

LAW OFFICES OF
MOOT, SPRAGUE, BROWNELL & MARCY.
45 ERIE COUNTY SAVING'S BANK BUILDING.

ADELBERT MOOT.
HENRY W. SPRAGUE.
GEORGE F. BROWNELL.
WILLIAM L. MARCY.

Buffalo, N.Y. September 27th, 1905.

My dear Mrs. Tourgee:-

Excuse my delay in answering your last letters, but my desk, and cases coming up in the courts, have forced me to take up matters that were pressing, to the exclusion of anything that could be postponed.

Your account of the place at which you and your daughter have been stopping, is most interesting, and I shall carry it in my memory as something that may be of service to my friends.

As to the Equitable policy, the computation you enclosed, put with the other facts, leaves the case precisely as your mind apprehends the matter. The whole question of whether there is anything in the Equitable policy for you depends upon the complaint prepared by the Judge. You will at once realize that after his death the matter presents itself in an entirely different form from what it did in his life. The point in the complaint is a sharp one, and the Judge, apprehending as much, undoubtedly hesitated to bring an action, hoping against hope that the future would disclose some more advantageous manner of dealing with the matter. The future, however, has finally reached the present situation, and after the most careful consideration, I cannot advise you that there is a reasonable hope of success upon the point raised by the Judge, because his death puts the case in a position where a court of equity will really look at only one broad question, and that is how much the people who have held the policy as security, have paid out in premiums, with interest thereon, and how much they have received from the policy in return. As it does not appear that there is any balance coming to us on this basis, there is really no legal hope of anything from

the Equitable policy.

As to the Mutual policy of which you write, I have heard nothing from Mr. Cipperly, of Mayville. Not having seen the policy, or heard anything from him, I am unable to answer your enquiry as to the \$12.85 addition to the policy made by the Company because of their retaining about \$75 a year for three-quarters of twenty-two years. Upon the face of things, I do not see how such a result is possible. It looks to me as if some clerk in the office of the Mutual was undertaking to take advantage and get something extra for himself by some system or other. Certainly, by everything I know of life insurance, the addition each year should exceed somewhat the actual amount of cash paid in or retained for making the addition. Of course, the insurance additions do not correspond with the payments made or retained, as they should. I found this out years ago, in the case of my own policies, and, therefore, stopped letting the companies retain dividends, and said to them very frankly that I could take the dividends and buy much more new insurance from them than I could get from them upon my own policies. Their agents seemed surprised that I had discovered this fact, but it is a good while since I have been surprised by anything in connection with an insurance matter.

I have not forgotten your clippings. Now, they are in the hands of Col. Byrne, Chairman of the Committee of the G. A. R. Legion, which committee is using them for the purpose of drawing a suitable memorial for Judge Tourgee. I do not know how much literary ability the committee may have, but Col. Byrne has talked with me on the subject, and from what he said to me I judge whatever they produce will evidence a feeling appreciation of the sterling qualities of your husband. Mr.

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Matthews did not re-print the clippings, because he had printed a portrait of Judge Tourgee, with a short local sketch, containing nothing new or striking.

One reason for the delay in writing this letter, aside from other pressing business, has been the expectation that I would hear something from Mr. Cipperly, as suggested by your letter. Trusting that my delay has not in any way resulted in prejudice to you or your daughter, I send it now, without waiting for further information. We should be very glad indeed to see you and your daughter when you come to this country. Can't you plan to come to Buffalo and make us a visit before you go to Washington ?

Sincerely yours,



To

Mrs. Albion W. Tourgee,
C/o Seligman Brothers, Bankers,
18 Austin Friars,
London, E. C.,
England.