

# Sole and Exclusive

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Power, Control and Violence in the Utah Territory,  
1847-1857

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## **Chapter One: The Itinerant Zion**

In October 1851 in a district court of the Utah Territory, the jury in the trial of Latter-day Saint Howard Egan, accused of killing non-Mormon James Munroe, was given directions before deliberating on a verdict. The prosecution had presented evidence that Smith had travelled to meet Munroe, who he suspected of seducing and impregnating one of his wives, sat with him for an hour, and then shot him in the head with a pistol. In his closing argument George Smith, Egan's defense attorney, called on the jury to consider the common law values of England and the United States. He said, "The principle, the only one that beats and throbs through the heart of the entire inhabitants of this Territory is simply this, *The man who seduces his neighbour's wife, must die, and her nearest relative must kill him.*"<sup>1</sup> Smith reminded the jurors of the testimony of the first man to meet Egan after he had pulled the trigger, "He knew the common law of this territory, he was acquainted with the...spirit of this people, he knew Munroe's life was forfeited."<sup>2</sup> Judge Zerubbabel Snow, a senior member of the Church of Jesus Christ of Latter-day Saints, acknowledged the evidence was strong, and under the laws of the United States, the accused should be found guilty. However, Snow added:

When sitting as Territorial courts, we must try criminals by the laws of the Territory and look to them for our authority to punish. The United States, when it established the Territorial governments, created a jurisdiction within its own jurisdiction, therefore it is not the *sole* and *exclusive* jurisdiction within the limits of existing territories. You see, the crime must be committed within the places over which the United States have the *sole* and *exclusive* jurisdiction...if you find the crime, if any has been committed, was committed within the extent of country over which the United States have *sole* and *exclusive jurisdiction* your verdict must be guilty. If you do not find the crime to have been committed there, but in the Territory of Utah, the defendant, for that reason is entitled to the verdict of not guilty.<sup>3</sup>

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<sup>1</sup> *Deseret News*, November 11, 1851, accessed February 13, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/170571>. Emphasis original.

<sup>2</sup> *Deseret News*, November 11, 1851.

<sup>3</sup> *Deseret News*, November 11, 1851, italics in original.

With these directions to the jury, Snow explicitly and publicly declared the laws of the United States did not apply in the territory of Utah. Only territorial laws, those designed, passed and enforced by executive, legislative and judicial branches wholly occupied by high ranking members of the Church carried any weight. In Utah the laws of the Mormon Kingdom of God were superior to the laws of the United States of America. The accused, incidentally, was found not guilty

Six years later, President James Buchanan ordered a detachment of regular army troops to march on Utah to protect new federal officials and to restore and maintain the laws of the United States Constitution.<sup>4</sup> Buchanan had been influenced by reports from surveyors, Indian agents, and newspaper reports that painted a picture of a government that welded church and state under the leadership of the governor of Utah and President of the Mormon Church, Brigham Young into one inseparable entity. John Hyde, a former elder in the Church summarized what many federal lawmakers and officials believed, “The real object of the Mormon Church is the establishment of an independent kingdom of which Brigham [Young] shall be king. This they believe is a temporal kingdom to be soon set up and to be begun at Utah, in fulfillment of ancient and modern prophecies.”<sup>5</sup>

The confrontation between the federal government and the Mormon Church did not occur overnight. As historian Kenneth Stamp wrote in his 1990 monograph *America in 1857*, “A series of events and a cluster of problems had been slowly drawing them toward a potentially violent conflict.”<sup>6</sup> Violence had been part of the Mormon experience throughout its short and eventful

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<sup>4</sup> James Buchanan, "First Annual Message to Congress on the State of the Union," December 8, 1857, *The American Presidency Project*, accessed January 31, 2016, <http://www.presidency.ucsb.edu/ws/?pid=29498>.

<sup>5</sup> John Hyde, Jr., *Mormonism: Its Leaders and Designs* (New York: W.P. Fetrdige & Company, 1857), 172, accessed January 31, 2016, [http://babel.hathitrust.org/cgi/pt?id=uc1.\\$b302254;view=1up;seq=1](http://babel.hathitrust.org/cgi/pt?id=uc1.$b302254;view=1up;seq=1).

<sup>6</sup> Kenneth M. Stamp, *America in 1857: A Nation on the Brink* (New York, Oxford: Oxford University Press, 1990), 201.

existence. The Saints had been the victims of targeted campaigns in Illinois and Missouri that involved threats, intimidation, physical assaults and murder. In Utah, surrounded by mountains and far removed from their main detractors, the Saints were determined to do what they believed God had called them to do. As described by historian Nels Anderson, “In this place they would build Zion by their own plan, live life by their own pattern, and no law of gentile [non-Mormon] design would be foisted on them.”<sup>7</sup> It was precisely this unyielding spirit and unquestioned belief that would bring the Saints into conflict with the world outside of Utah. Mormons believed that they were destined to create a kingdom of God on earth, one that would supplant all the governments of the world. The Saints would use a unique melding of temporal and spiritual law to create a new world order that was intended to last until the end of time. The failures in Missouri and Illinois would not be repeated in Utah. In the Great Basin, the Saints would set up a settlement that would exclude all but the faithful from the fruits of their success. The lessons learned in their early history would lead them to consider intimidation and violence as the most useful tools to achieve this goal, all the while professing to respect and admire the laws of the United States that enshrined their right to freedom of religion.

Mormonism sprang out of the great revival fervor of the Second Great Awakening that challenged the established traditions of faith and culture. Finding fertile ground in the wake of these religious upheavals, Mormonism drew new adherents who were looking for something more structured than the free expressions of faith that had replaced many of the older traditions in rural America. Historian Klaus J. Hansen notes, “Mormons actively attempted to change the world through their all-encompassing vision of a kingdom of God that presented a challenge not only to the religious values...but also the closely related political, economic and social values of

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<sup>7</sup> Nels Anderson, *Desert Saints: The Mormon Frontier in Utah* (Chicago, London: University of Chicago Press, 1966), 67.

antebellum America.”<sup>8</sup> For Mormons, there was no division between their faith, political and social identities. Religion and morality would play huge roles in the Mormon policing of their territory in the mid-nineteenth century. For both Mormon and non-Mormon, religion, politics and violence were indivisible ensuring a long and bitter conflict that would echo through the history of Utah.

As a result, to a greater extent than any of the western states with the possible exception of Texas, the history of Utah is one of control. The Mormons believed the only way they would succeed there when previous attempts had failed was to obtain and maintain complete governance over the civil and public arms of government and marry them with the spiritual laws of their faith. Non-Mormons who travelled to or through Utah experienced what that control meant in the most direct of ways. The Church spent the middle part of the nineteenth century entrenching themselves for what it knew would be an inevitable conflict with the outside world. Through the 1850s the Church created a government, judiciary and economic system designed to create a fortified cultural and political enclave. Violence was a useful and powerful tool in that creation. Far removed from the eastern states that would eventually raise enough of an outcry to bring armed troops to Utah, the Saints practiced what they preached with impunity. In Utah, there was no difference between the church and state, and there never would be for as long as the Mormon Church could manage to keep it so.

### **Historiography**

The historiography of the Mormons and Utah presents some unique challenges. For example it is one of the few fields where authors feel the need to announce their religious

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<sup>8</sup> Klaus J. Hansen, *Mormonism and the American Experience* (Chicago, London: University of Chicago Press, 1981), 52.

affiliation. The preface to Juanita Brooks' 1962 book *The Mountain Meadows Massacre* assures the reader that her intention is to tell the truth but also includes the declaration, "I am, and have always been, a loyal and active member [of the Church]."<sup>9</sup> Nels Anderson, in recounting his research for 1966's *Desert Saints* recalls reading records with the President of the Temple in St. George sitting next to him and notes, "I never overstepped the line dividing the sacred from the profane. Both of us knew there was no rule to keep me from looking at the records under such supervision. Moreover, I was not an outsider. I had joined the Church in 1909, and I still regard myself as a Mormon."<sup>10</sup> Both Anderson and Brooks wrote about difficult periods in Mormon history with reasonable objectivity. However the seed planted in the mind of the researcher about their membership in a Church with a history of authoritarian control of its adherents occasionally raises doubts regarding the authenticity and sympathy of their interpretations.

On the other end of the historiographical spectrum are authors Will Bagley and David L. Bigler, both former members of the Mormon Church. Will Bagley wrote, "Although I am proud of my Mormon heritage, my duty as a historian obliges me abide by the rules of my craft. It is beyond human understanding to identify the hand of God in history, and it is beyond the power of history to prove or disprove claims of faith."<sup>11</sup> This declaration about former membership affects the perception of the reader as much as current membership. How the reader interprets the author's presentation and analysis of documents and events is consistently affected by the knowledge that their connection with the subject matter runs deeper than the average historians'. Bigler and Bagley appear to construct their narratives in the most explosive and confrontational

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<sup>9</sup> Juanita Brooks, *The Mountain Meadows Massacre* (Norman and London: University of Oklahoma Press, 1962), xxv.

<sup>10</sup> Anderson, *Desert Saints*, xxiii

<sup>11</sup> Will Bagley, *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* (Norman: University of Oklahoma Press: 2002), xviii.

manner, while Brooks and Anderson are more circumspect when describing events that reflect poorly on the Church.

Historiography in the middle ground is sparse. Klaus Hansen's work on the Kingdom of God and the Mormon experience provide scholarly analysis and Daniel Furniss' work also gives a more even and balanced view of events in mid-nineteenth century Utah. Scholarly work in the twenty first century has broadened the base of balanced and thoughtful interpretations through the Brigham Young University *Journal of Mormon History*. The *Journal* has actively encouraged more non-Mormon scholars to provide their interpretation of Church history.

Nineteenth century documents and publications are also problematic due their distinct and obvious slant or bias. In most cases they are either virulently pro or anti-Mormon. Titles like *Mormonism Unveiled* (1834) and *The Truth of Mormonism* (1856) reveal a clearly definable perspective. Newspaper editorials in eastern United States refer to "fanaticism" and "strange practices and beliefs."<sup>12</sup> Mormon publications call non-Mormons Gentiles, a sometimes insulting term used to describe anyone who does not understand or support the faith. Government documents are not immune to this type of bias, lack of understanding of Mormon practices and beliefs combined with the religious and moral tendencies of the authors shows through.

One final challenge to the historiography is the Church of Jesus Christ of Latter-day Saints itself. As Nels Anderson indicated, he did his research with a church official sitting alongside. The Mormon Church is one of the only churches in the world that has an official historian, a post designed and dedicated to fostering and controlling the depiction of the history of Mormons and Mormonism. It is a formal priesthood within the Church, dedicated to gathering, recording and controlling the collection and use of any and all documents regarding

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<sup>12</sup> Almost without fail, newspapers refer to the Mormonism as a practice of religious fanatics with a heavy dose of blind faith thrown in for good measure.

the history of the Latter-day Saints. Despite a loosening of access policies in recent years, some documents pertaining to the Mormon's earliest years in Utah are still kept under strict control. Access to individual Temple records must be with a ranking member of the priesthood present. At the main Church archives written requests are required for items kept in the vaults. Researchers must show their requests are for legitimate research, as decided by the office of the Recorder.<sup>13</sup> Such restricted access to items like the records of the Council of Fifty and the diaries of the First Presidency mean that the same archival material is used by almost all historians without any new context being added. In this case it simply comes down to matters of interpretation, and therefore the previous issues regarding Church membership come back into play.

I have attempted in this paper to balance the pro and anti-Mormon historiography as evenly as possible. In examining some of the more notable events, I have endeavoured to trace the primary source documents and use them in a less charged and biased context than has been done in previous works. This can also be difficult given the rhetoric and language used in many of the nineteenth century publications. Where possible I have used the work of both Mormon and non-Mormon historians and researchers to illustrate the tension and violence that permeated the Utah territory after the arrival of the Mormons in 1847.

### **Latter-day Saint Origins 1830-1847**

In 1847, after only seventeen years in existence, the Church of Jesus Christ of Latter-day Saints was already well acquainted with the negative attention their faith created. After being officially established in a small farmhouse in upstate New York in 1830, membership grew

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<sup>13</sup> Dr. Kurt Widmer, personal conversation, March 14, 2016. Dr. Widmer provided excellent insight into the challenges faced by historians in researching the early years of the LDS Church.

rapidly. Mormonism had a living Prophet in Joseph Smith, strict rules and guidelines for salvation, and offered an Old Testament type of rigid hierarchy and deference.<sup>14</sup> Smith led his growing flock first to Kirtland, Ohio, and then into the new and expanding state of Missouri in 1831. Mormon doctrine and theology was new, different and radical, often drawing violent reactions from those who saw the Church's teaching as dangerously heretical.

The Saints who settled in Jackson County, Missouri experienced targeted acts of violence. In 1833 for example, "Houses were stoned at night, haystacks burned, the [United Order<sup>15</sup>] store raided and Mormons found alone were beaten."<sup>16</sup> Daniel Furniss argues that since the first Mormon settlers began arriving in Missouri in 1831, "the Gentiles...resented the Saints' claim to a superior religion [and] feared the political power of their united communities. To escape this animosity the Mormons had moved from county to county, seeking freedom in isolation, but the approach of Gentile settlers had always reawakened hostilities."<sup>17</sup> These conflicts ensured a long simmering tension under the surface of a relatively peaceful relationship between Mormons and Gentiles in Missouri. Sidney Rigdon, the second most powerful figure in the Church, awoke Gentile fears about Mormon aggression and expansion by declaring in a July 4, 1838 speech that the Saints would no longer tolerate any form of persecution, legal or extra-legal:

The man or the set of men, who attempts it, does it at the expense of their lives. And that mob that comes on us to disturb us; it shall be between us and them a war of extermination for we follow them; till the last drop of their blood is spilled...Neither will we indulge...in instituting vexatious lawsuits against is to cheat us out of our just rights, if they attempt it we say woe unto them.<sup>18</sup>

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<sup>14</sup> Anne F. Hyde, *Empires, Nations and Families: A New History of the North American West 1800-1860* (New York: Ecco Books, 2012. Originally published by University of Nebraska Press, 2011), 360; Hansen, *Mormonism*, 20.

<sup>15</sup> The United Order was one the earliest attempts by Joseph Smith to establish a communal economy where all members of the Church would only patronize stores, merchants, and suppliers that were part of the collective.

<sup>16</sup> Anderson, *Desert Saints*, 16.

