

# HUBERT HOWE BANCROFT'S HISTORY OF UTAH 1540 - 1886

p. 439

Chapter XVII.  
Utah As a Territory.  
1849-1853.

Need of Civil Government — the State of Deseret Organized — Memorials for Admission Into the Union — Proposed Consolidation With California — Administration of Justice — Proceedings of the Legislature — Babbit's Reception at Washington — the State of Deseret Before Congress — Act to Establish a Territorial Government Appointment of Officials — Ill Feeling Between Them and the Mormons — the Officials Depart for Washington — Measures of the Legislative Assembly — Stansbury's Survey — the Gunnison Massacre — Indian Outbreaks — the Walker War — Mexican Slave-Traders.

Until the year 1849 the Mormons were entirely under the control of their ecclesiastical leaders, regarding the presidency not only as their spiritual head, but as the source of law in temporal matters. Disputes were settled by the bishops, or, as they were also termed, magistrates of wards, appointed by the presidency. The brotherhood discountenanced litigation, as before mentioned, but the population did not consist entirely of members of the church. There was already in their midst a small percentage of gentile citizens, gathered, as we have seen, from nearly all the civilized nations of the earth. It was probable that, as the resources of the territory were developed, this number would increase in greater ratio, and it was not to be expected that they would always remain content without some form of civil government. Not infrequently litigation arose among the gentiles, or between Mormon and gentile; and though strict justice may have been done by the bishops, it was

p. 440

difficult for the latter to believe that such was the case. When the loser appealed to the presidency,<sup>1</sup> their judgment always confirmed the decision of the bishops, and hence was further ground for dissatisfaction. The saints regarded their courts as divinely commissioned and inspired tribunals; but not so the gentiles, by whom reports were freely circulated of what they termed the lawless oppression of the Mormons. Thus it became advisable to establish for the benefit of all some judicial authority that could not be questioned by any, whether members of the church or not, and this authority must be one that, being recognized by the government of the United States, would have the support of its laws and the shield of its protection. Further than this, if the Mormons neglected to establish such government, the incoming gentiles would do so ere long.

Early in 1849, therefore, a convention was summoned of "the inhabitants of that portion of Upper California lying east of the Sierra Nevada Mountains," and on the 4th of March assembled at Salt Lake City. A committee<sup>2</sup> was appointed to draught a constitution, under which the people might govern themselves until congress should otherwise provide by law. A few days later the constitution was adopted, and a provisional government organized, under the name of the State of Deseret.<sup>3</sup> An immense tract of country was claimed, extending from latitude 33° to the border of Oregon, and from the Rocky Mountains to the Sierra Nevada, together with a section of the territory now included in

southern California, and the strip of

<sup>1</sup>The president desired no litigation among his people. 'Most of them,' he said, 'have learned that it is a condescension far beneath them, and that it opens a wide door, when indulged in, for the admission of every unclean spirit.' *Hist. B. Young*, 1852, MS., 15.

<sup>2</sup>Albert Carrington, Joseph L. Heywood, William W. Phelps, David Fullmer, John S. Fullruer, Charles C. Rich, John Taylor, Parley P. Pratt, John M. Bernhisel, and Erastus Snow. *Utah Early Records*, MS., 51.

<sup>3</sup>The word 'Deseret' is taken from the book of Mormon, and means honey-bee. As it is written in the book of Ether of the people who came over the great water from the old world to the new: 'And they did also carry with them "deseret," which, by interpretation, is a honey-bee.'

p. 441

coast lying between Lower California and 118° 30' of west longitude.<sup>4</sup> The seat of government was to be at Salt Lake City, and its powers were to be divided, as in other states, into three branches, the legislative, executive, and judiciary. The legislative authority was to be vested in a general assembly, consisting of a senate and house of representatives, both to be elected by the people.<sup>5</sup> The executive power was placed in the hands of a governor, elected as elsewhere for four years;<sup>6</sup> a lieutenant-governor, who was chosen for the

<sup>4</sup>After the preamble, in which it is stated that since the treaty with Mexico all civil organization originating with that republic was abrogated, and that congress had failed to provide for the civil government of the territory lying in the great interior basin of Upper California, or any portion of it, the constitution declares: 'We, the people, grateful to the supreme being for the blessings hitherto enjoyed, and feeling our dependence on him for a continuation of those blessings, do ordain and establish a free and independent government by the name of the State of Deseret, including all the territory of the United States within the following boundaries, to wit: commencing at the 33d degree of north latitude, where it crosses the 108th degree of longitude west of Greenwich; thence running south and west to the northern boundary of Mexico; thence west to and down the main channel of the Gila River, on the northern line of Mexico, and on the northern boundary of Lower California to the Pacific Ocean; thence along the coast north-westerly to 118° 30' of west longitude; thence north to where the said line intersects the dividing ridge of the Sierra Nevada Mountains; thence north along the summit of the Sierra Nevada Mountains to the dividing range of mountains that separates the waters flowing into the Columbia River from the waters running into the great basin; thence easterly along the dividing range of mountains that separates said waters flowing into the Columbia River on the north from the waters flowing into the great basin on the south, to the summit of the Wind River chain of mountains; thence south-east and south by the dividing range of mountains that separates the waters flowing into the gulf of Mexico from the waters flowing into the gulf of California, to the place of beginning, as set forth in a map drawn by Charles Preuss, and published by order of the senate of the United States in 1848.' *Id.*, 52-4; *Hist. B. Young*, MS., passim; *Burton's City of the Saints*, 350-1; *Mackay's The Mormons*, 258-9.

<sup>5</sup>Annual sessions of the general assembly were to be held, the first one to convene on the first Monday in July 1849, and thereafter on the first Monday in December, unless summoned by the governor of the state during the interim. Members of the house of representatives were elected biennially. They must be at least twenty-five years of age, free white male citizens of the United States, residents of the state for one year preceding their election, and of the district or county 30 days preceding. Senators were elected for four years, must be at least 30 years of age, and possess, as to residence and citizenship, the same qualifications as representatives. The number of senators must not be less than one third, nor more than one half that of the representatives. Each house was to choose its own officers, and a majority in each house was to constitute a quorum for the transaction of business. Each member of the assembly must take an oath or affirmation to support the constitution of the United States and of the state of Deseret, the oath to be administered by the members to each other. To the governor was granted the usual power of veto. *Utah Early Records*, MS., 54-6.

<sup>6</sup>The qualifications, powers, and duties of the governor were similar to those of the governors of other states.

p. 442

same term, and became ex officio president of the senate; a secretary of state; an auditor; and a treasurer.<sup>7</sup> The judiciary was to consist of a supreme court, and such inferior courts as the general assembly might establish. A chief justice and two associate judges were to be elected by a joint vote of the senate and house of representatives.<sup>8</sup>

All free white male residents of the state over the age of twenty-one were allowed a vote at the first election,<sup>9</sup> and all between the ages of eighteen and forty-five, except those exempt by the laws of the United States and of the state of Deseret, were to be armed, equipped, and trained as a state militia, embodied a few weeks later in the Nauvoo legion, which was now reorganized and divided into two cohorts, each cohort containing four regiments, each regiment two battalions, and each battalion five companies, Daniel H. Wells being major-general, and Jedediah M. Grant and Horace S. Eldredge brigadier-generals.<sup>10</sup>

<sup>7</sup>The returns of each election for executive officials were to be sealed up and transmitted to the speaker of the house of representatives, who, during the first week of the session, must open and publish them in the presence of both houses. They were required to take the same oath or affirmation as did the members of the assembly. *Id.*, 60.

<sup>8</sup>The judges were to hold office for four years, or until their successors were elected.

<sup>9</sup>No person in the service of the U.S. government was to be considered a resident on account of his being stationed within the territory, unless otherwise provided by law. Vote was of course by ballot. *Utah, Acts Legisl.* (ed. 1855), 53.

<sup>10</sup>Military districts were organized, one in each county. At the first there were only sufficient men in each district for a company or battalion. As the number increased, a brigade was formed, with a brigadier-general in command, and afterward a division, in charge of a major-general. Each district made returns direct to the adjutant-general's office. *Wells' Narr.*, MS., 10. In May, Charles C. Rich and Daniel H. Wells of the committee on military affairs reported that they had organized the legion. Grant was brigadier-general of the first cohort, John S. Fullmer being colonel of the first regiment, Willard Snow major of the first battalion, and George D. Grant captain of the first company, first battalion. The first regiment consisted entirely of cavalry, and the first company, first battalion—termed life-guards—of selected men, whose duty it was to protect Salt Lake City and its vicinity from Indian depredations. Eldredge was in command of the second cohort, with John Scott as colonel of the first regiment, Andrew Little major of the first battalion, and Jesse P. Harmon captain of the first company, first battalion, called the silver grays, and composed of men over 50 years of age. The second and third companies of this battalion were artillery. The second company, second battalion, of this regiment was termed the juvenile rifle company, and consisted of youths under eighteen. *Hist. B. Young*, MS., 79; (cont.)

p. 443

On the 12th of March a general election was held at the bowery in Salt Lake City, this being the first occasion on which the saints had met for such a purpose. For the successful ticket 624 votes were polled, Brigham Young being chosen governor; Willard Richards, secretary; Horace S. Eldredge, marshal; Daniel H. Wells, attorney-general; Albert Carrington, assessor and collector; Newell K. Whitney, treasurer; and Joseph L. Heywood, supervisor of roads. As no session of the assembly had yet been held, the judiciary was also elected by the people, Heber C. Kimball being chosen chief justice, and John Taylor and Newell K. Whitney associate judges.<sup>11</sup>

The general assembly was first convened on the 2d of July, and on the 3d Willard Snow, being appointed speaker of the house of representatives, administered the oath or affirmation to the executive officials.

Thus did the brethren establish, in the valley of the Great Salt Lake, the state of Deseret. It was certainly a novel and somewhat bold experiment on the part of the saints, mustering then little more than one sixth of the number required for admission as a state, thus to constitute themselves a sovereign and independent people, with a vast extent of territory, and calmly await the action of congress in the matter. It will be remembered that they themselves had lent their aid, in howsoever slight degree, in wresting a portion of this territory from Mexico, and they did not claim more than they believed that they could in time subdue and occupy. Already they felt assured that proselytes

---

(<sup>10</sup>cont.) *S. L. City Contributor*, ii. 177. In the *Deseret News* of Oct. 19, 1850, is an account of a three days' muster of the legion. In *Id.*, Sept. 14, 24, 1850, Feb. 22, 1851, July 30, 1853, are copies of general orders issued to the legion during certain Indian troubles, of which more later. Other general orders will be found in *Id.*, Dec. 8, 1853, Jan. 26, 1854, Oct. 3, 1855, July 11, Sept. 10, 1856, Apr. 1, 15, June 17, 1857. For additional items concerning the legion, see *Id.*, Jan. 25, March 21, Apr. 4, 1855; *S. F. Herald*, Feb. 22, 1854; *Sen. Doc.*, 32d Cong. 2d Sess., no. 33; *Fisher's Am. Star. Ann.*, 1854, 120; *Burton's City of the Saints*, 408.

<sup>11</sup>*Utah Early Records*, MS., 66; *Harrison's Crit. Notes on Utah*, MS., 5-6; *S. L. City Contributor*, ii. 177; *Smith's Rise, Progress, and Travels*, 19. At the same election 25 magistrates or bishops of wards were elected. The number of votes polled was 674. *Hist. B. Young*, MS., 1849, p. 38.

p. 444

would gather by myriads under the banner of the prophet. Nor was their assurance unfounded; for, as we have seen, not less than fifteen thousand arrived in the valley before the close of 1852, and were content to remain there, believing that they had found better prospects than were to be had even in the gold-fields of California, which lay but a few weeks' journey beyond.

The Mormons did not, however, hope to remain an independent republic, nor did they probably wish to do so. Well they knew that the tide of westward-bound migration, soon to be increased by the establishing of a stage line and possibly by the building of a railroad, which, as we shall see later, was already projected, would sorely disturb the peace of their mountain home unless their claims were recognized by the United States. On the 30th of April a memorial had already been signed by more than two thousand persons, asking for a "territorial government of the most liberal construction authorized by our excellent federal constitution, with the least possible delay."<sup>12</sup> On the 5th of July Almon W. Babbitt was elected delegate to congress in a joint session of the senate and representatives, and on the 6th a memorial was adopted by the representatives, in which the senate concurred three days later, asking for admission as a state.

