

For the Oregon Statesman

Mollally Settlement
10th Jan. 1862

Mr. Editor

After waiting a long time to hear from you or in some other way learn that the Surveyor General has corrected the mischievous error in his letter that I wrote to you about I am sorry to see that you have printed my letter instead of procuring the correction of his.

I regret this because I wished in a quiet way to call the Surveyor Generals attention to a very grave error which I believed you would for the sake of the people take a pleasure in doing but by printing my letter you may wound his pride and cause him to persevere in a course which he must evidently see is wrong and I further fear you are not on as friendly terms as friends of the people ought to be.

What an unhappy state of affairs is this. The executive officers at variance with representatives. The judiciary divided in opinion as a body and interfering with each other's separate jurisdiction, and the newspapers instead of discussing matters of public policy are devoted to the private quarrels of the Editors. My dear sir in the forty years I have been an American citizen I have never witnessed a worse state of affairs. You may think because I am a foreigner my remarks are uncalled for but I wish you to bear in mind that I have by voluntarily becoming an American citizen given surely as strong an evidence of attachment for free institutions as any who are republicans by accident of birth and I wish to give no offence though I must say that I have seen many and they occupying high places who, judging by their aristocratic manners and domineering dispositions had they been born monarchists would have remained so notwithstanding their professed attachment to liberty and equality - particularly had they been placed in any state of society in the old world which would justify assumptions which they practice though unwarranted in this.

Pray excuse this digression it is now a labor for me to write and I am also trespassing on your time. I will at once hasten to the subject that again causes me to address you.

I will not again attempt to call the attention of the Surveyor General to this subject he of course would not hear so feeble a voice or deign to look upon so humble a person were he to meet me but perhaps some of my neighbors and fellow farmers may pay more attention - to them I write.

Whatever the intention of the Surveyor General the meaning conveyed in his letter printed in the Spectator of Aug. 18th 1851 is undoubtedly that he wishes claim surveyed in advance or at the time of the regular survey of the country and the reason of the requirement is "that they may be laid down on the township plat."

Though the land law gives to the surveyor General many powers he certainly cannot set aside or override the provisions of the instrument from which he derives them. If he has a right to construe the law he had certainly adopted a strange rule of construction if by it the law means precisely the opposite of what it says, and even if it admitted construction or was of doubtful meaning which is by no means the case in this instance the time honored rule of constructing statutes is always to give that construction most favorable to the individual.

Now the land law plainly and expressly gives to the claimant three months after the execution of the public survey to select by legal subdivisions such tract or tracts as will embrace his claim simply requiring that such tracts shall include the land actually occupied and be in a compact form that is adjoining to each other. For the information of my Canadian friends and such Americans as have emigrated from the eastern states I will here state that the legal subdivisions of the public lands are tracts of 640, 320, 160.80 and 40 acres when entire or of less size when made fractional by navigable rivers bays lakes &c and are termed sections, half sections, quarter sections, half quarter sections and quarter quarter sections. As the law only requires the claim taken in adjoining legal subdivisions a claim may be taken where the rights of others are respected in almost any shape and extending either north and south or east and west to suit the views of the claimant.

As 40 acres or a qt. qt. section sixteen of which constitute a full claim is the least legal subdivision of a claimant will take 16 square blocks and place them together he will discover on how many different forms a claim may be taken in accordance with the requirements of the law. It may be a square mile or it may be four miles long and only one quarter of a mile wide, a half mile wide and two miles long three quarters wide and one and a quarter long with an extra 40 acre block to cover a building place or spot of timber, it may be elliptical, wider at one end than the other or in fact assume full as many shapes as there are variations in the claims of the country a navigable river only increasing these facilities by making legal subdivisions of less area than 40 acres.

Now Congress generously allows us three months after the public survey is completed to arrange differences with our neighbors and to select such subdivisions as will best suit us, and I firmly believe that in ninety nine cases in every hundred claims may be taken by legal subdivisions in a shape more to the advantage of the claimant than by any survey the Surveyor General will authorize.

And further in the event that from obstinacy in adjoining claimants or any other cause in the words of the law "this cannot be done" we have the authority of the late Hon. S. R. Thurston the framer of the bill himself that "such line only" as is required to settle the difference is to be paid for and not the survey of the whole tract.

As I before stated the requirements of the letter of the Surveyor General would involve a preliminary survey which if adhered to will deprive the claimant of the alternative or rather the requirements of the law to take the claim by legal subdivisions. As the preliminary survey will require a surveyor two chainmen and a marker at least a day to perform it we will estimate the cost at an average of twenty dollars each. The price fixed by law for public surveying is twelve dollars per mile. A square claim having the least linear boundary has four miles of surveying but as many of the claims lie upon navigable rivers and are along the average will amount to perhaps five miles to the claim or a cost of sixty dollars which will make an aggregate of eighty dollars for the survey

of each claim. There will be before the surveys of the country are completed perhaps ten thousand claims in Oregon and to survey them will cost the people the large sum of eight hundred thousand dollars!!! How many roads would this sum open and how many bridges and school houses would it build for which the wants of the country cry aloud and yet the people are called upon to expend this large sum of money not for their own benefit but for the convenience of an officer. This is modest truly. And yet this officer in his official capacity cannot take cognizance of a single claim in Oregon except that of Oregon City nor can he do so until a Township is subdivided the field notes return the plat made and the whole receives his signature of approval - the date of his approval is the date of survey. "When this is done" he may receive notices of claims but not before. I will not change the Surveyor General with impure motives in publishing his letter.

I have little doubt he did so to save himself trouble without duly considering the inconveniences and expense he was causing to others.

I have no wish to follow any officer into the Sanctum of his private life or private motives to detract from the respect due to him as an officer or impair his usefulness as such but their public acts and their public documents being given to the public as public property may be examined publicly.

I therefore say to my neighbors that if by the hints I have given them in arranging their claims and accommodating their lines among themselves they save their money and thereby one bridge or one school house is added to our scanty supply the undersigned will in so much have discharged his duty as a private citizen and will be consoled with the reflection that the position of none are so humble as to be useless to the public, or so obscure as to be irresponsible for neglecting to be so.

With highest regards
I remain yours,
Pierre Piout

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