

Filed in the Supreme Court
 Court of the State of New York
 at New York, this 10th day of November 1814

Daniel Codner & Co.

vs
 Nathaniel Allwood.

This was an action to recover the sum of Five Hundred
 pounds Sterling, for Damages sustained by the Plaintiff in
 consequence of their fishing nets having been taken up &
 carried away by the Defendant & his servants by his orders
 in Sandwich Bay on the coast of Labrador, a Special Jury
 were sworn to by the Court.

- | | |
|--------------------------|---------------------|
| 1 John Houston (Foreman) | 7 Thomas Wright |
| 2 John Deusecomb | 8 Nicholas Hudge |
| 3 James Macbraine | 9 Walter Macalister |
| 4 Alexander Haire | 10 Samuel Grove |
| 5 William Johnston | 11 Patrick Hues |
| 6 Richard Layley | 12 Neil Sherman |

Mr. James Simms appeared on the part of the Plaintiff
 and called the following witnesses

First Witness John Collins (Sworn) who deposed that he has
 for twenty four years been employed in the Fishery. Twelve years
 of which he has been employed in Sandwich Bay by Noble
 Prescott & Sons. Mr. Allwood was agent part of the time.
 That he served the Plaintiff this year & part of last year.
 That he last fall received directions from Captain Warren
 to go to Sandwich Bay and prepare for the Labrador fishing
 during the winter. There a paper was produced which being
 subscribed to be the same as was given to witness by Captain
 Warren and which was read over to witness by John Rogers
 Mr. Simms here read the letter of instructions. In receiving
 these instructions at Demmes Harbor witness proceeded to Sandwich
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November 1814

to some of Jones Hundred
by the Plaintiffs in
being broken up &
servants by his Orders
broader a Special Jury
which thought
Nicholas Hodge
William Macalister
James Grouse
Patrick Stiles
John Shannon
in the favor of the Plaintiffs

also reported that he had
in the fishing. Twelve years
Dundwich Bay by Noble
is about part of the time
this year & part of last year
from Captain Warren
for the Salmon fishing
net was introduced which was
given to Mitnick by Captain
to Mitnick by John Dyer
of instructions. He never
Barbours Mitnick proceeded to
brought their complaint for the

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Hearing in the Supreme Court of the November - 1814
Samuel Turner vs Nathaniel Attwood. Continued.

At a place called Dikes River in said Bay, Dundwich Bay.
where the late defendant then resided, up their Boat on the North
Side of the River, they then went about half a mile on the South
Side of the River & built a cottage for the winter as there was
no suitable spot for the purpose on the North Side. Mitnick
knew Muddy Bay well. There had been an old House there
but not since Mitnick first knew the place. Could not find
it about a mile from the place where the Boat was raised
up. On going to Dikes River, Mitnick loaded his Supplies &
covered them with boughs &c and when the cottage was built
he took the supplies there. When at Dikes River Mitnick received
a message from Mr Attwood brought by Mr. Warren, saying that
Mitnick should make no preparation for the fishing: that he might
be able to house to winter in. But that Mr Attwood would not
dean any preparation for the fishing which Mitnick might
make. Mr Warren said that he had a letter from Mr
Attwood, but as Mitnick could not read it, that he had told him
the contents of the letter. The letter was delivered to Mitnick by Mr
Warren. In the Spring Mr Attwood asked Mitnick for the letter.
Mitnick wishing to show it to his Master, told Mr Attwood that
he had lost it. Mr Attwood said it was no matter as he had
a copy of it. Mitnick showed Mr Warren's letter to Mr Attwood
who said that he would not allow Mitnick to interrupt him in
his fishing, and that the matter would be easily settled. Mitnick
thinks that Mr Attwood came about two months after Mitnick
went there. Mr Attwood said that he would cut down the
House which Mitnick built. Mitnick argued a good while with
Mr Attwood who went away without cutting the House down.
At another time Mr Attwood again came to Mitnick.
Mitnick asked him to allow him to look there, as it was

Days in the Captain's Court, November 1814.
- Journal of Capt. D. vs. Michael, Attwood. -

As a great help to his Master if he should leave it
and that he would remove elsewhere as soon as possible,
but Mr. Attwood said that Mettuff should not fish there
at all. It is mentioned about twenty five miles from
Dykes to where Mr. Attwood lived - Mr. Attwood came with
his men and took away the Nells - they took two Nells
at Carl's Head - Mr. Attwood was there & told Mettuff that
he was come to take the Nells. Mettuff remonstrated with
him. Mr. Attwood then said that he would take the
Nells and would keep them so that Mettuff could not
fish there - Mettuff said that he was glad of that, & it
would put an end to the matter and prevent him going on.
Mettuff told Mr. Attwood that he would have to account for it.
Mr. Attwood said that he would - Mr. Attwood took up two Nells
there were five Salmon in them which Mr. Attwood also took
but afterwards threw out one of them for Mettuff to eat.
Mr. Attwood took the other four Salmon. This was on the last
day of June, as Mr. Attwood took Mettuff so. Counted it
seven miles to the Nells. There was a shareman of Mr. Attwood's
fishing about two miles from the place where Mettuff was
It was either on the 23rd or 24th June that the Nells were
first put down at Dykes. Mettuff's Nells were first put
down, along shore in the Bay, Mettuff did not put down any
in the Brook as he was told that he would be allowed to do so.
It was to the Southward of Dykes that he put out his Nells.
Mettuff put out three Nells a long shore a little distance,
and had two Nells out before they put out any - Mettuff put
out the one farthest from the Brook first. The Nells near
Dykes were put out before those at Carl's Head. Mettuff
taken fifteen Salmon when the Nells at Carl's Head were

