

TOLER & NUTTING,

Counsellors At Law
Exchange Court. (Room 3)
Exchange Place,
New York.

William Pennington Toler
Harmon DePau Nutting.

Telephone Connection

May 1, 1903.

My Dear Sir or Madam:

(1.) As a descendant from one of the twenty-three grantees in the Patents and Grants herein described, you are directly interested in lands and properties, many millions in value, situated within the limits of the present City of New York, together with rights, privileges and franchises connected therewith.

(2.) Between 1664 and 1688 under Grants and Charters from the King of England and his brother, the Duke of York, through Governors Nicolls and Dongan, twenty-three men were created a Corporation known as the "Town of New Harlem," and said body corporate, under such Grants and Charters, became owner of certain lands on Manhattan Island (now forming a part of the City of New York), together with certain rights, privileges and franchises, among others, those incident to the constitution and government of a town, as more particularly set forth in said Grants and Charters.

(3.) The names of the twenty-three grantees (including your ancestor) follow:

John Delavall,
Resolved Waldron,
Joost Van Oblinus (Oblinus),
Daniel Tourneur,
Adolph Meyer (Myer),
John Spragge,
Jan Hendriks Brevoort,
Jan Delamater,
Isaac Delamater,
Barent Waldron,
Johannes Vermilje (Vermilje)
Lawrence Jansen (Low),

Peter Van Oblinus (Oblinus),
Jan Dykenam (Dyckman),
Jan Nagel,
Arent Harmanse (Bussing),
Cornelis Jansen (Kortright)
Jacqueline Tourneur,
Hester Delamater,
Johannes Verveelen (Van Valen),
William Haldron (Holdrum),
Abraham Montanie (De La Montanye),
Peter Parmentier.

(4.) All lands on Manhattan Island, east and north of the line between New York and Harlem, and certain other lands outside of said Island, were given, granted and conveyed by said patents to the twenty-three grantees above named, and to their "heirs, successors and assigns forever."

(5.) As such descendant, as aforesaid, you are a member of said Corporation and are entitled to participate in its government, including, among other powers, the right to reduce to possession and to dispose of all lands and properties belonging to said Corporation not heretofore lawfully alienated.

Peter Parmentier, a Patentee named in the Dongan patent, took the place of Jan Louwe Bogert therein as a Patentee, having contracted to buy said Bogert's farm at Harlem. No sale took place, however, Jan Louwe Bogert retaining the farm. Said Bogert thereafter acted as a Patentee and was duly recognized as such. Parmentier is not again named among the Patentees, and died at Kingston, Ulster County, New York, in the year 1701, in reduced circumstances.

Johannes Benson, after the issuing of the Dongan Patent, became a Patentee by the purchase of certain Harlem lands and patentee rights.

All descendants of Jan Louwe Bogert and Johannes Benson have therefore, similar rights and interests to those possessed by the descendants of the Patentees mentioned in the Dongan patent, as though said Bogert and Benson had been originally named therein.

IN THE MATTER OF THE HARLEM LANDS AND PROPERTIES

To the descendants of the Patentees:

The replies received in answer to our circular letter indicate more or less misunderstanding regarding the statements contained in section "fourteen" thereof, relating to the responsibility or liability of those signing the "Authority to call a Meeting". Permit us to say by way of explanation that,

Mr. Henry Pennington Toler's offer to commence and prosecute suits for the recovery of the lands and properties, to be presented to the corporation at the meeting of the same (as in said section more fully set forth), will provide for the recovery of said lands wholly at his own expense and of and in consideration of the compensation therein mentioned.

NO RESPONSIBILITY OR LIABILITY WHATSOEVER attaches or will attach to any descendant of the Patentees individually or as a member of the corporation of the "Town of New Harlem", by reason of his or her signing the "Authority to Call A Meeting."

Very truly yours,

Toler & Nutting
Exchange Court (Room 3)
EXchange Place, New York

(6.) Certain of the lands so granted were divided by the Town among the twenty-three original members of the Corporation; certain other of such lands remain to-day undivided, either unoccupied or in the possession of unlawful occupants.

(7.) All previous efforts to recover these lands, rights and properties have failed, because based on the theory that in law said properties vested in the individual heirs of the original twenty-three grantees named, instead of in the Corporation, the "Town of New Harlem," as is now known.

(8.) It therefore becomes necessary, in order to exercise control over or disposition of such lands and properties so belonging to the Town of New Harlem," that the Town, as such, in its corporate capacity, take the initial action in any such proceedings.

(9.) The "Town of New Harlem" Corporation, being now dormant must therefore hold a Town Meeting for the purpose of electing proper officers, adopting a common seal and taking other corporate action as may be found necessary to enable it to resume the exercise of its corporate functions.

(10.) A little less than two years ago Mr. Henry Pennington Toler undertook:

I. To trace the living descendants and prove their descent from the said twenty-three original grantees, by means of church and public records, ancient manuscripts and other sources of information and evidences which at this time it is not deemed advisable to disclose.

II. To secure proof of the location, extent and present condition of the lands and properties conveyed by said Grants and Charters.

III. To investigate and determine through counsel the requisite legal methods for the recovery of said rights and properties-- involving an exhaustive research of all facts and law bearing on the subject.

(II) It is needless to add that these efforts have been successfully carried on without the aid of the "Harlem Records", which records, as is well known, were several years ago abstracted from the New York City Archives.

