PLURAL WIVES AND THE NINETEENTH-CENTURY
MORMON MARRIAGE SYSTEM:
MANTI, UTAH,
1849-1910

Kathryn M. Daynes

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Jan Shipps, Ph.D.

George Alter, Ph.D.

M. Jeanne Peterson, Ph.D.

David Thelen, Ph.D.

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Ellen Dwyer, Ph.D.
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ABSTRACT

Kathryn M. Daynes

Historical studies of the family have heretofore given little attention to the interaction of laws and religion, on the one hand, with individuals and families, on the other. The distinctiveness of nineteenth-century Utah law and Mormon doctrine on marriage and divorce make Mormon Utah particularly valuable for a study of such interaction. Within the nineteenth-century Mormon context, such interaction focuses on the impact laws and doctrines regarding polygamy had on the Mormon marriage system.

This research encompassed not only the study of federal and territorial laws, court cases, and Mormon doctrine dealing with marriage and divorce. It also involved assessing their impact on marriage and divorce patterns of individuals, which was done by reconstructing these patterns among families of Manti, Utah, from 1849 until 1910. Reconstituting these families' experiences required linking individuals across a variety of records, including censuses, family group sheets prepared by descendants, cemetery records, church records, immigration indexes, and probate court records.
This study concludes that both law and religious doctrine shaped the nineteenth-century Mormon marriage system, but that within the framework they provided, the marriage and divorce patterns of individuals changed over time. As the relative number of plural marriages decreased over time, particularly after 1870, the mean marriage age for women rose and the age-specific marriage rates and proportion of women ever marrying declined. Although plural wives came disproportionately from economically disadvantaged women—those whose fathers were dead or not in Utah or who had been widowed or divorced—sufficient numbers of women continued to enter plural marriage until the 1880s so that the entire marriage market was affected. In addition, although courts and church leaders were lenient in granting divorces, the number of divorces granted diminished over time.
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LIST OF ABBREVIATIONS

B.Y.U.  Harold B. Lee Library, Brigham Young University

CHC  Roberts, B. H.  *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints.* 6 vols.  Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1930

COI  Crossing the Ocean Index, Family History Library


FHL  Family History Library, Salt Lake City, Utah

IGI  International Genealogical Index, FHL


LDS  Historical Department, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah

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GLOSSARY

Adoption. A sealing ritual through which an individual was "adopted to" a church leader, creating a patriarhcal order for eternity and also a family organization for the exodus from Nauvoo.

Bishop. An ecclesiastical leader over a ward (local Latter-day Saint congregation).

Cancellation of sealing. An annulment of a marriage sealing, whether the sealing was for time or time and eternity.

Celestial marriage. A term synonymous with sealing for time and eternity, although nineteenth-century Mormons often used it to mean plural marriage.

Civil marriage. Any marriage, whether performed by an civil or ecclesiastical official, which did not seal a couple for eternity.

Endowments. A ritual during which Latter-day Saints "receive the endowment" of knowledge they believe necessary for them to be exalted. They also make sacred promises to be faithful. In the nineteenth century it was common for a woman to receive her endowments on the same day she was sealed to her husband.

Exaltation. The highest reward possible in the hereafter granted by God. Mormons believe that being married for eternity is one of the conditions necessary for exaltation.

First Presidency. Supreme governing body of the church composed of the president of the church and two counselors.

First wife. In this study it means a woman who was in a monogamous marriage before her husband married one or more additional wives. Because first wives were the only wives recognized by the law as wives, they were sometimes called legal wives.
High Council. A body of twelve men who advise and assist the stake presidency. With the stake presidency this council sometimes sits as an ecclesiastical court.

Immigrants. In this study, women who immigrated to Utah after their fourteenth birthdays.

Latter-day Saints. Members of the Church of Jesus Christ of Latter-day Saints, often called Saints.

LDS. Abbreviated form of Latter-day Saint.

Manifesto. A statement issued by the president of the Mormon church on September 25, 1890, stating his intention to abide by the federal laws prohibiting plural marriage and to advise all Latter-day Saints to do likewise.

Marriage for eternity only. A sealing which bound a couple for eternity but entailed no responsibilities or rights on earth.

Nominal plural marriage. A sealing for eternity only in which the wife used the husband's surname and probably received some assistance from the husband but which gave no rights of sexual access.

Polygamous wives. In this study this term refers to both first and plural wives.

Plural wife. In this study this term refers to a woman who was sealed to a man who at that time had a wife living. Cf. "First wife."

Raid. The intense search for and prosecution of polygamists in the 1880s by the federal government.

Reformation. In Mormon history this refers to the millenialist revivals held in Utah in late 1856 and early 1857. These revivals encouraged plural marriage.

Sealing. A Latter-day Saint ritual for binding families together for eternity. In general, it refers to the Mormon marriage ritual in which a couple is married for time and eternity; that is, for this life as well as the life to come. Some sealings, however, were for eternity only. See "Marriage for eternity only" and "Nominal plural marriage."

Stake. An ecclesiastical unit made up of several wards; similar to a diocese.
Stake President. The leader of a stake. A stake presidency consists of the stake president and his two counselors.

Temple. Buildings in which the most sacred Latter-day Saint rituals (ordinances) are performed, including endowments and sealings.

Ward. The basic ecclesiastical church unit; the local congregation.

Utahns. In this study, those women who migrated with the Saints from Nauvoo, those women who were born in Utah, and those women who immigrated to Utah before their fourteenth birthdays.
CHAPTER I

RELIGION, LAW, AND HISTORY OF THE FAMILY

Jane Eyre, almost penniless, fled from Thornfield Hall and its brooding, Byronic master, Mr. Rochester, when she learned that the marriage he offered her was a bigamous one. Mr. Rochester's first wife was not only insane but also violent, and he averred to Jane that he had never loved the woman who was legally his wife.¹ Under English law it was extremely difficult for him to obtain a divorce², but Jane nevertheless believed it would be wrong in the eyes of God either to marry him or to live with him. So the fictional heroine fled into the night from the man she loved.


²Obtaining a divorce in England before 1857 involved three court actions after the wife committed adultery. (In addition to adultery, women had to prove their husbands guilty of some misconduct, such as bigamy or incest.) First the husband had to bring a court action for criminal conversation against the seducer and obtain a damage judgment against him. Second, an action was brought in the ecclesiastical court for divorce a mensa et thoro. If the husband succeeded in this second court, he could at last have a parliamentary bill introduced for "Divorcement a vinculo matrimonii." The cost for these procedures was sometimes in excess of £1,000. Between 1715 and 1836 only 224 divorces, or fewer than two a year, were granted. Gerhard O. W. Mueller, "Inquiry into the State of a Divorceless Society: Domestic Relations Law and Morals in England from 1660 to 1857," University of Pittsburgh Law Review 18 (1957): 551.
About the time Charlotte Brontë was creating *Jane Eyre* in her father's Yorkshire parsonage, a real Yorkshire lass was beginning a journey opposite from that of the fictional Jane. Mercy Pitchforth was born in Brighouse, a village less than fifteen miles from Haworth, where the Brontës lived, in 1831. 3 When Mormon missionaries came to the area in the early 1840s, Mercy, along with other members of her family, believed their message and joined the new church. Responding to the call to gather with the main body of the Saints, Mercy, her mother, her brother, and her sisters sailed for America, leaving behind their unbelieving father. When they began their journey to Nauvoo, Illinois, the Pitchforths were probably unaware that the doctrine of plural marriage was then being introduced into the church.

Having cast their lot with the Saints, the Pitchforths suffered along with others when the Mormon prophet was murdered and his followers were driven from their homes in the LDS (Latter-day Saint) kingdom on the Mississippi. 4

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3 Mercy Pitchforth, Early Church Information Card Index, Microfilm, Reel #8, Family History Library, Salt Lake City, Utah [hereafter referred to as FHL]; Solomon Pitchforth Family Group Sheet, Ancestral File, FHL.

their mother died soon after they started west in 1846, though Mercy and her two sisters still lived with their brother and his wife. Although the exigencies of frontier life often blurred gender roles, most women did not reject those roles. Living in a family headed by a male remained important, for the man offered both protection and the labor to perform "men's" tasks. After their arrival in the Salt Lake Valley, as a faithful Latter-day Saint seventeen-year-old Mercy, believing it right in the eyes of God, willingly became the plural wife of Samuel Harvey Marble. Her journey had led her toward, not away from, becoming the second wife of a man whose first wife was still living.

Like Mr. Rochester's first marriage, Mercy's first marriage was not a satisfactory one. She was more fortunate than Mr. Rochester, however, because in Utah she could easily obtain a divorce. At about age twenty-two, she

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Manuscript History of Brigham Young and Other Original Documents (Salt Lake City: Deseret Book, 1932), pp. 1-243.

5Solomon Pitchforth Family Group Sheet, Ancestral File, FHL; Salt Lake City, Utah, 1850 Manuscript Census, p. 54.


7Richard Jenkins Family Group Sheet, Ancestral File, FHL; Samuel Harvey Marble Family Group Sheet, Patrons Section, FHL; International Genealogical Index, Utah, 1984, Microfiche # N 0809, p. 7157 [hereafter cited as IG]. For a description of the IG, see pp. 321-322 below.
married a second time, this time as a monogamous wife. Nevertheless, fifteen years after she remarried, her second husband married a plural wife, who then moved next door to Mercy.\(^8\)

The two marriage systems, "the sets of rules used in societies to govern the establishment, continuance, and dissolution of marriage,"\(^9\) in which the fictional Jane Eyre and the real Mercy Pitchforth lived were opposite to each other, both in the types of marriages allowed and the accessibility of divorce. The laws in Britain and the Church of England supported a system that mandated monogamy and severely restricted divorce. On the other hand, the laws in Utah permitted polygamy\(^10\) and divorce, and the doctrine of the Church of Jesus Christ of Latter-day Saints (the Mormon Church), declared that plural marriage was the highest form of marriage.\(^11\) Living in two such different

\(^{8}\) Richard Jenkins Family Group Sheets, Ancestral File, FHL; Soundex for 1880 Census, Richard Jenkins and Sarah A. Jenkins.


\(^{10}\) The precise definition of polygamy is the practice of having more than one wife, husband, or mate at a time. Polygyny is the more correct term to refer to the practice of having more than one wife at a time, while polyandry refers to the practice of having more than one husband at a time. The term polygamy will be used throughout this study because polyandry, although rare, was in fact allowed in the Mormon marriage system. See below, pp. 134-136.

\(^{11}\) The Doctrine and Covenants of The Church of Jesus Christ of Latter-day Saints (Salt Lake City: Published by the Church, 1981), Section 132 [hereafter cited as Doctrine
marriage systems, the two women who both came forth from the Yorkshire moors made very different choices about marriage.

That laws and religion made a difference in choices about marriage and divorce seems obvious, yet in most historical studies of the family the roles of law and religion are often overlooked while the impact of social and economic factors are explored in depth.12 Gerald F. Moran and Maris A. Vinovskis lamented this imbalance, stating that "historians of the family have paid very little attention to the role of religion in the lives of individuals or their families." Yet, "[o]ne of the most promising areas for achieving an integrated view of the family in history is that of religion, since the life of the family and the life of the spirit have intersected at numerous points."13 Moreover, Tamara K. Hareven in a recent assessment of the progress and state of family history wrote that scholars need "to pursue topics which have not received sufficient


attention," among which are "a more systematic study of the family in relation to religion, the state, and the legal system."\textsuperscript{14}

Such systematic studies need to go beyond straightforward accounts of laws and religious doctrines to studies of the interaction of laws and religion, on the one hand, with individuals and families, on the other. Moreover, individual-level data on behavior need to replace generalizations about families. For example, Edmund S. Morgan's pioneering study of the interaction of religion and the family, \textit{The Puritan Family}, has been modified by later studies. Morgan's assertion that the Puritan system was "tottering" before the end of the seventeenth century\textsuperscript{15} has been subjected to severe critique. Replacing Morgan's generalizations with a study of individual families in Milford, Massachusetts, Morgan and Vinskovskis reached an opposite conclusion: "The family served a positive religious function in New England, preserving and perpetuating Puritan values and culture across generations. It was a purposeful and resourceful instrument of religious


renewal."16 By using data about individual families, or collective biography, historians are beginning to test the generalizations made about religion and the family and in so doing are revising and deepening our understanding of the interaction between the two. As valuable as the Moran and Vinovskis article is in exploring Puritan tribalism and the core family, family strategies and the life course, as well as death and dying, it is basically an evaluation of previous work on the relationship between the Puritan family and religion in colonial America which then poses new questions and new directions for future research. While some studies of the interaction of religion and family have appeared,17 much work remains to be done, including research on the relationship between religion and nuptiality and religion and divorce.

Only slightly more research has been done on the impact of the law on marriage and divorce in the past. Studying the marriage restrictions in nineteenth-century Germany, John Knodel found that the restrictions did in fact curtail the number of marriages but had little effect on fertility:


the number of illegitimate births were almost as high as the expected number of legitimate births had the restrictions not been in place.\textsuperscript{18} In their study of contemporary divorce law, Dorothy Stetson and Gerald Wright found that "measures of permissiveness of divorce laws are strongly related to divorce rates in the various states" even when "the effects of economic development and social costs of divorce are controlled."\textsuperscript{19} In studying nineteenth-century divorce patterns, Martin Schultz similarly found that the law and its administration had an important impact upon divorce rates. In the South Atlantic states, divorce rates increased when a higher percentage of petitions resulted in divorce decrees. In the New England states, the relationship between laws and rates was "most obvious when divorce jurisdiction was transferred from a state body to local courts." In addition, Schultz found that changing the administrative policies and legal grounds for divorce increased divorce rates in mid-century America and that such


changes were considerably more important in explaining the increase than were urbanization and industrialization.\textsuperscript{20}

These studies indicate the need to use a variety of records, as Schultz did in using court records to explore increasing rates of divorce in the period before governmental agencies published reports giving such data. He also found, however, that such records alone were inadequate to study such topics as the effects of religion on divorce.\textsuperscript{21} Moran and Vinovskis advocated using local records to reconstruct the life courses of people in order to illuminate the relationship between families and churches in colonial America, and they suggested New England was particularly suitable for such study because of the wealth of sources for that area.\textsuperscript{22}

For nineteenth-century America, however, Mormon Utah is particularly suitable for such study. The Mormons also possess the richness of family and church records necessary


\textsuperscript{21}Schultz, "Divorce Patterns in Nineteenth-Century New England," p. 104.

\textsuperscript{22}Moran and Vinovskis, pp. 47, 63.
for such a study, but they are also a significant group in American history. As a religious movement, Mormonism is by far the largest of the indigenous churches which arose in the United States, having "outlasted or outdistanced every other sect and communitarian movement brought into being in America." In addition, Mormons were important in the settlement of the American West, creating a "unique American subculture" in Utah and surrounding states that has persisted to the present time. In their distinctiveness, Mormons tested both the ability of a group to withstand the pressures of the dominant society in America as well as "the


outermost limits of permissible dissent."26 The relative homogeneity of the population and the distinctiveness of Utah law and Mormon doctrine on marriage and divorce provide a test case against which other populations may be compared. Moreover, changes in marriage law imposed by the federal government and change in marriage policy by the Mormon church provide prime opportunities to assess the interaction of law and religion with the family.

Marriage not only occupies a central place in Mormon theology, but it also plays an important role in Mormons' practice of their religion. A recent survey commissioned by the Graduate School of the City University of New York found that 73 per cent of adult Mormons were married, a higher percentage than for any other religious group in the United States.27 To be sure, Confucianism, Hinduism, Zoroastrianism, Judaism, Islam and Christianity all "were or are familistic in their doctrines"; that is, "they are concerned with the sanctity of family relations more than any other mundane subject."28 For Mormons, family relationships and


marriage are not only mundane, or of this world, but are also crucial for one's place in the hereafter.

In Mormon theology, unconditional or general salvation, consisting in being resurrected, comes to all through God's grace. The degree of glory which the resurrected being will receive, however, depends upon one's righteousness and obedience to the gospel in mortal life. The highest—and most desirable—degree of glory is exaltation. Because exaltation is the continuation of the family unit throughout eternity, an individual must be married to become exalted. As Jan Shipps succinctly explained it, while the "unit of salvation" in Mormonism is the individual, the "unit of exaltation" is the family.

The idea that families will be reunited in heaven was held by many nineteenth-century Americans, and one scholar contended that "among non-evangelical groups, the out-and-out supporters of a domestic heaven were dominant." Elizabeth Stuart Phelps's novel Beyond the Gates pictured the narrator's heavenly home as a small, quiet, but charming house where her deceased father waited for her. For

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30Ibid., p. 238.


33Ibid., pp. 223-226.
Mormons, the family in heaven was more than a part of a new type of consolation literature. It was even more than a central doctrine. It was in fact embedded in the most sacred of Mormon religious rituals, including marriage for eternity.

Because marriage is requisite for exaltation, the marriage must be valid in eternity, not merely for mortal life. According to Mormon doctrine, a marriage "till death us do part" has no efficacy in the hereafter. To be valid, the marriage must be performed by someone with the authority to bind in heaven as well as on earth. Such authority the Mormons call the sealing power. Marriages valid for eternity performed by someone with the sealing power are called sealings and are the only marriages which will quality a person for exaltation. Such sealings, Mormons believe, are performed only on earth. Although living persons may act as proxies for the dead in sealing ceremonies, in the nineteenth century the belief prevailed that individuals had to be married for eternity, or sealed, during their lifetimes to if they hoped to be exalted.

Eternal marriage, or celestial marriage as it was often called, was thus more than a part of the belief system. It affected in practice whether one married, who one married, and the ceremony by which one was married. It also provided

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34 Doctrine and Covenants 132:6-20.
35 Doctrine and Covenants 132:16.
one rationale for plural marriage. A man who was sealed to his wife for eternity might remarry after his first wife's death. He would then have two wives: one in heaven and one on earth. If he were sealed to his second wife also, he could expect to have two wives in heaven. Although a woman also might remarry, she was sealed to only one husband. Plural marriage, also called patriarchal marriage, was explicitly modeled after the Biblical Patriarchs Abraham and Jacob.36 It was thus a patriarchal familial structure, with a man presiding over his wives and children.

Plural marriages created a different set of relationships within the family from the companionate marriage which was increasingly the ideal in nineteenth-century America.37 The mutual dependence of a man and woman in a companionate marriage might be present between a polygamist and one of his wives, but in general the belief in the patriarchal nature of the marriage, with the concomitant view that the man held superior power and authority,38 precluded companionate marriages.


With the relationship between husbands and plural wives necessarily weakened, women intensified the strength of the bonds that they forged with their children.\textsuperscript{39} The significance of this stronger bond was not emotional alone, for Mormon doctrine teaches that not only do marriages in the temple (or Endowment House) seal the husband-wife relationship for eternity as well as time, but children born of such unions are likewise sealed to their parents for eternity.

To summarize: the Mormon marriage system rested on a distinctively Mormon doctrine of family perpetuation through the eternities that not only sacralized family relationships, but also made eternal marriage requisite for exaltation to godhood. Persons, male as well as female, not married for eternity by being sealed on earth have no possibility of being exalted. It is important to note, however, that the ritual sacralization of the marriage union does not guarantee exaltation in the hereafter since exaltation of the family unit occurs only if both partners are "worthy." The Saints believed that being sealed to an unrighteous persons would prevent a righteous person from being exalted. Children of a union between a righteous

\textsuperscript{39}Foster, \textit{Religion and Sexuality}, pp. 212-213.
person and an unrighteous one would therefore have no parental family in the afterlife.\textsuperscript{40}

Because divorce was the mechanism which overcame the obstacles barring an eternal marriage with an unrighteous spouse, a divorce cannot be treated as evidence that one of the partners failed to hold the union together. Even as it served this religious purpose, however, divorce allowed individuals to remove themselves from relationships characterized by conflict and alienation so they could seek marriages wherein they could develop the Christian qualities of harmony, unity, and love. Divorce was thus not a sign that the system had failed but rather was a mechanism that adjusted the problems encountered within the system.

Because Mormon polygamy was an unusual family form in nineteenth-century America, it has received extensive scholarly attention, although insufficient attention has been paid to the interaction of law and religion with family life across time. Reviewing in 1977 the range and scope of research about polygamy, Davis Bitton found that approaches to the topic were wide-ranging and included the origins of Mormon polygamy, the political context of anti-polygamy legislation, the relative success of polygamous marriages, the incidence of polygamy among the Mormon population before and after the church's official renunciation of new

\textsuperscript{40}This doctrine was fully articulated before the death of Joseph Smith and stands essentially unchanged in spite of the discontinuation of the \textit{practice} of plural marriage.
polygamous marriages in 1890, and the church's response to increasing federal pressure to eliminate polygamy.41

Since 1977 additional studies of plural marriage have appeared, including several book-length works. The most recent overview of polygamy is Richard Van Wagoner's narrative account, *Mormon Polygamy*, which concentrated on the origins and demise of polygamy. It is a useful work, but mainly it is a history of plural marriage among the Latter-day Saint elites, not of ordinary Mormon families.42 An more perceptive account is Lawrence Foster's comparative study of marriage and the family among the Shakers, Oneida Perfectionists, and Mormons. Foster not only provided a theoretical framework for understanding the social origins of these three religious groups, but he also offered a clear description of the introduction of their alternative marriage systems and an insightful assessment of their success in terms of their own objectives.43

Basing her book on interviews with children of polygamous marriages, Jessie Embry explored the family life

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of ordinary Mormons. Among other topics, her work dealt with the living arrangements and visiting patterns of polygamous families, the roles and relationships among family members, and motivations for entering plural marriage. Her book, along with Kimball Young's *Isn't One Wife Enough?*, dealt with the quality of relationships within plural families and presented a picture of what life was like within polygamous families. Because the two sets of interviews upon which her work was based were conducted in the 1930s and between 1976 and 1984, her study dealt with Mormon polygamy during its last phase. In studying the religious activity of Mormon families and the reaction of families to the federal prosecution of polygamists in the 1880s, her work did touch on the relationship of law and religion to the family; however, that topic remained inchoate because it was secondary to her assessment of how well polygamous families were able to eliminate problems and conflict.

In their important article "Divorce among Mormon Polygamists: Extent and Explanation," Eugene Campbell and Bruce Campbell explained the social origins of divorce among

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46 Embry, p. 30.
Mormon polygamists by declaring that "the context of Mormon polygamy was a state of anomie or normlessness caused by their millennialist belief system and the instability of their lives in colonizing the Great Basin." Although their article is an important source for the number of divorces granted, it does not present enough individual-level data to establish a valid estimate of the extent of divorce among the Saints. To provide more accurate figures on the extent of divorce, Phillip R. Kunz used family group sheets, which are reconstructions of ancestors' families submitted to the Family History Library in Salt Lake City by church members. He did not, however, set Mormon divorce within the larger religious or legal context. Richard Aaron dealt with divorce law in Utah but

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48 Jessie Embry has pointed out the erroneous assumptions underlying the Campbells' estimates of the divorce rate. Embry, pp. 176-177.

49 For further information regarding the family group sheets, see Appendix I, pp. 317-320.

did not have the individual-level data to explicate the relationship between the law and individual families.\textsuperscript{51}

The most complete individual-level data for the Mormon population is that collected by the Mormon Historical Demography Project. This project involved computerizing the genealogies of all individuals on family group sheets which included at least one event (birth or death) in Utah or along the Mormon Pioneer Trail. The data set includes approximately 1.2 million individuals in 185,000 families. Scholars using this database have concentrated on studies of fertility, to which the information derived from the family group sheets best lends itself. The sociologists utilizing these data have explored questions such as fertility on the frontier and fertility in polygynous societies.\textsuperscript{52} In stressing the similarities of the Mormon population to other populations to which their findings may apply, such scholars tended to downplay the peculiarities of Mormon Utah. While some investigators have assessed the impact of religion upon fertility patterns, indicating that religion may have


affected levels of fertility but not trends in fertility decline, they have done little systematic investigation of religion and law upon nuptiality and divorce.

An excellent study of the impact of the anti-polygamy laws on religion is Michael Quinn's "LDS Church Authority and New Plural Marriages, 1890-1904." He not only clarified the ambivalence of church leaders towards the law but towards the church's own statements about abandoning plural marriage. Although he emphasized the church leaders and the tortuous route they took in accommodating to American marriage norms, he also dealt with ordinary couples' evasion of the law—and sometimes of the law of the church—to enter plural marriage. He focused on elites and those who contracted new plural marriages after the church's official renunciation of such unions in 1890. He did not deal with the incidence of such marriages among the Mormon population; indeed, his account indicated that many


55 Ibid., pp. 52-56.
of those entering plural marriage after the church's official renunciation of the practice were among the elite.\textsuperscript{56}

The work of Stanley Ivins stands out not only because it was among the first to study plural marriage systematically, but also because he dealt with change over time. Nevertheless, he made little attempt to assess the accuracy or the representativeness of the sources he used.\textsuperscript{57} James E. Smith and Phillip R. Kunz also estimated the incidence of polygamy but acknowledged that their estimates, as well as those by previous scholars, were crude.\textsuperscript{58} More recently, Lowell "Ben" Bennion used the 1880 manuscript census to calculate the incidence of plural marriage among Mormons. He concluded that the number of plural families varied from one location to another but that most previous calculations had been made on the basis of incomplete data and hence underestimated its prevalence.\textsuperscript{59}

In his research on the town of St. George, Larry M. Logue not only studied the incidence of plural marriage

\textsuperscript{56} Ibid., pp. 62-64, 72-73, 77-84, 89-91.

\textsuperscript{57} Stanley S. Ivins, "Notes on Mormon Polygamy," \textit{Western Humanities Review} 10 (Summer, 1956): 229-239. For an assessment of his sources, see Appendix I, pp. 325-326.


there but more generally "how seriously the people of St. George took their theology and how much theology and family behavior shaped each other." To accomplish this, he reconstituted the families of St. George from its founding in 1861 to 1880 and connected the experiences of their family lives to Mormon doctrine. In particular, he studied incidence of plural marriage, fertility rates, and mortality, concluding that many adults had obeyed the counsel to enter plural marriage, that high fertility rates were a response to religious teachings, and that Mormons responded to death by choosing among competing views of the afterlife those they found most comforting. In short, he stated that "marriage, childbearing, and health [were] aimed at heavenly more than earthly rewards." 

Logue's study demonstrated the value of studying one community intensively to delineate the relationship between religion and family life. By using individual-level data, he could go beyond anecdotes, generalizations, and prescribed conduct to describe the behavior of individuals and families. Moreover, he was able to relate that behavior to their religious beliefs as well as to economic conditions.

Nevertheless, the narrow time frame of his study, from 1861 to 1880, limited examination of change over time and

60 A Sermon in the Desert: Belief and Behavior in Early St. George, Utah (Urbana, Ill.: University of Illinois Press, 1988), p. xii.

61 Ibid., p. 121.
excluded two periods when change was most likely to occur: the period of initial settlement in Utah and the pros-
ecutions of polygamists in the 1880s. Moreover, development and changes in laws during these periods provide oppor-
tunities for studying the interaction of families with the state and the legal system as well as with religion. In
addition, more research using individual-level data is needed to elucidate the nature of the Mormon marriage
system: for instance, whether marriage rates changed over time; whether the number of women entering plural marriage
decreased considerably over time (as Ivins contended); whether plural marriage was pervasive in the 1880s (as Logue
argued); whether the social context of divorce laws and church practice was normlessness (as the Campbells
asserted). In addition, the types of women who entered plural marriage, the incidence of divorce among polygamists,
and the effects of inheritance laws on families need further study.

Researching these topics requires an analysis of a variety of records. First, not only is a study of federal and
territorial laws regarding marriage and divorce essential, but also a study of court cases at the local and
territorial levels. Second, it necessitates research on church pronouncements about marriage and divorce as well as
how the church in practice dealt with problems concerning marriage and divorce. (This study does not attempt, how-
ever, to make a systematic presentation of changes in doctrine or changes in emphasis on particular doctrines across time.) Third, it requires a population to study intensively in order to elucidate marriage patterns. Focusing on families within a single community makes such a study feasible by limiting the number of records which must be searched; it also provides boundaries within which one can ascertain the completeness of the data. An elaborate data set from a single community may not represent the entire LDS population in every respect, but such data represent a real and complete community and, thus, can reveal more than a nonrandom, biased sample based on accidental availability of information.

Given the relatively short time plural marriage was practiced, only a community settled early would allow study of change in marriage and divorce patterns over time, but the community has to have remained small enough to make a complete study of its families feasible. Manti, Utah, fit both criteria. This community, among the first settlements Mormons made outside the Salt Lake Valley, was settled in 1849, soon enough to be included in the 1850 census. It did not, however, grow so large as to make it an unmanageable subject of study: its population in 1900 was 2,425.62

62Alan Macfarlane stated: "The general impression one receives is that the ratio of 1 investigator per 2,000 people or less is essential in order to undertake really intensive 'community studies' by conventional methods."
Notwithstanding its size, Manti's importance is indicated by its being chosen as the site for the first Mormon temple in central Utah.

In 1982 Jerry N. Harrison reconstituted the families of Manti from 1849 to 1948 using only a list of the first settlers, cemetery records, and church membership records. These limited sources led him to conclude erroneously that: "The first decade was that in which the pioneers arrived. . . . The next forty years were ones of limited migration of people into Manti." In fact, Manti experienced considerable in-migration during those years, particularly in the 1880s when the temple was being built. Although Harrison's data were adequate for analyzing mortality, his sources for the period before 1890 were insufficient to provide accurate data on age at marriage or analysis of polygamous marriages. While he correctly pointed out the limitations of family groups sheets, the answer to the limitation of a source is not to abandon it but to supplement it with additional information.

Reconstructing Historical Communities (Cambridge: Cambridge University Press, 1977), p. 7. Given the necessity of linking multiple records for this project, studying the people in Manti over sixty years was a large undertaking.


Ibid., pp. 162-169.

Ibid., pp. 147-149.
By contrast, the wide variety of sources used in this study has produced a data set of high quality. The census data and family group sheets were particularly valuable for the early years. The first step in the research plan that underlies the current study was compiling a list of all persons who lived in Manti from 1849 to 1910. Those who came in 1849 were enumerated by Adelia Sidwell, one of those who arrived that first year. The 1910 manuscript census is the most recent one currently available, and for that reason 1910 is the end date of this study. Names from the manuscript censuses for 1850, 1860, 1870, 1880, 1900, and 1910 formed the basic core of the list. Names from Latter-day Saints Church membership records, the 1890 tax assessment rolls, and the Manti cemetery record helped fill in the lacunae caused by the burning of the 1890 manuscript census. A variety of other sources provided additional names of those who once resided in Manti.

Family group sheets augmented the information about families on the basic list. Other sources, including marriage license records, court records, immigration indexes, and diaries, permitted reconstitution of families who had no family group sheets as well as corrected or

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provided additional information for those who did have such sheets.\textsuperscript{67}

Unfortunately, not all the relevant information needed for this study is currently available to scholars. Church court records, temple sealing (marriage) records, and cancellations of temple sealings (church divorces) are at present restricted. Nevertheless, enough information is available, though not necessarily easily accessible, to explore in depth patterns of nuptiality and divorce among Mormons.

From the Manti database, I created a subsample of polygamous men and all their first and plural wives. In this study the term "plural wife" refers to a woman who was a second or higher-order wife and thus is distinguished from a "first wife," who was in a monogamous marriage before her husband married subsequent wives. First and plural wives are collectively referred to as "polygamous wives" in this study. Monogamous wives, as indicated by dates of death and divorce, were not included in the polygamy subsample, unless they had been first or plural wives at some point during their lifetimes. I found 156 men who entered plural marriage before or during their residence in Manti. (Two men whose status could not be determined, whether remarried or in plural marriage, were not included in the subsample.)

\textsuperscript{67}Appendix I contains a list and evaluation of the sources used to construct the Manti database.
Among the 156 polygamists were four men who were in plural marriage before moving to Manti but who were monogamous during their residence there. Also included in the subsample were two men involved in nominal plural marriages and two others whose plural wives were apparently sealed for eternity only.

Mormons recognized several types of marriages with varying rights and obligations. Most couples in the subsample were married, or "sealed," for "time and eternity." Such marriages, now as well as in the nineteenth century, involve full conjugal rights and obligations on earth, and Mormons believe the marriage will continue in force after both husband and wife have died. Some women in the nineteenth century, however, were sealed to a husband for eternity only. Such sealings entailed few or no marital rights or obligations on earth. In addition, some women were sealed to their husbands for eternity only but used their husbands' surnames. These marriages conferred no right to sexual access but did obligate husbands to provide some financial assistance and protection to the women. In this study such marriages are called nominal plural marriages.68

From the Manti sample, which includes all residents of the community from 1849 to 1910, the 156 polygamists and

68 For a full discussion of the various types of marriages, see below, pp. 122-138.
their 444 wives who were in plural marriage constitute the Manti subsample, whether or not those wives ever lived in Manti. Wives' names were compiled from husbands' family group sheets and the International Genealogical Index, though a few wives' names were found in other sources. The goal was to include all first and plural wives, not just those whose records were easily accessible, as has usually been done in past studies of plural marriage. Of the 444 wives, nineteen appear to have been in eternity-only or nominal plural marriages. Others may also have belonged in those categories, but such women were not so classified if they lived in their husbands' households and used their surnames, even if age and affinity suggested that their marriages were "eternity only."

The subsample yielded men and women whose backgrounds and experiences in plural marriage were diverse. Although included because of the husbands' residence in Manti, the wives in the subsample lived in a variety of Mormon settlements over their lifetimes, including Nauvoo, northern Utah, Salt Lake City, southern Utah, Arizona, Colorado, and Mexico. The men and women in the subsample came from North America and northern Europe, those areas from which Mormonism drew most of its converts in the nineteenth century: England, Wales, Scotland, Ireland, Denmark, Sweden, Norway, Germany, Switzerland, Upper Canada, as well as all parts of the United States, including two native-American
plural wives. The subsample included those who were illiterate as well as those who left extensive diaries, those who held high positions in the LDS Church hierarchy as well as those who apostatized, those who possessed considerable wealth and those who possessed too little to be included on tax rolls. The experiences of these Saints who lived in Manti or were married to a man residing in Manti are equally diverse. The subsample included those who lived over half a century in plural marriage to those whose plural marriage lasted three months, as well as those in marriages where there were multiple wives to those who were sealed for eternity only. Thus, the sample is far more representative of participants in plural marriage than its origins in Manti might at first suggest.

I traced the histories of these men and women over their lifetimes in order to compile as complete a marital history for each as was possible. Finding the necessary information for this project involved linking individuals across a variety of records. This is, at best, a difficult and time-consuming process, both because of the inconsistent

spellings of names and the changes of women's surnames with each marriage. Sporadic use of patronymics by both Scandinavian men and women in the subsample exacerbated this problem. Moreover, tracing the women was considerably more difficult than tracing the men. For example, the woman whose maiden name was Ane Catherine Elizabeth Bischoff was also listed under the names Ane Larsen (Crossing the Ocean Index), Christina Madsen (1880 census), Katrine Madsen (Sanpete County Marriage Records), Hannah Marker (1900 census), and Anna C. Marker (Cemetery Records).\textsuperscript{70} Despite such complications, I was able to find some information for 97 percent (N = 430) of the wives. Of the fourteen for whom I could find no information beyond their names or dates of marriage, five were sealed to the same man, apparently for eternity only.

The data in the Manti sample, derived by linking multiple records, are more complete and more accurate than information collected from one or two sources. Scholars assessing data from family groups sheets have shown that, in themselves, these records are of high quality.\textsuperscript{71} Reconstituting additional families through census, cemetery, and church records overcame the problem of representativeness of the family group sheets. In addition, the immigration data

\textsuperscript{70}For evidence that this is the same woman using different names, see Appendix I, pp. 312-315.

\textsuperscript{71}Bean, Mineau, and Anderton, \textit{Fertility Change on The American Frontier}, pp. 70-90; Logue, pp. 131-139.
gathered on individuals and families made the data set unusual because such information is rarely available. With this wealth of data it is possible to study the impact of law and religion on patterns of marriage and divorce in this nineteenth-century Mormon population.

Over the years I have studied the residents of Manti, I have come to know many of them well. Much about these people is revealed not only in what they said but in how they said it. I therefore have been faithful to their spelling and punctuation without the constant use of *sic* and have added only that punctuation which seemed necessary to make the meaning clear.

The next chapter provides an outline of Mormon history in the nineteenth century, sketching the development of plural marriage and the amount of autonomy the Saints had to develop their distinctive marriage patterns. Chapter Three describes Utah laws and Mormon doctrine on marriage and considers how these were applied in people's lives. Moreover, material in this chapter will show how the study of individuals illuminates a range of marriage types—the limits of Mormon marriage practice—which is not discernible by using only statutes and religious prescriptive literature. Then, Chapter Four considers the impact the law and Mormon doctrine had on aggregate marriage behavior (marriage rates and mean age at marriage for women) as well
as their indirect effect through plural marriage on the marriage market. In addition, it deals with the types of women who became plural wives, who disproportionately were drawn from groups likely to be economically disadvantaged. This chapter focuses on women because heretofore little quantitative work has been done on the comparison between plural wives and other women. Chapter Five does for divorce what Chapter Three does for marriage: it discusses the impact the law in Utah and Mormon church doctrine had on divorce and relates this to individuals' lives and subsequent marital patterns. It also reassesses the extent of divorce among polygamists. Chapter Six delineates the rules of the Mormon marriage system and discusses its demise in the face of federal legislation and changing church practice.

Contrary to those scholars who have argued that marriage and divorce in Utah lacked regulation, this study concludes that marriage and divorce were both in fact part of a Mormon marriage system governed by rules, the authority for which was centralized. The rules for both marriage and divorce were lenient, for the church's policy was to encourage marriage. Eternal marriage, including plural marriage, was central to Mormon theology, but in practice plural marriage also served the church's purposes by giving

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72 Campbell and Campbell, p. 16; Kimball Young, Isn't One Wife Enough?, pp. 227, 452.
all women who wished it an opportunity to marry and by providing possible security for economically disadvantaged women. In addition, because the Latter-day Saints' distinctive marriage system changed the nature of the marriage market in Utah, its impact upon Mormon society was greater than could be surmised simply by considering the numbers of men and women involved in plural marriage.
CHAPTER TWO

GENESIS TO REVELATION:

Introduction of Plural Marriage to the Manifesto

Even before Isaac Morley led his pioneer band into the Y-shaped Sanpete Valley to settle Manti in 1849 and the president of the Mormon church publicly announced the church's endorsement of plural marriage in 1852, polygamy was already well established among the Latter-day Saints. Even after the federal government imprisoned many polygamists in the 1880s and the church officially renounced plural marriage in 1890, the church continued to sanction some plural marriages. The religious doctrines which undergirded the principle of plural marriage were developed and taught before the Saints left their homes in Nauvoo, Illinois; they continued to be believed long after Utah became a state in 1896. But the political autonomy to establish a legal system in which the practice of plural marriage could flourish was short: it lasted from the time Utah was first settled in 1847 until, at the latest, 1882, when the federal government disfranchised all polygamists.

On April 6, 1830, in Fayette, New York, six men whose average age was twenty-four—Joseph Smith, Oliver Cowdery, Hyrum Smith, David Whitmer, Samuel H. Smith, and Peter Whitmer, Jr.—organized the Church of Jesus Christ of
Latter-day Saints. Joseph Smith, the prophet and leader of the new church, soon moved its headquarters to Kirtland, Ohio, where a community of converts lived. Also in 1831 another Mormon community was established in western Missouri.

As the Mormons' political and economic influence grew, however, conflict with surrounding non-Mormons intensified. Internal conflict also waxed as some leaders increasingly opposed the church's growing involvement in economic and political activities. During 1838 and 1839 the internal conflict split the church hierarchy and caused great

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2Allen and Leonard, pp. 73-112; Milton V. Backman, Jr., The Heavens Resound: A History of the Latter-day Saints in Ohio, 1830-1838 (Salt Lake City: Deseret Book Company, 1983), pp. 312-341; Arrington and Bitton, pp. 44-64.

apostasy, \(^4\) while the conflict with neighboring Missourians resulted in a war the Mormons lost. In the winter of 1838 the Saints fled Missouri under orders from the governor that the Mormons "must be exterminated or driven from the state."\(^5\) Having abandoned Kirtland and having been expelled from Missouri, the Saints built a new Mormon community at Nauvoo. In the winter of 1846, however, the Saints began again to abandon their homes and move west; those who did not move voluntarily were forced to leave after the city's defenders surrendered to a posse of neighboring citizens.\(^6\) By 1847 the Mormons had entered the Great Basin and had begun their extensive colonization of the West.

In the Mormons' conflict with surrounding communities in Ohio, Missouri, and Illinois, plural marriage was not an

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\(^5\) L. W. Boggs, Commander-in-Chief, to General John B. Clark, October 27, 1838, in *Document Containing the Correspondence, Orders, \&c in Relation to the Disturbances with the Mormons; and the Evidence Given Before the Hon. Austin A. King, Judge of the Fifth Judicial Circuit of the State of Missouri, At the Court House in Richmond, in a Criminal Court of Inquiry, Begun November 12, 1838, on the Trial of Joseph Smith, Jr., and Others, for High Treason and Other Crimes Against the State*, (Fayette, Mo.: Boon's Lick Democrat, Published by Order of the General Assembly, 1841), p. 61.

\(^6\) Allen and Leonard, pp. 199-214; Flanders, pp. 306-341; CHC II:464-541, III:1-24,
In none of the major Mormon centers did the Saints have sufficient autonomy to develop openly their innovative marriage system, variously called plural marriage, polygamy, or simply the principle.

Whether plural marriage was an issue in the internal conflicts is more problematic. Conflict over polygamy within the Mormon community at Nauvoo led to a series of events which ended with Joseph Smith's death, but scholars have not agreed about whether Joseph Smith's covert

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7 Backman, pp. 329-341; Stephen C. LeSueur, The 1838 Mormon War in Missouri (Columbia, Mo.: University of Missouri Press, 1987), pp. 1-6, 245-55; Flanders, 306-341; David E. Miller and Della S. Miller, Nauvoo: The City of Joseph (Santa Barbara: Peregrine Smith, Inc., 1974), pp. 130-208; Annette P. Hampshire, Mormonism in Conflict: The Nauvoo Years, (New York: Edwin Mellan Press, 1985); John E. Hallwas, "Mormon Nauvoo from a Non-Mormon Perspective," Journal of Mormon History 16 (1990): 53-65; Kenneth H. Winn, Exiles in a Land of Liberty: Mormons in America, 1830-1846 (Chapel Hill: University of North Carolina Press, 1989); Hill, Quest for Refuge. Hill stated: "Plural marriage was a factor, but it was not decisive any more than it had been in Kirtland or Missouri. Anti-pluralism was the main cause of persecution" (p. 181). He did not make clear, however, in what ways plural marriage was a factor. His narrative account gave little support to the idea that charges of plural marriage caused conflict with non-Mormons. Indeed, he cited merely a handful of references to polygamy in the non-Mormon press, only two of which were not at the time Bennett wrote his expose of polygamy in Nauvoo. Although Hill stated that the Bennett scandal hurt the church, he did not indicate that it led to persecution. Hill, pp. 119-121, 142-151, 171. Hampshire argued that the Bennett scandal was significant but that "its importance lies in its impact on the Church internally" (p. 135).

introduction of plural marriage caused the split in the church's top leadership and the apostasy of many members during 1837 and 1838. Danel W. Bachman, who made an intensive study of polygamy during these early years, designated the apostasies of this period "the first hierarchical split over plural marriage." In his study of the Mormons in Ohio in the 1830s, Max H. Parkin also argued that plural marriage was a factor in the apostasy. On the other hand, Marvin Hill contended that the reasons for the apostasy and splits in the leadership were rooted in the dissenters' objection to "a concentration of authority at the top and authority's increasing control of every aspect of life." Those who left the Church in this period "wanted a more open society, closer to the values and traditions of evangelical Protestantism," than appeared to be the case as the church became more involved in economic and political activities.


It is generally agreed, however, that it was in Kirtland and more particularly in Nauvoo that the religious doctrines underpinning plural marriage were articulated and secretly put into practice. Indeed, rumors about clandestine polygamy among the Mormons had been spread intermittently since the early 1830s. ²² Plural marriage probably had its origin in Joseph Smith's intensive study of the Old Testament in 1831 ²³ and was, in the words of Jan Shipps, "part of [the Mormons'] latter-day recapitulation of the ancient Patriarchal Age" that began in Kirtland. ²⁴

Whatever its rationale or religious significance, on August 17, 1835, the church at large voted to accept an article on marriage which denied a belief in polygamy and mandated that marriages be solemnized in a public meeting. ²⁵ These denials notwithstanding, rumors about Joseph Smith's relationship with several young women in 1837 became

²²Van Wagoner, 4-6; Marvin S. Hill, Quest For Refuge: The Mormon Flight from American Pluralism (Salt Lake City: Signature Books, 1989), 50-51.


²⁴Shipps, p. 61.

particularly persistent. The difficulties these caused him indicate the obstacles he faced in introducing plural marriage secretly within the church.

Rumors about Joseph Smith and female members of Sidney Rigdon's family were so serious, for example, that the editor of the church publication, the Messenger and Advocate, published a refutation. The editor indicated that Joseph Smith and Sidney Rigdon were still friends, which could hardly have been the case had the reports been true. The report further stated:

We are fully sensible, and are willing, as far as the character of J.-- Smith Jr. is concerned, . . . to pronounce the whole a sheer fabrication.

Relative to the family of Sidney Rigdon, we have to say, that it is large, consisting mostly of females, young innocent, unsuspecting, without reproach and for ought we know, above suspicion—Ed.16

In this refutation Warren Cowdery, brother of one of the six founding members of the church, defended Joseph Smith's character, even though only a few months later he, his brother Oliver, and numerous others left the church.17

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16*Messenger and Advocate*, III (September 1837), 566.

17Sidney Rigdon's family did indeed include a number of daughters, the oldest one at home being Nancy, about fifteen years old. Rigdon's family in 1837 also included Elizabeth (about 14), Sarah (about 13), and seven younger children. The oldest child, Athalia, had married in 1835 at age 15. Arlene Hess, *Collected Materials Relative to Sidney Rigdon and his Descendants and Other Subjects Used in Preparation for the History of Friendship*, N. Y., Fd. #1, photocopy, Archives and Manuscripts, Harold B. Lee Library, Brigham Young University, Provo, Utah. [Hereafter cited as B.Y.U.] That rumors connecting Joseph Smith and Nancy Rigdon were current in Kirtland is reinforced by a statement made by a
The rumors that Joseph Smith had committed adultery with Fanny Alger, a girl who lived in his household, were more serious. In 1837, two apostles, Thomas Marsh and David Patten, were concerned enough that they approached Oliver Cowdery, second only to Joseph Smith in the church hierarchy, to ask if the rumors were true. Cowdery indicated they were. That fall, however, Joseph Smith met Cowdery in the presence of Marsh and George W. Harris. Cowdery again "seemed to insinuate that Joseph Smith jr was guilty of adultery." Cowdery did say, however, that Joseph Smith had never acknowledged being guilty of adultery.\textsuperscript{18} Marsh and Harris were so far satisfied with Joseph Smith's innocence that they signed statements about the meeting, which were printed in a church publication.\textsuperscript{19}

Oliver Cowdery, however, viewed the meeting differently. He wrote his brothers in Kirtland vehemently

\textsuperscript{18}Minutes of High Council and Bishopric Meeting at Far West, Missouri, April 12, 1838, in Far West Record: Minutes of The Church of Jesus Christ of Latter-day Saints, 1830-1844, eds. Donald Q. Cannon and Lyndon W. Cook (Salt Lake City: Deseret Book Company, 1983), p. 167.

