

William D. Blackford to H.W. Farnsworth

In this letter to H.W. Farnsworth, William D. Blackford addresses current claims regarding Indian Depredations. In particular, Blackford addresses the cost of bringing the claims before the Court of Claims.

Creator: Blackford, W.D.

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William D. Blackford to H.W. Farnsworth

Washington D. C. September 29, 1898.

Hon. H. W. Farnsworth,

Topeka Kansas,

My Dear Friend:

I would be glad to hear from you again and know how you are. I now want to have a talk with you in regard to our Indian department claims.

I have not got a claim allowed by the Court of Claim for at least two years. I promptly sent you one-third of the fees allowed by the Court in the last one of our cases, as well as all your other cases paid. I have now only one of the claims you sent me before the Court of Claims unsettled, and that one is the Henry Hegwer claim. I have had a great deal of trouble with this claim. I have tried it twice before the court, and it is now held up by the court until proof is furnished to the satisfaction of the court that the Indians who took Hegwer's property, were in Amity.

Mr. Hegwer writes me that you promised him that no fee should be charged on our part on account of the services he rendered you in getting up evidence in other cases. A fee of seven and a half per cent was finally agreed upon as you will remember.

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H.W.F.-2.

The Hegwer case has cost me fifty dollars for printing, typewriting and other expenses. I wrote to Hegwer last Spring that if he would send me fifty dollars to pay for the costs I had advanced on his case, I would be glad to give it up, and make no charge for the large amount of services I had given in his case. Hegwer had written me complaining of the delay in his case.

About one-third of the amount of Hegwer's claim is for his buildings which the Indians burnt. Now the court will not allow for his buildings unless he can show that he had title or legal right to be on this land, and Hegwer does not send me any evidence that he owned or had any right to erect his buildings on this land.

Now friend Farnsworth I want to make you a plain statement about the division of fees in our cases. I am sorry I did not make this statement in the beginning, and I beg you to forgive me if you think I did you wrong in the matter. Our agreement at one time was that I should prosecute the claims you sent me before the Com. of Indian Affairs, and give you one-half of the fees allowed. Afterwards you and I agreed to let Col. S. J. Crawford have one-third of the fees--that would leave you and me each one-third of the fees. When the law was passed to send Indians depredation claims to the Court of Claims I told Col. Crawford that the cost of prosecuting these claims would be considerable, that is, the

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H.W.F.-3.

that is, the attorney must pay for swearing to his petitions in each case, pay for printing of his briefs, cost of typewriting etc. all of which must be paid in advance whether judgment is obtained or not. I suggested that he and you should each advance one-third money enough to pay the actual and necessary expenses of these claims. I pay the the other one-third. I had been doing Col. Crawford a good many favors and helping him in some ways, so he said I might have his one-third share of the fees. I to pay his part of the court expenses, and release him from all care and responsibility. I did so. I then thought or understood that you did not wish to advance any money--as your claims were mostly for small amounts. A few hundred dollars.

I concluded that the various expenses would amount too one-third of the fees we could actually get; in this I think I was about right. I have never asked you to advance a cent of money to pay actual expenses. By my getting the Crawford interest I then concluded that it would be fair and just to you to receive full one-third of all the fees received and for me to advance and pay all expenses, which I have done. In sending your one-third, I never took out the cost of the draft or P. O. money order, but sent you full one-third of fees with no cost or expense to you.

If I had not obtained Gov. Crawford's interest then you and the Governor would have each advanced one-third of the cost

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of court in each case, so your full one-third would have been about one-third of what you got-less. So you are that much benefited by my getting the Crawford interest. If I had offered you one-half of the Crawford interest, and which I am sorry I did not do, you then would have been entitled to one-half of the fees. But if you had one-half of the fees, I certainly would have expected you to have advanced one-half of the cost of each case. I could not have prosecuted your claims before the court and paid all the costs and besides given you one-half of the fees allowed. In justice to myself and family I could not have done this.

When you sent me your claims, you did not expect in after years I would have to prosecute them before the Court of Claims, all at my own expense. Now if you had advanced money and paid one-half of the costs in each case, I do not think that you would have received any more fees than about the full one-third fees, which you have received without cost or trouble to you.

I am out at least fifty dollars on your Hegwer case. I am out for the costs I paid in James Smith's case, Hugh Campbell's case and Andrew Dehn's(Dean) case. I have got judgment in these three cases of yours, but I cannot collect our fees until you or I find these parties or their representatives, which I fear we never shall be able to do.



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H.W.F.-5.

Now friend Farnsworth I have not written you this long letter because you have ever uttered a word of complaint, but I wished to have a full plain understanding with you about the whole of our matters. Because Gov. Crawford honorably gave up his one-third interest to me, benefited you really about as much as it did me. And yet if you are not satisfied, or think I should have done differently, let me know and I will try to explain or make it right with you. If you are willing and satisfied just as I have done, kindly say so in a letter at your earliest convenience and oblige,

Yours Truly,

W. D. Blackford,
714 N.C. Ave. S.E.