## Lorenzo Noseworthy

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A CHARLES

Supreme Court

(Concluded) Cross-examined by Mr. Morine K.C. on behalf of the plaintiff, the witness per qtl. said as follows:

I took this statement off myself; 1 per qtl. took off the original statement of which this is a typewritten copy. I per qtl. took off all that was on our books between these dates. I will make up per qtl. one for the month of November in the same way and produce it here. Howley K.C. on behalf of the defend- per qtl.

ant, said as follows: I am an accountant with Monroe & per qtl. Co. That firm purchased Labrador fish delivered in St. John's last fall, per qtl. I have a statement of the transactions. This is all Labrador fish delivered in per qtl. St. John's between the 15th October

Oct 17-6 1-8 qtls at \$1.50 per qtl. Oct 19 .- 543 3-8 qtls at \$4.00 per qtl. Oct 19.-5 5-8 at \$1.50 per qtl. Friday, May 21, 1915.

ROBERT MORGAN examined by Mr. per qtl. Howley K.C. on behalf of the defendant, having been first duly sworn, said per qtl.

I am an accountant in the employ per qtl. of Harvey & Co. of this city. My firm purchased a quantity of Labrador fish per qtl. in St. John's last year. Our accounts can speak as to the amounts purchas- per qtl. ed, the times when purchased and the prices paid. I have here a note per qtl. of these matters and can give you that Oct 30, 1914-5 qtis Rocklings at information. All the fish referred to \$2.50 per qtl. on this list is Labrador fish. The total amount of fish purchased was near- per qtl. ly 5000 qtls. The following is a list of the dates when the fish was pur- per qtl. chased, the quantity purchased and

Oct 20, 1914-223 qtls No. 1 at \$3.75

Oct 20, 1914-21 qtls Cullage at \$3.00

Oct. 23, 1914—2 qtls Cullage at \$2.00 Oct 23, 1914-35 qtls No. 1 at \$3.80

Oct 23, 1914-27 qtls No. 1 at \$3.80

vs William A. Munn Oct 23, 1914-75 qtls No. 1 at \$3.60 Oct 23, 1914-223 qtls No. 1 at \$3.80

Oct 23, 1914—150 qtls No. 1 at \$3.80 Oct. 23, 1914—84 qtls No. 1 at \$3.60

Oct 23, 1914-38 qtls Cullage at \$2.00 Oct 23, 1914-70 qtls No. 1 at \$3.80

Oct 23, 1914-100 qtls No. 1 at \$3.80 JOHN P. FLYNN examined by Mr. Oct 23, 1914-8 qtls Cullage at \$2.00

Oct 26, 1914-22 qtls at No 1 at \$3.50

Oct 27, 1914-22 qtls Cullage at \$2.00 Oct 27, 1914-53 qtls No. 1 at \$3.80

Oct. 27, 1914-4 qtls Heavy Damp at Oct 27, 1914-4 qtls Cullage at \$2.50

Oct 27, 1914-2 Rocklings at \$2.00

Oct 30, 1914-550 qtls No. 1 at \$3.80 Oct 30, 1914-220 qtls No. 1 at \$3.60

Nov. 2 1914—200 qtls No. 1 at \$3.60 Nov. 2 1914-34 qtls Cullage at \$3.50 Nov 3rd 1914—200 gtls No. 1 at \$3.70

Nov 3rd 1914-40 qtls No. 1 at \$3.50 Oct 20, 1914-250 qtls No. 1 at \$4.00. Nov. 3rd 1914-27 qtls Cullage at

about 4093 qtls. I did not myself pur- and delivered in St. John's. The par- per qtl.

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chase any of that fish. I do not know ticulars of the fish purchased are as if that is a fair statement of the con- follows: ditions of the market for Labrador Oct 15, 1914-842 qtls No. 1 at \$4.00 ledge and belief. in St. John's during this period; I am per qtl. not acquainted with the buying of the Oct 15, 1914-11 otls Cullage at \$2.00 at \$3.50. That was taken from four fish, but I think Harvey & Co. treat per qtl.

the usual price I should think. The per qtl.

THE

statement speaks for itself. Cross-examined by Mr. F. A. Mews per qtl.

my firm intended to give the current per qtl. price. They govern themselves ac- Oct 16, 1914-3 qtls Damp at \$3.80 cording to the current price. At least per qtl. I should think so. The fish is bought Oct 16, 1914-4 qtls Cullage at \$2.00 by the heads of the firm and really per qtl. I have nothing to do with it, but I Oct 16, 1914-220 qtls No. 1 at \$3.80

understand they usually give the cur- per qtl. rent price. I do not know the terms | Cct 17, 1914-923 qtls No. 1 at \$3.80 squares up upon which they bought the fish, but per qtl. the prices I have quoted are the pric- Oct 17, 1914-26 qtls Damp at \$3.00 es paid for it according to the books per qtl.

