Kent News

SATURDAY, - - - FEB. 27, 1897.

LEASED OYSTER BEDS.

An Interesting and Vital Opinion Handed Down by Judge Lloyd Upon the Rights of the Public.

On Saturday Judge Henry Lloyd decided the cases involving the rights of five oyster-planters to lots which they had taken up in Choptank river under existing law. The decision is to the effect that the proprietors of three of these lots, George W. Woolford, Thos. C. Ross and Mrs. Thos. C. Ross, shall not be disturbed, and that two lots, appropriated, respectively, by Mrs. Geo. W. Woolford and Mrs. Winterbottom, shall be vacated. Each of the lots are of five acres. It is the first time a petition to vacate an oyster lot has been dismissed in this circuit. The courts have been uniformly guided by the definition of a natural bar laid down by the late Judge Goldsborough, in which lot-holders' planting rights could not be acquired. This definition was that natural beds or bars are "lands where oysters grow naturally and in large quantities, and to which the public are now and have been for many years in the habit of resorting, with a view of earning a livelihood by catching this natural growth."

Judge Lloyd holds that three of the lots do not measure up to Judge Goldsborough's definition of an oyster lot. He at the same time considers that there are some bottoms which may be lawfully taken up and planting rights secured. He holds "that the Legislature never intended to give the right to locate and appropriate lots for oyster planting only where oysters never grew, but to prohibit the appropriation to private use, as distinguished from the general public use, of existing self-creative and reproducing oyster rocks or bars nature yields unaided by man's help or artificial culture in sufficient quantities for the uniform, habitual and constant resort for oystermen seeking a living from the natural growth and catch them."

Judge Lloyd further says: "Lands cannot be natural oyster bars or beds merely because oysters are scattered here and there upon them, and because if planted they will readily live and thrive there. But whenever the natural growth is so thick and abundant that the public resort to it for a livlihood it is a natural oyster bar or bed and comes within the restrictions of the law and cannot be located."

The oyster-lot law, he considers, was passed "to encourage the cultivation and production of oysters by private parties." He adds: "And I think it was further meant that they might be cultivated anywhere where they had ceased to grow naturally in large quantities. If in old times certain bottoms yielded large quantities, but are now barren, I do not think the mere fact of people resorting thither ten years ago should prevent or hinder the appropriation of these grounds to the private planting of oysters thereon now. It will not do to say oysters grow upon them naturally simply because they have grown upon them in the past."

On the other hand, the Judge said it would not justify the conclusion that a bed was depleted because there have been no oysters on it for a year or two; nor would it do for a man to exhaust a bed of the natural oysters and then seek to locate a lot on it for planting.

On the general subject Judge Lloyd made the following important statements:

"Robert S. Marshall and others have filed a large number of petitions—about 30—to vacate pretty much all locations of oyster lots for the private planting of oysters made within the past twelve months on the Dorchester side of the Choptank river from Oyster Shell Point to Cambridge, covering a distance of eight or ten miles. If one may judge from the petitions alone the entire Dorchester shore must either be a natural rock or bar of oysters, or one element of those engaged in the oyster business has determined that the provisions of the law, intended to encourage planting and private culture of oysters, shall be made nugatory and of no effect. In the latter view of the case, although elsewhere, in other communities, a source of immense wealth and a field of steady employment at good wages to many oystermen are afforded from this branch of business, yet here in our own midst no man will be able or likely to risk his capital in an enterprise wherein some of the people who, in the first place, sell him the oysters he plants, afterward seek to vacate and set aside the locations of his planting grounds upon the theory of its being a natural rock or bar of oysters

"They may be unconsciously killing, inch by inch, the hen that lays the golden egg, and when too late wake up to a full realization of an industry destroyed; of rocks once fruitful now barren, for in time nature will be exhausted here, as experience has demonstrated in other parts of the world. As an individual I have long thought in many instances an exacting and rigid enforcement of some public rights may be honestly and, of course, lawfully pursued, technically correct, yet a mistaken policy, and yield a harvest of barren regrets.

"These general observations are induced, not by the merits of the particular cases I have heard, but by the magnitude of this indiscriminate and promiscuous onslaught, only duly appreciated when considered in connection with the extent of territory covered by the many petitions and the number and occupation of those contributing to the fund necessary to the prosecution of these manifold proceedings. In the moral of the situation we find fruitful ground for intelligent legislative thought and action, and the more specific and absolute setting aside of bottom for private culture of oysters, if the State really intends to encourage the industry of oyster planting, and at the same time give adequate grounds and protection to the worthy industrious oystermen, for all cannot be buyers and planters. Each should feel secure in his rights, which, under the present condition, cannot be a statutory definition of what it meant by a natural rock or bar of oysters should be vouchsafed to us."

Judge Llopd's opinion has been freely commented on among all classes of citizens on the bay. The oyster tongers are somewhat disappointed in not having all the lots set aside, but disinterested persons approve the decision and the reasons upon which it is based. It for the first time establishes the principle that depleted beds upon which oysters have ceased to grow naturally in paying quantities are to be considered as barren bottoms and open to appropriation under the law. The court has not yet fixed a day for hearing testimony in relation to the remaining lots in the Choptank for the vacation of which petitions have been filed.

