

Meeting January 18th 1902.

a meeting of the county council was held in the council chamber
court house, Wexford on Saturday 18th January 1902

Present:- Mr E Hore, vice chairman (presiding)

other councillors - Messrs D. Dempsey, M. Browne, James Donohoe,
William Whitty, Patrick O'Connor, James A. Doyle, C. H. Peacocke,
Lawrence Murphy, John F. Walsh, M. J. Redmond, James Codd,
Lord Stopford, and Capt L. A. Bryan.

The minutes of last meeting were read and signed

Loan £1500.

In connection with the application of the council for a loan
of £1500 on behalf of the committee of Enniscorthy Lunatic
Asylum, the following extract was read from the minutes
of the Finance Committee Meeting of December 21st 1901:-

"The following letter was read from Mr R. M. Elgee Solicitor:-

Writ - Fortune & Co. Council

December 14th 1901.

Messrs O'Flaherty & Son have issued a writ at the suit of Mr
William Fortune against the county council for £1150 : 19 : 4
for work done at the Enniscorthy Lunatic Asylum, so I think
you had better call a meeting of the Finance Committee to
consider the matter, because so far as I can see there is no
defence.

If you decide on calling the meeting, please don't have
it before this day week as I won't be here

Yours Sincerely

R. M. Elgee.

Capt Pigott

Secretary County Council

Mr Elgee stated that the amount of the writ was made up as
follows:-

Balance due on contract.	£1101 . 3 . 9
Interest on the amount from the date at which it should have been paid.	49 . 15 . 7
	£1150 : 19 : 4

The final certificates of the Architect were issued on the 10th July
and 11th October 1900, and the amounts were payable six months
after these certificates were issued.

The wording in the contract was - "the balance retained shall
be paid in six calendar months after the architect's final
certificate that the work has been completed according to contract."

From this it would appear that the balance on the original contract should have been paid on the 11th April 1901. and on the small contract on the 10th January 1901; so that Mr Fortune was out of his money for a period of eight months on one contract and nearly twelve months on another and he had been paying interest to the Bank all the time.

Mr Beacocke proposed that a copy of the correspondence in connection with this loan be forwarded the Local Government Board and that they be requested to give permission to the county council at their meeting on the 18th January to pay the amount of this writ should they so desire and that the special attention of the Local Government Board be directed to the claim for interest and their views be requested thereon, and that Mr Elgee enter an appearance to the writ.

Mr Walsh seconded and it was passed.

In reply to the recommendation of the Finance Committee, the Local Government Board wrote under date 31st December 1901 (letter No 72.797/1901. Wexford County) stating that the Council should act on their Solicitor's advice in this case, and if he was of opinion the claim of the contractor for the balance due on foot of the contract and of interest thereon, could not legally be resisted, the Board considered the county council would not run any risk in paying the amount.

Under date 3rd January 1902, Mr R. W. Elgee wrote acknowledging receipt of copy letter from the Local Government Board re Fortune v. county council, and stated he was quite clear the county council were liable to pay interest to Mr Fortune on his balance but in order that there might be no question about it, he was sending a case to counsel to advise on the matter.

Under date January 9th Mr Elgee wrote that Council advised that the county council must pay interest on the balance of his contract to Mr Fortune at £5 per cent from six months from the date of the architect's final certificate. The first certificate is dated 10th July 1900 and there was £100 due on it and he (Mr Elgee) made the interest on that from the 10th January 1901 to the 18th January 1902 to be £5.2.2. The second certificate is dated the 11th October 1900 and the amount due on it is £1101.3.9. He made the interest on that from the 11th April 1901 to the 18th January 1902 to be £38.13.11.

together £43 : 15 : 6.

Mr. O'Flaherty forwarded the Interest account to Mr. Elger from which it appeared that the amount due was £5 : 2 : 2 on the £100 and £38 : 13 : 6 on the £1001 : 3 : 9 making a total of £43 : 15 : 8.

Mr. Donohoe proposed. "That Paying orders for £1101 : 3 : 9 for balance of contract due in connection with works at the Asylum Enniscorthy and £43 : 15 : 8 for interest thereon be drawn in favour of Messrs O'Flaherty & Son, Solicitors for Mr. Fortune, as our Solicitor advises us that this claim cannot be disputed under the terms of the contract with Mr. Fortune."

Mr. Dempsey seconded the motion which was adopted.

A letter was received from the Board of Works (No 17280/01 under date 28th December 1901) forwarding copy of a letter addressed to the Resident Medical Superintendent with reference to the loans of £1200 and £300. This letter stated that it would be necessary for the County Council to give an undertaking that the instalments in repayment of the £1500 loan as well as any existing loans, would be remitted the dates at which they became due, namely 1st May 1st November in each year, and that it might be advisable for him to acquaint the Secretary of the County Council on the matter without delay.

The letter concluded - "I am to add that the delay in this case has been caused not by this Department but by the neglect of the Asylum Authorities to furnish a reply to the Board's letter of the 25th November until nearly four weeks had elapsed."

