

THE HIGH COURT

[1997 No. 13984 P]

BETWEEN

DAVID CONNELLAN

PLAINTIFF

AND

SAINT JOSEPH'S KILKENNY, SOUTH EASTERN HEALTH BOARD, MINISTER FOR EDUCATION, MINISTER FOR HEALTH, MINISTER FOR JUSTICE, IRELAND AND THE ATTORNEY GENERAL

DEFENDANTS

Judgment of Mr. Justice Diarmuid B. O'Donovan delivered on the 21st day of March, 2006

1. The plaintiff in this case, David Connellan, comes to court seeking damages by way of compensation for alleged personal injury, loss, damage and expense suffered by him as a result of treatment to which he was subjected while a resident in the first named defendant's orphanage at Kilkenny in the County of Kilkenny. In this regard, in a statement of claim delivered herein on the 3rd day of March, 1998, the plaintiff alleges that, during the course of his detention at the said orphanage, he was repeatedly assaulted, abused and ill treated by employees of the defendants and, in particulars included in the said statement of claim, the nature of the alleged assaults, abuse and ill treatment was identified as are the employees of the defendants who are alleged to have committed that wrongdoing. Those employees are named in the statement of claim as Therese Connolly, David Murray and Breffney O'Rourke. While a full defence was delivered on behalf of the defendants in which (*inter alia*) it was claimed that the plaintiff's claim herein is statute barred by virtue of the provisions of the Statute of Limitations 1957, as amended, when the case commenced before me on Friday, 2nd December, 2005, I was advised by counsel for the plaintiff that liability had been fully conceded on behalf of all the defendants and that the case would proceed before me as an assessment of damages only. However, in the course of the plaintiff's evidence, counsel for the defendants complained that, while the defendants had conceded liability in the case, they had done so in the light of the allegations contained in the statement of claim delivered on behalf of the plaintiff on the 3rd day of March, 1998 and, specifically, in the light of the particulars which were included in that statement of claim; no further particulars of the plaintiff's claim having been delivered on his behalf. However, counsel submitted that, in the course of his testimony, the plaintiff had given evidence with regard to six areas of alleged assault and abuse, which were not included in the particulars contained in the statement of claim and, of which, the defendants had no notice. Accordingly, counsel for the defence submitted that the defendants were not in a position to meet the case which was presented on the plaintiff's evidence in the witness box. In this regard, counsel for the defence identified the matters in respect of which the plaintiff had given evidence but which were not included in the statement of claim as follows:

- (1) that a person called Sally Hogan physically beat the plaintiff,
- (2) that Therese Connolly falsely imprisoned the plaintiff in a cupboard,
- (3) that David Murray attempted sexual abuse of the plaintiff on three occasions,
- (4) that Breffney O'Rourke physically beat the plaintiff on 20 occasions,
- (5) that the plaintiff was physically abused by boys in Beech Park and
- (6) that the plaintiff was racially abused in the CBS, Kilkenny.

2. While conceding that the matters complained of by counsel for the defendants were not included in the particulars in the statement of claim delivered herein, counsel for the plaintiff submitted that they could not have taken the defence by surprise given that they were included in medical reports on the plaintiff submitted by Dr. James Morrison, a consultant psychiatrist; reports which had been furnished to the defence and given that David Murray was tried and convicted for sexually abusing the plaintiff. In this connection, however, I had the opportunity of reading Dr. Morrison's reports and, while there is reference in them to Sally Hogan, there is no suggestion that she physically beat the plaintiff and neither is there any suggestion that, included in the ill treatment to which the plaintiff was subjected by Therese Connolly, was the fact that she imprisoned him in a cupboard nor, indeed, does Dr. Morrison say that the plaintiff told him that he had been sexually abused by David Murray. Counsel for the plaintiff did suggest that a Dr. Blennerhassett, who had examined the plaintiff on behalf of the defence, had been told by the plaintiff about sexual advances made to him by David Murray and I accept that to be so. However, I was never furnished with Dr. Blennerhassett's report.

3. While my instincts were to allow the trial to proceed notwithstanding the inadequacy of the particulars furnished on behalf of the plaintiff, viewed in the light of the plaintiff's evidence, I was concerned that the Supreme Court might not agree with me and that the plaintiff might be faced with a retrial which would not be in his best interests. I voiced that concern as a result of which the parties sought a short adjournment to obtain instructions following which it was agreed that I should adjourn the hearing to enable the plaintiff to deliver further particulars of his claim. This was done by notice dated the 9th day of January, 2006 and the trial resumed on the 28th day of February, 2006. On that occasion, counsel for the defence indicated that liability was in issue with regard to matters contained in the particulars dated 9th January, 2006, which were additional to those contained in the statement of claim delivered on 3rd March, 1998 and, moreover, that the defence contended that the plaintiff's claim in respect of those additional matters was statute barred.

The Evidence

4. The circumstances giving rise to the plaintiff's claim, as given in evidence by the plaintiff, are as follows:

5. The plaintiff was born in Saint Marylebone, England, on the 2nd day of June, 1960. His mother was an unmarried lady who had been working as a hairdresser in the city of Dublin where she met his father, a native of Uganda, who was then in Dublin studying for a doctorate, the nature of which the plaintiff is unaware. Following his birth, although she, herself, was a native of the Co. Roscommon, the plaintiff's mother placed him in the care of an institution known as Saint Patrick's Orphanage situate on the Kells Road, Kilkenny in the Co. Kilkenny, which I believe is a sub-institution of the first named defendant. The plaintiff was then only three weeks old. He had no further contact with his mother until some nine years ago when he succeeded in locating her. However, when he met her, while she did not deny that she was his mother, she made it quite clear that she wished to have nothing to do with him because she was then married with a family and expressed the belief that, had her husband learnt that she had had relations with a coloured man, he would divorce her. Since then, the plaintiff has had no further contact with his mother. Moreover, although he has attempted to locate him, he has been unable to make contact with his father. In that regard, the plaintiff has learnt that his father did visit him, once or twice, while he was an inmate at the Saint Patrick's Orphanage but that, if he did, on those occasions the plaintiff was fearful of his father because, apparently, as the plaintiff said, he was "a jet black man". Naturally, the father was upset when it

appeared that his child was afraid of him with the result that he ceased to visit him.

6. David Connellan said that his early memories of Saint Patrick's Orphanage are very happy ones. He said that the nuns took very good care of him and, as far as he could recall, he was a very happy child there. He said that he started his schooling in first class at Saint Patrick's. However, in September, 1966, when he was about six and a half years of age, he was transferred to Saint Joseph's which was a residential institution and, at which, the plaintiff also attended school. Apparently, Saint Joseph's was originally intended as a girls' school but, at the time, 20 or 30 boys were transferred there and a play hall was transformed into a dormitory for them. Mr. Connellan told me that he was one of three coloured boys who were in the institution at the time. He also told me that, when he went to Saint Joseph's, his life changed and he described the change as a very frightening one. As he said "it was like a dark cloud came down on me". He said that the boys were cared for and under the complete control of two ladies; a Theresa Connolly, who Mr. Connellan said would have been between 18 and 20 years of age and a Sally Hogan, who Mr. Connellan described as an older person aged between 28 and 30 years. He said that both Theresa Connolly and Sally Hogan became very violent towards him; that, when the boys were put to bed at night, they were required to have their heads under the covers and the two ladies would walk up and down the aisles between the beds and, if a boy did not have his head under the cover, he was beaten. He says that, once the boys went to bed, they were not allowed to move; not even to go to the bathroom and that, if they did, they were beaten by the ladies with their fists. As a result, the plaintiff says that he became nervous and started to wet the bed; something that he had not done when he was in Saint Patrick's. And if that was not enough, with the passage of time, he said that Theresa Connolly singled him out to perform sexual acts on her. In that regard, he said that he was singled out from the other boys and brought by Theresa Connolly to her bedroom (a cubicle in the boys' dormitory) where she would make him perform sexual acts on her, orally and physically, and, as he said "sickly". In that regard, he said that she would try to make him have sex with her, that she asked him to urinate inside her and to orally touch her in her genital area and that if he refused to do so, she would beat him. Indeed, he said that there were times when he could not bring himself to do what she required of him and began to cry and, when he did, as he said "she literally just beat the shit out of me". She would also taunt him and taught him to sing a song "I am Nobody's Child" and she instilled in him that he was totally under her control, that she could do whatever she wanted to do with him and that he was not to tell anybody because, if he did, he would be beaten. As a result of all this, the plaintiff said that his bed wetting got worse. In that regard, it would appear from the plaintiff's evidence that what precipitated his bed wetting was fear of the dormitory in which he slept because, to get to the toilet, he had to walk down a very long dark corridor and, at the time, there was a fire bug roaming around Kilkenny lighting fires here and there and, on one occasion, he had gained access to the boys' dormitory and lit a fire there. Mr. Connellan said that, after he had started wetting the bed, Theresa Connolly had brought him to the toilet on one or two occasions and he thought that it was good of her to do so. However, it then happened, that, after she had brought him to the toilet and was bringing him back to his bed, she used to bring him to her room and make him perform sexual acts on her. Eventually, she stopped bringing him to the toilet and just brought him to her room and, as I said, his bed wetting got worse and, in the morning, Theresa Connolly would drag him out of bed, tell him to take off his pyjamas, stick his head face first into the wet bed and then beat him with the handle of a brush. He said that she beat his backside until it was red, red raw and extremely painful and, at the same time, she called him a black this and a black that and, not only that he was no good, but that he was worse than that. He said that this was done in the presence of the other boys. When asked what exactly Theresa Connolly had said to him, he said that she called him a black bastard and a golliwog and said that he was filthy dirty for wetting the bed. He said that she brought him to her bedroom, or cubicle, many, many times to perform sexual acts on her and that there was no one to whom he could complain. In that regard, Mr. Connellan was asked whether or not he ever had visitors and he said that he rarely had them although, occasionally, local people would take him out on a Sunday or during a holiday period. Although his bed wetting habit put people off taking him into their homes during holidays. He said that the people who took him out were not necessarily parents of school friends but were just local good people who wanted to do nice things. He said that he took drastic steps such as tying laces on his penis to try and stop wetting the bed.

