The Chestertown Transcript.

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ATTORNEY-AT-LAW,
Chestertown, - - - - - Maryland.

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OWING to the scarcity of money we will sell at a very small advance above cost FOR THE CASH. Remember, we sell
The Lea Coal
WHICH IS THE BEST WHITE ASH COAL FOR GENERAL USE.
Probably it will be to your advantage to get our prices and examine our stock before you purchase.
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AMMONIATED BONE SUPER-PHOSPHATES,
CORN AND OAT PHOSPHATE,
PEACH TREE PHOSPHATE,
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And in fact anything farmers may want in the form of Fertilizers or Fertilizing Material, we can supply at Bottom Prices. Orders solicited. We do not publish certificates, our goods speak for themselves. Correspondence by mail promptly attended to.
FREDERICK FOUNTAIN, Agent.
Feb. 12, 1891. CHESTERTOWN, MARYLAND.

DO YOU WANT
A GOOD WATER-FRONT FARM?
Some with Splendid Oyster Creeks and Coves on them, that when properly stocked with plants (small oysters), will produce by natural growth in one year ten bushels of prime oysters for one of seed, and thousands of bushels of young oysters for one bushel of seed? Some of the coves
Are Now Paying Five Hundred to One Thousand Dollars per Acre,
And each year oysters are higher in price. Remember, these coves are as private as a man's peach orchard. The soil of these farms is the best for the growth of Peaches, Pears and Small Fruits, and as the crop is early, the prices of the fruit are high. No better soil anywhere for early Truck. A former Kent countian raised Tomatoes this year when they were bringing in Baltimore two dollars and fifty cents a basket. Other early vegetables brought correspondingly high prices. We have many Bargains in water-front and inland Farms, large and small,
On Very Favorable Terms.
So with a few hundred dollars we can give our patrons a nice, comfortable home, with good land and low taxes, healthy climate, easy payments, and if they will work and plant intelligently the excellent steamboat facilities for shipping and earliness of crops, will insure good profits. Let every man who wishes to make a success at farming, stock-raising, fruit-growing, trucking and oyster-planting, write to us for prices and terms of our Southern Maryland Farms.
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Hood's Sarsaparilla
Is a concentrated extract of Sarsaparilla, Yellow Dock, Pipsissewa, Juniper Berries, Mandrake, Dandelion, and other valuable vegetable remedies, every ingredient being strictly pure, and the best of its kind it is possible to buy.
It is prepared by thoroughly competent pharmacists, in the most careful manner, by a peculiar Combination, Proportion and Process, giving to it curative power
Peculiar To Itself
It will cure, when in the power of medicine, Scrofula, Salt Rheum, Blood Poisoning, Cancerous and all other Humors, Malaria, Dyspepsia, Biliousness, Sick Headache, Catarrh, Rheumatism, and all difficulties with the Liver and Kidneys.
It overcomes That Tired Feeling, Creates an Appetite, and gives great mental, nerve, bodily, and digestive strength.
Hood's Sarsaparilla is sold by all druggists. $1; six for $5. Prepared only by C. I. Hood & Co., Apothecaries, Lowell, Mass.
N. B. If you decide to take Hood's Sarsaparilla do not be induced to buy any other.

100 Doses One Dollar
The Fertilizers
—FOR—
TRUCK POTATOES, TOMATOES
And Corn:
Chester Compound,
No. 1 Ammo. Super Phosphate,
HOME IMPROVED.
T. W. ELIASON, Jr.

Shingles!
A LARGE JOB LOT
6-Inch Shaved
CYPRESS SHINGLES
FOR SALE
AT VERY LOW PRICES.
6-Inch Hearts as low as $7
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MAKES MORE BREAD THAN ANY OTHER.
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Fire! Lightning! Life!
INSURE YOUR HOMES!
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INSURE YOUR LIVES!
I represent only first-class companies. My rates are low and all losses promptly paid. To all persons desiring insurance I ask them to write or call and see me.
J. H. IRELAND,
Kennedyville, Maryland.

