

Meeting May 3rd 1899

At a Meeting of the County Council held on the 3rd of May 1899

Present: Sir Thomas H. Grattan Esmonde Bart. Chm
 C. H. Peacocke Esq.

E. Hore Esq.

W. Whitty Esq.

Capt. L. A. Bryan D.L.

C. M. Doyle Esq. D.L.

J. J. Walsh Esq.

M. J. Reamond Esq.

Jas. Donohoe Esq.

J. B. Hearn Esq.

M. Browne Esq.

D. Sempsey Esq.

Jas. A. Doyle Esq.

Lord M. Fitzgerald (A.M.L.)

P. Ryan Esq. (Mayor of Wexford)

M. Smyth Esq.

B. Bolger Esq.

J. E. Meyler Esq.

J. Coda Esq.

Lord Viscount Stopford.

Owen Doyle Esq.

P. O'Connor Esq.

M. J. Hickey Esq.

D. Power Esq.

R. W. Elgee Esq. Solicitor to the County Council was also in attendance

The minutes of last meeting were read and confirmed.

It was agreed that the Finance Committee go into the question of Incasurship.

Proposed by Lord M. Fitzgerald and seconded by M. J. J. Walsh.

Infirmary Committee

That the following be appointed members of the Infirmary Committee: Rev. S. B. Hore, Archdeacon Latham and Mrs. Jeffries. Resolved.

Proposed by J. J. Walsh Esq. That M. A. Ennis Esq. Right Rev. J. Browne
 Seconded by Jas. A. Doyle Esq. and Lord M. Fitzgerald be appointed on
 the Infirmary Committee (Passed)

Proposed by Lord Viscount Stopford and Seconded by Daniel
 Dempsey Esq.: That the following be appointed by the Co
 Council as members of the Infirmary Committee: J. B. Hearn
 Esq., E. Store Esq., J. Whelan Esq., J. Blummins Esq., J. Donohoe
 Esq., O. Doyle Esq., M. J. Redmond Esq., P. Breane Esq., J. Good Esq.,
 B. Bolger Esq.: (Passed)

The recommendations of the Finance Committee were
 read and confirmed

Election Expenses.

Proposed by Sir J. H. Grattan Esmonde Bt and Seconded by
 Capt. L. A. Bryan and passed: That the election expenses
 be taxed and that Mr. Elgee be authorised to look after
 the taxation of said expenses.

Payments to District Councils

Proposed by Mr O Doyle, Seconded by Mr. J. Good: and
 passed: That the District Councils be paid the amount
 recommended by Finance Committee.

Dates - Meeting District Councils etc

Proposed by C. H. Peacocke Esq. Seconded by D. Dempsey Esq.
 That the following be the dates of the Quarterly Meetings
 of the Wexford Councils: - Wexford 22nd May, 1899; New Ross, 5th
 June, 1899. 14th June 1899 Enniscorthy, Gorey 15th June 1899. County
 at large 6th July 1899 at 11 o'clock am. (Passed)

Coroners Salaries etc.

Proposed by Lord Stopford Seconded by M. J. Redmond Esq.:
 That the amount of £25 per ann be allowed to the County
 Coroners in lieu of mileage (Sec 14 Sub. Sec. 6) in addition to
 the salary of £130 per annum. Passed.

It was ordered That the letters from the Right Rev J Browne D.D, Rev J Dunne and Archdeacon Latham be placed on the minutes:.

Rectory Wexford.
May 1st 1899.

Dear Sir

I beg to acknowledge the receipt of your letter, stating that I have been appointed a member of the Enniscorthy District Lunatic Asylum Board.

Will you please convey my thanks to the County Council. I hope to be able to attend occasionally

Yours Faithfully
J. K. Latham

St. Aidan's Enniscorthy.
April 29th 1899.

Dear Sir

I beg to acknowledge the receipt of your letter informing me of my appointment to the Enniscorthy Asylum Board. Kindly convey to the members of the County Council my thanks for the honour they have done me, and my assurance that I shall do my best to discharge the duties of the office with the attention and assiduity it requires.

