

John Jacob Astor

An Unwritten Chapter

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Preface

The publisher attempts to answer one question which has occupied many people for three quarters of a century. The Emerick family belonged to the early immigrants in America. They settled in New York and in Pennsylvania. Many of them fought in the Revolutionary War. Later they emigrated to Maryland, Virginia, Ohio, Indiana, and Illinois. When the West opened up, they followed the pioneer trek to the Pacific Coast. Now they are dwelling in 42 states (1936).

The most important member of the Emerick Family was John Nicholas Emerick.

During the time of the early settlers, he was a pioneer fur trader. During Astor's first trip to America he met the young John Jacob Astor. Since they were from the same country, a long friendship developed between them. Emerick interested Astor in the fur trade, and as soon as he arrived in New York and settled, he took up this trade. They worked together for a few years, which led to a partnership, that lasted for 29 years. The Emerick's of his generation were aware of this connection as well as about their success. After Emerick had died, he dropped out of the picture. Astor gained great wealth and great power in the fur trade. He came to be known as America's first millionaire as well as the richest man in the Nation. The old Emerick's are leaving the scene. The younger generations spread across the prairies, mining fields, into new areas, where they had lost the contact with John Nicholas and Astor. They seldom heard from their own relatives and friends.

Due to the case hearings, the publications, old suitcases were opened and checked for documents and papers. Books about Astor's life were read. History books were looked up for information on those early days. From coast to coast Emerick's inspected their old suitcases and inheritances. Older Emerick's, who were still alive, were asked, to get living proof as far back as possible. Several were over 80 years old, one of them even 90. The story of parties from over 150 years are hard to show. Many pieces of proof got lost, were destroyed, in attics and basements where they were stored to give way for new documents and files. This is the way they handle it with public registries. The material that surfaced during those searches is presented in this book.

Chapter I

From Village to Ship

There is nothing more interesting than studying the success of a great man. It is the material for great authors and biographers to describe his nationality, his ancestors, as well as his environment and upbringing. This all needs to be displayed to explain his success. The world wants to know the secrets which helped him to get above the people of his time.

Great men are found in each generation and era of the human race. They hover like big trees in the woods or look like mountains over the valleys. Amongst them you will find poets, writers, men of states, generals, and businessmen. They are the leaders on the way to civilization. Every nation has produced their great men. Books were written about them, in their honor, monuments were built, cities and towns were named after them. They were to show humanity the way upward. These people are being honored by all countries and nations, they have influenced the nations positively. They are the arrows for the humans to point upward. America is no exception. The life of a great man is shown in each field. You cannot separate America from Washington, Jefferson, Madison, Marshal, Lincoln, Edison, Lindbergh, and a number of other unique persons, where mentioning of their names would be a useless effort. Among the great business people it is John Jacob Astor. He is looked upon as the country's first millionaire. Lady Luck was good to him, when he set the basis for his wealth, which has outlived five generations, and still today (1936) is considered a large fortune. There must have been a terrific amount of talent in such a man, to produce such a work of art. His life had been studied over 3/4 of a century from every point of view, analyzed and explained. One had to research the secrets of his success which earned him such a place in history. Great biographers wrote volumes about his

career as a businessman, and they also told their opinions about his success. Perhaps the most accurate biographer was James Parton who wrote about Astor's life in 1865. He was almost around at Astor's times, and he had access to facts and information, which was no longer available to other biographers. When he wrote his book, *W. B. Astor*, the son of the founder of the Astor empire, was still alive. For more than 25 years he was co-owner of his father's business. He was the one to give Parton information no longer available later. So Parton, when he wrote his book, had by far the best information available. Astor biographers mention his name, but in his book, as well as books written afterwards, one chapter is missing. There is a certain secrecy about his life, and that remains unexplained. The missing chapter are the years of youth of John Jacob Astor.

In a biography the years of youth are not without meaning. Walldorf, Germany was a little, unimportant village southeast of the Rhine River valley. Here four sons of Jacob Astor and his very frugal (thrifty) and hard-working wife were born: George Peter Astor in the year 1752, Henry Astor, in the year 1754, John Milchion Astor, in the year 1759, and John Jacob Astor was born on July 17, 1763. Sad to say, all of them did not spend their early years in a happy warm family setting. The father, John Jacob was definitely the opposite of his four sons as far as their later life went. He was a lazy irresponsible butcher, who loved his beer, and he seldom cared about the poverty and hunger of his family. It may sound strange that in a butcher's family there was almost always hunger present. But it must be stated, that at this time each farmer had a pig, a calf, or an ox which he raised for the holidays. That was the custom of the country. During those years, John Jacob Astor went from house to house to slaughter the animals and prepare everything for the feast. Then the tables were set richly, and there was no exception in the Astor family. However, unfortunately, these feasts were scarce since there were only a few during the year. So you cannot talk about a carefree life. In addition, the careless home butcher from Walldorf, used the little money he earned for himself. His industrious wife put him into place as much as she could, and she must have told her careless husband off now and then. This in turn caused strife in the household, and all of this created a very poor impression for the children.

This is how it was when George left his parents' home to go to London. Henry soon followed him, but instead of going to London, he took the journey to New York. It may be assumed that he got to this route by being a soldier in the Hessian army. John Melchion accepted work somewhere else in his home country and left his parents and his youngest brother. The youngest of the siblings, who was stuck in the unfortunate living, had to remain in the poor life.

It was not long until the departure of the brothers, when the mother died, the only real love the little German had experienced. This must have been a big blow for the little fellow, because whenever he could experience a happy hour during his life, he could thank his dear mother for it. It definitely had to be different with his father. Nobody knows how much he missed his wife. But it is known that he remarried after her death. But it was an unfortunate choice. The arguing which was a daily thing with his first wife was very mild compared to the bitter insults and arguing with his second wife. Despite of all the fighting the family increased. But the income did not. A few stepsisters were born, but they all had little if any influence on the life of the first American Millionaire. Be it that he did all in his mind to protect them from the hurts he knew so well.

John Jacob, when he turned 15, felt much like his brothers, that Walldorf was not the place for him to stay. Some outside influences may have been there, but the most important was the receiving of mail from his brothers. They told about their success and how they made a living. This helped him decide to emigrate to the land of his dreams, the New World, to the fast developing United States of America.

Another reason was that he had nothing to look forward to. Again and again his father tried to convince him to learn the butcher trade, but the young German would not even consider it. Walldorf could not offer him anything, and in contrast, the "new land" had everything to offer. So the last of the four sons of the poor home butcher Jacob Astor prepared - not influenced by his father's threats - to say goodbye to his old home. He only had a little pack of clothes, tied to a cane, in his pocket he had two five shilling pieces. So he went on foot towards the Rhine. Parton describes his departure and an interesting incident from that time, drawing this picture.

Manly he trotted out the village, with tears in his eyes and a cry in his throat Because he loved his father, his friends, and his hometown, even though his fate had been a poor one there. He still could see Walldorf, and he sat down under a tree, thought about his future, and he thought about the friends he left behind. Here he made three resolutions, as he later tended to tell, to be honest, to be

industrious, and not to become a gambler; Three excellent resolutions.

Having arrived at the Rhine River, John Jacob started going downwards the river to Holland. From Holland his trip took him to London, where he thought George could help him to get to America. His brother did do that, inasmuch he helped him find a job in the Broadwood Musical Factory. Since his arrival in London, that is where George had found a job. The pay was small, and it took almost two years until he had accumulated the money for the voyage. It was to be a trip by sea which had to play an important role and actually at the same time was to be the major event in his life.

All he owned while going on the boat - a couple of flutes which his brother had advised him to take along in case he would encounter financial difficulties upon his arrival in America, the clothes on his back, a few English guineas which he had saved painstakingly, this is how he approached the "New Country". Here we must remind you that John Jacob Astor, due to the arguing and the frustrations from home, had remained a young boy without an education who could hardly speak the best German let alone the English language.

This was the picture of John Jacob Astor, the millionaire, when he turned his back on England in 1783.

Chapter II

Emmerich and Astor Meeting Aboard the Ship *and the Unwritten Chapter About Astor's Life*

As soon as young Astor boarded the ship, a strong storm broke loose and raged from one side of the Atlantic to the other. The storm raged for months, the ship turned, the bad weather threw and drew the waves, so that the ship hardly could advance on its course. For all of those who were not used to travel the High Seas, it was an upsetting adventure. The storms howled, blue waves at one moment tossed the ship high up into the air, and next into another wave and down, thundering and lightning with all its fury - this was the experience for John Jacob Astor and his co-passengers - during the first journey across the ocean.

The fearful, friendless, young Astor was overwhelmed, of course, upset and confused about the hardships of his journey. He asked himself whether he might have taken the wrong steps. Should he have stayed in London? And then, what was he to do after coming ashore? First of all, he should go to his brother in New York City to ask for help, but what in case he could not find any help there, what then? This new country, which he approached, how would it look? As it perhaps the land he envisioned?

Had he learned the English language well enough to become one of the "new peoples"? While John Jacob Astor asked himself those questions, he became acquainted with another German aboard the ship, his name was John Nicholas Emerick. Since until then he more or less kept to himself because of his inability to communicate freely with others, he was more than happy to have met Emerick. Not only was he a man he spoke fluently German as well as English, but he had come from the same country as he was, from Germany. Astor opened up to his new friend, told him what he was up to do, and why he had come to America. They discussed their social past, they talked about the old and the new world.

John Nicholas Emerick, however, was not a stranger to America. For 14 years already, he had arranged his life here, and he had settled down in the Fur Trading Business. Astor got more interested in his newfound acquaintance. This journey was a trip back from the London Market, where he had sold fur. He was ten years older than Astor, and he could tell him about the country that was to become his future. This awakened a new interest in him and freed him from his depression and quiet way, despite his stressful situation. He became to find new hope, and now the journey became joyful, despite storms and high waves.

The storm raged on and on, that was the fate of the ship. Finally, it seemed that they were to reach the hoped for land. But all of the passengers were to be deeply disappointed. When they reached the Chesapeake Bay in 1784, they faced strong, cold weather, and the water in the bay was frozen. They tried to find the protective harbor, but whatever they tried, the ice blocked the ship.

This was a great disappointment, for they were held here for another 24 hours, after already being 3 months late for their arrival. And here their ship was now firmly stuck in the ice.

Even though this was an appointment for others, this fact proved to be the most valuable and fortunate event in Astor's life. During those cold wintry days, aboard the ship, this is where Emerick and Astor became true friends. Now Emerick was the teacher and showed in detail to Astor what the fur trading business was all about. He showed him the possibilities of such a well-operating business, and how he got to be involved, the gains he had made through it, how to get into trading with the Indians, he also talked about how a young man without much money could have a future in this. He further told him how he had started his business, and he advised Astor to take up this type of business for himself. Astor listened eagerly, asked questions, and was so interested and so impressed by this man, so that in fact he started aboard the ship to learn the fur trading business.. When Astor left London, he had no ideas, nor any inkling about a business, but when he arrived in New York he knew exactly what he was going to do. For two months they were stuck in the Bay, they talked everything over, which for the young immigrant was of the utmost importance.

Now the question surfaces: ***Who in the world was this Emerick?***

If he had such an influence on Astor's life, why was he not talked about? The fact is, he drew our attention to such a degree, his identity had been hidden by all biographers in such a careful manner, that it took a hundred years to discover this controversy. No source could provide a complete and satisfying biography about Astor's success without involving his life with the "stranger", the "German", "Astor's friend," his companion at sea," and his partner.