The latter memorial is a somewhat remarkable document, and serves to show the slight esteem in which the Mormons held the legislature of the United States, and the unbounded confidence which they placed in themselves. Congress is reminded that it has failed

<sup>12</sup>In the preamble we read: 'Whereas we are so far removed from all civilized society and organized government, and also by natural barriers of trackless deserts, everlasting mountains of snow, and savages more bloody than either, so that we can never be united with any other portion of the country, in territorial or state legislature, with advantage to ourselves or others;...and whereas we have done more by our arms and influence than any other equal number of citizens to obtain and secure this country to the government of the United States;...and whereas a large portion of this territory has recently been ceded to the United States'—then follows the body of the petition, which was signed by Brigham on the 30th, 2,270 signatures having been appended at that date. *Utah Early Records, Ms., 75-7.*

p. 445

to provide a civil government for any portion of the territory ceded by the republic of Mexico; that the revolver and bowie-knife have so far been the law of the land; and that, since the gold discovery, many thousands have emigrated to California, all well supplied with the implements and munitions of war. Fears are expressed that, through the failure to provide civil jurisdiction, political aspirants may subject the government to great loss of blood and treasure in extending its authority over this portion of the national domain. The memorial declares that, for their own security, and for the preservation of the rights of the United States, the people of the state of Deseret have organized a provisional government, under which the civil policy of the nation is duly maintained;<sup>13</sup> also that there is now a sufficient number of individuals to support a state government, and that they have erected at their own expense a hall of legislature which will bear comparison with those in the older states. "Your memorialists therefore ask your honorable body to favorably consider their interests; and if consistent with the constitution and usages of the federal government, that the constitution accompanying this memorial be ratified, and that the state of Deseret be admitted into the Union on an equal footing with other states, or to such other form of civil government as your wisdom and magnanimity may award to the people of Deseret; and upon the adoption of any form of government here, that their delegate be received, and their interests properly and faithfully represented in the congress of the United States."<sup>14</sup>

<sup>13</sup>Then follow two clauses in the preamble in which are mentioned the natural barriers between the state of Deseret and other portions of the Union, and the importance of meeting out the boundaries of states and territories in such a manner that the heads of departments may be able to communicate with all parts of the U.S. territory with as little delay as possible. Next comes a brief homily on the science of government and its application to the state of Deseret. A copy of the memorial will be found in *Id.*, 87-90.

<sup>14</sup>The assembly at S. L. City resolved that 2,000 copies of the memorial, together with copies of the constitution, and an abstract of all records, journals, (cont.)

p. 446

The remarks made in this memorial on the danger of failing to provide a civil government, at a time when California was occupied by thousands of armed and resolute men, seem the more pertinent when it is remembered that, between 1846 and 1849, occurred the great struggle in congress on the question of slavery or no slavery in the ceded territory. When congress adjourned on the 4th of March, 1849, all that had been done toward establishing some form of government for the immense domain acquired by the treaty with Mexico was to extend over it the revenue laws, and to make San Francisco a port of entry. Thus 'Upper California,' as the entire region was still termed, had at this time the same political status as was held by Alaska between 1867 and 1884, at which latter date the national legislature placed that territory within pale of the law.

It is worthy of note, also, that, in September 1849, the people of California, incensed by the dilatory action of congress, followed the example of the Mormons by framing a constitution of their own. On the 6th of that month, by order of President Taylor, General John Wilson, then United States Indian agent, held a consultation with Brigham Young, Heber C. Kimball, Willard Richards, and others, with a view to the temporary amalgamation of the states of California and Deseret, in order to avoid possible difficulties on the slavery question. It was agreed that a memorial should be drawn up, asking for a convention of all the people of Upper California, both east and west of the Sierra Nevada, for the purpose of consolidating the two states in one that should include all the territory acquired from Mexico. At the beginning of 1851 the union was to be dissolved, each state retaining its own constitution, and the people being allowed to determine for themselves to which they would belong. John Wilson and Amasa Lyman were sent as delegate

---

(<sup>14</sup>cont.) and other documents pertaining to the organization of the state, be printed and furnished to members of congress. *Id.*, 90-1.

p. 447

to California, and presented the memorial to the legislature; but the governor of that state, reviewing the proposals in his message, one by one, condemned them all. "The two communities were too far apart," he declared, "to be combined even temporarily, and Texas and Maine might as well have been made one state as Deseret and California." Thereupon the legislature refused to entertain the memorial, and nothing was accomplished.<sup>15</sup>

While Babbitt and his colleagues<sup>16</sup> are fulfilling their mission to Washington, let us inquire how justice is administered and the affairs of the people managed in the self-constituted state of Deseret, through which lay the principal routes to the gold-fields of California. Some of the emigrant parties arrived at Salt Lake City with no effects save their jaded cattle, their wagons, and a scant outfit, while others brought with them valuable merchandise, for which they hoped to find a market in the mining camps. When they made a division of their property, as frequently happened on arriving in the valley, difficulties arose among them, and the discontented parties applied for redress to the courts of Deseret. In these instances there is sufficient evidence that impartial justice was rendered,<sup>17</sup> and whatever the decision, appeal to a higher court was useless, for the judgment was invariably confirmed. If the losing party rebelled, or expressed in unseemly language his opinion of Mormon justice, he was severely fined, or sometimes imprisoned for a term long enough to teach him respect for the civil law.

Trespass of emigrants' cattle on the imperfectly

---

<sup>15</sup>*Cal. Sen. Jour.* 1850, 429-42, 1296; *Frontier Guardian*, May 29, 1850; *Deseret News*, July 6, 1850; *Utah Early*

*Records*, MS., 94-5; *Hist. B. Young*, MS., 1850-1.

<sup>16</sup>R. L. Campbell, Oliver G. Workman, and Edgar Blodgett. *Utah Early Records*, MS., 93.

<sup>17</sup>Lieut Gunnison and Capt. Stansbury, who may be considered impartial observers, both state that this was the case. The former says: 'There was every appearance of impartiality and strict justice done to all parties.' *The Mormons*, 65. The latter remarks: 'Justice was equitably administered alike to saint and gentile.' *Expedition to Valley of G. S. Lake*. 130.

p. 448

fenced lands of the Mormons was a frequent cause of trouble between saint and gentile. For this a fine was imposed, and the injured party must be fully recompensed. Protests were often made and the case taken before the bishops, but the only result was that the costs were added to the original demand. From the ruling of the bishop, who acted somewhat in the capacity of county court judge, an appeal was sometimes made to the bench of bishops; but seldom to any purpose. A final appeal could be made, however, to Brigham, who administered practical justice in patriarchal fashion, and whose opinion of the bishops was the reverse of flattering. "They are not fit to decide a case between two old women, let alone two men," he remarked on one occasion, while at the same time he threatened to dismiss the entire bench if they did not improve.

The organization of a civil government was intended mainly for the better control of the gentiles,<sup>18</sup> since, to its own members, the authority of the church sufficed. The judicial system of the saints was founded on the doctrines of the book of Mormon rather than on common law, and later, as we shall see, became obnoxious to federal judges and lawyers, none of whom succeeded in making much impression on the pockets of the community. For other reasons the Mormon code was distasteful, especially so far as it related to women. To marry out of the church was an offence. Those who had been sealed were advised not to cast in their lot with the gentiles;<sup>19</sup> any one found guilty of seducing a Mormon's wife must surely be put to death.<sup>20</sup>

---

<sup>18</sup>Although we read in *Doctrine and Covenants*, 332, 'We believe that all governments necessarily require civil officers and magistrates to enforce the laws of the same.'

<sup>19</sup>Gunnison relates an instance where an emigrant, on his way to California, took in his train, at her own request, a woman who represented that the person to whom she was sealed had not visited or provided for her for three years, and that she wished to join a young man in California to whom she had been betrothed. When about 100 miles from Salt Lake City he was overtaken by a party of Mormons and compelled to surrender the woman. *The Mormons*, 72.

<sup>20</sup>At the trial of a man named Egan for killing the seducer of a Mormon ([cont.](#))

As with the judiciary so with the legislature. The people were instructed by their spiritual law-givers whom to elect as law-makers in matters temporal, and these were always the dignitaries of the church. Vote by ballot obtained, indeed, in name, but there was practically no freedom of election, and there were seldom even opposing candidates, the strife between political parties, as republican and democrat, being something unknown among them. It is this that the gentiles find fault with; though the Mormons boasted, they say, and still boast of this feature in their polity, as showing the harmony which prevails in their midst, it is in fact tyranny, and tyranny of the worst kind—an oligarchy with the form but without any of the spirit of republican institutions. Here we have one of the worst phases of Mormonism. It must be remembered, however, that a great majority of the Mormons were foreigners or of foreign extraction, most of them being men who had never enjoyed political rights, and therefore did not miss them in the land of their adoption.

In the proceedings of the general assembly of the state of Deseret there is little worthy of record, and that little relates mainly to municipal affairs, and the establishment of courts of justice, no expense being incurred for this or other branches of government.<sup>21</sup> During the winter of 1849-50 a portion of the territory was divided into counties, which were named Salt Lake, Weber, Utah, San Pete, Tooele, and Juab.<sup>22</sup> To these were added, in 1850, Iron county; in 1851, Millard

---

(<sup>20</sup>cont.) woman, during the husband's absence, the judge declared: '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 neighbor's wife must die, and her nearest relative must kill him.' *Id.*, 72. See also *Utah Early Records*, MS., 159-60.

<sup>21</sup>*Utah Early Records*, MS., 117.

<sup>22</sup>*Third General Epistle of the Twelve*, in *Frontier Guardian*, June 12, 1850, where the two last are spelled Yoab and Tuille. In *Smith's Rise, Progress, and Travels*, 20, it is stated that Juab county was not organized until 1852. The same statement is made in *Utah Sketches*, 106. Juab is a Ute word, signifying flat or level. San Pete, sometimes called Sanpitch, was the name of an Indian chief. Weber is named after an explorer along the river of that name. *Richards' Utah Miscell.*, MS., 1.

and Box Elder counties; and in 1852, Washington county. The limits of Davis county were settled as early as 1848, and the boundaries of several other counties, together with the county seats, were defined in 1850.<sup>23</sup> Acts were passed whereby it was ordered that county courts should be established, and judges, clerks, and sheriffs appointed for each, together with justices and constables for the several precincts. At Salt Lake City, the supreme court was to hold annual sessions, and a system of jurisprudence was instituted, whereby every case, whether civil or criminal, could receive a hearing before the proper officers, and be determined without delay, according to law and equity.

In January 1851 Salt Lake City was incorporated<sup>24</sup> by charter of the general assembly, powers being granted to levy and collect taxes; to establish a system of common schools; to provide a water supply; to open streets, light them, and keep them in repair; to organize a police; and to tax, regulate, restrain, or suppress gambling-houses, houses of ill-fame, and the sale of spirituous and fermented liquors.<sup>25</sup> Acts of incorporation were also passed, between this date and 1865, for Payson, Tooele, Palmyra, Parowan, Nephi, Springville, Lehi, Manti, American Fork, Pleasant Grove, Spanish Fork, Fillmore, Cedar City, Ogden, and Provo,<sup>26</sup> the privileges granted being similar to those conferred on the capital.

<sup>23</sup>*Utah, Compend. Laws*, 113-18. For organization of Millard co., see *Utah, Acts Legisl.* (ed. 1855), 224. It was called after Millard Fillmore; Davis co. after Capt. Davis of the Morm. battalion; Iron co., of course, from the deposits of iron ore found thereabout; and Box Elder from the trees on Box Elder creek. *Richards' Utah Miscell.*, MS., 7.

<sup>24</sup>Jedediah M. Grant was appointed mayor; Nathaniel H. Felt, William Snow, Jesse P. Harmon, and Nathaniel V. Jones, aldermen; Vincent Shurtleff, Benjamin L. Clapp, Zera Pulsipher, William G. Perkins, Lewis Robinson, Harrison Burgess, Jeter Clinton, John L. Dunyon, and Samuel W. Richards, councillors. *Deseret News*, Jan. 11, 1851. See also *Tullidge's Hist. S. L. City*, 77, where the name of Lewis Robinson does not appear in the list of councillors.