I remain Dear Sir
Faithfully Yours.
John Dunne.

Summerhill Wexford.
May 1st 1899.

Dear Sir

I beg to acknowledge the receipt of your communication informing me that the County Council has appointed me a member of the Enniscorthy District Lunatic Asylum Board. I wish to thank the County Council for appointing me.

me to this position

Yours faithfully.
+ James Browne.

Contagious Diseases (A) Act Committee

The following members were appointed a committee of the Contagious Diseases (Animals Act) Mr. J. Emyler Mr. J. E. Emyler Mr. M. J. Hickey Mr. Jas. O'D. Dempsey Mr. O. Doyle Mr. C. H. Peacocke Lord Viscount Stopford Mr. J. Linnott
Three members to form a quorum

Courthouses & Quarterly Meetings

Proposed by C. H. Peacocke Esq.
Seconded by S. Dempsey Esq.

That the District Councils select the Court Houses if they deem it necessary for their Quarterly Meetings and that the Wexford District Councils may be held in the county courthouse Wexford.

Co. Surveyor & Main Road Scheme.

Proposed by M. Browne Esq. Seconded by J. B. Hearn Esq.

That the county Surveyor's report on main roads be adopted with the exception, that Gorey be levelled up to one sixth. (same as the other Districts). Passed

Auxiliary Asylums.

It was decided on the suggestion of Mr. O. Doyle on the question being raised by Mr. Donohoe.

That the question of Auxiliary Asylums to be deferred for 3 months.

Ordered: That this County Council be adjourned to 10.30 o'clock a.m. on the 26th May 1899.

Treasurership

Proposed by Sir J. H. Grattan Esmonde Bt. Seconded by J. B. Hearn Esq.: That a cheque for the total amount standing to the credit of this Council in the Provincial Bank be drawn and transferred to the National Bank Wexford.
Passed.

Proposed by Sir J. H. Grattan Esmonde Bt.
Seconded by J. B. Hearn Esq.

That the question of the future Treasurership of the

the bouncil be referred to the Finance Committee of this bouncil to report to this next meeting of this bouncil. Passed

A letter as follows was received:-

The Chairman Wexford County Council

Sir

I beg to express my thanks for the Council's kindness in sending me a deputation of their Finance Committee respecting the terms on which your Banking Account would be kept here. My Directors authorize me to say that Interest on creditors balances would be allowed at "Deposit" rate, which ranges from 1 per cent upwards and any loans required would be done at 3 per cent

Yours faithfully
L. S. Kennedy.
Mgr.

The following letter was read from the Provincial Bank of Ireland: signed by Mr. F. C. R. Creed, Manager

With reference to the proceedings at the last meeting of the Wexford County Council, when, I understand a resolution was passed appointing the National Bank Treasurer to the Council. I beg to point out that the proceeding was quite irregular. No notice was given to this Bank which has held the Treasurership for a good many years. and no motion was made or passed to remove it from that office. The resolution passed was therefore Ultra Vires, and the Chairman was wrong in stating that it was the proper time to bring forward the resolution, which he knew to be in favour of the Bank of which he is a Director. This in itself gave an unfavourable aspect to the proceedings. In view of what I have stated the Bank is still Treasurer of the County under the 115th Section of the Local Government Act, and is prepared to act accordingly. My Directors recognizing the popular character of the new body.

are prepared to keep the account on exceptionally liberal terms and will allow 3 per cent on the credit balances of the Account from day to day, and will be prepared to make any advances the Council may require at 4 per cent. As this will also be on the debtor balances from day to day, in no other way could the loans be obtained on such low terms. I trust therefore that the terms offered will prove satisfactory to the Council and that on a re-consideration of the matter if no other Bank is willing to give better terms this Bank will be left in possession of the office it has held so long. It is difficult to see where the difference lies, between eviction from ^{an office} and eviction from a farm: between grabbing an office and grabbing a farm.

Thos. Esmonde Esmonde.

