

Meeting 15th April 1908

A meeting of the Wexford County Council was held in the Council Chamber, Courthouse, Wexford; on 15th April 1908. The meeting was specially summoned to strike the rate for financial year 1908-9.

Present:- Mr M. A. Ginnis, Vice Chairman, presiding, other members:- Messrs J. Codd, M. Brown, E. Storr, John J. Kehoe, John Sinnott, M. Codd, Thomas Asple, C. H. Peacocke, N. C. Murphy, M. Doyle, and J. Cummins.

The Secretary, the County Surveyor, and Mr R. W. Elger Solicitor, were in attendance.

Confirmation of minutes

Minutes of meeting of 11th February, and of special meeting 18th March, were read and confirmed.

Rates 1908-9.

Proposed by Mr Cummins, seconded by Mr Asple, and passed:- "That we hereby strike the Rate for General and Separate Charges as agreed to at the meeting of the Council on 11th February 1908, and allow and make same, as assessed in the Rate Books, said Rates being in conformity with the valuation in force for the time being.

That the allowance for said Rates as entered at the foot of each Rate Book, and signed by the Chairman and two members of the Council present at this meeting be adopted, attested by the seal of the Council, and countersigned by the Secretary.

That the warrants of the Rate Collectors, to collect the said rates, be sealed and signed in the same manner as the Rate Books.

That the demands on the Urban Districts of Ennisacorney, New Ross and Wexford, be duly sealed and signed, the amounts demanded from above Urban District Councils (after allowance for credit items in form

51) being:-	County	Union	Separate.
Ennisacorney	£365 : 8 : 2	£631 : 15 : 5	
New Ross.	401 : 3 : 5	811 : 16 : 0	29 : 16 : 10
Wexford.	827 : 15 : 11	1063 : 17 : 5	

The following items were also disposed of:-

Gt. S. & W. Rwy Coy., & water supply.

Mr Cummins moved the following of which he had given previous notice:- "That the resolution of the County Council directing our solicitor to proceed against the Gt. S. & W. Rwy Co. in reference to interference with roads at Kilbrann for their water supply be rescinded.

Mr. N. P. Murphy seconded

Mr. Elgel Solicitor, said he had received the following letter from the Engineer of the Gt. S. & W. Rwy Coy, under date 5th March 1908:-

"Your letter of the 15th ult., addressed to the Secretary has been referred to me. and in reply thereto I beg to say that the Company sank a special well for their own use at Churchtown and that this does not affect the adjoining stream.

Accordingly as they have not interfered with the supply of the people using the stream, I think you will see that the Company can hardly give the undertaking asked for"

After a long discussion, a vote was taken with the following result:-

Against rescinding resolution:- Messrs J. Lodd, M. Brown, & Hore, John J. Kehoe, John Sinnott, M. Cook, J. Staples, and the Chairman:- 8. For:- Messrs C. H. Peacocke, N. P. Murphy and J. Cummins:- 3.

Mr Cummins' resolution was declared lost.

Estate Duty Deductions.

The following notice of motion standing in the name of Mr Peacocke was at his request postponed pending consideration of House of Commons Committee report and decision on petition of rights by Kildare Co Council.

That the question of asking for repayment of £2,773 deduction from Estate Duty grant, be considered at next meeting of the Council.

Under date 24 February 1908 the following letter no 10,373-1908 miscellaneous- was read from the Local Government Board:- "Adverting to their letter of the 27th ultimo, I am directed by the Local Government Board for Ireland to inform the County Council of Wexford, that they have now received copies of certificates from the Irish Land Commission, and

the Commissioners of National Debt showing the actual arrears in purchase annuities under the Land Purchase Acts of 1891 & 1903, and the Board are therefore in a position to inform the Council definitely that the amount which will be deducted in respect of land purchase liability from the Estate Duty Grant payable in the County in the course of next month is the sum of £1388: 5: 11.