<sup>17</sup> Daniel F. Furniss, *The Mormon Conflict 1850-1859* (New Haven, London: Yale University Press: 1960), 2.

<sup>18</sup> "Oration delivered by Mr. S. Rigdon on the 4<sup>th</sup> of July, 1838" (Far West Journal, 1838), 12.

After some Mormons were attacked after voting as a bloc in municipal elections in August 1838, the leaders of the Church organized a band of followers “and went into Davis County to protect the Mormons residing there. They went armed and equipped for war.”<sup>19</sup> Reports of an armed band of Mormons in “open and armed defiance of the laws,” prompted governor Lilburn Boggs to issue an order for the raising a five hundred man militia force to supplement a regular army force. He ordered “The Mormons must be treated as enemies and be exterminated or driven from the state if necessary.”<sup>20</sup> The newly raised militia did not wait for the army to act. On October 30, 1838, they surrounded the Mormon settlement of Haun’s Mill where many Mormons had fled to the safety of the hastily erected log fort. The militia ignored a flag of truce and massacred eighteen men and boys, shooting some point blank as they begged for mercy.<sup>21</sup>

In the face of overwhelming odds, Joseph Smith and five other leaders of the Church surrendered on the guarantee the faithful would give up their weapons and within ten days would abandon their property and leave Missouri with an armed escort for their protection.<sup>22</sup> The majority of the refugees headed north into Illinois and began building a city at Nauvoo. Despite the continuing belief that Mormonism was a strange religion, the Saints’ violent confrontation and expulsion from Missouri was viewed with disgust throughout the country. One newspaper editor wrote:

From all the accounts we have received, relative to this band of deluded men, we are convinced that the Mormons...have been “more sinned against than sinning.” They have been insulted and outraged by the inhabitants of the towns adjoining

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<sup>19</sup> *Vermont Phoenix*, October 26, 1838, accessed February 6, 2016, <http://chroniclingamerica.loc.gov/lccn/sn98060050/1838-10-26/ed-1/seq-4/>.

<sup>20</sup> “Boggs Extermination Order 44,” October 27, 1838, accessed February 6, 2016, <https://archive.org/details/BoggsExterminationOrder44>.

<sup>21</sup> Bagley, *Blood of the Prophets*, 12.

<sup>22</sup> Hyde, *Empires, Nations and Families*, 362.

them, and by acts of scorn and abuse...they have been roused to desperation and provoked to retaliate on their oppressors.<sup>23</sup>

Perhaps as an extension of this good will, Nauvoo was granted an extremely liberal charter by Governor of Illinois Thomas Carlin. It allowed the mayor and council the power to control everything from education to the courts.

While Mormonism began to take on a more cohesive form in theology and practice, the discontent from the Gentile residents surrounding Nauvoo grew.<sup>24</sup> Joseph Smith had become a national figure of ridicule and suspicion, “a dangerous fanatic with unnatural tastes”<sup>25</sup> as rumors spread of polygamous and polyandrous marriage within the Church. The rumblings of discontent did not create the same kind of fear within the Saints that it did in Missouri however, for the Nauvoo city charter had given the city the right to organize “a body of independent military men to be called the ‘Nauvoo Legion.’”<sup>26</sup> The Nauvoo Legion, while technically a branch of the state militia, boasted an infantry, cavalry and artillery, established an arsenal within the city limits, and grew to about four thousand men. This number made the Nauvoo Legion about one third the size of the U.S. Army at the time and represented a huge number of men prepared to defend or attack in the name of the Church.<sup>27</sup>

The presence of a massive military force under the control of a religious leader, the increasing exclusion and mistreatment of Gentiles, and the belief the Saints were attempting to establish a separate government in Nauvoo, escalated tensions at an alarming rate. Newspaper

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<sup>23</sup> *The Voice of Freedom*, January 19, 1839, accessed February 7, 2016, <http://chroniclingamerica.loc.gov/lccn/sn84022687/1839-01-19/ed-1/seq-3/>.

<sup>24</sup> Anderson, *Desert Saints*, 34, Hyde, *Empires, Nations and Families*, 364.

<sup>25</sup> Hyde, *Empires, Nations and Families*, 364.

<sup>26</sup> “The City Charter: Laws, ordinances and acts of the City Council of the City of Nauvoo,” (Nauvoo, Illinois: 1842), accessed February 7, 2016, <https://archive.org/details/citycharterlawso00nauv>.

<sup>27</sup> David L. Bigler and Will Bagley, *The Mormon Rebellion: America’s First Civil War 1857-1858* (Norman: University of Oklahoma Press: 2011), 19; “Revised Laws of the Nauvoo Legion under the Constitution of the United States,” (Nauvoo, Illinois, John Taylor: 1844), accessed February 7, 2016, <https://archive.org/details/revisedlawsofnau00nauv>.

reports of violent punishments and raids by the Nauvoo Legion began to appear as early as 1842. For example the *Illinois Free Trader* reported on August 26, “We learn yesterday afternoon a difficulty arose between Mormons and anti-Mormons and a fight ensued in which two of the latter were dreadfully beaten...the Legion was called out and a general melee ensued. Some 20 or 30 were killed and many dreadfully wounded.”<sup>28</sup> This report turned out to be a hoax but it worked to swing mass public opinion against the Saints.

In 1843 Smith petitioned Congress to make Nauvoo an independent state, and when that was rejected he planned a run for president in 1844 on a platform that smacked of a marriage of church and state. He also established the Council of Fifty, an organization dedicated to the administration of the Kingdom of God, a theocratic democracy with himself as the head.<sup>29</sup> Church leaders in the Quorum of Twelve, or Twelve Apostles, may have believed the Nauvoo Charter provided them with all the protection they needed to protect themselves from the type of violence that drove them from their homes in Illinois. However Joseph Smith’s death in a Carthage, Illinois jail in 1844 shattered that illusion as once again armed mobs roamed with the avowed aim of hunting down Mormons and remove them from their lands.<sup>30</sup> In the four years since the Mormons had straggled into Illinois, Joseph Smith and his followers had managed to turn the people of the state into implacable enemies who were ready to go to war against their Mormon neighbours.<sup>31</sup>

The loss of the Prophet fractured the Church along fault lines over who would lead the Saints. There were a number who claimed to have an inheritor’s right based on their position in

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<sup>28</sup> *The Illinois Free Trader and LaSalle County Commercial Advertiser*, August 26, 1842, accessed February 7, 2016, <http://chroniclingamerica.loc.gov/lccn/sn82014968/1842-08-26/ed-1/seq-2/>.

<sup>29</sup> Bigler and Bagley, *The Mormon Rebellion*, 21.

<sup>30</sup> Brooks, *The Mountain Meadows Massacre*, 7

<sup>31</sup> Bigler and Bagley, *The Mormon Rebellion*, 20.

the Church before Smith's death or by claiming to have been appointed by Smith himself.<sup>32</sup> Out of the chaos, Brigham Young emerged from the Quorum of Twelve as the head of the largest group of Mormons that had not abandoned Illinois. Young secured government protection for his flock by promising the Mormons would leave Illinois in the spring.<sup>33</sup> And so the Mormons, whose troubles had followed them wherever they had attempted to settle, prepared to set out again with little more than what could be carried or loaded into a wagon.

### **The Saints enter the New Zion, the Great Salt Lake Basin**

From 1845 to 1847 the Saints slowly made their way out of Illinois, until the majority of the faithful were in Winter Quarters, Nebraska. Brigham Young announced he would lead the vanguard into the West heading for the Great Salt Lake Basin, an area that met the requirements he and the other leaders of the Church required: "it was isolated, barely populated and not part of the United States."<sup>34</sup> It was Young's desire to lead the Saints to a place where they could establish their Kingdom of God away from the rest of the nation. Where there were no Gentiles, there would be no trouble, at least not immediately. It is probable the Saints chose such a remote location with the express purpose of giving them the chance to establish their theocratic government free from the judgement of Gentiles around them. Across the desert and behind the mountains, non-Mormons would be entering Mormon settlements, not the other way around. This fundamental shift in power, combined with the experiences in Missouri and Illinois, defined how the Saints would react to anyone or anything that threatened what they believed were their constitutionally protected rights and their divinely prophesied importance in the world.

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<sup>32</sup> Steven L. Shields, *Divergent Paths of the Restoration* (Las Vegas: Herald House, Third Edition, 2001, originally published 1978), 18.

<sup>33</sup> Brooks, *The Mountain Meadows Massacre*, 7-9.

<sup>34</sup> Hyde, *Empires, Nations and Families*, 368.

The first Mormons arrived in the valley on July 24, 1847.<sup>35</sup> Two years later, during the anniversary celebration, Esaias Edwards recorded the sentiment of many of these pioneers, “It was truly a time of rejoicing among the Saints of God to think that they had got to a land of liberty and freedom where they Could make their own Laws and worship God as they pleased and was not in danger of being molested by mobs.”<sup>36</sup> After only two years in their Rocky Mountain redoubt the Church was thriving. Settlement spread from Salt Lake City as the Saints began to cultivate the land, build settlements and create the land promised them by the original Prophet. In 1849, Brigham Young and the Council of Twelve held a conference with the express purpose of establishing a territorial government. Two events had created the necessity of establishing formal control of the land they had settled: the United States’ acquisition of the territory from the Mexican government, and the discovery of gold in California. An 1849 memorial to Congress from the Church pointed out that the U.S. had made no attempt to establish their authority over the territory. It claimed that violent and dangerous men were making their way to and through the area. Since natural barriers prevented the establishment of an outside government, the Church had “in view of their own security, and for the preservation of the constitutional right of the United States to hold jurisdiction there...organized a provisional State Government, under which the civil policy of the nation is duly maintained.”<sup>37</sup>

The Compromise of 1850 placed the provisional state within the boundaries of the newly formed United States territory of Utah. When rumors of this development began to make their

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<sup>35</sup> There is extensive scholarship on the Overland Trail and a wealth of sources through the Overland Trail Pioneer Diaries collection at the Harold B. Lee Library.

<sup>36</sup> Diary of Esaias Edwards, ND, accessed January 30, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/Diaries/id/5073>.

<sup>37</sup> “Constitution of the Sate of Deseret: with the journal of the Convention which formed it, and the proceedings of the Legislature consequent thereon” (Kanesville: Orson Hyde, 1849), 15, accessed February 13, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/NCMP1820-1846/id/17391>.

way into Deseret<sup>38</sup>, the leadership of the Church made it known the provisional government would bow to the wishes of Congress but asked that “Congress give us a Government based as all Republican Governments should be, upon the authority of the people...according and guaranteeing unto us the rights and immunities which are the privilege of American citizens.”<sup>39</sup> President Millard Fillmore, following a path of least resistance, appointed Brigham Young as governor and superintendent of Indian affairs, Apostle Heber C. Kimball as lieutenant governor and a number of other leading Mormons to official posts. Young had already been elected as the head of the provisional government; with this appointment he became the official executive authority in the territory, as well as being the President and Prophet of the Church. The appointments of Church leaders to positions of legal authority gave the Saints everything they had been hoping for: “with the temporal powers of the territorial government and the spiritual powers of the Mormon Church united...Utah became a theocracy ruled by a prophet whose word was law in matters both religious and secular.”<sup>40</sup> The Saints were walking a delicate line between declaring their own independent state while still maintaining at least a nominal loyalty to the United States. After living in a society that was under constant pressure from outsiders, being driven from their homes and enduring a long and treacherous journey west, the Saints were finally in a position and place that they would not give up easily. The Kingdom of God prophesied by Joseph Smith and promised by Brigham Young was one step closer to reality in the deserts of Utah.

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<sup>38</sup> Deseret is the name given to the provisional state established by the Church in 1849. After 1851, the name of the territory officially changed to Utah, and the Mormons began to use it in place of Deseret.

<sup>39</sup> *Deseret News*, September 9, 1850, accessed February 14, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/201>.

<sup>40</sup> Stamp, *America in 1857*, 197.

The importance the Saints put on having their own people in positions of authority<sup>41</sup> is based on the Mormon principle of the Kingdom of God. The concept of a spiritual kingdom on Earth is not unique in itself. What made Mormon belief different was that the spiritual and temporal governments were inseparable, they were “to administer in all things the ordinances, organization, government and direction of the Kingdom of God.”<sup>42</sup> Joseph Smith had originally envisioned this kingdom as two bodies, one temporal and one spiritual that would work hand in hand to govern the bodies and souls of the faithful.<sup>43</sup> Since the spiritual government of the kingdom was set within the structure of Church hierarchy, Smith established the Council of Fifty in 1844 as the basis for the prophesied political kingdom. However, the president of the Council of Fifty was also the president of the Church. According to historian Klaus Hansen, “that the president of the Church should also serve as the first officer in the political kingdom of God was in complete harmony with the theocratic theory of the kingdom.”<sup>44</sup> The key to this dual kingdom was the creation of not only a church but a culture, society and people that would be governed in all things by the directives of the Church. Mormon historian Douglas Davies wrote “its success depended on the people coming to possess a land of their own...it demanded the development of new forms of integrated economic, political and social attitudes and practices.”<sup>45</sup> When the Mormons did not collapse and disappear after the death of the Prophet it was because Joseph

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<sup>41</sup> *Deseret News*, November 30, 1850, accessed February 14, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/423>.

<sup>42</sup> “Proclamation of the Twelve Apostles of the Church of Jesus Christ of Latter-day Saints to all the kings of the world...” (New York: 1845), accessed February 14, 2016, <https://archive.org/details/proclamationoftw02unse>.

<sup>43</sup> Klaus J. Hansen, *Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History* (Michigan State University Press: 1970), 21.

<sup>44</sup> Hansen, *Quest for Empire*, 62.

<sup>45</sup> Douglas J. Davies. *An Introduction to Mormonism* (Cambridge, New York: Cambridge University Press: 2003), 119.

