

June 10th, 1938

Miss Frances R. Grant
310 Riverside Drive

Mrs. M.M. Lichtmann
163 West 72nd Street
New York, N.Y.

Re: Roerich v. Horch
Grant v. Newberger

Dear Miss Grant and Mrs. Lichtmann:

On April 25th, 1938, at my office, there was a conference at which you and Mr. Lichtmann, Mr. Stokes and Mrs. Sutro attended. At this conference I gave you a memorandum concerning the expenses that had been incurred and that would likely incur for the appeal to the Court of Appeals. That memorandum indicated that at that time there was still due to the printer \$1,014.69 for the records to the Appellate Division and the briefs. The memorandum also indicated that there was a balance of \$700.00 due us for our professional services since the institution of the appeal to that date and that we would be willing to charge merely a nominal fee of \$500.00 for the preparation of the records and briefs to the Court of Appeals.

At that conference I explained that the printer ~~is~~ was looking to us, that is, my firm, for payment of its bill since we had obtained from the printer a particularly low price for the printing. I asked that the printing disbursements be paid. At that conference all of you requested of me that exert my efforts with the printer to ask him to wait a few months for payment of his bill. I said that that might be possible if some substantial amount could be paid then, another substantial amount paid in June and the balance ~~to the printer, and she also~~ in July. Mrs. Sutro agreed to send her check for \$300.00 to the printer, and she also agreed to send substantially equivalent amount in June. Mr. Stokes said that he would be able to send us approximately \$1,000.00 about July 20th.

The total of these three payments would have been approximately \$1,600. or \$1,700. which would have been enough to pay off the balance then due the printer and leave about \$600 in addition out of which our fee for work to the Court of Appeals could be paid for and leaving a small balance to pay for the printing of whatever was necessary to make the then existing records on appeal fit the requirements of the Court of Appeals.

Miss Frances R. Grant and
Mrs. M.M. Lichtmann

June 10th, 1938

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I was advised that Mrs. Sutro had sent \$300 to the printer and within the past few weeks I have on several occasions written to you to have Mrs. Sutro send an additional amount of \$350 for the June installment due to the printer.

Much to my amazement I was told today by Miss Grant over the telephone that Mrs. Sutro would be unable to send any money to the printer for your account and that the matter would have to wait until July until Mr. Stokes would get around to send us the money he said he would.

I need not expand on the thought that this arrangement is entirely unsatisfactory and will not be tolerated by us.

Mrs. Sutro recently sent me a copy of a letter which she sent to Judge Seabury for the reason as she stated in her letter that I might be interested. Yesterday, somebody called on behalf of Mrs. Sutro and stated to me that Judge Seabury was happy to take the appeal but the copy of the letter which Judge Seabury sent Mrs. Sutro seems to indicate a little differently. In that letter, Judge Seabury stated as follows:

"In reference to your letter of the 7th instant, referring to the Roerich-Horch case, I wish to say that I would not under any circumstances be willing to take up the case except with the approval of, and through your present attorneys who have represented you in this matter. If they wish to see me about the matter, I will talk with them, otherwise please consider me out of the matter."

I would not have the temerity of seeing Judge Seabury about the matter at all in view of the complicated financing or lack of financing which is now in prospect.

Unless something of a more definite nature is forthcoming, I am afraid that matters will have to remain in status quo indefinitely until they can be suitably arranged.

Very truly yours,

P.S. I have just received from the printer additional bills for fixing up the records so that they will fit the Court of Appeals requirements which bills total the sum of \$104.96.

J.G. Phelps Stokes
33 Madison Avenue
New York

October 31, 1938

Mr. Herbert Plaut
Messrs. Plaut & Davis,
76 Beaver Street
New York City

Dear Mr. Plaut:

I have your very kind letter of 28th inst., and am indeed sorry to note the embarrassment you have been occasioned in the matter of sums still due to the printer in the matters of Rerich vs. Horch, Grant vs. Newberger. I well understand how unpleasant the situation must be for you, and yet I trust you will also understand how unpleasant it is for me.

I am sure we are all very sorry for the unpleasantness occasioned you at the joint interview of June 6, 1938, when the anticipated costs of the appeal were laid by you before the conferees, and when possible means of meeting those expenses were alluded to in your presence; and yet I do not see how, under the circumstances, that unpleasantness could have been altogether avoided.

