



THE COURT *Legacy*

The Historical Society for the United States District Court
for the Eastern District of Michigan ©2007

Vol. XIV, No. 1
February 2007

A Certain Parcel of Land Lying on this Island, Manhatans

By Jeffrey G. Raphelson, Bodman LLP

Judge Arthur J. Tuttle fell back in his leather chair and rested his gaze on one of the trophy bucks adorning his private chambers. He had just presided over a four week mail fraud trial that ended with a spectacular revelation, and he had one question: would it be enough? The defendants were a disbarred New York attorney and his secretary who took an estimated \$1,000,000 from their victims, “poor, deluded people” Tuttle concluded,¹ who believed they were heirs to a fortune in Manhattan real estate. Their ancestor, Anneke Jans Bogardus, was an attractive New Amsterdam widow who inherited a sixty-two acre farm on the Hudson River in the Seventeenth Century. For more than two hundred years the property had been in the hands of Trinity Church Corporation and had been overrun with seedy tenements, brothels and gang havens. Meanwhile, the descendants of Anneke Jans Bogardus formed secret societies to plot amongst themselves and their lawyers how to recover the property or its value. The defendants before Judge Tuttle were the two most

recent con artists to take advantage of the heirs’ greedy delusion. The Detroit Free Press called it “America’s greatest and oldest swindle”² and Tuttle wanted to put an end to the scam once and for all. Would his sentence and the publicity surrounding the trial be enough?

Anneke Jans

Anneke Jans was born in Vleckere, Norway in 1605 and married Roelof Jansen on April 18, 1623 in Amsterdam. In 1630, the couple crossed the Atlantic Ocean and settled in Rensselaerwyck, New Netherlands, near what is now Albany, New York. Jansen had a four year engagement as head farmer for Kiliaen Van Rensselaer, the patron of the colony.³ When he completed that service, in 1635, he moved his family to New Amsterdam where he was granted a farm on a ground brief from Dutch Director General Van Twiller.⁴

The ground brief or

patent covered 62 acres on what is now Manhattan.⁵ It is depicted as plot 25 in D.T. Valentine’s famous 1852 map of old New York.⁶

Jansen died in 1637. Under Dutch law, Anneke inherited the land granted to her husband. Within a year of his death, the “buxom”⁷ widow remarried another important settler. Everhardus Bogardus was the first established Reformed Dutch clergyman in New Amsterdam.⁸



D.T. Valentine Map of Old New York

The Historical Society for the United States
District Court for the Eastern District of Michigan

Established in 1992

BOARD OF TRUSTEES

President

Michael J. Lavoie

Vice President

John H. Dise, Jr.

Secretary

Michael C. Leibson

Treasurer

Barbara J. Rom

David G. Chardavoyne

Judith K. Christie

Hon. Avern Cohn

Sam C. Damren

Hon. John Feikens

Brian Figot

David A. Gardey

Paula A. Hall

Alan C. Harnisch

John Mayer

Mrs. Dores M. McCree

Jamie H. Nisidis

Hon. John Corbett O'Meara

Ross G. Parker

Jeffrey G. Raphaelson

Jeffrey A. Sadowski

Hon. Arthur J. Tarnow

Robert M. Vercruysee

I. W. Winsten

Sharon M. Woods

Advisors

Philip P. Mason

David J. Weaver

THE COURT LEGACY

Published periodically by The Historical Society for the United States District Court for the Eastern District of Michigan, Office of the Clerk, Theodore Levin United States Courthouse, Detroit, MI 48226-2797.

Subscriptions available through any Society membership. Membership benefits include the Newsletter, voting privileges, and the Annual Meeting. The Historical Society has extended the benefits of membership to members of the Eastern District of Michigan Chapter of the Federal Bar Association.

Papers are encouraged to be submitted to the Newsletter editor for publication consideration. Content for the issues are due 60 days prior. Email items for publication as MS Word (preferred) or WordPerfect documents to jmayer@wyan.org.

The Court Legacy reserves copyright to authors of signed articles. Permission to reprint a signed article should be obtained directly from the author and *The Court Legacy* should be acknowledged in the reprint. Unsigned material may be reprinted without permission provided *The Court Legacy* is given credit.

The “Dominie,” as he was called, had been instrumental in founding the free school of the Reformed Dutch Protestant Church. Anneke’s second husband brought her influence to match the wealthy estate she inherited from her first husband. Anneke and Everhardus Bogardus had four children.



Anneke Jans and Everhardus Bogardus

Dominie Bogardus was outspoken from the pulpit, frequently criticizing Director General Van Twiller and his successor New Netherlands Governor William Kieft. In July 1647, Dominie Bogardus, Kieft and several others boarded the *Princess*, a ship bound for the Netherlands, where Bogardus intended to air some of his disputes with Kieft before officials of the Dutch West India Company. They never made it. The *Princess* sank off the coast of Wales.⁹ Again a widow, Anneke Jans Bogardus remained on her estate and did not remarry. On July 4, 1654, Dutch Governor Peter Stuyvesant confirmed her title to the property¹⁰ but she left it shortly afterwards. She could not tend the farm. So, she moved in with a grown daughter living near what is now Albany. Anneke Jans died there on March 19, 1663.¹¹

Arthur J. Tuttle

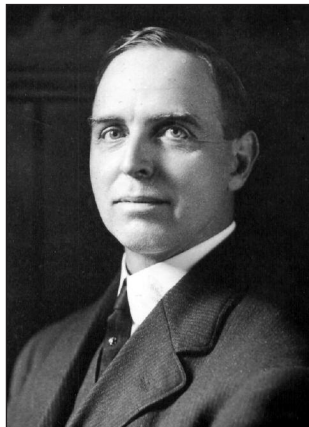
Arthur Tuttle’s ancestors arrived in North America from England the same year Roelof Jansen moved his family to New Amsterdam, 1635. Tuttle’s grandfather, John J. Tuttle, settled in Ingham County, Michigan in 1837 and served the county and Leslie Township in various capacities. Arthur Tuttle was born on the family farm in Leslie, Michigan on November 8, 1868. He graduated Phi Beta Kappa from the University of

