New Berne Weekly Journal.

$1.50 Per Year. INDEPENDENT IN ALL THINGS. [illegible] Cents.

VOL. XIV. NEW BERNE, CRAVEN COUNTY, N. C., FEBRUARY 24, 1892. No. 48.

DR. G. K. BAGBY, SURGEON DENTIST.

Office, Middle street, opposite Baptist church.
feb28dwtf NEWBERN, N. C.

DR. J. D. CLARK, DENTIST,

NEW BERNE, N. C.
Office on Craven street, between Pollock and Broad.

W. D. McIVER, Attorney - at - Law,

New Berne, N. C.
may31 dwtf

GEO. HENDERSON,

(Successor to Roberts & Henderson).

General Insurance Agent.

Representing Insurance Company of North America, of Philadelphia. Insurance Company, of New York. Insurance Company of England. Fire Insurance Company, of [illegible] Carolina Home Insurance Company [illegible] Insurance Company, of New [illegible] Insurance Company, of Brooklyn. Underwriters Insurance Company. American Marine Insurance Company, of [illegible]
july5 dwtf

MRS. J. M. HINES' Boarding House Reopened.

Mrs. J. M. HINES has reopened a First-Class Boarding House in the city opposite Baptist Church.

THE PIONEER DAVIS SEWING MACHINE

can be had at the same place.

J. M. HINES, Agent.
sep16 dwtf O. Marks' Store.

FREE TO ALL.

Adjoining my place of business, on Broad street, have now

GOOD STABLES, AND A SHED FOR HORSES AND VEHICLES,

to accommodate my patrons from the country.

Full Line of Choice Groceries & Provisions

always on hand, and PRICES AS LOW AS THE LOWEST, and QUALITY AS HIGH AS THE HIGHEST.

Goods guaranteed as represented or money refunded.

Call and get our prices before buying elsewhere. Orders promptly filled and shipped. No trouble to that line in the future.

Mr. C. Arrangements of Country Produce solicited, and Highest Market Prices guaranteed.

Same old Stand, Broad street, near Railroad.

J. J. TOLSON.
july1 dwtf

To Whom It May Concern.

We are Here Still. And Here to Stay.

Franck & Rasberry, FOUNDERS & MACHINISTS.

Manufacturers and Importers of Engines and Boilers, Steam Pumps, Mill and other Gearing, Marine Engines, Saw Mills, etc.

Repairing of all kinds at short notice. All parties coming to the Fair who have work to be done, will save time by putting it in your buggy or wagon; it will receive prompt attention.

AT SHIPYARD, NEAR O. D. WHARF.

J. A. BRYAN, Pres. THOS. DANIELS, Vice Pres. G. H. ROBERTS, Cashier.

The National Bank, OF NEW BERNE, N. C.

INCORPORATED 1865.

Capital, - - $100,000
Surplus Profits, - 86,700

DIRECTORS.

JAS. A. BRYAN, THOS. DANIELS, CHAS. B. BRYAN, J. H. HACKBURN, ALEX. MILLER, L. HARVEY, G. H. ROBERTS.

JOE K. WILLIS,

PROPRIETOR OF

Eastern North Carolina Marble Works

NEW BERNE, N. C.

Italian and American Marble and all Qualities of Material.

Prices Quite Visitors to visit and Prices Satisfied at the very lowest rates.

Orders solicited and given prompt attention, with satisfaction guaranteed.

We will place on Sale To-day only some handsome STERLING SILVER about 33 1-3 PER CENT CHEAPER THAN CAN BE BOUGHT ELSEWHERE.

A rare opportunity to get a wedding or Christmas gift very cheap.

BELL THE JEWELER.

AGENTS double their money selling our Patent Reversible Reflecting Safety Lamp. Sample sent for 50c. Illustrated circular free. REFLECTING SAFETY LAMP. Can be sold in every family. Gives Brilliant light, more than three ordinary lamps. Burns kerosene. Agents drive carts for owners. Liberal terms and sample free. We manufacture a large line of household articles. Send for free illustrated circular to FORSYTHE MFG. CO., Cincinnati, O.

