



ORLANDO C. HOWE

County judge of Dickinson County, 1857-62; district attorney Fourth Judicial District, 1859-63; captain Co. L, Ninth Ia. Vol. Cav., 1863-64; county judge Jasper County, 1865-66; resident professor of law, State University of Iowa, 1875-80.

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JUDGE ORLANDO C. HOWE
SOMEWHAT OF HIS LIFE AND LETTERS

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“For it is man’s nature which makes him trustworthy, not wealth.”—Aristotle.

“ . . . the pioneers of northwestern Iowa will always have in their hearts a warm place for the memory of Orlando C. Howe.”
—Iowa State Bar Association.¹

Orlando Cutter Howe was among the notable pioneers of northwestern Iowa, and one of the first settlers of Spirit Lake, in Dickinson County. He was attracted to the region by the reported beauty of the environs of Mde-Mini-Wakan.² He remained there for only six years, 1857–1863; but in those few years his character and capacity, his courage and consideration for others won and held public confidence, and left many vivid memories in the minds of the pioneers of our state’s frontier of a fine man and citizen, of an earnest, upright public official, and of a neighbor who would instantly put forth his utmost in behalf of family, friends and fellows in a common cause or crisis.

In the course of sundry searches for data relative to the origins and events of the Spirit Lake Massacre between March 8 and 15, 1857, when the entire settlement was destroyed, I received from the daughters of Judge Howe, Mrs. W. H.

¹*Proceedings Iowa State Bar Association*, Sixth Annual Meeting, held at Iowa City, July 17, 18, 1900. Report of the Committee on Legal Biography, p. 92.

²The Sioux designation, “Lake of the Spirit Water.” See F. I. Herriott, “Origins of the Indian Massacre between the Okobojis, March 8, 1857,” *ANNALS OF IOWA* (Third Series), Vol. XVIII, pp. 342–346.

(Helen Howe) Cooke, and Mrs. E. F. (Evelyn Howe) Porter, resident in Lynn Haven, Florida, a considerable number of letters of Judge Howe's written for the most part to Mrs. Howe between 1849 and 1865. With them were not a few others addressed to him by various correspondents, together with sundry documents, legal instruments relative to matters at Spirit Lake, and the original drafts of addresses, articles, or lectures. I was generously given permission to use them at discretion and to make such disposal of them as seemed appropriate. Their contents in the main were such that it seemed to me that they should be deposited with the Historical Department of Iowa where they now are. Many of them afford interesting glimpses of pioneer conditions and procedure. They also afford valuable data about events just preceding and following the Massacre of the settlers between the Okobojis—the most dramatic event in the entire history of Iowa's relations to the Red Men.³ His letters to Mrs. Howe written from Arkansas, while in service in the Union Army in 1864, give us first hand information about men and measures in that section of the war zone in the Civil War.

In consequence of the decision to publish some of the letters among Judge Howe's papers, the editor of the ANNALS asked me to prepare the biographical sketch which follows. It is but little more than a summary of the major facts in his life which closed Thursday, August 24, 1899, at Topeka, Kansas, at the age of seventy-four years, eight months and five days.

PART I—BIOGRAPHY

I

Orlando C. Howe was among the thousands of New Englanders who came into Iowa, and particularly into northern Iowa, in the middle years of the '50s of the nineteenth century, and played such a noteworthy part in the formation of the state's industrial, political and social institutions. He was born in Williamstown, Vermont, on December 19, 1824, the son of John Deloss Howe and Sarah Cutter Howe. About 1834 his

³See F. I. Herriott, "The Aftermath of the Spirit Lake Massacre of March 8-15, 1857," *Ibid.*, pp. 610-613.

parents moved to and settled in Alden in Erie County, New York.⁴

His schooling begun in Williamstown was continued in the common school of Alden and then in the Academy of Aurora, which sustained an enviable reputation. His ambition focussed on the legal profession and he was fortunate in securing the privilege of studying in the law offices of Shumway & Williams, a well-known firm in Buffalo. Mr. Horatio Shumway had been a member of the General Assembly of New York at Albany, and Mr. Charles H. S. Williams was district attorney of Erie County.⁵ After his admission to the bar he remained with the firm in the capacity of assistant prosecuting attorney, until he decided to come west in 1855. The training he got under his patrons in Buffalo gave him a good grounding in the principles and the practice of the common law, then but little modified by legislation, that made him fit and ready for the rapid professional and official promotion which came to him soon after he arrived in Iowa.

Meantime, in 1849, the young man had met, loved, wooed and won and married Maria Wheelock of Lancaster, New York, a young lady of marked ability and staunch character. At the time of their courtship Miss Wheelock was a teacher in the public schools of Buffalo. Characterizing two of the first women resident in Spirit Lake after the Massacre, Mr. R. A. Smith, a contemporary and later the historian of Dickinson County, thus records his recollections and his judgment:

Mrs. Howe was the more scholarly . . . having been a teacher in Buffalo. In addition to her literary attainments she possessed a rare fund of general information, and what is still more rare, a remarkable versatility of character, which enabled her to adapt herself to surroundings without fuss or friction. She was equally at home with the sturdy pioneers by whom she was surrounded as she would have been in the environments of polite society.⁶

For the following fifty years Mrs. Howe realized for her

⁴Unless otherwise stated the narrative is based on the following general sources: (a) Mr. and Mrs. Howe's letters deposited in the Historical, Memorial and Art Department of Iowa; (b) the biographical sketch prepared for the Iowa State Bar Association by Judge George W. Wakefield of Sioux City, chairman of its Committee on Legal Biography, the data for which was gathered by Mr. R. A. Smith of Spirit Lake, Ia.—*Proc. Ia. St. Bar Assoc. for 1900*, pp. 89-92; and (c) R. A. Smith's *History of Dickinson County, Ia.*, 1902.

⁵Perry Smith (Ed) *History of Buffalo and Erie County*, Vol. II, p. 461; Vol. I, p. 348.