<sup>25</sup>*Utah, Acts Legisl.* (ed. 1855), 64-72; *Tullidge's Hist. S. L. City*, 72-7. In 1860 this charter was repealed, and a new act of incorporation passed. In 1864 'an act amending the charter of Great Salt Lake City' passed the legislative assembly, and was approved by the governor. *Utah, Acts Legisl.* (ed. 1866), 113-20.

<sup>26</sup>*Id.* (ed. 1855), 74-102, 321-57; (ed. 1866), 120-72; *Utah, Comp. Laws*, 770, 823-42; *Deseret News*, Feb. 19, 1853.

p. 451

Perhaps the most remarkable feature in the proceedings of the assembly is the liberality with which valuable timber and pasture lands and water privileges were granted to favored individuals. By act of December 9, 1850, the control of City Creek and cañon was granted to Brigham Young, who was required to pay therefor the sum of five hundred dollars. A month later the right to the timber in the cañons of the mountain range that lay to the west of the Jordan was bestowed on George A. Smith. To Ezra T. Benson was granted the control of the timber in the cañons and mountains at the entrance of Tooele Valley, of the curious between that point and Salt Lake Valley, and of the waters of Twin and Rock Springs in Tooele Valley. To Heber C. Kimball were given the waters of North Mill Creek cañon—all these grants, with the exception of the first, being made without consideration.<sup>27</sup>

On his arrival at Washington, Babbitt met with a somewhat cool reception. That the Mormons, not deigning to pass through the years of their political minority, should now ask admission as a state, and meanwhile constitute themselves a free and independent community, an imperium in imperio, issuing full-fledged, as did Minerva from the cranium of Jove, into the society of republics, was a proceeding that of course failed to meet with the approval of congress. The memorial, accompanied by the constitution of the state of Deseret, was presented to the senate on the 27th of December, 1849, by Stephen A. Douglas, who moved that it be referred to the committee on territories,<sup>28</sup> and about one month later it was so

<sup>27</sup>*Utah, Acts Legisl.* (ed. 1855), 63-4, 72-3.

<sup>28</sup>On Dec. 31st, Joseph R. Underwood of Kentucky presented a memorial from William Smith and Isaac Sheen—the former a brother of the prophet—representing themselves to be the legitimate presidents of the church of Jesus Christ of latter-day saints, and from twelve members of that church. It is there set forth that, prior to the migration from Nauvoo, 1,500 of the Mormons had taken the following oath: 'You do solemnly swear, in the presence of almighty God, his holy angels, and these witnesses, that you will avenge the blood of Joseph Smith upon this nation, and so teach your children; and that (cont.)

referred.<sup>29</sup> On the 28th of January, 1850, it was ordered by the house of representatives that a memorial presented by the delegate praying to be admitted to a seat in that body be referred to the committee on elections.<sup>30</sup> The committee unanimously recommended the adoption of the following resolution: "That it is inexpedient to admit Almon W. Babbitt, Esq., to a seat in this body, as a delegate to the alleged state of Deseret." In a committee of the whole the report of the committee on elections was read, and among the reasons alleged against the admission of Babbitt the following is most cogent: "The memorialist comes as the representative of a state; but of a state not in the Union, and therefore not entitled to a representation here; the admission of Mr Babbitt would be a quasi recognition of the legal existence of the state of Deseret; and no act should be done by this house which, even by implication, may give force and vitality to a political organization extra-constitutional and independent of the laws of the United States." After considerable debate the report was adopted by a vote of 108 to 77, and the state of Deseret thus failed to receive recognition from congress.<sup>31</sup>

(<sup>28</sup>cont.) you will from this day henceforth and forever begin and carry out hostility against this nation, and keep the same a profound secret now and ever. So help yea God.' The memorial was referred to the committee on territories. *Cong. Globe*, 1849-50, xxi. 92. A second memorial from the same parties was presented to Mr Underwood on March 14, 1850, preferring grievous complaints against the people of Deseret, and stating that the Mormons around Council Bluffs controlled the post-office in that district and obstructed the free circulation of newspapers. It was referred to the committee on post-offices and post-roads. *Id.*, 524.

<sup>29</sup>On Jan. 22d. On the same date a bill introduced by Henry S. Foote of Mississippi to establish suitable territorial governments for California, Deseret, and New Mexico, and for other purposes, was referred to the committee on territories. *Id.*, 212-13.

<sup>30</sup>*House Jour.*, 31st Cong. 1st Sess., 414.

<sup>31</sup>A report of the debates in the senate and house with regard to the admission of Utah as a state or territory will be found in *Cong. Globe*, 1849-50, passim. In *Id.*, xxi. 1221, is a copy of a memorial drawn up by James J. Strung, George J. Adams, and William Marks, and presented to the senate. It sets forth that ten thousand men, women, and children were illegally expelled from Missouri, plundered of their effects, exiled from their homes, driven in destitution, hunger, and want in midwinter to a distant land, passing much of the way in the midst of foes who not only refused them shelter and food (cont.)

Some action must be taken in the matter, however, for while yet the struggle on slavery was at its fiercest, the inhabitants of the territory ceded by Mexico had formed themselves into two separate states, each with its own constitution, the people of California having declared against slavery, and the people of Deseret having taken the reins into their own hands. Finally, on the 7th of September, 1850, on which date the celebrated compromise measures became law and were supposed to have settled forever the slavery question, a bill passed the senate for the admission of California as a state, without slavery, while the self-constituted state of Deseret, shorn somewhat of its proportions, was reduced to the condition of New Mexico, under the name of the Territory of Utah, with a proviso that, "when admitted as a state, the said territory, or any portion of the same, shall be received into the Union, with or without slavery, as their constitution may prescribe at the time of their admission." Two days later, both bills passed the house of representatives, and afterward received the president's signature. It is worthy of remark that the final discussion on the bill for the admission of Utah turned entirely on the question of allowing slavery in that territory, for throughout the magnificent domain acquired from Mexico, the only chance now remaining to the south was in the desert portion of the great basin, which, as Senator Sudden of Virginia remarked, "had been abandoned to the Mormons for its

worthlessness."

The act to establish a territorial government for

---

(<sup>31</sup>cont.) but kept them in continual danger. 'If you tell us, as some of your predecessors told our martyred prophets while they were yet alive, that you have no power to redress our wrongs, then there is presented to the world the melancholy spectacle of the greatest republic on earth, a christian nation, acknowledging itself powerless to judge; unable to protect the right; a nation on whose righteousness half the earth rest the hopes of man, confessing that there is a power above the law.' The memorialists beg that congress pass a law granting the saints the right to settle on and forever occupy the uninhabited lands in the islands of Lake Michigan. Although there probably were no unoccupied lands in these islands in 1850, the petition was referred to the committee on public lands.

p. 454

Utah<sup>32</sup> placed the southern boundary at the thirty-seventh parallel, the section between that limit and the thirty-third parallel being included in the territory of New Mexico, with the exception of the part transferred to California, by which state Utah was to be bounded on the west. On the north, Oregon was to remain as the boundary, and on the east the Rocky Mountains. The remaining provisions of the organic act differ but little from those framed for other territories, for New Mexico, admitted at the same date as was Utah, or for Nevada, admitted in 1861.

Thus the Mormons were shut in between the mountain walls of the great basin, the strip of coast which was claimed under the constitution of the state of Deseret, and would have included the port of San Diego, being denied to them. It is probable that, if they could have foreseen all the results of the war with Mexico, the treaty of Guadalupe Hidalgo, and the gold discovery, which now threatened to place them almost in the centre of the United States, and not, as they had intended, in a remote and untravelled solitude, they would have selected the site of their new Zion elsewhere than in the valley of the Great Salt Lake.

On the 5th of April, 1851, the general assembly of the state of Deseret was dissolved,<sup>33</sup> though it was

---

<sup>32</sup>Copies of it will be found in *U. S. Public Laws*, 31st Cong. 1st Sess., 453-8; *U. S. Charters and Const.*, ii. 1236-40; *U. S. Acts and Res.*, 31st Cong. 1st Sess., 53-8; *Utah, Acts Legist.* (ed. 1866), 25-8; (ed. 1855), 111-19; *Deseret News*, Dec. 30, 1850; *Frontier Guardian*, Oct. 16, 1850.

<sup>33</sup>Ten days before, the governor had formally notified the assembly, in a special message, of the passing of the organic act. 'Upon the dissolving of this legislature,' he says, '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, will, in all future time, be a source of gratification to all; and whatever may be the career and destiny of this young but growing republic, 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 upon every interest.' *Linforth's Route from Liverpool*, 107-8; *Tullidge's Hist. S. L. City*, 79. On March 28th the legislature, in joint session, passed resolutions cordially accepting the legislation of congress and appropriating the union square for the public buildings. *Id.*, 80.

p. 455

not until one year later that the state was officially merged into the territory of Utah. The territorial form of government was accepted only as a temporary measure, applications being made to congress for admission as a state, at intervals, as we shall see later, until 1882. Meanwhile, for many years, the shadow of a state government was preserved, the members of the ideal state assembly, after each session, reënacting and sanctioning by vote and in due form the laws which they had previously passed as a territorial legislature.

On the 1st of July a proclamation was issued by the governor, ordering that an election for members of the assembly and for a delegate to congress be held throughout the territory on the first Monday in August. On July 21st three Indian agencies were established,<sup>34</sup> an agent and two sub-agents, of whom the latter had already arrived, and were now assigned to their districts, having been appointed by the government. On the 8th of August three judicial districts were defined. Judges were assigned to each, and the times and places appointed for holding courts in the several counties appointed,<sup>35</sup> these powers being temporarily conferred on the governor by the organic act.

#### The appointment of governor and superintendent of

<sup>34</sup>The first or Parvan agency included all that lay within the limits of the territory north of the Parvan Valley and west of the Shoshones. The second, or Uintah agency, included the Shoshones, Ewintes or Uintahs, Yampas, 'and all other tribes south within said territory, and east of the eastern rim of the great basin.' The third or Parowan agency included 'all the country lying west of the eastern rim of the great basin, and south of the south line of the Parvan Valley, to the western bounds of the territory.' *Governor Young's Proclamation*, in *Utah, Jour. Legisl.*, 1851-2, 160.

<sup>35</sup>The first judicial district included the city and county of G. S. Lake, Tootle county, and the region east and west to the limits of the territory. Two terms were to be held each year at S. L. City, commencing on the second Tuesday of April and October. The second district included Davis and Weber counties, and the region east, west, and north. Semiannual terms were to be held at Ogden, commencing on the second Tuesday in May and December. Utah, San Pete, and Iron counties, with the country east, west, and south, formed the third district, and sessions were to be held twice a year at Provo, beginning on the second Tuesday of August and February. Each term in the several districts was to continue one week, if necessary, after which the court might adjourn to any other county if business should require it. *Id.*, 160-1.

p. 456

Indian affairs was given to Brigham,<sup>36</sup> and it is probable that no better selection could have been made. It is at least certain that if any other had been made, the rupture which occurred a few years later between the Mormons and the United States government would have been hastened. B.D. Harris of Vermont was chosen secretary; Joseph Buffington of Pennsylvania, chief justice; Perry E. Brocchus of Alabama and Zerubbabel Snow of Ohio, associate judges; Seth M. Blair of Deseret, United States attorney; and Joseph L. Heywood of Deseret, United States marshal. As Buffington declined to serve, Lemuel H. Brandebury was selected to fill his place.<sup>37</sup> Snow, Heywood, and Blair being Mormons, the government patronage was thus fairly distributed between saints and gentiles. Although these appointments were made on the 20th of September, 1850, none of the gentile officials arrived in Salt Lake City until the following summer, and all were not assembled until the first week in August. With them came Almon W. Babbitt, who was intrusted with the sum of \$20,000 appropriated by congress toward the building of a state-house. Harris also brought with him \$24,000 for the expenses of the legislature.

