

THE STORT NAVIGATION. — *William Barber*, barge steersman, of Bishop Stortford, was summoned by Mr. John Poole Davis, for drawing a clough or slacker on the river Stort, whereby the water was misspent and wasted, on the 31st October.—Mr. Bowker for the defence, appeared by direction of Messrs. Miller, the defendant's employers.—Mr. Davis deposed that he was the manager of the river Stort Navigation, which commenced at Bishop Stortford and runs to the Rye House, where it joins the river Lea; he produced the Act 6, Geo. III., chap. 28, sec. 24, being the act under which the navigation was formed; the defendant was steersman of a barge which worked between Stortford and London; on the day named witness saw at a portion of the river, in the parish of Great Hallingbury, that a clough had been drawn out, letting out the water; this was the duty of the lockman, who has a house near, in order to raise the water or lower it when a barge passes; immediately afterwards he saw the defendant standing near the lock; witness charged him with having done it, and he said he had; he told him he should be obliged to take a summons against him, and he begged witness would not do so; the water was reduced and misspent; the defendant with his barge was in the lower pond, and there were three barges in the upper pond; the head was about a mile long, and it was reduced a foot, and the three barges were in consequence run aground.—Cross-examined. When witness saw defendant's barge it was between Spelbrook and Twyford.—[Mr. Bowker contended that the defendant went to the lock-keeper, and he was not at home, and that what he did was to float his barge, and not spend the water.—Witness continued in cross-examination. Did not remember that the defendant said his barge was aground, and that he could not pass the lock; would not swear that; it would not be the duty of the lock-keeper to draw up the clough to give him water; there was a mill going and the lock-keeper went to ask them to stop the mill; and if the defendant had waited he would have had plenty of water.—Daniel Dorrington, the lockman at Spelbrook lock, deposed that between 10 and 11 o'clock he observed that the water was reduced 10 inches; he had not drawn any water that day; nor was it reduced by anything he did; when he got home he made inquiries; he had charge of three locks, and was absent in consequence of going to the lock above; on the Monday following, the 31st, witness saw the defendant near Twyford lock, when he told him he had drawn the clough in order to get his barge up; the water was wasted 10 inches by the drawing of the clough, and it stopped the barges for a time till the water could be headed up again.—Cross-examined. No barges had gone up that morning; there were three which went up the next morning.—Sarah Dorrington, wife of last witness, said she saw the defendant draw the slacker or clough; she told him not to draw it till her husband came home; the water in consequence ran into the lock; her husband had left orders with her that no one should draw the water; the defendant then went and drew another slacker.—This being the case Mr. Bowker contended that there had been no misspending or wasting of the water, and the defendant did no more than his duty when he could not get the lock-keeper to do it.—Charles Phipp, of Bishop Stortford, steersman for Mr. Taylor, had been employed on the river Stort from his childhood; he knew Spelbrook and Teddenhambury, and the river had so much mud that it was impossible for a barge to travel up without a head of water; it was a custom to go to Spelbrook to make a head of water; if they found the lock-keeper he did it; if not they did it themselves; it had been the custom of the bargemen to do this ever since he could recollect.—Cross-examined. The loads they brought up were larger than they used to be; had seen a notice up that bargemen were not to draw the water under a penalty.—Mr. Bowker contended that the defendant had not come within the penal clause of the statute.—The magistrates retired, and on returning the Chairman said they were of opinion that there had been a misspending of the water, and fined defendant 20s. and £1 12s. 6d. expenses. Recoverable by distress.