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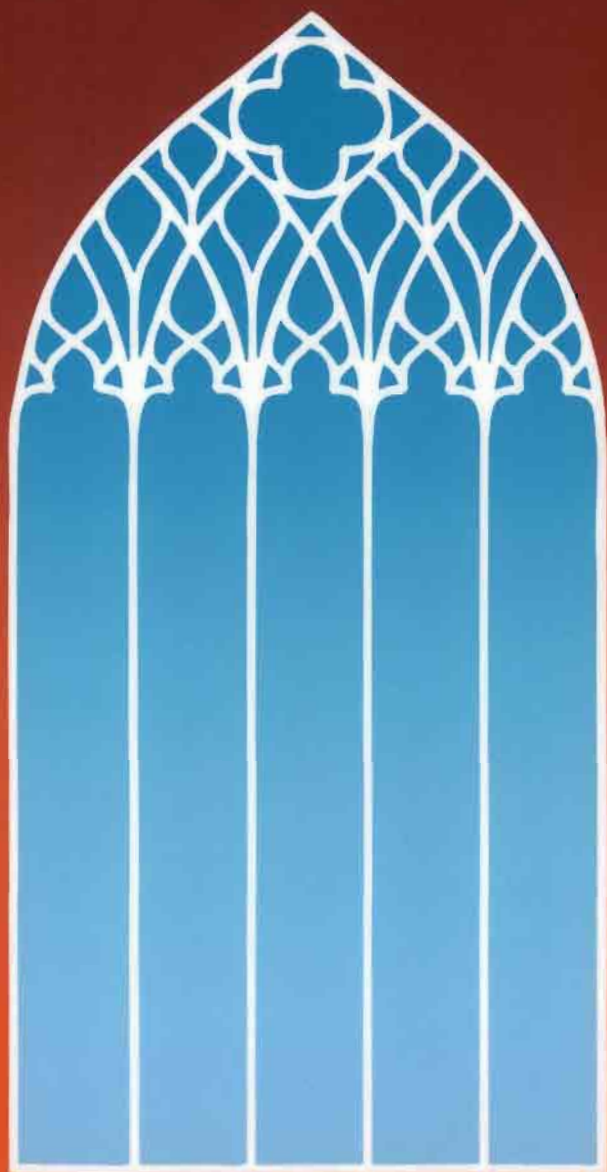
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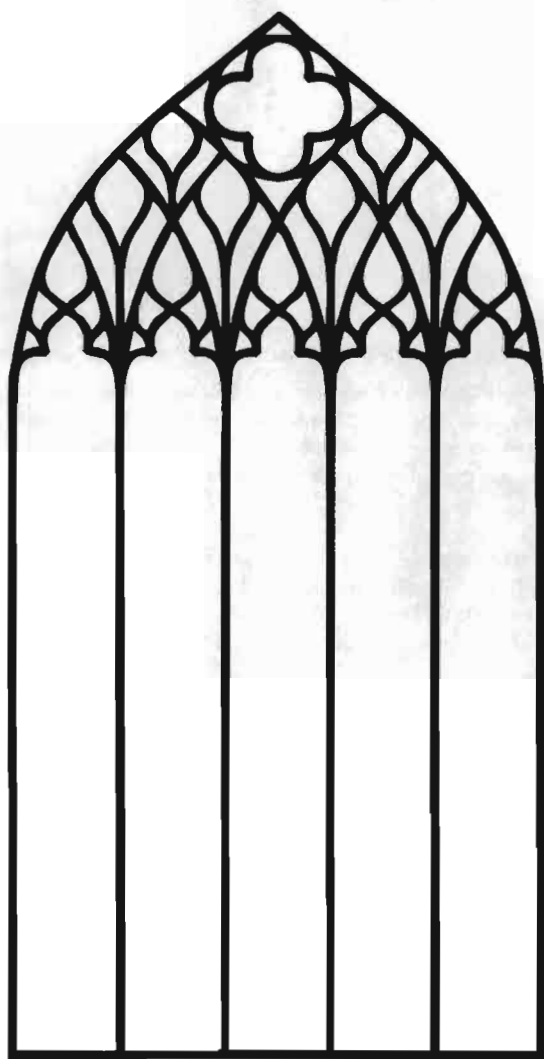
# JOURNAL OF MORMON HISTORY



FALL 2004



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FALL 2004

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The Mormon History Association is an independent organization dedicated to the study and understanding of all aspects of Mormon history. We welcome all who are interested in the Mormon past, irrespective of religious affiliation, academic training, or world location. We promote our goals through scholarly research, conferences, awards, and publications.

