

"MOSES ADAMS," JOB JACOBS, Master.

He does not make any deposition.

David Malleson (deposition p. 48) says: "Captain Jacobs being a Newfoundlander the mob allowed him to take in the herrings he had taken."

His owners, however, in their claim (p. 49), demand for herrings tripped out of seine, but offer no evidence that such an act took place. But if strand fishing is allowed, and its interruption is to be compensated for, there is no distinction can be made between him and the other seine owners, and he would be entitled, on Pew and Sons' basis, to 1,000 barrels of herrings at 2,650 dollars.

This vessel cleared with a cargo of 600 barrels of frozen herrings, very nearly, if not quite, a full cargo, and he credits them in market at a trifle over 1 dol. 50 c. per barrel.

This is the eighth and last seine, and the demand of the owners for 8,586 dols. 5 c. is the most extravagant and outrageous of the 22.

RECAPITULATION.

(Based on Lord Granville's Despatch.)

"ONTARIO" and "NEW ENGLAND" owned by PEW AND SONS.

For seines destroyed and consequential damages, 6,700 dollars.

The damages are allowed on the assumption that Americans might legally use seines during the close months, which is denied and at issue, otherwise the damage would be 1,400 dollars.

RECAPITULATION.

(On the basis that American fishermen were interfered with, and prevented fishing from the strand.

Seines.	Vessel.	Master.	Owner.	Amount.
				Dollars.
2	{ Ontario - - -	McAuly - - -	{ Pew and Sons -	6,700
0	{ New England - - -	Dago - - -	{ Wonson and Co. -	—
1	{ Lizzie and Namari -	Dagle - - -	{ Friend - - -	2,650
1	{ F. A. Smith - - -	McDonald - - -	{ Parsons - - -	2,650
0	{ Wm. E. McDonald -	McDonald - - -	{ Mansford - - -	—
1	{ Hereward - - -	Stapleton - - -	{ Smith - - -	2,650
1	{ Chas. C. Warren -	Smith - - -	{ Lane and Bros. -	2,650
1	{ Moses Adams - - -	Jacobs - - -		—
6				17,300

The above appears to me to be the utmost which can possibly be made up upon the affidavits of the Americans, taking Pew and Sons as a basis, and their claim would doubtless be considered in excess of the actual and legitimate loss sustained by them.

I have taken, although it may be considered as not impossible, but very improbable, the whole quantity of herrings which could possibly have been seined on Sunday, the 6th January with the appliances at hand, at 6,000 barrels, based on Pew and Son's statement. These seven vessels by their tonnage would carry about 700 barrels each on an average, making 4,900 barrels for their cargoes, leaving 1,100 barrels to be disposed of to other vessels; if divided among the other 15 vessels it would give about 73 barrels to each thus showing how small an injury these 15 vessels could have really suffered.

I will now consider the case of the other 14 vessels.

They were at Fortune Bay, but there is no statement or affidavit showing they were at Long Harbour on the 6th January (Rumsey, deposition, p. 74, states there were only 12 American vessels at Long Harbour), but this is immaterial if the following views are correct,

These vessels were on an ordinary trading voyage, such as they had pursued during the past 25 years. They had no seines or other appliances for carrying on a fishery.