

History and Descendents of Elizabeth Shipley Clarkson Powell;
1852 Pioneer of Clarke County, Oregon Territory

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Part 1. Powell-Clarkson Family History To 1850

Elizabeth Shipley Clarkson was born on August 2, 1810 in Mercer County, Kentucky. Her parents, Drury Clarkson and Jemima Whooberry, had obtained their marriage certificate in that county on August 25, 1806 and were married 3 days later by Tho. Freeman, Esq.(1) According to a November 1, 1925 Oregonian newspaper article regarding the 80th birthday of Elizabeth's daughter Rebecca, "Her grandmother on her mother's side was a second cousin of George III, of England. The grandmother was very proud of her royal connection, and very disappointed with her grandchildren when they did things not in the approved style."

A letter sent from Elizabeth's brother, William F. Clarkson, postmarked April 12, 1909 at Junction City, Kentucky, to the same daughter Rebbeca, stated: "Our ancestors came from England and my grandmother on my father's side was a second cousin to King George the Third. I often heard my parents say my grandmother on my father's side, when she was about twelve years old, that she marched in a procession with many others at the coronation of King George III. But that is nothing in my mind for King George was nothing but an old gouty idiot." According to the same letter, the Clarkson family came to America "about the close" of the Revolutionary War.

An earlier letter to Rebecca, dated September 16, 1902 and written by her sister in Missouri, Martha Colvin, stated: "Mother's grandpa's name was Clarkson. Mother's grandma, I don't know her name, she came

from England. Who it was they gave the medal, I don't know. Our grandfather's brother was killed in the Revolutionary War and grandfather died in a few days after he came out." Although it is not clear what side of the War these men fought on, the letter goes on to say that "Grandfather's old place was within five miles of Danville (Kentucky), where mother was raised" with her four brothers and four sisters.

When Elizabeth was about 12 years old, according to a story she told her grandchildren, she received a pretty silk dress. While taking the family to church, their black coachman complimented her on the new dress, but Elizabeth "was so proud and stuck up that she just ignored" him. Her father "raked her over the coals for it. He didn't want that to happen again." Another version had Elizabeth being given "the dickens for being so uppity". Years later, along the banks of the Lewis River in western Washinton Territory, she would occasionally remark to her granddaughter Martha Gatton that she "wish we still had the slaves" as life had been "a lot easier then". (2).

Elizabeth and Shedrach Blanks Powell were married soon after taking out their marriage bond on August 14, 1825 (3). Her parents disapproved of the marriage because the Powells were "northerners". This might have been a reference to the Cavalier "Loyalists" that emigrated to Virginia from northern England in the 1660's, but it probably referred to the migration of Protestant Scotch-Irish "northern men" to America in the 1700's. The name "Powell" is regarded to be derived from the Welsh "Hap Howell" (which means "the son of Howell") at the time of a royal wedding.

Shedrach Blanks Powell was the son of William Powell and Martha Ann 'Patsy' Blanks. He was born sometime before October 15 in 1804, probably in Mercer County, Kentucky. Patsy Blanks was born about December, 1780 and married William Powell on September 29, 1796 in Lincoln County, Kentucky (4). According to his daughter Martha, Shedrach had 3 brothers and 3 sisters. We have been unable to locate any additional information regarding William Powell, although it appears likely that his father's name may have also been William.

Patsy Blanks' family could trace their ancestry back to Charlemagne, Alfred the Great, William the Conqueror, and other early European royal families. An American ancestor, William Clopton, had arrived in Virginia in the mid-1670's. He was able to trace both his surname and his given name back to the Domesday Book of 1086. William's wife, Ann, was born in York County, Virginia in 1647. His father-in-law, Robert Booth, represented York County in the House of Burgesses from 1653 to 1654 and was Clerk of the same county from 1640 until his death in 1657 (5).

It is unlikely that the Blanks or Powell families were aware of their royal lineage. In any case - for most pioneer Kentuckians - a distant kinship to a Daniel Boone or a George Rogers Clark carried far more weight than did a mere descent from British royalty or from an early Virginia politician.

Shedrach and Elizabeth Powell's first child was born in Danville on January 3, 1828 and named Martha after her paternal grandmother. A son, William (named after his paternal grandfather) was born in 1829, probably in Jefferson County, Kentucky. By the time a third child,

Lewis Clarkson, was born (March 9, 1831), the family had moved to Illinois. Daughter Jemima Jane (named after her maternal grandmother) was also born in Illinois, on April 10, 1834. When a third son, Jackson, was born in 1840, the family had already relocated to Missouri. Mary Ann, called "Pollyanna" (January 9, 1841), Willis (1844), Rebecca (October 28, 1845), and Thomas (1848) were also born in Missouri, probably in Miller County.

In 1845 Elizabeth's father, Drury Clarkson, died. The estate was to have been divided between the children. Unfortunately for the Powells, an unscrupulous interloper bilked Elizabeth out of her share. According to William F. Clarkson's 1909 letter to Rebecca:

" . . . His property was all sold and the money divided between the children. Your mother's part was paid by the administrator, some man who came with a power of attorney. He received the money and left immediately. He was gone a month before I heard of his coming. I never heard his name. It was rather strange that he did not come to see us and tell something of you all for I had my letter and other inquiry in his many efforts to find where you all were. But a Mr. Curtis wrote to the postmaster at Danville, who was a special friend of mine, and sent me Curtis's letter. I answered his inquiries and asked him some questions and requested him to answer me, but never did. His treatment seemed like silent contempt. . ."

The donation land act of September 27, 1850 provided that white married settlers above the age of 21 years could obtain up to 320 acres of land in the Oregon Territory between December, 1850 and December, 1853, "one-half to himself and one-half to his wife, to be held by her in her own right." As it did with many other frontier families from Missouri and Kentucky, this law was to have a dramatic effect upon the lives of the Powell family.

