

North Carolina)
)
Haven County)

Before A. W. Haywood
Commissioner &c.

F. Winslow and M. Makely)

vs.)

Answer -)

W. H. Lucas and Adam Warner)

In Reply to the charges submitted to His Excellency,

presented by Messrs. F. Winslow and M. Makely, against

Chief Sheel Fish Commissioner and Adam Warner

the said Lucas and Adam Warner, the said plaintiffs respectfully submit the

following

Charge No. 1 is not true.

2nd.-"That the said W. H. Lucas frequently during his incumbency of office has threatened to arrest any private oysters grower or proprietor of private oyster grounds, should the said grower or proprietor use dredges on his own ground, notwithstanding that the use of dredges on said ground was proper and lawful and was so admitted by the said Lucas" is admitted to be true.

3rd.-"That the said W. H. Lucas instructed caused or authorized Adam Warner, the Capt. of the Patrol force to visit Ocracoke and advise those purchasing oysters ~~there~~ at that place not to have their oysters inspected there and not to pay the inspection fees there, unless ~~said~~ the said oysters were to be carried without the State through Ocracoke Inlet" is admitted to be true.

4th.-"That the said W. H. Lucas has instructed the Inspector at Coinjock to require the payment of inspection fees on oysters passing that place whether sold in that market or not, and notwithstanding any previous inspection

paymen fees" is admitted to be true.

5th.-"That the said W. H. Lucas, did not issue an

6th.-"That W. H. Lucas, did not issue an order, have issued an

without a formal meeting of the Board of Shell Fish

Commissioners, supporting to be the propriety of the

Fish Commissioners, prohibiting the sale of

oysters in less than eight feet

of water, and that no application was made for the

staying whether the said grounds covered by

the said order were being overworked" is admitted to

Charge No. 7 is not true.

Charge No. 8 is not true.

"That Adam Warner, under instructions from H. H.

Warner, advised those purchasing oysters at Ocracoke that

have the same inspected there or to pay inspection fees

there unless the said oysters were to be carried without the

State through Ocracoke Inlet" is admitted to be true.

10th.-"That the said W. H. Lucas, for reasons which he
deemed sufficient good and sufficient, did not appoint a time
for the meeting of the Board of Shell Fish Commissioners in the
the month of December 1891, and that for this reason no meet-
ing of the said Board was held until the 12th day of January
1892" is admitted to be true.

All of which is respectfully submitted by the defendants
W. H. Lucas and Adam Warner.

(Sgnd) J. S. Mann

" Att'y for W. H. Lucas

September 1st. 1892.

New Berne, N. C.