

RIVER SHANNON.

RETURN to an Order of the Honourable The House of Commons,
dated 17 February 1836;—for,

A COPY of the INSTRUCTIONS given to the Commissioners appointed under the
5 & 6 Will. IV. c. 67, for the Improvement of the River *Shannon*; with the Date of their
Appointment, and the Date of their First Meeting in their capacity of Commissioners.

Whitehall, Treasury Chambers, }
26 February 1836.

F. BARING.

COPY of TREASURY MINUTE, dated 24 November 1835.

MY LORDS read the Act of the last Session for the improvement of the River Shannon, and also the Report of the Select Committee of the House of Commons on the same subject, ordered to be printed on the 29th July 1834; they have also before them the Reports of Captain Mudge and Mr. Rhodes.

5 & 6 Will. 4, c. 67.

My Lords advert to the preamble of the 5th & 6th William IV., in which it is recited that the improvement of the River Shannon from its source to the mouth will greatly contribute to the general prosperity of the commerce, agriculture and revenue of Ireland, and also to the advantage and improvement of the counties and districts adjoining such navigation, and that an expenditure necessary to effect such improvement shall, when the surveys, estimates and conditions are approved of by Parliament, be carried into effect out of the public revenue, one-half of such expenditure being afterwards repaid by the districts interested.

Sess. Papers, No.
532, 1834.

Under the provisions of this Statute, this Board is bound to appoint three or more Commissioners to carry into effect the objects of the hereinbefore recited Act, and more especially,

1. To ascertain the works necessary to be executed for the improvement of the navigation of the River Shannon.
2. To make estimates of the expenses of such works.
3. To determine the districts or counties which may be considered directly benefited by these improvements.
4. To consider in what proportion the counties or districts so benefited may justly be made to contribute to the repayment of advances made by the public.
5. To inquire into and adjudicate upon claims for compensation, taking into account not only the loss which particular owners or occupiers may sustain by the proposed works, or any part thereof, but the benefit which may accrue to such owners or occupiers by the improvement of the navigation.
6. To determine the amount of toll which ought hereafter to be imposed on the Shannon navigation when improved, for maintaining such improvements and repaying the sums advanced.
7. To ascertain the proper places for the formation of necessary havens, piers, wharfs, and landing places; distinguishing such as ought to form part of the intended works from such as may justly be left to individual enterprise.

My Lords, considering the important duties which are thus prescribed to the future Commissioners, have felt the utmost anxiety to select persons who from character, professional skill, experience and habits of business, are most competent to carry into effect the

INSTRUCTIONS GIVEN TO COMMISSIONERS FOR THE

intentions of the Legislature, unswayed by any local bias or interest. With these views My Lords have selected, and by this Minute do constitute and appoint the following persons to be Commissioners, under the provisions of the 5th & 6th Will. IV. c. 67.

Colonel J. F. Burgoyne, of His Majesty's Royal Engineers, First Commissioner of Public Works, to be Chairman of the new Board.

Captain Jones, Royal Engineers.

Richard Griffith, Esq. civil engineer.

W. Cubitt, Esq. civil engineer.

T. Rhodes, Esq. civil engineer.

Write to Colonel Burgoyne for the purpose of notifying to him his appointment, directing him to make the same known to the other Commissioners; and request him to take the most immediate steps for carrying the intentions of the Board into effect, as it is the earnest desire of My Lords that the whole question should be brought before Parliament early in the ensuing Session.

Let copies of all the Papers and Reports on the subject of the improvement of the River Shannon, together with the original surveys, plans, maps and estimates, where the same are necessary for the purposes of this Minute, be placed in the hands of Colonel Burgoyne for the use of the Commissioners.

Transmit also a copy of the Act 5th & 6th Will. IV. for their guidance.

My Lords conceive that these documents will furnish the Commissioners with a great mass of valuable information, both in relation to the present state of the river and to the plans which may be adopted for its improvement. These plans the Commissioners will carefully consider; adopting, rejecting or modifying them, should they think fit so to do upon deliberate and careful examination of the documents, and after an early and careful inspection of the river and the districts adjacent where it may be required. For the executive purposes of survey it may be necessary to employ subordinate officers and workmen, with respect to whom and to the rates of remuneration it is My Lords' pleasure that the opinion of Colonel Burgoyne should be communicated to this Board, and they desire that this branch of the expenditure may be kept within as narrow bounds as is consistent with a due discharge of the duties of the Commission.