\textsuperscript{19}Elders' Journal Vol. I, no 3 (Far West, Missouri, July 1838): 45.
denying that he had confessed to lying about Joseph Smith. "When [Joseph Smith] was here," he wrote, "we had some conversation in which in every instance, I did not fail to affirm that what I had said was strictly true. A dirty, nasty, filthy affair of his and Fanny Alger's was talked over in which I strictly declared that I had never deviated from the truth in the matter."\(^2\) Harris's comment that Oliver Cowdery insinuated Joseph Smith was guilty supports Cowdery's account of the meeting. What others at the meeting remembered and emphasized, however, was Cowdery's confession that Joseph Smith had not in fact acknowledged being guilty of adultery. Because he did not believe plural marriage was adultery, Joseph Smith would never have made such an acknowledgment.

Nevertheless, Cowdery was a man intensely concerned about his honor and took umbrage at being accused of telling lies. Upon being told that Joseph Smith was so accusing him, Cowdery immediately wrote a letter to his erstwhile friend demanding he refute his previous statements that Cowdery had willfully lied. While this difficulty created a rift between the two men, Cowdery gave no indication in the letter that their differences in any way changed his loyalty to the church. In fact, this letter to Joseph Smith dealt

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\(^2\) Oliver Cowdery to Warren Cowdery, January 21, 1838. Oliver Cowdery Letterbook, Henry E. Huntington Library and Art Gallery, San Marino, California, [microfilm at B.Y.U.].
mostly with his ill health and a report of his excursion to
the north looking for additional places for Saints to
settle, as he had been commissioned to do at a recent Church
conference.\textsuperscript{21} Moreover, just before the trial which
resulted in his excommunication, Cowdery wrote that he
wished charges against him "might have been deferred until
after my interview with President Smith,"\textsuperscript{22} implying that
such an interview might have produced a rapprochement.

Although plural marriage played at most an indirect
part in Oliver Cowdery's leaving the church, it was even
less significant for other leaders. David Whitmer, another
of the six who organized the church, claimed that he had
doubted Joseph Smith had any connection with the spiritual
wife doctrine until years after when he read the first issue
of the \textit{Latter Day Saints Herald}.\textsuperscript{23} In the last three
chapters of his history, John Whitmer, David's brother,
wrote scathingly of "adultery, wickedness, and
abominations," but those chapters were written sometime in
the mid-1840s. In March, 1838, when he was excommunicated

\textsuperscript{21} Oliver Cowdery to Joseph Smith, January 21, 1838,
ibid.

\textsuperscript{22} \textit{DHC} III:17.

\textsuperscript{23} David Whitmer, \textit{Address to All Believers in Christ}
(Richmond, Mo.: For the Author, 1889), p. 38. Whitmer
refers to statements about plural marriage in Nauvoo made by
William Marks and Isaac Sheen in \textit{The True Latter Day Saints}
from the Church, his history made no mention of plural marriage.24

Thomas Marsh, President of the Twelve Apostles, had been zealous in pursuing various charges against Cowdery and the Whitmers in church courts. But he, too, soon left the church, although not over plural marriage. He had been satisfied by Oliver Cowdery's response that Joseph Smith had not admitted being guilty of adultery. Marsh did say that when he thought of returning to the church in 1857, the doctrine of plurality was a "great bugbear" to him, but in spite of that doctrine he struggled to get to Florence, Nebraska, so that he could be rebaptized into the church.25 Like others who left the church in 1837 and 1838, he was concerned with Joseph Smith's increasing power. Joseph Smith had presided at a trial at which Marsh's wife was found guilty of dishonesty. Marsh became embittered and said, "Joseph Had no business in the High Council, etc."26 Only when Marsh accepted "the propriety of God's vesting the


26Wandle Mace, Autobiography, holograph, Historical Department, The Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah [hereafter cited as LDS Church Archives], p. 178. [Used by permission.]
authority in one man," had he decided to rejoin the church.\textsuperscript{27}

The cumulative effect of the apostasies of 1837 and 1838 was to divest the church of much of its leadership. Of those in the First Presidency, Council of Twelve Apostles, and the Stake Presidency at the town of Far West, thirteen left the church or became disaffected. Only four remained loyal, one of whom was Joseph Smith's brother. Of the Three Witnesses and the Eight Witnesses to the Book of Mormon, not one outside of Joseph Smith's family remained in the church.\textsuperscript{28}

In the wake of this crisis in leadership, the church suffered a greater crisis that threatened its very existence. Most Saints abandoned Kirtland following the dissension there and moved to Missouri, settling not only in the Mormon enclave in Caldwell County but in surrounding counties as well. Escalating hostilities, owing to increasing political and economic rivalry, expanded into war between the Mormons and the Missourians; on October 31, 1838, more than twenty-five hundred Missouri militiamen were in formation to attack Far West with its six to eight hundred Mormon defenders. The Saints surrendered but the terms dictated to them were onerous: they were to give up their arms, their leaders were to be given up to be tried

\textsuperscript{27}JD 3:208-09.

\textsuperscript{28}Daynes, pp. 64-65.
and punished while the remainder were to leave the state, and they were to sign their property over to the state of Missouri to pay for the militia called out against them. 29

In accordance with these terms, Joseph Smith and the other leaders, including Isaac Morley, founding father of Manti, were taken to prison. Because no evidence of wrongdoing could be found against Morley and some of the others, they were released and were able to help their families move east to Illinois early the next spring. 30

While the main body of the Saints settled at a bend in the Mississippi River which they named Nauvoo, Morley and his extended family, along with a few other Mormons, moved to Morley's Settlement and once again carved out farms. 31

The apostasy of so many leaders and the subsequent expulsion of the Mormons from Missouri were not caused by the introduction of polygamy, but the acceptance of plural marriage within the Mormon community was facilitated by


30 That some Missourians were serious about punishing Mormons who did not leave the state is illustrated by the fate of Isaac Russell. Because he claimed he had been called as prophet in place of Joseph Smith, the Mormons had excommunicated him in April, 1839, and thus he apparently felt the Missourians' dictum that all Mormons should leave the state did not apply to him. Early in 1842, he was taken from his house, dragged to Far West, and there sold as a slave to the highest bidder—who happened to be John Ragland, a bitter enemy of the Saints—for a term of six months. DHC 3:366; Women's Exponent 15 (Salt Lake City), April 15, 1887): p. 176.

31 Flanders, 23-56, 140.
these events. First, those leaders who opposed the concentration of power in Joseph Smith's hands and who favored more open decision-making were no longer in the church. Second, the high costs of disloyalty were emblazoned on the minds of those members who remained in the church. Joseph Smith and other leaders had narrowly missed being summarily executed only because the general ordered to do the deed defied his commanding officer, and many Saints had lost their farms and then suffered from cold and deprivation as they fled from Missouri.

Loyalty was thus a vital issue during the Nauvoo period. Soon after his escape from Missouri, Joseph Smith admonished his followers: "See to it that you do not betray heaven, that you do not betray Jesus Christ, that you do not betray your Brethren, & that you do not betray the revelations of God, . . . but whatever you do do not betray your Friend." Clearly he was concerned about promoting loyalty to the church and to fellow church members. He believed that the Saints' surrender of Far West and his own imprisonment were the results of betrayal by Colonel George M. Hinkle, commander of the Mormon militia, and that the

32CHC I:489-90.
33Ibid., pp. 515-517.
35LeSueur, pp. 175-77.
Mormons who had testified against the church before Judge King were at least partially responsible for the calamity that had befallen the Saints in Missouri.\textsuperscript{36} In this climate Joseph Smith introduced religious rituals making the moral obligations to the church and to other Mormons more solemn and more binding. Among those rituals was the "endowment," in which participants received the endowment of knowledge Mormons believe necessary for returning to God.\textsuperscript{37} Also during this ceremony participants vowed to be faithful Latter-day Saints.\textsuperscript{38} Although Mormons have maintained that these rituals are too sacred to be openly discussed, Apostle Heber C. Kimball did make clear some of the vows they contained: "Do [this people] hold their covenants sacred, those they made when they received their endowments, when they covenanted not to speak evil of one another, nor of the Lord's anointed [the head of the church], nor of those that lead them.\textsuperscript{39} On another occasion when speaking about these rituals he remarked: "It is not for us to reproach the Lord's anointed, nor to speak evil of him; all have covenanted not to do it."\textsuperscript{40} These

\textsuperscript{36}Hill, \textit{Quest for Refuge}, pp. 113, 242 Ftn. 121.  
\textsuperscript{37}JD 2:31-32.  
\textsuperscript{39}JD 4:46. For similar statements, also see JD 3:269, JD 4:109, and JD 6:124.  
\textsuperscript{40}Women's Exponent 12 (August 1, 1883): 34.
evil of him; all have covenanted not to do it." These rituals, thus, sought to assure loyalty through solemn promises made not "to speak evil" of one another, especially not of the church's leaders.41

Also among these rituals were those binding, or "sealing" families together. According to Mormon belief, family units had to be sealed together by the authority of the priesthood (restored through Joseph Smith) in order to have validity after death. One sealing ordinance sealed parents and children to each other. Because most early Mormons were children of unbaptized members, however, many were "adopted to" prominent men in the church.42 Isaac Morley, for example, was adopted as a son to Brigham Young, although he was fifteen years his senior. These family ties carried with them all the moral obligations that adhere to family relationships, thus strengthening the bonds of loyalty between members and their leaders.43

40Women's Exponent 12 (August 1, 1883): 34.

Daynes, p. 67-68.


ordinance permitted a man to be sealed to more than one woman at a time, it was the religious ritual which created plural marriages. When the sealing took place with a member of an elite family, it also cemented the ties of loyalty to church leaders by making them a part of one's extended family. Isaac Morley, for example, became father-in-law to an apostle, when his daughter Therssa became a plural wife of Heber C. Kimball.44

Sealing also created loyalty in more complex ways because the act of accepting plural marriage was itself a dramatic sign of loyalty to the community's leader as against the larger American community. Entering plural marriage in Nauvoo caused considerable anguish, both because it was secret and because it countered the monogamous tradition in the western world and within the church in its earliest days. Brigham Young recalled that "it was the first time in my life that I had desired the grave, and I could hardly get over it for a long time. And when I saw a funeral, I felt to envy the corpse its situation, and to regret that I was not in the coffin."45 His fellow apostle John Taylor remembered that when he first heard of the new doctrine, "it made my flesh crawl."46 Heber C. Kimball's


45 JD 3:266.

46 JD 23:64.
daughter wrote that it "had a similar effect to a sudden shock of a small earthquake" when it was proposed that she become a plural wife of Joseph Smith.\(^{47}\)

Despite these feelings, these three, as well as others, did enter plural marriage because in the end they were loyal to Joseph Smith and believed in his role as a prophet. Indeed, the language of loyalty pervaded the discussions of plural marriage. When teaching Mary Rollins Lightner about plural marriage, Joseph Smith asked her if she "was going to be a traitor."\(^{48}\) While introducing the new doctrine of marriage to Emily Partridge, he said, "Emily if you will not betray me, I will tell you something for your benefit."\(^{49}\) Both women had experienced the results of betrayal in Missouri. Neither chose to betray their prophet in Nauvoo, and they both entered plural marriage. Isaac Morley had already shown his loyalty by giving considerable property to the church and by offering his life in exchange for the safety of the Mormon community in Independence,


\(^{48}\)Address delivered at Brigham Young University, April 14, 1905, typescript, Mary Elizabeth Rollins Lightner Papers, B.Y.U. [emphasis added].

\(^{49}\)Emily Dow Partridge Young Diary, photocopy of typescript, p. 124, B.Y.U. [emphasis added].
Missouri. On January 14, 1844, he again demonstrated that loyalty by taking as his plural wife a widow who lived in his settlement.

Others reported having spiritual experiences which confirmed to them that plural marriage was a righteous principle. This not only helped them to decide to enter plural marriage but also strengthened their belief in and loyalty to their prophet. Moreover, entering plural marriage entailed sacrifice. With their monogamous tradition, many Mormons accepted the new marriage practice only after considerable anguish, and entering polygamy was difficult because the marriages were secret and their existence vigorously denied in public. Sacrifice is one mechanism which increases commitment. Simply stated, "the more it 'costs' a person to do something, the more 'valuable' he will consider it, in order to justify the psychic 'expense'." The "costs" and psychic "expense" of entering plural marriage were great in Nauvoo; hence, the

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51 Isaac Morley-Hannah Blakeslee Finch Family Group Sheet, Patrons Section, FHL.


commitment to Joseph Smith's leadership by taking that step would be commensurately increased. 54

These sealings which extended family units were opposite from those ideas increasingly accepted by the new urban middle class, which emphasized the intense, intimate social relations with the conjugal family. Indeed, the economic and social circumstances of the Mormon community precluded the movement toward privatization of the family which was then taking place in cities of upstate New York, 55 the area from which the earliest Mormons had come. By the 1830s in Rochester, for example, the household economy, with workmen living in the employers' households, was quickly passing out of existence as the scale of business enterprises greatly increased. 56

Social and economic conditions among the Mormons for the first several decades of the church's existence proved quite different. Nauvoo grew from a few families in 1839 to one of the largest cities in Illinois by the time the

54 The relationship between loyalty and plural marriage in Nauvoo is detailed in Daynes, pp. 67-72.


56 Johnson, p. 55.
Mormons abandoned it in 1846,57 swelled not only by Mormons fleeing from Missouri but also by increasing numbers of converts from Britain.58 Adequate housing remained a problem in Nauvoo, as it had been in Kirtland and Missouri and as it would become in Utah.59 Members already established in an area took in new arrivals, so that households often contained kin or nonkin in addition to the nuclear family. As in other Mormon centers, this resulted in a variety of household arrangements which intensified the closeness to and dependence upon those outside one's nuclear family.

Parley P. Pratt's experience may not have been typical, but it illustrates some of the housing situations Mormons experienced as they moved from place to place. When Pratt went on proselyting missions in the 1830s, he often lodged with acquaintances, while at home his wife boarded with


58Taylor, pp. 18-46; Flanders, pp. 57-91.

friends. One winter in Missouri he spent in a log cabin occupied by ten families. He and his family, along with some other Mormons, lived in the open air when they first arrived in Nauvoo. In Kirtland his mother joined his family; in Nauvoo his wife's sister did so.60 Although the presence of non-nuclear family members in households did not make plural marriage easy to introduce among the Mormons, their experience with various household arrangements was more conducive to accepting other wives into the family than if the community had experienced the economic and ideological changes--nucleation and privatization--that were transforming urban middle-class homes elsewhere.

Nor did the political situation in Nauvoo encourage putting new social and family doctrines into practice. Sensing that they needed relative political autonomy to avoid conflict with their neighbors, the Saints spent their six years in Illinois trying to remedy the situation. The Illinois legislature did grant Nauvoo a municipal charter. Although no more liberal than other Illinois municipal charters, the Mormons interpreted it so widely as to give Nauvoo courts powers not originally intended.61 This was


still not sufficient, however, and during 1843 the city
council appointed a committee to petition the U.S. Congress
asking that Nauvoo become an essentially independent city-
state within Illinois.⁶²

Before this petition could be presented, however, the
increase in church membership convinced the Saints that
something even more ambitious should be attempted. In the
spring of 1844, when Congress was considering the annexation
of Texas and the settlement of the Oregon question, the
Mormons presented a petition asking permission to raise
100,000 volunteers "to extend the arm of deliverance to
Texas; to protect the inhabitants of Oregon from foreign
aggressions and domestic broils,"⁶³ in short, to protect
settlers moving into uninhabited areas just beyond the
nation's boundaries and to secure those areas for the United
States. The plan was too ambitious to be accepted by
Congress, but Stephen A. Douglas and John Wentworth of the
Illinois delegation encouraged the Mormons to settle in
Oregon. Douglas sent John C. Fremont's maps and published
reports to help them do so.⁶⁴

Brigham Young and the other apostles studied these
materials two years later when planning their trek west, but
instead of Nauvoo becoming the headquarters of the western

⁶²DH C 6:107, 125-132; Flanders, pp. 284-286.
⁶³DH C 6:276.
⁶⁴DH C 6:369-76; Allen and Leonard, pp. 183-185.
settlements, it was abandoned.65 On June 27, 1844, men from a neighboring town's disbanded militia killed Joseph Smith and his brother Hyrum.66 The church fragmented into several groups as a consequence, but its demise, confidently expected by its enemies, did not occur. The largest group of Mormons accepted the leadership of Brigham Young and the remainder of the Twelve Apostles, and they continued building the temple in which they were to receive their endowments and sealings before moving West.67 The uneasy peace between the Mormons and their neighbors broke down in September 1845, however, and the church's enemies began burning Mormon homes in the outlying settlements.68 Morley's Settlement was the first to be attacked, and in September 1845, Isaac Morley, his families, and his neighbors fled to Nauvoo with the few possessions could carry while mobsters burned their homes and farm buildings.69

During the winter of 1845-46 the Saints had two tasks: to finish the temple and to prepare for their exodus from Nauvoo. By December the temple was opened for the

performance of the sacred rituals.\textsuperscript{70} Sealings for adoption and for plural marriages were freighted with religious significance for the participants, but they also organized people into family groups for the trek west. The number of plural marriages increased considerably during those three months.\textsuperscript{71}

For example, Isaac Morley was one of the few who had taken plural wives before the temple was finished. After its completion he was sealed to an additional five wives: Nancy Bache, Eleanor Mills, and Betsey Bradford who were widows; Hannah Libbey whose former husband had never joined the church, and Harriet Cox whose husband had deserted her.\textsuperscript{72} In addition, on January 27, 1846, Morley's daughter Cordelia became the third wife of Frederick W. Cox, a former resident of Morley's Settlement.\textsuperscript{73}

\textsuperscript{70}Flanders, p. 335; Allen and Leonard, p. 221.

\textsuperscript{71}Irving, pp. 296-299; Ivins, p. 231; see below, pp. 162, 185.

\textsuperscript{72}Christensen, pp. 122-123; Edwin Parker Merriam Family Group Sheet, Patrons Section, FHL; John Buchanan Family Group Sheet, ibid.; Terry Tuttle Family Group Sheet, Archives Section, FHL; Susan Ward Easton Black, comp., Membership of the Church of Jesus Christ of Latter-day Saints, 1830-1848, vol. 9 (Provo, Utah: Brigham Young University Religious Studies Center, 1989), pp. 3-5; ibid., vol. 28, pp. 152-153; Milton V. Backman, Jr., comp., A Profile of Latter-day Saints of Kirtland, Ohio and Members of Zion's Camp, 1830-1839: Vital Statistics and Sources (Provo, Utah: Brigham Young University, 1982), p. 15; John Carter Family Group Sheet, Ancestral File, FHL.

\textsuperscript{73}Frederick Walter Cox-Calista Cordelia Morley Family Group Sheet, Patrons Section, FHL.
Before his death, Joseph Smith had asked Cordelia to become his plural wife, but she declined.\textsuperscript{74} When she knelt at the altar to be married to Cox, Apostle Heber C. Kimball reminded her of the prophet's request. She consented to be sealed to Joseph Smith for eternity and was married to Cox for "time," or for mortal life only.\textsuperscript{75}

A few days later, on February 4, Morley and his family, along with other Saints, began crossing the Mississippi River and trudging west across Iowa.\textsuperscript{76} They endured bitter cold in February and faced almost impassable mud when spring came. What was worse, many were poorly provisioned. The one-hundred-thirty-day trek across Iowa was so full of delays and difficulties that the Saints decided to stay a year on the banks of the Missouri River before attempting the longer move to the Salt Lake Valley.\textsuperscript{77}

Life in their "Winter Quarters" was punctuated by cold, hunger, disease, and death. Moving a community of nearly nine thousand people\textsuperscript{78} who had sacrificed much of their

\textsuperscript{74}Christensen, p. 124; Morley, pp. 104-105.

\textsuperscript{75}Morley, pp. 104-05. Fawn Brodie erroneously assumed that, because Cordelia Cox was sealed to Joseph Smith in 1846, she must have been married to him when he was still alive. Fawn Brodie, \textit{No Man Knows My History: The Life of Joseph Smith, the Mormon Prophet}, 2nd ed. rev. (New York: Alfred A. Knopf, 1979), pp. 457, 486.

\textsuperscript{76}Morley, p. 105; Allen and Leonard, pp. 217-222.


\textsuperscript{78}Bennett, p. 90.
property in Illinois produced administrative headaches for
the leaders and caused suffering for the individuals.

Suffering as they did, the Mormons sought some form of
assistance from the federal government. The Mormons' emissary arrived in Washington in the spring of 1846, just as the Polk administration was planning its strategy and preparing for war against Mexico. The compromise over Oregon had not yet been reached with Britain, and the emissary hinted that if the United States did notconciliate the westward-emigrating Mormons, they might make overtures to the British.79 Early in June the President authorized the enlistment of five hundred Mormons in a battalion to march to California under Colonel Stephen W. Kearny. The clothing allowance and pay for the men amounted to over $50,000, a fair amount of which went into the community's coffers. It provided provisions for the Saints and paid for land purchased in Utah.80

What helped the state and the church, however, often worked a hardship on families when men joined this military unit. Esther Smith, for example, whose family was among the first settlers of Manti, was left with three children aged fourteen, twelve, and two when her husband Albert and her

79Bennett, pp. 53-55, pp. 257-258 ftn. 45; Flanders, pp. 303-304.

older son Azariah enlisted. Luther T. Tuttle, another settler of Manti, marched away three days after his marriage, leaving his wife with her mother. The church had agreed to care for the families of the men in the Battalion, but some were dissatisfied with the housing provided and others complained that the church received too much of the soldiers' pay. But no woman whose husband enlisted during that time of scarcity found it an easy eighteen months.

While the absence of men in the Battalion directly affected only some, disease and death affected almost every family. Between June 1846 and May 1847 one person in twelve died. The death rate was lower in subsequent years in the Missouri River settlements but nonetheless took a high toll for the remaining family members. Over half of those who died were children, but a number of families lost husbands, wives, mothers, and fathers. Lucy Morley, first wife of Isaac, who had supported him through proselyting missions, persecution, imprisonment, and plural marriage, died in

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82 Bennett, pp. 122-25.

83 Ibid., p. 141.

84 Ibid., pp. 136-142.
January 1848, just before the Morley family began its trek to the Salt Lake Valley. 85 Sophia Sweat, who became the plural wife of Manti settler John Carter, grieved over her mother's death in Iowa in 1846; her father then died in 1850 as he attempted to cross the plains to Utah. 86 The large number of deaths not only grieved families but also disrupted them.

The Saints felt more autonomous in thinly populated Iowa than in Illinois, and after their exodus from Nauvoo they no longer hid their plural marriages. Some were enthusiastic about being able to acknowledge these relationships openly, but others felt the sting of prejudice. 87 Curious people came by to see the "spiritual child" born to Brigham Young's plural wife Emily Partridge. One woman was surprised to see that the child was as smart as he was because she shared the commonly held belief that children born to plural marriages were not as bright as other children. Emily wrote, "There was a good deal of that spirit at that time and sometimes it was very oppressive." 88

But Iowa did not provide sufficient political autonomy

85 Isaac Morley-Lucy Gunn Family Group Sheet, Patrons Section, FHL.

86 John Sweat Family Group Sheet, Patrons Section, FHL; Crossing the Plains Index, FHL.

87 Bennett, pp. 194-98.

88 Emily Dow Partridge Young Autobiography and Diary, pp. 3-4, 103, 119.
for the Saints, and with openness also came the first prosecutions for polygamy. In the fall of 1851 Frederick W. Cox, Isaac Morley's son-in-law, was summoned to the Mills County court and told that he could not lawfully keep his two younger wives. Cox firmly refused to desert his plural wives, defending himself by saying that the religious freedom his grandfather had fought for in the Revolutionary War gave him the right to practice his religion. The court agreed to let his case rest if he would move his plural wives out of the county by January 15. He did find a small house in Pottawatamie County into which he moved his younger wives. Much to their horror, they soon learned the attitude that non-Mormons maintained toward them: the gold-diggers returning from California thought of plural wives as prostitutes and the young women had to be vigilant to protect themselves from unwanted attention. 89 By the time plural marriage was first publicly announced as a doctrine of the church on August 29, 1852, in Salt Lake City, it was already openly acknowledged by the Saints and already had had its first confrontation with the courts.

The first Mormons had arrived in the Salt Lake Valley on July 24, 1847, and the initial isolation of the Great Basin finally provided sufficient autonomy for them to establish their own social and economic system, which included plural marriage. They did not attain as complete

89 Christensen, Before and After Mt. Pisgah, pp. 182-86.
self-government as they sought, however, because Congress
denied Utah statehood and instead made it a territory in
1850. They were also limited by the resources available
in their new location. Early difficulties in growing
sufficient crops to support the burgeoning LDS population
prevented the immediate immigration of all the Saints from
the Missouri River settlements. By 1852 when those
settlements were finally abandoned, a number of communities
had been pioneered outside of Salt Lake City, and Manti was
already almost three years old.

Some of the early Manti settlers were volunteers, some
were selected because they possessed skills needed for
pioneering a new area, some had lived at Morley's Settlement
in Illinois, and a number were related in various ways to
Isaac Morley. Four of his plural wives had adult children
who came to Manti: the Tuttles, Merriams, Buchanans, and
Carters all made contributions to the settlement. In

90Arrington, Great Basin Kingdom, pp. 45-349; Allen and
Leonard, pp. 258-263; Campbell, "Governmental Beginnings,"
pp. 153-164.

91Bennett, pp. 227-228; Arrington, Great Basin Kingdom,
pp. 45-84.

92Eugene E. Campbell, "Early Colonization Patterns," in
Utah's History, eds. Richard D. Poll, Thomas G. Alexander,
Eugene E. Campbell, and David E. Miller (Logan, Utah: Utah
State University Press, 1989), pp. 133-152; Arrington, Great
Basin Kingdom, pp. 84-95.

93Sidwell, "Reminiscences," August 1, 1889; Milton R.
Hunter, Brigham Young the Colonizer, 4th ed., rev. (Santa
Christensen, Before and After Mt. Pisgah, pp. 106-107, 113,
addition, two of his sons-in-law, Frederick W. Cox and Joseph S. Allen, came with their plural families. Several men who had been in the Mormon Battalion also moved to Manti, including Capt. Nelson Higgins, who was in charge of military affairs in Manti. To assure good relations with the Indians, Dimick B. Huntington, an Indian interpreter, came, as did Barney Ward, who had married an Indian woman.

Both Utes and Mormons began with high expectations for establishing a good relationship with each other. The Mormons had settled in Sanpete valley at the invitation of Chief Wahkara (anglicized Walker), and the chief along with over one hundred of his tribe were baptized by the Mormons in 1850. But because of differences in culture


94 Sidwell, "Reminiscences"; Christensen, Before and After Mt. Pisgah, p. 194.


97 Ibid., p. 464; S. Lyman Tyler, "The Indians In Utah Territory," in Utah's History, p. 361.
and misunderstanding, conflict was endemic.\textsuperscript{98} For many years the Utes had sold children captured from other tribes to Spanish traders.\textsuperscript{99} As the Indian agent in Utah, Brigham Young had Spanish traders in Sanpete County arrested in 1851.\textsuperscript{100} Because the Spanish discontinued buying slave children in Utah, Arapeen, Walker's brother, argued that the Mormons should buy the children. When one Mormon tried to convince him of his wrongdoing, Arapeen became angry. He grabbed one of the captive children, dashed his brains out on the hard earth, threw the corpse at the stunned Mormons, and chastised them by saying, "You have no heart or you would have bought [the child] and saved [his] life."\textsuperscript{101}

In 1852 the Utah legislature passed an act authorizing selectmen in their respective counties to obtain Indian prisoners and apprentice them to responsible families.\textsuperscript{102}


\textsuperscript{99} CHC IV:37; Tyler, p. 360; Campbell, \textit{Establishing Zion}, p. 106-108.

\textsuperscript{100} CHC IV:36-40.

\textsuperscript{101} Daniel W. Jones, \textit{Forty Years Among the Indians} (Salt Lake City: Juvenile Instructor Office, 1890), p. 55; Morley, pp. 181-82.

Even before this, however, some Manti residents, usually those who already had polygamous families, had purchased such children and taken them into their homes. These children were generally listed as servants on subsequent censuses but some appear to have been treated more like nephews and nieces. Madison D. Hambleton, for example, left a legacy to Harriet, the Indian girl he had taken into his home, though it was less than that left to his own children.  

Christian Nielsen willed his "heir" one yearling colt, while to his daughter and one son he left ten dollars each, although his other son inherited considerably more. Manuscript censuses show that many of the children remained in the community, and at least one of the girls became a plural wife.

The slave trade remained a point of contention between the Utes and the Mormons and was one of the underlying causes of the Walker War in 1853-54. Because the Indians


104Last Will and Testament of Christian Nielsen, File of Wills, County Clerk's Office, Sanpete County Court House, Manti, Utah.


106Allen and Leonard, p. 271; CHC IV:40.
killed several Manti men, the residents of Manti became concerned for their safety. Initially they had built their one-room cabins on the one-acre city plots each family had been assigned. In 1852, responding to the threat from the Indians, men from the community erected a small stone fort with cabins as close together as possible inside. In 1854 they built a larger stone fort, but housing conditions were still crowded.107 The crowding was exacerbated when Brigham Young, in the fall of 1853, sent the first large company of immigrating Danes to Sanpete County to strengthen the settlements there. Many Manti residents invited Danish families to live in their already small quarters. Plural wife Flora Washburn and her three young children, who lived in one large room, divided their home with two newly married Danish couples. Although neither the Danes nor the Americans could speak the others' language, they shared the room and one fireplace for some time.108

Two sixteen-foot rooms were all F. W. Cox had for his family of three wives and thirteen children when he moved into the fort. In October he added another wife, Lydia, to his family and fortunately was able to acquire another

107Judd and Anderson, p. 10; Manti, Utah, Centennial Committee, Song of a Century, pp. 28-29.

His daughter Emerette described the living conditions in the fort:

Aunt Emeline's room was lighted by one small window, one door and an open fireplace, and had room for two beds with the foot boards coming close together. There was scarcely room for her family to gather around the fire opposite the beds. The next room being the corner one had a door facing the east, . . . Aunt Jemima had two beds in here and Aunt Lydia one. They had no fireplace but used a stepstone for cooking and heating. They did all their work, lived and ate in this same room. Mama had a small bedroom a little more than half way up the side of the fort. In it there was a corner fireplace with room for mother's half chair where she sat to knit and we gathered around her and the fire.¹¹⁰

By the end of 1855 Emeline, Cox's first wife, had six children in her small room. Jemima and Lydia, not only sister wives but sisters by birth, shared one room. In 1856 Jemima was the mother of four children, Lydia mother of one. Cordelia, Emerette's mother, lived with her four children in her small room. As others began moving out of the fort in 1857 and 1858, the Cox family probably acquired more space; but they remained in the fort nine years until Cox was able to build a large stone house for his family.¹¹¹ In short, the Indian threat imposed considerable hardships on the young colony, causing families to live, work, and beget children in overcrowded spaces.

¹⁰⁹ Christensen, Before and After Mt. Pisgah, p. 281; Frederick W. Cox Family Group Sheet, Patrons Section, FHL.

¹¹⁰ Christensen, p. 237-238.

¹¹¹ Ibid.
Chief Walker also precipitated a plural marriage in Manti. No sooner had he signed the treaty ending the Walker War than the war chief asked Brigham Young for a white plural wife. Walker had already been ordained an elder in the Mormon priesthood,¹¹² and the church president granted his request provided he could find a willing woman. He apparently already had in mind Mary Artemisia Lowry, the comely twenty-year-old daughter of Manti's bishop. While the men were out working in the fields and Mary was home alone tending her paralytic grandmother, the chief came to make his proposals. A contemporary of Mary's—with no little prejudice against Indians—described his offer of marriage:

He poured into her ears the tale of a splendidly elegant and imposing wickup he would build for her, told her how rich he was, what numberless droves of horses he owned, and how he would furnish her future home in such barbaric splendor as should astonish all beholders—nicest buffalo robes, costly furs, seal, ermine, sable (skunks) and bearskins, sheep pelts and cowhides from the Tesican ranges—long horns, hair and hoofs on all. He was willing to promise never to take her to the mountains as he did his other squaws, but she could always live in his wigwam and he would learn the white man's ways and live with her.¹¹³

These riches appealed to her no more than did their owner. She despairingly considered the choices before her. She dared not trust her future happiness to a man who had beaten

¹¹² CHC III:464.

his own mother.\textsuperscript{114} Neither dared she refuse, knowing that the frustrated war chief might well make the entire town suffer for his unrequited love.

She cut the Gordian knot by asserting that she was married to George Peacock, her sister's husband. Walker was deterred, but to indicate what Judge Peacock might expect at the first opportunity, the chief plunged his hunting knife into the pine table. When her father came from the fields, Mary confided to him the whole story. Realizing the peril she and Peacock faced, he determined that her word would be made good. He summoned Peacock and told him the news. He then found Isaac Morley--only he in Manti had the authority to seal plural marriages--and the couple quickly swore their marriage vows. To avoid the war chief's wrath, they hurried into hiding in Salt Lake City.\textsuperscript{115} Walker died five months later, while George and Mary Peacock's twenty-four-year marriage was blessed with ten children.\textsuperscript{116}

The motives for this marriage were not lust, nor even romantic love. Rather it was a product of the narrow choices Mary faced as she and the other Mormon settlers pioneered the Sanpete valley. Moreover, her complete

\textsuperscript{114}Sidwell, "Reminiscences," Manti Sentinel, August 22, 1889.

\textsuperscript{115}Sidwell, "Early Manti," in Manti Centennial Committee, Song of a Century, p. 34-36.

\textsuperscript{116}CHC III:464-465; George Peacock-Mary Artemisia Lowry Family Group Sheet, Patrons Section, FHL.
rejection of marriage to an Indian, even one as powerful as Chief Walker, is representative of the segregation, rather than assimilation, which prevailed in the relationships between the Utes and the Mormons.

In the early years the Indians clearly had a greater impact on the Manti settlers' daily lives than did laws emanating from the nation's capitol. The colony was established at Chief Walker's request, the settlers lived in an overcrowded fort because they feared an Indiana attack, when men were killed during Indian raids some women were left without husbands and some children without fathers, and Walker's proposals even precipitated a plural marriage.

Arapeen, who succeeded Walker as chief, sold Sanpete Valley to the church in 1856, but the Indians still continued to influence events there. Long-standing difficulties between Indians and Mormons flared into the Black Hawk War of 1865–68 after an Indian received an insult at the hands of John Lowry in Manti. Manti men not only served in the militia, but the community also welcomed into their midst settlers who had had to abandon settlements in

117Inventory of the County Archives of Utah 20:18-19: Song of a Century, pp. 32.

the Sevier Valley. In speaking of the conflicts with the Indians, one early settler wrote:

>a number of people living in Salt Lake and Utah counties . . . express a wonder why Manti, being such an old settlement, is not farther advanced in improvement, etc. To such I would say that had they participated in those labors and troubles, and been robbed and plundered of property accumulated by years of toil, they would readily understand some of the causes for this lack of improvement.

The Mormons transformed the Utes' way of life, but in turn the Indians' stealing of horses and cattle had also made a significant impact on Manti's economy.

Nature also took its toll. Because of heavy snow in 1849-50, the Saints lost all but 100 of the 240 head of cattle they had brought with them to Sanpete, and only provisions sent by the church the next spring kept the colony from starvation. Then their first harvest was frost bitten and extremely scant, but the colony was saved by an arrangement to exchange shingles for provisions from the parent colony. The economic cooperation of the Mormons made colonization possible; the semiarid, plague-

119Inventory of the County Archives of Utah 20:23-27; Jens C. A. Weibye, Journal, April 18, April 23, April 24, 1867, LDS Church Archives.

120A. E. M[erriam], "History of Sanpete County," Manti Sentinel, April 11, 1890.


prone nature of the Great Basin made settlement difficult. No sooner had the Manti settlers survived the unproductive first years of pioneering and the Walker War than came the grasshopper invasions in the summers of 1855 and 1856 and a severe winter in between. The parent colony could offer no help because all Utah suffered. One church leader wrote: "Dollars and cents do not count now, in these times, for they are the tightest that I have ever seen in the Territory of Utah." In Manti the Saints survived by eating the one plant the grasshoppers did not eat: pigweeds, or wild spinach, which grew at the foot of Temple Hill. Every day the children took knives and cut the weeds close to the ground so they would grow again. One day they would go to the north, the next to the east, and so forth, and by the fourth day the weeds had grown up enough that they could again cut the weeds to the north.

In these times of deprivation, the Mormon Reformation began, continuing from the fall of 1856 to the spring of 1857. Like the prophets in the Old Testament and the Puritan divines in early New England, Mormon leaders blamed the calamities on the unfaithfulness of the people and

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called them to repentance.\textsuperscript{126} The resulting Reformation was a series of revivals enjoining the Saints to confess and repent of their sins as well as to fulfill more completely the covenants they had made at baptism. One sin of omission forcefully brought to the attention of church members was their failure to enter plural marriages more readily. A considerable number did obey the injunction to enter plural marriage. One resident of Sanpete County was among them, but as he wrote: "[W]e had lots of preaching and council, but some of it went to \textit{(sic)} far to be from the highest authority, some of this was about plural marriage, I was obedient but not wise, I married a girl, but she did it more of fright than of love, for that reason it could not last long only about 9 months then she was divorced in 1858."\textsuperscript{127} He was not alone in finding that it was easier to enter plural marriage than it was to live in it. Orson Hyde, the apostle with responsibility for Sanpete Country, later said the Reformation "was not all pure water; but compared it to the snow melting and thus increasing the water but at the


\textsuperscript{127}Peter Madsen, \textit{Autobiography}, MS., LDS Church Archives, quoted in Antrei and Scow, p. 155.
same time we had more filth, etc."128 While defending its virtues, Hyde thus hinted at some of the Reformation's excesses. In subsequent years leaders still enjoined members to enter plural marriage, but the numbers who heeded that message were never so great.129

While the Mormons were preaching the virtues of plural marriage in Utah Territory, the Republicans in the rest of the nation were condemning it. In its 1856 platform the newly founded party said Congress had "the right and the imperative duty... to prohibit in the Territories those twin relics of barbarism--Polygamy and Slavery."130 When the Republicans became the majority party, they tried to do just that. In a reprise of Reconstruction, the federal government began limiting the autonomy of Utah Territory. Radical Republicans spearheaded reconstruction of Utah as well as of the South.131

Like the South, Utah had its "carpetbaggers." Just as some Union soldiers saw undeveloped coal and iron ore resources near Chattanooga and went back after the Civil War to take advantage of them, so too did soldiers in Utah

128 Manti Ward Record, March 20, 1861, LDS Church Archives [used by permission].

129 See below, pp. 157-162.


exploit the mining opportunities there. In 1863 Colonel Conner, commander of the California Volunteers stationed in Utah, encouraged his soldiers' efforts to discover and develop mines, hoping to attract others to the state in order to overwhelm Mormons at the ballot box.\textsuperscript{132}

Also during the Civil War, in the same year Abraham Lincoln issued a preliminary proclamation emancipating slaves, Congress passed the Morrill Anti-Bigamy Act. Sponsored by a Republican congressman from Vermont, this 1862 law provided penalties for persons found guilty of bigamy, invalidated territorial laws incorporating the Church of Jesus Christ of Latter-day Saints, and made it unlawful for religious organizations in United States territories to hold real property over fifty thousand dollars.\textsuperscript{133} With Mormon juries, however, the law was difficult to enforce.

Having more immediate impact on Utah was passage that same year of another Republican bill providing for a transcontinental railroad. Building it provided work for men in Utah,\textsuperscript{134} and the completed line, combined with the


\textsuperscript{133}An Act to Punish and Prevent the Practice of Polygamy in the Territories of the United States and other Places, and Disapproving and Annulling Certain Acts of the Legislative Assembly of the Territory of Utah, U.S. Statutes At Large, 12, secs. 1-3, 501 (1862).

\textsuperscript{134}Arrington, \textit{Great Basin Kingdom}, pp. 257-70.
change from sailing ships to steamships in 1868,\textsuperscript{135} made immigration to the territory much easier. In 1853, for example, the Foegren Company sailed from Liverpool on January 16 and did not arrive in Salt Lake City until September 30; by contrast, in 1869, the year the transcontinental railroad was completed, Richard Hayes and his family sailed from England on June 2 and arrived in Ogden, Utah, on June 25.\textsuperscript{136} In 1870 Salt Lake City was connected by rail to Ogden so that immigrants could go from England to the Mormons' capital in just over three weeks.\textsuperscript{137} At the same time, the railroad threatened to erode the distinctiveness of Mormon life, but this the Saints tried to counter by organizing cooperatives so they could maintain control of their own society.

To justify its Reconstruction of the South, Congress in the 1860s accepted Richard Henry Dana's argument that the federal government should hold the former Confederate states.


\textsuperscript{136}Laura Christensen McCurdy Clark, \textit{Others} (n.p., n.d.), pp. 8-10; Sonne, p. 150; Journal History of the Church of Jesus Christ of Latter-day Saints, September 30, 1853, LDS Church Archives; Richard Hayes, Crossing the Ocean Index, microfilm, FHL (hereafter cited as COI).

\textsuperscript{137}Dean L. May, "Towards a Dependent Commonwealth," in \textit{Utah's History}, p. 219; Emil Hartvigsen, Crossing the Ocean Index, microfilm, FHL.
in the "grasp of war" for a limited time.\textsuperscript{138} Similarly, George F. Edmunds in 1873 argued that the federal government exercised "sovereign dominion . . . over territory it has acquired" and thus had power to legislate for Utah.\textsuperscript{139}

Congress accepted his argument, and just as Reconstruction was ending in the South, it began in Utah. In 1874 the Poland Bill transferred jurisdiction of criminal, civil, and chancery cases from probate courts, whose judges were often Mormon bishops, to federal courts. It also gave federal judges considerable power over selection of jurors.\textsuperscript{140} One purpose was to curtail Mormon power; another was to open the way for the successful prosecution of polygamists.

The Saints believed the Morrill Anti-Bigamy Law violated their First Amendment rights to freely exercise their religion; and George Reynolds, secretary to Brigham Young, was prosecuted to test the law. In 1879 the Supreme Court issued a landmark decision which opened the way for prosecution of polygamists. Alleging that polygamy was


anti-republican because it led to patriarchy, Justice Waite, writing for the majority, stated: "Laws are made for the government of actions, and while they cannot interfere with mere religious belief and opinions, they may with practices."\textsuperscript{141} This distinction between belief and practice prepared the way for further prosecutions of polygamists.

In 1882 the Edmunds Act made it easier to procure convictions. Not only did it designate polygamy as a crime, but it also made cohabiting with more than one woman a misdemeanor punishable by a fine of three hundred dollars and/or imprisonment for up to six months.\textsuperscript{142} To facilitate convictions, the law made belief in polygamy grounds for challenge to a juror.\textsuperscript{143}

Congress also attempted to shift political power in Utah. In 1867 it had enfranchised freedmen in an attempt to establish the kind of political order it wanted in the South; to achieve that goal in Utah the Edmunds Act prohibited polygamists or anyone cohabiting with more than one woman from voting or holding public office. The Act also barred women cohabiting with polygamists from voting.


\textsuperscript{142}An Act to Amend Section Fifty-three Hundred and Fifty-two of the Revised Statutes of the United States, in Reference to Bigamy, and for Other Purposes, U.S. Statutes At Large, 12, sec. 1-4, 30-31 (1882).

\textsuperscript{143}Ibid., sec. 5, 31 (1882).
and established the Utah Commission to enforce this law.\textsuperscript{144} In 1887 Congress disfranchised all women in Utah and in 1890 threatened to disfranchise all Mormon men.\textsuperscript{145}

While the disfranchisement of polygamists began when the Utah Commission was appointed in 1882, not until 1885 did intense prosecution of polygamists, known as The Raid, commence. Polygamists, including the church's president, went into hiding, or "underground." Some were called on foreign missions to get them out of the way of federal marshals, and some fled to Mexico to find freedom of religion. Others moved one wife to Canada or to a state or territory surrounding Utah trying to avoid prosecution. Plural wives also went underground so they could not be found to testify against their husbands (sometimes naming their children Exile as a memorial to their plight). Before prosecutions were discontinued in 1895, 780 were imprisoned for unlawful cohabitation, 146 for adultery, 13 for polygamy, and 1 for incest.\textsuperscript{146}

\textsuperscript{144}Ibid., secs. 8-9, 31-32 (1882); Linford, pp. 317-21.

\textsuperscript{145}Allen and Leonard, pp. 406, 411-412.

\textsuperscript{146}Rosa Mae McClellan Evans, "Judicial Prosecution of Prisoners for LDS Plural Marriage: Prison Sentences, 1884-1895," (unpublished Master's thesis, Brigham Young University, 1986), pp. 24-39, 73. Evans verified that these men were imprisoned for their involvement in plural marriage by checking the names of the men punished for these crimes against family group sheets. The numbers reported by the Utah Commission are 988 convicted for unlawful cohabitation, 149 for adultery, 43 for fornication, and 1 for incest. Linford, p. 366. Stewart L. Grow, in his study of the Utah
Despite the disruptions to the Mormon community with many of their leaders underground, the church did not capitulate. Then in 1887 Congress passed the Edmunds-Tucker Act, which not only strengthened provisions against polygamists, but also sought to destroy the economic and political power of the church. It dissolved the corporation of the Church of Jesus Christ of Latter-day Saints and directed the U.S. Attorney General to escheat its property holdings over $50,000. It also dissolved and escheated the property of the Perpetual Emigrating Fund Company, the church organization which provided financial assistance to converts immigrating from Europe. The escheated property was to be used for the common schools, presumably to ensure that Mormon children were given a secular education so that they would not follow in the footsteps of their elders.

Commission, however, gave slightly different numbers: 1,004 convictions for unlawful cohabitation and 31 for polygamy. "A Study of the Utah Commission, 1882-1896," (unpublished Ph.D. dissertation, University of Utah, 1954), p. 268. Evans' figures include only those who were imprisoned, while the Utah Commission counted all those convicted, whether of not they were imprisoned. Moreover, Evans claimed that none of the men or women imprisoned for fornication were convicted because of their involvement in plural marriage (p. 24).

147 An Act to Amend an Act Entitled "An Act to Amend Section Fifty-three Hundred and Fifty-two of the Revised Statutes of the United States, in Reference to Bigamy, and for Other Purposes," U.S. Statutes At Large, 24, secs. 1-6, 635-636 (1887).

148 Ibid., sec. 17, 638. The Morrill Anti-Bigamy Act had annulled the laws which incorporated the church; this section of the Edmunds-Tucker Act dissolved the corporation and provided for the enforcement of that dissolution.

