Meeting 3rd April 1901

A meeting of the County Council was held in the County Council Chamber Court House Wexford on April 3rd 1901.
Present: In the Chair, Sir Thomas. A. J. Esmonde Bart. M.P. (Chm)
Other Councillors: Messrs Edmond Hore, Vice Chairman, J. Sinnott, J. B. Hearne, C. A. Peacocke, James Codd, James Donohoe, M. Browne, D. Dempsey, P. Ryan, D. Power, W. Whitty, J. J. Walsh, J. Bolger, J. A. Doyle, M. Hickey, and Capt Wadeker, Mr Fuzelle Assistant Secretary, Mr Webster C. Surveyor, and R. M. Elgee Solicitor (pro tem) were also present

Secty's Illness. A letter was read by the Chairman from the Secretary to the Council explaining that his absence from the meeting was caused by a sharp attack of influenza

A letter was also read from Mr C. M. Doyne Co. Councillor explaining that his absence from recent meetings of the Council was occasioned through suffering from inflamation of the eyes after influnza.

The Minutes of the last meeting were read and signed

The following was read.

Home Office
Whitehall
16 March 1901

Sir

I am commanded by the King to convey to you hereby His Majesty's thanks for the Loyal and Dutiful resolution of the Members of the County Council of Wexford on the occasion of the lamented death of her late Majesty Queen Victoria

I am,
Sir
Your Obedient Servant
Charles. J. Ritchie

The Secretary to the
County Council
Court House
Wexford
Ireland"

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Valuation Lists - Revision

Circular Letter No 15.649 : 1901 Miscellaneous, from the Local Government Board, under date 23rd March 1901 was read.

The letter asked the opinion of the Council as to whether there was any objection to begin the revision of valuations about a month earlier than heretofore.

On the motion of the Chairman a resolution was adopted to the effect that the Local Government Board be informed that the Wexford County Council cannot see any objection to the adoption of the course proposed by the Local Government Board in this matter.

Case of Mr John Kehoe.

Letter No. 14.682 : 1901 Wexford County under date 20th March 1901 from the Local Government Board dealing with the appointment of Mr Kehoe as an official of the Council, was read

In the communication the Local Government Board pointed out that having regard to the increase in the number of marks obtained by Mr Kehoe at the recent examination of candidates for the post of Assistant County Surveyor as compared with the marks obtained by him in May 1900, the Local Government Board will raise no objection to his being employed to discharge the duties of an Assistant Surveyor provided that he will undertake to present himself at the next examination with a view of obtaining the necessary certificate of qualification.

In connection with this matter, a letter was read from Mr Kehoe under date April 2nd 1901 asking the Secretary to inform the Local Government Board that it was his intention to present himself at the next examination for Assistant County Surveyor.

The following was read from Mr Peter J French M.P. under date 18th March.

"I beg to acknowledge receipt of resolution passed by the Wexford County Council at their meeting of the 8th inst. condemnatory of Mr Balfour's policy in closuring legitimate debate, and striving to degrade Irish Members for resisting his unconstitutional action.

"I feel sure my colleagues will gratefully remember the resolution passed by

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"the Wexford County Council and that it
"will strengthen their hands in the
"discharge of their duty to their country"

"The Chairman said he had also received a copy of the "resolution in question. He had given it to the Party, and "they appeared greatly pleased that their action had been "approved of by the Wexford County Council".

Food & Drugs Acts.

With reference to the administeration of the Sale of Food & Drugs Acts 1875 to 1899, a letter was read from the Department of Agriculture and Technical Instruction under date 8th March, and in which it was pointed out:-

"That an officer of this Department who
"visited Wexford during the course of the
"present month for the purpose of disch-
"arging duties under section 7 of the
"Act of 1899, reports that considerable
"quantities of Margarine are now being
"distributed throughout several districts
"in the County as well as in the neigh-
"bouring County of Wicklow.
"As there is reason to fear that the
"extensive business in Margarine in the
"County Wexford may be productive of
"certain abuses which, if not corrected,
"will have an injurious effect on the
"Butter Industry of the County, the
"Department would suggest to the Council
"the desirability of instructing their Food
"Inspectors to exercise due vigilance in
"the execution of the duties entrusted to
"them, and especially, to be particularly
"active in in taking and submitting
"samples for analysis. In view of the
"expenditure which is necessarily incur-
"red in taking and forwarding for
"analytical purposes a number of samples
"of butter, and other substances, it will
"be well if your Local Authority would
"take into consideration the propriety of
"following the practice which has
"produced satisfactory results in other

Advancing Expenses to Inspectors.

