

The author of this article lives and works on unceded territory of the Multnomah, Kathlamet, Clackamas, bands of Chinook, Tualatin Kalapuya, Molalla and many other Tribes who made their homes along the Columbia River.

# Homesteaders: John Fenstermacher

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## Table of Contents

<b>Death</b>	<b>3</b>
<b>The Heirs</b>	<b>8</b>

## Death



Before I am going to discuss what I know about John Fenstermachers life, I first have to mention that his last name is often spelled differently, for instance Findsermacker or Finstamaker. And various permutations of these variations. Because of later developments, discussed below, I will use Fenstermacher. Snyder (1989, p 80-81) suggests the different spellings are there because Fenstermacher did not know how to write. No matter how you spell it, it means windowmaker. It suggests an Amish or Pennsylvania Dutch origin, and indeed there are many Fenstermachers in Pennsylvania. But, like for his homesteading neighbor Evander Howe, initially the details about John Fenstermacher's life are scarce and hard to come by. As is often the case, as we saw with both Liverpool Liz and Evander Howe, information becomes more readily available at death.

Probate file.

So let us look into the sad death of John Fenstermacher. He died May 17, 1887, and was buried in Lone Fir Cemetery, section 19, lot 26, grave 2S. The excellent Find-a-Grave site has a picture of the gravestone, which also tells me he was 63 years old when he died, leading us to believe he was born in 1824.

*His grave is in Lone Fir Cemetery, marked by a weathered shaft of marble with one simple decoration, a bundle of wheat -- reference to the Biblical assurance that "He will gather His wheat unto Himself" (Snyder, 1989, p. 81).*

Of course the gravestone does not tell us how he died, or who paid for the obelisk and the grave site. My guess is it was paid for by the State of Oregon, which was, at least initially, the beneficiary of his death.

Next on my search I found two articles from the Morning Oregonian, the first from May 19, 1887, and the second from May 9, 1888. I summarize their story, which has some temporal peculiarities. Remember the official date of death is May 17, 1887. Here is the first article.

#### THE EAST SIDE.

##### A GERMAN ATTEMPTS SUICIDE BY CUTTING HIS THROAT—LONG BEACH NOTES.

Yesterday afternoon at 6 o'clock, John Fenstermacher, a fruit grower, living one and a half miles east of this city on the Asylum road, attempted to end his earthly career by slashing his throat with a razor, at his own residence. The cause of this rash act is an unsettled mind, though his insanity is of a very mild form. Fenstermacher has been a resident of this county for many years, and has always been considered a harmless, inoffensive and quiet man. He came to this state from Virginia, and has no family, or relations in this place. Shortly after the tragic act had been committed, W. F. McMonies of this city took charge of the unfortunate man and brought him first to the residence of Dr. Royal, on 12th street, but that gentleman being away from home, he was taken to the office of Dr. Coley on 5th and L streets where an examination of his wounds was made, and surgical assistance rendered. The front and sides of the windpipe were found to be severed, also several small blood vessels, the artery on one side of the neck barely escaping the keen edge of the razor.

After his wounds were dressed he was able to talk readily, and told the doctor that he had committed the rash act on account of being disappointed in a love affair. Fenstermacher was subsequently removed to the Good Samaritan Hospital in Portland, where he will no doubt receive all the care and attention he requires. He is in good circumstances, and it is hoped his unsound condition of mind may not be permanent.

The article says that "yesterday" John Fenstermacher tried to commit suicide by cutting his throat with a razor at his own residence on Asylum Road. Let's assume that "yesterday" is, indeed, May 17, 1887. W. F. McMonies, a neighbor, found him and eventually got him to Dr. Coley who dressed his wounds.

*After his wounds were dressed he was able to talk readily, and told the doctor he had committed the rash act on account of being disappointed in a love affair.*

The second article of May 9, 1888 says that on May 17, 1887 the second suicide attempt, this time by hanging, was successful. This obviously corresponds with the official date of death. The article says

*Previously he made an attempt on his life by cutting his throat.*

Snyder (1987, p. 80) has a lurid account of the two suicide attempts. In fact, he even describes a third attempt, also involving a razor, and for both failed attempts he gives the names of the doctors, and even the amount of their bills. I am not sure where that information comes from, because of Snyder's infuriating habit not to give references and sources, and to be rather cavalier about names and dates. Again, his books are very useful, but they would have been so much more useful with suitable notes and references. Anyway, let's copy here what Snyder says on his page 80.