Michigan with a Bachelor of Philosophy degree in 1892, and from the University of Michigan Law School with a Bachelor of Laws degree in 1895.¹²

Tuttle was elected Prosecuting Attorney of Ingham County in 1898 and quickly gained a reputation for tenacity in prosecuting fraud and corruption. He convened grand jury investigations into fraudulent schemes by members of the military board supplying U.S. troops during the Spanish-American War. In those proceedings, Tuttle even had a subpoena served on Governor Hazen S. Pingree while the Governor was rushing for a train. Tuttle's investigation led to convictions of two brigadier generals, but the generals received unconditional pardons from an angry Governor Pingree.

In 1907, Tuttle was elected to the Michigan Senate for the 14th District, where he served until 1910. In 1911, President William Howard Taft appointed him U.S. District Attorney for the Eastern District of Michigan.¹³

In 1912, U.S. District Judge Alexis Caswell Angell resigned after serving only eleven months as the Eastern District of Michigan's sole judge. He left behind a substantial backlog of cases. President Taft was very deliberate about filling the vacancy. He said, "The Judiciary has fallen into a very low state in this country, and I'll be damned if I put any man on the bench of whose character and ability there is the least doubt." Many thought Taft would appoint Michigan Supreme Court Justice Flavius L. Brooke, who had the support of Michigan's U.S. Senator William Alden Smith. However, Michigan's other senator, Charles S. Townsend, supported Tuttle who had been Townsend's campaign manager. Every week during the summer of 1912, a delegation from Michigan met with President Taft to urge Tuttle's nomination. Ultimately, they prevailed and Tuttle was sworn in on August 12, 1912.



Judge Arthur J. Tuttle

Judge Tuttle was comfortable with strong, independent women, like Anneke Jans had been. He married Jessie Beatrice Stewart of Grand Pointe, Harsen's Island on March 11, 1903, and they had two daughters, Ruth, born in March 1904, and Esther, born in September 1905. Tragically, Jessie died the year Tuttle became a U.S. district judge, possibly due to pulmonary hemorrhaging caused by a severe cold. Tuttle never remarried. Instead, he threw himself into his work and raising his two daughters who followed in his footsteps together. Ruth and Esther were among the first women to graduate from the University of Michigan Law School and to become admitted to the Michigan Bar, in 1930. They also married their respective husbands in a double ceremony in 1936.

Anneke Jans's Estate

Anneke Jans's January 29, 1663 will left her estate to her children by both husbands: Sarah, John and Katrina Roelofson, the children of her deceased daughter Frytle Roelofson, and William, Cornelius, Jonas and Peter Bogardus.¹⁴ The British government had taken possession of New Amsterdam and renamed it New York. So, Anneke Jans's children asked for confirmation of their claim to the New York property. On March 27, 1667, English Governor Richard Nichols ratified that "a certaine parcell of land lying on this Island, Manhatans, towards the North River * * * [a]mounting in all to about sixty-two acres," belonged to Anneke Jans Bogardus and her heirs.¹⁵

In 1671, Anneke Jans Bogardus's children sold the farm to Colonel Francis Lovelace, then Provincial Governor of New York. That is, all the children except Cornelius Bogardus who had died¹⁶ and whose heirs did not join in the conveyance.¹⁷ This omission was the basis of many lawsuits and swindles for the next 250 years.

In 1700, Colonial Governor Lord Cornbury leased the property to Trinity Church Corporation, and in 1705, the Church obtained a patent to the land from Queen Anne, granting it a fee interest. In 1786, Trinity Church Corporation made a payment in gross to the New York State government, extinguishing any further quit-rent obligation under the patent.¹⁸

Bogardus Heirs v. Trinity Church

For its part, Trinity Church Corporation was not a great steward of the land. By 1776, Trinity's property had become a "foul slum and brothel district,"¹⁹ sarcastically nicknamed "the Holy Ground." It had notoriously rough gin shops and bawdy houses and was teeming with prostitutes – as many as 500 according to some estimates. In his book, *1776*, David McCullough observed, "If there was trouble after dark in New York, it was nearly always in the Holy Ground." The prostitutes who plied their trade in the shadow of Trinity Church were not discreet ladies of the night. They were as rough and crude as their surroundings. After establishing headquarters in New York, General George Washington dispatched one of his lieutenants, Isaac Bangs, to investigate the darker side of the city and the threat it posed to the soldiers. Of the Holy Ground's working women Bangs observed, "When I visited them at first I thought nothing could exceed them for imprudence and immodesty, but I found the more I was acquainted with them the more they excelled in their brutality." He could not fathom why any of the men would crave "intimate connection" with these "creatures." But many officers and enlisted men did.

On April 22, 1776, the bodies of two Continental soldiers were found hidden in a brothel in the Holy Ground. Both had been mutilated, one castrated. In retaliation, gangs of soldiers rampaged through the district, destroying the brothel where the soldiers had been murdered and killing a prostitute. Afterwards, Washington attempted to restore order. He imposed a curfew and directed that any such "riotous behavior" in the future would be subject to the severest punishment. Drunken and unruly soldiers were to be jailed. Those causing damage who resisted arrest were to be "treated as a common enemy"; *i.e.* shot dead on the spot.²⁶ However, Washington's measures did not hinder commerce in Trinity Church's precinct. "These bitchfoxyly, jades, hags, strums," wrote Colonel Loammi Baldwin, continued "their employ which is become very lucrative." Washington's judge advocate, William Tudor of Boston, curiously wrote to his fiancée that, "Every brutal gratification can be so easily indulged in this place that the army will be debauched here in a month more than in twelve at Cambridge."

