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[1845]

Dickenson's Mill, Bank Top was blown down on Saturday Night & Sunday Morning Jan 25th and 26th 1845.¹

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[1845]

Blackburn Court of Requests:² Feb 17th 1845 - Miller Dugdale & Co
versus John Jackson & Co

As it may never fall to my lot to be placed in the peculiar situation of a Foreman of the Jury in the Nisi Prius Court³ perhaps I ought to record the transactions of this Day. The head-line will convey the intelligence that a Trial took place at the Court of Requests upon which I was summoned in company Mr Henry Briggs, Peter Higham, Joseph Carlile and James Bradshaw. The case in dispute was on the plaintiff's a demand for £11:0:0: good money for work done to the defendants in the sinking of a certain coal Mine at Whitehall⁴ near Over Darwen for the Defendants Messrs. Miller Dugdale & Co. which they alleged to have performed. It came out in Evidence that a paper agreement as to terms had been drawn up but not legally stamped or signed, wherein the Deft^s [Defendants] promised a certain amount per 10 yards of Sinking actually performed, which was a sliding scale ranging from 2/6 to 7/0 per yard. There was no stated time of payments, nor was it specified that the Plaintiffs sh^d receive no part of the Money until the whole job was completed. They were to sink 70 or 100 yards of required & were not to desist unless ordered to do so by the Defendants. On these conditions the plaintiffs went to work & bored 23ft deep when certain Mishaps befel them, they lost their chisel, & slough pump⁵ & were otherwise unfortunate & partly unable to proceed. Hereupon they waited on the Deft^s by an Agent & having stated their plight, it was agreed that an amount of £6:2:3: which had already been paid by the Deft^s as "Subsist" Money⁶ should be allowed to the Plaintiffs on cond^s [conditions] of their re-commencing in another hole the boring for coal. The Plaintiffs agreed to this & dug or sunk to the depth of 41¹/₂ yards. In the meantime & while such sinking was going on they urged the Deft^s at various times to allow them "Subsist" Money in part payment, but the Deft^s refused to allow any thing until the whole was completed. Upon this the Plaintiffs ceased to sink & brought their action as above stated for work done viz. £11.0.0.

It was argued by the Deft^s in resisting the demand, that the Plaintiff had not fulfilled their engagement by sinking only 44¹/₂ yds that the work was not properly done, and that they desisted without Instruction by the Deft^s. - Witnesses proved that the work was properly done & the Judge over ruled the Deft^s statements by shewing that the Plaintiffs were willing to go on, if the Deft^s would advance Money on the work done, wh: was but fair & reasonable, seeing the Men were poor & had no other means of subsistence. That they were entitled to some compensation for what they had wrought and if the Deft^s were dissatisfied with this

¹ Dickenson's mill was incomplete and unoccupied when it collapsed during a gale (*Blackburn Standard*, 29 January 1845).

² Court dealing with small debts (*Select Cases in the Court of Requests A.D. 1497-1569*, I. S. Leadam (ed.) (London, 1898), p. liv).

³ Civil cases held before a judge at the Assizes Court: *OED* 'nisi prius', n. 4.

⁴ Whitehall is about 1 mile south of the centre of Darwen on the main road to Bolton.

⁵ A chisel pump was used to sink boreholes by breaking up rocks. When water was poured into the hole it turned into mud which could then be pumped out. Slough probably was the term for this mud (*Engineering: An Illustrated Weekly Journal* Vol. XLVI July to September 1888, W.H. Maw and J. Dredge (eds. (London, 1888), p. 200; *OED* 'slough', n.1 1.a.)

⁶ A term that was used in mining for subsistence money, money paid in advance: *OED* 'subsist money' n. 1 1.

decision they should have taken care to have framed such a legal Contract as would have bound the Plaintiffs to complete the work - The case was put to the jury who hereupon retired & after an absence of 25 Mins brought in a verdict for the Plaintiffs Paying £7:10:0: The Deft^s were thrown in cost & court fees, they having called for a Jury.

[Description of journey to London in 1844 here in the original]

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1845

Aug^t 4. 1845 Received the "Blue" Degree in the Green Bank Lodge of which I am secretary.

[August] 2. My Wife this Day had a Miscarriage - I buried the feotus within Mount Street Chapel Yard - a son.

Oct 12 This Day my beloved little Daughter Elizabeth Mary departed this Life. She was a remarkably fine and healthy child up to a short period before her death, - her mother & myself felt in impossible anguish in losing her, - but the Lord's will be done. Though she was indeed our little darling and our only Daughter yet on reflecting upon all the sin and misery she will escape by an early death, my wife & myself felt it our bounden duty & privilege to bless God for his great Mercy in taking to himself our lovely little Babe - May the Lord grant this trouble may be sanctified to our everlasting welfare, & to his Glory. Amen