The authorities were kindly received by the saints; and had they been men of ability and discretion, content to discharge their duty without interfering with the social and religious peculiarities of the

people, all would have been well; but such was not their character or policy. Judge Brocchus especially was a vain and ambitious man, full of self-importance, fond of intrigue, corrupt, revengeful, hypocritical. Between

<sup>36</sup>Stenhouse, *Rocky Mountain Saints*, 275, says that Brigham owed his appointment to the recommendation of Kane. He took the oath of office Jan. 3, 1851. On the same day a special session of the county court was held, and a grand jury impanelled for the first time. The prisoners, who were emigrants en route for California, were convicted of stealing, and sentenced to hard labor, but were afterward pardoned by the executive, and sent out of the country. *Hist. B. Young*, MS., 1851, 28.

<sup>37</sup>Brandebury was assigned to the first district, Snow to the second, and Brocchus to the third. *Utah, Jour. Legisl.*, 1851-2, 161.

p. 457

the 7th and 10th of September, a general conference of the church was held, at which the judge obtained permission to address the assembly. During his remarks he drifted into the subject of polygamy, directing this part of his discourse to the women, whom he exhorted to a life of virtue.<sup>38</sup> He also took to task some of the Mormon leaders, who on a previous occasion had spoken disrespectfully of the government, one of them having gone so far as to consign the late President Zachary Taylor to the nether regions.

The Mormons were sorely exasperated, and but that they were held in restraint by Brigham, would have done violence to the judge. "If," said the former, "I had but crooked my little finger, he would have been used up; but I did not bend it. If I had, the sisters alone felt indignant enough to have chopped him in pieces."<sup>39</sup> The governor contented himself with rebuking the judge, who, he declared, must be either profoundly ignorant or perversely wicked. It had become a matter of history throughout the enlightened world, he declared, that the government of the United States regarded the persecution of the saints with indifference, and by their silence gave sanction to such proceedings. Hundreds of women and children had in consequence gone to their graves prematurely, and their blood cried to heaven against those who had caused or consented to their death. Nevertheless, he loved the government and the constitution of the United States; but he did not love corrupt ministers of the government. He was indignant that such men as Brocchus should come there to lecture the people on morality and virtue, and should make such insinuations as he had done; and he repeated the statement that Zachary Taylor was then in to-phet. At this last remark, Brocchus jumped to his feet and protested angrily, whereupon Heber C. Kimball

<sup>38</sup>*Utah Early Records*, MS., 134-5; *Stenhouse's Rocky Mountain Saints*, 276.

<sup>39</sup>*Journal of Discourses*, ii. 186-7. After this occurrence, Brigham frequently warned the troublesome of the danger they incurred should he but crook his finger. *Stenhouse's Rocky Mountain Saints*, 277.

p. 458

touched him lightly on the shoulder, and told him that he need have no doubt of it, for he would see him when he went there.

A few days later Brigham invited the judge to attend a meeting, to be held on the 19th, and explain or apologize for his conduct. The latter declared that he had neither apology nor explanation to make; that he did not intend any insult, especially to the women, but that his remarks were deliberate and premeditated, and that his purpose was to vindicate the government. Then followed a lengthy reply from the governor, in which Brocchus was severely handled, the judge and his colleagues being thereafter condemned to social ostracism.

Soon afterward it was reported to Brigham that the secretary, together with Brocchus and the chief justice, intended to return to Washington, whereupon the governor called on them to ascertain if this was so. He was assured that such was their purpose, and that the secretary would also take with him the funds placed in his hands, and the seal, records, and documents pertaining to his office. The governor considered this course illegal, and immediately issued a proclamation declaring the result of the election,<sup>40</sup> and ordering the assembly to convene on the 22d of September, only four days later.<sup>41</sup> On the 24th a

---

<sup>40</sup>The members of the council were Heber C. Kimball, Willard Richards, Dan. H. Wells, Jediah M. Grant, Ezra T. Benson, and Orson Spencer for Salt Lake co.; John S. Fullmer for Davis co.; Loren Farr and Chas R. Dana for Weber co.; Alex. Williams and Aaron Johnson for Utah co.; Isaac Morley for San Pete co.; and Geo. A. Smith for Iron co. Representatives: Wilford Woodruff, David Fullmer, Dan. Spencer, Willard Snow, W. W. Phelps, Albert P. Rockwood, Nathaniel H. Felt, Edwin D. Woolley, Phinehas Richards, Jos. Young, Henry G. Sherwood, Ben. F. Johnson, and Hosea Stout for Salt Lake co.; Andrew L. Lamoreaux, John Stoker, and Wm Kay for Davis co.; Jas Brown, David B. Dille and Jas G. Browning for Weber co.; John Rowberry for Tooele co.; David Evans, Wm Miller, and Levi W. Hancock for Utah co.; Chas Shumway for San Pete co.; and Elisha H. Groves for Iron co. *Utah, Jour. Legisl.*, 1851-2, 162. Thus it will be seen there were 13 members of the council and 25 representatives. In the organic act it was provided that there should be 26 representatives, the number of members for either house being based on the census of 1850. George Brimhall, the remaining member for Iron co., was elected Nov. 15, 1851.

<sup>41</sup>This proceeding did not conflict with the organic act, which provides—section iv.—that the first election shall be held and the members elected shall (cont.)

p. 459

resolution was passed, enjoining the United States marshal to take into his custody all the government funds and other public property in possession of the secretary.<sup>42</sup> This resolution was presented to Harris, together with an order for \$500 to defray the incidental expenses of the assembly. The secretary ignored the resolution and refused to pay the order, under the plea that the members were not legally elected.

Among the grounds on which the secretary declared the election illegal was, that before the votes were cast the governor had failed to take a census of the territory, as provided in the organic act; this the latter attributed to the miscarriage of instructions and blanks, which had not even yet arrived.<sup>43</sup> On the other hand, it was clearly the duty of the secretary, as stated in that act, to remain in the territory during his tenure of office. Moreover, the judges organized and held a session of the supreme court before any time or place was appointed for such session by the executive or legislative authorities, and apparently for the purpose of shielding the secretary. On the 26th Brigham addressed a letter to the court, asking their opinion as to his duty with reference to the organic act, which required that the governor should take care that the laws were faithfully executed, and that the secretary should reside

within the territory. No answer was returned; and after the district attorney had been

<sup>41</sup>cont.) meet at such places and on such day as the governor shall appoint, but that thereafter the time, place, and manner of conducting elections, and the day for the opening of the regular sessions, shall be prescribed by law.

<sup>42</sup>*Hist. B. Young, MS., 1851, p. 99.*

<sup>43</sup>In a letter to Willard Richards, president of the council, and W. W. Phelps, speaker of the representatives, dated Sept. 25, 1851, Harris declares the election illegal on the grounds—1st. That no census had been taken; 2d. That the governor's proclamation was faulty in form and substance; 3d. That 'aliens voted indiscriminately with American citizens, and those recognized as such by the treaty with Mexico;' 4th. That 'aliens acted as officers at the polls, and were elected to office;' 5th. That 'officers not authorized to be chosen were voted for and elected;' 6th. That legal and timely notice of the election was not given; 7th. That the time and place for the first meeting were not duly appointed. *House Ex. Doc., 32d Cong. 1st Sess., no. 25, pp. 25-6.* Albert Carrington was chosen clerk of the representatives, and James Cragun sergeant-at-arms; Howard Coray secretary of the council, and Wm H. Kimball sergeant-at-arms. *Utah, Jour. Legisl., 1851-2, pp. 5, 46.*

p. 460

ordered to file a petition, in which the request was couched in legal form and phrase, no further action was taken. Finally, on the 28th of September, the secretary, and judges Brandebury and Brocchus, set forth for Washington, taking with them the territorial seal, the records, documents, and funds, which were returned to the proper authorities.<sup>44</sup> On the following



[\[click to enlarge\]](#)

<sup>44</sup>*Young's Despatch to Fillmore in House Doc., 32d Cong. 1st Sess., v. no. 25, pp. 28-32.* See also *Utah Early Records, MS., 249-51.* Stenhouse says that on their return Harris and his colleagues published an account of the matter, remarking 'that polygamy monopolized all the women, which made it very inconvenient for the federal officers to reside there.' This remark disgusted the authorities, and the officials met with a cool reception at Washington. *Rocky Mountain Saints, 277-8.* Their official report will be found in *House Ex. Doc., 32d Cong. 1st Sess., v. no. 25, pp. 8-22.* The principal charge alleged against the Mormons was that a citizen of Utica, N. Y., named James Munroe, while on his way to S. L. City, was murdered by one of the Saints, that his remains were brought into the city and buried without an inquest, and that the murderer was not arrested. There is no proof of this statement. In the *Utah Early Records, MS., 161-3,* we have a synopsis of their report, which was afterward circulated among the people. They alleged that they had been compelled to withdraw in consequence of the lawless acts and seditious tendencies of Brigham Young and the majority of the residents, that the Mormon church overshadowed and controlled the opinions, actions, property, and lives of its members—disposing of the public lands on its own terms, coining and issuing money at will, openly sanctioning polygamy, exacting tithes from members and onerous taxes from non-members, penetrating and supervising social and business circles, and requiring implicit obedience to the council of the church as a duty paramount to all the obligations of morality, society, allegiance, and law. On the other side, we have in *Id., 148-158,* a copy of the letter addressed by Brigham to the president. After reviewing his proceedings and policy since taking the oath of office the governor says: 'Mr Harris informed me, in a conversation which I had with him, that he had private instructions designed for no eye but his own, to watch every movement and not pay out any funds unless the same should be strictly legal, according to his own judgment.' He states that there are none more friendly (cont.)

day the legislative assembly signed a memorial praying that the vacancies be filled as soon as possible from residents of the territory.<sup>45</sup> Meanwhile, to prevent further derangement, and for the safe-keeping of the territorial records, Willard Richards was temporarily appointed secretary.

The successors to the runaway officials were Lazarus H. Reid of New York, who was appointed chief justice; Leonidas Shaver, who succeeded Brocchus; and as secretary, Benjamin G. Ferris. The new officials enjoyed but a brief tenure of office. After remaining in Utah for about a year, Reid returned to New York, where he died in 1855.<sup>46</sup> Shaver retiring to rest one night, soon after his arrival, was found dead in his room next morning, thereby giving rise to an unfounded rumor that he had been poisoned on account of a supposed difficulty with the governor.<sup>47</sup> Secretary Ferris, after a six months' residence, proceeded

(<sup>44</sup>cont.) toward the government than the people of Utah, that they revere the constitution, seek to honor the laws, and complain only of their non-execution, and the abuse of power at the hands of those intrusted with them. He states that Brocchus had never even been in his district, and that, so far as the public interests were concerned, it would have been quite as well if neither the judges nor the secretary had troubled themselves to cross the plains. 'What good and substantial reason can be given that the people of this territory should be deprived, for probably near a year to come, of a supreme court, of the official seal of a secretary of state, of the official publication of the laws, and other matters pertaining to the office of secretary? Is it true that officers coming here by virtue of any appointment by the president have private instructions that so far control their actions as to induce the belief that their main object is not the strict and legal performance of their respective duties, but rather to watch for iniquity, to catch at shadows, and make a man "an offender for a word," to spy out our liberties, and by manifold misrepresentations seek to prejudice the minds of the people against us? If such is the case, better, far better, would it be for us to live under the organization of our provisional government, and entirely depending upon our own resources, as we have hitherto done, until such time as we can be admitted as a state.' A copy of the report will be found in *House Ex. Doc.*, 32d Cong. 1st Seas., v. no. 25, pp. 28-32. It is also mentioned in *Hist. B. Young*, MS., 1851, p. 136.

<sup>45</sup>*Utah Jour. Legisl.*, 1851-2, p. 53; *Hist. B. Young*, MS., 1851, p. 109.

<sup>46</sup>At his home in Bath, Steuben co., *Waite's The Morm. Prophet*, 25; in his 40th year. *Richards' Incidents in Utah Hist.*, MS., 5.

<sup>47</sup>*Stenhouse's Rocky Mountain Saints*, 279. Brigham said of him: 'One of our judges, Judge Shaver, has been here during the winter, and, as far as he is known, he is a straightforward, judicious, upright man.' The heads of the church took great pains to investigate the matter, and came to the conclusion that 'he had died of some disease of the head.' See *Richards' Incidents in Utah Hist.*, MS., 78. Beadle, *Life in Utah*, 170, says that the Mormons believed him to be an opium-eater, and that he died from being suddenly deprived of that drug.

to California. The next batch of officials were, as chief justice, John F. Kinney; associate judges, George P. Stiles and W. W. Drummond; and secretary, Almon W. Babbitt, who were appointed in 1854-5. Of these, Stiles and Babbitt were Mormons, though the former was not in harmony with the priesthood, and, as we shall see, Kinney and Drummond play a prominent part in the history of the saints.