149 Ibid., 12, secs. 15-16, 637-638.
Moreover, to dilute the Mormon vote, all women in the Territory of Utah were disfranchised.\footnote{150Ibid., sec. 20, 639. For a discussion of the Act, see Linford, pp. 322-27.}

By 1890 over one million dollars' worth of church property was in the hands of the government receiver,\footnote{151Arrington, \textit{Great Basin Kingdom}, pp. 360-79.} and in \textit{The Late Corporation of the Church of Jesus Christ of Latter-day Saints v. United States}, the Supreme Court upheld the constitutionality of the Edmunds-Tucker Law.\footnote{152136 U.S. 1 (1890).} In addition, the Liberal Party, the non-Mormon party in Utah, gained control of two of Utah's largest cities. The Supreme Court had upheld Idaho's test oath that required voters to swear they did not believe in plural marriage or belong to a church that advocated it. And Congress was considering the Cullom-Strubble bill, which would have applied a similar test oath in Utah.\footnote{153Allen and Leonard, pp. 411; \textit{CHC} VI:203-15.} Beleaguered, the Saints sought an agreement with the federal government; and finally on September 25, 1890, Wilford Woodruff, president of the church, issued the Manifesto, announcing that the church would submit to the laws of the land. Presented as a revelation from God, the Manifesto was accepted by vote at
the church's semiannual conference on October 6.\textsuperscript{154} To be readmitted to the Union, former Confederate states had to ratify the Fourteenth Amendment, which they all did by 1870; for Utah to be admitted as a state, the LDS church had to renounce plural marriage, which it finally did in 1890. The Manifesto was ambiguous, but, in the words of Jan Shipps: "[W]hatsoever else it did, the Manifesto announced that the old order would have to pass away."\textsuperscript{155} Henceforth, the church's economic and political power was fundamentally altered, and future plural marriages within the United States were no longer officially sanctioned by the church.\textsuperscript{156} In 1896 Utah became a state: Mormons finally achieved the autonomy they had so long sought, but under circumstances that circumscribed the autonomy they finally achieved.

While Congress and the courts were reconstructing Utah, economic developments were transforming the lives of its citizens. Manti, long a part of the regional economy, was now integrated into the national economy.\textsuperscript{157}


\textsuperscript{155}Shipps, p. 115.

\textsuperscript{156}Some plural marriages were still performed in Mexico and the United States. Quinn, pp. 9-105.

for national products in the local newspapers and the
extension of the railroad to Manti in 1890 were some of the
visible signs.\textsuperscript{158} So were the products sold in Sanpete. In
the 1890s "buggies, organs, pianos, 'States' carpets,
upholstered furniture with festooned 'tides' and draperies
hung over the upholstery" became marks of wealth and
refinement, while "homemade carpets with straw padding
underneath next to the board floor" were relegated to barn
lofts.\textsuperscript{159} And in 1903 the canyon above Manti was designated
as the Manti National Forest Reserve by President Theodore
Roosevelt to prevent overgrazing and the consequent
floods.\textsuperscript{160} The forest rangers immediately curtailed the
number of livestock that could graze in the canyon which had
heretofore been community property: once again the federal
government directly intervened in the lives of Manti
residents.\textsuperscript{161}

Never during their history were the Mormons free from
the influence of outsiders. While in the Midwest they were
subjected to the political situations in their states and
the hostility of the surrounding communities. In the Great
Basin the federal government curtailed the Saints' autonomy.

\textsuperscript{158}Antrei and Scow, p. 60.

\textsuperscript{159}Clark, p. 105. "States" carpets were those
manufactured and shipped from states further east.

\textsuperscript{160}Antrei and Scow, pp. 193-194.

\textsuperscript{161}Song of a Century, p. 87-88.
From the establishment of Utah Territory in 1850, federally appointed officials held some political power, and for most of the period after 1857 contingents of the U.S. army were stationed there.\textsuperscript{162} By the 1880s the federal government was intervening directly—and repressively—into the territorial governing process.\textsuperscript{163} Even the Indians, though technically not outsiders when so many had been baptized into the church, affected the Saints lives. Despite the many assaults on their freedom, the Saints enjoyed sufficient autonomy during the first thirty-five years in the Great Basin to establish plural marriage as a family form and to create the legal system necessary to promote it.


\textsuperscript{163} See above, pp. 78-86.
CHAPTER THREE
I LEVITICUS:
Legal and Ecclesiastical Framework
for Marriage

Twenty-year-old Fred Cox made a momentous decision in the spring of 1857: he would ask Mary Ellen Tuttle to be his wife. He had no wealth to offer his prospective bride—on the 1860 census he listed no real nor personal property—but at the height of the Reformation in Manti, that was a small consideration.\(^1\) Women were being importuned to marry, especially to become plural wives; and as Fred was an eligible young man, several young women had encouraged his attention. But of those he had courted, he chose the young Mary Ellen.\(^2\)

His difficulty was how he should tell Lucy Allen, who had so openly shown her affection for him, that he planned to marry someone else. He concluded he would break the news to her at a church dance on April 20. That night he asked Lucy to walk outside with him. While he hesitated in telling her his decision, she told him she was going to Provo to_____________________

\(^1\)Manti, Utah, 1860 Manuscript Census, p. 12.

work that summer, unless, she hinted, something happened to keep her in Manti. Before he could use this opening to introduce his subject, Bishop Warren S. Snow approached the couple and stopped to exchange pleasantries. From their former association and their seeking to be alone with each other, the couple appeared to the bishop to be lovers, and he offered to marry them on the spot. Lucy eagerly agreed; not taking the bishop seriously, Fred submitted. The bishop played his part well and went through the entire ceremony. When he asked Fred if he took Lucy to be his wife, the young man hesitated; but when the question was repeated, he gave the usual answer.

The bishop had made Fred's message to Lucy more difficult, but somehow he communicated enough that she left for Provo as planned. By late summer Mary Ellen had agreed to become Fred's wife. As dedicated Latter-day Saints, they wanted to be married in the religious ceremony that would seal them for "time and eternity," a rite which generally was performed only at the Endowment House in Salt Lake City. For them to be eligible to participate in this ceremony, the bishop had to certify their worthiness. So to the bishop they went.

Bishop Snow seemed perplexed at their request to be married. He had wanted Mary Ellen as his own plural wife but had been thwarted because her father did not want her to
enter plural marriage. Fred was unaware of this when he and his prospective bride made their request. The bishop asked the girl if she had carefully weighed her decision to enter plural marriage and queried the young man whether he was financially able to support another wife. Now it was the couple's turn to be perplexed. Mary Ellen assured the bishop that such questions need not be asked, but he countered by affirming that Fred was already married to Lucy Allen and that he himself had performed the marriage. Fred protested, arguing that the ceremony had not been a real wedding and was neither legal nor binding: his protests availed him nothing. Fred and Mary Ellen enlisted the aid of their parents and even the aid of Lucy's parents, but the bishop was adamant that Fred and Lucy were in fact married.

The couple and their parents appealed to a higher authority. While attending the church's semi-annual conference in October, Fred, his father, and Lucy's father sought an interview with Brigham Young. The president of the church listened attentively to their story. After carefully considering the case, he announced to Fred that he was a married man and advised him to go home and make the

\[3\text{Mary Ellen Tuttle would have been thirteen at the time she and Fred Cox wanted to be married; however, marriage at age thirteen was not unheard of in the 1850s in Utah. No sibling of Mary Ellen's entered plural marriage. John Henry Tuttle Family Group Sheet, Patrons Section, FHL.}\]
best of it. On the way home, Fred stopped in Provo to get Lucy and took her home with him to Manti.  

Lucy proved the kind of wife that would have confirmed to Brigham Young the correctness of his decision: she bore her husband twelve children and in 1873 consented to his marrying a second wife. In addition, she ran a boarding house to supplement the family's income. Mary Ellen, meanwhile, married Walter Stringham in 1859 and bore fifteen children. She remained true to her first intentions, however, and her marriage to Walter remained a monogamous one. 

The circumstances under which Fred Cox and Lucy Allen were married were surely unusual, but the story illustrates the most important feature of Mormon marriage: that marriage was considered a religious, not a civil, rite and was governed by ecclesiastical rules. The president of the

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4 Wanless, "So Be It,", pp. 26-31. Howard Cox, son of Fred Cox and his plural wife Alvira, was the source for this story; a niece of Fred Cox's verified it (p. 31). Although the story was written down long after the events, it does not conflict with those facts which can be checked. Lucy did not conceive her first child until December, even though she was married April 20, and her four subsequent children were born regularly at two-year intervals. Such data support the assertion that she and Fred Cox did not begin living together as man and wife until sometime in October. Frederick W. Cox, Jr.-Lucy Allen Family Group Sheet, Patrons Section, FHL.

5 Frederick W. Cox, Jr.-Lucy Allen Family Group Sheet, Patrons Section, FHL; Manti, Utah, 1900 Manuscript Census, p. 138.

6 Walter Stringham Family Group Sheet, Patrons Section, FHL.
church, not a court of law, decided whether the marriage was valid. No civil legislation governed marriage in Utah until 1887, although the Territorial legislature passed a law in 1852 to allow plural wives and their children to inherit from their polygamous husbands and fathers. Because Mormon marriages might be valid only for this life, for eternity only, or for both, the Saints recognized several types of marriage which conferred differing rights and responsibilities upon husbands and wives.

Nineteenth-Century Marriage Law in Utah. Because Mormons held marriage to be sacred rather than secular, the Utah legislature felt little compulsion to regulate marriage until Congressional legislation forced action in the 1880s. A statute dealing with marriage had been introduced into the first territorial legislature, but it had been laid aside "to take up business of more consequence."\(^7\) The most important feature of Utah marriage law was the absence of legislation to regulate marriage until Congress passed the Edmunds-Tucker Act in 1887.\(^8\)

Mormonism taught that marriage was a religious rite. Thus, when Fred Cox did not believe the wedding ceremony performed by Bishop Snow was binding, he took his case to


\(^8\)*An Act to Amend an Act*, Statutes At Large, 24, secs. 4, 9, 636 (1887).
the president of the church and not to a court of law. He might have taken the case to a civil court, however, where common law held sway owing to the lack of legislation.

Had the case been decided in conformity with the majority of judicial opinions in the United States, the decision would still have been the same. The antistatism prevalent in early nineteenth-century America elevated individual nuptial rights over public control of matrimony; and unlike colonial or contemporary English interpretations of the common law, courts generally validated common-law marriages.\(^9\) By mid-century in the United States, the opinion of James Kent, the most influential law writer of his time, was accepted by all but a minority of courts: "No peculiar ceremonies are requisite by the common law to the valid celebration of the marriage. The consent of the parties is all that is required."\(^{10}\) This rule was explicitly applied to Utah in 1885 when its supreme court ruled that:

The marriage is complete when there is a full, free and mutual consent by the parties capable of contracting, though not followed by cohabitation.


... Under our law a marriage depends solely upon the mutual consent of the contracting parties. They may enter into the marriage relation secretly, and the fact may be unknown to all save the man and woman. ... A couple may meet on the highway at any time in the day or night and there contract a valid marriage. ... [n]o particular form or ceremony being required.\textsuperscript{11}

Thus, no particular form for solemnizing a marriage was necessary to make it valid, as long as both bride and groom consented to the marriage.\textsuperscript{12}

Nor were witnesses necessarily required. Not until 1888 did the law in Utah mandate that two witnesses sign the marriage certificate.\textsuperscript{13} Under these circumstances--no positive legislation regarding marriage in Utah and an emphasis on consent rather than on the form of marriage--Cox was a definitely a married man.

Contrary to widespread popular belief in the nineteenth century, Mormons believed in the free consent of parties to

\textsuperscript{11}U.S. v. Simpson, 4 Utah 227, 228-229 (1885). In 1888 Utah passed a statute declaring that marriages not solemnized by an authorized person were void, thus nullifying common-law marriages. Compiled Laws of Utah (1888), § 2584.

\textsuperscript{12}While the weight of the common law stood behind the validity of common-law marriages, ministers and magistrates who performed the marriages for young couples without parental consent could be taken to court by the unhappy parents. This may have been the reason Sidney Rigdon and Joseph Smith, Sr., were charged with illegally marrying couples in Ohio. Grossberg, p. 78, 96; Bachman, "New Light on an Old Hypothesis," pp. 29-30.

a marriage. To counter the erroneous views, several Mormon
women wrote to the Senate Committee on Education and
Labor in 1886:

No Mormon woman, old or young, is compelled to
marry at all, still less to enter into polygamy. Every young woman is as free to choose her own
destiny as the bird in the air; free to marry from
motives of purest affection the man of her choice,
or free to live in single blessedness to the day of
her death, if she so desires. 14

Mormon women were free to choose their marital status,
whether single, monogamous, or polygamous. That women
marrying should be free to choose their husbands was made
clear by Brigham Young in 1854:

when your daughters have grown up, and wish to
marry, let them have their choice in a husband, if
they know what their choice is. . . . Take this or
that man if you want them my girls, I give you good
counsel about it, nevertheless you shall have your
own agency in the matter, even as I want
mine. 15

Although he believed children should have their parents'
consent to marry, he did recommend that parents give their
daughters the right to choose, as the story of Ann Cook
illustrates.

14 Letter to the Honorable Committee of the Senate on
Education and Labor, May 12, 1886, in Hearings, from
Emmeline B. Wells, Ellen B. Ferguson, Emily S. Richards, and
Josephine M. West, Interior Department, Territorial Papers
of Utah, microfilm roll #4, Letters Received Relating to
Polygamy, January 27, 1879 to December 17, 1897, National
Archives and Records Service, p. 540.

15 Fred C. Collier, ed., The Teachings of President
Brigham Young, vol 3, 1852-1854 (Salt Lake City: Collier's
Publishing Co., 1987), p. 292. For a similar comment, see
JD 6:307.
In the fall of 1861 seventeen-year-old Ann Cook showed a preference for William Kilshaw Barton, a man who had been a polygamist but whose first wife had died in the spring of that year. Because of the preference she showed, William asked Ann if she had any objections to keeping his company, if her father gave his consent. She replied that she would be glad to do so. William spoke to her father, but he refused his consent. Sometime later Brigham Young visited Manti and in the presence of many witnesses told Ann and her father that she had the right of choice. Her father then acquiesced, and she married William on October 10, 1864, as his plural wife. Parents' approval was important but did not override a child's choice.

Ann showed her preference for the man of her choice but left the initiative to him. Some other women were somewhat more direct. By the time Emmeline Woodward Whitney was twenty-four, she had been deserted by her first husband and widowed by her second. Alone and with two young daughters, Emmeline wrote "A Letter from a True Friend" to Daniel H. Wells, a prominent church and civic leader with five wives. Reminding him of his friendship with her second husband, Newell Whitney, she asked him to consider her lonely state and "return to her a description of his feelings for her."

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She then expressed the wish to be "united with a being noble as thyself."

Similarly, Nancy Gibbons suggested marriage to John D. Lee. On February 26, 1847, he wrote in his diary that she came to his house and after some conversation said "she wanted I should take charge of her and her effects, that is if I considered her worth taking off." He then asked if she wanted to be married to him, and she replied that she did. Subsequently the forty-eight-year old woman was sealed to thirty-five-year old Lee as his plural wife.

In 1903 Azariah Smith, at age 75, also received a proposal of marriage. A friend of his invited him to her house so she could introduce him to Sevilla Stoy Mitchell, age 71. After "some pleasing conversation with her, . . . she proposed being sealed to me for time. . . . She not wishing to put it off. . . . and wishing to go and get her things, and come back right away," they were married the next day.

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19 Azariah Smith, Journal, August 2, 1903.
In each of these instances the woman had been married before, and in two the man already had several wives. Women could expect that older or polygamous men would be willing to marry again, and a few at least were willing to approach the man directly to bring about the marriage. On the other hand, never-married women, like Lucy Allen and Ann Cook, showed their preference by their actions but left initiating the marriage proposal to the man, as was the custom elsewhere.

The Saints grounded the logic of women's right to choose in the structure of polygamy itself. In plural marriage, men could choose a mate more than once, but each woman had only one husband. In her account of her parents' courtship, Brigham Young's daughter wrote that women "ought to have their choice in the matter for they can choose but one; and they have a right to select that one." Nevertheless, some women succumbed to the wishes of their parents and entered marriages not of their own choosing. Karen Kjerstina Poulsen immigrated from Denmark with her parents in 1853 and suffered with her family through the Walker War and the grasshopper devastations. When Herman Julius Christensen, a church and civic leader in Manti, asked for her as his wife, her parents told her to marry him.

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as he was a wealthy man and could take care of her. Obedient to her parents, she accepted his proposal. She cried the morning he came to take her to Salt Lake for the wedding, but fourteen-year-old Karen Kjerstina formally, if reluctantly, consented to become the third wife of a man twenty-three years her senior. She always remained somewhat frightened of him but nonetheless bore him fifteen children. 21

Mary Frances Callaway also obeyed her father when she became Daniel D. McArthur's third wife. Her mother died in 1869 leaving her to take care of her father and the six younger children. Her father then married a woman only two years older than Mary Frances. When McArthur asked him for his daughter's hand, Levi Calloway was amenable and told Mary Frances that she would go to the party that night with McArthur rather than the man with whom she had a date. She did and shortly thereafter, at age seventeen, she married McArthur. 22

Some young women insisted on making their own choices, however, and they married as they liked. When his daughter Sarah planned to marry a non-Mormon, George Peacock met with her and "Gave her Such Council as I thought was my Duty to

21 Personal letter from Sydney C. Mickelsen, Karen Kjerstina Poulsen's granddaughter, November 5, 1988; Herman Julius Christensen Family Group Sheet, Patrons Section, FHL.

her as Father[.]. I found that she was determined to marry Doct. O. C. Ormsby contrary to my wishes and Council." A second interview produced the same result: nineteen-year-old Sarah married the man of her choice without her father's approval or his presence.  

Anna Maria Isaacson also insisted on marrying whom she wished but waited until her parents finally gave their consent. She was fifteen when Edwin Whiting, twenty-one, first proposed to her, and she knew "there was no one else for me." Her parents, however, thought she was too young to fall in love, and, according to Anna Maria,

They didn't like the idea of me going with a young fellow who wasn't tried and tested. Both Mother and Father thought it would be better for me to marry some older man who had already proved himself, had a wife or two and was ready to provide for his families.  

This favorable parental attitude toward polygamists' personal and economic traits had led to Karen Kjerstina Poulsen's and Mary Frances Calloway's entering plural marriage. At the time they obeyed their parents and married, however, they had not accepted the proposal of a young and single man. Anna Maria had, and she refused offers to enter plural marriage. When she turned eighteen,

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23 George D. Peacock, Diary, December 14, 1865, holograph, Archives and Manuscripts, B.Y.U.

24 Ibid. December 17, 1865.

her parents finally gave their consent, and she married the
man of her choice.26

Whether a man was the woman's or her parents' choice,
the matter of consent lay at the heart of the Mormon
marriage ceremony which married couples for time and
eternity. After the groom said that he took the woman as
his wife, the one performing the ceremony then asked
the bride:

Do you, sister, (calling her by name,) take
brother, (calling him by name,) by the right hand,
and give yourself to him, to be his lawful and
wedded wife for time and for all eternity with a
 covenant and promise, on your part, that you will
fulfil all the laws, rites, and ordinances,
pertaining to this holy matrimony, in the new and
everlasting covenant, doing this in the presence of
God, angels, and these witnesses of your own free
will and choice?27

This and a similar promise and consent given by the
groom, along with the officiator's pronouncing them
husband and wife and giving them a blessing, constituted
the Mormon ceremony. Unlike the nineteenth-century
Episcopal ceremony, for example, in which the bride's
father or a friend gave the bride to the husband, in the

26Ibid., 120, 125-27.

27Orson Pratt, "Celestial Marriage," The Seer 1
(February 1853): 31 [emphasis added]. For an earlier
version of the ceremony, see Fred C. Collier, comp.,
Unpublished Revelations of the Prophets and Presidents
of The Church of Jesus Christ of Latter Day Saints, 2nd
ed., Vol. 1 (Salt Lake City: Collier's Publishing Co.,
1981), p. 96. Consent is also at the heart of the
ceremony in its earlier form.
Mormon rite the woman gave herself to the man. If it was a plural marriage, however, the first wife gave her consent by placing the plural wife's right hand in the right hand of her husband at the beginning of the ceremony. In either case, the bride gave her free and willing consent, which was crucial under common law to validate the marriage.

Under the common law no particular form of ceremony was required; neither was public notification of the marriage. The early nineteenth-century republican ethos combined with social conditions in America to weaken state regulation. As an 1816 Pennsylvania court decision stated:

We have no established church. A certificate of the bishop, therefore is out of the question. We have no law compelling the keeping of a register by all persons who perform the marriage ceremony. Our marriages are celebrated sometimes by clergymen, sometimes by justices of the peace and sometimes before witnesses, without the intervention of clergymen or justices. . . . Many marriages take

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28 The Book of Common Prayer, and Administration of the Sacraments; and other Rites and Ceremonies of the Church, According to the Use of the Protestant Episcopal Church in the United States of America: Together with the Psalter, or Psalms of David (Philadelphia: Published for The Bishop White Prayer Book Society, King & Baird, 1848), p. 120.

29 Pratt, "Celestial Marriage," p. 31. In not every case did the first wife give her consent. See below, pp. 272-273.

30 See above, pp. 94-95.

31 Grossberg, pp. 75-83.
place in parts of our country but thinly settled. To hold a woman, therefore, to proof of her actual marriage might be productive of great inconvenience, without any advantage.  

As this judgment indicates, registration of marriages was not compulsory. Americans were averse to state interference into private affairs, which is what registration of marriages meant to many.  

With no law regulating marriage, Utah also had no registration system. After a sealing ceremony, a scribe was supposed to enter the date of the marriage as well as the names of the witnesses. This record was not public, however. In the 1880s when the U.S. Commissioner of Labor compiled statistics on marriage and divorce in America, he could not obtain even the numbers of marriages which had been performed by church officials; nor are these records currently available. Some marriages performed in Manti by local church authorities were recorded in the Manti Ward Record, but others were either not recorded or were kept in a book which has not been


33 Grossberg, pp. 92-93.

34 Pratt, "Celestial Marriage," p. 32.


36 Church of Jesus Christ of Latter-day Saints, Record of Members, Manti Ward, Early to 1877, microfilm of original, FHL.
preserved. Justices of the peace also performed marriages, but their records, too, were often indifferently kept.\textsuperscript{37} That such records did not exist or that marriage certificates were not issued did not invalidate marriages under common law—or under LDS church law—as the unwitting Fred Cox learned when Brigham Young pronounced him a married man.

Unreliable public records made it difficult for many couples to substantiate their marriages, but American courts accepted into common law the rule that a marriage could be presumed from the cohabitation, reputation, and acknowledgment of the couple.\textsuperscript{38} This presumption worked against polygamists when the government prosecuted them under the Edmunds Law in the 1880s for unlawful cohabitation. To convict the defendant, the prosecution did not need to produce an eye-witness to or record of the marriage ceremony. Admission by the defendant that the alleged marriage had taken place constituted sufficient proof of the marriage.\textsuperscript{39}

In addition, the courts could convict a man of unlawful cohabitation if he was reputed to be the husband and

\textsuperscript{37}Many Justice of the Peace records have been destroyed or are difficult to locate, while some justices of the peace kept records in their personal journals. "Research Outline: Utah," Family History Library, Salt Lake City, Utah, p. 7.

\textsuperscript{38}Grossberg, p. 79.

\textsuperscript{39}\textit{U.S. v. Simpson}, 4 Utah 227 (1885).
cohabited with more than one wife. The courts, however, interpreted "cohabitation" loosely. Sexual intercourse did not need to be proved.  

40 Establishing that the couple exchanged acts of kindness and attention over a period of years, even though they did not live in the same house, was sufficient to convict a man of unlawful cohabitation. Apostle Lorenzo Snow found that his living solely with his youngest wife, Minnie, did not prevent his conviction. At his trial one witness testified that he had seen Snow visiting the house of his wife Sarah, sitting with her at the theater, and riding with her in a carriage. These acts, along with financial support of Sarah and their reputation in the community as husband and wife, were sufficient to find the apostle guilty of unlawfully cohabiting with Minnie.  

41 Thus, the presumption of a marriage by the common law based on acknowledgments, reputation and cohabitation was used successfully to convict polygamists. Still, evidence was generally lacking to prove the greater crime of polygamy—only thirteen were imprisoned for polygamy between


1884 and 1895—and the penalties for unlawful cohabitation were much less severe.\textsuperscript{42}

On the whole, mid-century law in America encouraged marriage. Because most judges required no particular form of ceremony nor a record of it to presume a marriage, they put the weight of the law behind those living as husband and wife. Moreover, both Georgia and Pennsylvania passed laws stating that marriage was encouraged.\textsuperscript{43} In Utah marriage was encouraged to the extent that no law put up barriers to it. Even Pennsylvania's encouragement contained a proviso: "All marriages not forbidden by the law of God shall be encouraged."\textsuperscript{44} In Utah neither the law nor the law of God was restrictive. Whereas the Episcopal ceremony included the sentence, "If any man can show just cause why they may not lawfully be joined together, let him now speak, or else hereafter for ever hold his peace," the Mormon ceremony

\textsuperscript{42}Evans, p. 39. The Utah Commission stated that thirty-five men were convicted for polygamy (Linford, pp. 347-59, 366-70), but Evans claimed that fourteen of those cases had nothing to do with LDS plural marriage, while the remaining eight, if they were convicted, served no prison sentence. The penalty for polygamy was imprisonment for a term of not more than five years and a fine of not more than $500, while the punishment for unlawful cohabitation was imprisonment for a term of not longer than six months and a fine of not more than $300. \textit{An Act to Amend in Reference to Bigamy, U.S. Statutes At Large}, 22, secs. 1 and 3, 30-31 (1882).

\textsuperscript{43}Wright, \textit{Marriage and Divorce}, p. 26.

\textsuperscript{44}Ibid. [emphasis added].
omitted such cautions altogether. 45 Utah law listed no "just cause" for preventing a couple from marrying, and Mormon practice placed no restrictions on marriage based on age, bigamy, or affinity, and few based on consanguinity.

In their lack of restrictions on marriage, Mormon practice was generally congruent with contemporary common law. Under common law the age of discretion, the age at which a valid marriage could be contracted, was twelve for females and fourteen for males. A marriage contracted by an individual under age seven was a complete nullity. Although a person could contract a marriage between age seven and the age of discretion, he or she could also disaffirm the marriage at any time before reaching the age of discretion. Such disaffirmation could be either private or public, that is, with or without a judicial decree declaring the marriage invalid. 46 Although under common law parental control continued until the child turned twenty-one, most American judges gave greater weight to the sanctity of marriage than to parental disapproval. And judges in the United States often rendered legislation raising the age for marriage ineffective by treating such laws as advisory, rather than compulsory. 47 Among Mormons, couples occasionally married


47 Grossberg, pp. 105-08.
before they reached the age of discretion, and as late as 1888 the common law ages of discretion, twelve for women and fourteen for men, still prevailed in Utah.48

Mid-century judges' commitment to nuptial freedom also broke down barriers to marriage based on kinship. Nineteenth-century America tended to have two regional kin systems. New England and much of the old South usually adhered to the English practice of allowing first-cousin marriages but prohibiting those between various affines. In the Middle and Far West, however, affinal unions were often permitted while first-cousin marriages were frequently disallowed.49 But American courts, reluctant to dissolve marriages, gave wide latitude in choice of mates. The Vermont Supreme Court upheld a man's right to marry his deceased wife's sister in 1837, and the South Carolina Supreme Court refused to void a union between an uncle and his niece in 1858.50

The Mormon marriage system similarly gave wide latitude in choice of mates. Brigham Young set the tone for unions among kin when he stated in 1854:

the children of Adam and Eve married each other; . . . I believe in sisters marrying brothers, and brothers having their sisters for wives. Why? Because we cannot do otherwise. . . . Our spirits

48 See below, pp. 130-131; Wright, Marriage and Divorce, p. 29.
49 Grossberg, p. 112.
are all brothers and sisters, and so are our bodies; . . . for they are of the same flesh, blood, and bones as all the family of the Earth. 51

Mormons did not literally marry their brothers and sisters, but uncles did marry their nieces. James T. S. Allred and Henry Sudweeks both married their brothers' daughters as plural wives. In both cases their brothers had died and the nieces had immigrated to Utah shortly before the marriage. In these cases, neither woman was in her tender years: Sudweeks's niece was forty and Allred's was forty-two when they married. 52 Anne Maria Bertelsen was only twenty-one, however, when she married her mother's brother as a plural wife, which she did in 1858, only a few months after her arrival from Denmark with her fifteen-year-old brother. When her husband died, she became the plural wife of another uncle, her first husband's brother. 53

Considerably more prevalent than consanguineous unions were marriages between affines. Men frequently married their sisters-in-law as plural wives. In the Manti subsample, 18 men, or 12 per cent, did so. Two also took

51 Collier, ed., The Teachings of President Brigham Young, 3:292.

52 James Allred Family Group Sheet, Archives Section, FHL; Endowment House Record, vol. H, November 29, 1875, FHL; Henry Sudweeks Family Group Sheet, John Sudweeks Family Group Sheet, Archives Section, FHL.

53 Ebbe Jessen Family Group Sheet, Archives Section, FHL; Jes Olesen Family Group Sheet, Archives Section, FHL; COI.
their wives' nieces as plural wives. Another married his first wife's daughter-in-law when she was widowed. In addition, although they needed special permission from the church president, 7 men in the subsample, or 4 per cent, were sealed to a mother and her daughter.\textsuperscript{54} Such choice of mates wider latitude among Mormons than the common law permitted, but even marriages recognized by the common law were too wide for many Americans in the late nineteenth century.

By the 1880s, polygamy, along with those consanguineous and affinal marriages which many considered incestuous, had become symbols of the family crisis in America.\textsuperscript{55} Reformers rallied behind legislation requiring marriage licenses, raising the statutory age of marriage, and banning marriages between blood relations. Even the courts began to soften their support for informal matrimony amid the reformers' fears of free love and "rampant Mormonism."\textsuperscript{56} Polygamy, a "prime instigator" of the social climate which produced these reforms, became one of the first targets for change.\textsuperscript{57}

But the U.S. Congress, not the courts, changed marriage law and practice in Utah. Passed in 1887, the Edmunds-

\begin{footnote}{54}{On the permission necessary for these marriages, see Annie Eliza Berry, Reminiscences, 1899-1907, microfilm of typescript, p. 4, LDS Church Archives.}
\end{footnote}

\begin{footnote}{55}{Grossberg, p. 121.}
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\begin{footnote}{56}{Ibid., pp. 95-102, 141-149.}
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\begin{footnote}{57}{Ibid., p. 121.}
\end{footnote}
Tucker Act, which applied to all territories, was the first legislation which regulated marriage in Utah. Section 9 required that every marriage ceremony be "certified by a certificate" stating the full names of the bride and groom as well as every person participating in the ceremony. The certificate had to be signed by the parties to the ceremony, "whether either or both or more of the parties to such ceremony be lawfully competent to be the subject of such marriage or ceremony or not." 58 This last clause apparently was aimed at polygamists and their wives because few others would not be "lawfully competent" to marry under the marriage laws which applied to Utah. Moreover, the law mandated that the certificate be filed in the office of the probate court, "immediately recorded," and subject to inspection. 59 This brought Utah in line with almost every other territory and state, which by 1889 required that a written return of a marriage ceremony be made to a public official. 60 The purpose of such returns was to curtail irregular marriages, especially plural ones.

Section 4 of the same act banned unions of persons "within and not including the fourth degree of

58 An Act to Amend in Reference to Bigamy, U.S. Statutes At Large, 24, sec. 9, 636 (1887).

59 An Act to Amend in Reference to Bigamy, Statutes At Large, 24, sec. 9, 636 (1887).

60 Wright, Marriage and Divorce, p. 61.
consanguinity";\(^{61}\) that is, a person could not marry any blood relation nearer than a first cousin. Congress made no mention of affinal relationships; hence, it legislated the West kinship system for Utah. The section further stated that any person who "shall marry or cohabit with, or have sexual intercourse with such other so related person" was guilty of incest and, upon conviction, would be imprisoned for no less than three years but no more than fifteen.\(^{62}\) Thus, in 1887 Congress provided legislation for Utah to correct three practices abhorrent to late nineteenth-century family reformers: no public record of marriages, consanguineous unions, and plural marriage.

In other respects marriage in Utah remained unregulated, however, until the Territorial legislature passed its first act regarding marriage in March 1888.\(^{63}\) The act banned unions between persons whose consanguineous relationship was nearer than first cousin, provided for the registration of marriages, required two or more witnesses to a marriage, stipulated penalties for those solemnizing a marriage without a license issued by the clerk of the probate court, and declared void marriages not solemnized by an authorized person.\(^{64}\) Thus, the permissiveness of the old

\(^{61}\)An Act to Amend in Reference to Bigamy, U.S. Statutes At Large, 24, sec. 4, 636 (1887).

\(^{62}\)Ibid. Henry Sudweeks was the only polygamist convicted under this provision. Evans, p. 24.

\(^{63}\)Compiled Laws of Utah (1888), § 2583-§ 2601.

\(^{64}\)Ibid., § 2583, § 2593, § 2594, and § 2584.
regime in Utah was abruptly replaced by restrictions and regulations advocated by the late nineteenth-century family reformers.

**Inheritance.** Because plural marriage was not countenanced by the common law nor legalized by Utah law, it was necessary to make statutory provisions for plural families to inherit. This the Utah legislature did in 1852 by mandating that:

Illegitimate children and their mothers inherit in like manner [as legitimate children and wives] from the father, whether acknowledged by him or not, provided it shall be made to appear to the satisfaction of the court, that he was the father of such illegitimate child or children.\(^{65}\)

The broad language of this provision was open to abuse, and in 1876 this law was modified so that the illegitimate child inherited only if the father acknowledged him or her.\(^{66}\) Mormon society did not consider children of polygamous marriages illegitimate, but because no law before 1852 had legitimized children of plural wives, they are designated as illegitimate in this law.

These laws fulfilled their purpose. George Peacock died intestate in 1879, leaving three wives and twenty-five

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\(^{65}\) *Compiled Laws of Utah of the Territory of Utah Containing all the General Statutes Now in Force*, 1876, § 677 [emphasis added].

children. In the Decree of the Distribution of the Estate, his first wife was listed as widow, while the two plural wives were denominated "mother & guardian" of their respective children. The property appears to have been distributed fairly equally among the three wives, each one receiving the house, lot, and property which she had used during their husband's life. While the first wife was given the property "for and during her natural life," the plural wives received their property "for the use of said mother during her natural life and for the support and care of said minors." Such a careful distinction conformed to the Utah inheritance law: each plural wife inherited as mother and guardian of "illegitimate children" acknowledged by the father.

Whereas a local merchant had been the administrator of the Peacock estate, the estate of Frederick W. Cox, Sr., was settled by an "agreement as to the division of the estate" among the five wives. Three wives had no unmarried children: the first wife received over $100 more than either of the two plural wives. One plural wife with an unmarried child received a slightly larger amount than the

67George D. Peacock Family Group Sheets, Patrons Section, PHL; LDS Church, Manti Ward, Record of Members, [1849] - 1877, p. 2.

68Sanpete County Probate Court Record, Book A, June 11, 1882, pp. 265-67; Petition for Final Distribution of Estate, June 24, 1882, George Peacock File, File of Estates, Basement Archives, Sanpete County Court House, Manti, Utah.
first wife. By the time the estate was settled, two and a half years after the husband's demise, the fifth wife had remarried and she received no property. Her husband, however, as guardian of Cox's four minor children, received an amount only slightly smaller than the first wife's portion. In addition, the two sons who had married since their father's death received amounts approximately equal to the portions given to the plural wives with no unmarried children, apparently to provide for these sons as older sons had before been provided for when they married. The agreement was signed by all five wives and most of Cox's adult children.69

Similarly, when Orson Hyde died intestate, the agreement was among "Mary Ann P. Hyde widow of deceased," and the four plural wives who were "guardians of the minor heirs of Orson Hyde." The childless widow received $136.75 in personal property, while the plural wives received three to five times as much. The residue of the estate not specifically assigned to one of the women was to be divided among them. The widow and legal wife apparently agreed to receive the smallest amount because she had no children to provide for.70

69 Agreement for Settlement of Estate, January 3, 1882, Frederick W. Cox File, ibid.

70 Decree of Distribution of Estate, February 19, 1881, Orson Hyde File, ibid.
When a plural wife had no children though whom she could make a claim on the man's estate, it was necessary for the polygamist to leave a will. Such wills, however, did necessarily designate plural wives as wives. Although Madison Hambleton called both his wives members of his family in his will, he referred to them separately as "my wife Chalnicie and Heir Bergetta."\(^7\) Five years later in 1874, Christian Nielsen made a similar distinction in his will between his "beloved wife Maren Nielsen" and his "heir Marie Nielsen."\(^7\)

Polygamists who died testate were not always so punctilious, however, and some did denominate their plural wives as wives in their wills. When James Olsen died in 1883, he willed thirty acres and the house close to Manti "to my wife Katharine and her children." The balance of his farm was "to be divided between my 3 wives . . . according to the size of family."\(^7\)

Between wills, decisions of the probate courts, and agreements between wives, plural wives and polygamous children were able to inherit even though their status had

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\(^7\)Last Will and Testament of Madison D. Hambleton, Sanpete County Probate Court Record, Book A, pp. 31-32.

\(^7\)Last Will and Testament of Christian Nielsen, File of Wills, County Clerk's Office, Sanpete County Court House, Manti, Utah.

\(^7\)Journal of the Civil Court, Sanpete County, Utah, Book A, December 14, 1866 to April 17, 1884, p. 412.
never been regularized in law. This changed as Congress stepped up its campaign against polygamy in the 1880s. The Edmunds Act of 1882 contained a clause which made children of polygamous marriages born before January 1, 1883, legitimate. This was a well-meaning clause meant to protect innocent children but implied that such children born after that date should be treated differently. The next year the Utah legislature reacted by passing a statute which iterated that illegitimate children when acknowledged by the father were to be his heirs. It also contained a new clause which stated: "The issue of all marriages null in law, or dissolved by divorce, are legitimate." Polygamous marriages were null or void in common law; hence, this wording would make the children of such marriages legitimate. Congress responded in the Edmunds-Tucker Act of 1887 by annulling all territorial laws which allowed illegitimate children to inherit from their fathers. This law was not *ex post facto*, however, because it stipulated

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74 Both Kimball Young and Jessie Embry discussed inheritance in polygamous families, although their examples appear to be drawn from the late, post-Manifesto period, when Mormons no longer had exclusive control over the laws and courts which controlled inheritance. Young, pp. 251-276; Embry, pp. 182-186.

75 *An Act to Amend in Reference to Bigamy*, U.S. Statutes At Large, 22, sec. 7, 31 (1882).

76 *The Compiled Laws of Utah*, 1888, § 2742 [emphasis added].
that such children born within twelve months of the Act's passage would not be affected.  

The ability of polygamous children to inherit was further eroded by the Utah Supreme Court in *Chapman v. Handley* in 1890.  

The Morrill Anti-Bigamy Act of 1862 had annulled all Utah laws which "establish, support, maintain, shield, or countenance polygamy," and the court ruled that this applied to the 1852 law allowing illegitimate children to inherit. Fortunately for such children, a similar case, *Cope v. Cope*, was appealed to the U.S. Supreme Court and overturned in 1891, allowing the 1852 law to continue in force.

When Utah became a state in 1896 and gained control over legislation on domestic matters, the legislature passed laws entitling children of polygamous marriages to inherit and declaring legitimate all children of LDS polygamous marriages who were born on or prior to January 4, 1896. It also allowed inheritance cases adversely decided to be tried again, but the Utah Supreme Court struck down this provision

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77 An Act to Amend an Act, U.S. Statutes At Large, 24, sec. 11, 637 (1887).

78 Utah 49 (1890).

79 An Act to Punish Polygamy, U.S. Statutes At Large, 12, sec. 2, 501 (1862).


81 Revised Statutes of Utah, 1898, § 2848, § 2850.
as unwarranted control of the judicial by the legislative branch. The section legitimating all polygamous children born before January 4, 1896, however, did remain in force. Thus, overall, Utah law did protect the inheritance of most children born in plural marriage.

By establishing the right of dower, however, the Edmunds-Tucker Act curtailed inheritance by plural wives. The Act, by stipulating that the widow inherit one-third of all lands which belonged to her husband, reduced a polygamist's discretion in leaving his estate equally among his wives or in distributing it according to the size of the wives' families. In 1888 the territorial legislature tried to mitigate the effect of the Edmunds-Tucker Act by passing a statute permitting wives to release their right of dower. The statute provided that any conveyance of real property by deed properly signed by the wife as well as the

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82 Ibid., § 2849; In re Handley's Estate, 15 Utah 212 (1897).


85 An Act to Amend an Act, U.S. Statutes At Large, 24, sec. 18, 638 (1887). If the husband had mortgaged the lands, the widow would not be entitled to dower out of such lands as against the mortgagee. She would be entitled to her dower out of such lands as against all other persons, however. Section 18 of the Edmunds-Tucker Act annulled an 1872 Utah statute stating that no right of dower was allowed in the territory (Compiled Laws of Utah, 1888, § 2530).
husband also transferred all right of dower she had in the property. In addition, any property so conveyed since March 2, 1887—one day before the Edmunds-Tucker Act took effect—would be considered as an effectual release of dower rights.86

These laws apparently prompted some polygamists to convey real property to their wives.87 For example, in 1887 Fred Cox's property was all in his name, but by 1888 he had transferred title of the house each wife occupied to her. By 1890 he had transferred even more property to each wife so that each was assessed more in taxes than was he. Similarly, Soren C. Hansen held all his property in his own name in 1887. By 1888 he had transferred to his plural wife

86Compiled Laws of Utah, 1888, § 2530 - § 2533. Because the bar to dower was a statutory one, the legislature had to pass such a law in order for any bar to dower rights to be effective and to stipulate the requirements that had to be met to override the dower. Joel Prentiss Bishop, Commentaries on the Law of Married Women under the Statutes of the Several States, and at Common Law and in Equity, Vol. I (Boston: Little, Brown, and Company, 1873), § 451. Under the Edmunds-Tucker Act, dower rights would be in force until the widow "shall have lawfully released her right thereto" or "in case of divorce dissolving the marriage contract for the misconduct of the wife." An Act to Amend an Act, U.S. Statutes At Large, 24, sec. 18, 638, 639 (1887).

87At common law, a deed from a husband directly to his wife was generally void at law (Lawson, § 716). A Utah law passed in 1872, however, provided that the property owned before marriage or acquired after marriage was the separate property of the spouse who owned or acquired it. In addition, the spouse owning the property could dispose of that property "without any limitation or restriction by reasons of marriage" (Compiled Laws of Utah, 1888, § 2528). This statutory law overrode the common law restriction on a deed from a husband to his wife (or wives).
Anna the title of the house she lived in. She was the only wife who had living children. By 1890, he had transferred additional property to her, and she was assessed taxes under "Mrs A. B. Steck," her maiden name. He had also conveyed property to his other plural wife and she too was assessed under her maiden name. By 1888 William Bench had also divided all his property between his two wives even though previously all had been in his name. Although some polygamists kept their property in their own names and others only transferred property later, the concern for providing for polygamous families is evident both in territorial law and in the actions of those in plural marriage.

The Nature of Mormon Marriage. While the law did not recognize plural wives, Mormon society and ecclesiastical law did. Their marriages were religious covenants made between husband and wife and authorized by the head of the church. Such marriages were thus reminiscent of the sacramental nature of Catholic marriages and the opposite of the early Puritan practice of performing the wedding under

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88The data in this paragraph is based on the 1887, 1888, and 1890 Manti Tax Assessments, Sanpete County Tax Assessment Rolls, microfilm of original, 2 reels, FHL. These records are not paginated but the entries are alphabetized.
the supervision of the state. 89 Mormons could be married by justices of the peace or by local church officials, just as Fred Cox and Lucy Allen were married by Bishop Snow. Such marriages were called civil marriages, even if they were performed by Mormon clergy. These were not sealings, or "celestial marriages," for time and eternity. Civil marriage was a joining, celestial marriage a sealing process. 90

Unlike ceremonies containing the words "till death us do part," celestial marriages sealed the couples for eternity. Mormon couples, like Fred and Lucy Cox, who had been married in a civil ceremony were often later married again by someone authorized to perform celestial marriages. Fred and Lucy were sealed to each other on March 3, 1873, the same day Fred was sealed in plural marriage to Alvira Coolidge. 91 Men could be sealed to many woman, whether living or dead, but women could be sealed for eternity to only one man. 92 Eternal marriages could be monogamous as


90 Wright, Marriage and Divorce, p. 65.

91 Frederick W. Cox, Jr., Family Group Sheets, Patrons Section, PHL.

92 Wright, Marriage and Divorce, p. 66.
well as polygamous, but plural marriages were always religious, not civil, ones.  

The importance of marriage is inherent in the Mormon conception of eternity. Mormon theology teaches that the spirits of all humanity were born of God and spiritual consorts in a pre-existent state. God wishes His spirit children to become like Himself, and for that purpose they come to earth, gain mortal bodies, and have the opportunity to prove themselves in their earthly probationary state. Knowing that in gaining experience His children would trespass, He provided a Savior to take upon Himself the sins of those who would repent. Adam and Eve were given the commandment to "multiply and replenish the earth" to provide mortal bodies for spirits waiting to enter the second phase of existence. Those who have proved themselves on earth by their righteousness and have performed the necessary rituals, including eternal marriage, are rewarded in heaven by "gaining exaltation": they are given a world over which to rule and to people by producing spirits who will then repeat the process of proving themselves upon that new earth.  

To be worthy of exaltation, a man and a woman

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93 After the Manifesto, some plural marriages were civil marriages but were without church authorization. Quinn, "New Plural Marriages," pp. 52-55.  

must be married for eternity. That is, they must be sealed for eternity, not married merely until death. According to Mormon theology, marriages which seal couples for eternity can be performed only upon earth.\(^{95}\) Mormons are thus encouraged to be sealed in marriage because their exaltation depends upon their having a marriage valid for eternity.

Eternal marriage has a dual purpose: first, on this earth to prepare bodies to receive spirits waiting in the pre-existent state and to train them properly so they will choose righteous ways, and second, in heaven to continue the procreation of spirits for new worlds, thus increasing the dominions and glory of God Himself.\(^{96}\) Because having children is so important in Mormon theology, plural marriage was an advantage: the ability of righteous men to beget children would not be curtailed by the biological limitations of one wife.\(^{97}\)

Mormons accepted the generally acknowledged purposes of marriage: first, to rearrange the relationship between a man and woman, and hence their rights and duties; second, to give rights of sexual access; third, to rear children and to transmit material goods and cultural possessions from one generation to another; and fourth, to reorder the

\(^{95}\) Doctrine and Covenants 132:16.

\(^{96}\) Wright, *Marriage and Divorce*, pp. 72-73; also see DHC 5:391-92; Doctrine & Covenants 132.

\(^{97}\) Wright, *Marriage and Divorce*, p. 72.
relationship between the kin groups of the husband and wife as they acquire a common kinship with the children of the couple. 98 Whether monogamous or plural, celestial marriage added a fifth reason—one's eternal exaltation—to these.

While most celestial marriages, or sealings, encompassed these five elements, not all did so. Some sealings were for eternity only and conferred no earthly rights or obligations. Similar to eternity-only marriages were nominal marriages. Neither bestowed rights of sexual access on the couple, but wives in nominal marriages used their husbands' surnames and may have received some temporal help. Yet other sealings conferred on the couple all earthly and eternal rights and obligations but with the understanding that these were not effective until some later time.

