

- C O P Y -

SIEGFRIED F. HARTMAN
46 Cedar Street
New York

July 20, 1932.

Roerich Museum,
310 Riverside Drive,
New York City.

Gentlemen:

Referring to the settlement today of the above litigation and the exchange of various papers, I understand that you are concerned lest Dr. Koelz should establish in the same district in India, in which your scientific activities have been conducted, a research unit competing directly with yours.

My recent communications with my client have been had through Mr. George Burke, an attorney of Ann Arbor, Michigan. In response to your requests that Dr. Koelz should make an agreement that he would not undertake any such competitive work as above indicated, Mr. Burke has advised me positively on several occasions that Dr. Koelz will not agree as a scientific man to banish himself from any part of the world.

Yesterday I had a further talk with Mr. Burke over the telephone. I told him that you claimed Dr. Koelz had acquired certain land in the immediate vicinity of the Roerich Museum property and that you were definitely apprehensive that Dr. Koelz would establish a competitive unit as above stated. Mr. Burke said to me that Dr. Koelz was away on a scientific trip in Canada; that he would interview Dr. Koelz upon his return; that while no statements on these points had been made to him by Dr. Koelz, Mr. Burke, judging from what Dr.

Roerich Museum

July 20, 1932.

Koelz had told him was morally certain that Dr. Koelz had not acquired any such land and was morally certain that Dr. Koelz had no intention of establishing a competitive unit. Mr. Burke said to me he felt sure that if Dr. Koelz had acquired any land in India he would have told him so.

Mr. Burke agreed that he would use his good offices with Dr. Koelz first to ascertain the exact facts, and secondly, if such were the fact, to have Dr. Koelz confirm in writing his lack of present intention to engage in any such competitive work and his non acquisition of the said land. Mr. Burke said he felt certain that if such were the fact he could procure a letter to such effect.

Very truly yours,

Siegfried Hartman

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Roe & Kramer

Attorney's and Counsellors at Law
68 William Street, New York.

August 1st, 1932.

Mr. Louis L. Horch, President,
Roerich Museum
310 Riverside Drive,
New York City.

Re: Roerich Museum vs. Walter Koelz

Dear Mr. Horch:

We enclose herewith an original and a copy of a release running from the Roerich Museum to Walter Koelz and ask you to re-execute it the same way as you did the first one, i. e., by signing your name as President: having a witness sign and a notary notarize your signatures in the places indicated by pencil marks. Kindly return the original and copy of the release as soon as possible.

This release differs from the first one in that it recites \$1.00 and other good and valuable considerations. Mr. Cracovaner of Mr. Hartman's office insisted upon such a recital in the release. The re-executed release will take the place of the one heretofore executed.

Mr. Koelz's release is now in our hands and we would appreciate it if you would let us know what you prefer to do with it. Shall we keep it with our papers, or should we send it to you?

Two letters: one addressed to the British Police in India; the other to Rupchand, were sent to India by registered mail today. We are filing the registration receipts with our correspondence papers. We would appreciate your advising us when the transfer of the guns is completed.

Mr. Cracovaner assures me that the second half of Dr. Koelz's Diary will be turned over to the Museum within the next six months.

We also enclose the original of a letter written by Mr. Hartman to you, written along the lines agreed upon by you with him.

Very truly yours,

ROE & KRAMER

By: Walter V. Bouquet

ROE & KRAMER
ATTORNEY'S AND COUNSELLORS AT LAW
68 William Street, New York

August 1st, 1932

Mr. Louis L. Horch, President,
Roerich Museum
310 Riverside Drive,
New York City

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We also enclose the original of a letter written by Mr. Hartman to you, written along the lines agreed upon by you with him.

Very truly yours,

ROE & KRAMER
BY: Walter V. Bouquet

August 2, 1932

Mr. Walter Bouquet
Roe & Kramer
68 William St.
New York, N. Y.

My dear Mr. Bouquet:

We are enclosing herewith the two requested releases. We would appreciate it if you will send us Dr. Koelz's release as well as copies of the letters which were sent to the British Police in India and to Rupschand.

I am pleased to see that you have a definite written statement that the Diary of Dr. Koelz will be turned over to us within six months.

