

BENJAMIN FRANKLIN DOWELL 1826-1897

CLAIMS ATTORNEY and NEWSPAPER

PUBLISHER in SOUTHERN

OREGON

by

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A THESIS

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CHRONOLOGY OF BENJAMIN F. DOWELL
1826-1897

1826. October 31. Born, Albemarle county, Virginia.
1836. Moved to Shelby county, Tennessee.
1847. Received degree in law at University of Virginia.
Practiced law in Raleigh, North Carolina, and Memphis, Tennessee,
appointed district judge.
1850. May 8. Started West from New Franklin, Missouri.
September 15, Arrived at Sacramento, California.
Late September. Went to San Francisco.
October 5. Sailed from San Francisco for Oregon.
November 27, Reached Oregon.
- 1850-1852. Taught school in Willamette Valley.
1852. Purchased and operated a pack train.
1853. Supplied volunteers in southern Oregon Indian uprisings.
1854. Supplied Captain Jesse Walker's force in the Humboldt Valley,
Nevada.
1855. December 7-10, Fought in Walla Walla battle.
1856. January 7-17. Carried supplies by mule train along Columbia
River.
January 19. Left volunteers for private business in western
Oregon.
Established law practice in Jacksonville and journeyed to
Washington, D. C., attempting to collect Indian War claims.
1857. Late. Returned to Oregon after little success and reopened law
practice at Jacksonville.
- 1857-1860. Gathered evidence for claims of Oregon Volunteers.
- 1860-1866. Spent several weeks each year at court in Willamette
Valley.
1862. October 24. Married Anna Campbell.
November. Elected Prosecuting Attorney of First Judicial District
in Oregon.
1863. August 9. First child, Fanchion, born.
1864. July. Purchased Oregon Sentinel.
August 12 (?) Second child, Anna, born.
1866. February. The Sentinel ceased to support President Johnson.
June. Defeated for county judge.
June 16. Sentinel supported Grant for President.
September. Attended Republican convention at Corvallis.
Fall. Signed with Jesse Applegate the official bond of S. E. May.
Late November. Arrived in San Francisco from Jacksonville.
Early December. Boarded a steamer for New York via Panama.
- 1867-1869. Wrote most letters to Sentinel during this period.
1867. October. Visited Lowell mills in Massachusetts.
December. Lost mule claim paid.
1868. July. Left Washington.
Late August. Arrived at Jacksonville.
D. M. C. Gault resigned as editor of Sentinel.
William Turner appointed editor.

1869. Early. Returned to Washington.
 Late April. Left Washington by rail.
 Early May. Arrived at Jacksonville.
 Samuel E. May charged with defrauding the state.
 Edward Watson appointed editor of Sentinel.
 Later returned to Washington.
1870. April 25. Left Washington.
 Early May. Arrived at Jacksonville.
 December 7. Left Jacksonville.
 December 17. Arrived in Washington.
1871. Late winter and spring. In Washington.
 Summer and Fall. In Oregon, mostly at Jacksonville.
 April. Payment of Volunteers of 1855-1856 completed.
 Payment of Volunteers of 1854 authorized by Congress.
 March 22, Last child and only son, Benjamin F. Jr., born.
 June. Watson left Sentinel.
 September. Harrison Kelly appointed new editor.
1872. Spent year in Oregon
 May. Went to Goose Lake Valley.
- 1872-1874. Barred from practicing as claims agent at Treasury.
1873. Latter part of year. In Washington.
1874. Restored to position as claims agent.
 June. Kelly left Sentinel.
 Early December. Left Washington.
 Late December. In Jacksonville.
- 1874-1878. Collected various claims.
1877. Sued William Griswold, a fraudulent claims attorney, to
 recover commissions and won a judgment.
1878. January. Sued Jesse Applegate and won.
 February. Sold Sentinel.
 Forced to pay all of S. E. May's bond.
1879. Sued Griswold in name of United States.
- 1880's. Appeals and judgments issued against Griswold.
1883. Paid rest of money owed by Applegate
 Asked Senator Dolph to support Oregon Indian Depredation Claims.
1885. Prepared pamphlet arguing for Indian Depredation Claims.
 Moved to Portland.
 Wrote letters to newspapers urging support for Depredation claims.
1887. Prepared a legal brief on Oregon Indian Depredation claims.
- 1887-1889. Wrote letters to newspapers.
1887. In Washington at various times.
1891. Took advantage of legislation to go to Court of Claims.
1892. Biography appeared in Julian Hawthorne's Story of Oregon
1896. Biography appeared in Republican League Register of Oregon.
1897. March 13. Died at Portland.

CHAPTER I
EARLY YEARS: PACKER AND
ATTORNEY, 1826-1856

A comprehensive history of southern Oregon is yet to be written. This region of the Pacific Northwest lacking financial resources, communication services, and perhaps the desire to enable it to successfully compete or consolidate, with the Willamette Valley has had a slow development. Long geographically isolated from the economic, political, cultural and intellectual currents of the northern valley, southern Oregon was long neglected by the historian and biographer.

Jesse Applegate, a leading pioneer, and W. G. T'Vault, a newspaper publisher, are the only two southern Oregonians for whom we have extensive biographical studies. These two men in the 1850's and 1860's were able to overcome their provincialism and become involved in state politics and concerned with national affairs. Another such man was Benjamin F. Dowell, a claims attorney and newspaper publisher. Dowell was typical of many frontier leaders in being successful to some degree but also in having ambitions beyond his abilities. He was, however, unusual in leaving an extensive record, in letters, diaries, newspaper articles, and affidavits, of his activities in the Oregon Indian Wars, his claims collecting, his political views, and his support for railroad projects in Oregon. This biographical study analyzes Dowell's contributions and importance to the history of Oregon and, in particular, of southern Oregon.

Benjamin Franklin Dowell was a short, chunky man who enjoyed the rugged, energetic life of the far western frontier. He was born October 31, 1826, in Albemarle county, Virginia. His paternal grand-

mother was a niece of Benjamin Franklin. In 1836, Dowell's family moved to Shelby county, Tennessee, where the boy received his grammar and secondary school education. At the age of seventeen he entered the University of Virginia from which in 1847 he received a degree in law. His first practice was in Raleigh, North Carolina, but soon he moved to Memphis, Tennessee, where the governor appointed him to a district judgeship.

In 1850 the lure of California gold brought him west.¹ He went to New Franklin, Missouri, where he arranged to cross the plains with a small wagon party. He left New Franklin May 18, 1850, and on May 20 arrived at St. Joseph where he purchased two mules. Both mules were lost five miles west of St. Joseph and Dowell dropped out of the train to find them. After catching one of them, he returned to town, purchased new supplies, and soon caught up with the train. Along the Platte River some of Dowell's friends died of cholera and he was bedridden with it until the wagons reached the Rocky Mountains.² He reached Sacramento September 15 where he suffered another attack of cholera and soon thereafter moved to San Francisco for his health. Dowell opened a law office but when his health showed little improvement, he took his physician's advise and prepared to sail north.

The schooner Creole set sail October 5, 1850, from the Golden Gate bound for Portland; five days later she arrived at the bar of the Columbia River but no pilot was immediately available. A storm then drove the ship

¹Oregonian, July 21, 1889, p. 9, col. 7; Fletcher Linn, a short sketch of the life of Benjamin F. Dowell, JM (Jacksonville Musuem).

²Benjamin F. Dowell, "Journal of B. F. Dowell", p. 1-3, 20, 24, and 50, Dowell papers, Oregon Historical Society (OHS).

nine-five miles northward and it required twenty-five days fighting the wind to reach Astoria, November 27, 1850.

His first case as an attorney in Oregon was on board the schooner near Astoria when the indignant passengers held a mock trial of an Italian steward. The defendant was accused of serving no bread except hardtack during the ship's twenty-five days struggle against the wind to return to the mouth of the Columbia. The steward pleaded that he was obeying the captain's orders in regard to the lack of biscuits, hot rolls, and coffee, but the captain insisted that the steward had been responsible for the meals. Dowell, who served as the steward's attorney, lost the case and the convicted steward was sentenced to receive a bath of cold river water. As the punishment was administered, the bewildered and indignant steward cried: "Americ! Americ! poor free country this!" After docking in Portland the passengers observed the unused flour being unloaded from the kitchen's storeroom and concluded that justice had been done.¹ However, the steward probably was acting under the captain's orders, who may have decided it was unsafe to have a fire in the galley stove because of the rough sea.

Dowell first tried to establish a law practice at Dallas, Oregon, and then at Salem, the territorial capital, but found that the legal business in the Oregon Territory was insufficient to support even the members of the profession who had arrived earlier. Almost in desperation he accepted a temporary position teaching school in the Waldo Hills east of Salem. In 1852, on borrowed capital, Dowell purchased a pack train and began carrying goods from the Willamette Valley, Scottsburg, on the Umpqua River, and

¹Oregonian, July 21, 1889, p. 9, col. 7.

Crescent City, California, to the mining centers in southern Oregon and northern California.¹

The Rogue River Indian Wars plagued the southern Oregon frontier from 1853 through much of 1856. During these wars Dowell willingly placed himself and his pack train at the disposal of the various volunteer militia companies called into service by the territorial governor.² His periods of service varied from year to year but typical was the three months period he served with the volunteers in 1853.³ At that time twenty militiamen, with a lieutenant inexperienced in Indian fighting, were searching for Rogue Indians along Evans Creek, north of the present town of Rogue River, Oregon. Dowell accompanied this detachment as a volunteer. They established camp about five miles below an Indian camp which they had sighted, but failed to post a guard and a sudden attack by the Indians resulted in five militiamen being killed. However, one of the volunteers escaped to get help from the main body of militia, some thirty miles away. The besieged men, by firing from the cover of timber, kept the Indians at a safe distance. By evening the volunteers arrived to rescue the men and Dowell wrote in his diary his thanks that this ". . . most fearful and longest day. . ." had ended.⁴

¹Hubert H. Bancroft, *History of Oregon* (San Francisco: History Company, 1888), II, pp 369-70.

²Fletcher Linn, a short sketch of the life of Benjamin F. Dowell. Dowell papers, JM.

³J. B. Nicholas v. Rogue River bribe of Indians and the United States, legal brief presented in the Court of Claims, 1891, pp 1-2, Dowell papers, HL.

⁴Fletcher Linn, a short sketch of the life of Benjamin F. Dowell, JM.

During the Indian Wars Dowell gained a reputation both for bravery and for patriotism. His bravery was shown when, without armed guards, he carried dispatches alone through the Indian country. He was also ready to place patriotism before business profits. This was demonstrated when he accepted government contracts to pack supplies to the militia at the price the federal government was willing to pay although he realized that the scrip he received as payment could not be turned into specie for at least two years. Other packers were unwilling to accept the scrip unless they could increase their margin of profit from the contract because they often had to sell the scrip at a heavy discount.¹ Most packers preferred to avoid all government contracts and trade exclusively with the miners, doubling their capital several times a year.

During 1854, Indians killed several white men in the Humboldt Valley of Nevada along the southern immigrant road, the Applegate Trail. General Wool, Commander of the United States Army Pacific Division, would not send troops to apprehend the guilty Indians, so Territorial Governor Curry of Oregon, seeing no other recourse, approved the organization of a volunteer force, which he placed under the command of Captain Jesse Walker.²

Dowell contracted to furnish some of the supplies for the expedition. He agreed to provide flour from the Ashland Mills at forty cents a pound, and such other foodstuffs as pork, beans, coffee, and sugar. Miscellaneous

¹B. F. Dowell, Oregon Indian Wars, scrapbook, vol. III, containing loose affidavits on p. 86+. Affidavit of Alexander and Cardwell for B.F. Dowell sworn before E. J. Harding, Clerk of Benton county, October 9, 1857, Dowell papers, OC; Oregonian, March 14, 1897, p. 8, col. 4.

²Frances Fuller Victor, The Early Indian Wars of Oregon (Salem: State Printer, 1894), p. 329.

items carried included rope, axes, horseshoe nails, bottle-ink, blankets, and gunneysacks. His prices were high, but both money and supplies were scarce and other packers demanded even higher rates.¹

The volunteer expedition did no fighting but the federal government received a \$45,000.00 bill for pay and expenses. The bill and expedition became a matter of controversy and opponents of the campaign mockingly labelled it the "expedition to fight the immigrants".² The Salem Statesman, a Democratic newspaper, tried to show that some Whigs in southern Oregon, including B. F. Dowell and Quartermaster General C. S. Drew, had enriched themselves through the expedition at government expense.³ Drew was charged with having defrauded the government by the high prices he paid for supplies and for hiring his own mules for the expedition but not using them on the campaign. He allegedly kept them in the Rogue River Valley where there was no problem of forage but sent Dowell's mules into the arid region of northern Nevada.⁴ Dowell was forced to protect his reputation by writing several letters to the Oregonian to show that he had not been in partnership with Drew and had not defrauded the government.⁵

¹Dowell, Oregon Indian Wars, scrapbook, vol. III, Affidavits of John Anderson notarized by William Hoffman, November 12, 1857; B. F. Dowell to Captain T. Smith, Jacksonville, September, 1853, Dowell papers, OC.

²Victor, op. cit., p. 329.

³B. F. Dowell, Scrapbook in Canvas of 1858, vol. II, containing letter from William J. Martin in the Salem Statesman, June 2, 1855, p. 127, Dowell papers, OHS.

⁴Dowell, Oregon Indian Wars, scrapbook, vol. III, containing letter of Dowell to Captain T. Smith, September, 1855, Dowell papers, OC.

⁵B. F. Dowell, Scrapbook in Canvas of 1858, vol. II, containing clipping from Oregonian, June 30, 1855, pp 129-32, Dowell papers, OHS.

In late 1855 Dowell took half his pack animals to a new battlefield. The Yakima Indians planned to exterminate the white man from the Oregon country within four or five years - if possible, sooner. Major Rains of the United States Army, in charge at Fort Vancouver, requested volunteers from Governor Curry of Oregon Territory and from Acting Governor Mason of Washington Territory.¹

Curry called his militia unit, "The First Regiment of Oregon Mounted Volunteers". Three of these companies were sent into the Walla Walla Valley to prevent this tribe from joining the Yakimas in the war. Dowell wrote that Peu-peu-mox-mox, chief of the Walla Walla Indians, had tried to maneuver the Volunteers into an ambush by pretending friendship. In the ensuing battle from December 7 to 10, 1855, seeing his braves defeated, the chief attempted to escape but was shot by his guards.² Although an eye-witness, Dowell failed to mention the Volunteers' "uncivilized" and "unjustified" mutilation of the chief's body in which such parts as the ears and scalp were severed as "souvenirs".³

Dowell took an active part in this battle with the Walla Wallas as commander of the artillery. The Volunteers had two howitzers and, when one blew up, Dowell, it is said, experimented with the other until he found a way to mount it on a carriage fastened to a mule's back. The howitzer

¹Ray H. Glassley, Pacific Northwest Indian Wars, (Portland: Binford's and Mort, 1853), pp 112-14.