In addition to sealings, the church sanctioned marriages which had no force in eternity. Proxy marriages, like civil marriages, bestowed on the couple all the earthly rights and duties of marriage. In such marriages, however, the man acted as a "proxy" for the husband to whom the wife had been sealed for eternity. Convenience marriages, on the other hand, conferred only the right of sexual access. All these various types of marriage are represented in the Manti sample.

Most women who were married for eternity-only were sealed to men who had wives still living. Ann Wickes, for example, married George Taylor in England in 1830, and both were baptized as Latter-day Saints in 1848. They subsequently separated, and she and their children immigrated to Utah in 1854. Two years later, at age fifty-six Ann was sealed to William Black, who had a wife still living. Ann and William apparently never lived together, and on the 1860 Salt Lake City census she and an unmarried daughter were listed as living in the household of Ann's married son. No evidence reveals that she and Black ever cohabited, and when she died, she was buried under the name Ann Taylor.

The original record of the eternity-only marriages probably indicated the nature of the marriage, but unfortunately these records are not currently available to scholars. For purposes of this study and lacking these data, those women who had passed childbearing age when they were sealed, who did not cohabit with the man to whom they were sealed, and who were never referred to by his surname

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99George Edward Grove Taylor Family Group Sheet, Archives Section, FHL; Ann Taylor, COI.

100William Black Family Group Sheet, Patrons Section, FHL. Ann Wickes was again sealed to William Black on 12 March 1857. IGI, 1984, Utah, Microfiche # 815, p. 9353.

101Salt Lake City, Utah, 1860 Manuscript Census, p. 11; Rockville, Kane County, 1870 Manuscript Census, p. 458; Death Records, Office of Vital Statistics, Salt Lake City, Utah, microfilm reel # 2, 1890-1908, FHL.
will be considered as sealed for eternity only. Two plural marriages in which the plural wives were sealed to their husbands for eternity-only are included in the Manti subsample.

Two nominal plural marriages are also included in the Manti subsample. James Cook, for example, married Hannah Massey Davenport in 1865. She was a widow aged fifty-seven, eight years his senior, at the time of the sealing. On the 1870 census she was listed as Hannah Cook but was living in her daughter Marie's household. After his first wife died, James Cook married Hannah's daughter Marie. In 1879 Marie Cook died. On the 1880 census James was listed as widowed, and Hannah had reassumed the name Davenport, the surname of her first husband. A short biographical sketch of James Cook written sometime later stated: "Second wife was Anna Davenport, to whom he was sealed but did not live with." Similarly, Maren Jorgensen was sealed to Morten Mortensen on December 12, 1878, the same day he was sealed to his first wife. Maren was sixty-five years old and

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102 James Cook Family Group Sheet, Patrons Section, FHL; "Cemetery Records, Manti, Sanpete County, Utah," typed by the Genealogical Society of Utah, 1936, p. 37.


104 1880 Manti, Utah, Manuscript Census, p. 422D; Lever, p. 112.
twelve years his senior. In 1880 Morten and the two wives to whom he had been sealed all lived in Manti. Maren was living alone, however, and on the census she was listed as Maren Axelsen. Axelsen was Morten's patronymic and the surname he used in immigrating to the United States and on the 1900 and 1910 censuses, though he was listed as Mortensen on the 1880 census.

Although Hannah and Maren were undoubtedly sealed to their husbands for eternity only, they did bear their husbands' names; hence, in this study these marriages are designated as nominal plural marriages. Such marriages did not include the right of sexual access, but what other rights and duties they conferred is unclear. In one case a widow was sealed to a married man, apparently for eternity only, but later brought a complaint against him in a church court for not supporting her. The man defended himself by saying that "in their marriage contract she promised not to be an expense to him," and his first wife testified that before the sealing, the widow had claimed she wanted the sealing for religious reasons and "would never think of having pleasure with a man at my age." The decision favored the second wife, indicating that in being sealed to her the

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105 IGI, 1984, Utah, Microfiche # N 0806, p. 6206; Endowment House Record, Book I, p. 20, FHL; Martin Axelsen Family Group Sheet, Patrons Section, FHL.

106 Manti, Utah, 1880 Manuscript Census, pp. 409A, 424D; Morten Axelsen, COI; Manti, Utah, 1900 Manuscript Census, p. 137 B; Manti, Utah, 1910 Manuscript Census, p. 2 B.
man had accepted a responsibility which he could not shirk.\textsuperscript{107} Usually, however, the available records leave no clear indication of the earthly responsibilities such marriages entailed on those who entered them.

Another type of sealing was the marriage of a couple with the understanding that the rights and responsibilities of marriage were postponed. Some of these marriages were performed for very young couples just before leaving Nauvoo because Mormons feared that it would be a long time before another temple would be built where such rites could be performed. Such a sealing was performed for twelve-year-old Mary Dunn and eleven-year-old Mosiah Hancock. Hancock wrote in his autobiography that it was done "with the understanding that we were not to live together as husband and wife until we were 16 years of age."\textsuperscript{108} As it turned out, they never did so. While both families were at Winter Quarters, Mary came to the Hancock camp and wanted to live with them. Her mother had died, and her father had not only married again but also taken a plural wife. Apparently Mary believed living with her husband's family would be more pleasant, but Mosiah's mother would not allow her to stay because there was no room. Mosiah's father was away in the


\textsuperscript{108}Autobiography of Mosiah Lyman Hancock, Holograph, LDS Church Archives, pp. 30-31. [Used by permission.]
Mormon Battalion, and life was undoubtedly already difficult for the family. Hancock later wrote, "[W]ith what joy I hailed my noble, beautiful wife! But Mary had to go, and oh what sorrow as I saw her depart." Mosiah and Mary were never united after they arrived in Salt Lake City: at age eighteen Mary married Martin Luther Ensign.

Because celestial marriages transcend this world, it was possible for a person to be married to one spouse for this world and sealed to a different spouse for eternity. The spouse to whom a person was sealed for eternity might not even be living. Isaac Morley's daughter Cordelia, for example, was sealed to Joseph Smith for eternity in Nauvoo eighteen months after he was killed at Carthage. Frederick W. Cox stood as proxy for Joseph Smith in the ceremony. Then Cox married Cordelia "for time" in a ceremony that followed.

Such marriages for time only—proxy marriages—entailed the same responsibilities and conferred the same rights as non-Mormon marriages. In these marriages the

109Ibid., p. 38. [Used by permission.]


112See above, pp. 60-61.
children bore their biological fathers' names but in the hereafter would belong to the family of their mother and the husband to whom she was sealed for eternity. Mercy Rachel Thompson, who had been in two such marriages, designated this the "proxy method." Her husband for time agreed "to take care of me as long as he lived, and then deliver me up to my first husband in eternity . . . together with all children that we might have." 113 At times this affected the way some family members felt about others in the family. For example, Brigham Young's grandchildren who were sealed as part of his family felt superior to other grandchildren who would be would be in Joseph Smith's family in heaven. 114

Such marriages could also affect the attitude of the couple toward the marriage. Eunice Billings married John Warner in 1849 and was sealed to him for eternity on August 6, 1851. They had two children; the second was born after his father was killed by Indians in 1853. 115 Three years later she became the second wife of George W. Snow. This


114Young, Isn't One Wife Enough? p. 32.

second marriage produced four children,\textsuperscript{116} but by 1870 Eunice had moved from Manti to Provo. The census indicated that she was living in her mother's household and had reassumed the surname of her first husband.\textsuperscript{117} On the 1880 census she was again listed as Eunice Warner. Moreover, the census showed her as both married and widowed, appropriately so in her case when she bore the name of her first husband but was recognized by the church and Mormon society as the wife of the second.\textsuperscript{118} Eight months after his first wife died, George married Eunice in a civil ceremony to regularize their marriage—a common practice in the late 1880s and 1890s.\textsuperscript{119} They continued to live separately, however, and in 1900 George was living with his daughter and her husband in Manti, although the census indicated he was married.\textsuperscript{120} Apparently both considered this a levirate marriage. These were originally marriages in which a man married his deceased brother's wife to assure that the deceased would have an heir to carry on his name.\textsuperscript{121} For Mormons these

\textsuperscript{116}George Washington Snow-Eunice Billings Family Group Sheet, Patrons Section, FHL.

\textsuperscript{117}Provo, Utah, 1870 Manuscript Census, p. 289.

\textsuperscript{118}Provo, Utah, 1880 Manuscript Census, p. 142.

\textsuperscript{119}George Washington Snow-Mary Wells Family Group Sheet, Patrons Section, FHL; Sanpete County, Utah, Marriage License Records, microfilm reel # 3, 1888-1894, May 10, 1893.

\textsuperscript{120}Manti, Utah, 1900 Manuscript Census, p. 137 A.

\textsuperscript{121}Deut. 25:5-10.
marriages had a slightly different purpose. A spiritual brother married a deceased man's wife; he then fathered children who would increase the family belonging to the deceased in the eternities.

Probably the rarest type of marriage among Mormons was the "convenience marriage," like that which took place between Frederick Cox, Sr., and Mary Ann Darrow Richardson. Mary Ann and her husband Edmond Richardson, as well as their two children, were forced to stay the winter of 1853-54 in Salt Lake City when their ox died and they could not continue their journey to Oregon. Impressed with the generosity of their neighbors, they soon were baptized into the church and accepted an assignment to help the settlers in Manti. With the importance the Saints placed on having children, however, they worried about their inability to have more children because of Edmond's "having become an eunuch." Mrs. Richardson wrote to Brigham Young, and on March 5, 1857, he replied: "[I]f I was imperfect and had a good wife I would call on some good bro[the]r. to help me. that we might have increase; that a man of this character [her husband] will have a place in the Temple, receive his endowments and in eternity will be as tho' nothing had happened to him in time." According to Young, her husband's sterility would not bar him from the most impor-

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122 Christensen, p. 233.

123 Quoted in Foster, Religion and Sexuality, p. 313.
tant temple ordinances, and he could be exalted in the hereafter. As for having additional children, Mary Ann could be married in a civil ceremony to another man who would father her children. By being sealed for eternity to Edmond, Mary Ann, as well as her children, would belong to him.

They eventually accepted the plan, but only reluctantly. Edmond and Mary Ann were sealed for eternity on April 20, 1857, but only after they "each had seen a vision," did they accept President Young's unusual proposal. After they acceded to the plan, he gave them a paper listing three polygamous men he considered worthy to participate. They choose Frederick Cox. He too at first refused to participate in the plan but also became convinced that "the plan was divinely inspired." One of the sons of this union later wrote, "It took three visions and a religion to reconcile others to my coming."124 On January 9, 1858, Brigham Young celebrated the marriage of Mary Ann Darrow Richardson and Frederick Cox in a civil ceremony. From this union two sons were born: Charles on October 13, 1858, and Sullivan on January 26, 1861.125

Family tradition indicates that Brigham Young granted the Richardsons a temporary separation or a civil divorce.

124 Annie Richardson Johnson and Elva Richardson Shumway, Charles Edmund Richardson: Man of Destiny (Tempe, Arizona: Publication Services, 1982), pp. 6-10, 26-29. Quotations from p. 29.

125 Frederick Walter Cox-Mary Ann Darrow Family Group Sheet, Patrons Section, FHL.
and that Edmond sought employment in the Tintic mines some distance from Manti during his wife's second marriage. 126 He spent some time away, but one year after the first son was born, he returned and took his wife to Salt Lake to be sealed again for eternity in the Endowment House. Moreover, as indicated on the 1860 Manti census, he was again reunited with his wife a few months before the second son was born. 127

Not long thereafter the Richardsons moved to another town. For about twenty years Cox did not see his sons. When he did, he shook their hands heartily, looked at them and listened to them unceasingly during their visit, but never mentioned the relationship between them. 128

The second marriage did not bestow the rights and responsibilities that marriage usually confers. Mary Ann retained the Richardson name, lived in the Richardson home, and received her support from Mr. Richardson. 129 Cox received no rights in the children: they were not called by his name nor did they inherit from him. 130 Because the Cox-  

126 Christensen, p. 234; Johnson and Shumway, p. 29.
128 Christensen, p. 385.
129 Johnson and Shumway, p. 29.
130 Agreement for Settlement of Estate, January 3, 1882, Frederick W. Cox File, File of Estates, Basement Archives, Sanpete County Court House, Manti, Utah.
Richardson children were cautioned to say nothing about the circumstances of their birth to protect the good name of their mother, it is doubtful any public acknowledgment was made of Mary Ann's second marriage. In short, other than the right of sexual access, the marriage ceremony appears to have conferred no other rights or responsibilities.

This polyandrous marriage was not an isolated instance. When Richardson's descendants sought answers about the marriage, the Executive Assistant of the Genealogical Society of Utah assured them that there were other such marriages, and these were known as a "convenience marriages." These examples indicate that nineteenth-century Mormons recognized several types of marriage which conferred different rights and responsibilities on the husbands and wives. First, civil marriages, those performed by civil or local church authorities, were the same as marriages outside the Mormon community. Second, time-and-eternity marriages added to the usual rights and responsibilities conferred at marriage the pronouncement that the union would endure throughout eternity. Third, proxy marriages also bestowed the usual temporal rights and responsibilities but stipulated that in the hereafter the husband had no rights in either the wife or the children born to their union.

131 Johnson and Shumway, p. 35.
132 Ibid., p. 37.
Fourth, marriages for "eternity only" conferred no earthly rights or responsibilities on the couple but dealt only with their union during eternity. Such marriages could be performed for two living persons, for one living and one deceased person, or for two people who were both dead.

Fifth, nominal marriages conferred only limited rights on the couple for this life, not including sexual access, and sealed them for eternity. Sixth, convenience marriages conferred rights of sexual access but gave the man no rights in the children and limited responsibility for the woman. Seventh, marriages with delayed rights involved ceremonies which sealed the couple for time and eternity but the couple postponed living together because of the youthfulness of the bride.

This variety of marriages among Mormons indicates a different conception of marriage from that held generally in the nineteenth-century United States. Eighteen states defined marriage as a civil contract, while three others described marriage as a personal relation arising out of a civil contract. Other religious groups in addition to Mormons, however, believed marriage was a religious sacrament. What made Mormon marriage different was not only plural marriage, which was only its most notable and notorious feature. Mormon marriages added or limited the

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rights and responsibilities of those marrying, depending on the type of marriage.

Moreover, until the 1880s marriage was essentially regulated by ecclesiastical officials, with some help from custom and the common law. Mormons encouraged marriage, not only through the lack of legal barriers but also from the belief in celestial marriage as a requirement for one's exaltation in the next life. The latitude given in kin permitted to intermarry and in the age at which youths could wed, although wide, was not much greater than that allowed by the common law elsewhere in the mid-century United States—except, of course, that Mormons also allowed plural marriage and marriage to the dead. Although Mormons never regularized through law the status of plural families, territorial legislation did provide that illegitimate children and their mothers could inherit, a provision that in practice provided for polygamous families. This changed, however, as Americans throughout the United States in the late nineteenth century demanded and got more stringent legislation regarding marriage for themselves and mounted a federal campaign against marital practices among the Mormons. Before that happened, however, the Mormons developed a marital system which promoted but did not force marriage upon its adherents.
CHAPTER FOUR

NUMBERS:

An Analysis of the Marriage Patterns of Manti Women

The legal system in Utah promoted plural marriage by posing no barriers to it and by protecting the inheritance rights of plural families. The ecclesiastical system not only encouraged such marriages, but its doctrine mandated marriage for one’s exaltation in the hereafter and promoted plural marriage in this life. But did this encouragement of marriage provided by the law and the church have an impact upon the marriage patterns of women in nineteenth-century Utah that was significant enough for it to be described as a distinctive feature of the LDS female-life course and Mormon family life?

The presence of plural marriage in Utah, along with the general encouragement of marriage, created distinctive marriage patterns through their operation on the marriage market. First, age-specific marriage rates for women in the representative population under study were high. Indeed, in the early years, they were remarkably high, indicating that almost all women married and that they married at young ages. Second, because the demand for wives created by plural marriage caused a relative scarcity of women, the
average age of marriage for all women, not just plural wives, was low, and immigrant women married soon after their arrival in Utah. This was particularly true during the first years of settlement when the proportion of plural marriages to all marriages was at its highest point. Third, these patterns were created and maintained by the presence of plural marriage, even though plural wives did not represent a cross-section of Mormon brides. In fact, plural wives came disproportionately from groups of economically disadvantaged women in the frontier economy: women whose fathers were dead or did not reside in Utah as well as women who had been either widowed or divorced. Lastly, because the men who married additional wives were generally among the wealthiest men, plural marriage helped to shift economic resources from such men to poor women, even though the resources remained under the basic control of those men.

The Marriage Market. Life in Utah changed as Mormon society moved from the rigors of isolation and the difficulties of making the desert arable, to inclusion in the national transportation network with the arrival of the transcontinental railroad in 1869, and afterward to provisional acceptance within the nation when the Mormons officially announced in 1890 that they would obey Congressional marriage laws. To acknowledge these different situations and to assess change over time, I have divided the sixty years under study into three twenty-year time
periods. The first, from settlement in 1847 to 1869, is usually described as the frontier period. Fairly isolated from American society, the Mormon community could pursue its own policies but was also faced with the immense challenge of settling a dry land under often difficult conditions. The second period, from 1870 to 1890, encompassed the consolidation of settlement within Utah as well as the eventual capitulation of Mormon society to national monogamic norms. During the last period, from 1890 to 1910, Mormons, having officially given up plural marriage, moved closer to the mainstream.\(^1\)

The women in the Manti sample\(^2\) whose first marriages took place in Utah were assigned to one of these periods according to their birth dates. Women born before January 1, 1852, would have been at least eighteen years old, and hence of marriageable age, by 1870. Because most women born before 1852 married by 1870, they are all included in the first period.

Those women born between January 1, 1852, and January 1, 1870, are included in the second period. Such women were of marriageable age by the time the Manifesto officially ended plural marriage in 1890. Moreover, the

\(^1\)Although the Church officially forsook plural marriage, some new marriages were in fact sanctioned after 1890. D. Michael Quinn, "New Plural Marriages," pp. 57-103.

\(^2\)For the sources used to create the Manti sample, see below, pp. 315-328.
youngest woman in the Manti plural marriage sample was born December 31, 1869, so 1870 serves as a convenient line dividing those who could have married when the marriage system officially encompassed plural marriage and those who married when it did not. Single women born before 1852 but who immigrated to Utah between 1870 and 1889 are also included in the second period: the Mormon marriage market could affect the timing of their marriages only after their immigration to Utah.

Those women born between January 1, 1870, and December 31, 1890, are included in the third period. These are the women who married within a monogamic system.\(^3\)

The age-specific marriage rates do indeed indicate change over these three time periods. The population used to calculate these rates are those women found in any Manti census who were twenty years or older and never married as well as those women who spent some of their married life in Manti. The latter group of women were not necessarily in Manti when they married but their first marriage took place

\(^3\)After the Manifesto, new plural marriages were generally performed outside of Utah or at least one of the wives resided outside Utah. Many of these marriages were performed in Mexico, and the plural families lived there until their expulsion during the Mexican Revolution of 1911-12. Being relatively few in number and often outside Utah, such new plural marriages were no longer a normal part of Mormon society or its marriage system. In the Manti sample, only one man entered plural marriage after 1890 and his second wife lived in Wyoming. Quinn, "New Plural Marriages," pp. 57-59; Niels Christian Larsen Family Group Sheet, Ancestral File, FHL.
in Utah; thus, although the base of the study is Manti, the women represent the wider social patterns prevalent in Utah. In addition, for the last period, the population used for calculation also includes early twentieth-century Manti residents' daughters who were born before 1890 but who married after 1910. This was done so that the marriage rates would reflect the reality of the Manti marriage rates and not be biased downward: excluding some women in the same birth cohorts as those who did marry before 1910 would have misrepresented the experience of women in the last cohort.

As with monogamous wives, only those plural wives who spent some of their married life in Manti and whose first marriages were performed in Utah were included in the calculations; thus, not all wives of polygamists in the Manti subsample are represented in these rates. Those plural wives whose marriage ended before the polygamist moved to Manti or who married after the polygamist moved from Manti are excluded. In addition, some Utah polygamists had wives who lived apart in different towns. This was especially true when the polygamist carried general church responsibilities that required him to travel throughout the Territory. Had a Manti citizen's plural wives who lived elsewhere been included, the number of plural wives in Manti would have been out of proportion to monogamous ones. These marriage rates are calculated from the marital
histories of 1084 women, 269 in the first period, 395 in the second, and 420 in the third. Ten women, or less than 1 percent, were excluded because not enough information could be found to determine their ages at marriage. Seven percent of women included lacked an exact birth date or marriage date, but their marriage ages could be estimated based on census data, birth of first child, or endowment date—which was usually also the marriage date.

Table 1 indicates how the age-specific marriage rates were derived. The term person-years refers to the number of women who remained single at each year of age. For example,

<table>
<thead>
<tr>
<th>Age</th>
<th>Person-Years</th>
<th>No. of Marriages</th>
<th>Marriage Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>13-17</td>
<td>763.34</td>
<td>114</td>
<td>0.1493</td>
</tr>
<tr>
<td>18-19</td>
<td>132.00</td>
<td>52</td>
<td>0.3939</td>
</tr>
<tr>
<td>20-24</td>
<td>90.16</td>
<td>63</td>
<td>0.6988</td>
</tr>
<tr>
<td>25-29</td>
<td>18.98</td>
<td>18</td>
<td>0.9484</td>
</tr>
<tr>
<td>30-34</td>
<td>17.27</td>
<td>14</td>
<td>0.8107</td>
</tr>
<tr>
<td>35-44</td>
<td>17.25</td>
<td>5</td>
<td>0.2899</td>
</tr>
<tr>
<td>45-49</td>
<td>6.16</td>
<td>2</td>
<td>0.3247</td>
</tr>
</tbody>
</table>

Source: Manti Sample (see Appendix I, pp. 312-328).
each woman who was in Utah on her fifteenth birthday and who did not marry that year contributed one person-year to the age fifteen category. A woman who married would contribute only that portion of the year during which she was single, and similarly, an immigrant would count only during that time she resided in Utah. For example, Louisa Griffin arrived in Utah in 1884 at age twenty-three years and six months. Her arrival, therefore, added only .5 to the person-years at age twenty-three. She married the next year when she was twenty-four years and nine months old; thus, she contributed .75 person-years to the count for twenty-four-year-olds. Anna Maria Myrup married the day she arrived in Utah: this means she contributed one marriage to the twenty-year-old category but nothing to the person-years.

Table 1 shows that the age-specific marriage rates—the proportion of marriages to person-years in each age category—for the early period in Utah were extraordinarily high. This is seen most clearly by comparing these rates to those in Utah for the two later periods and to American women in 1960, as is done in Table 2. Comparable marriage rates for the nineteenth-century United States are not available because adequate and accessible records for migration and marriage in general do not exist for that period.
TABLE 2

COMPARISON OF AGE-SPECIFIC MARRIAGE RATES FOR WOMEN IN
MANTI, UTAH, AND MARRIAGE REGISTRATION STATES,\(^4\)
1960, FOR FIRST MARRIAGES

<table>
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<th></th>
<th></th>
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<th></th>
<th></th>
</tr>
</thead>
<tbody>
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<td>13-17</td>
<td>0.1493</td>
<td>0.0516</td>
<td>0.0075</td>
<td>0.0330</td>
</tr>
<tr>
<td>18-19</td>
<td>0.3939</td>
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<td>0.1193</td>
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<td>20-24</td>
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<td>0.2819</td>
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<td>25-29</td>
<td>0.9484</td>
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<td>0.1490</td>
<td>0.1402</td>
</tr>
<tr>
<td>30-34</td>
<td>0.8107</td>
<td>0.0833</td>
<td>0.0955</td>
<td>0.0756</td>
</tr>
<tr>
<td>35-44</td>
<td>0.2899</td>
<td>0.0540</td>
<td>0.0169</td>
<td>0.0328</td>
</tr>
<tr>
<td>45-49</td>
<td>0.3247</td>
<td>0.0462</td>
<td>0.0258</td>
<td>0.0059</td>
</tr>
</tbody>
</table>


The Utah age-specific rates for the frontier period are high because nearly every woman had married by age 25, and those immigrants who came at later ages married soon after their arrival.\(^5\) Only one woman from this birth cohort, a Dane who immigrated at age twenty-seven, never married. These high rates, however, decreased significantly over time in Manti. This is due partly to the increase in the number of women who never married. In the frontier period less than 1 percent of the women in the Manti sample remained single, compared to 7 to 8 percent of American women in the same birth cohorts who never married. Of those Manti women born between 1852 and 1870, eight, or 2 percent, remained single, well below the 8 to 11 percent of other American women in similar cohorts who never married. Among the Manti women born between 1870 and 1890, twenty-one, or 5 percent, never married, a percentage somewhat higher than for women during the frontier period but still far below the 10.9 to 8.8 percent of American women in the same birth cohorts who remained single.\(^6\) Indeed, the marriage rates for the third period, which are the lowest in nineteenth-century Manti,

\(^5\)For those immigrants without known dates of immigration, a date was estimated based on the average lapse of time between arrival and marriage for their period. See below, pp. 155.

are similar to those for American women during 1960, except that fewer turn-of-the-century Manti women married in their teens. In 1960 the proportion marrying was at a peak for the century--91.5 to 94 percent--while the average age women married was near its nadir for the century.7 Nevertheless, these twentieth-century rates are lower than those for Manti women during the first forty years after its settlement.

The higher marriage rates during the frontier period shown in Table 2 indicate not only a high proportion of women marrying but also a lower age at marriage than prevailed during the subsequent periods in Manti. From one period to the next, the mean marriage age increased approximately one year. In the frontier period it was 20.25, in the middle period it was 21.07, and in the last period it was 22.3. The median age at marriage for each period was lower: during the frontier period it was 18.67 years while it was 20.25 and 21.58 for the middle and last periods respectively. In 1960 the median age at which women married was 20.3,8 approximately the same as prevailed in


the middle period in Manti, although the marriage rates in Manti for that period are higher because a higher proportion of women married.

Nevertheless, the overall average ages for the first two periods in Manti obscure important differences among groups of women. Those women who migrated with the Saints from Nauvoo, those women born in Utah, and those women who immigrated to Utah before their fourteenth birthdays—referred to here collectively as Utahns—married considerably younger than did those women who immigrated to the Great Basin when in their teenage years or older—here called immigrants. A considerable number of those in the Utahn category were in fact immigrants from Europe, but they were in Utah when they became of marriageable age and thus were subject to the influences of the Utah marriage market at an early age.\(^9\) Table 3 indicates the important influence of immigrants on the mean age at marriage during the first two periods. In the first period immigrants composed 31.3 percent of women who first married in Utah; by the second period the percentage of such immigrants had dropped to 16.6. Because immigrants accounted for only 5 percent of those marrying after 1890 and therefore had small impact

\(^9\)This is in accordance with Carlson's findings that women who immigrated before age fifteen had nuptial patterns similar to those of native-born women. Elwood D. Carlson, "The Impact of International Migration upon the Timing of Marriage and Childbearing," *Demography* 22 (1985): 61-72. I reduced the age to fourteen because of the low age at marriage of Mormon women in the initial settlement period.
 TABLE 3

COMPARISON OF UTAHNS' AND IMMIGRANTS' MEAN AGE AT FIRST MARRIAGE IN UTAH, 1848-1890

<table>
<thead>
<tr>
<th>Cohort</th>
<th>Overall Mean</th>
<th>Utahns</th>
<th>Immigrants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Born before 1852</td>
<td>20.28</td>
<td>18.07</td>
<td>25.12</td>
</tr>
<tr>
<td>Born 1852-70 or imm.</td>
<td>21.07</td>
<td>20.46</td>
<td>24.22</td>
</tr>
<tr>
<td>1870-87</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Source: Manti Sample.

Upon the average age of marriage, the last period is excluded from this table.

Almost one-third of those marrying during the frontier period were immigrants, and as Table 3 shows, they married on average six and a half years later than did those women who were in Utah from their early teens. By the second twenty-year period the average age of Utahns at marriage increased two years, the mean age declined almost a year for immigrant women, while the number of immigrants decreased by almost half.

These mean ages at marriage are approximately what other scholars studying the nineteenth-century Mormon population have found. Using the large database collected in the Mormon Historical Demographic Project, Mineau, Bean, and Skolnick found that the mean age at marriage to be 20.86 for monogamous Mormon women born between 1800 and 1869.
Those born in the last decade of that period, between 1860 and 1869, married when they were slightly younger, on average at age 20.69. These are similar to the averages in the Manti study, though the latter includes both monogamous and plural wives. In a later study Mineau, Bean, and Anderton found that once-married women born before 1859 along the Mormon Trail married at a mean age of 18.7. This is fairly close to the mean age of 18.07 for the Manti pre-1852 birth cohorts, although the Manti sample is lower because it includes not only women who married more than once but also some women whose early, short-lived marriages were omitted from the family group sheets, which are the basis of the Mormon Historical Demographic Project. These mean ages at marriage for the Manti women are also comparable to those found by Larry M. Logue in his study of St. George, a Mormon town in southern Utah. Basing his calculations upon all daughters of St. George residents, he found that women in St. George married at a mean age of 19.4 from 1861 to 1880. These dates overlap ten years of each of the first two periods in the Manti study, but the St. George mean age at marriage lies almost halfway between the


12Logue, p. 56.
Manti mean ages for those two periods. Thus, the women in the Manti study appear to be fairly typical of women in the nineteenth-century Mormon population.

These mean ages at marriage are lower than other nineteenth-century groups in the United States. In Massachusetts, for example, women married at a mean age of 23.6 in 1860, while in Edgefield, South Carolina—where there were many fewer foreign immigrants—white women married for the first time at age twenty. In a more recently settled area, Kentuckian women married on average at age 21.5 in 1859. Women in the Far West married at the early ages, though not quite so young as did Mormons. As calculated by Logue, women in western rural areas who married before 1900 did so at a mean age of 20.5. By the turn of the century, Mormon marriage patterns approached the national norms; however, the median age of 21.58 for Manti women during the last period remained slightly below the median ages 22.0, 21.9, and 21.6 for 1890, 1900, and 1910, respectively, for the conterminous United States reported by the U.S. Census Bureau.

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Although many Mormon women immigrated from northwestern Europe—in 1870 67.9 percent of Utah residents twenty-five or older were foreign-born—Utah mean ages at marriage were significantly below those which prevailed across the Atlantic.\textsuperscript{15} Indeed, those single women who immigrated to Utah from Europe between 1850 and 1887 often married soon after their arrival in Utah, as Table 4 indicates. The Crossing the Ocean Index, which supplied many of the immigration dates, usually gave only the date sailed from Europe, not the arrival in Utah. The 1900 and 1910 manuscript censuses also included date of immigration but listed years only. To calculate the month of arrival, I made the following assumptions. Because most wagon trains arriving in the frontier period did so in late summer, immigrants in that period were assumed to have arrived in August. Completion of the transcontinental railroad made travel faster although most still arrived in the summer; calculations were made for immigrants of the last two periods assuming they arrived in July. The middle period ends in 1887 because no immigrant arriving after that date entered plural marriage.

TABLE 4

MEAN NUMBER OF YEARS BETWEEN IMMIGRATION TO UTAH AND MARRIAGE FOR IMMIGRANT WOMEN AGE FOURTEEN AND OVER IN THE MANTI SAMPLE, 1850-1910

<table>
<thead>
<tr>
<th></th>
<th>1850-69</th>
<th>1870-87</th>
<th>1888-1910</th>
</tr>
</thead>
<tbody>
<tr>
<td>Monogamous wives</td>
<td>1.01</td>
<td>2.06</td>
<td>3.12</td>
</tr>
<tr>
<td>Plural wives</td>
<td>0.85</td>
<td>1.67</td>
<td>--</td>
</tr>
<tr>
<td>Overall average</td>
<td>0.94</td>
<td>1.94</td>
<td>3.12</td>
</tr>
<tr>
<td>Percentage with known immigration dates</td>
<td>88.1</td>
<td>85.9</td>
<td>73.7</td>
</tr>
<tr>
<td>Total number</td>
<td>84</td>
<td>55</td>
<td>19</td>
</tr>
</tbody>
</table>

Source: Manti Sample.

Table 4 shows that single immigrants in the frontier period on average married within a year of their arrival in Utah, while the interval between arrival and marriage increased a year over each of the next two periods. To some extent, this reflects the higher mean age at marriage: a fifteen-year-old immigrant might well marry within a year during the frontier period but was less likely to do so later. Nevertheless, even many older immigrants waited longer to marry than they had during the initial settlement of Utah.

Decreasing age-specific marriage rates, increasing mean age at marriage, and a rising waiting time between arrival of immigrants and their marriage are all consistent with patterns elsewhere on the frontier as it developed into
a well-settled area. Yet the Utah patterns cannot be entirely explained by the economic development of a frontier region into well-settled agrarian economy. Although the same legal and ecclesiastical framework existed from 1850 to 1885, immigrant women entered plural marriage in diminishing numbers. This is shown in the proportion of single immigrants over fourteen who entered plural marriage. In the first period almost half of such immigrants (47.6 percent) became plural wives, while in the second period about one-third (32.8 percent) did so. Even more dramatic is the decrease in the number of immigrant women ever involved in a plural marriage. Women who first married monogamously in Utah but whose husbands then took plural wives are counted with monogamous wives because when they first married the marriage was in fact monogamous. When immigrant women who eventually became first wives in a plural marriage are added to the number of plural wives, those single immigrants who were ever involved in a plural marriage increases to 67.9 percent in the first period, but to only 37.5 percent in the second.

That the likelihood of a woman's initially marrying as a plural wife decreased considerably over the first forty years in Utah is shown in Table 5, which compares the age-specific marriage rates for monogamous and plural wives for the two twenty-year periods. The marriage rates for both monogamous and plural wives decreased in all age groups under forty during the second period, but the rates for plural wives declined faster. So did the absolute numbers of single women whose first marriage was polygamous. In the frontier period 99, or 36.9 percent, of those marrying for the first time in Utah became plural wives. In the second period only 41, or 10.6 percent, did so. Clearly, fewer women chose to become plural wives as the century progressed. This is also indicated by the percentage of those women in each cohort who were ever in plural marriage. Of those born before 1852 whose first marriage took place in Utah, 56.7 percent were involved in a plural marriage at some point during their lifetimes; of those in the second cohort only 12.2 percent were.

Several polygamists moved to Manti in the late 1870s and 1880s to help construct the temple being built there; Manti thus had more polygamous families in 1880 than it otherwise would have had. Nevertheless, the incidence of plural families in Manti appears to be similar to levels elsewhere. Unfortunately, the incidence of polygamy in the Mormon population is uncertain because most estimate are
TABLE 5
COMPARISON OF AGE-SPECIFIC MARRIAGE RATES FOR MONOGAMOUS AND PLURAL WIVES IN MANTI SAMPLE WHO FIRST MARRIED IN UTAH, BY BIRTH COHORTS

<table>
<thead>
<tr>
<th>Age</th>
<th>Born Before 1852</th>
<th></th>
<th>Born 1852-70 or Older Immigrants Arriving 1870-1887</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number Married</td>
<td>Marriage Rate</td>
<td>Number Married</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>13-14</td>
<td>7</td>
<td>0.0197</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>0.0253</td>
<td>1</td>
</tr>
<tr>
<td>15-19</td>
<td>101</td>
<td>0.1871</td>
<td>155</td>
</tr>
<tr>
<td></td>
<td>49</td>
<td>0.0908</td>
<td>19</td>
</tr>
<tr>
<td>20-24</td>
<td>43</td>
<td>0.4769</td>
<td>148</td>
</tr>
<tr>
<td></td>
<td>20</td>
<td>0.2218</td>
<td>11</td>
</tr>
<tr>
<td>25-29</td>
<td>12</td>
<td>0.6322</td>
<td>32</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>0.3161</td>
<td>7</td>
</tr>
<tr>
<td>30-34</td>
<td>5</td>
<td>0.2895</td>
<td>4</td>
</tr>
<tr>
<td></td>
<td>9</td>
<td>0.5211</td>
<td>1</td>
</tr>
<tr>
<td>35-39</td>
<td>1</td>
<td>0.1238</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>1</td>
<td>0.1238</td>
<td>2</td>
</tr>
<tr>
<td>40-44</td>
<td>0</td>
<td>0.0000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>0.3272</td>
<td>0</td>
</tr>
<tr>
<td>45-49</td>
<td>0</td>
<td>0.0000</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>0.3247</td>
<td>0</td>
</tr>
</tbody>
</table>

Source: Manti Sample.
based on incomplete data or unsubstantiated figures. The best estimates currently available were made by Lowell "Ben" Bennion based on the 1880 census. He found that the percentage of husbands, wives, and children living in plural families when the Utah 1880 census was taken differs from one locale to another. It was as high as 66.6 percent in Orderville to as low as 4.1 percent in Virgin City. Calculating incidence by Bennion's method but with greater knowledge about who polygamists were than can be found in either the census or family group sheets, I found that of those listed on the 1880 Manti census 25.2 percent were living in plural families. This includes one nominal plural marriage. In comparison, Bennion found that 21.8 percent of Latter-day Saints in Davis Stake and 33.0 percent in St. George Stake lived in plural families. When the two stakes

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17Stanley Ivins found that 12.6 percent of married males mentioned in Lever's history of Sanpete and Emery counties married more than one wife, while between 15 to 20 percent of those listed in Pioneers and Prominent Men of Utah had done so. Ivins, p 230. Both these sources, however, are incomplete and contain numerous erroneous entries. See below, pp. 325-326. Using the 1860 census, Nels Anderson found that 8.5 percent of households in twelve southern communities were polygamous. Anderson, pp. 394-395. Because the 1860 census listed neither family relationships nor marital status, it is impossible to identify all polygamous families from census data alone. An undercount of polygamists is likely even using the 1880 census, which does list family relationships. Bennion, p. 32. Smith and Kunz calculated an incidence of 8.8 percent of males practicing polygamy in 1885. This was, as they note, based on a figure given by the historian Bancroft, although the source of the figure is unknown. Smith and Kunz, pp. 470-471.

18Bennion, pp. 27-42.
are combined, 27.6 percent of men, women, and children lived in plural families in 1880. Thus, Manti's percentage in plural marriage appears to be near average levels elsewhere.19

While the numbers of new plural marriages contracted over time cannot be equated with levels of plural marriage as calculated by Bennion, they do indicate two important trends. First, a relatively large percentage (56.7 in Manti) of women in the frontier period whose first marriage was in Utah had experience with plural marriage. Second, the number of new plural marriages contracted decreased greatly by the second twenty-year period. That this was generally the case, not simply a deviation from the norm by those in the Manti database, is given support by figures reported by Bean, Mineau, Hsueh, and Anderton. Their data from the Mormon Historical Demography Project indicate that of the 1830-39 birth cohort 29 percent of women married polygamonously at sometime during their lifetimes. Of those in the 1840-49 birth cohort 23.5 percent did so, while the percentage dropped considerably to 14.3 for the 1850-59 birth cohort and further still to 6.3 percent for the 1860-

19Ibid. In 1874, 24 percent of the Kanab, Utah, population were members of polygamous families. Dean L. May, "People on the Mormon Frontier: Kanab's Families of 1874," Journal of Family History 1 (Winter 1975): 172. The incidence of plural marriage in Manti in 1860 was considerably higher than it was in 1880 (see below, p. 206), but no valid studies for 1860 communities are available for comparison.
69 cohort.20 These scholars appear to underestimate the incidence of women entering plural marriage, however, because they were conservative in assigning women to their plural marriage categories. Stanley Ivins similarly concluded that plural marriages in 1857 were almost fourteen times as numerous per one thousand Utah Mormons as they were in 1880.21 This was due to the absolute decline of newly contracted plural marriages at least as much as the increase in population.

The decline in the number of plural marriages was significant but was not uniform over time, as Figure 1 shows. Stanley Ivins related the sporadic increases in new plural marriages to times of internal or external crisis. He explained that the peak in 1846 represents those marriages performed in the Nauvoo Temple immediately before the Saints began their exodus West. The church's announcement in 1852 that polygamy was an essential tenet of the church resulted in considerably more plural marriages that year. By far the highest peak was in 1856 and 1857 as a result of the Mormon Reformation. The number of plural marriages increased again in 1862 in response to the Morrill Anti-Bigamy Act making polygamy illegal. The next increase


21"Notes on Mormon Polygamy," p. 239. For an evaluation of the sources on which his work is based, see Appendix I, pp. 325-326.
occurred in 1860 and 1869 and "coincided with the inauguration of a boycott against the gentile merchants and the organization of an anti-Mormon political party." The last peak of new plural marriages, according to Ivins' figures, came in 1884 and 1885 in reaction to the anti-polygamy campaign of the federal government.²²

For the period after 1870 Ivins' figures for increases and decreases in plural marriages differs from those in the Manti subsample. This may be due to one major source of his data, Pioneers and Prominent Men of Utah. This book did not include all Utah pioneers, defined as men who immigrated to

²²Ivins, pp. 231-232.
Utah between July 24, 1847 and December 30, 1868. Some were overlooked and some did not pay the fee necessary for inclusion. Among those who arrived after 1869, the book listed only prominent ecclesiastical and governmental leaders. Hence, it was even less inclusive for the later period and was biased toward elites.  

Nevertheless, Ivins' explanation also fits the increases in plural marriages before 1870 in the Manti subsample. Although it explains it less well afterwards, the small but significant rise in the Manti data for 1873 might be attributed to the organization of an anti-Mormon secret society called the "Gentile League of Utah" in 1872 and Ann Eliza Webb's instituting her notorious divorce case against Brigham Young in 1873.  

The smaller rise in 1880 may be a reaction against the Supreme Court's upholding the constitutionality of the anti-bigamy laws in the Reynolds case the previous year. To explain in this way the peaks in the number of plural marriages, however, points to the weakness in Ivins' interpretation: in Mormonism's turbulent

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23 For the way the listing was compiled, see Frank Esshom, Pioneers and Prominent Men of Utah (Salt Lake City: Pioneers Book Publishing, 1913), pp. 1, 11-12.


25 Jenson, pp. 103.
history a crisis, either internal or external, may be found to explain almost any increase in plural marriages.

A more likely explanation for the fluctuations in plural marriages may be found in the ebb and flow of immigrants into Utah. Figure 2 compares the number of new plural marriages in the Manti subsample with the number of foreign immigrants from 1842 to 1890. After 1852 the lines move roughly together, although the number of plural marriages decreases in relationship to the number of immigrants. This is what one would expect given the decreasing percentage of immigrant women in the Manti sample who became plural wives.26 The two lines both rise to peaks in 1862 and 1873 and both decline in 1858 and 1870.27 More significant, however, is the repeated pattern of increases in marriages lagging a year or so behind increases in immigration, just as one would expect if immigration was fueling the pace of new plural marriages. The number of foreign immigrants rises to its highest point in 1855 and 1856, while the number of plural marriages begins a steep ascent in 1856 and peaks in 1857. Similarly, the number of

26See above, pp. 157-162.

27Foreign immigration virtually ceased in 1858 because of the uncertainty about the future of the Utah settlements with the arrival of Johnston's Army. The Utah militia was mobilized to resist efforts of the army to enter the Salt Lake valley before an agreement had been reached, and the Saints abandoned their northern settlements pending a compromise with the army. The best account of the Utah War is Norman F. Furniss, The Mormon Conflict, 1850-1859 (New Haven: Yale University Press, 1960).
immigrants rises in 1868, while the number of marriages peaks a year later. After 1870 the lag time increases slightly. The rise in the number of immigrants in 1878 is followed by a rise in new plural marriages in 1880, while the 1882 peak in immigration is followed by a slight rise in plural marriages in 1883 and 1884.

The line for foreign immigrants is similar to that on a graph prepared by Richard L. Jensen, although he calculated the number of immigrants from different sources. Jensen, "Steam ing Through: Arrangements for Mormon Emigration from Europe, 1869-1887," Journal of Mormon History 9 (1982): 20.
The lines do diverge at various points, however, most notably in 1846, 1852, and 1866. Although peaks in plural marriages occurred in 1846 and 1852 when the number of immigrants decreased, both years followed periods of appreciable in-migration. The immigration figures in the graph represent the number landing in the United States, not the number arriving in Utah, however. In 1852 over four thousand people arrived in Utah as the Saints finally abandoned their settlements along the Missouri River, a considerably larger number than had come from those settlements in previous years.29 Thus a large number of immigrants entered Utah in 1852, even though relatively few of them came from foreign countries. On the other hand, the 1866 peak in immigration coincided with a depression in the number of new plural marriages, although the number of such marriages increased sharply two years later and then peaked in 1869 following another large increase in immigration. The sudden rise in the number of plural marriages in 1846 was an anomaly. Foreign immigration had almost ceased because the Saints were abandoning Nauvoo, but the number of marriages increased because the Saints were also abandoning the temple they built, at least in part, for the performance of such marriages.

The relationship between immigration and plural marriage requires further research, both in refining the number of immigrants who arrived each year and in increasing the number of representative plural wives included in the comparison. It appears, however, that the rate of immigration better explains increases in plural marriages than does reaction to external and internal crises.

The relatively large number of women entering plural marriage in the frontier period, particularly in 1856 and 1857, created a scarcity of marriageable women because no significant imbalance in the sex ratio existed in early Utah. In this situation, men sought wives among increasingly younger women, thus intensifying the decline in women's mean age at marriage caused by conditions on the frontier. Figure 3 shows that the mean marriage age for both monogamous and plural wives declined rapidly at first and bottomed out during the Mormon Reformation period in 1856-57 and its aftermath. For monogamous wives it reached its lowest point of 16.49 years in 1857, while for plural wives the lowest mean age was 16.42 in 1860. From 1860 through 1890 the average age at which monogamous women married rose over one year each decade. Between 1860 and 1870 it soared from 16.59 to 18.68 years, by 1880 it had risen to 19.97, while by 1890 the mean age at marriage was 21.1 years. After 1887 fewer plural marriages were

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Smith and Kunz, p. 469.
FIGURE 3

MEAN AGE OF MARRIAGE FOR UTAHN WOMEN IN MANTI SAMPLE
BY YEAR OF MARRIAGE, 1850-1910,
FIVE-YEAR MOVING AVERAGE

Monogamous wives  Plural wives

Source: Manti Sample and Manti Subsample.

performed--in the Manti subsample only two occurred after
that--and in the following five years the mean age at
marriage rose over one year, from 20.36 in 1887 to 21.43 in
1892.

After 1870, the mean age at marriage for plural wives
was generally lower than for monogamous wives, but the
number of new plural wives becomes too small to show any
overall trends. During the first two decades, however, when
marriage rates were high and a relatively large number of
women were involved in plural marriages, the mean age for
monogamous wives paralleled that for plural wives. That
plural marriage had an impact on marriage age for monogamous
women is shown in Figure 4, which compares the mean marriage age for monogamous wives with the percentage of monogamous marriages among all first marriages. The two lines move together, both dropping rapidly to their lowest point about the time of the Mormon Reformation and then slowly rising until 1890. Both monogamous and plural wives were part of the same marriage market. Because the demand for wives was high, the mean marriage age for all women was suppressed; and it was suppressed to the greatest degree when the greatest percentage of first marriages were plural ones.