⁶Smith, *Op. Cit.*, p. 415.

husband, children, and neighbors the ideals of Ruth, daughter of Naomi: whither he went she went also; where he found lodgment she abided; and his people became hers—through fire and flood, sunshine and storm, sacrifice and war, Maria Wheelock proved ever helpmate and inspiration through the stress of the waxing years. In the letters which follow her devotion and worth were clearly appreciated.

The ordinary slowness of advancement and return for a young lawyer in an old community probably caused the young husband to think favorably of Horace Greeley's advice to "go west." Whatever the general cause, the immediate consideration was the glowing reports about the beauty of "the Iowa country," and the illimitable opportunities for large and rapid returns on small capital investments soon coerced him. The exact date of his departure is not certain, but it was some time in the late fall of 1855, for his first letter speaks of snow at Galena and near Dubuque. His decision must have been rather sudden or he would have started earlier in the year in order to make his journey at a more agreeable and favorable time for making his preliminary surveys to discover the relative merits of this and that region for permanent tenure.

In his first letter to Mrs. Howe, written at Dubuque, he gives a vivid picture of the push and rush of that westward movement into Iowa in pioneer days. He was as optimistic as the ancient hunters seeking the golden fleece. He apparently inclined to go into Minnesota at the outset, but for some reason, not disclosed, turned southward. With his mind's eye he saw quick returns in investments in virgin farm lands, and town sites and city lots were equal to gold mines, if he could secure the capital to obtain them. Fort Dodge and Sioux City came within consideration no less than Mankato, Minnesota, and Iowa Falls. He suggests much of the picture in three sentences: "Every [thing] whirls fast in this country. It most makes me dizzy—railroads and railroad schemes are so thick that no one can keep track of them."⁷⁰

Iowa Falls in north Hardin County seems to have attracted him especially, and it is not quite clear why he decided to remain in Newton, in Jasper County, about sixty miles almost

⁷⁰O. C. Howe to Mrs. Howe, written at Dubuque without date, *post*.

straight south of the region he preferred. It is not certain when he first arrived in Newton, but probably in the forepart or middle of December, 1855.

Mr. Howe was not one to loiter in idleness, doless, waiting for something to happen to his liking. If law clients did not appear, he looked about for work as a teacher. Soon he was giving lectures to the "Newton Literary Society." The nature of the subjects dealt with, whether law or literature or philosophy, does not appear in his letters.⁸

It was significant of later developments in his career, and a perfect illustration of the easy-going and rapid way of things in the democracy on the frontier when he was offered January 10, 1856, a nomination for the county judgeship of Jasper County by a group of Know-Nothings who had asked him for the loan of his room at his boarding place to hold their caucus. He evidently had made a decidedly favorable impression in the conduct of a lawsuit, notwithstanding the decision was adverse to his client. Further, his participation was hardly technically permissible because he was not admitted to practice in Iowa until April 28, 1856.⁹

Within the year a serious movement was started and promoted by his friend, George E. Spencer, to secure his election as judge of the Eleventh Judicial District comprising Poweshiek, Mahaska, Jasper, Marion, Polk, Warren, Dallas and Madison counties.¹⁰ Somewhat of his strength may easily be inferred from the letter of M. M. Crocker, a rising young Democratic attorney of Des Moines, who, although a Proslavery Democrat, was formally working for the nomination of James Williamson of Des Moines, but who saw that the latter probably could not win it and he, Crocker, saw that Howe held the key to the situation, and he preferred Howe to the other candidate foremost in the field. To what extent Mr. Howe personally encouraged his friend Spencer's plans, cannot be stated; but his journey to the Okobojis in February and the consequences to him personally of the Massacre in March nullified Spencer and Crocker's program. William M. Stone

⁸*Ibid.*, written at Newton, Jan. 22, 1856.

⁹Certificate of clerk of court of Jasper County, in O. C. Howe papers.

¹⁰Laws of Iowa, Sixth General Assembly, Chap. 2.

of Knoxville was nominated and elected judge of the Eleventh District.¹¹

Mrs. Howe and their daughter "Linnie" came to Newton in April, 1856, and soon two of Mr. Howe's brothers-in-law, Messrs. B. F. Parmenter and Robert U. Wheelock—the latter two also on the lookout for good investments. In the early fall months they heard of the beauty of the lake country in northwestern Iowa, and decided to go up to survey the region. They went via Fort Des Moines, thence up the Des Moines River to Boonsboro, Fort Dodge, Dakota City, arriving at the Okobojis on the edge of the winter (November). They stopped with Joel Howe.¹² Their first view of the lakes decided them to make it their home. They returned to Newton to gather their possessions and return.

It was while on that first trip that Mr. Howe in one of his scouting trips to the west and north of Spirit Lake came upon Inkpaduta and his band of outlaw Sioux at Black Loon Lake, Jackson County, Minnesota, whence he and his band soon departed, going down the valley of the Little Sioux to Smithland where occurred the clash between the settlers and Inkpaduta's band when the firearms of the latter were taken from them in the midst of their hunting, with fatal consequences four months later.¹³

¹¹George E. Spencer to O. C. Howe, Iowa City, Iowa, Dec. 26, 1856; M. M. Crocker to O. C. Howe, Fort Des Moines, Jan. 11, 1857.

George E. Spencer, a native of New York, was just twenty years of age when he came to Iowa in 1856, and he was an interesting character. He was able, energetic, and enthusiastic, not to say aggressive in crowding forward with his plans, promoting them with incessant and irrepressible optimism. He was a typical western land boomer. Mr. Smith gives a perfect illustration of some of his daring and ingenuity in "constructive imagination" in connection with the founding of the town of Spencer, county seat of Clay County, its growth exceeding in speed "the dreams of avarice." *Op. Cit.*, pp. 150-151. Later he had a notable career in the Union Army, rising from a captain to brigadier general for gallantry in the field. From 1868 to 1879 he was United States senator from Alabama.—*Biographical Congressional Directory*.

