The Kent News

ESTABLISHED 1841.

W. B. USILTON. FRED. G. USILTON

WM. B. USILTON & SON,

EDITORS AND PROPRIETORS.

CHESTERTOWN, MD., - FEB. 4, 1899

LAST TUESDAY was such a bad day there were but few country people in town. Consequently, no politics.

WHEAT is "off" again. Baltimore papers yesterday quoted No. 2 wheat at 76 cents; corn 40 @ 41c. Clover seed 6¼ @ 6½ cents per pound.

CONGRESSMAN BARBER voted against the army re-organization bill. He deserves credit for his independence and good sense. The other Maryland Congressman voted solidly for the measure.

HON. SYDNEY MUDD, one of Maryland's congressmen, made a speech last Tuesday strongly endorsing the extravagant army increase. He got as closely under the President's wing as possible.

SAMUEL C. DUDLEY, ESQ., of Church Hill, one of the most popular clerks our neighboring county has ever known, has announced his candidacy for that office for another term.

THE Centreville Observer states that candidates for county offices are already making district combinations, and suggests that is is altogether premature. It is too soon for such 'practicalities'. A lengthened strain may break up the combination.

A DISPATCH from Washington to the New York Herald states that Senators Jones and Cockrell have been selected to succeed Senator Gorman as the pilot of the Senatorial Democracy. What a compliment is this to the Maryland Senator, when it takes two of the ablest men in the body to fill his place!

A WORKMAN in the Paris sewers last Monday discovered a package of bonds worth $100,000. It is supposed to have been dropped by a pursued thief. The honest finder took the package immediately to the nearest police station. He ought to have a big share of the find.

FELIX AGNUS, of the Baltimore American, don't appreciate the 'harmonizers' in Baltimore in either of the two great parties. He says Wellington is an Allegany county meddler in Republican affairs, and Wm. Keyser and Frank Brown, the former of Baltimore county and the latter of Carroll county, are attempting to regulate the Democratic machine. Well, well, it doesn't make any difference to us Democrats, so the work is well done.

IN another column we publish in full the opinion of Richard D. Hynson, Esq, the counsel to the board of county commissioners, concerning the demand of members of the board for reimbursement for damages and costs in the Duyer case. The opinion is just such an able paper as might be expected from this distinguished member of the bar, and whether he be right or wrong in the position taken, his argument will certainly be appreciated by all.

Maryland's Voice.

We are glad to note that Maryland's voice in the United States Senate is against the Peace treaty. Senator Wellington is consistent in his opposition to this great McKinley blunder and deserves the thanks of all Marylanders for the stand he has taken.

Of Senator Gorman our able cotemporary, the Cecil Democrat, thus comments in its last issue:

"In a few weeks Arthur P. Gorman will retire from the United States Senate, but the fact that his Senatorial career is rapidly closing has not diminished his interest in public affairs nor his influence in the body which he has so long honored. He is today, as he has been for years, the ablest leader in the Senate, and the masterly manner in which he is managing the opposition to the ratification of the treaty of peace, instituting as it does the policy of expansion, is commanding the admiration of every observer. Maryland has made a grievous error in retiring this man to private life. The country needs him now, and will need him more in the near future."

THE following extract from a letter from a student at Cornell University, may prove of interest as to the attitude of Dr. Jacob Gould Schurman, the President of the University, who was recently appointed by President McKinley at the head of the Philippine Commission:

"You have seen in the newspapers the appointment of President Schurman to the head of the Philippine Commission, which goes to report on a policy concerning the Islands. Of course we, no more than the public, know anything of what President McKinley has instructed them; but I know that President Schurman is opposed to anything but a self-supporting naval station."

It is to be hoped that President Schurman does not stand alone in the Commission with these views; and the policy to be recommended and adopted by our Government will not be broader than the present views of the head of the Commission.

THE Senate has confirmed the nomination of Mr. Chas. M. Lucas to succeed Mr. Joseph N. Wheatley as postmaster of Chestertown. It only remains now for Mr. Lucas to bond, which he will no doubt promptly do, and then assume the "robes of office." There are no new developments—additional to those mentioned in our last issue—relative to the removal of the office, or the deputyship.