John Nicholas Emerick came, in contrast to Astor, from a well-to-do family; the history of the Emerick's dates back to the 15th century. Wide and near this family was known. Even in our time, there is a town Emmerich and the founding of this town leads back to this family. As fate has its way, we can see John Jacob Astor walk through the streets of Emmerich on his way to London. When he passed this beautiful town, he had no idea that it was founded by the forefathers of his future business partner. Just the same, John Emerick, his grandfather who died in 1772, was a well known innkeeper in Darmstadt, which then was under the reign of the Grand Duke of Hessen, and which was the residence of the Grand Duke Louis I. This inn was so well known and so perfectly situated, so that counts and barons of all parts of Germany met there and held great feasts. For generations, this old known house was one of the historical sights of Darmstadt.

One of John Emerick's (the innkeeper's) children was John Daniel who was John Nicholas' (the fur trader's) father. The family of John Daniel was blessed with four children, three boys and a girl: John Nicholas, born April 3, 1749, John Christopher, born October 5, 1751, John Valentine, born March 7, 1753, and Marie Mary, born February 15, 1755.

It is interesting to compare the younger years and point out their differences between John Nicholas and John Jacob Astor. John Nicholas was the first son of John Daniel and his wife, while Astor was the youngest child. Certainly the lifestyles in their families were different as well. Although the Emerick family was not one of the richest, but nevertheless well to do, there was no lack of money. John Nicholas was blessed with one of the finest mothers, any boy could ever call his own. A mother which influenced him with such a fine religious heritage, so that he could express it still later in his life. Even around the time of his death the fruits of his mother's love and leading by his mother in the Lutheran faith must have still been part of this man's life, for in this recently discovered suitcase (1936) they found his will and other documents, and such books as the family and "Angelic Harp", yes also one of the first hymns by John Wesley. (Those two probably had met, that was the time when John Wesley roamed the country on horseback and preached all over the place.)

But just like Astor, he and his brothers were not spared the blows of fate. He was six years old when his mother died during the birth of her daughter Marie Mary. There hovered a dark cloud over the family, which filled each family member with a deep sorrow. John Daniel was so shocked by this sudden disaster, that he almost lost his faith in the future. He was in a desperate position: here was a man with four small children, the oldest just had turned 6, and now no more mother! He only saw one possibility; so he soon remarried. To "forget" the death of his first wife, he moved to Hannover. This is where the three young boys grew up.

At this time, Hannover. was the capital of the province of Hannover. This was an independent kingdom in Germany which surrounded 14,000 miles (4 quadrat miles). Hannover was one of the richest provinces in Germany, and was under British rule for about 123 years. Also, at the time John Daniel moved to Hannover with his family it was under British reign, and almost solely traded with

England and America. Therefore it can be well understood why John Nicholas yearned for the New country when he was 21 years old. Besides neither he nor his brothers cared much about the stepmother. The on going talk about democracy gave him new hope, and in 1770 we find John Nicholas on his way to America. It was at the same time while John Jacob Astor still strolled through the streets of Walldorf.

When he had got established, he realized that his hopes were not unfounded. Here was a land that offered everything to a young man - adventure, romantic, and possibilities for success. from three of the leading branches of employment, industry, woodwork, fishing, and fur trading, he chose the latter. So it came to pass that John Nicholas Emerick became one of the pioneers in fur trading. He traveled a lot, and took a lot of furs bought from the Indians, to England. Once again he had brought furs to the English Market and made a great profit, when he boarded the ship on which Astor had entrusted his future.

John Nicholas Emerick is not an unknown person to Astor's biographers. But for some reason his name never appears. The authors mention him as "the friend," "the associate," the "teacher" and "fur trader" incognito. Why these biographers practice such piety in reference of his name, whereas they proclaim his deeds, is unknown. This seems strange, even in reference to a dead man. If he could reappear and was able to read what some authors said about him, and how they failed to include his name in their reports, it most likely would be a big surprise to him. His story was not told. It compares to the Sun behind a shadow, a fire which cannot be seen due to heat. A person's name remains secretly hidden in the biography of John Jacob Astor. It is like a monument without the inscriptions. In order to do justice to John Nicholas Emerick as well as to history, one would have to give his name a place alongside John Jacob Astor. Parton wrote a chapter in his "Life of John Jacob Astor" and Gebhard mentions him in a very descriptive way, and his deeds are mentioned in encyclopedias as well.

Parton writes the following in Chapter VI, pages 30 and 31:

America showed the young immigrant a cold welcome. The winter of 1783/1784 was a very severe one on both sides of the ocean. The stormy blows of the wind during November and December, really raging around the ship, caused its delay, so that it got to be January before they reached Chesapeake Bay. Everywhere, there were pieces of floating ice, and the storm in January really pressed the ship into these masses of ice, and the ship was actually being endangered of breaking apart. When the ship had approached the harbor, still with a distance of one day's journey, the wind stopped, it got colder, and the next morning, the ship was blocked in an icy ocean. Two full months passed, and it was impossible for the ship to move on its own. The food supplies diminished. The passengers felt a relief at first when they saw that the ice went all the way to the coast. And as far as they were in physically good shape, they could try to connect with other ships. Some passengers made their way by foot to the coast, and then traveled inland towards home. Our young adventurer could not do such a thing, so he had no choice but to remain on the ship.

Luck is an unpredictable fury which supports the strong but overlooks the weak. Just those most terrible days during those two months were the cause to help the young Astor to his fortune in the shortest and easiest way that America had to offer the poor man. Amongst his companions was a German. He got acquainted with him during the journey, and he stuck with him as long as the winter weather continued. They told one another of their past, they exchanged their present plans, they discussed their hopes for the future. The stranger described how he emigrated to America, that at the time he had no friends and no money. Then he told that he soon began to do business with the Indians which was with the fur trade, and he was told by boaters about the settlements along the rivers which went to New York.

In time, he had all his money invested in skins and furs, and he took them again to England. There they could be sold with great gain, and for the trip back he invested in toys and cheap trinkets of jewelry, to continue his business in the wilderness. He urged Astor to follow his example. He even

informed him about the prices he asked for his merchandise. With the likable ways of a German, he told him all the secrets of his trade, showed him where to buy, how to pack, how the transport follows and how to treat the hides. He told him the names of the big trading houses in New York, Montreal and London. And he also reported at what time of the year the furs were plentiful. To say it briefly, when John Jacob Astor arrived in New York, he hurried not to lose any time in trying his hand in such a profitable business.

"In March the ice broke. The ship traveled to Baltimore, and both friends traveled together to New York. The long unanticipated stay on the ice, and now the journey to New York took almost all of Astor's means. He came into the city, where now his goods amount to about 40 million dollars, with hardly more than his flutes from Germany and his long German head full of gained knowledge, and with a determination. Right away he went to his brother Henry, a jovial and friendly soul. He received a real brotherly and hearty welcome just as did his traveling companion."

On page 34 he says:

"The next day he and his brother and his friend went on the way to the warehouse of Robert Bowne, an old and generous Quaker, who had been familiar with the buying, treating and the export of furs for some time. And just perchance he was looking for a helper in his business."

This is a lively description, how the two men found each other and how the journey to America took place. It contains the dramatic side, which was mentioned. Gebhard, who also wrote a biography about Astor, knew to tell about another fact which Parton did not mention. Nobody knew better about the circumstances of the journey which brought these two men together and which proved to have such an influence on their future.

Gebhard writes on page 47:

"He learned his trade amidst an icy bay. The ship captured in ice was the classroom, and his teacher was a travel companion acquainted with him by circumstance."

Then he continues:

"A little notebook, where he jotted down notes which his traveling companion gave him, and this is still in possession of the Astor family."

Britannica Encyclopedia writes about Astor:

"He emigrated to America in 1783 and settled down in New York. During the journey he became acquainted with another passenger and fur trader, upon whose advice he got into the same business."

These authors give a lively description of the journey and the circumstances of these two men. However, they do not say who the other passenger and Astor's friend was, they do not mention this, nor do they seem to know. John Nicholas Emerick does not dwell on the dramatic side of his experience in his report. But he gives the fact which the other writers dramatize.

He writes:

"A journey overseas in 1783 with a cargo of furs, landed in Chesapeake Bay in January 1784, am bringing the book along during the journey. March 19, 1874, John Emerick."

The book mentioned here is the family bible. He must have visited his relatives during the journey and gotten the book, because it is a German bible from the year 1735, and it contains family dates in the German language. On one of the leaves of the book is a description of the journey. He writes that he traveled to London with a cargo of furs, and on the way back he encountered stormy weather. Because they had to stay in the bay for two months, and could not get on land until March 19, 1784.

Another report in a book which is called the family book (a religious book, published by Philipp Dodderidge) reads:

"January 1784. I am bringing John Jacob Astor, we were trapped in ice for two months. In March, I am taking him to New York, he has no money, 7 flutes, I am teaching him the fur trade, took him to Bowne." John N. Emerick

In his way of giving a short report, he tells the whole history which Parton and Gebhard told in their descriptive ways. He said that he brought John Jacob Astor to America in January 1784, and that they were blocked in the ice for two months, in March he took him along to New York, without any money, only with seven flutes. He taught him the trade, as well as buying, packaging, transportation and the working of the hides. He shared with him how much the furs sold for, also the markets and seasons of the year when the furs could best be gotten. No newcomer could have done that. It took years to find out this knowledge about the trade and to get really familiar with the material. He spoke from his own experience without which nobody could have taught him the trade, as Parton calls it. Gebhard says he attended a school while being in the bay, and he made Astor to Astor before he even put his foot on American soil. When he left the ship, he had a head full of knowledge.

These authors described Astor's life and gave a portrait of his life. They paid justice to the friend by saying that he taught the youngster the trade so well, and they give him the honor by saying that he led him to the journey of his luck. But when the journey at sea had ended, Emerick disappears from view, and the friend is mentioned just once. This friend and his ideas were suppressed and hidden from view. With the interest in the great man described, he was totally ignored. When they left England, the young Astor knew nothing about the country he was going to. He had no idea of what he was going to do there. He had no job in mind, waiting for him. He had no idea of any possibilities; he looked at America as the land of hope, and he was willing to take his chances there rather than in London, or even in his little home town. In this situation, he met the friend, and on the cloud, a rainbow appeared. If hitting such luck would not evoke the best in him, he could not have done anything else. He could not feel lost in the New World, could not be afraid to get caught up with strangers, or to leave his life to chance.

The door for great possibilities opened the future for him. Andrew Carnegie, John D. Rockefeller, Henry Ford or Edison did not have these chances in their younger years. They were forced to come up with their own ideas, and then to plan their way to success. It was totally different with Astor. In the dark clouds, he could see the silver lining, with a pot full of gold at the end.

Young people are looking for such an opportunity, and after finding one, they take up the courage, and this helps their desire. Under such circumstances they will not fail their goal. Without this, their talents could be lost. America was a land of freedom which people were longing for, to flee from the old welt of oppression, caste feeling and the military system; besides it was land of possibilities. The first immigrants looked for a place where they could practice their faith with their own conscience. They were looking for freedom in spirit and soul. Material riches did not attract them. They built churches, started schools and stood for free administration in their communities. They were the sowers of freedom in the life of the settlers, which led to the Boston Tea Party, to the Revolutionary War. Historical landmarks in the move for freedom in North America. Emerick had arrived when this spirit indwelled the immigrants. These people were not so much interested in the riches of the new country, they just wanted to be free people.