On the motion of Mr Peacocke seconded by Mr Kehoe the following recommendation of the Finance Committee was agreed to:-

"That our secretary be directed to communicate with the Irish Land Commission asking with respect to the deduction of £1388: 5: 11 made from the Estate Duty Grant in regard to arrears of annuities by tenants purchasing under the Land Purchase Acts, how much of this amount has been repaid to date by the tenants."

Forthcoming Local Government Elections.

Under date 20th February 1908, the Local Government Board wrote (letter no 8,480-1908 Wexford County):-

"With reference to the Entry in the minutes of Proceedings of the Wexford County Council on the 11th instant, relating to the forthcoming local government elections in the County, I am directed by the Local Government Board for Ireland, to state that if the resolution of the Council in regard to the election expenses involves any alteration in the scales fixed by the Council and approved by the Board for previous elections, it will be necessary to obtain the Board's formal approval to the scales as amended for which purpose duplicate copies of the revised scales duly sealed and certified should be forwarded to this Department.

With regard to Council's general order fixing the hours for the election of County Councillors in Urban Districts, namely 10. a.m. to 8. p.m. I am to draw the attention of the County Council to Rule 11 (2) of the Board's Order of the 16th February 1899, which provides that in an Urban District forming a Separate County Electoral Division the hours of poll shall be from 8, a.m. to 8 p.m. and I am to point out, that as Wexford Urban District comprises the Wexford County Electoral Division it will be

necessary for the County Council to amend their order accordingly
 on the motion of Mr Kehoe seconded by Mr Hore the
 following resolution was adopted "That polling for County
 Councillors in Urban Districts of New Ross, Banniscorthy
 and Wexford, on 1st June be held from 8 a.m. to 8 p.m."

Lara Hill Quarry.

The following letter under date 13 February 1908, (no 5072-'08
 Wexford County) was read:-

"The Local Government Board for Ireland have had before
 them your letter of the 25th ultimo, inquiring whether the
 Board have any objection to the County Council of Wexford
 selling quins from their quarry at Lara Hill to contractors
 for the erection of cottages under the Labourers (Ireland) Act,
 and, in reply, I am to state that while, section 12 of the
 Local Government (Ireland) Act, 1898, enables the County Council
 to acquire quarries for the purpose of obtaining materials
 for the maintenance of the roads, in the opinion of the Board,
 it does not necessarily prevent them from disposing of such
 products of the quarry as might be waste, or not required
 for the maintenance of the roads, if they can be disposed
 of without loss and without any interference with the
 production of road materials."

Workmen's Compensation Act 1906

With reference to Letter from Local Government Board, under
 date 2nd March 1908 (no 84 m. 1908 miscellaneous) inquiring if
 the County Council had prepared for insertion in future in
 contractors bonds, a clause providing that the Council would
 be indemnified against liabilities under the Workmen's
 Compensation Act 1906; Mr R. W. Elger Solicitor to whom
 the matter had been referred at last meeting of the Council
 suggested the insertion of the following clause:- "And also
 against all or any claim or claims liability or liabilities
 under the Workmen's Compensation Act 1906 which the
 Council might in any way become subject or liable
 to in respect of this contract."

On the motion of the Chairman the insertion
 of the clause in question was agreed to, and the Secretary
 instructed to communicate with the Clerks of the Rural

District Councils, furnishing them with a copy of the letter of the Local Government Board, and tender, and contract with new clause inserted

Motor Car Act 1903

Under date 18 February 1908 the Local Government Board in a Circular letter, pointed out the necessity for the erection of sign posts to denote dangerous corners, crossroads and precipitous places, the lowering of high banks, and hedges at cross-roads which obstruct the view of converging traffic and the periodical topping of trees overhanging public roads."

under date 21st March 1908 a letter was read from Mr M. Paton-Ker, of Clonegal Co Carlow, asking for permission on behalf of the Irish Automobile Club to fix posts bearing danger signals on the Shilleagh-newtownbarry road at the Watch House corner, and on the hill before his house."