Although there were no funds wherewith to pay the members, the sessions of the legislature were continued, with occasional adjournments, until February 1852, when a special session was ordered by the governor,<sup>48</sup> and lasted until the 6th of March. The laws enacted by the assembly of the state of Deseret were declared to be in force, so far as they did not conflict with the organic act.<sup>49</sup> Other laws were passed relating to the punishment of crime, the organization of courts, the administration of estates, the training of the militia, the incorporation of cities, the distribution of lands, the construction of roads, bridges, and canals, and such matters as lay within the range of territorial legislation.<sup>50</sup> It was determined to remove the site of the capital from Salt Lake City<sup>51</sup> to some point in the Pahvan Valley, and a committee appointed for that purpose selected the town of Fillmore.

Memorials to congress were also adopted, one of which asked that provision be made for the construction of "a national central railroad from some eligible point on the Mississippi or Missouri River to San Diego, San Francisco, Sacramento, Astoria, or such

---

<sup>48</sup>As the 40 days allowed by the organic act were about to expire, and further time was required for the completion of the necessary business of the session. For copy of proclamation, see *Utah, Jour. Legisl.*, 1851-2, 166.

<sup>49</sup>By joint resolution, approved Oct. 4, 1851. *Utah, Acts Legisl.* (ed. 1866), 108.

<sup>50</sup>They will be found in *Utah, Acts Legisl.* (ed. 1855), 120-232. 'It is questionable,' says Richards in his *Hist. Incidents of Utah*, MS., 8, 'whether any of the sister territories had a code of laws framed by its own legislature that would compare favorably with those enacted during this session.'

<sup>51</sup>The foundation for a state-house was laid in S. L. City Sept. 1, 1851. *Utah Early Records*, MS., 133.

other point on or near the Pacific coast as the wisdom of your honorable body may dictate." The memorialists stated that for want of proper means of transport about five thousand persons had perished on the different routes within the three preceding years; that there was no great obstacle to the construction of a road between Salt Lake City and San Diego; that at various points on the route iron, coal, and timber were abundant; that on the completion of the line the entire trade of China and the East Indies would pass through the United States; and that the road would consolidate the relations of the country with foreign powers in times of peace, and furnish means of defence in times of war.<sup>52</sup> In 1854 a second memorial was presented, stating the opinion of the Mormons as to the best route for an overland railroad, and a demonstration was held in favor of the project, the inhabitants, male and female, attending en masse. In the preceding year congress had also been petitioned to provide for the construction of a telegraph line from some convenient point on the Mississippi or Missouri to a suitable port on the Pacific.

As early as April 1849 Captain Howard Stunsbury, of the topographical engineers, had been

ordered to Fort Leavenworth, for the purpose of making a survey of the Great Salt Lake and an exploration of its valley, with a view to the construction of a transcontinental railroad. Among his party was Lieutenant J. W. Gunnison, who was placed in charge of the astronomical department. Before reaching Salt Lake City the captain was informed that no survey would be permitted, and it was even hinted that his life would be in danger should he attempt it. Giving no heed to these warnings, he at once called on Brigham, aware that if the good-will of the governor were not

---

<sup>52</sup>A copy of the memorial will be found in *Tullidge's Life of Young*, 213-14; *Smith's Rise, Progress, and Travels*, 22. For other memorials passed during the sessions of 1851-2, see *Utah, Acts Legisl.* (ed. 1855), 401-5.

p. 464

obtained every obstacle, short of open resistance, would be thrown in his way, that neither provisions nor labor would be furnished, and that no information would be afforded. At first Brigham demurred. He was surprised, he said, that the valley should be thus invaded so soon after the Mormons had established their settlements; he had heard of the expedition since its departure from Fort Leavenworth, and the entire community was anxious to know what was the purpose of the government. Moreover, an attaché of General Wilson, the newly appointed Indian agent for California, whose train had passed through the city a few days before, had boasted that the general was authorized to expel the Mormons from the territory. They supposed, therefore, that the arrival of the two parties was a concerted movement, and that Stansbury was sent for the purpose of dividing the land into townships and sections, and of establishing thereto the claims of government. Upon all these subjects Brigham was undeceived, and, the true object of the expedition being explained, he laid the matter before the council. Stansbury was then informed that the authorities were well pleased with the proposed exploration, that they had themselves contemplated such a measure, but could not yet afford the expense, and that they would cheerfully render all the assistance in their power.<sup>53</sup>

After exploring a route to Fort Hall, and making a reconnoissance of Cache Valley and the western shore of the lake, Stansbury and his men returned to Salt Lake City, and there passed the winter of 1849-50. During this winter Lieutenant Gunnison gathered most of the material for his well-known book on the Mormons, one of the most valuable and impartial works yet published by a gentile writer.<sup>54</sup>

---

<sup>53</sup>*Stansbury's Exped. to Valley of G. S. Lake*, 84-6.

<sup>54</sup>*The Mormons or Latter-day Saints in the Valley of the Great Salt Lake: A History of their Rise and Progress, Peculiar Doctrines, Present Condition, and Prospects, Derived from Personal Observation during a Residence among Them. By Lieut J. W. Gunnison of the Topographical Engineers. Philadelphia, 1857. (cont.)*

Early in the spring the captain and his staff again took the field, and on the 16th of April were engaged in surveying both sides of Bear River Bay, Gunnison with several of the men being out in a storm all

(<sup>54</sup>cont.) The first six chapters of this work are mainly devoted to a description of the valley of G. S. Lake, the civil and theocratic system of the Mormons, and the tenets of the Mormon church. In chapter vi.-vii., which complete the first part, we have an interesting description of the social condition of the settlers, and of the influence of the priesthood. The second part contains a sketch of the rise and early progress of Mormonism. Unlike most writers on this topic, Mr Gunnison appears to have given the subject some thought. 'This treatise on the faith and condition of the Mormons,' he says, 'results from a careful observation of that strange and interesting people during more than a year's residence among them in an official capacity. The writer has undertaken neither the task of criticism nor controversy. His aim is not "to shoot folly as it flies," but to let folly tire on its own pinions, and reason regain its sway over erratic feeling, when the mists of prejudice on one side and of fanaticism on the other are dispelled by the light of knowledge. For those who desire facts in the history of humanity on which to indulge in reflection, is this offered.' The book is dedicated to Captain Stansbury.

*An Expedition to the Valley of the Great Salt Lake of Utah, including a Description of its Geography, Natural History, and Minerals, and an Analysis of its Waters; with an Authentic Account of the Mormon Settlement. Illustrated by numerous beautiful plates from drawings taken on the spot. Also a Reconnoissance of a New Route through the Rocky Mountains, and two large and accurate maps of that region. By Howard Stansbury, Captain Corps Topographical Engineers, U. S. Army. Philadelphia, 1855.* The first six chapters of this work contain an account of the captain's journey to the valley of G. S. Lake, and of the explorations mentioned above. Travelling, as he did, during the early days of the gold-fever, his narrative is full of interest. Leaving the valley of Warm Spring Branch near Fort Laramie on July 19, 1849, he writes: 'We passed to-day the nearly consumed fragments of about a dozen wagons that had been broken up and burned by their owners; and near them was piled up in one heap from six to eight hundred weight of bacon, thrown away for want of means to transport it farther. Boxes, bonnets, trunks, wagon-wheels, whole wagon-bodies, cooking utensils, and in fact almost every article of household furniture, were found from place to place along the prairie, abandoned for the same reason.' Two days later he found the road strewn with immense quantities of white beans, which seemed to have been thrown out of the wagons by the sackful, their owners being tired of carrying them farther, or afraid to eat them from danger of cholera. Crossing a spur of the Red Buttes on the 27th, he says: 'To-day we find additional and melancholy evidence of the difficulties encountered by those who are ahead of us. ...Bar iron and steel, large blacksmith's anvils and bellows, crowbars, drills, augers, gold-washers, chisels, axes, lead, trunks, spades, ploughs, large grindstones, baking-ovens, cooking-stoves without number, kegs, barrels, harness, clothing, bacon, and beans were found along the road in pretty much the order in which they have been here enumerated.' In the seventh chapter is a description of the settlements and industrial condition of the Mormons in the winter of 1849-50, together with some excellent remarks on the polity of the state of Deseret. In the remainder of the volume we have an account of various explorations and adventures in the valley and on the return journey. In the appendices are tables of distances, papers on zoölogy, botany, geology, and paleontology, meteorological observations, and chemical analyses of mineral waters. The work is well written, sketchy and entertaining in style, and impartial in its comments on the Mormons. A German edition of it on a smaller scale was published at Stuttgart in 1854, entitled (cont.)

night in the mud-flats on the eastern shore. On the 12th of August Stansbury had completed his survey, which included Great Salt Lake with its islands, Lake Utah, the Jordan, and several of its tributaries, his observations extending over an area of more than five

(<sup>54</sup>cont.) *Die Mormonen—Ansiedlungen, die Felsengebirge und der grosse Salzsee, nebst einer Beschreibung der Auswanderer—Stratze und der interessanter Abenteuer der Auswanderungen nach jeuen Gegenden Geschildert auf einer Untersuchungs Expedition.*

Among other works covering about the same period as Lieut Gunnison's book, may be mentioned the following: *The Mormons, or Latter-day Saints; with memoirs of the Life and Death of Joseph Smith., the American Mahomet.* Edited by Charles Mackay. Fourth edition, London, 1856. The first edition of this work was published in 1851. It claims to have been, as indeed it was, the first work upon the subject which could justly be entitled a historical statement of the case. It is a work full of valuable information, much of it of an original character and nowhere else existing. It is written with marked ability, and in a spirit of exceeding fairness, though taking decidedly an anti-Mormon view. Yet the author says: 'It presents the history of Joseph Smith, a great impostor or a great visionary, perhaps both, but in either case one of the most remarkable persons who has appeared on the stage of the world in modern times.' In the fourth edition, 'the whole of the doctrinal chapter, which formed the conclusion of the work in the previous editions, has been excluded in the present instance to make room for matter of a more historical character. Polygamy, which the Mormons attempted to deny, or explain by the euphemism of the spiritual-wife doctrine, has now been unblushingly avowed; and this practice, which has become the most distinctive, as it is the most odious, characteristic of the sect, has received more notice in this edition than was bestowed upon it in the original publication.'

*The Religious, Social, and Political History of the Mormons, or Latter-day Saints, from their Origin to the Present Time; containing full statements of their Doctrines, Government, and Condition, and memoirs of their founder, Joseph Smith; edited with important additions, by Samuel M. Smucker. New York, 1860.* What it is that Mr Smucker edits, and to what he makes additions, does not appear, but the student with this book and that of Mackay's before him soon discovers that the former is taken almost verbatim from the latter, and without a word of credit. Smucker evidently worked at so much a day for the publishers, who desired something by that name to sell. Considering the circumstances, the work is fairly done; the saints are abused with moderation and decorum, and the publishers probably made money out of it.

*Origin, Rise, and Progress of Mormonism. Biography of its Founders and History of its Church. Personal Remembrances and historical collections hitherto unwritten. By Pomeroy Tucker. Palmyra, N. Y., 1867.* This author claims a personal acquaintance with Joseph Smith and the Smith family since their arrival at Palmyra, the birthplace of the writer, in 1816. He also knew Martin Harris, Oliver Cowdery, and others of the first converts. He was editorially connected with the Wayne Sentinel when the book of Mormon was printed in the office of that journal. His book is published for the purpose of proving Joseph Smith an impostor and the book of Mormon a fraud. The author has ability, and is accustomed to writing; he has done his work well. He employs with no small skill and success that most powerful of weapons in the hand of a ready writer—sarcasm. Much space is devoted to sustaining the Spaulding theory. Historically, the book is of little value after the departure of the Mormons from the vicinity of the writer's home; but up to that point, and not forgetting that it is the plea of an advocate rather than the decision of a judge, it may be called a first-class authority.

p. 467

thousand square miles.<sup>55</sup> He then resolved to search out on his return journey some practicable route to the southward of South Pass, though a part of it lay through the territory where Sioux, Blackfoot, Snake, and Utah were used to meet in conflict. Disposing of his wagons and spare instruments to the Mormons, by whom he was furnished with a sufficient escort, he bade them a kindly farewell, and returned by way of Bridger's and Cheyenne passes to Fort Leavenworth.

