

Meeting 8th March 1901.

A meeting of the county council was held in the Council Chamber Court House Wexford on March 8th 1901.

Present: In the Chair, Mr Edmond Hore Vice-Chairman
Other Councillors - Messrs M. Browne, James Codd, C. H. Peacocke, J. J. Walsh, P. Ryan, D. Dempsey, W. Whitty, James Donohoe, Laurence Murphy, Thaddus Bolger (new member), James E. Maylor, William Whitty and Lord Maurice Fitzgerald
Capt Pigott Secretary to the Council and Mr Webster County Surveyor were also in attendance.

The minutes of the last meeting of the Council were read and confirmed.

Mr Thaddus Bolger, the recently appointed chairman of the Enniscorthy Rural District Council subscribed the usual declaration of office.

Lord Maurice Fitzgerald moved the suspension of standing orders for the purpose of proposing a resolution. Permission for the suspension of standing orders being granted, Lord Maurice Fitzgerald proposed the following resolution.

Resolved: - That we the county council of the county of Wexford, solemnly protest against the statute which compels the Sovereign on accession on opening Parliament, to declare doctrines of the Roman Catholic faith, are idolatrous and superstitious, and we call on His Majesty's Government to at once introduce a measure which shall mollify the declaration so as not to offend the Faith of a large portion of His Majesty's Subjects, and which shall accord with the spirit of the age.

Mr Peacocke seconded the motion, which was supported by Capt Walker and the Chairman and passed nem. con.

Irish Members of Parliament

Mr Donohoe moved the suspension of standing orders to propose a resolution and permission to suspend having been granted Mr Donohoe moved the following resolution.

Resolved That the Irish Members of Parliament have our hearty sympathy in their endeavour to resist the sudden and unconstitutional closing of a vote of our

£17,000,000. sterling including two millions of Irish expenditure, without allowing of any discussion, and in the absence of the leader, and other experienced members of the Irish Party, thus taking a mean advantage, and reducing Irish representation at Westminster to an insolent farce. And we further beg to express our sympathy with those Irish members who were subjected to the gross and insulting indignity of being set upon by a lot of English police, at the instigation of the speaker of the House of Commons, and we assert that such brutal misconduct on the part of the English Government merits the contempt of all lovers of constitutional liberty, and that a copy of this resolution be sent Mr John E. Redmond, Sir Thomas St. Gattan Edmunds, Mr P. French, and Mr Balfour."

Mr Dempsey seconded the resolution which was put and declared passed by the chairman.

Local Inquiry

Letter No 49/M:1901 from the Local Government Board under date 6th March 1901 as follows, was read

"I am directed by the Local Government Board for Ireland to state for the information of the County Council of Wexford that orders made by the Board under section 115 (18) of the Local Government (Ireland) Act 1898. determining the increase of remuneration of certain county officers in County Wexford in respect of their increase of duties under the Act, have been set aside by the Court of Appeal in Ireland, and it therefore devolved on the Board to proceed de novo to determine the increase of remuneration in proportion to the increase of duties in cases coming within that section."

"Before however, arriving at a determination on the subject, the Local Government Board will be prepared to consider any further representations which the County Council may desire to offer on the subject."

"Having regard to the delay which has

"taken place in this matter, the Board will feel obliged if the county council will be good enough to furnish any observations they may have to offer at the earliest possible date."

"I am further to state that the Board will be prepared should the council prefer it, to order a local inquiry for the purpose of giving the county council and their officers an opportunity of expressing their views but the county council will understand that under article 32. (3) of the schedule to the Local Government (Application of Enactments) Order 1898, the cost of such inquiry will be a charge upon the county funds"

The Finance Committee which had met earlier in the day, and considered this letter, made the following recommendations:- "We recommend in consideration of the correspondence which has taken place between this council and the Local Government Board in reference to the increase of salaries granted by them to the county surveyor, and Assistant Surveyors, that under all the circumstances, a local inquiry would prove the most satisfactory step to take."

"We recommend the Council to employ a second Solicitor or Barrister to assist Mr Elger, as the cases are of such great importance to the ratepayers."

Special Committee

"We recommend the Council to appoint a special committee to go into the facts of the cases and generally assist in preparing evidence for the inquiry"

"Mr Donohoe moved that the recommendations of the Finance Committee be confirmed."