According to the list on the 23rd of per qtl October the prices are \$3.80 for No. 1 Oct 19, 1914-912 qtls No. 1 at \$3.80 is divided amongst Walsh, Tobin, Foand \$3.60 for No. 1. I cannot answer per qtl. bought at \$3.80 and only \$3.60 was per qtl given for 80 qtls on the same date. Oct 19, 1914-14 qtls Cullage at \$2.00 this fish was bought. He, perhaps, I do not know why the prices are not per qtl. the same through. I do not know of Oct 19, 1914-70 qtls No. 1 at \$4.00 generally in credit on our books, but my own knowledge what other firms per qtl.

WILLIAM COLLINS examined by Oct 20, 1914-3 qtls Cullage at \$2.00 fish was purchased, and also a state-Mr. Howley K.C. on behalf of the de- per qtl. fendant having been first duly sworn, Oct 21, 1914-953 qtls No. 1 at \$3.80 the year. Some of these men from

Bros. My firm had transactions in per qtl. Labrador fish last fall. From the Oct 21, 1914-56 qtls No. 1 at \$3.50 'Fish Book' I can easily state what per atla quantities of Labrador fish Bowring Oct 21, 19144-1 qal Cullage at \$2.00 Bros. bought last fall, the prices paid per atl. Oct 20, 1914—22 qtls Cullage at \$2.50 That fish was all purchased here in for it, and the times at which it was Oct 22, 1914—1007 qtls No. 1 at \$3.80 St. John's and delivered here in St. bought. All the Labrador fish bought per qtl. 1914-87 quis No. 1 at \$3.75 John's. The quantity purchased was by Bowring Bros. last fall was bought Oct 22, 1914-190 quis No. 1 at \$3.60 chase; one man may have had a big-

independent man: a considerably independent man, to the best of my know

On Oct 21st. 56 qtls was purchased or five different dealers, viz.-Quirk, everybody fair in the matter. That is Oct 15, 1914-21 qtls Damp at \$3.80 Jones, Thistle and Pye. From Thistle we got 17 qtls, from Quirk 24, from Oct 15, 1914-250 qtls No. 1 at \$4.25 | Jones 8, and from Pye 6qtls. Thistle did not owe us money; he is in credit on behalf of the plaintiff the witness Oct 16, 1914-173 qtls No. 1 at \$4.00 in our books. Quirk always pays his indebtedness to us every year. He al-In paying the prices I have quoted Oct 16, 1914-39 qtls No. 1 at \$4.23 ways owes us money practically; he runs on account. He practically always has an account but always squres up. He is an outharbour merchant in Fortune Harbour. He always has a running account, but we always give him some advances. He is an independent man who always

On Oct 29, the 530 qtls at \$3.50 was bought from different people. Broaders-generally called William Bro-Oct 17, 1914-21 qtls Cullage at \$2.00 thers-has the biggest quantity of that total. He has 434 gtls; the balance ley and two Gaultons. Brothers is a Oct 19, 1914-12 qtls Damp at \$3.40 dealer of our firm. I don't know whe ther he owed the firm money when owed for his spring supply. He is whether he was that way last summer. Oct 20, 1914-797 otls No. 1 at \$3.80 or not I can't say. I will produce a whom we bought fish were dealers I am an accountant with Bowring, Oct 21, 1914-239 qtls No. 1 at \$3.60 owing us money, certainly. Some of them yere paid \$3.60 a quintal and some \$3.80. The fish taken in as No.

was supposed to be all of the same quality. I cannot tell you why on the 21st October \$3.80 was paid for 900 atls. \$3.60 for 200 atls and \$3.50 for 50 gtls. That is according to purger lot than another and we may have wanted the fish

Re-examined by Howley K.C. on behalf of the defendant the witness said Oct 22, 1914-10 qtls Cullage at \$2.00 Oct 23, 1914-874 qtls No. 1 at \$3.80

Oct 22, 1914-80 qt/s No. 1 at \$3.50

Oct 26, 914-14 qtls Heavy Damp at

Oct 27, 1914—9 qtls No. 1 at \$3.70

Oct 29, 1914-156 qtls No. 1 at \$3.60

Oct 29, 1914-9 qtls Cullage at \$2.25

Oct 29, 1914—530 qtls No. 1 at \$3.35

Oct 30, 1914-109 qtls No. 1 at \$3.50

Oct 30, 1914-1 qtl Cullage at \$2.00

myself. The prices mentioned in the

list I have given are the prices at

the prices according to the 'Fish

The people from whom the fish was

The prices mentioned by this list represent the prices agreed upon with Oct 23, 1914-496 qtls No. 1 at \$3.60 the seller. Referring to the 430 qtls bought on the 29th October from Oct 23, 1914-10 otls Cullage at \$2.00 Brothers, I cannot say if there was any reason why Brothers should have Oct 24, 1914-13 qtls Cullage at \$2.00 Oct 26, 1914-26 qtls No. 1 at \$3.60 his fish.

