

Raleigh May 27th 1876.

Hon. A. W. Tourgee:

Dear Sir: I was so engaged when yr. note of this date was recd. that I cd. not answer at once - but it took me some what by surprise.

Messrs. Smith and Storey, as far as I am informed, have no intention of retiring from Mr. Tupper's suit. Mr. Smith was with me yesterday discussing his interests, and expressed no such intention quite the reverse.

I also am prepared to do what I can by way of advice &c., but have declined to appear before the J. P. unless I am paid for it: except in very rare instances. I have refused for several years last past to appear in trials before any J. P.: under the peculiar circumstances of Mr. T.'s case, I, with some reluctance, had determined to lend my aid. but when I found he expected me to go on without any fee, I said to him I cd. not do so. I recd. no reason why I shd. I had no idea when I first attended before Maguire, & afterwards before Barber, that Mr. T. expected me to render him legal services without any remuneration. I have said as much of this to him as I can with delicacy, and he seems satisfied, and says he has no right to expect any further aid. He explicitly tells me he can pay no more fees.

I do not regard this suit, as part of the suit in

wh. I was formerly retained, not by Mr. Jaffer,  
but, by the Trustees of the Church who are now  
in possession. If Mr. J. desires my services  
he can have them by paying for them. How  
then am I "injuriously" him? And as to "injustice"  
to you? The very suggestion of it in your note  
astonishes me. How can my refusal to appear  
unless I am "paid" have that effect? I do not  
see. I feel a warm interest in Mr. J's suc-  
cess. I think you can do more to assist it  
than any one I know. I am glad you are set-  
ting for him. and I feel the less hesitancy in  
declining to go further because he has retained  
you.

I am satisfied it has never occurred, and will  
never occur, to any other person than yourself,  
that my absence has any other connection  
with your appearance in the cause, than  
my full assurance, that you can give,  
and will give him, the most active & effi-  
cient aid: it never occurred to me that any  
one could possibly attribute my retiring from, to  
your coming into, the suit. Mr. J. consulted me  
before he retained you. I thought we needed you.  
I told him so, and warmly urged him to de-  
cure your services at the earliest moment.  
To ascertain your retainer fee & to pay it.  
It is this the only instance, in wh. I was

with the zeal, energy, and ability, which you  
bring into every case. I have desired my clients  
to retain you. since you have been in Bos-  
ton, & before. I thought you knew this. Will  
you pardon <sup>me</sup> for saying, such a suggestion,  
coming from you is absurd: as is also your  
proposition to surrender ~~your~~ <sup>my</sup> fee for my benefit,  
and leave the case to Smith & myself. You  
are silly & favoritist, & irritable, otherwise  
I should be almost offended at what you  
write. and on these grounds alone can I ac-  
count for your thinking my refusal to appear  
before the J.P. without a fee "so ruinous to  
our clients".

I will add one or two more matters. Taking it  
for granted that this letter is for your reading alone  
and defer for a personal interview an ac-  
count of the manner in wh. I was origin-  
ally retained in Jaffer's affairs. the insuffi-  
ciency of the fee. The failure to increase it  
according to an understanding we once had in  
this matter, and the great amount of labor I  
have expended on the matter.

1st. I think J. has as much legal help as he  
needs without me: that whether I am in or out  
of the case will make no difference in the suc-  
cess or failure: and if he were asking me as  
a friend, I should advise him not to pay me a fee.

\* Thus I repeat, as for yr. reading alone. and I shall  
be glad to talk over anything with needs touching explanation  
with you tomorrow. if you can call at my office  
Yours to Aff.

that it was money thrown away, and there  
was no need of my help.

2nd. I suppose himself, has only paid me \$50.  
fifty dollars: The Trustees of the Church  
paid me \$100. and gave me a note for \$50.  
one hundred & fifty, to what I was surety. a  
part of this note, perhaps the whole, he  
had to pay, but it was as surely not paid.  
and I am ignorant what settlement he  
has had with the Trustees: The \$50 he paid  
me was before I was in the suit; as in dis-  
-tinct fees, by agreement, to argue a motion for  
an injunction for me in Smith's absence; was re-  
quired to be paid in cash, and I think was supplied  
in part by Trustees: I think I have paid enough, but  
he has not paid me enough: I admit it is hard  
upon him to pay more, but it is harder upon me  
to go on without my proper fees: he can afford  
to pay me better than I can afford to work with-  
out pay: it is possible for him to pay me if he  
thinks it not prudent enough: it is impossible for me to live un-  
-less I am paid for work with as I can do.  
3rd. Finally neither he, nor any know how narrow  
my circumstances are. Frankly I have been without  
a dollar for the last ten days, and have had to pledge  
my silver spoons, to feed my household & supply necessary  
food & medicine for an almost dying child: I am struggling  
against the most pressing poverty. I mean want of food, & fuel,  
& clothing & the like, and am obliged from day to day to make arrange-  
ments to live. I cannot spend any time on J. case - and leave  
the daily struggles for bread, to my wife & little ones. My wife must  
be made to supply their wants promptly, from day to day. All this  
is disgusting & unwholesome, but it is true. I am at my last extremity. \*