"Mr Dempsey seconded, and the resolution was passed without dissent"

Mr Dempsey proposed and Mr Browne seconded.

Employment of Mr Healy "That Mr J. J. Healy Solicitor, be employed to assist Mr Elger"

Passed.

As a committee in accordance with the recommendations

of the Finance Committee the following were named -

The members of the Finance Committee and Messrs Whitty, Dempsey and Murphy.

It was decided that the Committee be summoned immediately after the Assizes.

Mr Peacocke proposed and Mr Ryan seconded

Resolved - "That the scheme for Technical Instruction submitted by the Wexford Urban Technical Instruction Committee be approved, and forwarded to the Department of Agriculture and Technical Instruction for Ireland, concurrently with the scheme for Technical Instruction promoted by the County Committee"

*Approval of J. J. Scheme of
Wexford Urban Dist.*

Decision of Court of Appeal

Under date March 7th a communication was read from Mr R. W. Elgee, Solicitor to the Council reporting the decision of the Court of Appeal in the cases of the Council v The Local Government Board, and asking for the instructions of the Council in the cases of Thomas Rennick and a blacksmith named Kinsella. In the former Rennick had proccessed the Council for injuries to his horse caused through the subsidence of a gullet, and the County Court judge held that under Section 82 of the Local Government (Ireland) Act 1898, the Council were liable, but recommended an appeal. "This had been lodged by Mr Elgee"

In the case of Kinsella an application had been made to the County Court judge for a sum of £3. for malicious injury to a smith's bellows, by its having been cut. He (Mr Elgee) contended that the injury did not come within the word "manufacture" as used in the 5th Section of the Malicious Injury Act, under which the claim was made. The judge while being doubtful on the point, and suggesting an appeal gave a decree for £1. 10s. He had lodged an appeal also in this case. The question would probably arise hereafter, and it would be well for the Council to consider whether it would not be better to have the question determined now.

On the motion of the chairman it was decided to approve of the action of Mr Elgee in Rennick's case with reference to the case of Kinsella.

on the motion of Captⁿ Walker, seconded by Mr Donohoe a resolution was adopted directing Mr Elgee to withdraw the appeal, as the bouncil believed it would be better to wait for a case in which the sum involved would be a larger one.

Estimate of Rate.

In connection with the estimates of the Council for general and separate charges, which were adopted at the last meeting, the Local Government Board writing under date 21st February N^o 9755, 1901 pointed out with respect to separate charge N^o 28. that expenses for the purposes of Technical Instruction under the Acts of 1889-91, should be included in the general county or District Rate, as the case might be.

The estimate should therefore be corrected if the scheme under these acts had been formulated by the County Council.

On the same subject a second letter was read from the Local Government Board under date March 1st 1901. (N^o 11,332: 1901)

The following recommendation of the Finance Committee on this matter was confirmed, on the motion of Mr Browne seconded by Mr Peacock - "Resolved That in answer to the letters of the Local Government Board N^o 9755: 1901. (under date February 21. 1901) and N^o 11,332; 1901. (under date March 1st 1901) the rate under the Technical Instruction Act 1889-91. be struck out of the estimate of separate charges, and that as only a small amount of money will be required by the Committee entrusted with the management of the business under these acts for the first half of the local financial year 1901-2, we determine to exclude from the general estimate which has been adopted by the Council for this year, expenditure for the purposes of these Acts. That we direct our Secretary to include the expenses under this head in the revision of the estimate for the second half of the local financial year, 1901-2, as the Council have already

"decided that the total amount to be raised under this head for the year in question should be limited to a halfpenny in the £."

Auditor's Report.

Letter No 8312:1901 from the Local Government Board under date 18th February 1901 forwarding the report of the Auditor (Capⁿ Gibson) was read. The following is a copy of the Auditor's report—

"I have the honour to report that I have audited the accounts of the Wexford County Council for the half year ended the 30th Sep^r 1900, and beg to forward abstracts of the same, duly declared and certified, in which will be found fully detailed statements of the receipts and expenditure under the several heads of service.

"I ascertained that all sums received were properly brought to account, and that the several items of expenditure were supported by adequate Vouchers.

"As regards the collection of the Rate (which was struck on the 21st May 1900) all the collectors, with a few exceptions—closed their accounts within this half year.