*Lying in a pool of blood with his throat cut, John Finstamaker (or Findermacher -- his name was spelled various ways because he did not know how to write) was found in his bachelor's farmhouse one day in the spring of 1887 by a neighbor, William Monies. John was still alive, so Monies got him into a buggy and whipped off to try to find a doctor before the victim bled to death. He had to drive to various offices before finding a doctor in. "At last," as Monies said in his account of the incident, he found a Dr. Coles, who "operated on the cut neck, charging \$50."*

*This was the second time John had tried to commit suicide. The first time Dr. John Sellwood had repaired the damage for \$ 25. But the third time was the charm. John died by his own hand May 17, 1887, and, hopefully, found the piece he was seeking. He was 63 years old. What disappointments, what self-recrimination, regrets or remorse may have tortured poor old John, God alone knows.*

Not just God, it turns out. Fenstermacher told the reporter of the Oregonian that he was "disappointed in a love affair". Snyder also has the names of the doctor, of the victim, and of the neighbor wrong, or at least different from what the Oregonian has. In subsequent remarks on the Fenstermacher inheritance and relatives he also makes various mistakes, so I am not sure about the veracity of what he describes as the first attempt.

Also note that according to the information we have so far, Fenstermacher cut his throat in May 17, then was taken to Good Samaritan, and then hung himself on the same day. This seems an unlikely sequence of events. For a more plausible story we rely on information from the Statesman Journal of June 19, 1887.

COMMITTED SUICIDE.—At 7½'clock p.m. Friday John Fenstermacher, a patient who did gardening about Good Samaritan hospital in Portland, was found dead, hanging from a beam in a woodshed. The deceased was of a weak mind, having attempted to kill himself once before. He had been a resident near Mt. Tabor, and after his former attempt upon his life he was sent to the above named hospital. Nothing much is known of his antecedents, he having lived obscurely.

This suggests Fenstermacher was committed after his suicide attempt, did some gardening on the hospital grounds for a month, and then hung himself on June 17, 1887. It implies, of course, that the official day of death, which is on the grave in Lone Fir, is incorrect. Whoever paid for the grave used the first suicide date as the day of death -- but Fenstermacher managed to live another month after his official death.

Be that as it may, the second Oregonian article of May 9, 1888 gives some interesting personal details, probably gathered from neighbors and other acquaintances. Fenstermacher came to Oregon as a private in the US Army, and fought under Sheridan in a battle with Indians at the Cascades. After his death his personal property was found buried in various places. He had also mentioned to these same acquaintances or neighbors that he made several substantial deposits, but because he did not mention in which bank, they could not be found.

*He was a miserly person, never known to expend a cent unnecessarily; and some who knew him intimately say that in his greed for wealth, he even deprived himself of sufficient to eat.*

In addition

*He never spoke of himself or family relations, and no one here ever knew from whence he came, hence, after his death, all efforts to learn as to whether or where he had lawful relatives were unavailing, although no little trouble was taken in the premises.*

As a result of all this secretiveness there was no testament to be found. Fenstermacher died intestate, and his estate, worth \$ 15,000, by law escheated to the State of Oregon on May 20, 1888. Note that inflation calculators tell us that \$ 15,000 in 1887 dollars is \$ 375,000 in 1917 dollars. A considerable amount of money, to be sure. Also, in the Notes from East-Portland, on the site of the Genealogical forum of Oregon, we find the following clipping.

July 11, 1887

- The Alvin Allard estate was sold last Saturday by the administrator for \$1900. It consists of thirty-four acres of land at Gravel hill.
- Judge J. K. Wait, the administrator of the estate of Fenstermacher, who recently committed suicide, on Saturday sold the personal effects of the deceased at his place out in the country. The sale included the hay and fruit. The sale brought about \$180 in cash.
- BORN--In East Portland, July 9, to the wife of H. P. McGuire, a daughter. Mother and child doing well.
- DIED--In East Portland, July 10, Mary F. wife of J. K. Laing, aged 42 years. (Bangor, Me., and Worcester, Mass., papers please copy).
- Funeral from residence, cor 4th street and Holladay avenue, Wednesday at 10 A. M. Friends of the family are invited to attend.
- The funeral of Ben Holladay will take place from the Cathedral, corner Third and Stark streets, Monday morning, July 11, at 10 o'clock.

And in the Morning Oregonian of June 19, 1888 we see how the state disposed of the Fenstermacher land in East Portland.

