

Meeting - October 16th 1903.

A Meeting of the County Council, was held in the Council Chamber, Courthouse, Wexford, on Friday October 16th 1903.

Present :- Sir J. H. G. Emond, Chairman (presided) Other members :- Messrs E. Hore (Vice Chm) J. F. Walsh, C. H. Peacocke, M. A. Ennis, John J. Kehoe, A. Kinsella, M. Murphy, M. J. Furlong, M. Browne, James E. Mayler, James A. Doyle, John Cummins, James Sinnott, and D. Dempsey.

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

The minutes of the last quarterly meeting, and of special meeting of August 31st were read and signed.

The legality of a road :-

The Meeting was specially summoned to consider the following direction of the Chairman :-

"It having been reported that a contract accepted at last quarterly meeting of the County Council held on the 4th August 1903, to widen and put in proper repair 160 perches of lane, between Fitzharris's contract and Bantay Commons; also to build fences, and make gullies, etc; - is not a work of public utility, and payment of which is liable to be surcharged, a special meeting of the County Council be held on Friday 16th October 1903, to consider the advisability of rescinding this contract, and which was accepted by the Council without a full knowledge of the character of the work."

In connection with the above the Clerk of the District Council of New Ross. (Mr Roper) wrote on 17th August :-

"Here is a matter that I wish to direct your attention to- At the adjourned quarterly meeting of the New Ross District Council, a tender was accepted to "widen and put in proper order 160 perches of lane between Fitzharris's contract and Bantry common; also to build fences, and make gulleys, etc."

I have been looking into Vanston's Book on Local Government, and find on page 313 a judgment given by Mr. Justice Andrews, in re a presentment from Co. Leitrim, which causes me to entertain very grave doubts as to the legality of the presentment for a "boreen" on to Bantry commons. I am afraid that the lane is nothing more than a "boreen"; it was simply a passage to some six or seven holdings, ends on the grazing ground of Bantry commons, and could not be described as a "public road".

I would suggest to you to have a consultation as soon as possible with the County Surveyor, and Mr. Elgee. Mr. Webster knows the lane, and of course Mr. Elgee will be a safe adviser as to the law. If the Auditor looked into the matter and surcharged the amount of contract (£118. odd) it would be an unpleasant thing.

Perhaps the work has not been commenced yet, and it may be stopped to afford you time for further inquiry.

I am sorry I did not think of the case before but on looking through Vanston to day I remembered the description I heard of this "lane-way".

On receipt of this letter the Secretary to the County Council wrote:-

I beg to acknowledge receipt of your letter of the 17th inst; with reference to the work "to widen and put in proper order 160 perches of lane, between Fitzharris's contract and Bantry commons; also to build fences and make gulleys etc."

Mr. Elgee is from home and will not be in his Office until Thursday morning, when your letter will be brought to his notice; Mr. Webster is on the Continent and will not return until the 26th

I may point out that your letter is the first intimation which has been received in these offices as to the work in question, not being of any practical utility to the general public, and not connecting two public roads.

I shall let you know what advice Mr. Elgee gives in the matter.

In answer to this letter the Clerk of the District Council wrote:- with regard to your observation that my letter in reference to the laneway leading to Bantry commons, is the first intimation as to the work designed, not being of the nature of a "public road" I speak of what I have heard. I would like to have the work carried out, if it is not an illegal charge, and not liable to be surcharged if paid for.

When I read Banston's note, as I have already mentioned, I thought I ought to point out the question for the consideration of yourself, Mr. Elgee and Mr. Webster.

Mr. Webster could of course say whether the laneway will be in the nature of a public road or not, and in his absence I daresay his Assistant, Mr. Jones, can give you

the necessary information, supposing Mr. Elger is of opinion that a point of difficulty arises about it."

The circumstances of the case having been communicated to Mr. Elger, he decided that counsel's opinion should be taken and that the Chairman should be consulted.

In this way the matter came before the present meeting.

Mr. Elger read the opinion of counsel (Mr. J. M. Healy) which stated that as a presentment for widening an existing public road under section 50 of the Grand jury Act, this would probably be illegal as the laneway, was not a public road already nor ever under presentment or bounty jurisdiction.

