

## INDIANS SUE WHITES

Valuable Montauk Lands Are Involved in Pending Action.

Outcome of Case to Begin Next Tuesday Hangs on Question: Are the Montauks Real Indians?

(Special to the Eagle.)

Riverhead, L. I., October 5—Whether or not there is such a thing as a real tribe of Montauk Indians still existing on Long Island, bids fair to be settled in the near future, for yesterday afternoon Justice Blackmar, presiding in the October Term of the Supreme Court here, set next Tuesday as the beginning of the trial to determine whether or not the Indians still own the famous and very valuable peninsula of Montauk.

Wyandank Pharaoh is now styled as the chief of the Montauks. He is suing, as chief, Jane Benson and other Brooklynites, as well as the Long Island Railroad Company and several other people who claim to own that peninsula. The case will be bitterly fought on both sides, for a large sum of money—hundreds of thousands of dollars—hangs in the balance, and no matter which side wins in this court, it is probable that the case will go to the Court of Appeals for final adjudication.

The Indians claim that many years ago they were ousted from their lands, which were sold to the whites by people who had no legal right to make such sales. The whites claim that they did have a legal right to buy the property, and, anyway, there no longer exists a tribe of real Indians on Montauk—that the Indians are extinct. It is alleged that the African blood is so mixed with the Indian as to make the Indian of to-day nearly all African, hence the law regarding the fact that Indians cannot make deeds and sell their property is not in force in this instance.

Be the situation as it may regarding the mixture of blood, it is a fact that the Indians really have tribal capacity to sue. The Indians have been trying for some years to regain possession of Montauk, and special Legislation has given them the right to sue.

It is believed that the case will require the best part of a week, and undoubtedly many old traditions will be brought out, and many of the old Indian customs and scenes will be pictured in words before Justice Blackmar. The case will be tried before him without a jury. Each side will present fifteen or twenty witnesses.

Charles O. Maas appears for the Indians. For the defendants there is a strong army of legal talent, including Daly, Hoyt & Mason, Austin & McLannahan, P. Sherman, Joseph F. Keany and Alexander T. Mason—and these attorneys will be assisted by Suffolk County lawyers, Judge Belford, Judge Griffing and probably others.

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