Very truly yours,

Louis L. Horch - President

Enc: (2)

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ROE & KRAMER
ATTORNEYS AND COUNSELLORS AT LAW
68 William Street, N.Y.

August 5, 1932.

Mr. Louis L. Horch,
President, Roerich Museum,
310 Riverside Drive,
New York City.

Dear Mr. Horch:

Re: Roerich Museum
Vs. Koelz

Thank you for the re-executed releases. The original was delivered to Mr. Cracovaner of Mr. Hartman's office yesterday.

At this moment, however, it will be impossible for him to comply with your request for copies of letters sent to the British Police and to Mr. Rupschand. These letters were written by Mr. Burke the attorney for Dr. Koelz, and Mr. Cracovaner has no copies of these letters in his file. Accordingly, I requested Mr. Cracovaner to ask Mr. Burke to send us a copy of each letter and as soon as they are received, we will forward them to you.

In accordance with your written request of August 2, 1932, we are also enclosing the original release running from Walter Koelz to the Roerich Museum. Please acknowledge its receipt.

Very truly yours,

Roe & Kramer

by Walter V. Bouquet

WVB:PCD

August 8, 1932

Mr. Walter Bouquet
ROE & KRAMER
68 William Street
New York, N.Y.

My dear Mr. Bouquet

I beg to acknowledge receipt of the letters from Doctor Koelz. Thus far, we have not received Doctor Koelz's letter of repudiation. Would you be kind enough to send this to us.

I also noted in the letter that as soon as you received copies of the letters sent to the British Police and to Mr. Rupchand, you will send them to us.

Thanking you, I remain

Sincerely

Louis L. Horch, President

P.S. I also wish to acknowledge receipt of the Release of Dr. Koelz.

LLH

COPY

COPY

August 18, 1932

Siegfried Hartman, Esq.,
46 Cedar Street
N. Y. City

Att: Mr. Cracovaner
Re: Roerich Museum vs. Koelz

Dear Sir:

Some time ago I requested you to find out if Mr. Birke, the attorney for Mr. Koelz, would be kind enough to supply us with copies of the letters sent to the British Police and Mr. Rupschand.

I have not as yet heard from you and am now reminded by Mr. Horch of the fact that they are anxious to have these letters for their file.

Will you kindly advise me just when I may expect to get copies of these two letters?

Very truly yours,

ROE & KRAMER,

By, Walter V. Bouquet

WVB:JAC

COPY

October 19, 1932

Siegfried Hartman, Esq.,
46 Cedar Street
N. Y. City

Att: Mr. Cracovaner
Re: Roerich Museum vs. Koelz

Dear Sir:

On August 18, 1932, we wrote you asking you to furnish us with copies of letters written by Dr. Koelz to the British police and Mr. Rupchand in India.

As yet we have not yet received copies of these letters and we wonder if you have forgotten about your promise to us to let us have them for our files.

If you should write to Mr. Berg, who represents Dr. Koelz in Michigan, will you also please ask him when our client, the Roerich Museum, may expect to receive their diary kept by Dr. Koelz, as well as his letter saying that he has no intention to return to India to establish a competitive with the Roerich Museum institution there.

Very truly yours.

ROE & KRAMER,

by, WALTER V. BOUQUET

WVB:JAC

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COPY

October 25, 1932

Dear Mr. Burke:

Concerning the Ladakh Diary requested by the Roerich Museum attorneys.

As I stated in the Spring the publication of the document in the Journal of the Himalayan Research Institute was verbally agreed to with the Director of the Institute and the first installment was provided in longhand before I left India. What has been done with my manuscript I have never known. No galley or page proof was ever submitted to me nor have I seen the typewritten manuscript.

Before finishing the installment, I should like to be satisfied that what the organization already has will be printed as I write it, and I should want assurances that the remainder will be printed without changes of which I have not approved.

If the Museum will give me a copy of the already published and will agree to let me read galley and pageproof, the next installment will be provided within the six months' period beginning August 1, 1932 and the rest as soon after as it can be copied. I should expect, of course, that the Museum pay for the typing.

Very sincerely,

(Signed) Walter Koelz

COPY

November 21, 1932

Mr. Siegfried F. Hartman
46 Cedar St.
New York City

Dear Mr. Hartman:

Your letter to Mr. Horch with the enclosed letter from Mr. Burke was brought to my attention.

