

CURRENT PRICE OF CODFISH

Lorenzo Noseworthy vs William A. Munn
Supreme Court

(Concluded)

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

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

JOHN P. FLYNN examined by Mr. Howley K.C. on behalf of the defendant, said as follows:

I am an accountant with Monroe & Co. That firm purchased Labrador fish delivered in St. John's last fall. I have a statement of the transactions. This is all Labrador fish delivered in St. John's between the 15th October and the 31st.

Oct 17-519 1-4 qtls at \$4.00 per qtl.
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. Howley K.C. on behalf of the defendant, having been first duly sworn, said as follows:

I am an accountant in the employ of Harvey & Co. of this city. My firm purchased a quantity of Labrador fish in St. John's last year. Our accounts can speak as to the amounts purchased, the times when purchased and the prices paid. I have here a note of these matters and can give you that information. All the fish referred to in this list is Labrador fish. The total amount of fish purchased was nearly 5000 qtls. The following is a list of the dates when the fish was purchased, the quantity purchased and the prices paid.

Oct 20, 1914-223 qtls No. 1 at \$3.75 per qtl.
Oct 20, 1914-21 qtls Cullage at \$3.00 per qtl.
Oct 20, 1914-250 qtls No. 1 at \$4.00 per qtl.
Oct 20, 1914-22 qtls Cullage at \$2.50 per qtl.
Oct 21, 1914-87 qtls No. 1 at \$3.75 per qtl.

Oct 23, 1914-27 qtls No. 1 at \$3.80 per qtl.
Oct 23, 1914-2 qtls Cullage at \$2.00 per qtl.
Oct 23, 1914-3 qtls No. 1 at \$3.60 per qtl.
Oct 23, 1914-35 qtls No. 1 at \$3.80 per qtl.
Oct 23, 1914-75 qtls No. 1 at \$3.60 per qtl.
Oct 23, 1914-223 qtls No. 1 at \$3.80 per qtl.
Oct 23, 1914-150 qtls No. 1 at \$3.80 per qtl.
Oct 23, 1914-84 qtls No. 1 at \$3.60 per qtl.
Oct 23, 1914-33 qtls Cullage at \$2.00 per qtl.
Oct 23, 1914-70 qtls No. 1 at \$3.80 per qtl.
Oct 23, 1914-9 qtls No. 1 at \$3.60 per qtl.
Oct 23, 1914-100 qtls No. 1 at \$3.50 per qtl.
Oct 23, 1914-8 qtls Cullage at \$2.00 per qtl.
Oct 26, 1914-22 qtls at No 1 at \$3.50 per qtl.
Oct 26, 1914-100 qtls No. 1 at \$3.60 per qtl.
Oct 27, 1914-22 qtls Cullage at \$2.00 per qtl.
Oct 27, 1914-53 qtls No. 1 at \$3.80 per qtl.
Oct 27, 1914-4 qtls Heavy Damp at \$3.30 per qtl.
Oct 27, 1914-4 qtls Cullage at \$2.50 per qtl.
Oct 27, 1914-2 Rocklings at \$2.00 per qtl.
Oct 29, 1914-200 qtls No. 1 at \$3.50 per qtl.
Oct 29, 1914-62 qtls No. 1 at \$3.60 per qtl.
Oct 30, 1914-550 qtls No. 1 at \$3.80 per qtl.
Oct 30, 1914-220 qtls No. 1 at \$3.60 per qtl.
Oct 30, 1914-2 qtls No. 1 at \$4.00 per qtl.
Oct 30, 1914-5 qtls Rocklings at \$2.50 per qtl.
Nov 2, 1914-720 qtls No. 1 at \$3.80 per qtl.
Nov 2, 1914-200 qtls No. 1 at \$3.60 per qtl.
Nov 2, 1914-34 qtls Cullage at \$3.50 per qtl.
Nov 3rd 1914-200 qtls No. 1 at \$3.70 per qtl.
Nov 3rd 1914-40 qtls No. 1 at \$3.50 per qtl.
Nov 3rd 1914-27 qtls Cullage at \$2.50 per qtl.
That fish was all purchased here in St. John's and delivered here in St. John's. The quantity purchased was about 4093 qtls. I did not myself pur-

AT THE NICKEL

chase any of that fish. I do not know if that is a fair statement of the conditions of the market for Labrador in St. John's during this period; I am not acquainted with the buying of the fish, but I think Harvey & Co. treat everybody fair in the matter. That is the usual price I should think. The statement speaks for itself.