If proper steps were taken under section 55 to make a new road 16 feet wide, counsel saw no objection to it, merely from the fact that it would only convenience half a dozen families and is not a thoroughfare.

It was only on purely technical form that I think this proposal should not be proceeded with in its present shape.

He advised that the bounty council should refer the matter back to the District Council, stating that the objection of their clerk under section 50 seemed valid; but if a new road was proposed under section 55 it will be considered by the bounty council.

If no contract has been signed and no document exists except, that, before him, the bounty council would not be liable in any action, the work being of a nature that they have no power to expend

money on.

Proposed by Mr Peacocke, Seconded by Mr Kehoe and passed :- 'That as Council's opinion is adverse to the County Council proceeding with this contract the matter be referred to the New Ross District Council.'

Proposed by Mr Peacocke, Seconded by Mr Hore, and passed :- 'That the County Surveyor be directed to call the attention of the County Council, to all proposals for new roads and works, in future, and explain in detail the circumstances of each road.'

Mr Webster said, if he had considered this road had been illegal he would have brought the matter under the notice of the Council at last Meeting.

Resignation of Coroner for South Wexford.

The following letter which was received on the 5th October 1903, was read from Mr Bogan, Coroner for South Wexford:- 'I beg to tender my resignation as Coroner for South Wexford, I take this opportunity through you to thank the members of the County Council for their courtesy and kindness, to me during my tenure of office, which I cannot now relinquish without expressing my gratitude both to you and Mr Fuzelle, for your voluntary assistance to me when appointed in 1900. The assistance given to me by the Constabulary was everything that could be desired in more senses than one, and I always found the members of the Press most courteous and obliging.'

In connection with the appointment

of a successor, to B. Bogan, letter N^o 57587 1903 Wexford County, under date October 13th 1900, from the Local Government Board, asking to be informed of the salary proposed to be given to B. Bogan's successor when the amount had been fixed by the County Council, was read.

On the motion of Mr. Ennis, seconded by Mr. Walsh, the following recommendations of the Finance Committee were adopted:-

The Chairman moved- That the election of coroner take place on the 3rd November and that draft advertisement read for meeting be approved."

Mr. Ennis seconded. Passed.

Mr. Ennis proposed. "That no change be made in the existing districts for coroners. Passed"

The Chairman moved- "That the salary of the incoming coroner be £125 per annum.

Mr. Walsh seconded. "Passed"

Rate Collection.

The following minute of the Finance Committee was approved on the motion of Mr. Ennis, seconded by Mr. Walsh:- "With reference to the Rate Collection for the County: Mr. James. L. Doyle, Collector attended to explain why he was always so backward in collecting the rates of his district, he had only £31: 17: 7 on the 27th June collected, although he had received his warrant on the 11th May, and on the 26th September, Mr. Doyle had a sum of £342: 14: 5 outstanding to complete his collection.

Mr. Doyle said owing to the

poor district he had to collect, it was impossible to get in the rates at greater speed than he was doing. He suggested that the financial half-years should end on the 31st October, and 31st April of each year.

Mr Doyle said he would promise to commence with more vigour earlier after receiving the warrant.

He got several cautions but he was always confident he would close.

Mr Ennis proposed: - "That Mr Doyle having given an undertaking to have his collection made more rapidly in future, the county council do not take any further steps in the matter of his collection to obtain the return of his warrant."

Mr Peacocke seconded the resolution which was adopted.

Appointment of Auditor.

The Secretary reported the appointment of Mr J. H. Calvert, to audit the accounts of the council for the half years ended 30th September 1902 and 31st March 1903, and the death of Mr Calvert on the 10th September, during the course of the audit.

The Secretary reported the appointment of Capt Gibson Auditor, to complete the audit of the accounts referred to above.

The Chairman proposed: - "That a vote of condolence be passed with the family of the late Mr J. H. Calvert Auditor."

Mr Ennis seconded the resolution which was adopted.