7. David Connellan said that the abuse, both physical and sexual, at the hands of Theresa Connolly lasted for about three years. He said that it was very, very frequent and very, very hard to live with. He said that there were times when he could not go to school because of a rash on his legs and his backside due to the fact that Theresa Connolly would not change his sheets or pyjamas and beat him regularly. She also punished him by not permitting him to wash himself before he went to school. He said that, on one occasion, Sister Conception, the school manager, brought him to see a Dr. Hindle and although the doctor asked him why he was wetting the bed, he was afraid to tell him; he just said that he did not know. He said that, had he told the doctor about the abuse to which he was being subjected, he believed that it would have got back to Theresa Connolly and that she would give a different version of events and would be believed. In that regard, he said that, although Sister Conception was a lovely person, she, unfortunately, believed everything that she was told by the staff. Insofar as Sally Hogan is concerned, Mr. Connellan said that she did not sexually abuse him but that she beat him severely on days upon which Theresa Connolly would be off. He said that Sally Hogan also pressed his head into the wet bed. He said that Sally Hogan had been at Saint Joseph's for more or less all of the same amount of time as Theresa Connolly had been there and that she, also, made very racist remarks towards him (*inter alia*) calling him "black baby". He said that he got on fairly well with the other boys although, from time to time, they teased him and would make racist remarks about him. When asked whether or not Theresa Connolly was ever affectionate towards him, he said that she was but only in front of Sister Conception. He said that he was always behind with his school work but that nobody ever asked him why and that, when the health inspectors came to the school, they talked to the teachers and the carers but never to the boys.

8. David Connellan said that, in the year 1971, when he was 11 years of age he was taken from Saint Joseph's and moved to a place called Beech Park which was another part of the Saint Joseph's complex. This comprised two houses; one a three bedroom house and the other a four bedroomed house. There were about eight people; boys and girls, in each house and the plaintiff remained at Beech Park for approximately two years. He said that he got on ok when he was there but that as a result of the abusive experiences he had had at Saint Joseph's, he was emotionally damaged and had no confidence. He said that, when he was in Beech Park, he was looked after by a Sister Frances and two sisters named Buckley. He said that he had no further contact with Theresa Connolly or Sally Hogan. He said that, when he was at Beech Park, he played a little soccer and that, from time to time, a team from Beech Park would go to Clonmel to play matches against boys in an industrial school there. He said that that was a very strange place but that he could not explain why. He said that it was like a concentration camp in which everyone was forcibly happy.

9. The plaintiff said that, during his period in Beech Park, he was not subjected to any physical or sexual abuse. However, he said that the bed wetting continued and that he was frequently subjected to racist remarks by both staff and other children. He conceded that, when, on occasions, he was the subject of a racist remark from another boy in the presence of a member of staff, that member of staff might say "stop that" but that was all. He said that the two other coloured boys in Beech Park were subjected to similar racist remarks. However, he said that they were never as bad as what Theresa Connolly used to say to him; the memory of which has never faded. He said that the bed wetting continued but that punishment was limited to being deprived of little treats but that nothing was done to try and solve the problem. He conceded, however, that, from time to time, Sister Frances used to take him to the toilet in the middle of the night and, when that happened, he did not wet the bed.

10. In 1973, Mr. Connellan said that he was transferred to another place called Summerhill, which was also part of the Saint Joseph's complex. When residing in Summerhill, Mr. Connellan attended the CBS secondary school in Kilkenny. In Summerhill, Mr. Connellan was,

initially, under the care of a man named David Murray, who had an assistant named Rita Quirke. There were about 20/25 boys there including the two other coloured boys who had been in Beech Park with the plaintiff. Mr. Connellan described Mr. Murray as a "monster" and said that Rita Quirke was also a tyrant. He said that, initially, David Murray was ok; that he was very enthusiastic about involving the boys in sport and seemed to be interested in them. However, he was a very violent man. He said that, on several occasions, David Murray tried to have physical sexual contact with him like putting him on his knee while he was watching television and touching his genitals. However, Mr. Connellan said that he prevented him from doing so. He said that he also beat him frequently with his fists to the extent that he would be bruised, bleeding and even semi-conscious. He said that such beatings were administered for the smallest of things; for example, even if he was only three minutes late coming home from school. Moreover, it was a rule at Summerhill that, when in the house, one was obliged to wear slippers and when, on occasions, the plaintiff forgot to do so, he was severely beaten by Mr. Murray. In addition, Mr. Murray used to drag him into a cubby hole in which sweeping brushes were kept and verbally abuse him calling him a black this and a black that. The plaintiff said that he would have got serious beatings from David Murray on about six occasions in each of the three years during which he was under Mr. Murray's control. When asked whether or not he ever actually lost consciousness as a result of such a beating, the plaintiff said that he probably did. He also said that punishments meted out by Mr. Murray included being sent to bed without tea and not being permitted to watch television. He said that it was only on two or three occasions that Mr. Murray attempted to touch him indecently and that, on each occasion, he had beaten him off. He said that, when he was in Summerhill, he continued to wet the bed and was subjected to jeering on that account by both Mr. Murray and the other boys. Moreover, when he wet the bed, Mr. Murray would punish him by making him feel that he was not wanted and by prohibiting him from participating in games. When asked whether or not he ever hit Mr. Murray back, Mr. Connellan said that he did. He also said that Mr. Connellan had a dog named Thunder; an Alsatian German sheep dog, and that, from time to time, he would bring the plaintiff to his room where he would ask him all kinds of sexual questions and tape-record the answers and where he would threaten the plaintiff with the dog; commanding the dog to eat the plaintiff. The plaintiff said that, on some of those occasions, he would break down crying but, although the dog was known to have bitten other boys, it never bit him. The plaintiff said that these incidents would have occurred about three or four times while he was under Mr. Murray's control, which would have been for about four years. He said that Mr. Murray left Saint Joseph's suddenly and that he was replaced by a man named Breffney O'Rourke. The plaintiff said that he was about 15½ or 16 years of age at that time and that he was then attending a school at Ballyhale having been expelled from the CBS. In that regard, Mr. Connellan said that he was the only coloured boy in the CBS and that, while he was there, he could not learn very much because, as he said, "there was just too much in my head". He said that there was name calling and abuse from his peers and that his teachers were not fond of him because he was way behind everyone else in his schooling. However, they never asked him whether or not he had any problems and he believed that they assumed that he was just someone who just did not want to learn; a view which Mr. Connellan emphatically denied. He said that, when he was at the CBS, he did the Group Certificate which he failed miserably and then he was expelled from the CBS. He said that he was very upset at having failed the Group Certificate. When asked why he had been expelled from the CBS, Mr. Connellan said that he had had a confrontation with a Mr. Glennon, who was the headmaster, that Mr. Glennon produced a leather strap, or belt, and went to hit him with it but, before he could do so, he (the plaintiff) hit Mr. Glennon and as a result, was expelled. Mr. Connellan said that, on that occasion, he had been referred to Mr. Glennon by his teacher, Mr. Curran, who was of the belief that Mr. Connellan was not working at school and that Mr. Glennon had asked him why he was not working and when Mr. Connellan replied that he didn't know, Mr. Connellan indicated that he thought that he was lying and there followed the event which Mr. Connellan said had led to his expulsion. In that regard, Mr. Connellan conceded that he had been ignoring the whole education system at the CBS because he had no respect for the teachers, or the system, given that, when he was subjected to racial abuse like being called golliwog, or nigger, in front of the teachers, they did nothing about it. The plaintiff said that, during the summer following his expulsion from the CBS secondary school, he got a job in a garage with a Mr. Ciaran Ryan.

11. After he left the CBS secondary school, the plaintiff was placed in Ballyhale technical school which is located about 15 miles from Saint Joseph's on the Waterford Road. He said that, when going to that school, he would be put out on the road at about 8 o'clock in the morning; hail, rain, sleet or snow, and was required to thumb his way to the Ballyhale School and to thumb home again in the evening. He said that he was given no food nor any lunch money and had to do without food all day. In that regard, he said that it was sometimes 6.30 in the evening before he got back home. Moreover, he said that the Ballyhale technical school was worse than the CBS in Kilkenny from a racist point of view, in that, the boys in that school were from a farming community and would not have been familiar with coloured people and that they could not come to terms with him. He said that he was the only coloured person in the school and he was called all sorts of names by the boys; particularly, when he was playing soccer. Moreover, although the teachers were present on those occasions, they never did or said anything about it. Furthermore, during the period that he attended Ballyhale Technical School, he was beaten up several times by the other boys and, again, although members of the staff were aware of what was happening, they did nothing about it.

12. Mr. Connellan said that, when David Murray left Summerhill he was succeeded by Breffney O'Rourke who he said was a perverted looking violent person who "ruled with his fists". He said that, as far as he knew, Mr. O'Rourke was studying for the priesthood. He said that, on one occasion, Mr. O'Rourke tried to get into his bed and to have sex with him but that he stopped him doing so. On another day, he had been cleaning windows in Summerhill and, as he was descending from the ladder, Mr. O'Rourke came over and touched him on his genitals outside of his clothes. The plaintiff also said that Mr. O'Rourke beat him severely on several occasions both with his fists and with a heavy book. He also hit him with a chair and a sweeping brush. He estimated that in a five month period, he would have been beaten about 20 times by Breffney O'Rourke.