I am sorry that you do not recall my very explicit statement at that time, made in the presence of all the parties, that if Mrs. S. would take care of the printer's costs, I would assume responsibility for the legal fees involved in the appeal, you having advised a few moments before that those legal fees would not exceed \$.500. I stated in the presence of yourself, as well as of our various friends who were there, that I could not meet those legal costs in cash at that time, but that if it would be agreeable to you, I would send you (or your firm) \$1,000. "the latter part of July" and the balance (viz., \$500.) early in January. I expressed to you the hope that you might find it not too inconvenient to permit that much delay in meeting our friends' obligations to you and your firm in the matter of the appeal. You very kindly and most explicitly assured us all that it would be all right if the matter of fees were thus somewhat delayed, provided the printer's chargers could be meanwhile met, and Mrs. S. then most explicitly assured us all, if I understood her correctly, and I am confident that I did, that she would take care of them on the understanding aforesaid, that I would take care of the legal fees in the amount agreed to as above, viz., \$1,500. I left the conference, and I am sure that all participants in it left, similarly, in entire confidence that the printer's charges would be thus taken care of, in a manner entirely acceptable to you and to him; just as I am sure no one had the least doubt that I would keep my engagement to pay your firm's legal charges for services rendered in the appeal, in the amount stated, at the times stated.

Pursuant to my undertaking as above, I sent your firm my check for \$1,000. on July 21, 1938, and received in due course your

October 31, 1938

Mr. Herbert Plaut

acknowledgement of receipt of same. I will most assuredly send you the balance due, as agreed, viz., the early part of January, but I cannot send it now. I do, however, enclose my check in your favor for \$150., on account of what I shall owe your firm in January.

I cannot at all understand how so little appears to have been done to date, by the friend whom I so deeply respect, to meet what appears to me to be her undoubted obligation to the printer.

I am very much pleased to note the favorable impression that appears to have been made upon the Court of Appeals by your argument before the Court in the above mentioned issues, and am very hopeful of favorable results ensuing.

Please do not for one moment doubt the sincerity of the representations above made. I am entirely at a loss to understand how the misunderstanding alluded to in your favor of the 28th inst. could have arisen.

Very sincerely yours,

J.G. Phelps Stokes (sgd)

Encl.

Mr and Mrs Maurice M. Lichtmann,
250 West 57th Street
New York, New York

COPY

January 5th, 1939

Miss Frances R. Grant
45 West 45th Street
New York, New York

Prof. and Mme Nicholas Roerich
Naggar, Kulu,
Punjab, Br. India

to PLAUT & DAVIS

Attorneys

76 Beaver Street

New York City

For professional services

Re: Roerich v. Horch
Grant v. Newberger

For preparation of records and briefs
and arguments of appeals in the
Appellate Division and Court of Appeals

\$2,000.00

Received on account to date

1,574.21

Balance

\$ 425.79

Disbursements

Balance due Press of Fremont Payne Inc.
for printing

588.28

Total

\$1,014.07

Received Payment,

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its exhaltation towards Bliss. During such a solemn hour there will be no irritation or anger, because all know the harm of self-poisoning. But there will be during the hour a special solemnity, not marred by the dusty routine of every day. The realization of Great Service will strengthen the vigour of the Spirit and will be ~~xxgx~~ the best quality of the Golden Path.

Everyone dreams of friends, whether known or unknown. And during festive days the thought is especially calling that at the same time in various parts of the world are being sent into space similar good wishes, which are the foundations of real friendship. Verily this Day will be greeted with flowers and special meetings and cordial discussions. And if anyone happens to be alone on this ~~day~~, he will not feel lonely if he surrounds himself by images, radiant recollections and inspiring strivings.

Memorable days in a ~~xxxix~~ spiritual, social and family aspect affirm the solemnity of life. People beautify themselves both bodily and spiritually and such a day in every respect becomes radiantly significant.

Amongst the best mental sendings there will always be predominant the thought of peace unto the whole world. Everywhere this prayer is being expressed. The peace of the world is being built up through great struggle and labour. And yet every human heart in its innermost will respond to this Command of Light.

Let us also remember on this ~~xxxx~~ solemn day about ~~the~~ Peace for the whole world. If in every dwelling there will radiate the sign of Peace unto the whole world, then thus this call will resound all over the globe.

Peace to all beings.

Nicholas Roerich.

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Law Offices
C.C.Youmans
Miami, Florida
April 5th, 1939

Dear Mrs. Lichtmann:

I have your letter of March 31st. I also had a letter from Mr. Fisher stating that you would probably communicate with me. With reference to your divorce, my fee would be as suggested to you by Mr. Fisher. If there are no complications and the divorce is not contested, I would handle the matter for you for \$150.00.

