



# Royal College of Surgeons in Ireland.

## TWENTIETH ANNUAL REPORT OF THE COUNCIL.

THE Council have to report that, since their election on the 2nd of June, 1862, they held 29 Meetings, at which the number of attendances of each Member of Council was as follows:—

			<i>Meetings.</i>
The President, Thomas L. Mackesy	...	...	13
The Vice-President, William Colles	...	...	27
Arthur Jacob	...	...	29
William Hargrave	...	...	29
Robert Adams	...	...	14
James Barker	...	...	25
John H. Power	...	...	23
Philip Bevan	...	...	25
Hans Irvine	...	...	16
Edward Hutton	...	...	14
Robert Pentland	...	...	6
Samuel G. Wilmot	...	...	12
Awly P. Banon	...	...	26
Peter Shannon	...	...	23
Rawdon Macnamara	...	...	24
Hamilton Labatt	...	...	29
Josiah Smyly	...	...	25
Benjamin M'Dowel	...	...	22
Maurice H. Collis	...	...	24
Edward Ledwich	...	...	28
William Jameson	...	...	29

The Council have to report that, during the year ending the 5th of April, 1863, 4 candidates were admitted to the Fellowship of the College, and 109 gentlemen received Letters Testimonial. One Fellow and 43 Licentiates obtained the Diploma in Midwifery. Twenty-eight candidates for Letters Testimonial were rejected.

The Council regret to have to announce the deaths of the following Fellows and Licentiates since the date of the last Report, viz. :—Drs. Bevan, Dowsley, Healy, Macdonnell, M'Dowell, Quin, Adrien, Brice, O'Brian, Carbery, Cleary, Cane, Drought, Fisher, Jamieson, Nelson, Ovenden, Broughan, Turner, and Woods.

The entire number now on the lists of the College amounts to 380 Fellows and 1,453 Licentiates.

The Council beg leave to submit an Abstract of the Income and Expenditure of the College for the past year, ending 5th April, 1863, and they place on the table a detailed account.

# ABSTRACT of the Totals of Income and Expenditure under

## Receipts.

Balance of Account ended 5th April, 1862	...	..	..	..	£866 15 1
Fees on Matriculation of 24 Pupils @ 5s. each	...	..	..	£6 0 0	
Do. do. of 72 do. @ 10s. each	...	..	..	36 0 0	
Do. Registration of 134 Students	...	..	..	703 10 0	
Do. 146 Candidates for Letters Testimonial	...	..	..	3066 0 0	
Do. 4 do. for Fellowship	...	..	..	115 10 0	
Do. 6 do. for Midwifery	...	..	..	12 12 0	
Dividend on £2,041 3s. 9d., New Three per Cent. Stock, to					
8th April, 1862, less Income Tax	..	..	..	29 9 4	
Dividend on £2,041 3s. 9d., New Three per Cent. Stock, to					
10th October, 1862, less Income Tax	...	..	..	29 9 4	
Half-year's Interest on £10,000, Bookey's Mortgage, to					
August, 1862, less Income Tax	..	..	..	204 10 7	
Half-year's Interest on £10,000, Bookey's Mortgage, to					
February, 1863, less Income Tax	..	..	..	204 10 7	
					£4407 11 10

## CARMICHAEL FUND.

Dr.

To Cash in Bank on 5th April, 1862	...	£391 19 0
To Dividend for half-year, to July, 1862, on £3,608 17s. 4d. 3 per Cent. Consols, less Income Tax	...	52 2 1
To Dividend for half-year, to January, 1863, on £3,608 17s. 4d., 3 per Cent. Consols, less Income Tax	...	52 2 1
		<u>£496 3 2</u>

By Balance to Credit in Bank, on 5th April, 1863	..	£496 3 2
		<u>£496 3 2</u>

12  
26

126

£5274 6 11

## MUSEUM.

*Report of the Curator to the Council, for the year ending the 5th of April,  
1863.*

Gentlemen,

The Museums not having been open to the public for the last three months, has caused a decrease in the number of visitors: 1,700 have availed themselves of this privilege during the past year. Foreign visitors and medical classes have been admitted on all occasions. At the conversazione of the College, held on the 23rd of April, 1862, the Museums were visited by his Excellency the Lord Lieutenant and numerous guests, and his Excellency was pleased to express himself gratified by his visit. During the past year 100 preparations have been added to the collection, and 335 old ones repaired. Contributions have been received from the Royal Dublin Society, Drs. Benson, Byrne, Carte, Darby, Robert M'Donnell, Frazer, Ferguson, Geoghegan, Hargrave, J. S. Hughes, Hamilton, Jacob, Morgan, Minchin, Mitchell, Macnamara, Purefoy, Potter, Power, Quinan, Tufnell, Tyrrell, Sawyer, Stapleton, Sweetman, Mr. Fleury, Mr. Heath.