The County Surveyor said, this was the only really dangerous corner he knew of in the County

On the motion of Mr Peacocke, seconded by Mr Kehoe, permission was given to Mr Paton-Ker, to erect these sign posts subject to the supervision of the County Surveyor.

The Secretary was also instructed to inform the Local Government Board that during the past year the County Council had erected 87 sign posts in the County, at cross-roads:- 25 in Enniscorthy District, 20 each in Gorey and New Ross, and 22 in Wexford.

Audit of County Accounts.

Under date 6th April 1908, the Local Government Board wrote (letter no 18375-08) forwarding the following report of Audit of County Council Accounts:-

"I have the honour to report that I have audited the Accounts of the County Council of Wexford for the half-year ended September last, and I forward herewith a certified abstract thereof in pursuance of your Order in that behalf made

The accounts were prepared and submitted for audit in a very satisfactory manner and no item of expenditure calls for any remark on my part

Auditors' Reports.

Copies of report of Auditor as to the accounts of the following were received:—

Ennisecorshy District Lunatic Asylum, Wexford Union, and Rural District Council, New Ross Union and Rural District Council.

Scaled Orders Local Government Board

The Local Government Board forwarded Scaled Orders:—
Water Supply at Gloomon, Ennisecorshy District area of charge; Well and pump at Killurin, Wexford Rural District area of charge.

Sale Food and Drugs Act

Under date 4th April 1908 (letter no. 9667-1908 mis) the Local Government Board forwarded report by Dr. Hamell Assistant Inspector of Food and Drugs for Local Government Board England, on the preparation and sale of vinegar, and called special attention to the suggestion to give a general intimation in the first instance to vendors of vinegar in their districts, that the subject of collection of samples for investigation under the Food and Drugs Act was engaging their attention".

no Order.

Under date 7th April 1908 (letter no 10795/08) the Department of Agriculture and Technical Instruction, wrote, that three samples of butter taken up by their Inspector at New Ross, and three in Gorey were found to be pure

Ferns Burial Ground.

Under date 20 March, the Solicitor to the Board of Works wrote that a sum of £300 had been advanced to the Ennisecorshy Rural District Council, for the purpose of providing a burial ground at Ferns.

Inebriates Act 1898.

Under date 31st March 1908 Circular letter was read from

Under Secretary Dublin Castle
~~the Local Government Board~~ calling attention to the provisions of the Inebriates Act 1898.

The Secretary was directed to inform the Local Government Board that the Wexford County Council have already decided to become contributors to the St. Patrick's Home for Inebriates at Waterford.

Flooding of Mr Thomas' House at Carcur.

Communications were read from Messrs Wm Fry & Son Solicitors 14 Lower Mount Street Dublin, on behalf of the D & G. Rly Company, as to the flooding of a house occupied by Mr. William Thomas, Carcur, Wexford, and whose Solicitor Messrs. M. J. Connor Esq Wexford, had threatened an action against the Railway Co., and the County Council. Messrs Fry suggested in a letter of 23rd March that the action should be settled and stated they had written Messrs Connor "that provided their client would put a reasonable estimate upon the damage suffered by him, and that your Council would be disposed to concur in our suggestion the matter might be settled by your Council and our Company agreeing to discharge equally any small claim for damages made out by his client."

The County Surveyor explained that in his opinion the flooding of the premises was caused by the action of the Railway Co.,

The Finance Committee had made the following recommendation which was confirmed on the motion of Mr Sinnott, seconded by Mr Kehoe:-

"Having considered the circumstances of the case the Finance Committee are of opinion that the Road Authority is not liable"

Payment to Public Bodies.

On the motion of the Chairman the following recommendation of the Finance Committee was adopted:-

"That the first instalment of demands of public bodies amounting to £14827. 16. 10, be made. These instalments allow for deduction of half the Exchequer Contribution for Labourers Cottages from the demands of Rural District Councils. The other half will be deducted in August next."

Inspector of Factories, and Piers,

Under date 11th February 1908, communications were read from the Inspector of Factories calling attention to the necessity of complying with certain provisions of the Dock Regulations at the harbours of Cahore, Fethard, Slade, Duncannon quay, Ballyhack pier, and St Kierans' Saltmills.

