



THE HOME OF THE GANDYS.

THE OYSTER WAR

THE STORY OF THE IRREPRESSIBLE CONFLICT ON DELAWARE BAY—HOW JAMES GANDY FOUGHT FOR HIS RIGHTS.

BRIDGETON, N. J., June 29.

The oyster business season just closed has been an eventful one in this county, inasmuch as there has been serious trouble between the Delaware Bay Oyster Association and the owners of riparian rights grounds off Fortescue. Thousands of dollars' worth of oysters have been stolen, it is alleged, from the riparian rights owners, many battles fought between them and no end of arrests made and suits for illegal dredging pending in the courts.

It is a question which has not been and is not likely to be soon settled who have a right to these grounds. The association claims they are natural oyster beds, being there for decades, while the riparian grantees say they belong to them by right of the State granting them deeds for the same and allowing them to propagate and grow oysters on the same.

In 1893 the New Jersey Legislature passed a law authorizing the Riparian Commissioners to lease these valuable grounds of the Delaware Bay off Fortescue to interested oystermen who saw there was a big speculation in the grounds there, and it was then the trouble commenced between the riparian rights owners and the Delaware Bay Oyster Association. James Gandy, Luther Bateman, Frank Cobb, Charles Bradford, Charles E. Davis, James Campbell, Shepard Campbell, Dallas Newcomb, Benjamin Joslin, George C. Bell, George Peterson, Quincy L. Husted, Peter C. Coner, Herbert Garrison, Ephraim Mulford, John Ware, Oliver S. Gandy and H. S. Husted have all leased grounds from the State, staked them off and have planted oysters thereon. When planted in the spring of 1893 they represented about \$100,000 worth of oysters.

In the spring planting of 1894 the members of the association made up their minds to dredge these grounds the same as had been done for a century before and gave notice to the riparian rights owners of their intention. Not knowing certain of their rights in the matter their counsel, Ex-Judge Pancoast, of Camden, was consulted, who told them they had a perfect right to dredge the grounds. The riparian rights owners consulted their counsel, Colonel William E. Potter, of this city. They stoutly disputed the association's claim and Colonel Potter served notice on the association that their proposed action would be resisted by every lawful means and that if any trouble ensued or damage was done to the property the county would be held responsible. The association raised \$12,000 by taxing their boats \$1.50 tonnage

not seem to know. They stood on shore and saw their property being carried away in the daytime, and while they slept at night it diminished under the cover of darkness. James Gandy and his son, Oliver Gandy, two of the heaviest owners in the riparian rights grounds, delegated upon themselves to take the law in their own hands. Consequently they threw up a breast-work on the beach and built a fort and



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watch house where they could cover their grounds and watch for intruders. These two men, with some of the other riparian owners, would watch their grounds day and night, and protect what oysters were left on their grounds. They were armed with three Winchesters, one 17 44-calibre shot and the other two 15 44-calibre shot, capable of killing a man one thousand yards off.

The first shot was fired on the morning of April 14, 1894, when the schooner Annie C. Moore sailed on the grounds and commenced to dredge. James Gandy, who was in his fort watching the vessel, leveled his Winchester on the boat and shot her sails full of holes. The crew scampered in the cabin to flee from the whistling leaden bullets.

The Gandys patrolled the beach every day boats were working in the bay and guarded their grounds with the same precaution a hen guards its chickens. But the firing on the Annie C. Moore caused the blood to boil in the members of the association, and on April 16 fifteen boats were found dredging on the riparian grounds. Captain Charles Campbell, one of the owners, went to Philadelphia and chartered the tug Reynolds, and at sunrise next morning the tug and a posse was on board off Fortescue. Fifteen arrests were made that day, and at sundown that night most of the men had entered bail. The others were brought to Bridgeton and locked up. Captain McGuigan brandished an axe and threatened to brain Constable Elwell, but the latter pulled his revolver and when McGuigan looked down the shining cold steel he submitted to arrest. The outcome of this raid was twenty-five arrests for illegal dredging.

Among the captains who were arrested were Thomas Dodson, Zebulon Polhamus, Samuel Ladow, Theodore Whilden, John Sharp, Raymond Lewis, Isaac Corson, Robert McGuigan, Zachus Sharp, Thomas Carlisle, Frank Ackerly, James Mathis and Joseph Berger.