AN interesting article on tomato cultivation will be found in another column. The tomato pack of last year was the largest on record except the heavy 1894 pack. Maryland's pack last year was greater than that of any other State—1,918,872 cases of two dozen tins each. In 1897 the pack was 1,381,989. Indiana is the next highest 1,020,445 last year and 587,579 the year before. The total pack in the United States in 1898 was 5,652,249; in 1897 it was 3,964,355 cases.

DR. W. S. MAXWELL, one of Kent's eminent physicians, was in town Monday and reports the grip almost entirely gone from his neighborhood. He says his is a healthy section of the county anyway. The Doctor, who is one of the best posted gentlemen on fruit culture, is of the opinion that the cultivation of the Keiffer pear will be greatly overdone. In this county there has been a perfect craze of late for this fruit, but this would not hurt if the business was limited to our section or even to our Peninsula or State. But such is not the case. That fruit has become the favorite everywhere—in almost every State this pear is grown; even the great West has now gone into the Keiffer cultivation in that section's usual wholesale way. What is to become of Maryland's little pack when the tons of the Western canners are put on the markets? Let us hope for the best, and that the world's demand may expand with the supply.

Changed Tactics.

A leading Chestertown Republican who has heretofore professed to be greatly discouraged over his party prospects locally—so much so indeed as to lead him to predict that the Republicans would put up no county ticket this year—has changed his mind. He now declares the prospect for success brilliant and a full ticket will be nominated and elected! The expectation is for Wilbur Eliason, Esq., to head the ticket for Senator, and, with State's Attorney Urie on it for re-election, and Chas. S. Smith or some other strong man for county treasurer; James W. Lambert for county commissioner, and the balance of the ticket assigned to the strongest "workers" in the different districts, the hope is for another landslide in Kent from Democracy to Republicanism.

These Republican prophets do not mince words as to the methods, either. The plentiful use of money is the main reliance. The government officers are expected to contribute liberally; Governor Lowndes is to be renominated, and he has a plethoric purse and the disposition to use it, while the county ticket will contribute handsomely.

The Democrats do not seem to be worrying over the matter. They are confident of success, believing that good counsels will prevail and a strong ticket nominated. So far there appears to be a wonderful scarcity of Democratic aspirants for office. The number will be plentiful in due time no doubt.

GEN. MILES makes serious charges against the War office. Will Secretary Alger demand an investigation? If he does not he will virtually admit his corruption or incapacity. Let in the light!

STATEMENT

Showing the Condition of the

MUTUAL

FIRE INSURANCE COMPANY,

of Kent County, Maryland.

December 31, 1898.

ASSETS.

Real Estate	$ 9,928 20
Mortgage Loans on real estate	35,928 23
Bonds and Stocks owned by Co.	17,050 00
Cash in office and bank	2,219 78
Interests and Rents due	1,419 21
Other Assets-Premium notes, $188,175.00	
Gross Assets	$66,545.00

Amount of Policies in force in the United States, Dec. 31, 1898	$2,194,253 00
Amount of Policies written in Md. during year 1898	220,059 06
Premiums received on Maryland business during 1898	8,018 45
Deposit Notes	23,752 00
Losses paid in Md. during 1898	6,498 70
Losses incurred in Md. during 1898.	6,438 70
Total income during the year	11,298 99
Total expenditures during year	11,095 51

STATE OF MARYLAND,
INSURANCE DEPARTMENT,
COMMISSIONER'S OFFICE.
ANNAPOLIS, Jan. 26, 1899.

In compliance with the Code of Public General Laws, I hereby certify that the above is a true abstract from the statement of the Mutual Fire Insurance Company, of Kent County, Md., to December 31, 1898, now on file in this Department.

J. ALBERT KURTZ,
Insurance Commissioner.

Feb 4—3t.

