

Washington, Feby. 26, '51.

Mr. Editor,

Sir :

I desire to say that by virtue of the 4th Sec. of the Land Bill all persons, otherwise qualified, arriving in Oregon before Dec. 1850 will be entitled to the donation, whether he was residing upon a claim or had taken one at that time, or not. This was the construction put upon the law by Congress and this has been adopted by the Land Office.

The last proviso but one, in the 4th section of the Land bill does not prevent an agreement to sell any portion of a claim as town lots, for instance. After the Claimant gets a title. He may make the agreement before but it must be an agreement to be executed after the acquisition of title by the Claimant. The claimant may give possession immediately and his bond to convey after he gets his title which conveyance would be compelled by a court of equity should the claimant refuse. The reason why this proviso was put in was to prevent the Claimant from conveying title as against the Government before he had complied with the conditions of the grant. It must be noticed that the proviso is cautiously framed, an agreement made before acquisition or consummation of title to sell or execute a sale after consummation is not void but an agreement for a sale to take effect before acquisition of title is so. This construction has been adopted by the Land office.

I have to request that the people will give me a hearing as to the features of this bill before they pass final judgment upon it. When they learn the separate history of its separate features, they will, I am quite sure, agree with me, that it is not strange that the time is not precisely what all would desire but that it is strange that it got through in as good shape as it did or that it got through at all. I deemed it all important to get it through in the best shape possible, trusting to such future amendments as we might be able to get, and whatever amendments may be recommended by our assembly, I, if re-elected, should be happy to labor to procure, for my only pride or ambition in the matter is to obtain as fully as we can ample justice to Oregon and every one of her people.

I trust my adversaries will meet all questions fairly, and where-in we differ let us endeavor to discuss matters candidly so that we may, if possible, arrive at the truth. I have no fears to meet my constituents, but until I reach Oregon, may I not with propriety claim to be treated with that gallantry which a gallant antagonist always exhibits to his absent adversary? I may differ with some gentlemen as to what features of the bill ought to be amended, but we may all unite in making it more favorable, if possible to Oregon.

Yours truly,

Sam'l. R. Thurston.

Washington July 26/51

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compelled by a course of equity, should the claimant refuse. The reason why the proviso was put in was to prevent the claimant from conveying a title as against the Govt before he had complied with the conditions of the grant. It must be noticed that the proviso is cautiously framed. An agreement made before acquisition or consummation of title to sell, or execute a sale after consummation, is not void, but an agreement for a sale to take effect before acquisition of title. This construction has been adopted by the Land Office.

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