Half yearly meetings of Council. Under date 22nd August the Local Government Board wrote (letter no. 45916-1903

Wexford County) stating that they had before them the resolution of the Wexford County Council of 4th August in connection with the order proposed to be made by the Board under section 12 of the Local Government (Ireland) Act 1902. authorising the County Council to hold half yearly instead of quarterly meetings and with reference to the suggestion of the Council that paragraph 2. should be amended by inserting the words "Article 21 of the principal order as amended by article 14. of the amending Order," instead of Article 21 of the said order the Board were advised there was no necessity to alter the draft order as it is perfectly clear in meaning. The expression the "said Order" can only refer to the amended order and the latter expression is fully defined in the preamble. The suggested alteration if carried out would entail further alterations and make the order unnecessarily cumbersome. The Local Government therefore proposed, as this was the only amendment suggested by the County Council to make the order in terms of the draft submitted to the County Council.

The Secretary said the Order had been issued and a copy sent to each member of the County Council.

The Chairman moved: "That the Local Government Board be supplied with the numbers of Quarterly and half yearly contracts in being in the County, and of the number of quarterly contractors who have agreed to be paid half yearly in future, and be

requested to re-adjust the salaries of the County Officials in accordance therewith. Mr. Hore seconded the resolution which was adopted.

Total number of contractors paid half-yearly - 415.

Number of Contractors, as per return furnished Local Government Board, who have consented to be paid half yearly - 397 (See minutes of 4th August)

Provisional Orders.

Circular letter was read from the Local Government Board (No 12986-1903 miscellaneous) under date 31st August 1903, explanatory of the proceedings to be taken by local Public bodies for obtaining Provisional Orders in Parliament. The letter was accompanied by a copy of the revised instructions dealing with the matter and prepared by the Local Government Board.

By-laws.

A letter was read from the Local Government Board under date 18th August. No. 45915-1903 Wexford County; referring to an entry in the minutes of the Council of the 4th August relating to the proposal of the Council to make by-laws for regulation of traction engine traffic over New Ross Bridge and pointing out that a copy of any by-laws which the Council may resolve to adopt in pursuance of section 6 of the Public Health (Ireland) Amendment Act 1879, should be submitted to the Local Government Board for provisional approval before the necessary statutory preliminaries are carried out prior to submitting the by-laws for formal confirmation.

Mr. Elgee said he was afraid it was the Urban District of New Ross who should make out the by-law in the case of the

bridge. The New Ross commissioners made the existing by-laws but the Grand jury had to guarantee the cost of making them and bear any expense of prosecutions for engines crossing over the bridge.

Mr. Webster reported that the joint committee from counties Kilkenny and Wexford met at the bridge. The matter was left to the county surveyors. The county surveyor of Kilkenny wrote to him pointing out that the county council of Kilkenny had made the following recommendations to be sent to New Ross Urban District:-

1. That the rule prohibiting traction engines from crossing the bridge under steam be withdrawn, and in its place a rule be made to allow these engines to cross under steam at such a rate that not less than 5 minutes be occupied in crossing."
2. Under no circumstance must a traction engine draw a load with it while crossing.
3. Under no circumstance shall an engine have frosters or spuds in its wheels while crossing the bridge.

On the suggestion of the chairman the following change was made in Rule 2. "draw a load with it while crossing" should read "draw a wagon with the engine full or empty"

"Also"

4. That vessels be prohibited from mooring to any portion of the structure or mooring to the warping buoys except for the purpose of warping.

The Chairman also moved: "That the correspondence in this matter including letter from the Local Government Board be sent to the Kilkenny County Council, and if the Kilkenny County Council approve of the changes made by the Wexford County Council the former to forward the recommendations to New Ross Urban Council and suggest their adoption. Mr. Peacocke seconded. Passed.

Reports of Audits of Unions etc.

The Secretary submitted reports of the Audits of J. A. Baker Esq. Local Government Auditor on his Audit of the Accounts of the County Unions, District Asylum Committee, County Committee of Agriculture, up to March 1903.

Coastguards and Piers.

