

[60 & 61 VICT.]

*Dublin Eye and Ear Hospital  
Act, 1897.*

[Ch. cvi.]



**CHAPTER cvi.**

An Act to make provision for the establishment management and maintenance of the Dublin Eye and Ear Hospital being the amalgamation of Saint Mark's Ophthalmic Hospital and Dispensary and the National Eye and Ear Infirmary Ireland all in the City of Dublin and for other purposes. [15th July 1897.]

A.D. 1897.  
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**W**HEREAS in the year 1814 there was established by Surgeon Ryall in the city of Dublin an institution known and called by the name of the National Eye and Ear Infirmary Ireland, all the property of which is now vested in certain persons called the trustees of the National Eye and Ear Infirmary Ireland and the management of which is now vested in the said trustees and in certain persons called the committee of management and the honorary secretary of the National Eye and Ear Infirmary Ireland :

And whereas by an indenture dated the 25th day of July 1885 and made between Charles Edward Fitzgerald John Rutherford Kirkpatrick and Henry Rosborough Swanzy of the one part and Mark Perrin and John Jameson of the other part the leasehold premises situated in Molesworth Street in the city of Dublin and called the National Eye and Ear Infirmary Ireland were assigned by the said Charles Edward Fitzgerald John Rutherford Kirkpatrick and Henry Rosborough Swanzy for all their estate right title and interest therein to the said Mark Perrin and John Jameson (who are the present trustees of the said National Infirmary) their executors administrators and assigns for the unexpired residue of a term of ninety-eight years commencing on the twenty-ninth day of September 1803 in trust and for the treatment of poor persons suffering from diseases of the eye and ear and according and subject to the rules regulations and provisions for the administration and management of the said institution therein expressed or contained :

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And whereas in the year 1844 there was established by William Robert Wilde a hospital known and called by the name of Saint Mark's Ophthalmic Hospital and Dispensary for Diseases of the Eye and Ear all the property of which is now vested in certain persons called the trustees of Saint Mark's Ophthalmic Hospital and Dispensary and the management of which is now vested in the said trustees and in certain persons called the board of governors of Saint Mark's Ophthalmic Hospital and Dispensary :

And whereas by an indenture dated the 5th day of March 1862 and made between the said William Robert Wilde of the one part and Sir Edward Borough Baronet John Ouseley Bonsall Robert Callwell Andrew Armstrong and the said William Robert Wilde of the other part the leasehold premises situated in Lincoln Place (then Park Street) in the city of Dublin called Saint Mark's Ophthalmic Hospital and Dispensary for Diseases of the Eye and Ear were assigned by the said William Robert Wilde for all his estate right title and interest therein to the said Sir Edward Borough Baronet John Ouseley Bonsall Robert Callwell Andrew Armstrong and the said William Robert Wilde their executors administrators and assigns for the residue of the term of thirty-eight years commencing on the twenty-fifth day of March 1858 and for and during all such further and other term and terms as should or might from time to time thereafter be thereof granted by virtue of a toties quoties covenant for renewal contained in an indenture of lease dated the seventeenth day of August 1858 therein recited upon trust and for the reception treatment and care of poor persons afflicted with diseases of the eye and ear and subject to the rules regulations provisions conditions and agreements therein declared :

And whereas by virtue of the said toties quoties covenant a renewal of the said lease was granted for the term of thirty-nine years on the second day of March 1865 and the said lease is now vested in the trustees of the said Saint Mark's Hospital :

And whereas it was by the said indenture dated the 5th day of March 1862 declared that in case the annual income arising to the said Saint Mark's Hospital from all sources should at any time after the decease of the said William Robert Wilde fall short of the annual sum of four hundred pounds sterling and should so continue for the space of two years consecutively then and in such case the trustees of the said indenture for the time being should stand possessed of the said leasehold premises by the said indenture assigned in trust and for the absolute use and benefit of such person or persons as the said William Robert Wilde should by

deed or will appoint and in default of such appointment then in trust for his executors administrators and assigns freed and discharged of and from all and every the other trusts therein-before declared and contained: A.D. 1897.

And whereas the said William Robert Wilde (then Sir William Robert Wilde) died on the nineteenth day of April 1876 without so far as can be ascertained having made any such appointment:

And whereas the annual income arising to the said Saint Mark's Hospital has not at any time fallen short of the annual sum of four hundred pounds sterling:

And whereas the annual income arising to the hospital hereinafter established is likely to be substantial:

And whereas it is expedient that the said leasehold premises situated in Lincoln Place should be freed and discharged from any such trust in favour of the appointee or in favour of the executors administrators and assigns of the said Sir William Robert Wilde:

And whereas the objects of the said Saint Mark's Hospital and of the said National Infirmary are similar and greater efficiency and economy would be obtained by the amalgamation of the said Saint Mark's Hospital and the said National Infirmary:

And whereas the accommodation in the said Saint Mark's Hospital and in the said National Infirmary is insufficient for the demands made upon them:

And whereas the trustees and the board of governors of the said Saint Mark's Hospital and the trustees and the committee of management and the honorary secretary of the said National Infirmary have found that it will be beneficial to apply the funds and properties vested in the said trustees respectively for the support and maintenance of the said Saint Mark's Hospital and of the said National Infirmary respectively towards the establishment support and maintenance of a hospital which shall be the amalgamation of the said Saint Mark's Hospital and the said National Infirmary:

And whereas a sum of money exceeding ten thousand pounds has been raised or subscribed for the purpose of erecting new Hospital buildings if such amalgamation be effected:

And whereas it is expedient to constitute a body corporate and to vest the funds and properties of the said Saint Mark's Hospital and of the said National Infirmary in such body corporate and to appoint a Council for the management of such hospital:

And whereas it is expedient to confirm the rules and regulations for the management and direction of the affairs of such hospital



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And whereas it is expedient to confer such further powers upon such body corporate and upon such Council and to make such other provisions as this Act contains :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title. 1. This Act may be cited as the Dublin Eye and Ear Hospital Act 1897.

Definitions. 2. In this Act and in the schedule hereto unless the context otherwise requires—

The term "the corporation" means the body corporate hereby constituted under the name of "The corporation of the Dublin Eye and Ear Hospital" ;

The term "the Council" means the Council hereby appointed and to be hereafter appointed nominated and elected under the provisions of this Act for the management of the hospital hereby established ;

The term "the hospital" means the hospital hereby established ;

The term "annual meeting" means the annual meeting of the members of the Corporation ;

The term "the funds of the hospital" means all moneys and other property received or to be received by the corporation under or by virtue of this Act including all moneys and other property raised collected or received since the first day of January one thousand eight hundred and ninety-five or hereafter to be raised collected or received for the purpose of the hospital ;

The term "the court" means the High Court of Justice in Ireland.

Establish-  
ment of  
hospital.

3. From and after the passing of this Act the hospital and dispensary known and called by the name of Saint Mark's Ophthalmic Hospital and Dispensary for the diseases of the eye and ear situate in Lincoln Place in the city of Dublin (herein-after called "Saint Mark's Hospital") and the institution known and called by the name of the National Eye and Ear Infirmary situate in Molesworth Street in the said city (herein-after called "the National

Infirmary") shall become and be deemed and considered one hospital for the reception treatment and cure of poor persons suffering from diseases of the eye and ear under the name of "The Dublin Eye and Ear Hospital (or such other name as Her Majesty may direct) being the amalgamation of Saint Mark's Ophthalmic Hospital founded A.D. 1844 by Sir William R. Wilde and the National Eye and Ear Infirmary founded A.D. 1814 by Surgeon Ryall" and the hospital shall be regulated by and be subject to the provisions of this Act Provided always that it shall not be lawful to use the hospital for the treatment of any infectious disease.

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4. There shall be constituted for the purposes of this Act and Council for the government and management of the hospital a Council in manner following:—

- (1) The president of the hospital to be elected as herein-after provided and the Lord Mayor of the city of Dublin and one other member of the corporation of the city of Dublin who shall be nominated annually by the said corporation in the month of January in each year all for the time being shall ex-officio be members of the Council: Ex-officio members of the Council.
- (2) There shall be members of the Council appointed from the junior medical staff of the hospital (herein-after mentioned) or otherwise who shall respectively retain their offices until they respectively cease to be members of the medical staff of the hospital die or resign The said members of the Council shall be known and called by the name of the "medical members of the Council": Medical members of the Council.
- (3) The first medical members of the Council shall be four in number and shall be Henry Rosborough Swanzey John Benjamin Story Charles Edward Fitzgerald and Arthur Henry Benson: First medical members of the Council.
- (4) Whenever by ceasing to be a member of the medical staff of the hospital or by death or resignation any person shall cease to be one of the medical members of the Council the Council shall elect a suitable person in his stead to be one of the medical members of the Council Provided that the first vacancy so occurring shall not be filled up and thereafter the medical members of the Council shall be three in number: Filling up vacancies among medical members of the Council.
- (5) There shall be fourteen members of the Council appointed from the life members and annual members (herein-after called "additional members of the Council"): Additional members of the Council.
- (6) The first additional members of the Council shall be The Honourable Mr. Justice Andrews the Reverend Abraham S. Fuller Sir P. R. Grace Bart. the Reverend Samuel Haughton First additional members of the Council.



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Sir Robert Sexton Augustine F. Baker John V. Cassidy Hamilton Drummond James Kernan James F. Lombard John R. Mallins John Mooney Mark Perrin and J. B. Pim who shall respectively retain their offices until the date of the annual meeting to be held in the year 1900 or until they respectively die or resign before that date :

Filling up  
vacancies  
among first  
additional  
members of  
the Council.

(7) Any vacancy which may occur in the number of the additional members of the Council before the date of the annual meeting to be held in the year 1900 shall be filled up at the annual meeting next following such vacancy by the election of an additional member of the Council in the same manner as additional members of the Council shall be elected at the annual meeting to be held in the year 1900 :

Election of  
additional  
members of  
the Council  
by members  
of the Cor-  
poration.

