Prosecution, & that said Nickerson be Taxed with the Costs of Suit.  

Passed Feb[ruar].y. 17th. 1842.  
John C. Bennett, Mayor.  
James Sloan, Recorder.  
Resolved by the City Council of the City of Nauvoo, that the Monies resigned by the City Council, or any part of them, if not disposed of by themselves, become a poor Fund, to be appropriated hereafter for the benefit of the Poor of the City of Nauvoo.  
Passed Feb[ruar].y. 17th 1842  
John C. Bennett, Mayor.  
James Sloan Recorder.  
It was Ordered, upon Motion of the Vice Mayor, that Bluff Street be opened from Mulholland Street to Munson Street.  
Feb[ruar].y. 17th 1842.  
John C. Bennett. Mayor.  
James Sloan, Recorder.  
Ald[er]m[a]n [Samuel H.] Smith resigned up his Fees for the past Year. Co[uncil]l[o]r Wilson Law resigned his Claim to pay, as a City Councillor, up to this time, in favour of the Blind Inhabitants of the fourth Ward of this City, to be equally divided amongst them.  
Co[uncil]l[o]r W[illiam]m Law resigned his pay as Co[uncil]l[o]r for the time past, and the present year, except any Fines which may be levied on him.  
Feb[ruar].y. 17th 1842.  
John C. Bennett, Mayor.  
James Sloan, Recorder.  
Upon Report of the Committee it was Adopted, that the City Assessment, amounting to $140,128.00, be accepted.  
Adopted Feb[ruar].y. 17th 1842.  
John C. Bennett, Mayor.  
James Sloan, Recorder.  

An Ordinance concerning Marriages.  

Sec. 1. Be it Ordained by the City Council of the City of Nauvoo, that all Male Persons over the Age of seventeen years, and Females over the Age of fourteen years, 17 may contract and be joined in Marriage: Provided in all Cases where either Party is a Minor, the consent of Parents or Guardians be first had.  
Sec. 2. Any Persons as aforesaid wishing to Marry, or be

16See November 27, 1841.  
17Fourteen years as a legal marriage age was not uncommon in the nineteenth century. In fact, in late-nineteenth-century Illinois, the age of consent was ten. See Mary E. Odem, Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States (Chapel Hill: University of North Carolina Press, 1995), 14-15.
joined in Marriage, may go before any regular Minister of the Gospel, Mayor, Alderman, Justice of the Peace, Judge or other Person authorized to Solemnize Marriages in this State, and Celebrate or declare their Marriage, in such manner and form as shall be most agreeable; either with or without License.

Sec. 3. Any Person solemnizing a Marriage as aforesaid shall make return thereof to the City Recorder, accompanied by a recording Fee of Fifty Cents, within thirty days of the Solemnization thereof. And it is hereby made the Duty of the Recorder to keep an accurate Record of all such Marriages. The Penalty for a Violation of either of the Provisions of this Ordinance shall be twenty Dollars, to be recovered as other Penalties or Forfeitures.

Passed February 17th 1842.
John C. Bennett, Mayor.
James Sloan, Recorder.

[February 18, 1842; Friday.]
I [i.e., Joseph Smith] attended an adjourned city council, and spoke at considerable length in committee of the whole on the great privileges of the Nauvoo Charter, and especially on the registry of deeds for Nauvoo, and prophesied in the name of the Lord God, that Judge [Stephen A.] Douglas and no other judge of the Circuit Court will ever set aside a law of the city council, establishing a registry of deeds in the city of Nauvoo.

[March 5, 1842; Saturday.] Resolved by the City Council of the City of Nauvoo, that when Property is sold at Sheriffs, Marshals, or Constables Sale, under the Ordinances of this City, the Persons having their Property Sold shall have the privilege to redeem the same, by paying the Principal, and fifteen per Cent on Principal, with Cost and Charges, within thirty days after Sale.

Passed March 5th 1842.
John C. Bennett, Mayor.
James Sloan, Recorder.