In 1760, a descendant of Anneke Jans Bogardus named Cornelius Brouwer brought suit to recover from Trinity Church Corporation the 62 acres originally granted to Roelof and Anneke Jansen. He lost after a two-day jury trial. Trinity Church Corporation prevailed in another such suit filed in 1807.²⁰

The first serious challenge to Trinity Church's ownership was filed in the New York Court of Chancery on December 11, 1830. The plaintiff was John Bogardus, who claimed to be a descendant of Cornelius Bogardus, the son whose heirs did not sign the deed to Governor Lovelace. John Bogardus's case languished in the court of chancery for years. After he died on March 8, 1833, his heirs continued the fight. A hearing was eventually held over fourteen days in December 1845, January and February 1846 and January 1847. In an exhaustive opinion, expressing due suspicion of Trinity Church and its well-paid lawyers, Vice-Chancellor Sandford soundly rejected John Bogardus's claim based on the church's unchallenged possession of the property over time:

"And now that I have been enabled to examine it carefully, and with due reflection, I feel bound to say that a plainer case has never been presented to me as a Judge. Were it not for the uncommon magnitude of the claim, * * * and the fact that the descendants of Anneke Jans at this day are hundreds if not thousands in number, I should not have deemed it necessary to deliver a written judgment on deciding the cause. * * * Indeed, it would be monstrous if, after a possession such has been proved in this case, for a period of nearly a century and a half, open, notorious, within the sight of the temple of justice, * * * the title to the lands were to be litigated successfully, upon a claim which has been suspended for five generations. Few titles in this country would be secure under such an administration of the law, and its adoption would lead to scenes of fraud, corruption, foul injustice, and legal rapine, far worse in their consequences upon the peace, good order and happiness of society than external war or domestic insurrection."²¹

Sadly, the opinion's strong language did not deter future generations of Bogardus heirs from taking Trinity Church to court. They merely changed strategies. In 1851, a descendant of Hans Kierstead, who married Anneke Jans's daughter Sarah,²² sued the State of New York over the property. He lost in 1856.²³ On July 19, 1877, Ryner Van Giesen of Cedar Grove, New Jersey, filed a petition in the probate court for Albany County, New York, claiming to be a lineal descendant of Anneke Jans and seeking to probate her estate, including the Trinity Church property.²⁴ He also lost. Despite these setbacks, the Bogardus heirs remained an easy target. They were prolific and gullible. Con artists and unscrupulous lawyers fanned their greed and fed their paranoia.

It was not an original scam. Through the years, a number of swindlers have convinced victims that they are heirs to a fabulous estate and taken money for allegedly pursuing their victims' claim. In 1870, the Association of the Heirs of Sir Francis Drake was formed to "pursue all lawful ways and means either by process of law, compromise or otherwise, for obtaining, with all possible dispatch, a settlement of the estates and moneys of Admiral Sir Francis Drake."²⁵ Drake, the Elizabethan era privateer and bane of the Spanish Armada, died in 1596 with a supposed fortune in doubloons and pistoles garnered from his raids. He had no heirs so his estate passed to his cousin and, in 1813, to a collateral relative, Thomas Trayton Fuller, which the American Drakes contended was an error. Con men convinced them that the estate had been invested and was theirs to claim in the British courts.²⁶ By 1910, one Drake heirs society claimed the fortune was \$50,000,000. A few years later, it had grown to \$600,000,000. The swindlers leading these societies told American Drakes to expect a costly legal battle, and the heirs were expected to contribute \$1 for every \$100 they were to receive from the estate.²⁷

In 1898, there were an estimated 30,000 Bogardus descendants throughout the country, and all were convinced they had a claim to the Trinity Church Corporation's land.²⁸ On March 29-30, 1898, 100 delegates from all over the

United States and Canada attended a convention in Cleveland, Ohio. They formed the International Union of Heirs of Anneke Jans Bogardus, using the same constitution and by-laws as the Pacific Coast heirs association. The delegates spent considerable time puffing their claims, which had expanded to include parcels adjoining the original grant, for a total of 192 acres. They also laid claim to 2,000 acres in upper Harlem and \$80,000,000 worth of mythical trust proceeds supposedly established in Holland by William, Prince of Orange in the sixteenth century.²⁹

Even without these exaggerations, the land they sought to recover was becoming extremely valuable. In 1911, Trinity Church Corporation began to redevelop its holdings into commercial property. It leveled over one hundred old and very poorly maintained tenements between Varick Street and the Hudson River and replaced them with "substantial commercial buildings."³⁰ The former Bogardus farm became some of the most valuable real estate on the planet, holding the Woolworth Building, the U.S. Treasury and Custom House buildings, the Carnegie mansion, part of Broadway and much of Wall Street.³¹

In 1922, the International Association evolved into the "National Bogardus Society," headquartered in Wilkes-Barre, Pennsylvania.³² It held secret meetings, taking great pains to exclude outsiders. Members were admitted only by invitation or proof of descent from Anneke Jans.³³ The Society was also hostile to any suggestion against pursuing Trinity Church Corporation to recover the Bogardus lands. At an April 24, 1926 meeting in Farmingdale, New Jersey, chaos broke out when Marjories Gwyn Van Brunt, a Bogardus descendant, spoke out against yet another lawsuit. The president of the association called a state trooper to escort her out of the meeting, amid cries of "Spy, Trinity Church spy!" After being ejected, Mrs. Van Brunt commented, "none of the persons there looked like a millionaire, and it seemed foolish to me to have any of them encouraged in throwing away money on lawyers."³⁴