**CORRECTION:** The *Journal* regrets that the author's note was inadvertently omitted from Richard Clothier, "The Hymns of Kirtland: A Festival of Hymns and History," *Journal of Mormon History* 30, no. 1 (Spring 2004): 76–105. Richard Clothier, who planned and led the hymn festival, is professor emeritus of music at Graceland University, Lamoni, Iowa.

**COVER:** Abstraction of the window tracery, Salt Lake City Tenth Ward. Design by Warren Archer.

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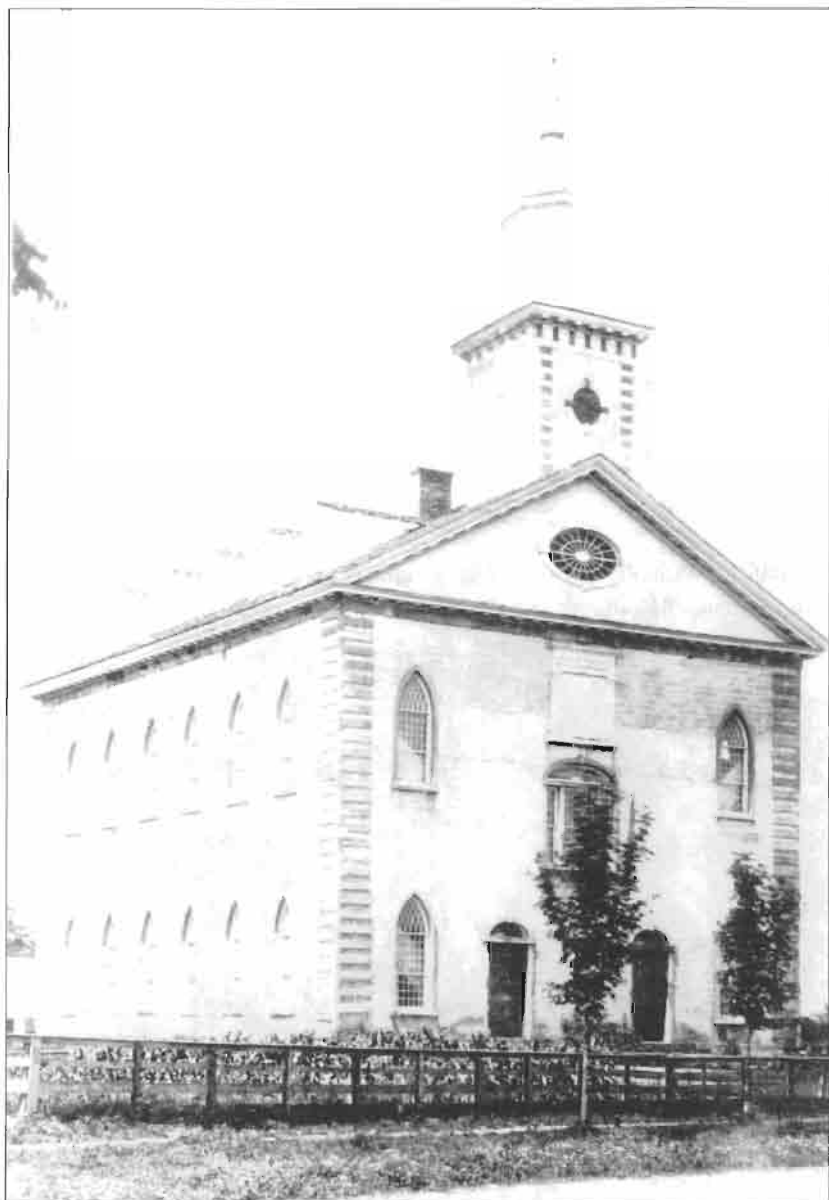
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*Kirtland Temple, ca. 1880, cornfield in foreground. Courtesy Community of Christ Library-Archives, Independence.*