In reply to Dr. Koelz's letter of October 25th, addressed to Mr. Burke, we feel that Dr. Koelz is only seeking new complications. We wish to call your attention to the fact that Dr. Koelz never stipulated at any time that either galley or page proofs, or the typewritten manuscript, must be submitted to him.

Dr. Koelz writes in his letter to Mr. Burke that he wishes to be satisfied that his manuscripts will be printed as he writes them. None of his diary leaves, as published in the second Journal of Urusvati, were changed. For your own files, we are sending you the printed pages of Dr. Koelz's diary as they appeared in the Journal. We would appreciate it if you would obtain for us as per agreement, the further installments of his diary, which Dr. Koelz agreed to deliver to us, as otherwise the publication of the Journal will be delayed due to his attitude.

News have also reached us mentioning the possible return of Dr. Koelz to Kulu Valley. We were promised a letter from Mr. Burke stating that Dr. Koelz has no intention to establish a competitive institution in Kulu Valley. We would appreciate a definite statement from Mr. Burke.

We entered into an agreement with Dr. Koelz, trusting his attorney, Mr. Burke, that Dr. Koelz would act henceforth in good faith, and that he would cease his malicious attitude in spreading false rumours about the Institutions. However, it is most regrettable for us to advise you that Dr. Koelz continues to spread false rumours about the Institutions in India. You readily can understand how injuriously these rumours react on our Institute. We naturally cannot permit this to continue and may be forced to take other measures.

We still have not received from Mr. Burke copies of the letters about the guns which were sent to Rupchand and to the British officials.

With best greetings,

Sincerely

ESTHER J. LICHTMANN

Vice-President

ROE & KRAMER

December 20th, 1932

Louis L. Horch, Esq.,
c/o Roerich Museum,
310 Riverside Drive,
New York City

Re: Roerich vs. Koelz

Dear Mr. Horch:

Enclosed please find two forms which are to be filled out regarding the tracing of the two letters which were sent to the Wazir of Labul and Rupchand.

Registry receipt number 612204 is the receipt which was issued by the Post Office for the letter to the Wazir of Labul, while receipt number 612205 was issued for the letter to Rupchand.

I am also enclosing copies of the two letters which were written to Siegfried Hartman in which we requested copies of the two letters which were sent to India.

I trust that these are what you want and if anything further is necessary do not hesitate to call upon me.

The registered letters were mailed on August 1st 1932, from the Wall Street Post Office.

Very truly yours,

ROE & KRAMER

By Joseph L. Appledorf

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NOTE: This letter was received on January 3rd, 1933.

COPY

SIEGFRIED F. HARTMAN

46 Cedar Street

New York City

December 21st, 1932.

Roerich Museum,
310 Riverside Drive,
New York City

Att. Mr. Horch

Gentlemen:

Referring to our recent conference in which you informed me of advice received by you to the effect that Dr. Koelz has arrived in India, I would refer you to a recent letter received from Mr. Burke, of Ann Arbor, Michigan, in which, on the subject of previous communications from me, he says in part:

"In referenceto the second paragraph of your letter, I, of course, cannot speak for Doctor Koelz, other than tosay that he has always stated to me that he had no intention of establishing a competitive institution anywhere in India. I returned his portion of the file to him at the conclusion of this item and I am writing him suggesting that he furnish you with copies of the letters requested in thethird paragraph of your communication"

Sincerely yours,

(Signed) Siegfried Hartman

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January 16, 1933

George J. Burke
Ann Arbor Trust Building
Ann Arbor, Michigan

My dear Mr. Burke:

To you as attorney for Dr. Walter Koelz, we wish to call attention to the following matter.

A release, with a payment of salary and other expenses, was given to Dr. Koelz, predicated upon the following conditions:

1. The return of two guns, property of the Roerich Museum and misappropriated by Dr. Koelz.
2. Letter of repudiation of slander.
3. Submission of the diary within six months.
4. Your personal assurance that Dr. Koelz would not return to India to establish a competitive institution.

We beg to advise you that the two guns have not been returned to the Roerich Museum. In fact, Dr. Koelz has written to the British Government that the guns are his own property.