For the manner in which the duties of the Curator have been performed, I beg leave to refer to the Museum Committee, and would "pray to be re-elected for the ensuing year."

I have the honour to be, gentlemen,

Your obedient servant,

JOHN BARKER, M.D., T.C.D.,  
Curator.

To the President and Council of the  
Royal College of Surgeons in Ireland.  
April 30th, 1863.

## LIBRARY.

*Report of the Library Clerk to the Council of the Royal College of Surgeons,  
for the year ending 5th April, 1863.*

Gentlemen,—I beg leave to report that 46 Journals and Transactions of Societies, and 371 other works, in all 416 volumes, have been added

to the Library. During the past year, 138 volumes have been bound, and a Catalogue of the newly purchased books is laid upon the table.

The following gentlemen have contributed to the Library during the past year:—Drs. Boeck, Massy, Collis, Hood, J. M. O'Ferrall, T. M. Barry, Hood, Frankes.

The following donations have been also received:—"Transactions of the Medical and Physical Society of Bombay;" "Deaths in Bombay;" "London University Calendar, 1863;" "Australian Medical Journal;" "Army Medical Department Statistical, Sanitary, and Medical Report, 1862;" "Journal of the Geological Society of Dublin;" "Transactions of the Royal Irish Academy, part 2nd, vol. 24;" Boeck, "Recherches sur la Syphilis;" Massy, "Analytical Ethnology;" Collis, "Retrospect of Surgery;" Hood, "Statistics of Insanity;" "Sir Henry Marsh on the Stomach," by Major Sir Henry Marsh; J. M. O'Ferrall, "Surgical Scrotal Tumours;" T. M. Barry, "Registration of Births and Deaths in Ireland;" "Richmond Lunatic Asylums Report," from Resident Medical Superintendent; "Freke, on the Origin of the Species."

The number of readers in Pupils' Room during the past year has been 320; the number of books borrowed, 540.

I am, sirs, your obedient servant,

JOHN MACLEAN, Library Clerk.

*The recent Orders of the Poor Law Commissioners altering that part of their General Regulations which relates to the Qualification for the Office of Medical Officer of a Workhouse or a Dispensary District.*

Your Council have anxiously directed their attention to the above regulations, by which Fellows and Licentiates of this College are disqualified as candidates for the appointment of surgeons to workhouse hospitals and dispensaries, unless they hold degrees, licenses, or diplomas in medicine as well as surgery; and eminent counsel have been consulted on the subject, some of whom have not as yet sent in their opinions. The Council, therefore, cannot yet report to the College, at length, on this matter, but will do so as soon as it can be done with advantage to the College.

*Preliminary Examination.*

At a meeting of Council, held on October 15th, it was resolved—

“That, in consequence of the proceedings of the General Medical Council, in May, 1862, the resolution of this College, requiring students to pass the preliminary examination before commencing their professional studies, be suspended until further notice.”

At a meeting of Council, held on June 20th, a Report, which lies on the table, from the Committee appointed to confer with the Examiners in General Education, was brought up and adopted.

*Examination for Letters Testimonial and Fellowship.*

At a meeting of Council, held on February 20th, it was resolved:—

“That in addition to the oral examinations, candidates for Letters Testimonial shall, subsequent to the 1st of May, 1863, be required to give written answers to written or printed questions, to be delivered to them in such manner as the Council may direct.”

The foregoing resolution has since been modified by the following resolution:—

At a meeting of Council, held on April 28th, it was resolved—

“That it shall be optional with all students who have entered the profession previous to the 20th November, 1861, to avail themselves, or otherwise, of the proposed written examination.”

At the same meeting it was also resolved—

“That a course of Botany be required from the candidates for Letters Testimonial on and after the 1st of August, 1864.”

At the same meeting it was also resolved—

“That candidates for the certificate of proficiency in general education shall, if rejected, be re-admitted to examination without a further fee.”

At a meeting of Council, held on August 1st, it was resolved—

“That candidates for the Fellowship of the College, who cannot produce the certificate of attendance on a course of lectures on Natural Philosophy, as required by the bye-laws, shall, if graduates in arts of Trinity College, Dublin, produce certificates of attendance at the undergraduate lectures, or examinations in mathematics, physics, and experimental physics, or the lectures delivered by the Professors of Natural and Experimental Philosophy.”