²B. F. Dowell to Samuel Dowell, Salem, January 31, 1856, folder 430, Dowell papers, OC; Ray H. Glassley, Pacific Northwest Indian Wars, (Portland: Binford's and Mort, 1853), pp 118-22; Frances Fuller Victor, The Early Indian Wars of Oregon, (Salem: State Printer, 1894), pp 439-45.

³Victor, op. cit., p. 446.

would be loaded in a ravine and then the mule would climb the hill from where the cannon could be fired into the Indians. The mule at first fell down at the discharge but after the first two explosions learned to brace himself.¹

After the battle the Volunteers remained on duty in the Walla Walla Valley. Steamers were used above and below the Cascades of the Columbia River for bringing the supplies for them to Fort Dalles. Dowell's job was to pack supplies eastward from the Dalles to the men in the Walla Walla Valley.² His mule train left Fort Dalles January 1, 1856, following the frozen Columbia River. The sharp, freezing weather made travel difficult but when Dowell learned that the Volunteers were already on short rations he determined to push onward.

In one of his diaries Dowell told about the slow, arduous journey to the Walla Walla Valley. The supplies carried by this particular train were typical: 4,050 pounds of flour, 320 pounds of coffee, 120 pounds of salt, quantities of sugar, some tobacco, and several kegs of molasses. East of the Dalles at the Deschutes River crossing, they found that the ferryboat had been washed away. The men dug the ice away from the stream, removed the snow, and were able to ford the river. The rate of progress for the train was limited by the weather conditions. It made between three and twenty miles each day, until the supplies were delivered January 17. On January 19, Dowell wrote that he was planning to leave the train to attend

¹Fletcher Linn, a short sketch of the life of Benjamin F. Dowell. Dowell papers. JM.

²Victor, *op. cit.*, p. 439; Diary of B. F. Dowell, January, 1856, Dowell papers, OC.

to some private business at Portland, and also in southern Oregon where the rest of his mules were. He did not then know whether he would return to the army.¹

He headed for the Willamette Valley, carrying dispatches to Governor Curry who had, in the meantime, ordered the recruiting of five new companies of volunteers to replace the men on duty in the freezing interior plateau. A few weeks later, in Dowell's absence, Indians attacked and captured his pack train.² This event was of major importance to Dowell's career because his attempts to collect for this loss led him into a life-long career as a claims agent.

The loss of the mules was a serious financial blow so he re-entered the legal profession opening a practice at Jacksonville, and soon had numerous clients with claims for either Indian depredations or for service in the Oregon Volunteers. In the fall of 1856, he journeyed by sea to Washington, D. C., where, he was convinced, he would quickly be paid for his lost mules, receive hard money for his scrip, and obtain compensation for his clients.³

¹Diary of B. F. Dowell, January, 1856, Dowell papers, OC.

²Frances Fuller Victor, The Early Indian Wars of Oregon (Salem: State Printer, 1894), pp 455-6; Sentinel, May 18, 1867, p. 3., col. 1.

³Nichols v. Rogue River Indians and the United States, legal brief presented in the Court of Claims, 1891, pp 1-2, Dowell papers, HL.

CHAPTER II.
PRACTICING LAW IN JACKSONVILLE
1856 To 1866

A frontier lawyer with little experience from an uninfluential territory could unassisted make little headway in the capital city, but Joseph Lane, territorial delegate from Oregon, helped Dowell with the procedures of securing payment. Some of the small depredation claims from the 1853 Rogue River Indian War were actually paid. Most of his time, however, was spent acquainting himself with the types of claims which could be collected and the procedures to be employed, as well as the various documents necessary. He used this information to prepare other applications for payment and Joseph Lane continued to provide him with the additional documents which Dowell discovered would be necessary.¹

Payment of Indian Depredation claims in Oregon came under an act passed by Congress in 1832:

If the nation or tribe to which such Indians may belong receive an annuity from the United States, such claim, shall, at the next payment of the annuity, be deducted therefrom and paid to the party injured; and if no annuity is paid to such nation or tribe, then the amount of the claim shall be paid from the Treasury of the United States.²

In August, 1856, Congress directed a commission to determine the

¹Nichols v. Rogue River Indians and the United States, legal brief presented in the Court of Claims, 1891, pp 1-2, Dowell papers, HL; B. F. Dowell to Anna Dowell, Portland, April 26, 1863, letterbook 14/74, Dowell papers, OC.

²Heirs of George W. Harris and Mary A. Harris v. Rogue River Indians, Cow Creek Indians, and the United States, legal brief presented in Court of Claims, 1887, pp 34-5, Dowell papers. JM.

amount due the Oregon Indian War volunteers for the years 1855 and 1856, but the commission did not file its report until 1858. Then Congress spent several years considering the report and did not appropriate funds to begin payments to the volunteers until 1861.¹

Dowell consequently returned to Jacksonville early in 1857 where he continued to practice law. He regretted later not having settled in Portland, but at the time Dowell had no problem securing clients because Jacksonville was in the midst of settlements in which families had lost their loved ones or property during the Indian hostilities.² Dowell also believed at the time that Jacksonville would prosper and become the center of a large population.

He decided to devote himself principally to securing the payment of the Indian war claims. During the fall and winter of 1857 and 1858 Dowell spent much of his time collecting affidavits in regard to the losses incurred through the Indian hostilities and the prices of various commodities during the wars.³

The years 1857 through 1866 were good ones for Dowell at Jacksonville. He became a well respected attorney and claims agent. He practiced in the courts of the Third Judicial District and before the Oregon Supreme Court, attended courts at Roseburg, and Salem, traveled to Portland, and at

¹The Political Contest of 1860, containing Hon. L. F. Grover of Oregon on the "Indian War Expenses of Oregon and Washington", February 21, 1859, UO-Rare Book collection; Sentinel, March 19, 1870.

²Fletcher Linn, a short sketch of the life of Benjamin F. Dowell, Dowell papers, JM.

³Nichols v. Rogue River Indians and the United States, legal brief presented in the Court of Claims, 1891, p. 5, Dowell papers, HL.

least once collected bad debts in Umatilla county. In 1862 he was elected for one term as prosecuting attorney for the Third Judicial District of Oregon but did not seek re-election.¹ By the summer of 1864 he was financially able to purchase the Oregon Sentinel, a Republican weekly, published at Jacksonville.²

Jackson county used his services in several ways. He handled the advertisement of school lands and printed appointments and notices for the County Commissioners. He also defended the county in several small suits.³

Dowell's business card appeared regularly in the Sentinel both before and after he became its owner. He advertised that he would collect Oregon Indian War claims and that he had a special agent at Washington to present and prosecute these claims at the office of the Third Auditor of the Treasury.⁴ He had continued success prior to and during the Civil War in collecting many of the smaller claims. His most successful year appears to have been 1862 in which he collected about \$60,000.00 in claims and received a commission of ten per cent. Possibly federal officials wanted

¹Oregonian, March 14, 1897, p. 8, col. 4; A. G. Walling, History of Southern Oregon (Portland; Walling, 1884), p. 526.

²George S. Turnbull, History of Oregon Newspapers (Portland: Binford and Mort, 1939), pp 255-6.

³Journal of the County Commissioners of Jackson County, February, 1866, to April, 1871, vol. II, pp 8, 29.

⁴Sentinel, June 6, 1861, p. 1, col. 1.

to keep the pro-Southern element in southern Oregon pacified by means of prompt payment of small debts. However, this attitude changed when the war ended and claimants then had to sign a loyalty oath stating that they had never advocated disunion.¹

A typical set of claims handled by Dowell was filed in June, 1862, and approved by the Treasury for payment during May, 1863. Eighteen persons entered a total of twenty-four separate claims for compensation for their services as privates, clerk, assistant cook, and packer in the volunteer outfit and for the use of their horses and pack saddles. The auditors disallowed two of the claims because the evidence had been lost but paid twenty-two claims totalling \$2,159.26. The smallest was for \$22.16, the largest for \$289.34. The claimants did not always receive the total amounts claimed, and in one case the auditor's office, without explanation, reduced one claim for \$554.50 to \$172.33.² In another case, an extremely low payment was made to two Oregon men who had served as privates. The amounts received were \$2.09 and \$6.98 respectively after each had had \$55.00 deducted for debts to the federal government.³

The Civil War forced Dowell and many prominent Oregonians who had

¹Sentinel, August 17, 1869, p. 1; Third Auditor's Office to B. F. Dowell, January 9, 1869, Washington, letterbook 6/131, Dowell papers, OC; Nichols v. Rogue River Indians and the United States, legal brief presented in the Court of Claims, 1891, p. 13, Dowell papers, HL.

²Third Auditor's office to B. F. Dowell, Washington, May 13, 1863, letterbook 3/11-14, Dowell papers, OC.

³Third Auditor's office to B. F. Dowell, Washington, June 6, 1863, letterbook 3/17-18, Dowell papers, OC.

never opposed slavery to appraise their views about the federal union. Although a Whig, he voted for Breckenridge and Lane in 1860, hoping to keep the nation at peace. However, when secession began, Dowell, in a section of the state overwhelmingly Democratic, decided that the South was acting as a "spoiled child" and needed a "good whipping". The Union, he believed, must prevail. Dowell's position was not unique since many Oregonians had voted for Breckenridge believing it "the only alternative to disunion."¹

His busy schedule as an attorney and claims collector included time for his hobby and social life. He collected artifacts of the local Indian culture and from as far away as Fort Rock in eastern Oregon. He admired the American Indian and wanted him to accept the authority of the federal government so that he might survive by living at peace with the white man.²

In his social life, Dowell, thirty-six years old, courted the attractive twenty-two year old Anna Campbell from Illinois and they were married on October 24, 1862. Two anecdotes relate to his marriage. He had just completed a two-story brick house designed in the Italian villa style. At his housewarming he left the party, was married to Anna Campbell, and returned to announce that the housewarming party was now the wedding reception.³

¹Fletcher Linn, a short sketch of the life of Benjamin F. Dowell, Dowell papers, JM; Frontier Politics and the Sectional Conflict, Robert W. Johannsen (Seattle: University of Washington Press, 1955), p. 152.

²B. F. Dowell to Samuel Dowell, Salem, January 31, 1856, folder 430, Dowell papers, OC; Interview with Miss Mary Hanley, curator of the Jacksonville Museum, January 18, 1964.

³Marriage Book 1854-1862, I, p. 184; Jack Sutton The Golden Years of Jacksonville, pamphlet published by JM, 1961; Marion D. Ross, "Jacksonville an Oregon Gold Rush Town," Journal of the Society of Architectural Historians, XII, December, 1842, pp 19, 25.

Another story concerned a promise which Dowell made in a heated courtroom exchange with another lawyer. He said that he would get married and have a son who would fight the case after he was gone. When the first child was a girl, Fanchion, born August 9, 1863, the legal profession at Jacksonville decided to have some fun with him. Judge Prim charged that Dowell had broken his promise and had thus committed contempt of court. Not to be outdone, Dowell pleaded that there was still time to have a son and the judge agreed to delay his decision until more evidence was in. It was all in good fun and Dowell joined in the spirit of the occasion by providing champagne. Two more children were born to the Dowells, a daughter, Anna, on August 12, 1864, and finally, on March 22, 1870, a son, Benjamin Junior.¹

Dowell provided his family with most of the luxuries available on the frontier. For a few years in the middle 1860's while the girls were still small, Anna employed a housekeeper and a part-time Chinese servant, which gave her free time both to sing in the Presbyterian Church choir and to attend local social functions, including dances.²

Mrs. Dowell became accustomed to her husband's frequent travels throughout Oregon and when she did complain he was always sympathetic. In the early 1860's his absences were for only a few weeks but in the fall of 1866 he left Jacksonville for Washington, D. C., where he spent about a year and a half.

¹Oregonian, July 21, 1889, p. 9, col. 7; Letter from Miss Agnes Love, Portland, February 22, 1964.

²B. F. Dowell to Anna Dowell, Washington, February 14, 1868, letterbook 14/117; Anna Dowell to B. F. Dowell, Jacksonville, May 2, 1868, letterbook 15/53; January 20, 1868, letterbook 15/40, Dowell papers, OC.

³B. F. Dowell to Anna Dowell, Roseburg, May, 1863, letterbook 14/161, Dowell papers, OC.

CHAPTER III.

A FRONTIER LAWYER IN
WASHINGTON: 1866-1868

Dowell decided in the summer of 1866 that a journey to Washington, D. C., would be necessary to expedite collection of war claims. Several large claims of his own had not yet been approved for payment and he believed that he would be more successful if he attended to them personally. He was also prepared to collect pensions for invalids, back pay for officers in the Oregon Volunteers, and other claims against the federal government. His business card in the Sentinel read:

Soldiers Claims! B. F. Dowell will leave for Washington, D. C., about the first of October, 1866, and he proposes to act as a claim agent for four or five months, in prosecuting the Oregon, Washington Territory and California War Claims of 1854, 1855, 1856.¹

He placed D. M. C. Gault, a close and trusted friend who roomed at his home while studying law with him, in charge of his law office and of the Sentinel. Then Dowell, in October, 1866, confident that he would return in a few months, boarded a stage for San Francisco from which he took passage on the steamer Golden City for New York via Panama.²

Dowell soon found that securing compensation from the federal government, even in person, had changed since the end of the Civil War, and was

¹Sentinel, June 9, 1866, p. 3, col. 2.

