

**CURRENT PRICE OF CODFISH**

**Lorenzo Noseworthy vs William A. Munn**  
Supreme Court

(Charles Jerrett, continued)

Of that 7100 qtls there were collected in my rooms, including Cape Harrison, about 900 qtls. Of my men all the outside planters would be sharmen. We supplied the sharmen as well as the planters. The men who got that 900 qtls were in receipt of wages. I settled up with those from whom I bought at \$3.60. That is not all I paid to anyone. I paid \$4.30 to two different people; one was John Roberts, the other George Roberts. These were planters, who reside in Brigus. I bought from them in the vicinity of 400 qtls for the two. I made with them on the Labrador a special contract early in September, perhaps the first week. The special reason for that special contract was a gamble. They wanted me to give them \$4.00 which I absolutely refused to give; I refused to give anything more than the general average paid on the coast.

Neither of them owed me any money. I made them an offer that I would pay them St. John's price that I would pay them the day that the receipt was issued until the last day of November, let it be \$2 or \$10. I offered to give them the highest price that might obtain in St. John's during the month of November less 20c representing freight which they had to pay for bringing it home. It reached \$4.50 in St. John's and I paid them \$4.30. The day previous to the contract expiring fish went to \$4.50; the following day it went to \$5. I have a form of receipt which is given to various dealers. Sometimes I mark "current price" on the receipts; sometimes nothing. My agent at Cape Harrison issues at current price; my own receipts were Labrador price, the meaning in my mind being the current price. I have carried on my business for 2 years. I did not attend the meetings held in St. John's last year to settle the price of fish. I attended no meeting although I got a notice to attend. I was at Labrador when Piccott's meeting was held. There was a previous meeting for

which I received a notice from W. A. Munn, I think; I was not at that meeting. I did not hear after that meeting what price was decided on. I first heard of the price decided on when I came from Labrador about November 1st. It was rumoured on the Labrador that \$3.60 would be the price, but I did not actually hear what had been decided on until I got home. I did not make any special enquiry as to the price when I got home, but as the men came in to the office they told me that the price was \$3.60 and I settled accordingly.

Tuesday, June 1, 1915.

**ROBERT STEWARD MUNN** examined by Howley K.C. on behalf of the defendant, said as follows:

I belong to Hr. Grace. I was engaged in the Labrador fishery last year as manager for Munn & Co. The business of collecting and buying fish was done in the name of W. A. Munn. I have been engaged in the Labrador business about 23 years. I first went to the Labrador in 1891. I had dealings on the Labrador last year with Lorenzo Noseworthy, the man who is suing W. A. Munn to-day.

My connection with Lorenzo Noseworthy was as follows: About the middle of August last year, Noseworthy, who had been engaged by Franklin & Co. had a vessel come out called the 'Carriad.' This vessel arrived on the Labrador after her cancelling date; Franklin & Co. threw her up. I was buying fish down there the same as other years. I saw that Noseworthy's arrangements had been unsettled, and I approached him about selling his fish to me. The first time I saw him he did not know where he stood at all, but my conversation with him enabled him to bear me in mind. I have known Noseworthy for a number of years and we had dealings together before. The captain of the carriad said he would not do anything, and he went to St. John's, leaving the vessel at the Labrador in charge of his mate. The captain of the Carriad came back about the 12 September.

I saw Noseworthy on the 13th, and this is the first time we really got talking on fish with a view of buying and selling. He did not know what to do. Franklin had definitely thrown the vessel, but had given Noseworthy the offer of putting his fish on board the vessel and bringing it to St. John's at 20c a quintal freight. This is what Noseworthy told me. He

**AT THE NICKEL**

wanted to know what I would give him for the fish. I said I am not able to give you any more than the current price; whatever the current dealing price is on the coast I will give to you." He said "well I want something extra; I want something better than that. You know I am entitled to something better. I have such and such a quantity of fish. I can claim to be able to command about 2000 qtls fish." Well I said "Noseworthy the best I can do for you is I will get you to act as my agent at Sandy Islands. I will give my vessel, I will give you my men. You have to go there and take charge of her; you will collect and take account of the fish that comes in and look after it and deliver it to me." I offered him 15c a qtl extra for doing this. He wanted to know if I would not give him a fixed price. I said no, I can't do it. He said what is the price, likely to be. I said, I do not know; I have not any idea. Of course we had more or less an idea that it would be somewhere between \$2.50 and \$4.50, but we did not know within 50c what it was going to be. -No price was named at all, but Noseworthy said 'I have a letter from Steer Bros that the price of Labrador fish will probably be about \$4.00 in St. John's in October.