It is impossible at this time to form an opinion as to the effect of Judge Lloyd's decision. Certain it is that the lot-owners are encouraged, and many other owners of land bordering upon the river are expressing a determination to locate lots. But as every lot must stand or fall on the facts that may be presented in each particular case, the decision just rendered cannot be said to indicate what will be the result of the hearings yet to take place. If all or nearly all of the lots be sustained, it will certainly give a great impetus to oyster bedding in the Great Choptank river, and in fact all Maryland waters.

REUNITES FAMILIES.

Strange Business Done By the National Pension Office.

The pension office, besides examining into pension claims and passing on them, does an enormous amount of other business in the way of uniting and reuniting families — we find husbands for wives, wives for husbands, parents for children, children for parents. Only recently a case came under my observation which illustrates my meaning, and 'tis a sample of a number of others. An application was received from a lady who applied for a widow's pension. She gave the name of her husband, his service, company and regiment. In looking into the claim it was found that the husband was alive and drawing a pension through the pension agency at Chicago. The woman, who resides in Massachusetts, was so informed.

Immediately came a reply from her asking the address of the man, which was furnished. A correspondence ensued between them, and when they satisfied themselves that they were on the right track they arranged a meeting. The man thought his wife had died and at the close of the war joined the regular army and went West. The woman not hearing from the man, became convinced that he had been killed or had died. She was unofficially informed that he had died in a hospital and supposed it was a fact. In the meantime she had married again. Her second husband died and had been dead over ten years when she applied for a pension.

Another case I call to mind is that of a soldier who originally lived at Niagara Falls. He went in the army and served under Sherman. At the close of the war he settled in New Orleans. He had positive information that his wife had died, but he never was able to get any information as to what had become of his three children, except that they had been sent to an orphan asylum. He did not know in what State the orphan asylum was located. Neither did the children know whether their father was dead or alive, though from what they had been able to pick up in the way of information from time to time they had concluded he had passed to the other side. It happened that the daughter of the soldier grew up not only to be a beautiful woman, but had married a wealthy man. She wrote the War Department to learn of the whereabouts of her father's grave, but there was no record of it. She then wrote to the Pension Office for the address of a man she had heard served with her father and who at the time lived at Niagara Falls. The ending of it all was that the children found the father and the father found the children.

There are hundreds of such cases, though, of rourse, the number of them is becoming smaller as time passes. There was a time in the history of the Pension Office when such cases were of frequent occurrence.—*Washington Star.*

FIFTY-TWO per cent. of the United States' population are engaged in farming.

PROTECT THE HOGS.

Some Important Factors in Reducing the Loss from Cholera.

Hog cholera is prevalent in many parts of the country, and every effort possible should be put forth to lessen its ravages. A. W. Bitting, of the Indiana experiment station, says that Indiana last year lost 580,260 hogs by disease, entailing a property loss of three and a quarter million dollars. Nearly the entire loss was due to cholera and swine plague. It was distributed as follows: In 232 townships the loss was from ten to twenty per cent.; in 127, from 20 to 30 per cent.; in 59, from 30 to 40 per cent.; in 53, from 40 to 50 per cent.; in 24, from 50 to 60 per cent.; in 12, from 90 to 70 per cent.; and in one 77 per cent., while the remainder lost less than ten per cent. of all the hogs produced.

An important factor in reducing the loss, says Dr. Bitting, is to provide them proper shelter, as all hogs with only a mild attack, or having apparently made a recovery, may take a relapse if exposed to a cold rain or a sudden change to rough weather. Any shed which will keep off the rain and break the wind is sufficient. The floor should be dry, but little bedding is needed, and that renewed frequently. Burn all litter and bedding once a week. Keep the herd divided, so that crowding is impossible. Remember that a straw stack is the most unfavorable place that can be provided for sick hogs. He says the essentials in prevention are good food, pure water and clean, dry quarters. The cost of protecting the hogs from inclement weather need not be great. Don't neglect the matter.

"AND, Madame," said the professor, "how did you come to get into the new journalism?" "Well," she replied, "I poisoned my husband and five children and was acquitted on the insanity plea, after which I wrote up a three page story about it, mostly exclusive. It was a great piece of work, I assure you."

"WHY is it," shrieked the reform orator, "that the moral elements of the community cannot stand shoulder to shoulder as the forces of sin do?" "Coz there won't none of 'em admit anybody else is right," exclaimed the man in the red necktie.

HENRIQUES: "I read that a Spanish gunboat nearly sank a filibuster launch with six men in it, the other day." Ottinger: "Yes; and *eight* New York papers claim to have had special correspondents in it!"

SATURDAY, FEBRUARY 13, 1897.

FALL IN LINE!

—FOR—

WESTCOTT'S & DODD'S

GREAT

REDUCTION SALES

To say our offerings have been appreciated is just putting it a little mild, hence the great necessity of falling in line for your turn next week.