Days in the Captain's Court
Journal of Capt. D.

taken away, he took
five and found the
river Mr. Attwood to
Mettuff fished on -
left the remains of a
which he had there
both of them. Mr.
Nells and Moorings
was an officer
would not be able
returned, Mettuff
heard, as he was
pairing of Moorings
as he left it early.
two men to go to
the men were absent
that they could not
at Dykes river &
this was sometimes
to wait on account
or that Mettuff and
and was four days
there Mettuff reported
When the boat
brought a sample
Dykes on Sunday
men put out their
river. In consequence
put down by Mettuff
there which Mettuff

November 1814
Atwood's account

Should have
as soon as possible
each side fish there
about five miles from
Atwood's former with
then took two nets
there told Metcalf that
Metcalf demonstrated with
he would take the
At Metcalf's couch not
was glad of that, as it
would have going on
and have to account for
Atwood took up two nets
which Mr Atwood also
for Metcalf to East
Calson. This was on the
Metcalf's Co. Counted
as a shareman of Mr Atwood
the place where Metcalf was
said that the nets were
broken nets were first put
Metcalf did not put down
if he would be allowed to
his that he first cut his
a long shore as little distance
by put out any - Metcalf's
Metcalf's fish the nets
at East Island. Metcalf
the nets at East Island

Letter in the Supreme Court - November 1814
Daniel Colver & - vs - Nathaniel Atwood. Continued

After seeing, he took some the Admon right to be shown he
had and found the three nets on shore - Metcalf never
showed Mr Atwood to fish at East Island at the place where
the nets fished on. The Atwood's used to fish there, and
left the remains of a fish which Metcalf used. The two nets
which he had there were good & had double moorings to
fish of them. Mr Atwood's men took away both the
nets and moorings. Mr Atwood said that if there
was any officer to give if under his hand that the nets
would not be used in the bay, that the nets would be
returned, Metcalf said that he would not give if under his
hand, as he was no officer, Metcalf had about other houses
pairs of moorings. He was not there during the fishing season
as he left it early. On Metcalf's arriving at Dykes he sent
two men to go to Dominica Harbor to tell what had taken place
the men were absent some days when they returned and said
that they could not find their way there; Metcalf left Dykes
at Dykes river & went with the other men to Dominica Harbor
this was sometimes after the men returned, as he was obliged
to wait on account of the weather, as he had only a small crew
or that Metcalf arrived at Dominica on the fourteenth of July
and was four days on his passage to Dominica when he arrived
there Metcalf reported to Captain Warren what had happened.
When the boat came from Dominica to Dykes river they
brought a youngster named Richard Langbe, they arrived at
Dykes on Sunday the twenty sixth day of June. At Atwood's
men put out their nets about a quarter of a mile up the
river. In consequence of Mr Atwood's taking up the nets
put down by Metcalf and saying that he would take up
there which Metcalf might put down which a house in

Witness in the Defendant's case, 17th November 1814.
Annual Corner 16-17 Nathaniel Atwood - continued

had other nets, and not put down any more, and therefore
left the place. Mr Atwood had two men and a youngster there
On the day that witness left the Dykes they were taking up
their nets, the prospect was good, witness's craft was all good
except examined by Mr Brown for the Defendants.

Upon receiving the letter from Mr Atwood by Mr Turner
forbidding witness from fishing there, witness attempted to put
the letter in the fire, which occasioned its being torn, witness
was angry when he received it. Witness never set any
nets in Dykes Brook, nor did he attempt to do so, as Mr
Atwood said that his men were to fish there. Witness
did not use the house which belonged to Noble & Linsend
at Dykes. Witness left the house which he built at Dykes
and did not take it down. Mr Atwood told witness
that he would not allow him to put down a net in
Sandwich Bay. Mr Atwood's nets could not be put
down without witness's seeing them. Witness had twenty
hogheads of salt with him, he generally allows one hoghead
of salt for six fathoms of Salmon, witness saw a youngster of
Mr Atwood's at Dykes who was loaded before Mr Atwood's, with
youngsters arrived on the same day & not more than half
an hour's difference of time. Mr Atwood's witness deposed
that all the nets which he put down were in the Bay,
and set one of them in the Brook.