²B. F. Dowell to Anna Dowell, San Francisco, November 31, 1866, letterbook, 14/2, Dowell papers, OC; On board the steamer Golden City, December 8, 1866, letterbook 14/3, Dowell papers, OC.

now a more time-consuming process. The office of the Third Auditor of the Treasury used slow, meticulous procedures in examining each claim. Dowell was soon disenchanted with the bureaucratic machinery in Washington for, although his clients were paid some small claims, his own large ones remained unsettled. His largest claim, for the loss of his mules and pack train at Wild Horse Creek in 1856, was rejected by Secretary of War Stanton, who opposed many large Indian War claims. A clerk in the Third Auditor's office informed Dowell that payment would require a special act of Congress.¹

Senator George Williams of Oregon introduced a resolution in Dowell's behalf aimed at clarifying an 1861 act which had provided". . .for the payment of expenses incurred [sic] by the Territories of Oregon and Washington in the suppression of Indian hostilities therein, in the years 1855 and 1856". The resolution stated that claimants who had lost property under the terms of the law must be paid immediately with a Treasury appropriation. However, introducing a bill and getting it passed by Congress were two different problems. A frustrating delay came when Congress adjourned without passing it.²

More distractions came when a feud erupted between President Andrew

¹B. F. Dowell to Anna Dowell, Washington, February 21, 1867, letterbook 14/11; April 6, 1867, letterbook 14/14, Dowell papers, OC. Sentinel, January 17, 1874, p. 2, col. 4.

²B. F. Dowell to Anna Dowell, Washington, March 16, 1867, letterbook 14/12, Dowell papers, OC.

Johnson and Stanton. This famous conflict of tempers brought all collection of claims to a temporary halt.¹ The officials in the auditor's office did not know whether Stanton would be restored as secretary or whether his successor, Ulysses S. Grant, would remain in office.² Grant ordered the mule claims paid but a clerk, J. C. Roberts, who was auditing them required Dowell to show that the loss of the mules was not due to negligence. Roberts was probably acting under orders to stall but Dowell pictured the clerk as a zealous bureaucrat who believed that all large Indian War and Depredation claims were frauds.

The Oregon Congressional delegation came to Dowell's aid and succeeded in having Roberts replaced and the claims audited by another clerk. A favorable report was issued and in December, 1867, only a month before Stanton was restored to office, Dowell received \$4,763.50 for the lost mules. He believed that the payment should have been larger but admitted that to collect more would require more legal documentation than he possessed.³

Dowell, however, would not give up the battle to secure other payments even though to do so would mean further delay. His expenditures were exceeding his original budget when he wrote his wife that he would continue to advertise in Oregon newspapers his services as a claims agent in

¹B. F. Dowell to Anna Dowell, Washington, April 6, 1867, letterbook 14/14, Dowell papers, OC.

²B. F. Dowell to Anna Dowell, Washington, September 1, 1867, letterbook 14/25; August 16, 1867 letterbook 14/23; December 17, 1867, letterbook 14/6, Dowell papers, OC.

³B. F. Dowell to Anna Dowell, Washington, December 17, 1867, letterbook 14/6, Dowell papers, OC; Sentinel, April 27, 1867, p. 2, col. 2.

in Washington, D. C.¹ He was soon to concentrate most of his energies on legislation for the payment of the Oregon Volunteers in 1854.

Dowell's frustration was revealed in letters charging that the Third Auditor's office was delaying many Indian war claims of 1855 and 1856 for unjust reasons. It appeared to him that the auditor's office always applied a narrow construction to laws regarding Indian depredation payments. The sympathetic Senator Williams successfully sponsored legislation which authorized payment for claims which had been sold by the original claimants to assignees.²

Dowell also encountered opposition from General John E. Wool, former commander of the Pacific Division of the United States Army, who charged that the volunteers in the Pacific Northwest Indian Wars and the settlers had received five times more compensation than was justified. He blamed the whites and Governor Curry for instigating the Indian hostilities so that they could enrich themselves at the government's expense.

Dowell came to the defense of the Oregon Indian War claims, pleading that the volunteers deserved payment for services which the federal troops had failed to perform. Wool, he charged, had been in Oregon only once during the Yakima War and knew little about the situation.³

¹B. F. Dowell to Anna Dowell, Washington, July 21, 1867, letterbook 14/22, Dowell papers, OC.

²Sentinel, January 18, 1868, p. 1.

³Sentinel, April 11, 1868, p. 1, col. 3.

During his nearly a year and a half in Washington, D. C., Dowell missed his family and expressed his loneliness in several letters to them. Once, he gently scolded his wife: "I have been from home nearly three months; yet I have received two letters and not a single paper." Mrs. Dowell did write often but slow and irregular mail service usually resulted in several letters, written weeks apart, arriving on the same day.¹

Dowell, alone in his room at a boarding house in Washington, D. C., Christmas evening, 1867, after being in the capital nearly a year, wrote:

This morning was bright warm and the sun looked lonely, but late this morning it became cloudy and rainy, and it is still rainy. It looks like . . . Oregon might. The snow is melting very fast. A Happy Christmas: Happy Christmas to you all. . . I greet you and the dear little ones with a warm greeting. The cute stockings of Fannie and Anna that probably were hung up last night per chance the good Santa is supposed to have deposited in them have been critically examined by them. . . Exclamations of delight may have been heard by their dear mother but papa has been amusing himself reading lawbooks. Sad thoughts have passed since the above was written, but I wish a happy Christmas to all, and I will try to drive dull care away.²

Anna, Dowell's wife, tried to understand the economic necessity for his long absence but often wished they could be together again. One letter gave him a hint: "I think I will get a wooden man just to say I got one".³ In his letters to her early in 1868, Dowell promised to

¹B. F. Dowell to Anna Dowell, Washington, February 9, 1867, letterbook 14/10, Dowell papers, OC.

²B. F. Dowell to Anna Dowell, Washington, December 25, 1867, letterbook 14/6, Dowell papers, OC.

³Anna Dowell to B. F. Dowell, Jacksonville, September 25, 1867, letterbook 15/20, Dowell papers, OC.

return during the year.

Anna Dowell wanted her husband to return to settle several problems with Gault, the editor of the Sentinel, regarding the paper's editorial policies (pp 24-5) and some domestic matters. While Dowell was in Washington, Gault, who was rooming and boarding at the Dowell house, married. An Arrangement was made with Mrs. Dowell that the Gaults would do the housework and chores for their board. Anna Dowell soon regretted the agreement since Mrs. Gault frequently was in poor health and unable or perhaps unwilling to perform her share of the household duties. Anna Dowell wrote her husband that Mrs. Gault was teasing her one day by threatening to have the first kiss when Dowell arrived from Washington. Anna replied that she could also sleep with him the first night.¹ In late August, 1868, the protracted separation of the Dowells ended when he stepped from the stage in Jacksonville.²

¹Anna Dowell to B. F. Dowell, Jacksonville, February 6, 1868, letter-book 15/45, Dowell papers, OC.

²Western Telegraph Company, San Francisco, August 20, 1868, Dowell papers, OC.

CHAPTER IV.
THE OREGON SENTINEL: 'A LIVE NEWSPAPER'
1864-1868

The Oregon Sentinel, a weekly paper published at Jacksonville each Saturday, which Dowell had purchased in 1864 had a history of political and financial problems. Established in 1855 by W. G. T'Vault as the Table Rock Sentinel, it was originally a Democratic newspaper with a strong pro-Southern viewpoint. T'Vault, however, had sold the paper in 1861 and its editorials then became pro-Union. When Dowell became proprietor, he established an editorial policy which was firmly in the Union Republican tradition.¹

In a letter to a close friend asking for subscription support, Dowell gave three reasons for purchasing the paper. First, he wanted to create public support for paying the Oregon Volunteers of 1854.² The men who had served in the 1854 campaign had not encountered any Indians to fight on the Humboldt River, but, it was argued, their appearance in that region had prevented any outbreak of hostilities. Their claims, however, were suspect at the office of the Third Auditor which stated that the \$45,000.00 cost of the expedition was too high.³ Second, the Sentinel was to be a strong advocate of the Constitution and of the Union. Third, Dowell wanted to build a political reputation so that he might one day

¹Turnbull, George S. History of Oregon Newspapers, (Portland: Binfords and Mort, 1939) pp 255-6.

²B. F. Dowell to Nathan Olney, Jacksonville, February 21, 1865, copybook 3/267, Dowell papers, OC.

³Frances Fuller Victor, Oregon Indian Wars, (Salem: State Printer, 1894), p. 329.

become chief justice of the Oregon Supreme Court. This would be for the honor and not for the salary which, he commented, was very small!

The frontier was saturated with these pretentious little newspapers. During the lifetime of the Sentinel, 1855 to 1888, nine opposition papers operated at one time or another in Jacksonville, all supporting the Democratic Party's candidates for office.² If a town could support one newspaper it was often concluded that it could support two and Jacksonville, although with only about eight hundred inhabitants in 1867, was the largest business and professional center between Marysville, California, and Eugene City, Oregon. Business establishments sufficiently numerous to support a newspaper with advertising included:

Six. . .(general stores). . .; two hotels and one restaurant, three retail groceries and fancy stores; one hardware. . . (store); two jewelers; two meat markets; three livery stables; one drug store; seven saloons; two breweries; three blacksmith shops; one banking house; two printing offices; one photograph gallery; one tailor shop; three boot and shoe makers; two bakeries; one cooper; a first class saddlery; one cabinet and carpenter shop; gunsmith shop; one carpenter and steam planing establishment; two barber shops; three wagon shops; a bath house; one private hospital; a saw mill; and one milliner shop. . .five physicians; five lawyers; three notaries public;. . .a soap manufactory; a stone yard; a brick yard; and a broom manufactory.³

As was characteristic of the frontier press, the Jacksonville papers were. . ."violently partisan in politics and periods of political furor

¹B. F. Dowell to Nathan Olney, Jacksonville, February 21, 1865, copybook 3/267, Dowell papers, OC.

²George S. Turnbull, History of Oregon Newspapers, (Portland: Binfords and Mort, 1939, pp 255-8.

³Sentinel, November 16, 1867, p. 2, col.1.

always produced a few new papers to support rival candidates. Editors exhausted their vocabularies of invective and encomium. . .¹ Without libel laws to govern the content of editorials, Oregon "journalists" became especially adept at name-calling. Such descriptive epithets were rewarded when this kind of journalism became known as the "Oregon style".²

The format of the Sentinel was four six-columned pages. The front page included two columns of business cards, letters from B. F. Dowell in Washington, poetry, and news stories about current developments in Oregon. Page two was devoted to editorials, letters to the editor, and telegraphic news of national significance. Pages three and four consisted mainly of advertising, locals, church bulletins, and "coming events". News about other towns in southern Oregon frequently appeared.³

The Sentinel in 1867 and 1868 had a "first-hand" Washington correspondent in Dowell. His "Letter from B. F. Dowell" was probably widely read among Republicans in Oregon. It reflected the Republican Party's political philosophy by condemning President Johnson and supporting the Radical Republican plan of Reconstruction in the Southern States.

The problems created by the owner's absence outweighed his service as a correspondent for the paper. Dowell had left Gault as editor in 1867, but the latter had failed to collect debts owed the paper, while

¹Louis B. Wright, Culture on the Moving Frontier, (New York: Harper and Brothers, 1961), p. 113.

²Sidney Warren, Farthest Frontier, The Pacific Northwest, (New York: Macmillan Company, 1949), p. 204.

³Sentinel, a typical issue, March 23, 1867.

several of its creditors went unpaid. Dowell found it difficult to dictate the editorial or financial policies of the paper from such a distance as Washington. In the summer of 1867, thinking of selling the paper, he asked Gault for a financial report on both the law office and the newspaper.¹ When he received no response from Gault, Dowell changed his pleas to threats of dismissal.²

He realized the paper had not proved a financial success and in the summer of 1867 suggested to his wife that, as an economy measure, the printer, Guss Payne, might also edit it at a slight increase in his salary.³ Mrs. Dowell, embittered with Gault and his wife, wrote her husband that Gault behaved as though the Sentinel could run itself. The printer, Payne, and the telegrapher-staff writer, William Turner, were in fact already doing all the work. She further charged that Gault had kept written records of only part of the paper's income and expenses and kept the rest of it "in his head".⁴ By the fall of 1867 lack of cooperation from the editor caused Payne to take a better paying position at Portland with

¹B. F. Dowell to Nathan Olney, Jacksonville, February 21, 1865, copybook 3/267, Dowell papers, OC.

²B. F. Dowell to Anna Dowell, Washington, October 21, 1867, letterbook 14/32, Dowell papers, OC.

³B. F. Dowell to Anna Dowell, Washington, July 21, 1867, letterbook 14/22, Dowell papers, OC.

⁴Anna Dowell to B. F. Dowell, Jacksonville, September 20, 1867, letterbook 15/19, Dowell papers, OC.

Pittock's Oregonian.¹

Dowell realized that Gault had been a poor choice since he needed too much guidance in operating the Sentinel. When Gault hired another printer, Dick Hull, Dowell pointed out to him that Hull was an inefficient printer and, much worse, a Democrat.² Gault's unwillingness to follow the owner's views was also manifested in the controversy over the Humboldt railroad proposal (pp 34-7).

In mid-May and again in early June, 1868, a few weeks before starting home from Washington, Dowell wrote his wife to discharge Gault as law partner and editor.³ However, her uncle and several friends advised her to wait until Dowell could settle the matter himself.⁴ In late August Dowell returned to Jacksonville and consulted with Gault who then resigned.⁵ Gault was only the second of eight editors whom Dowell, over a fourteen year period, was to hire. Low pay, troubles with Dowell, and long hours

¹Anna Dowell to B. F. Dowell, Jacksonville, October 24, 1867, letterbook 15/23, Dowell papers, OC.

²B. F. Dowell to Anna Dowell, Washington, November 28, 1867, letterbook 14/37; Washington, December 7, 1867, letterbook 14/8; Anna Dowell to B. F. Dowell, Jacksonville, November 19, 1867, letterbook 15/26, Dowell papers, OC.

³B. F. Dowell to Anna Dowell, Washington, May 18, 1868, letterbook 14/59; Washington, June 10, 1868, letterbook 14/66, Dowell papers, OC.

⁴Anna Dowell to B. F. Dowell, Jacksonville, July 6, 1868, letterbook 15/59, Dowell papers, OC.