**AN ESTATE SOLD.—At the courthouse, yesterday morning, Auctioneer A. R. Richardson sold property belonging to the estate of John Fenstermacher, which was recently escheated to the state. Fourteen acres were sold, realizing \$14,700. Five acres, with orchard, situated on the Asylum road, were sold to Scott Swoutland for \$1600 an acre; and nine acres in the same vicinity went to John Hobson for \$810 an acre.**

Just for completeness, here are the two deeds. First State of Oregon to Svetland

<https://drive.google.com/open?id=1Yfi9f7CFIhlfu4t7ldbEwe80zBASzlfu>

And then State of Oregon to Hobson

[https://drive.google.com/open?id=1ShOldKWWI6DtrqTjBwCFL5HQnihO\\_-E2](https://drive.google.com/open?id=1ShOldKWWI6DtrqTjBwCFL5HQnihO_-E2)

## The Heirs

After 1888 all should have gone quiet. But it didn't. News of Fenstermacher's death, and of the large amount of money sitting in the state's coffers, soon reached Pennsylvania. And these alleged relatives, or their lawyers, flocked to Oregon to sue the state and to prove to the courts they were indeed the legal heirs. It is not easy to disentangle all these lawsuits, but I shall try. In the process a lot of new information about John Fenstermacher will come to the fore.

The first case was filed in Multnomah Circuit Court by Peter Fenstermacher et al. on May 25, 1889. Judge Stearns appointed Mr. George A. Brodie to investigate their claims. I am not sure what Mr. Brodie found, but the court ruled the plaintiffs were not the relatives of John Fenstermacher. On March 10, 1890 Judge A. H. Tanner represented another batch of alleged heirs in the same court. He asked to send a commissioner to Pennsylvania to "take testimony". Judge Stearns said he had already made his ruling in the previous case, and "further proceedings in the matter must be carried to the supreme court". On October 27, 1890 the Oregon Supreme Court refused to overrule the circuit court's decision.

Skip to 1897. In the San Francisco Call of June 16, 1897 it is reported that 67 Fenstermacher relatives, represented by the firm of Emmons & Emmons, began suit in the Multnomah Circuit Court. In connection with this suit

*Attorney Chester A. Dolph was commissioned by Governor Lord to go East and investigate the claim, and his report was adverse to the heirs.*

The Morning Oregonian of April 8, 1898 mentions that Judge Sears dismissed the suit, of Alice Reonbault et al. vs the State Of Oregon, because Emmons & Emmons failed to produce two witnesses

*... of which one -- J. Schaefer -- has died since the action was begun, and the other -- Harry Monice -- has gone to the Klondyke.*

The article also mentions another suit going on, championed by Attorney J.C. Moreland, "who is now East gathering testimony". More detail about this latest lawsuit is in the Morning Oregonian of February 28, 1898. Plaintiffs are Amos L. Young, Charles W. Young, Sue Osterman, Mary Osterman, and Elizabeth Osterman. Amos and Charles Young maintained they were sons of Lavina Fenstermacher, a sister of John Fenstermacher. The Osterman women were daughters from a second marriage of John Fenstermacher's mother.

*Mary Osterman and Elizabeth Osterman are of unsound mind, and J.C. Moreland has been appointed their guardian ad litem.*



The article briefly summarizes the proceedings in the earlier lawsuits in Judge Stearns' court.

*At the time of this suit several attorneys went to Pennsylvania, and found the Fenstermachers were a very prolific race, and thick as fleas in that state, but none of them could establish relationship with this Fenstermacher.*

Some additional information was provided by these alleged relatives about John Fenstermacher. He enlisted in the army in Pennsylvania, and then came west with his regiment to Walla Walla. He had a tendency "for deserting from the army every now and then". This was supposedly born out by army records. It made me curious. There is a 1873 army pension application, under number R. 3,524, for service in Pennsylvania by John Fenstermacher, which was actually rejected, perhaps because of later desertions. Ancestry.com also has a June 1863 civil war draft registration record from the counties of Schuylkill and Lebanon in Pennsylvania, where John Fenstermacher, 39 years old, a merchant, is declared eligible for the draft.

Sample of all persons subject to do military duty between the ages of twenty and thirty-five years, and all unmarried persons subject to do military duty above the age of thirty-five years and under the age of forty-five. Class II comprises all other persons subject to do military duty.

TABLE IV.—CONSOLIDATED LIST of all persons of CLASS II, subject to do military duty in the Tenth Congressional District, consisting of the Counties of Schuylkill and Lebanon, State of Pennsylvania, enumerated during the month of June, 1863, under direction of Provost Marshal.