The laws of Florida require ninety days residence. Of course, the law contemplates that you would be in Florida for ninety days just prior to filing your bill. If you were out of the state on business a few days during that period, I do not believe any exceptions would be taken to that. However, I think it would be rather dangerous to your proceeding for you to come down here for a few days and then return to New York and not come back until a few days before the expiration of the three months time. You will, of course, have to swear that you have been a resident of Florida for ninety days and you will have to produce another witness who will also swear that you have been a resident of Florida for ninety days. All that I can tell you is what the law requires. I think there should be substantial compliance with the law. Otherwise, the court would refuse to grant your divorce.

I know that parties some times live in Florida only a few days during the ninety day period but that is contrary to the intent of the law and if the courts should find it out, I am afraid there would be trouble. I think you had better be prepared to substantially comply with the law with respect to your residence in Florida. Otherwise, you might run the risk of trouble and having your entire efforts fail.

I will be very glad to assist you and I assure you that I will render you as good and faithful service as I can.

Thanking you, I am, Yours very truly

C.C.Youmans

Was E. U. P.

12 April 1939

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Mr. and Mrs. Maurice M. Lichtmann,
Miss Frances R. Grant,
Professor and ^{Mrs.}me, Nicholas Roerich.

Roerich vs. Horch

Grant vs. Sewberger

Preparation of pleadings, motions for injunctions, appeal from order granting injunction, preparation for trial, trial before Referee on 9/23/36, 11/12/36 11/20/36, 12/8/36, 12/12/36, 12/12/36, 2/3/37, 2/15/37, 2/17/37, 2/26/37, 3/9/37, 3/18/37, 3/23/37, 3/26/37, 3/30/37, 4/6/37, 4/14/37, 4/18/37 and 4/28/37, preparation of briefs on final submission to Referee, proposed findings, and opposition to motion to confirm report	\$ 10,000.00
Appeals to Appellate Division, including preparation of records and briefs and argument	1,500.00
Appeal to Court of Appeals, for preparation of records and briefs	500.00
	\$ 12,000.00

Received Payment,

12 April 1939

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Mr. and Mrs. Maurice H. Lichtmann,
Miss Frances R. Grant,
Professor and Mme. Nicholas Roerich.

In Re: Lichtmann (Mandamus)

Preparation of pleadings, trial 10/27/36, preparation
of briefs and appeal to Appellate Division \$ 200.00

Received Payment,

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Re: Roerich vs. Horch
 Grant vs. Newberger
 Roerich vs. Commissioner of
 Internal Revenue
 Master Institute vs. Lichtmann
 and Grant
Lichtmann (Mandamus)

Disbursements:

From 12/15/35 to 3/7/36 as per statement rendered 3/9/36	\$ 301.01
From 3/9/36 to 4/4/36 as per statement rendered 4/4/36	94.46
From 4/4/36 to 5/4/36 as per statement rendered 5/4/36	49.28
From 5/4/36 to 7/14/36 as per statement rendered 7/14/36	609.83
From 7/14/36 to 10/30/36 as per statement rendered 10/30/36	28.72 173.27
From 10/30/36 to 1/18/37 as per statement rendered 1/18/37	322.71
From 1/18/37 to 4/4/37 as per letter dated 4/14/37 which, however, did not include payments made 2/10/37 as follows:	80.63
Bonyng \$398.32	
Grosby Press 25.68	
Federal Shorthand <u>16.00</u>	500.00
4/14/37 Bonyng	444.37
4/23/37 Mahoney	25.00
6/4/37 Bonyng	385.31
7/2/37 Expenses to Washington	35.00
7/30/37 Printing reply brief	48.71
Premium on bond	10.00
11/6/37 Printing	300.00
11/11/37 Premium on bond	10.00

11/16/37	Printing	200.00
12/2/37	Printing	250.00
12/18/37	Photostats	2.96
1/18/38	Printing	250.00
2/7/38	Jury fee	12.00
2/10/38	Printing	150.00
2/14/38	Subpoena fees	5.75
	Photostats	1.53
6/27/38	Fee, Court of Appeals	1.00
7/25/38	Printing	350.00
	Premium on bond	10.00
10/25/38	Albany expenses	25.00
1/24/39	Printing	350.00
12/20/37	to 11/29/38	
	Petty cash disbursements	<u>8.33</u>
	Total	\$5,034.87

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Payments on account received:

12/20/35	\$ 250.00
1/17/36	1,000.00
2/21/36	500.00
4/6/36	300.00
6/2/36	600.00
7/20/36	1,000.00
8/19/36	500.00
12/18/36	1,000.00
2/9/37	500.00
3/12/37	500.00
3/16/37	600.00
4/15/37	500.00
6/2/37	500.00
6/22/37	50.00
7/29/37	500.00
11/6/37	500.00
11/16/37	250.00
12/1/37	500.00
1/8/38	500.00
2/10/38	250.00
7/22/38	1,000.00
11/1/38	150.00
1/23/39	<u>350.00</u>
Total	\$11,800.00

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Re: Roerich vs. Horeh
 Grant vs. Newberger
 Roerich vs. Commissioner of
 Internal Revenue
 Master Institute vs. Lichtmann
 and Grant
Lichtmann (Mandamus)

Disbursements:

From 12/15/35 to 3/7/36 as per statement rendered 3/9/36	\$ 301.01
From 3/9/36 to 4/4/36 as per statement rendered 4/4/36	94.46
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From 7/14/36 to 10/30/36 as per statement rendered 10/30/36	28.72 173.27
From 10/30/36 to 1/18/37 as per statement rendered 1/18/37	322.71
From 1/18/37 to 4/4/37 as per letter dated 4/14/37 which, however, did not include payments made 2/10/37 as follows:	80.63
Bonyng	\$398.32
Crosby Press	85.68
Federal Shorthand	<u>16.00</u>
4/14/37 Bonyng	444.37
4/23/37 Mahoney	25.00
6/4/37 Bonyng	385.31
7/2/37 Expenses to Washington	35.00
7/30/37 Printing reply brief	48.71
Premium on bond	10.00
11/6/37 Printing	300.00
11/11/37 Premium on bond	10.00

11/16/37	Printing	200.00
12/2/37	Printing	250.00
12/18/37	Photostats	2.96
1/18/38	Printing	250.00
2/7/38	Jury fee	12.00
2/10/38	Printing	150.00
2/14/38	Subpoena fees	5.75
	Photostats	1.53
6/27/38	Fee, Court of Appeals	1.00
7/25/38	Printing	350.00
	Premium on bond	10.00
10/25/38	Albany expenses	25.00
1/24/39	Printing	350.00
12/20/37	to 11/29/38	
	Petty cash disbursements	<u>8.33</u>
	Total	\$5,034.87

Payments on account received:

12/20/35	\$ 250.00
1/17/36	1,000.00
2/21/36	500.00
4/6/36	300.00
6/2/36	600.00
7/20/36	1,000.00
8/19/36	500.00
12/18/36	1,000.00
2/9/37	500.00
3/12/37	500.00
3/16/37	600.00
4/15/37	500.00
6/2/37	500.00
6/22/37	50.00
7/29/37	500.00
11/6/37	500.00
11/16/37	250.00
12/1/37	500.00
1/8/38	500.00
2/10/38	250.00
7/22/38	1,000.00
11/1/38	150.00
1/23/39	<u>350.00</u>
Total	\$11,800.00

12 April 1939

Mr. and Mrs. Maurice M. Lichtmann
Miss Frances R. Grant
Professor and Mme. Nicholas Roerich

Roerich vs. Horch

Grant vs. Newberger

Preparation of pleadings, motions for injunctions,
appeal from order granting injunction, preparation
for trial, trial before Referee on 9/23/36, 11/12/36,
11/20/36, 12/8/36, 12/12/36, 12/12/36, 2/3/37, 2/15/37,
2/17/37, 2/26/37, 3/9/37, 3/18/37, 3/23/37, 3/26/37,
3/30/37, 4/6/37, 4/14/37, 4/16/37 and 4/28/37,
preparation of briefs on final submission to Referee,
proposed findings, and opposition to motion to confirm
report \$10,000.00

Appeals to Appellate Division, including preparation
of records and briefs and argument 1,500.00

Appeal to Court of Appeals, for preparation of records
and briefs 500.00

\$12,000.00

Received Payment

Mr. and Mrs. Maurice M. Lichtmann
Miss Frances R. Grant
Professor and Mme. Nicholas Roerich

12 April 1939

In Re: Lichtmann (Mandamus)

Preparation of pleadings, trial 10/27/36, preparation
of briefs and appeal to Appellate Division \$200.00

Received Payment.