Since writing the paragraph in the text I have received additional letters from Mrs. Porter and Mrs. Cooke, among them letters from George E. Spencer which disclose that Mr. Howe was informed of Mr. Spencer's active canvassing in his (O. C. H.'s) behalf.

M. M. Crocker was a brilliant lawyer of Fort Des Moines, one of the foremost advocates in the state at the outbreak of the Civil War. He had been a West Point cadet, but could not complete his military training because of the death of his father, Col. James G. Crocker, and his mother's urgent needs. He was among the first to join the Union Army—the 2nd Iowa Infantry—and rose rapidly to a brigadier generalship. The fine work of the Crocker Iowa Brigade won applause from Generals Sherman and Grant. Pulmonary tuberculosis brought his brilliant career to an untimely close Aug. 26, 1865.—Byers' *Iowa in War Times*, pp. 434-38.

¹²O. C. Howe to Mrs. O. C. H., Ft. Dodge, Mar. 22, 1857. The Joel Howe named was no relative of O. C. H.

¹³Smith, *Op. Cit.*, pp. 49-50.

II

Orlando C. Howe and his partners, his two brothers-in-law, were either very alert and energetic men in business matters, or they were anxious to get back to the lakes to secure the advantageous tracts sought before other incoming settlers could preempt them, for they left Newton with wagons loaded with equipment and provisions on February 20, arriving in Fort Des Moines on the 24th. At Boonsboro he wrote Mrs. Howe that reports from the lake region said that "no Sioux" were about "so do not let Indians trouble you at all."¹⁴

They arrived at Castner's place in southeast Palo Alto County on March 5, utterly worn with the struggle against winds and snow, their oxen limping. The next day a severe storm prevented departure and held them for several days. Finally on the afternoon of Monday, March 16, they came into the Lake Region. Their oxen got stuck in the snowdrift three miles from their destination. They noticed no signs of life in or about the five cabins, no smoke arising from chimneys, no stock animals in sight. They began to fear that some untoward event had happened. They had been warned by Major William Williams at Fort Dodge not to go forward, for serious rumors of Sioux on the warpath had come to him. But with the usual American assurance they thought the Fates would protect them.

Leaving their oxen, they loaded a hand sled with bedding and provisions and made their way to Joel Howe's cabin where they had stayed in November preceding. They had not made much progress before they felt certain that matters were not right and when they reached the cabin no one of the family appeared, and all was chaos, household utensils, clothing and bedding being scattered in utter confusion.

Leaving Messrs. Parmenter and Snyder, Mr. Howe and Robert Wheelock started for the Thatcher cabin about a mile away on the north. There they found matters worse and discovered moccasin tracks. They needed no more evidence to convince them that the settlement had been wiped out by the Indians. Despite their weariness they decided the next morn-

¹⁴O. C. Howe to Mrs. O. C. H., Boonsboro, Feb. 27, 1857.

ing to return to Fort Dodge at once to report the catastrophe and confer with its citizens as to plans for relief and rescue of any who might have escaped the ruthless foes.¹⁵

Their experiences during the next four weeks—their report to Major Williams and the people of Fort Dodge, the organization of the Relief Expedition, and the frightful sufferings endured by the three companies going and returning, in which Mr. Howe and his partners suffered intolerably with their companions in the expedition, I have set forth in considerable detail in preceding pages.¹⁶

In the awful perplexities and decisions Major Williams and his men had to make, one of the members who lived to be one of its historians, Mr. Rodney A. Smith, informs us:

Mr. Howe was a member of Company A, and it was on him more than any other that Major Williams relied for information and advice; . . . After the work of burying the dead had been completed . . . he was persistently in favor of returning by the same route they came up, which was by the way of Emmet and Estherville. Had his advice been heeded much suffering would have been avoided and two valuable lives saved. He with six others, remained in camp during that terrific storm which has since become historic, and then succeeded in reaching Fort Dodge without suffering any particular inconvenience.¹⁷

Mr. Howe endured sufferings, frozen feet and exhaustion from exposure, during those four weeks of intermittent rain and snow and incessant winds and blizzards, from which he never fully recovered. The memories of the hideous wreckage and mutilated bodies of women and children he saw in the cabins on the shores of the Okobojis, ever after haunted his dreams. His daughters inform me that he never wanted the subject mentioned in his presence in the family circle; and it was with difficulty that he was persuaded to prepare the memoir of his experiences with the Massacre for a reunion at Spirit Lake in 1895 of some of the survivors of the Relief Expedition which was published some fifteen years after his death.¹⁸

¹⁵O. C. Howe to Mrs. O. C. H., Fort Dodge, March 22, 1857.

¹⁶F. I. Herriott, "The Aftermath of the Spirit Lake Massacre," ANNALS OF IOWA (Third Series), Vol. XVIII, pp. 438-70.

¹⁷*Proc. Ia. St. Bar Assoc., Op. Cit.*, pp. 90-91; Smith, *Op. Cit.*, pp. 90-91. Capt. J. C. Johnson of Webster City and Wm. E. Buckholder of Fort Dodge were the two men who lost their lives, referred to by Mr. Smith.

¹⁸Mrs. E. F. (Evelyn H.) Porter, and Mrs. W. H. (Helen) H. Cooke to F. I. Herriott, Nov. 14, 1932, and Dec. 12, 1933, (MSS.).