(8) In every year after the passing of this Act and on such date not being later than the thirty-first day of March in each year and at such time and place as the Council shall appoint a meeting of the members of the corporation shall be held At the annual meeting held in the year 1900 and at every annual meeting held in every subsequent year the members of the corporation shall elect from amongst the life members and annual members fourteen additional members of the Council who shall retain their offices until the date of the annual meeting next following And every retiring additional member of the Council shall be eligible for re-election :

Votes at  
elections of  
additional  
members of  
the Council.

(9) At every annual meeting each member of the corporation may give one vote and no more for each of any number of persons not exceeding the number to be elected as additional members of the Council Provided that a life member may give one vote and no more for each of any number of persons not exceeding the number to be elected for each sum of twenty-one pounds given by him as a donation to the funds of the hospital or to Saint Mark's Hospital or to the National Infirmary and provided that an annual member may give one vote and no more for each of any number of persons not exceeding the number to be elected in respect of each sum of two pounds subscribed by him in the then current year to the funds of the hospital :

Retiring  
additional  
members of  
the Council  
to remain in  
office until  
their places  
are filled up.

(10) If at any annual meeting the places of the retiring additional members of the Council are not filled up the retiring additional members of the Council or such of them as have not had their places filled up shall continue in office until the next annual meeting and so on from year to year until their places are filled up :

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(11) The Council may act notwithstanding any vacancy in that body.

Council may  
act notwith-  
standing  
vacancy.

5. For the purposes of this Act the following persons shall be and shall be known and called by the name of "life members of the Dublin Eye and Ear Hospital" (in this Act called "life members") (that is to say):—

Life mem-  
bers of the  
hospital.

(a) All persons who at the time of the passing of this Act shall be either life members of Saint Mark's Hospital or life governors of the National Infirmary:

(b) All persons who at any time after the first day of January one thousand eight hundred and ninety-five shall have made a donation of the sum of twenty-one pounds (either in one payment or in several payments extending over a period of not more than three years) to the funds of the hospital:

(c) All persons who shall be elected life members by the Council.

6. The Council may if they think fit and in their discretion elect as a life member—

Election  
of life  
members by  
the Council.

(a) Any person who at any time after the first day of January one thousand eight hundred and ninety-five shall within a period extending over not more than three years have collected for and paid to the funds of the hospital a sum of not less than forty pounds:

(b) The executor or one of the executors (nominated for such election by his co-executors or co-executor) of any will under which a legacy of not less than fifty pounds shall have been paid to the funds of the hospital:

(c) Any person nominated for such election by any public body or corporation under the following circumstances (that is to say):—

Any public body or corporation which shall have subscribed a sum of not less than twenty-one pounds to the funds of the hospital may nominate for such election one person as a life member and any nomination so made by any such public body or corporation if the person nominated be elected a life member by the Council shall be and shall be deemed to be made in full satisfaction of any right to so nominate any person in respect of all subscriptions or donations paid to the funds of the hospital at any time before the date of the death of the person so nominated by the public body or corporation making such nomination:

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(d) Any such eminent and discreet persons as the Council may deem to be proper and useful to the hospital.

Annual  
members of  
the hospital.

7. For the purposes of this Act the following persons shall be and shall be known and called by the name of "annual members of the Dublin Eye and Ear Hospital" (in this Act called "annual members") (that is to say):—

(a) All persons who in the year ending on the thirty-first day of March immediately preceding the passing of this Act shall have subscribed the sum of two pounds or upwards in one sum as an annual subscription to the funds of Saint Mark's Hospital or who in the year ending on the thirty-first day of December immediately preceding the passing of this Act shall have subscribed a like sum in like manner to the funds of the National Infirmary or to the funds of the Hospital shall be annual members for the year subsequent to the year in which any such subscription shall have been paid by any such person:

(b) All persons who after the passing of this Act in any year ending on the thirty-first day of December shall have subscribed the sum of two pounds or upwards in one sum as an annual subscription to the funds of the hospital for each year in which any such subscription shall continue to be paid by any such person.

Life  
members  
and annual  
members to  
be a body  
corporate.

8. For the purposes of this Act there shall be constituted a corporation consisting of the life members the annual members and such members of the Council hereby appointed and to be hereafter appointed nominated and elected as aforesaid as are not life members or annual members and the members of such corporation shall be a body corporate and shall have perpetual succession and a common seal and shall be called "The Corporation of the Dublin Eye and Ear Hospital" and shall sue and be sued in that name and shall have power to purchase take hold and dispose of any lands tenements and hereditaments whatever.

Corporation  
to act by  
Council.

9. The corporation shall act by the Council and the Council shall exercise all powers vested in the corporation by this Act or otherwise.

Powers of  
Council.

10. The Council over and above the powers hereby specially committed to them shall have the superintendence management direction and regulation of all matters relating to the hospital and it shall be lawful for the members present at any meeting of the Council of which ten days' notice stating the proposed alterations or additions shall have been given and at which a



quorum shall be present from time to time by a resolution entered in a book kept for that purpose and signed by at least five members present at the meeting to make such rules and regulations as they may deem necessary for the better government good order or management of the hospital and the admission of patients and the maintenance and conduct of the inmates of the hospital and the giving medical treatment and assistance to out-patients or any matter relating thereto provided the same shall not be repugnant to the several trusts hereby reposed in the corporation or in any way inconsistent with the provisions of this Act. A.D. 1897.