This was no longer the case when Astor arrived in America. A new day had dawned. The fight for freedom had already been carried out, and it was won. The echo of the victory still sounded in the ears of the people on the streets, the town of 25000 residents, which from now on should be their new home. A new flag waved from the buildings and proclaimed to all people that a new people had taken its place among all the nations of the earth. The British had pulled their flag back and moved back across the ocean to their old home. This is probably how Emerick explained these facts to Astor. There was enough time during their journey at sea. America was the land of unlimited opportunities. Such a future appealed to young Astor to give him the desire and courage for his life. Henry (Astor's brother) was in America: he had arrived with the Hessians and remained after the end of the war. All he knew was the butcher trade he had acquired at his father's house in Walldorf. So he opened a store in New York.

He had just started his business and could not offer his brother anything upon his arrival. Can you imagine Astor's start under such circumstances in America without Emerick, and you see the picture which Parton had drawn. Henry knew nothing about the fur trade. Emerick and John went to Henry's home to talk about their future. Emerick explained the fur trade to both youngsters. He suggested to look up Mr. Bowne, an old fur expert whom he knew in town, to ask for a job for John Jacob. After a few days this goal was reached. Bowne said he could use a helper but he could not pay more than two dollars a week, but he was willing to provide free food and lodging. Astor was thrilled to take the offer. It meant making a livelihood, and an opportunity to really master the trade, of which Emerick had so urgingly spoken. Emerick not only influenced him during the journey, he also in addition helped him to obtain his first job in America.

The land and its opportunities had impressed John Nicholas Emerick tremendously. After he was in America for only a short time, he wrote to his brothers that they should come to him. In 1771 he wrote to his father: "My wealth is so great, and it would grow greater if Christoph would come. He told him he had a friend named Matherson. He would come in the spring, and he would like Christoph to emigrate with him. And again in 1772 he wrote "Matherson writes to me that Christoph will come next year with Uncle Conrad and his son Andreas. I could use him now but I am willing to wait." Christoph arrived that year and wrote to Valentine that he should follow him as well. "I am happy that you will be coming. Our brother John Nicholas does good business with the fur trade, and has been on the go for four months." It is not known what these brothers did in America, but they spent their whole life in the new land to which they had immigrated. In 1785 Valentine wrote to his father :Brother Nicholas has arranged everything with John Astor, and we do not hear from him." It is obvious that they did not participate in their brother's business. Later on Ann Emerick came and settled in Philadelphia. We shall hear more from her later.

When we hear more about these two men, they are already partners .

Chapter III Emerick and Astor are Partners

Astor worked for Robert Bowne for about two years. He started his job there in March 1784 and stayed there until 1785, to the time when he took up his job with Emerick. He worked for Emerick for a year before they became partners. Shortly before his death, Emerick wrote the following note:

March 1815

Thirty-one years ago I brought John Jacob Astor from Baltimore to New York, and there to Bowne, with his flutes and without any money. In 1786 and 1787 he worked well. I made him my partner with one third.

Parton says that Astor left Bowne in the year 1786. He further states that he worked for himself and with a bundle on his back traveled through the country to sell furs. This way, he traveled through the whole state of New York. During this time, he says, he had a partner who generally stayed in town, while he, the swift and enduring Astor, traveled through the wilderness. (Chapter VIII). What he means is that Astor left Bowne and started in the business of his own with a partner. This partner was John Nicholas Emerick. They had a written contract of partnership. At this time, Astor was a newcomer in the business. Although he had two years of experience, he could not yet understand a whole lot about the material, but Emerick did not fail to notice that he was a useful and goal-oriented man, whom he could depend on, therefore the partnership came into being. Astor could not bring much money into the company. To make up for this he offered his own person.. He had had his job with Bowne, but only for payment of two dollars per week with food and lodging. With this income, he was not able to save much, this even would not have been possible to do in two years, had he received a higher salary. Emerick had been in the trade for ten years and knew the fur trade well enough to instruct Astor in 1784. Astor was just a beginner, and therefore, viewing the circumstances they agreed, that Emerick should receive two thirds of the profit, and Astor one third.

The contract sounded like this:

"The contract about the agreement states:

that we, the undersigned have founded a company with its seat in New York. The profits of the said partnership are to be distributed in the following manner: for John N. Emerick 2/3, and for Astor 1/3. We agreed that we will dedicate or pay honest attention to our business.

This agreement is valid for all business transactions, which each of both undersigned undertakes, that is in fur trade, and transportation, in goods, or in any other business transaction in which the company is involved.

This is witnessed by the signatures and seal.
June 20

John N. Emerick (seal)

John Jacob Astor (seal)

A family-document given to Governor Roosevelt from the 18th century:

Eagle Bureau
Capital Building

Notice:

During this time the custom was to rip the document of a contract. Legally valid documents were created in such a way during this time. This is how a contract was set up. It is a legally valid document. There were no typewriters and no carbon paper either. Therefore we think that both parties received a copy (handwritten) of the document.

This was the safest way against fraud and deceit. Both documents were ripped. Often it was the signature, the date, or a corner of the papers.

Albany, February 19

- two parchment documents were shown to Governor Roosevelt about a possession which once was ownership of his ancestors in the lower part of Manhattan, which was known 150 years ago as the Leather Swamp. These were recently obtained by Henry Gorfin, a Brooklyn realtor and brought to Albany.

One document carries a date from the year 1774 and writes part of property in Manhattan, which originally belonged to Andrew Berckley, from Jacobus Roosevelt to Isaak Roosevelt. The mentioned first owner Berckley was one of the signers of the Declaration of Independence.

The charge was 50 dollars. The attorney present with this business was Hugh Wallace, rights counselor to King George III.

The other document came from the year 1793; it gives the same property to James Roosevelt, the great grandfather of the governor, for a payment of 5 shillings. Richard Varick, New York City's first mayor witnessed the signatures on the document. Benjamin Finkel a lawyer from Brooklyn who accompanied Gorfin to Albany, explained the fact that the document was torn into two pieces, so that - as it was common during that time, such documents were prepared twice, then both papers were torn in half, so that the original and duplicate due to the irregular tears in the parchment could be identified.

The contract was written by Emerick and signed by both partners.

Perhaps this was the first document which John Jacob Astor had signed in business matters. Now he was occupied to become partner of a business and not an employee of another person. He now was 24 years old and in America for the last three years. He had progressed tremendously since he left home. That had been seven years ago. He by now was working in the fur trade long enough to realize that he could do the trade, and he intended to make a career of it. It was his luck that he became acquainted with a traveling partner who had advised him to get into this branch of business.

It proved to be a hard task, to open ways through the woods, to deal with uncultivated people, and to transport the hides to New York. There were no regular roads leading through the wilderness. You had to follow Indian paths and transport the hides by carts or by canoes downward the rivers to New York. Emerick stayed in the business rooms and offices in New York and prepared the furs for shipment to the markets. He was familiar with the prices this would bring in. And he knew as well at which time of the year you could get the best possible prices. Both men were closely connected. John Nicholas Emerick made friendships and paid attention to social matters. He took Astor to some business friends he knew well.

In September 1779, Ann Emerick came to America and lived in Philadelphia. John Nicholas, and his brothers Christopher and Valentine visited her often. During the first eleven years while she was in America, she kept a diary, where she noted certain events.

Friday, March 10, 1780

It is very difficult for me to get used to being here and to learn the foreign language. Today I am more afraid than ever. Although I know a few words, but it is not enough to communicate with other people.

July 10, 1781

I was lucky. My brother Valentine introduced me to Mr. David Ashley. All I know about him is that he has good manners and made a good impression. He comes from a well respected Scottish family. I am very proud of him.

November 7

Tomorrow will be the best day of my life. I will become David's wife. I am overjoyed with tears. David is my idol and he makes the impression of becoming a good husband. Life is sweet - I could praise the heavens."

Friday, November 9

"In Philadelphia, David's father's house, Mr. Thomas Ashley, the wedding took place yesterday. Pastor Wilhelm Allen did the wedding ceremony. Some of our friends and relatives were present. My brothers Christopher and John Nicholas Emerick, as well as David's siblings, John Isiah and Mary Ashley, were present.

April 5, 1784

"Today my brother John Nicholas visited me. He returned from a journey to London where he sold furs. He is very upset about the journey because of the last two months due to the ice."

Sunday, May 16, 1784

David decided to go along with my brother Nicholas to buy furs at the Hudson Bay. For me it is a hard thing, because I will have to take care of the family until his return. He figures that he will be away for two months.

Tuesday, January 1, 1788

"It is two o'clock in the morning now, and all friends have left to go home. We celebrated New Years Eve. But my brother and his friend Astor want to spend the night. We had a nice holiday together, there was much fun when the old year departed and the new began.

Sunday, September 19, 1789

"Tomorrow my brother John Nicholas Emerick and his partner, Mr. John Jacob Astor, will be having lunch with me. Both are very successful in the fur trade, and they will be very rich men in the future. Now I am working to prepare everything before both arrive.

John Nicholas was involved with the fur trade, and when she saw Astor for the first time he was introduced as a friend. They stayed in her home to celebrate New Year's. Later she was visited by them and she knew then that they were business partners. They had lunch in her house, but left shortly afterwards to ship a load of furs to London. This happened in the year 1789.

When they visited and ate at her place, they had been partners for three years. She had the impression that they were successful and would become rich some day if they continued their business with the same efforts.

Emerick and her husband traveled to the Hudson Bay which was far from Philadelphia. The trip took two months. The partnership lasted until the death of Emerick. The place of the company was in New York City. Emerick was on a business trip to Philadelphia, when he visited Baltheus Emerick. Baltheus lived at 234 High Street, where he had a bakery. Both knew each other well. As you will read further, Emerick died in Baltheus' house.

He wrote a note about his life as follows:

Description of his life

He was very generous. John Nicholas Emerick was born in Germany.

He came as a poor man to this country. He made his fortune. He took a young German, John Jacob Astor, who had not a cent to his name in 1784, and he took him from Baltimore to New York with him. He introduced him to Mr. Bowne; later, in 1787 he made him to 1/3 partner in his business; he left his fortune to the trusteeship of Astor to be given to the descendants of Christopher and Valentine.

Most of the time he spent in New York where his business was located. During the last years he stayed with the business and John J. worked outside. This is shown from his papers and descriptions which he left with me, and this is a true copy. " And I am sending this document together with the suitcase, just as he left it here where he came and also died.

December 28, 1816

B. Emerick, Philadelphia, Penn."

It is unknown how much money these two men accumulated. During the first years of their company, there were no banks. In fact, until the death of John Nicholas Emerick, business people were not used to do their business via banks. Astor opened a bank account with Manhattan Bank in New York City in the year 1798. His account at this bank held \$4,000 during the first few years. He did his first investment in property in 1793, when he bought two lots on Bowery Lane for \$625. And this happened in the same year when he and Emerick visited Ann Emerick. About this, she said, that both had advanced very successfully with the fur trade and that they would get quite wealthy if they kept on being so successful. Astor invested more amounts, between 200 and 500 dollars. Without doubt, these moneys came from the gains of the common business. It is quite amazing to find out, that his bank account grew from \$4,000 in 1801 to \$500,000 during the same year. Despite the tremendous growth of his bank account, his properties increased as well. It shows that \$750,000 were in real estate. It is unknown, and will remain a secret, how his account grew so much all of a sudden. A jump of \$4,000 per year to \$500,000 in the fur trade during such a short time is puzzling.