(1) These, and other, birth records come from a variety of sources. Information regarding Elizabeth was obtained from her headstone in the Frank Abel Cemetary in Cowlitz County, Washington, from a April 12, 1909 letter from her brother to her daughter regarding family history, and from her Donation Land Claim application. Other dates used in this history were derived from printed obituaries, wills, family bibles, census records, and official death certificates.

(2) These stories, and a few others regarding Elizabeth's life, were provided by Lena Hamblin of Woodland, Washington, in conversations, recorded interviews, and correspondence with the authors between 1981 and 1987. Despite being over 90 years old, her information was often given with specific dates and recollections that have been corroborated through other sources. Lena's memory is remarkable in that names and dates that she uses span nearly two centuries and are invariably accurate and without personal embellishments. Lena's mother was raised by Elizabeth Powell from the age of two, following her own mother's death in 1860. Stories that she was told by her grandmother about life in early Kentucky and about "crossing the plains" in 1852 were then repeated to daughter Lena, who remembered and re-told the stories to other members of her family. Elizabeth Powell was Lena Hamblin's great grandmother.

(3) Mrs. Harry Kennett McAdams, Kentucky Pioneer and Court Records, 3rd ed. (Baltimore, Maryland: Genealogical Publishing Co., Inc., 1981), p. 151.

(4) Ibid., p. 117.

(5) Lucy Lane Erwin, The Ancestry of William Clopton of York County, Virginia (New York, N.Y.: Privately Printed, 1939).

Part 2. The Emigrant Road 1850-1852

By the time of the 1850 census, the family was still in Miller County, Missouri. Daughter Martha had married a man named Mark Colvin and they were living two farms away from her parents, along with 5-year-old granddaughter Margaret and infant grandson John. The census listed Shedrach, Elizabeth, William, and Martha as all being over 20 years of age and unable to read or write. This is despite Martha's correspondence to her sister 50 years later. Another curious thing about the census is that it listed Shedrach's total real estate value as "\$100" and listed no value at all for the other farmers in his neighborhood! Later that year, on Christmas day, William married a woman named Theodothious.

After hearing of the new donation land law, the three families began seriously discussing the possibility of moving to Oregon and settling some of the free land being offered. Although the Colvins elected to stay in Miller County, William and Shedrach Powell decided to move west with their families. In the meantime, daughter Jemima Jane married a man named William Davidson, who decided to join the 1852 Powell caravan, despite the fact that his wife was expecting their first child.

While traveling along the banks of the Platte River, probably somewhere within the present state of Nebraska, Jemima gave birth to Sarah ~~Celine~~ ^{ELIZABETH} Davidson. From that rugged beginning, the child lived to become 75 years old; long enough to witness the construction of a

transcontinental railroad, the mass production of the automobile, and Lindberg's crossing of the Atlantic by airplane.

Another infant girl in the Powell train was not so lucky and was buried along the trail in a "little trunk as it was the only thing small enough for a coffin." A June 20 letter sent from Fort Laramie and published in the September 25, 1852 Salem Statesman provided a list of those:

". . . who have died on the way, most of them by the cholera. This fearful disease is prevailing to some extent among the emigrants, and many are under the impression that its ravages will be severely felt this summer. It has not excited much alarm yet, however, though in some trains as many as six or seven have died."

There is reason to believe that the unfortunate baby was Elizabeth's. If so, it was to be her tenth, and last, child. It was not to be the family's last tragedy, though. According to the 1925 Oregonian article about Rebecca's 80th birthday (and referring to her "carefully preserved" written memoirs - which have yet to be located):

"The Powell family set out with a wagon train in '52. The memoirs tell of the visit of a band of friendly Indians, and later of a battle with hostile redskins, on which occasion the wagons were drawn into the approved circle and rifles barked death. The Indians were driven off.

On the way West, however, Schredrick Powell, who had been a man of great vigor and strength, became ill and died. His burial, deep in the ground and with stones piled over him to prevent the coyotes from exhuming the body, is described in detail.

The family was left in the hands of Louis Powell, 15-year-old brother of Rebecca. The account tells how, when the women of the train were kneading dough for bread, curious Indian squaws would stick their feet into the dough. Flour was so hard to get that the dough was used anyhow."

Shedrach died on or about September 1, 1852 along the banks of the Burnt River near present-day Huntington, Oregon. Until that time he

had been a hearty, robust individual noted for his fiddle playing at impromptu gatherings held by the emigrants as they traveled west. In 1981, Lena Hamblin recalled that: "Mama said that grandma never talked much about her husband or her grandfather, but she did tell about playing the violin. And when they had little parties on the way out here he always played the violin."

Within a few hours and a few miles of Shedrach's death, another emigrant family was facing a similar loss. The first five verses of the following poem were written by 17 year old Abigail Jane Scott while her 4 year old brother, William Neill, lay dying from cholera. The remaining verses were composed by Abigail no later than 1853 and were pasted in the Scott family bible.

Abigail and Willie's mother (born Ann Roelofson on September 26, 1811 in Henderson County, Kentucky, and mother to nine children by her husband, John Tucker Scott) had already been buried about 30 miles west of Fort Laramie on June 21, 1852. Ann Scott had died within only nine hours of coming down with an attack of cholera and at about the same time the letter quoted above was being forwarded to the Salem Statesman. Another person in the Scott train, John H. Clason, died of cholera along the Burnt River on August 30, 1852.

Burnt River August 27th 1852

I

Far away over deserts and mountains so wild
In our wearisome journey we've strayed
Towards a far distant land, a bright home in the West
Where many fond hopes have been laid

II

The journey has been one of anguish and Woe

Combined with some gladness and mirth
Yet we little thought when we started to go
That our hopes would lie low in the earth!