Second Witness John Dornier deacon, was employed
by the Plaintiff last year & also this year and went with
John Collins to Sandwich Bay from Dominica Harbour.

Witness can write a little, witness saw the letter brought
by Mr Turner to John Collins from Mr Atwood. Did not
read the letter, and never saw it in the fish afterwards.

Collins

Witness in the Defendant's case, 17th November 1814.
Annual Corner 16-17

Collins & witness pitched
Atwood thence. They pitched
of the little island and
put out six nets.
Witness heard Turner
not allow Collins, and
nets were down, Mr
a youngster from being
before Mr Atwood's net
came up from John
by Mr Atwood. Mr
would give if witness
he put down witness's
Here the Defendant admit
and two of the other place. Mr
not fish there. Witness
to Dominica Harbour to judge
place, but after some
as they could not find the
Collins left witness at
Dominica. John Collins
letter read, the net was
harbour. This was after
Third Witness. The
Dominica Harbour to
produced was signed
Collins as his signature
witness, the letter was
letter produced witness
Mr Atwood. Here Mr At

18th November 1814
Attwood - continued

any more, and therefore
said a younger than
has they were taking up
truffles Craft was alleged
Defendants.
Witness by Mr. Turner
Witness attempted to put
his own beam to witness
Witness never let any
attempt to do so, as Mr.
to fish there. Witness
going to Noble & Pender
which he built at Dyer
Mr. Attwood told Witness
put down a net in
its could not be put
there. Witness had twice
usually allows one to fish
Witness saw a youngster
before Mr. Edwards. Mr.
day & put more than half
Mr. Turner Witness depose
down were in the Bay
one season, was employed
this year and went with
from Dominica Harbour
and saw the letter brought
from Mr. Attwood. Witness
in the fish afterwards.
Collins

18th November 1814
Annual Volume 1814 - 1815
Richard Attwood - continued

Collins & Witness pitched their net in Mind. They never saw Mr.
Attwood there. They put out three nets. One to the southward
of the little island and two further down. Mr. Attwood did not
put out any nets there. Evidence nets were found some
Witness heard Turner tell Collins that Mr. Attwood would
not allow Collins and Witness to fish there. After Edwards
nets were down, Mr. Attwood's people put down nets about
a fathom from shore. Collins did not catch some salmon
before Mr. Attwood's nets were put down. Witness when he
came up from shore Collins found two of the nets taken up
by Mr. Attwood. Mr. Attwood said to Witness that if he
would give up under his word that the nets would not
be put down again that the nets would be returned to them.
Here the Defendant admitted that he had taken up three nets of Mr. M.
and two of the other place. Mr. Attwood again told them that they should
not fish there. Witness and the younger were sent by Mr. Collins
to Dominica Harbour to inform Captain Murren what had taken
place, but after some days absence were obliged to return to Dyer
as they could not find their way further than Cross Bay. Witness
Collins left Witness at Dyer's point with the younger to
Dominica. Both examined Witness never heard Mr. Attwood's
letter read, the note sent afterwards was to be sent to Dominica
harbour. This was after the nets were taken up.
Third Witness, Mr. Murren stated for the Plaintiff at
Dominica Harbour before. Depose that the letter since
produced was signed by him, and by Witness returned to Mr.
Collins at his instructions for his proceedings in the salmon
fishing. The letter was read over to Collins by Witness. The other
letter produced Witness believes to be the exact writing of
Mr. Attwood. Here Mr. Attwood admitted the letter to be his writing.

Case in the Supreme Court - November 1844
James Coates v. Nathaniel Wood. Continued.

But as the latter was partly lost, and the first draft added to the latter being mostly lost, the Court would not allow the letter of Mr. Attorney to go to the Jury.

Mr. Brown on the part of the Plaintiff's motion calling for further evidence and read the following papers: viz. the Act of the 18th Geo 3 - Cap. 51. Sec 2. A letter from His Excellency Sir Richard Boddam, dated 11th. January of the 18th Geo 3 - to Mr. Mayor, and Governor Duff's proclamation respecting the said Acts, after which he produced the Chief and Jury on the Evidence produced.

Mr. Brown was heard on the part of the Defendants after a short but impetuous charge from the Court, the jury withdrew and shortly afterwards returned into Court with the following verdict.

Verdict for the Plaintiff's Five Hundred pounds, with costs of suit.

John Houston, Foreman
Newfoundland 14th November - 1844

Mr. Brown on the part of the Defendants gave notice of an appeal.

Case continued
Ch. 2

Case in the
Supreme Court

Mr. Duns

No 82

This was an action for fourteen shillings & six pence considered the plaintiff with costs of suit.

No 83

John Martin v. This was an action for a Rent. Judgment

No 84

John Henry This was an action for shillings & three pence

No 85

John Duns This was an action for eight shillings & six pence

No 86

John Duns This was an action At the Defendant's request the Court that the plaintiff Nine pounds six shillings