FIGURE 4

COMPARISON OF THE PERCENTAGE OF MONOGAMOUS MARRIAGES AMONG ALL FIRST MARRIAGES FOR MANTI WOMEN WITH THE MEAN MARRIAGE AGE FOR MONOGAMOUS WOMEN, 1850-1890, FIVE-YEAR MOVING AVERAGES

<table>
<thead>
<tr>
<th>Year</th>
<th>Mean Marriage Age</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850</td>
<td>16</td>
</tr>
<tr>
<td>1855</td>
<td>17</td>
</tr>
<tr>
<td>1860</td>
<td>18</td>
</tr>
<tr>
<td>1865</td>
<td>19</td>
</tr>
<tr>
<td>1870</td>
<td>20</td>
</tr>
<tr>
<td>1875</td>
<td>21</td>
</tr>
<tr>
<td>1880</td>
<td>22</td>
</tr>
<tr>
<td>1885</td>
<td></td>
</tr>
<tr>
<td>1890</td>
<td></td>
</tr>
</tbody>
</table>

% Monog. Marriages | Mean Marriage Age

Source: Manti Sample and Manti Subsample.
Thus, plural marriage had a significant impact upon the age at marriage for monogamous women, not just for plural wives.

This interpretation differs considerably from that of Bean, Mineau and Anderton. They indicate that the lower age of marriage during initial settlement was stimulated by the greater economic opportunities on the frontier.\textsuperscript{31} The greater economic opportunities on the frontier undoubtedly had some impact of the age at marriage, but how great that impact was is more problematic. In spite of the availability of land, young men were by no means assured of economic prosperity: of the eight men on the 1860 Manti census who had married since the end of 1856, half owned no real estate and three of these also had no personal property.

With hard work, however, most could look forward to acquiring some land. Thomas Boyington's case is illustrative. When he arrived in Utah in 1856 at age twenty-seven, he had few economic assets, and three years later on the 1860 census he was listed as a single laborer with neither real nor personal wealth. In 1865, he married and the 1870 census indicates that by then he had acquired real estate worth $275 and personal wealth worth $200.\textsuperscript{32}

\textsuperscript{31}Fertility Change on the American Frontier, pp. 136, 243-44, 250.

\textsuperscript{32}Lever, pp. 104-105; Thomas Boyington Family Group Sheet, Patron's Section, FHL; Manti, Utah, 1860 Manuscript Census, p. 16; Manti, Utah, 1870 Manuscript Census, p. 39.
The likelihood of acquiring land undoubtedly affected marriage decisions; it is unlikely, however, to have caused the precipitous decline of women's age at first marriage until the Reformation and the rise thereafter.

The impact the Reformation and its aftermath had upon the scarcity of women is illustrated by the 1860 Manti census. Only two women over sixteen years had never been to the marriage altar: they were both eighteen. Slightly more than half of women between ages fourteen and twenty were already married, and 77.3 percent of these young women married as plural wives.

The full impact of the Mormon Reformation upon the marriage market may be glimpsed by comparing the proportion of young women who had been married as well as those who had never married over the four censuses from 1850 to 1880. Table 6 shows that the proportion of married women between fourteen and twenty years old, inclusive, was considerably higher when the 1860 census was taken than for any of the other censuses. Moreover, a significantly greater proportion of these women were plural wives: in 1860 three-quarters of those married under twenty-one had experienced plural marriage, whereas in no other census did the proportion reach as high as one-fifth. Concomitantly, the proportion of those fourteen and over who had never married was considerably smaller in 1860 than for the other years. Although the population of Manti increased two and one-half
TABLE 6

PROPORTION OF YOUNG WOMEN MARRIED, OF YOUNG MARRIED WOMEN AS PLURAL WIVES, AND OF NEVER-MARRIED WOMEN AT EACH CENSUS IN MANTI, 1850-1880

<table>
<thead>
<tr>
<th>Census</th>
<th>Proportion of Women Married Between 14-20</th>
<th>Proportion of Those Married Between 14-20 in Polygamy</th>
<th>Proportion of Women 14 and Over who had Never married</th>
</tr>
</thead>
<tbody>
<tr>
<td>1850</td>
<td>0.264</td>
<td>0.111</td>
<td>0.071</td>
</tr>
<tr>
<td>1860</td>
<td>0.537</td>
<td>0.773</td>
<td>0.021</td>
</tr>
<tr>
<td>1870</td>
<td>0.279</td>
<td>0.167</td>
<td>0.053</td>
</tr>
<tr>
<td>1880</td>
<td>0.138</td>
<td>0.150</td>
<td>0.079</td>
</tr>
</tbody>
</table>

Source: 1850 Manti, Utah, Manuscript Census; 1860 Manti Manuscript Census, 1870 Manti Manuscript Census; 1880 Manti Manuscript Census; Manti Sample.

times from 1851 to 1860, from 363 to 906, the number of never-married women decreased from 26 to 20. In the twenty years after 1860, the population almost doubled, numbering 1748 in 1880, but the number of those never married grew seven times, to 143. The number of plural marriages in Manti during the late 1850s was high. This is true even though the town was not a center of the Reformation movement, nor is it ever singled out as particularly affected by those revivals.33

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33In his recent article on the Reformation, Paul H. Peterson never mentions Manti; Peterson, pp. 59-87.
After the 1850s, the proportion of women entering plural marriage was never so high nor the average age at marriage so low. Nevertheless, the demand for plural wives continued to create a relative scarcity of marriageable women until the 1880s, thus depressing the age at marriage for Utah women below that elsewhere observed in the United States in the mid-nineteenth century. To illustrate the scarcity of marriageable women, Table 7 shows the sex ratio of unmarried men to unmarried women for various age groups over the four censuses taken from 1850 to 1880. The high sex ratio in 1850 was typical in Utah during the initial phases of colonization. Leaders of the church called men with a variety of skills needed for the first stages of pioneering.\textsuperscript{34}

In 1860, however, the sex ratios for the unmarried had increased considerably in every age category except those 40 to 54 and, indeed, except for that age category, were the highest among the four censuses. Moreover, again reflecting the impact of the Reformation upon the Manti marriage market, the sex ratio in those ages when Utahns first married—from 15 to 24—was also significantly higher in 1860. For those ages the sex ratio of those unmarried in 1850 was 161 but jumped to 256 in 1860. It then decreased rapidly to 139 in 1870 and to 108 in 1880—much closer than

### TABLE 7

**SEX RATIO**† OF UNMARRIED MEN TO UNMARRIED WOMEN AT VARIOUS AGES IN THE MANTI CENSUSES, 1850-1880

<table>
<thead>
<tr>
<th>Ages</th>
<th>1850</th>
<th>1860</th>
<th>1870</th>
<th>1880</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-19</td>
<td>133</td>
<td>171</td>
<td>102</td>
<td>81</td>
</tr>
<tr>
<td>20-24</td>
<td>260</td>
<td>2300</td>
<td>311</td>
<td>240</td>
</tr>
<tr>
<td>25-39</td>
<td>**</td>
<td>900</td>
<td>225</td>
<td>243</td>
</tr>
<tr>
<td>40-54</td>
<td>200</td>
<td>17</td>
<td>75</td>
<td>200</td>
</tr>
<tr>
<td>Over 55</td>
<td>50</td>
<td>166</td>
<td>17</td>
<td>41</td>
</tr>
<tr>
<td>Overall Ratio</td>
<td>196</td>
<td>225</td>
<td>111</td>
<td>106</td>
</tr>
</tbody>
</table>

Source: 1850 Manti, Utah, Manuscript Census; 1860 Manti Manuscript Census; 1870 Manti Manuscript Census; 1880 Manti Manuscript Census; Manti Sample.

† Males per 100 females.
**No unmarried women at those ages.

In previous censuses to a balanced sex ratio by the last available manuscript census in the nineteenth century. The low sex ratio for those aged fifteen to nineteen for the 1880 census indicates not only the higher age at which women then married, but also that frequently the young men left the community to find work freighting, mining, or constructing railroads.35

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35 Charles S. Peterson, "Imprint of Agricultural Systems on the Utah Landscape," in The Mormon Role in the Settlement of the West, p. 98; Lever, p. 61.
The scarcity of marriageable women had direct effect on individuals, as illustrated by the plight of Azariah Smith in Manti. After a long illness, he finally recovered his health enough to consider marriage. At age forty-one, he confided to his journal in 1869: "I wish I had a wife and a home of my own." The following spring, he indicated the difficulties he had in finding a wife. "I attended Sun School and metings," he wrote. "I would get me a wife if there was any to be had, but there is a poor chance." The next month brought no better prospects. "I attended S. School and meting, and again in the evening," he wrote on April 3, 1870. "I have looked after the women some, but they are looked after so much that there is a poor chance for me."36 During a trip to Salt Lake City the next year, he met a Danish widow eleven years his senior, and after a short courtship they married. He wrote that: "[W]e enjoy life verry well together, as I love her, and she loves me," but he lamented, "[I]t is somewhat disagreeable to not understand each others language better."37 The scarcity of marriageable women impelled Smith to marry a recent immigrant considerably older than himself whose language he did not understand.

36 Azariah Smith, June 6, 1869; March 6, 1870; April 3, 1870.

37 Ibid., December, 1871.
Not all bachelors found wives. A few, like Ole Petersen, Marcus Troelsen, and Hans Ottosen remained in Manti over twenty years and never married.\textsuperscript{38} Most, however, either married or moved on. Though the question of what happened to the "surplus" men created by plural marriage requires further research, it appears that the proportion of men ever marrying was below that for women. It is also likely that some, like Ira Bemus,\textsuperscript{39} left the Territory for California and that men did so in greater numbers than did women.

For those men who remained, the scarcity of marriageable women is indicated by the relatively large age difference between brides and grooms. In St. George, for example, grooms were typically four years older than their brides, a difference larger than that which obtained in the eastern United States. The difference in age was greater only in the rural West, where in fact a real shortage of women existed.\textsuperscript{40}

If no plural marriages had taken place among Manti residents, there in fact would have been a small surplus of women. Table 8 shows what the sex ratio at various ages would have been for those unmarried if all the plural wives

\textsuperscript{38}Manti Sample.

\textsuperscript{39}Note on Lynness Bemus Family Group Sheet, Patrons Section, FHL.

\textsuperscript{40}Logue, p. 63.
## TABLE 8

**THE SEX RATIO* OF SINGLE MEN AND SINGLE WOMEN PLUS PLURAL WIVES, MANTI, 1860 AND 1880 CENSUSES**

<table>
<thead>
<tr>
<th>Ages</th>
<th>1860 Ratio at Given Ages</th>
<th>1860 Cumulative Ratio</th>
<th>1880 Ratio at Given Ages</th>
<th>1880 Cumulative Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>15-19</td>
<td>137</td>
<td></td>
<td>79</td>
<td></td>
</tr>
<tr>
<td>20-24</td>
<td>110</td>
<td></td>
<td>229</td>
<td></td>
</tr>
<tr>
<td>15-24</td>
<td>125</td>
<td></td>
<td>104</td>
<td></td>
</tr>
<tr>
<td>25-39</td>
<td>53</td>
<td></td>
<td>57</td>
<td></td>
</tr>
<tr>
<td>15-39</td>
<td>107</td>
<td></td>
<td>95</td>
<td></td>
</tr>
<tr>
<td>40-54</td>
<td>10</td>
<td></td>
<td>64</td>
<td></td>
</tr>
<tr>
<td>15-54</td>
<td>95</td>
<td></td>
<td>91</td>
<td></td>
</tr>
<tr>
<td>Over 55</td>
<td>71</td>
<td></td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>Overall</td>
<td></td>
<td>93</td>
<td></td>
<td>78</td>
</tr>
</tbody>
</table>

Source: 1860 Manti, Utah, Manuscript Census; 1880 Manti Manuscript Census; Manti Sample; Manti Subsample.

*Males per 100 females.

--those women who were second or higher-order wives--had been single. In both 1860 and 1880, for those aged 15 to 24, single men would have been more preponderant; and although single men at those ages would have outnumbered women to a greater degree in 1860, it was during that period when women entered plural marriage in larger absolute and relative numbers. At ages over twenty-five, however, the number of women would have exceeded that of men considerably.
in both census years, indicating one reason older immigrant women may have entered plural marriages.

The preponderance of men under age twenty-five and their paucity after it indicates that young women usually married men older than themselves. Had there been no plural marriage, men could have expected easily to find brides as they grew older.

This would have been true, particularly in Manti, because in both censuses among all those over fifteen years, women slightly outnumbered men. As shown in Table 9, women 15 to 24—the years when most married—were more numerous than men the same age in both censuses, although in 1860 men 15 to 19 slightly outnumbered women. Overall, the sex ratios for 1860 and 1880 were 96 and 92 respectively. Again, the women in 1860 would appear to have less demographic reason to enter plural marriage than in 1880, yet the opposite was in fact the case.

Nevertheless, as Azariah Smith's story shows, the marriage market for Manti residents extended far beyond its boundaries. Smith and Kunz have analyzed the Utah census for the nineteenth century and found that women aged 15 to 19 outnumbered men that age in every census from 1850 to 1880. Moreover, in 1860 women 15 to 39 were more numerous

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41 This is similar to St. George, where women in their twenties outnumbered men in 1870, although the ratio evened by 1880. Logue, p. 70.
### TABLE 9
THE SEX RATIO* OF ALL MEN AND WOMEN IN MANTI, 1860 AND 1880

<table>
<thead>
<tr>
<th>Ages</th>
<th>1860</th>
<th>1880</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Ratio at Given Ages</td>
<td>Cumulative Ratio</td>
</tr>
<tr>
<td>15-19</td>
<td>108</td>
<td></td>
</tr>
<tr>
<td>20-24</td>
<td>68</td>
<td>15-24</td>
</tr>
<tr>
<td>25-39</td>
<td>100</td>
<td>15-39</td>
</tr>
<tr>
<td>40-54</td>
<td>83</td>
<td>40-54</td>
</tr>
<tr>
<td>Over 55</td>
<td>150</td>
<td>Over 55</td>
</tr>
<tr>
<td>Overall Ratio</td>
<td>96</td>
<td>Overall Ratio</td>
</tr>
</tbody>
</table>

Source: 1860 Manti, Utah, Manuscript Census; 1880 Manti Manuscript Census.

*Males per 100 females.

than men those ages, suggesting a source for plural wives during that period.42

It is unclear, though, how many non-Mormon men, such as those in the U.S. army, were included in the 1860 census. In any case, Mormon women concerned about their exaltation would choose not only a Mormon husband but also one who

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42Smith and Kunz, p. 469.
would be considered worthy to receive his endowments and be sealed to a wife—or wives. Those not considered worthy could neither receive their endowments nor be sealed for eternity. During the 1850s not every one sealed had previously received his or her endowments, but after that time it appears well established that the ritual of the endowment preceded the sealing ceremony. To be worthy to participate in either, a person had to be a member in good standing in the church. A woman who wanted to be married for eternity had to choose a man who was worthy to be endowed, but as Table 10 shows, in every year sampled, women who received their endowments outnumbered men who did so.

These ratios of "worthy" men to "worthy" women is more important in explaining plural marriage than is the sex ratio in the general population. A woman concerned about her exaltation would want to be sealed to a man for eternity, but throughout the period the Endowment House was in use, fewer men than women were deemed worthy of participating in the sealing ceremony.

Neverthelesss, if the ratio of men to women for the mid-1850s is discounted because so many women who were sealed were not endowed or endowed much later, overall these sex ratio rose slightly between the 1860s and the 1880s. This meant that a woman in the 1880s who wished to be sealed to a husband had a slightly greater chance of finding a "worthy" mate. To the extent this was so, a woman would
<table>
<thead>
<tr>
<th>Period</th>
<th>Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>May 5, 1855 - May 5, 1856</td>
<td>81.6</td>
</tr>
<tr>
<td>August 20, 1859 - August 15, 1860</td>
<td>76.0</td>
</tr>
<tr>
<td>June 7, 1869 - May 30, 1870</td>
<td>73.0</td>
</tr>
<tr>
<td>June 7, 1875 - May 28, 1876</td>
<td>75.6</td>
</tr>
<tr>
<td>June 5, 1879 - June 3, 1880</td>
<td>82.8</td>
</tr>
<tr>
<td>June 1, 1882 - May 31, 1883</td>
<td>80.0</td>
</tr>
</tbody>
</table>

Source: Endowment House Record, FHL.

*Males per 100 females.

have less incentive to enter plural marriage in the later period.

The Mormon marriage market in Utah from its origins to 1890 was significantly influenced by the opportunity for plural marriage. The incidence of marriage for women was almost universal and the marriage age was low, as is typical among polygynous societies. Men also appear to have married earlier in Utah than elsewhere in the United States. Monogamous men in St. George who married before 1880 did so at a mean age of 24.4, while their sons who married between 1861 and 1880 did so at a mean age of 23.4. Men elsewhere

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in the United States married at mean ages ranging from 24.8 to 26.4.\textsuperscript{44} Moreover, because of plural marriage and because women did not significantly outnumber men in Utah during the period, more men than women remained unmarried. In addition, because the presence of plural marriage created a scarcity of women, single women immigrating to Utah found opportunities to marry soon after their arrival.

**Types of Women Who Became Plural Wives.** The success the church had in encouraging marriage, particularly plural marriage, depended to some degree upon such marriages also fulfilling the needs of individual members. Unquestionably, those who entered plural marriage believed that it was mandated by God, but plurality was not practiced by all those who believed in it. Many of those who did enter plural marriage probably had additional motivations, such as status, love, and financial considerations.\textsuperscript{45}

Indeed, economic reasons appear to have been important to many women marrying as plural wives. Almost half (47.1 percent) of plural wives in the Manti subsample entered plural marriage in the difficult years from 1844 to 1859, years which spanned the exodus from Nauvoo and the initial

\textsuperscript{44}Logue, pp. 46, 56.

settlement of a dry land inhabited by sometimes hostile Indians and infested by insects. In 1853, before the Walker War came to an end, the Saints in Manti had to live with reduced provisions because of the "grasshopper war." During the next two summers grasshoppers again returned to devour the crops. In addition, in 1855, the grasshoppers were accompanied by a drought, followed by a severe winter. The next summer crops were again scanty, and the snow was deep during the winter of 1856.46

While the Saints were experiencing these difficulties, the largest number of immigrants who came in a two-year period in the nineteenth century arrived in the mountain valleys.47 The record influx of immigrants into the already strained economy undoubtedly exacerbated the financial problems of the Saints. Not only were there many new immigrants, but many of them were impoverished. Nearly two thousand of those who arrived in 1856 were too poor to buy the wagons and animals to pull them in order to cross the plains. Instead, they pulled handcarts, which contained all their belongings and provisions, from Iowa to Utah.48

46Lever, pp.50-51, 78; Arrington, Great Basin Kingdom, pp. 148-156.

47See Figure 2, p. 165.

In the wake of these agricultural disasters and record immigration, church leaders began the Reformation to renew members' commitment to Mormon religious ideals. In Manti, the Reformation lasted seven months, from October 1856, to April 1857.49

Concomitant with the increase in immigration was a upturn in the number of new plural marriages. During the Reformation, however, the number of new plural marriages increased dramatically over their already high levels. Table 11 provides a comparison of the number of plural marriages during the seven months of the Reformation with seven-month periods which preceded and followed it. As large numbers of immigrants arrived in Utah, the incidence of plural marriage more than doubled, but when the millennialist fervor of the Reformation revivals was superimposed upon record immigration and economic problems, the number of women entering plural marriages almost tripled. Moreover, only half the women entering plural marriage at that time were in economically dis-advantaged categories, whereas overall almost two-thirds of plural wives were.50 The number of plural marriages dropped back to the original level, however, when the revivals ended and the economic situation improved with the abundant harvest during the summer of 1857. Although the numbers are

49Lever, pp. 51, 78; Peterson, pp. 65-77.

50See below, pp. 187-189.
<table>
<thead>
<tr>
<th>Seven-month Period</th>
<th>No. of Plural Marriages</th>
<th>Percent Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>January 1855 - July 1855</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>August 1855 - February 1856</td>
<td>9</td>
<td>+125</td>
</tr>
<tr>
<td>March 1856 - September 1856</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>October 1856 - April 1857</td>
<td>26</td>
<td>+189</td>
</tr>
<tr>
<td>May 1857 - November 1857</td>
<td>4</td>
<td>-85</td>
</tr>
</tbody>
</table>

Source: Manti Subsample.

small and need to be verified by larger samples,\textsuperscript{51} it appears that religious motivations were important for women who become plural wives during the Reformation, but that the number of immigrants and the economic situation were crucial factors in the overall increase in plural marriages.

A comparison of this Mormon marriage pattern during the mid-1850s with that of early modern England during hard economic times is instructive. In England, not only were all marriages monogamous, but also each couple was expected to have sufficient resources to be independent, both

\textsuperscript{51}For evidence that a larger percentage of women throughout Utah did in fact enter plural marriage about this time, see above, pp. 157-162.
economically and residenially, when they married. Thus, plentiful harvests encouraged marriages while hard times prompted their postponement. Because fertility was linked to marriage, the relationship of marriage to the economy helped keep the population in balance with economic resources.52

In Utah, however, the situation was the opposite. During the difficult economic times in the 1850s, church leaders encouraged young women to enter plural marriage, which meant they married older, economically secure men. Young women did not need to postpone their marriages until better times when young men could secure sufficient resources to set up an independent household.53 Nor did social custom prescribe that a polygamous husband had to supply his plural wives independent households. Indeed, the plural wife might already be living in the household as a servant or a dependent before the marriage. Thus, hard economic times did not postpone marriage for women in Utah as it had in early modern England; indeed, it appears to have encouraged them to select economically secure—and hence already married—men. There was, as a consequence, no check upon population growth caused by a decreased number of


53Probably parents then, as some did later, preferred such men as husbands for their daughters. See above, p. 101; also see Embry, p. 49.
marriages. On the contrary, fertility rates in Utah, which were always above national norms, were at their highest in Utah during the 1850s, in spite of the agricultural disasters.

In the pioneer economy of early Utah, widowed, divorced, and fatherless women were at a disadvantage, and this undoubtedly motivated some of them to become plural wives. Such women accounted for the majority of plural marriages in the Manti subsample (Table 12). Not only did they account for a majority of the marriages in each quinquennium, but they also were responsible for almost two-thirds of all the plural marriages.

Those women whose family status is unknown but were thirty years old or over most likely belonged in either category 1, divorced or widowed, or category 2, father dead or not in Utah. They have thus been included with those two categories of economically disadvantaged women. The seven other women whose family status is not known may also belong in those categories. They have not been included in order not to overstate the percentage of plural wives who were largely dependent on their own financial resources before their marriages.

To understand how these economic pressures might have worked, consider the case of Sophia Klauen Petersen. She

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54 Bean, Mineau, and Anderton, *Fertility Change on the American Frontier*, p. 111.
<table>
<thead>
<tr>
<th>Years</th>
<th>1 Divorced or Widowed</th>
<th>2 Father Dead or Not in Utah</th>
<th>3 Unknown, Woman Over 30</th>
<th>4 Both Parents Living</th>
<th>5 Mother Dead, Father Living</th>
<th>6 Unknown, Woman Under 30</th>
<th>Total By Period</th>
<th>Percent Columns 1, 2, 3 By Period</th>
</tr>
</thead>
<tbody>
<tr>
<td>1843-49</td>
<td>12 (40.0)</td>
<td>12 (40.0)</td>
<td>0</td>
<td>5 (16.7)</td>
<td>0</td>
<td>1 (3.3)</td>
<td>30 (100.0)</td>
<td>82.8</td>
</tr>
<tr>
<td>1850-54</td>
<td>11 (36.6)</td>
<td>11 (36.6)</td>
<td>1 (2.8)</td>
<td>13 (36.1)</td>
<td>0</td>
<td>0</td>
<td>36 (100.1)</td>
<td>64.9</td>
</tr>
<tr>
<td>1855-59</td>
<td>20 (27.0)</td>
<td>20 (27.0)</td>
<td>4 (5.4)</td>
<td>23 (31.1)</td>
<td>6 (8.1)</td>
<td>1 (1.4)</td>
<td>74 (100.0)</td>
<td>60.3</td>
</tr>
<tr>
<td>1860-64</td>
<td>12 (35.3)</td>
<td>11 (32.4)</td>
<td>2 (5.9)</td>
<td>9 (26.5)</td>
<td>0</td>
<td>0</td>
<td>34 (100.1)</td>
<td>73.5</td>
</tr>
<tr>
<td>1865-69</td>
<td>13 (30.2)</td>
<td>13 (30.2)</td>
<td>1 (2.3)</td>
<td>13 (30.2)</td>
<td>3 (7.0)</td>
<td>0</td>
<td>43 (99.9)</td>
<td>62.8</td>
</tr>
<tr>
<td>1870-74</td>
<td>9 (36.0)</td>
<td>10 (40.0)</td>
<td>1 (4.0)</td>
<td>5 (20.0)</td>
<td>0</td>
<td>0</td>
<td>25 (100.0)</td>
<td>80.0</td>
</tr>
<tr>
<td>Years</td>
<td>1 Divorced Or Widowed</td>
<td>2 Father Dead or Not in Utah</td>
<td>3 Unknown, Woman Over 30</td>
<td>4 Both Parents Living</td>
<td>5 Mother Dead, Father Living</td>
<td>6 Unknown, Woman Under 30</td>
<td>Total By Period</td>
<td>Percent Columns 1, 2, 3 By period</td>
</tr>
<tr>
<td>-----------</td>
<td>-----------------------</td>
<td>------------------------------</td>
<td>--------------------------</td>
<td>----------------------</td>
<td>-----------------------------</td>
<td>--------------------------</td>
<td>----------------</td>
<td>---------------------------------</td>
</tr>
<tr>
<td>1874-79</td>
<td>6 (31.6)</td>
<td>6 (31.6)</td>
<td>2 (10.5)</td>
<td>5 (26.3)</td>
<td>0</td>
<td>0</td>
<td>19 (100.0)</td>
<td>73.7</td>
</tr>
<tr>
<td>1880-84</td>
<td>1 (5.3)</td>
<td>9 (47.4)</td>
<td>1 (5.3)</td>
<td>7 (36.8)</td>
<td>1 (5.3)</td>
<td>0</td>
<td>19 (100.1)</td>
<td>57.9</td>
</tr>
<tr>
<td>1885-89</td>
<td>3 (33.3)</td>
<td>3 (33.3)</td>
<td>0</td>
<td>2 (22.2)</td>
<td>1 (11.1)</td>
<td>0</td>
<td>9 (99.9)</td>
<td>66.7</td>
</tr>
<tr>
<td>1890-94</td>
<td>0</td>
<td>1 (100.0)</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>1 (100.0)</td>
<td>100.0</td>
</tr>
<tr>
<td>Total</td>
<td>87 (29.3)</td>
<td>96 (32.3)</td>
<td>12 (4.0)</td>
<td>82 (27.6)</td>
<td>11 (3.7)</td>
<td>2</td>
<td>290</td>
<td>65.6</td>
</tr>
</tbody>
</table>

**Source:** Compiled from Manti Subsample (see Appendix I).
emigrated from Denmark at age thirty-one with five children. After she had paid for the family's journey to Utah, she had a balance of only one rigsdaler.\(^55\) She and her children pulled a handcart across the plains in the Willie Company, but the company had left late in the season and were caught by snow in the mountains. Sixty-seven of the 500 in the company died before help arrived. As soon as the Petersen family arrived in Utah, they were asked to go to Manti. There the destitute family moved in with the Smiths, and less than three months later Sophia became the second wife of the man in whose household she was living.\(^56\)

Like Sophia Petersen, Elizabeth Haydock, a fifty-five-year-old widow, could not afford to buy a wagon and the animals to pull it so she traveled to Utah with a handcart company. She was with the ill-fated Martin Handcart company, which left even later in the season than the Willie Company. Of the 576 people in that company, 135 died before rescue teams arrived. Elizabeth and her daughter survived, but Elizabeth lost an eye through exposure to the cold. A year after her arrival she became the third wife of the


\(^{56}\)Azariah Smith, Journal, November 30, 1856, B.Y.U.; Albert Smith Family Group Sheet, Patron's Section, FHL, Arrington, Great Basin Kingdom, p. 158.
bishop of Manti.57 In the same company, Anne Larsen lost her husband and two children before help arrived. She too became the plural wife of a Manti resident a year later. Thirteen years later her daughter married as a plural wife at age nineteen.58

Single women without families also were often destitute after their journey to Utah. Maren Andersen joined the Mormon church against the bitter opposition of her parents. Although a childhood illness had left her with "an impaired left side," she moved from her parents' home, worked as a seamstress for two years, and by frugal living was able to pay for her passage to Utah. At age twenty-nine, she arrived in Utah with no family or acquaintances and little money. The Jens Hansen family in Manti invited her to stay with them "until other arrangements could be made."59 Such arrangements were made about a year later when she became Hansen's second wife.60

It was not uncommon for a single woman to live or work as a servant in a household and then become a plural wife of

57Lever, p. 151; John Lowry, Sr., Family Group Sheet, Patrons Section, FHL; Crossing the Plains Index, FHL; Arrington, Great Basin Kingdom, p. 158.

58Manti South Ward, Membership Records, p. 22, FHL; William Bench, Jr., Family Group Sheet, Patrons Section, FHL.

59"Family History: Taken from a History Written by Joseph Hansen, Price, Utah," typescript, Manti City Library, p. 11.

60Jens Hansen Family Group Sheet, Patrons Section, FHL.
the husband. Emma Batchelor signed a paper saying that she would serve for a year in Brother Kippen's home, "and the implication was that at the end of that time she would become his plural wife." In her case, however, she liked the man and his wife too little to join their family. Instead she became the plural wife of a man to whom she was first attracted at church.  

The types of women who became plural wives as well as their histories suggest that economic considerations, superimposed upon other motivations to enter plural marriage, were indeed a significant factor in many women's decisions to become plural wives.

This is illustrated more clearly in Table 13, which shows that not all women were equally likely to enter a plural marriage. The women included in the table were those whose first marriage was performed in Utah and who spent some of their married lives in Manti. (Women who remarried are discussed in Chapter V.)

Although plural wives accounted for only about one-fifth of those women marrying for the first time in Utah between 1848 and 1887, 41.1 percent of those women whose fathers were dead or not in Utah became plural wives; when first wives are added, 56.9 percent of fatherless women were in plural marriages. Immigrants accounted for 62.7 percent

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Table 13

PERCENTAGE OF FIRST-MARRIED MANTI MONOGAMOUS WIVES, FIRST WIVES, AND PLURAL WIVES WHO CAME FROM VARIOUS FAMILY TYPES, 1848-1887

<table>
<thead>
<tr>
<th>Family Type</th>
<th>Monogamous Wives</th>
<th>First Wives</th>
<th>Plural Wives</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Father dead or Not in Utah</td>
<td>43.1</td>
<td>15.5</td>
<td>41.4</td>
<td>100.0</td>
</tr>
<tr>
<td>Father ever in Plural marriage</td>
<td>77.1</td>
<td>7.2</td>
<td>15.7</td>
<td>100.0</td>
</tr>
<tr>
<td>Monogamous Parents living In Utah</td>
<td>84.9</td>
<td>4.1</td>
<td>11.0</td>
<td>100.0</td>
</tr>
<tr>
<td>Mother dead, Father Monogamous</td>
<td>55.5</td>
<td>5.6</td>
<td>38.9</td>
<td>100.0</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th></th>
<th>Number</th>
<th>Percent</th>
<th>No. Unknown</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>469</td>
<td>70.7</td>
<td>27</td>
</tr>
<tr>
<td></td>
<td>56</td>
<td>8.4</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>139</td>
<td>20.9</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>664</td>
<td>100.0</td>
<td>32</td>
</tr>
</tbody>
</table>

Source: Manti Sample.

Of fatherless women, many of whom had left their families behind in Europe, and of fatherless immigrants 45.0 percent first married as plural wives; 65.3 percent became either first or plural wives.

Although the population of Utah was much smaller in the frontier than in the middle period, women whose fathers were dead or not in Utah were concentrated among those women who first married before 1870. Three-fourths of Utahn women who
were fatherless married in the frontier period. Crossing the plains was more perilous in the early years than it later became, and several fathers died before they could complete the journey. Moreover, women were less likely to immigrate to Utah without fathers after the frontier period: two-thirds of the fatherless women immigrated during the early period. Altogether, 69.5 percent of the fatherless women married in the frontier period. Of these, 43.0 percent became plural wives, while 63.6 percent became either first or plural wives.

For women who were alone or whose families lost the breadwinner along the trail to Utah, entering a plural marriage with an older, established man could provide economic security. Of married women in Manti whose first marriages were as plural wives, 51.8 percent did not have fathers living in Utah at the time of their marriages, suggesting that economic considerations were important for women in the formation of many plural marriages.\(^{62}\)

\(^{62}\)In her study based on records written by polygamous wives, Vicky Burgess-Olson found that 8.3 percent of first wives, 17.9 percent of middle wives and 37.5 percent of last/youngest wives gave economic reasons as their motivation for entering plural marriages. For last/youngest wives it was the single most important reason. For all wives, at 21.1 percent, economic reasons ranked only slightly below dedication to the principle of plural marriage (26.3 percent) and pressure from a third party (22.4 percent). The women included in her study were all literate and disproportionately from the United States, underrepresenting immigrant women. Hence, her findings undoubtedly do not fully measure the importance of economic considerations. "Family Structure," pp. 71-74, 84.
Nevertheless, the majority of fatherless women did marry first as monogamous wives.

Women whose fathers had practiced plural marriage accounted for one-fourth (25.2 percent) of those who first married as plural wives. Such women were accustomed to its practice and were not discouraged from becoming plural wives. Nevertheless, more than three times as many daughters of polygamists became monogamous wives as became either first or plural wives.

Marriageable women whose fathers were monogamous but whose mothers had died were small in number, and the majority became monogamous wives. Nevertheless, a disproportionate number became plural wives. This was particularly the case when the father remarried. The marriage of an older daughter removed her from a household where otherwise she might be in conflict with her stepmother. That was accomplished expeditiously through plural marriage: the demand for plural wives appears to have been greater than the supply, and plural marriages could be arranged and take place without lengthy courtships.

The women least likely to enter plural marriage were


64See above, p. 100.

65Farr, Whiting and Isaacson, p. 120; Logue, pp. 62-62; Embry, pp. 54, 66-71.
those whose parents were monogamous and both were living, although such women still composed 16.6 percent of plural wives. Nevertheless, monogamous parents tended to produce monogamous daughters. Of the 23 exceptions to this in the Manti subsample, 6 were women whose families had experienced the trials of Nauvoo and Winter Quarters, 5 came from families which had immigrated within eighteen months of the marriage, 3 were from families which listed no wealth on the census or tax assessment rolls near the date of the marriage, and one had borne an illegitimate child. Many monogamous families, however, particularly those who immigrated after the 1850s, had no members who ever entered plural marriage.

When the unknown category is eliminated, the index of dissimilarity between monogamous wives and plural wives is .5120. Because 1.0 signifies no overlap at all between the two groups, this indicates considerable dissimilarity, although some overlap remains between the two groups. Both of those unknown among the plural wives, but only one of the monogamous wives, were over thirty years old when they married and probably belong in the "Father dead or not in Utah" category, which, if they were so counted, would slightly increase the dissimilarity.

While the family situations of plural wives were somewhat different from monogamous wives, women who were first wives in plural marriages came from families most like
plural wives. Most women who became first wives had married their husbands before immigrating to Utah; however, fifty-six first wives who resided in Manti did marry in Utah. The index of dissimilarity between these first wives and women whose first marriages were as plural wives is .0483, indicating both groups came from similar family types. Among these first wives, 48.25 percent had fathers who were dead or not in Utah, a percentage only slightly lower than that for plural wives. Those whose fathers were ever polygamists composed 28.6 percent of first wives, while daughters of monogamous parents made up 16.1 percent--within four percentage points of plural wives in each category. Overall, then, plural and first wives who married in Utah came from family situations more similar to each other than to those of monogamous wives.

Thus, neither first nor plural wives were representative of all Mormon brides. Fatherless women were disproportionately involved in polygamous marriages. Moreover, almost 30 percent of plural wives had been previously widowed or divorced. Among marriages other than the first contracted by Manti women, slightly over half were as plural wives.66 Women who were fatherless or had previously been married--women who were, in other words, largely dependent

66See Chapter V. pp. 261-266 below, for a full discussion of remarriage.
upon their own financial resources—composed almost two-thirds of plural wives in the Manti subsample.

It is not surprising that a church which believed marriage was necessary for exaltation but had limited resources found a solution for helping the fatherless and widows by fostering their marriage. Nor is it surprising that little is written to indicate that this was the case. The church's extensive missionary program was often accused of being a recruitment program for plural wives. This was not so: almost as many single men as single women immigrated to Utah.67 Nor did all single converts become plural wives. But it does appear that the church helped poor, immigrant men by providing them jobs on public projects68 and helped single women by providing them opportunities to marry.

One plural wife indicated that this was what she thought the church intended:

Utah in those days was full of girls and women who had come from the European countries and from the Eastern states [as converts]. Brigham Young used to say to the men: "Marry these girls and give

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67 Among British emigrants, 47 percent were male and 47.5 were female; the remainder were infants not listed by sex. Before 1855 male immigrants outnumbered female. Among Scandinavian emigrants, 46.5 percent were male and 53.5 percent female. Single women over 14 made up 15 percent of the emigrants and single men over 14 accounted for 12 percent. Before 1869, 80 to 85 percent of both British and Scandinavian emigrants came in family units. Mulder, pp. 108-109.

68 Arrington, Great Basin Kingdom, pp. 211-213.
them a home and provide for and protect them. Let them be wives and mothers." So all men who could looked upon it as a duty. 69

John Taylor, president of the church, specifically preached that widows should be taken care of through marriage:

if a man has a brother dead who has left a widow, let the woman left in that kind of a position be just as well off as a woman who has a husband. . . . If a woman is left by her husband, let her have somebody to take care of her; if not her husband's brother, then his next of kin. . . . We ought to look after the welfare and interest of all. 70

The brother who married a widow, however, was more often a brother in the gospel rather than a kinsman.

When it was, on the one hand, a religious responsibility to take care of the widows and the fatherless, and when it was, on the other hand, to such women's economic advantage to marry, the high percentage of plural wives belonging to those categories is not surprising. Mormon women undoubtedly believed in the principle of plural marriage, but women who needed economic help disproportionately practiced it.

Types of Men Who Became Polygamists. Although the focus of this study is on women, it is necessary to explore whether men who became polygamists had those attributes which could fulfill the religious and economic needs of those who became plural wives. Indeed, for the most part polygamists were

69Young, pp. 124-125.

70JD 26:72.
wealthier than average men, and those with higher church rank were more likely to have plural wives. Wealthier men could more easily provide for economically disadvantaged women, and those of higher church rank were considered more likely to attain exaltation in the next life and thus provide women with the eternal spouses they needed for their own exaltation.

Church rank and wealth were positively correlated: those at the highest levels of the church hierarchy tended to hold ten times as much wealth as the remainder of Mormons. In her study of men from the 1821-1830 birth cohort residing in Utah in 1851, Linda Mealy found that wealth was more important when the men were seeking their first wives but that church rank was more influential at the time they remarried or entered polygyny. That is, church rank was more important than wealth in a predicting plural marriage. Mealy also found that a man was significantly more likely to remarry or enter plural marriage in the five years subsequent to his increase in church rank than in the five years preceding it. This is not surprising because


many men entered plural marriage after a church official had asked them to do so. Apparently a man's entering plural marriage was not a prerequisite for advancement in church rank but was a responsibility which accompanied the increase in rank, although some never took on the additional responsibility of plural wives.73

Although no members of the church's top leadership resided in Manti in 1860, Manti was in many ways a microcosm of the larger Mormon society. The thirteen men who held or had in the past held the top church leadership positions in Manti and appeared in the 1860 Manti census74--stake presidency, bishopric, high council, and president of the Danish Meeting--had an average of 3.4 wives. In this calculation all the polygamous wives--first and plural wives--the man had married were included, even if by 1860 the wives had died or been divorced. The other twenty-eight men listed on the 1860 census who had entered plural marriage by 1860 had an average of 2.07 wives. Indeed, all of these men with one exception had married only one additional wife. The exception, Hans Jensen who had married


74 Warren Stone Snow was included in this calculation, although he was listed in the Moroni manuscript census. His usual residence was in Manti and he was a leader in the church there.
four wives, soon became a counselor to the bishop in Manti and later became a bishop.

As elsewhere in Utah, church rank and wealth in Manti were related. The mean wealth in 1860 for the church leadership in Manti was $3,291.92, whereas the mean wealth for all married men was $1135.71.\textsuperscript{75} One member of the High Council, a body of twelve men who advised the Stake President, possessed wealth considerably below that for the average married man in Manti.

In addition, wealth and plural marriage were related.\textsuperscript{76} The average wealth for Manti monogamists in 1860 was $719.50, whereas the mean wealth for those who were or had been in plural marriage was $2029.02--nearly three times greater. When the top thirteen church leaders are excluded, the remaining polygamists still had mean wealth of $1442.68, twice as much as the average monogamist. Indeed, 68 percent of polygamists were in the top three deciles of wealth-holders in 1860 Manti.\textsuperscript{77} To be sure, a handful of polygamists possessed wealth far below the average,\textsuperscript{78} and a

\textsuperscript{75}Calculated from the real and personal wealth figures given on the 1860 Manti manuscript census.

\textsuperscript{76}May, "Kanab's Families," p. 179-180.

\textsuperscript{77}Manti Sample (see Appendix I). Calculations of wealth are based on individual figures listed in the 1860 Manti manuscript census.

\textsuperscript{78}Of the polygamists listed on the 1860 Manti census, only one had no property listed. That may have been an omission by the census taker, however, because a biography of Eric Ludvigson indicated that after he arrived in Utah in
few in the top deciles did not enter plural marriage, but overall, the wealthier the man, the more likely he was to be involved in plural marriage.

In spite of these differences in wealthholding, wealth in Manti was more evenly distributed than it was within the United States as a whole, although it was similar to the distribution in the Northern states in 1860. The Gini coefficient for families in Manti was .580 in 1860, when divorced women and boarders over twenty-years-old are counted as families. If family wealth had been equal, the coefficient would have been 0.0, and if one family had had all the wealth, it would have been 1.0. In contrast, for the United States in 1860 the Gini coefficient for free

1854, "he located in Manti and took up ten acres of land," to which he eventually added an additional one hundred acres. Lever, pp. 149-150.

79 This is somewhat higher than the Gini coefficient of .394 derived from a schedule of assets and income for each household head completed by bishops at the end of 1857. Lee Soltow and Dean L. May, "The Distribution of Mormon Wealth and Income in 1857," Explorations in Economic History 16 (April 1879): 155. This coefficient is lower than that for 1860 Manti because income is more evenly distributed than wealth, and the list probably did not include the poorest families. Soltow and May, pp. 154, 158. On the other hand, Kearl, Pope, and Wimmer calculated that the Gini coefficients for all of Utah for 1850 and 1870 were .69 and .74 respectively. J. R. Kearl, Clayne L. Pope, and Larry T. Wimmer, "Household Wealth in a Settlement Economy: Utah, 1850-1870," Journal of Economic History 40 (September 1980): 484-485. Those single and without wealth are, however, not included in their calculations. Moreover, those living outside Salt Lake County had wealth considerably below those who did, which increased inequality overall for Utah. Kearl, Pope, and Wimmer, p. 490. The Gini coefficient for Kanab, Utah, based on wealth assessed for taxes in 1874-75 was .456. May, "Kanab's Families," pp. 179-180.
white males was .832. Wealth in the North was more evenly distributed and, excluding Maryland, ranged from .54 in New Hampshire to .68 in New Jersey. Manti's wealth distribution was similar to Michigan's, whose Gini coefficient was .58 in 1860. Manti's median wealth of $700 was also similar to Michigan's median of $800. Both, however, had lower median wealth than most states. Again, if Maryland is excluded, only Minnesota, with median wealth of $500, was lower than Manti's. Median wealth levels in other Northern states were over $1,000.

Although the median wealth of Manti's polygamists was about the same as that for monogamous families in the Northern states, polygamous families were in general larger. While this meant that polygamous families were poorer per capita than families in the Northern states, it also meant that plural marriage tended to distribute wealth more equally in Manti. When each family's wealth is divided by the number of members in the family and then the population of the town ranked in deciles, the Gini coefficient for Manti dropped from .580 to .460 in 1860.

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82 Both coefficients for Manti are calculated on figures given in the 1860 Manti manuscript census. I assume, however, that the value of real estate given for Daniel Henrie was incorrect. It was listed at $30,000. Because it
The extent of the redistribution of wealth is made clearer by a comparison with Holland, Michigan. Holland was chosen because Michigan's equality of wealth was similar to Manti's, and Holland had a high birth rate, as did Utah.\textsuperscript{83} The Gini coefficient based on family wealth in Holland was .576, when boarders over 21 and sons who held wealth separate from their families are counted as families. When each family's wealth in Holland was divided by the number of members in the family, however, the Gini coefficient dropped to only .541. While the Gini coefficient dropped only 6.0 percent in Holland when wealth was divided by number in the family, it decreased 20.6 percent in Manti.

The significant decrease in the Gini coefficient for Manti indicates that plural marriage fostered the redistribution of wealth. Men have historically held much more wealth than women,\textsuperscript{84} and Manti's polygamists held more wealth than average married men. By contrast, the women who became plural wives were disproportionately from among the economically disadvantaged. Thus, even though the economic resources stayed under control of wealthier men, plural

\textsuperscript{83}Atack and Bateman, pp. 51-52, 67-68.

\textsuperscript{84}Atack and Bateman, p. 94.
marriage helped to give poorer women access to those resources.

Had plural marriage been confined to the church leadership, the degree to which resources were redistributed would have been small. In 1860 Manti, however, 37 of the 129 married men (28.7 percent) had more than one wife living. Four additional men had formerly been polygamists, although their second wives had either died or been divorced by 1860. Moreover, a total of 58 (45.0 percent) of those 129 married men were involved in plural marriage at some time in their lives. With a relatively large minority of the wealthier married men taking additional wives during the frontier period, a considerable redistribution of economic resources could take place.

Although the legal and ecclesiastical systems supporting marriage remained essentially stable in Utah from initial settlement in 1847 to the repressive federal government intervention in 1885, the picture that emerges from this in-depth study of marriage in Manti is considerable change over time, even before the "Raid." Age-specific marriage rates were remarkably high during the first twenty years of settlement but declined in each of the

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85 1860 Manti, Utah, Manuscript Census; Manti Sample (see Appendix I). All the calculations for polygamists and their wealth in 1860 Manti have excluded Soren Hansen. He was in Denmark on a proselyting mission, although his two wives lived in Manti and his wealth is listed as his first wife's.
two following twenty-year periods. During the frontier period immigrant women of marriageable age could expect to marry within about a year after their arrival. Those arriving later could expect to wait increasingly longer periods before marriage. Mean age at marriage reached its lowest point during the revivals of the Reformation and immediately thereafter, when economic conditions, influx of many immigrants, and church leaders combined to promote plural marriages. In spite of similar, though perhaps less insistent, exhortations from church leaders thereafter, the mean age at which women married rose steadily from 1860 until after the turn of the century, showing a short, slight acceleration after 1887, when federal prosecutions effectively curtailed new plural marriages in Manti.

The legal and ecclesiastical systems that the Saints put in place had a continuing impact upon marriage patterns in Utah. These systems provided the framework that made plural marriage possible; the financial needs of economically disadvantaged women made some plural marriages probable. It is equally clear that the legal framework imposed by the federal government also had an impact, although the opposite, upon marriage patterns by eliminating plural marriage. Moreover, because plural marriage influenced the entire marriage market, all single adults, not just those who entered plural marriage, were more or
less affected by the marriage system fostered by the laws and the church.

