

The Edwards Grail
Sunday *Herald Leader*, Lexington, KY, April 18, 1982 page A13
Manhattan Fever

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Heirs bucking history in pursuit of claim to a piece of the Big Apple.

By Jim Jordan, Herald Business Writer

It's been called the Edwards Grail.

Like the gold fever that drove prospectors to California, the story has captured the imaginations of the so-called "Edwards heirs" in Kentucky and throughout the country for at least a century.

The heirs - more than 5,000 of them by one estimate who now live in all 50 states and Canada - believe they are the rightful owners of billions of dollars' worth of New York City real estate that was accumulated by their ancestors, beginning 350 years ago when Manhattan was a Dutch colony.

The story begins with an act of treason and later includes the likes of Aaron Burr and President James K. Polk. In the 20th century, it becomes the stuff of novels with rumors of instant millionaires and fortunes just waiting to be claimed. Theft, fraud, arrests, indictments and disbarments, forged and missing documents - the dark side of human nature is there too.

Heirs say they may be the real owners of all the land from Battery Park at Manhattan's southern end to the site of the United Nations building at the midsection of the island. Other claims may include portions of Brooklyn and Queens, 1,000 acres in upstate New York and 400 acres in Tennessee.

Peggy Sallee of Richmond knows the story well. It has led her to search for records in Eastern Kentucky courthouses, to walk for hours through old mountain cemeteries and to travel hundreds of miles to meet distant relatives. "We're going to find out if that money is there," she said. "If it is we're going to go after it."

Shirley Clem, who was born in Athens in Fayette County, learned a half century ago during his childhood that he is an Edwards heir. He has since devoted time and money pursuing the grail.

"We're going to get the information together and we're going to get the heirs together and figure out what to do," Clem, a Hawesville resident, said. "We're going to get what's ours if we can."

History is against them, though. Judges have been, too. Heirs have filed lawsuits in federal and New York state courts for 50 years and they have lost every step of the way.

The setbacks caused many to lose their zest for the battle but not their belief in validity of their claims.

"I still think the heirs have a claim," Russell Hundley of Lexington said, "but it would take a crew a lawyers and people with money to find out what the situation really is."

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Another Lexington heir, who did not want to be identified, said: "It is our estate, but I feel there's nothing we can do about it. I don't think they will give it up. There's too much money involved. They're just not going to give it up."

Even one lawyer who is familiar with the case gives the heirs only a "slim" chance of winnings.

"It's been going on for years and years and years," said the lawyer, Jerry A. Jared of Cookeville, Tenn. "The longer it goes, the less the chance."

But Clem and Mrs. Sallee said they were eager to fight on to gain the money, to restore rights of their family and to correct centuries of injustice.

Meantime, other groups of heirs are moving in the same direction. Lawyers in Florida, New York, Tennessee and probably other states have become involved, and the search for documents has intensified. Another legal showdown is in the works, Clem said. "You can rest assured on that."

* * *

The story of the Edwards Grail begins with Thomas Hall, who was born in England about 1??? but came to Virginia when he was "quite young" according to a report written in 1932 by F. Christian, an attorney for the International Consolidation of Edwards Heirs.

In 1635, Hall joined a British expedition sent from Virginia to capture Fort Nassau in New York from the Dutch. "Hall deserted the expedition... and warned the Dutch at New Amsterdam (now New York City) of the impending danger and the Dutch frustrated the (British) attempt," Christian wrote.

Hall remained in New York. He married "a Welsh girl," and they had a daughter, Elizabeth.

In 1642 - just 16 years after Manhattan Island had been purchased from the Indians for \$24 in beads and trinkets - the Dutch governor gave Hall a small tract along the Hudson River between the present Charleton and Christopher streets, Christian wrote.

When the Dutch surrendered New York to the British in 1664, Hall took the oath of allegiance to England and - old scores apparently forgotten - his title to the property was confirmed.

Meantime, his daughter married an English ship captain named Thomas Edwards.

"Thomas Hall died in 1699, leaving a will which I have never been able to find, although the records show that a will was probated," Christian wrote.

Heirs say the land was passed to Elizabeth, and when she died, to her husband, Thomas Edwards.

Edwards, in turn, received his own land grants from the English colonial government, "consisting of two tracts of 492 acres each ... located in the Mohawk Valley, west of Schenectady and east of Utica,

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in what is now Herkimer County, New York," Christian wrote. "Each of these grants is on record in the office of the secretary of the state of New York."