DR. J. G. EMERSON,

DENTIST,

Three doors below Mrs. Hurlock's store, 123 HIGH ST., Chestertown Maryland.

WANAMAKER'S.

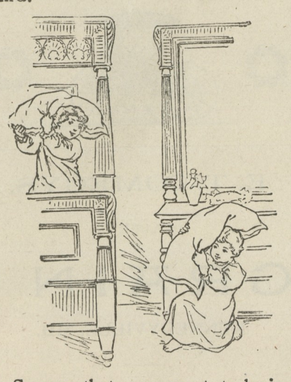
Philadelphia, Monday, January 30, 1899.

ANNUAL FEBRUARY FURNITURE SALE

The special making and gathering and under-pricing has until this year been confined to Bed-Room Furniture.

This February, 1899, the movement is broader, the sale affords remarkable opportunity for complete furnishing of the bare house, or for refurnishing any part of the home.

The saving in many cases is a third.



Seasons that were wont to be inactive for makers of furniture are bridged over and forces kept intact by very large special orders from us.

The fitting together of all the little economies, from the felling of the tree to the unloading at your door, is nice, calculating work. It's an advantage to makers and to us to keep good men drawing wages the year round. The advantage redounds to your benefit in a clear saving of dollars.

Broken assortments of stock and short ends have been gleaned out, leaving the stock in the very best of order. The choicest goods have been secured by our buyers throughout the Eastern and Western markets, and we open this sale with the greatest assortment of fine furniture ever displayed in this city. We now have in our warehouses or under order for shipment:

1500 Bed-Room Suites, $10 up.
3500 Metal Bedsteads, $3.50 up.
1200 Chiffoniers, $3.75 up.
2500 Dressing Bureaus, $6 up.
500 Toilet Tables, $8 up.
150 Styles Bed-Room Chairs and Rockers
1500 Sideboards.
500 Parlor Suites.
200 Parlor Cabinets.
150 Styles of Dining Chairs.
1000 Extension Tables.
400 Wardrobes.
10 Styles of Wardrobe Couches.
1000 Parlor, Library and Fancy Tables.
1000 Fancy Rockers and Chairs.
1000 Tabourettes.
1000 Clothes Trees.
250 Buffets.
500 China Closets.
500 Book Cases.
500 Morris Chairs.
400 Couches.

And we show complete lines of hall racks, hanging hall racks, hall benches, office desks, office chairs, filing cases, revolving book cases, folding beds, library suites. On the whole, stocks equal in volume are not shown anywhere else in America. Qualities are fully up to our standard throughout. The best possible at each price and our guarantee behind every piece.

John Wanamaker.

GALE'S STOCK EXCHANGE!

JAN. 28th. Stock for Sale:

1 Two-Year-Old Holstein Bull.
2 Thoroughbred Herford Bulls.
3 Grade Herford Bulls.
Shoats, either single or in lots.
1,000 SMALL PIGS WANTED.
Wanted:—Fat Cattle, Calves, Hogs, Bulls.

JOHN GALE, AG'T & SON.
j28 Hanesville, Md.

NOTICE TO CREDITORS.

NOTICE IS HEREBY GIVEN that the subscriber has obtained from the Orphans' Court of Kent county letters of administration on the personal estate in Kent county, Maryland, of

ERNEST C. REICHE,

late of Kent county, Maryland, deceased.

All persons having claims against said deceased are hereby warned to exhibit the same, with the proper vouchers thereof, to the undersigned on or before the 31st day of July 1899, otherwise they may be excluded by law from all benefits of said estate. All indebted to said estate are requested to make immediate payment to the subscriber.

Given under my hand this 31st day of January, 1899.

CHARLES J. REICHE,
Feb. 4—4t. Administrator.

Cedar Pickets.

4 AND 5 FEET FOR

WIRE FENCES

JUST RECEIVED BY

THOS. W. ELIASON,

CHESTERTOWN

MORTGAGEE'S SALE

—OF—

A FINE FARM.