There is no equal to such a jump. New York was a city of 25,000 residents when these changes in Astor's life took place. How he managed this, and how he got into all that money, would have puzzled a biographer. It does not matter, how his wealth grew so much, it could not bring about a change with Emerick and the company's relationship, because they still were partners, bound by the contract, with one third for Astor, and two thirds for Emerick.

Something else is interesting when you study both men: It is their hand writing. Emerick wrote beautifully. It was noticed that his letters were uniform, and that he left a margin on each line. One of the most remarkable characteristics in his writing was the "J", although there were no changes in his signature. Astor's writing was sloppy and with a lot of scroll work. He did not care about the spelling, and he did not worry about punctuation. Contrary to Emerick, he did his signature in many different ways. A certain way of his writing was that he put the \$ sign behind the number, nobody other than Astor did that. He wrote his name with a listing right angular "r" whereas at other times he used the round version of writing it. All this shows a distinct difference between his handwriting and that of Emerick. Despite these characteristics and differences between these two men, there was a mutual attraction, which had gone into effect while they were still strangers on the boat. Therefore it was quite natural that if a business opportunity had opened up for them, they would have taken it up. Emerick had proclaimed the advantages of the fur trade so well, that John Jacob could not have easily forgotten it.

This is proven by the fact that after two years' work at Bowne, Astor had become convinced that his future rested on his friend's advice. This is why he looked for better opportunities and better possibilities. He realized that Bowne could not offer him the same chances for success. It is true that

Bowne found a way of making a good living with his fur trade, but he could not offer the energetic young goal-oriented man the great field he was looking for. Astor immediately thought about Emerick and did not hesitate for a moment to talk to him about his future. This was the second time that Emerick intervened at a critical point in time. Emerick was 37 years old at the time, he was in the best years of his life and he enjoyed the remarkable success with his business. Not only did he remember the young German, but he was so impressed by his progress that he took Astor with him in his business. After he had worked for Emerick for one year, the latter was convinced that this man could represent profit for him, even though he had nothing to offer but himself. Therefore Astor became a one-third partner in the existing business. And so Astor had gotten the great opportunity. He found the field of his dreams with a trade he loved, and he was in business with a man whom he had to respect highly. It is almost impossible that this all could happen within three years. He was not a self-made man, as the biographers seem to describe the young emigrant who came to America with seven flutes and no money. From the biographers' points of view it could seem likely, but the presence of events in the background, coloring the picture differently, and this the biographers overlooked. Nobody needs to take pain to describe Astor's success. Nobody doubts that Astor had certain unusual abilities, therewith the old German determination, and his iron drive to succeed. But to him a hand was extended, which was not available to most of the young people trying to find their way upward. This circumstance explains a lot in his life which did not get the proper attention.

Be it stated that these circumstances do not try to take away from Astor's success, but contrary they do add to it. But not only, that Emerick has been left out of the story totally, but there were other strange secrets which had not come to light. All biographers have their explanation for the finding of Captain Kidd's treasure, to the bribery of the Indians. Others report that his sudden riches had their source in the selling of the furs at the Chinese Market, where great riches were to be gained. It is obviously a fact, that all these circumstances would have been unexplainable, had Emerick's presence not been in the background. He was not a shadow figure, of one of many people whom Astor had met in his business life. He was the first partner of the young man, and in fact, he remained his partner for the rest of his life. Not only was he a partner, but after Emerick's death, all of the fortune was entrusted to Astor.

After Emerick's death the business experienced its greatest expansion. The young Astor continued the development and growth of the business in such a measure, that he became known as one of the greatest fur traders on the North American continent. No longer did he trot through swampy woods, he no longer took loads of fur to London, now he was the leader, who directed boats and had employees from coast to coast, from ocean to ocean. The business was continued like this until 1834 when he discontinued it as a result to the industrial revolution which excluded the fur trade as a major source of profits. Emerick had been dead for 18 years by then. Astor's place stood among the most powerful. It was a long way from the journey across the ocean where he had become acquainted with Emerick. Everything Emerick had ever owned come into the trusteeship of the young man whom he helped to be somebody!

Chapter IV

Emerick's Death and His Trusteeship-Fortune

John Nicholas Emerick died on December 16, 1816 in Baltheus Emerick's house, located at 234 High Street, Philadelphia, Penn. The cause of his death was a stroke he had suffered shortly after departing from a ship. He came from a business house in New York City, the main location of the Company. His death and burial documents read as follows:

December 18, 1816 Philadelphia, Penn.

John Nicholas Emerick, 234 High Street, died from a stroke on December 16, 1816 at the age of 75, he was laid out in the Ebern-Church. C. R. Hagen, Walsh

John Nicholas Emerick died on December 16, 1816, and was buried on December 18, 1816. The funeral service took place at the house of Baltheus Emerick, High Street 234, Philadelphia, Penn where he had been living for many years. He found his last resting place at the Lutheran Cemetery in Philadelphia. Rev. A.C. Walsh.

In order to make these short notices understandable to the reader, a short overview should point to the existing circumstances at that time. Philadelphia and New York were two of the marketing centers along the central Atlantic coast. They were the major points for shipping. Big businesses had their seats in those cities; also, they were the most important seats of government. Before the roads were built, traffic took place on horseback, with stage coaches and wagons. The best locations promoted a quick growth of these cities. Emerick as well as other business people felt that these cities accommodated their interest well. During those years, they were also the center for the fur trade. When he met with his death, he had been on a business trip to Philadelphia. After the stroke, he had regained consciousness and discussed his business matters with Baltheus. He entrusted him with the task to send his suitcase with important valuable papers to Georg Emerick. This one lived in Lysander, New York, and he had known him for many years. There even had been a time when George had worked for him. Since Nicholas Emerick was single and had no close relatives, when he suddenly took ill, he asked that his personal belongings should be sent to George. During that time, Christopher lived in New York, close to George's home. John Nicholas thought that Christopher was an old man as well, and that he had not too many more years to live. Therefore he found it safer to leave his belongings and will to George.

John Nicholas Emerick lived with Baltheus whenever he came to Philadelphia in business matters. For many years this had become his custom. It was quite natural that a man in Emerick's situation and without the possibility to stay in a hotel, he took room and board from a man he knew well. On his deathbed he asked that he would be buried in Philadelphia. Baltheus knew that John Nicholas and Astor were partners; he also knew a lot about the business. But he did not know George Emerick to whom he was to send the suitcase.

The reason for that was that George lived in New York, but he was a baker in Philadelphia. Shortly after the burial, Baltheus drew a short note about John Nicholas' life and death. Since he did not know the degree of relation with John Emerick and George, he thought the latter was his nephew. In compliance with John Nicholas, who died on the 16th and was buried on the 18th of December, he sent the suitcase exactly ten days after the burial.

George was born in Columbus County, New York in the year 1792. John Nicholas and John Jacob Astor traveled through this part of the country several times when they went up the Hudson River to buy and ship furs. Not only Emerick had friends in this country, for Astor also visited Rev. Gerhard frequently who also had come from Walldorf and was a preacher for the Dutch Reformed Church in Ghent. When George turned 13, his family moved to Lysander, Onondago County, where he met his wife Nancy Rose whom he married in 1816. William B. Astor, John Jacob's oldest son was about the same age as George, and both probably had gotten to know one another when he was still working for John Nicholas. It was not possible to find out any details about their friendship. William B. attended schools in Germany for several years, and did not return until shortly before Emerick's death. In 1815 he took up a job with his father, and that should show that he had known Emerick.

Because of his age and his failing health, John Nicholas Emerick had been seriously considering what would become of his wealth after his death. As a consequence, he made three resolutions, which are told briefly, however, they had a big influence on the future of his wealth.

In one process which had been conducted because of certain phases of his trust, the Missouri Supreme Court spoke praising words about the good judgment and vision. (Deacon vs. St. Louis Union Trust Co. 197 S.W.261). Emerick knew everything about his business so well when he wrote down the above mentioned documents. After he regained his health, he took the time, to work up other important documents which are to follow. Secondly, he prepared two documents which were the same in language and expression of thoughts. He had made a serious and worldwide decision. For the first time he mentions the trusteeship for 90 years. He talks about the value of his possessions; he explains how it was put together, besides he wrote a short life history of his partner and his dealings and where his interests were in the partnership fortune. It was planned for people in his opinion who would not know anything after 90 years of his death, what had been going on.

Another serious situation turns up. After Emerick had decided to leave his wealth in trusteeship with Astor and his descendants, he started noticing changes in Astor's life. In later years it proved that his observations were true. He said:

"Since I am afraid that Astor is not the man I thought him to be at the time, when I made him one-third partner, I am leaving documents in my suitcase, to protect my belongings and my possessions".

The reason for these precautions was that he instructed his heirs, to keep their eyes on their heritage, since he would not be around for their protection, when his fears came true.

What Emerick predicted, happened. The business grew in such proportions, so that it became the greatest during that time. But with the growth of his business, Astor's behavior changed. He became like a tyrant, a stingy person, and as it is shown in his biography, a rough person as well. He was reckless regardless of friend or foe. Parton says "The contents of his riches became his bible. He overlooked it with pride, and he watched it grow with a quiet and deep joy from month to month. The love for his possessions grew with age, and it possessed him like a tyrant.

When he possessed millions at the age of 50, at the age of 60 his millions possessed him. This sketch was drawn from a document. It is a fact that he bought Medref Eden Farm for \$25,000 which is worth (1936 when book was written) today \$20,000,000, Casine Farm for 23,000, with about the same value, the Morris properties which were spread though out the state of New York and brought thousands of dollars at the cost of the farmers and owners. He bought up mortgages and canceled them, and he watched the auctions of the same. He had a keen eye for that as well as the possessions of the economically weak.

During the bad years of 1836/37, the misfortune of so many became his well of fortune. No man of great riches was as much accused by biographers as John Jacob Astor. In his book 'History of Great American Wealth, Augustus Meyers accuses him of all crimes suggested in the English language. Bribery, Fraud, Theft. He is portrayed as a gold-hungry man. All his interests came from greed. For the voice of love thy neighbor, he had deaf ears. The love for his fatherland ended with the \$. His wealth froze his good characteristics which he had displayed in younger years, when he extended his hands for riches.

Emerick's observations and fears had a good reason. One can only feel sorry that he did not live long enough to change his will. The changes in Astor's life showed up with all their consequences only after Emerick's death. For him, it must have been a bitter feeling that the same young man whom he had taken along - whom he had met during a miserable situation, and in his misery, that he could forget the man whom he had been in partnership with for 29 years.

To show his emotions about this, the following documents say:

a). With this I declare, that I, John Nicholas Emerick, two-thirds partner-owner, and partner, that my possessions will go into trusteeship for 90 years to my partner John Jacob Astor. After that time, all my possessions, together with their gains, shall be given to the descendants of my two brothers Christopher and Valentine, and they shall be distributed among them. The said heirs shall be found every ten years via publications until they are found and the required measurements have been taken.

Further, I state that John Jacob Astor was a poor boy when I loaned him money. Furthermore, I say, that my wealth is estimated to be about \$1 million, that I count ships as my own, 35 acres of land in New York City - partially within the present borders of the city, I own 4000 acres of land in the coal area of Berks County/Penn. which borders on the possessions of Stephan Girard, with whom I had business relations at some time. I also own 3000 acres within the city of Germantown, and other parcels of lots. I have other legal documents mapped out, since I am afraid that Astor is not the man I had believed him to be when I made him my partner.