Even during that time when plural marriage was encouraged by the church, however, marriage patterns altered as society and the economy changed. As fewer women became plural wives, marriage rates declined and mean age at marriage rose. To some extent this reflected changes in the number of women whose fathers were dead or not in Utah. Such women made up almost one-third of those who married as plural wives, but the number of fatherless women decreased after 1870. The hardships that cost lives in Winter Quarters and during the plains crossing became substantially less as Utah became settled and stable. In addition, relatively fewer never-married immigrants travelled to Utah alone after the frontier period. In short, the economic motivations giving impetus to plural marriage declined over time.

Nevertheless, sufficient numbers of women continued to enter plural marriage until the 1880s so that the entire marriage market was affected. The general encouragement of marriage and the high demand for wives held down the mean age at marriage for all women, not simply for plural wives, and assured that a high proportion of women would marry.
CHAPTER FIVE

II LEVITICUS:

Legal and Ecclesiastical Framework for Divorce

On April 19, 1873, the following petition for a divorce was produced in the Sanpete County Probate Court:

Ophir City, East Cannon [sic]
March 7 1873

This is to certify that George C. Johnston and E. M. Johnston this day and date has [sic] dissolved companionship and are both free from each other hereafter.

Signed in the Presence of
J. H. Taylor
Martha A. Taylor
G. C. Johnston
Emily M. Johnston

Emily's brother, Joseph H. Taylor, and his wife Martha were sworn and testified that this document was signed in their presence. They further stated that George and Emily had agreed that Emily would have custody of the two children and would receive real and personal property valued at $243. Thereupon the court granted a divorce to the couple with liberty "to marry with whomsoever they may" and gave custody of the four-year-old daughter and two-year-old son to Emily. Furthermore, it awarded her the property which she and her

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1Sanpete County, Probate Court Record, Book A, April 19, 1873, pp. 65-66, microfilm, FHL.
husband had agreed she would have: a Manti city lot and
house valued at $100, land and water rights at Six Mile
Creek valued at $13, a horse valued at $80, as well as a
stove and household furniture valued at $50.²

Such a divorce--no lawyers, no grounds stated, no
waiting period for the divorce to become final, and evidence
of cooperation to obtain the divorce--was unusual in
nineteenth-century America but not in Utah.³ Most couples,
or at least one party to the divorce, did come to the court,
but otherwise this divorce decree was not an anomaly in
Sanpete County.

But the story does not end here, as accounts of
divorce based solely on court records do. In fact, this
quick divorce did not last. About five weeks after the
divorce, on May 30, 1873, Emily bore a son. Twenty-eight
months later she bore George Johnston another son, and

²Ibid.; Cyrenus Henry Taylor Family Group Sheet,
Patrons' Section, FHL.

³John D. Lawson, Rights, Remedies, and Practice, At
Law, In Equity, and Under the Codes, a Treatise on American
Law in Civil Causes; with a Digest of Illustrative Cases,
Vol. II (San Francisco: Bancroft-Whitney Company, 1889),
§778-§793; James Kent, Commentaries on American Law, 12th
ed., ed. O. W. Holmes, Jr. (Boston: Little Brown, and
Company, 1873), pp. 113-154; Roderick Phillips, Putting
Asunder: A History of Divorce in Western Society
Wright, Marriage and Divorce, pp. 73-206; Howard,
Matrimonial Institutions, Vol. III, pp. 3-160. Deeds of
separation--contracts between husbands and wives stipulating
provisions for their separation from each other--were,
however, upheld in the majority of American cases if their
object was an actual and immediate separation. Lawson, §778.
thereafter the couple had four additional children. A twenty-eight month interval between children was about average for Mormons of Emily's birth cohort; indeed, it is shorter than the thirty-two month interval between her two previous children.\footnote{4} Obviously the separation between the couple had not been long.

No second marriage date for the couple has been found, but this is not unusual for Utah at that period and a remarriage could well have occurred. Nevertheless, it is not entirely clear that a second marriage was necessary. The couple had been married in the Endowment House in Salt Lake City on November 9, 1867, according to the law of the church which sealed them for time and eternity.\footnote{5} Their divorce had been a civil one and did not void the religious marriage covenants they had made; they may well have obtained a church divorce also but it is impossible to check this because records of church divorces are not currently available to scholars.

Both civil courts and the LDS church exercised jurisdiction over divorces until 1899 when Norton v. Tufts declared that ecclesiastical divorces granted by the LDS Church were civilly invalid.\footnote{6} This overlapping

\footnote{4}{George Carlos Johnston Family Group Sheet, Patrons Section, FHL; Logue, pp. 78-79.}

\footnote{5}{Johnston Family Group Sheet, ibid.; IGI, 1984, Utah, p. 8743.}

\footnote{6}{19 Utah Reports 470 (1899).}
jurisdiction for divorce posed few problems until 1887, because before then Mormons not only controlled church divorces but also through their control of the territorial legislature passed the laws which governed civil divorces. Mormon theology holds marriage sacred and has little justification for divorce. Nevertheless, in what is probably the most obvious example of religion accommodating to the reality of family life, Mormons instituted systems of divorce that were simple, nonlegalistic, and participant-run. Although the church had mechanisms to try to solve marital conflicts and to support established family units, it acknowledged that irreconcilable couples were better off apart. Divorced, each could then marry a compatible partner; if the couple merely separated without a right to remarry, they would have been unlikely to have had more children, which was one of the main purposes of marriage according to Mormon doctrine. The primary purpose of Mormon divorce was not to break up families but rather to encourage the remarriage of those who were estranged from their spouses.

While divorce provided an escape from an unhappy marriage for all couples, it was particularly important for those in plural marriage. The stress of living in a plural marriage could be great, particularly for people whose culture and outlook were monogamous. It is problematic whether plural marriage could have been instituted in such a
society without the safety valve of divorce. Divorce from a polygamous husband did not necessarily mean a rejection of plural marriage. Indeed, plural marriage permitted many divorced and widowed women who wished to marry an opportunity to do so, and a number of women were involved in more than one plural marriage.

**Civil Divorce in Utah.** Plural marriage and divorce were connected almost from the beginning. In 1842 a pamphlet called *The Peace Maker* appeared in Nauvoo. It contained a Biblical and social justification for both polygamy and divorce. Although Udney Hay Jacob was listed as the author, Joseph Smith was listed as the printer on the title page. When members of the church reacted unfavorably to the pamphlet, however, Joseph Smith dissociated himself from the printing of it. Nevertheless, some of the pamphlet's ideas surfaced in Utah, although in modified form. Jacob argued that divorce may be permitted only on the grounds of fornication and then defined fornication: "But the alienation of the mind or affections from her husband constitutes fornication in a married woman." According to Jacob, when a wife's feelings were so alienated, her husband

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could write her a bill of divorce "according to the strict letter of the law of God as given by Moses," and she was then free to remarry. "[T]he bill thus registered becomes a matter of record and signifies a freedom from her former husband." This was the type of divorce authorized by the scriptures, he further claimed, and legislative bodies and courts which granted divorces had tyrannically assumed that power.9

Divorce was first instituted through the ecclesiastical courts in Utah, but in 1852 the Utah Territorial legislature passed a law regulating civil divorce.10 While alienation of feeling was frequently cited in divorce petitions, the law did not name that as one of the causes for which a dissolution of marriage would be granted. Indeed, it named some commonly recognized grounds for divorce and added an omnibus clause, which several states, including Connecticut and North Carolina, had done in the second quarter of the nineteenth century.11 The Utah Act in Relation to Bills of Divorce, approved on March 6, 1852, enumerated the grounds for divorce:

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9Ibid., pp. 15, 18, 44.
the Court may decree a divorce from the bonds of
matrimony against the husband; for any of the
following causes to-wit: Impotence of the defendant
at the time of marriage; adultery [sic] committed by
defendant subsequent to marriage; willful desertion
of his wife by the defendant, or absenting himself
without a reasonable cause for more than one year;
habitual drunkenness of defendant subsequent to
marriage; conviction of defendant for felonies
subsequent to marriage; inhuman treatment so as to
endanger the life of the defendant's wife; when it
shall be made to appear to the satisfaction and
conviction of the Court, that the parties cannot
live in peace and union together, and that
their welfare requires a separation.\footnote{12}

Because of the similarity of the language, the omnibus
clause of Utah's 1852 divorce law (the last clause) appears
to have been modeled on Iowa's 1846 statute, which permitted
divorce "when it shall be made fully apparent that the
parties cannot live in peace and happiness together and that
their welfare requires a separation."\footnote{13} Whatever change of
nuance the Utah legislature intended by substituting the
word "union" for "happiness" appears to have escaped
ordinary Mormons. Many divorce petitions appearing in the
Sanpete County Probate Court Record stated that the couple
could not live together in "peace and happiness."\footnote{14} Echoing
The Peace Maker, some petitions declared that "their
feelings are so entirely alienated that they cannot live

\footnote{12}{The Compiled Laws of the Territory of Utah, 1876,
§1151 [emphasis added].}

\footnote{13}{Aaron, pp. 11-12.}

\footnote{14}{Sanpete County Probate Court Record, Book 1, pp. 59,
68; Book A, pp. 12, 13, 20, 22, 25-26, 36, 39, 42, 43, 45,
47, 53-54, 60-61, 63-64, 70, 71, 81, 95, 121, 123, 128, 129,
136, 142, 143, 144, 148, 148, 149, 152, 153, 154, 159, 160.}
together in peace and happiness as husband and wife," or similarly, that the couple had "for sometime been estranged in their feelings and cannot live together in peace and happiness as husband and wife." 15 Alienation of feelings appears to have been inextricably intertwined with, if not the same as, the inability to live in peace and happiness.

While many divorce petitions contained the essence although not always the wording of The Peace Maker, they did not conform to the idea that it was alienation of the wife's feelings alone which was important. Indeed, many were mutual petitions for divorce based on alienation of feeling from each other. A man could also petition for divorce, stating that his feelings were alienated from his wife, and the court still granted the divorce. 16 The section of the law enumerating the grounds for divorce was written in feminine terms, indicating the primacy of women's concerns when the law was framed; but the subsequent section of the law granted men equal privileges in obtaining divorces under the law. 17

To be sure, more women than men filed petitions for divorce. Of those divorces from 1852 to 1884 in Sanpete County that were not by mutual petition and in which the sex

15Ibid., Book B, pp. 136, 143. Also see pp. 123, 148, 152.

16Ibid., Book B, pp. 49, 95, 168.

17The Compiled Laws of the Territory of Utah, 1876, § 1152.
of the plaintiff can be determined, 60 percent (77) were granted at the request of the wife.\textsuperscript{18} This was slightly lower than the 69 percent of divorce decrees granted to wives in Connecticut, Maine, and Massachusetts from 1850 to 1880.\textsuperscript{19} In the United States from 1867 to 1886, 65.8 percent were granted to wives on their petitions for divorce.\textsuperscript{20} The Sanpete County percentage is potentially biased downward, however, because some divorce petitions may have been by mutual consent even though the record did not specifically indicate that was the case, and cases brought by mutual consent listed the husbands' names first. Moreover, the figures for Sanpete County are incomplete because they include only those divorces brought before the civil court, not church divorces. Nevertheless, it appears women in Utah sought dissolution of their marriages more often than did men.

Of the divorces sought between 1852 and 1884, 26 percent (49) were by mutual petitions, which often stated that the peace and happiness of the individuals could best be served by a divorce. While these couples did bring their suits to the civil courts and thus acknowledged those

\textsuperscript{18}Sanpete County Probate Record, Book 1, Book A. A further eleven, or 5.9 percent, of the divorces had too little information recorded to determine whether the husband or the wife filed for divorce.

\textsuperscript{19}Calculated from Table 3 in Schultz, "Divorce Patterns in Nineteenth-Century New England," p. 107.

\textsuperscript{20}Wright, Marriage and Divorce, p. 170.
courts' jurisdiction over divorce, which The Peace Maker did not, their petitions implied that they had written their own divorces and were asking the court to ratify the decision. These were mutual petitions, it should be stressed, by both husband and wife, not the husband's giving his wife a bill of divorce as prescribed by The Peace Maker. The petition quoted at the beginning of this chapter is the most obvious example of this self-divorce with court ratification. Other petitions implied the same, although they used conventional language. Such was the petition of Joseph A. and Annie D. Smith on May 24, 1878, who claimed they "cannot live together in peace and happiness as husband and wife, that they have mutually agreed on terms of separation and alimony." The court granted the divorce and "ratified" their agreement about the division of children and property. 21 Because the Sanpete County Probate Court always granted mutual petitions for divorce for which there is an extant record—in fact, no petition for dissolution of marriage was denied, although it was sometimes delayed—couples could be assured that their agreement to dissolve the marriage would be confirmed by the court. 22 This was

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21 Sanpete County Probate Court Record, Book A, p. 159.

22 This broad application of the law differed considerably from its application in Iowa. There the court, not the couple, decided whether they could live in peace and happiness. For example, the court would grant a divorce if the husband used harsh language to his wife and gave the impression of adulterous intercourse. Joel Prentiss Bishop, Commentaries on the Law of Marriage and Divorce, with the
certainly not the case elsewhere: in the United States as a whole only 67.8 percent of divorce petitions were granted.\textsuperscript{23} In many states a mutual agreement to divorce would have been collusion, which would have barred the divorce.\textsuperscript{24} No-fault divorce was still one hundred years away, and most jurisdictions treated divorce much as it had developed in the Reformation. It was seen as an adversarial process in which one party had to be found guilty of a matrimonial offense: divorce was both a punishment of that offense and a relief for the victim (the innocent spouse).\textsuperscript{25} If a spouse in any way participated in the matrimonial offense--collusion--he or she was no longer the innocent victim and deserving of a divorce.\textsuperscript{26}

In Utah, however, couples were encouraged to reach their own agreements about divorce. In 1869, when the


\textsuperscript{23}Wright, \textit{Marriage and Divorce}, p. 164.

\textsuperscript{24}Glenda Riley, \textit{Divorce} (New York: Oxford University Press, forthcoming); Lawson, §790, §792; Bishop, \textit{Commentaries on Marriage and Divorce}, § 28 - § 32. The Civil Code of the First French Empire also permitted men and women to divorce by mutual consent or unilaterally. Phillips, pp. 266-267, 405-406.

\textsuperscript{25}Phillips, p. 90, 440-461; Lawson, § 792.

Attwood divorce case was called up, the "Parties requested leave of the Court to retire that they might try and effect a compromise." The court granted the request, and the next day the "Plaintiff [the husband] gave notice that a compromise had been agreed upon to the effect that the bonds of matrimony now existing between him and Defendant was to be dissolved, that their only child . . . should remain in charge of its mother until ten years old." After hearing testimony that "the future peace and happiness of the parties demanded a dissolution of the bonds of matrimony," the Court ratified the couple's decision.\(^\text{27}\) Amicable, not adversarial, divorces were encouraged in Utah.

Despite the Utah law's leniency regarding grounds for dissolution of marriage, Mormons do not seem to have abused the law.\(^\text{28}\) Indeed, the church used various means in attempting to solve marital conflicts and reconcile couples. Teachers, who were assigned to visit church members regularly, tried to resolve conflicts, including domestic ones.\(^\text{29}\) Church courts were another mechanism to accomplish this. In 1878, for example, a plural wife filed a case before the Weber High Council, and the stake

\(^{27}\)Sanpete County Court Probate Record, Book A, p. 36.

\(^{28}\)Wright, \textit{Marriage and Divorce}, p. 204.

presidency (three men who presided over an ecclesiastical unit similar to a diocese) met with the husband and wife and effected a reconciliation. The husband later described the agreement:

[My wife] wanted a house built on the farm. I left it to the President and his councillors, and was willing to do what they said about it. They came to the conclusion that I should build her a house of four rooms on the farm, and make her as comfortable as I could. I am willing to carry this out, as well as possible.  

In a similar case, a bishop heard the complaints of a wife in a meeting which she and her husband had jointly requested. The wife preferred various charges against her husband and he refuted the most serious of them. He expressed his willingness "to do what was just and right," and the bishop decided that the husband should turn over the best house of the two for his wife's use, and as soon as possible get the present occupant to move to another place; that he allow her $6 per week and find her in sufficient flour and fuel; that he let her have the sewing machine, cooking stove, and an equal share of the furniture, and that the fruit of the orchard be fairly divided.  

The bishop then appointed a man to see that the "weekly payments be made as far as could be conscientiously done." Despite the efforts, the reconciliation failed, and divorce proceedings began in the probate court six months later.  

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30Ibid., p. 324.

31Wright, Marriage and Divorce, p. 124.

32Ibid., pp. 124-125. For another example, see Jens C. A. Weibye Diary, July 30, 1868, LDS Church Archives.
Although church doctrine and institutions sometimes failed to reconcile a couple, the pressures to stay with a spouse appear to have been strong. It was not only the Johnstons, whose divorce is detailed at the beginning of this chapter, who were reconciled after the probate court dissolved their marriage, but also at least five other couples from Manti. Thus, of the forty-five Manti couples whose divorces appeared in the Probate Court from 1852 to 1887, 13.3 percent of the couples were reconciled after their divorces were granted.

The lenient divorce law was, however, abused by non-Mormon nonresidents. The 1852 law did not require a petitioner for divorce to be a resident of the Territory, if the court was satisfied that the person "wishes to become one."33 By 1875 certain lawyers in Chicago, Cincinnati, and New York discovered how easy it was to secure divorces for their clients in Utah. Three counties obliged by readily granting divorces to plaintiffs who signed printed forms stating: "Plaintiff wishes to become a resident of Utah . . . but is so situated that he can not at present carry his desire in this respect into effect."34 Demand for divorce was so great that the attorneys used printed forms for both petition and decree. The printed decree, which the attorneys filed with the petition, stated that the

33 Compiled Laws of Utah, 1876, §1151.
34 As quoted in Wright, Marriage and Divorce, pp. 204.
"defendant, after having been thus called upon and duly warned to appear and answer said plaintiff's complaint, and appearing and answering not, but making a default therein, the complaint is therefore taken as confessed."\textsuperscript{35} Publication of notice to the defendant was printed in special editions, which never were circulated in the community. When the defendant did not appear, the judge took this as presumptive proof that the plaintiff's allegations were true and granted the divorce.\textsuperscript{36}

Under these circumstances the number of divorces in Utah soared from 1875 until 1878, when a revised law was passed requiring a petitioner be a \textit{bona fide} resident of a Utah county for a year prior to commencing divorce proceedings there.\textsuperscript{37} The average number of divorces per year in Utah from 1870 to 1874 was 109.8, but in 1875 the number reached 295, soared to 709 in 1876, went higher still to 914 in 1877, and dropped to 298 in 1878 as the new divorce law went into effect. From 1879 until 1883 the average number of divorces per year decreased to 137.\textsuperscript{38} Based on the number of Utah divorces in the quinquennia before and after this escalation in nonresident divorces, a maximum of 140 divorces a year from 1875 to 1878 were granted to Utahns.

\textsuperscript{35}Ibid.

\textsuperscript{36}Ibid., pp. 204-205.

\textsuperscript{37}Compiled Laws of Utah, 1888, § 2602.

\textsuperscript{38}Wright, \textit{Marriage and Divorce}, pp. 414-417.
When 140 is subtracted from the number of divorces granted during those years, it appears that a minimum of 40.6 percent of all divorces granted from 1867 to 1886 in Utah were granted to nonresidents.

The divorce bill of 1878, which changed the residency requirements, also eliminated the omnibus clause, substituting for it the following ground for divorce: "cruel treatment of plaintiff by the defendant to the extent of causing great bodily injury or great mental distress to plaintiff." This changed language appeared not to have appreciably changed the grounds for divorce, particularly at first. On August 29, 1878, J. Petersen filed a petition for divorce stating: "affections of plaintiff were alienated from defendant and that her conduct to him had caused him great mental distress, that parties had entered into an agreement in writing as to alimony." The petition was granted, although the grounds for the divorce were strikingly similar to former petitions based on the omnibus clause.

Nevertheless, most plaintiffs specified what caused the "great mental distress." The court accepted slander as grounds for divorce under this clause. One wife was granted a divorce because her husband "had treated her in a cruel

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39 Compiled Laws of Utah, 1888, § 2602.
40 Sanpete County Probate Court Record, Book A., p. 163. See also p. 165 and File #23, Divorce Files, 1869-1887, Basement Archives, Sanpete County Courthouse, Manti, Utah.
and unbecoming manner charging her without cause with improper conduct with various parties, and calling her opprobrious names . . . thereby causing the plaintiff great mental distress."\textsuperscript{41} Similarly, a husband won his suit when he claimed that the "Defendant did call Plaintiff a vile and opprobrious name to wit an adulterer thereby causing him the said plaintiff great mental distress."\textsuperscript{42} Another husband was granted a divorce because his wife "did cause great mental distress to plaintiff by calling him a black devil and other bad names, and by saying that she did not love him and that she never should."\textsuperscript{43}

The court also accepted the claim that the spouse's inappropriate behavior with members of the opposite sex caused great mental distress. One couple was granted a divorce in 1885 on the grounds of great mental distress because the wife "during the absence of plaintiff at his place of business, would entertain at her home, men of an open and notoriously lewd character, and visit house of public resort and amusement with said men."\textsuperscript{44} Another husband was also granted a divorce on a petition stating that his wife "conducted herself in such an indecent and unwifely manner with a certain transient man known by the

\textsuperscript{41}File #9, Divorce Files.
\textsuperscript{42}File #8, Divorce Files.
\textsuperscript{43}File #20, Divorce Files.
\textsuperscript{44}File #24, Divorce Files.
soubriquet of 'Scottie' as to cause the plaintiff great mental distress."\textsuperscript{45} Wives were granted divorces on similar complaints, as was a wife in 1883 who claimed that the "defendant did conduct himself in such an unbecoming manner with one C. . . . N. . . . that it caused plaintiff great mental distress."\textsuperscript{46} In 1879 another woman won her divorce on the grounds of "great mental distress" caused by her husband when he brought a "woman not his wife" to house of plaintiff in October, 1878, and "did lay in same bed with same woman for six or seven nights."\textsuperscript{47} Certainly proving that such conduct caused mental distress was easier than proving adultery, even in this last case.

Those in plural marriage were readily granted divorces on the grounds of great mental distress. This applied not only to women\textsuperscript{48} but also to men. In December, 1885, shortly after U.S. deputy marshals made their first raid on Manti to arrest men for unlawful cohabitation,\textsuperscript{49} polygamist H. J. Christensen filed for divorce from his wife Karn Stina, apparently to avoid the possibility of arrest for polygamy. His petition stated that "Plaintiff cannot live with

\textsuperscript{45}File \#52, Divorce Files.
\textsuperscript{46}File \#16, Divorce Files.
\textsuperscript{47}File \#62, Divorce Files.
\textsuperscript{48}Files \#29 and \#35, Divorce Files.
\textsuperscript{49}U.S. deputy marshals made their first raid on Manti in search of men practicing polygamy on November 29, 1885. Lever, p. 66.
Defendant in peace and happiness and that her conduct to him causes him great mental distress." She stated that this was the case in her written answer to the complaint, which she signed with her mark. She had married her husband, twenty-three years her senior, at age fourteen in 1858 and had borne him fifteen children, all but four of whom died in infancy. She later told her descendants that she had always been somewhat afraid of her husband. Because couples could not mutually petition for divorce after 1878, legal fictions such as in this case provided the same result. The court granted the divorce within less than a month from the time the initial petition was filed.51

This divorce proved more efficacious than Christensen's first, which was declared void because it had been granted by the probate court. Indeed, the legality of divorces granted by the probate courts were a matter of some dispute. In Kenyon v. Kenyon, decided in 1861, the Utah Supreme Court declared that the territorial legislature had the right to grant these courts "exclusive control" over divorces.52 Twelve years later, in Cast v. Cast the court reversed itself and declared that only the district courts

50 File #4, Divorce Files.

51 Ibid.; Herman Julius Christensen Family Group Sheet, Patrons Section; Personal communication from Sydney C. Mickelsen, November 5, 1988. See above, p. 99-100.

52 Utah 431 app., 436 (1861).
had jurisdiction over divorces.\textsuperscript{53} Nevertheless, people continued to petition the probate courts for divorce, and those courts continued to grant them. Moreover, the Poland Act passed by Congress in 1874 seemed to overrule this decision by confirming the probate courts' jurisdiction over divorce.\textsuperscript{54} When the issue came up again in 1881, the Utah Supreme Court reverted to its original position, declaring that the territorial legislature had the power to name the court which would deal with divorce and that the real question decided by \textit{Cast v. Cast} was that district courts had jurisdiction as well as probate courts.\textsuperscript{55} This position was confirmed in \textit{Amy v. Amy}.\textsuperscript{56} This was again reversed by \textit{In Re Herman J. Christiansen}.\textsuperscript{57} Christiansen had been granted a divorce from his first wife, Hannah, in 1854 by the Sanpete Probate Court. When he died in 1897 with an estate worth over $77,000, however, Hannah filed for an allowance from the estate and dower rights, even though she had married a

\textsuperscript{53} Utah 112 (1873).

\textsuperscript{54} \textit{An Act in Relation to Courts and Judicial Officers in the Territory of Utah}, \textit{U.S. Statutes At Large}, 18, sec. 3, 254 (1874).

\textsuperscript{55} \textit{Whitmore v. Hardin}, 3 Utah 121 (1881).

\textsuperscript{56} Utah 279 (1895).

\textsuperscript{57} Utah 412 (1898). Because the family generally used the spelling Christiansen, that spelling of the name is used in the text.
deserter from Johnston's Army about 1859. 58 Chief Justice Charles S. Zane, who had previously enforced the Edmunds Act vigorously, wrote the decision when the case came before the Utah Supreme Court. The decision stated that the Utah Territorial legislature had no power to give jurisdiction of divorce cases to the probate courts and that the United States Congress had no power through the Poland Act of 1874 to validate and confirm decisions previously made by the probate courts. This was especially so in this case, the decision stated, because the record of the divorce did not contain a charge against the wife, nor indicate what the petition contained, nor report the findings of the court, nor indicate that a petition had been filed. 59 The Sanpete files for divorce cases before 1869 had apparently been lost by 1898, 60 and the record contained in the minutes of the court was insufficient. Nevertheless, it is not altogether clear that a complete record would have altered the decision. Zane argued that:

58 In The Matter of the Estate of Herman J. Christensen, Deceased, Hearing, Seventh Judicial District Court, Sanpete County, Utah, typescript, pp. 4-5, File of Estates, Basement Archives, Sanpete County Court House, Manti, Utah; Clark, Others, p. 25.

59 In Re Herman J. Christiansen, 17 Utah 412, 422-432 (1898).

60 No divorce files for divorces before 1869 are currently among the nineteenth century divorce files in the Archives of the Sanpete County Court House. Because the file for this case was not produced for the court in 1898, it would appear that the early divorce files were no longer extant by that date.
It does not appear from the language of the curative provision [the Poland Act] that congress understood that the judgments and decrees referred to were absolutely void. As we have seen, "a judgment pronounced by a tribunal having no authority to determine the matter in issue is necessarily and incurably void."\(^{61}\)

This decision declared finally that the probate courts had no jurisdiction over divorce and that Congress had limited power to validate their proceedings.

Although the decision had little practical effect beyond that case at hand, it was a clear repudiation of early Utah civil divorces, which were nonlegalistic and accessible and which were granted for incompatibility. Elsewhere in the United States, divorce also became more difficult as reaction set in to the divorce reforms of mid-century;\(^{62}\) Utah followed suit as it was forced to tighten its laws in 1878 to prevent their abuse by nonresidents and as its laws were administered by non-Mormon judges.

**Ecclesiastical Divorces.** While civil divorces became more restrictive, the efficacy of ecclesiastical divorces was increasingly questioned. Which divorce cases were tried in each type of court has been somewhat unclear. Richard Aaron stated that the civil courts dissolved first marriages while ecclesiastical courts had jurisdiction over polygamous marriages, a division he conceded was not always

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\(^{61}\) Christiansen at 425.

\(^{62}\) Phillips, pp. 471-472; Blake, 130-150.
maintained. On the other hand, Edwin Firmage and Richard Mangrum affirmed that:

Expediency required that members look to the civil courts and the liberal divorce statutes to legitimize divorces to nonmembers (or to confirm church divorces to avoid subsequent polygamy prosecution), but the church regularly enforced the "exclusive jurisdiction" rule in other domestic cases.

According to Firmage and Mangrum, until 1875 civil courts were used when one spouse was a non-Mormon but after that date were also used to confirm ecclesiastical divorce decisions.

Divorces in Sanpete County indicate a more complex pattern. It appears that from 1852 until 1870 civil marriages were dissolved by probate courts while divorces from temple marriages, or sealings, were handled only in the church courts. No couple who could be identified in the International Genealogical Index as having been sealed was granted a divorce by the Sanpete Probate Court before 1870. The couples involved, however, included Mormons

63 Aaron, pp. 18-19.
64 Firmage and Mangrum, p. 325.
65 Ibid., p. 329.
66 For a description of the International Genealogical Index (IGI), see Appendix I, p. 321-322. Of the ninety couples granted a divorce between August 3, 1852, and December 26, 1870, thirteen could not be identified. For twelve of the couples only a surname was given in the Probate Court Record, and no divorce files are extant. In addition, one Danish couple could not be identified because the names were too common.
whose marriages were performed by Mormon officials but who were not sealed. For example, German Buchanan and Emily Lemaster were married in 1855 by Welcome Chapman, the Stake President of Sanpete, and were divorced in 1857 by the Probate Court. 67

In December 1870, a couple who had been sealed sought and obtained a divorce in the probate court; however, they had had a civil marriage before the sealing ceremony was performed. 68 Subsequently, other couples who had been sealed sought divorces in the civil court, including some first wives of polygamists who had had civil marriages previous to the sealing to their husbands. 69 Then, on July 10, 1875, a plural wife was granted a divorce by the Probate Court. 70 Following this, other polygamists and their plural wives applied for divorces through the civil court. Many of these divorces were probably confirmation of decrees already obtained in ecclesiastical courts, as Firmage and Mangrum have suggested. 71

67 Church of Jesus Christ of Latter-day Saints, Record of Members, Manti Ward, Early to 1877, p. 36, FHL; Sanpete County Probate Court Record, Book A, (May 2, 1857), p. 31.

68 Sanpete County Court Record, Book A, p. 43; IGI, 1984, Utah, p. 1536; Manti, Utah, 1870 Manuscript Census, p. 45.

69 Sanpete County Probate Record, Book A, pp. 55; Jens Frederick Steck Family Group Sheet, Patrons Section, FHL.

70 Sanpete County Probate Court, Book A, p. 104; IGI, 1984, Utah, pp. 9671-9672.

71 Firmage and Mangrum, pp. 325, 329-330.
Before 1870 couples, even monogamous ones, whose marriages had also been sealings applied for divorces through the church. Such was the case for Augusta Taylor and Azariah Smith. Their history illustrates not only the nature of church divorces but also the church's role in their marital affairs prior to the divorce. Smith had been a member of the Mormon Battalion, had stayed in California to work after he was mustered out of the army, and had been at Sutter's Mill when Marshall first discovered gold in 1848. After gathering $500 in gold, he returned to Salt Lake City and married Augusta in 1849. Unfortunately, during his time in the army he received a blow on the head which subsequently caused "fits" that plagued him for the next twenty years.

These seizures apparently were difficult for his wife to deal with. In 1853 she was tried before the High Council for "unchristianlike conduct. And it was brought against her, and proved, being also acknowledged to, that she had, had to do with Harvy Moss not long since in our own house." She was disfellowshipped (a punishment short of excommunication), and the couple was advised not to live together until "Brigham comes to straiten it."72 When Brigham Young arrived two weeks later, he asked Smith if he wished to live with Augusta again. Smith replied that he

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72Azariah Smith, Journal, April 12, 1853, B.Y.U.
did not "as things stood." Brigham Young advised him "to let her be and get me a good wife." 73

Smith did not marry again, and eighteen months later the president of the church returned to Manti. Brigham Young told Smith that "Augusta had done very well, and that it was our privilege to live together again if it was our wish." 74 Apparently an innocent spouse was not allowed to have sexual intercourse with an adulterous spouse until the transgressor had repented and been rebaptized. 75 The reconciliation did not last long, however. Within three months Smith wrote Brigham Young for advice; the reply was "that if we could not live together in peace the quicker we had a separation the better. Also sending a Schedule of a divorce for us to sign." 76 At first Smith's wife was reluctant to sign the divorce papers, but finally on the advice of Welcome Chapman, Stake President in Manti, she did so. 77

73 Ibid., April 29, 1853.
74 Ibid., October 19, 1854.
75 Pirmage and Mangrum, p. 359. At law, cohabitation by a husband or wife with an adulterous spouse, knowing or believing the spouse was guilty of adultery, was conclusive evidence of condonation and barred divorce on those grounds. Lawson, § 789; Bishop, Commentaries on Marriage and Divorce, § 36.
77 Ibid., February 20, 1855.
The divorce they signed was the standard one used in the church, probably as early as 1852 and as late as 1887. As Smith wrote it in his journal, it read:

Know all men by these presents, that we the undersigned Azariah Smith and Camillia A. Smith his wife (before her marriage to him Camillia A. Taylor) do hereby mutually Covenant, Promise and Agree to Dissolve all the relations which hitherto existed between us as Husband and wife, and to keep ourselves seperate and apart from each other from this time forth. In witness Whereof, We have hereunto set our hands at Manti Utah Territory, this 18th day of February A. D. 1855. Signed in the presence of

George Peacock
James Wareham
Azariah Smith
Camillia A. Smith

On the advice of President Chapman, Smith gave his former wife a cow, presumably as a divorce settlement. Being sick so much, he probably had little property to give her. On the 1860 census he listed no real or personal property.

This account reveals several important points about church divorces. First, although the case was not tried before an ecclesiastical court, church leaders were involved at almost every stage, from punishing the wife for her adultery to the reconciliation of the couple, to awarding the alimony. In addition, the president of the church gave the couple permission to divorce each other. Second,

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78Ibid. This is the same statement used by John R. Park and Annie Armitage in 1873. Hilton v. Roylance, 25 Utah 129, 135 (1902). See also Wright, Marriage and Divorce, p. 125; and Firmage and Mangrum, pp. 327-328.

79Azariah Smith, Journal, February 20, 1855.

801860 Manti, Utah, Manuscript Census, p. 18.
although the president of the church permitted the divorce, it was not awarded by the church; it was an agreement between the couple to dissolve their marriage, and the divorce was then recorded by the church.\textsuperscript{81} It was similar to the Mosaic law, which allowed a man to give his wife a writ of divorce,\textsuperscript{82} with the important difference that both husband and wife mutually freed each other. Third, George Peacock, who was the Probate Judge for Sanpete County, signed as a witness but apparently not in his capacity as a judge. No record of this divorce appeared in the Probate Court Record. In the eyes of the church and Mormon society, however, the divorce was binding, and Augusta soon remarried.

Whether this divorce was only for time, or for both time and eternity, is unclear. The church granted both types. A divorce for only this world allowed both man and woman to remarry, but a woman could marry for this world only. A divorce for time and eternity—a cancellation of the sealing—completely freed the couple from each other, and the woman could be sealed to another man for eternity.\textsuperscript{83}

In 1854 the former type cost ten dollars while the latter

\textsuperscript{81}Decrees of divorce were made out in triplicate. The original was kept by the church for record, and the other two copies were given to the man and woman. Wright, Marriage and Divorce, p. 125.

\textsuperscript{82}Deut. 24:1.

\textsuperscript{83}Wright, Marriage and Divorce, p. 124.
cost fifty, a large amount in a time and place where specie was scarce. 84

The grounds on which one could obtain both types of church divorces were the same. A man could obtain a divorce on the grounds of murder, adultery, infanticide, feticide, or "incompatibility of temper rendering it impossible to live together harmoniously." In addition to these causes, a woman could obtain a divorce for the following: "for impotency existing at the time of marriage or contracted subsequent thereto, cruel treatment, refusal or neglect to support her and her children, or repeated injuries of any kind till her love is turned to loathing." 85 These grounds were not appreciably different from those listed in the 1852 civil divorce law. The most notable changes--specifying infanticide and feticide as well as allowing divorce for impotency subsequent to the marriage--indicate the importance Mormons placed on having children within a marriage.

In practice, a woman who insisted on a divorce could obtain one. For example, one bishop, in recommending that the president of the church grant a divorce, wrote: "We consider in our opinion that it would not be wise to compel


85 Wright, Marriage and Divorce, p. 124. See also Firmage and Mangrum, pp. 326-327.
[MH] although her grounds are not just, to continue to be the wife of [CH] inasmuch as she claims that she does not now nor never did have any affections for him."\textsuperscript{86} This was also Brigham Young's position. His clerk stated: "As a rule, the Prest. never refuses to grant a bill on the application of the wife, and NEVER when she INSISTS on it."\textsuperscript{87} Thus, while Brigham Young preached against couples getting divorces, he was fairly liberal in granting permission for women to divorce their husbands.\textsuperscript{88}

Because men were permitted to take other wives, he appeared less willing to grant men divorces. On one occasion when a polygamist applied for a divorce, Young said that a man married a wife for better or worse and had no right to misuse her; he knew of no law to give a man in plural marriage a divorce. Apostle George A. Smith replied: "Pres. Young, it is with you as it was with Moses. There is no law authorizing divorce, but through the hardness of the hearts of the people you are obliged to permit it."\textsuperscript{89} A clearer statement of the church accommodating itself to the realities of family life could hardly be found. The

\textsuperscript{86}1883, Disfellowship Files, Fd. 6, quoted in Firmage and Mangrum, p. 327.

\textsuperscript{87}Embry, Mormon Polygamous Families, p. 178.


\textsuperscript{89}Journal History, December 15, 1858, microfilm, Brigham Young University.
polygamist was granted the divorce. Thus, it appears that men as well as women who insisted on divorces received permission for them.

In his oft-quoted book *Isn't One Wife Enough?*, Kimball Young stated:

> At the outset, however, the whole process of separation, divorce, and possible remarriage was a hit-and-miss affair. ... Moreover, a certain looseness of action with regard to getting married or splitting up reflected the personal freedom of the frontier. If a couple could not make a go of marriage, one or the other might merely pick up and leave. ... There were plenty of instances where couples just separated and did not bother to get either a civil or a church divorce. While the records are often uncertain, the inference may be drawn that there was a general public acceptance of the idea that if a man and woman could not get along, they were free to break up and seek new mates.

His book, however, has neither footnotes nor bibliography. Its lack of documentation makes it difficult to check the evidence on which his judgments are based. It is undoubtedly true that many apostates, no longer believing the church had power to marry them, were not overly concerned about obtaining divorces. Believing Mormons, however, do not appear to have been casual about their marital relationships. On the other hand, the mechanisms used to confirm their separations and divorces were extra-legal—the legal system in Utah did not secure its exclusive

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90 Nicholas Groesbeck Family Group Sheet, Ancestral File, FHL.

91 Young, *Isn't One Wife Enough?*, pp. 227, 452.
authority over divorce until the 1890s. These mechanisms were not necessarily formal ones; thus, their traces are sometimes difficult for scholars to find, but these informal means hardly led to the type of casual relationships which Kimball Young claimed existed.

The "certain looseness" Young mentioned probably referred to the church's recognition of desertion by one spouse as divorce. In other words, the church accepted de facto divorces as valid. Mary Ann West, who had been sealed as a plural wife in Nauvoo, put it succinctly: "William B. Smith divorced himself from me. I considered he did that when he went away East." After Smith had left the church and his wives, the church leaders permitted West to remarry. The grounds appear to have been the "Pauline Privilege": "For the unbelieving husband is sanctified by the wife . . . But if the unbelieving depart, let him depart. A brother or a sister is not under bondage in such cases." Desertion by an unbeliever, seemingly unambiguous grounds for divorce in the Bible, was apparently considered the same as divorce by church leaders. For example, Elizabeth Coolidge's husband, to whom she was sealed in Nauvoo, did not leave Iowa to go West to Utah with Elizabeth and the other Saints. She wrote Brigham Young and he replied:

92 Temple Lot Case, p. 380.

93 1 Corinthians 7:14, 15. For background of the Pauline Privilege, see Phillips, pp. 18, 67, 70.
November 23, 1853

Sister Elisabeth Coolidge,
Your letter of the 16th Inst is before me and I write again that you are at full liberty to marry again as soon as you choose and that you are perfectly free from all marriage obligations or ties to Brother Coolidge.

In marrying again please try to get a saint who will take good care of you.
from your Brother in the Gospel
Signed Brigham Young

The apostasy and desertion by her husband were sufficient grounds, with the church president's approval, for her to remarry without further formalities.

This principle the church also apparently applied to civil marriages. When Ane Larsen arrived with her children in Utah in 1874, she expected her husband to emigrate from Denmark the next year. He did not, and in 1876 she married as a plural wife. Although she lived in Sanpete County, no divorce was recorded in the Sanpete Probate Court for her. While it is difficult to prove that a divorce did not take place, this may also be an example of desertion treated as divorce.

This principle apparently also applied to constructive desertion, in which a spouse made life so miserable for the other that he or she left. This seems to be the case with Mary Ann West before she went to Nauvoo:

94LDS Church, Record of Members, Manti Ward, Early to 1877, p. 38, FHL.

95Ibid.

96Azariah Smith, December 25, 1874, January 6, 1876.
I was married in England to a man by the name of Sheffield, he did not treat me well, and so I left him before I came to America.
I was not divorced from him; never have been divorced from Mr. Sheffield; left him because he drank too much, and did not treat me right.97

His behavior was such that she left him, and the church permitted her to remarry.98

Members of the church treated such de facto divorces as binding as de jure dissolutions. Sometime preceding the Saints' departure from Nauvoo, Charles Jackson left his wife Harriet and returned to Ohio. Deserted by her husband, she became Isaac Morley's plural wife not long before they left for the West. While they were camped in Iowa, however, Jackson returned. Harriet considered her second marriage binding, and Jackson left for Ohio again and soon remarried.99

Firmage and Mangrum claimed that automatic dissolution of marriage was also a result of adultery, the other cause for divorce specifically mentioned in the Bible.100 In one court case, a bishop explained, "According to the laws of God and the Church, she ceased to be his wife as soon as she had committed adultery." Because her husband had had sexual

97Temple Lot Case, p. 380.


99Christensen, pp. 118, 135.

100Firmage and Mangrum, p. 359.
intercourse with her after her transgression and she hence had ceased to be his wife, the husband "also was guilty of the same crime."101 Certainly, the church condemned the innocent spouse for continuing to have sexual intercourse with an adulterous spouse until the transgressor had repented and been forgiven by the church, as the above account of Azariah Smith and his wife indicates. But husbands like Smith also did resume living with their wives when the period of penance was completed.102

Another circumstance which did not require court proceedings was, stated Brigham Young, when "a woman preferred a man higher in authority and he is willing to take her and her husband gives her up. There is no bill of divorce required, in [this] case it is right in the sight of God."103 This happened rarely, however, although it may have done in the case of Zina Diantha Huntington. She married Henry Jacobs in 1841 but was sealed to Joseph Smith soon thereafter. After Joseph Smith was assassinated, Brigham Young claimed her as his wife, saying he was the proxy husband for Joseph Smith. With Jacobs standing as

1011882-83, Disfellowship File, (Fd. 1), quoted in Firmage and Mangrum, p. 359.

102See above, p. 233-234.

103Conference Reports, October 8, 1861 (reported by George D. Watt), quoted in Campbell and Campbell, pp. 19-20. The idea, however, that one righteous husband was better able than another to save a woman in the next life was soundly condemned by Jedediah M. Grant in 1856. JD 4:128.
witness to the ceremony, Young and Zina Huntington were sealed in 1846.\textsuperscript{104}

Some other women who left their husbands and were sealed to church leaders were apparently sealed for eternity only. One such wife was Hannah Tupper. She became the plural wife of Thomas Grover in Nauvoo in 1844 and bore him fifteen children. By 1870 she became dissatisfied and wrote to Daniel H. Wells, who as a member of the First Presidency held a leading position in the church, proposing that Thomas Grover's entire family be sealed to Wells. He advised her to stay with her husband. She, however, left her husband and went to live with her son. With her first marriage in fact at an end, she and Wells were sealed on November 14, 1871.\textsuperscript{105} The sealing was apparently for eternity only: no record currently available to scholars lists the marriage except the records of the Grover family.\textsuperscript{106} Although there is no record of her securing a divorce, the separation from her husband and the church president's permission to be sealed to another man were sufficient and were binding on those involved.

\textsuperscript{104} Brodie, pp. 465-66.

\textsuperscript{105} Campbell and Campbell, p. 19.

\textsuperscript{106} Thomas Grover Family Group Sheets, Patrons Section, FHL. The Thomas Grover-Hannah Tupper family group sheet indicates that she was sealed to Wells after Grover's death. The Campbells' article is the only source for the 1871 sealing that I have found.
Thus, although the church encouraged reconciliation between couples and discouraged divorce, it did permit the dissolution of marriages on a variety of grounds. Until 1870 the church apparently had sole jurisdiction over both monogamous and plural marriages-cum-sealings. Particularly after 1875, however, couples whose marriages were also sealings secured their divorces by obtaining them from both civil and ecclesiastical jurisdictions. The church also recognized de facto divorces created when one spouse deserted the other. Moreover, it apparently considered a former marriage dissolved when a wife, dissatisfied with her former husband, was sealed to a man higher in authority. The church's leniency, however, was not laxness. Any remarriage without a civil divorce or the church's sanction would have been considered adultery, and adultery required a period of repentance and penance before the transgressor could again be admitted to full membership in the church.\footnote{107}{See below, pp. 290-292.}

Church divorces were, however, of doubtful validity in civil courts of law. The church recognized this in the 1870s when it encouraged couples to seek divorces in both jurisdictions. In 1899 the Utah Supreme Court settled the issue in \textit{Norton v. Tufts} by declaring that divorces granted by the church did not dissolve marriages. Even if both parties remarried, a woman could claim dower rights in the first husband's estate if their only divorce was one
recorded by the church. 108 This decision was confirmed by Hilton v. Roylance in 1902, which stated succinctly: "while the church could solemnize a marriage, it had to [sic] no power to dissolve it." 109

**Number of Divorces.** It is unclear how many couples this ruling potentially affected, because an estimate of the number who sought divorces in both jurisdictions cannot be made without full access to the church records. It does appear, however, that the church granted slightly fewer than 1,900 divorces from 1847 to 1886. The Campbells, who did have access to the records in the 1970s, indicated that during his presidency (1847-1877) Brigham Young granted 1,645 divorces. 110 When Carroll Wright, the U.S. Commissioner of Labor, wrote his report on marriage and divorce in the late 1880s, the church reported that from 1877 to 1886 the number of divorces had decreased to 266. 111 Because the two sets of figures overlap by eight months, the total divorces granted would be slightly fewer than the sum of 1,911.

While the population in Utah grew immensely over the period—from 1870 to 1880 alone it grew 65 percent—the

108 19 Utah 470 (1899).
109 25 Utah 129, 159 (1902).
110 Campbell and Campbell, p. 5.
average number of church divorces a year declined considerably. From 1847 to 1866 the average number of divorces granted by the church per year was 57.6, from 1867 to 1876 it declined slightly to 49.3 per year, while from 1877 to 1886 it dipped to 26.6 per year. The number granted in the last decade was 54 percent less than that granted in the first two decades. To some extent the decline represented the shifting of divorces from ecclesiastical to civil courts as the validity of church divorces came into question. Nevertheless, the magnitude of the decline suggests that it was more than the result of such a shift because many couples undoubtedly sought divorces in both jurisdictions after 1875.