13. David Connellan said that he left Saint Josephs at 16 years of age when he was offered a job by a Mr. Ciaran Ryan, who had a garage in Kilkenny. Mr. Ryan was a man for whom he had worked during the previous summer holidays. He described Mr. Ryan as a nice, good man who thought that he (the plaintiff) was a good worker and who realised that he was not making much progress at school. He said that Mr. Ryan was involved in panel beating and crash repairs and that, after working with him for about ten months, Mr. Ryan offered him an apprenticeship. He said that, when he had left Summerhill, Sister Conception had arranged digs for him in Kilkenny city. When asked who was paying for the digs, he said that he made a contribution but only a small one because he was not earning very much at the time and that it was Sister Conception who paid most of it. He said that, at that stage, he was still wetting the bed and it was very embarrassing for him. In that regard, he said that he washed his own clothes after he had wet the bed. He said that he completed a five year apprenticeship with Ciaran Ryan during which he had a very good relationship with Mr. Ryan. During his apprenticeship, he met a young lady named Susan with whom he formed a relationship as a result of which she became pregnant and they were married in the year 1978. In that regard, he said that he had problems with Susan's family arising from the fact that he was coloured and had come from an industrial school. He said that Susan worked in Winston's and that they got a flat together. In that regard, he said that Sister Conception had helped them to purchase furniture for the flat. Indeed, he expressed great gratitude to Sister Conception for all the help that she had given to him after he had left Saint Josephs. As he said "she is probably one of the best people who have ever walked the earth". He said that her only fault was that she was gullible in the sense that she believed what people employed by her were telling her and, accordingly, Mr. Connellan never told her about the things that had happened to him. As he said "Sister Conception would not have understood". Mr. Connellan said that his first child was born in January, 1979 and, by that stage, he had stopped wetting the bed. He said that he had done so while he was going out with Susan; probably because he no longer felt alone. At that stage, Mr. Connellan recalled that his bed wetting was associated with an awful fear of the dark arising

from a time that he had been locked in cubby holes by Therese Connolly as one of the punishments for wetting the bed. He thought that that would have happened between ten and twenty times while he was under her control and that, when it did happen, he would be locked in the cubby hole for an entire night in wet pyjamas. He said that, ever after that, he had nightmares about it.

14. David Connellan said that he was married to Susan for 22 years and that, while it was not the best marriage, they shared a great love for their children. However, he said that, when he was going out with Susan and when they were first married, he did not reveal the history of what had happened to him at Saint Joseph's because he found it too embarrassing to do so. Neither did he have any close friends with whom he could confide although he agreed that, because he was fairly good at soccer and was not a bad singer, he had some white friends. However, he found it hard to make friends. He said that, about 1981, Susan and he got a house from the local authority, that their second child, David was born in 1983 and that, in the same year, he left Ciaran Ryan and went to work with a company named Harrison who had a big truck centre. That work involved panel beating and spray painting and, indeed, all aspects of repairing crash damage but no mechanics. He said that, in or about that time, he was subjected to a lot of racism and memories of his past started to intrude. In that regard, Mr. Connellan said that, when he was employed with Harrison's, he realised that every employer was not as kind or understanding towards him as Ciaran Ryan had been. He said that he only stayed with Harrison's for less than a year, was unemployed for a while and then got work doing odd jobs in Hotel Kilkenny. After that, he went back working for Ciaran Ryan but, apparently, the motor trade was not very busy at that time. Moreover, he was going through a bad phase with alcohol and was experiencing a lot more racism. Moreover, he felt that his lack of education was holding him back and he did not have the confidence that he felt that he should have. He put all this down to the experiences which he had had in Saint Josephs. As he said the six or seven years that I was there were "very, very, very hard. They robbed me of all confidence that I should have had". He said that, in 1987, he went to England for a brief period because his drinking at that time was not helping domestic relationships. However, although he said that he was very upset and very down, he did not seek medical help. He only stayed in England for about three months and, when he returned, he got part time work in the Hotel Kilkenny because he could not get work in his own trade. Then he did get a job with Quinn Motors in Kilkenny with whom he worked for about a year. He said that, at that time, he could not control his drinking. After that, he got work a job with a firm named Coach Craft in Clondalkin but, unfortunately, that company went into receivership and he lost the job. He then acquired a PSV licence and started driving for taxi companies. That would have been about 1994. At the same time, he had a little workshop at home in which he did some panel beating. Over the years, he built up his own taxi business and eventually had three cars on the road. However, a number of men working for him were involved in crashes as a result of which his insurance was increased to a prohibitive level so that, in the year 2004, he was forced out of the taxi business. Since then, he has been running a mobile panel beating business on his own behalf. When asked how life had been for him during those years, he said that he was just getting by, that he was drinking a lot and he thought that he could have been doing better "if my head had been ok", and "if I didn't have the heavy burden of what I had experienced in my youth and if I had a proper education". In that regard, he pointed out that administration is a very important factor in running a business and that he lacked experience and knowledge of keeping books. He also adverted to the fact that he had a very difficult period when his son, David, passed away as a result of suicide in the year 2000.

15. Insofar as his current business activities are concerned, Mr. Connellan said that he had provided himself with a van and equipment, that he did not employ anyone else and, as he put it, that things were "going ok" but that he found it very hard to concentrate while, as he put it, "this is going on" which I interpreted as meaning these proceedings. He said that he separated from his wife, Susan, in the year 2000, that she has her own house in Kilkenny and, as he put it, "I re-mortgaged the house and bought my wife out". He said that his son, Rory, is working in the Bank of Ireland and his daughter, Áine, is going to the Waterford Regional Technical College and that, finally, he had decided to seek medical assistance through his general practitioner, Dr. O'Gorman. He said that she had prescribed anti-depressant medication for him and that he is very relaxed when talking to her. He said that he had tried counselling but that he did not find it very helpful. Indeed, he said that the best counselling that he had had in his life was from his children. He said that his general practitioner had referred him for psychiatric assessment by Dr. Mary McInerney, a consultant psychiatrist, and that he had seen her on two occasions. David Connellan completed his examination in chief by saying that he was not qualified to do anything other than what he is currently doing but that he thought that he was capable of doing more and, in that regard, he hoped to go back to college when these proceedings were resolved.

16. Under cross examination, Mr. Connellan agreed that, given that his mother did not want to have anything to do with him when he met her some nine or ten years ago, he had been effectively on his own from the time that he was six weeks old. He agreed that he had been happy when he was in Saint Patrick's and that his problems had started when he was moved to Saint Joseph's in September, 1966 and came under the control of Therese Connolly. He agreed that he would have been under her control for about three years and that he then was transferred to Beech Park where he spent a two year period; initially under the care of David Murray and latterly under the care of Breffney O'Rourke. He said that, among other things, when he was in Saint Joseph's, he was subjected to racial abuse from Therese Connolly, from Sally Hogan and from the other children who were there. However, he also agreed that he was subjected to racial abuse when he was at the CBS secondary school in Kilkenny and the technical school at Ballyhale and he agreed that his wife's family had reservations about him because of his colour. He also agreed that, when he moved from Ciaran Ryan to Harrison's, he experienced racial prejudice. In fact, he agreed that it was something that he experienced throughout his life in this country and was not just something that happened at Saint Joseph's.

17. With regard to his allegation that Therese Connolly had locked him in cubby holes on ten or twenty occasions when he had wet the bed, it was put to Mr. Connellan that he never mentioned that fact in a statement which he made to the guards, his response was that the guards were only interested in sexual harassment; not in anything else. He was then asked about the allegations which he made about the woman that he called Sally Hogan and he agreed that she looked a lot older than Therese Connolly; that she would have been about 28 or 30 years. When it was suggested to him that nobody called Sally Hogan ever worked at Saint Joseph's, his response was that he would prove that Sally Hogan worked there. It was then suggested to him that there was a person called Sally Nolan at Saint Josephs and it was suggested that he might have been confusing her with a Sally Hogan. He said that he always thought that her name was Sally Hogan but that it could have been Sally Nolan. It was then pointed out to him that Sally Nolan would have been 16 or 17 years of age in 1967 rather than 28 or 30 years of age, as he had suggested that the Sally Hogan was, and it was also put to him that Sally Nolan had no involvement with the boys as he had suggested that Sally Hogan had. Furthermore, it was suggested that Sally Nolan was not at Saint Joseph's while he (Mr. Connellan) was there. The plaintiff's response was "it had to be Sally Nolan, it had to be". It was also put to him that Sally Nolan's only involvement outside the nursery was to help Therese Connolly with a sing song, that she had no role as a supervisor of the boys and did not take over from Therese Connolly on her days off. Mr. Connellan's response was "we will see when I see her then". He added that he had not seen her for a long time "but when I do see her I will recognise her. If I am wrong I am wrong but I do not think I am". He said that he might have been wrong on the name but not wrong on the person. He added that the Sally was also responsible for racial taunts against him.

18. Under further cross examination, Mr. Connellan agreed that he had said that David Murray had beaten him six times a year for nearly three years. He also said that, on three occasions, Mr. Murray had attempted to touch him indecently but it was suggested to him that that was not mentioned in his statement to the guards and he replied that that was because the gardaí were not interested in hearing what could have happened or what might have happened. In that regard, he said that the fact that he had not mentioned

to the gardaí that Breffney O'Rourke had beaten him was because they were not interested in physical abuse but only in sexual abuse.