III

Mr. Howe always displayed marked determination and persistence in pushing forward in any ordinary undertaking in which he was interested. Notwithstanding the horrors of the devastating catastrophe between the Okobojis that came near to being fatal in his own case, Mr. Howe was not deterred from going ahead with his plans. He returned to Newton but he and his business associates were back at the Lakes in the latter part of May, and by June they had selected a town site which they called Spirit Lake and began the necessary preliminary towards the organization of Dickinson County.¹⁹ Mrs. Howe with their three-year-old daughter came on August 6, the first women to arrive after the Massacre.²⁰

At the election on the first Tuesday in August Mr. Howe was elected county judge for a term of four years: and it was a decided tribute to his reputation, and his ability and character. Under the Code of 1851 the county judge exercised all of the legislative and administrative powers of the old county commissioners, and since the late '60s, now performed by the Board of Supervisors. In the popular parlance of the hustings they were dubbed "The County Kings."²¹

But his official honors were not confined to his local bailiwick. Under the act of the Seventh General Assembly (Chapter 94) the Fourth Judicial District was created, comprising twenty-two counties in northwest Iowa, approximately a fourth of the state in area.²² The election of the judge and district attorney occurred on the second Tuesday in October, 1858, and Asahel W. Hubbard of Sioux City was elected judge and Orlando C. Howe of Spirit Lake, district attorney, each

¹⁹The original proprietors of Spirit Lake were O. C. Howe, B. F. Parmenter, R. U. Wheelock, and George E. Spencer. Their plans were interesting. They selected a site that they thought could also serve as the "county seat" town. Then they platted the town site which was "to be held in common" for the general use of the community. Thereafter they were individually to select their claims on the adjacent or nearby tracts.—Smith, *Op. Cit.*, p. 158.

²⁰Smith, *Op. cit.*, p. 178.

²¹*Ibid.*, pp. 169-70.

²²The range of Judge Howe's circuit or district may best be realized by the mere listing of the counties comprehended within the Fourth Judicial District, beginning with the southernmost counties and proceeding northward and eastward:

Harrison and Shelby, Monona and Crawford, Woodbury and Ida, Sac and Buena Vista, Cherokee and Plymouth, Clay and O'Brien. Sioux and Buncombe (now Lyon), Osceola and Dickinson, Emmet and Palo Alto, Pocahontas and Calhoun, Kossuth and Humboldt.

for a term of four years. Under the terms of Section 32, Chapter 101, of the Acts of the Seventh General Assembly a county judge was allowed to act as attorney for his county in legal matters—and thus there was no inconsistency in his holding the two offices simultaneously—the duties of county judge at the outset did not call for much more than ministerial and administrative functions. Somewhat of the nature and range of his duties while on circuit is suggested in the following lines taken from Judge Wakefield's sketch for the State Bar Association:

At that time the district embraced nearly one fourth of the area of the entire state. His family remained at the Lakes while he travelled the circuit. There were no railroads in this part of the state at that time, and trips across the desolate prairie were not picnics. As prosecuting attorney he was both successful and popular.²³

References to local events or persons in the weekly press of northwestern Iowa, between 1858 and 1863, were both meagre and infrequent. Mr. F. M. Zieback, editor of *The Sioux City Register* of August 11, 1859, refers in favorable terms to District Attorney Howe, and he was not given to favorable comment upon Republican office-holders. During the summer months of 1859 the people of Woodbury County were in a violent controversy over an alleged bogus issue of county warrants. The county records and seals had been seized and taken into the country to parts unknown. Purchasers of the warrants were asking that they be honored and demanding a writ of mandamus. Judge Test of Indiana argued the petition and Mr. John A. Kasson of Des Moines resisted for the county. The writ was denied, as was also an injunction. Proceedings in quo warranto were pending and the contestants "next endeavored to dismiss the quo warranto from court . . . The relator, John L. Campbell, was allowed to withdraw . . . but our worthy District Attorney felt that the public interests were deeply involved in the determination of the cause and wisely insisted upon the right of the state to continue the prosecution—which was conceded by the court * * * * *". The conclusion was a victory for the county and Mr. Zieback adds "clearly proves that *the people have some rights.*"

So far as the volumes of the decisions of Iowa's Supreme

²³*Proc. Ia. St. Bar Assoc., Op. Cit., p. 91.*

Court disclose no cases with which Judge Howe was officially connected either as district attorney, or any of his acts as county judge were appealed. This may mean either or both of two things: first, that litigation, especially criminal prosecutions, was not numerous or serious; and second, that he succeeded in securing decrees or rulings or verdicts that were conclusive.

He was, as I have already shown in some detail, with his business partners and others almost incessantly involved in harrassing litigation with Dr. John S. Prescott and his partisans over land and other transactions that kept the otherwise law-abiding community at Spirit Lake in an uproar, at one time producing an incipient civil war wherein "the army of occupation" aided one side in resisting a court injunction which the sheriff was attempting to enforce. But in that bitter controversy, he appears to have been throughout and in the conclusion in the right.²⁴

IV

The course of things for Judge Howe was again rudely disturbed by the horrible outbreak of the Sioux between the Yellow Medicine and the Blue Earth rivers in August, 1862, the attack being conceived and carried forward by Little Crow and Inkpaduta, each an outlaw chief of the Wahpakute band, a catastrophe exceeding in its devastation of life any previous or subsequent event in the long struggle of the Red Men with the whites, and due largely, to the failure of the national government to capture and punish Inkpaduta for his attack upon the Spirit Lake settlement in March, 1857.²⁵

In the earlier part of 1861 Mrs. Howe records that she was with her husband on circuit at Onawa, when the word came of the attack on Fort Sumpter. Judge Hubbard adjourned court and they started on their journey to Spirit Lake. They encountered a number of young southern army officers who had resigned their commissions and were returning south to join the Confederate Army. They told the Howes that they, the settlers, would soon have enough to occupy their attention,

²⁴F. I. Herriott, "The Aftermath of the Spirit Lake Massacre," *ANNALS OF IOWA* (Third Series), Vol. XVIII, pp. 615-17.