Enter W. T. Gridley

Willis Timothy Gridley received his LL.B. from Cornell in 1892 and was admitted to the New York bar on February 10, 1893. He began representing banks and corporations in Syracuse, New York. Then, he moved to New York City where he began representing dispossessed heirs. In an autobiographical sketch he prepared for *The Book Of New York* in 1912, Gridley described his handling of the “important case” of Miss Laura Glover of Atlanta, Georgia, which involved “bringing several suits to recover the lost estate of her mother, uncle and grandfather, amounting to something like \$3,000,000. Most of the property was disposed of by the public administrator in office about the time of the Civil War, and actions for recovery will be brought against the city, the National Bank of Commerce in New York, the New York Central Railway Company and many others.”³⁵



Willis Timothy Gridley

Gridley learned of the Bogardus heirs’ claim in 1913 when he defended John Fonda on mail fraud charges before Judge Learned Hand.³⁶ Fonda was president of the Union Association of Heirs of the Harlem, Edwards, Webber, and Delamater Estates. With some help from the Union’s legal advisor Elmer Good, Fonda mailed hundreds of circulars to Bogardus heirs seeking \$1 to \$2 per month from each heir to defray the expenses of suits against Trinity that he began filing in 1909. According to the indictment, however, Fonda delayed progress in the suits and when further delay was not possible, dismissed and refiled them. The trial began November 6, 1913 and Fonda was convicted,

but Gridley persuaded Judge Hand not to jail Fonda because of his advanced age, 88 years. Fonda died two years later.³⁷ Learned Hand, it appears, was considerably more lenient than Arthur Tuttle.

Tuttle was a stern judge who did not shy away from issuing strong sentences. Indeed, later in his career, he would become Michigan’s only hanging judge, literally. There had been no executions in Michigan since it became a state in 1837. In 1846, Michigan was the first English-speaking government in the world to abolish capital punishment for murder. Perhaps by oversight, Michigan retained the death penalty for treason.

On September 29, 1937, 38 year-old Polish immigrant Anthony Chebatoris and an accomplice badly botched their attempt to rob the Chemical State Savings Bank in Midland, Michigan. Fleeing the bank, Chebatoris shot and fatally wounded an approaching truck driver whom he had mistaken for a police officer. Chebatoris was prosecuted under the National Bank Robbery Act of 1934, which provided for the death penalty in cases where a murder occurred during the robbery of a bank that belonged to either the Federal Deposit Insurance Corporation or the Federal Reserve System. The act also provided that an execution could take place in the state where the crime occurred if that state had the death penalty. Because Michigan had retained the death penalty for treason, it was considered a death penalty state. A jury found Chebatoris guilty of murder on October 29, 1937 and one month later, Judge Tuttle sentenced him to hang at the federal prison in Milan.³⁸

Michigan’s Governor Frank Murphy vehemently opposed the death penalty. He appealed to President Franklin D. Roosevelt to commute Chebatoris’s sentence or transfer the execution to another state. Roosevelt declined to commute the sentence but, acting through Attorney General Homer Cummings, left the decision whether to transfer the execution to Judge Tuttle. He declined, saying, “I have neither the power nor the inclination to change the sentence. If I did have the power to do so,

I think it would be unfair to suggest that the people of the neighboring state are less humane than are the people of our own State of Michigan. This Federal Court is enforcing a federal law in Michigan for an offense against the United States, committed in Michigan.” Chebatoris was hanged in Milan at dawn on July 8, 1938.

During World War II, Tuttle sentenced a defendant convicted of treason to death. The defendant was German-born Max Stephan, a Detroit restaurant owner who assisted a Nazi pilot after his escape from a Canadian prisoner-of-war camp. Lieutenant Hans Peter Krug crossed the Detroit River in a rowboat and made contact with Stephan, who fed him, housed him, provided him with a prostitute and paid his bus fare to Chicago. Federal authorities captured Krug in San Antonio, and he testified against Stephan who was convicted of treason on July 2, 1942. Stephan was defiant, claiming Germany would save him. Conscious of the impact of Stephan’s crime during the war with Germany, Tuttle sentenced Stephan to death saying, “This Court does not hesitate to take the life of one traitor, if it, in turn, will help the just cause of the United States.”

Once again, Frank Murphy, now an Associate Justice of the U.S. Supreme Court, was appalled at Tuttle’s sentence. When the U.S. Supreme Court refused to intervene three separate times, Murphy appealed to President Roosevelt. His plea succeeded in the nick of time. On July 1, 1943, less than twelve hours before Stephan was to be executed, Roosevelt commuted Stephan’s sentence to life imprisonment. When he heard the news, Stephan wept uncontrollably and kissed the hands of his prison warden.

U.S. v. Gridley and Wright

After securing John Fonda’s freedom, Gridley took over Fonda’s cause, or his scam depending on one’s perspective. He published circulars representing to the heirs that he could recover millions for them. He even drew up a contract under which he would receive \$300,000 and the heirs would receive “not more than \$300,000.” The New York Supreme Court Appellate Division disbarred him for these activities on October 26, 1917, concluding that Gridley knew

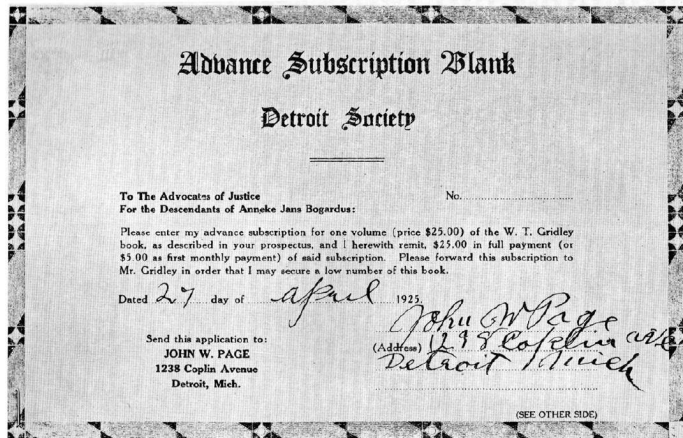
from the prior decisions that Trinity Church Corporation’s title to the land was incontrovertible.³⁹ Regardless, the National Bogardus Society retained Gridley as its legal advisor.⁴⁰ In that role, he met Mrs. Gladys Wright, the Society’s secretary, who would be his accomplice to the end.