"The time for them however, having been extended by the Local Government Board, they duly lodged the full amount of their warrants as directed with the exception of collector McGrath, whose case is still under consideration. Having at my last two audits had occasion to comment on the unsatisfactory manner in which collector Doyle discharged his duties, I regret to have to state that this officer appears to be still deserving of censure as an examination of his accounts for the current half year shows that although he received his warrant on the 12th November last he had made no lodgment, since that date. This is a matter which should obviously receive the consideration of the Council.

"With reference to a paragraph in my last report dated the 20th Sept 1900, in which I pointed out that the bowthouses appeared

"to be inadequately insured, I desire to state that the Council has acted on my suggestion and increased the insurance very substantially."

It will be observed that in the Abstracts certain Balances in favour of contributory areas have been transferred, and the said areas have in every case been recredited with the amounts to which they were entitled respectively.

My attention having been called to the appointment of Mr. Kehoe, as Assistant Surveyor or Road Overseer, on inquiring into the matter it appears that although he is at present discharging the duties connected with the position, he has received no salary in respect of the same since the receipt of the Local Government letter (No 47.262.1900) dated 17th August, last, and addressed to the Wexford County Council, pointing out that until the gentlemen concerned obtained his Certificate of Qualification, any payment made to him would not be a legal charge on the rates, otherwise it would have been incumbent upon me to have made a surcharge.

The Bonds of the several accounting Officers were produced for my inspection and were found to be correct.

I am happy to state that the Council, and its Finance Committee appear to manage their business with judgment and discretion, and to exercise a carefully supervision over the management and disbursement of the funds entrusted to their charge.

I have only to add that the Secretary's accounts have been most accurately and carefully kept."

On the subject of the Auditor's report the following recommendation had been made by the Finance Committee

"That we request the Council to direct our Secretary to furnish Collector Doyle with a copy of the Auditor's observations, and

J. L. Doyle's Collection

ask for a explanation as to why he has not
"carried out the directions of the council,
"with respect to his collection"

On the motion of Mr Donohoe seconded by Mr Dempsey the
recommendation of the Finance Committee was approved.

On the motion of Mr Donohoe, seconded by Mr Dempsey the
following recommendation of the Finance Committee was
also confirmed - "That we request the Council to call the attention
of collectors M'Grath, Bannville, Nolan, Earle
Lacey and Blake, to the backward state of
"their collection and direct our Secretary to
"inform them, that if they did not exercise
"more diligence in the performance of their
"duties we request the Council to take serious
"notice of their conduct."

*collectors and their
collection*

Procedure of Councils Order

Draft procedure of Councils Order issued by the Local
Government Board was considered, and the following
recommendation of the Finance Committee thereon was
approved on the motion of Mr Peacocke seconded by Mr Dempsey

"We recommend the Council to approve
of all the paragraphs in the new draft
order with the exception of those which
deal with direct labour"

Direct Labour

"We recommend the Council to inform the
Local Government Board that from our
knowledge and experience of the present
system of road maintenance contracts in
the Wexford, we consider that the introduc-
tion of direct labour would be more
expensive and less satisfactory."

In connection with this question Mr Webster suggested that
the Council should agree to the following changes in the
principal Order - To add to Article 14 (1) the following words

*additions to
Principal Order*

"That the Council or Committee shall consider
the proposal and shall adopt, or reject it
provisionally but should the proposal be
adopted provisionally the further consideration
of the proposal shall be adjourned to a
quarterly meeting held in next quarter"

This suggestion was ordered to be forwarded to the Local

Government Board on the motion of Mr Peacocke seconded by Mr Codd.

In Article 19. 2(c) of the principal order, Mr Webster suggested the following addition

"And shall send a list of the names of the contractors whose tenders have been accepted to the County Surveyor."

This suggestion was also ordered to be forwarded to the Local Government Board on the motion of Mr Peacocke, seconded by Mr Codd.

appointment on Asylum committee

The following resolution was adopted - Proposed by Mr Dempsey seconded by Mr Donohoe "That Mr William Whitty Junr be appointed as one of the representatives of the Council on the Committee of Management of the District Asylum, vice Mr Owen Doyle deceased."

appointment on Infirmary committee

Proposed by Lord Maurice Fitzgerald seconded by Capt Walker "That Mr Dempsey be appointed a member of the County Infirmary Committee in the room of the late Mr Owen Doyle, one of the representatives of the Council"

Coal - Farns Court House

Mr Edward O'Connor, Farns wrote under date 6th February 1901 to the Magistrates of Farns that the statues in the Court House of Farns, were being injured by the damp, and asking them to recommend the County Council to make an allowance for coal so that a fire could be kept in the building.