²⁵*Ibid.*, pp. 601-04.

namely, the threatening conduct of the Sioux, signs of their malevolent purposes were increasing all round the horizon, and that the settlers would have little time to deal with the secessionists. Mrs. Howe records that a squad of soldiers stationed at the Lakes while on a march were fired on by the Indians a few days before they reached the Lakes. Those soldiers appeared to have been national troops. The intermittent forays of the Sioux on marauding expeditions kept the pioneers in a constant state of dread, although outwardly they assumed that there was no serious danger.²⁶

Suddenly one day in August, probably between the 20th and the 25th of August, 1862, Judge Howe rushed into his home and shouted: "They are at it again!" and told Mrs. Howe that Springfield in Jackson County, Minnesota, had been destroyed by the Sioux, and that he was going with his neighbors to ascertain what the actual facts were and what measures were necessary for defense. Despite frantic appeals to stay at home to avoid danger, Judge Howe again showed the stern stuff of which his character was compounded by resisting the plea of one he held dearest and hurrying forth into the dark shadows of unpredictable dangers, realizing that the best defense is a daring offensive, if but one knows the terrain and the dangers therein.²⁷

The belligerent Sioux, although they spread terror far and wide, and their attacks upon the settlements in southwestern Minnesota came near, they did not reach Spirit Lake. But its residents suffered all of the agonies and terrors of anticipation. Moreover, as Mrs. Howe's brief memoir reveals with terrible particulars, the men saw some of the hideous work of the Sioux, and Mrs. Howe came into painful but helpful relations with one of the poor victims.²⁸

The general terror produced by the Sioux outbreak in 1862 was so disturbing that it constrained Judge Howe to decide to leave Spirit Lake region, the peace of mind of his wife

²⁶Mrs. M. W. Howe, "A Memory of the Minnesota Indian Massacre," *post*.
Captain Wm. H. Ingham probably refers to those soldiers mentioned by Mrs. Howe in his report to Gov. Samuel J. Kirkwood in September, 1862, concerning conditions on the northwestern frontier after the Sioux outbreak, and his measures for defense, contained in his "The Iowa Northern Border Brigade of 1862-3," ANNALS OF IOWA (Third Series), Vol. V., p. 492.

²⁷Mrs. Howe, *Op. Cit.*

²⁸*Ibid.*

and relatives probably being the controlling consideration with him. He sold his holdings and returned to Newton, Jasper County, in the spring of 1863.²⁹

He at once entered into active legal practice. It was not long before he was again an influential factor in local politics. He is reported to have attended the Republican State Convention in Des Moines on July 17, 1863, convened to select their candidate for governor. He had an important part in securing the dramatic nomination of his old successful rival, Judge William M. Stone, for governor by a sudden *coup* that astounded Messrs. Fitz Henry Warren and Elijah Sells, the two major candidates, by its unexpectedness and sweeping success.³⁰

V

But neither the legal practice nor politics held first place in Judge Howe's heart and mind that summer and fall. The awful struggle the nation was waging with the seceding Southern States and the call for more men in the ranks of the Union Army controlled; and he finally decided that he should not resist President Lincoln's call for more men. On June 4 Governor Samuel J. Kirkwood commissioned Judge Howe a second lieutenant in the Eighth Iowa Cavalry and on the 5th of June he was mustered in at Davenport. He was with that regiment until November 30 when he was transferred to the Ninth Iowa Cavalry as captain of Company L, Gov. Kirkwood issuing the commission.

The regiment rendezvoused at Camp Roberts near Davenport; thence it was ordered to the famous Camp Jackson near St. Louis; and thence to Jefferson Barracks where the regiment underwent a course of training that brought it to a state of discipline that won from General Davidson, chief of the cavalry in the department, the commendation that the Ninth Iowa Cavalry was "the best mounted regiment he had

²⁹Smith, *Op. Cit.*, p. 259.

³⁰*Proc. Ia. St. Bar Assoc., Op. Cit.*, p. 91. Judge Wakefield's sketch states that Judge Howe was a member of that "historic convention." If so he must have been an alternate, for his name is not listed among the reported delegates given in the *Iowa State Register* July 18, 1863. His brother-in-law, B. F. Parmenter, was a delegate from Dickinson County. Mr. R. A. Smith gave Judge Wakefield his data for his sketch and he could speak definitely from personal knowledge gained from acquaintance with Messrs. Howe and Parmenter.

Letter of R. A. Smith to Mrs. O. C. Howe in Judge Howe's correspondence.

seen during his nineteen years of service as a cavalry officer in the Regular Army.³¹

In the forepart of 1864 the Ninth was engaged chiefly in scouting and guard duty, among other diversions, chasing the notorious Quantrell. In May it was ordered to proceed to Devall's Bluff on the White River, about midway between Helena on the Mississippi and Little Rock on the Arkansas River. Captain Howe's letters home will be best appreciated if read in the light of the following taken from a summary of Major S. H. M. Byers' *Iowa In War Times*:

The Ninth Cavalry entered the service very late and was stationed in Arkansas, where it remained till the close of the war without seeing a battle. This regiment, nearly 1200 strong, was in fact one of the finest commands in the Union forces. * * * During the whole service . . . its headquarters were at Devall's Bluff. * * * From this base in all sorts of weather, over the worst roads on the continent, and often miles and miles of almost bottomless swamps, the Ninth Cavalry was forever making scouts and little raids. To every point of the compass from Little Rock, by day or by night, the command would be hurried off on some fruitless expedition, some chase after bands that had just departed, or to protect some point that had just been abandoned. * * *

It was a pity that this great, fine regiment of veteran soldiers and competent officers should have to spend its energies in ways that produced so little of results. * * * These movements were so monotonous . . . as not to be sufficiently interesting in their history to repeat. The command did the duty that lay before it, and did it well; more than this can be said of no regiment.³²

At the outset the Ninth Cavalry seems to have given the public an adverse impression of demoralization. Captain Howe notes it candidly, and all through his letters one is struck by his generous appraisal of officers and men and of other regiments when he refers to them. Thus, writing from Benton Barracks (Feb. 15):

. . . we are far from being a "pet" regiment. On the contrary we are generally reported as "demoralized," but this is entirely false as I do not believe any Cavalry Regiment as new as this is in better discipline, or better instructed.

I think the trouble is that some of the officers grumbled at what they thought some swindling operations respecting our fuel & that you know

³¹Col. George W. Crossley, "Historical Sketch Ninth Regiment Iowa Volunteer Cavalry," *Roster and Record of Iowa Soldiers*, Vol. IV, p. 1644.

