

## **Chancery proceedings regarding Rossendale Collieries 1867-1871**

This is a summary of documents in The National Archives regarding Chancery proceedings involving the renewal of the licence for Rossendale and Baxenden Collieries. These may be found in C 16/499/H128 (Hall v Hargreaves) and C 16/573/H99 (Hargreaves v Hall) and amount to over 300 pages of bill, answer and affidavits. Together these give insights into the manner of working of the collieries and the condition of the mines at the time. They include copies of documents signed by Charles Patrick and others.

The initial suit was made by Hall against George Hargreaves, John Hargreaves, Mary Ann Patrick and Charles Patrick ('Hargreaves et al'). This was filed on 28<sup>th</sup> May 1868 and amended twice, on 2<sup>nd</sup> June and 3<sup>rd</sup> Sept 1869. Hargreaves et al filed a counter claim on 14<sup>th</sup> May 1869 against Hall.

The licence for Hargreaves Ashworth and Co to mine at Rossendale and Baxenden Collieries was due to expire on 25<sup>th</sup> March 1867. The proprietors at that time were Messers George Hargreaves, John Hargreaves, John Hall and the Executors of John Ashworth deceased. John Ashworth's interests were represented by George Ashworth and Mary Ann Ashworth as executors, with Mary Ann Ashworth's interest being represented by Charles Patrick after their wedding in 1855. There was no formal partnership agreement, rather it was regarded as a partnership-at-will, with each party taking  $\frac{1}{4}$  profits and incurring  $\frac{1}{4}$  liabilities. Terms were a minimum rent of £6000 per annum plus £170 per foot thickness of coal per Lancashire acre mined. This licence was a renewal of a previous one which had lapsed in 1846, and a letter from Hall to the Duke's agents on 20 Nov 1845 refers to the partnership as being "of forty year's standing" As the deadline for the lapse of the licence approached a dispute emerged between John Hall and the other partners.

The company was managed as two relatively distinct entities, with Rossendale Collieries being managed by George Hargreaves with Henry Hargreaves Bolton, his nephew, as under-manager. Baxenden Collieries were managed by John Hall with his son, Jonathan Hall, as undermanager until the latter's death in Oct 1865. During this period John Hall was less engaged in the direct management of the Collieries, leaving this to his son. Hargreaves et al were later to claim that this amounted to a 'gross neglect' by John Hall of his duties. It was further claimed that Hall paid his son as sub-manager out of profits whilst George Hargreaves paid his nephew, Henry Hargreaves Bolton, as sub-manager of Rossendale Collieries out of his own pocket.

After the death of Jonathan Hall, John Hall became more engaged in the colliery's affairs again. Shortly after the death of Jonathan Hall it transpired that George Hargreaves became aware that the accounts at Baxenden were 'in a state of confusion' with no proper recording of monies due, received or expended. On 16 Feb 1866, Hargreaves demanded Hall's removal as manager and return of the keys; Hall did not comply. Hall was also asked to draw no further monies from the collieries and the customers were asked to pay monies to the receiver only.

It appears that it was not only the accounts which were in a state of disarray. The Baxenden collieries also owned a workshop for the repair of railway wagons at Wood Nook which was unconnected to the railway, and stabling for 14 horses at a pit which only used one...

George Hargreaves claimed that Hall reneged on an agreement for the accounts to be settled by arbitration and refused to hand over documents to allow their review – this apparently involved Hall's jemmying a safe off the colliery office wall and removing it to his residence. George Hargreaves and Charles Patrick visited the colliery to examine books and 'took forcible possession' of some; Hall claiming that he did not attempt to prevent them due to his 'advanced years' despite being the same age as G. Hargreaves. At this meeting Hargreaves and Patrick found money and unpaid cheques amounting to £1730 in various drawers of the colliery offices and that outstanding money had not been collected from customers. A clerk of Hargreaves' came to the Baxenden offices on 5 March 1866 to pay wages (which the clerk duly swore he had done) and left with the office key, thereby denying Hall access to the offices.

Hargreaves et al circulated customers on 29 March 1866 claiming that these actions were necessary to have the accounts put in order and to ascertain the 'true position of each partner'. Hall issued a counter-circulation describing the reasons as 'flimsy' and threatening Chancery action if proper explanations were not received.

