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Lawyers in Nassau argue over ownership of Ben Franklin texts, bibles

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By BRIDGET MURPHY

A Nassau judge heard arguments Monday in a dispute over ownership of a Benjamin Franklin manuscript and other rare texts between the daughter of a late Glen Head jewelry store owner and the New York Public Library.

Nassau resident Margaret Tanchuck found the artifacts in her father's shop after her parents' deaths, according to court papers. She's said that while she doesn't know how her family acquired them, her father told her around 1990 that he owned valuable bibles and other rare documents.

But library officials claim the playground rule of "finders keepers" shouldn't apply to the seven historic bibles -- one of which is from 1672 -- and the Franklin text. The daily ledger from Franklin's Philadelphia printing business dates to 1759 and has an estimated worth of more than \$2 million.

Library officials on Monday asked State Supreme Court Justice Stephen Bucaria to dismiss the part of Tanchuck's claim that says the statute of limitations bars the library from claiming ownership, and argued a three-year clock on a claim only started ticking last summer.

Library attorney Henry Ricardo also asked Bucaria to require Tanchuck, who is suing as executor of both her parents' estates and her father's trust, to file records that show exactly which party possessed the items.

"If, for whatever reason, they can't take a position . . . then we would seek dismissal at that time for lack of standing," Ricardo said of the case.

But Alexander Klein, one of Tanchuck's attorneys, told Bucaria his client can resolve the issue of which estate the items "should pass through" in Surrogate's Court once the battle with the library is resolved.

"Basically what the library wants to do is to have us pick which estate is bringing this action and then come, guns blazing, as to why it actually belongs in the other estate and . . . therefore we lose because we didn't pick the right party," Klein said.

Tanchuck's attorneys say that under a legal doctrine known as laches, the library's failure to pursue items the institution failed to miss but now claims were stolen between 1988 and 1991 means Tanchuck -- whose family held them for decades -- is the rightful owner.

But library officials claim there's no possibility Tanchuck, or whoever transferred the items to her parents, got them legitimately.

Last summer, she sought an appraisal of the items from an auctioneer, who saw library markings on them. Once notified, the library declared ownership and alerted federal authorities, court records show.

Federal officials started a grand jury investigation that appears to be ongoing, according to remarks in State Supreme Court in Mineola. A U.S. attorney's office

spokesman pointed to April court filings concerning a grand jury subpoena, but wouldn't comment further Monday.

Klein told Bucaria that the grand jury action is based on a probe of whether Tanchuck, in bringing the items to the auction house, committed a federal crime.

Bucaria's decision on court motions in the civil case is expected by early fall.