11. The persons who at the time of the passing of this Act are the medical officers respectively of Saint Mark's Hospital and of the National Infirmary shall be and shall continue to be and to discharge the duties of members of the medical staff of the hospital for such period or periods as they would have continued to be the medical officers respectively of Saint Mark's Hospital and of the National Infirmary if this Act had not been passed or until their respective deaths resignation or removal before the completion of any such period or periods as aforesaid and shall while they continue to be such members be paid out of the funds of the hospital the respective salaries or remuneration (if any) now payable to them as medical officers of Saint Mark's Hospital and of the National Infirmary. Medical officers to be retained.

12. The medical staff of the hospital shall consist of a senior medical staff and a junior medical staff. The medical members of the Council for the time being shall constitute the senior medical staff and the other members of the medical staff of the hospital shall form the junior medical staff. Medical staff.

13. The Council shall as soon as conveniently may be after their first meeting held after the passing of this Act and from time to time thereafter when any vacancy occurs in the office of president elect some person of eminence either by reason of his high position in the State or of his learning or distinguished by his surgical skill or in medical science or for his philanthropy and interest in charitable undertakings to be president of the hospital who shall be president of the hospital for such period as the Council may on his election determine or until he resigns. Election of president.

14. The Council may at any time elect from among such persons as shall after the first day of January one thousand eight hundred and ninety-five have subscribed the sum of fifty pounds and upwards to the funds of the hospital any number of persons to Election of vice-presidents.

A.D. 1897. — be vice-presidents of the hospital who shall be vice-presidents of the hospital for their respective lives or until they respectively resign.

Appointment  
of registrar  
secretary and  
treasurer.

**15.** The Council may at any meeting appoint a registrar a secretary and a treasurer and such other officers as the Council deem necessary either as honorary officers or at such salaries as the Council may consider reasonable and subject to such conditions as the Council think proper.

Removal of  
members of  
the Council  
by the court.

**16.** Any member of the Council may be removed from his office by the court on the application of any person being a member of the Council a life-member or an annual member on good and sufficient reasons for such removal being shown.

Application  
of sub-  
scriptions  
&c.

**17.** All such sums of money as may be subscribed or bequeathed to the funds of the hospital and be paid to the corporation or as the corporation shall acquire under the provisions of this Act shall be paid to the Council to be applied by them (subject to any special provisions of this Act and to any special trusts or conditions relating to any sums of money so subscribed or bequeathed) towards the establishment improvement support and maintenance of the hospital.

Vesting of  
property.

**18.—(1)** The leasehold messuages buildings and premises called or known by the name of Saint Mark's Ophthalmic Hospital and Dispensary for Diseases of the Eye and Ear situated in Lincoln Place in the city of Dublin and the leasehold messuages buildings and premises called or known by the name of the National Eye and Ear Infirmary Ireland situated in Molesworth Street in the suburbs of the city of Dublin and all other property real and personal including all interests and rights in to and out of property real and personal and including obligations and things in action as may immediately before the passing of this Act belong to or be vested in the trustees of Saint Mark's Hospital or in any person for or on behalf of Saint Mark's Hospital or belong to or be vested in the trustees of the National Infirmary or in any person for or on behalf of the National Infirmary or in any person in respect of all moneys raised or collected since the first day of January one thousand eight hundred and ninety-five for the purposes of the hospital (other than any property the legal estate or property wherein is not transferable by deed and any securities or property transferable only by a deed or instrument of a prescribed form or transferable only in the books of any corporation or company which is then vested in the trustees of Saint Mark's Hospital or in the trustees



of the National Infirmary or in any such persons and for the transfer to and vesting of which in the corporation provision is herein-after in this section expressly made) shall on and from the passing of this Act pass to and vest in the corporation their successors and assigns for all the estate and interest of the trustees of Saint Mark's Hospital and of the trustees of the National Infirmary respectively and of all such persons as aforesaid therein and shall be applied by the corporation for the establishment extension improvement support and maintenance of the hospital and the other purposes of this Act. A.D. 1897.

(2) Any property the legal estate or interest wherein is not transferable by deed or any securities or property transferable only by deed or instrument of a prescribed form or transferable only in the books of a corporation or company or interests and rights in to and out of the same immediately before the passing of this Act vested in the trustees of Saint Mark's Hospital or in the trustees of the National Infirmary or in any person for or on behalf of Saint Mark's Hospital or in any person for or on behalf of the National Infirmary or in any person in respect of all moneys raised or collected since the first day of January one thousand eight hundred and ninety-five for the purposes of the hospital shall at the expense of the corporation on or as soon as conveniently may be after the passing of this Act be conveyed assured and transferred to the corporation for the purposes aforesaid and until such conveyance and transfer shall be held upon trust for the corporation.

