

## THE OYSER WAR.

### Gov. Lee Determined to Uphold the Laws of Virginia.

A conflict between the States of Virginia and Maryland at one time seemed imminent in consequence of the proclamation of Gov. Jackson throwing open the waters of the Hog Island flats to dredgers. That danger has been averted by the withdrawal since of the proclamation, to give the legislatures of the two States time to act in the matter.

Gov. Lee received the following telegram Friday of last week from M. T. Smith, attorney for the Commonwealth of Northumberland county:

HEATHVILLE, VA., Nov. 29, '89.

Governor Fitzhugh Lee, Richmond:

The boats dredging on Hog Island yesterday were, with the assistance of Captain Seth Foster, arrested, and at the justice's trial this captain testified that Foster told them to act under Governor Jackson's proclamation. It was said in the presence of Foster, who said, that if he had it to do over again he would not make the arrest. Upon this statement the justice discharged the prisoners. Under this decision all of the dredgers are likely to be on Lewis' reservation on Monday. Foster says he has not received instructions from you in regard to Hog Island. Won't you, under these circumstances—(telegram) Foster and Captain W. S. Russell to see that Lewis is protected, notwithstanding the action of Governor Jackson.

M. T. SMITH, Attorney for the Commonwealth.

### GOVERNOR LEE'S INSTRUCTIONS.

Upon the receipt of this telegram Governor Lee sent the following instructions to Captain Foster:

“Captain Foster, Commanding State Steamer Chesapeake, Norfolk, Va.:

“Mr. Lewis enjoys certain rights under the law of this State. It is my duty to see that such law is executed. You are instructed therefore to fully protect Mr. Lewis in his rights.

“The law of one State cannot be repealed by the proclamation of the Governor of another.

“FITZHUGH LEE.”

### GOV. LEE TO GOV. JACKSON, COMMONWEALTH OF VIRGINIA.

GOVERNOR'S OFFICE, RICHMOND, VA., Nov. 29, '89.)

To His Excellency, Elihu E. Jackson, Governor of Maryland, Annapolis, Md.:

My Dear Sir.—It having been brought to my attention that you had by public proclamation declared Hog Island flats open to Maryland and Virginia oystermen for dredging purposes, and thinking that such action on your part was precipitate and likely to lead to conflict between the authorities of Maryland and Virginia, I wired you requesting you to take no action until I could be heard from. Since then I have learned that my fears were well founded, as is shown by the unfortunate occurrence of the day before yesterday, when a Maryland boat was sunk by a boat commanded by a commissioned officer of Virginia, whose duty it was to protect Mr. Lewis in his lease of the Hog Island flats.

The State of Virginia by an act of her General Assembly has declared Hog Island flats open for planting purposes, and Mr. Lewis under that law had the flats assigned to him, and upon the faith of that act has made a large expenditure of money in planting oysters there. The Legislature of the State of Virginia, by passing the act above referred to, has solemnly asserted the right of Virginia to this water, and until the contrary is declared by the same body by a repeal of that law, it is my duty as the Executive of the State of Virginia to maintain her claim and to protect her lessee in the rights granted him by this State.

I think that your commissioner, as well as Mr. Whiting, has entirely misconceived the purpose and object of the joint investigation in the disputed locality. Mr. Jones was requested by me (in compliance with your request) to be present when the line was examined, in order to give our interpretation of the line laid down by Messrs. Black and associates in their award, and especially to get the opinion of an expert coast surveyor as to the meaning of the word “headlands” as used in that award. That this was the sole object in calling in an officer from the United States Coast Survey is shown by your statement that you were going to make an such investigation whether Virginia acted with you or not. A reference to our correspondence will show that I had no right to appoint arbitrators to lay off the boundary line, and that such powers were vested in the Legislature of Virginia alone. I, therefore, consider Mr. Whiting's letter as a mere expression of his own opinion as to where the Jenkins and Black line runs in the locality of Hog Island, and in no sense as an award binding on either State. I am informed by Mr. Jones, who was present as the representative of Virginia, that he took this position at the time the matter was under discussion, and that he strenuously contended that Mr. Whiting had no power to make the award he has since made.

Even had I assumed the power to appoint arbitrators to settle the boundary line, such action on my part would have required ratification by legislative action, and the existing status should have been preserved until that body had passed upon the award of said arbitrators.