Cross-examined by Mr. F. A. Mews on behalf of the plaintiff the witness said as follows:

In paying the prices I have quoted my firm intended to give the current price. They govern themselves according to the current price. At least I should think so. The fish is bought by the heads of the firm and really I have nothing to do with it, but I understand they usually give the current price. I do not know the terms upon which they bought the fish, but the prices I have quoted are the prices paid for it according to the books of the firm.

According to the list on the 23rd of October the prices are \$3.80 for No. 1 and \$3.60 for No. 1. I cannot answer why, on that date, 150 qtls were bought at \$3.80 and only \$3.60 was given for 80 qtls on the same date. I do not know why the prices are not the same through. I do not know of my own knowledge what other firms were giving for fish during that period.

WILLIAM COLLINS examined by Mr. Howley K.C. on behalf of the defendant having been first duly sworn, said as follows:

I am an accountant with Bowring Bros. My firm had transactions in Labrador fish last fall. From the 'Fish Book' I can easily state what quantities of Labrador fish Bowring Bros. bought last fall, the prices paid for it, and the times at which it was bought. All the Labrador fish bought by Bowring Bros. last fall was bought and delivered in St. John's. The par-

ticulars of the fish purchased are as follows:
Oct 15, 1914-842 qtls No. 1 at \$4.00 per qtl.
Oct 15, 1914-11 qtls Cullage at \$2.00 per qtl.
Oct 15, 1914-21 qtls Damp at \$3.80 per qtl.
Oct 15, 1914-250 qtls No. 1 at \$4.25 per qtl.
Oct 16, 1914-173 qtls No. 1 at \$4.00 per qtl.
Oct 16, 1914-39 qtls No. 1 at \$4.25 per qtl.
Oct 16, 1914-3 qtls Damp at \$3.80 per qtl.
Oct 16, 1914-4 qtls Cullage at \$2.00 per qtl.
Oct 16, 1914-226 qtls No. 1 at \$3.50 per qtl.
Oct 17, 1914-922 qtls No. 1 at \$3.80 per qtl.
Oct 17, 1914-26 qtls Damp at \$3.00 per qtl.
Oct 17, 1914-21 qtls Cullage at \$2.00 per qtl.
Oct 19, 1914-912 qtls No. 1 at \$3.80 per qtl.
Oct 19, 1914-12 qtls Damp at \$3.40 per qtl.
Oct 19, 1914-14 qtls Cullage at \$2.00 per qtl.
Oct 19, 1914-70 qtls No. 1 at \$4.00 per qtl.
Oct 20, 1914-797 qtls No. 1 at \$3.80 per qtl.
Oct 20, 1914-3 qtls Cullage at \$2.00 per qtl.
Oct 21, 1914-953 qtls No. 1 at \$3.80 per qtl.
Oct 21, 1914-239 qtls No. 1 at \$3.60 per qtl.
Oct 21, 1914-56 qtls No. 1 at \$3.50 per qtl.
Oct 21, 1914-1 qtl Cullage at \$2.00 per qtl.
Oct 22, 1914-1007 qtls No. 1 at \$3.80 per qtl.
Oct 22, 1914-190 qtls No. 1 at \$3.60 per qtl.
Oct 22, 1914-80 qtls No. 1 at \$3.50 per qtl.
Oct 22, 1914-10 qtls Cullage at \$2.00 per qtl.
Oct 23, 1914-874 qtls No. 1 at \$3.80 per qtl.
Oct 23, 1914-496 qtls No. 1 at \$3.60 per qtl.
Oct 23, 1914-10 qtls Cullage at \$2.00 per qtl.
Oct 24, 1914-119 qtls No. 1 at \$3.80 per qtl.
Oct 24, 1914-601 qtls No. 1 at \$3.60 per qtl.
Oct 24, 1914-13 qtls Cullage at \$2.00 per qtl.
Oct 26, 1914-26 qtls No. 1 at \$3.60 per qtl.
Oct 26, 1914-14 qtls Heavy Damp at \$3.20 per qtl.
Oct 26, 1914-10 qtls Cullage at \$2.00 per qtl.
Oct 27, 1914-436 qtls No. 1 at \$3.60 per qtl.
Oct 27, 1914-31 qtls Cullage at \$2.00 per qtl.
Oct 27, 1914-9 qtls No. 1 at \$3.70 per qtl.
Oct 29, 1914-156 qtls No. 1 at \$3.60 per qtl.
Oct 29, 1914-9 qtls Cullage at \$2.25 per qtl.
Oct 29, 1914-530 qtls No. 1 at \$3.35 per qtl.
Oct 29, 1914-5 qtls Cullage at \$2.00 per qtl.
Oct 30, 1914-109 qtls No. 1 at \$3.50 per qtl.
Oct 30, 1914-1 qtl Cullage at \$2.00 per qtl.