III

Yet he who provideth for children of men
Their pleasure, their grief and their woe
Has seen fit in His wisdom to enter our fold
And call one of our number to go.

IV

A bright little darling some four years of age
By afflictions rude grasp has been laid
On a couch of deep suffering and he must soon go
Where grief will be ever allayed,

period X

V

I'm watching him now, in the deep midnight hour
All nature is hushed in repose
No sound can be heard save the rivulets fall
And the wind which most mournfully blows,

X

addendum

"Burnt River Mountains" a beautiful range,
Of these natural beauties of earth,
Their tops decked with cedar, their sides with fine grass
Which adds to their grandeur and worth.

The wind whistles through them with sad mournful sound,
And the bright silver moon's shining clear,
Causing shadows of bushes to assume frightful forms,
Which have caused me to startle with fear.

In this wild retreat far away from our home
I'm watching a brother most dear,
Whose eyeballs are frightfully swimming in death,
And whose forehead looks glistening and clear.

Some ten weeks ago our dear Mother was called
To bid her dear children farewell,
And Willie will meet her beyond yon bright stars,
And together in heaven they'll dwell.

Oh! God help us all to consider that this,
Keen affliction is caused by thy hand!
And feeling it thus may we cheerfully yield,
And not strive thy will to withstand. (1)

Abigail Scott later married a man named Duniway and became famous as the foremost advocate of women's suffrage in the West. She is often regarded as the most outstanding woman in Oregon's history. Due to

the dates and locations involved, it is likely that she and her family was in contact with the Powells during the long overland journey- particularly that portion that found both families struggling with their losses and despair along the banks of the Burnt River.

Following his father's death, young Lewis took responsibility for guiding the family the remainder of the way to their new home in Oregon. Although it has been a tradition that he was only 15 at that time, birth records show him to be 21 years old. Perhaps the tradition started with a reporter's error or with Rebecca's memory. In any case, family members often recalled his bravery and ability during that time of crisis.

(1) Kenneth L. Holmes and David C. Duniway, eds., Covered Wagon Women, Vol. V (Glendale, CA: The Arthur H. Clark Company, 1986), pp.154-156.

Publication Approved - David C. Duniway
22 Oct. 1987.

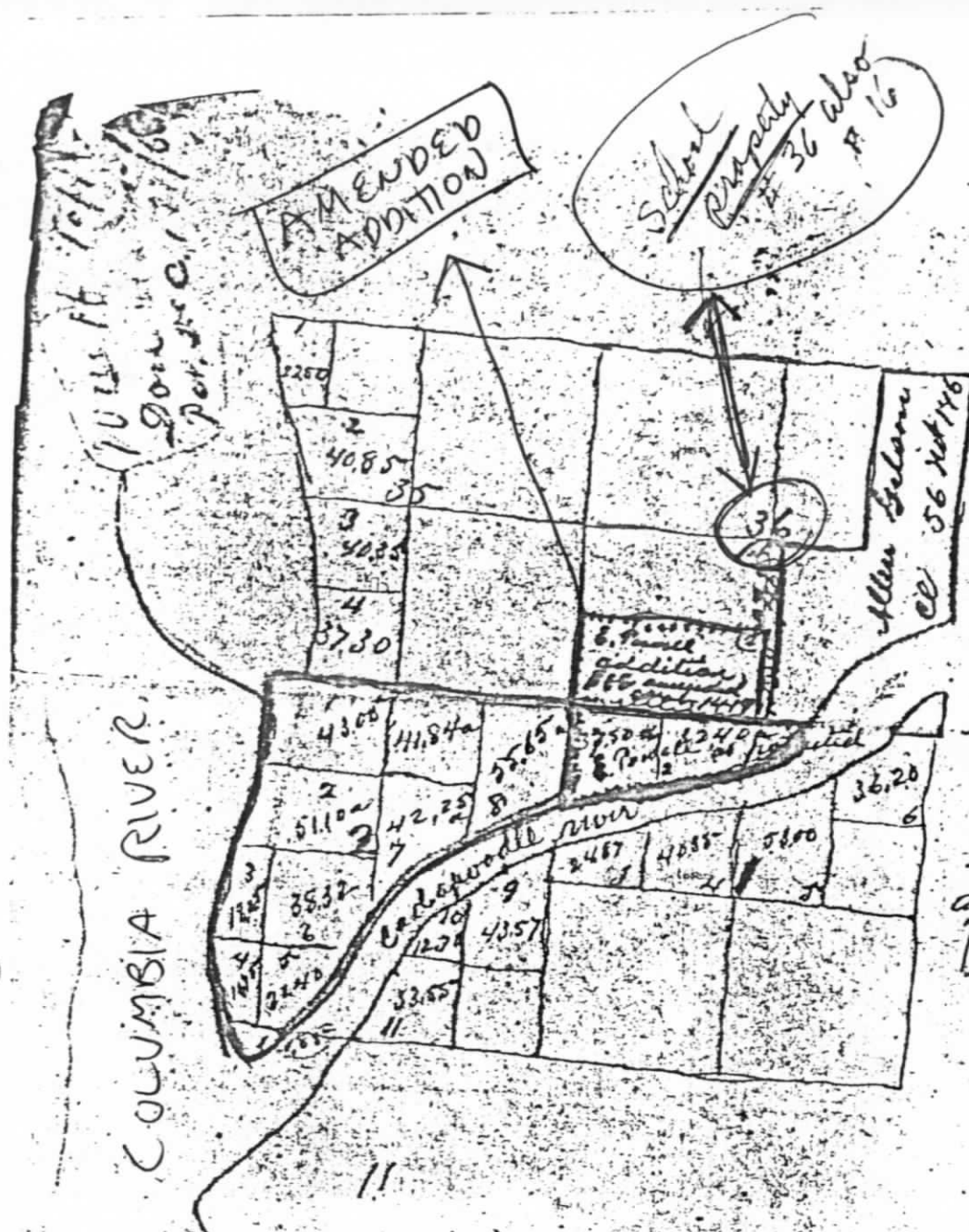
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Part 3. Lewis River Homestead 1852-1883

Much of the story of Elizabeth Powell and her family after they reached the Lewis River following the death of Shedrach can be told through the legal documents copied and edited below. Eldest son Thomas's DLC application indicates that he may have arrived on the Lewis River a month or more in advance of his mother. It may be that he traveled ahead of the remainder of his family in order to plan for their arrival, that his application is in error, or that the entire family took a month or two to regroup and find a location to live.