I am leaving those documents in my suitcase, to protect my possessions.

October 24, 1815

Germantown, Penn. John Nicholas Emerick (seal)

I transferred my possessions to the true hands of John Jacob Astor for the trusteeship to be given to the descendants of Christopher and Valentine.

When father sent me money to share with my brothers Christopher and Valentine, I did not share it, but I bought land, 35 acres in New York, 4000 acres in Pennsylvania, and this all with my money. Later all of this shall be going to the descendants of Christopher and Valentine.

Upstairs, in my leather container, I have documents. My impression about John Jacob Astor, my partner, has changed, which I want to write down here black on white. You shall know that I accumulated \$1 million. I have no debts.

November 16, 1816 John Nicholas Emerick (seal)

Be it known that these were not documents or testaments, but only papers which were to serve as clarifications about his possessions and about his relationship with Astor. Just about at the same time he wrote his last will and testament. This was a correct legal document, witnessed by Daniel Lord, Astor's doctor. Many facts which are contained in other documents are missing here. The trusteeship for 90 years, the value of the estate, object of his legacies, the names of the trustees, and the executor of the will are contained in it.

It was written four months before his death. Whether he intended to change his will, as Lucinda Jones reports, and then he died, before he had the opportunity to do so, or whether he thought that all precautions had been taken to protect the interest of his heirs, in case difficulties came up, it cannot be proven anymore. He may have also had the point of view that his trust and faith he had bestowed upon his partner were of such a holy trust and binding that no human being could forget. To take over such a responsibility is just as serious as on the other hand, to entrust someone.

But this is not all that has anything to do with it. Astor was left the benefit of the Emerick estate, so that business would remain healthy. In his opinion this should have been respected so much to not forget him when he was no longer alive. John Nicholas Emerick had decided to handle it in such a manner, and he did not want to change his decisions. Whether death came too soon, or whether he would not have judged it differently, to keep the contract going, it does not change anything with the result. He left his estate with Astor for 90 years. After he died, there was nothing that could have been changed about it.

Be it also known that the court felt that the Emerick's contract was in order, and the court did everything in its power to stop the Emerick heirs from interfering with the time span of 90 years. This came with the decision of the surrogate court in 1849. The last will and testament is given here with the full text so that the reader can follow when he starts the next chapter. It reads:

In the name of God, be it known to all:

I, John Nicholas Emerick from the city of Philadelphia, am preparing and proclaiming my last will and testament on the fourth day of August in the year of the Lord 1816.

I, two-thirds owner and partner of John Jacob Astor, have entrusted my estate to the trusteeship of John Jacob Astor and his heirs for 90 years.

After this span of time, I am giving my estate and all gains thereof to the descendants of my brothers Christopher Emerick and Valentine Emerick, the said heirs are to be searched for via ads every ten years, until they are all found so my will can be followed up on.

I own \$1 million, 35 acres of land, partially within the present limits of the city of New York, 4,000 acres of land in Berks County, Penn., which borders on the estate of Stephen Girard, 3,000 acres, partially located in the city of Germantown. The annual income of our business is huge. I am asking trustees and executors of my will, that in case of the fulfillment time of my will, any known heirs of Christopher and Valentine cannot be found, that such should be looked for via adds for a period of three months, and that after that time, the will should get into force with all known heirs of Christopher and Valentine. Further, I proclaim that after such time, if other people claim to be descendants of Christopher and Valentine want to cash in on the inheritance, that these people will get \$1 each. Further I state that a sum of no more than \$15,000 is to be paid to the Astor estate wherefore this amount is being paid for expenses encountered to the Astor estate.

I have documented this by putting my signature and my seal here on August 4 in the year of the Lord 1816.

John Nicholas Emerick (seal)

Witness - Daniel Lord, New York, August 4, 1816

Chapter V

The Examination of Emerick's Last Will and Testament and the Surrogate Court's Decision

John Nicholas Emerick died in the year 1816. Before his death he wrote a last will and testament and left his estate to the trusteeship of John Jacob Astor and his descendants for the duration of 90 years. He gives his reasons why he handled it in such a way. They are shown in letters and documentations. He and Astor were partners over a long span of time, and they established their own big business. The business interests of both were tightly woven together, and the country was recovering after the war of 1812 when all business transactions were frozen. He wrote to Christopher with the following words:

"John Jacob, my partner is a good man, and rather than ruining the business for him, I will leave my estate with him in trust, so that it can be divided up later."

The interests of the business were heavily on his mind when he wrote his last will and testament, and when he gave the reason for the trust. It also had been observed that he and his brothers for some reason did not get along. In correspondence between him and his father, as well in all his papers, nothing was ever mentioned that they were in any kind of business relations with him. He urged them to come to America, and he put emphasis on Christopher to jump in with him in the fur business. For some reason no cooperation in this work took place. In 1781, Valentine wrote to his father. We have not heard from John Nicholas Emerick. We work by ourselves." And then again he wrote "Our brother Nicholas has arranged everything with J. J. Astor, and we do not hear from him any longer". This was four years later.

So, it came to pass that John Nicholas when he wrote his last will and testament, he did not supply them with any kind of embursement or profit. It is to be assumed that he thought about all this and that he also discussed this with Astor.

The document shows this. He named the receivers of his legacy, he commanded how much Astor should be paid for executing the will after the trusteeship had expired. and what people should be getting who would come for their portions without having been mentioned in his last will. In 1816, the year of his death, he estimated the value of his estate to be \$1 million. There is no doubt that he paid great attention to every detail and was looking for the best possible advice while writing it all down.

People regard their last will and testament as a holy document. This is also the case with the courts. The needs and the wishes of the owner are protected, and as far as they do not interfere with common politics, good moral standards, and the law, they will be carried out. During that time, when Emerick wrote down his last will and testament, trusteeships and lifelong endowments were not paid attention to as it is today. America was a young Republic, and people cared more about their estates for which they had worked so hard than about which legal formalities in regards to their planning could arise. Life and business was simple, and people did not encounter all sorts of difficulties as we do today in the time of industrialization.

They were rural people, problems of life were simpler, and people were able to trust one another. There were no bank safes for people at that time, no merging of companies, nor other conveniences as we know them today. The man at this time also did not have a place for his documents for safekeeping. Those papers were kept in suitcases, or there was another easily accessible place found. Emerick kept his papers in his suitcase, as you have seen before; in order to protect important documents from loss, they were placed on top inside of the suitcase. A place to keep them in was a tobacco box or the linings of clothing. One also could place documents inside of books in the suitcase.

In other papers which were found, Emerick had mentioned this. He took every possible precaution, a careful and wise person would take in such circumstances.

He also told Baltheus where the papers were, and he asked him, to write to George and tell him where he kept his documents. When George later had the suitcase, he knew immediately where John Nicholas had kept his papers, and why they were there. The papers and documents were not kept in a secret place so that nobody could find them and where there was danger that they would never be found again. They had to be kept safe, so that the heirs later would have them at the right time.

In the year 1844, George Emerick and his family moved to Walworth County, Wisconsin; it was in the area of Milwaukee, and it could be called a new country. At the time when he moved there, many people along the Atlantic coast and the southern states started a great migration. They rode on ox carts, rode on horseback, walked by foot in treks to the new places of the Central West., and then to the far west. Properties were cheap, they could build wooden barracks on them, as well as barns with thatched roofs, and without spending a lot of money, they could make their living. When the children had grown up, there was enough opportunity for them to do the same.

George Emerick knew this. He had a large family with boys and girls who were growing up. He wanted to give them opportunities in this new country which he had not had in Lysander. At first the journey took them down the lake, and after crossing the marsh was continued on ox carts to the new home. Amongst his belongings was the old suitcase with the documents of his uncle John Nicholas Emerick which he had entrusted to him during his hour of death. The connection and relationship with John Jacob Astor, he was aware of, he knew about the partnership. He was familiar with the business profits of both men, as well as the precautions the deceased had taken in reference to his estate, at his death. John Nicholas did not give these documents and the suitcase to a stranger; he was a man in whom he had put his trust. In fact, he had already worked for him, and he knew as well why it was him who had been entrusted with the suitcase.

He knew William B. Astor, John Jacob Astor's son, who would some day be the successor of his father. John Nicholas Emerick had a great deal of wisdom, tact, and business judgment to not give these documents to someone he could not have trusted. A man who knew how to make \$1 million, would never act in such a manner if he was not totally convinced, that an eye was constantly kept on his possessions. The documents were a way to protect in case of unforeseen circumstances, which could have arisen during the 90 years.

90 years was a long time, and the heirs of this inheritance had not been born yet. This proves good judgment and a keen sense of a businessman. Not all documents were given to his partner. Without any doubt, John Astor had copies of all papers which were sent to George; however it would have shown a lack of vision, had he given everything to Astor. George died in the year 1849, four years after he had moved to his new home. He was a young man, only 55 years old. It is not known how thoroughly he had discussed this matter in respect to the John Nicholas Emerick inheritance with his children. But it is a known fact, that during those days parents did not discuss private as well as business matters with their children.

Perhaps during their years while they were growing up, he may have given them some explanations, he may have mentioned the amount of the estate, including the existing trusteeship, and about the agreement that had been made with Astor, and also that the wealth could not be distributed for a long time. This is an assumption given from experience in everyday living. Nevertheless, Nancy Emerick, his wife, knew John Nicholas Emerick as well as about his wealth. She was aware of his connections with John Jacob Astor and the trusteeship.. She knew about these facts, and she also knew why the suitcase had been sent to her husband. After her husband's death, she watched over the suitcase and she kept it until her death in 1882.

After George's death, the responsibility came to her and her sons. They were in no position to be envied. They had 80 (morgen) acres of rough land from which they had to make their living. The sons probably felt their responsibility to take over where their father left off. They went to their mother and discussed their needs with her, and they would have liked to know whether a way could be found to get a little from the money John Nicholas Emerick had left. This would have meant a great relief in their situation. While reading the papers, they realized that the will had not been probated anywhere, not that their father had done anything with the papers after receiving them and the suitcase. The sons

figured that perhaps something could be done for their situation if they explained their case to the courts. Their mother insisted that nothing could be done in this situation. So they started heated arguments with the result that they traveled to New York City despite their mother's objections. On September 6, 1849 they appeared with the documents of John Nicholas Emerick in front of the Surrogate Court. A hearing was held, documentation was taken, and a decision was passed. This decision said that no division could be done until the 90 year trusteeship had ended.

It was a big blow for the boys, but they received a witnessed copy of this decision. Now they knew that because of this decision, they could not do anything, now other family members would understand what had taken place, and also what they had to expect. It would have been a difficult task for the sons to explain what had been said at court, or what had happened. Perhaps they were advised to ask for the witnessed copy in order to avoid later confusion. Halfheartedly and with disappointment, they returned home. Their trip had not paid off.