J. B. BROWN,

FIRST-CLASS

BARBER SHOP.

Newly fitted up in the best of style. Bath rooms hot and cold water.

BRICK BLOCK, MIDDLE ST.

EDITORIAL NOTES.

THE friends of Alger announce his candidacy.

PERSONAL preferences must yield to the public good.

IT now seems that Mr. Mills will be elected U. S. Senator from Texas.

THE third party can't go. The young folks always object to the third party.

THE races, the races! Not the white, the black and the Indian races, but the races at the great New Berne Fair.

REPUBLICANS charge Democrats with being free-traders, yet, the strongest card is Reciprocity which is but the illustration of free trade.

NORTH Carolina is specially interested in Internal Revenue legislation, and it seems that the heads of her Representative are about level on the subject.

VICE PRESIDENT MORTON does not desire a re-election and it is probable that the friends of the Administration will declare in favor of the nomination of Harrison and Tracy as the Republican presidential ticket.

THE New York Herald is authority for the statement that the new Republican gerrymander in Ohio is the most outrageously unfair and partisan gerrymander in the history of any State in the Union. Under it the Republicans expect to elect 16 of the 21 Congressmen.

"WHY, are you hostile to Hill?" We are not. We admire much that he is, and we have applauded much that he has done. We prefer some other nominee; that is all. If, he is nominated we will do our best for him, and feel that it is the highest patriotism.

WHY should Mr. Blaine leave the Cabinet? We may have trouble yet with the three kings of Chickeraboo, and somebody will be needed to rastrain our warlike President from hurling his grandfather's hat into the ring. Mr. Blaine must remain in the interests of peace.—N. Y. Commercial Advertiser.

THE Atlanta Journal has made a canvass of Georgia and publishes the opinions of 1239 Democrats representing 73 counties and 87 towns on the Presidential preference. Of the 1239 prominent local Democrats, 849 are for Cleveland, 277 for Hill, 24 for Gorman, 13 for Gray of Indianna, 4 for an Alliance man, and the others scattering.

REPUBLICAN Journalists are unnecessarily agitated concerning the choice of a Presidential nominee of the Democratic party. That choice will be made by the Democracy of the whole country in convention assembled, and will not be dictated by Federal office holders nor influenced by any barter of postoffices and foreign missions for votes in the convention.—Chicago Times.

THE Democratic members of the House committee on ways and means held another conference and have practically agreed upon a bill to be presented to the full committee reducing the duties levied by the McKinley bill upon wool and manufacturers of wool. The proposed measure reduces to 35 per cent. *ad valorem* the duty on all woolen and worsted yarns made wholly or in part of wool, worsted, the hair of the camel, goat or other animals.

THE revolt against Senator Hill in New York demonstrates the fatal weakness of his candidacy. His nomination at Chicago is morally impossible. Such an act of folly would justly consign the Democratic party to defeat. Even Harrison would win with Hill as an antagonist. Ex-President Cleveland is now, as he ever has been since his retirement from office, the choice of the Democratic masses throughout the country. He is the one logical candidate. The strongest that the party can place in nomination, a sure winner.—Boston Post.

THE Post learns that the Russian famine relief committee of the United States, whose systematic work has already produced important results, is now issuing an appeal to municipal authorities throughout the country for the holding of public meetings in aid of the millions of sufferers by famine in Russia. The proposition is a good one. Now that the business men of Boston and New York have forwarded considerable sums of money and the citizens of Philadelphia are loading a ship with supplies it is well that the other cities and smaller towns of the country should also awake and begin earnest work. Popular meetings would serve the double purpose of informing and arousing the general public and of securing such subscriptions as could be easily given but would not otherwise come in. Let the appeal for such meetings have its first response at the National Capital and let the meeting here held be a worthy beginning of a great and noble work in all portions of the United States.—Wash. Post.

EDITORIAL NOTES.