19. Mr. Connellan agreed that, when he was at CBS in Kilkenny, he was called racial names and, although the teachers there witnessed it, they did nothing about it. It was also put to him that he had said that, while he was at the CBS in Kilkenny, he had failed his Group Certificate, that, on one occasion, Mr. Glennon had produced a belt to hit him to with to which he responded by hitting Mr. Glennon and, as a result, he had been expelled. Mr. Connellan agreed that he had said all that. It was then put to Mr. Connellan that he did not sit for the Group Certificate at the CBS in Kilkenny for the simple reason the Group Certificate was something which was peculiar to vocational systems, such as the technical school at Ballyhale, whereas, in a secondary school like the CBS, the pupils sat for the Intermediate Certificate examination. Mr. Connellan's response was "I know I did an exam in the summer that I left and I failed it". He added that he did not leave the CBS; that he was asked to leave. He further denied that he passed the group certificate when he was at the Ballyhale technical school although it was put to him that the records indicated that he had, in fact, passed the Group Certificate when in Ballyhale. His response was that he never actually received a Group Certificate and that he was never notified that he had passed it. In that regard, it was suggested to him that, perhaps, he had left Ballyhale when the results came out and was then working with Mr. Ryan in Kilkenny and sleeping in digs which Sister Conception had helped to pay for. In any event, it was suggested to Mr. Connellan that the loss of education of which he complained was not attributable to his failure in the Group Certificate examination or, indeed, that he had been expelled from the CBS in Kilkenny to which Mr. Connellan responded that his loss of education started when he went to Saint Joseph's. It was further put to Mr. Connellan that he had not been expelled from the CBS in Kilkenny, that Mr. Glennon had not produced a belt to him and that he had not hit Mr. Glennon. Mr. Connellan's response was "it did happen". When asked how he had been made aware of the fact that he had been expelled, he said that Mr. Glennon told him so outside his classroom and that Saint Joseph's were notified that he was not to return to the CBS. It was then put to him that Mr. Curran and Mr. Glennon in the CBS did not stand idly by and witness him being racially abused to which Mr. Connellan responded that they were bound to say that because he was the only Afro-Celt in the CBS. In that regard, he denied that there was another coloured boy in the school although it was suggested to him that there had been.

20. Under further cross examination, the plaintiff agreed that the period during which he was working for Ciaran Ryan was a happy one that, during that period, he learnt a trade and was in steady employment for five years. He also agreed the history of his subsequent employment which was set out in the report of 9th June, 2005, submitted by Susan Tolan, the vocational consultant, who subsequently gave evidence on his behalf and, in that regard, he accepted that he had had a very good working record notwithstanding that he had gone through some very bad economic times. However, he protested that some of the work that he had had during that period was only part time work. Nevertheless, he agreed that, at one time, he owned two taxis and employed three drivers and was in partnership with a man named O'Reilly who looked after the administration of the business and who he ultimately bought out. He also agreed that he had kept the taxi business going up to the year 2004, although the year 2000 was a very bad year for him given that his son, David, tragically died during that year and that his marriage broke up shortly afterwards. He also agreed that the only reason that he did not continue in the taxi business was that several of his drivers had been involved in accidents and that the increase in his insurance premiums as a result of that was prohibitive. Furthermore, he agreed that the only indication in his working history of any problem with drink is that he had the conviction for drink driving back in the 1990's but and that he had never been admitted to a psychiatric hospital or, indeed, any other unit on account of alcoholism. He did accept that, on the anniversary of his son's, David's, tragic death, he got into difficulty with the Garda Síochána on account of drink and that he is very aggrieved at the manner in which they dealt with him. In that regard, he rejected the suggestion that he had been arrested for being drunk and disorderly. He accepted that he had been drunk and that he had been convicted of being drunk but that he was never convicted of being drunk and disorderly. He added that, on that occasion, the manner in which the Garda Síochána handled him was wrong. He also said that the gardaí had accused him of smoking reefers but that charges against him in that respect were thrown out.

21. When it was suggested to Mr. Connellan that, regardless of the abuse which he alleged that he had suffered at Saint Joseph's, he had learning difficulties he said that he did not know that but that, if he had, he did not get any learning support for whatever difficulties he might have had. He said that matters might have been different had there been a family to support him and that he would have done better had he not been beaten and sexually abused as he had been. When it was suggested to him that, despite the abuse which he has suffered, he had achieved as much as he could have expected to, his response was "my father was a doctor, is a doctor, my sons have done very well in school, so has my daughter. I do not know, maybe I would have done as well". However, he agreed that, over the years, he had only been unemployed for a few months.

22. On re-examination, Mr. Connellan said that he did not know what Sally Nolan's duties were but that she was in some kind of a way in a supporting role with Therese Connolly. He said that no one gave him any certificate indicating that he had passed an exam and that it was in court that he learned for the first time that he had passed the Group Certificate. He said that he could have spent another year in Ballyhale, had he chosen to do so but that Mr. Ryan had offered him a fulltime job which he was happy to accept.

23. I then heard evidence from Susan Tolan, who described herself as an occupational therapist and vocational evaluator and who submitted a vocational assessment report on the plaintiff dated 10th June, 2005, to which I was referred. In that regard, Ms. Tolan confirmed the accuracy of that report and she agreed that the plaintiff had a fairly good work record and that she thought that he was a man who was well motivated and wanted to work. However, notwithstanding that he had completed an apprenticeship and had gained extensive experience in panel beating, Ms. Tolan was not persuaded that the plaintiff had achieved his potential. In other words, she felt that he could be doing more than he had actually done. In that regard, she thought that his educational qualifications were such that he would have difficulty with the administrative end of a business and that he was a man who does not believe that he is capable of as much as he is capable of. In other words, she thought that his self esteem was low. In that regard, Ms. Tolan said that people who achieve great things are people who believe that they can do so and that, if you do not feel that you can achieve something, you probably will not do so. She also thought that the plaintiff's problems in that area were chronic because, at a very vulnerable age, he was subjected to horrendous abuse which caused him to feel badly about himself so that he has been playing catch up since then but has never managed to catch up. She pointed to the fact that the plaintiff complains that he has problems with retention and she thought that that was quite understandable and that it was due to poor confidence and poor self esteem. However, she thought it unrealistic for the plaintiff to believe that he could have become a doctor. Nevertheless, she thought that he could feel that there would have been a lot of things open to him if he had not had the start in life which he had. However, she thought that someone in the behavioural therapy line would be of good benefit to him.

24. Under cross examination, Ms. Tolan agreed that, if a child is placed in an institution at six weeks of age and deprived of the benefit of a father and a mother and, throughout his life, is regularly exposed to racial prejudice, he is bound to suffer a loss of esteem. However, she maintained that she had met a number of people who had grown up in institutional care and had achieved more than the plaintiff had. On the other hand, she agreed that she had never seen a coloured person do so. She also agreed that she had seen a psychological report on the plaintiff in which it was suggested that he had learning difficulties, irrespective of the abuse to which he had been subjected, which would have benefited from remedial assistance which he did not get and which, at the time,

many people in that situation did not get. However, she said that many people with learning difficulties hold down fulltime positions and do well and that she thought that it was the combination of all of the experiences that the plaintiff had had which put him in the situation in which he now is. On the other hand, she agreed that, even in the absence of the abuse to which he was subjected, the probability was that the plaintiff would have ended up doing practical manual work. Moreover, she thought it significant and to the plaintiff's credit that, notwithstanding the problems with alcohol of which he complained, he was never institutionalised, nor, indeed, had to visit a hospital on that account. Whilst she agreed that the plaintiff had been in employment for the last 30 years, she thought that some of it was not as good as what he was capable of doing. When it was suggested to Ms. Tolan that, contrary to what she had been told, the plaintiff had, in fact, passed his Group Certificate, she would take a different view of his situation, her response was that she would need to know what type of a Group Certificate he had obtained because, in her experience, it was a relatively simple exam and not an easy one to fail. However, if he had passed the exam, Ms. Tolan believed that he should have been told that he had passed it, that the reality was that he believed that he had failed it and that that was one of the contributing factors to his poor self esteem. She also thought that the only way in which the plaintiff would be able to cope with the business which he presently had would be if he had someone to look after the administration end of it. In that regard, Mr. Tolan said that, in the current climate, it has become increasingly more bureaucratic to run a business but that, if the plaintiff does not overestimate his ability, she would hope that he would do well. In that regard, she said that the average earnings of an employed panel beater would be about €500 per week, that, as a self employed panel beater, he is currently earning between €800 and €900 per week and that she thought that he should be earning about €1,000 per week.