Smith had not just created a faith, but a people, separate and distinct from their neighbours and fellow Americans.<sup>46</sup>

The Saints accepted the authority of the Church leadership in all things. That the same leadership claimed there were two organizations, one for the spiritual and one for the temporal worlds made it easier to accept for new converts who wanted to be loyal citizens of both the Kingdom and the United States. In this same assertion of two organization lies the seed of non-Mormon frustration and accusations against the Saints in Utah. With the Council of Fifty being the group tasked with the political kingdom, technically separate from the Church, made it possible for Mormons to deny they were attempting to create a holy government.<sup>47</sup> However, as the Church strengthened its position in Utah, the claim became harder and harder to deny without appearing to be an outright lie. Orson Pratt, one of the Twelve and a leading Mormon theologian, wrote a four part explanation of the Kingdom of God in 1852 in which he explicitly stated:

The kingdom of God is an order of government established by divine authority. It is the only legal government that can exist in any part of the universe. All other governments are illegal and unauthorized. God, having made all beings and worlds, has the supreme right to govern them by his own laws, and by officers of his own appointment. Any people attempting to govern themselves by laws of their own making, and by officers of their own appointment, are in direct rebellion against the kingdom of God.<sup>48</sup>

Pratt's direct language leaves little to the imagination, and would become one of the touchstones for Gentile claims that the Latter-day Saints were establishing a separate government within the borders of the United States.

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<sup>46</sup> Bigler and Bagley, *The Mormon Rebellion*, 17.

<sup>47</sup> Hansen, *Quest for Empire*, 179.

<sup>48</sup> Orson Pratt, *The Kingdom of God: Part I* (Liverpool: S.W. Richards, 1852), 1, accessed February 14, 2016, <https://archive.org/stream/kingdomofgodpart01orso#page/n0/mode/2up>.

## **Chapter Two: The Struggle for Control Begins**

The functioning government established by the Mormons had been operating in a fashion long before issuing a charter and organizing themselves into a general assembly. The appointment of Brigham Young, Heber Kimball and others to positions of authority did not sit well with every traveller to or through the Salt Lake Valley. Settlers and adventurers heading west to the gold fields of California in 1848-49 were already asking for protection from the Mormons who they claimed were threatening their wagons and charging unfair prices for food and feed.<sup>49</sup> While the industriousness of the Mormon settlers was admired in some circles, the possibility of a state governed and administered by the Church raised some serious alarms about the safety of anyone who desired to move to the new territory. The *National Daily Whig* editorialized in 1849, “it can scarcely be deemed politic to suffer the State to grow up as a Mormon one merely, with a Mormon constitution and laws, a Mormon government, and Mormon fanaticism, a vital principle, overriding all the necessities and obligations of equal republican institutions.”<sup>50</sup> Rumors of Mormon obstinacy in the face of outside influences began to cause some in the eastern parts of the country to wonder if the Utah Territory was under the control of the United States government or the Latter-day Saints.

Between the establishment of the provisional State of Deseret in 1849 and the official designation of a territorial government in 1850, the Church appeared to be at peace with the small number of Gentile immigrants to Utah. A report in the Glasgow, Missouri *Weekly Times* specifically refuted rumors of Mormon violence against non-Mormons, “Mr. Kinkhead represents the Mormon settlement to be in a prosperous condition...He contradicts the reports

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<sup>49</sup> Anderson, *Desert Saints*, 97.

<sup>50</sup> *The Daily National Whig*, June, 16, 1849, accessed February 14, 2016, <http://chroniclingamerica.loc.gov/lccn/sn82014405/1849-06-16/ed-1/seq-3/>.

that the Mormons had arrested and tried certain American citizens.”<sup>51</sup> In another newspaper, the Richmond, Virginia *Examiner*, the Mormons were characterized as religious fanatics, but harmless and the target of unwarranted persecution, “They have made great sacrifices and endured severe and protracted persecution for their faith. The reports circulated against them by their unprincipled enemies in the West are, in the main, destitute of foundation.”<sup>52</sup> At the beginning of 1850, the Mormons had demonstrated, at least on the surface, capable of governing the territory in an even handed fashion, one federal official commented that the few cases he had seen tried while in Utah had been handled with efficiency and fair treatment for both Gentiles and Mormons.<sup>53</sup> The Saints would find themselves in direct conflict with the federal government in Washington, non-Mormon political appointees and non-Mormon settlers. These conflicts would gradually escalate into actual violence, which became a defining factor in the relationship between the desert Saints and the growing number of non-Mormons who desired to make Utah their home.

When federal government officials began to make their way to Utah in the early 1850s they were entering a territory that had “an organized government already well established. The celerity with which the Saints had created their territorial government caused these officials to suspect the Mormons considered their presence superfluous.”<sup>54</sup> They were not wrong. The system of religious and civil government working as one unit had proven successful, but only as long as the majority of the population were part of the Church.<sup>55</sup> The Saints’ previous

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<sup>51</sup> *Glasgow Weekly Times*, December 27, 1849, accessed February 15, 2016, <http://chroniclingamerica.loc.gov/lccn/sn86063325/1849-12-27/ed-1/seq-3/>.

<sup>52</sup> *The Examiner*, March 24, 1849, accessed February 15, 2016, <http://chroniclingamerica.loc.gov/lccn/sn82015050/1849-03-24/ed-1/seq-4/>.

<sup>53</sup> Howard Stansbury, *Exploration and Survey of the Valley of the Great Salt Lake of Utah* (Washington: Robert Armstrong, Public Printer: 1853), 125, accessed February 15, 2016, <http://hdl.handle.net/2027/mdp.39015073282918>.

<sup>54</sup> Hansen, *Quest for Empire*, 163.

<sup>55</sup> Furniss, *The Mormon Conflict*, 15.

experiences with non-Mormons made them suspicious of the arrival of outsiders bringing rules and laws of non-Mormon creation. Despite protesting their loyalty to the United States, Mormons and their leaders were simply biding their time until the Kingdom of God existed simultaneously with the governments of earth until the final judgement.<sup>56</sup> It was up to them to maintain the sanctity of their kingdom and of their people until that time came. The arrival of Gentiles, both in an official and in a settler capacity threatened that sanctity. The Saints would actively make it uncomfortable, if not impossible for anyone who was not a member of the faith to work, prosper or survive in the place God had led them to.

At first the creation of an official territorial government did little to affect the daily lives of Mormon settlers in Utah. In 1849 Congress sent the first surveying team into the Salt Lake Valley to map the overland trails into California and Oregon Territory. Surveyor Howard Stansbury was aware of the potential difficulties he faced writing, “I had heard from various sources that much uneasiness was felt by the Mormon community at my anticipated coming among them. I was told that they would never permit any survey of their country...it was darkly hinted that if I persevered in attempting to carry it on my life would scarce be safe.”<sup>57</sup> Stansbury ignored the warnings and set up a meeting with new governor Brigham Young where he learned why the Mormons responded so aggressively to the arrival of his party. Young was concerned about the purpose of the surveying team and of rumors that a regular army force General John S. Wilson had been tasked with investigating the Church with the express purpose of expelling the Mormons from their new settlement.<sup>58</sup>

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<sup>56</sup> Hansen, *Quest for Empire*, 21.

<sup>57</sup> Stansbury, *Exploration*, 84.

<sup>58</sup> Stansbury, *Exploration*, 85.

Stansbury understood Mormon militancy at the appearance of government officials and the accompanying rumors about breaking up and destroying the colony:

However unreasonable a suspicion may be considered, yet it must be remembered that these people are exasperated and rendered almost desperate by the wrongs and persecutions suffered in Illinois and Missouri...and that now they supposed themselves to be followed up by the General Government with the view of driving them from even this solitary spot, where they had hoped they should at length be permitted to set up their habitation in peace.<sup>59</sup>

After reassuring Young he proceeded with his survey with the help one of Young's personal secretaries, Albert Carrington. Historians Bagley and Bigler have asserted that Carrington was added to the expedition to report on the party's activities and prevent anything that would cause damage to the Church or settlement.<sup>60</sup> Stansbury's report gives no impression that the Mormon secretary was anything but helpful and provided no interference in the work of the surveying party. The report Stansbury wrote for Congress was generally favourable to the Mormons, praising their efficiency, work ethic and accomplishments. The threat of violence that Stansbury had heard about never manifested during his time in Utah. However, his description of social and political life in the colony did point out one fact that would be a source of continual friction, the interconnectedness of the civil and church government, "This intimate connection of church and state seems to pervade everything that is done. The supreme power in both being lodged in the hands of the same individuals, it is difficult to separate their official characters, and to determine whether in any one instance they act as spiritual or merely temporal officers."<sup>61</sup> As the number of non-Mormon emigrants and travellers through Salt Lake City increased, it became increasingly difficult for Gentiles to believe the Mormon protestations of the separation of Church and state.

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<sup>59</sup> Stansbury, *Exploration*, 85.

<sup>60</sup> Bigler and Bagley, *The Mormon Rebellion*, 34.

<sup>61</sup> Stansbury, *Exploration*, 131.

In 1850 the Church had almost complete autonomy in the control and administration of the new territory. On December 2, 1850 Brigham Young made no pretence of how his government would operate in Utah when he addressed the territorial legislature, “Hence are we here, assembled in solemn council to frame laws for the organization and rule of communities; and...devise such laws and regulations as shall perpetuate, guarantee, and sustain, in time to come, our free and glorious institutions to the latest generation.”<sup>62</sup> Every person in that chamber was aware of the new, federally defined, status of their territory of Deseret, now called Utah, and what that could mean for their theocracy. But even with this uncertainty on the horizon, there does not appear to have been any real worry about the potential consequences. There was no call to arms, or threats to prevent federal officials from doing their jobs; there was no public defiance of what might or might not happen. Young, in his annual address, presented both himself and the rest of the temporary Mormon government as loyal and obedient servants: “The government of Deseret will continue in all its departments, until such time as it shall be superseded by an organization contemplated under the Act of Congress.”<sup>63</sup> The Mormons would continue on, strengthening their position and spreading their roots in the land they had decided to call home.

Mormon settlers pushed the borders of their territory farther north and south by 1850. The Mormons had surveyed the land around Salt Lake City and in three years had established communities at Provo to the south and Bountiful and Ogden in the north. From here and from Salt Lake City, Mormon settlers would farm plots of land, while not necessarily living on them. As Bigler and Bagley note, “Elsewhere in the nation, settlers made their homes on the land they farmed, which led to a widely dispersed population. In Zion, worker bees [Mormon settlers]

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<sup>62</sup> *Deseret News*, January 11, 1851, accessed February 28, 2016 <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/512>.

<sup>63</sup> *Deseret News*, January 11, 1851, accessed February, 28, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/512>.

were concentrated in...the city and went forth to harvest plots on the outskirts.”<sup>64</sup> Mormon settlers were never far from a meeting place where they could receive the spiritual benefit of the Church and receive instruction from the leadership on how they were to live their lives.

As the population grew in 1849-1850, more formalized control of the settlement took shape. An 1831 revelation by Joseph Smith known as the Law of Consecration directed believers to give over, or consecrate, their property to the Church. The Church would then grant the believer “stewardship” over the property and take any surplus generated into the Church treasury to be used to help the less fortunate and finance Church projects and buildings.<sup>65</sup> This doctrine would give the Church implicit control over the economy of the settlement, and as historian Klaus Hansen observed, “The Saints would extricate themselves from the capitalistic system as a major step toward separation from the world.”<sup>66</sup> Since non-Mormons were not likely to submit to this kind of communal economy, the Church hierarchy and the territorial government worked diligently to ensure the right kind of settlers were making new homes in the territory. Historian Nels Anderson notes, “Utah used every device to discourage random migration. They wanted emigrants who could accept the Mormon Gospel and make sacrifices to establish the new society.”<sup>67</sup> Non-Mormons who stopped in Utah for any length of time were subject to a tax and increased prices on supplies that would not only bring money into the state treasury, but would also encourage the travellers to move on.

Before the arrival of federal appointees, the provisional territorial government made a decision that would become a sore point for many non-Mormons in the 1850s. On January 8,

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<sup>64</sup> Bigler and Bagley, *The Mormon Rebellion*, 50.

<sup>65</sup> *Doctrine and Covenants*, 38:32-38, accessed February 5, 2016, <https://www.lds.org/scriptures/dc-testament/dc/38?lang=eng>.

<sup>66</sup> Hansen, *Mormonism*, 125.

<sup>67</sup> Anderson, *Desert Saints*, 116.

1850 lawmakers organized the judicial branch of the government under the provisions of Deseret's constitution, granting the assembly the power to appoint all judicial officials for the territory.<sup>68</sup> When the documents transferring official authority from Deseret to Utah, the Saints lost only some of their control over the judiciary. Federal appointees were on their way west, but the Church still managed to maintain some official control with the appointment of Joseph Heywood to the post of U.S. Marshal and Zerubbabel Snow as circuit court judge. Heywood was a long-time Saint and for a time was "the only official officer of the Territory" solely responsible for "arrests and judicial executions."<sup>69</sup> In managing to get one of their own into a post that controlled the enforcement of the law, the Mormons had a readymade ally when it came to the complaints of Gentiles against the Saints.

When non-Mormon judicial officials did finally arrive in Utah, they discovered a system already in place that did not recognize their authority because it did not come from the Temple. Juries would be almost exclusively Mormon and took direction from the Presidency of the Church. The territorial assembly decreed that only territorial laws could be cited a precedent and gave probate court's jurisdiction over criminal and civil cases.<sup>70</sup> These actions ensured that no one who was not connected with the Church could receive fair and unbiased treatment at any stage of the judicial process, and frustrated the federal officers who were intent on upholding the common law system. As Will Bagley states, "In their isolated mountain sanctuary, the Saints codified their rejection of English common law and, besides Louisiana, became the only territory not to use some form of common law as the basis of its legal system."<sup>71</sup>

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<sup>68</sup> Anderson, *Desert Saints*, 93.

<sup>69</sup> *Deseret News*, April 19, 1851, accessed February 5, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/797>.

<sup>70</sup> Furniss, *The Mormon Conflict*, 17-18.

<sup>71</sup> Bagley, *Blood of the Prophets*, 41.

The appointment of Brigham Young as the official governor of Utah Territory allowed the Church to seamlessly move from the provisional government established in 1849 to an officially sanctioned, federally supported civil government in 1850. The new government had an army comprised of Mormon Battalion veterans returned from the Mexican War and the reorganized Nauvoo Legion under the direction of the governor. This territorial militia was under the control of the federally appointed governor, so in 1850 that made the head of the Latter-day Saints the head of the official military force of the new territory. The Legion was mandated by law to include all able-bodied men between eighteen and forty-five, under the generalship of Daniel Wells, a veteran of the Missouri and Illinois conflicts, and the civil direction of Brigham Young. It conducted regular drills and participated in official actions against the native tribes.<sup>72</sup> This persistent and regular action kept the militia in fighting trim and, to the general concern of the Gentile population of Utah, ready for action at the orders of the Prophet and Governor Brigham Young.