A MASTERLY DISCUSSION OF THE OYSTER QUESTION.

The Statesmanlike Paper of James A. Pearce, Esq., Submitted to the Baltimore Convention of April 30.

On account of sickness Mr. Pearce was unable to be present at the meeting, but his speech was duly given to the press, and appeared in the proceedings of the convention which met to protest against the proposed sale or lease of the State's oyster beds. As a clear, statesmanlike discussion of the oyster question, this speech stands alone in its breadth and clearness of statement. The question is analyzed and presented in its various relations to the State and its citizens. The sophistries of Messrs. Cowan and Hodson are met by a discussion of the oyster problem which leaves them to enjoy an inglorious defeat upon their chosen line of warfare. No man in the State has so clearly comprehended the situation, and no man in the State has given it so comprehensive an analysis for the benefit of the people. We regret that we were unable to give it in our issue of last week.

Mr. Pearce said: "This meeting has been called, as I understand, by those who are opposed to the sale or lease of the submarine lands of the State for oyster farming, and as I am opposed to the measure I have felt it my duty to respond to your invitation to unite in the expression of this opposition. I am no expert, and I have no statistics to present, but I am convinced that the oyster supply in our waters has been reduced in an alarming degree, and that it will soon be practically exhausted unless replenished and protected by effective legislation of some character. The subject involves the consideration of questions of legal right and general expediency which must tax the resources of those who attempt their solution; questions which concern the vital personal interests, the hereditary occupations and capacities, and the traditional birthright of a large class of our people, and which also concern every taxpayer in the State, and every citizen through his interest in this article of food, which is at once a staple and a luxury. These are questions to be considered without passion or heat, and I shall seek in what I have to say to address only your reason, your judgment and your sense of duty to the Commonwealth.

ACTIVITY OF THE AGE.

"The area of the State is about 11,124 square miles, or about seven millions of acres of land, of which about one-tenth is covered by the waters of the Chesapeake bay and its navigable tributaries, and it is said by those who have had opportunity for comparison that there is no arm of the sea in the known world which can compare in beauty and natural value to the noble bay which rests like a silver shield upon the fair bosom of the State. It brings the deep sea to the foot of the Alleghanies and makes Baltimore the natural seaport of the central States of the West. It bears upon its surface a generous share of the foreign commerce of the Atlantic coast, and it opens free highways to the counties of the State for their traffic with their chief commerical city, while its waters are the natural home of the finest fish and oysters known. The intense activity of the age has not been slow to perceive the immense value of our oyster deposits, and in an overweening confidence in the reproductive powers of nature, or in reckless neglect of the future, we have permitted these deposits to be well nigh exhausted almost before we dreamed them to be impaired. We must not, therefore, be surprised that demand should be made upon the State for the restoration and protection of this great industry for the future, that this tenth part of our area should be made to yield at least some part of the revenue which it is capable of producing, and it is with this view that the utilitarian spirit of the age suggests the sale or lease of these lands for oyster farms to individuals or corporations.

FISHERY A PUBLIC RIGHT.

"To this measure I am emphatically opposed for many reasons, which must control me until every other reasonable effort for the restoration of the oyster beds shall have been exhausted. This is not the place for an elaborate argument as to the constitutionality of the measure, of which I assume its chief advocates are satisfied; but successful opposition can be placed on no higher ground than want of power to enact the measure into law, and without assuming to express a deliberate opinion, I may say I regard the question of power as lying at the threshold of the inquiry, and only to be satisfactorily settled by judical decision, with the attendant professional and moral responsibility which cannot otherwise be had, and I shall state briefly some of the reasons which lead me to this position.