⁵Sentinel, August 29, 1868, p. 2, col. 1.

of unrewarding labor were reasons for this turnover.¹

In supporting the Johnson administration in 1865 and 1866 the Sentinel followed the same course in politics taken by the Portland Oregonian. Then during February, 1866, the Oregonian began denouncing President Johnson for vetoing the Freedman's Bureau Bill and six months later the Sentinel began to charge that Johnson had sold out to the Democrats.²

Dowell had several topics which he regularly considered in his "letter from Washington" column and probably his favorite was condemnation of Johnson. Johnson was the "accidental President" who was committing treason by replacing loyal Unionists in the government with rebels and copperheads. The Official Tenure Act was the only salvation for the Union men.³ Johnson wanted to overthrow the United States government by getting control of the Army and obtaining the cooperation of the southern states.⁴ When Johnson vetoed a Negro suffrage bill, he bitterly denounced him as a rebel, claimed that he was unfit to serve as chief executive, and supported the attempts to impeach him.⁵

Because Dowell disliked the President, he had initially aided with Stanton in the feud with Johnson (p. 17-18). However, Stanton and Dowell

¹George S. Turnbull, History of Oregon Newspapers, (Portland: Bin-fords and Mort, 1939), pp 255-8.

²W. C. Woodward, The Rise and Early History of Political Parties in Oregon (Portland: J. K. Gill Company, 1913), pp 241, 252.

³Sentinel, April 13, 1867, p. 1, col. 3. (See appendix for a sample letter from Washington, pp. (82-83))

⁴Sentinel, April 4, 1868, p. 1, col. 3.

⁵Sentinel, December 5, 1868, p. 1, col. 3.

were not friendly because the former had been unwilling to approve payment of Dowell's lost mule claim and had even ordered Dowell out of his office. Consequently, Dowell changed his approach to the Stanton-Johnson controversy by suggesting that Stanton would have received more sympathy if he had resigned when asked to do so by Johnson.¹

After Stanton had been reinstated as Secretary, Dowell attacked him as using double standards. Stanton, he alleged, had once informed Johnson that the Tenure of Office Act was unconstitutional but, when he became personally involved, decided it was constitutional after all. Stanton, he further declared, was a ruffian who lacked the "feelings of a gentleman" and was not suited for a distinguished position. The Republican Senators actually detested Stanton, Dowell remarked, but were willing to use him to administer to the President another defeat.²

In 1870, upon Stanton's death Dowell wrote:

It is known. . . that in life we were enemies. . . He was a man of rare abilities, and one of the most profound lawyers of the present age. . . Mr. Stanton thought it best to err on the side of the government, rather than against it. . . I was more annoyed by his manner than by the unjustness of his decisions.³

Dowell's letters reveal a progressive mind. World-wide suffrage, he envisioned, would eventually be adopted, based on the principle of equal rights under law ". . . without regard for race, color or sex."⁴

¹Sentinel, September 21, 1867, p. 1, col. 3.

²Sentinel, April 18, 1868, p. 1, col. 3.

³Sentinel, January 15, 1870, p. 2, col. 2.

⁴Sentinel, December 5, 1868, p. 1, col. 3; February 20, 1869, p. 1, col. 3.

All native born and naturalized Americans should have the right to vote.¹ His newspaper, accordingly, became the first on the Pacific coast to support Negro suffrage.² He also strongly advocated female suffrage. He opposed further immigration of Orientals to the United States but advocated full rights and privileges of citizenship for those already in the country.³ He realized, however, that, for such rights to be given to Negroes, Orientals, and women, bipartisan understanding and support would be required.⁴

The Sentinel was the first paper west of the Rockies to support Ulysses S. Grant for the Presidency. On Saturday, June 16, 1866, Grant's name first appeared with his profile and the words: "Well done thou good and faithful servant. The people have rewards for patriots, punishment for traitors." Grant was a popular hero who, Dowell claimed, had used his "genius" and "unerring judgment" to lead Republican armies ". . .to a glorious and final triumph. . .There is no man. . .who better understands the causes of the rebellion, or is more capable of subduing the temper of the rebels and administering public justice with an inflexible hand".⁵

¹B. F. Dowell scrapbook of Fanchion Love, p. 48, clipping from Gold Beach Gazette, January 10, 1888, Dowell papers, JM; Sentinel, January 23, 1869, p. 1, col. 2.

²A. G. Walling, History of Southern Oregon (Portland: Walling, 1888), p. 256.

³B. F. Dowell scrapbook, op. cit.

⁴Sentinel, February 20, 1869, p. 1, col. 3.

⁵Sentinel, August 3, 1867, p. 2, col. 2; June 16, 1866, p. 2, col. 1.

About one year later the Sentinel began supporting Oregon's United States Senator George H. Williams for the Vice-Presidency. Grant was pictured as the "first soldier of the nation" while Williams was the great statesman. The former had crushed the power of the rebellion while the latter had served on the Joint Committee on Reconstruction which determined the course of federal policies in the South.¹

In the summer of 1868, before leaving Washington again for the West, Dowell acidly commented on the nominations of the Democratic Party for President and Vice-President. Horatio Seymour and Franklin P. Blair were "two little blind mice". Seymour was portrayed as an obnoxious New York State governor who was politically shrewd and ". . .full of. . .tricks." Blair was a renegade Republican who was a true Johnsonite. "A more dangerous rebel than Jeff Davis." Repeating his earlier warnings (p. 27), Dowell contended that the Democrats planned another Civil War in which the unreconstructed Southern states would leave the Union for good. This alleged threat of a renewed war was part of the successful Republican strategy of "waving the bloody shirt".²

In November, 1868, the Sentinel jubilantly reported: "God, Grant, and Victory." The nation had been saved from chaos even though Oregon had supported the Democratic candidate by a majority of 764 votes out of

¹Sentinel, August 24, 1867, p. 2, col. 1; John Hope Franklin, Reconstruction After the Civil War, (Chicago: University of Chicago Press, 1961), p. 57; Howard McKinley Corning (ed.), Dictionary of Oregon History, (Portland: Binford and Mort, 1956), p. 2699.

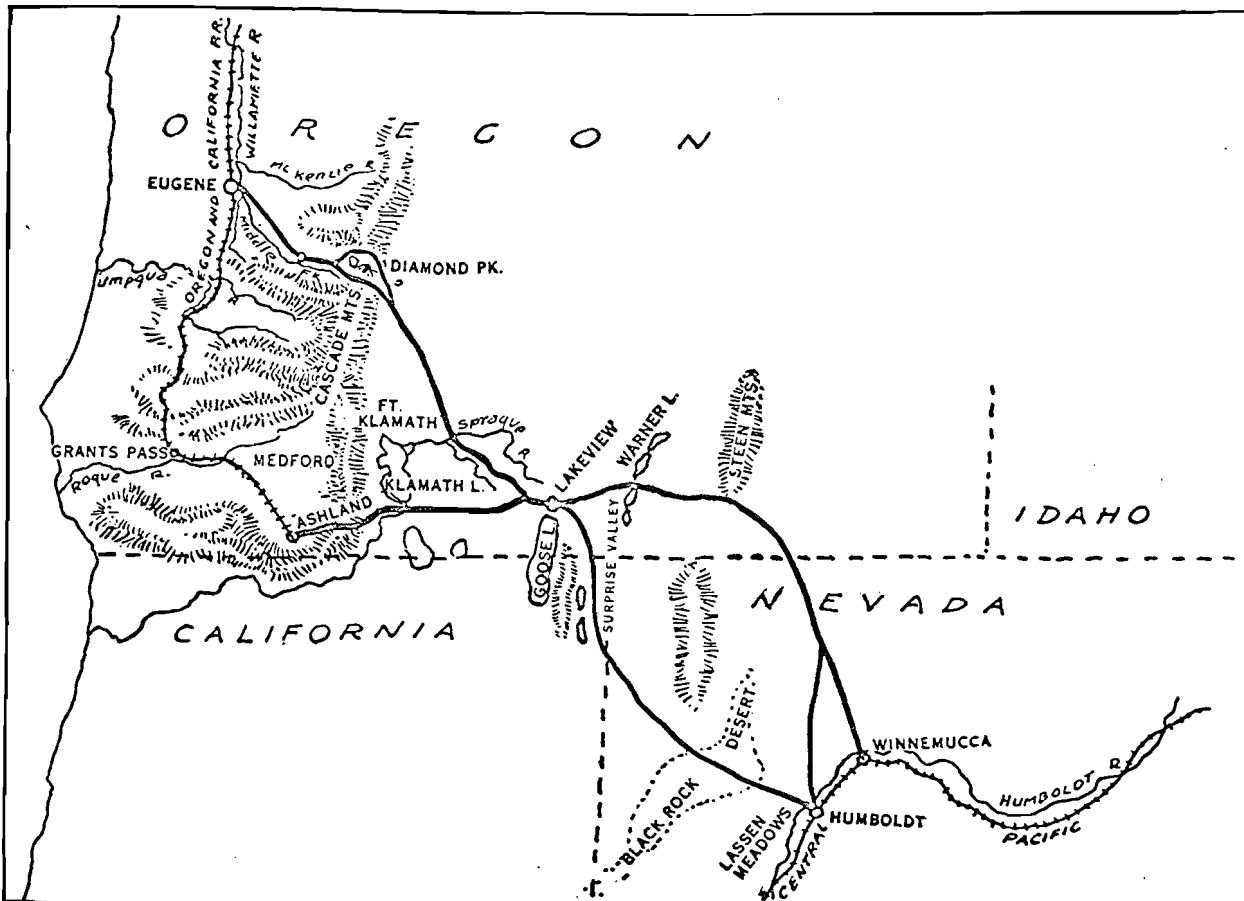
²Sentinel, August 8, 1868, p. 1, col. 6; Wilfred E. Binkley, American Political Parties, Their Natural History, (New York: Alfred A. Knopf, 1963) p. 256.

22,686 votes cast.¹

Grant's defeat in Oregon was not unexpected since the Democratic Party had the greater voter registration. It is rather surprising, however, that Seymour's margin of victory was so small. The Oregonian and the Sentinel may have thought they had contributed to the narrowness of the Democratic margin but probably Grant's near victory is better explained in terms of hero worship.

Grant in his brief tenure as Secretary of War had approved Dowell's Indian War claims and Dowell believed the new administration would be more friendly to his claims requests. He found, however, that new obstacles presented themselves.

¹Sentinel, November 7, 1868, p. 2, col. 1; June 6, 1868, p. 2, col. 1; December 12, 1868, p. 1, col. 6.



HUMBOLDT OR WINNEMUCCA ROUTES, FOR CONNECTING OREGON WITH CENTRAL PACIFIC RAILROAD ¹

These lines were proposed at intervals for twenty years after 1868, but not built. The present construction project of the Southern Pacific Company uses this route in Cascade Mountains (1924)

¹Harvey W. Scott, History of the Oregon Country (Cambridge: Riverside Press, 1924) IV, following p. 60.

CHAPTER V.
PROJECTS FOR OREGON
1867-1873

In addition to claims-collecting Dowell devoted some of his time to advocating various projects aimed at Oregon's economic development.

Dowell believed that his letters from Washington to the Sentinel were uniquely suited to show the people of southern Oregon how, by supporting his plans, they could advance their interests.

In the 1860's Oregon promoters were attempting to bring a transcontinental railroad to the state. Three routes were considered: the Northern Pacific route across the northern tier of territories to eastern Washington territory, then down the Columbia River to Portland, and then north to Puget Sound; the Oregon Short Line route across southern Idaho from a junction in Utah with the Central Pacific-Union Pacific, through eastern Oregon to the Columbia River, and down the river to Portland; and the Humboldt-Winnemucca route. The latter route received the earliest support because of the rapid construction of the Central Pacific and the Union Pacific across the continent; a branch railroad from the Humboldt River from either Winnemucca or Humboldt (see map), across southern Oregon, and then into the Willamette Valley with a terminus at Portland seemed a quick realistic method of connecting the Northwest with the east and indirectly with California.

Harvey W. Scott, editor of the Oregonian, and B. F. Dowell supported the Humboldt-Winnemucca route but differed over the Oregon section. Both

the Oregonian and Dowell supported a route proceeding from Portland up the Willamette Valley but the Oregonian wanted the railroad to cross the Cascade Mountains southeast of Eugene near Diamond Peak, and proceed along the high interior plateau to Goose Lake and then southeast to either Winnemucca or Humboldt while Dowell wished the route to continue south from Eugene following a survey which later became the Oregon-California railroad. This line would serve the Umpqua Valley and the Rogue River Valley before turning east at Ashland, crossing the Cascades to Goose Lake and then on either to Winnemucca or Humboldt. The survey of the Oregon-California Railroad went south from Ashland into the Sacramento Valley, and thus, in southern Oregon people thought of the Humboldt route being either from Ashland to the Central Pacific or Eugene City to the latter railroad via the high interior plateau.¹

Since the Oregonian would support only the route via Diamond Peak southeast of Eugene, Gault, editor of the Sentinel and Turner, the staff-writer, decided without Dowell's knowledge that the only way to defeat Scott's plan was to oppose any plan for a Humboldt Railroad. Dowell, who was in Washington in 1867 when the Oregonian stated its preference for the Diamond Peak route, was not aware that the Oregonian had forsaken the interests of Jacksonville. Dowell thus failed to understand why the Sentinel opposed the railroad plan.

¹Harvey W. Scott, History of the Oregon Country (Cambridge: Riverside Press, 1924) IV, pp 3-7, 349-51; Sentinel, November 30, 1870, p. 2. col. 2; B. F. Dowell to Anna Dowell, March 21, 1868, letterbook 14/51, Dowell papers, OC.

Opposition to the Humboldt-Winnemucca railroad in southern Oregon came from two sources. Local promoters of a wagon road between Ashland and Klamath Falls wanted no competition from a railroad. They wanted a federal land grant through the Cascades which pro-railroad men feared would take lands a railroad would need for a land-grant right-of-way. Another faction in southern Oregon did not oppose a railroad but wanted to be certain that any road built from the Willamette Valley southward would enter the Rogue River Valley. They favored one which would proceed to California over the Siskiyou Mountains and thus link the Rogue and Umpqua Valleys both with San Francisco and with Portland, the logical markets for products raised in these valleys.

The Sentinel supported the wagon road, pointing out that, if the Willamette Valley interests had their way, a railroad would be of no value to southern Oregon.¹ This editorial position angered Dowell. He wrote letters pleading with Gault and Turner and then threatening dismissal, but they maintained the Sentinel's opposition to the railroad. Dowell declared that he could guarantee that the railroad would go through the Rogue River Valley and became bitterly frustrated when his letters appeared in the paper altered so as to oppose the road. In early March, 1868, Dowell threatened to replace Gault, who was already at odds with him for failing to send him a financial statement for the newspaper (p. 25).