No matter what the exact time of the family's arrival, we do know that they were greeted by typically wet Fall weather. A November 26, 1852 letter from Abigail Scott's 11-year-old sister Harriet to grandfather James Scott states that ". . . I like Oregon what I have seen of it very well but . . . everything here is new and strange to me and does not seem like home . . . nothing seems like home here to me it keeps a continual (sic) rain here in the winters and is very dull and gloomy . . ." (1)

Elizabeth was described by Lena Hamblin as a "small woman" that had been "a kind of stubborn little girl - I don't mean bad or anything, but I think she had a lot of nerve." She supported her family by farming a donation land claim on the Lewis River near its juncture with the Columbia, and by "midwifing" many of the children born in that area during the next three decades.



AMENDED ADDITION

School Property # 36 also # 16

Township Plat
 T 5 N. R. 1 W.
 J. 4 N. R. 1 W.

Oregon Township Plat
 appd
 May 5, 1854.

COLUMBIA RIVER

ELIZABETH
 POWELL
 DLC

[13]

The following documents and narrative detail Elizabeth's ability and determination to make a new life for her family and herself in their new home:

Land Office Olympia
May 14, 1855

Mrs. Elizabeth Powell

The tract of land described in your notification comes under the head of "School Lands". Your notification is therefor returned to you.

Sects. 16 & 36 in each township cannot be taken after a township has been approved.

You failed to specify whether you claimed as a widow or not. A blank is here with transmitted."

Respectfully yours
H.C. Mosely
Register

Following this initial setback, Elizabeth obtained the assistance of several of her more influential neighbors. The Columbia Lancaster family lived just across the river from her, and would care for her little ones at times when she was needed to assist with the births of others.

His contributions to early Oregon and Washington history are well known and need no further comment here. Solomon Strong was another neighbor and was County Commissioner at the time of his assistance. His family would remain friends with the Powells throughout the century to follow. William Bratton was the local Justice of the Peace, as well as Captain of the Lewis River Rangers at the time of the 1856 Yakima Indian War. Son Lewis served in his regiment at that time.

All three men filed affidavits in support of Elizabeth's residency as required by the donation land law. Bratton filed on Nov. 30, 1855; Strong on June 13, 1860; and Lancaster on June 16 of the same year. These affidavits were titled "Proof of Commencement of Residence and Cultivation on surveyed Lands" and were for Notification Number 1419.

On June 21, 1860, H.L. Caples, another early pioneer, notarized a statement by Elizabeth Powell regarding her husband's death and the beginning of cultivation of her land on Feb 1, 1853. The result of all these filings was that on March 29, 1866 she received Certificate #199, referring to Notification #1419. The only problem was that the 160 acres that she had bought, settled, cultivated, and filed for had been reduced to only 69.99 Acres!

Later that year, on October 22, 1860, Elizabeth's daughter Jemima Jane died, leaving behind three young daughters and a husband unable to care for them. Just as Thomas was becoming old enough to assist his mother with the chores, she found herself with another family to raise. As she had done since the time of her Shadrach's death, and would continue to do for the next 23 years, she would manage on her own resources and without the aid of a husband.

Affidavit of C.H. Fairchild

April 14, 1879
State of Oregon
Multnomah County

I C.H. Fairchild do solemnly swear that in the Spring of eighteen hundred and fifty two (1852) I took up a land claim on the Cathapoodle river (then so called but now more familiarly known as Lewis river) in what is now Cowlitz County in Washington Territory . . . that I marked out my claim on the ground by measurement a half mile square; that I improved cultivated and

lived on my said claim as a settler under the Act of Congress of Sep. 27 1850, commonly called the Donation law from the time of my settlement in the Spring of 1852 till the fall or winter of 1852, when about the last of November or first of December I sold it, that is my possessory rights as a Donation settler and all my improvements to Mrs Elizabeth Powell, a widow woman who had that same year, "crossed the plains" & came across the continent from Missouri; Mrs Powell had quite a large family of children some of them quite small and moved into the house on the claim with her family immediately after or rather at the time of buying me out and continuously resided there with her family from that time for upwards of ten years.

I understood at the time that she had lost her husband on the way coming to the Pacific coast who died on the way on Burnt river in Oregon. I surrendered my claim to Mrs Powell long before the surveys were extended over the same, and it was the intention of Mrs. Powell to avail herself of the full benefits of the donation Law and to obtain all the land that she was entitled to under the Donation law by her settlement on the land which I relinquished to her, and I always supposed that she had got the whole amount she was entitled to until a short time ago.

. . . I think it would be very unjust not to allow Mrs Powell a full quarter section and her children another quarter section, and such is the opinion of all of her neighbors as she was a very poor woman and her family suffered many privations in order to secure the land.

I am sometimes known by the name of Captain Fairchilds and am a ship carpenter by trade; I have followed my trade a great deal at Portland Oregon. The Powell family was always known as a very good & deserving family.