Oct 26, 1914-10 qtls Cullage at \$2.00 say that. I did not buy the fish my- him at \$380, and 2 qtls Cullage at Oct 27, 1914-31 qtls Cullage at \$2.00 owing us money at the time we pur- purchased from Button at \$4.00 and what may be called independent; most 1 were purchased from James Young

Bowring Bros. Without this state- at \$3.80. 135 qtls at \$3.80 were pur Oct 29, 1914—5 qtls Cullage at \$2.00 ment the evidence is subject to ob- chased from W. Samson & Bros.

Cross-examined by Mr. F. A. Mews qtls. was purchased is Button & Sons on behalf of the plaintiff, the witness from New Melbourne. said as follows:

On October 21st 3 lots of fish were That is the last, making in the whole bought. They may not all have been 10,531 qtls. I bought none of that fish inished landing on that date. The prices were varying from day to day. It may have occurred that different which the fish was bought. These are day; the fish may have been of differ-Book.' It was all bought at these fixent quality. According to my evidence ed prices from the dealers. The fish on direct examination the dates given is priced by the directors of the firm. are the dates when the fish was taken purchased are dealers of the firm and cannot say that different prices were the fish was bought from them. We given on the same day for fish called bought fish from anyone who came No. 1 Labrador. I could not tell you to us. Practically we call anyone who comes along a dealer. When I say from purchasing. I could not say in we bought fish from dealers I don't ne- No. 1 Labrador fish was purchased in cessarily mean that we bought from different quantities on the same day people who owed us money. Some of at different prices. I do not know these people are cash people who go what the firm purchased for. The fish around town selling their fish to the may be purchased one day and not highest bidder. Some of these pur- landed for two days after. I will produce the 'Fish Book' if necessary, but Cross-examined by Mr. F. A. Mews, that does not show the dates of puron behalf of the plaintiff, the witness chase. The 'Fish Book' only shows the date of landing.

I have here the names of some of Re-examined by Howley K.C. on bethe people from whom we bought this half of the defendant, the witness said

from R. Fowlow. He is not a dealer October 19th, 12 qtls damp fish were in debt to the firm. He is an purchased that day from H. Hardy at READ THE MAIL AND ADVOCATE.

EAST END.

WEST END.

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This is strictly Non Carbon, Non Freezing Oil and is strongly recommended for Motor Cars and Motor Boat engines.

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"(Signed) N. Ritcey, "MANAGER."

From Swim Bros.,

Fish Merchants.

We have used all kinds of Cylinder Oil in our Motor Boats and are now using "Polarine" which gives us better satisfaction than any oil we have ever had.

Yours truly, (Sgd.) SWIM BROS.

# H. Murray ST. JOHN'S

Oct 24, 1914-119 qtls No. 1 at \$3.80 sold that fish to Bowring Bros. in- \$3.40. 55 qtls No. 1 were purchased stead of going elsewhere to sell it. from C. Cave at \$3.80; 1 qtl of cullage Oct 24 1914-601 qtls No. 1 at \$3.60 It should be up to the directors to was also purchased of Cave at \$2.00. answer that. Brothers is an inde- 46 atls No. 1 were purchased from S. pendent man; he might not have Dowe at \$3.80 and 3-4 gtl Cullage at wanted to go anywhere else to sell \$2.00. 41 qtls No. 1 Labrador were The men who sold to us at \$3.50 did \$3.80. 86 qtls No. 1 were purchased not so sell because we had them in from F. P. I. at \$3.80. 21 qtls from self. Nearly all the people on this \$2.00. 18 atls No. 1 were purchased list owe us money; they are practical- from J. Mosdell at \$3.80 and 5-8 qtl y dealers of the firm, but although Cullage at \$2.00. 70 qtls No. 1 were chased their fish, the majority are 7-8 qtl Cullage at \$2.00. 59 qtls No. of them are able to square up. Mr. at \$3.80. 267 qtls No. 1 were 'purchas-Munn was the purchaser of our fish. ed from W. Martin at \$3.80 and 6 qtls (Mr. Mews asks for a statement of Cullage at \$2.00. 96 qtls No. 1 were the names of the persons from whom purchased from A & W. Greene at the fish was purchased and the con- \$3.80 and 1 1-2 cullage at \$2.00. 63 lition of the sellers' accounts with otls were purchased from A. Samson

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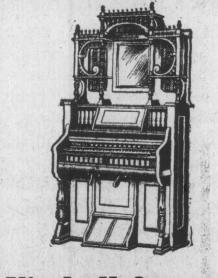
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The Globe-Wernicke Co. bought on Oct 22nd. That was bought Referring to the fish purchased on Percie Johnson, Agent.



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