Proposed by Mr. Donohoe :

"That our Secretary inform the Board of Works that this Council hereby undertake to discharge instalments in repayment of all loans provided the Receivable Orders are forwarded in time."

Mr. Dempsey seconded this resolution which was passed.

Date of audit of A/c's.

The Secretary reported that J. H. Balvoert Esq. Local Government Auditor, had fixed his audit for the accounts in connection with the half year ended March 31st 1901 for the 29th January 1902 at Eleven o'clock a.m.

Appointment of Returning Officer

Mr Donohoe proposed that Mr N. J. Fizzelle, Assistant Secretary County Council be appointed Returning Officer for County and Rural District Council Elections, also Returning Officer for election of County Councillors and Guardians in Urban Districts.

Mr Peacocke seconded the resolution which was passed unanimously.

Mr Peacocke proposed that Mr Fizzelle be allowed a sum of £50 exclusive of all expenses as his fee for conducting the Elections.

Mr Dempsey seconded the motion which was passed.

Mr Fizzelle consented to act on these terms.

Date of Elections

On the motion of Lord Stopford, seconded by the Chairman, it was decided to fix the date of elections for June 4th 1902, polling booths in all cases to remain open from 8 a.m. to 8 p.m.

Mr Donohoe moved -

Advance of £200

Elections "That as there are 21,000 voters on the Register for Local Government Elections for Wexford County and a request for an advance being received from the Returning Officer, we advance to him at our Quarterly Meeting the sum of £200 for the purposes of the Elections."

Mr Peacocke seconded the motion which was passed.

Complaint against Collector Sullivan

The Local Government Board wrote under date 18th Decr 1901 No 71156/1901, Wexford County, transmitting letter which they had received from Mr Joshua Lavingstone relative to the action of Collector Sullivan in connection with the collection of poor rate in the Enniscorthy Rural District and requested the observations of the Collector in this case.

The Secretary said he had forwarded Collector Sullivan a copy of the letter of the Local Government Board together with that of

Mr Livingstone and he had received a reply which he had sent to the Local Government Board.

Under date 3rd January 1902 (letter No 73533 : 1901 Wexford County) the Local Government Board acknowledged the receipt of the explanation furnished by Collector Sullivan, and returned the documents sent with same.

marked "Read"

Collector Barden's poundage.

with reference to the collection of Poor Rate by Collector John Barden, the Local Government Board under date 19th December 1901 (letter No. 71581 : 1901, Wexford County) wrote assenting to the proposal of the County Council to pay poundage fees to Colr. John Barden on lodgments of Poor Rate made by him to the 11th December 1901 in respect of the levy for the financial half year ending 30th September 1901.

Ordered - That the amount of Poundage due Collector Barden be paid at next quarterly meeting.

Auditors Reports.

The Local Government Board letter No. 71467 : 1901 Wexford County under date 17th January 1901 forwarded copy of the report of the Auditor Mr J. A. Baker, on his audit of the accounts of the Committee of the Enniscorthy District Lunatic Asylum for half year ended 30th September 1901.

marked "Read"

Petitions against Provisional Orders.

The Local Government Board forwarded copies of their Regulation prescribing the time within which petitions may be lodged in certain cases against Provisional Orders authorizing County or Urban District Councils to take or use any land or basements or rights over or in land. The time for lodging these petitions shall be one calendar month after the Publication of Provisional Order and the date of publication of the petition shall be the day or last of the days on which the order shall appear in three local newspapers.

The Secretary reported that it was now over twelve months since Councillor M Smyth had attended a Meeting.

Lord Storbord said that he had personal knowledge of the fact that Mr Smyth had been seriously ill for a considerable time past.

Proposed by Mr Donohoe, seconded by Mr Dempsey, and passed:-

"That as the absence of Mr Smyth from the meetings of the Council has been caused through illness, we decline to take steps to declare the office vacant."

Chucker's Bond.

Mr R. Brighton wrote under date 6th Decr 1901 that he was now prepared to enter into a fidelity Bond and offered the Patriotic Assurance Company as his surety.

Ordered. That the Council approve of Mr Brighton (as checker of the Accounts of the Rate Collectors) entering into a Bond with the Patriotic Assurance Company.

A resolution was received from the Urban District of Blackrock with reference to the claims of Town Tenants to compensation for improvements &c under Land Act of 1870 or provided indefeasible title similar to that accorded by the Landed Estates Court.

Mr Browne proposed the adoption of this resolution which was seconded by Mr Dempsey and passed.

Irish Language.

A Resolution was received from the Secretary Tipperary County Council with reference to the Irish Language, the provision made for Irish in the Intermediate Education Scheme and demanding that Irish be accorded status equal in every respect to that of the most favoured language on the Intermediate programme.

The adoption of the above resolution was

proposed by Mr Browne, seconded by Mr Dempsey
and passed

Seal. draft Mortgage.

On the motion of Mr Donohoe, seconded by Mr
Dempsey, the draft Mortgage from the Board
of Works in reference to the loan for Enniscorthy
Asylum was approved.

Edmund Hore.