THE Louisiana Lottery will be moved from New Orleans to Mexico.

INGALLS thinks the U. S. has no need of a Navy. Then, why is Ingalls and a navy alike?

THE Third Party has been organized in Vance. It is not much party and will not advance much.

THE Hill boom would be in much better condition had George Washington been born later in the year.

THE majority and minority reports of the Committee on Coinage are as far apart as the New York Democrats.

THE Northwest it has been ascertained, is solid for Cleveland, Minnesota, Wisconsin, Iowa and the Dakotas are all for him.

THE Ways and Means committee of the House will this week report three bills for putting various articles on the free list.

SENATOR TELLER says "there is a suspicion that Mr. Blaine will not persist in his declination" of the nomination for the Presidency.

THE Richmond Times correspondent in New York says that Hill is losing popularity, and even Tammany is growing uneasy at the out look.

THE House Committee on Elections of President and Congressmen has agreed upon a bill providing for the election of Senators by the people.

HON. S. B. ALEXANDER'S anti-futures bill is an exact text of the anti-lottery bill, save where the phrase "gambling in agricultural products" is used.

THERE is a controversy in the House of Representatives between the silver Democrats and the advocates of the bills reducing the tariff as to which bills shall have precedence.

THE February New York Convention will be dominated by Hill. In the districts that have already elected delegates 87 are for Hill and 9 for Cleveland. The mechine would probably make it unanimous but for the looks of the thing.

THE Mississippi legislature has unanimously invited Senator Hill to address the legislature any time before March 5, and Gov. Stone [illegible] Hill. Mr. Cleveland recently declined a similar invitation.

LOVE for scientific investigation led Baron E. Van Wilmowsky, of Poland, to come to this country and to procure work at the Thomson Houston Electric Company. His identity was discovered by a Polish washerwoman, who recognized the royal crest on one of his handkerchiefs.

A BILL has been introduced in the Legislature of New York by Senator Endres, providing for an investigation of the Keeley Bi-Chloride of Gold Institutes in that State. The recent deaths attributed to the treatment have called forth this action.

BINERO'S map of America, which was made a few years after Columbus had landed on this Continent, and which is in the Vatican Library, is, it is said, to be loaned to the Wold's Fair by Pope Leo XIII. It is interesting as being the map across which Pope Alexander VI drew the famous bisecting line in order to settle the claims of Spain and Portugal, and also because it took over thirty years to make it. American schoolboys who may see this map will doubtless insist that they could make a better one in a day.

A SUIT occupied four days in the courts of Somerset, Ky., which was brought by a young man to compel his former sweetheart to return the jewelry he had given her, as she had refused to marry him. The jury decided that such of the articles as were not marked should be returned, but those upon which he had had engraved her name or initials should remain in her possession. Here is a pointer for young men to remember. If they do not have engraved the presents they make to their sweethearts, they not only can recover them by law, but also can utilize the same articles by giving them to another girl.—Baltimore Sun.

IT is reported from Washington that those who experienced the awful jam at the White House reception last Tuesday are telling of their conflicts as old soldiers recount their deeds on battlefields. Paul Desprez, the handsome Secretary of the French Legation, is the proud possessor of the decoration known as the Order of Tunis, which he pinned upon his breast before going to the White House. When the crush was at its height he suddenly missed his order. After a vigorous search he found the jewelry embedded in a Washington belle's luxuriant hair. The wife of a new Western Senator and a party of friends were absolutely unable to reach the dressing room. They threw their wraps on what seemed to be a bundle of clothing, but which turned out to be another Senator's wife trying her shoe. Instant apologies were made amidst outbursts of laughter.

THE DEMOCRATIC PARTY.

It need not be supposed that the Democratic party can be wrecked in the war of elements.

It is natural for passions to be excited when personal interests are at stake, and it may be expected that for a time the clash of arms among Democrats will resound as loudly as it does when Democrats and Republicans join in battle. But when the authoritive voice of the party is heard in National Convention it will silence all mutterings in the ranks, and a shout will go up prophetic of victory on the ides of November. There is no fundanental principle at issue between Hill and Cleveland, or any other Captain of the Democratic posts. Up with the flag and train your guns on the enemy.

