

Washington, D. C. Oct. 7, 1852

Sir:

Upon leaving Oregon in July last, Mr. A. Bush the public printer of that Territory, placed in my hands the statement which is herewith enclosed touching the difficulties between himself and the Territorial Secretary in relation to the payment of his accounts, and desired me to procure from you, if possible, such instructions to the said Secretary as would remove those difficulties and enable him to obtain payment of the money which he conceives justly due him and now long withheld.

This statement, as you will perceive, embraces four distinct items of claim.

1st. The first item is for printing, in book form, the laws and journals of the Territory for the Legislative Session of 1850-1. The only objection, as I understand on the part of the Secretary, to the payment of this item is that the work was done in the City of New York and not in Oregon. Yet the price charged is only that which is specified and fixed in the act of the Legislature under which Mr. Bush was appointed; (See general laws of Oregon p. 223), and you will perceive that there is no restriction in that act as to the place where the work should be done. Moreover, it is not disputed that the work was so done with the assent of the Secretary and to the entire satisfaction of the Legislative Assembly. Besides this, Mr. Bush was subject to the labor care and responsibility, of superintending the said work as well as heavy expenses, by express, in transporting the manuscripts and in return of the printed matter. To this it may be added that the work was far better done than it could have been, by any possibility with the materials at hand, in the Territory. In regard to this then, my respectful request is that you will instruct the Secretary that the place of the execution of the work constitutes no valid objection to the payment therefor at the price specified.

2nd. The second item is for publishing in the "Statesman", under an act of the Legislative Assembly, the laws of the Session of 1851-2. as they were passed from time to time for the information of the people and in advance of their publication and distribution in pamphlet form. (See laws of same Session P. 59.) The price charged is, I understand, in accordance with the rates prescribed by that act, and are deemed exceedingly low. The only objection to payment of this item, as I am informed, urged by the Secretary, is founded upon a remark said to be contained in a letter from you to him "that such publications were a proper charge against the Territorial Treasury rather than against the National". It may not be improper for me to say that there is no Territorial

fund in Oregon, provided for such purposes. I would also respectfully submit that the same reason would equally apply to the publication of the laws in a permanent form; and, whilst this is not urged, I cannot think in view of the necessity of such temporary publication and especially in view of the reasonableness of the charge and its small amount, you will, on consideration, deem it your duty to give heed to such objection or allow it any further weight in the settlement of Mr. Bush's account.

3rd. The third item is for the incidental printing of the Legislature during its session of 1851-2, at Salem. Mr. Bush's statement on this item of his claim, is full; and, I doubt not, entirely true. It was the pleasure of the Secretary not to recognize that Session as properly holden, and hence the particulars of the printing, from day to day as required by the Legislative Assembly, could not be nor were they submitted to him for his inspection. This will be obvious to you when I state that that Session was holden at the seat of Government, which was fifty miles and upwards from the place where the Secretary resided and transacted his business. To remedy this, and to protect the public interest, a law was passed directing the public printer to submit the work as it was progressively done to the examination and inspection under oath of a disinterested practical printer. This was accordingly done by Mr. Bush. The consequence is, that he did not preserve and is not now able to produce specimens of the work; and, as it is thus impracticable for him to furnish any other or better evidence of the same than the attestations of the printer to whom it was at the time submitted, I trust you will order the amount to be allowed and paid upon that evidence in connection with the Legislative rates applicable thereto, without further delay.

4th. About the fourth item, which is for printing the laws and journals in pamphlet form, of the Annual Session of 1851-2. I do not understand that the Secretary raises any tolerable objection, but merely puts off the payment from time to time, to the great inconvenience of Mr. Bush. In regard to the prices charged in all these items, except the second, you will allow me to say that fixed as they are by an act of the Legislature, by virtue of which Mr. Bush was appointed, they form part of his contract and he is entitled to the amount thereof, unless there be fraud or collusion. This is not pretended. But, not urging a point which will doubtless receive from you its full consideration, I have to state that the prices, so fixed by the Legislature, are extremely low, and are so admitted by all, not even excepting Gen. Hamilton himself. At least, I understood him to say this much in a conversation had with him upon that subject. It is but just however to that officer for me to add that the reasons he assigned to me for withholding payment to Mr. Bush were that he did not feel authorized to settle those accounts by his instructions from your department.

Allow me to add in conclusion - You are aware that the prices of printing must necessarily have a relation to the general scale of prices for other labor in the Territory. That ordinary labor in Oregon is now and has been for the last three years extravagantly high, is notorious to all; and, when

I say to you that it is from three to five times higher than in the Atlantic portions of the U. States, I only state perhaps what is doubtless within your own knowledge. This fact, together with the averment contained in affidavits, herewith also sent, of three respectable practical printers that the prices fixed by the act of the Legislature of Oregon for Territorial printing "do not afford more than a reasonable compensation to the Territorial printer and are much below the rates commonly charged private persons for similar work," will, I trust, place the justness of Mr. Bush's charges beyond successful cavil or question.