The route recommended by Stansbury for the portion of a transcontinental railroad between the Missouri, near Independence, and Salt Lake City was by way of the Republican fork and the south fork of the Platte; thence by way of Lodge Pole Creek, and skirting the southern extremity of the Black Hills to the Laramie Plains; thence crossing the north fork of the Platte to South Pass; thence by way of Bear River Valley to Fort Bridger; from that point by way of Black Fork and turning the Uintah Range to the Kamas prairie, whence the route to the capital lay through the valley of the Timpanogos.<sup>56</sup>

In 1853 Gunnison, who had now been promoted to the rank of captain, was ordered to survey a route farther to the south, by way of the Huerfano River and the pass of Coochetopa; thence through the valleys of the Grand and Green rivers; thence to the vegas de Santa Clara and the Nicollet River; thence northward on a return route to Lake Utah, from which point he was to explore the most available

---

<sup>55</sup>Stansbury's field-work is thus summarized: 1. The selection and measurement of a base-line 6 miles in length; 2. The erection of 24 principal triangulation stations; 3. The survey of G. S. Lake, the shore-line of which is stated at 291 miles; 4. The survey of the islands, 96 miles; 5. The survey of Lake Utah, 76 miles; 6. The survey of the Jordan and some of its tributaries, 50 miles, making in all 513 miles; 7. The observations from different triangular stations extending from the northern extremity of G. S. Lake to the southern boundary of the valley of Lake Utah. *Exped. to Valley of G. S. Lake*, 216.

<sup>56</sup>*Id.*, 227, 261-3; *Gunnison's The Mormons*, 152. There is little difference in the line of route laid down by either. Stansbury suggests that from Kamas prairie the road might fork, one branch descending the Wasatch Range by the Golden Pass, and the other following the Timpanogos Valley.

p. 468

passes and cañons of the Wasatch Range and South Pass. The party included Lieutenant E.G. Beckwith, R. H. Kern as topographer and artist, Sheppard Homans astronomer, Dr James Schiel surgeon and geologist, F. Creutzfeldt botanist, J. A. Snyder assistant topographer, a number of employés, and an escort of mounted riflemen in charge of Captain R. M. Morris. On the 24th of October the party was encamped on the Sevier River, fifteen or eighteen miles from the point where it discharges into the lake of that name, and on the following day Gunnison started out to explore the lake, accompanied by Kern, Creutzfeldt, the guide, and a corporal with six men of the escort, the remainder of the party, under Captain Morris, proceeding up the river in a north-easterly direction. The following day several men of Morris' detachment were sent to ascertain whether a route were practicable northward from that point to Great Salt Lake. While the men were yet within a hundred yards of camp, the corporal came running toward them, breathless and exhausted, and sinking to the ground, gasped out a few broken sentences, the purport of which was that Gunnison and his party had been massacred by Indians, and that, as far as he knew, he was the only survivor. Morris at once ordered his men to arm and mount, and within half an hour was on his way to the scene of the disaster; meanwhile a second member of Gunnison's escort reached camp on horseback, and two other survivors came in later.

Gunnison had encamped, with no thought of danger, in a sheltered nook under the river bank, where wood and pasture were abundant. He was aware that a large band of Pah Utes was in the neighborhood, and their camp-fires had been seen daily since entering the valley of the Sevier. A recent quarrel with an emigrant band had resulted in the killing of one of the natives and the wounding of two others, but they had made no raids on the Mormon settlements, and peace had recently been confirmed at a parley held

p. 469

with some of them by an agent of Brigham. At daybreak all arose and prepared for their day's work, but while seated quietly at breakfast the men were startled by a volley of rifles, a flight of arrows, and the yells of a band of Pah Utes, who had crept, under cover of the bushes, to within twenty-five yards of the spot. The surprise was complete. In vain Gunnison, running forth from his tent, called out to them that he was their friend. He fell, pierced by fifteen arrows, and of the rest only four escaped, after being pursued for several hours by the Indians.<sup>57</sup>



[\[click to enlarge\]](#)

When Captain Morris reached the scene of the massacre no bodies were found. There was hope, therefore, that others were still alive, and a signal-fire was lighted to assure them of safety; but all the night long no response was heard, nor any sound save the howling of wolves. Still the men remained at their post, though not more in number than the party that had been massacred. At daylight the corpses were discovered, and though none were scalped, they were mutilated with all the atrocity common to the most savage tribes. Some of them, among whom was that of Captain Gunnison, had their arms hacked off at the

<sup>57</sup>One of the survivors was thrown from his horse into a bush, where he lay for several hours, the Indians passing him on every side. *Beckwith, in Rept. Explor. and Surveys, ii. 74.*

p. 470

elbow, their entrails cut open and torn by wolves, and were in such condition that they were buried where they lay. It is related that Gunnison's heart was cut out while he was yet alive, and that it was so full of blood that it bounded on the ground.

By many the Gunnison massacre has been and is still ascribed to the agency of the Mormons; and it has even been asserted that Mormons, disguised as Indians, were among those who committed the deed. Here we have a fair specimen of the hundreds of defamatory stories which have been told about the Mormons from the beginning. In this instance not only is there no valid proof against them, but there are many circumstances pointing in the opposite direction,<sup>58</sup> one of them being that among the slain was a Mormon guide. The Gunnison massacre was brought on by gentiles; it was the direct result of the killing of the Pah Ute by California emigrants. As no compensation had been made to his tribe, they avenged themselves, as was their custom, on the first Americans—for thus they termed all white men, other than Mormons—whom they found in their territory.<sup>59</sup> The

---

<sup>58</sup>A full account of Gunnison's survey, prepared mainly by himself, and of the massacre will be found in *Beckwith's Reports*, in *Id.*, ii. Lieut Beckwith writes: "The statement which has from time to time appeared or been copied in various newspapers of the country, since the occurrence of these sad events, charging the Mormons or Mormon authorities with instigating the Indians to, if not actually aiding them in, the murder of Captain Gunnison and his associates is, I believe, not only entirely false, but there is no accidental circumstance connected with it affording the slightest foundation for such a charge." Captain Morris, in his official report to the adjutant-general, says nothing about the Mormons being implicated in the matter. See *House Ex. Doc.*, 33d Cong. 1st Sess., no. 18, pp. 5-6. The names of those who were killed, besides Captain Gunnison, were R. H. Kern, F. Creutzfeldt, William Potter, a Mormon guide, privates Caulfield, Liptoote, and Mehrteens, mounted riflemen, and an employé named John Bellows. *House Ex. Doc.*, 33d Cong. 1st. Sess., no. 18, pp. 6. For other accounts and comments on the Gunnison massacre, see *Möllhausen, Tagelbuch*, 429-30; *Carvalho's Incidents of Travel*, 196-9; *S. F. Alta*, June 25, 1854, Nov. 11, 1857; *S. F. Herald*, May 7, 1855.

<sup>59</sup>On hearing of the massacre, Brigham took measures for the recovery of the property and the disposal of the bodies. Gunnison was somewhat of a favorite among the Mormons. In the *Deseret News* of Nov. 12, 1853, where is a copy of Beckwith's report of the massacre, is the following: "We feel to commiserate deeply with the friends of those who have been so suddenly and unexpectedly cut off, but more especially with the wife and children of Captain Gunnison, who was endeared to us by a former and fondly cherished acquaintanceship in 1849-50, while he was engaged with Captain Howard Stunsbury in the survey of the Great Salt and Utah lakes." The following is (cont.)

p. 471

survey of which Gunnison was placed in charge was completed by Beckwith and the other survivors of the party, who reached Salt Lake City by way of Nephi, Payson, and Provo.

The Mormon maxim with regard to the Indians was that it was cheaper to feed than to fight them. Hence their intercourse with the Utes and Shoshones<sup>60</sup> was generally peaceable.<sup>61</sup> They taught them

---

(<sup>59</sup>cont.) a sworn statement from the private journal of Anson Call, a Mormon residing in Fillmore City in 1853, and in 1883 one of the most prominent citizens of East Bountiful, Davis co.: "From Fillmore to the site of the Gunnison massacre is about 35 miles. The settlements were in a state of alarm on account of the "Walker war," and just before the massacre a party of emigrants from Missouri, on their way to California, came to Fillmore. During their stay they made many threats concerning the Indians, and declared repeatedly that they would kill the first one who came into their camp. I remonstrated with them and cautioned them. After this party had left, I learned that some Indians around had gone into their camp, and that they had killed two of them and wounded three others. This so enraged the Indians that nothing short of blood would appease their wrath. At this time Capt. Gunnison and his exploring party came along. I told him what had happened, and spoke of the exasperation of the Indians. He expressed deep regret, and remarked: "The Indians are sure to take their revenge." Then follows an account of the massacre, and of the burial of the dead. Call states that Captain Gunnison's

remains were interred at Fillmore. At Lieut Beckwith's request he furnished men for an express to Brigham with news of the massacre. *Utah Co. Sketches*, MS., 163-8. Call's statement is confirmed by Wells in his *Narr.*, MS., 15-19. Wells states that Capt. Gunnison's brother at first believed the report that the Mormons were implicated, and met Call by appointment at S. L. City. The latter produced his diary, from which he read extracts, and after a full investigation, declared himself satisfied that the Mormons had nothing to do with the massacre, F. D. Richards says that he and Erastus Snow rescued four of the survivors near Cedar Springs. *Hist. Incidents of Utah*, MS., 42-3.

<sup>60</sup>Although the Indian tribes of Utah were at this period very numerous, the word 'Utahs' was commonly applied to those south of G. S. Lake, and 'Shoshones' or 'Snakes' to those north and west of the lake, especially in the valley of the Humboldt River. The Snakes and Utahs were both Shoshone tribes. See my *Native Races*, i. passim.

<sup>61</sup>*Richards' Narr.*, MS., 47; Wells' *Narr.*, MS., 23; *Young's Early Experiences*, MS., 5-6. In the latter MS. it is related that when the pioneers entered the valley Indians were very numerous, but that the only trouble which occurred in early times was with a lame and vicious savage whom the Mormons named 'the old cripple.' One day this man entered Mrs Young's cabin during her husband's absence, and asked for some biscuits. She gave him all that she could spare, and when he demanded more replied that she had none. The Indian then strung his bow and threatened to shoot her. 'Wait a moment,' said Mrs Young, and I will bring more biscuits. Stepping into an adjoining shed, she let loose at him a huge mastiff, which seized him by the leg, causing him to howl with pain. The savage now gave up his arrows, whereupon his wound was dressed and he was sent about his business. He was never seen again in that neighborhood. This incident is also related in *Tullidge's Women of Morm.*, 442.