³²Byers', *Op. Cit.*, pp. 295-96.

will never do. Our colonel [M. M. Trumbull] is a trump (if you know what that is) (and a right bower too). There is not a man but what likes him and though he will enforce discipline, he is kind to the men.

and again on April 14:

By the way, I get along decently with the men and, though lenient as the other officers say to a fault, yet we have a fair discipline & I control the company easily, while some have considerable difficulty. R. can do nothing with them except through fear & but little anyway & Moore can only coax & succeeds fairly for that way.

Writing from Devall's Bluff under date of June 26 he gives us a brief summary of his company's doings in pursuit of Shelby after a wearisome march without results:

The men feel disappointed about the matter as they bore the march in the hopes of a fight & . . . for one I am willing to wait my time & meanwhile do such duty as I am called on for. My company has had a very hard time, having been scouting twelve days, but Company E has been out ten days longer. I *never* fail to go when L. goes, & though we have had no chance to get much glory, yet the bushwhackers have learned that the "Grey Horse Company" as they call us are not to be trifled with. On this last scout my men were recognized by that title.³³

Captain Howe might have quoted very appropriately those telling lines of Milton

They also serve who only stand and wait.

His letters to Mrs. Howe from the southern camps, like those written from Newton, Fort Dodge, and the Okobojis in 1856-1857, were unadorned rhetoric, direct, simple, full of affection, but without gush or sentimentality. He gave her glimpses of the men in camp, and of the country into which their marches took them, and infrequent comment upon brother officers—seldom adverse in character. There is no egotistical assertion, or ostentatious display of personal virtues. There is no petty complaining about the dull routine to which, day after day, his men and regiment were subject. One sentence in his letter of August 31, 1863, displays effectively his quiet modesty of disposition, his honesty and sense of public obligation, always disclosed in his private and public relations. He was anxious to return home, and hoping for the days to pass rapidly so that he could decently ask for a furlough.

³³Judge Howe's letters to Mrs. Howe from which the foregoing extracts have been taken are given in subsequent sections.

Matters affecting Mrs. Howe's convenience and welfare were urgent and distressed him. He was ill, more or less, to an extent that would have lead many another to make it a justification for seeking such release from camp duties. But, he says half regretfully, "My health is improving. It is doubtful whether I am entitled to a furlough."

The letters of the men of his company to their home folks in Newton and Prairie City or thereabouts evidently carried back from the camp some favorable opinions of Capt. Howe's treatment of his company. Some of them evidently came to the ears of the anxious wife at home and she joyfully relayed them in substance to her husband enduring the monotony of camp life, the routine of drill and guard duty and fruitless scouting forays. (July 23, 1863.)

In one letter, October 5, 1863, we may note clear signs of his depleted nervous system and low level of strength. He had heard that Mrs. Howe, disturbed by reports of his serious illness, had hastily started south to find his camp, and if she could not take him back to Newton, then to care for him in hospital or where found. He was frantic with anxiety at the dread possibilities if she had imprudently started. The low condition of the family finances, the dangers of such a long trip under the conditions to her personally, and the almost certain official antagonism to her coming into camp, or hospital, were among the causes of his unhappy feelings. Happily he had been misinformed.

At the outset his health was fairly good but in the hot summer months the lack of wholesome water and the miasma of the swamps and low regions through which they marched and anon camped, brought him low. It is a marvel the entire troop was not laid low. For four to five months he was suffering intermittently from fever and dysentery which finally confined him to the hospital. His condition not improving he was discharged December 6, 1864. From the contents of Mrs. Howe's last letter to him of December 5, 1864, he was sent up the Mississippi and placed in the army hospital at Davenport, in very serious condition.

How long he remained in Davenport, or the precise date of Captain Howe's return to Newton cannot be stated; but in

a letter written years later Mrs. Howe states that he was in a very feeble condition physically and mentally. Few of his old comrades and neighbors expected him to live. The daughters, sixty-nine years after, recalled gratefully the generous, unremitting consideration and help extended their mother in her weeks of anxious care while waiting for his return to health by old friends and neighbors in Newton. To their neighborly concern and aid was due in no small part his final recovery of a fair degree of health, although he never was a strong man again.³⁴

The esteem in which their captain was held, and the affection of the members of Company L for him, which continued green and constant throughout the intervening years were signalized definitely twenty-eight years after he left the ranks on the occasion of the reunion of his old regiment in Des Moines on August 26, 1892. Captain Howe on account of his health could not make the journey from Medicine Lodge, Kansas, where he was then residing, to Des Moines. About September 10 he received the following letter which he treasured among his correspondence and papers.

Des Moines, Iowa, Sept. 8, 1892.

Capt. O. C. Howe,
Madison [Medicine] Lodge,
Kansas.

Dear Comrade:

It is with the greatest of pleasure that I have the honor to inform you that we, the boys of Co. L, 9th Iowa Cav., at the reunion at Des Moines, Ia., Aug. 26, 1892, presented you with a cane as a slight token of the regard and esteem with which you are ever held by us comrades.

Yours very resp.

Comrade J. G. Bain.

Des Moines, Iowa.

P. S. I forward the cane by express to your address—please call at the express office for it.

Your boy, James.

That letter and the token it accompanied are among "the testimonies" that as a Roman proverb has it, "are to be weighed, not counted." They are seldom given *pro forma*: they are the issue of good will and affection born of comrade-

³⁴Mrs. E. H. Porter to F. I. Herriott, Nov. 14, 1932.

ship in danger and trial. By no means the least interesting bit of evidence of the fact here adverted to is the signature of the writer of the letter of notification to the postscript—"Your boy, James." James G. Bain was the bugler of the company: He was only fourteen years when he enlisted; and his admiration of and affection for his "Captain," continued, his widow informs me, warm and vigorous to the last. Such shafts come out of the blue. They abolish gloom and make one forget weary nerves and nagging worries.

VI

Captain Howe was no sooner able to be out and go about than he returned to the practice of law. On October 10, 1865, he was elected county judge of Jasper County, his term ending January 1, 1868. By the new law creating the Board of Supervisors which displaced the county judge system inaugurated by the Code of 1851, the "County Kings" went out of office in 1866. From that date until the fall of 1875 Judge Howe continued in the practice of law at Newton.