THE undersigned, by virtue of the power contained in a mortgage from James Magrogan and Lydia Magrogan, his wife, to William T. Brantley, trustee, and which mortgage by successive assignments was transferred to the undersigned, which mortgage and assignments are all duly recorded among the land records for Queen Anne's county, State of Maryland; the undersigned will offer at Public Sale at the Court House Door, in Centreville, in Queen Anne's county, aforesaid, on

SATURDAY, Feb. 25th, 1899,

at the hour of 11 o'clock a. m.,

All That Farm

whereon James Magrogan now resides, situated near Ingleside, in Queen Anne's county, aforesaid, adjoining the lands of Alday Clements and others,

Containing 362 Acres,

3 ROODS and 2 PERCHES of LAND,

by recent survey and being the same farm conveyed to the said James Magrogan by deed from Edwin H. Brown and Philemon B. Hopper, trustees, bearing the date of June 24th, A. D., 1892 and duly recorded among the land records for said county in Liber W. D., No. 7, folio 225 etc.

This farm is in a good state of cultivation and is improved by a good

FRAME DWELLING,

and convenient and well-arranged Outbuildings suitable for the farm. There are about 40 acres of growing wheat and several acres in Strawberries on the farm. This farm will be sold very cheap.

TERMS OF SALE:—One fourth of the purchase money to be paid cash on the day of sale and the remainder in equal instalments in six, twelve and eighteen Months from the day of sale. All deferred payments to be secured to the satisfaction of the undersigned and to bear interest from the day of sale or cash at purchaser's option. Deed at purchaser's cost.

JOHN D. URIE, ASSIGNEE.

Chestertown, Feb. 4-ts.

IN THE CHURCHES.

Rev. B. F. Campbell, the evangelist, of Catasauqua, Pa., is conducting the union service now being held by the M. E. and M. P. Churches at Crumpton, to the delight of large and attentive congregations. Mr. Campbell preaches and sings the gospel nightly. Next week the evangelist will give afternoon Bible readings on "The gospel of Love" using the first epistle general of John as the basis of his readings. Great interest is manifested in the services, and much good is expected to ensue.

Dr. S. B. Southerland filled the pulpit of Christ M. P. Church Sunday in the absence of the pastor. The venerable doctor semed to have more vim and religious fervor than usual and told the gospel story in his own inimitable manner.

The protracted services at the M. E. Church, Chestertown, closed Sunday night. Six person united with the Church at the morning service.

The Chestertown Epworth League, on last Friday evening elected the officers: President, Mr. M. W. Thomas; Supt. Spiritual department, Prof. L. J. Smyth; Supt. Mercy and Help department, Mrs. Edward Ringgold; Supt. Literary department, Miss Lillie B. Bramble, Supt. Entertainment department, Miss Anna G. Lambert; Supt. Jr. League, Mrs. C. A. Grise; treas., R. S. Thomas.

The St. James Christian Endeavor Society will hold an anniversary exercise next Sunday evening at 7.30. It will be known as the "Rainbow Service," to which the public are cordially invited.

Dr. Reed, president of Dickinson College, has been appointed State librarian by Governor Stone, of Pa.

The C. E. Society of Kennedyville, has elected the following officers: President, Miss S. B. McKnett: vice-president, Mr. John Medders; cor. sec., Miss Annie Shafer; rec. sec., Miss Bertha Redmile and Mrs. W. E. Sanders; treas., Mrs. Julia Medders.

The following are the officers elected by the M. P. Sunday school of Kennedyville for ensuing year; Supt., Mr. W. E. Sanders; assistant supt., Mr. W. T. Hague; sec., Miss Kattie Weer; assistant sec., Miss Lillie Redmile; treasurer Mrs. M. E. Lane; librarians, Jesse Medders and Miss Clara Redmile; organists, Miss Annie Shafer and Miss Maggie Seney.

Revival services will begin in Christ Church, Chestertown, Sunday, communion and class will be held at 9.30 and 10.30 A. M. Mrs. Smith and Mrs. Kenney will be present and assist in the services.

MELITOTA ITEMS.

