# A DEMURRER IS IN

## First Response to the Complaint Against the Bishop

### SAYS ISSUE NOT MADE

**Reference to Trustees—Claims Affair is for an Ecclesiastical Court—Case Status.**

In the Circuit Court of the First Judicial Circuit. Republic of Hawaii. At Chambers—In Equity.

Geo. S. Harris, et al., vs. Rt. Rev. Alfred Willis, Bishop of Honolulu. Bill for injunction.

DEFENDANT'S DEMURRER.

The demurrer of the Right Reverend Alfred Willis, Bishop of Honolulu, to the bill of complaint of Geo. S. Harris, W. L. Stanley, E. W. Jordan, J. W. Podmore and T. M. Starkey, the above named plaintiffs.

This defendant, by protestation, not confessing all or any of the matters and things in the plaintiff's bill of complaint contained to be true in such manner and form as the same is therein set forth and alleged, doth demur to said bill, and for causes of demurrer showeth:

1. That the plaintiffs have not in their said bill made or stated such a case as entities them in a Court of Equity to any relief against him as to the matters contained in said bill or any of such matters.

2. That the said bill does not contain any matter of equity whereon this Court can ground any decree, or give to the plaintiffs any relief against this defendant.

3. That is appears by the said bill that a corporation existing under the laws of the Hawaiian Islands, having the corporate name of the "Trustees of the Anglican Church in Hawaii," "owns in fee simple and has the exclusive control and management of the said St. Andrew's Cathedral buildings, the grounds and appurtenances thereto, and that said corporation manages and controls and has the right to manage and control said property through said Trustees and not otherwise;" and also that said corporation has consented to a certain "agreement" mentioned in said bill in the Exhibit "A" thereto attached, on which said agreement the said bill is founded, and that said corporation is a necessary party to the said bill and yet is not made a party plaintiff or defendant herein.

4. That it appears in and by paragraph 4 of the schedule forming part of Exhibit "A" that "the duties of the Churchwardens of such district congregation are limited to the maintenance of order among their own congregation during the time of public worship, the disposal with the Minister of money given at the offertory, and the oversight of the clergy and laity of that congregation in respect to their observance of and obedience to the laws of the church;" wherefore the churchwardens of such distinct congregation have not, and none of them have, any title or interest in the matter which is the subject of this suit, and are not, nor are any of them, entitled to any relief against this defendant as to the matters contained in the said bill or any of such matters.

5. That the said bill fails to show that any or all of the plaintiffs are entitled to any relief against this defendant as to the matters contained in the said bill or any such matters.

6. That the said bill seeks relief in respect of several distinct matters which are disconnected with each other and are not properly joined in the same bill, to-wit: In respect of the alleged violation by this defendant of the said agreement concerning the use of said Cathedral, and in respect of the alleged claim of defendant of his right to revoke and his alleged threat to revoke the license of the duly licensed pastor of said congregation, and that the said bill is multifarious.

7. That the said bill fails to show that the said plaintiffs have any right to bring this bill in the name and behalf of the Second English Speaking Congregation of St. Andrew's Cathedral.

8. That this Court has not jurisdiction of any of the matters or things alleged or set forth in said bill, the same being solely and exclusively within the jurisdiction of an Ecclesiastical Court.

Wherefore, and for divers other good causes of demurrer appearing in the said bill, the defendant doth demur thereto, and humbly demands the judgment of this Court whether he shall be compelled to make any other or further answer to the said bill; and prays to be hence dismissed with his costs and charges in this behalf most wrongfully sustained.

Honolulu, H. I., November 29, 1898.

The Right Reverend Bishop Willis,
By Alfred S. Hartwell, Thurston & Carter, Counsel.

We hereby certify that the foregoing demurrer is not intended for delay.

ALFRED S. HARTWELL,
THURSTON & CARTER,
Defendant's Counsel.

It is expected that very early now a reply to the foregoing will be filed by the attorneys for Rev. Alex. Mackintosh and the Second Congregation. Then there will be demurrer argument. The case will be taken under advisement and a decision rendered from the bench in due course. No matter what the opinion of the Circuit Judge there is bound to be an appeal.

While the case may not be finally settled for a considerable period of time the points of dispute involved are very simple and very clear. They are two in number: First—Can the Second Congregation wrest control or ownership or possession of the Cathedral from the Bishop? Second—Has the Bishop the power or right to revoke the license of a member of his clergy, of Rev. Alex. Mackintosh. There will of course come into the case as evidence a number of agreements and much law of the church, but the merits are stated in the two sentences.

Early in the incident of the quarrel between the Bishop and the Second Congregation and priest, there was mention in correspondence of charges against Rev. Mr. Mackintosh that he had, against the w... of the Bishop and against church rule, officiated at certain particularized baptisms and weddings. All of this matter has been abandoned by the Bishop, evidently and certainly does not come into court.