"You know that the common law is part of your heritage as citizens of Maryland, and the Declaration of Rights, which is the key to the constitution, guarantees you that hereitage and affirms your title to all property derived from Charles I to Cecilius Calvert, Baron of Baltimore, and the Court of Appeals has said in Brown vs. Kennedy, 5th H. & J. Rep., 105, that the soil of Chesapeake bay is vested in the State as successor of the lord proprietary. The common law has always held the right of fishery in navigable waters as a public right belonging to all the people, which could not be alienated, abridged or diminished, even by a grant from the sovereign. Magna Charta protects this right as among the franchises and free customs of the subject by virtue of his free birthright, and the proclamation of James I in 1609 is a conclusive declaration of the free right of fishery in all British subjects. It has always been held that the soil under navigable waters can be granted by the sovereign, subject to the right of fishing and navigation. Yet in 1862 the Legislature of Maryland enacted a law, still in force, which forbids the granting of any patent for land covered by navigable water—a prohibition, if I mistake not, which grew out of the attempt of Oscar Miles, of St. Mary's county, to secure a patent for a large body of such lands in that county for the purpose of sale for oyster farms.

LAW ON THE SUBJECT.

"In harmony with these doctrines of the common law and in accord with the spirit of the act of 1862, let me refer you to some of the utterances of the courts on this subject:

"In Smith vs. Maryland, (18th Howard's Reports, 71,) decided in 1855, the act of 1833, chapter 254, was under consideration. That act recited, 'Whereas the destruction of oysters in the waters of this State is seriously apprehended from the destructive instruments used in taking them: Be it enacted that it shall be unlawful to take oysters in any of the waters of this State with drag or scoop, etc.,' and that 'any boat or tackle used in violation of this act shall be forfeited to the State.'

"The question was whether a licensed and enrolled vessel of the United States was liable to seizure and forfeiture under this act, and it was held it was so liable. Judge Curtis said: 'The soil under navigable waters is held by the State, not only subject to, but in some sense in trust for, the enjoyment of certain public rights, among which is the common liberty of taking fish, as well shell fish as floating fish. The State may forbid all such acts as would render the public right less valuable or destroy it altogether. This power results from the ownership of the soil and from the duty of the State to preserve unimpaired those public uses for which the soil is held.' So in McCready vs. Virginia, 94th U. S. Rep., 391, decided in 1887, where the question was whether the State of Virginia could prohibit a citizen of another State from planting oysters in the waters of Ware river, it was held the State could do so, and Chief Justice Waite said: 'The right of fishing is a property right, and not a mere privilege or immunity of citizenship.'

"In Hess vs. Muir, 65 Md. Rep., 607, a case which involved the rights of riparian owners to plant oysters, Judge Alvey says in speaking of the land covered by navigable waters: 'The State holds the property of this soil for the conservation of the public rights of fishing thereon,' and he cites with approval the language of Judge Curtis in Smith vs. Maryland and that of Judge Waite in McCready vs. Virginia. In the same case, Hess vs. Muir, Judge Ritchie says: 'The privilege of locating oyster lots is a mere license, neither inheritable nor assignable. If it were, it would result in the absorption by a few of what was intended for the many and in exposing to monopoly what was designed for several or individual benefit.'

"In Phillips vs. the State, 22d Md. Rep., 389, this privilege of location had been assailed as unconstitutional by so eminent a jurist as the late Judge Tuck, who was of counsel in the case, and the law was sustained by the court on the express ground that it was a '*mere license*, which *subtracted* nothing from the common right of fishing and could not operate as a grant of several rights from the common right residing in the body of the people,' and the court declined to decide 'the very important and perhaps delicate question as to the *power* of the Legislature to grant several or exclusive rights of fishing in navigable waters,' a question which has never been judicially decided in this State.

IN OTHER STATES.

"The tenor of the cases is the same in other States, showing that the doctrine of an inalienable common right of fishing residing in all the citizens of the State has its foundations deep in the traditions of the law and in the convictions of the people and of the judges. The Supreme Court of Michigan in 1884 said that the sovereign State holds the title of land covered by navigable water in trust for the public uses of navigation and fishing, and the Supreme Court of Illinois in the same year said: 'There are some things, and they are the most essential of all to men, that are incapable of individual ownership—such are air and water. They are the common inheritance of mankind. Belonging to all, common justice requires their preservation for the use and enjoyment of all.'