At a Meeting of the County Council held on Friday the 26th May 1899 at 10.30 o'clock

Present (In the Chair) Sir Thomas H. Grattan Esmonde Bart.
 P. Ryan Esq (Mayor) J. E. Mayler Esq Lord Viscount Stopford
 Capt J J Walker Capt J. A. Bryan J. J. Walsh Esq. G. H.
 Peacock Esq. O. Doyle Esq. Nyles Smyth Esq. Edward Hore
 Esq. M. Browne Esq. J. Donohoe Esq. M. Aickey Esq. Jas.
 Coaa Esq Lord M. Fitzgerald P. O'Connor Esq. W. Whitty Esq.
 J. Cummins Esq. Jas. A. Doyle Esq. B. Bolger Esq. J. B. Heam Esq.
 S. Lowe Esq. J. Sennott Esq. L. Murphy Esq.
 R. W. Elgee Esq. Solr to the County Council was also present.

The following correspondence was read:

Summerhill Wexford.
 May 6th 1899.

Dear Sir,

I beg to acknowledge the receipt of your letter informing me that I have been appointed a member of the County Infirmary Committee by the County Council at their Meeting May 3rd

Yours Faithfully
 + James Browne

W. H. Pigott Esq.

are prepared to keep the account on exceptionally liberal terms and will allow 3 per cent on the credit balances of the Account from day to day, and will be prepared to make any advances the Council may require at 4 per cent. As this will also be on the debtor balances from day to day, in no other way could the loans be obtained on such low terms. I trust therefore that the terms offered will prove satisfactory to the Council and that on a re-consideration of the matter if no other Bank is willing to give better terms this Bank will be left in possession of the office it has held so long. It is difficult to see where the difference lies, between eviction from ^{an office} and eviction from a farm: between grabbing an office and grabbing a farm.

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 Peacock Esq. O. Doyle Esq. Nyles Smyth Esq. Edward Hore
 Esq. M. Browne Esq. J. Donohoe Esq. M. Aickey Esq. Jas.
 Coaa Esq Lord M. Fitzgerald P. O'Connor Esq. W. Whitty Esq.
 J. Cummins Esq. Jas. A. Doyle Esq. B. Bolger Esq. J. B. Heam Esq.
 S. Lowe Esq. J. Sennott Esq. L. Murphy Esq.
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Yours Faithfully
 + James Browne

W. H. Pigott Esq.

Rectory Wexford.
May 9th 1899.

Dear Sir,

I beg to return my best thanks to the County Council, and especially to Lord Maunice Fitzgerald and Mr. Walsh my proposer and seconder, for my appointment as a member of the County Infirmary Committee. I hope to attend regularly its meetings.

Very Truly
J. H. Latham

Treasurership - Opinion of Council.

The following opinion of Mr. J. M. Healy 2.6. M. P. on case submitted to him in reference to the County Treasurership was read:

On the passing of the Local Government Act the existing officers of the Grand Jury including the Treasurer were transferred to the County Council under Section 115 Sub Section 1. There was therefore no vacancy in that office on the day the Council first met, but it was and is competent for the Council to create a vacancy by regular procedure. Its power in the matter is made clear by Section 83 Sub Section 1 which provides that the County Council shall appoint the Treasurer of the County who shall be Treasurer of the Council, and sub sections 4, 5 & 6 show that the Treasurer may be removed without the concurrence of the Local Government Board (unlike some of the other officers therein mentioned) Section 115 Sub Section 18 however provides, that existing officers transferred from the Grand Jury shall hold office on the same tenure and conditions as heretofore. It is therefore necessary to consider on what tenure the Treasurer's office is held. The Provincial Bank was appointed under 30 & 31 Vic Cap 46 Sec 2, which enables any meeting of the Grand Jury to revoke its appointment and appoint another Banking Co. in its place, so that the office was terminable at any moment, at the pleasure of the Grand Jury whose powers in this respect descend to the County Council. Moreover a Banking Co. is especially excepted from the protection afforded to other transferred officers by section 115 Sub Section 19 of the L. G. Act and is entitled to no compensation on removal or abolition of office. No question can

therefore be raised as to the power of the Council to remove the Provincial Bank, from its position as Treasurer altho' there may be a question as to whether at present that power has been exercised in point of law. I have indicated that there was no vacancy in the office of Treasurer when the County Council first met, and therefore in my opinion the Resolution of the 22nd April was not operative to dismiss the Provincial Bank from the office, as all it does is to appoint another Bank to an office which was then full.