During his practice of law at Newton after the cessation of his office of county judge in 1866 Judge Howe seems to have been an office lawyer, a counselor rather than a court room advocate. We may infer this from the fact that he was engaged in few of the cases appealed from the District Court of Jasper County between 1866 and 1875 when he went to Iowa City. In the three cases in which his name appears, he was successful in two, securing affirmation, and suffering reversal in the other.

In 1875 Judge Howe's ability and character as a lawyer and judge received signal recognition. The regents of the State University of Iowa asked him to be the resident professor of law in the Law School, which chair he held until the close of the spring term of 1880. Among his predecessors were William G. Hammond and William E. Miller. The law curriculum at that time required but one year of residence of the student as a prerequisite for graduation. Judge Howe's lectures dealt with Common Law Pleading and Practice, Code and Statutory Pleading, with Criminal Law, Municipal Law and Equity Jurisprudence. Besides Chancellor Hammond, among the lecturers were Judges Austin Adams, John F. Dillon and

James M. Love, and John F. Duncombe and Lewis W. Ross, who served during Judge Howe's stewardship.

Judge Howe did not have the prestige of Judges Dillon and Love because of their distinguished career on the state and federal benches, and he did not have the notable ability of Chancellor Hammond in literary and didactic exposition. But tradition and recollections indicate he was well versed in the basic maxims and principles of the law, and his varied experience as a public official—as county judge of Dickinson and Jasper counties, as district attorney of twenty-two counties for four years, and in the Union Army—gave him a fund of practical knowledge that always keeps an instructor's feet on the ground and holds his mind's eye within the circuit of common sense and the feasible.

Among Judge Howe's lectures (in MS.) to his law classes various titles are suggestive. They fall under two general heads:

1. On the Criminal Law, such as the "History of the Criminal Law"; "Sorcery and Witchcraft in Criminal Law"; "Corporal Punishment in the Schools"; and "The Lawyer's Responsibility in Criminal Cases." The latter given to the class of 1877 was reprinted at the request of the class;

2. On the lawyer's logical methods or procedure in arriving at his conclusions, such as the use of "Descrimination," "Imagination," "Perception and Observation."

They are clear-cut expositions, the argument and the narrative varied with literary and historical allusions.

Judge Howe was hampered constantly by the impairment of his health due to the harrowing experiences endured in his connection with the Spirit Lake Massacre and Relief Expedition of 1857 and his almost fatal illness in the Army. It left him with a nervous system always near the point of unstable equilibrium which could easily be disturbed. This latter fact was but little appreciated by students who sometimes witnessed his nervous tension in dealing with disturbing questions or with inquiries put for digressive purposes.

Some of the recollections of his stewardship are strikingly shown in the following letter from one of his students, former

Governor George W. Clarke of Adel, a member of the class of 1878:

Judge Howe was a man of very pleasing personality, mild-mannered, clear and earnest in the exposition of his subjects, interested in the students, patient in answering their questions, however irrelevant and even absurd they might now and then appear to be, careful never to in the slightest degree, expose the want of point to the question or failure to grasp the subject under consideration.

Judge Howe was competent, well-grounded in the subjects he taught, clear in his exposition of them. I am sure that every student of his classes has ever held him in most agreeable and happy memory as a man, lawyer, teacher and friend.³⁵

Judge Howe concluded his professorship at the Law School of the University with the spring term of 1880. His decision was due apparently to two serious considerations: compensation for such instructional work was not extravagant, and his financial needs were not easily met with the then authorized appropriations, and the general practice of his profession offered more attractive inducements; and his general health, not good at any time, was adversely affected by the continuous close confinement to the routine work of the school.

VII

In 1881 Judge Howe moved to Anthony, the county seat of Harper County on the southern border of Kansas and entered practice with James McFee. Two years later illness caused a cessation of work and he moved to Medicine Lodge, the county seat town of Barber County, adjacent on the west, where he resided for the next sixteen years. Almost immediately he was accorded another demonstration of the impression made by his abilities and character upon associates and the public. He was elected prosecuting attorney of Barber County for the years 1885-86.³⁶ Familiars with the precincts and runways of politics know that party leaders and the average voter are not thus giving honors for accidental or mere sentimental reasons; they discern and appreciate ability and capacity for public service and they expect returns.

In two letters to Mr. Charles Aldrich, founder of the Historical Department, who had written asking for his recolle-

³⁵Hon. Geo. W. Clarke to F. I. Herriott, December 4, 1933.

³⁶*Barber County Index*, August 30, 1899.

tions of his experiences in early Iowa, Mr. Howe informed him that he had not been able on account of illness to do any work between August, 1895, and January, 1896; and that it was usual for him to suffer a serious relapse of health in the summer months of that decade.³⁷ His illness in 1895 was induced by efforts to prepare the address later mentioned, which he could not deliver on account of precarious health.

In the months of August and September, 1899, Judge Howe's physical condition became precarious. His nervous instability became very alarming. It was in major part due to the weakness of his age, for he had passed his three score and ten by nearly five years. He was so ill that his physician and family persuaded him that he could best secure rest for his unruly nerves and much needed sleep in the quiet of a sanitarium.

A few days later, on August 17, he and his attendant were standing in front of the railroad station at Topeka awaiting the coming of their train when Judge Howe saw a number of plains Indians in all of their barbaric regalia coming towards him into the open area of the station. The sight of them produced a violent shock to his then hypersensitive mind and nerves.

Instantly there came rushing back before his mind's eye the horrors of the Indian Massacre on the shores of the Oko-bojis that he came upon in the darksome shadows of Monday night of March 16, 1857. The memories of the hideous wreckage, of the mutilated bodies of the children, and women and men stark and lifeless in the cabins, on the shores of Mde-Mini-Wakan had ever been a terror of his sleeping and waking hours; and their ruthless, sudden onset in the then enfeebled condition of his body and mind produced a mental catastrophe. His mental controls broke. Violent maniacal disorder took possession of him. Although he was rushed to the sanitarium and given the best of medical attention, within a week his life went out and his harrassed and tired nerves and weary mind ceased their troubling.³⁸ Verily, the sable sisters had dipped their shears in "the blackest ink of Fate," before they cut the threads of life for Orlando C. Howe.