(3) The trustees of Saint Mark's Hospital and the trustees of the National Infirmary and all such persons as aforesaid respectively shall as from the passing of this Act be released and discharged from and indemnified against all claims demands liabilities and obligations either arising out of or attached to the respective offices of trustees of Saint Mark's Hospital and of trustees of the National Infirmary or in respect of all moneys raised or collected since the first day of January one thousand eight hundred and ninety-five for the purposes of the hospital on accounting for the same.

19. The trust in favour of such person or persons as Sir William Robert Wilde should by deed or will appoint and in default of such appointment in favour of his executors administrators and assigns created by the indenture dated the fifth day of March one thousand eight hundred and sixty-two herein-before mentioned shall be and is hereby made null and void and of none effect And the said leasehold premises situated in Lincoln Place called Saint Mark's Ophthalmic Hospital and Dispensary for Diseases of the Eye and

Discharge  
of leasehold  
premises in  
Lincoln  
Place from  
special trust.



A.D. 1897. — Ear shall be and they are hereby for ever freed and discharged therefrom and the trustees of Saint Mark's Hospital and the corporation are hereby released and discharged from and indemnified against all claims demands liabilities and obligations either arising out of or attached to or in respect of the said trust.

Discharge  
of property  
from trusts.

**20.** All trusts created before the passing of this Act and attaching to the whole or any part of the property herein-before vested in the corporation shall be and they are hereby made null and void and of none effect.

Dissolution  
of governors  
of Saint  
Mark's Hos-  
pital and  
committee  
of manage-  
ment of the  
National  
Infirmary.

**21.** Upon the passing of this Act the board of governors of Saint Mark's Hospital and the committee of management of the National Infirmary shall be dissolved and the members thereof respectively and the honorary secretary of the National Infirmary shall cease to hold office and shall be released and discharged from and indemnified against all claims demands liabilities and obligations arising out of or attached to the offices of governor of Saint Mark's Hospital and of a member of the committee of management of the National Infirmary and of honorary secretary of the National Infirmary.

Saving and  
transitory  
provisions.

**22.—(1)** All agreements assurances contracts conveyances deeds and other instruments acts or things made entered into executed given or done by to or with the trustees or the board of governors of Saint Mark's Hospital and the trustees or the committee of management and the honorary secretary of the National Infirmary respectively and in force at the time of the passing of this Act shall be as valid and effectual in every respect for against or with reference to the corporation as they would have been but for the said transfer for against or with reference to the trustees or the board of governors of Saint Mark's Hospital and the trustees or the committee of management and the honorary secretary of the National Infirmary respectively.

(2) Any action arbitration or other proceeding or cause of action or other proceeding existing or pending at the time of the passing of this Act by with against or in favour of the trustees or the board of governors of Saint Mark's Hospital and the trustees or the committee of management and the honorary secretary of the National Infirmary respectively shall not abate or be prejudicially affected by the transfer but the same may be continued and carried on by with against or in favour of the corporation as the case may require.

(3) All rents charges debts and sums of money owing to or by the trustees or the board of governors of Saint Mark's Hospital and

the trustees or the committee of management and the honorary secretary of the National Infirmity respectively as the case may be at the time of the passing of this Act shall be payable to or by the corporation as the case may be with all interest (if any) due or accruing due for the same and may be recovered and enforced by from or against the corporation as the case may be in like manner and as effectually as they could have been recovered and enforced by from or against the trustees or the board of governors of Saint Mark's Hospital and the trustees or the committee of management and the honorary secretary of the National Infirmity respectively.

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(4) All rules and regulations made by the trustees and the board of governors of Saint Mark's Hospital and by the trustees and the committee of management and the honorary secretary of the National Infirmity and in force at the time of the passing of this Act shall so far as they relate to or are in pursuance of the powers and duties transferred to the Council continue in force as if they had been made by the Council subject nevertheless to alteration or revocation by the Council.

(5) Any bequest made to Saint Mark's Hospital and to the National Infirmity or to either of them by any person dying after the passing of this Act shall be deemed to have been made to the hospital and shall be payable to the corporation or to the Council as fully and effectually as it would have been payable to the trustees of Saint Mark's Hospital or to the trustees of the National Infirmity if this Act had not been passed.

**23.** The corporation may subject to the approval of the Commissioners of Charitable Donations and Bequests for Ireland from time to time sell mortgage charge exchange or otherwise dispose of the lands and tenements or any part thereof by this Act vested in them or which shall hereafter vest in them under the provisions of this Act or otherwise or any easements rights or privileges to be exercised or enjoyed in over upon or under the same or any part thereof Provided always that the moneys to arise from any such sale mortgage charge exchange or otherwise as aforesaid shall be applied by the Council for the establishment improvement support and maintenance of the hospital and the purposes of this Act.

Power to  
mortgage  
sell &c.  
lands &c.

**24.** The corporation may grant leases for any term not exceeding twenty-one years of any part or parts of the lands and

Power to  
make leases.



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—

tenements by this Act vested in them or which shall hereafter vest in them under the provisions of this Act:—

(1) Every such lease shall be by deed and shall be made to take effect in possession not later than twelve months after its date:

(2) Every such lease shall reserve the best improved rent that can reasonably be obtained and no fine shall be paid or taken in respect of any such lease.