When the official documentation and appointment list finally arrived in Salt Lake City in March of 1851, the provisional government dissolved the Deseret legislature to make way for the legislature of the new Utah Territory. Young took the opportunity to congratulate his fellow Saints on their hard work in successfully creating peaceful and prosperous colony:

And now, upon dissolving the Legislature, permit me to add the industry and unanimity which have ever characterized your efforts, and contributed so much to the pre-eminent success of this Government. . . we can ever carry with us the proud satisfaction of having erected, established, and maintained a peaceful, quiet, yet energetic government, under the benign auspices of which, unparalleled prosperity has showered her blessings on every interest.<sup>73</sup>

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<sup>72</sup> Furniss, *The Mormon Conflict*, 137.

<sup>73</sup> *Deseret News*, April 4, 1851, accessed February 5, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/773>.

Secure with the implicit and explicit control of the economy, army, courts and civil authority, the Saints presented a façade of a settlement where all people lived side by side in peace and harmony. According to a September 1850 Church epistle, travellers moving through the Salt Lake Basin recognized Utah as a utopia and wanted to be part of the great society being built by there: “others have witnessed our location, peace, union and prosperity... [and] are making their way home as fast as possible, to bring their families hither, where they can enjoy health, in a land of civil and religious liberty, where they find themselves free to do right.”<sup>74</sup> The Saints wanted to show how their faith had built a society where all were free to follow their own conscience and prosper without fear that their beliefs would bring them hardship.

In the spring of 1851 the image of a peaceful and prosperous colony began to waver. Groups of travellers who had been forced to winter in Salt Lake City told stories of a settlement that was far from a welcoming utopia to anyone who was not a member of the Church. One group of settlers felt so threatened by Mormon power in Utah they met in secret and “pledged to act as one and share their resources to the last bite, if need be, to ensure that all got away safely.”<sup>75</sup>

Nelson Slater was one of those settlers and he published a book in 1851 that collected the narratives of a number of travellers who had difficulties with the Mormon hierarchy while moving through Utah. Slater claimed the Mormons, after initially welcoming hundreds of travellers forced to stay in Utah, became dedicated to making the emigrants’ lives miserable. They refused to pay for goods and services, took their property and threatened their lives, all under direct orders from the Church:

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<sup>74</sup> *Millennial Star*, February 15, 1851, accessed February 6, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/MStar/id/2089>.

<sup>75</sup> Bigler and Bagley, *The Mormon Rebellion*, 41.

By this edict from headquarters, the sympathies of the Mormon people dried up...and they seemed more disposed to injure than befriend them. Thus the emigrants were sorely abused and oppressed by a people professing to be religious, but who in point of fact, when under the influence of Mormon edicts are as clannish, hard-hearted, over reaching and reckless of the rights of other, as either swindlers or robbers.<sup>76</sup>

According to the forty seven accounts Slater compiles the Mormons used a corrupt legal system to protect their own, Church members stole the emigrants property both outright or through trickery, practiced polygamy and expressed treasonous thoughts.<sup>77</sup> Slater claims also that the Mormons were willing to use violence to settle disputes and protect their territory from outsiders secure in the knowledge they would not be prosecuted for their crimes.<sup>78</sup> Even if they were to be brought to trial, Mormons would never be found guilty by any court in Utah. In a case similar to the trial of Howard Egan, Dr. John Vaughn was shot and killed by Madison Hambleton in broad daylight and in front of multiple witnesses in 1849, allegedly for the crime of seducing Hambleton's first wife.<sup>79</sup> But the subsequent trial acquitted Hambleton of all charges, despite what Slater viewed as a clear plan by Hambleton to kill Vaughn. Brigham Young appeared for Hambleton's defence in court and, even before the trial, according to Slater, declared that Hambleton was justified and because Young's word was law, must be found innocent. The warning from this trial was clear to Slater, "the supremacy of the law is not maintained in the Salt Lake valley, and there is a power among them which is above and independent of the law. They can try a man for his life without even the forms of law, and without juries, judges or

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<sup>76</sup> Nelson Slater, *The Fruits of Mormonism* (Coloma, California: Harmon & Springer, 1851) 11, accessed February 6, 2016, <http://www.olivercowdery.com/smithhome/1850s/1851Slat.htm>.

<sup>77</sup> Slater, *The Fruits of Mormonism*. Each chapter of the work is about a specific type of crime and Slater cites different narratives in each.

<sup>78</sup> Slater, *The Fruits of Mormonism*, 74.

<sup>79</sup> Bigler and Bagley, *The Mormon Rebellion*, 41.

organized courts.”<sup>80</sup> For any Gentile travelling through Utah, their ability to access the most basic of legal protections was never assured.

The Mormons were so confident in their control of the legal system that Gentile travellers’ complaints were viewed as an irritant more than a real issue:

It is the urgent wish of all citizens of Deseret, that the travellers would settle their own difficulties; or rather, that they would have no difficulties, so that our officers might pursue their daily avocations in peace. Were there no travellers in our midst, we might soon forget the name of law-suit. As a people, we have too much to do to attend to such matters.<sup>81</sup>

As far the Mormon were concerned, Gentiles were creating a disturbance that the Saints did not have the time or patience to deal with. The non-Mormons who were complaining had no intention of contributing to the settlement, they had no desire to be part of the Church and therefore did not have any right to the benefits of the Kingdom of God. Brigham Young in addressing the faithful in his capacity as Elder and president of the Church blamed the Gentile troublemakers for the difficulties in his territory, “There is not an honest man that comes to this valley, but crowns this people with their blessings for their civility, good behaviour, industry, and our improvements and our kindness to them.”<sup>82</sup> If a Gentile was not an honest man, then he would not see or appreciate the goodness of the Saints. Application of the law was meant to be beneficial to the faithful alone. In response to a decision by a magistrate who threatened to expel an argumentative and difficult Saint, the *Deseret News* proclaimed “a professed Saint who cannot be governed by the law of the gospel, is not fit to be called a Saint...then the law which is made for the lawless and disobedient, has claim on his as its own.”<sup>83</sup> The implication is clear: in

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<sup>80</sup> Slater, *The Fruits of Mormonism*, 16.

<sup>81</sup> *Millennial Star*, February 15, 1851, accessed February 6, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/MStar/id/2089>.

<sup>82</sup> *Deseret News*, July 6, 1850, accessed February 6, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/1162>.

<sup>83</sup> *Deseret News*, February 22, 1851, accessed February 6, 2010, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/617>.

Utah there was one law for Mormons and one for non-Mormons. Non-Mormons could expect they would be held to a different standard than their Mormon neighbours, a reality that would be a continued source of tension through the 1850s.

### **Mormons and Indians**

Mormons were acquainted with the challenges of settling an area that was already occupied by non-Mormons. In Utah however, the Saints were more willing to use violence to enforce and advance their claims than they had been in the east. The population living in Utah at the time of the Saints' arrival in 1847 were the native tribes who had been using the Great Salt Lake Basin as hunting and living grounds for generations. Mormon relations with the native tribes were complicated to say the least. Latter-day Saint theology taught that Native Americans were the remnants of one of the tribes of Israel that had left Palestine for North America in the ancient past. They had had risen up and rebelled on the voyage from Palestine against the superior and more civilized tribes. The Lamanites, as they were known, were cursed with dark skin and a loss of any knowledge of civilized culture.<sup>84</sup> The Lamanites were considered part of the spiritual ancestry of the Mormon Church. As such, it was the duty of the Saints to preach to them and bring them back to the ways they had abandoned and lost centuries earlier. Levi Jackman, an original Mormon settler, recorded Brigham Young's directions regarding natives in 1847, "We should form connections with the different tribes of Indians and by that means they would become a white and delightful people and could be taught the principles of salvation and be prepared for things to come."<sup>85</sup> To make the native tribes allies, official Mormon policy

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<sup>84</sup> Davies, *Mormonism*, 52.

<sup>85</sup> Diary of Levi Jackman, ND, accessed February 15, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/Diaries/id/1324>.

was to calmly prevent them from stealing and teach them how to farm and raise cattle.<sup>86</sup> Perhaps the Saints viewed the indigenous people as an opportunity to bring into the arms of the Church a hardy, native population that would be grateful for having their souls saved. But there were some tribes that refused to be “civilized” and Mormon settlers would experience the similar troubles non-Mormon settlers across North America would have as they entered traditional Indian Territory. Job Smith recorded a confrontation with a group a native warriors on November 12, 1849:

At noon we were charged upon by about 200 warriors of the Cheyenne<sup>87</sup> tribe. Their design evidently was to frighten our horses off, and then round them of the hills among the timber, where it would have been difficult for us to have found them; if they had given us that privilege. They would no doubt have robbed our wagons and left us destitute and perhaps have taken some of our lives.<sup>88</sup>

The party managed to escape any harm and nothing more than threats were exchanged back and forth. There were other incidents that did not end so peacefully. When an Indian raiding party made off with about two hundred cattle around Willow Creek in 1849, Mormon settlers tracked the party down, shot the men and took the women and children back to their settlement to be assimilated into their families.<sup>89</sup>

As would so often be the case with the Mormon relations with the world around them, the message was very confusing. It was difficult for tribes to accept that the Saints were not there to take everything the natives had, when the same Saints had little or no issue hunting and killing natives who stepped outside the boundaries the Mormons had set for peaceful relations. Ute chief Walkara would engaged in a long, low-level guerilla war against Mormon settlers from 1850 to

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<sup>86</sup> Brooks, *Mountain Meadows*, 41.

<sup>87</sup> The tribe described is more likely Ute or Snake. Mormon settlers made no distinctions between tribes in the east and west in their early diary entries.

<sup>88</sup> Diary of Job Smith, ND, accessed February 15, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/Diaries/id/3704>.

<sup>89</sup> Bigler and Bagley, *The Mormon Rebellion*, 59.

1853 which necessitated Brigham Young calling out the Nauvoo Legion. Eventually Walkara and his allies were forced to sue for peace.<sup>90</sup> There were tribes that did not get involved in Walkara's loose organization and accepted the Mormon plan of farming and settlement. In the area around the city of Fillmore the Pahvantes tribe accepted the Mormon plan and attempted to farm their traditional lands in harmony with the Mormon settlers. Their chief Kanosh refused to join in Walkara's raids and became seen as an ally of the Mormons, receiving gifts from Brigham Young and encouraging his people to be baptized.<sup>91</sup> The Saints' attempts to either assimilate or remove the Indian tribes in the Salt Lake Basin did not go wholly unnoticed by federal Indian agents, but since President Fillmore had also made Brigham Young the de facto head of Indian Affairs for the territory, any reports were sent directly to him. Many of the concerns regarding the treatment and displacement of the natives died or disappeared in the governor's office.

The violent interactions with native tribes and claims of mistreatment of non-Mormons were early warning signs of the conflicts to come. They were, for the most part, barely noticed in the east. Nelson Slater's *The Fruits of Mormonism* and outraged letters from other settlers who had passed the winter of 1850-51 to frontier newspapers attracted little attention outside of the areas they were published. Slater's work does not appear to have been available outside of California and newspapers like the Portland *Oregonian* did not circulate far enough outside the Oregon Territory to make any impact. Non-Mormon travellers' accounts of their mistreatment were reported well after the incidents occurred and far away from Utah. Slater includes a letter from California emigrants that accused the Mormons of tampering with the mail, imposing unlawful taxes, and operating a secret police force that reported any ill thought word or deed to

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<sup>90</sup> Anderson, *Desert Saints*, 129.

<sup>91</sup> Anderson, *Desert Saints*, 129.

the Mormon authorities. These same travellers wrote a memorial demanding that Congress dissolve the present government and impose military rule.<sup>92</sup> While it is unclear if this alleged memorial ever made it to Congress, this memorial is an example of how complaints were registered long after the fact. The Mormon Church's control in Utah ensured there were no officials to complain to that were not heavily invested in the Church. And so the voices were left to cry in the proverbial wilderness, and no one who would give any credence to their claims was there to hear them.

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<sup>92</sup> Slater, *The Fruits of Mormonism*, 93.

### **Chapter Three: The Gentiles come to Utah**

The arrival of the first federally appointed, non-Mormon, officials specifically sent to assume positions of authority would illustrate how completely the Church and the state were intertwined. In the summer of 1851, judges Perry Brocchus and Lemuel Brandenbury along with the new Territorial Secretary Broughton Harris arrived in Salt Lake City as President Millard Fillmore's first Utah appointees. Harris carried twenty four thousand dollars earmarked for the territorial treasury, and Brocchus and Brandenbury were designated as Supreme Court justices. The initial reaction to the arrival of outsiders with authority was one of guarded welcome that soon turned to outright hostility.<sup>93</sup> The bad feelings came to a head when Brocchus addressed a gathering of the Saints on September 6, 1851. During the course of the speech Brocchus questioned the loyalty of the Mormons and the morality of their women. The reaction of the crowd to Brocchus' remarks was harsh. According to his own account, "It seemed as if the people were ready to spring upon me like hyenas and destroy me."<sup>94</sup> Governor Young rose to rebuke and repudiate Brocchus' comments in a manner that left no doubt that challenges such as these would be met with violent opposition.<sup>95</sup> Brocchus conferred with Harris, Brandenbury and Indian agent Henry Day, who had "described their [the Mormons] policy as one calculated to exterminate the Indians,"<sup>96</sup> and made the decision to leave Utah less than three weeks after the Territorial Legislature began its first official sitting. These officials believed their lives were in imminent danger because of their opposition to the Church. Brocchus wrote in his report to

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<sup>93</sup> Furniss, *The Mormon Conflict*, 22.

<sup>94</sup> "Utah Territory, Report from the Secretary of State," January 9, 1852, *The Congressional Globe*, 32<sup>nd</sup> Congress, 1<sup>st</sup> Session, 86, accessed February 12, 2016, <https://memory.loc.gov/cgi-bin/ampage?collId=llcg&fileName=030/llcg030.db&recNum=95>.

<sup>95</sup> Furniss, *The Mormon Conflict*, 25, Bagley, *Blood of the Prophets*, 44.

<sup>96</sup> Anderson, *Desert Saints*, 106.

Congress that after his speech, “the community has been in a state of intense excitement and murmurs of personal violence and assassination towards me have been freely uttered.”<sup>97</sup>

The so-called runaway officials left more than their dignity behind, they left three offices open that were quickly filled by Mormons. With the departure of Brocchus, Brandenburg and Harris the Saints had complete control of all the major positions in the civil government. The failure of Fillmore’s appointees in Utah strengthened the Mormon position and their militancy would increase as new appointees made their way across country to assume the positions that, by law, only the President could appoint. It would take almost a year for new officials to arrive in Utah however, and during that time the Mormons continued to govern the territory as if nothing had, or would change.