The following letter under date 10th October 1903, and N^o. 4348-4155 D. W. - C. S. was read from the Director of Works. The Admiralty London. "With reference to your letter of the 5th August 1903 on the above mentioned subject (Maintenance of Piers and Harbours in Co. Wexford) addressed to the Board of Trade, and forwarded by the Department to the Admiralty. I have to inform you that the Piers referred to as being under the jurisdiction of the Wexford County Council, are it is found, on inquiry, used to a very small degree only, by the Coast Guard service, and under these circumstances it is regretted that the application for a contribution towards the cost of their repair and maintenance cannot be entertained by the Admiralty.

Sealed Orders.

Sealed Orders were received from the Local Government Board in the cases of Pump at Cylegate, and additional water

supply, for Feens - both having the Enniscorthy Rural District as the area of charge.

Repairs of Piers.

Under date the 25th August, the Board of Works, wrote (letters no 4048-1903 and 5965-03) asking what action the County Council had taken with respect to certain repairs required at Fethard and Barmore Piers.

The Secretary said that some of the repairs had been carried out and the others were in progress.

Under date September 18th 1903 (letter no. 13925-03) the Board of Works wrote that it had been reported to them that a breach measuring about 10 feet by 27 feet had occurred in the masonry and concrete work of the outer wall of Duncannon Pier, and that a portion of the pier head had fallen, the masonry obstructing the Harbour entrance.

If not possible owing to the lateness of the season to effect complete repairs to the pier at an early date, the Board trusted that some steps will be taken to minimise the risk of further injury during the winter. The pier was stated to be in an unsafe condition.

The Secretary said he had been informed by the County Surveyor that the latter owing to the urgency of the work had had the repair executed by Sudden Damage Orders.

Analyses of Butter

Under date 13th August and 25th September, the Department of

Agriculture reported that their officers had obtained samples of butter in county wexford at the following places and on analysis they were found to be pure :- Wexford town, 2 in samples. Enniscorthy - Five; Newtownbarry - Five.

State of Roads in North Wexford.

Under date 31st August, the following letter was read from Mr. E. F. L. Ellis, J.P. St. Austin's Inch :-

"I wish to bring under your notice the state of the roads in this locality; little, if anything appears to be done to them, and I venture to say that no metalling has been put on some of them for years and the watertables are so choked that I have noticed the water flowing out over the roads. Some of the roads about here are so rough that it is impossible to travel much beyond a walking pace without danger of loosening nuts and bolts of a vehicle. I do not suppose the County Surveyor ever visits this district as if he did he surely would not permit the roads to continue in the state of disrepair they are in; if he is cognizant of their present state he must be incapable.

I have no hesitation in saying that they are a disgrace to the county of Wexford.

Mr. Webster explained that the road referred to be Mr. Ellis was seven miles long. It went through bog-quarry and passed by Mr. Ellis' gate.

Portions of this road had been very much damaged by timber traffic. Two woods in the neighbourhood having been cut down. The other

portion of the road was damaged by Mr. Ellis' trees; as a matter of fact the county council had to break a contract for one of the roads in the same district, owing to the extent of the timber traffic. He (Mr. Webster) had been proceeding under the 5th section to get Coolgreany street, which was certainly in a bad state improved.

At the meeting of the District Council a proposal made by him to divide the road into two sections giving an increased price on the particular part at Coolgreany, referred to by Mr. Ellis was approved.

He would take further action to have the trees cut at Mr. Ellis' place as they were causing a good deal of harm.

Mr. Kinsella - I went that road yesterday on a motor bicycle, and the trees are a great nuisance always keeping the road in mud.

Railway - Damaged Roads.

The chairman moved, Mr. Peacock seconded, and it was passed:-

"That we direct our county surveyor to inform our solicitor of any road or bridge in which injury has been, or is being done by the Fishguard and Rosslare Railway Company and we direct our solicitor to take the necessary steps to have these roads or bridges put in proper repair."

The following letter was read from Rev. J. Byrne and Edmund Doyle, Hon Secs. of the Forth Agricultural and Industrial Association -

October 13th 1903.

At a meeting of the above association held at Taggart on the 7th Inst. it was

unanimously decided to refer the following local grievance to the County Council for consideration:-

"Within the past year and a half our association has found it necessary to complain several times of the dangerous condition of the public road leading over Assaly Bridge-Kilclinnick. They have had frequent correspondence with the County Surveyor on the matter, have received from him promises to have the abuse remedied.