Here they had hoped to receive some money which they were so much in need of at this time. On the 30th of the same month, they arrived back home. They had experienced a lot, they received a document but no money. Now they had to look for other sources. They agreed that the future on their 80 acres had little or nothing to offer, and they looked for a different income and other possibilities. The gold rush in California had started, and thousands of people traveled in their covered wagons across the prairies and further across the mountains of the West. George William joined a family named Reeves, but he stopped in Montana where he lived until his death. Lynus joined the procession to the gold fields, and he arrived in California. Before he started his trip, two things happened:

1. Lynus wrote a short note into one of the books in the old suitcase where he informed his mother where the papers remained which he had taken to New York. This is about the documents which he had taken to the Surrogate Court and which had been returned to him after the hearing. It was important to him that his mother knew where the papers could be found.

2. Lucinda, his oldest sister, wanted that Lynus should leave the papers (which he had received in New York) with her. He refused to do that. Then she insisted that she should get a copy of the papers. Bitter words had been exchanged about this matter as can be seen from the footnote on the copied document which she received from him. In fear of someone being able to question the validity of the copy, she had her sister sign as a witness. Before Lynus departed, he wrote this short notice:

December 2, 1849

Mother forgave Bill, he went with the Reeves family. All of the documents are in the books. The court decision is with me. - Lynus

It appears that Bill and his mother had argued, and he had left the house in anger. This proved true in years to come. Bill, as Lynus called him became a rich sheep farmer in Montana. After he left home in 1849 for Montana, he no longer stayed in touch with his mother. When she died 33 years later, he refused to accept the telegram announcing her death. This is how bitter the feelings between him and his mother had become because of the disappointments grown from the trip to New York. When Lynus wrote the short memo, he was so upset, so that he did not include everything he had intended to. Therefore, he added a few more lines in the same book, saying:

"The decision states that the matters with the inheritance would have to wait until the trusteeship with the Astor's will have expired. - Lynus

He refused to give her the copy he held. He refused to explain his reasons. Perhaps it went back to the complaints his mother had voiced when they returned from New York. They went despite her objections, and when they upon their return did not bring any results nor financial help, then she knew that the money for trip was wasted, and now they would be worse off than before their journey. She had a lot of grief due to the loss of her husband, added to this came the financial problems, and she needed every cent. Now there were new added problems, the money was lost, a financial result had not been achieved, and all of this was made worse by the thoughtlessness of both of her sons who had not listened to her advice. It was under these circumstances that George William and Lynus left home.

Since Lynus refused to give a copy of the court document to Lucinda, she talked him into having a copy made of his own. Not quite willing, and under protest, he agreed. She prepared his copy, but did not adopt every detail mentioned therein. The most important points were captured, e.g. the description of Surrogate Court, the names of the judges, the date, and other important dates. Her sister was present and signed the copy as a witness. It read:

"State of New York, Surrogate Court.

In matters of the estate of John Nicholas Emerick, the deceased, Court's decision about final case.

Today Lynus Emerick, heir and next of kin appeared in front of the court and presented the last will and testament, the trusteeship, documents to recognize it and he came to talk about the inheritance and the rights of the law."

By the court, it was decided after examining the documents etc. and that they were recognized by the court in every aspect, that the trusteeship is in John Jacob Astor's hands and in those of his heirs, and they were ordered that it was their responsibility to divide the wealth among the heirs or to their lawful guardians after duration of the trusteeship without being reminded by the courts. So documented during court on September 6, 1849.

For the courts, Alexander Bratford, Judge.

"Copy created via Lucinda Jones

September 30, 1849 under protest and with difficulties.

Mary Emerick, witness.

You can see that the copy is not complete in some points. Lucinda mentions her reasons for that. Lynus was thick-headed, angry, and he did not agree that she should have a copy in her hands. This annoyed him and he was about to leave.

After both sons had left home, Nancy Emerick sold the farm and moved to Eau Clair County in the northwest of the state. Here was a blooming industry in forestry. Her husband dead, the sons had left, she could not do anything with her 80 acres. During all of this time she was upset that she could not find anything out from the trustees as far as John Nicholas Emerick's estate was concerned. She was aware of the responsibility she carried on her shoulders after her husband's death. On the other hand, she was unaware of what steps to take in connection with this matter. She discussed this matter with Lucinda. They agreed to ask a lawyer.

Alexander Meggett, a young attorney in Eau Claire was their lawyer. They visited him. The papers regarding the estate were with them when they went. They discussed everything; the journey of her sons George William and Lynus to New York in 1849, the steps that had been taken, and also the documents they had received. Meggett decided to discuss this matter also with Lynus who had just returned from the west. After he had listened to all they knew, and after the report Lynus had given, the best solution seemed to be to travel to New York to check out the facts; by now 14 years had passed since Lynus and Bill had appeared there. Since then no one had heard anything about the inheritance. Both agreed to the suggestion, they got the money for the trip together; this happened in 1863.

Meggett went to New York, and since he did not know the city, nor the courts, or how to obtain information in matters for which he had taken the trip in the first place, he went to see William B. Astor. He definitely assumed that this was the trustee for the Emerick inheritance. His clients had informed him about that. Now it showed up that Astor worked with him, and both got to be close acquaintances. This lasted for many years. After discussion the topic with W. B. Astor, Meggett left him and looked at the documents he found in Surrogate Court. After he received this information, he was ready to return to Eau Claire to report to his clients. He reported what he had seen and researched and about the condition the estate was in. He also knew about the document, he had looked at during his visit to Surrogate Court, that the estate could not be divided or touched until the trusteeship had ended. It was

the same Lynus had found in his documents, but now they had the information from an attorney. This was somewhat more satisfying, and without doubt, Meggett was able to present this matter so clearly so that they all were able to understand it. Nancy was satisfied. She felt that the responsibility resting on her shoulders would have a good ending. As far as she understood the matter, one could not expect more. She was a conscientious woman, firm in her faith, and she wanted to be sure that she had done her duties.

This journey meant allot to Meggett. Clients who went to him for advice in minor matters, realized that he had become a happy man since he had come to know a prominent man. This journey had become the start to riches for him, also to success and to a large group of acquaintances; an opportunity any attorney would be proud of. Later on he traveled to New York City many times, and he was reimbursed for his expenses. Besides he earned large honorariums. He sat at the table with the richest man on earth. He and Astor had endless correspondence going about the Emerick possessions. It shall be shown that during the same year, the roots were planted for his riches when he took the first trip in reference to Emerick heirs- as he called it- to New York City. William B. Astor recognized him as their rightful advocate, in his correspondence with him, as well as his personal visits, and he paid him off. Everyone who knew about the greed of William B. Astor, would never accuse him to be a generous hospitable host to a small town attorney if it had cost the Astor estate anything. All authors bring this up. Some of the letters follow:

a) Alexander Meggett New York City, New York

Eau Claire, Wisconsin April 23, 1866

Dear Sir:

I have received your notes regarding the Emerick heirs, or rather the rights of the Emerick's. My office will take care of these matters.

Your truly, Wm. B. Astor"

b) Alexander Meggett New York City, NY

Eau Claire, Wisconsin June 20, 1868

Dear Sir!

"In answering your letter of the 2nd of this month, I would like to say that you should stop in our office upon your arrival in New York, and you shall receive the amount agreed upon. Bring the copy which Lucinda is keeping.

Yours truly, Wm. B. Astor"

c) Alexander Meggett New York City, NY

Eau Claire, Wisc. June 26, 1872

Dear Sir!

"In answering your recent letter, I would like to say, stop by our office in New York upon your arrival, and you shall be paid in full.

Yours truly, Wm. B. Astor."

It is obvious that these letters are kept short, but they are in regards to the Emerick rights question and to the monies that were paid for Meggett's services. It was the assumption that he as the attorney was entitled to these since he would look out for the Emerick interests. Astor was interested in the copy Lucinda held, and he said, bring the copy which Lucinda has. He wanted to know about the contents

of the copy. Without doubt he had discussed the document with Meggett. Before Meggett received the copy from Lucinda he had to give her a receipt. This read:

"March 10, 1868 EauClaire,Wisc.

Today I received a copy of the Court decision from Lucinda Jones. This was given to the Emerick heirs and their brother Lynus from the Surrogate Court in the matters Emerick vs. Astor. It was handed to Emerick in the year 1849. For my professional services in the interest of the heirs. The copy is to be given back to them. From my personal knowledge and from talking to Lynus Emerick, as well as checking the Surrogate-Court-Book, where the court decision has been documented by the Surrogate regarding the problems about the estate of John Nicholas Emerick or his heirs and the steps to be taken after the trusteeship runs out. All this shows me definitely that these claims in this case are valid.
Alexander Meggett, Attorney

Here you can see that the receipt was given after Meggett had taken the trip in 1866 and before he traveled in 1868. During his meetings with Astor, the copy of Lucinda's document was discussed, and the old man was curious to see it as well. He did not know that she had a copy of this decision. Meggett asked Lucinda for it, but before she handed it over, she asked for a receipt. Meggett must have taken the copy to New York with him. It seems that the questions arose why he traveled to New York so frequently, and why he was able to get so much money. She could not understand all of that. Meggett marked it down on the receipt as lawful and professional services. But Lucinda was not satisfied with this explanation. She thought he just used this as an excuse so enrich himself while professing to act as Emerick's attorney. It shows that Meggett and Astor came to an agreement, because not only was Meggett paid for this trip, but above it, it was mentioned that he should receive a certain amount.

In his letter of June 26, 1872, Astor said "You shall be paid in full." This sentence should imply that there was an agreement between both parties. But Lucinda could not figure out what services he had performed. He had explained that neither he nor anyone else could do anything until the trusteeship had ended. Therefore, under these circumstances Lucinda could not understand which services he had performed to be of any service to the Emerick heirs.

This was the difficult part. William B. Astor died in 1873, and Meggett had taken his last trip in 1872. This speaks for itself.

Mr. Meggett died in 1907, this is the year when the trusteeship had expired. He was an old man and had not remained in touch with the Emerick heirs. Nancy and Lucinda had not seen him any more before they died. Nancy died in 1882, Lucinda died in 1901. Lucinda's last report from him came in 1890. He composed another document which said:

"September 4, 1890 EauClaire,Wisc.

The Emerick estate which is in true hands for the heirs by John Jacob Astor cannot be settled until the trusteeship has ended. Therefore the payment I received from the Astor's was paid for performed services. Alexander Meggett."

It shows that both men did not differ in their treatment in view of the given facts. Both agreed, that in legal matters for the Emerick's, this amount was paid, and without doubt, both regarded this position as the legal and valuable services. One was the trustee, and the other acted as the attorney for the estate. Lucinda could not look through these "tricks of the trade" and expressed her point of view in her unknowing ways. The following document shows her ideas. She wrote:

"My father George worked for John Nicholas Emerick and should have met with him in New York. John Nicholas took ill, just before the ship laid anchor; he was taken to the house of Baltheus, and shortly thereafter he died. During his stay in New York, he was about to change his papers. This is a strange death."

"After father's death, my brothers George William and Lynus took the papers to New York and received there (1849) a courts decision for the Emerick's. I gave a copy of the document to attorney

Meggett, which I had made. He took it to New York with him, and upon his return from New York, he was a rich man. He said it all had to do with the business. I did not accuse him for anything, and I also cannot do anything until the trusteeship runs out. August 12, 1900 - Lucinda Jones."

She had no way of understanding what had transpired, . She was aware that Meggett had taken many trips to New York, and that this all had taken place after he had been asked by them in 1863 to go to New York to look after the estate. The age of the three leading characters played an important role in this drama; Lucinda was 81 years old, when she wrote her memoirs, William B. Astor was 83 years old, when he wrote his memoirs in 1890. It was not about a bunch of young folks who gave their fresh ideas in such an important matter. William B. Astor must have felt justified to pay for Meggett's services, and Meggett calmed his conscience in saying he was performing a service which someone had to do to protect the rights of the Emerick's.