Brocchus, Brandenburg and Harris did not file a report with President Fillmore until December 1851, three months after making their flight from Utah. The three men laid out the totality of Church control in the territory:

We found...the Mormon Church overshadowing and controlling the opinions, the actions, the property and even the lives of its members; usurping and exercising functions of legislation and judicial business of the Territory; organizing and commanding the military; disposing of public lands, upon its own terms; coining money...penetrating and supervising business circles; and inculcating and requiring as an article of religious faith, implicit obedience to the counsels of the Church as paramount to all obligations of morality, society, allegiance and of law.<sup>98</sup>

The accusations made by the runaways drew the attention of Congress and President Fillmore.

The eastern press wavered between open condemnation of the Mormon practices and ridicule of Brocchus, Brandenburg and Harris. Congress repudiated any of the charges made by the

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<sup>97</sup> “Utah Territory, Report from the Secretary of State,” January 9, 1852, *The Congressional Globe*, 32<sup>nd</sup> Congress, 1<sup>st</sup> Session, 86.

<sup>98</sup> Utah Territory, Report from the Secretary of State,” January 9, 1852, *The Congressional Globe*, 32<sup>nd</sup> Congress, 1<sup>st</sup> Session, 86.

runaways on June 15, 1852 and passed a law forcing any territorial officer to forfeit their pay if they abandoned their post.<sup>99</sup> The list of abuses made were dismissed as irrational anti-Mormon fear by Thomas Kane, a non-Mormon army officer who had served with the Mormon Battalion and was a well-known friend and advocate for the Church. He responded to anti-Mormon newspaper articles by writing a series of letters at the request of President Fillmore defending the character and honour of Governor Young and the Mormons, “The...accusations are a mere rehash of old libels, the most deserving of them only rough mythic embodiments of a vulgar notion of Mormon ‘fact’ prevalent in certain regions of the western country.”<sup>100</sup> The discussion in the court of public opinion, up to and including the dispatch of troops to Utah, eventually died down but revealed, as Nelson Furniss noted, “the existence of a strong anti-Mormon disposition in American thought.”<sup>101</sup>

### **The Church under scrutiny**

By the spring of 1853, Utah had been experiencing a time of relative peace and prosperity. New federal officials had arrived and had settled in quietly, the Church had expanded its economic control by beginning sugar processing from beets and iron mining in the southern part of the territory. Mormon missionaries were spreading across the world, increasing the number of faithful. Immigration from the British mission of Oliver Cowdrey and new converts from the eastern states had swelled the Mormon population to close to thirty thousand.<sup>102</sup> There had been incidents that had drawn attention to the Utah and the policies of the Church, but they

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<sup>99</sup> Furniss, *The Mormon Conflict*, 32.

<sup>100</sup> *Millennial Star*, November 21, 1851, accessed February 13, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/MStar/id/2335>.

<sup>101</sup> Furniss, *The Mormon Conflict*, 33.

<sup>102</sup> Anderson, *Desert Saints*, 141-45.

had been brief and fleeting. While it was a time a relative quiet, there were still reports being filed with the federal government regarding the Mormon stance on non-Mormon officers exerting authority in the territory. Indian agent John Holeman wrote, “The Mormons... seem to recognize no law but their own self-will. They seem desirous to hold all the offices themselves; and when a Gentile is appointed, he is never treated with respect, but is abused.”<sup>103</sup> In this letter it is clear that the success of driving off the first Gentiles in the territory was not by accident, and was a portent of the clashes to come.

Naïvely unaware of the undercurrent of tension between Mormon and non-Mormon officials in Utah, Army captain John Gunnison returned to the territory. Gunnison was an army officer who had been on Howard Stansbury’s original surveying expedition and had written a mostly favourable account of his time among the Mormons in 1849-50. Gunnison was known to the Mormon leadership and appeared to have a positive relationship. He returned to Utah to survey for the proposed transcontinental railway. Gunnison, along with six other members of his party, were killed by a band of Indians from the Pahvantes tribe in October 1853. The Pahvantes had not been part Walkara’s war against the Mormons, and were generally regarded as the one tribe who were allies of the Church. However, the fact that the tribe was friendly towards the Church, some its members had converted and were subject to Church authority, meant the Church’s’ possible involvement was questioned.<sup>104</sup>

Gunnison’s status as a friend of the Church was indicated by the amount of space dedicated to the massacre in the *Deseret News*: “[He] was endeared to us by former and fondly cherished acquaintanceship in 1850. We take this occasion to bear tribute to the memory of

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<sup>103</sup> “Holeman to Lea, March 5, 1853,” in James Buchanan, *The Utah Expedition*, 35<sup>th</sup> Congress 1<sup>st</sup> Session, Ex. Doc. 71, February 26, 1858, 161, accessed April, 2016, <https://archive.org/details/utahexpeditionme00unitrich>.

<sup>104</sup> The implication of the Gunnison party’s deaths had vastly different interpretations in the historiography. See Bigler and Bagley, *The Mormon Rebellion*, 63-64 and Furniss, *The Mormon Conflict*, 41.

Captain Gunnison, as a gentleman of high and fine toned feeling, as particularly arbitrary in his deportment to all.”<sup>105</sup> The shock of the massacre is evident in the *News* report as is the reaction from the Governor’s office that sent troops to recover the bodies.<sup>106</sup>

The initial reaction of the Utah government and the Church leadership did nothing to mitigate eastern suspicions. Gunnison was a federal employee and something of a national celebrity. The success of his previous journeys to Utah and his favourable interaction with the native tribes made some ask if there was a more insidious explanation than a revenge attack by the Indians:

It is no part of the policy of these people [Mormons] to permit an exploration of their country for the purpose of finding a route for a railroad which is to be the highway of nations and, if made, would bring them again under the observation of the civilized world. They cannot but clearly conceive that, if once a great highway opened through their country the laws of the United States will be extended over it...they will again, as on former occasion be driven forth to seek some asylum where they may fester in iniquity without disturbing the repose of civilized society.<sup>107</sup>

Allegations of murder against the Mormons to control their territory, especially a white, well respected Army officer needed to be addressed immediately. John Bernhisel, the Utah delegate to Congress responded to the accusation, “The Mormons tolerate all creeds, and desire to proscribe none...what escape could they expect from discovery if disposed to stain themselves with blood? The whole accusation is unsupported by a particle of testimony against the Mormons.”<sup>108</sup> The allegations drew unwanted attention to the affairs of the Utah, and an even more unwelcome arrival from the East. Another surveying team led by Lt. Colonel Edward

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<sup>105</sup> *Deseret News*, November 12, 1853, accessed April 3, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/174404>.

<sup>106</sup> *Deseret News*, November 12, 1853.

<sup>107</sup> *Deseret News*, March 30, 1854, accessed April 3, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/174906>.

<sup>108</sup> *Deseret News*, March 30, 1854.

Step toe had been moving through Utah and arrived in Salt Lake City in August, 1855. Their declared intention was to overwinter in Utah before continuing on to California but Step toe also had orders to find and punish the persons responsible for the death of Gunnison and his party.

The prospect of over 300 U.S. Army soldiers, their employees, and their livestock spending an extended period of time in Salt Lake City was a point of consternation for the Mormons. The announcement of the company's arrival held a note of hopefulness that nothing would keep them any longer than necessary in Utah, "Colonel Step toe purposes hiring winter quarters in this city for officers and troop and locating the employees in Rush Valley...an excellent place for wintering stock and the animals will doubtless be in fine condition for the next spring's journey."<sup>109</sup> It quickly became clear that the soldiers were an unwelcome addition. Apostle Orson Hyde urged citizens to not sell liquor because, "their own peace and the peace of their families may be disturbed...who for paltry gain will corrupt the soldiers and themselves also by a traffic that worketh death instead of life."<sup>110</sup> The letter was a gentle reminder to the Saints of a foreign presence in their midst that was not likely to conform to their practices, and no reason should be given for them to have any offense within the community. By late 1854, the rhetoric became more pointed as high ranking members of the Church spoke against the corruption that seemed to suddenly permeate their pristine home.<sup>111</sup>

Step toe managed to finally take custody of five people accused in the death of Captain Gunnison, but he believed the charges and trial were nothing more than a sham. The five men were old and infirm, two of the indictments were thrown out, and when the jury delivered a

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<sup>109</sup> *Deseret News*, September 7, 1854, accessed April 3, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/175537>.

<sup>110</sup> *Deseret News*, October 26, 1854, accessed April 3, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/175852>.

<sup>111</sup> There are numerous speeches, discourses and remarks by Heber C. Kimball, Jedidiah Grant and Orson Pratt on the evils of liquor, mercantilism and associating with the "wrong sort of people" from November 1854 to February 1855 in the *Deseret News*.

verdict of manslaughter it was in direct contradiction to the directions of the judge. After the three were convicted, the prison they were being held in was left open and they walked away, never to be found again.<sup>112</sup> In exasperation Steptoe penned a letter to the head of Indian Affairs on April 5, 1855 in which he left little doubt as to who the Indians thought was in charge in Utah, “These savages have undoubtedly learned...*for the first time* what relation they hold to the government and that to *it alone* they must look for encouragement.”<sup>113</sup> He was sure the Mormons would support the Indians in any action taken by the government, and in this he recognized the Church had an ally that would increase the number of people the Saints could count on in any conflict.<sup>114</sup>

While the army caused concern for the government of Utah, Steptoe’s presence had another potential impact on the ability of the Church to control Utah. It was rumored that the Colonel was in Utah not only for the prosecution of the Gunnison case, but to accept the position of governor as the appointee of President Franklin Pierce. Brigham Young’s four years as governor were up, and the general feeling was that Pierce was going to appoint Steptoe or another non-Mormon to the position.<sup>115</sup> Young was said to have placed the colonel in a honey-pot trap with a pair of Mormon women, forcing Steptoe to sign a petition urging Young be reappointed as governor. The petition was dated December 30, 1854, one day before Young’s term was due to end.<sup>116</sup> In a virulent anti-Mormon biography of Young published in 1866, the author says that the President of the Church had, “put a hook in his nose and he [Steptoe] was compelled to do as he did.”<sup>117</sup> There is no evidence that this series of events actually happened.

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<sup>112</sup> Bigler and Bagley, *The Mormon Rebellion*, 64. Emphasis original.

<sup>113</sup> “Steptoe to Manypenny, April 5, 1855,” in Buchanan, *The Utah Expedition*, 178.

<sup>114</sup> “Steptoe to Manypenny, April 5, 1855,” in Buchanan, *The Utah Expedition*, 178.

<sup>115</sup> Anderson, *Desert Saints*, 147, Furniss, *The Mormon Conflict*, 43.

<sup>116</sup> C.V. Waite, *The Mormon Prophet and His Harem* (Cambridge, Riverside Press), 28, accessed April 3, 2016, <https://archive.org/details/mormonprophet00wait>

<sup>117</sup> Waite, *The Mormon Prophet*, 26.

Step toe was on record as believing, “it might be good policy to appoint another man for governor on the ground that such an appointment would have better influence in removing the political prejudice which existed against Gov. Young.”<sup>118</sup> No matter what the circumstances, Steptoe signed the petition and turned down the offer of governor. Young was reappointed for another term.

The story of Brigham Young’s supposed blackmail of Edward Steptoe shows how much perceived control over all the affairs of Utah the Mormons and their leadership had. That this story, or some version of it was repeated in a number of eastern newspapers is an indication of how believable the story was set the time. Steptoe himself never gave a reason for his refusal. His harsh opinion of the Mormon Church was evident in his correspondence of 1855. It may be that he simply did not want the onerous task of trying to bring the Church into line, the only mention of his refusal appears in a correspondents report from August 1, 1855 in the *Deseret News*, “Col. Steptoe left...by the northern route, to overtake his command, and it is understood that since he has been promoted on the Army list he will decline the Governorship of Utah.”<sup>119</sup> No matter what the reason, Young remained in control of the most powerful political position for the foreseeable future.

The soldiers who came with Colonel Steptoe left an unforgettable impression on the Mormons after their departure. Nelson Furniss summed up the Mormon reaction to the army’s presence in Salt Lake City, “The Church’s leaders...began to charge that the troops had seduced a number of women and had generally brought depravity into the community for the first time

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<sup>118</sup> *Journal History of the Church* Volume 35 (1854 July-December), 466, accessed April 7, 2016, [https://dcms.lds.org/delivery/DeliveryManagerServlet?dps\\_pid=IE287063](https://dcms.lds.org/delivery/DeliveryManagerServlet?dps_pid=IE287063).

<sup>119</sup> *Deseret News*, August 1, 1855, accessed April 3, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/2124>.

since its establishment.”<sup>120</sup> The soldiers would look for any way to relieve some of the tedium of serving in such a rigidly religious community. The restriction and banning of all shops that sold liquor was an attempt to head off any potential trouble that could arise from drunken soldiers in the streets. This ban only worked for Mormons as depicted in the story of a street brawl on Christmas Day 1854, “Our city fathers shut up all the grog shops...On Christmas one of the Gentile merchants concluded to treat some of them; they got about drunk and commenced fighting among themselves. Some of our boys gathered around and the fight soon became general.”<sup>121</sup> Other incidents of drunken brawling and bad behaviour through the fall and winter did nothing to improve the Church leadership’s opinion of the soldiers.<sup>122</sup> But they were also outside the control of the Church. No number of epistles or sermons against the evils of strong drink could change the attitude of the soldiers. This frustration over not being able to exert the kind of influence and control for a period of time demonstrated the danger of allowing too many non-Mormons into the Valley. The poor experience with the Army also contributed to later Mormon resistance to any form of military force that was not their own entering or operating in Utah.<sup>123</sup>

Mormon control continued to be challenged through 1855-1856 with the arrival of more non-Mormon federal officials to the territory. One of the first to arrive was the new surveyor general David H. Burr on July 1855. Burr was tasked with conducting a new a more precise mapping of the settlement, what land was still available to be settled, and the condition of public land in the territory. A few months after arriving in Salt Lake City, Burr discovered how much

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<sup>120</sup> Furniss, *The Mormon Conflict*, 44.

<sup>121</sup> *The Journal History of the Church*, Volume 35 (1854 July-December), 462.

