

In faith and confidence

Salem Aug. 26th, 1851

Friend Bush

Yours is read after refusing to run for the Counsel with every prospect of election would it not weigh against me to accept the chief Clerkship. That is a question I've not sufficiently considered but it is my opinion it would not. If not to much trouble I wish you to speak to Gevais. not however in such a way as to let him know I am up for the place I would as lief have the Counsel also if my best friends were there. I believe they are not. In regard to the other matter I once advised John Force to take the very course you suggest and he went to Oregon City on that business. But not being able to see Judge Pratt and for other reasons unknown to me he returned without doing any thing. I think it a matter of great importance to the territory that the question should be settled by a decision of the proper tribunal and that Animal declared "to be, or not to be," on its legs.

And think it will be in time for the members to meet in one or the other place as I think the other. I will propose the thing again to Mr. Force but what he will do depends much on the opinions of McClane and Doct Wilson, and I would much rather undertake to convince all the other men in the county that they do not know as much as those two, than to convince those two that they (the two) do not know more than all the others. The question must some day be decided by the Supreme Court and are things I consider certain, that is, if the Bill is contrary to the organic laws it is not a law, and the legislaturer's meeting here cannot make it a law or do a Legislative act here. Though the last perhaps is doubtful yet it is my own opinion I also think that if it is not tested in the supreme court there will be no session the coming winter. Though if it could be known where the three Judges intend to meet and hold a session of the Supreme Court this winter it would influence the members to meet at that place.

But I want to see the thing settled in a more direct way.

Yours &c

B. F. Harding

A Bush Esq

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Sauw Aug 20th 1851

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B F Harding

A Bushy Bay