Mr. N. E. Gates, of Haddonfield, N. J., is the guest of Mr. B. L. Ferris, at his pretty home on the bay shore.

Lost, on Thursday or Friday, Jan. 26 or 27, between Melitota cross-roads and Flatland school a bundle, containing a gingham apron and a commencement of rug. The loser will consider it a great favor if the finder will leave it at Melitota Post office.

Mrs. Elizabeth Fowler who has been quite sick, is much better and is spending a short while with her son, John on Flatland, while Mr. I. E. Fowler removes to the Kay farm on Worton point.

Mr. J. W. Kelley is to occupy the house vacated by Mr. Fowler we understand.

Capt. E. B. Tarbutton is to take the Kelley house

Mr. John Rea and sister, Miss Katie, of Baltimore, are the guests of Mr. and Mrs. W. E. Parsons, on the Handy farm.

Mr. James Bennett spent last week in and around our neighborhood, we were glad to see him around again. The sportsman entertained with him an exciting fox chase, only missing one day last week.

Mrs. A. S. Crawford has been very ill at her home, but is somewhat better at this writing.

Miss Lilly B. Willis, of Dorchester, is the guest of Mrs. H. C. Willis.

We are begining to think that we are to have another stormy spell of weather.

Some one stole the clock from the public school room a few nights ago. One of the scholars remarked, "My, how time does fly!"

ROCK HALL LOCALS.

Notes From Live Reporters—The Freeze Disheartens our Oystermen—Our Democratic Candidates—Other Matters.

No open water is to be seen from this point in the bay or creeks. Capt. Clark, of the B. S. Ford, says that on Wednesday coming from Baltimore he saw no water until he got across the bay to Swan Point bar; then he struck an open space of about 1½ miles.

Though we are idle during the freeze-up we talk little politics. Our district will likely present its share of Democratic candidates. In addition to our friend Noland, who is generally popular with our people, two other names have been freely canvassed within the past few days. These two are Messrs. Sam'l A. J. Wickes and Herbert Strong, both strong men and popular with all classes of voters. The sheriff's office seems to be attracting most attention and there is a hankering after it by at least one or two of our good Democrats. Mr. Ben. Coburn is letting no grass grow under his feet and Mr. James Kelley—brother of Officer Kelley, late of your town—is freely talked of for sheriff. Mr. Carroll Willson has also been mentioned lately as a very desirable candidate for sheriff. For the Orphans' Court Judge Burgess has no rival. He is a general favorite.

Mr Jos. H. Lewis, the new butcher from Chestertown, is fully under way at Edesville.

Hicks and DeVoe, the well-known weather prophets, seem to be striking the weather very accurately, but we hope that the bad weather of winter will soon be over.

Rev. Tom. Jones, the well-known evangelist of Baltimore, has been helping the Rev. J. P. Outen in the revival services now being held at the M. E. Church.

The home of Mr. and Mrs. Wm. T. Downey was the scene of one of the most pleasant parties of the season; it being the 21st birthday of their son, Wm. F. Downey. Some of the most prominent young people of the town being present. Among those present the following have been reported to us: Misses Nannie Taylor, Mary Hersch, Eva Thomas, Margie Cooper, Ida, Rena and Edna Downey, Clara Rodney, Nina Whaland, Sadie Jump, Mae Stevens, Cretie and Jessie Arthur, Mattie Davis, Julia Middleton, Mollie Miller, Ethel Boyer, Bessie Satterfield, Rosa Ayres, Pearl Downey, Mr. and Mrs. Lewis C. Ayres, Mr. and Mrs. Wm. G. Davis, Mrs. Hennie Rodney, Capt. Shelton, of Norfolk, Va., Messrs. Jos. and Howard Taylor, George Downey, Stephen Scott, Charles and Benj. Davis, Chas. Sewell, Chas. Brown, Maurice Wilson, Clarence Hersch, Wm. Gale, John Dowling, Chas. Baker, Harry Watkins, Norris Rollison, Wm. Hynson, John Beaver, Stanley Downey, Nelson and James Rodney and Samuel T. Coleman.