I am satisfied that a full and fair hearing of this question will prove Mr. Whiting to be erroneous in his view, and as the attempt of the Maryland authorities to maintain your view can only result in an un-

fortunate conflict between the two States, which is to be deprecated. I would suggest that you withhold further action until our respective legislatures, which are soon to meet, can take such action as may be necessary to amicably settle this matter.

Whatever may be the right of our respective States in the matter in controversy, it seems to me but fair and just that Mr. Lewis, who is at all events an innocent party, and who has made large expenditures in planting oysters on this ground, should be allowed a reasonable time to take up those oysters, and not to be declared the lawful prey for the dredgers of Maryland and Virginia.

Sincerely hoping you may see the justice of this view and concur with me as to the course I propose, I am,

Very respectfully,

Your obedient servant,  
FITZHUGH LEE.

### Gov. Lee's Message.

RICHMOND, VA., Dec. 4, '89 —

At noon today the Virginia Legislature, elected in the contest of November 5th last, was opened. Soon after the two Houses were organized Gov. Lee sent in his last annual message. The salient points of the message as dictated by the Governor himself are these.

If all the outstanding obligations of the State were funded into Riddleberger bonds the principal would be in round numbers \$22,000,000, carrying an annual interest charge of \$660,000. By using the assets of the State, &c., this principal could be reduced in round numbers to \$17,000,000, carrying an annual interest charge of \$510,000. If the present appropriations are continued and the revenues remain practically the same, the amount available to pay interest on any settlement of the debt, in round numbers will be about \$361,000. The difference between this amount and the interest which would have to be paid under the new settlement now afforded the creditors, could be provided for by the Legislature. The most important point in the financial part of the message, (continues the Governor) is where the question is narrowed down to the items alone that are pressing for settlement.

The message intimates that the \$12,900,000 in round number with tax coupons, and the \$5,800,000 of tax coupons which have matured in and inclusive of January 1st, 1890, might be funded at seventy, sixty and forty cents, respectively, making a total principal of \$14,950,000, on which, at three per cent, the annual interest would be \$448,500. If the above classes of bonds can be settled in some such way, the debt would be settled. As the litigation has been over them alone, the State has had to pay on an average during the past two years \$237,000 for coupons forced into the treasury for taxes. If some such proposition as has been outlined were accepted by the creditors, the State would only have to pay \$163,000 per annum more than she has been paying to have the debt settled.

As to new subjects of taxation the Governor under the head of the State debt says: “By the exercise of the greatest economy, by searching your tax laws closely, by an examination of the tax laws of other States, there may be found some new subjects of taxation by which a sum greater than the one here I stated would represent its interest ability after providing for those expenses absolutely necessary to carry on the State Government; but until this is done it is not safe or sound to make any compact carrying a greater obligation than you have in sight the means to provide for. In concluding this portion of my message I cannot too strongly impress upon you the importance of resolutely refusing to enact any legislation which will produce an increase in our list of expenses.”

In concluding his reference to the boundary dispute between Maryland and Virginia, the Governor says: “I feel that this General Assembly, as well as the corresponding body of Maryland, now soon to assemble, will jointly arrive at a solution of the question at issue which will satisfactorily protect all concerned in the interest of their respective States and not leave a ripple of rage upon a single wave of the great river flowing between them. Virginia, by legislation, has solemnly asserted her right to this water. It is my duty, therefore, as her Executive, to protect the property of those who have leased it ~~under the law of Virginia~~ my possession bearing upon the subject.”—Norfolk Ledger.

### For the Benefit of Hon. Jefferson Davis

The Davis Land Co., has been organized at Jackson, Miss., the object of the promoters being, to purchase 5,700 acres of land in Arkansas, belonging to Hon. Jefferson Davis. Referring to this matter the Nashville (Tenn.) Daily American says: “It has been ascertained that ex President Davis is about \$40,000 in debt, and while he owns property aside from the tract of land in Arkansas that yields him a handsome income, it takes nearly all of this income to pay the interest on the debt, which is due largely to the boundless hospitality of Mr. Davis, made necessary by his exalted position. Mr. Davis has always firmly refused to receive money as a gift, and the only way to meet the exigencies of the case and place him in a condition to spend the short space of time that is allotted to him on earth free from financial cares is by the purchase of the Arkansas land.” Shares of \$10 each to the amount of \$100,000 have been issued.