I am very respectfully,
Your obt servt,
O. C. Pratt

Washington D. C. Oct 7 - 1852.

Sir:

Upon leaving Oregon in July last, Mr A. Bush the public printer of that Territory, placed in my hands the statement which is herewith enclosed touching the difficulties between himself and the Territorial Secretary in relation to the payment of his accounts, and desired me to procure from you, if possible, such instructions to the said Secretary as would remove those difficulties and enable him to obtain payment of the money which he conceives justly due him and now long withheld.

This statement, as you will perceive, embraces four distinct items of claim.

1st The first item is for printing, in book form, the laws and journals of the Territory for the Legislative Session of 1850-1. The only objection, as I understand on the part of the Secretary, to the payment of this item is that the work was done in the City of New York and not in Oregon; but the price charged is only that which is specified and fixed in the act of the Legislature under which Mr Bush was appointed; (See general laws of Oregon p. 223) and you will perceive that there is no restriction in that act as to the place where the work should be done. Moreover, it is not disputed that the work was so done with the assent of the Secretary and to the entire satisfaction of the Legislative Assembly. Besides this, Mr Bush was subject to the labor, care and responsibility, of superintending the said work as well as heavy expenses, by express, in transporting the manuscripts and in return of the printed matter. To this it may be

added that the work was far better done than it could have been, by any possibility with the materials at hand, in the Territory. In regard to this then, my respectful request is that you will instruct the Secretary that the place of the execution of the work constitutes no valid objection to the payment thereof at the prices specified.

2nd The second item is for publishing in the "Statesman", under an act of the Legislative Assembly, the laws of the Session of 1851-2, as they were passed from time to time for the information of the people and in advance of their publication and distribution in pamphlet form. (See laws of same Session p. 59.) The price charged is, I understand, in accordance with the rates prescribed by that act, and are deemed exceedingly low. The only objection to payment of this item, as I am informed, urged by the Secretary, is founded upon a remark said to be contained in a letter from you to him "that such publications were a proper charge against the Territorial Treasury rather than against the National" - It may not be improper for me to say that there is no Territorial fund in Oregon, provided for such purposes - I would also respectfully submit that the same reason would equally apply to the publication of the laws in a permanent form; and, whilst this is not urged, I cannot think in view of the necessity of such temporary publication and especially in view of the reasonableness of the charge and its small amount, you will, on consideration, deem it your duty to give heed to such objection or allow it any further weight in the settlement of Mr Bush's account.

3rd The third item is for the incidental printing of the Legislative

During its session of 1851-2, at Salem. Mr Bush's statement on this item of his claim, is full; and, I doubt not, entirely true. It was the pleasure of the Secretary not to recognize that Session as properly holden, and hence the particulars of the printing, from day to day as required by the Legislative Assembly, could not be nor were they submitted to him for his inspection. This will be obvious to you when I state that that Session was holden at the seat of Government, which was fifty miles and upwards from the place where the Secretary resided and transacted his business. To remedy this, and to protect the public interest, a law was passed directing the public printer to submit the work as it was progressively done to the examination and inspection under oath of a disinterested practical printer. This was accordingly done by Mr Bush. The consequence is, that he did not procure and is not now able to produce specimens of the work; and, as it is thus impracticable for him to furnish any other or better evidence of the same than the attestations of the printer to whom it was at the time submitted, I trust you will order the amount to be allowed and paid upon that evidence in connection with the Legislative rates applicable thereto, without further delay.

4th About the fourth item, which is for printing the laws and journals in pamphlet form, of the Annual Session of 1851-2. I do not understand that the Secretary raises any colorable objection, but merely puts off the payment from time to time, to the great inconvenience of Mr Bush. In regard to the prices charged in all these items, except the second, you will allow me to say that fixed as they are by an act of the Legislature, by virtue of which Mr Bush was appointed, they form part of his contract and he is entitled to the amount thereof, unless

shown to be fraud or collusion. This is not pretended. But, not urging a point which will doubtless receive from you its full consideration, I have to state that the prices, so fixed by the Legislature, are extremely low, and are so admitted by all, not even excepting Mr. Hamilton himself. At least, I understood him to say thus much in a conversation had with him upon that subject. It is but just however to that Officer for me to add that the reasons he assigned to me for withholding payment to Mr Bush were that he did not feel authorized to settle those accounts by his instructions from your department.

Allow me to add in conclusion: You are aware that the prices of printing must necessarily have a relation to the general scale of prices for other labor in the Territory. That ordinary labor in Oregon is now and has been for the last three years extravagantly high, is notorious to all; and, when I say to you that it is from three to five times higher than in the Atlantic portions of the U. States, I only state perhaps what is doubtless within your own knowledge. This fact, together with the averment contained in affidavits, herewith also sent, of three respectable practical printers that the prices fixed by the act of the Legislature of Oregon for Territorial printing "do not afford more than a reasonable compensation to the Territorial printer and are much below the rates commonly charged private persons for similar work," will, I trust, place the justice of Mr Bush's charges beyond successful cavil or question.

I am very respectfully,

Your obt. Servt,

O. LeBeau