

Final Hearing of the Montauk Land Case June 19.

THE DEFENDANTS' DEMURRER.

**It Is Held That Neither King Wyandank
Pharaoh Nor the Montauk Tribe of
Indians Can Maintain an Action.
Burglary at Queens—Why Postmaster
Nicholaus Resigned—A Plague of
Seven Year Locusts.**

(Special to the Eagle.)

Patchogue, L. I., June 5—The hearing of the demurrer in the case of the Montauk Tribe of Indians, by their chief, King Wyandank Pharaoh against the Long Island Railway Company, which was interposed by the defendant to the complaint and which was to have been argued next Monday, will take place in Justice Wilmot M. Smith's chambers in this village on Saturday, June 19.

The postponement has been rendered necessary on account of the absence of ex-Judge George M. Curtis, one of the attorneys for the plaintiff, who is in San Francisco, engaged in the trial of the Fair will case and it has been agreed by Counsel ex-Judge Henry W. Scott of 93 Nassau street, New York, and L. B. Treadwell, representing the plaintiffs, and W. J. Kelly for the defendant, that the hearing will take place as stated. The questions raised by the demurrer are:

1. That the plaintiff has not legal capacity to sue in that said plaintiff is not a natural person, nor an incorporated association permitted by law to maintain an action in the name of any of its officers, nor is the plaintiff authorized by law to maintain an action as a tribe.

2. That there is a defect of parties plaintiff in that the members of the said Montauk tribe of Indians are not made parties plaintiff, the names of the members of said tribe being unknown to the defendant.

3. That the complaint does not state facts sufficient to constitute a cause of action.

F. M. Morrison of Worcester, Mass., who was in New York yesterday on matters pertaining to the case, has notified Judge Smith that the final hearing on the demurrer will take place on the third Saturday in June, whether Judge Curtis returns from the West or not.

Clipped By:



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