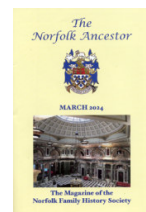


Caught in the Act by the Act



Member David Skyrme relates how two Norwich sweeps unwittingly fell foul of new fishery bylaws.

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My maternal greatx2 grandfather, David BROOKS (1821-1903) was a sweep. He was descended from a line of worsted weavers, and through patrimony became a freeman of Norwich in 1851. Norwich freemen registers show a William Brook as a worsted weaver in 1580, probably an ancestor. Like many sweeps he started young and was already listed as a chimney sweep apprentice in the 1841 census when aged 11. It was not unusual at the time for young boys aged 6-8 to do such dirty work by climbing up chimneys.

His eldest son David BROOKS (1852-1922) followed in his father's footsteps. He was my mother's great uncle. She knew many of the BROOKS family and told me that she learnt that David senior "often got drunk, but his horse knew the way home!" So while researching this branch of my ancestors, I came across an interesting story, first reported in *The Shipping and Mercantile Gazette* of 14th March 1879, but in more detail on the next day's *Norfolk News*. It starts as follows:

IMPORTANT TO RIVER FISHERMEN.

David Brooks the elder, and David Brooks the younger, chimney sweepers, Heigham Street, were respectively summoned by Joseph Hewitt, a water bailiff appointed by the Conservators of the Norfolk and Suffolk Fisheries, for unlawfully using a cast net having a mesh of less dimensions when wet than five-eighths of an inch from knot to knot, measured on each side of the square, for the purpose of taking bait, to wit, fresh water fish, contrary to Bye Law No. 11, made by the Board of Conservators under the Norfolk and Suffolk Fisheries Act, 1877.

As well as By Law No. 11, they were also charged under Bye Law No. 12 for "using a net more than eight yards in circumference, for the purpose of taking fish for bait."

They were caught in the act on the River Wensum between The New Mills and St. Miles Bridge. They were in a boat, with David senior casting the net. Its circumference was over 20 yards. Apparently, David senior had been warned previously that such fishing was against the bylaws but he had replied that he had fished all his life and that "he should fish where he liked".

One of the witnesses in the court case, William BROWN, net maker, confirmed that he had made their net: "a small net, made as they always made them" and that "it was not 20 yards by a long way" but about 16 yards round.

The case against David junior was withdrawn by the prosecutor saying that although he had no reason to doubt the testimony of the water bailiff that there was doubt about the veracity of prosecuting, since he was the one not actually using the net.

The Bench retired for deliberation and on their return agreed that the charge had been proved. However, this was the first charge to be brought under this Act, where the penalty could be £10 plus a further £5 for resisting an officer while making a search. The chairman of the Bench therefore handed out a more lenient sentence of 10s with 10s costs, with the net to be forfeited. After some discussion

as to whether it could be altered to comply with the new regulations, it was agreed that it should be destroyed so that it could not be sold.

The lengthy article was published as a warning to all local fishermen about the restrictions of the new Act. As usual, ignorance of the law is no excuse for evading justice. It just happens that my great x2 grandfather was the first person to be caught out by it.

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