

HISTORY OF THE LAX WEIR.

BY J. A. PLACE.

Read at the Meeting of the Dublin and Limerick Field Clubs in Limerick, June 1903.

I have been asked to give a short history of the Salmon Weir. It is fortunately very easy for me to do so, for this fishing weir being what is known as a chartered fishery, its history can be followed with absolute certainty, for like several other properties of the same class it was the subject of many eager struggles in the Law Courts, during the progress of which numbers of old charters were unearthed, attested copies obtained and brought into the Courts, and finally into the House of Lords, where all the documents were admitted and the title to the fishery fully established.

It is impossible to fix the date it was first erected, or who it was that actually built it, but it is undoubtedly a structure of very great antiquity. From the time of the Norman conquest in the eleventh century until Magna Charta, fisheries in tidal waters were vested in the crown, and I believe that the title to this fishery is unique, inasmuch as it is the only fishery in Ireland, and possibly in the United Kingdom, with regard to which exact documentary evidence and charters prior to Magna Charta can be produced to prove its existence. Most other fisheries date from James I. or Charles II., and charters from these Kings have been taken as presumptive evidence that an earlier charter existed prior to Magna Charta. Here, however, the charter of King John was actually forthcoming, dated A.D. 1200. In that year he granted William de Braosa "the Honor of Limerick, with its appurtenances in waters and mills, in fish ponds and fisheries."

In those ancient times the church was to the fore as she is at present, and as ancient as the charter of John undoubtedly is, the Bishop of Limerick soon after put in his oar and demanded that he had to be dealt with, as he claimed that the Bishops of Limerick had rights in connection with the fishery before John was thought of, probably

from the time when the Danes held the country, for it is contended that the very name of the weir—it is called the Lax Weir (1) and is so referred to in some of the earlier documents—is of Danish origin. The Bishop's case was evidently a good one, for the result of his claim was that the King agreed to give him and his successors £10 a year for ever in order to buy him out. This was done by a grant dated 5th July, 1215, which says—"Know you that we for the intention of the Lord have granted and "by this our charter confirm to God and the Blessed Mary, and to our "venerable father, Edmund, Bishop of Limerick, and his successors, "£10 of silver for ever, every year to be received at our Exchequer in "Dublin, in free, pure and perpetual alms of the farm rent assize of the "City of Limerick in exchange of the mill-seats of Limerick and the "Fisheries of Limerick which the said Bishop against us has challenged."

The very first year after this agreement with the Bishop it would appear that he had not been paid his £10, and on the 30th July, 1216, there was a mandate from the King to Geoffrey de Marshall desiring him to pay the Bishop his arrears, and he also made provision by another document for future payments.

The first connection of the citizens of Limerick with the weir seems to have taken place about thirty years after this (1247), when Maurice Fitzgerald, then Justiciary of Ireland, gave a three years' lease of it to the citizens for 100 marks, to be paid to King Henry III. This would seem to have been a bad bargain for the citizens, for, notwithstanding their repeated complaints, this three years' lease appears to have run on until the year 1274. Their complaint was that they could not pay the rent, and that, although they offered to surrender the weir to each succeeding Lord Lieutenant, it would not be taken off their hands. The matter had to be settled somehow, and Edward I, who then reigned, sent a Commission to Geoffrey de Geynville (who was at that time the Lord Lieutenant of Ireland), dated 27th October, 1274, to enquire into it. An Inquisition was accordingly taken in the following year, it was evidently composed of people of considerable importance, for the first names upon it were Lord Hugh Porcel, Lord Eustace de Rupe, Lord Robert Pincernam, and twenty-one others, and they came to the conclusion that the citizens did take the weir from Maurice Fitzgerald for

(1) Lax being Danish for Salmon.

three years only, and that they were unable to continue to pay the rent. The result was that the king agreed to take it off their hands, provided that they gave it back in the same condition as they got it. This was apparently done, and in the sixth year of the reign of Edward I. the weir and fishery were given by the king to "our beloved servant, Robert de St. Edmund, who has long, well and faithfully served us." . . . The fishery was not given for nothing, and it was not given for ever; but as the Mandate says, "for so long as it will please us."

