

## ***How events in Ainsworth have influenced worldwide law***

*by John Barker*

### **The Flooding Of Redhouse Colliery**

John Rylands employed contractors to build a reservoir for his cotton mill (Now the derelict Ainsworth Finishing Company). When the contractors discovered a series of old coal shafts improperly filled with debris, they chose to continue work rather than properly block them up. The result was that on December 11th 1860, shortly after being filled for the first time, Rylands' reservoir burst and flooded a neighbouring mine.



People may have wondered why this land behind the bus stop on the bottom road has never been built on and have been left as no-man's land. The reason for this is that under this plot were the access shafts to Redhouse Colliery Coal Mine. Even though these shafts have long since been filled in they can still be very problematic for developers.

This area was the scene of a dispute between John Rylands and Thomas Fletcher.

John Rylands was an entrepreneur and philanthropist. He was the owner of the largest textile manufacturing concern in the UK and Manchester's first multi-millionaire. He was an employer of 15,000 in 17 mills and factories, producing 35 tons of cloth a day

Thomas Fletcher was the owner of Bents Colliery, Bradley Fold; Stopes Colliery Little Lever; Radcliffe Colliery, Outwood Colliery as well as Wellbank and Springfield Mills. His political ties & money opened the door for his son Thomas Jr. to become the Mayor of Bolton in 1884. He died leaving £163,000 - a substantial sum at the time.

The Start of the Problem was that the seams of coal stopped a few hundred feet from Bury New Road when the coal ran out the mines were stopped and were “filled loosely and improperly with soil and debris”

It was eight years after the disused mines were filled in that John Rylands purchased land behind his cotton mill and started work excavating a reservoir to supply the cotton mill with additional water. The contractors found the heads of five abandoned mine shafts belonging to Thomas Fletcher. Rather than stop work, the John Rylands’ contractors continued building. In December 1860, ten days after John Rylands’ contractors finished work on the reservoir, the water leaked through into the old mine shafts and starts flooding Thomas Fletcher’s active mine workings that are situated lower down towards Bury New Road.

Thomas Fletcher had to start pumping the water out of his mine and after a year of pumping, he started legal proceedings against John Rylands for damages of £5,000 (roughly half a million pounds in today’s money).

### Time Line of Events



The ruling from Rylands v Fletcher was “*That the person who for his own purposes brings on his lands and collects and keeps there anything likely to do mischief if it escapes, must keep it at his peril, and, if he does not do so, is prima facie (at first sight) answerable for all the damage which is the natural consequence of its escape.*”. It applied to cases which involved “*The person whose grass or corn is beaten down by the escaping cattle of his neighbour, or whose mine is flooded by the water from his neighbour's reservoir, or whose cellar is invaded by the filth of his neighbour's privy, or whose habitation is made unhealthy by the fumes and noisome vapours of his neighbour's alkali works is damnified without any default of his own*”

There are conditions to use Rylands v Fletcher. The defendant needs to have brought a substance onto their land, there must be an Inherent hazard linked to substance, it must be non-natural use of land and substance escapes from defendant's land onto another property causing harm or damage

It has been used in a number of well known incidents

### **Three Mile Island Nuclear Accident**

The Three Mile Island accident was a partial nuclear meltdown which occurred in one of the two United States Three Mile Island nuclear reactors in Pennsylvania, on March 28th 1979. It was the worst accident in U.S. commercial nuclear power plant history. The partial meltdown resulted in the release of small amounts of radioactive gases and radioactive iodine into the environment.

A class action suit, winning \$25 million in an out-of-court settlement and its insurers paid at least \$82 million in publicly documented compensation to residents for "loss of business revenue, evacuation expenses and health claims". Also hundreds of out-of-court settlements have been reached with alleged victims of the fallout, with a total of \$15m paid out to parents of children born with birth defects.

### **Exxon Valdez**

On March 24 1989, while owned by the former Exxon Shipping Company, and captained by Joseph Hazelwood bound for Long Beach, California, the vessel ran aground on the Bligh Reef resulting in the second largest oil spill in United States history. The size of the spill is estimated at 40,900 to 120,000 m<sup>3</sup> of crude oil - 260,000 to 750,000 barrels of crude oil - into the Ocean that was later washed up onto the coastline causing nuisance and considerable hazard.

Litigation was filed on behalf of 38,000 litigants. In 1994, a jury awarded plaintiffs \$287 million in compensatory damages and \$5 billion in punitive damages, which was later lowered to \$507.5 million after appeal and eventually Exxon paid out 75% of that total amount equalling \$380.5 million.

### **The Flooding Of New Orleans**

In the City of New Orleans, the storm surge caused more than 50 breaches in drainage canal levees and also in navigational canal levees designed and built by the United States Army. It was classed as the worst engineering disaster in the history of the United States. By August 31st 2005, 80% of New Orleans was flooded, with some parts under 15 feet of water, due to faulty and poorly maintained levees

The City of New Orleans filed a \$77 billion claim against the United States Army Corps of Engineers for damages sustained from faulty levee construction and resultant flooding during Hurricane Katrina. Of this amount, only \$1 billion was designated as direct "infrastructure damages" the rest was attributed to consequential damages such as industry losses and the city's tarnished image. Hundreds of thousands of individual claims were received in the Corps' New Orleans District office.

### **Stockport Council**

Transco plc (British Gas) had sued the council for £93,681.55. The council were responsible for the maintenance of the pipe work supplying water to a block of flats. A leak developed which was

undetected for sometime. The water collected at an embankment which housed the claimant's high pressure gas main. The water caused the embankment to collapse and left the 27m of gas mains exposed and unsupported.

The case was lost Lord Hoffmann reasoned: "It is of course true that water in quantity is almost always capable of causing damage if it escapes. But the piping of a water supply from the mains to the storage tanks in the block was a routine function which would not have struck anyone as raising any special hazard. In truth, the council did not accumulate any water; it merely arranged a supply adequate to meet the residents' needs. The situation cannot stand comparison with the making by Mr Rylands of a substantial reservoir."



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