Congress is doing well. Witty remarks and verbal criticisms may be made by Reed and his associates of the House, but the Democratic party is moving right on in its work of retrenchment and reform and the relief of the people.

North Carolinians need not be greatly troubled about the Third Party. It will not materialize in the old North State. There are many good men who are not satisfied with the present situation simply because they do not recognize the fact that for the time being nothing is heard but the discord of jarring factions; but, when order is brought out of confusion by the action of the National Convention and the eternal principles of justice and right float out before them on the ample folds of the Democratic flag, they will lift their exultant voices to swell the diapason that will roll in sublime symphony from the lakes to the gulf and from the Atlantic to the Pacific.

The people of North Carolina, in common with brother Democrats throughout the Union, are attached to the Constitution, and when they are convinced that it is in danger they will fly to its rescue and save it. They are the sons of Liberty, and never will they surrender the right of local self-government. They are not easily frightened, but the specter of a Force bill harrows up their spirits and makes their sinews strong as steel in defense of liberties of the people.

The recollection of the days of Reconstruction will stand by them, like the ghost of Hamlet by his son, and charge them, "If you have nature in you, bear it not."

The rock-ribbed yeomanry of North Carolina know that the Democratic party is their fortress, and they will stand by it tho' the heavens fall.

CONGRESS AND THE FARMERS.

It is evident that Congress is disposed to help the farmers. This does not result from the preponderating influence of the Alliance but from the fact that the Domocratic party is in the majority and the demands of the farmers are on line with the Democratic theory of retrenchment and reform.

It is not expected that Congress will adopt any measure formulated by the Ocala Convention, but recognizing the situation of the masses, as affected by Federal legislatsons, such measures will be passed as will give relief without doing violence the spirit and letter of the Constitution.

Farmers insist that they are discriminated against in commercial affairs. No liberal minded man will insist that legitimate trade shall be fettered with iron bands. Trade is world-wide in its operations, and legislation in regard to it should be eminantly conservative.

An anti-option bill will, without question, be reported to the House by the Committee on Agriculture. Mr. Alexander, of North Carolina, says that it will suppress fictitious buying and selling and yet will not interfere with what the world calls legitimate trading. Mrs. Funson of Kansas, said: "We don't want to restrict legitimate trading, but we want to prevent tampering with the market by persons who sell and buy what neither they nor any one else has got."

A bill for the free coinage of Silver has already been introduced in the House upon which action will be taken at an early day.

We say to our friends Be patient! "Wait for the wagon and we'll all take a ride."

OVER 200 people in various sections of this country died or grew hopelessly insane during the past year as a consequence of cigarette smoking. Most of the victims were young men under 16. Congress has been asked to prohibit the manufacture and sale of cigarettes.—Omaha Bee.

A TELEGRAM reports that three cases of Typhus fever have broken out in Columbia county, New York, and there is great excitement among the people. No physician will attend the patients. It will be terrible if a disease spreads through the country that physicians are afraid to tackle.

HARMONY.

"A house divided against itself cannot stand."

It pleases the fancy of false prophets to place North Carolina in the column of doubtful States.

Doubtful in what? Certainly not in her patriotism. It has been illustrated in every period of her history. It stood the fiery ordeal of war, in peace it has been the bulwark against which the wave of political strife have beat in vain. As well doubt that the sun shines, as to question the patriotism of the old North State.

Some there are who would have us belive that her people are hesitating whether to worship at the altars of their fathers or erect new altars to the unknown god. Be not deceived. The morning may witness here and there a cloud, but the meridian sun will shine in glorious effulgence from a cloudless sky.

Those who in prophetic vision saw the Alliance splitting the Democratre party asunder, now see in it the bond of union cementing brethren of a common faith and uniting them in a hurculean effort to rectore the Government to its legitimate object, the peace, happiness and prosperity ness of the people. The State that gave birth to Gaston, Stanly and Bodger, greets her sister States with, "All is well."