In regard to Point #2, the letter of repudiation of slander was duly received.

In regard to Point #3, the diary has not been received.

In regard to Point #4, we have been advised that Dr. Koelz has returned to India and is now at Naggar, Kulu, where our scientific institute is situated, and is engaging there in competitive work. In addition, he is again spreading false and slanderous statements, and undermining this Institution, as well as again inciting the natives.

Dr. Koelz has been guilty of most fraudulent conduct in breaking three of the conditions upon which the release was predicated. In breaking the stipulated conditions, he has naturally voided the release. When delivering the release we relied on your assurance, as a member of the Bar, that the foregoing conditions would be complied with as agreed. In view of Dr. Koelz's default, we naturally look to you for redress and request you to take immediate steps to compel performance by your client, as we consider you responsible for this matter.

Very truly yours,

BURKE & BURKE

Ann Arbor

January 18, 1933

The Roerich Museum
310 Riverside Drive
New York N. Y.

Atten: Esther J. Lichtman
Vice-President
In re: Dr. Walter Koelz

Gentlemen:

Your letter of January 14th at hand. In reply, in the order of the numbers indicated therein, will state:

1. I know nothing about the guns referred to other than that Doctor Koelz sent to Mr. Siegfried Hartman of 46 Cedar Street, New York City, written authority to procure the same. My facilities for compelling delivery of artillery, light or otherwise, in India, is, of course, limited by the distance involved.

2. Letter of repudiation of slander.

It was my impression that Doctor Koelz always strenuously denied that he had made any slanderous statements of or concerning the Roerich Museum, and I am quite certain that the letter to Mr. Hartman, which was delivered before the cases were dismissed, indicated his attitude in that regard. The distinction is quite obvious. His statement, as I recall it, was never intended as a repudiation of a statement or utterance, but was a denial on his part of the fact that he had made any slanderous statement.

3. Submission of diary within six months.

The matter of the publication of the diary was fully considered in the correspondence that passed back and forth between Mr. Hartman and the writer. Again, I refer you to Mr. Hartman, Doctor Koelz' attorney of record, to whom I wrote on October 26, 1932, enclosing a copy of communication from Doctor Koelz and to which communication I asked a response at an early opportunity. The communication above referred to from Doctor Koelz stated:

"Concerning the Ladakh Diary requested by the Roerich Museum attorneys:

As I stated in the Spring, the publication of the document in the Journal of the Himalayan Research Institute was verbally agreed to with the Director of the Institution and the first installment was provided in long-hand before I left India. What has been done with my manuscript I have never known. No galley or page-proof was ever submitted me nor have I seen the typewritten manuscript.

Before finishing the installments, I should like to be satisfied that what the organization already has will be printed as I wrote it, and I should want assurances that the remainder will be printed without changes of which I have not approved.

If the Museum will give me a copy of the part already published and will agree to let me read galley and page-proof, the next installment will be provided within the six months' period beginning August 1, 1932, and the rest as soon after as it can be copied. I should expect of course that the Museum pay for the typing.

Yours sincerely,

Walter Koelz".

To that communication I had no reply until December 2, 1932, and was the letter of Mr. Hartman, written November 30th, 1932. I immediately forwarded to Dr. Koelz copy of Mr. Hartman's letter of November 30th, 1932, and the installment of the diary referred to therein. Since that time, I have had no word from Dr. Koelz.

I am quite certain, however, that if the suggestions made by Dr. Koelz had been carried out, the entire diary would have been available before he left.

4. My personal assurance that Dr. Koelz would not return to India to establish a competitive institution. In the first place, for the first time in my life, I am called upon to determine in what manner a scientific organization may be considered "competitive". Secondly, I never stated to Mr. Hartman, or anyone else that Dr. Koelz would consider himself prohibited from going to any part of the known world, although I did state to Mr. Hartman that I had no information that he had any present intention of returning to India, which was perfectly true. In the correspondence, as I look it over, however, and which can readily be verified from Mr. Hartman's files, will be found the following:

a - Telegram of June 30th, 1932, to Mr. Hartman:

"Koelz has no completed arrangements for his future activity, but certainly will not permit himself to be put in a position of being banished from any part of the world. Koelz complains because these people continue to add to their original demand. If this is not satisfactory to them, they are at liberty to withdraw negotiations, and as you have already apprised Dr. Koelz they have no real case, proceed to enter such defense for him as maybe necessary".