<sup>122</sup> There are reports of fights and licentious behaviour in the *Journal of Church History* through October- December 1854 and February 1855.

<sup>123</sup> Furniss, *The Mormon Conflict*, 44.

control the Church had over the physical space in Utah. The policy of giving over, or consecrating, land titles to the Church meant “The Mormon Church has called upon its members...to *convey it to* their possessions. This call embraces not only the city property, but that of the entire Territory.”<sup>124</sup> According to the legal land titles, the Church owned almost all the privately held land in Utah. Accordingly, any and all profit, product or potential mineral discovery was also the property of the Church. Burr realized this meant that no one could practically dispose of any land or property without the involvement or approval of the leadership of the Latter-day Saints. In the same letter, Burr notes, “If the government should deem it expedient to give the residents (who have not surrendered their possessions to the church) the right of pre-emption to the lots they occupy, some special legislation will be necessary.”<sup>125</sup> This seemingly innocuous observation was at the heart of what would become a serious effort by the Church to hamper Burr’s efforts to get an accurate survey of the territory.

The Mormons were concerned that Burr’s work was a preamble to a government effort to remove them from their land.<sup>126</sup> The territorial government at first barely acknowledged the need for an outside surveyor, appointing Apostle Orson Pratt and Elder Jesse W. Fox as Territorial Surveyors General tasked with mapping and marking the borders of their territory with Oregon to the north.<sup>127</sup> But it was too late, as by this point Burr was headed out on the winter roads to begin a more comprehensive survey of the settlements away from Salt Lake City. Burr worked through the winter of 1855, and in the spring of 1856 began to articulate what he viewed as gross violations of federal land policy. He sent a letter to the General Land Office in May, 1856 that

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<sup>124</sup> “Burr to Whiting, September 30, 1855,” in Buchanan, *The Utah Expedition*, 123. Emphasis original.

<sup>125</sup> “Burr to Whiting, September 30, 1855,” in Buchanan, *The Utah Expedition*, 123.

<sup>126</sup> Furniss, *The Mormon Conflict*, 45.

<sup>127</sup> *Deseret News*, October 24, 1855, accessed April 8, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/2737>.

questioned Mormon annexation of public lands for the use of the territorial government or the Church. The letter did not appear to make it to Washington, but a copy did fall into the hands of Mormon authorities. The ability of Burr to complete the task before him was put in serious jeopardy:

They asked if I wrote the letter. I told them I did. They did not deny the truth of the charges I had made, but asserted *the right* of doing what they did, stating the *country was theirs*, that they would not permit this interference with their rights and this writing letters about them would be put a stop to. The object of the visit I could not divine, unless it was to intimidate me and prevent my writing.<sup>128</sup>

This meeting is an example of the type of pressure put on Burr by Mormon officials as they grew increasingly suspicious of him and his team. His efforts were further hampered by generally uncooperative Mormons who would remove his stakes and steal his animals and equipment.<sup>129</sup> When threats and intimidation did not produce the desired results, the Mormons turned to actual violence in an attempt to head off any report or recommendation that would affect their mastery over the territory.

One surveyor in Burr's employ, C.L. Craig, reported that the Mormon people were being encouraged to do whatever it took to ensure no charting of their land could be carried out and, "that they should prosecute the surveyors in their courts for trespass on their lands," but this was met with little or no response from settlers in the outlying areas. In the same letter Craig stated that the friendly tribes "had been told by Mormons, in Salt Lake City, that we intended, after surveying the lands to put the Indians in chains and drive off the Mormons."<sup>130</sup> The level of intimidation would be ramped up a few weeks later when another of Burr's surveyors was beaten nearly to death on the street. The assailants were not arrested or prosecuted; as Burr reported,

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<sup>128</sup> "Burr to Hendricks, February 5, 1857," in Buchanan, *The Utah Expedition*, 118. Emphasis original

<sup>129</sup> Hyde, *Empires, Nations and Families*, 457.

<sup>130</sup> "Craig to Burr, August 1, 1856," in Buchanan, *The Utah Expedition*, 116-117

“The authorities refused or declined to institute criminal proceedings...they justified the act on the ground that he [the victim] had been talking and railing against their religion.”<sup>131</sup> It was not a coincidence that it was a surveyor that was attacked, and it was ominously clear to Burr that his and his staff’s safety may be in danger.

Burr’s difficulties coincided with another federal official whose determination to perform his duties brought him into conflict with the Mormons. Garland Hurt was an Indian agent who travelled with Colonel Steptoe in the summer of 1854 and became alarmed at the Mormon policies towards the natives. In his opinion the Church was actively attempting to subvert the tribes and turn them against the government of the United States.<sup>132</sup> The expansion of missionary efforts amongst the Indians in the summer of 1855 drew his suspicion. He wrote, “I suspect their first object will be to teach...that they are the rightful owners of the American soil, and that it has been taken from them by the whites, and that the Great Spirit had sent the Mormons among them to help recover their rights.”<sup>133</sup> Hurt, as well as surveyor C.L. Craig, mentioned that the Mormons seemed to want the natives to identify a distinction between Mormons and Americans and creating hard feelings towards the latter.<sup>134</sup> For Garland Hurt, this was his first inkling that the Saints were actively trying to subvert the laws and officials of the United States.

Hurt, like Burr, was not intimidated at first by attempts by the Saints to curtail his activities. In a letter addressed to Governor Brigham Young, Hurt detailed how he and a party of men working for Burr were threatened and the home they were staying in was stoned by

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<sup>131</sup> “Burr to Hendricks, August 30, 1856,” in Buchanan, *The Utah Expedition*, 116.

<sup>132</sup> Anderson, *Desert Saints*, 145, Furniss, *The Mormon Conflict*, 50.

<sup>133</sup> “Hurt to Manypenny, May 2, 1855,” in Buchanan, *The Utah Expedition*, 176.

<sup>134</sup> “Hurt to Manypenny, May 2, 1855,” “Craig to Burr, August 1, 1856,” in Buchanan, *The Utah Expedition*, 116, 176.

Mormons who also appeared to have told the Indians in the area the Americans were there to do them harm. Hurt directly addressed Young:

Soon after commencing my labors...I learned that they made a distinction between the Mormons and Americans, which I thought was not altogether compatible with correct policy, believing that it would ultimately operate to the prejudice of one or the other party. I have...took occasion in my intercourse with the Indians, to teach them that there is no distinction between the two classes, but we are all the Great Father's people.<sup>135</sup>

Hurt did not directly accuse Young and the Church of creating a policy of division, but he did point out that if he was teaching the Indians one thing and the Mormons were teaching another, the result would lead to inevitable conflict over who was telling the truth and that would be detrimental to the peace of the territory.<sup>136</sup> Young's silence in response to Hurt's letter was deafening.

To add to the challenges faced by Church authorities, two new federal justices arrived in Utah in 1855. Many previous reports of Mormon control of the territory focused on Mormon control of the judicial system. W.W. Drummond and George P. Stiles two men who felt determined to change that. Drummond made no secret of his dislike for the Mormon faith, and the Saints had no problem confirming the feeling was mutual. Drummond attacked the 1852 provision that put criminal and civil cases under the jurisdiction of probate courts. The judges in these courts were appointed by the governor and acted as an extension of the legislative branch in outlying counties; as historian Klaus Hansen wrote, "the leaders of the political kingdom of God, through the probate courts, could influence the administration of the counties."<sup>137</sup>

Drummond ordered grand jury investigations into the probate courts' records and demanded

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<sup>135</sup> "Hurt to Young, October 31, 1856," in Buchanan, *The Utah Expedition*, 182.

<sup>136</sup> "Hurt to Young, October 31, 1856," in Buchanan, *The Utah Expedition*, 182.

<sup>137</sup> Hansen, *Quest for Empire*, 132.

indictments if any illegal activity or irregularities were found.<sup>138</sup> Historian Nelson Furniss notes that, “Drummond was the first federal official publicly to challenge the Mormon’s peculiar judiciary system, and the Church recognized in the attack, a serious peril to one of its front-line defences against Gentile interference.”<sup>139</sup>

George P. Stiles was a former Saint who had been in Illinois at the time of the death of Joseph Smith. When he received his appointment in 1855 he was still a Mormon, but by 1856 had been excommunicated for “immoral behaviour.”<sup>140</sup> Stiles focused on another peculiar aspect of the Utah judicial system. The territorial legislature had created the position of Territorial Marshall to serve writs and impanel juries, but Stiles believed the United States marshal should have this jurisdiction. Since the U.S. Marshall was usually a non-Mormon and the Territorial Marshall a Saint, this would take the power of jury selection out of Church hands.<sup>141</sup> Through this measure, Stiles was not only attacking the ability of the Church to influence court cases like the Munroe and Vaughn cases, but also challenging the authority of the territorial government which appointed the territorial Marshall. If the federal officer was the only one with the authority to serve papers, it made the territorial appointee a pointless position, calling in to question why the legislature had created the office in the first place.

Burr, Hurt, Drummond and Stiles challenged the Saints’ authority in Utah more than any previous federal appointee or agent ever had. But they also managed to stir up Mormon sentiments and passions like no else ever had. On September 21, 1856 Brigham Young, in his capacity as President of the Church delivered an oration that would change the tenor of Mormon

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<sup>138</sup> Furniss, *The Mormon Conflict*, 55.

<sup>139</sup> Furniss, *The Mormon Conflict*, 55-56.

<sup>140</sup> Anderson, *Desert Saints*, 160.

<sup>141</sup> Anderson, *Desert Saints*, , Furniss, *The Mormon Conflict*,

resistance and generate a wave of violence aimed at strengthening and reassuring Church control over everyone and everything in Utah.

### **The Mormon Reformation**

The September 21, 1856 discourse by Brigham Young is usually called the “blood atonement” speech by historians and was a response to some of the troubles that began to affect the Church from within in 1856. The growing season of 1856 was plagued by drought and the *Deseret News* reported, “myriads of insects have infested our fields and eaten our crops, thereby causing us to realize...the pinching of want.”<sup>142</sup> A mission to the south of the territory known as the Iron Mission was struggling to produce the iron ore the Presidency had hoped would be an economic boon. Thousands of settlers had made their way across the desert and more were on their way with nothing but what they could pile onto a two wheeled hand cart. This influx of people with no ready capital to put into the coffers of the territory or the Church strained an already thin treasury.<sup>143</sup> Among all of these troubles there came rumors of heresy and apostasy in some of the communities that were more than a day’s ride from the Temple in Salt Lake.<sup>144</sup> Some historians have listed these as contributing to Young’s speech and the launch of the so-called Mormon Reformation.<sup>145</sup>

In the discourse Young informed his audience, “There are sins that men commit for which they cannot receive forgiveness in this world, or in that which is to come, and if they had their eyes open to see their true condition, they would be willing to have their blood spilt upon

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<sup>142</sup> *Deseret News*, August 8, 1856, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/4901>.

<sup>143</sup> Anderson, *Desert Saints*, 155-158.

<sup>144</sup> Richard W. Walker Doris D. Dant, ed. *Nearly Everything Imaginable: The Everyday Life of Utah’s Mormon Pioneers* (Provo: BYU Press, 1998), 274, 280.

<sup>145</sup> More sympathetic historians like Nels Anderson and Juanita Brooks argue for the difficulties of the spring and summer of 1856 as the catalyst for the Reformation as an attempt to cleanse to settlement to regain God’s favour.

the ground.”<sup>146</sup> These few lines were not original thought, it is believed the doctrine of blood atonement was originally revealed by Joseph Smith in the 1843.<sup>147</sup> The reappearance and confirmation of it as a true and real doctrine of the Church in 1856 appears to be a sudden and dramatic shift in the stance of the Church towards their own membership. The next year would bring about some of the most intense violence the territory would ever know. The zealous call for rededication to the faith was a stark contrast with the sermons and epistles from Church leaders in previous years.<sup>148</sup>

The reforming zeal was designed to be all-consuming and touch the faithful throughout the territory. Counsellor to the First Presidency Jedidiah Grant commanded Church officials to search out those who were violating the spiritual and temporal laws of the Church, “and let their names be written down, and let the offence and pace of residence be written against the name, that we may know who are living in sin, where they live and what their offences are.”<sup>149</sup> There was a list of questions to be asked of each individual Saint, in them they were required to affirm they had not done wrong to any of their fellow Saints, but they also were required to profess their loyalty to the faith and the Kingdom:

Have you ever spoken evil of Authorities or anointed of the Lord?  
Do you pay all your Tithing?  
Do you preside over your Family as a servant of God or are they subject to you?  
Do you teach your children the gospel?  
Do you attend Ward meetings?  
Do you pray in your families night and morning?

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<sup>146</sup> “Brigham Young, September 21, 1856,” *Journal of Discourses, Volume IV* (Liverpool: S.W. Richards, 1857), 53, accessed April 8, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/JournalOfDiscourses3/id/706>.

<sup>147</sup> *Doctrine and Covenants*, 132:27, accessed April 10, 2016, <https://www.lds.org/scriptures/dc-testament/dc/132?lang=eng>.

<sup>148</sup> There is a shift in tone from the Apostles and Presidency between 1854 and 1856. The *Journal of Discourses* are generally more paternal and instructional than the fiery exhortations of 1856.

<sup>149</sup> “Jedidiah M. Grant, November 2, 1856,” *Journal of Discourses, Volume IV* (Liverpool: Sw. Richards, 1857), 72, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/JournalOfDiscourses3/id/687>.

Do you pray in secret?<sup>150</sup>

The Saints were encouraged to confess their sins and be re-baptised into the Church. Those who did not were cut off from their congregations until they did and their situation would not be held in confidence. True to Grant's order their names were published until they had fulfilled the requirements to be returned to the Church.<sup>151</sup> The process of examination could be quite intense and stressful, generating a profound sense of relief and release when it was concluded.<sup>152</sup> The result was a reinvigorated people who were vigilant and watchful for any hint of non-conformity. Patty Sessions, a midwife who had been part of the original group of settlers wrote in her diary, "I have felt the necessity of this reformation...my prayer is that the Holy Ghost will be poured out upon the servants of God and that they may ferret out evil until we may become a just people."<sup>153</sup> The vigilance of the re-consecrated and re-baptised was required to ensure the purity of the Church and the establishment of the Kingdom of God.

