

Fairoaks April 3d 1869

Dear Bush

Dowd wants you to continue the Statesman to Peter Nash Coffadelliah Neshoba Co Miss. and discontinue it as to B Daily of DeKalb Miss. I will be responsible for the subscription and hand it to you the first time I am down or sent it the first chance I get.

I see by the last issue of the Statesman that you say that Boise will continue to hold the courts under the present commission until the legislature provide for the qualification of the State Judges, and the later enter the office in this district and add "as defined by the Constitution." You say I will do the same. That is correct with the exception of the phrase I have quoted. So much of the Constitution as Districts the State may be said to be in abeyance until the Territorial judges are superceded. If the Ter. judges can continue to hold courts at all, they must hold them throughout the district to which by the Territorial law they have been assigned. It may be said that Boise has been superceded as Ter Judge in so much of his District as is embraced in the State District to which Wait has been elected. But I think that is more plausible than correct. The whole law remains in force, it is not inconsistent with the Constitution, there being no necessity, in fact no possibility of giving effect to the provision of that instrument Districting the state until there is a state judge qualified to hold courts therein. It may be said that Wait has qualified, -if he has done so in pursuance and by authority of the Constitution then Boise should also, and the Ter. law districting the Ter. would expire in whole.

But the position that Boise and myself occupy is that the Judges cannot qualify until provision is made to that effect by the Assembly. This is not intended for the public. Stratton was here today and takes the same view of it.

I suppose Indiana will have the distinguished honor of furnishing us another great man. It may be a mistake but I incline to think it is true. Our delegation from first to last have so many conflicting promises on the subject, that to disappoint all and lay the blame on old Buck will be the most impartial way out of the difficulty. Well, "whatever is to be will be", and "whatever is is right" in the long run. I read Olney's letter. It was well written for the purpose for which it was intended. It reminded me that when he thought Pratt was about to go down he writ a letter against him.

Do you want Nesmith to be a candidate for the Senate at the coming election?

Your friend

Deady

P.S. April 4th Dan Stewart was here today and tells me that at the Winchester Convention on Saturday resolutions were passed sustaining Lane and Smith. He offered to amend by inserting Grover, but Martin opposed it because he had not stood up to Lane and the amendment was voted down. I believe a resolution was passed denouncing the clique.

D

Fanoaks April 3^o 1854.

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Dowd wants you to continue the Statesman to Peter Wash Coffa delink Nishoba Co Miss. and discontinue it as to B Daily of DeKalb Miss. I will be responsible for the subscription and hand it to you the first time I am down or send it the first chance I get.

I see in the last issue of the Statesman that you say that Boise will continue to hold the courts under the present Commission until the legislature provide for the qualification of the State judges; and the latter enter the office, ^{in the district} and add, "as defined by the Constitution." You say I will do the same. That is correct with the exception of the phrase I have quoted. So much of the Constitution as District the State may be said to be in abeyance until the Territorial judges are superseded. If the Ter. judges can continue to hold courts at all, they must hold them throughout the district to which by the Territorial law they have been assigned. It may be said that Boise has been superseded as Ter judge in so much of his District as is embraced in the State District to which ^{he} has

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"whatever is right" in the long run.

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Do you want Armstrong to be a candidate for the Senate at the coming election?

Your friend
D. —

April 4th Dan Stewart was here today and tells that at the Connecticut Convention on Saturday Resolutions were passed sustaining Lane and Smith. He offered to amend by inserting Groves, but Martin opposed it because he had not stood up for Lane and the amendment was voted down. I believe a resolution was passed denouncing the League.

D. —

P.S. April 6th

I had a letter from my sister (Mrs. Eliza Knott) the other day in which she complains that she has not received the Statist-
man for some time. I suppose you have got tired of it on your dead head list and struck you for it several times which you have always declined to send it to her again and will pay for it when it comes down.