The thermometer on last Wednesday morning registered 9°, the coldest thus far recorded here this season.

The most fashionable ball of the season was held in Edesville hall last night Music was furnished by Weber's orchestra. Details will be given next week.

Quite a number of our people are now sick with the grip and those who have not had it are few indeed.

Mr. Wm. Copper is to remove from this town down to Eastern Neck on the Minnick farm, so it has been reported.

"Woodman Spare that Tree" "cuts no ice" in this section these days. On every hand the axe is heard felling the sturdy oak and towering pine, the giant and the sapling of every kind, in wood and field. Axes have been in great demand, our merchants being scarcely able to supply them as fast as needed.

Mr. G. L. Maslin has been residing at his present home for 28 years. An axe, always in its place at the woodpile, unmolested by other than its owner until recently, when it was carried away by some one unknown, but it seems that the axe proved unsatisfactory and was returned and another one taken away which has not been returned and therefore must have been satisfactory, barring, perhaps, the guilty conscience of the purloiner.

While January for the most part was mild, our oystermen could not reap much benefit from the oyster bars, owing to the frequent "Snap Shots" from the North-land. There was really more calm weather during the month than there was during the three preceeding months, altogether.

St. Michaels for several years past has been termed the poorest oystering community on the bay, but she has been getting a hustle on of late. Inspector Jones in his report says "there have been caught by the tongers from Sept. 1st to Jan. 1st 81,160 bushels of oysters and the average price paid for them was 50 cents per bushel or a total of $40,580. The five shucking houses have shipped 64,128 gallons, the price per gallon averaging 80 cents, a grand total of about $100,000, or which have been received and put in circulation in that community." The fellow that says St. Michaels is the poorest place on the bay doesn't know what he is talking about. How much the interest of Rock Hall would be enhanced had we one or more first class packing houses, in connection with our oyster industry.

Some of the oystermen think that during the heavy N. W. wind and extremely low tide a few weeks before Xmas, Swan Point bar was considerably damaged by the oysters being covered with sand. It is certain that the bottom heretofore soft, has become very hard with scarcely oysters or shells on it. The inside of the bar does not appear to be affected, except that oysters *are gone*, but an abundance of shells and spat remain.

Some of the fishermen struck it rich Saturday among the finny tribe.

Mr. Chas. Harrison, who has been troubled with a swelling on the back of his neck for several years, caused, it is supposed, by excessive base-ball playing, went to Baltimore on Thursday of last week for treatment. After an examination by Prof. John D. Blake, the knife was applied and about a pint of pus removed. A speedy and permanent cure is assured. Mr. H. thought he would not require an anaesthetic, but his nerve was not equal to the occasion. Will, who was with him, says Charley collapsed, but when the electric fan was played upon him he "became a living soul." Charley says hereafter he'll have to be assisted by a narcotic of some kind if he has to have another such operation performed.

A restaurant is one of the new enterprises of this place located at the store of B. F. Urie. Oysters served in varied styles, the principal delicacy.

The revival services at the Methodist church took on extra vim Friday night under the preaching of Evangelist Tom. Jones, of Balt. There were 14 penitents at the altar. His text was "Am I my brother's keeper?" The meetings have continued during the week with increasing interest.

Wm. H. Evans' steam yacht, in command of Capt. Charles R. Kerr, and now lying at Grey's Inn Wharf, has been chartered by the Baltimore police board to take the place of the police steamer Lannan recently damaged by an explosion. The engineer and fireman of the yacht early Wednesday morning made preparations for leaving here for the city to report for duty, but Capt. Kerr deemed it too risky to force the steamer through the ice and held up for a more favorable opportunity.

The school averages will appear in the NEWS next week.

COUNTY COMMISSIONERS NOT TO PAY.

The Interesting Opinion of R. D. Hynson, Esq., Relative to the Demand for Reimbursements by Messrs. Hill, Owens and Vickers.