Adopted by the City Council of the City of Nauvoo, that the Street running South from Parley to Lumber Street, between Charles Hubbard, Bently, Taylor &c., be opened, and that said Street be

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18 This meeting is not recorded in the official city council minutes; it is taken from History of the Church, 4:516. "After some business on roads was performed," Wilford Woodruff recorded, "Joseph the Seer took the floor & followed Gen[eral] [John C.] Bennet Concerning law our rights &c. His speach was truly interesting and powerful" (2:154).

19 See also History of the Church, 4:543.

20 The History of the Church reports, apparently incorrectly, that this resolution passed on Friday, March 4, 1841.

21 Charles Wesley Hubbard was born in 1810 in Sheffield, Massachusetts. He was baptized in 1833, and died in 1903.
Plural Marriage

"Let no man break the laws of the land, for he that keepeth the laws of God hath no need to break the laws of the land. Wherefore, be subject to the powers that be..."

D.C. 56:15 - Reorganized Edition
D.C. 56:21 - Utah Edition

It was in 1852 that Brigham Young had presented to the Mormon Church a purported revelation, (Utah Doctrine and Covenants, Section 132) claiming divinity for the practice of polygamy or plural marriage.

The United States Congress passed laws against plural marriage in 1862 (upheld by the United States Supreme Court in 1879), in 1882 (Edmund's Bill), and in 1887 (Edmund-Tucker Law). The Supreme Court also declared constitutional in 1890 an Idaho anti-polygamy law.

From 1862, the Mormon Church fought these federal laws. All during the time of their court appeals to the Supreme Court (even after the court upheld the law in 1879) and up until 1890 the leaders of the Mormon Church went before their people pleading with them to remain firm in their practice of polygamy. "The Lord has said he will fight our battles," they proclaimed. In impassioned discourses, accompanied by deep religious fervor, often "in the name of the Lord," the Utah Church leaders cried that the practice of plurality of wives must never be given up. Those early Mormon prophets insisted that to become a god one must be a Polygamist, and that individual salvation as well as the future of the Mormon Church, depended upon the practice of plural marriage.

Illinois Law Against Plural Marriage

Section 121. (Enacted Feb. 12, 1873)

"Bigamy consists in the having of two wives or two husbands at one and the same time, knowing that the former husband or wife is still alive. "If any person or persons within this state, (Illinois) being married or who shall hereafter marry, do at any time marry any person or persons, the former husband or wife being alive, the person so offending shall, on conviction thereof, be punished by a fine not exceeding one-thousand dollars, and imprisoned in the penitentiary not exceeding two years."

Section 122.

"If any man or woman, being unmarried, shall knowingly marry the husband or wife of another, such a man or woman shall on conviction, be fined not more than five hundred dollars, or imprisoned not more than one year."

From Statute of Illinois, 1873, Criminal Code, "...an act relative to jurisprudence, 11th Division, Offences Against the Public Morality, Health and the Police:

Section 121. Bigamy consists in the having of two wives or two husbands at one and the same time, knowing that the former husband or wife is still alive. If any person or persons within this state, being married, or who shall hereafter marry, do at any time marry any person or persons, the former husband or wife being alive; the person so offending shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars, and imprisoned in the penitentiary not exceeding two years. It shall not be necessary to prove either of the said marriages by the
register or certificate thereof, or other record evidence; but the same may be proved by such evidence as is admissible to prove a marriage in other cases, and when such record of marriage shall have taken place without this state, cohabitation in this state after such second marriage shall be deemed the commission of the crime of bigamy and the trial in such case may take place in the County where such cohabitation shall have occurred."

**STATEMENTS OF EARLY MORMON PROPHETS AND OTHER UTAH CHURCH LEADERS**

A -- **BRIGHAM YOUNG** First President and prophet of the Utah Church, (1847-1877) who died right in the middle of the struggle to retain polygamy.