That is the last, making in the whole 10,531 qtls. I bought none of that fish myself. The prices mentioned in the list I have given are the prices at which the fish was bought. These are the prices according to the 'Fish Book'. It was all bought at these fixed prices from the dealers. The fish is priced by the directors of the firm. The people from whom the fish was purchased are dealers of the firm and the fish was bought from them. We bought fish from anyone who came to us. Practically we call anyone who comes along a dealer. When I say we bought fish from dealers I don't necessarily mean that we bought from people who owed us money. Some of these people are cash people who go around town selling their fish to the highest bidder. Some of these purchases were from such people.

Cross-examined by Mr. F. A. Mews, on behalf of the plaintiff, the witness said as follows:

I have here the names of some of the people from whom we bought this fish. Take the lot of 80 qtls at \$3.50 bought on Oct 22nd. That was bought from R. Fowlow. He is not a dealer that is in debt to the firm. He is an

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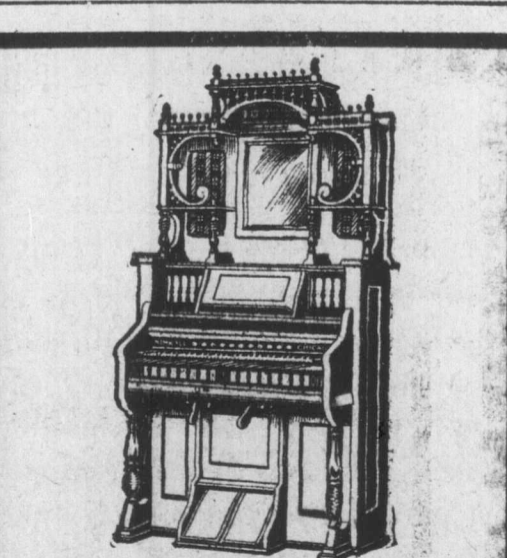
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ST. JOHN'S

\$3.40. 55 qtls No. 1 were purchased from C. Cave at \$3.80; 1 qtl of cullage was also purchased of Cave at \$2.00. 46 qtls No. 1 were purchased from S. Dowe at \$3.80 and 3-4 qtl Cullage at \$2.00. 41 qtls No. 1 Labrador were purchased that day from J. Elliott at \$3.80. 86 qtls No. 1 were purchased from F. P. L. at \$3.80. 21 qtls from S. Berry at \$3.80 and 24 qtls also from him at \$3.80, and 2 qtls Cullage at \$2.00. 18 qtls No. 1 were purchased from J. Mossell at \$3.80 and 5-8 qtl Cullage at \$2.00. 70 qtls No. 1 were purchased from Button at \$4.00 and 7-8 qtl Cullage at \$2.00. 59 qtls No. 1 were purchased from James Young at \$3.80. 267 qtls No. 1 were purchased from W. Martin at \$3.80 and 6 qtls Cullage at \$2.00. 96 qtls No. 1 were purchased from A & W. Greene at \$3.80 and 1-2 cullage at \$2.00. 63 qtls were purchased from A. Samson at \$3.80. 135 qtls at \$3.80 were purchased from W. Samson & Bros. I think the Button from whom the 70 qtls. was purchased is Button & Sons from New Melbourne.



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