Lorenzo Dow Young, brother to Brigham, by whom this MS. was presented to me, arrived in the valley on the 24th of July, 1847, with the pioneer (cont.)

p. 472

how to till their lands; they assured them that they would suffer no wrong; but they also told them that if they inflicted wrong, punishment would follow. Nevertheless, when the tide of gentile emigration set in for California, outbreaks among the Indians were of frequent occurrence. The troubles caused to the early settlers in the Utah Valley in 1849-50 have already been mentioned. In the autumn of the latter year, a disturbance occurred in the northern part of the territory, caused by a party of emigrants, who, while encamped on the Malade River, shot two Shoshone women as they were crossing the stream on horseback, stole their horses, and then set forth on their journey. Thereupon the warriors of the tribe began to commit depredations on the northern settlements, slaying a Mormon named Campbell, who was engaged in building a saw-mill, near Ogden, and threatening to massacre the inhabitants of that village. General Eldredge of the Nauvoo legion, being sent with a detachment to the scene of action, found that the Shoshones had moved northward, carrying off a number of horses

(<sup>61</sup>cont.) band, and encamped near the present site of Main Street, S. L. City. During my visit to Utah, in August 1884, he described to me the cabin that he built soon after his arrival near the spot where the 'Beehive' later stood. Its roof was of dirt, and its flooring of planks, sawn by his own hands. This was the first house built in the city, and as it had glass for windows, was long considered one of the most comfortable. Around this residence locust trees were planted, but only those were saved which were covered with buckets. At the time of my visit I found Mr Young living at his country home, within two or three miles of the capital, in company with the eldest of his three wives, Harriet Page Wheeler Young, a native of Hillsborough, N.H., who was baptized into the faith in Feb. 1836, and was married to Lorenzo at Nauvoo in 1844, a few weeks before the assassination of Joseph Smith. The house was long and narrow, plainly built and furnished, indicating no surplus of this world's goods. Mrs Harriet Young is the heroine of the story related above. In a double brick house near by lived the other wives of Mr Young. They were honest, good-natured, credulous people, and were thoroughly contented with their lot. Their simple needs were all supplied; their barn was filled with hay, and the yard well stocked with poultry. All the wives addressed Lorenzo as 'father,' and the entire party seemed to form one patriarchal family, living quietly, happily, and in accordance with their faith. At this date Mr Young was 77 years of age; he was a man of medium height, ruddy, and cheerful of countenance, with kindly blue eyes, thin, white, curly locks, and except for a slight deafness, showed little trace of age. He said that on his 75th birthday he counted 122 living descendants, but had since lost track of

the number of his grandchildren. He expressed a wish that the doctrine of polygamy should be studied in the light of the old testament, and the facts laid bare by some honest and impartial inquirer.

p. 473

and cattle. A number of Utahs were on the ground, and a portion of them were made prisoners and retained as hostages, the tribe being advised to move south to their usual place of abode and avoid all further intercourse with the Shoshones. Thus the matter was settled without further bloodshed.<sup>62</sup>

No serious outbreaks occurred among the Indian tribes during 1851-2, though emigrant parties, both Mormon and gentile, were sometimes molested,<sup>63</sup> and in October of the former year, the mail for California was captured within a few days after leaving Salt Lake City.<sup>64</sup>

During 1853 and a portion of the following year occurred what was known as the Walker war, in which the Mormons suffered serious loss of life and property throughout their territory. Walker, a favorite chief of the Utahs, was at this time a man in the prime of life, one versed in all manly exercises, an excellent shot, and a capital judge of horse-flesh. In addition to several of the native dialects, he could converse fluently in Spanish, and make himself understood in English. Long before the advent of the Mormons he made frequent raids into the Mexican states, where he laid the people under contribution, and took captive persons of rank and condition whom he held to ransom. When setting forth on one of these forays he was attired in a suit of the finest broadcloth, cut

---

<sup>62</sup>*Deseret News*, Sept. 21, 1850; *Smith's Rise, Progress and Travels*, 28. Smith states that on arriving at the spot, the detachment ascertained the cause of the outbreak from some friendly Indians, and restored peace by reimbursing the Shoshones.

<sup>63</sup>When near a branch of the Loupe fork of the Platte, Orson Hyde and his party were robbed by a band of 300 Pawnees, the plunder amounting to about \$1,000. *Frontier Guardian*, Aug. 22, 1851. In 1852 there was also some trouble in Tooele co. between the settlers and the Indians, and a company of the legion was sent there, but the Indians got the best of it, carrying away the Mormons' cattle. *Wells' Narr.*, MS., 13.

<sup>64</sup>The party with the mail left S. L. City on Oct. 1st, and reached Goose Creek on the 6th. Here they encamped and lighted a fire for the first time. In the morning, when ready to start, 200 or 300 Indians made their appearance, and pressed so closely on the mail-wagon that the men were forced to abandon it and retreat, some on mules and some on foot, keeping up a fight with the Indians for several miles. At least five of the assailants were killed. *S. F. Alta*, Nov. 2, 1851. In *Id.*, June 2, 5, 1852, are reports of murders committed by Indians.

p. 474

in the latest fashion, and donned a cambric shirt and a beaver hat. Over this costume he wore his gaudy Indian trappings, and as he rode at the head of his braves, with their gayly accoutred steeds and embroidered saddles glittering with metal ornaments, he might have been taken for a Soldan among the dusky Painims of the west.<sup>65</sup>

At first Walker received the exiled saints with open arms, gave them information as to the nature of the country, advised them where to establish settlements, and guarded them from depredation. But when he saw that they had occupied his choicest lands; when game disappeared from the cañons and mountain sides; and when his people were shot down without provocation, and their cattle stolen by bands of emigrants, his friendship turned to hate, and he longed to rid himself of the white man. On the 17th of July, 1853, hostilities broke out, and continued with little interruption until winter. During this year twelve Mormons were killed and a number wounded; about four hundred cattle and horses were stolen, and the expense incurred in building forts and removing settlements amounted to \$200,000.<sup>66</sup> That the loss was not still greater was due to the vigilance of

---

<sup>65</sup>Richards and others state that even after the gold discovery Walker made raids into California, and that on one occasion, about the year 1849, the people turned out en masse to capture him and his band in their lurking place among the mountains. The chief quietly secured their horses and trappings at dead of night and returned with them to Utah. *Utah Notes*, MS., 8. *Wells, Narr.*, MS., 17, says that Walker did not inherit the chieftainship, but obtained it through the success of his raids into California. When an Indian possessed cattle and horses enough to mount and feed others, he was at once regarded as a big man among the Utahs, and thus Walker obtained his prestige. Ora, now dead, was the head chief of the Ute nation, and Uintah was a great chief among the Utahs.

<sup>66</sup>Governor's message, in *Utah, Jour. Legisl.*, 1853-4, 121-2. On July 17th the Utahs made a raid on Springville, but, the inhabitants being forewarned, no damage was done. On the 18th Alexander Keele, who was on sentry near Payson, was shot dead by Arapeen, Walker's brother. The Indians then moved up Peteetneet Cañon, firing on the settlers as they passed. On the 19th Col Conover started from Provo with 150 men to assist the smaller settlements. On the same day the savages attempted to surprise the settlement at Pleasant Creek, and stoic horses and cattle at Manti and Nephi. On the 20th the guard at Nephi was fired upon. On the 24th Clark Roberts and John Berry were wounded at Pleasant Creek, while on their way to Provo, in charge of an express. On the 23d Conover sent forth a scouting party (cont.)

p. 475

the governor, for in the spring an émeute had already been threatened, and was only prevented by the prompt measures of Brigham, who visited the Indian camps in person, and for a time averted the outbreak.

Among the causes that led to disturbance with the Utahs was the presence of trading parties from New Mexico, who supplied the Indians with horses, firearms, and ammunition, often taking in exchange Indian women and children, who were afterward sold into slavery.<sup>67</sup> To remedy this evil, an act was passed by the Utah legislature in 1852, legalizing the enforced apprenticeship of Indian children, but only for the purpose of inducing the brethren to purchase those who would otherwise have been sold to the Mexicans or abandoned by their parents.<sup>68</sup> So frequent were

---

(<sup>66</sup>cont.) which encountered a band of 20 or 30 Indians near Pleasant Creek, and killed six of them. On the night of August 10th a party under Lieut Burns, encamped on Clover Creek, was attacked, and one of them wounded, several animals being lost. On the 17th four men, who were hauling lumber near Parley Park, were fired on and two of them killed. *Deseret News*, July 30, Aug. 25, 1853; *Wells' Narr.*, MS., 56. Sept. 30th, four men on their way to Manti with ox teams loaded with wheat were killed and mutilated at Uintah Springs. Oct. 2d, eight Indians were killed and others captured in a

skirmish at Nephi. Oct. 4th, two Mormons named John E. Warner and William Mills were killed at the grist-mill near Manti. *Id.*, Oct. 15, 1853. Oct. 31st, news of the Gunnison massacre was received at Salt Lake City by letter from Capt. Morris. *Id.*, Nov. 12, 1853. For other accounts of Indian disturbances, see *S. F. Herald*, Sept. 30, Dec. 24, 1853; *S. F. Alta*, Aug. 27, Sept. 30, 1853; *Olshausen's Mormonen*, 186-7.

<sup>67</sup>In the *Deseret News* of Nov. 15, 1851, it is stated that a copy of a license granted to one Pedro Leon, dated Santa Fé, Aug. 14, 1851, and signed by James S. Calhoon, superintendent of Indian affairs, was shown to Willard Richards, who states that on the 3d of that month Leon, with 20 Mexicans, was at Manti, for the purpose of trading horses for Indian children, and that two other companies were about to follow. Wells, *Narr.*, MS., 23, and Richards, *Hist. Incidents of Utah*, MS., 25-6, state that the Utahs were in the habit of stealing children from the Piutes and selling them to Mexican traders. The latter relates that Arapeen had a stolen child who was taken sick, and as the savage could not sell it, he took it by the heels, swung it round his head, and dashed out its brains. The act was witnessed by several Mormons, who were only prevented from shooting him on the spot through fear of provoking a general uprising. By virtue of his authority as governor and superintendent of Indian affairs, Brigham Young forbade all trading of this nature, and told the Mexicans that their license was not valid. *Hist. B. Young*, MS., 1851, 115.

<sup>68</sup>In the preamble it is stated that the purchase of Indian women and children by Mexican traders has been carried on from time immemorial; that it is a common practice with Indians to gamble away their women and children; that the captives thus obtained, or obtained by war or theft, were often carried from place to place, packed on horses or mules, lariated out to subsist on grass or roots, bound with thongs of rawhide, until their feet and hands were (cont.)

p. 476

the visits of the slave-traders, that in April 1853 a proclamation was issued by the governor, ordering the arrest of all strolling parties of Mexicans, and forbidding any Mexican to leave the territory until further advised.<sup>69</sup>

Between 1854 and 1856 troubles with the Indians were less frequent,<sup>70</sup> and these were mainly with the

(<sup>68</sup>cont.) swollen; and when they fell sick, were frequently slain by their masters. It was therefore enacted that whenever any white person within the territory should have in his possession an Indian prisoner, whether by purchase or otherwise, he should immediately take his captive before the probate judge or one of the selectmen, and if in their opinion the applicant was a fit person to retain and educate him, he was to be bound by indenture for a term not exceeding 20 years, during which he must be decently clad at the owner's expense, and attend school for three months in each year. Selectmen were authorized to obtain such prisoners and have them trained to useful vocations. A copy of the act will be found in *Utah, Acts Legisl.* (ed. 1866), 87-8, and *Burton's City of the Saints*, 297-9, note. In a message to the legislature, dated Jan. 6, 1852, Brigham, reviewing at length the internal policy of the territory, said that the system of slavery was obnoxious to humanity, but that the negro should serve the seed of Abraham, and not be a ruler nor vote for men to rule over him. 'My own feelings are, that no property can or should be recognized as existing in slaves, either Indian or African.' *Utah, Jour. Legisl.*, 1851-2, pp. 108-10. Nevertheless, a few years later, there were slaves in Utah. Horace Greeley, during an interview with Brigham, in 1859, asked him, 'What is the position of your church in regard to slavery?' 'We consider it,' he answered, 'of divine institution.' 'Are any slaves now held in this territory?' 'There are.' 'Do your territorial laws uphold slavery?' 'These laws are printed—you can read for yourself. If slaves are brought here by those who owned them in the states, we do not favor their escape from the service of those owners.' *Greeley's Overland Journey*, 211-12. 'The constitution of Deseret is silent upon this; we mean it should be. The seed of Canaan cannot hold any office, civil or ecclesiastical. They have not wisdom to act like white men...The day will come when the seed of Canaan will be redeemed.' *Hist. B. Young*, MS., 1852, p. 2.

<sup>69</sup>A copy of the proclamation will be found in the *Deseret News* of April 30, 1853.