Lease subject  
to approval of  
Charitable  
Commis-  
sioners.

**25.** The corporation may subject to the approval of the Commissioners of Charitable Donations and Bequests for Ireland grant any other lease or leases of the said lands or tenements or any part thereof.

Powers of  
investment.

**26.** The Council may from time to time invest any moneys in their hands in or upon any stocks funds or securities for the time being authorised by law as investments for trust funds and may from time to time vary such investments into or for others of the same or a like nature.

Admission  
of patients.

**27.** The Council shall have power to receive into the hospital all such poor persons requiring treatment for diseases of the eye or ear as they shall think proper and may remove such persons or any of them and receive other such persons in their place.

Out-  
patients.

**28.** The Council shall have power in cases recommended by a member of the medical staff of the hospital if they shall think proper and subject to the rules and regulations to be made by them to give extern assistance in medicine surgery and nursing or in any one or more of these to any poor persons requiring treatment for diseases of the eye or ear or for any disease directly or indirectly affecting the eye or ear and to do all acts and make all arrangements and appointments necessary for the purpose and in proper cases the Council may charge a reasonable sum for such assistance.

Patients of  
Saint Mark's  
Hospital and  
the National  
Infirmiry.

**29.** The persons who at the time of the passing of this Act shall be patients or out-patients of either Saint Mark's Hospital or the National Infirmiry shall be continued as patients and out-patients respectively of the hospital subject to the rules and regulations in force for the time being.

Power to  
acquire site  
for new  
hospital.

**30.—(1)** The Council may acquire by agreement on such terms and conditions as may be mutually agreed between the parties thereto either by purchase or by way of exchange or otherwise and



either in fee or upon lease and any such lease may be in reversion to or on surrender of any existing lease either— A.D. 1897.

(a) The present site of Saint Mark's Hospital with the buildings thereon together with such additional land with the buildings thereon (if any) adjoining the said site as the Council shall in their discretion deem requisite for the purposes of the hospital; or

(b) The present site of the National Infirmary with the buildings thereon together with such additional land with the buildings thereon (if any) adjoining the last-mentioned site as the Council shall in their discretion deem requisite for the purposes of the hospital.

(2) If the Council are for any reason unable or deem it inexpedient to acquire either of the above-mentioned sites in manner herein-before mentioned or should they consider some other site preferable they shall as soon as conveniently may be by agreement and upon such terms and conditions as may be mutually agreed between the parties thereto acquire either by purchase or by way of exchange or on lease or otherwise any lands with the buildings thereon (if any) situated within the city or county of Dublin which the Council may in their discretion consider suitable and requisite for the purposes of the hospital.

(3) Any land acquired by the Council under the provisions of this section shall not exceed in the whole five acres.

(4) It shall be lawful for the Council to enter into agreements surrender leases and do all such other acts and things as may be necessary and expedient for acquiring in manner aforesaid the sites and lands herein-before mentioned or any of them.

**31.** The Council shall upon any lands acquired by them under the provisions of the preceding section as soon as conveniently may be and in such a manner as in their discretion may deem suitable for the purposes of the hospital erect a building or buildings or adapt alter and enlarge any existing buildings on any such lands (which building or buildings so erected adapted altered or enlarged are herein-after referred to as "the new buildings") The Council may for the purpose of constructing the new buildings remove the whole or any part of any of the existing buildings aforesaid and may make such temporary erections and do all or any of such acts and things as they deem necessary or expedient. Building of  
new hospital.

**32.** The Council shall effect such structural or other alterations in and additions to the existing buildings of the hospital or in the Alterations  
in buildings.

A.D. 1897. — new buildings as may be necessary to give effect to the provisions of this Act.

Lands for  
extension  
or conva-  
lescent  
purposes.

**33.** The Council may for the purposes of this Act and for the extension of the hospital and for the enlargement of the hospital buildings and for the accommodation of convalescent patients in connexion with the hospital or for any one or more of such purposes (in addition to any lands they are authorised to acquire and hold under any other powers in this Act contained) from time to time by agreement acquire in fee or upon lease either by purchase or by way of exchange or otherwise any land not exceeding in the whole five acres and the Council may upon any such land erect alter maintain and furnish any buildings which they deem to be suitable and requisite for the purposes of the hospital or for purposes directly or indirectly connected therewith.

Provision as  
to houses  
occupied by  
labouring  
class.

**34.** The corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied For the purpose of this section the expression "labouring class" means and includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Suspension  
of treatment  
of patients  
during  
building.

**35.** The Council shall have power during the construction of the new buildings if such construction shall render it necessary to remove patients and to interrupt or altogether suspend the treatment of patients.

Removal of  
patients to  
new hospital.

**36.** When and as soon as the new buildings shall be ready for their reception the patients who shall be then under treatment in any of the existing buildings of the hospital may be transferred to the new buildings.

Meeting  
expenses of  
new hospital  
&c.