Lucinda was right in her opinion about Meggett. Documents show that in 1863 he bought a block of valuable properties in the then blooming town of Eau Claire, and then he had beautiful houses built on them,. He is known as block 6, which is located between Barton and River Streets, very close to the center of town. He bought the "Boston Flats", a large rental property, he had stores built, several houses, and a beautiful place for him and his family. He was a successful attorney and is still today remembered as a rich man by all residents of the city.

He encountered some misfortune as well. His house burned down, his wife and he separated, however, he owned enough money to lead a life of comfort. He borrowed \$15,000 at one time, another time \$5,000 and smaller amounts at other times. Since during the time so long ago, there were no bank drafts, it is impossible to follow up on Lucinda's complaints.

To give you an overview of the documentations mentioned, here they are summed up:

1. George William and Lynus Emerick, the sons of George and Nancy Emerick, took a trip to New York in September, 1849 and had the will of John Emerick legally probated. They received a courts decision for this action at the courts.
2. The responsible judge was Alexander W, Bradford, one of the most prominent lawyers of New York City who signed the courts decision.
3. It was September 30 when Lucinda Jones wrote the copy of the document which Lynus possessed. This was witnessed by her sister Mary Walworth, of Wisconsin was about 900 miles from New York City, and the sons had returned home on this date.
4. In December, Lynus wrote his short note in the book for his mother. At that time, George William had already migrated to the West.
5. The court's decision, or the copy, proclaimed John Jacob Astor or his heirs as the executors and trustees of the Emerick estate, and William B. Astor was the heir in the years of 1849 and 1863, 1866, 1868, and 1872; this is listed in letters and receipts.
6. It is to be noticed that there is no disagreement between both parties and what happened, as well as not about the dates of the drawing up of this, they are to exact to be questioned.

With these documentations the following interesting questions arise: "What do the documentations of the City of New York show? Do they recognize Lucinda, Meggett, and Lynus? This happens to be an interesting phase of the story. After examining the titles by a qualified licensed lawyer, the documentations at the Surrogate Court represent a strange matter. The book which Meggett had seen and examined in which he saw the decision, was hidden for many years. And when it showed up again, it was mutilated, and pages which contained the court's decision from 1849 were missing, just like the contents page. This is a very unfortunate situation and very embarrassing to surface, since the proofs regarding both parties had been documented and explained herein. The matter was so serious so that a written, sworn statement by the examiner of the files was demanded, and a photocopy of the book was created and kept.

You do not need the insight of a psychic or a card reader to determine that some dirty trick had been done to destroy these documentations. The book was hidden for 15 years or longer, and when it showed up again, the documentations of the years 1847-1850 had disappeared. The ones affected have the feeling like someone who comes upon a corpse. All he can say is "there is a corpse." That was all what could be said about the book.

"Here is the book" The sworn written statement of the examiner reads:

"Appendix D

"This document deals with all columns and pages (Acceptance of last will and testaments in decisions of the Surrogate Court in the State of New York)

"During my examination, as it is shown in Appendix C, I discovered that Book I from this series was not present, and I was informed about this by the chancelrey of said Surrogate, that as much as he knew - this contained a span of 20 years as an employee in the chancelrey of the Surrogate Court - that the said volume I of these series was missing for the last 15 years and lost, and not able to be found. The pages of said book contain the years of 1847-including 1850."

The book is called "Surrogate-Protocol" wherein the documentations of last wills and testaments of deceased partners are written down. The documentations were written on the cover inside of the book, these described the steps of the young boys from the prairies of Wisconsin in the year 1849. Further the story of Meggett where the words "While reading the document in the book" are contained.

There is a cloud of secrets hovering over this matter, which nobody will ever be able to explain. There ends the story of the two men which met in 1873 during strange circumstances. They knew each other for 33 years, and for 29 years they were business partners. And this one, his partner, the German boy, John Nicholas Emerick entrusted with his possessions. Now (1936) five generations have passed, the nation has spread across the continent, and where once millionaires lived, there are now multi-billionaires. Emerick died and was buried during the early days of the new nation. Astor died when the nation began to spread, and five generations enjoyed the fruits of his labor. The secrets which are connected to the estates and possessions of these two men will probably never be known to the generations of this earth.

Christopher Emerick, the brother of John Nicholas, says on his 80th birthday, while looking at the old family bible, the document in the suitcase of his brother John Nicholas, these moving words:

" My 80th birthday. Time takes its toll. My youngest son and I are looking at my mother's Bible, our true family chronicle, and also at the suitcase of my brother John Nicholas. John Jacob is the most worthless and darkest crook who ever lived. They do not shy away from anything, to get his possessions into their hands, and they have no scruples to hold it. My brother Valentine never had the experiences with them as I had. Now I am an old man, and I would like to know whether my children will see the day for sure when the pay-out will come, or whether this remains for another world. - Christopher Emerick.

What this refers to, the reader can decide for himself. At such an age, old people will not write down such convictions unless they have a good right and also a cause. Well, until today, many will say. This is a serious write-up Christopher left with his 80 years. Lucinda was the same age as William B. Astor, the acting person amidst the drama talks at about the same age, and Meggett who left documentation. Can anyone doubt this?

Chapter VI

Interesting spotlights on some cases about the Emerick-fortune

No case ever created more interest or dealt more with the public than the claims which were voiced in 1928, 1930, and 1932 in regards to the Emerick claims, and the processes which were opened against the Astor fortune. In view of the stated and discussed facts, one could assume that these processes were contradictory. We can admit that, but the facts were not known or surfaced at a time

when the claims were already submitted or had been discontinued. But this will be understood with the following later discussion. The first claim was placed with the US district court of New York in May 1928. It was based on the account of the partnership via the trustees and the heirs of the John Jacob Astor fortune. The partnership contract between Astor and Emerick was produced and the trusteeship was declared valid.

The Emerick's stated due to the last will and testament and the established trusteeship, that the Astor's contrary to the established trusteeship, had failed to give account about the Emerick estate, but that on the contrary, in a fraudulent way, they kept it a secret and used it for their own good. This was the basis, and on that they based their claim. The Astor's reacted with a claim to contradict this whereby they claimed that the trusteeship violated this due to the length of time that had expired. Their point of view was even if they should recognize the given claims, that the trusteeship had become invalid and that hereby their position was defended. After hearing the material of proof by the attorneys, the courts decided that the trusteeship was invalid, and they dismissed the claim by the theory that by pushing the deadline of the trusteeship for 90 years later, when the estate of the Emerick heirs was to be divided, that this was unlawful and by the regulations of the law that it had become invalid due to the passing of so much time. The claimants put this theory aside and maintained that even if the trusteeship as Emerick had ordained it, had become invalid, then a follow-up trusteeship should have grown out of it, and that Astor could not hold on to the Emerick fortune in good conscience. The accused then maintained that if a resulting trust had come about, and the Astor's had not given an account about the Emerick fortune, the regulations of the passing of so much time and negligence to pursue had come into question. Again the case was opened, written down and submitted.

The courts recognized, that the claimants, due to the passing of so much time could not get the upper hand. That means that sins of omission by the Emericks was inexcusable, regardless to the failure the Astor's had committed in regards to the trusteeship. In other words they were waiting too long in regards to their rights in order to show up in court by now and to ask for the accountability. This decision was presented to the Court of Appeals, where the decision was kept.

It is obvious, that had the facts been known at the examination of the will in 1849, that the above mentioned step had not been taken. They would have asked the Surrogate Court in regards of its decision at the time, and they would have asked for action. The question of a time limit would not have come up, if the matter had been dealt by court with the proper jurisdiction.

Both claims from the years 1930 and 1932 were in nature written claims about researching the facts in regards to the process in 1849.. There was no concrete evidence on which to base such a claim. But there were rumors, explanations and even evidence from hearsay was taken into account, and therefore steps were taken, to proof this material in a legal way. The other conflict came to an end because the claimant had come to find out about these rumors and before they knew what the evidence would show. In both cases the insufficient evidence led to a failure and the decision was against the claimants. With this, the process had been carried out as far as possible. Many years later, the author discovered the proof and the facts in regards to the Surrogate Court's decision in 1849. He heard it from a source where nobody would have expected to get it, in a secret note amongst the papers of a man who long since had passed. While he respected the believe the attorneys had put into the rumors and the hearsay in reference to the proof in connection with the court's decision, but on the other hand to defend the Emerick's, by writing this historic overview, he counted it his duty, to show the facts, so that they could be published with the historic overview. The world has a right to the facts, regardless of what the outcome of the processes between the Emerick's and Astor's would be." The whole thing is as strange as any of the stories by Mr. Ripley. They are interesting highlights in the process which deserve to be captured. It was an unusual process, especially due to the age of the disagreement and the underlying factors, the documentations and as well the unusual questions and developments of legal regulations which had an affect here. This was not just a legal fight, it was an extraordinary claim.

We shall state:

1. The Courts

All cases were dealt with at Federal Courts in New York City and Portland, Oregon. The first claim was handled by Judge Thomas D. Thacher. He was a capable judge, sympathetic, friendly, and serious. He paid great attention to the claims as well as to the mentioned laws. Some important points he stressed: "Does a Federal-Court have the rights to probate the wills?"

He asked the attorneys to answer regarding this matter. After he had read their opinions, he decided that Federal Courts could in certain cases probate inheritance matters,. He put two opinions down in writing which were kept by the next highest authority. He put down his position and became general attorney under President Hoover.. In certain phases of the case we appeared in front of the Judges Bondy and Goddard.

Judge Bondy was hard of hearing and very strict, but he was a capable judge.

Judge Goddard was capable and a likable judge. Due to the case in Portland,

Judge Fee presided in Oregon. He took more notes than any other judge we ever had appeared before. He promptly decided, said very little during the hearing, got along and was sensitive. During the hearings many Judges as well as witnesses came down with the flu. Therefore the court case was taken to the Multanomah Hotel, and they heard some testimony from a witness while he was in bed. Two doctors and a nurse were witnesses of this interview. It was an unusual event. He established the rule that all documentation and evidence had to be presented by employees of the courts.

The attorneys were not allowed to step out of line, territory, or the limits.

Justice is placed in good hands with such a judge.

2. **The Attorneys** in this process:

Calvin I. Hoy and Joseph Renard from St. Louis; Evan B. Lewis from Philadelphia, Senator Charles W. Letzgun from Camden, New Jersey; Evans, Hunt & Rees and Goodmann Block from New York City; Samuel C. Stoner from Los Angeles; Joseph Sterns, Jr. from Portland. A hundred law students were present during this interesting case and very prominent legal capacities were repeatedly consulted. The defender was represented by the Law Firm, Taylor, Blanc, Capron & March; Carter, Melburn & Taylor from New York City; Dey, Hampton, and Nelson and Joseph Carson, the present Mayor from Portland (1936).

Messrs. Lyeth and Mittendorf appeared under the commission of the said legal firms during all courts in New York City. The writer of this book participated with another attorney either as an attorney or as a witness during each session. There may have never been any more dignified and honorable attorneys during any other court action than these. The most prominent attorney was Mr. Rees. He was regarded as one of the greats behind the bars of justice in New York. His input and writings speak for themselves.