RESIDENCE	NAME	AGE (in years)	WHITE OR COLORED	PROFESSION, OCCUPATION, OR TRADE	PLACE OF BIRTH (Naming the State, Territory, or Country)	FORMER MILITARY SERVICE	REMARKS
Lebanon	Tracy Charles	36	White	Carpenter	Penn.		1
"	For Morris	35	"	Landlord	"		2
"	Tracy Henry G.	36	"	Carpenter	"		3
"	Trilling David P.	35	"	Shoemaker	"		4
Lebanon Township	Tracy Patrick	36	"	Sabotier	Ireland		5
"	Tracy Henry	44	"	Carpenter	Germany		6
"	Tracyman A.	45	"	Shoe-maker	France		7
"	Tracy Elias N.	36	"	Shoemaker	Penn.		8
"	Tracy David Frank	39	"	Sabotier	Germany		9
"	Tracy Patrick	40	"	"	"		10
Lebanon Twp.	Tracy William M.	40	"	Millwright	Penn.		11
"	Fenstermacher John	39	"	Merchant	"		12
"	Tracy Daniel	35	"	Farmer	"		13
"	Fenstermacher John	40	"	"	"		14
Lebanon Twp.	Tracy Christ	38	"	Shoemaker	Germany		15
"	Tracy Pat	42	"	Sabotier	Ireland		16
"	Tracy B. E.	36	"	Shoemaker	"		17
"	Tracy M. J.	37	"	Shoemaker	Penn.		18
"	Tracy David	39	"	Shoemaker	"		19
Lebanon Twp.	Tracy Joseph	39	"	Sabotier	Germany		20

Colonel JAMES B. FREY,  
Provost Marshal General U. S.,  
Washington, D. C.

Station: Headquarters 10 Congr. Dist. of Penn.  
Date: Sept. 1, 1863

Best Available Image

C. Stearns  
Provost Marshal

<https://drive.google.com/open?id=1RcUv1nvTcXDlx2JBSKsxeNAYsrr6SSAQ>

The Morning Oregonian of March 21, 1898 made some coastal elitist fun of the simple souls in Pennsylvania. They got hold of a March 5th, 1898 letter from a Mrs. Amanda Laubach, from Kreidersville, Northampton County, Pa., addressed to "Any Postmaster in the State of Oregon".

*Mr Jehtelmen*

*Will you Pleas and Let me no if John Fenstermacher is Died in the State of Oregon. If not ask the Justice of the Peace if you Pleas. We Se in the Paper that John Fenstermach Died and left a big estate. He Disappeared From here in 1858 Where he bought an Ammence tract of land. He died a hermit. I will give you some of the Fenstermacher Name.*

The Oregonian continues

*Then follows a list of names as long as the list of patriarchs given in the fifth chapter of Genesis, and which might be as interesting, if it only stated how long each Fenstermacher lived and whom he begat.*

Unlike the previous lawsuits, this last one had legs. Attorney J.C. Moreland had done his homework, and produced a long string of witnesses. The state, in the person of Attorney Chester V. Dolph, also put up a fight. Before we go into the arguments, we may as well summarize the Fenstermacher story, as argued by the plaintiffs. The clearest statement is in the Pacific Reporter, from when the case reached the Supreme Court.

*To prove their heirship, they gave evidence to the effect that in 1826 or 1827 one George Fenstermacher and Elizabeth Newhard were married in Pennsylvania, and as a result of such marriage four children were born to them, to wit, LaVina, Jonas, Amanda, and John; the two latter of whom died at an early age, unmarried. About 1837 or 1838 the father deserted the family, and was never afterwards heard of. Lavina, the eldest daughter, then a girl 10 or 11 years of age, went out to work, and was subsequently married to John Young, a stage driver, by whom she had three children, one of whom died in infancy, and the other two are plaintiffs in this action. The mother, Elizabeth, with her two sons, after living among her relatives a short time, went to the Northampton poor house in 1839. From there Jonas was bound out to one David Keller of Stroudsburg, Pa., where he remained five or six years. He then went to learn the brick mason's trade with a man by the name of Deal, with whom he remained a short time, and then went away to shift for himself. After remaining at the poor house for a time, his mother married one Osterman, by whom she had three children, who are also plaintiffs in this case. She died July 22, 1889.*

Single mother, poor house, son given in bondage, two daughters judged to be "insane" from a second marriage. Just to be complete I checked the Federal Census in Pennsylvania. In the 1850 Census in Denison, Luzerne, Pa., we find Lavina Young (23), married to John Young (28), with children Elizabeth (6), and Amos T. (2). In the 1860 Census in Lausanne, Carbon, Pa., we find Domnick Osterman (53), married to Osterman (no first name, 52), with children Susan (17), Joseph (13), Elizabeth (10), and Mary (7). Those are our plaintiffs, all right.

The story continues with Jonas Fenstermacher's military career, illustrating why he was denied a civil war pension.