Well, I said 'presuming the price

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of fish is \$4.00 in October I don't know what the current price will be, but you had letters from Franklin some time ago saying it would only be worth \$2.50. I said I did not take that price of \$2.50 seriously, but I said, presuming the current price is \$3.50 it would pay you better to sell your fish to me for \$3.50 than to take it to St. John's for \$4.00. He said 'how is that?' I said, 'take the cost \$3.50. Franklin offered you this vessel for 20c a qtl freight. You will in addition have to insure the fish! No, he said 'I won't insure it at all.' I said 'Noseworthy are you treating Steer Bros right. Are you treating the people you are buying this fish for right in sending 2000 qtls fish home uninsured. Well he said 'I suppose I will have to insure it.' I said 'then add 14 cents a qtl more for insurance (or about 4 per cent); that makes it \$3.84. Add to that a shortage of at least 1 per cent and handling at least 2c a qtl in St. John's, making \$3.90. I am offering you 15c. Just for looking after what you would do anyhow, which makes \$4.05. That pays you better than bringing the fish to St. John's and selling it for \$4.00. That was presuming \$3.50 to be the price. I did not know then but the current price would be \$3.80 or \$3.40.

Noseworthy took time to consider this offer. I think it was the next day he came to me and said 'that will be all right. He accepted my offer.' This was about the 12th September. The price of \$4.00 was not discussed at all. I offered to make up a written contract and he said never mind. I had it made out in lead pencil. I said "You had better have it; I may be in Greece when you want to be settled up," because I had an idea of going across in a fish dealer at the time. He said 'all right, before you go we can do it;' but the contract was never drawn up in writing. A day or two after this I went away, collecting on the "Dernes." I went as far south as Merchantman's Hr.

We had a spurt of bad weather, about a week or ten days, and altho we were getting ahead with our work I was getting fidgetty as to what they were doing North, so about Sept. 22, I came north and right down to see what Noseworthy was doing. I had some words about the price that day and went down with the intention of letting him know so as to assist him in his work.

I got to Sandy Island on the evening of the 23rd I think. On greeting me in the cabin of the vessel the first thing Noseworthy said to me was current price is settled for \$3.60. I said you have that word too, have you. Where did you get that. He said you got a message from W. A. Munn.' I said 'I have heard it, and there is something in it all right. Where did you get the news from.' I was really taken back at his telling me the contents of the message before I had really seen it myself. I found out afterwards that the captain of the Carriad had come from the Marconi station that morning, or the day before, and had brought him the information that I had a price of \$3.60.

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he had no fish worth while collected; he had, perhaps, about 200 qtls them. I did not pay the different fishermen directly myself. I gave the money to Noseworthy with which to pay them. Doing that was another inducement to Noseworthy to collect for me.

Noseworthy was anxious to collect after he saw it was to his advantage to sell. After he saw his contract with Franklin was off he wanted to collect for me, and there was a jealousy between my men because he did the collecting. Noseworthy had a considerable outfit there on the Labrador, and he thought by acting as my agent that he would control them better. That was really part of the arrangement that they were to be through him. It is not usual to pay in that way. The usual way is for each man to bring his receipt to me and get paid. Up to the 23rd Sept.—the occasion when I met Noseworthy the second time—when he told me the current price was fixed at \$3.60, he had collected for me only between 100 and 200 qtls.; he had practically done nothing. 90 per cent of the fish he collected for me was collected and delivered after that date. I really cannot say whether any persons from Noseworthy bought at current price for me came to me directly about the price. I would not like to swear there was not, but there was nothing definite enough to impress itself on my mind. Until the current price is fixed all the fishermen talk about it. I did not know on the 23rd September that Baine, Johnstone was paying \$4.00. I did not know that until after Noseworthy had all his fish out and discharged. Even then I hardly thought it was correct; it did not bear any weight with me. In my experience I have known the current price to be more than the lowest price paid on the coast.

(To be continued)

A bad break

"So Miss Passay is angry with her doctor. Why is that?"

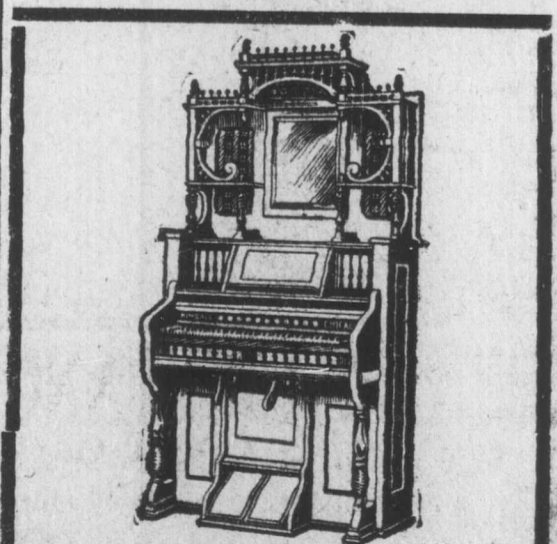
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