

The Last of the Squatters

Continued from Preceding Page.

\$500 a year, also my black girl Sarrah, a good horse, a chair, and one-half my dwelling-house as long as she shall remain a widow and no longer. I also bequeath my black boy Isaac to my eldest son David."

William Molenaar and Mrs. Holston think that when Martin the First wrote "a chair" he meant "a chaise." One hopes that it was so interpreted at the time. In 1812, so many decades before Mayor Hylan and the Transit Commission had even begun to quarrel about transit relief for Washington Heights, Great Grandmother Molenaar would have found a horse and chaise extremely convenient. But tradition is silent about the old lady. It only records the wastefulness of her sons, who promptly squandered their rich inheritance. Their acts are the basis of the Molenaar case against the present owners of the land, for Martin the Second held and his son Wilfred holds that under the terms of the will they had no power to sell any of the property; they had merely a life interest.

Great Grandfather Molenaar, an inexperienced penman, doubtless became weary toward the end of his long document and imagined that he had inserted a certain important something which he had failed to insert. At any rate, near the close occurs this:

"To my daughter, Catherine Gordon, the wife of Charles W. Gordon, I give and bequeath my lots of ground at the corner of Orchard and Division Streets, under the same restriction and provisos with my three sons already named—that is all her legacy shall descend to the heirs of her body, and in case of deficiency of the same it shall descend to her brothers or their heirs."

Here comes in the faulty construction of the will. In foregoing sections bequeathing the Washington Heights and Fort George property to David William, William and Dewitt Clinton, there was no intimation that they were given merely a life interest in the same. Such an idea never occurred to the legatees—or stay—perhaps it did and they resolved to have their fling while the flinging was good. Anyhow they plunged forthwith into reckless speculations and in no time at all were so deep in debt that most of the property had to be sold under the hammer. It was purchased by good, old, shrewd early settlers of upper Manhattan, such as the Dykeman, Lorillard and Walton families, who settled down on it, improved it, bequeathed it to their descendants or sold it and so in time it came to the hands of the present holders.

In 1870 Martin Montrose Molenaar, a lusty chap of thirty-two, son of David William, got to thinking one day of his landless state. Here was he, born and brought up in New York, where his ancestors had owned such wide acres, and he owned not a foot of ground. What right had his father to part with that property? From musing he passed to poring over the will of his great-grandfather, and so lighted upon the intimation, which he read as a clear command, that the Molenaar land was not to be sold or let out of the family. Without backing and without means he went to law, entering a blanket claim to various tracts of land estimated in all, roughly, at the value of \$500,000,000, and he battered away until, finally, the case reached the State Supreme Court. In February, 1916, the case was thrown out of court in a decision handed down by Justice Bijur, but a little thing like that had no effect on Martin or on his son, Wilfred.

There were times in the long contest when Martin the Second wearied a bit. Once he fled to Colorado, where, living the life of a ranchman, far from the tantalizing sight of the property he believed to be his, he tried to shake off the obsession. No use. Back he came to New York and, defiantly pitching his tent in the field on Broadway, renewed the struggle, poring over such law books as he could find in the libraries at his command, secure in his belief that his case would come up again. His old wife lived contentedly in the shack, firm as her husband in the expectation of untold wealth. And when old Martin became too feeble for the fight, back from Colorado

Continued on Page Thirty-seven.

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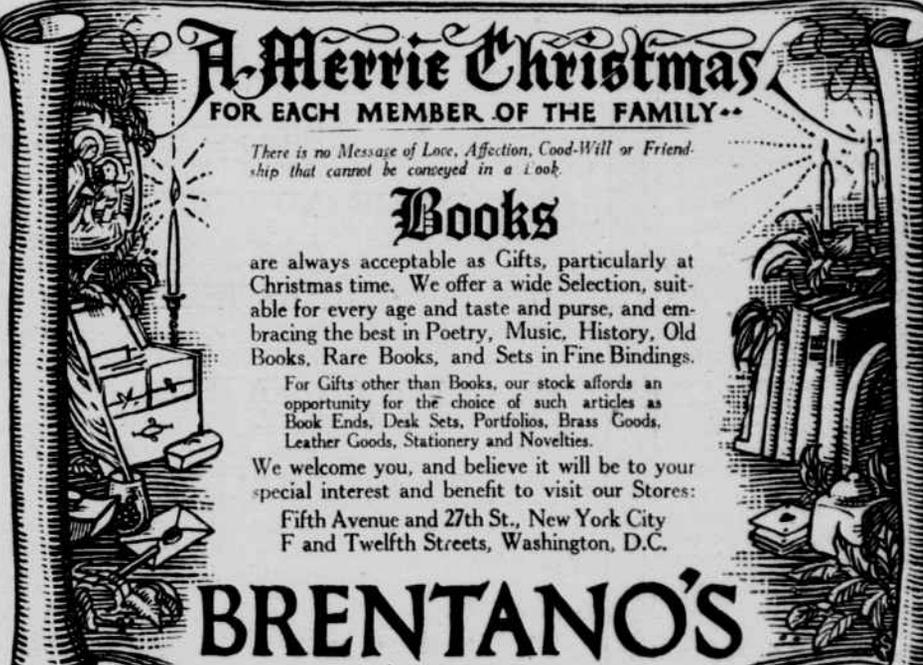
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