3 Boxes Lye, 1 Pound Washing Soda for...25c.
6 Blocks Phila. Oline Soap, 1 Box Blue for 25c.
1 Pound Levering's Coffee.....13¾c.
Water White Oil.....9¾c.
You all know our Low Prices and Superior Quality of TEAS and MOLASSES.
1 Extra 3-String Broom.....10½c.
1 Extra 2-String Broom.....9c.
1 Box Phila. Oline Soap, 60 Cakes, for... $2.25.
Our Entire Stock of Underwear, Blankets, Robes and Winter Pants at COST.
37 Pairs Men's Heavy Overalls worth 75c. for next week.....50c per pair
$3.00 Gum Boots.....$2.50.
Bargains in Table Linens, Towels, Napkins and Bed Spreads.
Only a few of those Extra Hose left.....12½c.
700 Yards of Sea Island Percales, all new and well selected.
900 Yards 7c. Muslin, now.....5c.
Lancaster Ginghams.....5¾c.
Feather Proof Tick.....14c.
Good Values at.....8, 10 and 12½c.
Horsemen our Whips are worth trying 5 and 10c., 3 for 25c., 15c Whip worth 20c., 25c Whip worth 35c.
1 Pound R. J. R. Tobacco and 1 Whip.....50c.
Lamps all reduced.
Our Gravely and Miller Smoking Tobacco is the Smokers delight.
The above is CASH and CASH ONLY.

Next week we will have more room for carriages, as we will have another rack.

WANTED: — For March 15th and 19th 50 TURKEYS and 3 dozen CHICKENS each day. Highest Price paid.

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Coughs, Colds, Sore Throat,
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Whooping Cough, La Grippe,
Influenza, Catarrh, Cuts, Burns,
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we have left are being sold regardless of PRICE. Come and get your share of these Rare Bargains.

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is worthy of inspection. If you want up-to-date PERCALES call on us, we have them, and when you look over our mammoth stock of QUEENSWARE and hear the prices you will be surprised at the Low Prices. If you want

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or anything kept in a well-equipped general store, we can give it to you, and will do you right.

☞Make no mistake in the place.

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Feb. 13, 1897.

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50 Cents will Buy

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3 Bottles Sea Gull Yeast Powder,
1 Large Sack Table Salt,
1 Package Bluing.
1 Glass Dish,
1 Bar Babbitt's Soap,
1 Box of Matches.

Mondays and Fridays:

150 Test Coal Oil, per gallon.....9c.
1 Gallon Oil and Can for.....23c.

Special attention is called to our 5c. Domet Flanne, 6c. Dress Goods, and 5c. Ginghams. Also, our

NEW GOODS!

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A few more Flannelette Wrappers. Winter Wraps to close out at Cost. Also Closing Out Sale of Men's and Boys' Rubber and Leather Boots, Ladies' and Children's Shoes and Rubbers.

MRS. S. A. HURLOCK,
Cahall's Corner Store, Chestertown, Md.

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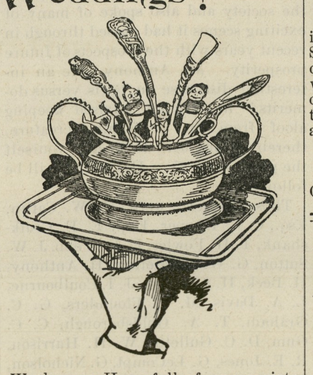

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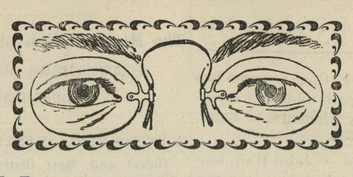
COUNTY COMMISSIONERS' NOTICE!

The Commissioners for Kent county, sitting as a Board of Control and Review, hereby call the attention of those who have failed to return their private securities for assessment to section 195 of the assessment law, which is as follows:

"If any person shall, with a view to evade the payment of taxes, fail or refuse to give in to the assor any bonds, notes, claims or other evidences of debt which are subject to assessment and taxation under this Act the same shall not be recoverable by action of law, or suit in equity before any of the courts this State, until they have been listed and the tax paid thereon, with an addition of fifty per centum per annum from the time the tax accrued, and the failure to give in said bonds, notes, claims, or other evidences of debt shall be taken as prima facia evidence of the intention so to evade the payment of taxes."

j9-tf. By order of THE BOARD.



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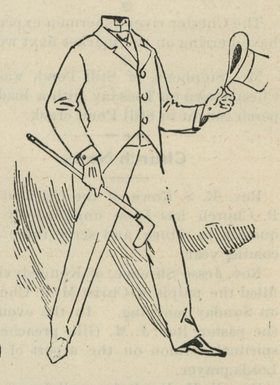

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MEN'S OVERCOATS, BOYS' OVERCOATS,
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Everything is reduced, and we will assure you Big Bargains in the above lines. We have had a good trade this Fall and Winter, and we will offer you

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