At the same meeting it was resolved—

“That, as provided for the examination of candidates for the Letters Testimonial of the College, candidates for the fellowship, being fellows or licentiates of a college of physicians, or graduates in medicine of a university; and having been examined in materia medica and the practice of medicine, shall not be again examined on these subjects by the Court of Examiners of this College.”

#### *Midwifery Diploma.*

At a meeting of Council, held on February 6th, it was resolved—

“That two guineas be paid as a fee to the College by each candidate who obtains the diploma in midwifery on and after this date.”

At a meeting of Council, held on February 20th, the following resolution was passed, viz. :—

“That it be recommended to the Council that one Councillor shall in future attend the examination of candidates for the midwifery diploma of the College, and receive the same remuneration as each of the examiners.”

#### *Fees to Medical Witnesses.*

At a meeting of Council, held on February 20th, the following Report was brought up by the Witness Committee (consisting of Drs. Jacob, Hargrave, Power, Macnamara, M. H. Colles), appointed to take into consideration the question of the fees that should be paid to medical witnesses for attendance and giving evidence in the several courts of law and justice in Ireland, and adopted :—

*Report of the Committee appointed to take into consideration the question of the Fees that should be paid to Medical Witnesses for attendance and giving evidence in the several Courts of Law and Justice in Ireland.*

Your Committee have to report to the Council that they have taken this subject into their best consideration, and, as the result, find that the attendance of Medical Witnesses may be reduced under the following two heads, viz. :—First, where they are required to give evidence of medical facts of which they may have had previous cognizance; second, where they are summoned as experts to hear the evidence, and then to express upon it their scientific opinions. Your Committee thus draws a wide line of demarcation between these two cases; and a third, where a medical man is summoned, as any other ordinary witness, to depose to general facts, which, in the course of every-day life, may have come within his knowledge—a duty, for the discharge of which, he is as liable as any other citizen. For this last case, they claim no special remuneration; but for the first two, your Committee think it but just that the Medical Witness should be fairly remunerated; and with this object, they would suggest that the following course should be adopted :—

In the case of a medical man summoned as an expert, the amount of fee must vary with the individual circumstances of each case; and the value set upon his own services by the Medical Witness never can be otherwise arranged than by an agreement with the party requiring such services. In such a case, however, it will always be advisable for the Medical Witness, for his own security, and with the view of avoiding future unpleasant differences, to obtain either payment beforehand or a letter of guarantee from the solicitor conducting the case, to the following effect :—

Date,

Name of case,

Sir,—My client and I desire that you will hold yourself in readiness to attend as a Medical Expert in this trial shortly about being held. In the event of your doing so, and in consideration thereof, I personally undertake to pay you on demand                      guineas for each day, or portion of each day, that you may, in pursuance of a requisition from me, come down to court, and that even though your presence be unnecessary on any or all of such visits.

In the case of a witness summoned to give evidence as to medical facts of which he has had cognizance, your Committee are of opinion that the

most likely way to secure just payment for such services is, by interesting, on our behalf, the members of the Council of the Incorporated Society of Solicitors in Ireland—a body for many reasons most anxious for an equitable adjustment of this question, and who, by their influence and position, are so situated as to bring the entire subject under the favorable consideration of the Judges of the several courts, and of the law officers of the Crown, by whom, ultimately, this question can only be settled. This, your Committee, are of opinion, will be best done by addressing to that respectable body a letter to the following effect, signed by your Secretary, on behalf of the Council :—

“ Royal College of Surgeons in Ireland,  
Dublin, April 23rd, 1863.

“ Gentlemen,—I am directed by the President and Council of the Royal College of Surgeons in Ireland, to bring under your notice, what cannot but be considered a great grievance on the entire body of the medical profession in this country, the great difficulty, and, in but too many instances, the absolute impossibility of securing suitable remuneration for their services when summoned to give evidence on medical subjects in our several courts of law and justice. The Council desire to draw a marked difference between the position of a medical man giving his evidence on any affair of every-day life, and the same man giving skilled, scientific evidence. In the former case they admit that it is but discharging a duty required of him, as of every citizen, as the price of the state of civilization which he enjoys, and for the discharge of this duty they demand no special remuneration; but in the latter case they contend that the witness is doing far more than giving simple evidence: he is giving the result of that scientific knowledge and professional skill and experience which he has hardly learned and dearly paid for, and for their exercise, for the benefit of either a plaintiff or a defendant, they insist upon it that it is but an act of simple honesty that he should be fairly remunerated.