My Lords feel themselves bound to direct the attention of the Commissioners specially to the provisions of the 7th section of the Act, by which they are required to adjudicate upon claims for compensation or for damages arising under the execution of the proposed improvements. It is stated in the Report of the Select Committee to be very doubtful whether the owners of such eel-weirs as are encroachments on the Royalties of the Crown, are entitled to any compensation whatever. In this and in analogous cases it becomes of the most extreme importance that no claim that is not shown to be a matter of legal right, should be entertained as a subject of compensation. The Commissioners, when they have collected the facts, will lay them, if necessary, before the law-officers of the Crown for their opinion, and will proceed to frame the rules directed to be published under which claims for compensation are to be prepared and awards made. For the purpose of enabling them to perform effectually these legal functions, My Lords appoint the Crown Solicitor for the Munster Circuit to act as solicitor to the new Board. The Commissioners will seek to impress upon the minds of all the parties concerned, the importance that a great national work about to be undertaken by Parliament with a view to general interests, should not be impeded by any unreasonable claims for compensation on the part of private individuals. My Lords direct the Commissioners to frame their plans and estimates with the utmost expedition and care, including in such estimates the amount of compensation which may be awarded. In the Report which My Lords expect to receive on the subject, the Commissioners will include a statement of any further legislative measures which may be considered necessary, and a statement of the time which may be required for the completion of the work.

It is the intention of My Lords, whilst nothing is omitted that is requisite for the substantial and permanent character of the works, that the whole should be executed in the most plain and economical manner; all extra expense for decoration and ornament being rejected, as the magnitude and importance of the work will, in fact, be its most appropriate ornament. The main object will be to establish a good navigation in the Shannon, in no part inferior to that of the two great canals; bearing constantly in mind the necessity of providing such additional capabilities as may be necessary for the free passage of an appropriate class of steam vessels, suited to the river and lake navigation.

The Commissioners will seek, as far as may be practicable, to combine with this main object a useful drainage of the neighbouring lands; and such substitution of new mill sites and water power as may be the best compensation for mills, dams, weirs and watercourses, with which the proposed works may interfere.

The Commissioners will also consider the engagements and liabilities with respect to the navigation entered into by the Grand Canal Company, the extent to which these engagements have or have not been fulfilled, the steps that may be recommended thereon, and the recommendation of bringing the whole navigation of the River Shannon under one authority for its maintenance and management.

My Lords will from time to time give the Commissioners such further instructions and authority as circumstances may require, and they desire that a letter may be written to Lord Morpeth, communicating to him, for the information of his Excellency the Lord-lieutenant, the appointment of this Commission, and requesting him to move his Excellency to afford to the Commissioners such assistance and authority as may appear to him necessary.

Transmit copies of this Minute to Lord Morpeth and Colonel Burgoyne.

Write at the same time to the Secretary of the Ordnance, and desire he will state to the Master-general and Board, that My Lords being desirous to avail themselves of the assistance of Captain H. Jones of the Royal Engineers, upon this temporary but important service, their Lordships request that he may receive the authority of the Master-general and Board to undertake it, and to proceed to Ireland for that purpose.

THE Commissioners were appointed by the foregoing Minute, dated 24th November 1835.

The Minute was received in Dublin on the 30th of November.

The five Commissioners assembled and sworn in according to the Act of Parliament, and proceeded with the service on the 9th December.

N. B.—Several meetings on the business took place between 30th November and 9th December, of the different Commissioners as they arrived by degrees in Dublin.

J. F. Burgoyne.

Office of Public Works, Dublin, }
22 February 1836. }

RIVER SHANNON.

COPY of INSTRUCTIONS given to the Commissioners for the Improvement of the NAVIGATION of the River *Shannon*; with the Dates of their Appointment, and First Meeting in their capacity of Commissioners.

(*Lord Viscount Clements.*)

Ordered, by The House of Commons, to be Printed,
29 February 1836.