25. The next witness for the plaintiff was Dr. Mary McInerney, a consultant psychiatrist, who furnished two reports on the plaintiff to which I was referred and requested to take cognisance of. Dr. McInerney said that she takes special interest in social and rehabilitation psychiatry and had dealt with many cases involving persons who, in their younger years, had been abused or suffered deprivation of one sort or another. Dr. McInerney said that the plaintiff had been referred to her by his legal advisors and that she had taken a history from him as detailed in her reports. She said that, in the light of that history, the impact on David Connellan's life was that he had lost his sense of self. In that regard, she said that one's self esteem and one's psychological ability comes from many factors including one's upbringing and the attention, care and affection which one receives in the course thereof. In that regard, she said that, as a result of the physical, sexual and emotional abuse to which he had been subjected, David Connellan had lost his self esteem, his ability to trust people and his ability to show affection and that he had become very introverted, was a loner and was indecisive. Furthermore, his ability to concentrate at school was affected by his experiences and, in that regard, she was of the view that his school reports reflected that he could be very good, or very bad, depending upon his level of interest and the extent to which his sleep pattern was disturbed. Apparently, the plaintiff had told Dr. McInerney that, over the years, Therese Connolly had disturbed his sleep at night on the occasions when she had sexually abused him. However, generally speaking, Dr. McInerney was of the view that the plaintiff's confidence in himself was marginalised as a result of the abuse to which he had been subjected. When asked to what extent (if any) the problems which she perceived the plaintiff to have were attributable to his lack of parental support, the fact that he was a different colour from virtually everybody else and that he had been brought up in an institution, Dr. McInerney was of the view that, in his early years, the plaintiff had been reared in a loving environment and that Sister Conception would have played the role of his parents. However, from age seven years when he came under the care of Therese Connolly, his life disintegrated and was shattered and that, in Dr. McInerney's view, had a huge impact on the rest of his life. In that regard, Dr. McInerney had the belief that, at seven years of age, when the plaintiff was transferred to Saint Joseph's, Sister Conception went out of his life but, of course, that was not so. When this was pointed out to Dr. McInerney, she seemed to be of the view that Sister Conception had delegated her role of being in loco parentis of the plaintiff to Therese Connolly, who abused that trust. When asked to differentiate between the psychological problems suffered by Mr. Connellan, on the one hand, as a result of the abuse to which he had been subjected and, on the other, as a result of being abandoned by his parents when he was a baby and being a coloured person in a population which was essentially white, Dr. McInerney said that she had seen a lot of people who had been abandoned and placed in orphanages but, nevertheless, had done exceptionally well in life. On the other hand, she agreed that there were others in the same position who had not done well. However, insofar as the plaintiff was concerned, it was her opinion that both, personally and academically, he was affected by the culture which prevailed while he was in Saint Joseph's. Accordingly, while she accepted that the fact that he had been abandoned as a child and was coloured would have had some impact on his development, it was her opinion that the major impact had been the sexual, physical and emotional abuse to which he had been subjected while he was in Saint Joseph's and, in that regard, she said that symptoms of depression and low esteem are factors which occur in persons, who have been subjected to abuse in their earlier years, notwithstanding that they came from an otherwise stable background. Dr. McInerney added that self esteem, when one leaves school, is of huge importance because it gives one a sense of determination and decisiveness about what one wants to do in life.

26. Dr. McInerney noted that the plaintiff is currently on antidepressant medication prescribed by his general practitioner, Dr. O'Gorman, and she expressed satisfaction that that was appropriate treatment for him. In that regard, she said that she thought that Mr. Connellan should stay in contact with Dr. O'Gorman and that he needs to continue with antidepressant medication. She also thought that, as he had expressed difficulty about going to counsellors in public service, he might benefit from attending a private counsellor and she said that it is vital that he continue in employment and, in that regard, it was her belief that it would be in his better interest to be in a self employed capacity and hopefully, with psychological intervention, he would regain some confidence. In that regard, she said that Mr. Connellan has problems with concentration, motivation and drive and that that is part of the depression from which she believes that he is suffering but hopefully, will improve with the therapy which she has suggested. In that regard, she said that he was now more bubbly in his personality and more motivated and driven than he had been when she first saw him and, with ongoing therapy, she believed that his preoccupation with his former woes would lessen and that he will be able to let the feelings of anger and resentment which he presently experiences go to the extent that there would be closure.

27. Dr. McInerney said that she had had the benefit of seeing a report from a Dr. Blenner Hasset, who had examined the plaintiff on behalf of the defence, and, in the light of that report, she believes that he supported her views with regard to the plaintiff. When asked could she say how long it is likely to be before there is a significant improvement in the plaintiff, Dr. McInerney said that there would certainly be a huge improvement within a two year period.

28. Under cross examination, Dr. McInerney agreed that, when she first saw the plaintiff in February, 2003, he was not on any medication and that, although he, himself, felt that he was suffering from depression, he had never sought help for it. In that regard, she thought that he manifested symptoms of a depressive illness although, perhaps, not a profound one. In particular, she thought that his motivation, drive, concentration and, indeed, his sleep pattern was disturbed although she agreed that she had not articulated a clinical diagnosis of depression in her report on the plaintiff of the 18th February, 2003. However, that was her view and, when she saw the plaintiff on the 14th November, 2005, her diagnosis was that he had suffered severe depressions with suicide attempts. However, she agreed that she had never seen any medical records of the plaintiff prior to 2003 and that all that she had seen was his solicitor's case report. Moreover, she agreed that, insofar as she was aware, the plaintiff had no history of having had any formal treatment or admissions to any institutions in respect of psychiatric or alcohol issues. However, she said that the plaintiff, himself, had told her that he avoided therapeutic intervention and that he had difficulty attending mental health services.

29. Under further cross examination, Dr. McInerney said that it is very difficult to differentiate, or measure, the impact which the various experiences which the plaintiff had had over the years had had on him but that she thought that the sexual abuse to which he had been subjected had a huge impact on his life. However, in the absence of the sexual abuse, she could not measure how the other factors; the absence of parental support, the fact that he had been brought up in an institution and the fact that he had been subjected to racial abuse, had affected him. However, she said that he did not have a chance to do well because of the abuse. Nevertheless, she did agree that the racism which he had experienced would, undoubtedly have had some impact on him and that, as a young child, it must have been quite profound. She also agreed that the suicide of his son, David, in August, 2000, had a huge impact on the plaintiff's life and that, prior to that, he had not had counselling, nor had he been on any medication. She also agreed that the fact that Mr. Connellan had been in regular employment was indicative of a degree of wellbeing and, certainly, an ability to get on with life. However, she thought that, if he had had better schooling, he probably would have had more opportunities to do better for himself. With regard to the psychological report on the plaintiff submitted by Mr. Stephen Kealy, a clinical psychologist, which suggested that Mr. Connellan had learning difficulties and would have benefited from special needs learning, Dr. McInerney said that it was clear from his history that the nuns in Saint Joseph's did not think that he had any intellectual disability and that, having spoken to the man himself, she did not think that he was intellectually disabled in any way. In her view, had he had proper support and had he been able to concentrate, he had ability and she thought that his school reports supported that view. It was not an intellectual deficit that impacted upon his learning ability but the abuse to which he was subjected and the resultant lack of concentration. Dr. McInerney concluded her evidence by saying that she had not plans to see the plaintiff again.

30. The next witness for the plaintiff was Dr. Mary O'Gorman, the plaintiff's general practitioner. She said that she did not first see the plaintiff until 30th September, 2005 and that she took over from a Dr. Bradbury, who had seen him previously. She said that, when she first saw Mr. Connellan, he presented with symptoms of not sleeping, not eating, being unable to concentrate and, as she put it "he felt that he had had enough". She prescribed antidepressant medication for him. He had previously been on medication for gastritis and increased acid in the stomach which, in Dr. O'Gorman's view, was related to stress. He was also on sleeping tablets. Dr. O'Gorman said that, from the time that she first saw the plaintiff on the 30th September, 2005, she had seen him since and that he complained to her that he was not as good as he would like to be, that he could not sleep at night and that he was awaiting redress board proceedings which caused him anxiety. In that regard, Dr. O'Gorman agreed that these proceedings would be a stressful experience for the plaintiff. However, she thought that he was doing reasonably well considering everything. Insofar as the future was concerned, Dr. O'Gorman anticipated that the plaintiff would require treatment for some time to come; she thought 12 or 18 months, and that she would encourage him to consult other services.

31. Under cross examination, Dr. O'Gorman said that she had seen no report from Dr. Bradbury and that the history that she had obtained from Mr. Connellan was from the man himself. She said that he needed persuasion to take antidepressant medication but she was not aware whether or not he was prescribed any medication after his son committed suicide.

32. That completed the evidence for the plaintiff.

33. The first witness for the defence was Sarah Mary Nolan who told me that she is usually called Sally. She said that she was born on 26th October, 1951, that, originally, she went to school in Tullamore and that that school closed down in 1964 and that she then went to Saint Joseph's in Kilkenny. She said that she was supposed to go into sixth class but that for a variety of reasons, she stayed in fifth class. She said that she left Saint Joseph's a fortnight before her sixteenth birthday which would have been early October, 1967. She said that, when she was in Saint Joseph's, and after she had finished the Primary Certificate, she was transferred to the nursery which she described as the adoption society where she looked after babies. In that regard, the nursery was also staffed by a nun and by nurses and Ms. Nolan said that she would be required to be in the nursery most of the day, apart from meal times. However, she said that, after the children were put to bed, she often went to the boys' dormitory and taught them to sing. She agreed that she knew the plaintiff, David Connellan. Indeed, she said that he had never changed. However, she said that she never hit or beat David Connellan and that she hadn't a clue what he had said about her. She agreed that he would have been one of the boys in the dormitory who she taught to sing. When asked whether or not she recalled having any involvement with Mr. Connellan over anything, be it bed wetting or anything else, Ms. Nolan replied that she never knew that he wet the bed.

34. Under cross examination, Sally Nolan said that, originally, she was a pupil at Saint Joseph's and that she lived there as well. She said that she finished her primary education after two years; that was in the 1966, and that then she was asked to work in the nursery. She said that the boys' dormitory was on the nursery corridor. She said that she would only have been with the boys singing them songs until about five o'clock before she went on her tea break. He said that she never replaced Therese Connolly when Therese Connolly was off duty. She said that she was not being paid for her services but that, as she was living in Saint Joseph's, she was asked to help out in the nursery. She said that, on one night, she was asked to supervise the boys. She said that, on that night, there was a big meeting for the staff at the Social Services Centre and she had to take over the whole corridor. Sally Nolan then told about an intruder that she met and, to be quite frank, other than the fact that he appeared to have frightened her, I did not quite understand all the nuances of that experience. However, she said that, on that night, Therese Connolly had given her instructions to look after the boys and that, sometime afterwards, she was transferred from the nursery to the wash house. However, apart from that night, Sally Nolan said that she did not have any supervisory duties with regard to the boys. When asked who looked after the boys when Therese Connolly was on her day off, Sally Nolan said that Therese Connolly had no day off; that she was there seven days a week. However, she acknowledged that her knowledge of what was going on was a bit limited. She said that, after she was transferred to the wash house, the singing had to stop and that she had had no contact with the boys after that. Moreover, she said that she did not remain friendly with Therese Connolly.