¹B. F. Dowell to Anna Dowell, Washington, March 9, 1868, letterbook 14/49, Dowell papers, OC.

Such insubordination called for punishment but Dowell was unable to do much from Washington through the slow and irregular mails.

Dowell wrote his wife that he had studied the railroad problem thoroughly and was not interested in public opinion. He believed that both the wagon road and railroad should be constructed. Although he did not oppose any railroad entering Oregon, he was angered that the Sentinel's editorial opposition had helped Idaho territorial promoters in their attempt to convince Congress that a transcontinental line to the Northwest should cross southern Idaho instead of southern Oregon.¹

B. J. Pengra of Eugene City headed the interests of the Oregon Central Military Wagon Road Company whose road crossed the Cascades at Diamond Peak. Pengra and Scott were the two promoters whom Gault and Turner most feared. Pengra had gone to Washington in 1867, where he and Dowell became friends since both wanted a Humboldt railroad. This led Republicans in southern Oregon to fear that Pengra was using Dowell to promote a railroad which would bypass the southwest valleys. This friendship hurt Dowell's position in southern Oregon and hampered him in convincing the people that the Humboldt Railroad was a logical means of getting Oregon better transportation.²

By the spring of 1868, Dowell was blaming opposition to the railroad on the Democratic Party and suggesting that any Republicans who

¹B. F. Dowell to Anna Dowell, Washington, March 9, 1868, letter-book 14/49, Dowell papers, OC.

²Sentinel, November 30, 1867, p. 2, col. 2; Jacobs to B. F. Dowell, Jacksonville, January 31, 1868, letter no. 205, folder 430, Dowell papers, OC.

opposed it should "go to the democrats". They, he charged, had always been the party opposed to internal improvements by the federal government and without federal aid Jacksonville would never have a railroad.

Anna, Dowell's wife, argued persuasively that if the Sentinel favored the railroad before the June, 1868, elections, the Republicans would be split again and defeat assured, since so many of them opposed the Humboldt railroad. She reminded him that William Turner, his own employee, was running for county clerk on the Republican ticket and would have no chance if the party divided again. Dowell decided to await the election results and his wife promised that, if Gault and Turner failed to advocate the Humboldt railroad afterwards, then it would be best to cease publication until he could return. In his letter of capitulation he told his wife that had the Sentinel supported his position in the beginning, the paper could have assured support for the road.¹

Rufus Mallory, an Oregon Congressman, in January, 1868, introduced in Congress a bill to provide a land grant for the proposed Humboldt Railroad, but without a specific guarantee that the route chosen would include the southwest Oregon valleys. However, the bill died in committee.²

Dowell gave several important reasons for supporting the Humboldt route to the east. It would expedite troop movements and contain any

¹B. F. Dowell to Anna Dowell, May 19, 1868, letterbook 14/60; Anna Dowell to B. F. Dowell, May 23, 1868, letterbook 15/55, Dowell papers, OC.

²Harvey W. Scott, History of the Oregon Country (Cambridge: Riverside Press, 1924), IV, p. 349

Indian hostilities which might break out, since supplies for forts in the region could thus be moved in cheaper.¹ Finally, he showed that a direct route east would reduce shipping costs for the region. An additional advantage, he claimed, was that the Dead Indian pass east of Ashland had less annual snow than the Central Pacific's route through the Sierra Mountains in California.²

In December, 1869, Senator Williams introduced new legislation for the proposed Humboldt Railroad. The following year another bill was submitted by a Senate committee on public lands. Williams amended this bill to state that the railroad would take ". . .the nearest eligible route in the states of Nevada and Oregon, to a junction with the Oregon-California Railroad in the Rogue River Valley." However, there was more interest in a direct route to the California market and sufficient opposition to keep the Humboldt plan from ever receiving Congressional approval.³

Although Dowell wanted a transcontinental railroad for southern Oregon, he also supported the north-south Oregon-California line which, as the Williams' amendment proposed, might later be linked with a route to the east across the Cascades to Winnemucca. Several surveys were made in 1868 for a trans-Cascade line from the Rogue Valley. The routes surveyed later became the locations of paved highways.⁴

¹Sentinel, June 6, 1868, p. 2, col. 3.

²Sentinel, June 27, 1868, p. 1, col. 3.

³Harvey W. Scott, History of the Oregon Country (Cambridge: Riverside Press, 1924), IV., pp 349-52.

⁴Sentinel, August 15, 1868, p. 1, col. 3.

Dowell's letter-writing efforts supporting a Humboldt railroad and an Oregon-California Railroad declined in the fall of 1868 even though the Rogue Valley did not get a railroad until the 1880's and had no rail connection with California until 1887. However, Dowell remained strongly in favor of the railroad plans and defended Senator Williams' efforts to get the Humboldt Railroad through Congress. Dowell also advocated an amendment to the state constitution to permit the state to loan its credit to railroad companies willing to build track in Oregon.¹ This support showed his strong Henry Clay philosophy that public improvements should be paid for or otherwise aided by the state and federal governments.

Dowell was paid to lobby for several harbor projects. In 1868 his plan for a breakwater at Crescent City, California, was rejected by the Army Corps of Engineers as too costly. Six years later Dowell's proposals for a breakwater at Port Orford and a narrow gauge railroad to the Rogue River Valley from the Port were also rejected as economically unsound.²

Dowell believed that southern Oregon also needed to industrialize. In 1865 he had been elected secretary of a committee to promote a woolen mill for the valley but nothing was done until 1867 when he wrote about what he had seen at cotton mills in Lowell, Massachusetts:

¹Sentinel, September 26, 1868, p. 2, col. 1.

²Sentinel, March 8, 1873, p. 1, col. 4.

Wake up Oregonians, to your true interests and erect manufactories all over the country. No farmer in Oregon ever made off of all his capital clear from all expense, from 10 to 14 per cent for ten much less 40 years. Oregon has plenty of water privileges to build up twenty Lowells. . .Oregon could. . .supply China and Japan with cotton goods, and get silks and satins in return.

This letter stimulated a new interest in the Ashland woolen mill project; the mill was constructed in 1867 and successfully operated for several decades.¹

Dowell could spend only part of his time advocating Oregon projects but he seemed to enjoy it. However, since he had no personal wealth or political position in Washington, he was forced to spend most of his time pressing payment of his own and his clients' claims. Also in the 1860's and 1870's Congress was not yet appropriating funds for pork-barrel projects. Oregon had such a sparse population that harbor projects and a charter for more than one east-west railroad were economically and politically unjustifiable. At least the proposed Northern Pacific railroad had a charter even though it did not reach Portland until September, 1883.

¹Alfred L. Lomax, "Ashland Woolen Mill 1867-1900", Oregon Historical Quarterly, December, 1930, XXXI, pp 363-68; Sentinel, November 9, 1867, p. 1, col. 3; Sentinel, April 13, 1867, p. 2, col. 2.

CHAPTER VI
A FRUSTRATED POLITICIAN
1862-1876

Another aspect of Dowell's career, although never more than a side-line, was politics. As an attorney in southern Oregon he was in daily contact with others of his profession who had successfully pursued a political career. His own political career began promisingly in 1862 when he was elected Prosecuting Attorney for the Third Judicial District of Oregon.¹ A year later he wrote Joseph G. Wilson, a Supreme Court and Circuit Court Justice in Oregon, suggesting that the latter run for Congress. Wilson, however, was not then prepared to jeopardize his Oregon judgeship, even though a Congressman's salary was three times his own.² Dowell may have hoped that Wilson's candidacy would create a vacancy which he could fill. In 1873 Wilson did run for U. S. Representative and was elected but Dowell was not appointed to the high court to replace him.³

In 1864 Dowell purchased the Sentinel, avowedly as a means of one day becoming chief justice of the Oregon Supreme Court.⁴ He was probably inspired by the success of a Jacksonville Democrat, Page P. Prim, who, in 1864 became chief justice and who remained on the court about thirty years,

¹Fletcher Linn, a short sketch of the life of Benjamin F. Dowell, papers, JM.

²B. F. Dowell to Joseph G. Wilson, Jacksonville, December 9, 1863, copybook 3/190, Dowell papers, OC.

³Dale Mallicoat (ed.), Oregon Blue Book 1963-64, (Salem: Secretary of State, 1963), p. 228.

⁴B. F. Dowell to Nathan Olney, Jacksonville, February 21, 1865, copybook 3/267, Dowell papers, OC.

six of them as chief justice.¹

Southern Oregon was a stronghold of the Democratic Party during the 1850's and 1860's. The Republicans usually offered little opposition, partly because of their factional divisions based on conflicts over party leadership. Dowell hoped that, by owning the Sentinel, he could unite and control the party, but he was opposed by the Applegate family.²

In 1865 Dowell represented some clients who wanted to collect debts owed by several southern Oregon residents: Joseph Jacobs, Michael and Tobias Thomas. These latter, it was alleged, owned stock in the Siskiyou Wagon Road Company and thus the claimants wanted the company to pay the debts. Lindsay Applegate tried to prove that he had purchased the road at a sheriff's sale in 1859 and that the defendants had no stock in his company. The circuit court apparently decided in favor of Dowell's clients and Applegate's wagon road had to assume payment of the debts for the alleged stockholders.³

In 1866 the Applegate family refused to support Dowell's candidacy for District Judge either at the county nominating convention or at the polls in June. When Dowell lost, the Sentinel bemoaned the fact that local Republicans would not unite for their own party's candidates.⁴ Dowell claimed that his Republican political enemies wanted him defeated in the

¹Mallicoat, op. cit.

²Sentinel, June 23, 1866, p. 2, col. 4; B. F. Dowell to Anna Dowell, Washington, April 23, 1868, letterbook 14/55, Dowell papers, OC.

³Affidavit of B. F. Dowell, August 22, 1965; Affidavit of Lindsay Applegate, August, 1865 (no day given), Lindsay Applegate papers, OC.

⁴Sentinel, June 16, 1866; 1866, p. 2, col. 2 and 4.

June election so he would appear to be the most unpopular man in southern Oregon at the Republican Party convention at Salem, in September, 1866. At that meeting both he and Jesse Applegate were considered for governor but neither gained sufficient support and George L. Woods won the nomination and election.¹

There were several reasons why Dowell failed to develop a political career. First, his uncompromising spirit and self-righteous approach to politics left little room for divergent viewpoints and alienated many who might otherwise have supported him. Second, he may have been hindered by his ownership of the Sentinel which seems to have caused some jealousy among politicians who wanted to help Dowell formulate the journal's editorial policy.

When Dowell failed to win elective office in 1866, he seems to have decided to devote his energies principally to collecting claims, but this required frequent absences from Oregon which further kept him from political activity within the state; except through his wife's letters, he was generally uninformed about local politics. However, he continued to offer advice on Republican politics.

In 1867, while in Washington, D. C., Dowell wrote his wife that the Republican Party should avoid nominating unpopular candidates, alluding to himself, and should discuss only national issues, such as Negro suffrage and reconstruction.² In another letter, published in the Sentinel, he

¹B. F. Dowell to Gazley, May 24, 1869, copybook 3/563, Dowell papers, OC.

²B. F. Dowell to Anna Dowell, October 12, 1867, letterbook 14/26, Dowell papers, OC.

challenged Republicans to set aside local jealousies and conflicts of personality and to maintain the principles of the party which ". . . will carry us triumphantly through reconstruction as they did through the fiery ordeal of rebellion, and make treason and its sympathizers a scorn and a hissing in the mouths of the people."¹

Dowell knew two Oregon pioneers who had become politically important: Jesse Applegate and Judge Matthew P. Deady. Applegate, who had decided to leave active politics in 1862, just when Dowell was attempting to begin his political career, had a lukewarm friendship with Dowell, probably affected by his family's dislike of Dowell because of the suit against Lindsay Applegate's Siskiyou Wagon Road (p. 42). Of the limited correspondence between Applegate and Dowell only one letter survives, a reply to Dowell's request that Applegate write a letter to the Sentinel, supporting President Johnson's policies on reconstruction, in an attempt to keep the Union Republican Party united. Although the Oregonian supported such a position at the time, November, 1865, Applegate refused, stating that those states which had left the Union could return only with Congressional approval.² A year later, both the Sentinel and the Oregonian adopted Applegate's view (pp.27-28).

In the fall of 1866 Applegate and Dowell signed a \$10,000.00 official bond for a southern Oregon Republican, Samuel E. May, who had been elected

¹Sentinel, November 9, 1867, p. 2, col. 2.

²Jesse Applegate to B. F. Dowell, November 12, 1865, Applegate Papers, OHS; Samuel Frear, "Jesse Applegate - An Appraisal of An Uncommon Pioneer", Unpublished Master Thesis, University of Oregon, 1961.

Secretary of State. Dowell wrongly assumed that several others were also signing the bond. This restored party unity between Applegate and Dowell was only temporary since in 1868 the latter wrote his wife recalling his treatment at the hands of the Applegate political clique.

[They] worked against my election in Jackson county two years ago with a double deal. . . They would meet me with a smiling face and pretend to be my true friends to keep me from exposing their real designs through the Sentinel and in ten minutes they were on the streets electioneering against me and swapping me off to elect their own dignitaries to try to destroy my influence. . .¹

A year later Dowell was still charging that the Applegates were selfish and disloyal to the party.² Then an event occurred which completely ended even the lukewarm relations between Applegate and Dowell. In 1869 Secretary of State May was accused of embezzling \$13,576.00 from the state, of which only \$4,000.00 was recovered. May left the state and in subsequent litigation the Circuit Court awarded the state a judgment of \$9,852.00 and court costs against the bond signers. Not until 1874, however, was the case finally decided in the Oregon Supreme Court when Judge Deady, serving as a referee for the court, informed Applegate that he must pay \$1,328.00 on the first bond, which he had signed in 1862 with several other Republicans, and \$8,524.00 on the second bond which he had signed with Dowell in 1866.

Early in 1869, however, Applegate had left Oregon to settle at Clear

¹B. F. Dowell to Anna Dowell, Washington, March 30, 1868, letterbook 14/51; Salem, September 8, 1871, letterbook 14/221, Dowell papers, OC.

²B. F. Dowell to James F. Gazley, May 24, 1869, copybook 3/563, Dowell papers, OC.