From 1867 to 1886 the church granted 759 divorces while the civil courts granted about 2,420 to Utah residents. Using only the civil divorces, Wright found that in 1870 Utah's ratio of one divorce for every 185 married couples was next lowest in the nation. Only Wyoming's ratio, one divorce for every 123 couples, was lower. If the average number of ecclesiastical divorces per year is added, however, Utah had the most divorces per estimated married couples of any state or territory. By

112 Wright, Marriage and Divorce, pp. 125, 416-417. The number of civil divorces has been adjusted downward from the 4,078 Wright lists for the period to eliminate the nonresident divorces. See above, pp. 223-224.

113 Wright, Marriage and Divorce, p. 148.
1880 Utah's ratio had risen to one divorce for every 219 married couples, and nine states or territories had ratios lower than Utah's. With the addition of half the average number of ecclesiastical divorces—assuming that by 1880 half would have sought divorces in both jurisdictions—seven states and territories still had higher ratios than did Utah. Nevertheless, Utah had more than twice as many divorces per estimated married couples as the national average.114

All these calculations assume, however, that Utah had the same number of married couples relative to its population as other states.115 Given the presence of polygamy, the high proportion of women marrying, and low age at marriage, Wright's estimates of the number of married couples in Utah are probably low. If Utah had more married couples than Wright estimated, there would have been fewer divorces in relation to number of couples than his figures indicated. Still, it appears that Mormons valued happy marriages over stable ones and granted divorces accordingly.

There is considerable difficulty in obtaining a measure of divorce in Utah that is comparable to measures elsewhere, even if the total number of divorces was known. Wright eschewed comparing number of divorces to the general

114Ibid.
115Ibid., p. 147.
population, though this is a common method. It takes into account neither the age structure of the population nor the proportion married. If questions of comparability for Utah arise from ratios of divorces to estimated married couples, comparability of figures based on ratios of divorces to the general population is even more questionable. Nevertheless, such figures support other conclusions about divorce in Utah. Based on Wright, Geraldine Mineau calculated the number of divorces in Utah per 100,000 population and compared them to similar figures for the United States. She concluded: "For 1870 and 1880 the Utah rate was two to three times higher than the U.S. rate; by 1890 and 1900 the difference had greatly decreased." Nevertheless, her figures indicate the divorce rate in Utah remained higher than that of the United States at the turn of the century. These figures, however, do not include church divorces.

Given the problems with the various measures of divorce rates, Phillip Kunz calculated the percentage of Mormon divorces for the number of known marriages. Using family group sheets for those who were married some time between 1844 to 1890, he found that 9 percent of polygamists were

116 Ibid., p. 149.

divorced, while only 3 percent of their wives were. This was still considerably higher than the 0.9 percent of monogamists in Utah during the same period whose family group sheets indicated that a divorce had taken place. He conceded, however, that the relatives who submitted the family group sheets might not be aware of or list all divorces.\footnote{Kunz, "One Wife or Several?" pp. 68-69.}

The current study indicated that this was in fact the case. Indeed, those divorced were less likely to have family group sheets. The section on the sheets listing other spouses sometimes indicates that a divorce had occurred; nevertheless, this section is not vital to the central purpose of the family group sheets--to assure that the family is sealed--and hence has a relatively higher incidence of omissions and errors than other parts of these sheets.

This investigation revealed a considerably higher incidence of divorce than did Kunz's. Because of the different types of divorces and the unavailability of church records, the following guidelines were used for determining whether those in the Manti subsample had experienced a divorce. All divorces found in court records and those listed on family group sheets were counted. In addition, it was assumed that a couple had divorced if the records showed a subsequent marriage for the wife during the lifetime of
her former husband. Also counted as divorced was one woman about whom a letter said she was leaving her husband and who was not listed with that husband or in his community on subsequent consuses.\textsuperscript{119} On the other hand, women merely separated from their husbands were not considered as divorced.

Excluding "eternity only" and nominal plural marriages, there were 82 divorces among the 465 plural marriages in the Manti plural marriage subsample. That is, 17.6 percent of these plural marriages ended in divorce. The percentage remains about the same when individual women rather than numbers of marriages are the basis for calculation: 76 out of the 425 women were involved in a divorce, or 17.9 percent.\textsuperscript{120}

But when a distinction is made between the first and subsequent wives in a plural marriage, these divorces were not distributed equally. Thirteen, or 15.8 percent, of the total divorces were obtained by women who were the first wives in a plural marriage: in all, 7.9 percent of the 164 first wives were granted a divorce. Yet these percentages are considerably smaller than those for plural wives. Not


\textsuperscript{120}For ten of the 425 women I found too little information to know whether they had been divorced. Several probably had, either formally or informally. They have not been counted in the numerator but have been in the denominator, so the percentages given may be slightly low.
only did plural wives obtain 84.1 percent of the total number of divorces, but also 23.2 percent of plural wives experienced divorce. Among men, the percentage is higher still. Of the 152\textsuperscript{121} polygamous men in the Manti subsample, 34.9 percent were involved in one or more divorces.

These figures suggest the difficulties presented by plural marriage and indicate the relative ease in obtaining divorces. Although Brigham Young did not endorse divorce, he clearly believed that dissolving a marriage was preferable to the couple living together and begetting children when, in the parlance of the day, their feelings were so alienated that they could not live together in peace and happiness.

Still, this ground was not the only reason for approving divorces; at least 17 of the divorces (20.7 percent) can be attributed to apostasy and the results of the "Raid" and the Manifesto. Seven of the divorces were caused directly or indirectly by the husband's apostasy from the church. Because Mormons considered being sealed for eternity to a worthy spouse essential for exaltation in the next world, church leaders encouraged women sealed to a man who left the church to obtain divorces.\textsuperscript{122} In these cases, divorce was not the lesser of two evils: it was a positive

\textsuperscript{121}Four polygamists were excluded from this calculation because their second marriages were nominal or eternity only.

\textsuperscript{122}\textit{JD} 24:171; Annie Eliza Berry, Reminiscences, p. 8.
good. Among the wives of the four Manti men who apostatized or were excommunicated, six divorced their husbands, one separated from her spouse, and three apostatized themselves.¹²³ For example, when Andrew Nelson became a Presbyterian, his first wife divorced him while his two remaining plural wives also joined the Presbyterian Church. He continued to live with the younger of these wives, who were sisters. He deeded property to the older sister and apparently no longer lived with her, although she reported in the 1900 census that she was married and had been so for forty-one years.¹²⁴

Church leaders also recommended divorce for actions other than apostasy. When one man killed his adulterous first wife's lover, church authorities recommended that his plural wife dissolve her marriage to him, which she did.¹²⁵ That women dissolved their marriages because of their concern for their eternal welfare is illustrated by Lucinda Dalton. Because sealings are for eternity, not merely for this life, she became concerned about her husband's

¹²³The other wife who divorced her polygamous husband for apostasy did so when he left Utah. She then became the plural wife of the bishop of Manti.

¹²⁴File # 35, Divorce Files; Lever, p. 163; Manti, Utah, 1900 Manuscript Census, p. A144. Separations even though permanent, like the one of Andrew and Camilla Nelson, are not considered divorces in this study.

¹²⁵Note on Titus Billings Family Group Sheet, Patrons Section, FHL. This incident is discussed further in on pp. 287-288.
worthiness after his death. She wrote to her stake president for advice:

now the brethren say he was unworthy, (though I know not who appointed them to judge him,) they urge that I stand in a very insecure position, and that for my children's sake, as well as my own, I ought to marry again. . . . Here is the thought that appalls me. My feelings as a mother are far keener and deeper than my feelings as a wife. I am the mother of six children; four still living, and two gone before; and I would not forfeit my claim to them as their mother, for the sake of the best man in God's kingdom.126

She then wrote about her deceased husband to John Taylor, the president of the church, who replied: "From all that I can learn concerning his life, in addition to what you yourself have written to me, I consider your future unsafe in his hands." He assured her that if she wished to have her sealing to her deceased husband cancelled, he would grant it.127 Concerned for her own and her children's eternal salvation, she made the request within a month after receiving this letter.128

Although almost 10 percent (eight cases) of the divorces may be attributed to either the "Raid" or the Manifesto, most polygamists continued either to live with


128Ibid., p. 163.
their wives or to live separately from them while giving them some economic support. A few, however, like Christian Madsen, avoided prison on the charges of unlawful cohabitation and adultery by pleading guilty and promising to obey the law in the future. Upon receiving his promise on October 29, 1888, the court suspended Madsen's sentence "during good behavior."129 Madsen took the promise seriously, and within a month the same court granted him and his first wife, who was childless, a divorce. Three days later in a civil ceremony he married his plural wife, by whom he had had several children.130

Another man served two and a half months in prison for unlawful cohabitation, but later, after the Manifesto made church and social support for plural marriage uncertain, his first wife divorced him. On October 27, 1896, Mary Jolly filed for divorce in the Utah Seventh District Court, accusing her husband of adultery with Cena Lauritzen, who was in fact his plural wife. Although the plural marriage had been solemnized in 1882, Mary's petition accused her husband of committing adultery with Cena Lauritzen "on or about the 11th day of March 1896" and that each action of adultery was committed without her consent. The court

129Utah, First District Court, Minutes, Book 4, (October 29, 1888), p. 6, FHL.

130Ibid., (November 23, 1888), p. 48; Sanpete County Marriage Record, November 26, 1888, FHL; Manti, Utah, 1880 Manuscript Census, pp. 408C-408D.
granted her petition, even though it is likely the judge knew the actual circumstances.131 Although the real reasons for the divorce were hidden under this subterfuge, her bringing the suit based on his "adultery" after their having lived in plural marriage for fifteen years suggests the ambivalence towards plural marriage in Mormon society after the Manifesto.

During the early years when plural marriage was first openly practiced, the stresses and strains of the exodus from Nauvoo and the journey to Utah also disrupted nuptial unions. While this was true for monogamous as well as polygamous families, the newly formed plural unions were particularly subject to disruption. Benjamin F. Johnson, for example, had married Flora Gleason in Nauvoo, but by the time they reached Utah she wanted to be released because he had been away during the entire winter when their child was born. She later married Abraham Washburn, the man who had helped her across the plains.132

Some other Nauvoo plural marriages did not last even that long. Fanny Myrick, plural wife of Levi W. Hancock,

131 Evans, p. 124; Sanpete County, Seventh District Court, Judgment Record, p. 48 (October 27, 1896); Joseph L. Jolly Family Group Sheets, Patrons Section, FHL.

stayed behind when he went west with the Saints. She moved to St. Louis, there married Danish convert Paul Kofford, and eventually moved to Sanpete County. Thomas Woolsey's plural wife Elizabeth Ann Holdaway also left him soon after the Saints migrated from Nauvoo; she too remarried and accompanied her second husband to Utah but soon moved on to California. Because his family was so large and the administrative burdens he carried so great, Brigham Young also faced disruption in his family. His plural wife Mary Ann Clark Powers, still in Iowa in 1851, wrote him in Utah asking to be released from him because of the "bitter cup" she had drunk during her stay at Winter Quarters. In spite of the difficulties faced during the exodus from Nauvoo and the trek West, the percentage of marriages in the Manti subsample ending in divorce during the 1840s was not much greater (24.1 percent, N = 7 of 29) than the overall percentage of plural wives who were granted divorces (23.2 percent).

133Record of Marriages in Sanpete, LDS Church, Records of Members, Manti Ward, [1849]-1877, July 5, 1854, microfilm of original, p. 45, FHL; Paul Ernest Kofford Family Group Sheet, Patrons Section, FHL. The Record of Marriages also contains a copy of the bill of divorce which Levi Hancock wrote for Fanny Myrick.

134Thomas Woolsey Family Group Sheet, Patrons Section, FHL; Henry Godfutz Rabel Family Group Sheet, Archives Section, FHL; Utah 1850 Census, Utah County, p. 134.

135Jesse, p. 499.
Indeed, a plural wife married during the spiritual and emotional excitement of the Mormon Reformation was more likely to be given permission for a divorce. Of the 26 women who became plural wives during 1856 and 1857 when pressure to contract plural marriages was extremely intense, 10 (38.5 percent) were later divorced. This does not include one woman divorced during the Raid. Although the actual divorce dates are uncertain, it appears that 7 of the 10 plural wives who divorced their husbands did so within five years. The relatively high percentage of Reformation marriages ending in divorce may be attributed not only to the millennialist fervor of the times, but also to the youthfulness of the plural wives. Seven of the ten divorced plural wives (70 percent) were seventeen years old or younger at the time of marriage, while of all plural wives married during that seven-month period, only 46.2 percent were that young.

Not surprisingly, those married at a young age were in general more likely to seek divorces. Fifty of the 261 plural wives in the Manti subsample were seventeen years old or younger when they married. Of these, 23 were granted divorces, though five of these are attributable to apostasy or the "Raid." Even after subtracting those five, 36 percent of marriages involving these young women ended in divorce compared to 23 percent of all plural marriages in the Manti subsample.
After subtracting divorces attributable to apostasy, to the "Raid" and Manifesto, and to the youthfulness of some plural wives, about half of the divorces remain unaccounted for. After studying the records of the St. George Stake, Nels Anderson stated that "the records of the High Council reveal no cases of women wanting to shake off the responsibilities of polygamy because of hardship."\(^{136}\) But when the average household head in Utah was much poorer than the average American head of household, owning less than half as much in the earlier years,\(^ {137}\) it would not be surprising if economic problems were a significant factor in many divorces.

Though further research needs to be done on the impact of economic factors on divorce, Katherine Winget's account is illustrative. Her husband died in 1854, leaving her a widow at age thirty-four with six children under twelve years old. A seventh child was born posthumously. Two years after her husband's death, she married Nathan Stewart as his plural wife. She married him, she later wrote, because "I realized the need of a helpmate, and I thought he would be a father to my children." The marriage did not fulfill her expectations: "[A]s he could not assist me much in a financial way, and we did not agree as well as we

\(^{136}\)Anderson, Desert Saints, pp. 408-409.

ought, I thought it best that we should not live together."¹³⁸ His inability to help out financially is understandable: on the 1860 census he listed no real wealth and only $500 in personal wealth.¹³⁹ The "alienation of feelings," overloaded with financial problems, was opposite from a union of "peace and happiness." While there was apparently no divorce in this case, there was a breakdown of the marriage. How many more breakdowns without divorces took place is difficult to assess.

Some wives did reject the idea of plural marriage after they had entered it, but there were other and varied reasons for leaving it. Although church doctrine in general discouraged divorces, church practice permitted them. No ecclesiastical or social sanctions appear to have followed in the wake of a divorce, except where it was the result of a sexual transgression. Indeed, women who were divorced were often sealed within two or three years to another man.¹⁴⁰


¹⁴⁰Anderton and Emigh, in their article studying Mormon polygamous fertility, wrote: "Families in which a divorce occurred were also excluded, since divorce was relatively rare in these communities and these women were likely to exhibit idiosyncratic behavior." (Anderton and Emigh, "Polygynous Fertility," p. 842, Ftn. 8.) Neither assertion
Remarriage. A divorce from a plural marriage did not necessarily signify rejection of that type of marriage. In fact, of the 76 women in the subsample who experienced a divorce, 38.2 percent (29 women) again shared a husband in a plural marriage at some point in their lives. An additional four women were sealed for "eternity only" following a divorce, and with them the total who were again polygamous wives rises to 43.4 percent. About one quarter of the twenty-nine women did in fact marry monogamously after their divorces, but these seven women later permitted their husbands to take another wife.\textsuperscript{141}

Because some widows also remarried a second time into plural marriage, of the 425 wives in the Manti subsample, 34 were involved in two plural marriages and three married thrice as plural wives. That is, 8.7 percent of polygamous wives in the Manti subsample experienced two or more plural marriages, not counting the four who were sealed for eternity only after their divorces from their first husbands.

The number of second plural marriages is not surprising, because slightly more than half the women who remarried before 1888, whether because they had been widowed or divorced, experienced a plural marriage, as Table 14 is supported by this study of divorces.

\textsuperscript{141}See Table 14, p. 263.
TABLE 14

TYPES OF REMARRIAGES FOR WOMEN IN THE MANTI SAMPLE, 1846-1888, EXPRESSED AS PERCENT OF ALL REMARRIAGES

<table>
<thead>
<tr>
<th>Type of Previous Marriage</th>
<th>Percent of Each Type of Remarriage (# o' marriages in parentheses)</th>
<th>Monogamous</th>
<th>First wife</th>
<th>Plural</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>17.2</td>
<td>4</td>
<td>32.2</td>
<td>51.4</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(30)</td>
<td>(7)</td>
<td>(56)</td>
<td>(93)</td>
</tr>
<tr>
<td>Plural</td>
<td></td>
<td>20.7</td>
<td>4</td>
<td>21.8</td>
<td>46.5</td>
</tr>
<tr>
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<td>(66)</td>
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Source: Manti Sample (see Appendix I).

indicates. In this table, the remarriages of women widowed or divorced outside Utah were counted if the remarriage took place in the Territory. Because some women remarried more than once, the table includes 174 remarriages for 156 women.

Most young widowed and divorced women did remarry. During the first forty years of settlement, only 35 of the 206 widowed or divorced women forty-five years or younger in the Manti sample have no record of remarriage, although the actual number may be less because the marital histories of the majority of these 35 may not be complete. In the frontier period, only nine women under age forty-five did
not remarry. Older women tended to remarry less frequently. Forty percent of the 35 women who did not remarry were forty to forty-five years old. But most women of child-bearing age who had been widowed or divorced did remarry.

Table 14 shows that while slightly more than half of the previous marriages had been monogamous, just over half of the remarriages were polygamous. Of former polygamous wives, however, 53 percent remarried monogamously. Many of these were younger plural wives who had divorced their polygamous husbands. Two of these women married into monogamy, found their marriages unsatisfactory, and married again as plural wives. Conversely, another woman found a satisfactory marriage in monogamy only after one monogamous and two polygamous marriages had ended in divorce. On the other hand, almost as many former polygamous wives remarried into plurality as those who did not, and over their lifetimes a majority of polygamous wives who remarried experienced another plural marriage.

Moreover, 60 percent (56 of 93) of those whose first marriages had been monogamous remarried as plural wives. A number of these were widows who immigrated to Utah. They also included women entering proxy marriages. Such marriages were not only to provide their deceased husbands with additional children in the eternities, but they also could supply a woman's economic needs in this world. Plural
marriage also offered a woman whose husband had apostatized an eternal mate and a present breadwinner.

Life was difficult particularly in the early years in Utah, and women who found themselves alone, like Katherine Winget, sought helpmates. Another widow, Ellen Fowler, entered plural marriage after she and her children suffered the want that often accompanied widowhood.¹⁴² Her daughter later wrote: "After Father's death Mother had to work very hard at sewing, gleaning wheat and teaching school three months of the school year. Still we suffered for want of food and with the cold."¹⁴³ Under such circumstances, it is not surprising that widows hoped that becoming a plural wife would improve their lot. While the church could provide some help, it was often ad hoc, and the level of poverty among its members meant that the church's meager resources were often insufficient.¹⁴⁴ Plural marriage offered a more permanent solution, if the man were wealthy enough to provide for a second family.

While plural marriages might solve widows' economic difficulties, they also were a means by which the church

¹⁴² William Bench Family Group Sheet, Patrons Section, FHL.


¹⁴⁴ For the experiences of widows in nineteenth-century Utah, see Maureen Ursenbach Beecher, Carol Cornwall Madsen, and Lavina Fielding Anderson, "Widowhood among the Mormons: The Personal Accounts," in On Their Own, pp. 117-139.
could see that the widows and fatherless were cared for. Moreover, plural marriage, by providing more opportunities for remarriage than would have otherwise existed, made it possible for young widows to continue to bear children. While widows over forty rarely married, those under forty usually did, especially before 1880.145

The same could be said of women who were divorced. As early as the seventeenth and eighteenth centuries, thinkers and politicians recognized the link between divorce and the population.146 Separation of an estranged couple meant years of barrenness. This certainly would have been true of those women whose husbands stayed behind when they immigrated to Utah and of those women whose husbands deserted them and the church. The lenient divorce laws and plural marriage practiced in Utah provided an escape for such women from their fruitless marriages and permitted them to form new unions. The number of women whose second marriages were polygamous testifies to the utility of this type of marriage, which allowed women to remarry who would undoubtedly have otherwise remained single.

Although Mormons preached against divorce, nevertheless, permitting divorces for the unhappily married and the deserted naturally followed from the nineteenth-


century Mormon view of marriage. Although sealings for the dead were introduced as early as Nauvoo, the idea prevailed in the nineteenth century that in order to be saved one had to be sealed in this life to a person worthy of exaltation in the next. For persons married to non-Mormons, apostates, or those whose worthiness was questionable, divorce was necessary for them to avail themselves of exaltation. Moreover, Mormons preached that couples should not have children when their feelings were alienated, but one of the main purposes of marriage was having children. Happy marriages wherein both husband and wife were righteous members of the church were deemed more important than the sanctity or stability of marriages.

In this context, divorce was available, not to create single persons, but to free Mormons so that they could find more suitable mates. For women, a least part of the supply of suitable mates was provided through plural marriage. Divorce and plural marriage were thus two sides of the same doctrine of eternal marriage.

Just as the permissiveness of the law in Utah encouraged marriage, so also did lenient divorce laws encourage remarriage. But while the Saints could formulate their own doctrine, they could not always control their own laws. As Congress legislated against plural marriage and the courts punished for it, the importance of divorce within the Mormon marriage system declined. Divorce, unlike plural
marriage, did not die, but it succumbed to the conservative reaction that swept the country at the turn of the century. Lenient divorce, like plural marriage, gave way both legally and doctrinally to the support of stable, monogamous family units.
CHAPTER SIX
CHRONICLES:
The Mormon Marriage System and Its Demise

The rules governing Mormon marriage and divorce were nonlegalistic and untraditional—so much so that the federal government spent enormous sums to enforce its anti-polygamy legislation, imprisoned nine hundred forty polygamists, disincorporated the Mormon church, and seized over one million dollars of church property.¹ Unconventional though the system was in Western society, the rules seem to have been fairly well in place by the time the Mormons reached Utah in 1847. Through plural marriage, the church could fulfill its responsibility to the widows, the divorced, and the fatherless, as well as more equitably distribute wealth.

But LDS leaders' injunctions to enter plural marriage were only one of the influences that affected ordinary Mormons' decisions about marriage in the nineteenth century. Individual decisions about marriage were also affected by economic circumstances as well as concern for status, by views about what constitutes marital bliss as well as belief in plural marriage.² All these factors interacted to

¹Evans, p. 31; Arrington, Great Basin Kingdom, p. 371.

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change marriage patterns even before the system itself was forced to change at the end of the century.

That it was a system, that it had rules which governed marriage and divorce, needs to be defended in depth because of the historiography of plural marriage. In his study of the origins of Shaker celibacy, Oneida complex marriage, and Mormon polygamy, Lawrence Foster argued that each community experienced a "liminal" period when neither the old nor the new standards are in effect."³ In this liminal period, he stated, the leaders of millennial movements:

must begin to create a new way of life and status relationships at the very same time that they are trying to initiate individuals into those not yet established roles. In short, the desired end point is often unclear, or else is still in the process of being created. Thus, such movements typically go through great confusion and a more severe process of breaking down the old order as they seek to find and develop a new way of life.⁴

In the context of his argument, the "great confusion" and "severe process of breaking down the old order" also referred to the changes individual members of the millennial movements went through as they moved from the old order to the new.

He stated, however, that there were "[a]pparent discrepancies between belief and practice" during the introduction of plural marriage in Nauvoo. This was particularly so in those cases where Joseph Smith took as

³Foster, Religion and Sexuality, p. 8.

⁴Ibid., p. 9.
plural wives some women whose husbands were still living.\(^5\) Foster stated that during the liminal period, before the new standards were initiated "there was a brief but disruptive interregnum when neither set of standards was operative and the basis of social authority was unclear."\(^6\) By averring that neither old nor new standards of marriage were in place during a liminal period, Foster explained the inexplicable. He related some cases to doctrines enunciated later in Utah, but because the documents concerning the Nauvoo period were often produced long after the Saints had abandoned that city and because they were partisan or defensive, Foster's concept of a liminal period has more explanatory power than the documents themselves provide. He nevertheless indicated that this period was "brief," that by 1852 the problems experienced in the early days of polygamy had been overcome, and that under Brigham Young's leadership plural marriage may justly be characterized as "Puritan Polygamy."\(^7\) Moreover, according to Foster, in order to counter fragmentation in their movements, the Shakers and the Oneida Perfectionists as well as the Mormons developed "a highly

\(^{5}\)Ibid., p. 159; Van Wagoner, "Nauvoo Polyandry," pp. 67-83.

\(^{6}\)Ibid., p. 161.

\(^{7}\)Ibid., pp. 137, 183. The term "Puritan Polygamy" was coined by M. R. Werner, Brigham Young (New York: Harcourt, Brace, 1925).
authority-conscious and strongly centralized Church-type structure of government."\(^8\)

In their article on polygamous divorce, however, Eugene and Bruce Campbell argued that even after 1852 "Mormon polygamy developed within a context of normlessness or anomie," and that there was "a lack of regulations in the social structure including the marriage and family system."\(^9\) This argument they supported by citing the Old Testament, noting a discrepancy between regulations and practice, and recounting four examples.

First, they stated that: "[A]lthough the practice of sororal polygamy was frequently used in Mormon polygamy, the code of the Old Testament forbade this practice."\(^10\) Here they referred to the prohibitions on intercourse and marriage contained in chapters 18 and 20 of Leviticus. The problem with these prohibitions, however, is that it is not always clear whether these refer to extramarital relations or marriage.\(^11\) Indeed, the Mormons imitated the Patriarchs in their practice of plural marriage, one of whom—Jacob—married the sisters Leah and Rachel.\(^12\) Nevertheless, the

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\(^8\)Foster, Religion and Sexuality, p. 17.

\(^9\)Campbell and Campbell, p. 16.

\(^10\)Ibid., p. 21.


\(^12\)Genesis 29; Doctrine and Covenants 132.
Campbells were correct when they declared: "[T]here is little indication that [the Old Testament] was used as a serious guide to their marriage regulation."13 The practice of plural marriage was accepted among Mormons because they believed that it had been commanded by God through His prophet Joseph Smith, and the rules regarding plural marriage were undoubtedly accepted on that same basis.

Second, the Campbells acknowledged that the Saints had rules regarding marriage but argued that these were not carefully followed. Among these was the rule that the first wife had to give her permission before a husband could take a plural wife. There were occasions when this rule was not followed, but this apparently happened infrequently. While Kimball Young stated that: "There were . . . many instances where the husband . . . married again without any consultation with the first wife," he gave only two examples. Moreover, he also indicated that "judging from our records there was usually explicit, or at least implicit, consent."14 Jessie Embry's conclusions were similar: she stated that some first wives freely gave their consent or even encouraged their husbands to take another wife, some gave their consent only because they feared the repercussions in the next life for saying no in this one,

13Campbell and Campbell, p. 21.
14Young, pp. 120, 121-122.
and "a few" were not consulted. In Vicky Burgess-Olsen's study 91.7 percent of the first wives indicated that they gave their consent to subsequent marriages. Occasional irregularities offer little support to the argument that, overall, Mormon marriage lacked regulation.

Third, the Campbells cited four examples which they argued indicate lack of regulation. Two of these concerned women who did not obtain formal divorces before they were sealed to their second husbands. The idea that in certain circumstances formal divorces were not required under the Mormon system has already been argued in the Chapter Five. The church president's permission for a woman to remarry was sufficient. Such permission did not indicate the lack of regulation but, rather, how highly centralized that regulation was.

Unintentionally, another of their examples illustrates just how centralized it was. In 1854, when Orson Hyde found that he would be spending the winter in Carson Valley, he wrote to Brigham Young asking either that one of his wives be sent or that he be given permission to marry another wife there. The Campbells wrote: "Marriage for Hyde seemed to

15Embry, p. 53.
17Campbell and Campbell, pp. 17, 19-20.
18See above, pp. 239-243.
be just a temporary convenience. Such an attitude would not have been honored in a well-established community that had developed strict standards of conjugal behavior.\textsuperscript{19} If by "well-established community" the Campbells referred to the nineteenth-century Mormons' contemporaries in America and Europe, they were certainly correct. To be sure, the Mormon system of marriage was unorthodox and untraditional, but Hyde's letter in fact indicated a high degree of regulation. Hyde was one of the Twelve Apostles, a governing body of the church next in power only to the president of the church and his counselors. Yet even he asked the president for permission to marry again or to have one of his wives sent to him. On this occasion Brigham Young decided to send one of Hyde's wives to him.

The last example the Campbells cited was that of George Stringham. After Stringham married his second wife, he moved from his first wife's house, leaving her almost destitute. After fourteen years he returned to live with her. The Campbells concluded: "Apparently there were no powerful social mechanisms to regulate Stringham's behavior."\textsuperscript{20} The first wife, however, could have brought her husband before a church court to insure that she be treated equitably. But it was in fact the daughter, not the wife, who was most distressed by Stringham's behavior.

\textsuperscript{19}Campbell and Campbell, p. 18.

\textsuperscript{20}Campbell and Campbell, p. 19.
Nevertheless, most scholars have agreed that the living arrangements for plural families were never institutionalized. Housing arrangements varied, as did methods of distributing resources; the husband's system for spending time with each family also varied as did the interrelationship between the wives.\textsuperscript{21} Thus, the Campbells' statement that "the Mormon system of polygamy was not one of consistent and strong regulation" can be said to apply to the arrangements for living within a plural marriage.

On the other hand, there were rules governing the establishment and dissolution of plural marriages and even many monogamous marriages, and they were administered by the church, or, more precisely, by the president of the church. To be sure, the rules regarding marriage and divorce were lenient. That was not because these rules "developed within a context of normlessness,"\textsuperscript{22} but because the church's policy was to encourage marriage and to minimize barriers to it.

On the other hand, the rules for sexual conduct were strict. Premarital and extramarital relations were condemned in the strongest terms. There was no "double

\textsuperscript{21}Embry, pp. 73-87, 123-127, 137-149; Burgess-Olson, "Family Structure," pp. 59-68, 129-131; Foster, Religion and Sexuality, pp. 219-220.

\textsuperscript{22}Campbell and Campbell, p. 16.
standard" in Utah, or, more precisely, there was a double standard in Utah because Mormons held that men were more guilty for sexual sins than were women. On October 9, 1869, George Q. Cannon, one of the Twelve Apostles, preached a sermon in which he stated:

The lower passions of our natures . . . have been implanted in both male and female for a wise purpose, but their immoderate and illegal gratification is a source of evil . . . Why, women, in their yearning after the other sex and in their desire for maternity, will do anything to gratify that instinct of their nature and yield to anything and be dishonored even rather than not gratify it; and in consequence of that which has been pronounced upon them they are not held accountable to the same extent as men are. Man is strong, he is the head of woman, and God will hold him responsible for the use of the influence he exercises over the opposite sex. . . . [woman is not held accountable to the same degree that men are.]

Consonant with the Mormon belief that having children was a God-like act, sexual desire was not regarded as evil, except when it led to sexual relations outside of the marriage bonds. Nor were women regarded as the pure and passionless creatures that some of Cannon's contemporaries in the northern United States believed them to be. Canon


24 JD 13:206-207 [emphasis added]. When Cannon said "in consequence of that which has been pronounced upon them," he referred to the scripture from Genesis 3:16, "Thy desire shall be to thy husband, and he shall rule over thee."

acknowledged that women had sexual desires. He claimed, moreover, that women were less accountable than men for sexual transgressions because after the Fall, God, in placing upon Eve the curse that her "desire shall be to thy husband," had placed in women a desire for protection and guidance from men.26

Men were to be strong, and that strength was to be shown in self-discipline which protected female virtue, not demonstrated by conquests of women. At times the church courts appear to have meted out greater punishments to men than to women for sexual transgressions. For example, when one man in St. George confessed to his bishop that he had had "unlawful cohabitation with his wife before marriage," he had to be rebaptized but his wife did not.27

Southern men considered it a point of "honor" to protect the "purity" of their women;28 similarly, some Mormon men felt it was their duty to protect the "virtue" of their women. Whereas Southern men's obligations extended little further than the women in their families, Mormon leaders tried to protect all Mormon women, particularly


26Not all Latter-day Saints considered this a curse. See JD 11:268.

27Anderson, pp. 346-47.

against "Gentile" (non-Mormon) men. This often took the form of dire threats from the Mormon pulpit. Richard Burton wrote that Brigham Young used "purposely violent language, making the terrors of a scolding the punishment in lieu of hanging for a stolen horse or cow."29 The same could be said of not only Young but other leaders when what was being stolen was a woman's chastity.

Certainly their rhetoric was well tested when Colonel Steptoe and his troops en route west spent the winter of 1854-55 in Salt Lake City. Lieutenant Sylvester Mowry, among other soldiers, heard the warnings from church leaders. In spite of what he termed "their damnable system of espionage--better than that of the old Inquisition or Napoleon's police," the gallant lieutenant planned an intrigue with the prettiest woman he had seen, Brigham Young's daughter-in-law, whose husband was away on a mission.30 On the verge of his victory, a report that he had been "caught in the act" reached the president of the church. Lt. Mowry truthfully could aver that it was "an


infamous lie," but he felt his reputation had been ruined "among those who have the care of the females."\textsuperscript{31}

Warnings thundered from the pulpit. Jedediah M. Grant, counselor to Brigham Young, "told [the non-Mormons] of their wickedness and corruptions, and abominations & strongly warned against attempting any further to traduce & corrupt the wives & daughters of the Latter-day Saints."\textsuperscript{32} Young's other counselor, Heber C. Kimball, then followed with the threat that "if he caught any man committing adultery with one of his daughters He would kill them both."\textsuperscript{33} Such violent threats led to nothing more than some fights between Mormons and the soldiers and an indictment against a captain for abducting a girl.\textsuperscript{34}

But Lt. Mowry had to give up his intrigue. His colonel sent him an order to stay in the army camp outside the city, and "Brigham sent me word that if I took her away he would have me killed before I could get out of the Territory. He is a man of his word in little matters of this sort and I

\textsuperscript{31}Letter from Sylvester Mowry to Bicknall, December 31, 1854, in ibid., p. 276.


\textsuperscript{33}Ibid.

\textsuperscript{34}Mowry to Ned, Letter, April 27, 1855, in Among The Mormons, p. 278.
concluded I had better not do it."\textsuperscript{35} In this case, the cool head of his colonel and the rhetoric of the church leaders had their effect, though some other soldiers did take women with them when they left in the spring.\textsuperscript{36}

Threatening rhetoric had the desired effect on a young non-Mormon miner from Silver Reef who was courting a young lady in a Mormon town nearby. The young man was given notice to appear before a bishop's court, which he did, only to scoff and claim that the court had no right to try him. The local justice of the peace was one of the elders, however, who claimed that they had a right to know if the young man's intentions were honorable and affirmed that "the bishop's court is good enough for any man who will not lie." Another elder proposed giving the miner a hour to make his decision whether to submit to the court or leave town. "If he stays and you don't shoot him, Bishop, I will," he threatened. To the amusement of the elders, the young miner was riding back to Silver Reef ten minutes later.\textsuperscript{37}

The vehement rhetoric was not always successful, of course, but the low incidence of premarital conceptions indicates how seriously Mormons took the proscription of premarital sexual relations. The records used for the Manti

\textsuperscript{35}S Mowry to Ned, Letter, April 27, 1855, in ibid., p. 277.

\textsuperscript{36}CHC 4:260-61.

\textsuperscript{37}Anderson, pp. 339-40.
sample reveal no prenuptial pregnancies for the frontier period. For the middle period the records show only 1.8 percent of brides (7) bore children within eight months of their marriage, while from 1890 to 1910 5.5 percent (23) did so.

The marriage dates can be verified, however, only for the last period. Of the twenty-one couples who had family groups sheets and had a child within eight months of their wedding day, seven sheets, or one-third, listed a marriage date that obscured that fact. It is thus unlikely that the records indicate the real level of prenuptial pregnancy for the first two periods.38

Nevertheless, even the incidence, 5.5 percent, for the last period, from 1890 to 1910, is low. It is somewhat lower than the 9.6 percent of American brides in 1841 through 1880 who bore children within eight and one-half months of marriage and considerably lower than the 23.3 percent who did so from 1881 to 1910. For the United States

38 There is a positive correlation between prenuptial pregnancy and illegitimate births. Because the level of illegitimacy was low in Manti (see below, p. 282), the real level of prenuptial pregnancy in Manti was also undoubtedly low. For the correlation between prenuptial pregnancy and illegitimacy in America, see Daniel Scott Smith and Michael S. Hindus, "Premarital Pregnancy in America, 1640-1971: An Overview and Interpretation," Journal of Interdisciplinary History 4 (Spring 1975): 561; Daniel Scott Smith, "The Long Cycle in American Illegitimacy and Prenuptial Pregnancy," in Bastardy and Its Comparative History, ed. Peter Laslett, Karla Oosterweel, and Richard M. Smith (Cambridge: Harvard University Press, 1980), 364.
the period from 1841 to 1880 had the lowest incidence of prenuptial pregnancies except for New England before 1680, when 6.8 percent of women had children within eight and one-half months of their wedding day. Likewise, the women bearing children within six months of marriage was low in Manti. From 1890 to 1910 4 percent did so, compared to 5.8 percent from 1841-1880 and 15.1 percent from 1881-1910 elsewhere in the United States. 39 Although prenuptial conceptions were probably rising in Manti, the overall levels remained remarkably low. 40

In addition, the number of illegitimate births was low. Over the sixty years encompassed by this study, only eleven illegitimate children were born to Manti women. These were not evenly distributed throughout that time, however. Only one illegitimate child was born in the frontier period, three in the middle period, and seven in the last twenty years. Five of the eleven women who gave birth to

39 Smith and Hindus, p. 561; Smith, p. 370.

40 Harold T. Christensen found in Utah County, a county adjacent to Sanpete, that 9.0 percent of women had children within six months of marriage for the years 1905-07, 1913-15, 1921-23, and 1929-31. This is not significantly lower than the 9.7 percent of women who did so in Tippecanoe County, Indiana, during the years 1919-21, 1929-31, and 1939-41. "Cultural Relativism and Premarital Sex Norms," in Society and Self, ed. Bartlett H. Stoodley (New York: The Free Press of Glencoe, 1962), p. 188.
illegitimate children eventually married the fathers of their children. All the women had married within five years of the birth of the illegitimate child; most did so within three years.

The punishment for males who fathered children by young girls was lighter in the frontier period than it later became. In 1866, at age thirteen, an illiterate Danish immigrant conceived a child, and in consequence two young men were brought before the Probate Court on a charge of her seduction in 1868. Hans Hansen pleaded guilty "to having intercourse with Maria Larson but denied using coercion." Smith also pleaded guilty. For reasons not made clear in the record, he was deemed to be father of the child. Smith and Hansen were both found guilty of a misdemeanor, and each was fined one hundred dollars plus costs of the court. In addition, Smith was required "to enter into lands with approved security to pay to Maria Larsen for support of child (fifty) Dollars per Annum." The twenty-three-year-old Smith filed claims for the

41The crime of seduction involves sexual intercourse as well as assent by the victim. 47 Am. Jur. 1st, §6, §7. In addition, however, the crime of seduction generally requires that the sexual intercourse has been accomplished under a promise of marriage or, at the very least, "by means of temptation, deception, and arts and acts of flattery." Ibid., §9, §11. Nothing in the extant record indicates that the question of inducement was addressed. Probate Court, Sanpete County, Record Book 2, pp. 14-18, FHL.

42Probate Court, Sanpete County, Record Book 2, pp. 17-18, FHL.
required land and soon left Manti for the Nevada Territory, though not before his father "had a long talk" with him.43 Maria, on the other hand, stayed in the town and in less than two years became a plural wife.44

The importance of this case lies in not only what happened, both legally and personally, to the people involved, but also in what it reveals about the way the nineteenth-century Mormons used the law. After the number of law suits brought against Mormons in Missouri and Illinois, many Saints distrusted the law.45 When they arrived in Utah, they gave probate courts jurisdiction over criminal matters as well over estates, divorces, and other civil suits. Men who were appointed probate judges in Utah were usually church leaders, few of whom had legal training.46 This was also true in Manti. Indeed, it is doubtful whether the prosecutor, defense attorneys, or probate judge

43Azariah Smith, Journal, January 21, 1868, B.Y.U.

44A. W. O. Buchanan Family Group Sheet, Patrons Section, FHL. On the 1870 Census Maria listed $200 in real wealth and $175 in personal wealth. She was the only one of Buchanan's wives to list any wealth. Manti, Utah, 1870 Manuscript Census, p. 10.


had extensive knowledge of the law, for they allowed two men to be convicted of a misdemeanor--seduction--which had never been made a crime by statute.

The crime of seduction is a creature of statute and is not a crime at common law. 47 Utah had no law regarding seduction, except in cases where a female was abducted for purposes of prostitution. 48 In prosecuting, convicting, and punishing two men for seduction when it was not a crime in Utah, the probate court was enforcing community mores, not the law, through the legal system. The common law did, however, permit a seduced women or her parents to bring a civil action for seduction in order to recover damages, including support for the illegitimate child. 49 Thus, while it was within the law to require Smith to support the child, Maria or her parents, not the state, should have instituted the case.

Utah never did pass a law against seduction as such, but in 1896 the state made statutory rape a felony. 50 Thus, when fifteen-year-old Malinda Jensen conceived a child in 1903, Joseph Hill, the father of her child received a


48 Compiled Laws of Utah, §134-§139. For a legal discussion of seduction as it had developed in the United States by 1936, see 47 Am. Jur. 1st, Seduction, §1-§131.

49 Ibid., § 64 - § 103.

50 The Revised Statutes of the State of Utah in Force Jan. 1, 1898, § 4221.
harsher treatment than had been meted out to the two young men for seduction in 1868. Hill was sent to prison for carnal knowledge of a female under age, even though he was apparently willing to marry Malinda, which he did in 1904.51

As illegitimacy rose, the community had greater recourse to prison sentences to enforce sexual mores. Increasingly cases of fornication, adultery, and "assault with intent to commit carnal knowledge" appeared on the court docket with jail or prison sentences following the convictions.52 In 1903 Malinda's brother-in-law was sentenced to eight years in prison for rape.

Although prison sentences were harsher penalties than the fines and child support required in the early years, they were less severe than the punishment that was sometimes meted out by extralegal means during the frontier period. On Sunday, February 6, 1851, as the Manti worshippers were leaving church, Madison Hambleton drew a pistol and killed twenty-two-year-old Dr. J. M. Vaughn. Hambleton immediately gave himself up to the bishop for judgment. Testimony taken in Manti indicated that while Hambleton had been away, the doctor had become intimate with Hambleton's wife, Chelnicha. How intimate is unclear from the extant testimony. In the


confined, crowded log cabins of pioneer Manti, the erring couple found privacy by blowing out the candle, covering up the fire, and retiring to the back of the room.\textsuperscript{53} Dr. Vaughn's reputation was already besmirched by his arrest the previous fall in Salt Lake City for adultery, and in spite of warnings he persisted, according to the testimony given, in visiting Mrs. Hambleton at every chance. Later Mrs. Hambleton appeared before those assembled for worship, confessed her wrong, and was excommunicated from the church. Her husband went to Salt Lake City, appeared before the Territorial Supreme Court, and was acquitted of wrongdoing in the doctor's death.\textsuperscript{54}

Hambleton's action set a precedent Howard Egan found difficult to ignore. When news reached Egan that James Monroe had seduced Tamson, Egan's first wife, and that she had borne Monroe's child, there was a "universal conclusion" that Egan "would have been damned by the community for ever and could not have lived peaceably" had he not executed the

\textsuperscript{53}M. F. Farnsworth, "History of Manti," Typescript, PHL, p. 11; Azariah Smith, Journal, February 11, 1851; Manti Ward Record, Record Book A, LDS Church Archives, February 9, 1851.

seducer of his wife.\textsuperscript{55} Egan met the wagon train with which Monroe was traveling west, and the two talked "peaceably some time" before Egan drew his pistol and shot the seducer.\textsuperscript{56} It is unclear whether the jury believed the killing was justifiable homicide or whether it was convinced the court had no jurisdiction over the case, but it took only fifteen minutes to return a verdict of not guilty.\textsuperscript{57}

Church authorities apparently did not condone the killing: they suggested that Egan's plural wife Mary Ann dissolve her marriage to him.\textsuperscript{58} Indeed, following these events, neither plural wife bore Egan another child, and within three years both were sealed as plural wives to other men.\textsuperscript{59} Egan's only remaining wife was thus the one who had betrayed him. In addition, according to Mormon beliefs, children belonged to their mothers and the men to whom their mothers were sealed; Egan acknowledged the child sired by Monroe as his own.\textsuperscript{60}

\textsuperscript{55}JD 1:97.
\textsuperscript{56}Stout, p. 407.
\textsuperscript{57}Cannon, pp. 310-314.
\textsuperscript{58}Note on Titus Billings Family Group Sheet, Patrons Section, FHL.
\textsuperscript{59}Howard Egan Family Group Sheets, ibid.
\textsuperscript{60}1860 Salt Lake City, Utah, Manuscript Census, p. 161; Endowment House Record G-210.
Mormons publicized the Egan case widely as a warning to other would-be seducers.\textsuperscript{61} The full argument of Egan's attorney was published in the \textit{Deseret Evening News}, which included this pointed warning: "In this territory it is a principle of mountain common law, that no man can seduce the wife of another without endangering his own life. . . . The man who seduces his neighbor's wife must die, and her nearest relative must kill him." The account of the case concluded with the editorial comment that it should "prove a sufficient warning to all unchaste reprobates, that they are not wanted in our community."\textsuperscript{62} Certainly this case prevented the threats thundered from Mormon pulpits, aimed at Colonel Steptoe's troops and others like them, from appearing empty.

At the heart of the case lay important Mormon values. First, although seduction as a legal concept was hardly unique to nineteenth-century Mormons, it clearly was consonant with their idea of gender differences. In the Mormon view as stated by church leaders, women could easily be persuaded: men would influence them for good or ill, either to protect them or to ruin them.\textsuperscript{63}

\footnote{\textsuperscript{61}Cannon, pp. 315-317, 326-327.}

\footnote{\textsuperscript{62}\textit{Deseret Evening News}, November 15, 1851.}

\footnote{\textsuperscript{63}Seduction did not assume passionlessness, only that the chaste woman would be reluctant to submit to sexual relations without some strong and usually deceptive inducement. 47 Am. Jur. 1st, \S 5-\S 17, \S 65-\S 70.}
Second, and more importantly, the case illustrates how seriously the Saints took their sexual mores. Adultery was not simply one of several behaviors proscribed by the Ten Commandments; it was "one of the greatest crimes any man can commit in this world. It is next to murder." Sexual sins were so serious precisely because rules surrounding marriage were so lenient. As George Q. Cannon, one of the First Presidency of the church, explained it: "And as for adultery . . . and fornication, there are no people on the face of the earth that will be damned with a greater damnation for that sin than we, if we be guilty of it. Why? Because there is no necessity for it." The barriers to marriage were minimal. The rules governing divorce were lenient so that remarriage could take place. But the rules were absolutely rigid that a marriage in fact take place before a couple assumed the sexual rights that the Saints believed belonged only to the married state.