“ The justice of this demand has been very generally admitted, and the only ground on which payment hitherto has been evaded is, the allegation but too frequently made in our law courts, that some judge, somewhere in England, decided that such witnesses should not be paid for such services. Admitting for one moment the accuracy of this statement, the Council submit that, after all, this is but judge-made law, depending on no existing Act of Parliament, and if it be competent for one judge so to

rule, it is equally competent for our Irish judges to come to an exactly opposite decision. And, although the Council are not in a position to contradict this statement, they are prepared positively to assert that such is not the practice pursued in England, nor yet is it the law there ever since the passing of the English Common Law Procedure Act, 15 & 16 Vic., cap 76; and they can also adduce evidence to prove the fact of an English judge having expressed an opinion diametrically opposed to that so frequently, and yet so vaguely quoted, to bar our just claims, for they find that Vice-Chancellor Page Wood says, in *Clarke v. Gill*, reported in 1st Kay and Johnston's Reports, p 21 (July 24, 1854)—‘I have made enquiry of the highest authority at Common law, and have, in consequence, obtained the opinion of Mr. Bunce, one of the Masters of the Court of Queen's Bench, and neither of them has any doubt that a professional witness has a right to demand compensation for his loss of time before being sworn. I have the following written statement from Mr. Bunce’ :—

“ ‘ STATEMENT.

“ ‘ A medical witness residing in London is entitled to require for his expenses for attending to give evidence in London, one guinea a-day and no more. If the witness has to come to London from a distance, then three guineas a-day, and what is paid for travelling expenses. The rule that a witness is bound to attend and give his evidence when he lives in the same town, on payment of one shilling, is no longer law ever since the late Acts of Parliament, and, particularly, since the 15 & 16 Vic., cap. 76 (the English Common Law Procedure Act), under which a scale of allowances, to different witnesses, according to their station in life, has been prepared and approved by the judges; and though the scale is not in terms expressly applicable to witnesses in equity, no doubt the taxing officers of that court would regulate the allowances upon the same basis if the witness refuses to attend unless his expenses are first paid. One guinea a-day would be all that he could claim.’

“ Now, gentlemen, the Council contend that the above reasoning is equally applicable to Ireland, except that the judges here have not settled a scale of fees for witnesses as the English judges have done; but they submit that it is perfectly competent for the Irish judges to do so, as they can do it by a simple order under the 233rd section of the Irish Common Law Procedure Act, 1853; and their object in now addressing you on this sub-

ject is, to try and induce your honourable Society to move in the matter, and to influence our Irish judges to remove a crying injustice under which the members of our profession have but too long laboured; and should you kindly enter into their views, the Council would suggest that a uniform fee of three guineas per diem, together with reasonable travelling expenses, for non-resident witnesses (whilst, in many instances, far below what gentlemen in large practice or of standing in the scientific world should expect), would, perhaps, best meet the claims both of the mass of the profession and the public at large.

"I have the honour to remain, gentlemen,

Your obedient humble servant,

"JAMES STANNUS HUGHES, M.D.,

*Secretary of Council.*

"To the Incorporated Society of the  
Attorneys and Solicitors of Ireland."

The following answer to the letter addressed to the Incorporated Society of the Attorneys and Solicitors of Ireland, on the subject of the payment of medical witnesses, was received, viz. :—

"The Incorporated Society of the  
Attorneys and Solicitors of Ireland,

Solicitor's Buildings, Four Courts,

Dublin, 11th day of March, 1863.

"Sir,—I am directed to acknowledge the receipt of your letter of the 23rd ultimo, and having submitted it to the Council of this Society at their meeting this day, have been directed to inform you that they are of opinion that the President and Council of the Royal College of Surgeons in Ireland should memorial the judges to make an order such as they suggest; and that if any reference should be made to this Council, they will support the views of the Royal College of Surgeons.

"I have the honour to be, sir,

"Very faithfully, your obedient servant,

"EDWARD ILES, *Hon. Sec.*

"To James Stannus Hughes, Esq., M.D.,  
Secretary of Council, College of Sur-  
geons, St Stephen's-green, Dublin."

In accordance with the foregoing suggestion, a Memorial was addressed to the Irish Judges, to which no answer has as yet been received.

*Sir Bernard Burke's Opinion as to the Occasions on which the Mace of the College should be used.*

“Record Tower, Dublin Castle,  
11th December, 1863.