Within a few years, the Society collapsed and disbanded. However, officers of the Michigan chapter brought Gridley and Wright to Detroit, where they embarked on a new strategy that accommodated Gridley’s inability to practice law. The Society began soliciting subscriptions from heirs to underwrite Gridley’s research and publication of book that would make the heirs’ case for Trinity Church Corporation’s land. Together, Gridley and Wright expanded the Society’s reach. Descent from Anneke Jans Bogardus was no longer a prerequisite. Anyone willing to contribute to the cause could share in the proceeds of the recovery Gridley suggested the heirs would ultimately obtain.⁴¹ The Society became the “Advocates for Justice for the Descendants of Anneke Jans Bogardus” and contributions arrived from all over the country. The Advocates enrolled more than 75,000 contributors; 3,000 in Michigan alone.

PLEDGE
_____ SOCIETY No.
TO—W. T. GRIDLEY, P. O. BOX 71, TIMES SQUARE STATION, NEW YORK CITY
SIR: This is to advise that I have enrolled as a member of the _____ Society No.
of the Advocates of Justice for the Descendants of Anneke Jans Bogardus, and have paid my membership fee for the book fund of \$25.00 to be forwarded to you, at the same time signing, on separate form, an advance subscription for a copy of the book to be published by you, giving the results of your five years' connection with the Bogardus matter, by reason of which connection, you were disbarred.
I understand the arrangement between you and the societies is that you are to retain fifteen per cent of the proceeds of the sale of the said book, and that eighty-five per cent, less the expenses of the publication, is to go into a fund to be turned over to a National Organization to be formed following the publication of said book; the first publication by the descendants giving their side of the controversy.
I further understand that the burden of financing the publication of this book, rests upon the shoulders of the descendants of A. J. B., and that the present movement to organize all sections of the country where there are descendants, is likewise the duty of the members of the different societies in the organization. To that end, therefore, I pledge my active co-operation and financial support to my society to effect a speedy organization of A. J. B. descendants.
Please send me promptly, upon receipt, acknowledgment of my membership fee for the book fund.
Dated _____ 192 _____
Name _____
Street _____
City _____ State _____
NONE BUT NEW MEMBERS MUST SIGN PLEDGE. Membership fees for book fund will be held here until signed pledge received. Pending the publication of the book, forget suit, settlements, case and the like, and do not allow anyone to inject either or any of these words into any discussion of the work of this organization, understanding at all times that the plan of this organization is the publication of a book, and refuse to discuss what you may do with the book after it is published.

Pledge Form For Advocates of Justice for the Descendants of Anneke Jans Bogardus

In late 1927, Assistant U.S. Attorney Frederick Gregory began investigating Gridley and Wright for mail fraud in connection with their solicitations.⁵⁸ At the time, Gridley enjoyed almost fanatical support in Detroit. On November 19, 1927, members of the Advocates held a meeting at the Masonic Temple and gave Gridley a tremendous ovation. They sang “God Bless Gridley” and “All Hail Gridley, We’re With You To The End.” But on March 2, 1928, a Detroit grand jury returned a six count indictment against Gridley and Wright for mail fraud.⁴² It accused the pair of using the mails to solicit over \$100,000 for the preparation of the book promised in the solicitations. By some estimates, the Advocates took in as much as a million dollars,⁴³ but Gridley never produced his book. Trial testimony suggested that Gridley intended to use some of the money to regain his law license.⁴⁴



Subscription form for subsidizing Gridley’s book

Judge Tuttle presided over the four-week jury trial which was “crowded with dramatic incidents.”⁴⁵ The defense cost likely exceeded \$100,000, spent on “large forces of trained investigators” and “a whole battery of attorneys.”⁴⁶ Dorothy “Daisy” Roen, an avid supporter of Gridley and Wright, attended most of the trial and made contact with several of the jurors.⁴⁷ She even introduced two of the women jurors to Mrs. Wright,⁴⁸ but to no avail. The trial concluded on March 15, 1929 and the jury deliberated only three hours before returning a guilty verdict at 7:30 P.M. Fifteen Bogardus heirs were in the courtroom. After the verdict, Tuttle questioned Gridley and Wright, who had not testified during the trial. It was “an unmerciful grilling”⁴⁹ that lasted two hours.

Gridley insisted that he had not defrauded his subscribers and had amassed 480 pages of notes and 250 pages of typewritten manuscript.⁵⁰

“Have you the manuscript for the book in court?” Tuttle demanded.

“I have not,” answered Gridley.

“Have you it anywhere?”

Gridley hesitated uncomfortably before answering.

“On that day that my counsel took the case he indicated that the manuscript would be presented in court. The organization that had been financing my defense served the demand on me to give them the manuscript. About 40 of them came to my room in the hotel and made the demand. I understand they burned it. I was overcome. They had a suspicion that I was going to give it up, that the contents would become public and destroy their investment.”

“How do you know it was burned?” Tuttle asked.

“They brought me the ashes later,” replied Gridley.

Tuttle demanded to know the names of those who had supposedly taken and destroyed the manuscript. Gridley refused to name them. Tuttle interrogated Wright but she too refused to offer any. Then, in fatigue and frustration, she gestured with her arm to the courtroom audience and said, “You call them and they will stand.”