3. **The Legal Process** awakened a great interest and its information was spread to a wide audience. In many regards, this was an unusual process. We would like to guide your attention to some newspaper headlines which surfaced on **May 26, 1928**, the day of decision for the first claim.

New York Telegram: "900 heirs claim against Astor due to an agreement from the year 1787."

Daily News: "Claim against Astor for \$39 million dollars."

New York American: "Three Astors sue due to the Astor Millions,"

New York Times: "The Heirs of the Partner Sue Astor."

New York Sun: "900 Sue Astor after 112 years as the heirs of 2/3 of the Astor Fortune."

Philadelphia Ledger: "Four gather to sue Against Astor's Millions."

Philadelphia Record: "The Heirs of Astor's Partner are Suing for Many Millions."

Thus, the newspapers presented the story with great headlines and in lengthy articles. In Germany from where both men had emigrated, big headlines and articles appeared. It looked as though the occasion would lead to a family feud. Emerick's who were spread across 40 states listened to it. Many of them filled high positions, or they were leaders with big companies. One of them was highest judge in one of the states. They did not bring up a claim, however Emerick blood flowed through their veins and they followed the outcome of the legal actions with interest. From family to family the tradition was that a certain John Nicholas Emerick had left a fortune with an Astor in trusteeship. For some unknown reason the Emerick fortune disappeared. So when the news about the claims spread across the nation, an awakening went through the chain of Emerick's, and they wanted to know the truth about the inheritance Emerick had left.

Like in any community of people, there were also such who followed their own egotistical plans. They came up with claims, they told fantastic stories and they wrote to employees of the course as well as to high officers in Washington. One woman wrote a simple poem to a judge. Others told the press twisted stories, just to gain front-page publicity. Their imagination and exaggerations went wild. They fought one another with questions to the degree of their relationship. All of this made it harder for the attorneys in doing their work. The employees of the courts and the writing chambers were flooded with letters of all kinds. There were Emericks who freely gave advice how the processes should be done. Another phase in the case was how people could imagine what would count as evidence.. All letters, newspaper articles, and reports by long dead persons were sent in as valuable evidence. The attorneys could not complain about freely offered advice. It may be declared in summary, that there has to be a great deal of critical judgment when dealing with so many people.

Preparations for such a hearing demanded a great deal of unusual attention.

A heavy and great responsibility rests on the shoulders of the attorneys.

Because the parties who would know all the facts have long been dead, the only thing in our hands are the documents. Those were the witnesses who had to speak for themselves. Given these circumstances, the courts were very careful. The defense was sentenced against their favor. The attorneys had to be extra careful. Normally they can make deals with their witnesses, but here they only had documents which were 112 years old and therefore created an entirely different basis for negotiations. It took a careful examination. It takes the extraordinary ruling under the name "Old customs in regards to documents". The rule says that letters, documentations and papers which come from private people, and which are 30 and more years old, that they proof themselves, if the come from the place where the estate is managed. The prerequisite for this is that both parties who wrote them are dead and that the left papers and documents are valid. Stephen's law of proof shows this rule very clearly.

On page 136, paragraph 88, it says:

"Where a document supposedly 30 years old is being presented in the certain case at hand and brought from a credible source, it is assumed that the signature and all other parts of the document, showing the handwriting of the person, to whom this content and idea of the document is attributed are true; just the same, in such a case it is assumed that the valid signatures and documents brought by the witnesses as they are documented to be the ones having signed it are valid. Here the validity of the signatures of the signer does not have to be examined, even though the witness is presently in front of the courts."

This is the accepted right in regards to old documents. It is a rightful ruling which should be just to all parties. Therefore the attorneys took certain steps during the case to justify their actions.

1. They examined how many documents had been kept. Fortunately, they were able to trace them back to Emerick's death, without interruption. A more complete presentation would have never been possible.

2. They presented the documentation to one of the leading handwriting experts in America, Mr. Thomas McColl from Philadelphia. For 40 years he had been examining documents and he had to witness in courts. He examined the proof for age, as well in any other way, whether it was written with a goose-tail, or with a feather, the paper, the ink, the style of writing; he did microscopic examinations and he checked them chemically in laboratories, and he tried all methods of examination as far as they could be done scientifically. He wrote this document down, and later appeared in court as a witness. This is one of the most interesting documentations which was presented in court. Be it added, that documents are like people; they have their own little ways and manners, and time bestows them with their own story. The old suitcase, the biographies of the Patriarch, the stories of the Iroquois Indians, the family chronic, the Methodist songbook, fur pins, pins, diaries, and all sorts of other things came from a different age. Like old people, the tracks of time in their makeup and in their physical appearance, are recognizable. It was one of the greatest amounts of documentation ever to be dealt with during a hearing.

3. The circumstances. You need to look at the time when the ones involved were alive. It was from the horse and buggy times. The writing with the goose-tail, the fibers in the paper, they used ink, these all are signs of a long passed era.

Even the energy with such a process was unusual. In most cases the passing of time may not have been so long, but they show similar facts and circumstances. We remind you about the case of W. Percy Simpson, which was dealt with around the same time, at the Common Pleas Court in Philadelphia. The circumstances and the documentations were quite similar.

The facts in this case were based on copies of letters which were found in a secret and strange way in an old book amidst trash. The accusations were calling for fraud, keeping secrets, and other circumstances, just as they had been brought up in the Emerick case. The Defense was brought by Owen D. Roberts, he is now "Associate Justice of the United States Supreme Court" in the United States of America. The judgment of the "Lower Courts" recognized that \$615,590 should be awarded.

In their reasons, the court pointed out:

The accused has successfully hidden all of his misdeeds. He would have been safe, if there was not the book in question which should up, fortunately, to show his fraud. Therefore it was possible to have justice rule. It is true that the interest for almost 25 years, while the accused successfully hid his fraud, amounted to one to one and one half of the major debt. But the outcome will not allow any checking whether such a reimbursement is to be allowed by the ruling circumstances, since replacement of the unjust actions should have been recognized. All those years, the accused had enjoyed using the monies, which were the claim of the accuser. The open way of the fraud prevents us to get anything out of the accuser except for the full amount and the reimbursement of the interest. The amounts in questions shall not prevent the courts to let justice prevail, regardless whether it seems right and cheap.

The decision shows the position of the claimants in front of the courts during the Emerick-Astor hearing. They had the same opinion as the Common Pleas Judge. Regardless to time and amount, the Astors should give account in front of the law. We know, that there are secrets and suspicions in regards to the estate.

The Simpson case showed more mysterious points, but the courts concluded:

If it were not for the book, which had fortunately come to light and uncovered the fraud, and therewith it makes it possible to have justice prevail." In disregard of the secrets woven around the material of proof, a judgment for more than half a million was given. This does not mean that the gain came due to the claim, nor did it discredit the material of proof. The same comes true with the proof in the Emerick hearings during the years 1928 to 1932. The question is not how or from whom the material of proof was obtained. But it is of a lifelong importance whether it is genuine.

In the Simpson case the court judged that the proof was valid. It did not fall under the ruling where old documents are concerned. Nobody declared at court how the proof was found, but it was presented to the court and accepted.

January 26, 1929, the Philadelphia Ledger shows the following story:

A recently discovered suitcase - which had been in the possession of George Washington's sister Betty for a long time, which contained more than 2,000 documents of the first presidential family and that era, was brought to the Capital by Professor Hardt of Harvard University. The suitcase was found near Fredericksburg, Virginia, in Frank Taylor's house, a descendant of Betty's, in Washington. - No explanation was given why the matter had not been made public sooner.

There was no question about the contents; the documents were accepted as genuine and valid. Historians and authors would have been happy to pay a high price for those papers since they were valid for the public. They went back to the year 1753. For several situations of a similar matter, which we came across, there is no explanation. Assumptions do not get us anywhere, since one is worth as much as the other.

This has been proven in the Emerick case. Most of the people involved had been dead already. We cannot know why they did certain things. From the writings and facts, it is shown that George and Nancy were looking for the wealth which had been entrusted to them. But after their death, the whole matter was neglected.

We cannot answer the question, why, and we also do not want to speculate. Therefore the mysteries in connection with these facts remain unsolved. We accept the documents these people left, but we cannot state why they acted the way they did. Many examples of the kind could be shown.

The following lines shall illustrate the above:

"Dorham, Texas

That someone failed to register a title to property in Texas before 100 years had passed, is most likely a masterpiece of a slow history, as R.C. English, Dorham, writes in 1838:

The republic of Texas acknowledged a title to a piece of land in Red River Valley, which was later Fanin County. The document had gotten in a fur-suitcase, and was being eaten by rats. 80 years later, a descendant of the title holder obtained a witnessed copy, which was also found in said suitcase. 18 years later the copy was presented. 93 years later, the goosetail seal of the administrator of the republic was put on the parchment title.

The Emerick family does not stand out by itself, and there are not such extraordinary and unacceptable secrets to destroy any trust. As far as we can say, there has not been a court hearing during the last years which had created more interest or touched a larger legal field. Some of the legal questions being dealt with (and there were 160 cases) were: agreement about partnerships, trusteeships, old documents, neglects, neglect of time, resulting trusteeships, and the question inasmuch as how the Federal Court could acknowledge last will and testaments, connections to irrelevant claims, and lifelong pensions. All of this caused the hearings and the legal questions to be quite unusual. Therefore the hearings were rather interesting for a great number of law students and attorneys. Since the activities of the men were in the early time of the republic, laws for a time going back more than 100 years, had to be looked through. 112 years had already passed since the two men worked and before the case came to light. Since those days the legal questions had been brought up many times. The history of the Nation, the surrounding circumstances when the documents were prepared, and many other rather interesting questions had to be paid attention to.

The documents had to be viewed in the light of the many interpretations. From the writings of the two men and from judging several circumstances, one can conclude that John Nicholas Emerick was not a greedy, egotistical, or heartless type of a man. On the other hand, John Jacob Astor became the opposite of his partner. His success and wealth made him money-hungry, and until he lay on his deathbed, no other thought prevailed, but the money; although he already had accumulated so many millions. Parton showed a dark picture about Astor's last hours. It is so unusual, therefore it should be repeated here.

"From under his covers, the old man yelled "Did Mrs. pay the rent."

Answer: "No" replied the employee. "Well, she will have to," the old man replied. "But she cannot pay at the moment she had some misfortune, and we need to give her some time." "Oh no, said Astor, "I demand she pay, and she will pay if you handle her right."

The man left Astor, and in order to calm down the old dying man, he prepared a fake receipt and gave it to him saying that the lady had paid the rent. Astor was satisfied with this. Parton now asks the question: "Who would want to own 20 million at such a price?"

There are some other highlights worth mentioning:

For example, when I started the case; the many interviews I had with Emericks and other attorneys; the months I had spent to view old reports and writings in several towns etc. the walk to libraries and archives; the discussions I had with a certain Benjamin Korber from Steinheim, Germany, in America and in Germany. The trips I took in this country to gather proof, to hear reports, and to get witnessed testimony; the days I spent in legal libraries in New York, in Philadelphia, and in St. Louis; the range of correspondence which was necessary to answer all possible questions. My experience with public employees in Washington, D.C. and with postal inspectors; the connections I undertook with other attorneys; all of this is enough to write a whole book. But I have tried to only report some of the highlights. They make up part of this story. Nobody knows the story of the case, which I was involved with, for five or more years, better than I.

"The story is interesting and I therefore present it to the public."

C.I. Hoy