C.H. Fairchild

Subscribed and sworn to before me this 14th day of April 1879
JG Chapman
Notary Public, Oregon

By the next month it appeared that officials at the General Land Office were in agreement with Fairchild(s)'s assessment:

U.S.Land Office
Vancouver, W.T.
May 8th, 1879

From the foregoing sworn statement corroborated by disinterested testimony it appears the petitioner, Elizabeth Powell, declines to accept the donation Patent issued to her from General Land Office, dated Sept 20, 1867, upon Donation Certificate No 199; which patent, it appears, was taken from this office without her

Knowledge or Consent; that petitioner was and is actually in equity entitled to the entire tract of 160 acres of land now Claimed by her; that being unable to either read or write she was utterly ignorant of the fact that her original Notification, prepared by her Attorney, called for only sixty nine acres and ninety nine hundreths, and did not ascertain such fact till the Patent aforesaid was sought to be delivered to her; that as soon as such fact came to her Knowledge she refused to accept the Patent, and now returns it and asks through her Attorney to be allowed to file the amended Notification which is herewith submitted.

It is true the Supreme Court has decided in a recent Case (opinion by Judge Miller title of case not now remembered) that it is not in the power of the Commissioner of the General Land Office nor, indeed of the Executive department of the General Government to revoke or Cancel a Patent which has once been issued, delivered and accepted by the grantee; but in this case it appears that the petitioner has never accepted, and still refuses to accept, the patent so issued.

It would also appear that the Supreme Court of the United States - 7 Wall, 225. lays down the rule of liberal construction of the Oregon Donation law; that the claims of Donees under the law are presumed to be meritorious; and that the act itself was designed to be, and is, a benevolent one

The tract of land sought to be obtained by the petition was unsurveyed at the time of her settlement and for several years subsequent thereto. It is also unoccupied and unappropriated public land; being a portion of Sec. 36, Tp 5 N., R 1 West. Said sec 36 is a part of the public domain, which although held in reserve with the purpose of future appropriation for school purposes has never in fact been so appropriated, but has ever been held subject to the valid Claims of settlers thereon prior to its survey.

Under the circumstances we would recommend that the petitioner Elizabeth Powell be permitted to amend her Donation Notification No 1419, according to the representations of her petition, and that the Register and Receiver of this office be instructed to issue her a new Donation Certificate in accordance therewith.

Respectfully submitted
W.H. Smallwood Register
S.W. Brown Receiver

Mrs Powells Affidavit

September 13, 1879
State of Oregon
Multnomah County

I, Elizabeth Powell do solemnly swear that when I settled on my Donation Claim on the north bank of Lewis river (formerly known as Cathapoodle river) in Cowlitz County Washington Territory it was to obtain the full benefit of the Oregon Donation Law. That from the time of my settlement, on or soon before the first day of December 1852, I claimed the quarter section extending north from the river; that I was, under the law, required to take and hold as near as might be by north and south lines, (See sec 6 Act of Sep 27 1850- the Oregon Donation law) and i claimed my land to extend northward from the river in a square from as near as might be done.

That it was supposed, when I settled, that the surveys by the Government would soon be extended over the land and I was advised to wait and take and hold my claim by the legal U.S. surveys, which I was obliged to do because I was poor, having a large family and I a widow woman, and unable to hire surveyors, as they were scarce at that time in the country.

I claimed and occupied the quarter section northward from the Lewis river, being my claim included in my amended notification, from the time of my settlement in 1852, even to the present time. (A portion of sec 36 in Tsp. 5 N. R 1 West is now and since the time of first settlement has been in my enclosure).

When the time came that it was necessary to file the required Notification proofs & c of my settlement in the Land Office, I depended on others to get up my papers, and they somehow took a notion that I could not or ought not or should not hold any of Sec 36 in Tsp 5 N. R.1.W. and got up my papers in that way for me to sign; but I signed them supposing that they included the whole of my land, but as I am informed now they did not.

I always supposed that I was to have and was getting the whole of my land until after my patent was brought home.

As I stated in my petition last Spring that I cannot read writing and I depended on others faithfulness to get up all my papers for me and whether they omitted a portion of my land intentionally or not I cannot say. I state emphatically that I claimed my land claim of 160 acres extending northward from Lewis river from the time of my settlement and occupied and used it for upwards of four years continuously from December 1st 1852.

That deeming it advisable to take by U.S. surveys in order to save expense of surveying my claim was to & did extend northward from Lewis river; the two lots in sec 36 I claim as an adjustment of boundary.

Elizabeth Powell

Subscribed & sworn to before me on this 13th day of Sep 1879.
JG Champman
Notary Public for Oregon

On September 18, 1879 Elizabeth Clarkson Powell Received an amended Certificate #199 in reference to Notification #1419. This one was witnessed by son Thomas Powell and was for 158.99 acres! Twenty seven years after first settling on her DLC she was finally going to obtain ownership as the law allowed!

A few weeks later granddaughter Olive Davidson was shot in a tragic accident (2). So far as the land was concerned, it remained for the lawyers to determine what form the final paperwork should take:

Portland, Oregon
Nov 20, 1879

Hon Reg & Receiver
US Land Office
Vancouver W.T.

Gents;

Some delay has been occasioned in attending to the requirements of the Hon Acting Commissioners letter, by the death, by accident, of a granddaughter of Mrs Powell's.

. . . I desire to call attention to the fact that Mrs Powell, at the time her first original Notification was returned to her as referred by the Land Office, had been a settler upwards of two years; the survey of Tp 4 & 5 were not made till 1853 and not approved till 1854.

. . . U.S. Circuit Judge Sawyer holds that the title vested, under the Donation law from the date of settlement; so likewise in case of Burney vs Dolph 5 Oregon R. 201-2 besides numerous other decisions.

. . . The Olympia officer in 1855 evidently misconstrued the law, and supposed that a settlement under the Donation law only began in a claim under the Donation law was not "taken", till the Notification was filed.