A reply in explanation under date 14th February was read from the County Surveyor, who stated that St Kierans Quay, Saltmills was not under the control of the County Council, and that steps were being taken in connection with the other harbours, mentioned to comply with the regulations.

Valuation Lists

The following letter under date 9th March 1908, (no. 47957) from General Valuation Office was marked read:—

I am directed by the Commissioner of Valuation to state in reply to your letter of the 12th ultimo that there is evidently a misunderstanding as to the Co Wexford Valuation Lists, Instead of dividing up items the Commissioner's object since the year 1901 has been, so far as he can do so, consistently with efficiency in collecting the rates, to amalgamate all hereditaments held under the same tenure and by the same owner and occupier.

With the exception of Enniscorthy Rural District this amalgamation had already been made in all the Valuation Lists of Co Wexford, and in the new lists for Enniscorthy Rural District issued to you this year it has now been carried out."

Road Diversions.

The following letter under date 2nd April 1908 was read from Mr. R. W. Elger.

Referring to the Resolution of the County Council passed at their meeting on the 11th February last, as to a road diversion by which it was referred to me to advise the Council as to whether the mere obtaining by a Railway Co, of a Certificate from two magistrates that the Road and Fences were in order is sufficient to

throw the liability for the future maintenance of such road and fences on the Council, I beg to say that I have looked into the Act bearing on the subject (the Railway Clauses Act 1845) sect 56 etc) and I cannot find that there is any power given to Justices, to give any such Certificate.

It seems to me that it is only in the case of damage done to a road in the course of the construction of a Railway that the matter can come before Justices (in the manner that we had here some time ago) but that would not appear to apply to diverted roads at all.

There is no power given in the Act for the Railway Company to apply for the consent of two Justices to their carrying the Railway across a road on the level but not for any other purpose that I can see.

Mr. Elger said that he had since looked into the special Act of the G. S. and W. Ry Co., for construction of the line from Wexford to Waterford, and he feared that by section 31 of that Act the Railway Co., had the power they claimed of handing over diverted roads to the County Council after obtaining certificate from two magistrates that the road and fences were in order.

On the motion of Mr Pearocke seconded by Mr. Hort the following resolution was adopted:— "That Council's opinion be taken as to whether the G. S. and W. Ry. Co., are empowered under the Railways Consolidated Clauses Act, or under their Special Act for the construction of railway line from Wexford to Waterford, to hand over to the County Council diverted roads, or whether they are not bound to maintain fences on said roads, if the County Surveyor considers those erected inadequate"

Lights on vehicles Act

The following order of exemption under "The Lights on Vehicles Act 1907" drafted by Mr Elger Solicitor was adopted on the motion of the Chairman:— "whereas by section 4 of the Lights on vehicles Act 1907, it is provided that the Council of any County may by order exempt from the operation of this Act certain vehicles during such months or period in the year as may be specified in such Order.

now, we the Wexford County Council, in exercise of

our powers under the said recited Act, do hereby, by this, exempt from the operation of the said Act, vehicles carrying, in the course of harvesting operations, any farm produce to stack or barn during the months of August, September, and October in each year.

And we further declare that this, our Order shall take effect throughout the whole of the Administrative County of Wexford.

Sealed with the seal of the Wexford County Council this fifteenth day of April, one thousand nine hundred and eight.

Assistant Surveyor J. J. Ryan.

Under date 6th February the following letter was read from Mr. J. J. Ryan Assistant Surveyor:—

"In reply to your letter of November 16th 1907 with reference to the increase of salary. Through a mistake I forgot to make application at the time requested, and I hope you will be so kind as to bring the matter before the next meeting."

On the motion of the Chairman the following recommendation of the Finance Committee was adopted:—

"The Finance Committee have considered application of Mr. J. J. Ryan, Assistant Surveyor, for increase of salary and in view of the fact that he has so far shown himself unable to complete the measurements of his district within the specified time, and that he was obliged to obtain the assistance of the other Assistant Surveyor, for this purpose, they cannot regard him as having given that efficient service which alone would entitle him to an increase of salary, and they are not prepared to recommend any increase to the Council, until he has shown himself to be an efficient officer."