What happened the Corporation of that day appears to have happened St. Edmund, he could not pay the rent either, and petitioned the Lord Chancellor for a reduction, he quoted the Inquisition that was taken on behalf of the citizens, and which found that the fishery was not worth 20 marks whilst he was charged £25. Edward the First was generous, he gave the reduction asked for and also wiped off the arrears—a very common practice still in Ireland.

However, in spite of the reduction, St. Edmund disappears as tenant of the weir, which for some years before the death of Edward I. appears from various Pipe Rolls to have been farmed by different people for the benefit of the Crown.

In 1308 the weir was given by Edward II. to David, Bishop of Killaloe, at a rent of 16 marks. There must have been bad fishing seasons about then, for, as will be noticed, the rent has been reduced. The Bishop did not hold it long, for in 1312 it was given back to the Corporation of Limerick by Edward II. for five years. This time they did not pay their rent either and eventually were let off as is shewn by a copy of a Pipe Roll for years 1317-1320.

The original Charters, Grants, Pipe Rolls or Mandates, which were issued from time to time in connection with the fishery were for the most part I believe found in the Birmingham Tower, Dublin.

It is interesting to note that, in several of the Pipe Rolls which were discovered in connection with Limerick about this date, the Bishop of Limerick was all the time to which I have so far referred, receiving his £10 a year out of the fisheries at Limerick.

It would take too long to repeat here the names of the numbers of people who from time to time held the weir. Fishing seems to have been then as precarious as it is now, for several of the tenants failed to pay their rent and had to give it up.

In the reign of Richard II. (1377-1399), it was held chiefly by Patrick Fox, and apparently for the benefit of the citizens of Limerick, for it was stipulated that the profits of the weir were to be expended on the repairs of the city.

The citizens of Limerick were clearly getting the benefit, if any, of the weir, at this time, but in 1414 they appear to have got possession of it absolutely, for in that year there was granted by Henry V. a charter giving "the profits of a certain fishery which is called the Lex Were with "its appurtenances, to the Mayor, Commonalty, and their successors for "ever." That was only a grant of the weir, but subsequently there was a grant of the fishery, which goes with the weir in one tenancy at present.

The Corporation held the fishery down to the time of the Seige of Limerick by Ireton.

The weir and fishery were at this time confiscated, and let to Robert Playstead, Joshua Bennett and Robert Pawsey for £165 a year.

Upon the restoration of Charles II. there was another change, for the king not only upset the arrangements of the Commonwealth, but also ignored the absolute grant of the fishery by Henry V. to the Corporation, and gave a grant in 1662 of the whole thing, weir and fishery, to Sir George Preston, a gentleman who appears to have had a weakness for fisheries, for his name is associated with several on the west and south-west coasts of Ireland. Then began a struggle between Sir George and the Corporation. The latter, relying upon their grant, let the fishery to Sir William King and Gerald Fitzgerald at £160 a year, and from time to time, at short intervals, to several others. Preston does not appear to have been satisfied with this arrangement, for he went to law with the Corporation for the possession of the weir and got beaten. However, that did not quite end the matter, and getting rid of Sir George proved an expensive business, not only in law costs—for the Corporation, to stop further litigation, agreed to pay him something for whatever rights he had; the whole, law and all, costing them about £1,200. This was in the year 1685. For a time longer the fishery was let to different people at various rents; but in 1719 a company was formed and represented by (the names may have an interest for Limerick people) George Roche, John Vincent, John Higgins, Rowley Colepoys, Francis Sargent, David Davis, and David Bindon. These gentlemen

agreed to give the Corporation a round sum to pay off the debt incurred by wiping out Preston, and also what seems to me the exorbitant rent of £352 a year for one hundred years.

Clearly, fishing paid then better than it does now, for the lease ran its full course and duly expired in 1818.

In those good days there cannot have been the forest of stake weirs that afterwards existed on the shores of the lower Shannon to intercept the fish. The system of drift netting was then unknown (it was not introduced on the Shannon until about 1860), and there was not in the weir what I will call (some may possibly differ from me) the iniquitous King's Gap that now exists.

These good people whom I have mentioned left arrears like most of those who held the fishery before them; but considering the enormous rent they paid it was not so very much—about £1550, which they afterwards squared by paying up £550.