Lake, California, where he planned to raise sheep in his declining years. Believing that he might be near death, he had transferred his Oregon property valued at \$18,836.00 to his three sons, his daughter, and a grandson.¹ Thus Applegate, when the frauds were disclosed, was without funds and Dowell had to pay the entire second bond which, with court costs, amounted to nearly \$12,000.00.

Dowell was forced to use all his savings to pay the state. Unable to find a legal means to reduce his share of the bonds, he was also forced to sell much of his property, including the Sentinel, which was purchased by Frank Krause in 1878. With the proceeds Dowell paid the remainder of his debt to the state.

Dowell then sued Applegate to recover one-half of his payment, and in June, 1868, won a judgment for \$5,028.88. The sale of the latter's 1,080 acres on Mount Yoncalla in Douglas county, Oregon, did not cover the entire amount of the judgment so more litigation followed.²

In 1883, Chief Justice Sawyer of the United States District Court, with the concurrence of Judge Matthew P. Deady, cleared Applegate of Dowell's charges of fraud but held that his transfer of land to his children and grandchild in 1869 had been null and void. The judges decided that ". . .the land was encumbered by debts before the deeds were made." They reasoned that each time May stole money from the state between 1863 and 1869 the state would have been entitled to collect from the bondholders.

¹Samuel Frear, "Jesse Applegate - An Appraisal of an Uncommon Pioneer", Unpublished Master's thesis, University of Oregon, 1961, pp 107-8, 117-18.

²Dowell v. Applegate and others, Federal Reporter, XV, January 5, 1883; Sentinel, May 24, 1876, p. 2, col. 2; B. F. Dowell to Anna Dowell, Washington April 24, 1874, letterbook 14/212, Dowell papers, OC.

Applegate was required to recover title to the land he had given to his children and then had to pay Dowell \$7,488.00, which included court costs, or lose the land by auction sale. Applegate's children raised the money to save their land and Applegate wrote: "I am happy to inform you that my children, tho [sic] at great pecuniary sacrifice, have paid off Dowell and are now out of the clutches of the Demon incarnate." From that day Applegate's friendship with Judge Deady ceased while the latter's relationship with Dowell grew stronger.¹

Applegate's righteous indignation was hardly justified since it could be argued that he had no right to give to his children property necessary to cover his bond. He tried to avoid his responsibility and make Dowell bear the entire amount and this act of treachery cemented their distaste for each other.

Dowell's relationship with Judge Mathew P. Deady, on the other hand, became very close and warm. In 1868, Dowell lobbied in Congress for two bills of Judge Deady's which would have increased salaries of district judges to \$5,000.00 per year and that of the state circuit court judges to \$1,000.00 a year. A second bill provided that the circuit court and district court should meet at either Portland or Roseburg at the same time so Deady could preside over both of them. Only by persistent lobbying and testimony before the Senate Judiciary Committee was Dowell successful in 1871 in getting Congress to pass legislation increasing salaries to the amount which Deady desired. However, the bill to hold two courts at the

¹Samuel Frear, "Jesse Applegate - An Appraisal of an Uncommon Pioneer", Unpublished Master's thesis, University of Oregon, 1961, p. 128.

same time and place did not pass.¹

Both the Sentinel and the successive local Democratic papers viciously attacked the reputations of prominent people in the community, a characteristic of the Oregon Press which earned this kind of journalism the title of "Oregon style" (p.23).² In 1867 the Democratic Reporter carried a story slandering Dowell's reputation. It alleged that he had collected a \$40.40 claim for one Alonzo Pattie but had not only kept all the money but even charged Pattie an additional fee for collecting it. Actually, Dowell had charged a fee of \$6.92 for collecting the claim and had paid, at Pattie's request, \$34.00 to one of the latter's creditor's. This left \$.52 which Pattie owed Dowell for collecting the claim and which he paid.³

In 1867 Dowell sent some dresses to his wife under Senator Williams' franking privilege. The packages split open at the Jacksonville post office where the contents were viewed by several prominent Democrats. Democratic gossip and postmaster Sutton alleged that Dowell had taken the franks from government documents but Dowell denied this, claiming that he thought anything could be sent under frank as long as it did not weigh too much. This mistake, if it was unintentional, was exploited by the local Democratic paper, which cast doubt on Dowell's honesty.⁴

¹B. F. Dowell to Judge Deady, Washington, January 30, 1869, Deady papers, OHS; B. F. Dowell to Judge Deady, Washington, February 16, 1871, Deady papers, OHS; B. F. Dowell to Judge Deady, Jacksonville, November 1, 1868, copybook 3/541, Dowell papers, OC.

²Sidney Warren, Farthest Frontier, The Pacific Northwest, (New York: Macmillan Company, 1949), p. 204.

³Sentinel, August 25, 1866, p. 2, col. 1.

⁴B. F. Dowell to Anna Dowell, Washington, December 15, 1867, letterbook 14/5; December 17, 1867, letterbook 14/6, Dowell papers, OC.

Only his long absences from Jacksonville kept him from constant attack by the opposition paper. When Charles Nickell launched the Democratic Times in 1871, the Sentinel had real competition and the editor of the Times used every opportunity to defame Dowell. One such opportunity presented itself when William C. Griswold, a rival Oregon claims attorney in Washington, D. C., in partnership with C. S. Drew, who had served as the quartermaster in the 1854 Indian campaign in southern Oregon, purchased a claim from T. J. O'Neal and hired the latter to sign an affidavit accusing Dowell of attempting to steal the claim. O'Neal had been a packer in Jackson county during the Indian hostilities of 1856 in southern Oregon. Dowell had received the claim to collect but subsequently heard in 1871 that O'Neal had died in Sacramento. Dowell then obtained a letter of probate to administer the estate and collect the claim. In January, 1873, while at Sacramento on his way to Washington, Dowell learned that O'Neal still lived and had himself discharged as administrator. O'Neal apparently decided that Dowell was not to be trusted and sold the claim to Griswold and Drew.

Griswold and Drew provided copies of the affidavit to the Oregon Democratic press and Nickell speedily published it. Thus the Times had its slander and Griswold and Drew had succeeded in discrediting him, a punishment for refusing to support fraudulent claims for the volunteers of 1854 which they had presented to the Treasury in 1871 and 1872.

(pp. 61).

¹Democratic Times, January 3, 1874, p. 2, col. 3; January 17, 1874 p. 2, col. 1; Sentinel, January 10, 1874, p. 2, col. 2.

Since he was subject to such vicious attacks Dowell may have decided that publishing the Sentinel was essential to protect his character. He needed a good reputation if he was to continue as a claims attorney and the Sentinel always promptly answered the attacks in the Democratic press.

As a politician Dowell's influence was minimal but as a political writer his letters may have been of some value to Republicans in southern Oregon. His knowledge of political affairs in Washington, even though largely gleaned from eastern Republican newspapers, probably impressed the more zealous party faithful, and his acquaintance and friendship with the Oregon congressional delegation and other prominent Republican congressmen doubtless added to his prestige.

CHAPTER VII
PUBLISHER AND LETTER WRITER
1870-1888

Although unable to attain public office, Dowell derived some political satisfaction from newspaper writing. His principal medium for such writing, his own newspaper, the Sentinel, was, however, expensive to operate and faced a continuing problem of collecting its debts.¹ In order to secure national advertising which he hoped would make the paper more profitable, Dowell resorted to such expedients as purchasing a sewing machine, paying half its retail price in cash, and paying off the rest by providing advertising space.²

Even though by 1870 Dowell had little hope of an elective political office, he still believed he might be appointed to the Oregon Supreme Court if he showed he was a loyal Republican. For this purpose he needed the Sentinel, unprofitable though it was, to support friends for elective state office and to bring pressure for payment of the Oregon Indian War claims. Although in 1871 he finished collecting the volunteer's claims from the Yakima War he needed support for payment of the Oregon Volunteers of 1854 as well as various depredation claims.³ He found that editorials

¹Sentinel, February 13, 1878, p. 2. col. 2; B. F. Dowell to Patrons of the Sentinel, Washington, June 24, 1874, letterbook 14/179, Dowell papers, OC.

²B. F. Dowell to W. W. Fowler, Copybook 3/279, March 29, 1865, Dowell papers, OC.

³B. F. Dowell to Anna Dowell, Wash. April 16, 1871, letterbook 14/192, Dowell papers, OC.

in the Sentinel, charging that federal employees were incompetent, when distributed in Washington, D. C. usually speeded the payment of his claims.

When Gault left the Sentinel in the late summer of 1868, William Turner became editor but he wanted freedom to pursue his own political goals and soon was at odds with Dowell. Dowell, in 1869, replaced him as editor and law partner with Edward Watson although Turner continued to work on the paper.¹

Watson, who later served on the Oregon Supreme Court, developed a friendship with some of Dowell's political enemies and Dowell wrote him a letter of rebuke and warning, but this editor, too, refused to conform to Dowell's demands for blind loyalty and was replaced in June, 1871. He remained in Jacksonville and continued his friendship with Dowell but never served the paper again.² Dowell, although in Jacksonville at the time, could not find a new editor-law partner until September when Harrison Kelly accepted the position.³

Then in June, 1874, Dowell wrote from Washington to the Sentinel's subscribers that although Kelly had left without giving any reason, "the

¹B. F. Dowell to Anna Dowell, Washington, February 5, 1869, letterbook 14/123, Dowell papers, OC.

²E. B. Watson to B. F. Dowell, Jacksonville, February 10, 1870, letterbook 6/192, Dowell papers, OC; Sentinel, June 17, 1871, p. 2, col. 1.

³Sentinel, September 23, 1871, p. 2, col. 1.

Sentinel will continue to furnish the latest news and will be a live paper on the living issues of the day, to promote the best interest of Southern Oregon.¹

Mrs. Dowell then edited and supervised the publication of the paper until her husband could return and find a new editor. Mrs. Dowell promised that the Sentinel under her leadership would advocate Republican principles and support the entire state ticket.² Dowell was pleased with his wife's editorials and complimented her on filling the paper with "new and interesting material". However, he suggested some improvements, including shorter articles, copying items from other Republican newspapers, and making locals out of sermons.³

He was also concerned about the quality of the printing:

Tell the printer to take more time in getting up the proof sheet. I spell badly and he spells much worse. I can see others errors much quicker than my own. . . The typography is worse than it has been. . . in six years.⁴

Dowell continued to write from Washington, giving summaries of political developments and his progress with claims. His letters usually included a "pep talk" for the Republicans and slander about Democrats.

An example of the latter was written in January 1871:

¹B. F. Dowell to the Patrons of the Sentinel, Washington, June 24, 1874, letterbook 14/179, Dowell papers, OC.

²Sentinel, May 30, 1874, p. 2, col. 1; Oregonian, January 14, 1931, p. 20, col. 5, sec. 2.

³B. F. Dowell to Anna Dowell, Washington, August 18, 1874, letterbook 14/169; June 7, 1874, letterbook 14/197; June 18, 1874, letterbook 14/213, Dowell papers, OC; Wallace D. Farnham, "Religion as an Influence in Life and Thought: Jackson County, Oregon, 1860-1890", unpublished doctoral dissertation, University of Oregon, 1955, p. 212.

⁴B. F. Dowell to Anna Dowell, Washington, August 16, 1874, letterbook 14/219, Dowell papers, OC.

. . .this great Democratic praying Assembly of Oregon rejects the 15th amendment to the Constitution of the United States, and insults the national Legislature. . .by declaring that the United States have no authority to interfere with the conditions of suffrage within the boundaries of Oregon without her consent. . .

He further reminded his readers that the same legislature had requested various projects for Oregon, but, he warned, the state would get nothing as long as "the Oregon rebel Democracy" continued to insult the federal legislature which determines fiscal matters.¹

In April, 1871, Dowell wrote about his expansionist views, which concurred with those of many Republicans. He and others were disgusted with Sumner who had opposed President Grant's proposed annexation of Santo Domingo. Dowell believed there was also widespread support for acquiring Colombia and part of Canada, especially Vancouver Island. If England would cede this island to the United States, he believed the latter would forgive the Alabama claims. He was optimistic that Britian did not want war and would accept the United States' position.²

After 1871, Dowell spent only about one month each year in Washington, since expenses away from home were high and each trip to the capital cost about \$1,000.00.³ This accounts for his infrequent letters to the paper in the 1870's since he did not write them while in Oregon. An exception to this rule was made in the spring of 1872 when he returned from a brief visit to the Goose Lake Valley. He reported that Goose Lake was a navigable

¹Sentinel, January 21, 1871, p. 2, col. 3.

²Sentinel, April 1, 1871, p. 2, col. 2.

³Sentinel, February 13, 1878, p. 2, col. 2.

inland sea which could not legally be drained by the "swamp land grabbers". Without a lake the surrounding country would become a desert.

He also stated he had met with some of the Modoc Indian chiefs who had refused to live on the Klamath Indian Reservation because they disliked the reservation Indians. He concluded that most of the Indians were good, loyal wards of the government but feared that Captain Jack and Scarface Charley, whom he considered cowards, were a bad influence on the others, and needed firm control from the government. He wanted the Modocs forced to go east of the Sierra Nevada Mountains or else back to the Klamath reservation since in the winter months they would starve unless they could kill the white man's cattle. It was the government's duty to avoid angering settlers and ". . .with prudence and good management there would be no war. . ." ¹

Fifteen years later he wrote regarding Indians:

I am really of the opinion Indian treaties and Indian reservations are both unwise legislation, and if we had never had one in Oregon and government had never aided the Indians a cent there would have been ten times as many civilized Indians in Oregon as are now living. Then the citizens would have bought their lands and they would have went to work and been satisfied, like the Willamette Indians did. The Methodist missionaries, at Salem, learned them [sic] to work on the farms before any treaties were made and today they are the most cultured and best Indians in Oregon. ²

These were strange reasons since most Indians in the Willamette Valley had long since died of disease.

¹Sentinel, May, 18, 1872, p. 2, col. 2.

²Scrapbook of Fanchion Love, clipping from Gold Beach Gazette, October 18, 1887, pp 34-5, Dowell papers, JM.