"In reply to this the Magistrates wrote that in their opinion unless a fire was kept in the Court House at least twice a month the Acts of Parliament would be ruined"

The Finance Committee recommended that the request be acceded to and the recommendation was unanimously confirmed."

Harmless Lunatics in Workhouses.

Circular letter No 31 M-1901 under date 26th February 1901 from the Local Government Board with reference to harmless lunatics in workhouses was read.

Mr Peacocke proposed - "That we appoint a committee to consider this subject and report to the Council"

Mr Donohoe seconded the resolution which was passed unanimously -

The following committee were then appointed

committee

Messrs Donohoe, Peacocke, Capt Walker, Lord Maurice Fitzgerald, Lord Stopford, J. B. Hearn, John Bullin, Philip Creane, and the Chairmen of the four boards of guardians in the County

It was agreed that the committee should hold its first meeting in Wexford on the 19th inst at 2 p.m.

Report of Mr J. H. Ryan.

The following preliminary report was received from Mr J. H. Ryan M. Inst. C.E. 22 Nassau St. Dublin with reference to Ferrycarrig Bridge -

March 7th 1901

Sir,
At the request of members of your Bridge Committee, I beg to submit a preliminary report on the condition of Ferrycarrig bridge, which I examined on the 5th inst with the following result -

Superstructure

The footpath planking is defective throughout. The wooden hand railing is for the most part, defective and requires immediate repairs. The roadway planking is for the most part sound, but being laid across or at right angles to the line of bridge is subject to severe wear and tear (apart from the defective bearing on longitudinals in parts)

Regarding the main longitudinal beams on which the flooring boards of roadway and footpath rests, I found many in an unsound condition and several so bad that I consider their immediate removal and substitution with sound timbers absolutely necessary; pending however my complete report those requiring immediate attention are as follows - The four beams in first span, North end, the bearing ends of which on Northern abutment are unsound, I would

recommend when repairs are being carried out that a timber wall plate or bearing plate be inserted in the masonry, this latter to apply to the south abutment also.

One whole beam in second span should be taken out and renewed, also one in eight span, also one in fourteenth span, on down stream side, and on which machinery of draw span is fixed; also the bearing ends of three beams on the south abutment, and the outside beam on down stream side of last span (south end) should be taken down and renewed.

Understructure

Regarding the trestle piers and pending my complete report I found the upper portion of many of the piles unsound which will require scarphing, also some of the cross head beams and braces, those requiring immediate removal and substitution with sound timbers are as follows- The cross head beam on No 5 pier part of cross head beam in No 6 pier, the cross head beam in No 11 pier. I found the machinery of draw span has not been in use or the span opened for some years, and judging from the defective condition of certain parts of the machinery, I do not consider it would be desirable to attempt to open the bridge (even if it were possible to do so which I doubt).

In view of the complete and necessary repairs to the bridge which will doubtless be considerable the present timber hand railing should be removed and an iron handrailing or strong timber handrailing substituted. The flooring boards should be also laid diagonally, and spiked to longitudinal beams.

In connection with this subject the following report of a meeting of the joint Bridges Committee held on the morning of the 8th March 1901 was read- Present Mr P. Ryan (Chairman) presiding Capt Walker, J. F. Walsh, D. Dempsey, W. Whitty, C. H. Peacocke, and Lord Maurice Fitzgerald

The following resolution was adopted on the motion of Mr Peacocke, seconded by Capt Walker.

"That the Committee recommend to the County Council that the points referred to by Mr Ryan in his preliminary report as dangerous to the public be referred to Mr Webster County Surveyor, and that he take such steps at once as may be necessary to place the bridge in a condition of safe transit for the public."

Capt Walker pointed out that what was considered dangerous was a cross beam and the longitudinal beams going into the roadway at the Old Castle.

Lord Maurice Fitzgerald considered the Council should make up their minds to break the contract on this bridge and not crush the contractor who acted in ignorance when taking the contract.

