



**HOWELL VERSUS RODBARD AND OTHERS C1850**  
**AN ACTION FOR DAMAGES TO A FARM AT WRAXALL**

**PENNANT REPRINTS N<sup>o</sup> 9**

**NAILSEA**

**WITH COMMENTARY BY PETER WRIGHT**

Previously published January 2003 by Nailsea & District Local History Society

This ebook version, © Nailsea & District Local History Society, PO Box 1089, Nailsea BS48 2YP, has been made available in April 2005, so that an individual may download and read this document, for private research purposes only. It must not be reproduced or passed to a third party without written permission of the copyright holders.

## HOWELL VERSUS RODBARD & OTHERS C 1850

---

### **AN ACTION FOR DAMAGES TO A FARM HOUSE AT WRAXALL**

**T**his action which was reported in a Bristol Newspaper was to recover £1000 for damages done to a farmhouse at Wraxall by the operations of the miners of the defendants, who constitute a Coal Company at Nailsea. Howell was the mortgagee in possession of the farm and house which was held by a yearly tenant named Davis.

*[Davis was the licensee of the Royal Oak and the farm was behind the public house.]*

Samuel Davis the occupier of the farm stated that when he took possession of the Farmhouse in March 1846 it was in good condition and had recently been repaired, when he left at Christmas (which he did because he could not stay any longer) the walls were cracked in some places to a width of 6 inches (15cm) - the roof was very bad- the water went from

the cistern and the stones of the kitchen opened an inch to an inch and a half

The article goes on to state that

"a person named Morgan came to live there in the early part of 1847; he sank a shaft on his farm, about 300 yards from the farmhouse, where they had two engine houses; they had cut off an acre and a half of his land and when he asked for compensation Morgan had offered him a sovereign."

*[Some confusion is caused by the reference to "there" which does not refer to Davis' farm house but to where Morgan came to live. From other evidence "there" is the area around "The Elms" colliery as we know it today just behind the Golden Valley Veterinary Hospital.]*

Mr Ashmead, surveyor of Bristol, (who on cross examination would say that he had a little experience in mining operations but was not what was termed a mining surveyor) stated that two and a half years ago he visited the middle pit with Messrs Ashman; Morgan, the bailiff, took them down the mine and showed them the workings; in passing along they saw openings, which they afterwards found, on laying down the plans, to be in the direction of the house; the bailiff said they were mere air holes; at another point he was shown a place where the "water was tapped;" he thought the water which had been withdrawn would have supported the farm-house above; the getting rid of it, in his opinion, would have a tendency to bring down the earth and weaken the foundations of the farm-house; on a subsequent occasion they went there again but were refused admittance to the mine; had seen the damage done to the house - there was a crack right through the house, barton, and cow house, about two inches wide; the expense of building a new house (for it could not be repaired) he estimated at £994; the restoration of the land to its original state he estimated at £140.

In cross examination he agreed that nothing prevented him from going up the air openings, only that they could not have gone all over the mine in a day.

The Jury returned a verdict that no injury had been done to the property by the Company's works; and as respected the trespass, they found a verdict for the plaintiff with £140 damages.

*[The extract concludes with a remark that I find confusing, immediately after the statement in the preceding paragraph the report goes on to say]*

"This is a verdict for the defendants upon the question of injury; and a verdict for the plaintiff, with £140 damages, if the Court above shall be of the opinion that the mining lease of the Company does not justify the sinking of a new pit upon the Plaintiff's farm".

"The case lasted all day, and was of a very uninteresting nature"

This article appeared previously in Pennant No. 4 published in 1993