Louisiana, too, has thrown away the apple of discord, and so long as the Mississippi continues to bear to her delta the treasures of the West, will the Pelican State salute the Democratic flag and do battle under its protecting folds. The lottery eliminated from the politics of Louisiana, there is no longer a disturbing element to threaten the domestic tranquility of her people or hinder the triumphant advance of her invincible Democracy. However plausible the Foster candidacy may have been in the past it must and will now give way to the superior claims of McEnery. Even now Harmony is the demand of the Louisiana Democracy.

The 22d of February must settle the personal contest in the State of New York. The midwinter Convention may have been ill advised but it was called by the regularly constituted authorities and its action must be accepted as decisive. The idea of holding another Convention, for the purpose of appointing delegates to the National Democratic Conveneion should be at once abandoned. Whatever personal fortune may be involved, the Chicago Convention can find no pretext for excluding the regularly appointed delegates from the State of New York. It is hard for the friends and admirers of Mr. Cleveland to give him up, but we must surrender him unless he is nominated by the delegates from other states despite the action of the State of New York. The Chicago Convention must decide for the American Democracy, and when that decision is made we believe there will be harmony in the Democratic party in New York. Every true man admires friend ship, but he who would sacrifice political principles to personal partiality is unworthy of the peerless boon of American citizenship. We do not doubt that the New York Democracy will come together, and Tammany carry its flag deep into the ranks of the enemy, whoever may be the nominee of the Chicago Convention.

Let "Harmony" and "Victory" be the watch-word and reply of the Democracy, and all is well.

A GENTLEMAN said to the Chronicle last evening: "The national Democratic convention is going West, which fact gives that section an advantage in the naming of the candidate; now what's the matter with Adlai E. Stevenson, of Illinois?" Nothing in the world. He would make the party a splendid candidate and the country a splendid President. He is a man of ability, one of the best of Democrats and one of the finest of gentlemen. His record, personal and political, is faultless, and as First Assistant Postmaster-General under Cleveland he was the most popular member of that admirable administration. He turned the rascals out with a celerity that astonished them and that excited the admiration of the Democracy. His influence took the World's Fair to Chicago, and his personal popularity, not only in his own State but wherever he is known, is such that a campaign, with his name at the head of the ticket, would be one of enthusiasm from the beginning and of success in the end. He is, besides, a grandson of North Carolina, his parents having gone West from Iredell, and he has many relatives in Iredell, Mecklenburg and Alexander, and has a filial affection for the State. What's the matter with Adlai E. Stevenson, indeed? Nothing in the world. He's all right.—Charlotte Chronicle.

IT is stated that in Wake and several surrounding counties, especially in Pitt and Edgecome and Johnston, the farmers are planting more tobacco than heretofore.

IMPORTANT TO OYSTERMEN.

Correspondence Defining the Rights and Relations of Oystermen and Planters and the Shell Fish Commissioner.

NEW BERNE, N. C. Feb 1891.

To His Excellency The Governor of North Carolina.

SIR:—I have the honor to transmit herewith copies of two letters of H. L. Gibbs, attorney for this company, one addressed to M. C. H Lucas, Chief Commissioner, and the other to myself. To both I invite your attention.

In accordance with Mr. Gibbs's request I have taken the advice of other counsel and have consulted Hon. F. M. Simmons and W. W. Clark, Esq. Attorneys at Law, who are both well known personally and by reputation, to your Excellency, as gentlemen of such standing as to give weight to their judgment.

In a free and fair spirit of mutual [illegible] Mr. Gibbs.