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"counties, of advancing to each Inspector
"an amount sufficient to cover current
"expenses"

The following resolution was adopted on the motion of the chairman.

"Resolved:- That our Secretary be directed
"to inform the Department of Agriculture
"and Technical Instruction that the
"Wexford County Council are prepared
"to adopt the suggestions contained in
"their letter of the 28th March No 4143-01,
"and communicate with the County
"Inspector of the Constabulary with a
"view to having estimates obtained
"from the Inspectors of Food and Drugs
"previous to the Quarterly Meetings of
"this Council."

Main Roads - Enniscorthy Urban Dist:

On the motion of the chairman the following resolution from the Enniscorthy Urban District was referred to Mr Webster County Surveyor for his report.

That the Urban Council consider that 5/- per perch will be required to keep in repair the main roads now coming under their control - viz Joshua Black's contract 148 perches, and John Roche's contract 48 perches, and that they will accept £24. 10/- yearly for the next five years from the County Council as their contribution towards the Keep of these main roads.

Report of Mr. J. H. Ryan.

The detailed report of Mr J. H. Ryan. M Inst. C.E. as to his inspection of the Wexford, Ferrycarrig and Deeps bridges was read for the Council.

Mr Donohoe, proposed - That the consideration of this matter be postponed for the present, that Mr Webster be allowed to see the report of Mr Ryan and make any observations he wishes with regard to same, and that the report and observations of Mr Webster be considered at a future meeting of the Council."

After considerable discussion this resolution was carried

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and the 18th april the date of the meeting of the Proposals committee was provisionally fixed for the consideration of the entire matter.

In case Mr Webster is not ready by this date it was decided that the question be postponed until the middle of May.

Mr Webster asked the meeting for an expression of opinion as to a proposal which he was about bringing on at the meeting of the Proposals committee for a sum to replace a cross-head in Ferrycarrig Bridge. He had not anticipated when the contract was being taken that this would have been required, and it was not covered by the specification. He thought he would be able to get the work done for about £12.

The chairman said the matter could be considered at the Proposals committee, when Mr Webster would bring on the proposal

State of Rate collection.

The Assistant Secretary reported that the Rate collectors with the exception of collector M'Grath had closed their collections. Collector M'Grath was still £861 - 0 - 10 out

coll: M'Grath to close at once

on the motion of Mr Donohoe seconded by Mr Peacocke the Secretary was directed to communicate with Mr M'Grath at once, and order him to close his collection.

Harmless Lunatics

The report of the committee appointed by the council to consider circular letter No 31 M from the Local Government Board with regard to the housing and care of harmless lunatics, was read, but it was decided that its consideration be postponed for a future date.

Rennick v. The Council - Costs.

Mr Elgee, Solicitor read a letter from Mr Huggard Solicitor, asking that the council would forego their claim for costs in the case of Rennick v. the council in an action for injuries caused by Rennick's mare through the breaking of a gullet, and in which Lord justice Fitzgibbon held that the council were not responsible

The letter was marked "read".

Sanctioning salary - Mr J. W. Taylor Jr.

Under date 12th March 1901 a letter (No 927-1901) was read from

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the Department of Agriculture, sanctioning the payment of Mr Taylor R.S. New Ross of £12 - 1 - 6 for inspections of 23 fairs, and that as from the 1st January last his regular salary be increased by £10. per annum so long as the orders for the inspection of fairs and swine fairs remain in force.

Recoupment - Diseased Animals Acts.

The Assistant Secretary reported that since last meeting of the Council the Department of Agriculture and Technical Instruction had forwarded cheque for £94 - 12 - 6 half the amount expended by the Council under the Diseases of Animals Act 1894 for the period ended 31st March 1900.

The following resolution was read from the Gorey District Council

Proposed by Mr Lyons, seconded by Mr Finn

"That we congratulate the County Council on their victory over the Local Government Board's autocratic, illegal, and mischievous interferences with the fiscal business of this County, and we trust the recent judgment of the Court of Appeal will induce these irresponsible gentlemen to let the people's representatives do the people's business"

Auditor's Report - Wexford urban.

Letter No 14594 : 1901 from the Local Government Board under date 16th March 1901, with the accompanying copy of the report of the Auditor of the Local Government Board, as to the accounts of the Wexford Urban District for the year ended the 31st March 1900 was read.

