

Special Meeting - 2<sup>nd</sup> December 1903.

A special meeting of the County Council, was held on December 2<sup>nd</sup> 1903. in the Council Chamber, Courthouse, Wexford; on the requisition of the Chairman, (Sir Thomas H. G. Esmonde) to consider the decision of the Magistrates, in the case of the County Council v. The Rosslare and Fishguard Railway Co., and the offer of the Railway Company to pay £845, to repair the damage done by them to the County roads by traffic in connection with the construction of the new line of Railway.

Present: - Mr. E. Hore, vice Chairman (presiding)  
Other Councillors: - Messrs C. H. Peacocke, J. F. Walsh, W. J. Furlong, D. Dempsey, John J. Kehoe, J. Cummins and W. Hickey.

The Secretary, Mr. R. W. Elgee, Solicitor, and Mr. Webster County Surveyor, were in attendance.

Railway Co. v. Co. Council - re roads.

Mr. Elgee informed the Meeting that on the hearing of the summonses by the County Surveyor on behalf of the County Council, against the Fishguard and Rosslare Railway Company, on the 25<sup>th</sup> ultimo, to enforce the penalties incurred by the Railway Company owing to non-compliance with the orders of the Magistrates of the Wexford petty sessions made in April last, the Magistrates decided unanimously that the Railway Company, were liable for the penalties sought to be enforced.

When the cases were before the Magistrates on the 25<sup>th</sup> ultimo, counsel for the Railway Co., offered in open court to pay £845. (the amount estimated by the County Surveyor which would be required to put the roads into repair) in settlement of the claim. This offer had been confirmed by Messrs O'Connor & Co. Solicitors for the defendants in a letter to Mr. Elgee.

The Meeting having gone fully into the matter, Mr. Webster, in reply to the Chairman, said, he considered £845. would put the 11 roads proceeded on, into a proper state of repair.

The following resolution proposed by Mr. Peacocke, and seconded by Mr. Dempsey was unanimously adopted:

"That having heard the statement of our Solicitor Mr. R. W. Elger, we instruct him to accept the sum offered by the Fishguard & Rosslare Railway Company £845. to repair the eleven roads which were the subject of legal proceedings, upon the clear and distinct understanding that this payment is in respect of any damage done up to now, to these roads by the Railway Company, and is not to include any future damage.

That we instruct Mr. Elger, when he receives cheque to hand it over to the County Surveyor to be expended on the roads mentioned in the summonses."

*J. B.*  
B. H. Peacocke

2<sup>nd</sup> Feb<sup>y</sup> 1904