As you may see by my letter this Company is a corporation organized under the laws of this State, for the purpose of growing and cultivating oysters. It is the owner of a considerable tract of bottom in Pamlico sound, and has spent a very large sum of money amounting to many thousands of dollars in an effort to improve and cultivate what was an entirely barren tract. No question has ever been raised as to the title of the company to its property, the *bona fides* of its operations and intentions, or its scrupulous observance of all the laws of the State. But as you will see by the letter transmitted, it is now practically denied the privileges of harvesting its own crops, planted several years ago, notwithstanding that the right to do so was especially guaranteed by the law, [chap 119 laws 1887] under which it obtained its property. Relying upon that law it provided at considerable expense the steam vessel and apparatus necessary to the prosecution of the operations and the right to use that vessel and apparatus is questioned by no one, but from motives which I do not desire to here characterize, by a distortion of the law and by the arbitrary use of an extraordinary power it is proposed to deny to the Company the exercise of the very functions necessary to its existence. We do not believe that we can be legally prevented from doing a thing that we have a legal right to do so. Nor can we submit to a virtual confiscation of our property and distruction of our interest, but as shown by Mr. Gibb's letter to and conversation with Mr. Lucas, we are threatened with a suit, having any controversy; and being conscious of the absolute rectitude and legality of the Company's position, and upon the advice of our Counsel, the Company appeals to you, as the superior of the chief commissioner and the officer responsible for this condition, to advise him to the premises.

Very Respectfully,
Your ob't servant,
[illegible]

STATE OF NORTH CAROLINA,
EXECUTIVE DEPARTMENT
RALEIGH Feb. 13, 1892.

W. W. CLARK, Esq.
New Berne, N. C.

DEAR SIR:—Enclosed you will please find opinion of the Attorney General in regard to the privilege of the Pamlico Oyster Company using dredges on their private oyster grounds.

The Attorney General has just sent this to my office and says he will send a duplicate Monday, which when received. I will forward to Commissioner Lucas.

I am Very Truly Yours,
THOS. M. HOLT.
Governor.

ATTORNEY GENERAL'S OFFICE,
Raleigh, N. C., Feb. 13, 1892

SIR:—I acknowledge the receipt by reference from your Excellency, of the letter addressed to you by Mr. W. W. Clark, of New Berne, dated February 11th 1892 transmitting copies of the correspondence between Frank Winslow, Esq., President and General Manager, and H. L. Gibbs' Esq., Counsel of the Pamlico Oyster Co., and Hon. M. H. Lucas, Chief of the Shell Fish Commissioner in relation to the purpose and right of the Pamlico Oyster Co. to use dredges to take oysters in the waters covering the grounds claimed in certain grants of franchise issued to it by the State of N. C. [illegible] under the provisions of ch. 119 Laws of 1887.

I do not consider it pertinent to the inquiry in respect to the right of the Pamlico Oyster Co. to "use dredges on their own private grounds" from which it is proposed to take oysters by the use of dredges but an adjudicatory [illegible] "private grounds" in the sense in which these expressions occur in the laws I have referred to, or even as in the act of 1891, ch. 328 under which the Shell Fish Commission was created, is now in question.

It seems to be quite clear that the proprietor of "private grounds" has the right to use dredges in taking oysters from the water embraced within his grant or grants.

The most casual examination of the act of 1891 to which I have referred, will make this obvious. The evident care manifested by the General Assembly to limit the operation of that act in so far as it prohibited dredging, not on public grounds, is apparent in every part of it touching that subject. There is no conflict in the objects of the statue of 1887 and that of 1891; both are based on the same fundamental idea, "to promote and protect the oyster interest of the State" by the contemplation that the "natural oyster bed" in our waters shall be preserved for the benefit of all the people of the State, and to that end the Legislature has deemed it wise to prohibit dredging thereon; the other seeks to promote the expansion of this great industry by encouraging individual enterprise and capital to convert the vast area of our waters now barren, but which are believed to be suitable to the growth of shell fish, into oyster producing bottoms. These ideas are not only not antagonistic but are supplemental to each other, each equally entitled to the just consideration of those to whom the execution of the laws is confided.