"But, waiving further consideration of the constitutionality of the proposed law, it is open to other serious objections. It would demolish at a single blow time-honored customs which the people have believed to be as sacred as fundamental law, however they may be hereafter judicially classified, and this without preparation for the new order of things. It would sweep away the traditional privileges of that large class of brave and patriotic citizens who in every maritime region are among the chief reliance of their country in time of war. It would narrow the field of competition for a livelihood at a time when that competition is growing yearly harder and fiercer without fault on the part of the poor, who always find the struggle a hard one. It seeks against nature to establish the same dominion over the sea as over the land, and to deliver to exclusive ownership for purposes of gain what Providence created for the free and common use of man. Modern civilization has developed a marvelous knowledge and mastery of the forces of nature, and has introduced countless appliances for the mitigation of human toil, but good and evil are mingled in all things here, and the same age whose advances in knowledge have brought us so many blessings, has brought with them such concentration of wealth and power that almost every means of living has fallen under the direct control or insidious influence of aggregated capital, until, as Ruskin phrases it 'the modern acquisitive power of capital has become as great as that of the sword and lance in olden times,' and if this measure should be carried it seems to me inevitable that our free workers in the waters of the State must be reduced to the conditions of dependents upon capital, a result which I am confident cannot be generally desired by our people. No human man, no patriotic citizen, no true statesman but must deplore the truth uttered by Ruskin and lament the disappearance under its influence of the sturdy stock which formed so large a part of our people in the early days of the republic, and the decay of those rural homes which were nurseries of genuine manhood and self-reliance, fostering and perfecting the highest private and public virtues.

WEALTH A SECONDARY CONSIDERATION.

"Legislation ought never to be framed when it can be avoided in the direct interest of capital or corporate power. Both are essential to the maintenance of the industries of the age, and both have played a splendid part in the creation and extension of those industries. Both should be justly and liberally dealt with by the State, but our laws should be framed with a view to the preservation of the utmost personal independence and self-reliance consistent with existing social organization and to promote as far as possible equality of opportunity among all our citizens. The mere acquisition of wealth, whether in the hands of the people or in the public treasury, should be a secondary consideration, and true wisdom will do nothing to hasten that time in our history when we shall realize, as other nations have done, that the decay of men keeps pace with the accumulation of wealth. I do not doubt that the sale of the oyster lands would result in the creation of great wealth to those engaged in their cultivation, and that large revenues could be secured thus to the State while restoring and preserving the oyster supply; but I believe this can be accomplished in good degree without resorting to sale or lease of the lands, and I am for exhausting other efforts first.

"There are in Kent county alone, the smallest oyster county on the Eastern Shore, a large part of whose water line is above the oyster limit, on account of the volume of fresh water from the Susquehanna, 769 tonging licenses issued, and in all the oyster counties 8,120 tonging and scraping licenses. These represent an army of workers, all of whom would be affected sooner or later by the change of system, and it requires no imagination to perceive how disastrous it would be to those men and their families, if by the stroke of the pen which drafted the act for the sale of the oyster lands they should be excluded from their free working, or if by the slower but not less fatal policy of inaction the oyster should be allowed to perish in our waters. In either alternative this would be a hard case. In one they would, I believe, surely be reduced to the necessity of begging for the privilege of working at current rate of wages in what they have believed to be a free domain to all, and this in competition with an inferior grade of labor, which would be found available for the purpose. In the other, their free domain would be still free, but, as Captain Plowman has said, in ten years it will be as barren of oysters as an Arabian desert, and with their occupation, their principal food supply will have perished also. There is no question that more concerns the public than an abundant and cheap supply of healthy food, and none of higher present concern than the increase of such supply and the preservation of its sources.

"Commerce, manufactures and trade always receive the careful consideration of legislators, but these chiefly concern the rich, or those in easy circumstances, while the food supply vitally concerns the struggling masses upon whose labor the other interests are wholly dependent.

CONTROL TO BE EXPECTED.