### Klemme at Haniwai.

"Yes," said Harry Klemme yesterday, "the Advertiser was correct in stating that I had sold out my saloon interest in the city. I am out of the business for good. Now I am going to give all my time and attention to Haniwai. I have secured a long lease and propose to improve the place very much. The first new thing will be the biggest lanai on the beach, and it will be a fine place for dancing parties. It is my intention to run a first class resort entirely free from all bad features.

# TO SEE CHINESE

## The New Inspector Enters Upon His Duties.

**Mr. Brown and His Work—United States Exclusion Now in Full Force Here.**

D. K. Brown, the Chinese Inspector here for the Government of the United States, has now fully entered upon his duties. In accordance with instructions from Washington, President Dole and Cabinet has issued regulations directed to Collector General McStocker, requiring co-operations with Special Agent Brown. The restrictions of the American Government on Chinese immigration are now in full force and effect here and it is of course the intention to carry them out rigidly.

The great change that will be worked out in time will not be noticed very much in its progress for some time. In a few particulars the law of the United States on exclusion is more lenient or accommodating than the statute here. The Chinese resident will not have any more trouble than at present in securing permission to visit China and return to Hawaii. It is required that they have here either parents, wives or children or brothers or sisters or business worth $1,000 or $1,000 in money.

Fewer Chinese can enter the country. Heretofore there has not been much restraint upon the entrance of laborers to the Islands. That is done away with entirely, though for some years Hawaii has not allowed them to come wholesale excepting in a specific instance and with close limitations. Under the laws which Mr. Brown will act particularly Chinese may enter the country only as students or professional men or on very urgent business closely circumscribed.

In time the Chinese population here will, if the laws of the United States are effective in their application to the Islands, become considerably thinned out. Some of the Chinese here are selfish enough to declare that they are glad of it, but large numbers of them wish to bring to the shores relatives and friends and business associates.

It is already whispered that combinations will be formed to bring Chinese into Hawaii stealthily and against the laws. In fact it is known that one such hui is being organized. The plan is to get carefully out of some port in China and to turn the men loose at some isolated point on one of the Islands in close proximity to sugar or rice plantations.

So far the relations of Mr. Brown with the Government here have been cordial and satisfactory. He seems to be a man who knows what he is about and is quiet and careful. The foreign office Chinese bureau work, which is in the hands of Jas. W. Girvin, will be continued for some time yet.

TWO POINTED QUESTION ANSWERED.

What is the use of making a better article than your competitor if you can not get a better price for it?

Ans.—As there is no difference in the price the public will buy only the better, so that while our profits may be smaller on a single sale they will be much greater in the aggregate.

How can you get the public to know your make is the best?

If both articles are brought prominently before the public both are certain to be tried and the public will very quickly pass judgment on them and use only the better one.

This explains the large sale on Chamberlain's Cough Remedy. The people have been using it for years and have found that it can always be depended upon. They may occasionally take up with some fashionable novelty put forth with exaggerated claims, but are certain to return to the one remedy that they know to be reliable, and for coughs, colds and croup there is nothing equal to Chamberlain's Cough Remedy. For sale by all druggists and dealers. Benson, Smith & Co., Ltd., agents for H. I.

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# UPS AND DOWNS

## Brief History of Meanderings of First New York.

### HAS MUCH CAMP LIFE

**Organization—In Floods of Rain for Weeks—Expectations—Effects of Typhoid.**

EDITOR P. C. A.:—The expression of public sentiment concerning the current topics of a city is not infrequently received in the conversations daily heard in hotel corridors, public and private offices, homes, and on the streets.

The realization of these truths so closely mirrored in every-day life, the reflection of which is brought the more vividly to a thinking public through the press, which opens the eyes of man's understanding to the true state of affairs, has prompted the composition of this communication in the faith the the good opinion entertained by the people of Honolulu toward the First New York Volunteers may be the more strengthened by a brief history of the regiment and a few facts concerning the spirit of restlessness, and the expectation of active service at the front not realized, which has been the cause of all the discontent among those who make up its organiation.

When the first call to arms was made by the President, at the beginning of the war, among the first to respond were twelve separate companies of fifteen cities along the Hudson river. Accepted by the Government, they were concentrated at Camp Black, Long Island, and there consolidated into a regiment, to be known as the First Provisional Regiment.

After mustering into the service of the United States, the name of the regiment was changed to the title it now bears. It was at Camp Black that we were brought face to face with the side of army life, that seemed but a forerunner of the life that was before us as soldiers.

The regiment was in camp at this place from May 2d until the 12th day of June, during which time it rained in torrents almost continuously.

There were times when the downpour was so terrific that streams of water flowed in under the tents, soaking the bedding, upon which the men slept. They were compelled to wear wet clothing, and there were days when the very tents were swept away, exposing the inmates thereof, to the fury of the storm.

It was with ringing cheers that we received orders to move from Camp Black, and though the order directed that the regiment be distributed throughout the different posts guarding the entrance to New York, when the general expectation was a move to the front, all good naturedly resigned themselves to the inevitable, entered upon their new duty—which in itself is extremely monotonous and irksome—with enthusiastic arder.