Notice to a Banking Co. of its intended dismissal beforehand is not necessary but there must be in fact a dismissal and in County Wexford none has yet taken place. A resolution to work that consequence should run in some such terms as the following:

"That the appointment of the Provincial Bank of Ireland to the office of County Treasurer of the County of Wexford pursuant to the 2nd Section of the 30th & 31st Vic Cap 46 be and is hereby revoked and that the said Banking Co, be and is hereby dismissed and removed from said office"

When that resolution has been passed in accordance with the procedure regulating the business of the Council the office will be vacant and it will be competent to at once fill it, by a new appointment. Such a resolution not being part of the Statutory business of the Council appears to me to require notice under Rule 8 Article 36 Sub. Section 10. The third rule of this article enables the Chairman to call a meeting at any time and a 3 days' notice to each member should be given of the business proposed to be transacted.

Meanwhile the existing Treasurer cannot refuse to honour the cheques of the Council, and if they are dishonoured the Treasurer is liable to an action and damages for any injury or loss sustained.

There are moreover other perils for a Bank which dishonours the cheques of customers having money in its custody which need not be considered as doubtful. The Provincial Bank will at once give effect to its contention that it remains the County Treasurer pending solid dismissal and will act with that propriety which its position and status requires.

I need not I think discuss now whether the resolution of 3rd May was legal or not, beyond saying that in my opinion, if the Council now draw cheques for any legal disbursement, there seems little doubt that they will be cashed, as it is impossible to conceive that the Provincial Bank would place itself in the serious position of dishonouring them, because of any ultimate purpose in the minds of members of the Council. The cheques should probably be drawn on the account to which each is applicable, but a bank, would be in a very insecure position which dishonoured cheques properly drawn, otherwise, because they did not specify the ledger and kept by itself.

I trust the foregoing substantially covers all the questions submitted to me

J. M. Healy

25th May 1899.

Asylum Committee

The following resolutions were passed:-

Proposed by Lora Stopford

Seconded by C. H. Peachcke Esq.

That the resolution appointing the committee for Lunatic Asylum be confirmed and that 5 be a quorum.

Appointment of Accountant

Proposed by Sir J. H. Desmond Bt.

Seconded by J. B. Hearn Esq.

That the report of the Finance Committee be adopted.

An amendment to the recommendation as to the appointment of a permanent officer as Accountant was proposed by Mr. J. Donohoe and Seconded by Mr. J. Cummins.

That we appoint a temporary Accountant at a salary of £3. per week. On a division the following was the result:-

For Amendment

J. Donohoe
D. Dempsey
J. E. May Jr.
M. Browne
J. Cummins
M. Smyth
W. Whitty
P. O'Connor.

D. Power.
J. Sinnott
E. Hore.
Jas. Codd
M. Hickey (13)

Against Amendment

B. Bolger
J. B. Hearn
Owen Doyle
C. H. Peachcke
L. Murphy
J. F. Walsh
P. Ryan
Lord Stopford
Capt. Walker
James A. Doyle
Lord M. Fitzgerald
Capt. Bryan (12)

Proposed by J.B. Hearn
Seconded by Mr. J. Donohoe.

That we have replied to our advertisement for this position sent into the Finance Committee, and that the Finance Committee may if necessary employ the assistance of a firm of Chartered Accountants to enable the Committee to judge the competency of the applicants so that suitable names may be submitted to the County Council for selection of this office.

Thos. H. Gattan Esq. Mayor Bt. shm.