Sinners were not to be ostracized, however, but to be brought back into conformity with the religious community's values. Excommunication was a first step in the process, symbolizing that the transgressor had set himself or herself outside accepted patterns. Sometimes the person was then required to make a public confession, though at times the acknowledgment was made only to the church court. By

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64 JD 24:244.

65 JD 24:144.
confessing the sin and expressing remorse for it, the sinner reaffirmed the value of the community's mores and his or her wish to conform again to them. For example, in St. George Brother G. at first affirmed values inconsistent with Mormonism when he refused to answer whether he had had sexual intercourse with his divorced wife. "I never have nor never will do or say one act that will reflect censure on that lady, Jerusha G.," he replied. In a culture concerned with propriety and avoidance of scandal, his answer would have been admired. In Mormon society, however, where adherence and conformity to its central values were expected, his answer brought forth the warning that he had a month "to set himself right before the brethren in the ward where he belongs" or be excommunicated from the church. He set himself right by making a public apology; that is, he affirmed the community's sexual mores by his acceptance of and conformity to them.

A final step was usually rebaptism. This second baptism represented "the new birth" through which the sinner became "a new creature," cleansed of sin. In short, the person again became a full member of the community, upholding its values and its practices. The entire process thus emphasized the seriousness of the transgression for

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66Anderson, p. 347.
68JD 7:264.
both the sinner and the community while at the same time providing a means for the repentant sinner to return to his or her place in the society.

As the state wrested the power to regulate both marriage and divorce from church control, however, the strict rules concerning sexual behavior remained in place, while increasingly rigid, state-enforced rules governing marriage and divorce replaced lenient ones. By the end of the century the church was left with authority only to determine whose marriages might be for eternity and whose sealings for eternity might be cancelled and, of course, who would be put under church sanctions for sexual transgressions. That the system could change so greatly while the rise in prenuptial pregnancies and illegitimate births was so moderate may be attributed to the success Mormons had in inculcating the "internal control" which was the central feature of Victorian morality.⁶⁹

Not all the changes which occurred as the century waned were forced upon the Mormons. Attitudes, too, were changing, particularly among the young. When polygamy was first practiced, polygamous wives had adapted in a number of ways. Some strengthened their bonds with other women as those with their husbands loosened; others valued the independence which the husband's frequent absences fostered; still others emphasized the mother-child bonds rather than

⁶⁹Smith and Hindus, p. 549.
the relationship between husband and wife. In its own way, each of these means of adapting was an "assault on the ideology of romantic love."\textsuperscript{70}

Increasingly, however, young women rejected plural marriage with its alternatives to romantic love. This rejection was prevalent enough among young women that a writer in the Mormon women's magazine, the \textit{Women's Exponent}, acknowledged: "I know that some of my young sisters would rather marry a young man with bad habits than one who is religious for fear he (the religious one) would some time take another wife."\textsuperscript{71} The young women addressed here not only rejected becoming plural wives, but they also tried to forestall becoming first wives by selecting as husbands men unqualified to participate in the sealing ceremony.

While it is unclear how widespread such an attitude was, it is certain that fewer women, both absolutely and relatively, entered plural marriage in the last twenty years it was sanctioned by the church.\textsuperscript{72} By then women


\textsuperscript{71}M. E. Teasdale, "Correspondence," \textit{Women's Exponent} 17 (July 1, 1888): 19.

\textsuperscript{72}See above, pp. 157-162. Based on his St. George data, Larry Logue argued that there was not a dramatic decline in the number of plural marriages because in St. George there were only ten fewer plural marriages in the 1870s than in the 1850s. Logue, p. 118. His figures, however are apparently based only on the plural wives who lived in St. George, which was founded in 1861. Those wives
increasingly had greater educational and economic opportunities. The geographic isolation of Utah had been overcome by the completion of the transcontinental railroad in 1869, and the cultural isolation of Manti had been broken by the establishment of a Presbyterian mission school in 1877.\textsuperscript{73} Adapting to these various and significant changes, groups of women, beginning with the 1860 birth cohort, also started to curtail their fertility.\textsuperscript{74}

Such changes led scholars like Klaus Hansen and Stanley S. Ivins to believe that the demise of polygamy was inevitable, even had there been no anti-polygamy campaign by the federal government.\textsuperscript{75} Decline, however dramatic, is not demise. Even after the Manifesto, couples importuned the church president for permission to enter plural marriage, and the church leadership in particular was willing to circumvent the law of the land and the officially stated rule of the church to foster plural marriage.\textsuperscript{76} Moreover, who had been divorced or died before the husband moved to St. George were apparently not counted, which would have undercounted the number of marriages in the St. George data set for the 1850s.

\textsuperscript{73}Antrei and Scow, \textit{The Other Forty-Niners}, pp. 321-341; Lever, p. 63.

\textsuperscript{74}Bean, Mineau, Anderton, \textit{Fertility Change on the American Frontier}, pp. 159-180, 244-248.


\textsuperscript{76}Quinn, "New Plural Marriages," pp.52-104.
Jan Shipps has explained that the importance of plural marriage was not determined by the number who practiced it:

Identity [as Latter-day Saints] was maintained corporately, not individually, which explains why all the citizens of the kingdom—those who were involved in plural marriage and those who were not—were willing to defend to the last possible moment the practice of polygamy that kept them set apart.  

Belief in the rightness of the idea of plural marriage united Mormons in a way that transcended differences in practice and set them apart from other Americans. Moreover, the decline in new marriages obscures the relatively large number of plural families still intact when the "Raid" began. While the decline of new plural marriages undoubtedly made accepting the Manifesto easier—or even a relief—for the younger generations, the institution was still vigorous during the "Raid" in the 1880s and took a long time dying even after the Manifesto.  

A means to end polygamy that was fair and just to all was never found. In 1862 when the Morrill Anti-Bigamy Act prohibited polygamy, the church did make the appearance of complying by permitting only one civil marriage and calling additional marriages sealings.  

Permitting only one legal marriage was essentially the means the United States adopted

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77Shipps, p. 125.

78Plural marriage is still practiced in Utah and Arizona by religious groups which have split off from the LDS Church. Van Wagoner, pp. 183-222.

79Arrington, Great Basin Kingdom, p. 356.
to eliminate plural marriage, with the important difference that only one wife could be acknowledged as a wife.

English law treated Mormon marriages differently and in *Hyde v. Hyde and Woodmansee* specifically eschewed acknowledging the first woman a man married as his wife and the others as concubines. 80 An English convert, John Hyde, had emigrated to Utah and there married Lavinia Hawkins according to the rites of the LDS Church on November 10, 1853. 81 In 1856 he left Utah for a proselyting mission but soon renounced the church and wrote *Mormonism: Its Leaders and Designs* attacking the church and polygamy. 82 The church excommunicated him, and his wife, declared Heber C. Kimball, was "just as free from him as though she never had belonged to him" 83: she needed no formal divorce. In spite of Hyde's letters to Lavinia urging her to abandon her faith and join him, she refused and in 1858 married Joseph Woodmansee.

Hyde returned to England, became a minister of a dissenting chapel at Derby, and eventually petitioned for a divorce from Lavinia. 84 In 1866 Lord Penzance rendered his

81 IGI, 1984, Utah, p. 4361.
83 *JD* 4:165.
decision, an ironic one for Hyde, who had opposed polygamy. "Marriage, as understood in Christendom," the judge decided, "may for this purpose be defined as the voluntary union for life of one man and one woman, to the exclusion of all others." In Utah, the judge ruled, marriage meant something wholly different. Although Hyde's marriage had been monogamous, he continued, Mormon marriages created a different set of rights and obligations from those created by "Christian marriages," because Mormon monogamous marriages always had the potential to become polygamous ones. English matrimonial law, the decision continued, was inapplicable to polygamous marriages because it allowed a woman a judicial separation and permanent support from her husband on the grounds of "personal violence, open concubinage, or debauchery in face of the wife, her degradation in her home from social equality with her husband, and her displacement as the head of his household." If these provisions were applied to polygamous marriages, "the Court would be creating conjugal duties, not enforcing them, and furnishing remedies when there was no offence." In short, the Hyde marriage may have been binding by lex loci--the law of the place in which it was contracted--but


\[86\] Id. at 838-839.
English matrimonial law did not acknowledge it as a marriage.\textsuperscript{87}

The British, ruling a culturally diverse empire, acknowledged local laws and customs even when they took no cognizance of them in English courts. American courts, on the other hand, recognized Mormon monogamous marriages and first marriages of polygamists. Moreover, Congress claimed the right to create the matrimonial laws under which people in the territories would be governed. In 1882 Congress passed the Edmunds Act making prosecution of polygamists easier.

After U.S. marshals arrived in Manti on November 29, 1885, to search for polygamists, Manti men employed several different means for staying out of the marshals' hands. Communities at entry points into the Sanpete valley established the Kolob Guard to look out for the marshals' arrival. When polygamists learned the marshals were on their way, they went to stay with relatives or hid in hastily-constructed cellars or in the mountains.\textsuperscript{88} Some moved one of their wives to another state or to Canada, while others, like Francis Wall, took both his wives to live

\textsuperscript{87}The Court specifically declined to rule on the rights of legitimacy and succession in polygamous marriages. \textit{Id.} at 841.

\textsuperscript{88}Antrei, p. 152.
in Mormon colonies established in Mexico. William Braithwaite's second wife went to stay with her parents in a neighboring county, a ploy which did not prevent his being charged with unlawful cohabitation on October 2, 1888, to which he pleaded guilty. He was fortunate, however, that the judge was supposed to hand down his sentence on November 17, but court was not in session that day. He served no time in prison. Jens C. A. Weibye was not so fortunate. To avoid the marshals, he went on a proselyting mission to Denmark. When he returned, however, he was soon arrested for cohabiting with his three wives. Weibye pleaded guilty to the charge of unlawful cohabitation and served five months in prison.

In Utah 940 men served time in prison for plural marriage between 1884 and 1895. The reasons are not always clear why some men served time in prison while others did not. For a few the reason is stated in the record. Eric Ludvigsen, who was indicted for unlawful cohabitation, received a pardon from the President of the United States.


90Utah Territory, First District Court Record, Book 3, p. 3; William Braithwaite Family Group Sheet, Patrons Section, FHL.

91Weibye, Journal, August 19, 1887, November 7, 1889, February 24, 1990; Evans, p. 131.

92Utah Territory, First District Court, Book 3, p. 610. See also Linford, "Part I," p. 364.
On the other hand, John Buchanan, like William Braithwaite, had his sentence date postponed and never served time.\textsuperscript{93} Isaac Morley's case was dismissed because it had been ignored by the Grand Jury.\textsuperscript{94} Although John D. T. McAllister continued to provide for his wives, he was found not guilty of unlawful cohabitation.\textsuperscript{95} And Isaac J. Riddle was fined $100 but not imprisoned. He believed it was because he had cooperated with the court: he had written the deputy a letter stating that he, Riddle, would be available for trial whenever he was wanted.\textsuperscript{96} Whatever the reasons, the courts were lenient with these men. More clear cut were those cases where polygamists promised to obey the law in the future; their sentences were suspended "during good behavior."\textsuperscript{97}

Although church leaders criticized polygamists who avoided punishment by promising to obey the law in the future, they gave little guidance after the Manifesto was

\begin{itemize}
  \item \textsuperscript{93}Utah Territory, First District Court, Book 3, p. 267, Book 4, p. 15.
  \item \textsuperscript{94}Utah Territory, First District Court, Book 4, p. 299.
  \item \textsuperscript{95}Autobiography and Diary, 1851-1906, Vol. 5, typescript, Special Collections, B. Y. U., p. 362.
  \item \textsuperscript{96}Federal Writers' Project, "Isaac Jimeson Riddle, Early Son of Pine Valley, Utah," Utah Pioneer Biographies, Vol. 24, FHL.
\end{itemize}
issued about what that statement meant for those already in plural marriage.\textsuperscript{98} They did say that men had an obligation to support their wives, but in 1891 the president of the church testified before the Master in Chancery that the Manifesto meant that cohabitation with plural wives should cease.\textsuperscript{99} In practice, each family decided for itself how to react to the new situation. Many men continued to cohabit with all their wives; others ceased living with all but one wife.

The wives whose husbands ceased cohabiting with them still considered themselves married but most probably continued to received financial support.\textsuperscript{100} Inger Marie Schougaard was not so fortunate. She had been a plural wife only four years when the Manifesto was issued. After that her husband lived with his first wife in another town, while she took care of herself and her son by becoming "a dealer in groceries and notions and owner of restaurant and ice cream parlor."\textsuperscript{101} By 1898 a short biography of her noted that: "Being left with nothing, she has by energy and


\textsuperscript{100}Embry indicated that 12 percent of the polygamous wives in her sample received little or no support from their husbands. Embry, p. 96. Her sample is not a random one, nor did she assess its representativeness. Moreover, it is uncertain how many of the women in her sample had become plural wives before the Manifesto nor how many had ceased conjugal relations with their husbands.

\textsuperscript{101}Lever, p. 179.
perseverance worked up a good trade and purchased the building in which she lives and does business." 102 While subsequent censuses listed her as married, she was in fact an independent woman.

Johanne Breinholt became an independent, though still married, woman in 1891 when her husband and his plural wife moved to Mexico and she preferred to stay in Utah. "This is a sad parting," her husband lamented. 103 The ambiguity of her status is reflected in the next two censuses. In 1900 she was listed as widowed, while in 1910, after her husband and plural wife returned from Mexico, she was listed as married, although "own income" was listed in the column for occupations. 104 Indeed, after the Manifesto plural families' status was ambiguous. One child born after the Manifesto said his family had to undergo persecution because of polygamy and that the children were called bastards by Mormons in their community. 105

In 1899 the church compiled a report indicating that in 1890 there had been 2,451 polygamous families. Of these 750 were broken by death and 95 by divorce. Another 63 families had departed from the United States. That left

102 Ibid.


104 1900 Redmond, Sevier, Manuscript Census, p. 3B; 1910 Redmond, Sevier, Manuscript Census, p. 1A.

105 Embry, pp. 190-191.
1,543 polygamous families. By May 1902, the number had dropped still further to 897.\textsuperscript{106} Whether polygamous families living separately, as were the Schougaards, were included in these figures is unclear, and almost certainly no post-Manifesto marriages were included in the count. Nevertheless, the number of openly plural families declined rapidly, and the few remaining families became anomalies.

Change also occurred for those marrying monogamously, though they were much less aware of it. After the Edmunds-Tucker Act of 1887, the state, not the church, regulated marriage. This change may have seemed trivial to couples, because they still could be sealed in the time-honored way, but the change was in fact significant. The civil courts henceforth decided what the sealing ceremony meant. In 1902 the Utah Supreme Court held that: "the revelation concerning celestial marriages constitutes the only law on the subject of marriage in the Mormon Church; that such law provides but one form of marriage, the same being for time as well as for eternity."\textsuperscript{107} No longer could a man marry a wife for eternity only, for the state considered all the church's marriages as effective in this life, with all the property rights inherent in marriage. In addition, the court stated: "the sealing ceremony is a marriage ceremony,

\textsuperscript{106}Anderson, pp. 416-417; "In Re Reed Smoot," Committee on Privileges and Elections, View of the Minority, Senate, 59th Cong. 1st sess., Rept. 4253, Part 2, p. 23.

\textsuperscript{107}Hilton v. Roylance, 25 Utah 129, 156 (1902).
which is good at common law; the part referring to eternity, as we have seen, being regarded as simply surplusage."108 The court thus validated all monogamous marriages the clergy of church had performed. But because under common law, consent was the essence of marriage, that part of the ceremony relating to eternity, so important to Mormons, was regarded by the court as irrelevant, or "simply surplusage."

Within sixty years of its settlement, both Utah and its marriage system had been transformed. During the first difficult years of settlement, Mormon doctrine and the absence of positive law worked together to foster marriage, particularly through plural marriage. Moreover, divorces were accessible from the probate courts and from the president of the church. Although the rules governing marriage and divorce were lenient in practice, the authority for either church marriages or divorces was highly centralized, emanating from the president of the church.

Counterbalancing the leniency of rules regulating marriage and divorces were strict proscriptions against sexual relations outside marriage. Marriage rates were high during the frontier period but fell slightly over time, while illegitimacy and prenuptial pregnancy rates were low but slowly increased.

108 Id. at 149.
After initial settlement, other changes occurred. Mormons and their leaders increasingly made a distinction between the temporal and religious spheres, a distinction which produced a new world view which could accommodate the changes wrought by the Manifesto. Educational opportunities improved as did living standards. Civil courts increasingly handled divorce cases, either in cooperation with or instead of ecclesiastical courts. Moreover, while the rules governing marriage and divorce were modified only slightly before 1885, practice changed considerably: the age at which women first married increased as the number entering plural marriage decreased. Nevertheless, this period was a conjunction of the old and the new. The number of those living in plural families remained high, because new plural families, even though fewer in number than previously, augmented the large number of polygamous families formed earlier.

Thus, although church leaders issued the Manifesto only after many polygamists had gone to prison, the federal receiver had confiscated most of the church's resources, and Congress threatened to disfranchise all Mormons, the groundwork had been laid for the Manifesto's acceptance by a changed outlook on the world and by a decline in new plural marriages. Nevertheless, the Manifesto ended neither the

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belief in nor the practice of plural marriage. The belief has never been repudiated, and its practice for a few lingered on long after 1890.
CONCLUSION

The nineteenth-century Mormon marriage system was in fact a system; that is, it did have rules governing the establishment and dissolution of marriage. These rules were lenient, for the policy of the church encouraged marriage, but authority for both the establishment and cancellation of sealings was centralized and came from the president of the church. Both the practice of the church and the laws established by the Territory of Utah worked together initially in encouraging marriage.

Under increasing pressure from the federal government, the marriage system changed: both marriage and divorce came firmly under the jurisdiction of the state and the church was left with jurisdiction only over that part of the sealing ceremony having to do with eternity. From 1878 on, the law increasingly tightened the rules regulating divorce. During the next decade the federal government stepped up enforcement of its anti-polygamy legislation. Believing the choice was between maintaining plural marriage or continuing the sacred temple ceremonies for the living and the dead,¹

¹Wilford Woodruff, Cache Stake Conference, Logan, Utah, November 1, 1891; reported in Deseret Weekly, November 14, 1891; reprinted in Doctrine and Covenants, Official
church leaders chose the latter and issued the Manifesto, which withdrew official sanction for future plural marriages. Although plural marriage lingered on for some time after 1890, the laws and official church policy which had governed the distinctive nineteenth-century Mormon marriage system were replaced by those consonant with laws elsewhere in the United States.

While the Mormon marriage system was in place, however, the influence of the church upon families was substantial. First, the impact of plural marriage reached beyond those who entered it. When many women became plural wives, as they did in the late 1850s, the entire marriage market was affected and the average age of all brides decreased. In addition, both the lenient divorce policy of the church and plural marriage provided opportunities for women to remarry. Moreover, as the richer men took economically disadvantaged women--the widowed, the divorced, and the fatherless--as plural wives, the wealth per capita within families became more evenly distributed. Plural marriage thus promoted the goals of the church: it supplied all women who wanted to marry an opportunity to do so; it fostered a more equal distribution of wealth; and it provided economic resources to financially disadvantaged women.

Declaration--1, pp. 292-293.
As long as the Saints controlled the making and interpretation of those civil laws which governed the family, the laws of Utah also encouraged marriage and made divorce accessible. That changed, however, with the federal legislation aimed at abolishing plural marriage and with the court rulings which upheld that legislation. Plural families suffered the most, of course, with the disruptions caused by the husbands—and sometimes the wives—going into hiding or prison. With the Edmunds-Tucker Act the Congress sought further to undermine polygamy by striking at the church which promoted it: the corporation of the church was dissolved and the Attorney General empowered to escheat all its real and personal property over $50,000. All families were affected, however, because the Edmunds-Tucker Act also put marriage firmly under the control of the state. Federal law thus firmly established its supremacy over both church and family and thereby changed the nature of both in Utah.

The interaction of families with the church and the law also shaped the marriage system. As women became increasingly reluctant to enter plural marriage after the 1860s, the marriage age of Utah brides gradually rose. Moreover, this reluctance created a younger generation which was, in general, monogamous by the time the Manifesto was issued. This made it easier for younger, if not older, Saints to accept the return to a monogamic system. Moreover, unhappy couples, accepting at face value the idea
that they should not beget children when their feelings were alienated from each other, insisted on divorces when they could not live in peace and happiness. They thus impelled the church president to grant permission for more divorces than he preferred to do. Also important were the large numbers of children which Mormon families produced. This assured not only the survival of the church, but also its growth, as it established itself in the mountain valleys after the exodus from Nauvoo.

Nor were families passive in the face of the law. Some plural families used a Utah law to circumvent dower rights mandated by Congress and thus were able to preserve a share of polygamists' property for plural wives and their children. They also used a variety of means to circumvent the anti-polygamy laws. Some used secrecy, others moved one family out of state or out of the country, while others moved entire plural families to Mexico. After 1892 the anti-polygamy laws remained in force, but the legal system became increasingly reluctant to enforce the laws against unlawful cohabitation if the plural marriage had been contracted before 1890.

Thus both the old and the new marriage systems were shaped by the interaction of the church, the law, and the family. Church doctrine and the law served to expand or restrict the range of choices within the marriage system and to give validity to the rules which governed it. What
was permissible in these marriage systems, however, may not be found in doctrinal statements or legislative acts but rather in the way the church and the legal system enforced the rules. The realities of the system, in short, are found only at the place where church, law, and the lives of individuals intersected.
APPENDIX I
DESCRIPTION OF DEMOGRAPHIC DATA

No list of those who entered plural marriage is currently available to scholars, and no single source of data exists which can substitute for this deficiency. The Manti sample, which includes all residents of Manti from its settlement in 1849 to 1910, and the subsample, which includes all polygamists resident in Manti and all their first and plural wives, are based on data gathered from a variety of sources. Individuals were linked across these records in order to compile as complete a marital history for each as was possible.

The following example illustrates how this was done. A family group sheet from the Patrons Section of the Family History Library in Salt Lake City indicated that Henning Madsen had married Ingalina Johnsen and Katrine Larsen but gave no dates for their marriages. According to the International Genealogical Index (Utah, 1984, p. 5586), Madsen married Ingalina on May 2, 1870, and Ane Catherine Elizabeth Bischeff [sic] on January 24, 1876. The 1880 Manti manuscript census showed "Engerline Madsen" as head of her household, living with her son from a previous marriage, and listed her as married (Manti, Utah, 1880 Manuscript
Census, p. 420D; Niels Pedersen Ipson Family Group Sheet, Patrons Section, FHL). In addition, the Sanpete County Probate Court Record (Book A, 1866-1884, pp. 361-362) showed that "Inger Lena" Madsen and Henning Madsen were granted a divorce on September 4, 1883. The 1880 Manti census also listed Henning Madsen as head of household, with Christina, age 32, wife. Listed on the census in their household were the children Louisa, 13, Maria, 10, Willie, 3, and Christian, 19 (1880 Manti Manuscript Census, p. 419 A). Henning Madsen was clearly a polygamist with two wives.

Using the name Ane Catherine Elizabeth Bischoeff from the IG1, I was able to locate Bischoff in the Endowment House Record (Vol. H, p. 306), which listed her as having been born on November 2, 1846, in Viborg, Denmark, to Christian Bischoff and Maria Rasmussen. On the 1900 census Hannah Marker was listed as born in Denmark in November 1845 and as married. In her household were William Madsen, son, born November 1877 (cf. Willie, age 3, on 1880 census); Rosetta Madsen, daughter, born May 1883; and Clifford Marker, son, born August 1892. Church membership records confirmed that Rosetta Caroline Madsen, born May 11, 1884, was the daughter of Henning Madsen and Ann C. E. Bischoff (LDS Church, Manti North Ward, Record of Members, p. 9, FHL). The Cemetery Record indicated that Anna C. Marker was born on November 2, 1847, and that when she died she was buried in the same block and lot as Henning Madsen.
and their daughter ("Cemetery Records, Manti, Sanpete County, Utah," typed by the Genealogical Society of Utah, pp. 86, 89, FHL).

The Sanpete County Marriage License Records (Microfilm Reel #1, 1888-1894) indicated that on August 22, 1889, Peter J. Marker, age 51, married Katrine Madsen, age 44 (and thus born about 1845). From the information on the Endowment House Record that Ane Bischoff's mother was Maria Rasmussen, I was able to link Ane to her mother Johanna Maria Rasmussen, a resident of Manti, who married Azariah Smith in 1871 (Azariah Smith Family Group Sheet, Patrons Section, FHL). Fortunately, Smith kept a journal in which he noted that Maria's daughter Anne Catherine Elizabeth was married to N. C. Larson and that in 1874 she immigrated to Utah, expecting her husband to join her the next year. He also recorded that Catherine was sealed to "Maasson" in 1875 and that in 1889 she had left him and had married Peter Marker. (Azariah Smith, Journal, January 27, 1872, December 25, 1874, January 6, 1875, and September 1, 1889, B.Y.U.)

This journal not only confirmed previous links between records but also provided the name Larsen so I could find Ane on the Crossing the Ocean Index. She was listed as Ane Larsen, age 29, immigrating with Louise K., age 7 (cf. Louisa, age 13, 1880 census), and Johanne M., age 4 (cf. Maria, age 10, 1880 census), arriving in Utah on September 23, 1874. This corrected the erroneous immigration date,
1873, which was listed on the 1900 census. Although the birth year varied slightly among the records—1845, 1846, and 1847 being listed—other information was sufficient to confirm that multiple records using different names referred to the same woman. This kind of meticulous linking of records provided the data for the Manti sample.

The following are the principal sources used to collect information on individuals in the sample.

Manuscript Census of Manti, Utah, 1850, 1860, 1870, 1880, 1900, and 1910, National Archives Microfilm Service. The manuscript censuses provided the core list of those living in Manti. (Also included were those who lived in Pettyville through the 1880 census. Until that time it was a part of Manti and in the Manti enumeration district.) In addition, the censuses yielded much other valuable information, including wealth information for 1850, 1860, and 1870, ages of plural wives not found elsewhere, immigration dates, and clues about previous marriages when children in the household had different surnames.

Errors and misspelling of names made linking across these census years difficult at times. The 1860 census was particularly prone to problems. For example, Isaac Herring was listed as Isaac H. Rind, Emeline Cox as Emeline Marble, and Lora Ann Brown as Lorenzo Brown, male. The 1900

census gave the age and birth year of each individual, but for many individuals the birth date was off by one year. Linking by hand, however, overcame these and other problems, so almost all names on the censuses were identified and linked if they remained in Manti.

Because many of the people in the sample did not live their entire lives in Manti and a few never lived there, I also used the manuscript censuses for Utah (all years) and Iowa (1850). The Utah 1850, 1860, 1870 censuses and the Iowa 1850 census are indexed, and the 1880 census has a Soundex, although it includes only those households with children under age ten. In addition, a listing of families on the 1880 census, alphabetized by name of the head of household, is available on microfilm for Utah. The 1856 Utah Territorial Census occasionally provided information about those resident in Manti at that time, but it exaggerated the number of people in Utah, is riddled by errors even in recognizable names, and contains no other information besides name and gender.²

Church of Jesus Christ of Latter-day Saints, Record of Members, Manti Ward (1849–ca. 1859), Manti North Ward (1877–1941), and Manti South Ward (1877–1941). Microfilm (3 reels), Family History Library (FHL), Salt Lake City, Utah.³

²Ibid., p. 109.

³For a description of the Family History Library's holdings and their usefulness for demographic studies, see Lee L. Bean, Geraldine P. Minsau, Katherine A. Lynch, and J.
The records for 1877-1941 listed members in family groups, provided birth dates and birth places, gave parents' names, and occasionally supplied marriage dates and information about excommunications. These records were, however, subject to the efficiency and competency of the clerks keeping them and were less complete at first than they later became. Nevertheless, because most residents were Mormons, these records were a valuable resource.

The record from the early period did not provide lists of members but rather gave dates of births, marriages, rebaptisms, and occasionally information on divorces.

Family Group Sheets, Patrons Section, FHL. As part of their duty to perform religious rites for their ancestors, Latter-day Saints submit forms which reconstitute their ancestors' families. These forms--family group sheets--contain names, birth dates, birth places, marriage dates, and death dates for the husband and wife and their children. They also include the parents' names of the husband and wife as well as the names of other spouses each may have had.


In 1908 only twenty-one of the 133 families in the Manti North Ward were not members of the Church (Teachers' Meeting Minutes, December 19, 1908, microfilm of original, Manti North Ward Record, LDS Church Archives). Of those twenty-one families, several had been members of the Church or had their children blessed in the Church so that their names do appear in the membership records.
Each couple has a separate sheet, so that a man with six wives should have six family group sheets.  

Family group sheets for each married couple in the core list of Manti residents were photocopied from Patrons Section, supplemented by sheets from the Archives Section. The Ancestral File, which makes the family group sheets accessible by computer, became available only after most of this study had been completed. Of the husbands in the plural marriage subsample, 95 per cent had at least one family group sheet.

The quality of the data on the family group sheets is diverse but overall is good. Many sheets are clearly based on extensive genealogical research, and often those submitting the sheets had family records inaccessible to scholars. On the other hand, dates are sometime off by one number, indicating typographical errors.

More serious were inaccurate entries and omissions. One family group sheet erroneously listed the wife's cousin as the wife. In addition, of the 106 family groups sheets in the subsample which I was able to check against other records, 10.4 per cent (N = 11) listed the wrong number of

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5For information on family group sheets as sources for demographic research, an evaluation of their representativeness, and the use of these sheets in the Mormon Historical Demography Project, see Lee L. Bean, Dean L. May, and Mark Skolnick, "The Mormon Historical Demography Project," Historical Methods 11 (1978), 45-53; Skolnick, Bean, May, Arbon, De Nevers, and Cartwright, "Mormon Demographic History I," pp. 5-8; Mineau, Bean, and Skolnick, "Mormon Demographic History II," pp. 431-432.
Seven (6.6 per cent) were missing one or more children, and four (3.8 per cent) attributed children to the couple when in fact either the father or the mother was not his/her biological parent. One purpose of the family group sheets is to have children sealed to parents, and children frequently are sealed to people who are not their biological parents. Nevertheless, such children are in general clearly indicated on these sheets. Of the four cases in which children were misattributed to a couple, two were children being sealed to a man not their biological father, but nothing on the sheets indicated that. In the other two cases, children of one wife were attributed to another wife of the same man.7

Because the listing of other spouses for the husband and wife is not essential to the central purpose of the family group sheets, these lists were even more prone to error. Thirty (19.2 per cent) of the husbands' family group sheets in the subsample gave the names for the wrong number of wives, twenty (12.8 per cent) omitting one or more plural wives' names. Such omissions combined with missing family

6Children found on the manuscript censuses but as yet unidentified may be additional omissions from family group sheets.

7For an evaluation of the quality of a data set based primarily on family group sheets, see Logue, pp. 129-149. The statistical tests he used for polygamous families suggested "an omission rate of perhaps 3 percent of all births, but again it cannot be assumed that variations in polygamous intervals are due to missing births." Ibid. p. 137.
groups sheets made it difficult to determine if a man was in plural marriage. Moreover, 5 percent of polygamists had no family group sheets in the archives. From the family group sheets alone, it would have been impossible to tell whether or not 17.9 per cent of the sample (N = 28) were in fact in plural marriage. In addition, it was often difficult to determine whether men whose sheets listed more than one wife had remarried or entered plural marriage: their marital histories had to be reconstructed so they could be kept in or eliminated from the subsample.

Sexton's Records, Manti City Cemetery, early to 1966. Microfilm of original at the Ogden Pioneer Tabernacle. 2 reels, FHL. By using these records I was not only able to check the accuracy of other sources but also to reconstitute some families for whom family groups sheets were not available.

Marriage License Records, Sanpete County, Utah, 1888-1919. Microfilm of records at the County Courthouse, Manti, Utah. 5 reels, FHL. Until 1888 no laws required records of marriages to be kept in Utah; hence, no complete record exists before that date. Some marriage dates, however, may

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8For a typed, alphabetized listing of the entries in this record, see Louisa C. Tatton, "Cemetery Records: Manti, Sanpete County, Utah," copied from sexton's records. Typescript, 1936, 156 leaves, FHL. Several entries on the original are omitted from this typescript.
be found scattered throughout the Justice of the Peace records.  

International Genealogical Index (IGI), FHL. This is a set of microfiche containing the birth, christening, and/or marriage dates of over 118 million deceased persons. These are organized by surname within each country or subdivision of the country. The IGI is updated and reissued every four years. This study relied primarily upon the 1984 version, although the 1988 IGI was checked for information not found in the earlier version.

The IGI provided marriage dates of some marriages which took place in Europe, names of spouses and children, as well as clues as to the status of plural wives' fathers. The most important data it provided, however, were sealing dates, which have been extracted from the Endowment House and temple records. At present, the original sealing records for living couples are not available to scholars; thus, family group sheets and the IGI are the most reliable sources in which sealing dates may readily be found. Because the sealing date was synonymous with the marriage date for many plural marriages, this was an essential source not only for sealing dates but also for names of spouses omitted from family group sheets. Not all sealings are listed on the IGI, however; nor is sufficient information

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9Justice of the Peace Court Records, Sanpete County Justice Docket for the Manti Precinct, 1866-1891, 1873-1892, 1855-1870, Microfilm of original, 1 reel, FHL.
about individuals given so that those with the same name may be distinguished from each other. Thus, it does not entirely substitute for the lack of the original records.

Endowment House Record, microfilm of original. 7 reels (FHL). One rite Mormons consider important is the endowment. It can only take place in buildings consecrated for that purpose, usually temples, but in the nineteenth century it also took place in the Endowment House. Each person receiving the endowment had his/her name recorded, along with birth date, place of birth, baptism date, and parents' names. Because all men and most women after 1860 entering plural marriage received their endowments (although not necessarily before entering plural marriage), and because a woman's sealing date was often the same as her endowment date, this record provided a convenient source of information about those who had no family group sheets.

Unfortunately, Volume A, which includes those who received their endowments in Utah before 1855, is currently restricted. Also restricted are all temple records, so that no one may be found this way who received her endowments in the St. George Temple after it was dedicated in 1877, the Logan Temple after 1884, or the Manti Temple after 1888. The exception to this is the Nauvoo Temple Record (FHL), a typescript of which gives the names, birth dates, and birth places of those receiving their endowments in Nauvoo from December, 1845, through February, 1846.
Assessment Roll Records, 1873-1890, Sanpete County, Utah. Microfilm of original, 3 reels (FHL). Assessment Roll Records, 1900, 1910. Basement Archives, Sanpete County Courthouse, Manti, Utah. 2 vols. Wealth information on individuals in Manti was found on the 1850, 1860, and 1870 censuses. For 1880, 1890, 1900, and 1910, that information was gathered from the tax assessment rolls. For 1880 and 1890 those assessed had a single entry giving the total assessment. Unfortunately, in 1900 and 1910, each piece of real and personal property was separately assessed, so that an individual might have more than twenty assessments scattered throughout the record. This meant individual assessment entries had to be linked and totalled before the amount assessed could be linked to a person in the basic list of Manti residents.

Sanpete County Probate Court Records, 1850-1910, Microfilm of original records at Sanpete Country Court House. 4 reels (FHL). Utah Territory First District Court Records, Minutes, 1880 - 1895, Microfilm of Manuscripts in Utah County Court House, Provo, Utah. 2 reels (FHL). Utah State Seventh District Court Records, Minutes, 1896 - 1910, Microfilm of original at Sanpete County Court House, Manti, Utah. 1 reel (FHL). Until 1885 civil divorces were usually granted by the county probate courts. Even a few plural marriages were dissolved by these courts, though such divorces were generally granted by ecclesiastical
authorities. From 1885 to 1895 divorces could be granted only by the Territorial courts, but after statehood in 1896 divorces were granted in Sanpete County by the District Court. The Territorial First District Court Records also include the minutes of prosecutions against polygamists for unlawful cohabitation and/or adultery.

**Crossing the Plains Index, 1847 - 1869,** microfilm of typed card file. 3 reels (FHL). **Crossing the Ocean Index, 1840 - 1925,** microfilm of typed card file, 9 reels (FHL). **Scandinavian Emigration Records, 1854-1890,** microfilm of original. 1 reel (FHL). The alphabetized indexes provided a convenient place to find dates of those immigrating to Utah as well as the names of those with whom a person immigrated. They are incomplete, however, especially for the early years and only include those who immigrated in church-sponsored groups. The Scandinavian Emigration Records provide more information such as age, occupation, and occasionally marital status, but they are not indexed and the Crossing the Ocean Index does not completely make up for this deficiency.

**Early Church Information File, 1830 - 1920.** Card File, LDS Reference Area, FHL. [Microfilm of card file, 12 reels, FHL.] This file does not include all members of the church before 1920, and the amount of information about each person varies. Nevertheless, it did provide some information about
birth and death dates, names of children, and location within Utah at diverse dates for those in the sample.

Frank Esshom, Pioneers and Prominent Men of Utah

Comprising Photographs, Genealogies, Biographies: The Early History of the Church of Jesus Christ of Latter-day Saints

(Salt Lake City: Pioneers Book Publishing, 1913). Each individual entry in the book includes genealogical information and short biographies. It provides a convenient place to find data on families in Utah in the nineteenth century, but it is also unfortunately both incomplete--those who have entries paid a fee--and inaccurate. Of the 156 polygamists in the Manti subsample, only 51 (33 per cent) had individual entries, and only 49 per cent of them had the correct number of wives listed (but not necessarily the correct number of children). Eighteen of those who had entries (35 per cent) were listed with one wife only, even though they were in fact in plural marriage. In addition to men who had individual entries, six men in the subsample were listed in their fathers' entries as children. Five of

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these six were listed with only one wife while the sixth was listed with only two of his three wives.


This source provided biographical information and some genealogical data for those living in Manti in the 1890s. This source was less complete and only slightly more accurate than Esshom's work. Only 34 men in the Manti subsample had separate listings, and 47 per cent of the listings contained errors. Nine per cent of the 34 listed no wives when they were in fact polygamists, 3 per cent listed too few wives, and 35 per cent had only one wife listed or were listed as remarried.11

Membership of the Church of Jesus Christ of Latter-day Saints, 1830 - 1848. 50 vols. Compiled by Susan Ward

11Stanley Ivins' influential article on polygamy (ibid.) is based on the genealogical data in Esshom's and Lever's volumes. Even had he linked the data from the two sources, Lever would have only corrected one of the entries in Esshom, and Esshom corrected none of the entries in Lever. The influence of Ivins' article is demonstrated by its being selected in a survey of Mormon scholars as one of the two best articles written about Mormon history, as evidenced by "sound scholarship and literary quality." James B. Allen, "Since 1950: Creators and Creations of Mormon History," in New Views of Mormon History: A Collection of Essays in Honor of Leonard J. Arrington, ed. by Davis Bitton and Maureen Ursenbach Beecher (Salt Lake City: University of Utah Press, 1987), pp. 423-24.
Easton Black (Provo, Utah: Brigham Young University Religious Studies Center, 1984-1988). Based on numerous published and original sources, this work brings together a great deal of information about individuals who were baptized into the church before 1848. Entries may include not only most of the information on family group sheets, but also information from censuses, church membership records, biographies, temple records, and the Temple Index Bureau (the last of which is not usually available to scholars). This provided a convenient source of information about the families of those in the sample who resided outside of Manti. This work, however, does not include every person baptized by 1848 and does not provide much genealogical information beyond that included in family group sheets.

M. F. Farnsworth, "History of Manti." Typescript, typed by the Genealogical Society of Utah, 1936, FHL. This history provides not only some genealogical information but also lists of those who held important civic and church positions. In addition, the historical account of the town supplied additional names of those who resided in Manti.

Andrew Jenson, Latter-day Saint Biographical Encyclopedia, 4 vols. (Salt Lake City: Publishers Press, 1901). While this work supplied little genealogical information, it did include biographical sketches of several of those in the Manti sample.
Individual journals, autobiographies and published histories. Several of the people in the sample left some account of their lives. The most important of these, not only for what they told about their own lives but also about other people in Manti, were J. C. A. Weibye, Journal, microfilm of holograph, LDS Church Archives, and Azariah Smith, Journal, photocopy of holograph, Archives and Manuscripts, B.Y.U.
SELECTED BIBLIOGRAPHY

Primary Sources


Book of Common Prayer, and Administration of the Sacraments; and other Rites and Ceremonies of the Church, According to the Use of the Protestant Episcopal Church in the United States of America: Together with the Psalter, or Psalms of David. Philadelphia: Published for the Bishop White Prayer Book Society, King & Baird, 1848.


Compiled Laws of the Territory of Utah, Containing All The
General Statutes Now in Force, To which isPrefixed the
Declaration of Independence, Constitution of the
United States, Organic Act of Utah, and Laws of
Congress Especially Applicable to This Territory,
1876.

Compiled Laws of Utah, The Declaration of Independence and
Constitution of the United States and Statutes of the
United States Locally Applicable and Important, 1888.
2 vols.

Complainant's Abstract of Pleading and Evidence ... The
Reorganized Church of Jesus Christ of Latter-Day
Saints, Complainant, v. The Church of Christ at
Independence, Missouri ... Lamoni, Iowa: Herald
Publishing House, 1893.

Cowdery, Oliver, to Joseph Smith. Letter. January 21,
1838. Oliver Cowdery Letterbook [microfilm of
original]. Archives and Manuscripts, B.Y.U.

______, to Warren Cowdery. Letter. January 21,
1838. Oliver Cowdery Letterbook [microfilm of
original]. Archives and Manuscripts, B.Y.U.

Cox, Frederick W. Agreement for Settlement of Estate,
January 3, 1882. File of Estates, Basement Archives,
Sanpete County Court House, Manti, Utah.

Divorce Files. Sanpete County. Basement Archives, Sanpete
County Court House, Manti, Utah.

Doctrine and Covenants of the Church of Jesus Christ of
Latter-day Saints. Salt Lake City: Published by the
Church, 1981.

Federal Writers' Project. "Isaac Jimeson Riddle, Early Son
of Pine Valley, Utah." Utah Pioneer Biographies.
Vol. 24, FHL.

Hambleton, Madison D. Will. Sanpete County Probate

Hancock, Mosiah. Autobiography. LDS Church Archives.

Hansen, Joseph. "Family History: Taken from a History
Written by Joseph Hansen, Price, Utah." [Typescript].
Manti City Library.
Hyde, Orson. Decree of Distribution of Estate, February 19, 1881. File of Estates, Basement Archives, Manti County Court House, Manti, Utah.


Jones, Daniel W. Forty Years Among the Indians. Salt Lake City: Juvenile Instructor Office, 1890.


Journal of the Civil Court, Sanpete County, Book A, December 14, 1886 to April 17, 1884, FHL.


Lightner, Mary Elizabeth Rollins. Address Delivered at Brigham Young University. Papers. Archives and Manuscripts, B.Y.U.

Mace, Wandle. Autobiography. LDS Church Archives.

Manti, Utah, Tax Assessments, Sanpete County Tax Assessment Rolls. 1886, 1888, and 1890 [microfilm, 2 reels]. FHL.

McAllister, John D. T. Autobiography and Diary, 1851-1906. 7 vols. [typescript]. Special Collections, B.Y.U.

M[erriam], A. E. "History of Sanpete County." Manti Sentinel, March 28, 1890, April 11, 1890.

Nielsen, Christian. Last Will and Testament. File of Wills, County Clerk's Office, Sanpete County House, Manti, Utah.

Peacock, George D. Diary. Archives and Manuscripts, B.Y.U.


Probate Court Record, Sanpete County, Utah. [Microfilm]. FHL.


Seventh District Court, Sanpete County. Judgment Record. FHL.


Utah Territory. First District Court. Minutes. Book 4 [microfilm]. FHL.

Weibye, Jens C. A. Journal. LDS Church Archives.

Wells, Emmeline B., Ellen B. Ferguson, Emily S. Richards, and Josephine M. West. Letter to the Honorable Committee of the Senate on Education and Labor, May 12, 1886, in Hearings. Territorial Papers of Utah, Interior Department. Microfilm Roll #4, Letters Received Relating to Polygamy, January 27, 1879 to December 17, 1897, National Archives and Records Service.

Whitmer, David. *Address to All Believers in Christ*. Richmond, Mo.: For the Author, 1889.


Young, Emily Dow Partridge. Diary [photocopy of typescript]. Archives and Manuscripts, B.Y.U.

Secondary Sources


Christensen, Daniel A. "Life Story of Andrew Poulsen." Photocopy in possession of author.


Clark, Laura Christensen McCurdy. Others. N.p., n.d.


Farnsworth, M. F. "History of Manti." [typescript] FHL.


Hess, Arlene. "Collected Materials Relative to Sidney Rigdon and his Descendants and Other Subjects Used in Preparation for the History of Friendship." *Fd. #1, [photocopy]. Archives and Manuscripts, B.Y.U.*


*Inventory of the County Archives of Utah.* Vol. 20. Ogden, Utah: n.p., 1940.


Ivins, Stanley S. "Notes on Mormon Polygamy." *Western Humanities Review* 10 (Summer 1956): 229-239.


*Public Discussion of the Issues Between the Reorganized Church of Jesus Christ of Latter Day Saints and The Church of Christ (Disciples)*. Lamoni, Iowa: The Herald Publishing House, 1913.


Roberts, B. H. A Comprehensive History of The Church of Jesus Christ of Latter-day Saints. 6 vols. Salt Lake City: The Church of Jesus Christ of Latter-day Saints, 1930 [cited as CHC].


Curriculum Vita
Kathryn M. Daynes

Academic Training

.Valedictorian.

.Brigham Young University, Provo, Utah (1964-66)
.DsPauw University, Greencastle, Indiana (1971-73) B.A.
(High Distinction) 1973 Major field: History
.Indiana University, Bloomington, Indiana (1973-77, 81-91)
M.A. 1975
 Passed Ph.D. Qualifying Examinations, April 1984, with the
 designation of "Outstanding"
.Ph.D. Candidate, August, 1984

Fields of Concentration
American History
British History Since 1485
Victorian Studies

Dissertation
"Plural Wives and the Nineteenth-Century Mormon Marriage
System: Manti, Utah, 1849-1910"

Publication
"Family Ties: Belief and Practice in Nauvoo," The John

Guest Lectures
"Family Ties: Belief and Practice in Nauvoo," April 1987
Restoration History Lecture Series, Graceland College,
March 24, 1987; Independence, Missouri, March 25,
1987.

"Family Ties in Nauvoo," Andrew Jensen Historical

Honors
 Phi Beta Kappa
 Outstanding Woman in History, 1973, DePauw University
 "Superior" awarded for work in History, DePauw University,
 Albert J. Beveridge Scholarship, 1973-74
 Award for Best Student Paper, Indiana Academy of Religion,
 1983
 Graduate Student Research Award, 1986-87
Teaching Experience

- Part-time Instructor, Department of History, DePauw University, 1985-86, Spring 1988
- Visiting Instructor, Department of History, Indiana University, Fall 1984
- Associate Instructor, Department of History, Indiana University, 1974-75, Spring 1985, Fall 1987
- Part-time Instructor, Department of English, DePauw University, Fall 1976, Spring 1978, Fall 1980, Spring 1981

Courses Taught

- History 300  Topics: Religion in American History
- History 264  Growth of the American Republic
- History H231  The Family in History
- English 105  Freshman Composition

Conferences


Related Experience

- Congressional Intern, Summer 1973, working with Lee H. Hamilton (D-Ind.)