Mr Webster said it would be a hardship on the contractor if he had to purchase timber, and give the requisite labour for all the repairs at once, but if the materials could be supplied, and paid out of the contract by instalments the difficulty could be met.

Capt Walker considered this would shut out any contingent repairs that might be required on the bridge during the next four years, for which the contract was to run. It would be better to postpone everything in connection with the bridge except the consideration of replacing the cross piece and the beams which were required immediately.

In reply to Lord Maurice Fitzgerald Mr Webster said that the cost of inserting the new cross piece would be about £7. Mr Whitty- The contractor was supposed to get the bridge in good order when he was taking it over.

Mr Walsh- About his contract to maintain the bridge in the same order as he received it. He should not be obliged to do all this new work.

Mr Webster- I think the specification would cover this new work.

Mr Walsh- Then I call it a fraud.

Mr Webster- The amount of his contract for the five years would put the bridge in perfect repair.

Capt Walker- No man can prophesy what may be necessary to the bridge for the next four years, and if you expend the entire amount of the contract now, what are you going to do? You will leave nothing for contingent repairs for the future. I will propose that pending the complete report of Mr Ryan we postpone action generally with regard to Ferrycarraig bridge, but have the few matters mentioned in Mr Ryan's preliminary report as being urgent and necessary carried out by Mr Webster at once."

"Mr Webster said he did not think the cross head was an urgent matter"

"Capt Walker- It is in two pieces at the present moment as it is cracked from top to bottom

Mr Webster- That is longitudinally

Capt Walker- and I noticed to-day in crossing that the bridge had sunk at this place.

Mr Webster in reply to a question said that £300 would put the bridge in perfect order. All these matters mentioned by the Engineer were not immediately urgent.

Lord Maurice Fitzgerald said he would propose if the Contractor wished that the contract should be broken

Chairman- We cannot break contract in that way.

Mr Webster said he had got the contractor to do a great deal of work up to the present, and what had been paid the contractor would not recoup him. The contractor had been laid up with influenza, or more would have been done at the bridge for the past week. He believed that the new cross head and beams would be more than the quarters pay for the contractor. It would take about a fortnight to put in the cross head.

Mr Walsh- More assistance should be provided, and not have the public subjected to inconvenience for such a long time. If everything was ready the cross

piece should be put in in three or four days.

Capt Walker then formally moved his resolution, which was seconded by Mr Whitty, as being put to the meeting was declared passed by the chairman.

"Mr Webster said he should protest against the observation of the Engineer that the draw bridge had not been opened for years. This was not a fact."

Malicious Injury Claim

Messrs Evans Boyd and Greene, solicitors New Ross, wrote asking for cheque for £19 - 7 - 3, amount of decree in a malicious injury claim made by William Bannville.

Ordered That Messrs Boyd & Greene be informed that the amount will be paid at the quarterly meeting of the Council.

The following resolution was received from the Limerick Co. Council -

"That we congratulate the Members of the Wexford County Council on their splendid and successful fight against the Local Government Board on the question of raising the salaries of officials to an extravagant and exorbitant point, which we trust will be a lesson to the Local Government Board, and that copies of this resolution be sent to the Wexford County Council and to the Local Government Board"

"On the motion of the chairman the Secretary was directed to acknowledge this resolution and express the thanks of the Council to the Limerick County Council for its adoption"

Parliamentary Franchise Forms

In connection with the expense of printing the Parliamentary Franchise forms Mr Kehoe clerk to the Wexford guardians wrote under date, February 12th 1901, that he was directed by his Board to call the attention of the Secretary to the fact that in addition to paying the expenses of printing the County Council would be good enough to pay any expenses that would be incurred in the advertising and in postage on the forms.

The Finance Committee had made the following recommendation on this matter.

That the Council be recommended to pay the postage etc mentioned in Mr Kehoe's letter
Confirmed

Yearly Rate

Circular letter No 9 M. 1901 from the Local Government Board under date 18th January 1901 with reference to the question of yearly rating was considered, and the following recommendation of the Finance Committee thereon, was adopted on the motion of the chairman:- "That we recommend the County Council to strike the rate annually in future."

Tonnage Rates

In connection with the 'tonnage rates' resolution passed by the Council at the last meeting acknowledgements of its receipt were read from Mr French, M.P. The Board of Trade, and the Under Secretary Dublin Castle.