# OWNERSHIP OF THE KIRTLAND TEMPLE: LEGENDS, LIES, AND MISUNDERSTANDINGS

*Kim L. Loving*

TODAY, AMONG SAINTS OF ALL VARIETIES, the House of the Lord in Kirtland, Ohio, is a “most treasured possession.”<sup>1</sup> There is a natural tendency, looking back, to regard it as always having been re-

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*Acknowledgements:* David Davis and Barbara Walden, Kirtland Temple Historic Center, Community of Christ, generously provided significant research assistance for Part I of this project. A paper by Tom Bennett presented to the Mormon History Association in 1977, “Kirtland Temple: A Most Treasured Possession,” was foundational for Part II of this study. John L. Spilsbury, Pittsburgh, Pennsylvania, provided invaluable access to the nineteenth-century legal materials necessary to understand the Kirtland Temple litigation in its own historical context. The *Journal* thanks Mark A. Scherer, Community of Christ historian, for seeing this article through the publication process with the assistance of the Church Heritage Team: Ronald E. Romig, Lori McCrosson, Joy Goodwin, and Barbara J. Bernauer, and Lachlan MacKay, Coordinator of Historic Sites.

vered.<sup>2</sup> The reality, though, is that ownership of the Kirtland Temple between 1834 and 1901 is a tangled web. For example, for a long period the House of the Lord was unclaimed. Indeed, the ownership of the Community of Christ of this prized edifice, as much as anything else, rests upon the absence of any other claimant during the 1880–1901 period. Further, leaders of both the Latter-day Saints and Reorganized Latter Day Saints were once intent upon selling it for secular uses in order to raise funds. And when Joseph Smith III concluded that his personal claim to the Kirtland Temple was poorly founded, he and the other leaders of the Reorganization implemented a plan to gamble the temple in a high-stakes effort to legally establish the legitimacy of their church through the Kirtland Temple litigation of 1879 and 1880.

How and why the Community of Christ came to own and have the stewardship of the House of the Lord in Kirtland is an interesting and significant historical question. After more than one hundred years of ownership and exclusive possession by the Community of Christ, this question became legally moot many decades ago.

Through the years it has been treasured as much as anything as a polemical symbol of the legitimacy of the RLDS Church.<sup>3</sup> As the Community of Christ now works to reclaim the Kirtland Temple as sacred space, a place to “continue to experience the presence of the Spirit . . . just as our ancestors did when it was erected,”<sup>4</sup> rectifying misunderstandings about the way the House of the Lord came to be owned by the Church and the polemic of legitimacy the temple was used to advance over the years has considerable present relevance.

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<sup>1</sup>Joseph Smith III, “The Memoirs of President Joseph Smith,” edited by Mary Audentia Smith Anderson. *Saints’ Herald* 82 [December 3, 1935]: 1554.

<sup>2</sup>“Throughout its history the Saints have revered the Kirtland Temple as a sacred place, a center where humanity and God can meet.” Roger D. Launius, *The Kirtland Temple: A Historical Narrative* (Independence: Herald Publishing House, 1986), 10.

<sup>3</sup>The exceptions only prove the rule. See, e.g., Roy A. Cheville, *My Endowing Experiences in the Kirtland Temple* (Independence: Herald Publishing House, 1983).

<sup>4</sup>W. Grant McMurray, “Called to Discipleship: Coming Home in Search of the Path,” *Herald*, 149 [June 2002]: 8, 19–20.

This article is a reexamination of those old legends, lies, and misunderstandings about its purpose, use, and ownership.

**PART I**  
**OWNERSHIP OF THE KIRTLAND TEMPLE, 1833–1879:**  
**FOUR STRANDS IN A TWISTED CHAIN OF TITLE**

Who owned the House of the Lord in Kirtland, Ohio, when it was built and through the 1870s?<sup>5</sup> The answer, far from being trivial, reveals four competing strands in the chain of record title to the real estate where the House of the Lord is situated. Record title is not necessarily the same as legal ownership. For example, valid record title can be defeated through adverse possession, which I will explain was the case here. None of the four strands in the chain of title is perfect, but there are clear differences in quality among them. A chain of title without at least minor imperfections is probably more the exception than the rule. The legal standard is not perfection, however, but “marketability.”

