

MONTAUKS MAY TRY AGAIN.**Appellate Court Decides in Their Favor
in Indian Land Suit.**

Riverhead, L. I., July 8—The Appellate Division has handed down a decision reversing the judgment of the court below in the famous Montauk Indian suit, wherein Wyandank Pharaoh sought to establish title and eject the Long Island Railroad from several thousand acres of valuable land at Montauk. The last suit was brought by Eugene A. Johnson for the tribe. The decision is as follows:

"While the right to maintain this action in its present form is not free from doubt, still, as it is brought in accordance with the view expressed by us on the prior appeal, we think we should adhere to our former decision and allow the question to be finally determined by the Court of Appeals. An interlocutory judgment is reserved and judgment directed for plaintiff on demurrer with costs, with leave to the defendant to withdraw demurrer and serve answer, within twenty days, of the costs of the demurrer and of this appeal. Leave is also granted the defendant to appeal from this judgment to the Court of Appeals."

The action to oust the Long Island Railroad from its possession on Montauk was first brought before Judge Maddox of Brooklyn in Riverhead. A demurrer was interposed by the railroad company on the ground that the Indians were without standing as a tribe. This view was taken by Judge Maddox and a verdict given to the railroad. Appeal was taken, which resulted in upholding the court below but giving the Indians privilege to bring the suit through an individual. This was done and the suit was heard by Judge Smith, being brought in the name of Eugene A. Johnson against the railroad. Another demurrer was interposed by the railroad and the company again won, and this is the decision which has now been reversed by the Appellate Court.

Clipped By:



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Fri, Feb 27, 2015