

The Howell Code

William Thompson Howell ([July 8, 1810](#) – [April 3, 1870](#)) was an [American jurist](#) and [politician](#). Born and educated in [New York](#), the majority of his career was spent in [Michigan](#) where he held a variety of state offices. Howell also served as a judge in the newly formed [Arizona Territory](#) where he was a principal author of the territory's first [legal code](#), the "Howell Code".

Howell was born on [July 8, 1810](#) in [Goshen, New York](#) to parent of moderate means. He was educated in public schools and was teaching by the age of 16 and editing a newspaper by the time he was 19. He changed professions at the age of 24, becoming an attorney and began practicing in [Angelica, New York](#) before moving to [Jonesville, Michigan](#) in 1837.

Howell married his first wife, Sophia Brink, on May 24, 1828 and the couple had four children. Sophia died in January 1845, with one of the couple's daughters dying several months later. His second marriage was to Susan M. Hartwell on [April 29, 1847](#). In 1853, the couple moved to [Jackson, Michigan](#). Susan died [August 27, 1856](#) and was survived by four children. Howell wed his third wife, Sarah Maria (Gray) Jones in 1857. The third marriage produced two children.

Howell began his political career in 1840 when he was appointed district attorney for [Hillsdale County](#). This was followed by his election to the [Michigan Senate](#) in 1843, a position he held through 1846. During his senate service, he became [President pro tempore](#) on [January 6, 1845](#). Howell's senate service was followed by his becoming the [presidential elector](#) for Michigan's third district in 1848. In his role as elector, he voted for [Lewis Cass](#).

Howell was admitted to practice law in front of the [Supreme Court of the United States](#) in 1849. Among the causes he advocated were the right of married women to hold property in their own name, abolition of capital punishment, and the establishment of free public schools.

With the establishment of the [Republican Party](#), Howell left the [Democratic Party](#). He served as a circuit court commissioner in 1854 and as a probate judge in 1855 and 1856. In 1857 he moved to [Newaygo, Michigan](#) and when [Mecosta County](#) was organized he became Mecosta County's first [prosecuting attorney](#). Howell was elected to represent [Newaygo County](#) in the [Michigan House of Representatives](#) from 1861 through 1863. He was also Speaker pro-tempore for the 21st and 22nd legislatures.

Following the creation of [Arizona Territory](#), President [Abraham Lincoln](#) nominated Howell to become a judge for the new territory. His commission as Associate Justice to the Arizona Territorial Supreme Court passed on [March 10, 1863](#). Howell then traveled with Governor [John N. Goodwin](#)'s party to new territory. Howell was assigned to Arizona's first judicial district, an area encompassing all of Arizona south of the [Gila River](#) and east of the [114th meridian west](#), and left the temporary capital at [Fort Whipple](#) for [Tucson, Arizona](#) on [February 3, 1864](#).

Upon his arrival in Tucson, Howell was unhappy to find "two out of every three people in the area were barefooted" in his new district. His first court session began on [May 31, 1864](#) and lasted for six days. A second session was scheduled to begin on last Tuesday in October. To simplify the administration of justice within the new territory, Howell saw the need for a coherent legal code and began the research needed to

create one. With the assistance of his friend [Coles Bashford](#), the judge consulted with local residents and explored the laws of several states. After 90 days effort, a 400 page tentative code was ready.

In April 1864, Howell received word his wife was ill. Bashford requested Howell be given three months leave to see to his wife's needs and to look after his seven surviving children. The leave was granted and Howell left Tucson for Michigan on [June 11, 1864](#).

In his address to the [1st Arizona Territorial Legislature](#), Governor Goodwin called for the creation of a new legal code to replace the laws Arizona had inherited from [New Mexico Territory](#). The legislature authorized the Governor to appoint a commissioner to create a possible code, and Goodwin selected Howell as the commissioner. Despite the fact the judge had already left the territory, his code was submitted to the legislature for consideration two days after his appointment as commissioner. The "Howell Code" was approved by the legislative session following considerable debate and some modifications. Territorial Secretary [Richard C. McCormick](#) observed the code was heavily influenced by the California and New York legal codes.