Soon after the expiration of this lease the fishery was let to Messrs. McAdam and Little, who commenced to re-build the weir with cut stone; they, however, I am sorry to say, only finished twelve piers when, owing, it is said, to monetary difficulties, they were obliged so surrender it. It is unfortunate for the present lessees that they did not finish their task, as the expense of rebuilding and maintaining the loose stone and wood-work of the present piers is very great indeed.

In 1834 the fishery was again leased for another hundred years to Mr. Poole Gabbett, a Limerick gentleman, for £300 a year, and it is under this lease that the present lessees hold it.

In 1885, I think it was, the long connection of the citizens of Limerick with this ancient property came to an end, as owing to the financial difficulties of the Corporation it was sold by them in the Landed Estates Court for £5,050 to the late Mr. Alexander Bannatyne, of Woodsdown, near Limerick.

I did not mention the numerous charters, leases, and interesting documents which exist between the reign of Henry V. and the Commonwealth; but I may mention that only last year one of those charters, that given in the sixth year of the reign of James I., proved useful in a trifling matter. We had taken a Royal sturgeon about a mile or so below Limerick, and as the rights of the Crown in this particular matter

are now vested in the Board of Trade, I was at once applied to by their representative in Limerick to yield up the fish. As I had already sent the sturgeon to the king I naturally declined to do so, and then followed a correspondence with Whitehall in which I relied upon the charter given by James I. in 1609, nearly three hundred years ago, which included amongst many other things the right to all manner of Royal fish, that is to say, sturgeon, whales, porpoises, dolphins, regos, grampus, and all other fish whatsoever of great or large size. This charter was at once admitted and so the matter dropped.

The weir, consists of a succession of piers built right across the river from shore to shore. I have already mentioned how twelve of them, those on the north or Co. Clare bank, were built by Mr. Little, the remaining piers are merely loose stones encased in wood. When I first came to Limerick, now nearly twenty-seven years ago, a very old man, who was then night watchman upon the weir, and whose memory went back to the earlier part of last century, told me that he remembered when some of the piers, instead of being cased in wood, were made of rough basket-work filled up with stones. How they resisted the winter floods, as we now know them, I cannot imagine. In the centre of the weir there is what is known as a King's Gap, and so far as I know a gap of some sort seems always to have existed in this weir, and was known as "Monerea," or King's Gap; but it was not always 50 feet as at present, nor was it on the site of the present gap.

In the reign of George III. the law directed that all fishing weirs should have a 21 feet gap; but property was more respected in those days than it is now, and where a weir was held by patent or charter this law could not be enforced. I imagine that, as the river at this point is tidal and more or less navigable for small boats, it was found convenient to have a gap and so a gap was left, not from any great desire to consider the fishing interests of those above, but because it was convenient.

In the fifth and sixth years of the reign of the late Queen Victoria an Act was passed making it compulsory that in every fishing weir there should be a Queen's Gap, but even in those more advanced days the spirit of confiscation which is now so rampant in Parliament, when dealing with Irish property, did not obtain; for that Act provided that

before a gap could be enforced in a weir compensation should be paid to the owner—a very proper and just provision.

That Act, however, did not work, and in 1863 the time arrived when fisheries were assailed with the utmost disregard for property, whether they were held by riparian right or charter. Amongst other things the iniquitous Act of that year provided that there should be a gap in all weirs, that it should be at least one-tenth the width of the river crossed by the weir, but that in no case need it exceed fifty feet. As no compensation was to be paid the gap was very quickly made, and the property transferred by a simple and inexpensive process of legal plunder from the owner to the public. Many large landowners took part in that piece of legislation, and it was chiefly by the influence and efforts of that class that the Act of 1863 was passed. They had nothing to lose and much to gain. To see how differently they look upon the legislation of recent years with regard to land one has only to take up the daily papers.

Notwithstanding the vicissitudes through which it has passed, and all the changes brought about through many centuries, the weir is still fished as it always was fished, for salmon in the Spring and early Summer, and for eels in the early Winter months. The salmon are of course taken when they are ascending the river fresh from the sea. Between the piers, what are known as cribs are constructed, into which they enter and from which they are removed (when there are any to remove) by means of large landing nets.

When the season for salmon fishing is over the cribs and hurdles used for salmon fishing are taken away and replaced by large purse nets in shape something similar to a trawl net. These are used for the capture of eels in their descent to the sea in the Winter months.