35. Under further cross examination, Sally Nolan said that, on the one night that she was in control of the boys, she saw them going to bed and that, to do so, she just stood in the doorway of the dormitory and that was all that she had to do. She said that she didn't have a clue about bed wetting; that she did not know that some of the boys wet the bed.

36. Sally Nolan completed her evidence by saying that nobody ever called her Sally Hogan and, in reply to questions from me, she emphatically denied that she ever beat Mr. Connellan or stuck his face in wet sheets. Indeed, she said that she did not even know that he wet the bed.

37. The plaintiff was then recalled and I asked him had he seen Sally Nolan and had he recognised her as the lady who he believed to be Sally Hogan and who he said had beaten him regularly and had stuck his face in a wet sheet and he replied in the affirmative.

38. The next witness for the defence was Mr. Paul Glennon, who was formerly the vice principal at the CBS secondary school in Kilkenny. Mr. Glennon said that he recalled the plaintiff as a pupil there. He said that there was one other coloured boy in the school; his name was Alan Maharaj, whose father was an orthopaedic surgeon. Mr. Glennon emphatically denied Mr. Connellan's allegation that there had been an occasion on which he (Mr. Glennon) had produce a belt; apparently to chastise the plaintiff and that, when he did so, the plaintiff had stuck him as a result of which the plaintiff was expelled. Mr. Glennon said: "No such incident had occurred". He

said that he was quite certain of this because, at the time, Brother Cohan was the principal at the school and not a great deal of responsibility was given to the vice principals in the Christian brother system and that, under Brother Cohan, he had no responsibility for discipline. Therefore, contrary to what the plaintiff had said, other teachers would not have sent their pupils to him on disciplinary matters. With regard to the plaintiff's suggestion that he had been subjected to racial abuse from other boys at the CBS in Kilkenny in the presence of staff, Mr. Glennon said that, while he could not say that he had never suffered racial abuse from other pupils, he would say as of certainty, that it would not have occurred in circumstances where teachers stood by and did not reprimand the pupils. In this regard, Mr. Glennon agreed that he could not speak for all the other teachers but he said that he was well aware of the culture in the school; that the plaintiff was known to be a boy from Saint Joseph's and that, therefore, more care would have been taken of him and the fact that he was one of the few coloured boys in the school would also have helped to attract special care for him. Mr. Glennon was adamant that the CBS was not a school where teachers would stand by and hear boys abused. Certainly, he did not do so and he did not believe that any of his colleagues would have done so.

39. Under cross examination, it was suggested to Mr. Glennon that Alan Maharaj came from a very different social background than did the plaintiff and Mr. Glennon agreed. He also agreed that, at the time, there would not have been many other boys from Saint Joseph's at the CBS. In fact, he said that he thought that the plaintiff was the only one there at the time. He said that he was certain that the plaintiff had not been expelled from the school as a result of the incident which he had described because that incident never occurred. However, he could not say, with 100% certainty, that he had not been expelled from the school. He said that he did not believe that he had been expelled because very few pupils were expelled in those days. He said that, if David had been troublesome and if there were bad reports about him going back to the nuns, the nuns would simply have taken him from the school but it would not have been an expulsion. In that regard, he said that the nuns had a habit of sending boys and girls from Saint Joseph's to the Ballyhale Vocational School because it was a coeducational school. Mr. Glennon agreed that, in Kilkenny at the time, there was a tendency that boys from working classes or from the orphanage, went to vocational schools whereas middle class boys went to the secondary school. However, he knew of other boys; other than the plaintiff, who had gone to secondary school but he agreed that there were not many who did that. Mr. Glennon said that while he knew that the plaintiff had gone to the Ballyhale Technical School, he did not know that he had to thumb a lift to the school. While he said that he was not familiar with Mr. Connellan's school reports, he agreed with the suggestion that he was boy of modest ability who was not concentrating on his work. In that regard, he said that his recollection was that the plaintiff was a "good natured happy rascal of a youngster and quite popular with other fellow pupils and, I would have thought, with the teachers". While he agreed that Alan Maharaj would have been in a different social category from the plaintiff, his recollection was that the plaintiff was popular and that his colour was not a bar to his popularity. However, he agreed that, in provincial Ireland, there was quite a distinction made between boys coming from an orphanage and boys coming from a middle class background. Moreover, he asserted that he believed that the CBS would have done their best for the plaintiff. While he said that he could not say that the plaintiff was never subjected to racial abuse and he agreed that some boys may well have abused him, he rejected the suggestion that there would have been a culture in the school where teachers would have permitted that to happen. Mr. Glennon agreed that there was corporal punishment in the school until the year 1980 and that he would have slapped boys. However, he totally rejected the allegation which the plaintiff had made against him. Whereas he conceded that he would have slapped boys in his own class, he said that he did not have jurisdiction over boys in other classes. He could not recall whether or not he had ever slapped the plaintiff but he agreed that he might have. He said that he recalled the plaintiff because he was acquainted with him after he was a pupil at the CBS and knew him when he went to work with Ciaran Ryan and the plaintiff had sent his own sons to the school when he (Mr. Glennon) was the principal so that he had met him as a parent. He said that he thought that he might have taught him at some stage but he was not quite sure. When it was suggested to him that the plaintiff would say that he did not teach him, Mr. Glennon was prepared to accept that. He agreed that it was unusual for a boy to leave at the end of second year so that there must have been some reason why the plaintiff was removed from the school at the time that that occurred. However, Mr. Glennon was adamant that that reason was not that the plaintiff had hit him. In any event, he did not believe that the plaintiff had been expelled; that he had no recollection of it and neither, indeed, had any of the other teachers to whom he had spoken any such recollections. While he accepted that it was unusual that the plaintiff, having started off in the secondary school, would be removed, it did happen that boys went into employment and apprenticeships. Mr. Glennon also said that he did not consider it strange that the plaintiff would have been sent to Ballyhale because he knew that other pupils from Saint Joseph's had gone to that school.

40. The next witness for the defence was Mr. Dermot Curran, the current principal of the CBS in Kilkenny. He said that he recollected the plaintiff from the years 1973, 1974 and 1975 and that he actually taught him. He said that he was in the first group of boys that he taught in Kilkenny and he remembered him quite well. He said that there was one other coloured boy in the school; Alan Maharaj. He described the plaintiff as being lively but being capable of having a temper for which he probably punished him. He said that the plaintiff was of a standard of ability in keeping with the class that he was in. In that regard, he said that the school was streamed into three streams and that David Connellan was in the 1C group so that he would have been determined as being more modest in ability. Mr. Curran said that he had no knowledge of the plaintiff being subjected to racial abuse while teachers stood idly by. Indeed, he said that, by virtue of the fact that the plaintiff was very obviously black, most people, including himself, would have had a sense of protection towards him. At the same time, he could not say that the plaintiff had not been the subject of racial abuse from other boys but, insofar as he was concerned, it would not have been acceptable that a teacher, or adult, would allow such a thing to happen. When asked whether or not he knew anything about the plaintiff's alleged expulsion from the CBS, Mr. Curran said that he was very surprised to hear of it because, as far as he was concerned, formal expulsion was very much a last resort and, indeed, although he has been principal of the school for seven years, he has never had to engage in a formal process of expulsion. Mr. Curran said that, nowadays, there would be a record kept if a pupil was expelled but that such records were not kept in those days for the reason that the school did not employ an administrative assistant. However, notwithstanding the absence of a record, Mr. Curran asserted that, if an expulsion had occurred, it would be very much common knowledge among the staff and he had no recollection that the plaintiff had been expelled. He said that the plaintiff would have been 15 years of age when he left the CBS and that it was not a rarity for a boy to leave at that age. However, he could not recall the circumstances under which the plaintiff had left. Mr. Curran said that it would have been an impossibility that the plaintiff would have failed the Group Certificate while he was a pupil at the CBS because CBS pupils did not sit the Group Certificate. It was then suggested to him that the plaintiff had, in fact, sat the Group Certificate while he was a pupil at the Ballyhale Technical School and Mr. Curran agreed that that was the place he would have done it. Mr. Curran recalled that the plaintiff had had two sons, Rory and David, at the CBS.

41. Under cross examination, Mr. Curran agreed that, at the time, there was a certain snobbery in Kilkenny with regard to the school that one attended and that the CBS would be seen as a place to which one would send your son if you wanted him to get a good academic leaving certificate. He said that there was no record that Mr. Connellan had ever been expelled from the CBS and no explanation as to why he went to the Ballyhale Technical School. However, he said that, if someone was seen as having a tendency towards the manual trades, the vocational schools would have a greater attraction because employers would prefer someone with a Group Certificate than an Intermediate Certificate. Mr. Curran said that he did not realise that the plaintiff had come from Saint Joseph's until he was sometime into his first year at the CBS because there was no singling out where boys in the class came from. In other words, there was no labelling or tagging of a boy as being from Saint Joseph's. He said that streaming in the CBS was based on ability but he could not say whether or not any of the Saint Joseph's boys got out of the C stream. He added that he had never

received any complaint from boys in Saint Joseph's about improper conduct carried out by people in Saint Joseph's. Moreover, he agreed that David Connellan was bright and able. He said that they would have had their rows and that, at times, he had an inability to concentrate in class but that that would not have been a regular feature.