Tuttle turned to the audience and said, “Anyone in this courtroom having anything to do with the burning of this manuscript stand up.”⁵¹ All fifteen of the Bogardus heirs stood. They admitted it had happened two weeks earlier – halfway through the trial – in the basement of the Fort Wayne Hotel.⁵²

Tuttle was irate. He questioned each of them and each, in turn, defiantly acknowledged having participated in burning the manuscript. Pauline Taylor, who had come from Los Angeles to attend the trial and testify on Gridley’s behalf, insisted she would do it again.⁵³

Tuttle sentenced Gridley to five years and Wright to four years. These were relatively severe sentences. Five years earlier, Tuttle had presided over the trial of Hamtramck Mayor Peter C. Jezewski who, along with the city's former police commissioner and a police lieutenant, had been convicted of participating in a "beer ring" in violation of Prohibition. Despite the notoriety of the case, Tuttle sentenced these defendants to two years each in Leavenworth.⁵⁴ Gridley would serve five years there and Wright would serve her four year sentence at the Federal Industrial Institute for Women at Alderson, West Virginia. Bond was set at \$15,000 for each of them.

Tuttle also sentenced Gridley, Wright and Daisy Roen to six months for contempt of court for their contact with jurors. He gave the other supporters a stern warning,⁵⁵ then directed Assistant U.S. District Attorney Gregory Frederick to initiate a grand jury investigation into whether to charge the others in court with contempt.⁵⁶

Gridley and Wright appealed without success. The Sixth Circuit affirmed the mail fraud convictions and the U.S. Supreme Court declined to review them. On March 19, 1931, Gridley and Wright said goodbye to a dozen crying supporters and reported to the federal building in Grand Rapids, where they had lived since the trial.⁵⁷

Epilogue

In 1930, Gridley published TRINITY! BREAK YE MY COMMANDMENTS?. He dedicated it to "the band of true, loyal and devoted friends, known as the Advocates of Justice for the Descendants of Anneke Jans Bogardus." The 2,500 published copies were distributed to subscribers and other Bogardus descendants. It is a tall, beautiful book, bound in brown leatherette with gilt embossing and dozens of folded tissue paper reproductions of historical documents and maps of old New York. Although poorly written – its five-page preface contains 90 rhetorical questions – it was Gridley's attempt at fulfilling his promise to the descendants and to explain in detail how he had been wrongfully convicted. Gridley had a high opinion of himself as a writer. He concluded the book with a section of poems he wrote about his mother, the holidays and a friend named "Hitchie."

Gridley's conviction did not faze some of his ardent supporters. The Historical Society of the U.S. District Court for the Eastern District of

Michigan has a copy of TRINITY! BREAK YE MY COMMANDMENTS? that Gridley inscribed to Jan Hibbard on March 10, 1931. Tucked within its pages is a March 30, 1931 letter she received from K. Brainard, who wrote,

Uncle Jay in his last letter said something about Mr. Gridley and Gladys Wright having to go to jail. I hope it isn't so, but if it is we are the reason. Trinity is a large corporation to buck, and I have been expecting something like this, only I thought they probably would take Mr. Gridley's life.

* * *

Mrs. Hibbard will you kindly make a note of the twenty dollars I paid just before coming here, the twenty five (I believe) I sent while I was working in Chicago, and the last twenty five I sent to Daisy Roen that I have not gotten a receipt for. I thank you Mrs. Hibbard. I cannot do much but God hates a quitter, and so do I.⁵⁸

After serving his sentence at Leavenworth, Gridley settled in Emporia, Kansas and died there on October 26, 1943. His obituary read, "Mr. Gridley, who formerly was a lawyer, had been retired for the past 12 years."⁵⁹

Judge Tuttle served on the federal bench for 32 years and was considered the dean of the Sixth Circuit judiciary in late 1944 when he took ill. On December 3, 1944, with his beloved daughters beside him, Judge Tuttle died at Henry Ford Hospital. He was laid to rest in his native Leslie, Michigan.⁶⁰ For 14 years, Tuttle had the satisfaction of knowing he had put an end to the Bogardus swindle. To date, there have been no published accounts of the scam recurring.⁶¹ ■

SPONSORS OF THE COURT LEGACY

In addition to paying individual membership dues, sponsors contribute \$500.00 per year toward the expenses of publishing *The Court Legacy*.

- Barris, Sott, Denn & Driker, P.L.L.C.
- Braun Kendrick Finkbeiner P.L.C.
- Butzel Long
- Dykema Gossett PLLC
- Honigman Miller Schwartz and Cohn LLP
- Miller, Canfield, Paddock and Stone, P.L.C.
- Pepper Hamilton LLP