. . . It is to be hoped the merits and honesty of Mrs Powells claim are approved.

Attention is called to the fact that Gilson, who settled subsequently to Mrs Powell has been allowed a portion of the same sec 36 and amended his Notification for that purpose.

Respectfully,
J.G. Chapman
atty for Mrs Powell

Dec 5, 1879
To Hon Commr Genl Land Office

In the Matter of the petition of Elisabeth Powell widow of Shadrack Powell deceased surrendering her patent for lots 1 & 2 . . . subject to Sale at Vancouver W.T. containing 69.99 acres, and for the issue of a patent for 158 acres inclusive of said lots

The grounds of the petition are that she being an ignorant and uneducated woman, unable to either read or write, was mistaken and misled into Signing papers for 69.99 shen she was entitled to and supposed she was getting 160 acres or the whole amount that the law allowed her. . .

Statement of Facts

From the testimony it appears that in the year 1852 Shadrack Powell and Elisabeth Powell his wife with a family of Children emigrated across the plains to Oregon on their way to what is now Washington Territory; That in the month of September of that year on the Burnt river in the extreme eastern border of Oregon the husband died and that the widow and family continued the journey a distance of over 500 Miles to the settlement where she now resides.

In the month of December 1852 Elisabeth Powell the widow purchased of Capt C H Fairchilds his land claim of a half a mile square or 160 acres together with the improvements thereon, consisting of a dwelling House (unintelligible) and immediately entered into the possession and occupancy of the same as made and established by said Fairchild, and has ever since resided upon, occupied, and cultivated the same.

. . . Her claim had been taken and marked on the ground by Fairchilds one half mile square, and she had adopted the boundary of Fairchild and occupied it accordingly. By the law she was explicitly permitted to waive the survey . . .

Was Mrs Powell mistaken or misled

into filing a notification for 69.99 when she was clearly entitled to 160 acres on her entire claim. As a general proposition she could have had no interested motive in doing so. Its a rare occurence that any person will take voluntarily less than the law allows. If they do so, the reasonable presumption is that it has been done through mistake. Mrs Powell is entitled to the benefit of this presumption.

In support of this presumption

The testimony shows that Mrs Powell was an uneducated woman unable to read or write, and without any of the advantages arising from association. She had a large family on her hands with the usual cares and perplexities incident to a Settlement in an isolated and comparatively inaccessible Section of Country.

Her own testimony is that in buying the claim of Capt Fairchilds she intended to avail herself of the whole amount of land to which by law she would be entitled; That she was unacquainted herself with the provisions of the Donation law and compelled to rely upon others for information as to the manner of complying with its provisions; that she relied upon one Wm Bratton a justice of the peace of the neighborhood for advice and counsel, and for preparing her papers to secure her all the lands she would be entitled to under the law; and that she is informed Said Bratton made as (sic) Mistake in drawing and preparing her papers and proofs . . . That Bratton supposed the lands had been surveyed before settlement and so prepared her papers; that she was advised to take her lands by legal subdivision, and that she was obliged to do so because surveyors were scarce, and she was unable to employ them . . .

She further states that she is unable to say whether those who prepared her papers did or did not intentionally omit a portion of her lands . . .

Mrs Powells statements corroborated

by the affidavit of Capt C H Fairchilds . . . He says that she is a very poor woman, and with her family has suffered many privations in order to secure the lands. . .

Capt Fairchilds is a regular ship-carpenter residing near to Mrs Powell . . .

Further corroborative of Mrs Powells statement

are the several Notifications on file . . . with the exception of the last one they are so bungling and informal as to evidence at once that this poor ignorant uneducated woman has been the victim of grossly ignorant and incompetent advisors, which (unintelligible) unfortunate circumstances forced upon her.

. . . These several notifications are in the hand writing of advisor Justice Bratton.

The second or amended Notification bears date June 21 1860 with Mrs Powells signature in the handwriting of H L Caples the notary who signs Mrs Powells name without a mark. . .

To these is added a notification in due form No 1419 in the hand writing of J M Fletcher Register with Mrs Powells signature and mark without date

. . . Upon this state of facts in order to bring the case properly before this Office, the Register and Receivers at Vancouver permitted Mrs Powell to file an Amended Notification embracing 158 acres inclusive of the amount and lots previously patented, conforming to the legal subdivision and as near as practicable to the boundaries of her original claim, together with the required affidavits of residence and cultivation from the 1st day of February 1853

It is worthy of note that one of these witnesses is Justice Wm Bratton, who framed the first Notifications and affidavit, counselled and advised her so unfortunately. This of itself goes a great way in showing the grave error had been committed towards this poor widow

It is possible that evidence might be accumulated. But it is already conclusive, and why then prolong and increase the troubles and anxieties of this aged widow. From the statements she has made under Oath, the testimony of witnesses, and the papers on file no room is left for doubt that she was and is entitled to the land she claims, and that she has been prevented from obtaining a patent by errors which she was incompetent to detect, and circumstances beyond her control.

Twenty seven years ago upon the extreme eastern borders of Oregon, in a comparative Wilderness, she lost her husband, from thence for a distance of more than five hundred Miles with more than womanly courage, with a helpless family, she forced her way to a little spot of the public lands, upon which to make a home. She has resided upon that home for more than a quarter of a century unmolested. She is now sixty seven years of age, with a spotless character, and beloved and respected by all her Neighbors. She now appeals to your sense of justice for the correction of a mistake which deprives her of that home and property which the Government has generously bestowed upon here.

In Conclusion

In reference to the propriety of a liberal and generous construction of this Act, I will quite briefly from the Opinion of the Supreme Court of the United States delivered through Mr Justice Miller: "Anything therefor which savors of narrowness or (illegible) in defining the Class among those residing in the Territory in those early days, and partaking of the hardships which the act was intended to reward who shall be entitled to its benefits, is at a variance with the manifest purpose of Congress" Silver vs Laddy Wall 225 (?)