Treasurership

Proposed by Edmond Hor Esq.
Seconded by P. Ryan Esq. (Mayor)

That the appointment of the Provincial Bank of Ireland to the office of the Treasurer of the County of Wexford, pursuant to the 2nd Section of the 30 + 31st Vict. c. 46 be, and is hereby revoked, and that the said Banking Company be and is hereby dismissed and removed from said office.

(Passed) J.H.G.E.

Proposed by J.B. Hearn Esq.
Seconded by E.H. Peacocke Esq.

That the National Bank be appointed to the Treasurer of the County of Wexford.

Passed: J.H.G.E.

The following amendment was proposed
That the Provincial Bank be appointed Treasurer to the County Council on original terms, viz 3% current a/c and 3½% overdraft.
Proposed by J. Donohoe Seconded by Lord Maurice Fitzgerald.

The following was the division

For amendment

J. Donohoe
J. A. Doyle
Capt. J. J. Walker
Capt. L. A. Bryan
Lord M. Fitzgerald

5

Against Amendment

D. Dempsey
J. C. Mayler
M. Browne
B. Bolger
J. Cummins
M. Smyth
W. Whitty
P. O'Connor
D. Power
J. B. Hearn

J. Sinnott
 E. Hore
 C. H. Peacocke
 L. Murphy
 J. J. Walsh
 P. Ryan
 O. Doyle
 M. Hickey
 J. Coad
 19.

State of Bank &c at each Meeting

Resolved: That the Secretary have ready for each meeting of the Co. Council the state of our Bank &c
 Passed.

Election Expenses

Proposed by Sir Tho. H. Grattan Comonde
 Seconded by M. Smith Esq

That on the undertaking of the Sheriff to refund any sum taxed off the expenses of the late elections the sum of £1000, be paid M^r Thomas Wilkinson on a/c of expenses of the said election. Passed

Dates of Quarterly Meetings

Proposed by C. H. Peacocke Esq
 Seconded by Owen Doyle Esq

That the dates of the Quarterly Meetings be held as follows, instead of the dates already appointed viz:
 New Ross Monday 10th July 1899
 Ennisorthy Friday 12th July 1899
 Gorey Tuesday 18th July 1899
 Proposal Committee Monday 31st July 1899 at Wexford
 Hour of Meetings 11 o'clock. Passed

Treasurership

Proposed by D. Dempsey Esq
 Seconded by Owen Doyle Esq

That a cheque be drawn on the Provincial Bank of Ireland, in favour of the National Bank, for £12,023 - 13 - 6 the amount of the Agricultural Grant &c to the credit of the General Co Fund &c and that such sum be placed to the credit of the Co. Council in the National Bank
 Passed.

Proposed by C. H. Peacock Esq

Seconded by Lord Viscount Stopford. That the Co. Council request the Local Govt Board to permit this Council to transfer to the National Bank the sum of £4877.9.6 standing to the credit of the Co. Wexford Grand Jury in the Provincial Bank Wexford, notwithstanding that the Grand Jury Ac^t have not yet been audited or adjusted
(Passed)

Dates of Asylum Meetings

Proposed by Lord Viscount Stopford

Seconded by C. H. Peacock Esq. That the days of meeting of the Committee for the Lunatic Asylum be the second Wednesday in each month at the hour of 1.15 P.M.
(Passed)

Poor Rate Collectors Scheme.

Proposed by J. Donohoe Esq

Seconded by O. Doyle Esq. That the draft Poor Rate Collection scheme be amended by retaining in the collection of Collector Sullivan the Electoral Divisions of Newtownbarry, Kilsesh, St Marys, and Rosard, and adding thereto the new Electoral Division of Moyacomb
(Passed)

Proposed by J. Donohoe Esq

Seconded by O. Doyle Esq. That the draft Poor Rate Collection scheme be amended by taking Killora C.D. from Sullivan's collection and retaining it in the collection of M^r John Walsh
(Passed)

Ordered:-

That the Co. Council be adjourned to 3rd June 1899 at 10 O'clock

3rd June 1899

Edmund Hore