*The plaintiff's further gave evidence to the effect that in June, 1855, a young man calling himself John Fenstermacher enlisted at Wilkesbarre, Pa., in Company G, 9th regiment, United States infantry, and afterwards came with his company to this coast. After he enlisted he was arrested, or his arrest attempted, on a warrant under the name of Jonas Fenstermacher; but by some arrangement or management of the captain the officer was not allowed to take him, and he went on with his company. At Ft. Simcoe, about 1858 or 1859, he was accused of desertion, caught, flogged, and dishonorably discharged.*

Five years later he was in Portland, bought and sold various pieces of land, grew fruit and raised cattle on Asylum Road, lead a lonely and miserly life, and managed to scrape together a small fortune. But eventually the demons from his past got the better of him, and in a second or third attempt he killed himself.

From Polk's Portland City Directories we find that in 1885, 1886, and 1887 John Fenstermacher lived on Asylum Road. In 1885 he was listed as a farmer, in 1886 and 1887 as a fruit grower.

Asylum Road in East Portland used to be named U Street. In 1859 Dr. J.C. Hawthorne started the private Oregon Hospital there. It soon started to specialize in the treatment of mental illness, and in 1862 it became Oregon Hospital for the Insane, the first such facility in the state. By 1873 18-20 percent of the population of East Portland worked there, and U Street was renamed Asylum Street. Most patients were committed by the state, and the hospital was almost exclusively funded by Dr. Hawthorne's lucrative state contract. His friends in high places supported him until well in the 1880's, when the state mental hospital moved to Salem. The distastefully named Asylum Road became Hawthorne Avenue. What upstanding citizen would want to buy a house on Asylum Road ?

In the San Francisco Call of June 16, 1897 it says Fenstermacher lived on 14 acres he owned in the Seldon and Hiantha Murray Donation Land Claim, which means he grew his fruit somewhere on what is now Hawthorne Boulevard between 20th and 38th Street. Those are the 14 acres sold by the state in June 1888.

In the lawsuit the various witnesses for the plaintiffs testified that they knew Jonas or John Fenstermacher in Pennsylvania or in the military, and that he had told them the various details of his life. Attorney Dolph argued that the case was completely based on hearsay, because the witnesses had all their information from Fenstermacher himself, who was now deceased. The state argued that there indeed was a Jonas Fenstermacher in Pennsylvania, and in the US Army, but it had not been established that this was the same person as the John Fenstermacher who died in Portland.

On September 19, 1898 Judge Sears sided with the plaintiffs, and awarded them the fund. One last thing had to be settled.

*The evidence shows the original amount of the escheated assets to have been \$ 15,165.62, but that the state has paid out \$ 1,995.05 for costs and expenses necessarily incurred in successfully defending two certain actions brought to recover the fund by parties claiming to be entitled thereto.*

Attorney Moreland and the plaintiffs did not like the fact that they had to pay the state for the costs of the failed lawsuits of their relatives, and appealed that part of the ruling. The Supreme Court of Oregon on January 29, 1900 decided to uphold Judge Sears' calculations. As in the previous Peter Fenstermacher et al. appeal, the Supreme Court refused to rule on the facts of the case, because "a proceeding of this kind is an action at law, and therefore the findings of the trial court upon controverted facts are not open to review here." The lawsuits were finally settled.

LONG DRAWN-OUT LITIGATION.	
Brought to a Close by the Payment, of an Escheated Estate, to the Rightful Heirs.	
<p>The suits, brought by the alleged heirs of the Fenstermacher estate, to secure the funds escheated to the state school fund years ago, have finally met with success, and the heirs are now about to receive the money due them from their deceased relative's estate. In the supreme court recently the heirs won their suit, and yesterday the state land office received the mandate of the court, ordering the payment, to the heirs, of the amount involved—\$12,170.57. Judge J. C. Moreland, attorney for the heirs, was in the city yesterday afternoon to secure the payments, but as the circuit court for Multnomah county, in making the order for the payment, in accordance with the mandate of the supreme court, had ordered the secretary of state to draw the warrants on the school fund, it was found necessary to have changed the order, substituting the chief clerk of the land board for the secretary of state. The amended order will be received today, when the warrants will be drawn on the principle of the common school fund, in favor of the heirs, as follows:</p>	
J. C. Moreland, guardian of	
Mary and Elizabeth Osterman .....	\$ 6,085.28½
Susan Osterman .....	3,042.64¼
Amos T. Young .....	1,521.32½
Charles W. Young .....	1,521.32½
Total .....	\$12,170.57

Thus ends the sad story of Jonas Fenstermacher, who very briefly owned a very small part of the Piedmont Neighborhood, and of the hundreds of relatives who wanted a piece of the estate when he died.

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