All of which is respectfully submitted.

W.W. Chapman
atty.

The primary beneficiary of all of Elizabeth's lawyer's, neighbor's, and family's best efforts would become her son, Tom, whom she had continued to support since the time of his birth until the time of her death, 35 years later.

In the name of The Lord Amen

I Elizabeth Powell of the County of Cowlitz Washington Territory of the age of Seventy one years being of Sound Mind and Memory do make publish and declare this my last Will and testament in manner following that is to say

1st I give and bequeeth to my son Thomas Powell all my Real estate described as follows

Lots One and two of Section one in Township four north of Rnage one West and Lots two and four and the north half of the South West quarter of Section thirty Six in township five north of Range one West Containing one hundred and fifty-eight-acres and ninety-nine hundredths acres of What is Known as the donation land claim of Isarth (?) Byars, All of Said foregoing described land being the county of Cowlitz Washington Territory

2nd To My Son William Powell I give and bequeath the Sum of One dollar

3rd To My Son Lewis Powell I give and bequeath the Sum of One dollar

4th To My Son Jackson Powell I give and bequeath the Sum of One dollar

5th To My Son Willis Powell I give and bequeath the Sum of One dollar

6th To My daughter Rebecca Rindlaub I give and bequeath the Sum of one dollar

7th To My daughter Mary Ann Matthews I give and bequeath the Sum of one dollar

8th To My daughter Martha Colvin I give and bequeath the Sum of One dollar

I hereby appoint and my name my son Thomas Powell Executor of this my last Will and Testament

In Witness Whereof I hereunto set my hand and Seal this 27th day of April AD 1883

Elizabeth Powell

Signed by S W Beall

Witnesses:

Orlando C. Miller

Sarah Emily Russell

S W Beall

Codice Since the execution of the foregoing my last Will and testament I have sold a part of the Real estate described(?) to

my Son Thomas Powell therein, I therefore make this Codice to
Said Will

1st I give and bequeath to Sarah Celine (note: was this supposed
to be Klein?) and Martha A. Martin daughters of my deceased
daughter Jane Gatton one dollar each

2nd After the payment of the foregoing bequests, the Residue of
my property both Real and personal I give and bequeath to my son
Thomas Powell

Signed this 25th day of July, 1883

Elizabeth Powell

Signed by S W Beall

Witnesses:

Frank Abel

Orlando C. Miller

I S W Beall Judge & Ex Officio Clerk of Cowlitz Co Wash Terr
hereby certify that the foregoing is a true copy of the last will
and testament of Elizabeth Powell deceased now on file in my
office

In witness I have hereunto Set my hand and officially the Seal of
the Probate Court this 24th day of September 1883

S W Beall Judge and Clerk

As Aforesaid

MARTHA DAVIDSON

Devoted granddaughter continued to care for Elizabeth through the last few months of her illness until the time of her death on July 31, 1883. Although she had become too ill to continue to tell stories of her childhood, or even to pay close attention to the final details of her long and eventful life, Martha stayed by her side and comforted her until the end. That same year she married future County Commissioner, Andrew Millard, and began raising a family of her own.

(1) Kenneth L. Holmes and David C. Duniway, eds., Covered Wagon Women, Vol. 5 (Glendale, CA: The Arthur H. Clark Company, 1986), pg.159.

(2) Olive Davidson was raised by her grandmother, Elizabeth, following the death of her mother, Jemima Jane, in 1860. At that time Olive was no more than 6 years old. She was shot to death by one of her nephews in an accident that may have taken place in the Dalles, Oregon on November 13, 1879. The boy pointed a gun at his aunt, thinking it was unloaded, and pulled the trigger.

Part 4. The Children

A. Martha (1828-after 1902)

When the Powell family decided to follow the Emigrant Road to a new life in Oregon, Martha and her husband, Mark elected to stay in Missouri with their two children, Margaret (1845?) and John (1849?). For the next fifty years, until she was contacted by sister Rebecca, Martha was unable to keep in touch with the rest of her siblings.

According to Lena Hamblin, Martha was red-headed; a recognizable family trait. In a 1902 letter addressed to Rebecca and sent from Missouri to Portland, Oregon, Martha (then 73 years old) commented upon the advances of age being experienced by her and 80-year-old Mark. This letter is the most recent record of the Colvin family uncovered by the authors. Little else is known of them at this time.

B. William C. (1829-after 1883)

The location of the William C. Powell family is a mystery that is being attempted to be solved by the publication of this history. So far as is known, none of the other Powells has been in contact with this branch of the family for the past 100 years or more.

According to the "History of The Woodland Community, 1850-1958", published as a project of the Woodland Community Development Study in 1958, William helped the Daniel Gardner family settle on their DLC in 1853. From that time, there is little record of him. He filed for his own DLC in 1867, he is mentioned in his mother's 1883 will, and there is a record of him in the 1860 census, and that is about all. A distant cousin, Lenora Powell (granddaughter of Lewis Clarkson Powell), claimed that the William Powell family may have moved to the Battleground, Washington area around 1870; at which time they lost all contact with other family members.

He and his wife Theodothia (or Theodocia) apparently had at least five children, all girls; Nance (1851?), Martha, Sarah J., Eliza K., and Elizabeth.

C. Lewis Clarkson (1831-1910)

Lewis Powell settled about 4 1/2 miles up the Lewis River from his mother, next to his brother William's claim. He served in the Yakima Indian War, which qualified his widow for a pension until her death in the 1930's.