**37.** All moneys which may be expended by the Council for the purposes of acquiring any such lands as aforesaid and of erecting adapting altering enlarging or removing any buildings thereon and of doing all such acts and things as may be necessary or expedient

in connexion therewith and furnishing and equipping the new buildings and all the costs charges and expenses incidental to all or any of the above-mentioned purposes or connected therewith shall be paid by the Council out of any money which they may receive by way of donations subscriptions or otherwise for any of the purposes aforesaid and out of the funds of the hospital or any part thereof. A.D. 1897.

**38.** The rules and regulations set forth in the schedule to this Act for the management and direction of the affairs of the hospital are hereby confirmed and all the provisions of such schedule in manner and form as they are set out therein shall from and after the passing of this Act have full validity and effect. Provided that the court may at any time and from time to time on the application of the Council pursuant to and authorised by a resolution passed at a meeting of the Council modify alter or vary the provisions of the said schedule in such manner and to such extent in all respects as the court may think fit. Confirmation  
of the  
schedule  
and power  
of revision.

**39.** Every application to the court under this Act shall be made by summons in chambers and shall subject to any rules of the Supreme Court be assigned to the Chancery Division of the High Court. Applications  
to the court.

**40.** On any such application the court may direct notice to be served on such person or persons as the court thinks fit. Notice to be  
served.

**41.** The costs charges and expenses of and incidental to the preparing obtaining and passing of this Act shall after being taxed and ascertained by one of the taxing officers of the Houses of Parliament be paid by the Council out of the funds of the hospital. Costs of Act.



A.D. 1897.      The SCHEDULE referred to in the foregoing Act.

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RULES AND REGULATIONS FOR THE MANAGEMENT AND  
DIRECTION OF THE AFFAIRS OF THE DUBLIN EYE  
AND EAR HOSPITAL.

Definitions.

1. In this schedule expressions to which meanings are assigned by the foregoing Act have the same respective meanings unless there be something in the subject or context repugnant to such construction and the expression "the Act" means the foregoing Act.

Meetings of  
the Council.

2. The first meeting of the Council shall be held at the hospital buildings in Lincoln Place within thirty days after the passing of this Act and notice of the time and place of meeting shall be given by the person who at the time of the passing of this Act was registrar of Saint Mark's Hospital to each member of the Council in manner herein-after provided and the Council shall thereafter hold one meeting at least each month to be convened in manner herein-after specified.

Special  
meetings.

3. Any five or more members of the Council shall be at liberty and are hereby authorised and empowered at all times by requisition in writing and addressed to the registrar and signed by them and specifying the purpose for which the special meeting shall be called to call a special meeting of the Council. The secretary or in his absence the treasurer shall in cases of emergency call a special meeting of the Council. Notice of the time place and purpose of any special meeting shall be given by the registrar secretary or treasurer to each member of the Council.

Quorum.

4. Any five members of the Council present at any meeting of the Council shall be a quorum and all powers and authority vested in the Council shall and may be exercised by the major part of the Council who shall attend at any meeting of the Council the number of members of the Council present at any such meeting not being less than five. And as often as it shall happen that there shall be an equality of votes at any such meeting including the vote of the chairman the chairman of such meeting shall have a second or casting vote. And all acts orders and proceedings of the major part of the members of the Council present at such their several meetings shall have the same force and effect as if the same were made and done by all the members of the Council for the time being.

Chairman at  
meetings.

5. The president of the hospital when present at any meeting of the Council or at any annual meeting shall be the chairman thereof and in his absence from any such meeting the major part of the members of the Council or of the members of the Corporation as the case may be present at any such meeting shall elect a chairman to preside at such meeting. And if the chairman at any meeting of the Council or at any annual meeting shall leave such meeting

before the adjournment of the same then and in such case the major part of the remaining members present at such meeting not being less than five shall and may appoint another chairman to replace the former chairman and to preside at such meeting. A.D. 1897.  
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6. The members of the Council present at any meeting of the Council at which not less than five members of the Council shall be present shall have power to adjourn the meeting from time to time and to such place as they think fit. Power to adjourn meetings.

7. Every meeting of the Council subsequent to the first meeting shall be summoned by a notice in writing signed by the secretary or treasurer stating the time and place of meeting and the purpose for which the same shall be held which notice shall be left at or sent by post to the usual place of abode of each member of the Council or such of them as shall be in Ireland at least two clear days before the date of such meeting or otherwise shall be summoned by advertisement in at least two Dublin daily newspapers or in such other manner as may be determined by any byelaw to be made by the Council in respect thereof the accidental omission to give such notice to any member of the Council shall not invalidate any resolution at any such meeting or otherwise affect the proceedings at any such meeting. Notice of meeting to be given.

8. Whenever any meeting shall be adjourned for seven days or more at least two days' notice of the time and place of such adjourned meeting shall be given in like manner. Notice of adjourned meeting.