After three weeks of this life we again received marching orders. This time, our destination was to be at the very front, for we were ordered to the Philippine Islands, which were then in a state of great turbulence.

On the 8th of July the regiment, in three sections, steamed out of Jersey City, New Jersey, en route to San Francisco, there to embark on the transport in waiting for Manila.

Arriving in San Francisco, great disappointment was evinced at finding no transport ready, and we were compelled go into temporary bivouac at the notorious Camp Merritt.

This camp being such a pest and disease breeding spot, rather than menace the health of his command, Colonel Harber moved his regiment to the Presidio military reservation.

While here, came tidings of the annexation of the Hawaiian Islands to the United States.

With the news of the signing of the treaty, which brought to a successful termination months of oratorial and logical warfare at the national capital over the Hawaiian question, came also an official mandate directing that a regiment of volunteers be sent to Honolulu for garrison duty. A provision of the order directed that the best equipped and disciplined regiment in General Merrian's command be selected.

While it was not given to us to have a post in the glorious victory at Cavite, to be with those who stormed the trenches at Santiago's heights, to enter triumphantly the captured city of Porto Rico, and to accompany the army of invasion into Cuba, with the men who fed the fire, and those who served the gun; with those who fought and those who fell, ere the fight was well begun in the war just ended, here in our camps have we been daily battling with that mighty destroyer of all armies—Death. Our ranks have become thinned by the onslaught of his agents—Disease and Pestilence. That the battle has been terrific and one-sided is evidenced in the almost daily funeral procession seen moving slowly along your streets, while the mournful dirge, so frequently heard, seems but to echo back the triumphant cries of the victor.

True, we have not faced the enemy of our country in open combat on the field of battle. But glory belongs not alone to that organization whose ranks have become descimated by the bullets of the enemy, that have come scarred and wounded from a scene of carnage upon which a glorious victory—purchased, perchance, at a terrible cost—has been achieved, but that company, battalion, regiment, yes army, who uncomplainingly experiences all the horrors, miseries, vicissitudes, sufferings, and disappointments incident to military camp life in war time; who have given themselves, freely and unconditionally to their country in defense of the flag they love, is equally deserving of the praise and gratitude that a grateful nation can bestow upon them. Thus it is with the First New York Volunteers.

The men who make up this regiment have, with their beloved stars and tripes, whose folds have never yet been trailed in the dust of any nation, stood ever ready and willing to sacrifice their lives, that Old Glory shall continue to wave to the breezes of Freedom, Truth and Right. Thus it was when oppressed humanity, crying out from the blood-stained land of Cuba for help, knocked at the door of the nation for assistance. The men of our regiment responded to that heart-rendering cry with a rapidity that made even the other volunteer regiments of the Empire State look upon with pride, and admiration, which also stimulated them to the greatest activity in responding to the nation's call.

The First New York Volunteers have been recalled to the states, presumably to be mustered out, but whether or not, they have kept their oath, have served their country to the best of their ability, and their recall, for camp sanitary reasons only, at a time when troops are en route to Manila, certainly does not have a derogatory reflection. While in Honolulu acquaintances which ripened into friendships, were made. A wonderful interest for the health and welfare of the regiment has been taken by the good people of this city. Little acts of kindness have been done which won the everlasting gratitude of the men, the memory of which will ever be treasured in the archives of their hearts.

Most tenderly have the good ladies of Honolulu cared for the sick men in hospitals; taken the convalescents into their homes and nursed them back to health and strength. In fact, the regiment is under such great obligations to the people of this city, that time itself can never repay the debt they owe. We can but wish that or everything done and accomplished by the people of Honolulu for us will be reverently cherished by the men of the First New York Volunteers.

RALPH H. SLEZINGER,
First New York Volunteers.

COLONEL THEODORE ROOSEVELT.
In or out of office, in time of peace or in time of war, whether he lives in New York, Oyster Bay or Washington, Colonel Theodore Roosevelt is always interesting. And whatever may be his political fortunes, the people will never cease to be proud of the gallant commander of the Rough Riders.

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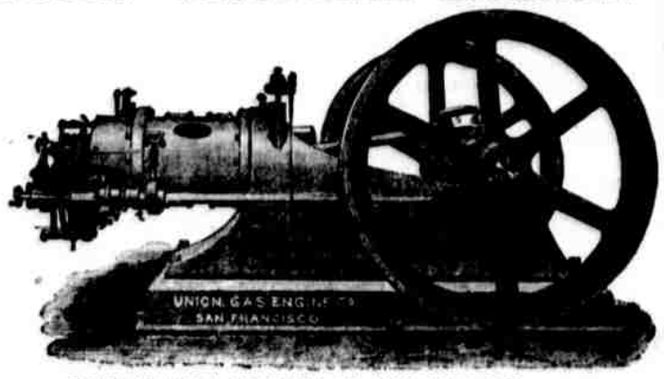


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