As Nels Anderson observes, "In the midst of building their industries, speeding up the settlement program, bringing in more emigrants...the leaders became concerned with the religious integrity of the people."<sup>154</sup> Jedidiah Grant provided the fiery rhetoric and the unyielding spirit as he reminded the people of their duties to not only the Church but the future Kingdom of God:

When you are right we will cease to chastise, we will cease to rebuke; we will cease throwing the arrows of the Almighty through you, we will cease telling you to surrender, to repent of all your sins. But until you do this, we will continue to throw the arrows of God through you, to hurl the darts of heaven upon you...we

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<sup>150</sup> "Diary of John Moon Clements, November 4, 1856," in *Innocent Blood: Essential Narratives of the Mountain Meadows Massacre* ed. David L. Bigler and Will Bagley (Norman: Arthur H. Clark Company, 2008), 64. There are ten other questions in this list that cover theft, personal grooming and general morality.

<sup>151</sup> The back pages of the *Deseret News* provides ample evidence for this public shunning, for an example see *Deseret News*, December 31, 1856, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/6193>.

<sup>152</sup> Bigler and Bagley, *The Mormon Rebellion*, 97-98.

<sup>153</sup> Diary of Patty Bartlett Sessions, November 20, 21, 1856, in author's possession.

<sup>154</sup> Anderson, *Desert Saints*, 151.

will storm the bulwarks of hell and we will march against you in the strength of the God of Israel. We expect to triumph...we do not mean to surrender to evil.<sup>155</sup>

The leadership of the Church was determined to strengthen and unify the Saints into an unbreakable faith that were committed to building a Kingdom under the strict on complete control of the Church.

While the volatile air of religious fervour was explicitly directed at the faithful, there was another goal of the reforming zeal. The authority of the Church was being challenged by those from outside the faith, and this also needed to be addressed. In a sermon on December 21, 1856, Apostle Heber C. Kimball exposed the real danger to the purity of the Saints, “There are men right in our midst, some of whom are sitting in this assembly who...sit with the wicked and hear them curse brother Brigham [Young] and brother Heber [Grant] and the authorities of this Church.”<sup>156</sup> The Saints were being told to not only expose and cleanse wickedness from within, they were being told to guard against it from without. It is at this point, late 1856 and early 1857 that the true extent of control and power the Latter-day Saints had in Utah became clear to the non-Mormon officials trying to assert their federal authority.

W.W. Drummond’s personal character provided the Mormons with more than enough to dislike. While he was busy trying to dismantle the probate courts and publicly denouncing the Mormon practice of polygamy, it became clear the woman he had brought from Chicago was not his wife. Adultery was a capital offence in Utah and as Nelson Furniss wrote, “The Mormons...were sensitive to any criticism of their polygamous practices, but they reacted with especial heat when condemnation came from an open libertine.”<sup>157</sup> In January 1856 Drummond

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<sup>155</sup> “Jedidiah M. Grant, November 9, 1856,” *Journal of Discourses, Volume IV* (Liverpool: S.W. Richards, 1857), 87, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/JournalOfDiscourses3/id/672>.

<sup>156</sup> “Heber C. Kimball, December 21, 1856,” *Journal of Discourses, Volume IV* (Liverpool: S.W. Richards, 1857), 138, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/JournalOfDiscourses3/id/620>.

<sup>157</sup> Furniss, *The Mormon Conflict*, 55.

was goaded into using his black servant to assault a Mormonized Jew, and was served with a warrant from one of the probate courts he was trying to break up. The charges were eventually dropped, but in May 1856 he never returned from holding court in Carson Valley. He and his mistress would make their way back east where he prepared a letter of resignation that would accuse the Church of the most terrible of crimes and treason against the United States.<sup>158</sup>

George P. Stiles was the first to be on the receiving end of righteous Mormon violence. His attempts to use the federal rather than the territorial Marshall had provoked a response that could be described exceeding the insult. Stiles, who had been one of Joseph Smith's advisors in Nauvoo, was threatened by Mormon lawyer James Ferguson in open court. His appeals to Governor Young received a curt observation that if Stiles could not uphold the law then he should close his court. Finally on December 29, 1856 his law office was broken in to and some of his papers were burned in an outhouse. Stiles was furious and charged that the papers burned were official court records, therefore property of the federal government and the perpetrators had committed an act of treason.<sup>159</sup> Nothing was done to bring his attackers in for questioning or prosecution. The implication was that Stiles, who was simply trying to uphold what he thought was the correct application of the laws of the United States, in doing so, was directly challenging the laws of the Church. And for that he must be reminded of where he was and what he could actually accomplish.

The fire of the Reformation had cleansed most of the faithful of their impurities, but there were still some non-Mormons who held some authority and attempted to exercise it in the spring of 1857. David Burr and Garland Hurt were proving more difficult to bring under control than the profligate Drummond and the ineffectual Stiles. But when Burr, who was a trained lawyer,

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<sup>158</sup> Bigler and Bagley, *The Mormon Rebellion*, 108, Furniss, *The Mormon Conflict*, 56.

<sup>159</sup> Furniss, *The Mormon Conflict*, 57-58, Bagley, *Blood of the Prophets*, 76, Anderson. *Desert Saints*, 160.

and Hurt attempted to secure a ruling for the supremacy of federal law over territorial, it became very clear that the virulent actions taken against the Saints who did not conform extended to them as well. As Elder, and future President of the Church, Wilbur Woodruff recounted:

We have no trouble with the Gentiles here in court or anywhere else...one of the late scenes while in court...with Dr. Hurt, Gen. Burr and some smaller fry to bullyrag all our laws and their defenders; a part of them came armed with Colt's revolvers. It ended in...Gen. Burr's dismissal from the bar, and some other, who intended to use the pistols, went out of the house in the form of a sled, using the seat of the honor [pants] for runners. All has been quiet since, having but little lawing on hand.<sup>160</sup>

At this point it became very clear to Burr that his safety was in danger. News of the death of members of the Parrish family in Springville, sixty miles south, solidified that feeling.

William Parrish was a converted Mormon who had found his faith cooling and the violent language of the reformation had done nothing to change that. In March of 1857 he decided that he was not going to submit to the ongoing demands being made by the local bishop and he and his sons were going to leave the territory. The men chose to leave at night, so as to avoid the denunciation as apostates.<sup>161</sup> In a discourse in Springville, Apostle Orson Hyde declared “apostates would not be allowed to leave, and if they attempted it hogholes would be stopped up with them.”<sup>162</sup> The three men, along with a supposedly friendly guide, were ambushed and killed; the elder Parrish, “was literally cut to pieces. His throat was cut...his fingers and arms, his back, in fact his whole body was covered with knife wounds.”<sup>163</sup> The violence was not the only shocking part of this story, it was the general feeling that everyone knew who had committed the

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<sup>160</sup> *The Journal History of the Church*, Volume 43 (1857 January-April), 215, accessed April 10, 2016, [https://dcms.lds.org/delivery/DeliveryManagerServlet?dps\\_pid=IE266732](https://dcms.lds.org/delivery/DeliveryManagerServlet?dps_pid=IE266732)

<sup>161</sup> Furniss, *The Mormon Conflict*, 89.

<sup>162</sup> *Valley Tan*, April 4, 1859, accessed April 10, 2016, <http://udn.lib.utah.edu/cdm/ref/collection/valleytan/id/648>.

<sup>163</sup> *Valley Tan*, April 4, 1859.

crime, but no one was brought to trial for the crime. It was thought no one ever would, as this was blood atonement for the unforgivable sin of apostasy.

The savage deaths in Springville finally moved Burr and Stiles to action. As Burr wrote, “I have been cursed and denounced in their [Mormon] public meetings and the most diabolical threats made against me. We are by no means sure we would be permitted to leave, for it is boldly asserted we would not get away alive. We were inclined to think them idle menaces, until a few days since, when three men were killed in Springville...for making the attempt.”<sup>164</sup> On April 15, 1857 Burr, Stiles and the U.S. Marshall made their way out of the territory before the onset of spring which would have made travelling safer.<sup>165</sup> Their departure left Garland Hurt as the sole, remaining non-Mormon federal official in the territory. Hurt would not leave the territory until the fall of the same year, not wanting to abandon his Indian allies and friends to what he viewed as the evil influence of Mormon missionaries.<sup>166</sup>

The flight of another series of non-Mormon officials from Utah triggered serious alarms in the east. Drummond wrote a scathing denunciation of the Mormon Church and the government in his resignation letter. In it he blamed the Mormons not only for the murder of Captain Gunnison but of A.W. Babbitt the former secretary of the territory and the two judges who Drummond and Stiles had replaced.<sup>167</sup> But more damningly he laid out what he believed was the root of the problem that any federal official would have in entering Utah: “The only rule of law by which the infatuated followers of this curious people will be governed, is the law of the church, and that emanates from Governor Brigham Young, and him alone.”<sup>168</sup> In his final report

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<sup>164</sup> “Burr to Hendricks, March 28, 1857,” in Buchanan, *The Utah Expedition*, 119-120.

<sup>165</sup> Bagley, *Blood of the Prophets*, 76-77.

<sup>166</sup> “Hurt to Johnston, October 27, 1857,” in Buchanan, *The Utah Expedition*, 207.

<sup>167</sup> “Drummond to Black, March 30, 1857,” in Buchanan, *The Utah Expedition*, 213.

<sup>168</sup> “Drummond to Black, March 30, 1857,” 214.

after leaving the territory, David Burr concurred that anyone who was not a Saint would be unable to function in an official capacity, “In common with all who do not belong to the Mormon Church, I had, from my first advent among them, been looked upon by the rulers of that church and people as alien, an enemy, and an intruder upon their rights.”<sup>169</sup> Garland Hurt summed up his experience with Mormon control, “Unfortunately, these people have views peculiar to themselves, and interests separate and distinct from all other communities, and which are paramount to all other considerations, even the laws of the country not excepted.”<sup>170</sup>

### **After the Reformation**

The totality of these condemnations from federal officials unable to perform their tasks in Utah, coupled with lurid stories of roaming and ravaging bands of Mormon “Danites”<sup>171</sup> generated a huge outcry in the eastern United States. The *New York Daily Tribune* spilt ink almost every day after the publication of W.W. Drummonds’ resignation letter on April 24, 1857, detailing the horrors of Mormon power and practice. Newspapers across the eastern seaboard picked up an editorial from the *National Intelligencer* that meticulously listed the power and strength of the Mormon militia and how their policies towards natives were designed to give them another military ally in the face of a government invasion. The editorial demanded that “something ought to be done,” otherwise “they may always remain a Territory of the United States, recognizing the Federal Laws merely as a *form*, while the power *de facto* remains

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<sup>169</sup> “Burr to Hendricks, June 11, 1857,” in Buchanan, *The Utah Expedition*, 121.

<sup>170</sup> “Hurt to Forney, December 4, 1857,” in Buchanan, *The Utah Expedition*, 201.

<sup>171</sup> “Danites” or the Sons of Dan was a loosely organized militia force established in Illinois to protect Mormons who lived in outlying areas around Nauvoo. Through the history of Mormon tensions with non-Mormons in Utah, Danites were blamed for many of the instances of threats, intimidation and violence. The existence of the Danites as an officially sanctioned arm of the Church has never been definitively proven, although they play a large part in popular stories of Mormon depravity in the desert, even being immortalized by Sir Arthur Conan Doyle in *A Study in Scarlet*, the first Sherlock Homes story.

absolute, and the head of the Church becomes the head of the State.”<sup>172</sup> The calls for government intervention did not go unheeded; President James Buchanan took all of the information and decided the time had come to deal with ten years of rumours regarding the kingdom in the desert. Buchanan told Congress in his first State of the Union address that “There no longer remains any government in Utah besides the despotism of Brigham Young. If he chooses that his government shall come into collision with the Government of the United States, the members of the Mormon Church will yield implicit obedience to his will. His power has been... absolute over both church and state.”<sup>173</sup> The United States government had finally realized they were not in control of Utah and had absolutely no power or authority on their western border. On May 23, 1857 the Army was ordered to go to Utah, along with new governor Alfred Cumming, to change that.

The zeal of the reformation had not cooled the fire of Mormon reactions to criticisms from the east. As far as they were concerned the men who were calling their morality and their religion into question were beneath contempt. A May 23, 1857 *Millennial Star* editorial called Drummond an “infamous scoundrel and dastardly wretch...an ignorant, back-woods pettifogger,” before going on to refute, item by item the charges Drummond had laid against the Church and Brigham Young.<sup>174</sup> The rumours of a new governor and judges being appointed to serve in Utah drew some advice for President Buchanan from the *Deseret News*:

He select one or more civilians unbound by any ism or isms, also intelligent, strictly honourable, upright and gentlemanly in the true sense of those terms, and send them to Utah on a short visit to look around and see what they can see, and return and report. But in case that should not suit the fire-eating, blood-and-thunder, hell-and-fury, spoils-seeking, office hunting and black-mail-levying portion of the community, we suggest to them that the send a committee from

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<sup>172</sup> *Weekly North Carolina Standard*, April 29, 1857, accessed April 10, 2016, <http://chroniclingamerica.loc.gov/lccn/sn84045030/1857-04-29/ed-1/seq-2/>. Emphasis original. This editorial was reprinted in dozens of newspapers, this weekly was chosen to demonstrate the spread of anti-Mormon sentiment throughout the eastern United States.

<sup>173</sup> James Buchanan, "First Annual Message to Congress on the State of the Union," December 8, 1857, *The American Presidency Project*, accessed January 31, 2016, <http://www.presidency.ucsb.edu/ws/?pid=29498>.

<sup>174</sup> *Millennial Star*, May 23, 1857, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/MStar/id/2583>.

their own clans, and so long as they behave...we will guarantee that Governor Young and the people of Utah will treat them with more true courtesy and kindness than they have ever met with.<sup>175</sup>

The invitation also came with a warning to those that would try and impose non-Mormon ways in Utah, “The fire of the reformation has caused fearfulness to surprize the hypocrites in Zion, and is making Utah’s soil too warm for the footsteps of those who wish to trample upon the Constitution and laws of our common country and the saving, wise, good and wholesome laws and domestic institutions and regulations of our Basin Territory”<sup>176</sup> In a memorial given to President Buchanan shortly after his inauguration, the members of the Territorial Legislature informed the president that, “we will resist any attempt of Government officials to set at naught but our Territorial laws, or impose upon us those which are inapplicable and of right not in force in the Territory.”<sup>177</sup> The Mormons had been cleansed of all evil influences and had chased away anyone who wished to impose outside influence. The Saints were not about to give up their control over Utah without resistance.