12 April 1939

Mr. and Mrs. Maurice M. Lichtmann
Miss Frances R. Grant

Master Institute
vs. Lichtmann and Grant

Preparation of pleadings, preparation for trial,
trial before Municipal Court 2/16/38 and 2/17/38,
preparation of briefs and final order, preparation
of briefs in Appellate Term and argument, preparation
of papers in opposition to motion in Supreme Court
for writ of assistance, argument \$250.00

Received Payment

12 April 1939

Professor Nicholas Roerich

Roerich
vs. Commissioner of Internal Revenue

Preparation of petition and other pleadings, taking of
depositions, trial before U. S. Board of Tax Appeals
2/4/38, 2/7/38, 2/8/38 and preparation of briefs \$750.00

Received Payment

Herbert Plaut
Harold Davis

76 Beaver Street
New York City

June 6, 1939

Miss Frances R. Grant
45 West 45th Street
New York, New York

Mrs. Sina Lichtmann
250 West 57th Street
New York, New York

Re: Horch et al, Judgment Creditors,
vs. Frances R. Grant, Judgment
Debtor
Horch et al, Judgment Creditors,
vs. Sina Lichtmann, Judgment Debtor

Dear Miss Grant and Mrs. Lichtmann:

We were served this morning with an order to show cause returnable at Special Term, Part I, of the Supreme Court on June 9th, 1939, at 10 A. M. bringing on a motion to authorize and empower Leonard Biel, as receiver of you, to sell at public auction the right, title and interest of Frances R. Grant and Sina Lichtmann to certain alleged claims and assets more particularly described in the affidavit of Mr. Biel, the receiver.

The assets of Miss Grant described in Mr. Biel's affidavit concerning which he desires to sell at public auction are therein described as follows:

"Claim to 1 share of the capital stock of Nicholas Roerich Paintings and Art Collections, Inc. (judgment-debtor did not possess certificate of stock, merely claimed ownership).

"Claim to 75 shares of International Information Agency, Inc., or certificate of interest for such 75 shares in alleged voting trust.

"Claim to second mortgage bonds issued by Roerich Museum numbered as follows:

No. 698 and No. 749 at \$1,000	\$2,000
No. 815	500
Nos. 1001, 1043, 1044, 1045, 1048, 173, 174, 211, 212, 233, 234, 255 and 256 at \$100	1,300

"(The certificates above listed are not in my possession).

"One certificate in my possession, Second Mortgage Bond No. 1085 100

"Possible claim to interest in any of the pictures painted by Nicholas Roerich.

"Possible claim for back salaries of \$3,000 due from any of the following institutions;

Roerich Museum
Master Institute of United Arts, Inc."

The assets of Mrs. Lichtmann described in Mr. Biel's affidavit concerning which he desires to sell at public auction are therein described as follows:

"Claim to 2 shares of the capital stock of Nicholas Roerich Paintings and Art Collections, Inc. (judgment debtor did not possess certificate of stock, merely claimed ownership).

"Claim to 75 shares of International Information Agency, Inc., or certificate of interest for such 75 shares in alleged voting trust.

"Claims to second mortgage bonds issued by Roerich Museum numbered as follows:

Nos. 698 and 744 at \$1,000	\$2,000
No. 810 at \$500	500
Nos. 996, 243, 242, 202, 201, 228, 227, 665, 664, 1056, 1057, 1024, 1023, 1022, 179, 189, and 1027 at \$100	1,300

(The certificates above listed are not in my possession).

"Possible claim to interest in any of the pictures painted by Nicholas Roerich.

"Possible claim against Louis L. Horch for money loaned in the sum of \$1,900.

"Possible claim for salaries due from the fol-

Roerich Museum
Master Institute of United Arts"

Mr. Biel's affidavit contains the following statements:

"I have made inquiries as to the value of all of the aforesaid claims and alleged assets and they appear to me to be of very doubtful value. My investigation showed that the Roerich Museum Bonds are worthless, the underlying property having long since been foreclosed and that the corporations in which the debtors claim to any assets, and lastly the claims to salaries by the judgment debtors are of little or no value.

Miss Frances R. Grant
Mrs. Sina Lichtmann

June 6, 1939
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"In order that I may realize sufficient money to attempt to satisfy the aforesaid judgments and pay the expenses of the receiverships and the costs of the various special proceedings, it is necessary that the judgment debtor's right, title and interest to all of the aforesaid claims and assets be sold. There does not appear to be any other method, in view of the doubtful value of all the assets, except by public auction at which I will be able to receive any offers as to any of the foregoing alleged claims and assets."

Will you kindly communicate with us at once in reference to this matter so that if you desire to oppose this motion, you can take the necessary steps to do so.

Very truly yours,

(signed) Plaut & Davis

HP:hs
Reg. Mail
RRR