These men were all furnished bail by the association, and at the October term of court indictments were found against them, charging them with illegal dredging. Their cases were put off at that term and have not yet come to trial. Notwithstanding all the arrests, the Gandys still held their fort and force ready for any and all emergency, and day after day patrolled the beach and when tired and warm would crawl under their watch house built on the sand, just back of the waves, and watch their grounds with their Winchesters ready for action.

The wholesale arrests made and the turmoil had the effect of bringing the matter before the Senate on April 19. Senator Bradley defended the oystermen. He claimed that the State was persecuting the men and outraging their rights through the riparian laws. He said the people of lower Jersey have had the right for a century



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of gathering oysters in the bay. The business had been their means, and sometimes their sole means of livelihood. A committee was appointed to investigate matters and report back to the Senate, where the matter now rests.

On Monday, April 30, Colonel Potter, counsel for the riparian owners, sent a ball into the association's camp when he had an injunction served on them restraining them from using money in the treasury for fighting their cases in court. In watching his property off Fortescue Capt. Jas. Gandy contracted a cold which developed into pneumonia, causing his death last winter. On the night of his death a raid was made on his hen roost and over a hundred chickens were stolen. It is believed this was done by some enemy in the oyster business. After the elder Gandy's death the duty of watching the oyster beds fell upon Oliver Gandy. It was the only desire of the elder Gandy to live long enough to see every oysterman who robbed him of at least \$5,000 worth of oysters, convicted, but death claimed him.

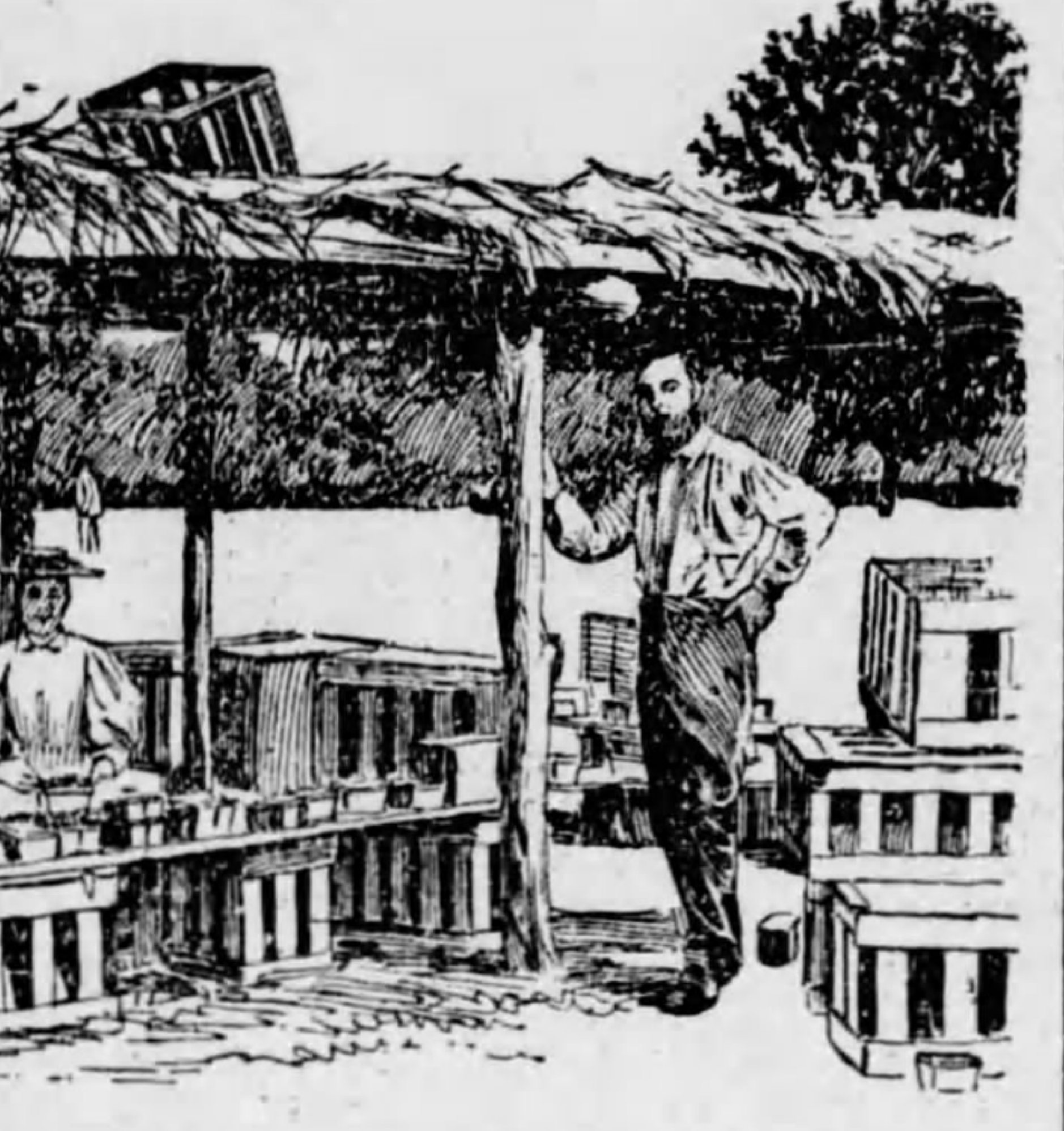
At the beginning of the planting season this spring the war was renewed; oyster boats swept down on these beds like a vulture after prey and many thousands of dollars' worth of marketable oysters were stolen, as alleged by the riparian grantees. Oliver Gandy and his younger brother were on the scene and watched from their fort on shore, keeping their Winchesters loaded ready for emergency. The members of the association declared their intention of invading the riparian