Again, my letter of July 1, 1932:

"His self respect will not and does not permit him to sign any statement in reference to the limitations of his right as a scientific man to exercise his talents in whatever part of the world he may see fit. He has stated to me that he does not mean that he has any present intention of engaging in work in India, competitive or otherwise, with the Roerich Museum, but the implication that he should be banished from any part of the

world is more than he is willing to concede."

Again, by telegram of July 14, 1932:

"He will not, as I have explained, permit anyone to dictate his exclusion from any part of the world, even though he may have no intention of going there. Can this matter be transferred to the Federal Court upon application?"

I think the foregoing will indicate quite clearly the attitude of Dr. Koelz in the matter, and also indicate that he was perfectly willing to try out the subject-matter of the litigation if any attempt was made to impose conditions upon him.

I note your final statement in the matter that you consider me responsible for this matter. That is a most refreshing attitude, to say the least, for you to take. I certainly was not representing the Roerich Museum in this litigation, and in fact, never had any direct communication with you, or your attorneys and if I have any responsibility in the matter, I shall be concerned only with the responsibility that I may have to my own client. Koelz, so far as I know, is a reputable gentleman and an estimable scholar.

Yours very truly,

GEORGE J. BURKE

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COPY

SIEGFRIED F. HARTMAN

46 Cedar Street

New York

January 23rd, 1933.

Roerich Museum,
310 Riverside Drive
New York City

Gentlemen:

I received a letter from Mr. George J. Burke enclosing what he deems to be the balance of the diary of Dr. Koelz, and instructing me to deliver this to you upon the payment to me for Dr. Koelz of the sum of \$21.60 to cover the cost of typing and \$.54 the cos of mailing, or a total of \$22.14. Mr. Burke also requests me to say that Dr. Koelz suggests that, in the future where his photographs are used to illustrate the articles, he be given credit therefor. Mr. Burke also advises me that in a letter received by him from Dr. Koelz, Dr. Koelz states: "the guns were taken in custody by the civil authorities before the arrival of the letter given to Mr. Hartman."

In accordance with the above instructions, I am ready to deliver the manuscript now in my possession upon the receipt from you of the sum of \$22.14.

Very truly yours,

(Signed) Siegfried Hartman

COPY

BURKE & BURKE
Ann Arbor Trust Bldg.
Ann Arbor, Michigan

January 26, 1933

Roeckh Museum
310 Riverside Drive
New York, N.Y.

Attention: Miss Esther J. Lichtmann
Vice-President

My dear Miss Lichtmann:-

Your impetuous communication of January 23rd, received. You apparently ignore the statements in my previous letter as well as the copies of communications forwarded indicating that I never, at any time, would or could agree that Dr. Koelz would not return to India. You still continue to use the expression "competitive enterprise." It is difficult for me, being a rather meagerly informed layman, to understand "competitive" in that connection. You might have insisted that Dr. Koelz would agree not to return to India, of course, which the correspondence shows you did, but his refusal to accept your proposal caused your insistence to be rather ineffective.

In reference to the diary, I communicated in October, the conditions under which the diary was to be delivered, including the matter of reading proof, etc. The fact that Dr. Koelz insisted upon being repaid for the money advanced for stenographic work on typing the diary probably was inspired by the difficulty he had in securing from your organization the balance of his compensation upon his return from India last year.

May I request that, if, in the future, you have any further communications to make to me, you will make them through Mr. Siegfried F. Hartman, who was the attorney of record for Dr. Koelz in this matter, and I may also suggest further that your hysterical reaction at the return of Koelz to India cannot help but be a subject of great wonder.

Yours very truly,

(Signed) George J. Burke

GJB:N

C O P Y

WEISS, PELS & GRANT
Attorneys at Law
551 Fifth Avenue
New York

April 18th, 1933

George J. Burke, Esq.,
Ann Arbor Trust Bldg.,
Ann Arbor, Michigan.

Dear Sir:

We represent the Roerich Museum, and they have consulted us with respect to their grievance against Dr. Walter Koelz, who we are informed is represented by you in this country. Apparently there has been some misunderstanding respecting the position of our client and its objective.