End Notes

1. "Gridley Guilty, Given 5 Years," The Detroit News March 16, 1929, p. 5.
2. "Curtain Falls on Fraud Case as 2 Go to Jail," Detroit Free Press, March 21, 1931, p. 2.
3. W.T. Gridley, TRINITY! BREAK YE MY COMMANDMENTS? (Gridley, ed., 1930), p. 1.
4. "A Dutchwoman's Farm," New York Times, May 7, 1879, p. 8; Gridley, *supra* note 3.
5. Precise descriptions of the parcel boundaries vary. An 1879 description read "a tract between a line drawn near the north side of Warren Street, on the south, and Canal Street, or perhaps Desbrosses Street, on the north, bounded on the west by the Hudson River and on the east by a series of irregular lines west of Broadway." "A Dutchwoman's Farm," New York Times, May 7, 1879, p. 8.
6. "The Estate Of Anneke Jans," New York Times, July 20, 1877, p. 2; Gridley, *supra* note 3 at pp. 134-37 and Plates 39 and 39a.
7. Various accounts describe her as "buxom" although the basis of that description is unclear. *See e.g.* "A Dutchwoman's Farm," New York Times, May 7, 1879, p. 8; or "Curtain Falls on Fraud Case as 2 Go to Jail," Detroit Free Press, March 21, 1931, p. 2.
8. "The Estate Of Anneke Jans," New York Times, July 20, 1877, p. 2.
9. Gridley, *supra* note 3 at p. 3.
10. This confirmation has been lost but is referenced in one provided to her heirs in 1667. *See* note 18, below.
11. "The Estate Of Anneke Jans," New York Times, July 20, 1877, p. 2.
12. A. Veselenak, "Arthur J. Tuttle: 'Dean of the Federal Bench'" The Court Legacy, Historical Society for the United States District Court for the Eastern District of Michigan, April 1999, p.7.
13. Editor's note: The titles United States Attorney and United States District Attorney were used interchangeably as late as 1937. Homer Cummings & Carl McFarland, *Federal Justice*, (1937). United States Attorney was not used exclusively until after World War II. Source: AUSA Ross Parker (ret.).
14. "The Estate Of Anneke Jans," New York Times, July 20, 1877, p. 2.
15. This confirmation is reproduced in "The Anneke Jans Estate – Copy of the Original Record," New York Times, November 7, 1871, p. 5. Nichols's confirmation included a legal description of the property.
16. "A Dutchwoman's Farm," New York Times, May 7, 1879, p. 8.
17. "The Estate Of Anneke Jans," New York Times, July 20, 1877, p. 2.
18. "A Dutchwoman's Farm," New York Times, May 7, 1879, p. 8.
19. David McCullough, 1776, Simon & Schuster, 2005, pp. 124-125, citing I. N. Phelps Stokes, *The Iconography of Manhattan Island, 1498-1909*, I (New York: Arno Press, 1967) p. 862.
20. "A Dutchwoman's Farm," New York Times, May 7, 1879, p. 8.
21. "The Estate Of Anneke Jans," New York Times, July 20, 1877, p. 2.
22. *Id.* Other accounts name him "Dr. Kierstedt." *See* "A Dutchwoman's Farm," New York Times, May 7, 1879, p. 8.
23. "A Dutchwoman's Farm," New York Times, May 7, 1879, p. 8.
24. "The Estate Of Anneke Jans," New York Times, July 20, 1877, p. 2.
25. "'Estate Hunters' Are The Real Optimists," New York Times, September 11, 1927, p. X13.
26. *Id.* The American Drake heirs were undeterred by British decision vindicating Fuller's claim. By 1910, one Drake heirs society claimed the fortune.
27. *Id.* Some heirs received terms as generous as \$1 for every \$1,800 of estate proceeds.
28. "The Anneke Jans Delusion," New York Times, February 4, 1989, p. 4.
29. "Great Expectations," New York Times, April 7, 1898, taken from a March 31, 1898 Cleveland (Ohio) Leader article. Later evidence appears to have debunked the claim that Anneke Jans was William Prince of Orange's granddaughter. By 1927, two documents had been discovered showing Anneke Jans was the daughter of Tryn Jonas, a midwife sent to New Amsterdam by the Dutch West India Company. "'Estate Hunters' Are The Real Optimists," New York Times, September 11, 1927, p. X13.
30. "Trinity's \$4,000,000 Mortgage," New York Times, June 17, 1917, p. E2.
31. "Swindlers Revive Anneke Jans Fraud," New York Times, January 25, 1920, p. 15.
32. "Bogardus Swindlers Convicted," Detroit Free Press, March 16, 1929, p. 1.
33. "'Estate Hunters' Are The Real Optimists," New York Times, September 11, 1927, p. X13.
34. "Scions Of Bogardus Eject Woman As Spy," New York Times, April 25, 1926, p. 22.
35. Julius Chambers, *The Book of New York*, The Book of New York Company, 1912, p. 222.
36. "Anneke Jans Claim A Lure," New York Times, November 7, 1913, p. 18.
37. *See* "Bogardus Claim Case Now In Supreme Court," New York Times, February 18, 1931, p. 23; and "'Estate Hunters' Are The Real Optimists," New York Times, September 11, 1927, p. X13.
38. Veselenak, *supra* note 12 at p. 9.
39. "W.T. Gridley Disbarred," New York Times, October 27, 1917, p. 21.
40. "Bogardus Swindlers Convicted," Detroit Free Press, March 16, 1929, p. 2.
41. "Curtain Falls on Fraud Case as 2 Go to Jail," Detroit Free Press, March 21, 1931, p. 2.
42. Gridley, *supra* note 3 at pp. 567-73.
43. "Curtain Falls on Fraud Case as 2 Go to Jail," Detroit Free Press, March 21, 1931, p. 2. Gridley's estimate was \$27,000; "Gridley Guilty, Given 5 Years," The Detroit News, March 16, 1929, p. 5.
44. "Bogardus Swindlers Convicted," Detroit Free Press, March 16, 1929, p. 2.
45. "Duped Anneke Jans Heirs," New York Times, March 16, 1929, p. 9.
46. "Curtain Falls on Fraud Case as 2 Go to Jail," Detroit Free Press, March 21, 1931, p. 2.
47. "Bogardus Swindlers Convicted," Detroit Free Press, March 16, 1929, p. 2.
48. "Gridley Guilty, Given 5 Years," The Detroit News, March 16, 1929, p. 5.
49. "Bogardus Swindlers Convicted," Detroit Free Press, March 16, 1929, p. 2.
50. This account of Judge Tuttle's questioning is taken from "Gridley Guilty, Given 5 Years," The Detroit News, March 16, 1929, p. 5.
51. This quotation is from "Bogardus Swindlers Convicted," Detroit Free Press, March 16, 1929, p. 2.
52. "Gridley Guilty, Given 5 Years," The Detroit News, March 16, 1929, p. 5.
53. "Gridley Guilty, Given 5 Years," The Detroit News, March 16, 1929, p. 5.
54. Veselenak, *supra* note 12 at p. 8.
55. "Curtain Falls on Fraud Case as 2 Go to Jail," Detroit Free Press, March 21, 1931, p. 2.
56. "Bogardus Swindlers Convicted," Detroit Free Press, March 16, 1929, p. 2. The contempt sentences were overturned on appeal. The Sixth Circuit concluded that the supporters' intense emotions led them to behave in a manner that was technically a contempt of court but which did not deserve punishment. "Curtain Falls on Fraud Case as 2 Go to Jail," Detroit Free Press, March 21, 1931, p. 2.
57. "Curtain Falls on Fraud Case as 2 Go to Jail," Detroit Free Press, March 21, 1931, p. 2.
58. K. Brainard, March 30, 1931 letter to Mrs. Ralph Hibbard, pp. 1-2; obvious spelling and punctuation errors corrected.
59. Obituary, Emporia Gazette, October 26, 1943. *See also*, "Rites for Willis T. Gridley," Emporia Gazette, October 28, 1943.
60. Veselenak, *supra* note 12 at p. 10.
61. In 1931 and again in 1932, New York Governor Franklin D. Roosevelt issued general warnings against a similar scam concerning the purported "Buchanan Estate," which estate supposedly included the Trinity Church site, the Woolworth Building, the Times Building, Central Park and the Empire State Building. "Roosevelt Warns of Fraud in 'Buchanan Estate' Myth," New York Times, July 11, 1931; and "Roosevelt Warns Of Estate Swindle," New York Times, January 25, 1932, p. 11.