Enniscorthy Urban District & County Charges.

Under date 4th March 1908, Mr. P. J. Shaw Clerk to Enniscorthy Urban District Council wrote requesting to be informed why the Urban District is required to contribute to the item of £1522 for County at Large Public Works, including new works, the Urban District receiving no grants from the County Council since the main roads scheme was abolished.

On the motion of Mr Peacocke, seconded by Mr Hore the following resolution was adopted:-

"The County Council took into consideration some years ago the entire question of County Charges, and nothing has since taken place to alter the decisions then arrived at."

Hay & Straw (Ireland) Order 1908

Order of Department of Agriculture & Technical Instruction prohibiting importation of hay and straw from several countries. was read for the meeting

Old Windmill Vinegar Hill

Under date 20 February the following was read from Lord Portsmouth.

"I desire to constitute your Council, Guardians of the Monument known as the Windmill on Vinegar Hill, pursuant to the provisions of the Ancient Monuments Protection Act of 1882 and the Local Government Ireland Act 1898"

Under date 3rd March, Mr Bryan Maguire Vinegar Hill, tenant, wrote as follows:-

"Referring to the correspondence as to repairing the Windmill on Vinegar Hill, I will give liberty to the Council, or any persons employed by them to pass through my lands for the purpose of repairing the Windmill on Vinegar Hill, and to draw any material that may be required for that purpose. I shall also permit them during my tenancy in said lands to pass to and from said windmill through my lands for the purpose of repairing and keeping same in repair.

I shall also give them liberty to take in a few feet of land around the windmill for the purpose of erecting a railing, but I do not see the necessity for this if the Windmill be properly repaired.

However if the Council decide on erecting it I have no objection provided that the paling will be in no way dangerous to my cattle, and I will not be responsible for any damage that may be done to the paling or windmill by cattle."

The Secretary said he had received no reply to the following letter which he had written to Mr Maguire

on 18th march:-

"Adverting to my letter of the 3rd inst, I would be extremely obliged if you would let me know by return if you are prepared to Constitute the County Council, Guardians of the old windmill on Vinegar Hill Enniscorthy, pursuant to the provisions of the Ancient Monuments Protection Act of 1882 and the Local Government (Ireland) Act 1898."

The following order was made on the motion of the Chairman "That Mr. Maguire be informed that the State of the law is such, that unless he formally constitutes the County Council custodians of the Old Windmill under the Ancient Monuments Protection Act 1882, they have no power to take over the structure."

Telegraphic line Macmin8.

On the motion of the Chairman, permission was granted the Post-Master General, to erect an over-ground telegraphic line along the public road from Macmin8 Bridge to Macmin8 Post Office, on the understanding that the Post-Master General is to make good any damage which may be done in the placing or maintenance of the line.

Duncannon Hulk.

Under date 30th march the following letter was read from Mr. Walter Breen re Hulk at Duncannon:-

"Mr Webster's letter to hand of 28th inst, informing me the Finance Committee has proposed to allow me £4. per annum, for looking after the Hulk at Duncannon, Sir, I am ten years in the W. S. S. Coys employment looking after and caring the Hulk. There is a lot of trouble with the Hulk particularly in bad weather. I very often had to employ a man to help me pump the hulk in bad weather, and now, a day older a day worse with the hulk, there is also a lot of other things such as gates and chains to look after; there must be a light kept on the hulk every night, well, that must be attended to in bad weather, if not it would get broken. Sir, I will look after the hulk and see everything right, and report anything serious for £9

per annum. Trusting my application will meet with your approval

The Secretary stated that Mr Breen had been voted a salary of £6 for lighting lamps at Duncannon, which had been erected under the Sundry Act.