grounds, and Captain John Blizzard, of the vessel Anna Maria, left port with the Stars and Stripes flying, with the intention of dredging the grounds. "If they fire on that," pointing to the bright new flag, "I will land my men and give them a battle."

Day after day Oliver Gandy and his forces patrolled the beach and took their positions in the earthwork thrown up back of the beach, until the 28th of May, when a bloody battle ensued. Early that morning six grounds and two schooners invaded the grounds and began dredging. The oysters were plentiful and in fine condition and every time a dredge was hove it would come up brimful of delicious bivalves. The boats were about 400 yards from shore, tacking here and there and filling up fast. Suddenly the crack of a rifle and a bullet hole through the mainmast of the Francis J. Campbell told the oystermen that they were attacked. Another shot followed and then another, each time the cold lead being evidence of the accuracy of the aim appeared on one of the boats. Captain Oliver Sneed, of the schooner Volunteer, promptly returned the fire with his repeating rifles, aiming as near as he could judge at the spots where the shots came from behind Gandy's fort. The men on shore emptied their Winchesters thick and fast at the boats, the captains and crews going into their cabins for safety.

A party of oystermen decided to go ashore and nine of them boarded a yawl and routed the men on shore. They were armed with shotguns, revolvers, etc. On arriving on shore the Gandys had retreated to tall grass on the marsh. A fire between the two parties was kept up. They were then within one hundred yards of each other.

Suddenly a shot rang out and Captain Joseph Hilton fell in his tracks with a rifle ball in his hip. Another ball went whizzing through the jacket sleeve of Captain Sneed. This frightened the oystermen and they retreated to their boats, carrying the wounded



CAUSE OF THE TROUBLE AND THE TROUBLE.

man on board and sailing away with him to port, where he was placed on the cars and taken to a Philadelphia hospital.

The Gandy brothers have not been arrested for the shooting and they claim that Hilton was shot by his own party, but this is hardly probable. This battle has excited the oyster association members more than anything that has occurred and a price has been set on the head of Oliver Gandy. Threats have also been made against him of lynching and burning his home. All of these threats have not caused the least anxiety in the mind of Gandy, who says he shall protect his property at all hazards.

From that time until the close of the oyster planting season there has been no more trouble. Gandy says that if he is in the wrong he is willing to give up all claim on these beds. He has in his possession a letter from high authority in the State that he was in the right and would be as long as he keeps his rental paid up, which he has done. He pays the State for his property and so long as he does he shall protect his own rights if the State will not interfere and take action.

The trouble will not be settled until the Supreme Court takes the matter up and passes on it. Supreme Court Justice Alfred Reed, lately appointed Vice Chancellor, in conversation with a press representative here but a short time ago, gave as his opinion that these oystermen cannot be arrested for illegal dredging, but are all liable to a suit for trespass.

Upon a map drawn under the auspices of the State Riparian Commission will be seen



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riparian grants along the Delaware, above and below Fortescue, for a distance of twelve miles to sixteen partners. By subdivisions of territory and partnerships these grants now represent possibly thirty persons. Opposed to them are 2,800 men who make a living at this industry from all over the State, and upon whose success depends very largely the prosperity of the lower part of the county, with its influences felt largely in this city and all over this section of the State. Indeed, the question now at issue involves the whole of Cumberland county, a good part of Cape May and even in Camden there are persons whose interests are at stake.

