granted generally.

---

<sup>29</sup> Circular Letter ENV 11/90 of 5 October 1990

<sup>30</sup> Internal Memorandum, Department of Environment Local Services Section, April 1993, File Ref Id.

<sup>31</sup> Department of the Environment note dated 2 April 2003 in response to a press query (Mary Raftery, Irish Times), File Ref Id.

*b. Additional remains identified after grant of the General Exhumation Licence*

104. 22 additional remains, above and beyond the 133 for which an exhumation licence had originally been sought, were located at the High Park graveyard during the exhumation in 1993. At the time, it was explained by the relevant Congregation that the original total of 133, and names attached to that total, had been arrived at:

“from a physical counting of the crosses and graves. Enquiries established that the graveyard had been subject over time to incidents of vandalism, resulting in the removal of some crosses”.<sup>32</sup>

105. The paper-work and historic records of the Congregation were, at the time, uncatalogued and the Congregation was not in a position to identify either the additional 22 remains found during the exhumation, or the 24 women in respect of whom only religious names were available at that time.

106. The Committee has found that, following Garda enquiries in relation to the matter in 2003, the Congregation appointed a number of persons to catalogue and archive all available records, to identify any further burial records or information on the women whose remains had not been identified at the time of the exhumation in 1993.

107. In total, 4 people carried out this research and cataloguing exercise for the Congregation from 2003 until 2005. These searches involved examination of the Entry Registers of the Congregations, other manuscript sources such as the annals of the Order and sodality notebooks and other miscellaneous records (including for example financial records including invoices or receipts for purchase of coffins or burial expenses, obituaries and so on). Searches were also conducted against the records of the Office of the Register General and the records office of Glasnevin Cemetery. These

---

<sup>32</sup> Garda report to the Committee, dated 16 October 2012



steps were all taken to seek to identify all women with sufficiently precise information to enable matching.

108. The final outcome of this research was that all 155 women whose remains were exhumed from the consecrated graveyard at High Park were identified and matched to their names and dates of death. The position in relation to registration of these deaths was set out in the preceding sections.
109. The Gardaí reviewed the results of that research carried out by the Congregation, as did the Committee. A researcher on this topic had, in 2010, indicated to the Gardaí a view that the absence of death certificates for certain of the women involved was “down to the lack of a single historical database of all residents” and the need for full and accurate information to secure death certificates from the GRO. Sample cases were identified, where minor discrepancies between the spelling of a name in the records of the Congregation and the records of the GRO had led to difficulties in identification.
110. The Committee accepts that this administrative reason, namely the absence at that time of archived or catalogued records at the Congregation, was the most likely reason why fuller information was not forthcoming at the time of the exhumation to identify the women whose remains were disinterred. The availability at the time of the exhumation of the full particulars on each of the women concerned would have prevented concern and distress among women who had in their earlier lives been admitted to the Magdalen Laundries, their families, as well as the general public.
111. The Committee notes that the files of the Department of Environment indicate that, when discrepancies in the information recorded on the exhumation licences and the headstone at Glasnevin Cemetery were

brought to the attention of the Department, it raised the matter with the Congregation. In that communication, the Department noted that:

“it would appear reasonable to expect that all the remains identified as part of the exhumation would be commemorated at the place they were re-interred”.<sup>33</sup>

112. A response issued to the Department directly from the researcher who had completed the review of the Congregation’s records in relation to this matter. It provided a full schedule including the names and burial details of all persons identified, as well as confirmation that the Congregation had commissioned a memorial for Glasnevin Cemetery:

“which will correct the discrepancies on the earlier memorial and in addition will add the individual names, and dates, of all those women who were buried from High Park in Glasnevin Cemetery”.<sup>34</sup>

113. The Committee has been informed that the Congregation is now at an advanced stage in making arrangements for the full and accurate details relating to these women (birth names and dates of death) to be recorded in Glasnevin Cemetery.

*c. Garda enquiries and report of the Coroner (including regarding conditions of the remains)*

114. The Dublin City Coroner was, at the time of the High Park exhumation in 1993, requested by the Dublin Cemeteries Committee to review the conditions of the licences issued by the Department of the Environment, Community and Local Government.

---

<sup>33</sup> Letter dated 19 August 2010 from the Department of Environment, Heritage and Local Government to the Sisters of Our Lady of Charity, File Ref LSS/66/29/33 Part II

<sup>34</sup> Letter to the Department of Environment, Heritage and Local Government dated 27 August 2010, File Ref Id.

115. It should be noted that the Coroner had not been a notice party to the licence, nor was he involved in the granting of the licence (which was then a matter solely for the Department). However, at the request of the Dublin Cemeteries Committee, he reviewed the matter including through consultation with the firm of undertakers who carried on the exhumation.
116. The Coroner confirmed a number of points regarding the exhumation at the time, to An Garda Síochána and subsequently to the Committee. In that regard, the Gardaí and Dublin City Coroner have confirmed that:
- All the remains were adult and female;
  - The remains were buried correctly (“i.e. not in shallow graves”); and
  - The condition of the remains was “in keeping with what one would expect to find” in the circumstances.<sup>35</sup>
117. The Dublin City Coroner also pointed out that he had received no complaint or enquiry into any of the deaths either at the time of the exhumation of since.
118. An Garda Síochána also carried out enquiries in relation to this matter, both in 2003 and again in 2012 at the request of the Committee. In 2003 and as referred to above, the Gardaí met with the Dublin City Coroner and the Order of Our Lady of Charity, examined their records, interviewed the researchers who had catalogued these records and examined the files on the matter at the Department of the Environment, Community and Local Government. These enquiries concluded without any suggestion of criminal action or wrongdoing and, on the basis of those records, no further action on the matter was deemed necessary by the Gardaí.

---

<sup>35</sup> Garda Report to the Committee dated 16 October 2012 and Letter of the Dublin District Coroner to the Committee, dated 19 October 2012