³⁷O. C. Howe to Charles Aldrich, August 17, 1895; March 10, 1896, MSS in Historical Department.

³⁸Mrs. E. H. Porter to F. I. Herriott, November 14, 1932.

VIII

In conclusion it is neither pedantic nor ungracious to say that Judge Orlando C. Howe, during his day and generation, was not among those who strutted across the stage of life's theatre in high-heeled cothurnus. His was not the role of the great and mighty among jurists and statesmen, whose utterances echo and reverberate in the corridors of time; nor was he among the great and dominant leaders in life's vast battlefields. He did not leave any great signposts along the highways, such as great legal arguments, or famous judicial rulings, or erudite treatises in various fields of jurisprudence. Nevertheless, Judge Howe was of the type of citizens who make the bulwarks of a sound public order and on whom strong states stand secure against the winds of disorder.

Within that most important circuit of life, his domestic circle, Judge Howe was ever what the good citizen should be. Concern for wife and children was always foremost with him; he was considerate, constant and in all matters of grave import, faithful and foresighted. With business associates honesty and kindness stand forth. He accorded men the fair presumptions of the law and was far from captious or contentious; but when his rights were grossly infringed he would be forthright and valiant in contending for them.

In times when danger and terror loomed near he was a leader in attack and fearless and loyal to the last ounce of his strength. Although he had suffered irretrievably in connection with the Indian outbreaks in 1857 and 1862, and might have easily plead his age (almost 39 years) and depleted health, he answered his country's call in 1863 and all but lost his life.

His early letters indicate clearly that, while he hoped to succeed in the practice of the law, he was alert, and almost aggressive in his interest in business ventures and real estate investments. He might have reaped substantial returns, for his eye was keen and correct in discerning profitable fields for speculation. But his success in such ventures was sadly thwarted by catastrophes—Indian massacres and Civil War—which were in no way predictable by the ordinary citizen within the common reckonings of business. The disturbances

of his health level probably lessened his powers of steady persistence in application and concentration in carrying through plans and coercing the many various elements that must be focused in achieving success in the struggles in the commercial world.

In all of his letters, running over the ten years within which most of them were written, one can find no disagreeable or ugly lines. He is active and earnest and insistent, often, in pushing matters; but the forked tongue of envy or jealousy or suspicion nowhere displays itself. Further, all of his letters are characterized by a simple rhetoric, plain, direct statement, with no effort at striking effects or attempts to impress the reader with his literary gymnastics. Here and there one encounters a reference that indicates his familiarity with the classics, or with the current literature of polite circles; but there are no ostentatious exhibits.

Judge Howe, had he not been distracted by exacting business cares and ill health, might have succeeded in a literary career. He had an effective style, concise, lucid, straightforward. In his law and literary lectures he shows a familiarity with and draws on his wide reading in history and the classical and best English literature. His scholastic interests were early appreciated as indicated by the fact that he was elected a member of the State Historical Society at Iowa City on December 7, 1858. His certificate of membership is signed by Dr. M. B. Cochran, Corresponding Secretary, and are among the papers which he preserved.

His interest in life and history, and in the law was philosophical, as may be seen in his MS lectures on "Progress," on "The course of Civilization," on "Liberty," on "Puritans and Puritanism." His account of the "Discovery of the Spirit Lake Massacre" which he prepared to deliver at the dedication of the monument to the victims of the Spirit Lake Massacre and commemorating the heroism of the members of the Relief Expedition in July, 1895, is a stirring, vivid narrative, as may be seen in preceding pages of the ANNALS.³⁹

Judge Howe was a man who easily won and held the confidence of his companions and fellow citizens, and to whom they readily committed grave trusts. Otherwise, it is diffi-

³⁹ANNALS OF IOWA (Third Series), Vol. XI, pp. 408-24.

cult to account for his frequent elevation to offices of high import almost instantly after his appearance within the community by associates and neighbors, in one case before he had attained the necessary legal status prerequisite to election; and each time the office to which he was elected was not a petty nor a minor office but one of major public concern and high in public esteem. We may concur with Aristotle that "it is man's nature which makes him trustworthy, not wealth."

[To be continued]

TROOPS AT THE COUNCIL BLUFFS¹

(Extract from a letter from Council Bluffs, June 24, 1820.)

I am glad the fact authorizes me to state that the troops at this post are restored to perfect health. There are not in both corps thirty men on the sick report, nor is there a single case of serious indisposition.

The diseases with which the men were afflicted last winter may be attributed to several causes. My opinion is that the most prominent ones were unavoidable fatigues and exposures in ascending the river during summer and autumn, heavy labor in constructing barracks, and being quartered in green, damp rooms, and the intense cold of last winter. No sooner did the spring open and the earliest vegetables come, than the bowed down patient shook off his loathsome visitor, stood erect and was able to speed his course with the rapidity of the noble stream that fertilizes this garden of the western world.

The great and universal rise of the Missouri has driven us from our winter position. Almost the whole of the bottom lands are inundated. The flood is greater than is recollected by the oldest Indian. The Platte is also in flood, and we tremble for Boon's Lick settlements and all the lower country. Our earliest planted gardens and a field of 60 acres of corn are deluged. Our prospects are not, however, much blighted as our late planted gardens, 200 acres of corn, 100 in beans, and 30 of potatoes exhibit the most promising appearance.—*Boston Weekly Magazine*, Boston, Mass., Aug. 24, 1820. (In the Newspaper Division of the Historical, Memorial and Art Department of Iowa.)

¹This is the original Council Bluffs, located on the west bank of the Missouri River some ten miles north of the present city of Omaha. It was later called Fort Calhoun.—Editor of Annals.

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