On the motion of Mr. Cummins, seconded by Mr. Kehoe the following resolution was adopted:— "That Mr. Walter Breen, Duncannon, be voted a sum of £12 per annum for lighting lamps at Duncannon, and for the care of lark, appointment to be determined by a month's notice on either side."

Sheep Dipping

On the motion of the Chairman, the following resolution was adopted:— "That the Sheep Dipping period for the present year be from 15th June to 31st August, and that Mr William Stafford Ballyboker, Tomhaggard; Randal McDonald, Linnahask Oylegate, Aidan Leary Ballyhought, Blackwater, and James J. Shortall Knockree, New Ross, be appointed sheep dipping inspectors for the districts of Wexford, Enniscorthy, Gorey, and New Ross respectively at a salary of £14 for the dipping period, as they have given the Council satisfaction in the discharge of their duties during previous years.

That the Constabulary be requested when handing out notices of intention to dip to also give to sheep owners the declaration that dipping has been carried out, as this course would be a convenience to sheep owners"

Veterinary Amendment Bill

On the motion of the Chairman the following resolution received from the Enniscorthy Co-operative Agricultural Society, was adopted:—

"That this society, consisting of over 800 farmers of the County Wexford, desires to enter a strong protest against the provisions of the proposed Veterinary Surgeon's Bill, which provides for the prohibition of the performance of veterinary Practitioners, and also purposes to restrict the sale of veterinary medicines in a manner which is in our opinion calculated to injuriously affect farmers

and to create an undeserved monopoly in the interests of the Veterinary Profession."

Ford of Lyng.

The following resolution from the Wexford Rural District Council was laid before the meeting:-

"That we call on the County Council to take the necessary steps to compel the owners of the Slab lands to drain the marsh between the Ford of Lyng and the Slab Canal so as to prevent the flooding of the road at the Ford of Lyng"

On the motion of Mr Cummins, seconded by Mr Asple the following resolution was adopted:-

"That the question of the flooding at Ford of Lyng be referred back to the Wexford District Council, and that Mr Elgee Solicitor be requested to hand over to the District Council the correspondence he has had with the present owners of the adjoining Slab Lands"

Irish Education Act.

The following resolution from Dublin County Council was adopted on the motion of Mr Peacocke seconded by the Chairman:-

"Resolved:- That this Council cannot allow the occasion afforded by the decision of the Court of Appeal in the case of the fines under the Education Act of 1892 to pass without recording its astonishment and indignation, that the present Government should, in asking that two-thirds of the fines in question should go to the Crown, have violated an understanding arrived at in the House of Commons, by which the whole of those fines were to go in aid of the rates, and which successive Governments had observed for fifteen years, that such action on the part of the Government is so manifestly unjust that this Council urges on the Irish Representatives of all parties the desirability of publicly protesting against it in Parliament, and that with a view of securing united action on their part in this matter, a copy of this resolution will be forwarded immediately to every

County Council in Ireland, with a request that they draw the attention of their respective representatives to the subject of it without delay"

On the motion of Mr Peacocke seconded by the Chairman the following resolution was adopted:-
 "That our Secretary request the Clerks of petty sessions to call the attention of magistrates sitting at petty sessions to the fact that the Expenses of the administration of the Irish Education Act 1892, must be paid from the Rates, that recently directions were given that two thirds of the fines in cases under this Act should go to the Crown; but that in a letter which Col Cadden wrote to Mr. J. D. Boyd J. P. Limavady, on the 5th July 1907, he stated:- It is quite within the power of the magistrates to award any part of the penalty (not being the whole) to the Complainant as costs". In view of the expense which the Ratepayers are put to in carrying out the provisions of the Act, the County Council consider the magistrates of the county should award as large a share of the penalties under this Act as they possibly can, in costs to the School Attendance Committee prosecuting."

Proposals for Payments.

On the motion of the Chairman the following resolution was adopted:- "That the several proposals for payment for poundage for the Collectors etc; and amounting to £889.6.2 be passed and Treasurer's advice note for same be signed."

W. Keenan Esq.

S.S.S.