Other topics about which he wrote in the Sentinel included his suspension as a claims agent from 1872 through much of 1874, the restoration of his license to collect claims, his suits against another claims collector from Oregon, William C. Griswold, and the frauds of Secretary of State Samuel E. May.¹

After he sold the Sentinel in 1878 to Frank Krause, he did not write extensively about political problems for several years, but from 1887 through 1889 he was again sending some letters to the Sentinel as well as to the Gold Beach Gazette, Eugene Oregon State Journal, Roseburg Review, Portland Oregonian, Salem Statesman, and Klamath County Star. Most of these letters were progress reports on pending legislation to pay Indian depredation claims and he warned his readers that ". . .all bad claims and many good ones will be rejected. The Secretary [of the Interior] allows no claim that is not satisfactorily proven. Claimants should be particular in proving each item. . .The Department [of the Interior] expects to cut down 15 million to 5 million dollars."²

In January, 1887, he wrote about a social problem of the day, Mormonism. He supported legislation outlawing the practice of polygamy in the territories, claiming it one of the "most abominable and infamous crimes" known

¹Sentinel, January 10, 1874, p. 2, col. 2; July 18, 1874, p. 2, col. 2; May 24, 1876, p. 2, col. 2; June 6, 1877, p. 1, col. 5.

²Scrapbook of Fanchion Love, p. 14, clipping from Oregon State Journal, January 22, 1887, Dowell papers, JM.

to America.¹

In the summer of 1887 he began supporting John Sherman for President, referring to him as a "great statesman". Dowell believed that Cleveland was despised by his own party over the tariff issue and that whoever could secure the labor vote in 1888 would be elected President. He hoped that the Know Nothing Party would not be revived as threatened since it would weaken the Republican Party.¹

In January, 1888, Dowell stated that he supported a tariff which would raise sufficient funds for the government and opposed Cleveland's free trade position, believing that it would cause cheap English goods to flood the market. Any "worrisome" government surplus could be disposed of by removing the tobacco tax, improving rivers and harbors, and adopting a penny-post. The latter would benefit the poor classes and, since no mail route would be profitable, service could no longer be limited and determined by economic considerations.²

Dowell appears to have ceased writing letters to the press after 1890. His views on national issues were not unique and, except for the fact that his letters came from Washington, they probably would not have been printed in the Oregon Republican newspapers.

¹Scrapbook of Fanchion Love, p. 29, clipping from Gold Beach Gazette, August 16, 1887, Dowell papers, JM.

²Scrapbook of Fanchion Love, p. 48, Gold Beach Gazette, January 10, 1888, March 6, 1888, Dowell papers, JM.

CHAPTER VIII.
PROBLEMS OF A CLAIMS COLLECTOR
1868-1885

Although Dowell wrote about politics and railroads, he was forced to subordinate these interests to his claims collecting. He was not a wealthy man and needed all the business he could get. By 1868 he had acquired a reputation which brought in additional clients. C. M. Carter, a Portland attorney, in December, 1868, wrote Dowell at Jacksonville asking him to collect his clients' claims in Washington, D. C. These included about one hundred claims for the use of the volunteers' horses in the Oregon Indian Wars. Carter was willing to pay him one-half the commission. "Your success is better than mine. . ." His agents in Washington, he confided, did not seem to understand the Oregon claims. He promised Dowell that if these claims were collected he knew where there were many more. This provided Dowell with a substantial revenue from the Portland area but a few months later Carter was writing to Dowell asking him to hurry payment and ". . .not take no for an answer as all have waited now until patience ceases to be a virtue."¹ Most of Carter's claims were paid but the process required several months instead of only a few weeks as the Portland attorney had assumed.

Dowell's fame as a claims collector brought in other new clients.

¹C. M. Carter to B. F. Dowell, Portland, Dec. 29, 1868, letterbook 6/90; February 25, 1869, letterbook 6/102; March 9, 1869, letterbook 6/121, Dowell papers, OC.

Thomas W. Beale, blind since 1865, wrote Dowell from Pilot Rock, Umatilla County, Oregon, stating that the auditor's office had been willing to pay him only \$2.00 per day for his services as a captain and his work in the commissary in 1856, while for his service in 1854 he had received nothing, but since he had lost his vouchers and could not afford to have a new set prepared, Dowell wrote regretfully that he could do nothing for him.¹

Most payments were for amounts smaller than the original claim. A \$250.00 claim for a lost horse was reduced to \$200.00, the maximum payment permitted under law.² Another claimant, a Mr. Henry Smith, claimed that he had supplied the volunteers in the Yakima War in 1855 and 1856 with about \$1,277.55 worth of goods but had received only \$604.71 as compensation.³

Dowell attacked such reductions in a letter to the Sentinel. He pointed out that Congress in 1861 had appropriated \$400,000.00 to pay the volunteers of the Yakima War, of which as of February 1, 1870, \$135,165.88 was still unexpended. The act had also appropriated \$2,400,000.00 for supplying the outfits and moving troops, of which \$309,237.77 remained. Dowell contended that the original appropriation had been too small but

¹Thomas W. Beale to B. F. Dowell, Pilot Rock, July 28, 1868, letter-no. 50 in folder 430, Dowell papers, OC.

²Third Auditor to B. F. Dowell, Washington, January 23, 1869, letter-book 6/95, Dowell papers, OC.

³Statement from the office of the Third Auditor, letterbook 6/131, Dowell papers, OC.

asserted that he intended to see that at least the remaining \$444,403.65 was paid to the rightful claimants.¹ A year later he was able to announce that he was finished with collecting the Yakima Indian War claims.²

Dowell frequently used a law which permitted a claimant's assignee to receive the full benefit of a claim. A Mr. F. Rosenstock had kept a tavern near Rock Point on Rogue River from 1852 to 1862. During the Rogue Indian War in 1853 he had supplied the volunteers with about \$1,000.00 worth of goods and in return received vouchers. These were stolen from him in 1860 and late that year or early the next a person pretending to be Rosenstock sold them to a Mr. Pritchard in Portland. Dowell wanted to prove that the vouchers had been stolen and that Pritchard had not investigated the impersonator. He asked Judge Deady in 1868 to help him secure the evidence to prove his case and the latter agreed.³ Rosenstock was awarded his claim but, shortly after the Treasury approved it for \$1,042.11, he decided to return to Germany. Since there was almost always a delay between approval and actual payment, Rosenstock sold the claim to Dowell for sixty-two and two-thirds cents on the dollar. In this way Dowell received his fee of thirty-three and one-third per cent of the claim.⁴

¹Sentinel, March 19, 1870 p. 2, col. 2.

²B. F. Dowell to Anna Dowell, Washington, April 16, 1871, letterbook 14/192, Dowell papers, OC.

³B. F. Dowell to Matthew P. Deady, Gordenville, Virginia, December 28, 1868, Deady papers, OHS.

⁴B. F. Dowell to Matthew P. Deady, Washington, February 18, 1870, Deady papers, OHS.

In the early 1860's Dowell's fee had been only ten per cent per claim but as collecting became more difficult, he raised it to thirty-three and one-third per cent.

In 1870 Dowell testified before the Military Committees of both Houses of Congress that the claims for the 1854 expedition in southern Oregon and northern Nevada amounted to \$45,000.00 and Congress passed an act approving payment. Dowell received \$4.00 per day for his pack animals but all that the packers who had supplied the expedition could collect from the Treasury were the Portland prices of commodities which they had brought to the frontier at considerable additional expense.¹

In 1871 another attorney, William C. Griswold, turned claims collector from Oregon, and the former Quartermaster of the Oregon Volunteers, C. S. Drew, claimed that the total expenses for the 1854 expedition were \$65,000.00. Congress passed a bill for the payment of this \$20,000.00 increase even though Dowell refused to support it, charging that these additional claims were frauds.

Griswold then bribed W. S. Stetson, the chief clerk of the Third Auditor's Office, to charge that Dowell himself had been collecting fraudulent claims. Dowell protested that he was unaware of any such claims but in 1872 his license to practice as a claims agent was revoked by the Secretary of the Treasury. The federal government in 1872 stopped payment

¹Sentinel, October 10, 1874, p. 2, col. 3; January 10, 1874, p. 2, col. 4; January 24, 1874, p. 2, col. 2.

for several months on all claims from Oregon until an investigation was completed.

Chief Clerk Stetson then wrote letters on Griswold's behalf to Dowell's clients, informing them that the latter could no longer collect for them and that they should sell to Griswold at whatever price he offered.¹ Griswold and Drew, after the Treasury resumed payments in 1873, collected about \$17,000.00 on false vouchers. Not until the summer of 1874 did a new Secretary of the Treasury, B. F. Bristow, restore Dowell's license as a claims agent after Dowell convinced the Treasury that he had not known that some of his claims were frauds and had showed his good faith by repaying the full amount of each false claim.²

Once restored, Dowell received much better treatment:

I wrote four letters. . . to the Treasury which were answered on the same day and received them by mail at night. This was never done. . . [before] . . . The solicitor snubbed the Third Auditor for having the wrong man suspended and for getting false evidence from Oregon against me. . .

The clerks in the Second Auditor's office are very friendly to me. They jump up and run all across the room to shake hands with me.³

Griswold and Drew had seen that Dowell received some false claims to collect while they, through bribes, continued to collect false claims

¹B. F. Dowell to Jas. A. Cardwell and William Bybee, Dowell papers, HL.

²Sentinel, July 18, 1874, p. 2, col. 2; B. F. Dowell to Anna Dowell, Washington, March 18, 1874, letterbook 14/172, Dowell papers, OC.

³B. F. Dowell to Anna Dowell, Washington, September 27, 1874, letterbook 14/204, Dowell papers, OC.

without trouble. The evidence against Griswold was sufficient to justify indicting him for fraud. The first trial began in 1879, with Dowell representing the United States under an agreement that he should receive one-half the amount collected on the judgment. Three court trials followed and each time Griswold appealed.¹

In late July, 1879, Judge Deady in Circuit Court in Oregon awarded the government judgment of \$35,288.00 and \$2,900.00 in court costs. The former sum was twice the original amount fraudulently obtained, as permitted by federal law in cases of fraud against the government.

Griswold filed bankruptcy proceedings to avoid payment and this led to a new trial in Circuit Court in 1881. The prosecution charged that Griswold had a record of declaring bankruptcy to defraud his creditors and the judgment was upheld. Then in 1882 Griswold petitioned the President for a pardon from the judgment, claiming that he had not known the vouchers were false. Dowell, still representing the government's and his own interests in the judgment, successfully argued that competent juries had determined Griswold's guilt.²

Griswold paid part of the amount and in 1885 attempted to settle with the United States District Attorney for a further token payment of \$100.00, but Deady upheld Dowell's claim that the government had no right to sacri-

¹United States v. Griswold, 1885, legal brief, Dowell papers, HL.

²United States v. Griswold, October 20, 1882, legal brief, Dowell papers, OC.

fice his interests in the judgment.¹ Apparently, however, Griswold was unable to pay the entire amount, but Dowell, although only partially compensated, at least had the satisfaction of defeating Griswold.

Dowell also sued Griswold for sending letters to Oregon in 1872, signed by W. S. Stetson, falsely stating that Dowell could no longer be a claims agent and thus fraudulently inducing the latter's clients to sell their claims at a depreciated value. Deady awarded Dowell a \$4,000.00 judgment in 1877 for the loss of the commissions from these claims and gave him ". . . a lien upon all claims for his fees and expenses incurred, which followed the collection of the claims into whosoever's hands they came. . ." Again, however, Griswold does not seem to have had the money to pay the judgment.²

Court trials were expensive for Dowell who had little money and needed most of his time to serve his clients. Although he did not benefit greatly from the Griswold court cases, he did have better success with the Applegate trial (pp .46-47). Trips to Washington, protracted litigation, and a decline in claims payments explain Dowell's lack of financial success. In the 1880's he turned to another area of claims collecting, that of Indian de-gradation claims. This was probably his biggest challenge but it resulted in only moderate success.

¹United States v. Griswold, June 10, 1885, Federal Reporter, XXIV.

²Sentinel, June 6, 1877, p. 1, col. 5.

CHAPTER IX.
OREGON INDIAN DEPREDEATION CLAIMS
1868-1891

After the Civil War the Oregon Indian Depredation claims had become nearly impossible to collect since much of the evidence had been lost by the Indian department during the War.¹ The best way to get depredation claims paid was by means of private bills in Congress. In 1868 Dowell had a private bill introduced into the House of Representatives which would have given Mrs. George W. Harris \$786.30 compensation for the loss of her property in 1855. Mary Harris and her daughter were the sole survivors of a massacre at their home in Jackson county. After George Harris and his son were killed by the Rogue and Cow Creek Indians who had escaped from the Table Rock Reservation, Mrs. Harris barricaded herself and her wounded daughter in the house and fought the Indians off. At night she escaped with the child by hiding under a pile of brush near the house until rescued the next day by volunteers from Jacksonville. The Indians burned the house and barn and destroyed the rest of the family's property. Even though the claim was a fair one, the bill died in committee because of fiscal economies.

In 1870 Congress repealed the act of 1832 which had enabled payment

¹Heirs of George W. Harris and Mary A. Harris v. Rogue River Indians, Cow Creek Indians, and the United States, 1887, legal brief for the court of Claims, pp 28-9, 34-5, Dowell papers, JM.

of the depredation claims.¹ In 1871, upon concluding his work on the claims for the volunteers of 1855 and 1856, Dowell turned his attention to claims for the expedition of 1854 into Nevada and to the Oregon Depredation claims. However, he seems to have had little success with the latter claims until the 1880's. In 1883 Senator Dolph presented an argument for these claims but nothing was immediately accomplished. In 1885 Dowell wrote to newspapers in Oregon, Washington, California, Idaho, and Texas, urging support which would pressure Congress into passing the needed legislation. In 1886 he and Judge William W. Upton, a former chief justice of the Oregon Supreme Court, compiled a sixty-four page petition arguing the justice of the Oregon claims, copies of which were presented to the President, Congressmen, and other federal officials.²

As a result of his efforts Congress in 1885 appropriated \$10,000.00 to begin an investigation of all unpaid Indian depredation claims which had been disallowed by the statute of limitations. The Department of the Interior set up regulations for investigating the claims. These rules provided that if a depredation occurred on an Indian reservation, the person had to prove that he had official permission for being there. He had also to show that the loss of property was not due to negligence and that he had been attempting to guard his goods. Then the claim was taken

¹Ray H. Glassley, Pacific Northwest Indian Wars, (Portland: Binfords and Mort, 1953), pp 81-2; B. F. Dowell to Anna Dowell, Washington, February 21, 1868, letterbook 14/46, Dowell papers, OC; Harris v. Rogue Indians, 1887, op. cit.