To the Honorable Board of County Commissioners of Kent County.—GENTLEMEN:—In pursuance of the request of your board for an opinion upon the claims of Messrs. Daniel Hill and George W. Owens aganist Kent county, now pending before your board, I respectfully submit the following:

It appears from the facts submitted that their claims are made for reimbursement for the amount of a judgment, interest and costs, including counsel fees, obtained by John A. Duyer against the said Daniel Hill, George W. Owens and Samuel Vickers, on the 19th day of October, 1898, which judgment was subsequently paid by the said Hill and Owens.

How then and under what circumstances can Kent county become liable for contribution or reimbursement to these gentlemen?

The said judgment was rendered aganist the defendants personally and not in a represenative capacity, and the cause of action was the wrongful removal or attempted removal by the defendants of Duyer from the office of Constable of the third election district of Kent county.

The facts alleged and proved in the trial of the case, with which I am familiar, are substantially as follows, so far as is necessary to a proper understanding of their claims:

On the 20th day of October, 1896, John A. Duyer was duly qualified and bonded Constable of the third election district of Kent county. He was then acting as constable, performing the duties of said office and receiving its emoluments. In 1895, after the election, the political complexion of the board of county commissioners of Kent county changed from Democratic to Republican. Duyer was a Democrat and had been appointed by the former Democratic board for two years from October 29th, 1895. It was alleged in the declaration and shown in evidence, that on the 20th day of October, 1896, the defendants, Hill, Owens and Vickers, who were the three Republican members of the board, wrongfully, corruptly and without authority declared or attempted to declare the office of constable for the third district vacant, thereby removing Duyer from said office, and that the said defendants were actuated by improper motives in attempting his removal. The defendants raised the question both by demurrer and plea that the suit was improperly brought, as they were sued as individuals, when in fact they should have been sued, if Duyer had any claim at all, as county commissioners, as they acted as such in declaring such office of constable vacant. Both the demurrer and pleas were overruled by the court, Judges Wickes and Stump, in Kent, and Judge Waters in Harford county, where the case was finally tried.

It thereby becomes the settled law, for this case, at least, that the defendants could be held personally responsible in damages for a wrongful usurpation or attempted usurpation of authority, or even where with apparent authority they acted wantonly, maliciously or corruptly, although they might claim that they were acting as the majority of the board of county commissioners. Under this law and the facts as presented in evidence the jury rendered a verdict for the planitiff (Duyer) for $1000. The defendants noted a number of exceptions to the rulings of the court on the law, but failed to prosecute an appeal.

I am, therefore, clearly of the opinion that under the facts and the law that the claim of Messrs. Hill and Owen should not be passed or paid by your board. First, because it has been settled that their act in removing Duyer was a tort, which they as individuals committed; what their motive was, whether good or bad, has also been disposed of by the verdict of the jury, the judgment of the court, and the payment of said judgment by the said Hill and Owens; secondly, that it would be both illegal and unjust to hold the tax-payers of Kent county responsible for a tort committed by an individual, simply because he happens to be a county commissioner, although he was acting or attempting to act as commissioner.

Commissioners are elected to obey the laws and properely preform the duties of their office, and not to change the Constitution of the State or usurp the powers conferred by it upon the circuit court. Under the Constitution of the State of Maryland, Art. 4, Sec 43, the circuit court has the power to remove constables from office, and no such authority is conferred or attempted to be conferred upon the board of county commissioners.

The act of Messrs. Hill, Owens and Vickers in attempting to remove Duyer was, therefore, *ultra vires*, and the county is not any more liable for their act than an ordinary individual would be for an act of his agent or servant who exceeds the scope of his authority.

Respectfully,

RICHARD D. HYNSON,
Attorney for Board of Co. Comm'rs.

A GOOD BUSINESS CHANCE.

The undersigned on account of failing health, will sell out the Fence and Roofing Business, with good will and personal service as far as able. This business must be sold on or before February 15th, otherwise I propose to lay in a new stock of wire and roofing for all demands. In other words I shall push the business to the fullest extent of my ability.

j28 3t. JOSEPH GUEST.

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