<sup>70</sup>On Jan. 1, 1854, a wagon-train on its way from S. L. City to California for supplies was attacked by Indians, and three Mormons were wounded. When the party arrived at San Bernardino they had only 30 out of nearly 100 head of stock

remaining. *S. F. Alta*, Feb. 22, 1854. In Sept. certain Indians were arrested for killing two boys, named William and Warren Weeks. On Sept. 4th Brigham returned from an official visit to the Shoshones. The Indians declared that they desired peace, and had always done so, except when maltreated by passing emigrants. *Deseret News*, in *Id.*, Oct. 19, 1854. During this trip Brigham met the chief Walker at Chicken Creek, made a truce with him, and gave him presents. Walker afterward became very friendly to the Mormons. During the negotiations Walker said, through an interpreter, that Brigham was a great chief, and that he was himself as great—holding up both thumbs to indicate that both were equally great. By the terms of the truce Walker agreed to give up all the stolen horses, or all that could be found. *Wells' Narr.*, MS., 21. On the 17th of August, while a train of Mormon emigrants was passing a Sioux encampment near Fort Laramie, one of their cattle strayed into the Indian camp and was killed. The Mormons complained to the commandant, who ordered Lieut J. L. Grattan to (cont.)

p. 477

Utahs. On the 7th of August, 1855, a treaty was negotiated by the Indian agent with the Shoshones, whereby, for a consideration of \$3,000, peace and friendship were to be confirmed with the United States, and the passage of United States citizens through their territory without molestation was to be guaranteed.<sup>71</sup> In January of this year the chief Walker died,<sup>72</sup> at peace, as it seems, with the Mormons,

(<sup>70</sup>cont.) proceed to the camp with two howitzers and 29 men of the sixth infantry, and arrest the offender, if it could be done without unnecessary risk. This at the instance of a Sioux chief named The Bear, who stated that the culprit would doubtless be surrendered. Arriving at the outskirts of the camp, Grattan sent for The Bear, who said that his people had determined not to deliver up the accused; whereupon the lieutenant resolved to enter the camp and arrest him at all hazards. Thus far the statements of witnesses agree, but from this point there is a conflict of testimony. It can only be stated with certainty that a fight ensued, in which the lieutenant and his entire command were killed. The whole matter wears the appearance of a well-planned attempt on the part of the Indians to gain possession of Fort Laramie, and of the warehouses of a trading company near by, where the Sioux were awaiting the arrival of the Indian agent to distribute their annuity goods. In the latter attempt they were successful. Various reports of the massacre will be found in *House Ex. Doc.*, 33d Cong. 2d Sess., viii. no. 63. See also *Rept of Sec. of Inter.*, in *Id.*, i. pt i. 224-5. Toward the end of the year a party of Crows captured the mail from S. L. City, destroyed the mail-bags, and secured plunder to the amount of \$12,000. *S. F. Alta*, Jan. 1, 1855. In Sept. three Mormons were murdered near the Elk Mountains. For particulars, see *Deseret News*, Oct. 10, 17, 1855; *S. F. Alta*, Nov. 8, 1855; *S. F. Bulletin*, Nov. 9, 1855. In Feb. 1856 there was some trouble with Indians in the Utah and Cedar valleys, during which a Mormon named George Carson was mortally wounded, and two herdsmen killed. *Deseret News*, Feb. 27, March 5, 1856. In May of this year Carlos Murray and his family were massacred in Thousand Spring Valley. *Ind. Aff. Rept.*, 1856, 227-30. It is probable that this massacre was caused by the misconduct of California-bound emigrants. In *House Ex. Doc.*, 34th Cong. 1st Sess., i. pt i. 519, Garland Hurt, then Indian agent, in his report to Brigham dated Sept. 30, 1855, says: 'On our return trip we were exceedingly anxious to meet with some Indians whom we had reason to believe were haunting the road between the Humboldt and Bear River. In Thousand Spring Valley we saw but one, and had to chase him on horseback before we came up with him. I asked him why he and his people were so wild when I came so far just to see them and give them presents. He said they were afraid we were Californians and would kill them.'

<sup>71</sup>*Id.*, 267. The treaty was not ratified, and only a copy of it was received at Washington.

<sup>72</sup>At Meadow Creek, near Fillmore. In a letter to Brigham, dated Fillmore City, Jan. 29th, David Lewis says that on the previous day he met Walker, who was so feeble that he had to be supported on his horse. He asked whether Brigham 'talked good.' Lewis replied that he talked very good, and gave him a letter and a number of presents from the governor. The chieftain then went his way, asking Lewis to visit him at Meadow Creek the next morning. Before daybreak a number of Indians came running into the fort (at Fillmore) with news of Walker's death. Walker, in his last words, asked his people not to kill the cattle of the Mormons or steal from them. *Deseret News*, Feb. 8, 1855. For biography and portrait of Walker, see *Linforth's Route from Liverpool*, 104-5; for mention of his death, *Incidents in* (cont.)

and was succeeded by his brother Arapeen.<sup>73</sup> Thus the leading spirit of the Utahs was taken from their midst, and starved though the Indians were,<sup>74</sup> they ceased for a time from open hostility, contenting themselves with occasional raids on the Mormons' cattle and horses, and accepting with thankfulness such small presents as the Indian agents were pleased to give them.<sup>75</sup>

It is worthy of note that the United States should have deemed Utah fit to be organized as a territory, and should yet have considered the sum of \$3,000 a fair compensation to the Indian tribes for its occupation. Though no territory was of course acquired by the informal treaty with the Shoshones, Utah was then the abode of more than forty thousand

---

(<sup>72</sup>cont.) *Utah Hist.*, MS., 63; *Millennial Star*, 269-70; *S. F. Alta*, Apr. 6, 1855; *Sac. Union*, Apr. 9, 1855.

<sup>73</sup>Walker had three brothers, named Arapeen, Sanpitch, and Tabby. Sanpitch succeeded Arapeen, and Tabby was afterward chief of the Utahs. *Wells' Narr.*, MS., 22. In his summary of the Walker war, Richards mentions a brother named Ammon. *Incidents in Hist. Utah*, MS., 30.

<sup>74</sup>In his report to Brigham Young, in *House Ex. Doc.*, i. 34th Cong. 1st Sess., pt i. 518, Garland Hurt states that while in the Humboldt Valley 400 Indians came to his camp within three days, and that many had travelled 100 miles without food. Again, p. 520, he mentions that a party of Utahs were put to work on a farm at Nephi, but they had nothing to eat, and most of them were compelled to betake themselves to the mountains and streams, where there were fish and game.

<sup>75</sup>In 1849 John Wilson was appointed Indian agent at Salt Lake. In *House Ex. Doc.*, 17, 31st Cong. 1st Sess., pp. 182-4, is a copy of his instructions. The total sum allowed him for presents to Indians, rent, fuel, stationery, forage, the purchase of two horses, travelling and incidental expenses, was \$1,500. What portion of this amount the Indians were likely to receive in the way of presents the reader will judge for himself. In *Id.*, no. 17, pp. 104-111, is a copy of the agent's report, which contains much that was already known about the geography of the country, but very little about the Indian tribes. Wilson states that to gain anything like a personal knowledge of the actual situation of these tribes would require five years' travel. One would think that he might at least have learned something from the Mormons. In 1851 Jacob H. Holman was appointed Indian agent, and Henry R. Day and Stephen B. Rose sub-agents *Amer. Almanac*, 1852. Day was removed in 1852. In 1854 Garland Hurt succeeded Holman, and Edward A. Bedell was also appointed agent. In 1855-6 the agents were Garland Hurt and G. W. Armstrong, Brigham being still superintendent of Indian affairs. *Id.*, 1854-7. The reports of the various agents and of the superintendent will be found in *Ind. Aff. Repts*, passim. In his report to the secretary of the interior, dated Nov. 22, 1856, Geo. W. Manypenny, commissioner of Indian affairs, says: 'The Indians in the territory of Utah have, with but few exceptions, continued quiet and peaceable.' Nevertheless, in Feb. of this year there were a few war parties in the field. See Brigham Young's proclamation, in *Deseret News*. Feb. 27, 1856.

p. 479

citizens, and on the highway of travel between the verges of the continent. Between July 1853 and August 1856 more than \$11,000,000 were expended for the occupation or acquisition of Indian territory.<sup>76</sup> Of this total less than the three-hundredth part of one per cent was paid to the Shoshones, and to the Utahs nothing. For the five years ending the 30th of June, 1855, the sum paid to the Mormons for losses incurred through Indian depredations, for the expense of suppressing Indian outbreaks, and of negotiating treaties, amounting probably to not less than \$300,000 was \$95,940.65; and, small as it was, when drafts were presented at the treasury, excuses were found for not paying them.<sup>77</sup>

The occupation of territory under such conditions was of course resented by the original owners of the soil, and it is no matter for surprise that the small detachments of United States troops lost more in number between the years 1853 and 1856 than did the Mormons.<sup>78</sup> The saints seldom used their rifles

<sup>76</sup>*Ind. Aff. Repts*, 1856, 264-7.

<sup>77</sup>*Linforth's Route from Liverpool*, 108. Gen. Wells states that the cost of the Walker war, apart from losses incurred, was \$70,000; that this was cut down to \$40,000, after special agents had been sent to investigate, and was not paid until ten years afterward. *Narr.*, MS., 25. On Jan. 5, 1853, the committee on territories transferred to the committee on military affairs a memorial of the Utah legislature for an appropriation for the expense of Indian expeditions. *U. S. House Jour.*, 32d Cong. 2d Sess., 104. On Jan. 29, 1855, the committee on military affairs reported that it had not sufficient data to advise on refunding to Utah her expenses in suppressing Indian outbreaks. *U. S. House Com. Repts*, 33d Cong. 2d Sess., 39. On March 2, 1857, the U.S. senate voted against a motion authorizing the secretary of war to settle the accounts of Utah territory for moneys advanced in suppressing Indian hostilities in 1853. *U.S. Sen. Jour.*, 34th Cong. 3d Sess., 298. For copies of memorials, of which two were forwarded to congress, see *Utah, Acts Legisl.* (ed. 1855), 409-10, 416-17.

<sup>78</sup>Garland Hurt, under date G. S. L. City, May 2, 1855, in *Ind. Aff. Repts*, 1857, 305, says he has become satisfied that the saints have accidentally or purposely created a distinction in the minds of the Indian tribes of this territory between the Mormons and the people of the U.S. that cannot act otherwise than prejudicially to the latter. He recommends that the 13th and 14th sections of the 'act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontier,' be rigidly enforced. It is true that the Indians made a distinction between Mormons and gentiles, for the former fed and clothed them, while the latter shot them down. Richards, *Narr.*, MS., 47, says that when the saints first arrived in the valley, Brigham assured the Indians that they would be well treated, and told them that they must not behave toward his people as they did toward the Americans. In *Indian Aff.* (cont.)

p. 480

except in case of need, and treated their Indian neighbors as human beings. The emigrants had no such scruples.

(<sup>78</sup>cont.) *Repts*, 1837, 311, the governor remarks that more liberal appropriations should be made, and that the troops must be kept away, 'for it is a prevalent fact that wherever there are the most of these, we may expect to find the greatest amount of hostile Indians, and the least security to persons and property.' Most of Brigham's reports bear the impress of common sense, but he had not in his hands the appropriation of government funds or the appointment of Indian agents. For further mention of matters relating to Indian affairs, see *House Ex. Doc.*, i. 32d Cong. 2d Sess., pt. i., 299-300, 487-45; *Id.*, i. 33d Cong. 1st Sess., pt. i. 441-7; *Utah, Jour. Legisl.*, Joint Sess, 1854-5, pp. 94-7, 102; *Deseret News*, May 1, 1852, Apr. 2, 1853, May 11, June 22, Sept. 7, Oct. 15, 26, Nov. 16, 1854, Oct. 15, 1856; *Front. Guardian*, Oct 3, 1849; *Tullidge's Quart. Mag.*, July 1884, 235-41; *Mackay's The Mormons*, 233, 238-40; *Olshausen's Gesch. de Morm.*, 184-7; *Carvalho's Incidents of Travel*, 188-94; *Ward's Husband in Utah*, 39-60, 64-7; *Marshall's Through Amer.*, 192; *Hunt's Merchants' Mag.*, xxx. 639; *Pacific R. R. Rept*, ii. 26-7; *Sac. Union*, June 16, 1855; *S. F. Bulletin*, Dec. 11, 1855; *S. F. Alta*, July 4, 1854, Dec. 9, 1856; *San José Times*, Nov. 23, 1879; *S. F. Herald*, June 25, 1854.



 **TABLE OF CONTENTS** 

[Go to Online Books](#)

---

[Home](#) | [FAQs](#) | [What's New](#) | [Topical Index](#) | [Testimony](#) | [Newsletters](#) | [Online Resources](#) | [Online Books](#) | [Booklist](#) |  
[Order/Contact](#) | [Email](#) | [Other Websites](#)