So far very little has been done. The road is at present in a most neglected state. The Railway contractors seem not disposed to regard the rights of the public and hence leave the work unfinished. If left in its present dangerous condition during the winter months the thoroughfare will be rendered almost impassable.

We therefore in the interest of the Ratepayers appeal to your Council to support us in enforcing the contractors to attend to their duty."

After a long discussion the following resolution was adopted on the motion of Mr Peacocke, seconded by Mr Walsh:- That inasmuch as the Fishguard and Rosslare Railway Company have failed to comply with the Orders of the Magistrates made in January and April last to put the roads injured by them in the construction of their line of Railway into repair, our Solicitor be instructed to now take further proceedings necessary to compel payment of the fines then imposed, and that the County Surveyor be instructed to inform

him of any ease in which the Magistrates Order be not carried out, with a view to his taking proceedings to compel the company to put the roads into repair, and that in all future cases of the Railway company damaging the roads the County Surveyor be directed to instruct our Solicitor to take the necessary proceedings to compel the company to repair them."

Ballywilliam Railway Station - The Secretary of the Great Southern and Western Railway Co. under date 11th August wrote acknowledging the receipt of the resolution of the Council asking that Ballywilliam Railway Station should be reopened.

The Irish Gold Ornaments - The following letter was read from Sir Tho^s A. G. Comonde, Bart. M.P.
Ballynestrigh Inch
26. 8. 1903.

Dear Mr. Frizelle,

On my return from abroad, I find your letter of August 5th inclosing a copy of a resolution which the County Council has been good enough to pass with regard to the recovery of the Irish Gold Ornaments from the British Museum.

I am deeply indebted to the Council for this resolution indicative as it is of the interest they have taken in the long contest which has at last been decided in favour of Ireland.

The importance of our victory will be more appreciated as years roll on, when our country with increasing opportunities, and under happier conditions realizes her rightful position, as the centre of the Celtic world, and the depository and guardian of all that is

most valuable in Celtic literature, and Celtic Art.

Meantime I hope that no member of the Council will miss the opportunity when in Dublin of visiting the collection of Irish Gold Ornaments in the National Museum Kildare Street, which is now incomparably the finest in existence.

Faithfully Yours.

Thos. H. Grattan Comondie.

Lupus Cure.

A resolution was received from Cavan County Council calling attention to the fact that Ireland had no Hospital fitted with the necessary appliances for the cure of Lupus, and asking public bodies to urge on the Government the necessity of having the necessary appliances placed in a Dublin Hospital as such a rate that the poor of Ireland can be treated and cured

"No. Order"

The Coercion Act.

A resolution was received from Lismore District Council calling on the Government to repeal the Coercion Act of 1897 in consequence of the prospective settlement of the Land question.

"No Order"

Thos. H. Grattan Comondie.

3 Nov. 1913.

Quarterly Meeting - November 3rd 1903.

The Quarterly Meeting of the Co. Council was held in the Council Chamber Courthouse Wexford, on November 3rd 1903.

Present:- Sir J. H. Grattan Edmond Bart Chairman,

Other councillors:- Edmond Hore (vicibhm) Daniel Dempsey, James E. Mayler, Michl. Briune, James Donohoe, John Bolger, John Cummins, Alexander Kinsella, Michael J. Furlong, Robert King, Denis Karanagh, James Sinnott, James A Doyle, C. H. Peacocke, James Shearne, J. F. Walsh, John J. Kehoe, Thaddus Bolger, W. Murphy, Michael Hickey, J. D. Doyle, Lord Stopford and M. A. Ennis.

The Secretary, the County Surveyor, and Mr. R. W. Elger, Solicitor were also present.

The minutes of last meeting were read and confirmed.

Proposals for Payments

Lord Stopford proposed. Mr. Ennis seconded and it was passed:-

"That the proposals for payment from the Proposals Committee and District Councils in respect of quarterly payments be adopted, and the usual paying authority signed."