As the Army was mustering to head west news came of the death of Apostle Parley P. Pratt in Van Buren, Arkansas. Pratt was a well-loved and greatly respected member of the upper levels of the Church hierarchy who was on a mission to eastern states. His murderer was the former husband of Pratt’s twelfth wife. His death came after being arrested and acquitted on a writ that had been sworn by his murderer. The killer then, “waited for him to leave, and in the company of two other murderers started in pursuit, immediately followed by others. About twelve miles from Van Buren...they came up with their victim-fired seven shots, and then

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<sup>175</sup> *Deseret News*, July 1, 1857, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/7318>.

<sup>176</sup> *Deseret News*, July 8, 1857, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/7387>.

<sup>177</sup> *Deseret News*, October 7, 1857, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/desnews1/id/8008>.

stabbed him several times in his left side, one of the cuts piercing his heart.”<sup>178</sup> The Saints were incensed at the seemingly senseless death of one of their most respected figures, but it was the aftermath that created outrage:

After remaining in town for several hours, and walking the streets with impunity, he [the killer] was escorted by a number of citizens of Van Buren to the boat and took his leave of the place. Verily we had long thought that the bloodthirsty mobocrats of Missouri and Illinois were without parallel in the world, but we now yield the palm to the church-going citizens of Van Buren, for they have proven to the world that they are a den of murderers and assassins.<sup>179</sup>

The death of Pratt would have major implications later in the year in the year, but his death at the time was greeted with sadness and anger in Mormon strongholds in Utah and California.<sup>180</sup> It also was one more reason for the Church to resist any and all Gentile interference in Utah. Pratt’s death was equated with Joseph and Hyrum Smith’s and the faithful were called upon to avenge his death as they would the Prophet’s.<sup>181</sup>

As the Army made its slow way from Kansas, the Church continued to prepare the Saints for the coming of an invading force sent by the government they had been paying lip service to for ten years. Heber C. Kimball told a gathering in Salt Lake City, “It has been my feeling for years and years, that the time would come when we would not endure the abuse of bloodthirsty enemies any longer; and I would ten thousand times rather go and live in the mountains than to live here under oppression and unjust government, such as United States’ officials have sought to mete out to us.”<sup>182</sup> This simple declaration summed up the Church’s stance as they began to drill the Nauvoo Legion, stockpile food, and call home missionaries from across the country and

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<sup>178</sup> *Millennial Star*, July 4, 1857, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/MStar/id/2651>.

<sup>179</sup> *The Journal History of the Church* Volume 44 (1857 May-July), 56, accessed April 10, 2016, [https://dcms.lds.org/delivery/DeliveryManagerServlet?dps\\_pid=IE5021398](https://dcms.lds.org/delivery/DeliveryManagerServlet?dps_pid=IE5021398).

<sup>180</sup> Bagley, *Blood of the Prophets*, 71.

<sup>181</sup> Bigler and Bagley, *The Mormon Rebellion*, 131.

<sup>182</sup> “Heber C. Kimball, August 16, 1857,” *Journal of Discourses Vol. IV* (Liverpool: S.W. Richards, 1857), 375, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/JournalOfDiscourses3/id/384>.

around the world for the defence on the Kingdom. The fervour of the reformation had done its job: it had removed the non-Mormons from their midst and had welded the Saints into a solid and unyielding religious, political and cultural bulwark against the Gentiles who were coming to destroy their mountain home.<sup>183</sup>

The approach of the army did nothing to slow the travel of emigrants from the east hoping to make their fortunes in California. One party of travellers crystalized everything the Saints feared and loathed about non-Mormons coming to or through Utah and acting outside the strict control of the Church. The Baker-Fancher party had been travelling from Arkansas headed for California and were making their way through the zealous southern counties of Utah when they met with a violent and horrific end. On September 11, 1857, one hundred and twenty men, women and children were killed by a band of Mormon militia and their native allies at Mountain Meadows. Volumes have been written about the death of this settler party and the involvement of the Church hierarchy. Subsequent stories of the party's abuse and provocation of Mormons along their route have never been proven, nor has any implication of involvement of the upper levels of the Church hierarchy. What is clear is that the Mormons who were part of the death squad were convinced of two things: the party included at least one person who was present at the death of Parley Pratt and the travellers were using the land they traveled on without permission of the Church leadership.<sup>184</sup> The massacre of the settlers at Mountain Meadows demonstrated to the rank and file as well as the commanders on the ground of the U.S. Army of the seriousness of Mormon intentions to protect their territory. From this point on, the conflict became less of a

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<sup>183</sup> Anderson, *Desert Saints*, 151.

<sup>184</sup> Even the idea of one of Pratt's assassins being in the Baker-Fancher party has been called into question by Will Bagley in *Blood of the Prophets*. It is not the purpose of this paper to discuss the theories and historiography of Mountain Meadows, but the massacre does illustrate how in a time of heightened religious and political tension, the only thing the Baker-Fancher party was assuredly guilty of was not being Mormon.

rhetorical war and headed towards the potential of an actual conflict. Mountain Meadows, while tragic, was not the trigger for the Mormon War. That had been established over years of subversion and defiance by the Church since their arrival in Utah.

## **Chapter Four: Conclusion**

The Utah Expedition of 1857-58 ended before it ever really began. The army was forced to spend the winter far away from Salt Lake City and a war of words was waged between Young, incoming governor Alfred Cumming, and the commanders of the army. The only real conflict came when Mormon raiding parties burned U.S. Army supply trains.<sup>185</sup> Young and the Church eventually accepted the inevitable as the army made its slow way south in the spring and summer of 1858 and accepted the appointment of a new governor and the presence of federal troops in Utah.

Over the next close to forty years, the Mormons continued in their quest to establish the Kingdom, but were more closely scrutinized by an ever present federal government presence. The passage of the Morrill Anti-Bigamy Act in 1862 and later the Edmunds-Tucker Bill of 1887 criminalized the Mormon practice of polygamy. Polygamy had been a publicly acknowledged doctrine since 1852, but it was not until these acts that it became a legal focus of federal officials. The Saints were arrested and prosecuted and many, including President John Taylor, fled into the wilderness as their precious mountain stronghold became a place of legal persecution. It was the thing Brigham Young, Orson Pratt and the leadership of the Church had feared in 1857 when it became apparent they were going to have to defend their Kingdom.

In remarks before the gathered Saints on September 13, 1857 Brigham Young recalled a statement he allegedly made when the Mormons had first arrived in the Salt Lake Basin in 1847, “If the people of the United States will let us alone for ten years, we will ask no odds of them.”<sup>186</sup>

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<sup>185</sup> Furniss, *The Mormon Conflict*, 109-110.

<sup>186</sup> “Brigham Young, September 13, 1857,” *Journal of Discourses Volume V* (Liverpool: Asa Calkin, 1858), 226, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/JournalOfDiscourses3/id/2150>. Young’s comment is most likely apocryphal. He is remembering something he said that is not documented anywhere, but had become and still is part of Latter-day Saint legend.

It would be ten years to the day when the Saints announced there was an army headed towards them with the express intent of toppling the government of the Kingdom of God and the destruction of Church supremacy in Utah. In those ten years, the Church had managed to consolidate enough power and control to be able to hold off an underfunded and undermanned U.S. Army with little or no loss of life for close to year. The change from the scattered, frightened and defeated group that fled Illinois in 1847 is startling.

The experiences of the Mormons in their early days had forged an iron will and a steely resolve to never again be subjected to persecution and suffering at the hands of Gentiles. This determination led the Saints as far as possible from the torments of a world that had seen them as too radical even in a time of radical religious and social change. The story of Brigham Young being divinely inspired to select the Salt Lake Valley is disingenuous at best. Advance scouts had been sent ahead from Winter Quarters in 1846-47 looking for the right place for the Mormons to settle.<sup>187</sup> There can be little doubt that Young, along with the Twelve apostles chose the Salt Lake Basin for its remoteness, its fastness, and at the time, its location outside the borders of United States territory. Political boundaries, as much as geographical ones, were of as great importance when selecting the place to set up the Kingdom of God.

Mormonism also had a unique feature in the nature of its adherents. As Klaus Hansen states, “The Kingdom of God provided those people who were alienated from the American social order with a social order of their own.”<sup>188</sup> That social order encompassed all facets of a Saint’s life. The *Doctrine and Covenants* combined with the Book of Mormon made the Mormons an exclusive people in an exclusive nation. The fact that the leadership were constantly giving instruction and providing new and exciting revelations made the faith more vibrant and

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<sup>187</sup> Davies, *Introduction to Mormonism*, 31.

<sup>188</sup> Hansen, *Mormonism and the American Experience*, 122.

alive. To keep that sense of wonder and attachment it was necessary for the Church to exert as much control over what the Saints read, heard, purchased and sold. There could be no interference in the Kingdom from challenging thoughts and words, for those were the things that had cost them dearly in the early years.

In Utah the Church did everything it could to ensure complete and total control. The continued failures to establish self-sustaining industries like the Iron Mission to the south and the sugar beets to the west were attempts to make the proposed Kingdom reliant on nothing but its own resources. The settlement patterns and the giving over of property under the Law of Consecration ensured the Church would have the final say in the methods and means of production required to subsist in Utah. No single person would be able to acquire enough wealth and power to challenge the authority of the Church through economic means, and the faithful would take what was given to them because there was nothing else to have.

The Saints would never forget the privations visited on them by non-Mormons in their earlier settlements. Garland Hurt wrote of his dealing with the Mormons, “I do not wish to excite prejudice or encourage feelings of hostility against these people. They always have and ever will thrive by persecution. They know well the effect it has had on them, and, consequently, crave to be persecuted.”<sup>189</sup> The remembrances of what had happened to them could always be brought up to remind the faithful of the difficulties they had faced to get to their place of peace and solitude. In using that collective memory, the Church could make the Saints wonder what would happen if they allowed Gentiles back into their world. The answer was always a resounding denial of ever wanting to be part of the world outside the Valley. Missionaries were sent across the world with the express intent of bringing new converts to the fold who would understand the difficulties in

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<sup>189</sup> “Hurt to Manypenny, May 2, 1855,” in Buchanan, *The Utah Expedition*, 176.

simply being Mormon. The shared history of violence and persecution would make an exclusive religious practice even more exclusive.

To establish the Kingdom of God required the complete control of the temporal administration. To accomplish this meant establishing a government for and by the Church, one that would enact and enforce laws that were compatible with the doctrines of the faith. The Church managed to be one step ahead of the federal government in all things when it came to this, having a ready pool a candidates and the majority of the population to keep them elected. Over the vastness of the space between Washington and Salt Lake City, it often appeared as if addressing the domination of the Church over the civil and legislative affairs of Utah would require more time and effort than anyone in the east was willing to expend.

When outside officials were appointed, it was the goal of the Church to have them removed as soon as possible. Here, the lessons of intimidation and violence learned from their Gentile neighbours became useful. In a place where there were few, if any dissenting voices, a non-Mormon who questioned the authority of the Church could be bullied, harassed, threatened and taxed until they either submitted or left. The Saints went out of their way to ensure there was no welcome for Gentiles in Utah so they could maintain their control over their territory.

There was an implicit understanding among the Saints that the Church held control over all matters spiritual and temporal during the early 1850s. The implicit control became more explicit in the mid-1850s as non-Mormons and the federal government challenged the peculiar ways the territory was being administered. David Burr recalled that the Saints were told to not cooperate with federal surveyors on pain of extreme punishment, and noted that the laws of the United States did not seem to apply in Utah.<sup>190</sup> It was precisely this repudiation of federal law

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<sup>190</sup> “Burr to Hendricks, March 28, 2857, June 11, 1857,” in Buchanan, *The Utah Expedition*, 199, 120.

that would eventually draw enough attention to the situation in Utah that would prompt a military response.

It was through the law that the Mormon leadership maintained control over such a large area so effectively. By placing their own men in positions of judicial authority and granting criminal and civil powers to the lowest courts, the Church could control anyone and anything that came through the territory. The laws that applied in the rest of the country did not apply in Utah. Operating among the Mormons was a difficult chore for any non-Mormon, because to understand the law meant being part of the Church. Therefore making the right choice in any given situation was often a proverbial roll of the dice. For Example, adultery was a capital offence, but murder was not, depending on the circumstance. The interpretation of the law fell on men who did not separate their faith from the dispensation of justice. Through the courts and the legislature the Church was able to extend their power over the whole of Utah and build the firm foundation of the Kingdom of God.

The belief that they could not remain in the shadows forever was understood by Brigham Young. Months before the onset of the reformation he was setting the stage to create a population that was completely loyal to not just the Church but the state as well. In a discourse on March 23, 1856 Young said of those who would challenge the authority of the Church, “You may chastise them or take any judicious course to bring them to their senses; that they may know whether they wish to be Saints or not. If we continue to sin, if we continue to neglect our duty and disobey counsel, the light afflictions which have visited us in these mountains are but as a drop to a bucketful when compared to what awaits us.”<sup>191</sup> This warning was a portent for the reformation zeal to come six months later.

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<sup>191</sup> “Brigham Young, March 23, 1856,” *Journal of Discourses Volume III* (Liverpool: Orson Pratt, 1856), 275, accessed April 10, 2016, <http://contentdm.lib.byu.edu/cdm/ref/collection/JournalOfDiscourses3/id/100>.

The reformation was preached as a need to cleanse the Church of impure elements both within and without the body of the faithful. The results of the reformation would drive officials that were beyond the control of the Church out of Utah and create a feeling of genuine fear when Gentiles thought of going against the power of the Church. But it would also establish the Mormons as a people that could not be divided in the face of adversity. If the Saints could come through the fire of self-examination with a renewed sense of purpose, they would not break when examination from outside. In the face of heightened criticism and an advancing army, the Church and its followers were a united and strong people.

The Reformation was the final element needed to create the Kingdom of God. By creating an atmosphere of religious and emotional fervour that required a rededication to the faith, the Church ensured a zealous and energetic population that were ready to accept the coming of the Kingdom and would do whatever was necessary to make it happen. The decision to send in the army in 1857 did not cow or break the Mormons because they were still riding the spiritual high that was being translated into temporal strength.

The Mormons' wholesale control over Utah became a struggle for control as the federal government realized how little it actually had in the territory. It would take nearly forty years before the Saints would officially submit for the price of full admission as a state in the Union in 1896. In those forty years, the United States would discover just how deep the roots of Latter-day Saint control had gone after those first, undisturbed ten years in the Valley of the Saints.

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