²Isabella Nichols v. Rogue River tribe of Indians and the United States, 1891, legal brief for the Court of Claims, Dowell papers, HL.

before the council of the Indian nation involved and carefully explained to them. If the Indians denied the claim and refused to pay it from their annuities, the Indian agent was to send the claim to the commissioner of Indian Affairs who would examine it and then send it to the Secretary of the Interior for a final decision.¹ In 1886 and 1887 other appropriations amounting to \$20,000.00 enabled the investigation to continue. Dowell remarked that instead of investigating the claims it would be better to use the appropriations to pay them.²

In 1887 Dowell and his daughter Anna, who read law but did not practice in court, prepared a legal brief which was presented in the United States Court of Claims. Besides the claim of the Harris heirs, several others, similar in nature, were presented for property and lives lost during the Rogue Indian Wars. In each case the defendants were the Rogue Indians, Cow Creek Indians, and the United States. The Harris heirs claimed \$3,862.00 for the destruction of the house, barn, grain, provisions, and other goods of the family and an additional \$20,000.00 for the murder of George Harris and his son.

Other plaintiffs included the heirs of Isaac N. Bentley, who had lost his barn, house, and provisions, valued at \$9,266.00. This claim

¹Heirs of George W. Harris and Mary A. Harris v. Rogue River Indians, Cow Creek Indians, and the United States, 1887, legal brief for the court of Claims, p. 34; Scrapbook of Fanchion Dowell, p. 25, Dowell papers, JM.

²Harris v. Rogue Indians, op. cit.

³Ibid., p. 1.

had been proved in 1856 but the papers had been lost by the Secretary of the Interior's office. The heirs of Charles Williams sought compensation for the loss of mule, horse, rifle, saddle, and household goods totaling \$567.00.¹

Dowell argued that the United States government had encouraged settlement in Oregon so that the area could be saved from Great Britain but the pioneers had never received adequate government protection. Soldiers were not sent to Oregon until 1847 and even then were not in sufficient numbers to protect the settlers from Indian ravages.² He further argued that the government had failed to make treaties with the Indians or pay them for the land which was given to the whites under the Donation Land Act. Joseph Lane's Treaty had never included all the Rogue River Indian tribes, since many who had not signed it refused to live north of the Rogue River on the Table Rock Reservation.³ Congress never ratified the treaties so that settlers could receive adequate compensation for their losses from the Indian tribes in council. One treaty which Samuel H. Culver had negotiated for the federal government with the Rogues had paid the latter \$60,000.00 for their land but settlers had demanded and received \$15,000.00 for claims. Dowell concluded that the Indians had sold out too cheaply.⁴

¹Heirs of George W. Harris and Mary A. Harris v. Rogue River Indians, Cow Creek Indians, and the United States, 1887, legal brief for the court of Claims, pp. 1-2, Dowell papers, JM.

²Ibid., p. 4-6.

³Ibid., p. 7.

⁴Heirs of George W. Harris and Mary A. Harris, v. Rogue River Indians Cow Creek Indians, and the United States, 1887, legal brief for the Court of Claims, pp 9-10, Dowell papers, JM.

Dowell contended that the murder of George W. Harris would not have occurred had the government paid the Indians their annuities promptly in the fall of 1854 and given the Indian agent a military force sufficient to confine the Indians to their reservation.¹ The Indians, when a treaty was not fulfilled, blamed the local government agents, not realizing that Congress was the "real culprit."

Dowell made an impassioned plea that the depredation claims were "honest debts" of the government and American citizens should not have ". . .to beg for a hearing in Congress, or for mercy before the Commissioner of Indian Affairs, or in the Treasury." It was improper to deny the people justice for thirty years.² He wanted the ". . .honest and truthful Congress. . .to examine our cases and pay just claims. . ."3 Since only three men and one woman were auditing the claims, he mocked, it would, at the rate they were going, take about half a century to complete the work.⁴

Dowell threatened that unless these claims were paid he would harass the department with evidence and Congress with petitions and should ". . . we die we will bequeath them to our children and in the solemn hour of death we will admonish them to continue the fight until justice is done the

¹Ibid., pp 13-14.

²Ibid., l. 40

³Ibid., pp 37-8.

⁴Ibid., p. 45.

persons who saved Oregon from the claws of the British lion." He begged for the privilege of taking the claims into courts in Oregon or having commissions appointed which would give speedy decisions.¹

In a concluding argument Dowell stated that whites and Indians should have to obey the same law and have the same opportunities. Since the government had not fulfilled its treaty obligations, the Rogue Indians were not bound to respect them. Since the Indians were wards of the government, the government should pay their debts.²

In 1891 Dowell sent a printed letter to his clients informing them that the claims had been neglected so long by Congress that each administration ". . . was afraid of paying them for fear of being charged with having been extravagant. . ." In 1891 Congress did finally pass legislation permitting some depredation claims to be filed in the Court of Claims.

Dowell's reputation as a claims agent who would "not take no for an answer" brought him clients who had depredation claims against the Yakima, Klickitates, and Modocs, as well as the Rogues and Cow Creeks.³ Yet most of the holders of such claims were disappointed and many claimants, such as the heirs of the George Harris claim, never did receive payment. So many documents and vouchers had been lost by claimants and the government

¹Heirs of George W. Harris and Mary A. Harris, v. Rogue River Indians, Cow Creek Indians, and the United States, 1887, legal brief for the court of Claims, p. 49, Dowell papers, JM.

²Ibid., p. 65.

³B. F. Dowell to clients, Washington, March 4, 1891, Dowell papers, HL; United States Statutes at Large, XXVI, pp 851-4.

that even Dowell could not accomplish anything.

Dowell probably realized that the 1891 law would be the last hope for claimants and since these claims were largely in the hands of heirs, Congress could not be expected to show any great sympathy, no matter how impassioned the pleadings of a frontier attorney. All the cases presented in the Court of Claims were concluded in 1893 by the expiration of the statute.¹ Years of time and effort were hardly rewarded by the commissions which Dowell received from these claims, even though they amounted to thirty-three and one-third per cent of the amount collected. Compared to Dowell's success in collecting claims for the volunteers of 1855 and 1856, his depredation claims collecting efforts were largely failures.

¹United Statutes at Large, XXVI, pp 851-4.

CONCLUSION

The last eight years of Dowell's life, 1889 to 1897, are largely obscure. Although he ceased to write for Oregon newspapers, he continued his law practice with his daughter Anna until his death. In his will of 1889, Dowell planned to leave his wife and family about \$12,000.00 in real estate but, during the depression of the early 1890's most of his estate was lost through a mortgage foreclosure.¹ He did, however, find the means to appear in two regional biographical collections published in the 1890's. The first, Story of Oregon (1892) by Julian Hawthorne, included his picture and several pages of biography. The second, the Republican League Register of Oregon (1896), was probably less expensive.² Most of the important regional biographical histories did not appear until after 1900; had he lived Dowell would probably have found some means of being included in each one.

Dowell died in his sleep on March 12, 1897, at his home in Portland at the age of seventy-nine, apparently not after any prolonged illness. He was survived by his wife and three children, Fanchion, his eldest daughter, had married George Swan Love and was living in Portland when her

¹Letter from Agnes Love, Portland, March 9, 1964; Probated will of B. F. Dowell, May 16, 1899, Multnomah county Courthouse.

²Julian Hawthorne, Story of Oregon (New York: American Historical Publishing Company, 1892), pp 217-23; Republican League Register of Oregon (Portland: Register Publishing Company, 1896), pp 202-3.

father died. Anna, after her father's death, ceased to practice law and married P. J. Bannon, a Portland attorney, with whom she made a home for her widowed mother.¹ Benjamin F. Dowell, Jr., the youngest child and only son, eventually became a Portland fire chief.²

* * * * *

The wealth of historical material Dowell left suggests a keen sense of history and perhaps an exaggerated opinion of his own importance to Oregon. Included in his papers are volumes of correspondence, several diaries, and a three-volume scrapbook on the Oregon Indian Wars which contains affidavits, correspondence, and newspaper clippings. These scrapbooks were used by Frances Fuller Victor in her Oregon Indian Wars, published in 1894 by the State of Oregon as an official history, and in Bancroft's History of Oregon.³

Dowell was southern Oregon's leading publisher in the 1860's and early 1870's until young Charles Nickell in 1871 began the publication of the Jacksonville Democratic Times. Dowell kept the Sentinel in continuous publication as compared to merely sporadic efforts by Democratic papers prior to Nickell's. Dowell wanted a party organ voicing opinions on local political affairs and also wished to use the paper to help him create

¹Letter from Miss Agnes Love, Portland, March 9, 1964.

²"News and Comment", Oregon Historical Quarterly, XXX (September, 1929), p. 287.

³Frances Fuller Victor, Oregon Indian Wars, (Salem: State Printer, 1894), p. 329; Bancroft History of Oregon (San Francisco: History Publishing Company, 1886), pp 369-70.

a favorable impression for appointment to the Oregon Supreme Court. Had he not been financially embarrassed in the 1870's, it is probable that even after 1878 he would have retained the Sentinel since he seems to have wanted it as a hobby.

Dowell was never a leading figure in Oregon politics and even in southern Oregon he was of secondary importance. In state affairs in the 1860's and 1870's Senator George Williams was the outstanding political personality. Of the forty-four attorneys in Oregon deceased by 1910, Dowell was the only one who had held only one significant political office, that of Prosecuting Attorney for the First Judicial District from 1862 to 1864.

Of all southern Oregon politicians contemporary with Dowell, Page P. Prim had the most distinguished career as a Democrat, having been a member of the state supreme court, circuit court, and state legislature. When Dowell ran against Prim for district judge in 1866, he was defeated. Thus Dowell ranks in politics far below Prim and even the notorious southern Oregon Republican Secretary of State Samuel E. May.¹

Dowell's success was as an Indian War claims attorney. He became something of a legendary figure, personifying perseverance and success. "If he does not secure their [war claims] payment nobody else need try. When Dowell lets go of anything he undertakes the cause is hopeless."² He was uniquely prepared for his role since he had been personally involved in

¹History of the Bench and Bar in Oregon, (Portland: Historical Publishing Company, 1910), pp 32, 259-86.

²Scrapbook of Fanchion Dowell, clipping from Eugene Oregon State Journal, no date, Dowell papers, JM.

the Indian Wars of Oregon in the 1850's and was well-equipped to recognize and understand the suffering, loss of life, and destruction of property. He had an insight into the human emotions behind the claims which he pushed and was convinced were just. Another man with a different background might not have shown the tireless energy, dedication, and perseverance which Dowell displayed over the decades in obtaining payment of these claims.

There were, to be sure, other claims agents, such as C. M. Carter, but none apparently journeyed to Washington from Oregon for protracted stays personally to push payment. Only in the early 1870's, with the arrival in Washington of William C. Griswold, did Dowell have serious problems with other claims agents. Dowell, as a claims agent, after opening his office in Jacksonville in 1856, ". . . built up one of the largest private practices in the state".¹ Each claim he collected meant much to Oregonians and Oregon. In 1862, his most successful year, he collected about \$60,000.00 but it is not known what were his lifetime's total collections.

Dowell is of tertiary importance to Oregon but in the local history of southern Oregon he rises to second rank. Had he lived in a community dominated by Republicans he might have become a primary figure, at least on a local level. Though he failed to attain his lifelong desire, a position on the state supreme court, he did serve his state and community well.

A comprehensive history of southern Oregon must await further research

¹History of the Bench and Bar in Oregon. (Portland: Historical Publishing Company, 1910), p. 265.

in biography and history related to all phases of that region's development. This study has attempted to contribute to our knowledge of a southern Oregon which has been long neglected by the historian and biographer.

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APPENDIX

The following letter written by Benjamin F. Dowell from Washington, D. C., February 9, 1867, appeared in the Oregon Sentinel, March 23, on page one.

" . . . Congress, undoubtedly, has the power to impeach the President of the United States, and to suspend him during the trial of the Senate; but there will be no impeachment during this Congress. It is entirely unknown what the next Congress will do in the matter. The most significant sign of impeachment that I see is, that the Democrats oppose an investigation of the question. If the President has not been to blame, why do his friends try to stave off an investigation? The charges are boldly made, and if he is not guilty, the report of the Military Committee will show it, after all the proof is taken.

The Chronicle has published several vigorous articles on the subject, urging impeachment. . . .

John H. Surratt has been indicted by the Grand Jury of the Criminal Court of this district. Accompanying the indictment is a presentment charging John Wilkes Booth with the murder of Abraham Lincoln, and John H. Surratt, David E. Herold, Lewis Payne and George A. Atzerodt for being present, aiding and abetting, on or about the fourteenth day of April, 1865. . . .

General Grant. . . says but little to any one regarding his political opinions; but enough is known for the Radicals to praise him for his many good qualities, while the Democrats speak of him as a lucky man, without much capacity. The General attended Speaker Colfax's late reception, but has neglected to attend the last two levees of the President. . . General Grant will never join his fortunes to the sinking cause of Andy Jackson and his Democratic followers. . . Reconstruction is still agitating the public mind, and is a question upon which loyal citizens do honestly differ. A few days ago Senator Williams introduced a bill in the Senate to provide for the more efficient government of the insurrectionary States. The bill enacts that 'the pretended States government of the late-so-called Confederate States of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas, and Arkansas were set up without the authority of Congress, and without the sanction of the people; and these pretended governments afford no adequate protection for life or property, but countenance and encourage lawlessness and crime; and that it is necessary that peace and good order should be enforced in the so-called States, until loyal and Republican State government can be legally established.' The bill then divides them into five military districts, and requires a commander to be appointed for each military district, by the

General of the United States under the direction of the President.
. . .the Committee on Reconstruction held a meeting and directed Mr. Stevens to introduce Mr. William's bill into the House, Since its introduction into the House, five or six amendments have been proposed and printed, and as many more offered but not printed. The bill will doubtless pass both Houses, with some slight amendments. Some of the rough corners will be stricken off, and it will then be passed by more than a two-thirds majority, and if vetoed by the President will be passed over the veto. The late lawless, brutal, and barbarous acts in Georgia, Louisiana, and Texas, renders some such law absolutely necessary. . .Long ere this reaches you, the substance of Senator Williams' bill will become the law of the land, even if it has to be passed over the veto of the President."

Typed by
Jo Anne Byrd