His first marriage, to Mary E. Matthews (sister to James Leander "Lee" Matthews; husband of Mary Ann "Pollyanna" Powell), produced one son, James (1861). Tall tales within the Powell family are often referred to as "Jimmy-er's" or "Jimmy-yarns" in recognition of this man's story telling abilities.

His second marriage, to Mary Virginia Miller (sister of Amanda; Jackson Powell's wife), produced ten more boys; Thomas Lee (1867), Henry Jackson (1870), Wesley O. (1871), Perry A. (1873), Newton Orrington (1876), George W. (1877), Andrew J. (1879), William L. (1882), Mark A. (1885), and Robert Lee (1887).

D. Jemima Jane (1834-1860)

Jemima's first child, Sarah Elizabeth, was born along the banks of the Platte River in 1852. Her second child, Olive, was born around the time of the death of her first husband, William J. Davidson (November 10, 1854), and probably took place on the family DLC near Woodland, Washington.

Her second husband, Samuel Gatton, lived to be over 102 years old. They had only one daughter, Martha (1858). When Jemima died on October 22, 1860, mother Elizabeth took over the responsibility of raising her three young daughters. It is Elizabeth's stories to her granddaughters that were passed on to Martha's daughter, Lena Irene Millard Hamblin.



E. Jackson (1840-after 1870)

Jackson Powell married Amanda Miller, a relative of Thomas "Stonewall" Jackson, sometime after her family's move from the Tuality Plains in Oregon to the Lewis River in 1864. They took a homestead on Green Mountain, where they raised their five boys, Preston, Shedrick, John, Frank, and Ben.

Nothing else is known about this branch of the Powell family by the authors at this time.

F. Mary Ann "Pollyanna" (1841-1915)

Mary Ann "Pollyanna" Powell married James Leander "Lee" Matthews in 1856 and moved to their homestead near Felida, Washington, where they grew prune trees. She probably obtained her skills as a midwife from mother Elizabeth, and delivered many neighbor children, as well as her own grandchildren during her life.

Their children were William Louis (1858), John Thomas (1859), Clara J. (1861), Ezrey L. (1864), Rebecca M. (1866), James Leander, Jr. (1868), Hannah Mae (1871), Ada A. (1873), and Joella Ruth (1876).

G. Willis (1844-after 1883)

Willis Powell married Naomi Spencer and raised Estella, Elizabeth, and Etta. The birth dates for these children are not known at this time.

H. Rebecca (1845-1930)

Much of the information in this history is the result of efforts made in the early 1900's by Rebecca Powell to trace her family tree. One of the objectives in assembling this history has been to locate the memoirs written by Rebecca concerning the family's journey along the Oregon Trail in 1852.

Rebecca married a German Emigrant, John Rindlaub, and spent most of her life in Portland, Oregon. Their children were Conrad, Anna, and Carrie. Their birth dates are unknown at this time.

I. Thomas (1848-1921)

Thomas Powell was the "baby" of the family, and continued to live with his mother until her death in 1883. At that time he inherited all of her personal effects and real estate. Two items of particular interest were the saddle used by Elizabeth during the family's migration to Oregon, and a percussion cap rifle also brought from Missouri by her at that time. Although the saddle was apparently stolen around 1915, the rifle was procured by daughter Ruth, who then sold it to its present owner. Another objective of the authors of this history is regain ownership by Powell family members of that momento and see that it is preserved for the enjoyment of future family members.

Tom married Naomi Russell and raised Pearl, Elizabeth, and Ruth O. Their birth dates are not known at this time.

J. Baby Girl (1852)

A recurring story among the Powells involves the death of a baby girl during the long overland journey. Every version involves the use of a small trunk, as it was the only thing small enough for a casket.

Lena Hamblin has been of the opinion that the child was Elizabeth's, but at other times has been hesitant as to who the parents actually were. Perhaps she is attempting to preserve the privacy of an individual, as that would be characteristic of her, or perhaps she is getting somewhat forgetful with age.

It would seem, from all evidence, that the child was a Powell family member. If it were not Elizabeth's baby (and there is some room for doubt regarding this), then it almost certainly was William's.

Most evidence indicates, however, that this baby belonged to Shadrach and Elizabeth, and that she was buried along the Oregon Trail at some time preceding the death of her father.

Part 5. Author's Notes

This manuscript has been prepared by Bob Zybach of Eddyville, Oregon and by Lorraine Richmond of Grass Valley, California. They are both descended from Elizabeth Powell and have been working together on a Powell Family History since 1981. It is their plan to publish their work in a book format within the next few year. It is hoped that this volume will be of sufficient scholarship and physical quality to be worthy of preservation for future generations.

Anyone with information that may be of benefit to this effort is greatly encouraged to contact either of the authors at the addresses given below.

Lorraine is a great-granddaughter of Mary Ann "Pollyanna" Powell and traces her ancestry through father Clarence Dolph Matthews, and grandfather William Louis Matthews, who was the eldest son of Pollyanna and her husband, James Leander "Lee" Matthews, who was also a pioneer emigrant of 1852. Her mailing address is 17860 Vintage Drive, Grass Valley, California 95949. Her telephone number is 916-268-2082.

Bob is the great-great-grandson of Lewis Clarkson Powell and traces his ancestry through father John Henry Zybach, grandmother Lenora Powell, and great-grandfather Henry Jackson "H.J." Powell, who was the second son of Lewis by his second wife, Mary Virginia Miller; an emigrant of 1851. His mailing address is P.O. Box 67, Eddyville, Oregon 97343-0067. His telephone number is 503-875-1571.

Of particular interest to the two authors are the following items:

1. The memoirs of Rebecca Rindlaub.
2. The location of the William C. Powell family.
3. The history of the Shipley, Clarkson, Whooberry, Powell, Blanks, and Perrin ancestors.
4. The location and preservation of family information, photographs, and keepsakes.