9. The Council shall cause to be provided and kept a proper book or books in which fair and regular entries shall be made of acts orders and proceedings and of the names of all such members of the Council as shall be present at their several meetings and all entries in such books being signed by the chairman of the meeting in respect of which such entry shall be made or by the chairman of the next subsequent meeting shall be deemed to be originals and shall be allowed to be read in evidence in all causes suits and actions touching or concerning anything done in pursuance of the Act and of the rules and regulations in force for the time being and such books shall at all meetings of the Council and at all other reasonable times be kept open and available for the inspection of the members of the Council any of whom may take copies thereof or extracts therefrom. Books containing entries of proceedings to be kept.

10. Full true and complete accounts of the receipts and expenditure of the Council for or on account of the hospital shall be kept by the Council and shall at all reasonable times be open to the inspection of members of the Council and the accounts so kept for each year shall be duly audited by an auditor of the Local Government Board or by an auditor to be appointed by the life members and annual members at every annual meeting for the year ending on the 31st day of December following and an abstract and balance sheet of the said accounts for each year shall be signed by the auditor and submitted together with an annual report by the Council to the annual meeting held in the year next following. Accounts to be kept.

11. At every election of auditors each life member and annual member shall be entitled to vote in the same manner and to the same number of votes as in the case of an election of additional members of the Council. Votes of members at election of auditors.



A.D. 1897.

Who ineligible  
as auditor.Casual  
vacancy.Delegation of  
powers of  
Council.Procedure at  
meetings of  
sub-committee.Election of  
medical  
officers.Appointments  
to be un-  
sectarian.Rules as to  
out-patients.Paying  
patients.

12. No member of the Council and no person who shall be in receipt of or entitled to any remuneration in respect of any office or employment in connexion with the hospital shall be eligible as auditor.

13. If any casual vacancy occurs in the office of auditor the Council shall fill the same and in default of the life members and the annual members electing an auditor in manner herein-before mentioned the Council shall do so at a subsequent meeting of the Council.

14. The Council by a resolution passed at any meeting may delegate to one or more sub-committees appointed by the Council from amongst its members all or any of the powers or authorities vested in the Council under the Act and the rules and regulations in force for the time being and any such sub-committee in transacting the business so committed to them and if the Council so direct may exercise all the powers for that purpose which are by the Act and the rules and regulations in force for the time being given to the Council and any such sub-committee shall at such time or times as the Council shall direct lay before the Council a statement or report of their accounts and proceedings.

15. The Council may make regulations respecting the quorum meetings and proceedings of any sub-committee and subject and without prejudice to the powers hereby vested in the Council the meetings and proceedings of any sub-committee shall be governed by the provisions in the Act and the rules and regulations in force for the time being for regulating the meetings and proceedings of the Council so far as the same shall be applicable and are not superseded by any regulations made by the Council as aforesaid.

16. The Council may at any meeting elect so many persons duly qualified as physicians or surgeons and who shall have been recommended to them by the majority of the medical members of the Council as they shall deem necessary to be members of the junior medical staff who shall be respectively appointed to such offices at such salaries (if any) as the Council shall consider reasonable and the Council shall have power at any meeting for good and sufficient reason to remove any member of the junior medical staff and elect a duly qualified physician or surgeon to supply any vacancy among the members of the junior medical staff Provided that the Council shall not be obliged to fill up any vacancy among the members of the junior medical staff if in their opinion the junior medical staff remaining in office at the time of any such vacancy be sufficient for the requirements of the hospital.

17. No person shall be disqualified from being appointed to the medical staff of the hospital or to any office under the Council by reason of the particular religious or political opinions which he may hold.

18. The Council may at any meeting make such rules and regulations relating to the medical and other assistance to be afforded to out-patients as they think fit.

19. The Council may if they think fit require payment from such of the patients of the hospital as in their opinion may be able to pay and the Council may if they think fit establish in the hospital a ward for the exclusive use of



such patients as shall agree to pay such sums as may be fixed by the Council A.D. 1897.  
for such use.

20. The Council may appoint such matrons nurses servants and other persons as they shall deem necessary for the requirements of the hospital and may remove and dismiss the same and pay to such matrons nurses servants and any other persons such salaries and wages as the Council shall consider reasonable The Council shall appoint only secular matrons nurses servants and other persons. Appointment  
of matrons  
nurses and  
servants.

21. The new buildings shall be suitably furnished and in every respect properly equipped by the Council and shall be capable of accommodating not less than one hundred and twenty beds for in-patients and shall contain suitable waiting room accommodation for not less than one hundred out-patients. Furnishing &c.  
new hospital.

22. The Council shall from time to time provide all pecuniary allowances food furniture surgical instruments and all other things required in their opinion for the proper maintenance of the hospital and the inhabitants thereof. Requisites for  
hospital to be  
provided.

23. No payment shall be made out of the funds of the hospital except by the authority of not less than three members of the Council and all payments shall be duly recorded in the house account to be kept by the proper officer of the Council. Payments.

24. All rents rates and taxes and all salaries wages charges and expenses properly incurred by the Council or by any sub-committee or sub-committees in the direction and management of the affairs of the hospital or otherwise in carrying out the provisions of the Act (except so far as any of the same may be specially provided for in the Act) and of the rules and regulations for the time being in force shall be paid out of the funds of the hospital. Salaries &c. to  
be paid out of  
funds of  
hospital.

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