But, at this point, the story of the Herkimer County tracts ends because researchers had concentrated their efforts on the much more valuable Manhattan land.

Christian wrote that "we have never been able to find any deed or record showing that Thomas Edwards or his heirs ever conveyed the same (Herkimer County land) away.

"We are certain that there is no record of any conveyance by Thomas Hall or his heirs of the land on Manhattan Island claimed by the Edwards heirs."

The Manhattan tract was handed down through the years to Thomas Edwards' great-great-grandson, Robert Edwards, a Royal Navy officer who fought against the Americans during the Revolutionary War. Family tradition holds that Robert Edwards was a bachelor who lived in England.

More important, he was in need of money.

So in 1778, Robert Edwards leased the Manhattan land to two brothers, John and George Cruger, for 99 years, Christian wrote. The lease reportedly stipulated that when the 99 years ended, title to the land would revert to the descendants of Robert Edwards' seven brothers and sisters.

The Cruger brothers, however, "assigned the lease to Trinity Church Corp. in about 1780," the attorney wrote.

Officials of Trinity Church, which still owns lands claimed by the heirs, dispute that conclusion and the courts have upheld their position time after time.

Long-term leases of up to 99 years apparently were common in colonial America. Large tracts were relatively easy to obtain and since there was often more land than one farmer could use, the rest was leased to provide additional income.

Attorneys say one major drawback is that 99 years covers several generations. Heirs die, others move away and the knowledge of the lease and the family's land can be lost. The leaseholders could then become the owners.

The so-called Cruger lease, which Christian described as "extremely important to this case," is a mystery.

Christian said he had searched archives in New York City, Albany and London, England, "but have never been able to find the record (lease) or certified copies thereof."

"I have in my possession, however, an affidavit of one Mr. Murphy, who says that he copied the lease from a record which was found in the basement of the New York City Hall of Records..."

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Christian also said he had "a paper which bears every appearance of being an ancient document which purports to be a certified copy of the Cruger lease," but the handwriting was "so dim" that "upon submission of the same to experts, we find it would be impossible to prove that the same was genuine, although it may be a genuine document."

An earlier researcher reported slightly different findings.

During a visit to the New York Hall of Records in 1924, Nashville attorney Clyde Shropshire said he found no record of any lease involving Robert Edwards. But when he asked Hall of Records' employees about the lease, he was given a document. [It had been in] their possession for some time, but the same has never been recorded, and it is claimed by officials in the Register's office, that it is spurious and not genuine," Shropshire wrote.

He discovered something else, however - something he couldn't quite explain. Shropshire found an 1802 record showing that Aaron Burr had leased Manhattan property to "The Manhattan Co." for 69 years. The lease was worth \$47,155 to Burr, Shropshire said.

The boundaries of the tract were not reported, but the lease indicated that the land had been obtained in 1797 from the "Protestant Episcopal Church in the state of New York," which could mean Trinity Church.

"I could not find from further search of the records what final disposition was ever made of this leasehold or what connection, if any, this conveyance had with any original Edwards lease," Shropshire wrote.

* * *

Some Edwards heirs think that Burr, whose grandfather was the well-known Calvinist theologian Jonathan Edwards, may have been involved in separating them from their inheritance or at least in channeling the property to his bunch of the family.

Burr, who was born in 1756, was vice president of the United States under President Thomas Jefferson. He killed Alexander Hamilton in a duel and was later tried for treason, based on allegations that he was planning a military campaign to separate the western states from the Union. He was found not guilty.

Irene Lewis of Copperhill, Tenn., said she and other Edwards heirs have copies of a 99-year lease involving 80 acres of Manhattan that was signed by "Robert Edwards" in 1778.

"I'm not sure it was the same Robert Edwards who signed that lease," she said, "but all the older people (in her family) say it was."

She said the 80 acres was leased to Burr and the same Cruger brothers who allegedly leased the former Hall land from Edwards.

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Concerning Burr's role, she said: "I think there was something crooked there."

The family has other leases for up to 277 acres of Manhattan that involve Robert Edwards, she said, but Burr was not mentioned in them. The exact boundaries have not been determined because many of the landmarks mentioned in the leases no longer exist, but much of lower Manhattan appears to be included.

The family thinks that one lease was renewed to 1948, but they don't know who was involved, she said.