May we state at the outset that the Roerich Museum is an educational institution organized as such in this State, and that it is not engaged in the pursuit of private gain. We mention this because its motives have been questioned. The Roerich Museum is not seeking to hinder any other scientific venture, but it is trying to carry on its own studies and research work unhampered by Koelz's interference. By reason of Koelz's previous conduct during his employment by the Roerich Museum it was insisted as a condition of terminating the prior litigation between the parties that Dr. Koelz should not return to the base of the Roerich Museum in India. Our client informs us that your moral assurance in this respect was accepted and relied upon.

Dr. Koelz, as you know, is now back in India, and as was anticipated is proving troublesome to our client. We take it as basic that one who calls himself a scholar should not annoy or harass any educational institution regardless of his personal feelings. Dr. Koelz, however, is seeking to establish headquarters in close proximity to the Station maintained by the Roerich Museum. Such conduct is inexcusable.

Our client has consulted Prof. Ralph V. D. Magoffin, for ten years president of the Archaeological Institute of America and a scientist who has participated in many expeditions, respecting the propriety of one institution setting up an expedition in the identical territory, and he has expressed himself in writing as follows: "Academic decency never permits any of the universities to poach on a territory or a field in which another learned society or organization is working". We are also informed that Dr. Sven Hedin, the leader of the Sino-Swedish Expedition in 1927-1932, declined to excavate in the ruined site of Khara Khoto in Inner Mongolia since the work was being carried out by an expedition under General Kozlov. Simi-

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April 18, 1933

George J. Burke, Esq.,

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larly the German expedition of Gruenwedel and Von Le Coq to Chinese, Turkestan limited their excavations to the northern part of the region in order not to interfere with the explorations then being carried out by Sir Aural Stein along the southern caravan route in Chinese Turkestan. We mention these instances to indicate that there seems to be a well established and widely accepted standard of conduct among scientific research workers not to interfere with one another's work. In the face of this Dr. Koelz plans to settle at the base of the Roerich Museum's Institute at Naggar, Kulu in India. The inevitable conflict will in the end do more harm than good to all concerned. Unpleasant consequences can be avoided if Dr. Koelz is induced to change the base of his operations, and in the interest of both parties this would seem a desirable solution.

May we also call your attention to the fact that Dr. Koelz has failed to deliver the second series of his diary, some guns and ammunition, field glasses and Tibetan manuscripts belonging to the Roerich Museum, all in direct violation of an agreement made by him. Dr. Koelz has been fully compensated for his services and there is no legitimate ground for his withholding any of the property belonging to the Roerich Museum.

Very truly yours,

JW:L

COPY

April 19th,
1933

Messrs. Weiss, Pels & Grant
Attorneys at Law
551 Fifth Avenue
New York, N. Y.

In Re: Roerich Museum
vs. Dr. Walter Koelz

Gentlemen:

We have your communication of April 18th in the above. Mr. Siegfried F. Hartman, of 46 Cedar Street, New York City, was the attorney for Dr. Koelz in the litigation in New York. If your clients informed you that they received any moral or other assurances from me that Dr. Koelz would not return to India, they certainly have stated something to you which is not the fact. If they will take the trouble to show you my letter to them under date of January 18th, 1933 in which I repeated all of the information concerning the fact that Dr. Koelz would not consent to remain out of any part of the known world, I believe you will agree with me. I, of course, have no personal knowledge of the character of the scientific expeditions being carried on in India, but from my limited knowledge of scientific matters generally, it is the first time in my life that I ever knew of "competition" in a matter of scientific research. It seemed to me that any contribution to science or to scientific knowledge was made that was beyond the realm of competition.

As your clients well know, they were referred to Mr. Hartman on January 18th in reference to the balance of the diary, and Mr. Hartman has had it in his possession ready to deliver it to them at any time since January 20th, upon the payment by them of the fees for typing, the items of which expense were enclosed with it. The other matters referred to by you have all been considered in rather voluminous correspondence with the Museum and with Mr. Hartman, and I am quite certain that if you will get in touch with Mr. Hartman, he will verify this.

Yours very truly,

GEORGE J. BURKE