"If the present tenure of oyster lands is to be changed as is urged, if these lands are to be withdrawn from the free access of those who are engaged in the business by their transfer to private ownership or control, it is safe to estimate that the blow will fall upon not less than thirty thousand of our people whose occupations will be cut off, their vessel property practically destroyed, their modest real estate holdings which now beautify the shores of the river and creek sacrificed, and the prosperity and happiness of their homes darkened by eclipse which this generation will not see lightened. But the wheels of progress are not stayed by sentiment, and destruction and reconstruction are hand in hand. Unless the present system of tenures is shown to be capable of continued maintenance, and of preserving the oyster supply under the tremendous drain made on it by the demand from constantly enlarging markets, it will give way to some other system which at least promises this result, and if we are to avert the threatened change now, tongers and dredgers and packers alike must expect to submit to some fundamental control and regulation of the industry, and all citizens must cooperate cheerfully and in good faith in the suggesting of some system which will promise success, and in the creation of a public sentiment which will demand implicit obedience to that system when put in operation. I make no profession of ability to formulate any elaborate plan, but I offer for the consideration of those better informed the following suggestions:

SUGGESTIONS IN POINT.

"1. Exclude political considerations in the appointment of the officers of the State police force. Whatever may be the determining principle in the selection of these men let none be chosen as a reward for past political services nor with a view to future political services. Captain Howard is an honor to the force, and his appointment shows that wise selection can be made when public opinion asserts itself. Public opinion will continue to assert itself until the oyster questions are raised above the plane of politics and proper men to control the force can be found if sought for.

"2. Provide for the strict observance of a rigid culling law, the provisions of which shall apply not only to the tonger and dredger when taking them from the bottoms, but to the buyer and packer. Let there be inspectors who shall have power not only to examine all cargoes before sale, but the premises of all dealers, and let the finding of a certain percentage of oysters in the cargoes, or of shells on the shell pile below legal measure be followed by heavy penalties. Let the buyer and packer share with the tonger and dredger the penalty of violation of the law. Punish not only him who knowingly takes but him who knowingly buys an oyster prohibited by the culling law. The time was when under a limited demand, buyers would not have immature oysters, and the culling law enforced itself. Now the demand has increased until buyers will accept anything offered. Let the law now forbid under adequate penalties the sale of what the seller and the buyer's interests then conspired to forbid.

"3. Make the penalty of illegal dredging the forfeiture of vessel and cargo. If it be found that for any reason forfeited vessels and cargoes cannot be sold for an adequate price, let the law provide for the restoration of the oysters to the bottom of the bay, under proper direction, and let the vessels be destroyed. If obedience to law cannot be secured by ordinary penalties, let it be assured by extraordinary penalties.

"4. Provide for a paid commission of three, who shall lay off and define ten sections of the bay, suitably located from north to south with reference to the contiguity of the several oyster counties of the State, each section to contain not less than 5,000 and not more than 10,000 acres of land, not including any notable oyster bars, but generally adapted to oyster cultivation, and let dredging be prohibited on these sections for two, four or more years, as the law may determine. During this period place these sections under the control of Professor Brooks, of the Johns Hopkins University, with a liberal salary for his services, and provide for the deposit on these bottoms of such supply of shell or other matter as shall be required by him, and for such further encouragement of the young growth as the commission may determine. At the end of the closed period, to be fixed by law, let these sections be opened to dredging, charging such sum for each bushel taken therefrom as shall be found to be borne without undue burden to the industry, the oyster police force to be charged with the duty of estimating the catch thus taken, and divide the net proceeds of such charge between the Johns Hopkins University and the public school fund in such ratio as shall be fixed by law.

"5. When one set of these cultivated lands is thrown open to the public, lay off another similar set, always maintaining a certain proportion of these lands under cultivation for the future common use of the people.

"If it be objected that these suggestions are purely tentative, the answer is, so are all that are made.

"If it be urged that they involve large expenditures by the State, the answer is, so do all others, and if we have a right to anticipate large future revenues we have a corresponding right to large expenditures for the production of this revenue.