Hard Times No More.

From the Northwest Magazine.
We are wearing out the hard times. There is no doubt about it. Bank clearings are increasing, the freight movement on the railroads shows a notable gain, general trade is growing more active, farm products are steadily going up, money is easier to get and people are beginning to display a fresh spirit of enterprise.

It will be foolish to spend any more time discussing the proposed causes of the great depression. The black cloud is lifting all around the horizon. Such storms as we have been passing through during the past three years are of periodical occurrence in all the commercial nations of the world. So it has been from early historic times and so it will probably continue to be until mankind grow much wiser than they are at present. There are always wiseacres enough to get up and shout in the public ear that they know exactly what is the matter and can prescribe a sure cure. The fact is, they know no more than other people. Whether they insist that it is our politics that are at fault or our currency, or our tariff, or whether they superstitiously attribute the trouble to divine wrath, it is certain that their talk will butter no bread.

In past years it has been the experience of the world that the only sure cure for hard times was to wear them out and trust to the recuperative powers of the community. We have been steadily applying this old-fashioned remedy whether we wanted to or not, and it is beginning to show its effects. The sensible thing for us all to do now is to thank God, take courage, and resolutely set to work to repair damages and build up a new fabric of general prosperity.

Everlasting Summer.

It needs not woods with violets paved,
Nor roses in the lane,
Nor lilies by cool waters laved,
Nor gorses on the plain,
Nor song of birds in bush and brake,
Nor rippling wavelets' chime,
Nor blue and cloudless skies, to make
For me the summer time.

My lady's cheeks twin roses are
That bloom the whole year round;
My lady's throat is whiter far
Than whitest lily found;
When thick and fast fall hail and sleet,
The blue of summer skies
I find when'er my glances meet
My lady's azure eyes.

When blackbirds' notes shake not the dew
From lilac blooms away—
When larks sing not in heaven's blue
At dawning of the day—
When orioles no more rejoice
High in the chestnut tree—
My lady's sweet and joyous voice
Brings summer back to me.
Chambers' Journal.

tax to defend their alleged rights in court.

Then the trouble commenced and Sheriff Shinn was ordered to the scene of action on the morning of April 2, 1894, when the raid on the grounds was to commence. This action of the Sheriff was taken as the result of formal application to him as the chief peace officer of the county by Colonel William E. Potter, in behalf of the riparian grantees to protect the oyster grounds of the latter from spoliation. The application set forth that it had been learned that it was proposed to assemble a fleet of vessels on these grounds for unlawful purposes. This assembling of boats would, both at common law and under an act of 1874, constitute a "riot, rout or tumultuous assemblage." Therefore the Sheriff was asked to call out a posse comitatus and prevent them from throwing dredges upon the grounds, which are duly staked up. Otherwise the county would be held responsible and be subject to action for damages.

Sheriff Allen R. Shinn and ten deputies left here on Sunday afternoon, April 1, and by sunrise Monday morning were on the riparian rights owners' grounds, where several of the owners came on board the tug Maurice. These owners were armed with Winchesters and shotguns ready for immediate action in protecting their grounds. Soon several oyster boats came on the grounds and their crew hove dredges. They were "rounded to" by the tug. Captain Andrew Vail, of the schooner Elvina English, and hailed by the Sheriff, but paid no attention to his command.

The Sheriff told him he would board his vessel and arrest his men. "If you do, I'll throw you overboard!" retorted the captain, who showed fight. The tug steamed alongside the vessel, but the captain apologized to the high official and promised to leave the grounds. Captain Zebulon Polhamus, another one who threw a dredge, said he had come prepared to fight and ran in the cabin for a gun, but when the Sheriff boarded his vessel, he, too, considered the matter and left the grounds. The tug stayed there two days, but no arrests were made. Sheriff Shinn soon after this received an anonymous letter, threatening his life if he made any arrest, but this did not frighten the doctory Sheriff, and several arrests followed a few days later when the grounds were again invaded by the oystermen. There were fifteen arrests made and the oystermen held for court. Bail was fixed at \$1,000 in each case and was furnished by wealthy owners of the association. The raid was



THE CROUCHING FIGURE ON THE SHORE.

kept up by the pirates. The riparian owners were losing their oysters and arrests of the oystermen did not seem to be any terror to the rest.

What to do the riparian rights owners did