Questers and Supreme Court Historical Society Fund Portrait Restoration

On Wednesday, January 10, 2007, a ceremony was held in Judge Cleland's courtroom to receive grants from Grosse Pointe and Michigan Questers totaling \$6,400 for judges portrait restoration. The Michigan Supreme Court Historical Society also contributed \$2,500.

The Questers is an international organization founded 48 years ago to encourage the study of antiques, and to foster the preservation and restoration of historical landmarks.

The Michigan and Grosse Pointe chapters have adopted as a special interest the restoration of portraits of judges in the Theodore Levin U.S. Courthouse.

Representing the Court at the ceremony were Chief Judge Bernard A. Friedman and Judge Robert H. Cleland. The time-ravaged portraits of the first two judges of the Court, Ross Wilkins (1837-1870) and John W. Longyear (1870-1875) hang in Judge Cleland's courtroom.

Representing the Grosse Pointe chapter of Questers were Georgie LeDuc (who recently retired as Judge Cleland's judicial secretary), Carol Souter and Marlene Harle.

Wallace D. Riley represented the Michigan Supreme Court Historical Society. Michael Lavoie, Judy Christie and John Mayer represented the Historical Society for the United States District Court for the Eastern District of Michigan. Also present were Court Administrator David Weaver and Deputy Court Administrator Libby Smith and other staff members.

After a brief introduction by Chief Judge Friedman, Judge Cleland welcomed the group and told some stories about judges Wilkins and Longyear. Praising the enthusiasm of the Questers, he introduced Georgie LeDuc who told of how she had introduced the subject of portrait restoration to the group. After hearing Judy Christie speak on the two judges, the Questers made a field trip to the Courthouse to view the portraits. The group then decided to raise funds for the project by holding auctions of antiques contributed by members. The \$2,800 raised was augmented by a grant from the Michigan Questers of \$3,600. Ms. LeDuc said that the group was also going to apply for a national grant in 2008. She introduced the president of the Grosse Pointe Questers, Carol Souter, and the Parliamentarian, Marlene Harle, each of whom spoke briefly.



Standing before the portrait of Judge Ross Wilkins (1837-1870) are Chief Judge Bernard A. Friedman, Wallace D. Riley, Carol Souter, Judge Robert H. Cleland, Georgie LeDuc, Michael J. Lavoie and Marlene Harle.

Judge Cleland then introduced the President of the Michigan Supreme Court Historical Society, Wallace D. Riley, who presented a check for \$2,500 from the Society. Mr. Riley told about the founding of the Society which began 19 years ago when his wife, the late Chief Justice Dorothy Comstock Riley, discovered portraits of Supreme Court justices in storage and needing restoration. Founded for the purpose of raising money for portrait restoration, the Michigan Supreme Court Historical Society has grown to over 400 members today.

Michael Lavoie, President of the Historical Society of the United States District Court for the Eastern District of Michigan, accepted the checks and pledged that the Historical Society would ensure that the restoration is accomplished. ■

WANTED

The Society is endeavoring to acquire artifacts, memorabilia, photographs, literature or any other materials related to the history of the Court and its members. If any of our members, or others, have anything they would care to share with us, please contact the Acquisitions Committee at (313) 234-5049.

MEMBERSHIP APPLICATION

Annual membership dues:

(Complimentary to Federal Bar Association members)

- Professional/Member \$ 25.00
 Sustaining/Patron \$100.00
or more

Please make checks payable to:

Historical Society – U.S. District Court – E.D. Michigan

Mail to Historical Society, c/o Paula Hall, Butzel Long, PC,
150 W. Jefferson Ave., Suite 100, Detroit, MI 48226

Email: hallp@butzel.com

Telephone: (313) 225-7040; Fax: (313) 225-7080

Membership contributions to the Society are tax deductible
within the limits of the law.

Name: _____

Address: _____

City: _____

State/Zip Code: _____

Phone: _____
DAY EVENING

This membership is a gift from: _____

QUESTIONNAIRE

We would like to know about your interests and skills. Please
fill in this questionnaire and mail it with your membership fee.

Legal practice area *(if applicable)*:

Special interests in the field of legal history:

Yes, I would like to assist and/or actively participate in the
following of the Society's activities *(Check as many as may apply)*:

- Writing articles for the Society newsletter
 Conference planning
 Oral history
 Research in special topics in legal history
 Fund development for the Society
 Membership recruitment
 Archival preservation
 Exhibit preparation
 Educational programs
 Other *(please describe)*: _____

Suggestions for programs or projects:

THIS FORM MAY BE DUPLICATED AND SUBMITTED WITH YOUR MEMBERSHIP FEE

*The Historical Society
U.S. District Court
Theodore Levin U.S. Courthouse
Detroit, Michigan 48226*

U.S. POSTAGE PAID NON-PROFIT ORG. PENDING Permit #153 Wyandotte, MI
--