"If it is said that we can rely upon private ownership to develop these oyster beds and out of the profits to pay into the treasury of the State the revenues spoken of, but that we cannot rely upon the people to do the same, my answer is, let us pay the people, and if we should sink the expenditures on the trial, we will at least have made a proper effort to preserve to them their heritage. If they will not cooperate in its preservation and justify us in the maintenance of the old order, then it will not be too late to inaugurate a new order, and we shall be guiltless of the wrong of hasty or inconsiderate legislation against the interests of the people."

Over 15,000 Manuscripts Sent to One Magazine, of Which Not 200 Were Accepted.

Mr. Bok, editor of *The Ladies' Home Journal*, recently gave some interesting figures relative to the manuscripts received by his magazine during 1890. Owing to its departments and peculiar character, the *Journal* probably receives more manuscripts than any magazine published. Mr. Bok says that he received at his office a total number of 15,205 manuscripts. Of these, 2,280 were poems; 1,746 stories and 11,179 miscellaneous articles. Of the poems, 66 were accepted; of the stories, only 21, and of the articles 410, of which latter, however, over 300 were solicited articles. Thus, it will be seen that of the entire 15,000 manuscripts only 497 were accepated; a trifle over three per cent. Deducting from this the 300 accepted articles written at the editor's solicitation, the net percentage of unsolicited manuscripts accepted is brought down to 197, or a little more than one per cent. Statistics such as these show how much utter trash is being written, and the number of persons writing who ought to be employing their time at something else and better.

Not Rest But Change of Occupation.

As for the feeling that we need rest, rest, rest, it is often a fallacious one. It is action which makes muscle. The spirit of life enters into us when we take a vital part in to-day. Often we suffer from rest. A change of occupation is what we most need, as a rule, and the relief hours of an active person turn out to be very intelligent. We must rest, but we need not lose our electricity, which the will, the thought, can command at all times, and which ought to be on guard, like an orderly, to summon us when we should become alert. Headaches evaporate if we must exert ourselves for those we love, or we almost forget the pain, which is the same thing; and ill-temper cannot flourish unless we have idleness in which to reflect upon the motes belonging to some one else. With energy leading the way, *ennui* lifts from the horizon, and we see color and distance again. There are women who labor day by day in hunger and despair. It seems as if others might labor in comfort and in health, instead of sitting down to lassitude and sighs.

How to Be a Happy Old Maid.

To have so much to do that there is no time for morbid thoughts.

To never think for a moment that you are not attractive, and to make yourself look as charming as possible.

To be so considerate of the happiness of others that it will be reflected back to you as from a looking-glass.

To never permit yourself to grow old, for by cultivating all the graces of heart, brain and body, age will not come upon you.

To believe that a life-work has been mapped out for you, that it is near you, and to do that which your hands find for you.

To remember that the happy old maid is the one member of the family who, not having any other claims on her, can be God's own sunshine to those in sorrow or in joy.

MAMMA (to her little boy)—"Now, Bennie, if you'll be good and go to sleep, mamma'll give you one of Dr. Ayer's nice sugar-coated Cathartic Pills, next time you need medicine." Bennie, smilling sweetly, dropped off to sleep at once.

"WILL you say grace?" said the editor,
As the minister took his seat;
And the latter cried, as the food he spied,
"Lord, give us something to eat!"
—*Atlanta Constitution.*

NOT many physicians make great therapeutic discoveries. For the most part they content themselves with administering judiciously what is prescribed in the books. To Dr. J. C. Ayer, however, is due the credit of discovering that greatest of blood-purifiers—Ayer's Sarsaparilla.

IT is estimated that to complete young George Vanderbilt's castle in North Carolina it will require ten years of labor and the expenditure of from $8,000,000 to $10,000,000.

The soda water fountains fizz,
Likewise the foaming beer.
Ice cream saloons are doing "biz,"
For gentle Spring is here.

THE best medical authorities say the proper way to treat catarrh is to take a constitutional remedy, like Hood's Sarsaparilla.

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