(1) At the conference on August 29, 1852, where the doctrine of polygamy was first read, Brigham Young said:

"...I can deliver a prophecy upon it...And I tell you - for I know it - it will sail over, and ride triumphantly above all the prejudice and priesthood of the day; it will be fostered and believed in by the more intelligent portions of the world, as one of the best doctrines ever preached to any people...It is all connected with the exaltation of man, showing how he becomes exalted to being a king and a Priest; yes, even a God, like his Father in heaven. Without the doctrine that this revelation reveals, (plural marriage) no man on earth ever could be exalted to be a God." (Millennial Star, Vol. XV Supplement, 1853, pages 31-32).

(2) "It is the word of the Lord, and I wish to say to you, and all the world, that if you desire with all your hearts to obtain the blessings which Abraham obtained, you will be polygamists...This is as true as that God lives...The only men who become Gods, even the sons of God, are those who enter into polygamy." (Discourses of Brigham Young, Great Salt Lake City, August 19, 1866, Journal of Discourses, Vol. XI, pages 286-287).

(3) "Now where a man in this Church says, 'I don't want but one wife, I will have my religion with one', he will perhaps be saved in the celestial kingdom; but when he gets there he will not find himself in possession of any wife at all...he will remain single forever and ever..." (Discourses of Brigham Young, at Paris, Onida County, Idaho, August 31, 1873, Journal of Discourses, Vol. XVI, page 165).

(4) "Now, then, it is said that this (polygamy) must be done away before we are permitted to receive our place as a State in the Union...Do you think that we shall ever be admitted as a State into the Union without denying the principle of Polygamy? If we are not admitted until then, we shall never be admitted." (Discourse by Brigham Young, Salt Lake City, August 19, 1866. Journal of Discourses, Vol. XI, page 269).

(5) Even before the death of Brigham Young (1877) some had dared to suggest that polygamy was not of God and should be given up, and that a new revelation would come, doing away with plural marriage. Others suggest that sealing might continue, and the rest of Section 132 on plurality of wives be "suspended." Against all these ideas Brigham Young Pitted the whole vigor of his soul, and his future reputation as a prophet:
BLACKEST of the dead, or exposer the na- 

ture defects of the living.

ELEVENTH DIVISION.

OFFENCES AGAINST THE PUBLIC MORALITY, HEALTH, AND POLICE.

Begary,definition of.

Section 121. Bigamy consists in the having of two wives or two husbands at one and the same time, knowing that the former husband or wife is still alive. If any person or persons within this state, being married, or who shall hereafter marry, do at any time marry any person or persons, the former husband or wife being alive; the person so offending shall, on conviction thereof, be punished by a fine not exceeding one thousand dollars, and imprisoned in the penitentiary not exceeding two years.

Punishment.

It shall not be necessary to prove either of the said marriages by the register or certificate thereof, or other recorded evidence: but the same may be proved by such evidence as is admissible to prove a marriage in other cases, and when such second marriage shall have taken place without this state, cohabitation in this state after such second marriage shall be deemed the commission of the crime of bigamy, and the trial in such case may take place in the county where such cohabitation shall have occurred. Nothing herein contained shall extend to any person or persons whose husband or wife shall have been continually absent from such person or persons for the space of five years together, prior to the said second marriage, and be or she not knowing such husband or wife to be living within that time. And nothing herein contained shall extend to any person that or shall be at the time of such second marriage divorced by lawful authority from the husband of such former marriage, or to any person where the former marriage has been by lawful authority declared void.

Section 122. If any man or woman being unmarried, shall knowingly marry the husband or wife of another, such man or woman shall, on conviction, be fined not more than five hundred dollars, or imprisoned not more than one year.

Section 123. Any man and woman who shall live together in an open state of adultery or fornication, or adultery and fornication, every such man and woman shall be indicted and on conviction, shall be fined in any sum not exceeding two hundred dollars each, or imprisoned not exceeding six months. This offence shall be sufficiently proved by circumstances which raise the pr-