

New Berne, N. C. Jan, 25th, 1893

To His Excellency,

The Governor:-

Sir:-

On the 13th, of June last, the undersigned submitted to your predecessor, Gov. Holt, certain charges against Messrs W. H. Lucas and Adam Warner, Shell Fish Commissioners. Copies of the charges preferred and the answer of the Commissioners are enclosed.

The charges comprise allegations of grave ~~neglect~~ dereliction of duty or of culpable ignorance on the part of the accused officers.

Your Excellency will perceive from inspection of the answer of Messrs Lucas and Warner, that a majority of the charges, viz: those numbered, 2, 3, 4, 6, 9, & 10 are, in the language of the answer "admitted to be true", the only question raised in relation to them being whether ~~or not~~ such action as is admitted was taken, was arbitrary or proper and lawful or not.

On the part of the undersigned it was and is contended that a plain violation of the specific terms of the law is unlawful; that for an official of the State under color of his office, to attempt to deprive a citizen, directly or indirectly, of his lawful rights and privileges, is an arbitrary abuse of power; and that when the law is so violated, and when such power is so exercised, and the violation and exercise admitted to have been done knowingly, the officer by his own confession, is shown unfit for the position he holds.

The truth of the other charges was denied by the defendants, and Gov. Holt appointed a Commissioner to take testimony in relation to them. We are informed that the commissioner has not yet reported the result of his investigation; that the date of his report is still indefinite and pending the report no action would be taken.

We therefore are compelled to call the attention of your Excellency

to the matter.

At the invitation and under the guarantee of the law we and some three or four hundred others have invested large sums of money in the purchase of oyster bottom from the State and in the improvement of a portion of the area so purchased. We are under heavy penalties to improve the remainder within a specified time. For two years any effort of ours in that direction has been practically prohibited and during the last year we have also been, practically, prevented from harvesting our crops. In addition we have experienced a great and constant harrassment and determined hostility to any and all of our operations.

If the foregoing had been the result of natural causes or of circumstances beyond control we would not complain. But when it is the result of actions, not only arbitrary but illegal; and not only illegal but admittedly so, on the part of the very officers appointed to promote and protect the interest with which we are identified, we believe that we have just cause of complaint.

In order that some decision might be reached and some investigation had of the conditions which had produced the notorious and wide spread discontent, we formulated the general complaints into definite and specific charges. In their substantiation we have been put to considerable expense, have experienced great inconvenience and suffered much obloquy. Yet, notwithstanding the foregoing and also the admitted truth of the charges preferred, we, and all others interested, stand exactly where we were before, without adequate legal remedy and without redress at the hands of the Executive.

As the files of your office will show, the undersigned have for nearly two years, born, with exemplary patience, not only the systematic attack upon our interest but an ignorance of our just complaint

and we think that we have the right to a termination of such a condition of affairs.

Without referring to those charges, the truth of which is in controversy, we therefore respectfully ask that your Excellency will act upon those the truth of which is admitted.

Very respectfully,

Your Ob't. serv'ts.

*J. M. Wilson*

*M. M. Kelly*