I do not understand these principles are contested, but it is asserted that the Shell Fish Commission has announced its purpose to ignore the rights of private proprietors and exercise the extraordinary powers conferred upon it to prevent the enjoyment of a right which the law has given them, and without which the franchise granted them by the State would, perhaps, be worthless, and to prosecute and would unquestionably defeat one of the main purposes of legislation on this subject.

I am constrained to believe the fears expressed that the commission will thus act are unfounded. The Board we have the right to assume—in fact we know—is composed of gentlemen of intelligence and probity. It ought to be conclusively presumed that they will be as resentful of the rights of private individuals as those of the public generally, and that they will not recklessly or wantonly employ the powers conferred upon them. Should they do so, and that fact should be properly brought to the attention of your Excellency, it would furnish "good cause" for prompt removal from office.

I conjecture the apprehension of the supposed illegal action of the commissioners is based upon what is assumed to be the interpretation the commissioners will place upon the last clause of sec. 1, chap. 328, laws 1891, which is as follows: "Which over any such instrument as is forbidden by this section to be used in the taking of oysters is found on any boat engaged in the catching or transportation of oysters, is shall be *prima facie* evidence of the use of such instrument, and the burden shall be upon those in charge of such boat to prove that said instrument has not been used."

I cannot believe the commissioners have or will interpret this provision to give it power to make arbitrary arrest and seizure *upon the fact alone*, that a boat has on board a dredge or other prohibited implement.

It is the *illegal use* of the enumerated instruments which is prohibited and which the commission is charged to prevent. If it is not unlawful to use dredges on private grounds, then it would be absurd in the highest degree to infer that the fact of the presence of a dredge on a boat used exclusively would be sufficient ground to make an arrest and institute a prosecution. It would be an affront to the proprietors of private grounds to say you may take oysters from your grounds with dredges, but if you are found with dredges on board you shall be [illegible] arrested.

[illegible] purpose of my argument I have assumed, I conceive, to throw the burden of evidence on a trial for alleged violation of the law, upon the person having the prohibited implement in his possession to show that its use was not unlawful; but, we are in no question of the bona fides of the purpose to enjoy the dredge or other instrument upon private grounds, and there are no other circumstances which would produce a reasonable ground to believe it was being unlawfully used. I do not think an arrest and seizure would be justifiable.

We can imagine a number of contingencies in which the fact of the presence of a dredge would be good probable cause of arrest. For example, a boat is discovered cruising in proximity to a saturat oyster bed with oysters and dredges on board, and can give no satisfactory account of its conduct. Unquestionably the commission would be derelict in duty if it did not make an arrest and bring the offenders to trial, and upon such trial the fact of the possession of the dredge would be *prima facie* evidence of its use, and taken in connection with the other circumstances would no doubt result in a conviction of the parties. Many other illustrations might be given.

No invariable rule can be laid down for the guidance of the commission, except that it should earnestly endeavor to enforce the laws in accordance with the spirit of their enactment and keeping in view the objects to be attained. Of course where the language of the statute is plain, nothing is left to interpretation; where however it is ambiguous or obscure, resort should be had to the intent of the General Assembly if that can be ascertained from other portions of the statute or from the [illegible] of its passage.

The power to make rules and regulations to carry into effect the reservation by the State of an interest in the regulation of the oyster industry in the State, including power to confer extraordinary powers should be given the commission [illegible] to enforce "the laws" [illegible] Chief Commissioner. But I find no power in the Commission to confer such power upon the Chief Commissioner. [illegible] have been [illegible] to furnish the Chief Commissioner [illegible] and officers [illegible] for him.

W[illegible] the plain letter of the law [illegible] the failure to do an act [illegible] thing an indictable offense.

Affirmed.

The above copy is sent to Mr. C. R. Thomas, Attorney at Law, at his request.

THOS. S. KENAN.

HAPPY HOOSIERS.