42. The final witness for the defence was Sister Conception who said that she had been in Saint Joseph's from 1956 and that she became resident manager in 1972. She said that, between 1968 and 1971 a Sister Vincent Ferra was in charge of the boys; having come with them from Saint Patrick's. She said that Therese Connolly was employed to help Sister Ferra with the boys. When asked did she remember Sally Nolan, Sister Conception said that she did, that she was in the school until she was 15 years of age and that, when she left school, she was in the nursery helping the nurses and other care workers. She said that Sally Nolan had no responsibility insofar as the boys were concerned although she sometimes sang songs with them. However, she said that the only persons in charge of the boys were Sister Vincente and Therese Connolly. She said that there was no such thing as time off for the sisters and when asked whether or not Therese Connolly took time off, Sister Conception said she was not sure because she (Sister Conception) was not in charge but that she felt sure that she had some hours off. In that regard, Sister Conception was asked if, in the event that Therese Connolly did take time off, who would be in charge of the boys, and her reply was Sister Vincente and that we, meaning the other nuns, would go down and help her out. Sister Conception agreed that Sally Nolan had been at Saint Joseph's until two weeks before her 16th birthday in 1967. She said that Sally Nolan had been at Saint Joseph's for three years and that, after she left school, she still lived, slept and got all her meals at Saint Joseph's but that she then used to help out in the nursery.

43. Sister Conception said that boys from Saint Joseph's, other than the plaintiff, went to the CBS and she said that she did not think that he had ever been expelled from the CBS although it may have been that he was let go a week or two early but that he was never expelled and she agreed that he then went to the Ballyhale Technical School but she did not accept that he had had to hitchhike to Ballyhale because she said there was a bus available. When reminded that Mr. Connellan had said that he never knew that he had passed the Group Certificate, Sister Conception said that she could not remember but that she was sure that everyone would have been delighted when he passed it; the implication being that he must have been told.

44. Under cross examination, Sister Conception said that her memory of the material time was quite good. She said that she was very fond of David Connellan and kept up a friendship with him over the years. She said that her memory was helped by the fact that she took notes with regard to the girls' birthdays. She said that she was surprised at Sally Nolan's suggestion that Therese Connolly never had any time off and that, insofar as looking after the boys was concerned, Sally Nolan's involvement was just entertaining them and that she could not say that Sally Nolan ever supervised them and, certainly, she had no responsibility for the boys. Moreover, Sister Conception would not agree that Sally Nolan looked after the boys if and when Therese Connolly had time off. Neither could she say, as Sally Nolan had said, that there was one night upon which she was asked to look after the boys. Insofar as Sister Conception was concerned, Sally Nolan was only a child at that stage and did not have any responsibility for looking after the boys. Under further cross examination, Sister Conception said that, at the time, she had no idea that Therese Connolly was misbehaving in a very serious way towards Mr. Connellan and neither did she know what David Murray had been up to. Indeed, she agreed that there were a lot of things going on in Saint Joseph's at the time that she was not aware of. With regard to the plaintiff's evidence that he had to hitchhike to Ballyhale Technical School, Sister Conception said that she did not expect the boys to hitchhike and, if it happened, it did not come to her attention. She also said that she did not remember teachers making unkind comments to the plaintiff in relation to his colour.

45. That was the end of the evidence and counsel on behalf of the defence handed into the court, the Group Certificate awarded to the plaintiff in 1976.

Facts in Issue

46. With one exception, the defence did not challenge the plaintiff's evidence with regard to the abuse, both sexual and physical, which he alleged that he had received at the hands of Therese Connolly; the one exception being that the defence did not concede that Therese Connolly had locked the plaintiff in a cubby hole on ten to twenty occasions during the three year period that he was under her control. The expressed reason for rejecting that allegation was that it was first introduced by the plaintiff when he gave evidence before me on the 2nd day of December, 2005 and was not included in any particulars furnished by or on his behalf prior to that date. For the same reason, the defendants maintained that the plaintiff's claim with regard to those allegations, which it was submitted amounted to false imprisonment of the plaintiff, was statute barred. However, the plaintiff was never challenged that those events did not take place. Again, while the defence did not challenge the plaintiff's evidence with regard to the physical abuse which he said that he had experienced at the hand of David Murray, they did not concede that, as the plaintiff also alleged, Mr. Murray had indecently assaulted him on three occasions. That allegation was also rejected for the reason it was not included in any particulars furnished on behalf of the plaintiff prior to the trial of these proceedings and was first introduced by the plaintiff in the course of his evidence on the 2nd December, 2005. For the same reason the defence contended that that complaint, also, was statute barred. The defence did not challenge the plaintiff's evidence with regard to the sexual assault which he alleged that he had experienced at the hands of Breffney O'Rourke but did not concede that Mr. O'Rourke had physically beaten the plaintiff on twenty occasions in a five month period which the plaintiff also had said. Again, that allegation was rejected by the defence for the reason that it was first introduced by the plaintiff in the course of his evidence on the 2nd December, 2005 and, accordingly, if it had happened, the defence maintained that the plaintiff's claim in respect thereof was also statute barred. The defence also complained that, in the course of his evidence on the 2nd December, 2005, the plaintiff gave evidence of racial abuse which he had experienced at the hands of a variety of persons but, particularly, at the hands of Therese Connolly and Sally Nolan, or, as the plaintiff called her, Sally Hogan; allegations which he was then making for the first time and which the defence did not accept and, in any event, claimed were statute barred. Finally, the defence totally rejected the plaintiff's evidence that he had been the victim of a multiplicity of physical assaults at the hands of Sally Nolan, or as he called her Sally Hogan; again, for the reason that these allegations were first made in the course of the plaintiff's evidence on the 2nd December, 2005 and, again, the defence maintained that, had the plaintiff suffered that physical abuse at the hands of Sally Nolan any claim that he had in respect thereof was statute barred. Apart from the foregoing, the defence accepted liability for the physical and sexual abuse which the plaintiff said that he had experienced at the hands of Therese Connolly, for the physical abuse that he said that he had experienced at the hands of David Murray and for the sexual abuse that he said that he had experienced at the hands of Breffney O'Rourke and they acknowledge their liability to compensate the plaintiff in respect of those matters and the sequela thereof. However, they did not accept that one of those sequela had been that the plaintiff lost an element of educational and vocational opportunity because, again, that claim was first introduced in the additional particulars delivered on behalf of the plaintiff on the 9th day of January, 2006 and, in any event, the defence did not accept the plaintiff's assertion that he had been expelled from the CBS secondary school in Kilkenny or that he had failed the Group Certificate.

47. Insofar as the factual conflicts identified above are concerned, I have no doubt but that the plaintiff was wrong when he said that he had failed the Group Certificate. Quite clearly, he succeeded in passing that examination but I am not persuaded that he was ever made aware of the fact that he had passed it. He was adamant that he had never been made aware of that fact and, to be quite frank, I was impressed by his insistence in that behalf. Moreover, it appears from the several reports submitted by his doctors and by his vocational consultant, Susan Tolan, that he consistently told them that he had never passed an examination. In those

circumstances, notwithstanding Sister Conception's belief that he would have been told that he had passed the Group Certificate, I do not believe that he ever was. On the other hand, neither do I believe that the plaintiff was expelled from the CBS secondary school in Kilkenny. To be quite frank, I have no clear picture from the evidence which I heard as to why he left the CBS and went to the Ballyhale Technical School but, insofar as he alleged that he was expelled from the CBS and the reason which he gave for that expulsion, I prefer the evidence of Paul Glennon and Dermot Curran. While neither of these men was prepared to say that they were 100% certain that Mr. Connellan had not been expelled from the school, both were firmly of the belief that he had not been expelled and the reasons which they gave for that belief impressed me. In any event, I preferred Mr. Glennon's evidence that, contrary to what the plaintiff had stated, Mr. Connellan had never struck him after he (Mr. Glennon) threatened to punish the plaintiff with a belt, which, of course, he also denied doing.

48. While it was suggested to the plaintiff under cross examination that he had not mentioned the additional allegations which he made against David Murray and Breffney O'Rourke in the course of the evidence which he gave on the 2nd December, 2005, when he made statements to the gardaí; the plaintiff's response being that, insofar as David Murray was concerned, the Gardaí were not interested in what might have happened and, insofar as Breffney O'Rourke was concerned, the gardaí were not interested in physical abuse, the plaintiff was not challenged that those events did not occur. That being so and given that it was accepted that, during his period at Saint Joseph's, the plaintiff was the victim of both physical and sexual abuse, I am inclined to believe that he did suffer at the hands of Messrs. Murray and O'Rourke as he said that he did and I am not convinced that, given the history of those two men, the defence should have been very surprised at those allegations. For those reasons, I am satisfied that those events did occur and, while they were not articulated in the statement of claim delivered herein, I am not persuaded that the plaintiff's claim in respect thereof is statute barred.

49. Insofar as the plaintiff's allegations with regard to the abuse which he maintains that he suffered at the hands of Sally Nolan or, as he called her, Sally Hogan, is concerned, I can well understand how the plaintiff, who was only seven years of age at the time, could have mixed up the surnames.