“I am of opinion that the mace, allowed to the College of Surgeons, Dublin, by the supplemental charter, 7 Vic., sec. 21, should, by analogy with the sceptre of the Monarch, and the maces of the Lord Chancellor and the Lord Mayor, be used as the symbol of the dignity and authority of the whole body corporate, on such occasions *only* as the College assembles in its corporate capacity, under its President or Vice-President. It seems to me that it would be inconsistent with the proper meaning of this mark of authority and distinction to use it in any of the proceedings of the College at which neither the President nor Vice-President was present.

“J. BERNARD BURKE.”

*The Albert Hall.*

At a meeting of Council, held on January 23rd, it was resolved—

“That the bust of his late Royal Highness the Prince Consort be placed in the Examination Hall, which shall in future be called ‘The Albert Hall,’ and that the following shall be the inscription on the pedestal: ‘Albert, Prince Consort, 1861.’”

*Periodical Meetings of the College.*

At a meeting of Council, held on August 15th, it was resolved—

“That as nothing has occurred necessary to report to the College, the Fellows be not convened on the first Monday in September.”

At a meeting of Council, held on December 12th, it was resolved—

“That in consequence of the most important matters being under the daily consideration of the Council, the next quarterly meeting be not convened.”

### *Museum of Materia Medica.*

The Council have to report that they have purchased, for the use of the College, the very valuable Museum of the Professor of Materia Medica, for the sum of 100 guineas.

### *Microscope.*

The Council have further to report that they have purchased, at an expense of £140, the very powerful and complete Microscope belonging to the late Mr. Bergin, which they hope will be found an acquisition to the College. The Microscope has been committed to the charge of the following gentlemen, as members of the “Microscopic Committee,” viz. :—

The Vice-President, Drs. Jacob, Hargrave, Power, Bevan, Benson, Macnamara, Labatt, Colles, Ledwich, Jameson, M'Dowell.

### *Social Science Association.*

At the meeting held on January 9th, it was resolved—

“That the President and Dr. Hargrave, with the Secretaries of the College and Council, be requested to co-operate with the deputation of Social Science Association.”

The President subsequently reported that he had attended the deputation of the Social Science Association, to Sir Robert Peel, on the part of the College, respecting the intended introduction of a measure into Parliament for the registration of births, deaths, and sickness in Ireland,

and read certain resolutions, which lie on the table, drawn up and handed by him, to Sir Robert Peel, who promised to take them into his favourable consideration.

*Address to their Royal Highnesses the Prince and Princess of Wales.*

The following Address was presented to the Prince and Princess of Wales on the 29th of April, 1863, by a Deputation, consisting of Dr. Mackesy, President; Dr. Adams, Surgeon in Ordinary to the Queen in Ireland; and Dr. Hutton, Secretary to the College, accompanied by the Mace Bearer :—

“To their Royal Highnesses the Prince and Princess of Wales.

“The Humble Address of the President and Council of the Royal College of Surgeons in Ireland.

“**MAY IT PLEASE YOUR ROYAL HIGHNESSES,**—We, the President and Council of the Royal College of Surgeons in Ireland, humbly approach your Royal Highnesses to offer our most sincere and heartfelt congratulations upon your recent marriage.

“As the representatives of the surgical profession in Ireland, we beg to express the deep interest with which, in common with all her Majesty's subjects, we have viewed this important event; and we venture to assure your Royal Highnesses, that one common feeling of devoted loyalty and affection has filled the hearts of all the members of our profession upon this joyful occasion, and that they join in the universal prayer to Almighty God that the union so auspiciously commenced may result in uninterrupted happiness, and that the blessings of health, peace, and prosperity, may be the lot of your Royal Highnesses, and of all who are dear to you.”

*Re-election of Dr. Hargrave as Representative of this College on the General Council of Medical Education and Registration.*

At a meeting of Council held on April 24th, Dr. Hargrave was re-elected as Representative of this College for the ensuing year on the General Council of Medical Education and Registration.

By Order,

JAMES STANNUS HUGHES,

*Secretary to the Council.*

*May 7th, 1863.*

Resolution of Dr. Hargrave as Representative of the College on the Council of Medical Education and Registration.

At a meeting of Council held on April 21st, Dr. Hargrave was re-elected as Representative of this College for the ensuing year on the General Council of Medical Education and Registration.

By Order;

JAMES STANNUS HUGHES,

Secretary to the Council.

May 7th, 1883.