Mr J. W. Russell M.P. wrote acknowledging the resolution passed at last meeting thanking him for the efforts he was making to promote the compulsory sale of land in Ireland.

Lecture by Mr Spier

Mr J. W. Rolleston of the Department of Agriculture and Technical Instruction wrote acknowledging the letter of the 7th Feby, and promising to communicate with the Secretary of the Council in the event of arrangements being made for the delivery of a lecture by Mr Spier in Enniscorthy.

Salthill Industrial School

The Manager of Salthill Industrial School Galway wrote under date 7th March 1901 as follows:-

"We are asked to take a country boy from St Patrick's Industrial School Kilkenny by transfer, and before doing so I shall feel obliged by your letting me know if your Council will pay the usual rate for him while here, in the event of our admitting him."

Ordered:- That The Manager be informed that this Council will pay for the boy at the usual rate in the event of the transfer being effected."

Case of Mr John Kehoe

With reference to the appointment of Mr John Kehoe, Moordown Ballymitty, as Assistant Surveyor, the Local Government Board under date 4th March. Letter No 47/M. wrote that Mr Kehoe had attended the examination for Assistant Surveyors on the 6th and 7th ultimo, and again failed.

to satisfy the Board that he possessed the qualifications prescribed by their Order for Assistant Surveyors.
The Finance Committee had made the following recommendation in connection with this letter.

That as Mr Kehoe obtained such good marks at a recent examination we recommend the County Council to request the Local Government Board to sanction his appointment as deputy surveyor, as we have every confidence that he would make a first class officer, and as he intends to continue his studies. We feel certain that under section 83 (6) of the Local Government (Ireland) Act 1898, we have power to appoint him as an official under the Council."

Confirmed

Analysts report

The Secretary read the report of the County Analysts for the quarter ending 31st December 1900. and explained that a copy of the document had been sent the Local Government Board

Tour of Automobile Club.

A letter was read from Mr R. J. McCredy, Irish Motor News Dublin, asking the Council to favourably view the proposed tour in Ireland of the Automobile Club of Great Britain and Ireland.

Mr Browne proposed that permission to use the roads by this club be prevented by the Council as far as possible"

Mr Dempsey seconded, and the resolution was adopted
Mr Peacock dissenting

The Bank Book showed a balance in favour of the Council of £12005 " 12/- on the General account, and subsidiary account a credit balance of £203 " 7. 6.

22nd March 1901

Edmond Hore.

Meeting 22nd March 1901.

A meeting of the County Council was held in the Council Chamber Court House Wexford on Friday March 22nd 1901
 Present: In the Chair, Mr Edmond Hore Vice Chairman
 Other Councillors - Messrs M. Browne, James Donohoe, J. F. Walsh, P. Ryan, C. H. Peacocke, James Codd, D. Dempsey, James E. Mayler, Lord Stopford, & Lord Maurice Fitzgerald.
 The Secretary to the Council (Capt Pigott) and Messrs. R. M. Elgee Jun^r and J. J. Healy Solicitors, were in attendance.
 The Minutes of the last meeting were read and signed.

On the motion of Mr Donohoe seconded by Mr Peacocke it was resolved that the business which referred to the proposed local inquiry as to the salaries of the County and Assistant Surveyors be discussed in Committee.

Date of Inquiry

The following resolution was adopted on the motion of Mr Donohoe seconded by Mr Browne (Lord Maurice Fitzgerald dissenting)

"In reply to the Local Government Board's request that we name a date for an inquiry into the question of the future remuneration of the County and Deputy Surveyors, it is hereby resolved that the Local Government Board having previously fixed the increased remuneration of these officers, illegally as decided by the Court of Appeal, we hold that the Local Government Board is thereby prejudiced, and consequently, in our opinion, incapable of doing justice as between us and our officers; and we therefore claim that the proposed inquiry be remitted to arbitrators selected by those interested."

It was decided that the Local Government Board be informed that the 16th April, would be a good day for the holding of the Inquiry, but only in the event that the returns required for the House of Commons by Sir Thomas Comonde, had been laid on the table of the House.
 The Council reserved the right of suggesting another date if the returns asked for by Sir Thomas Comonde are not ready by the 16th prox.