50. However, in the light of Sally Nolan's own evidence and, indeed, that of Sister Concepta, I am convinced that Mr. Connellan is mistaken when he says that he was abused by Sally Nolan. It may well be that, in addition to being abused by Theresa Connolly, Mr. Connellan was also abused by some other woman although, as the evidence before me suggests that the only other females who were in charge of boys were the nuns, I rather doubt that. However, that as it may be, I am not at all convinced that he was abused by Sally Nolan and I think that he was mistaken when he identified her as being one of his abusers. There are a number of reasons why I have come to this conclusion. In the first place, the import of Mr. Connellan's evidence is that he was abused by Sally Nolan (Hogan) over the same period of time as he had been abused by Theresa Connolly i.e. three years, whereas I am convinced by the evidence of Sally Nolan, herself, and by that of sister Concepta that Sally Nolan left Saint Joseph's shortly before her sixteenth birthday in October 1967 whereas the plaintiff only arrived in Saint Joseph's in September 1966. Accordingly, the two of them could only have been at Saint Joseph's at the same time for a little over one year; not three years. In this regard, I am also influenced by the fact that the plaintiff described the woman, who he called Sally Hogan, as being twenty eight or thirty years of age whereas, when Sally Nolan was at St. Joseph's, she was under sixteen years of age. In addition, I cannot understand how if, as the plaintiff alleges, he was abused, both physically and racially, for a three year period by Sally Nolan (Hogan), this fact was not mentioned to anyone; not in the pleadings and not in the reports of his doctors or his vocational consultant, before he got into the witness box on 2nd December, 2005. In any event, I am persuaded by Sally Nolan's denial that she never abused the plaintiff, and that she was ever in charge of him, and by Sister Concepta's evidence that Sally Nolan had no responsibility with regard to the boys that David Connellan was not abused by Sally Nolan.

51. With regard to the allegation that Theresa Connolly had locked the plaintiff in cubby-holes on a number of occasions over the three year period during which he was under her control, while this allegation did not emerge until the plaintiff gave evidence on 2nd December, 2005, given that it is accepted that he was abused in a variety of ways by Theresa Connolly, and that he was never challenged that that did not happen, I am inclined to accept that it did happen. In that regard, when a person is pursuing a claim for compensation arising from abuse which he/she has experienced at the hands of another and the nature of that abuse is multiple and varied, as was the abuse to which Mr. Connellan was subjected by Theresa Connolly, I do not think it necessary that the victim identify each and every incident of abuse in advance of the trial of his/her action before he/she was entitled to rely on it in support of his/her claim. For the same reason, I reject the contention on behalf of the defence that the allegations of racial abuse which the plaintiff made in the course of his evidence on 2nd December, 2005, cannot properly be entertained by me when considering his claim herein.

Conclusions

52. In the light of the evidence which I have heard, I have no doubt whatsoever, that, over a five year period, while he was a resident at St. Joseph's, Kilkenny i.e. when he was in St. Joseph's, itself, and when he was in Summerhill, he was subjected to physical, sexual, emotional and racial abuse at the hands of Theresa Connolly, David Murray and Breffney O'Rourke; abuse which was vicious and demeaning over a long period of time and was calculated to kill his spirit, as it did. I am equally satisfied that, as a result of that abuse, the plaintiff lost his self esteem, confidence and his ability to trust people; that he lacks stability and that he is riddled with indecision and is very much a loner. I am also persuaded that this abuse affected his ability to concentrate when he was at school with the result that, educationally, he never achieved his potential and is now less capable as an administrator than he might have been were it not for that abuse. In this regard, in the light of the evidence of Dr. McInerney coupled with that of Mr. Paul Glennon and Mr. Dermot Curran I am not persuaded, despite the suggestion of Mr. Stephen Kealey, the Consultant Psychologist, that the plaintiff had learning difficulties when he was at Saint Josephs. While I accept that he has had emotional problems as a result of that abuse which necessitated appropriate medication and counselling which is ongoing, I am not persuaded that he had, or has a significant problem with alcohol on account of it, as he asserted, for the reason that he does not appear to have required any medical help in that regard and was never institutionalised on account of over indulgence of alcohol. While I do not doubt that the fact that he was abandoned by his parents, that he was institutionalised for the first sixteen years of his life and that he was a coloured person in a predominantly white environment significantly inhibited his emotional and educational development, nevertheless, having regard to the severity of the abuse to which he was subjected and the fact that it was ongoing for a long period of time, I am satisfied that it was the abuse, rather than the other matters, which predominantly affected his development and which is primarily responsible for his current educational and emotional problems. In fact, notwithstanding the appalling ill treatment to which he was subjected in the course of his upbringing and the problems which that brought in its wake, it seems to me that David Connellan has done remarkably well in life, in that, since he left school, he has rarely been unemployed; albeit that some of the jobs which he got were well below his capabilities, that he sustained a marriage for twenty two years and that, so far, two of his children have been very successful in their careers. To that extent, it seems to me that he has had the fortitude to be able to overcome some of the unhappy events which he experienced in the course of his upbringing.

53. I also feel that the tragic death of his son, David, contributed to some of his past and present emotional problems. Nevertheless, his period at Saint Josephs was, in my view, a very hard cross to bear and if he is to be properly compensated for all the wrongs to

which he was subjected during that period and the knock on effect which those wrongs have had on him since that time and are likely to have on him for some time into the future, I believe that only a substantial sum of money would be appropriate. In that regard, as laid down by the President of the High Court, Mr. Justice Finnegan, in the case of *Noctor v. Ireland & Others* [2005] 1 I.R. at p. 433 where, as in this case, damages are claimed under the headings of negligence, breach of duty, assault and breach of and failure to vindicate constitutional rights, the award has to comprehend each of those headings and, in assessing the amount to which I think that the plaintiff is entitled, I propose to do just that. I also propose to have regard to the regulations made under the Residential Institutions Redress Act, 2002, (Assessment of Redress) Regulations, 2002, because I think that the provisions of those regulations have a relevance in this case although I do not consider myself in anyway bound by them. Although no out of pocket expenses have been proved by the plaintiff nor, indeed, has he sought to quantify any future expenditure attributable to ongoing psychological problems, his psychiatrist, Dr. McInerney, gave evidence that it was appropriate that he should continue to take anti-depressant medication and that he would benefit from attending a private counsellor. In my view, that is a reasonable suggestion and, accordingly, when assessing the plaintiff's compensation for the future, I propose to build into it a figure to cover the costs of future medication and counselling. In addition, counsel for the plaintiff has submitted that this is a case in which it would be appropriate to award aggravated damages. In the case of *Conway v. Irish National Teachers Organisation* [1991] 2 I.R. at p. 305, Chief Justice Finlay stated:

"Aggravated damages being exemplary damages increased by reason of;

- (a) The manner in which the wrong was committed, involving such elements of oppressiveness, arrogance and outrage or
- (b) The conduct of the wrongdoer after the commission of the wrong, such as a refusal to apologise or to ameliorate the harm done or the making of threats to repeat the wrong or
- (c) Conduct of the wrongdoer and/or his representatives in the defence of the claim of the wronged plaintiff, up to and including the trial of the action.

54. Such a list of circumstances which may aggravate compensatory damages until they can properly be classified as aggravated damages is not intended to be in any way finite or complete. Furthermore, circumstances which may properly form an aggravating feature in the measurement of compensatory damages must in many instances be in part a recognition of the added hurt or insult to the plaintiff who has been wronged. It is in part also a recognition of the cavalier or outrageous conduct of the defendant."

55. While doubts have been expressed as to whether aggravated damages should be awarded in negligence claims (see the Judgment of Keane C.J. in *Swaine v. Commissioners of Public Works* [2003] 1 I.R. at p. 521) McCracken J. in the course of a judgment which he delivered in a case of Philip v. Ryan [2004] 4 I.R. at p. 257 stated that he had no doubt but that, in an appropriate case, such damages can and should be awarded. While Finnegan P. in the course of his judgment in *Noctor v. Ireland*, hereinbefore referred to, seems to suggest that it would not have been appropriate for him to award aggravated damages in that case, he, nevertheless, said that the award of general damages which he made was intended to take into account all the circumstances which surrounded the sexual and physical abuse to which the plaintiff in that case had been subjected. That seems to me to suggest that, in fact, he included an allowance for aggravated damages in the award of general damages which he made. However, whether or not he did so, it seems to me that, in this case, whatever about the abuse to which the plaintiff was subjected at the hands of David Murray and Breffney O'Rourke, that to which he was subjected at the hands of Theresa Connolly had elements of oppressiveness, arrogance and outrage of the type contemplated by Finlay C.J. in the course of his judgment in *Conway v. Irish National Teachers Organisation*, hereinbefore referred to, and accordingly, is deserving of aggravated damages. In that regard, I would refer to the fact that, in addition to the physical and sexual abuse to which the plaintiff was subjected at the hands of Theresa Connolly, she taunted him making him sing a song "I'm nobody's child", she abused him racially, she instilled in him that he was totally under her control, that she could do with him whatever she wanted and that all the abuse to which she subjected him was done in the presence of other boys. If that is not arrogance and outrage deserving of aggravated damages, I do not know what is.

56. In all the foregoing circumstances, for the five years during which he was subjected to abuse at the hands of Theresa Connolly, David Murray and Breffney O'Rourke and for the consequential loss of self esteem, loss of confidence and failure to achieve educational potential, I will award the plaintiff the sum of €200,000 for general damages. For the future, allowing that he is going to continue to experience emotional problems attributable to his experience at Saint Josephs, for the next two years or so and that, during that period, is going to have to purchase anti-depressant medication and to pay for private counselling I will allow a sum of €50,000 for general damages. On top of all that, I will allow a sum of €50,000 for aggravated damages. Accordingly, there will be judgment for the plaintiff for €300,000.