It appeared that the mode of working of the mines was to extract the easily-accessible coal first to minimise initial investment and maximise early return. A consequence of this is that remaining coal became progressively more expensive to extract as the works progressed. This means of working was relatively unusual but was employed in some adjacent mines in Burnley. As the end of the license approached Hargreaves et al were accused of using partnership monies to invest in the Rossendale collieries with a view to enhancing profits for the new licensee – i.e. using money, part of which was due to Hall as profits, to enhance profitability for the new licensee from which Hargreaves et al intended to exclude Hall. As part of the proceedings Hargreaves et al filed a number of affidavits from mine surveyors and colliery owners deriding the method of extraction used in Rossendale and Baxenden Collieries for its inefficiency, particularly with regard to incoming tenants, and stating that many of the mines were approaching exhaustion. This begs the question as to why it was chosen to mine in this manner, but this may have been related to the seams breaking out onto the hill surface leading to drift mine practices. One also wonders why both parties each wanted the licence to be renewed so badly. However the mines were independently valued on 25 Mar 1867 at £23,403.12.10.

As part of the disagreement over the works at the mines, Hall claimed Hargreaves et al refused to show him the mine plans. Hargreaves claimed that they belonged to the Duke (and submitted affidavits from the Duke's agents to this effect) and had been returned to him. The Duke of Buccleugh refused to allow Hall access to the plans, and was duly added to the list of defendants in the case.

The trustees of the Rochdale to Burnley Turnpike had erected a toll booth to catch traffic from Old Meadow going to Bacup, a major route for Old Meadow's coal. Part of the works under dispute were the construction of a new road in 1865 bypassing the tollbooth and so evading tolls.

There was a complex sequence of suit and counter-suit in the Chancery in which both sides accused the other of entering into separate negotiations with the agent of the Duke of Buccleugh (as landowner), in the ignorance of the other. Each claimed they only tendered separately on hearing that the other intended to do so and George Hargreaves only announced his intention to dissolve the partnership after Hall had tendered separately.

Hall further accused Hargreaves et al with making a series of approaches to the Duke's representatives with a view to prejudicing them against Hall's bids. Hall bid either for the entire field or for the Baxenden part 'south and west of Goodshaw Hill'.

It was further alleged in the counter-suit that Hall had made a series of threats that, on the day the license was to be renewed, he would drive Hargreaves et al from the premises. This led to a degree of uncertainty amongst the employees (250 men at this time) who feared that their jobs were at risk if they were loyal to the party which ultimately lost. It also led to a gathering on the roads approaching Baxenden Colliery's office on the day the license expired to watch the spectacle. Hall was described by George Hargreaves as being 'a man of very hasty temper and of very obstinate disposition and whenever at all annoyed he breaks out into very intemperate and abusive language'.

The Duke of Buccleugh awarded the new licence to Hargreaves et al on 12 April 1867, who then insisted that they were entitled to exclude Hall from the partnership agreement as attempts at arbitration had failed. Hall proceeded to Chancery proceedings in which he sought to dissolve the co-partnership, prepare proper accounts, dispose of the business and have the assets so realised distributed amongst the partners. Hall also wanted the accounts of the old partnership to be re-opened and re-examined, Hargreaves et al wanted them to be viewed as settled.

In the renewed license the Duke stated that the interests of John Ashworth's family in the collieries lapsed with the lapse of the licence in 1867 and that Mr Ashworth's trust would not be a co-lessee. However Patrick left instructions regarding the profits of the collieries in his will of 1889.

It is unclear whether the case ever came to court. The case was revived in 1871 with John Binns and John Ormerod replacing John Hall (since deceased) in the citations.

George Hargreaves described himself as '78 years of age. I am unmarried with no son to succeed me'.

**Pits named in the documentation:**

Baxenden: Hole in Bank, Cat Hole, Wood Nook, Dunny Shop, Victoria, Railway, Bob, Edmund, Chadwick, Coupe, New Pit,

Rossendale: Fox Hill Pit, Swineshaw, Stacksteads, Scar End, Old Clough, Dog Pit, Gambleside, Grime Bridge, Dean Fields, Old Meadow, Bank End, Brex,

**Payouts per partner:**

1846-7	£1452.1.7
1847-8	£646.6.11
1848-9	£680.7.11
1849-50	£451.14.1¼
1850-1	£1284.7.5½
1851-2	£2143.6.5
1852-3	£2111.7.10
1853-4	£2557.4.7½
1854-5	£2208.7.4
1855-6	£2719.0.3
1856-7	£3021.4.1
1857-8	£2504.2.3
1858-9	£3021.13.10
1859-60	£3156.2.7
1860-1	£3547.8.6
1861-2	£4166.7.2
1862-3	£3515.5.1
1863-4	£3763.19.9
1864-5	£3057.8.9