(12.) The primary purpose of this communication is to secure authority to legally call a Town Meeting of the "Town of New Harlem" (of which notice will be hereafter given)- a meeting of the successors-the living descendants of the twenty-three original grantees herein described. To this end and purpose, a document, duplicate of the one enclosed, granting the necessary authority for calling such meeting, is being forwarded to each member of such Corporation traced and located

as above indicated. You are requested to sign and acknowledge before a Notary Public "Authority to call a meeting" herewith enclosed.

(13.) It is manifest that with the thousands of members of said body corporate, widely scattered as they are, it is inexpedient and impracticable, if not impossible, for them to unite, recover, control and govern the vast properties and interests involved as a body aggregate, except in one way, viz: by the appointment of an attorney in fact - one head - one duly authorized representative or sole agent - to act for and in the place of said body and its numerous members.

(14.) When a meeting of the Corporation shall have held, and its proper officers duly elected from among its members, Mr. Henry Pennington Toler will present to such meeting an offer to commence and prosecute, for and on behalf of said Corporation and its members suits in equity or other appropriate actions to recover the lands and properties now belonging to said Corporation unlawfully withheld from its control, to the end that such Town may make proper division of such lands, properties and rights among the members thereof. Mr. Toler, in consideration of his undertaking the recovery of said lands, and of the cost incurred by him, having acquired, at his own expense, the necessary proofs and evidences for this purpose, will ask of said Corporation a sum equal to one-quarter of the net proceeds of the properties upon the recovery, division and disposal of same. It is expressly understood and agreed that you are not held responsible or liable for any expense heretofore or hereafter incurred by Mr. Toler in this matter, nor shall he be liable to said Corporation, or to the members thereof, for any costs or expenses incurred by the Town or such members.

(15.) To insure the largest possible representation at such meeting of the living members of said Corporation, we are counting upon the assistance of yourself and all other members, and would respectfully urge upon you the importance of duly acknowledging the enclosed "Authority to Call a Meeting" of the "Town of New Harlem," and return same at once.

(16.) The genealogical work we have been preparing for publication is in print, and when completed will constitute a "Membership Roll" of said body corporate.

(17.) If any members of your family (who are in the same line of descent as yourself) have not received copies of this letter, please send us their full names and postoffice addresses at once. Bear in mind that all descended directly from the twenty-three original grantees through the male line, or collaterally by marriage through the female line (keeping in mind that the blood of the twenty-three original grantees only is being traced) are members of the Corporation.

(18.)

(19.) If any descendant has at any time signed any quit claim deed or similar document affecting his supposed interest in any Harlem lands as an "heir," it is of no effect in a proceeding of this nature, and need not deter him from signing the enclosed "Authority to Call a Meeting" of the Corporation above described.

(20.) To anticipate inquiry regarding Mr. Henry Pennington Toler, we beg to say that he is a graduate of Princeton University, a member of the New York Stock Exchange, and senior member of the firm of Toler & Higgins, Bankers and Brokers, of No. 7 Wall Street, New York City.

(21.) The lapse of time since the issue of the Grants and Charters mentioned, and the occupancy of said lands adversely, need not cause apprehension; the rights and privileges under said documents being conclusively protected by leading and controlling decisions of the Supreme Court of the United States, as well by the Constitution of the United States and of the State of New York.

(22.) WE cannot too strongly emphasize the importance of having the enclosed "Authority to Call a Meeting" duly signed, executed and returned to us at your earliest convenience, as the institution of any proceedings looking to the recovery, control and distribution of the vast properties involved, in which you are vitally interested, is dependant upon concerted action of the members of the Corporation -the "Town of New Harlem."

Very truly yours,

TOLER & NUTTING

Counsellors at Law

Exchange Court (Room 3)

Exchange Place, N.Y.

To

The Members of the

Corperation-The "Town of New Harlem."

ELMIRAN IS AMONG HEIRS

Two Billion Dollars is the Fortune,
Claimants Are Forty Thousand.

ARE NOT SURE OF IT, EITHER

J. J. Vermilya, of This City Interested
in a Test Case That is to be Made to
Determine the Title to Property in
New York City.

A test case is soon to be brought in the courts of this country to determine the title to property in Greater New York valued at over two billions of dollars. The suite is to be brought to restore the property to the descendants of the twenty-five original patentees.

Henry Pennington Toler, a millionaire stock broker in New York City, has the matter in charge. The movement has been on foot for over two years and is intended to show that the charter to the lands which has never ceased to exist, antedates the charter of New York City. The grants were conferred by Governors Nicholls and Dogan to twenty-three patentees and the land was never legally merged into New York City.

There have been many attempts made in recent years to regain control of the lands, but these have failed owing to a misconception of the underlying principles.

Some of the litigants held the theory that the lands were owned in joint tenancy; others sued as individuals, on the theory that the Harlem heirs were owners of the lands as tenants in common and that one-half could sue for the benefit of all. On this ground the United States Circuit Court in New York held the claim to be untenable and dismissed the proceedings.

The Harlem lands under the Nicolls and Dogan patents, issued in 1667 and 1686, recorded in the office of the secretary of state at Albany, vested in the corporation, the town of New Harlem. The lands, therefore, were held, not in joint tenancy or tenancy in common, but by the corporation and its members. The corporation alone had power to dispose of them, and it is on this ground that Mr. Toler has based his operations.

A few days ago J. J. Vermilya of 108 Columbia Street, this city, received a marked copy of a New York paper and a letter from Mr. Toler informing him that he was among the forty thousand heirs. Mr. Vermilya was not surprised at this, as he has long been aware of his connection with the estate.

The Elmiran became interested twenty years ago in a movement to regain the lands, and the failure then has caused him to look with distrust upon the present movement.

While he does not take much stock in the matter Mr. Vermilya is prepared to give his assistance in the hope that there is something more than a dream in the present action.