Mrs. Lewis said other family members are attempting to verify rumors that one Edwards heir was paid \$2 million in 1963 to keep quiet about the renewal of the leases.

In addition, the family has uncovered two leases from 1839 and 1841 - the latter signed by President Polk - showing that Isaac H. Edwards was given 400 acres near Cleveland, Tenn. The heirs may seek title to that land as well as the New York property, she said.

"Of course, we don't care about the land, but we need the royalties (lease payments) that have been paid on it," Mrs. Lewis said. "All of us poor people could use the money."

James G. Burke Jr., a New York attorney, said he plans to spend several weeks researching the leases found by the Edwards heirs to determine who now has title to the property.

Burke, who is working with an Orlando, Fla., attorney, said one of the leases involving Burr may have been renewed as recently as the 1960s. If that is true, New York's 20-year statutes of limitations on lawsuits involving adverse possession of land may not prevent legal action.

Burke said "hundreds of billions of dollars" of Manhattan property could be involved and the insurance companies that have written title-insurance policies on that property could be big losers.

* * *

Trinity Church, one of the country's oldest religious institutions, has successfully defended its title to the Thomas Hall land at least four times since 1930.

According to a report written by Trinity attorney Woolsey A. Shepard, King William III of England established Trinity Parish in 1697 when he provided the land for the church's current building and adjacent cemetery in downtown Manhattan.

Trinity was then an Anglican church. It is now Presbyterian.

The church's second land grant came from Queen Anne in 1705. She gave Trinity a large parcel on the Hudson River, known as the Queen's Farm.

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According to Shepard, modern surveyors have said the boundaries of that farm "extend along Fulton Street from Broadway to the Hudson River, north to Christopher Street, along Christopher Street to a point just east of Hudson Street, and then south and east back to Broadway near Duane Street."

That boundary includes the land between Charleton and Christopher streets that was once owned by Thomas Hall, but it apparently does not include the tracts involved in the other leases, such as those signed by _____ .

Christian began his suit on behalf of the heirs in 1930, but it was dismissed, primarily because the 20 year statute of limitations on such claims had expired.

In 1932, Christian said he was confident he could prove the original Queen Anne grant did not include the Hall property, that is actually stopped two farms short of Hall's land, but he had been unable to argue that point in court because of the absence of the Cruger lease.

Suits in federal courts in 1933 and 1935 met the same fate. The 1935 suit eventually went to the US Court of Appeals. That court upheld the lower court's ruling and the US Supreme Court declined to hear the case.

The last suit recorded by Shepard was filed in 1952 by attorney Augustus W. Bennet, who retired in 1979 and moved to California. Bennet, in an interview, said the research done by the Edwards heirs was "terrific."

"It was a very plausible case, but the court eventually decided it was stale," he said. "Two hundred years is too long to wait the file a suit."

Shepard also noted that bills had been filed in the New York General Assembly in 1949, 1950 and 1951 calling for a state investigation of Trinity's title to its Manhattan land. The bills died on committee, however.

Appeals to members of Congress also failed, he said.

The court decisions since 1930 should have settled the issue once and for all, Shepard wrote, and Trinity's title to its Manhattan property was secure.

William Wolfman, chief counsel for the Title Guaranty & Trust Co. of New York, apparently agreed. In a 1950 speech entitled "The Great Hoax," Wolfman reportedly said:

"(Trinity's) title and that of its grantees is absolutely unimpeachable, and no title anywhere has been subjected to a more thorough test in both state and federal courts." That, the Edwards heirs say, is debatable.

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The court decisions discouraged many heirs and apparently led to the breakup of several of their organizations, such as the 3,000-member International Consolidation.

Fraud, fear and the high costs of pressing their claims have discouraged others.

The New York Times reported in 1953 the postal officials "are redoubling their efforts here to stamp out one of the oldest 'inheritance' frauds in the country..."

"There have been arrests, indictments, convictions and legal disbarments (of lawyers) brought about by the Post Office Department as far back at 1917 and as recently as last summer (1952), but the scheme keeps coming to life in one part of the country or another."

In some cases, people who not Edwards heirs have been bilked out of thousands of dollars by groups that promised legal action to prove the Edwards heirs claims to Manhattan.

Sales of false reports showing that a family was related to the Edwards clan have claimed other victims.

Shirley Clem of Hawesville said his relatives had been robbed through such schemes.