Wm. Timmons, postmaster of Idaville, Ind., writes: "Electric Bitters has done more for me than all other medicines combined, for that bad feeling arising from Kidney and Liver trouble." John Leslie, farmer and stockman, of same place, says: "Find Electric Bitters to be the best Kidney and Liver medicine, made me feel like a new man." J. W. Gardner, hardware merchant, same town, says: Electric Bitters is just the thing for a man who is all run down and don't care whether he lives or dies, he found new strength, good appetite, and felt just like he had a new lease on life. Only 50c. a bottle at E. S. Duffy's wholesale and retail drug store

EDENTON AND HEYWOOD.

A LETTER FROM MR. HEYWOOD.

His Lays Stress on the Fact that His Issue is Against the COUNCIL—And Expresses Strong Friendship for North Carolina.

It will be remembered that Southern Progress severely criticized the Board of city council of Edenton for an alleged failure to abide by a contract and pay for services rendered by its editor in a work which he compiled and that we copied the statements of the trouble as it appeared in Southern Progress with a portion of Mr. Heywood's comments, and, while not attempting to enter into the merits of the issue between the two parties concerned, we took exception to certain expressions used because we believed that in the way they were used they were of a nature calculated to create a prejudice against good people of the State.

Mr. Heywood thinks the head which we used over our article puts a wrong construction on his language. The head was "Serious Charges Made Directly Against Edenton and by Insinuation Against the people of the State." The "Southern Progress" has been and will continue to be the best and truest friend North Carolina has ever had. "Southern Progress" has made an issue however with the *city council* of Edenton, and the "sweeping arraignement" you speak of, applys only to a certain class which "Southern Progress" carefully specified.

"Southern Progress" is devoted to the best interests of the South, and will be the friend of North Carolina always but there is a large number of people in the State, who have no idea of commercial honor, and that gang "Southern Progress" will most certainly destroy. You will find by consulting "Southern Progress" that it hits none but the guilty and the impression you convey that it refers to all Carolinians is an injustice to the paper and myself

Yours Fraternally,
FRANK A. HEYWOOD.

INDIAN RIGHTS.

Protest Against the Removal of the Indians from Colorado.

As our citizens have just had their attention called to unfair dealings with the Indian tribes we take it that they will read with pleasure of action on their behalf by an organization formed for the purpose which is told about in the Philadelphia Record under the head of "A Proposed Injustice" as follows:

A PROPOSED INJUSTICE.

The Indian Rights Association has earned a fair title to its name by its sturdy championship of the right of the Indians to fair treatment at the hands of the Government. The protest laid before the Indian Committee of the House against the removal of the Southern Ute Indians from Colorado to Utah appeals to the better nature of all charitable men. The protest declares:

"Such removal will be in violation of the policy of the Government, which is designed to promote the civilization of the Indians, and to secure their settlement upon lands in severality. Such action will remove these Indians from arable lands capable of rendering them self-supporting and from civilized surroundings to lands, for the most part sterile, mountainous and inaccessible, admirably suited as a fastness for outlaws (such as the proposed reservation will tempt these Indians to become, and from which with great cost and bloodshed only could they be dislodged,) but wholly unfavorable to the civilization of an ignorant and naturally restless people.

The removal will, moreover, impose great and unnecessary expense on the Government, as it will involve the erection of an entirely new plant in agency buildings and the creation of a new military [illegible]

[illegible] propose this expense [illegible] of the country for [illegible] land special [illegible]

Moreover [illegible] that the proposed [illegible] is not a temporary expedient; that it is not only devitalizing [illegible] purpose, but that [illegible] in a few years the same [illegible] which prompt the present [illegible] from Colorado will [illegible] dictate a similar future [illegible] the reservation in Utah [illegible] of the passage of the bill [illegible] which we [illegible] and discarded [illegible] removal and [illegible] Indians, which [illegible] both to the [illegible] to our own [illegible]

[illegible] are an [illegible] of Uncle [illegible] have perhaps [illegible] there than [illegible] place [illegible] more justice [illegible] neighbors [illegible] driving [illegible] There is no [illegible] errants a Christian [illegible] men, [illegible] than way. [illegible] to live, and [illegible] the opportunity.

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