Postage - Franchise Forms

The following letter was read from Mr Kehoe Clerk Wexford Guardians under date March 28th

"Will you kindly bring under the notice of the Finance Committee the fact that the postage on Franchise forms will commence early in the next month and ask them to be good enough to pass a cheque for say £11, or if they wish to make two payments of £6. and £5. each time as either amount will cover the postage

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"for one month, after which I presume
"you will have another Finance
"Committee meeting. The total amount
"last year was £10 " 6 " 1, as you can
"see by the postage book"

Payments on Demands.

It was decided that quarterly instalments be paid the guardians and District Councils of the County with the exception of Wexford District Council, which had at last quarterly meeting been granted a sum of £400 on foot of the present year's demand.
It was decided that this Council should receive a sum of £430.

Payment to Asylum

It was also agreed that treasurer's authority for payment of quarterly instalment to the District Asylum be signed

Local Inquiry On the motion of the Chairman it was decided that all matters in connection with the forthcoming Local Inquiry be considered in Committee
On the application of Mr Elgee solicitor to the Council it was decided that a sum of £100. be advanced to him for settlement of fees to Counsel.

Date of Inquiry

Letter No 17.502:1901 Wexford County from the Local Government Board fixing the date of the Local Inquiry for the 16th April was read.

Half yearly Payments

On the motion of the Chairman seconded by Mr Sinnott the following resolution was adopted

"Resolved that we ascertain the views of the
"other County Councils in Ireland as to revert-
"ing to half yearly instead of quarterly
"payments, as we consider the system of
"quarterly payments unnecessary and as
"the Council have already expressed their
"consent (in answer to a draft order of the
"Local Government Board) that this change
"should be adopted."

Local Inquiry

Proposed by Sir Thomas H. G. Esmonde Chairman, and resolved unanimously:-

"That in view of the proposed Local Inquiry

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"on the 16th Inst. we direct attention to the following
"paragraph in the judgment of Chief Baron
"Palles in the case of the Wexford Council
"V The Local Government Board (page 7 of the
"return recently presented to the House of
"Commons) viz:- The determination of the Local
"Government Board as to the amount of the increase of duties and fixing the increase
"of remuneration in due proportion to the
"increase of duties so determined, if made
"within jurisdiction, will bind the Council,
"and impose liability upon them, whether
"the amount so determined be right or
"wrong. If for instance the increase was
"in fact 30% and the Board determined
"that it was 50%, ~~and accordingly of the former remuner-~~
"~~ation~~ and accordingly determined that
"the increase of remuneration should
"be equal to 50% of the former remuner-
"ation, that decision would bind the
"Council. That our Secretary be instructed
"to communicate the foregoing to the Chief
"Secretary for Ireland, and to the First
"Lord of the Treasury, and invite an
"expression of their opinion as to whether
"an Inquiry held under an Act which
"contains in it such a blot as that, is
"pointed out by Chief Baron Palles, ~~in~~
"in this particular in accordance with
"equity and justice, and whether, if it
"were their own case, they would submit
"to be bound by a decision arrived at
"under such conditions."

Proposed by Mr Donohoe Seconded by Mr Dempsey
Resolved- "That we the County Council of Wexford
"enter our strongest protest against this
Inquiry into the question of the salaries
of the County and Deputy Surveyors, being
conducted, and the result decided by the
Local Government Board, the said Board
being in our opinion, notoriously partisan,
and naturally prejudiced owing to its

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recent humiliating defeat in the Court of Appeal by this Council in the matter of the salaries in question; and we are also of opinion that as the result of this Inquiry will probably rule all salaries previously increased by the Local Government Board throughout the Country, it would be the manifest desire of the Board to uphold the salaries in question, and so prove that their action in increasing the salaries was not unjust, although illegal, and we therefore again demand that this Inquiry be submitted to arbitration, and that a copy of this resolution be sent to the Chief Secretary for Ireland, and handed to the Presiding Officers at the Inquiry."

Contract which have been devided

On the motion of the Chairman it was decided that the Secretary again communicate with the Clerks of the Enniscorthy and New Ross Unions, and request that they immediately furnish the Council with a list of the Contracts which have been divided in their respective District by the District Councils, and that the Secretary request the Clerks of the District Councils of the County not to fix the 16th April for any meeting of the District Council for the consideration of Proposals.

Witnesses at Inquiry

It was decided that Lord Stopford Capt Walker, Capt Bryan, Col Jervis-White, and Mr Doyne be requested to give evidence on behalf of the Co. Council at the forthcoming Inquiry; and that the Solicitors be empowered to produce any further witnesses which they may consider necessary.

Thos Fitzgerald Esmonde.
7 May 1901.

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