"My aunts and them (other relatives) have paid so much money out and have been defrauded out of so much that we don't send money to anyone," Clem said. "We don't accept money from anyone either (to avoid mail fraud charges).

"We want to know that when we take this back to court, we will have all our rights."

A lawyer was convicted of mail fraud in Birmingham, Ala., in 1928, and another was indicted in Nashville in 1952. He died before he could be tried, however. In the same year, two other convictions were obtained in Indiana on the same charges.

There also have been reports that Trinity Church or other Manhattan property owners have deposited as much as \$2 billion in trust accounts to compensate the heirs in the event they prove their claims.

Clem and his relatives claim to have records showing such deposits, and Clem said Friday that he was filing a claim with Trinity for his share of the money.

But archivist Phyllis Barr at Trinity is just as sure that the money does not exist.

"There's absolutely no truth to that," she said. "That's as false as the rumor that there's \$16 million hidden in the cornerstone of the church,"

Kenneth Ellis, director of operations at Trinity, said that the church owned about 20 properties in Manhattan, but that much of its original holdings had been given to the city for highways and parks or to some of the 1,500 organizations - ranging from colleges to cemeteries - that Trinity supports.

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"So the farm they want is just not there," he said.

In addition, the church gives various groups up to \$1 million a year from its real-estate earnings, he said. "We give away almost everything we make."

In addition to the rumors, there have been false reports from seemingly reliable sources.

In 1930, a prominent Cleveland law firm was hired to investigate the heir's claims through research in New York, England and Holland.

The lawyers told the heirs, "there is not and never any Edwards estate on Manhattan Island, and that any money taken from you in the future on the promise of an interest in the Edwards estate ... would as well be cast to the four winds," according to The New York Times.

The newspaper added: "It is obvious by now, however, that there was an Edward's estate."

Clem said fear and threats have made some heirs reluctant to press their claims.

"My mother told me about this when I was a child," he said. "My grandfather worked on it and everything. They were scared of it. They were threatened and everything."

"My mother was all scared. My grandfather was too, and he had his papers stole off him"

Who were they afraid of? "I don't know", Clem said. "Some say it's the Mafia in New York, but I don't know."

His grandfather's experiences have made him more careful, however.

"I've got about 500 papers (relating to the heir's claims) and I've had copies made of all of them so they won't be stolen anymore," he said.

Lexington heir Russell Hundley told about an Indianapolis woman who was working in the 1950s to trace the Edwards family tree.

After a research trip to New York, she came to Lexington to talk to local heirs -some of whom had attended earlier meetings at the Phoenix Hotel, he said.

She told heirs that "a lot of the stuff (legal documents) had been torn out of the books" and that deeds "would disappear overnight," Hundley said.

Legal fees have been another worry for the heirs.

Noted attorney Bennet, who is "in my 80s": "They have spent a fortune on this already. They have had investigators in England working on this thing since before I was born."

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Attorney Jerry Jared, who also is a member of the Tennessee Legislature, had been asked to take on the case. He has not yet agreed, however.

He also talked about the cost of researching the case before any legal action could be started.

"I would guess at this point it would take at least \$50 per hour to pay an attorney who would research the matter, or a minimum of \$50,000 or \$55,000" he wrote.

Jared also had a warning.

"I think the situation has reached the point where the heirs need to do something, or forget about it."

Later, in an interview, he was even more direct.

"The prize would be worthwhile if they could win it," Jared said, "but I think they've got a slim chance."

* * *

Hundley also had a warning, although he didn't intend it that way.

The heirs, pursuing the New York land are all in their 40s, 50s and 60s, he said. The younger generation doesn't seem to know or care about the Edwards Grail. Unless the older Edwards act soon, it may all be forgotten.

"My generation had heard about it for years," Hundley said. "It's the ones my age who know about it. The kids don't know anything about it. They just laugh at it."

I can appreciate their interest," he said of Clem and Mrs. Sallee. "I'm glad they are keeping this thing going."

Miss Barr and Ellis said Trinity still receives scores of calls, letters and visits from people who want information about the case. That's why Shepard, the church's attorney, was asked to write the history of the case, Miss Barr said.

One heir they are likely to see in the near future is Mrs. Sallee. Relatives in several states are collecting money to send her to New York to gather information.

Even if all of her efforts turn out to be wasted, Mrs. Sallee said, the quest has been worthwhile.

"It's been a barrel of fun," she said. "We've met more Edwards than we ever knew existed."