*First Strand in the Chain of Title*

On March 13, 1799, the Connecticut Land Company transferred a large tract of real estate, including the future site of Kirtland, to Turhand Kirtland and others.<sup>6</sup> Turhand Kirtland conveyed just more than fifty-one acres, including the eventual site of the House of the Lord, to Peter French on July 2, 1827.<sup>7</sup> On April 10, 1833, Peter French and his wife, Sally, conveyed 103 acres, in-

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<sup>5</sup>Construction of the House of the Lord began on June 5, 1833. It was dedicated on March 27, 1836. A significant milestone in its ownership was reached when E. L. Kelley filed an action on behalf of the Reorganization to quiet its title on August 18, 1879.

<sup>6</sup>Abstract of Title prepared by George E. Paine, certified on January 5, 1878, and containing entries beginning on March 13, 1799, 68/5, item 1, Community of Christ Library-Archives, Independence (hereafter Abstract). Two folders (P24 f36 and f37) are labeled “Kirtland, Ohio Temple Suit,” with the items therein arranged by date. F36 contains documents from 1874–79; f37 covers 1880.

<sup>7</sup>Kirtland Temple Litigation File, item 5.

cluding the fifty-one-acre tract to Joseph Coe for \$5,000.<sup>8</sup> French took back a purchase money mortgage on the property in the amount of \$3,000.<sup>9</sup> John Johnson apparently contributed \$2,000 of the \$3,000 proceeds he received from the sale of his own farm toward Coe's purchase of the French farm. Joseph Coe, joined by his wife, conveyed the site of the House of the Lord on June 17, 1833, to Newel K. Whitney and Company for a recited consideration of \$5,000.<sup>10</sup> On May 5, 1834, John Johnson and wife conveyed the temple property, consisting of one acre and 154½

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<sup>8</sup>Ibid., Entry 6. Deed, Geauga County Real Estate Records, Book 17, p. 359. Coe, born in 1785, probably in New Jersey, became a Latter Day Saint in 1831 and moved to Kirtland about 1832, and, on March 23, 1833, was coappointed to superintend the purchase of the Peter French farm on behalf of the church. According to Fred C. Collier and William S. Harwell, eds., *Kirtland Council Minute Book* (Salt Lake City: Collier's Publishing Company, 1996), 12: "A council of High Priests & Elders assembled in the school room at 9 o'clock agreeable to previous arrangements. After opening the council by Broth Joseph, it was agreed that br. Joseph Coe and brother Moses Dailey would proceed to make purchase of certain farms, or to obtain . . . their terms of such, and that Bro. E. Thayer be appointed to obtain the price of [the] Pete French farm and the brethren agreed to continue in prayer and fasting for the ultimate success of their mission. After an absence of about three hours . . . bro Thayer returned and reported that Peter French would sell his farm for five thousand dollars. And after the report of the brethren, it was put to vote whether . . . the property should be purchased and decided in the affirmative. It was then agreed that bro Ezra Thayer and Joseph Coe should superintend the purchasing of said farms and to have the prayer of the brethren and that they should be ordained to that office. Accordingly Sidney Rigdon ordained them as general agents, to be set apart to act as such in this eastern branch of the Church." He helped lay the temple's foundation stones in 1832-33, was excommunicated in 1838, and continued to live in Kirtland.

<sup>9</sup>Deed, Geauga County Real Estate Records, Book 17, p. 359. The mortgage is recorded in the same book, p. 38. See also Abstract, entries 6-7.

<sup>10</sup> Geauga County Real Estate Records, Book 17, p. 360; Abstract, Entry 8. Newel K. Whitney, born in 1795 at Marlborough, Vermont, moved to Painesville, Ohio, around 1817 and to Kirtland in about 1822, where he joined the Latter Day Saint Church in 1830. Whitney left Kirtland in the fall of 1838, served as a bishop in Nauvoo, was ordained presiding bishop at Winter Quarters in 1847, and died in Salt Lake City in 1850.

rods,<sup>11</sup> by warranty deed to “Joseph Smith Junior President of the Church of Christ . . . and . . . called the church of the Latter day saints . . . and his successors in the Office of Presidency of the aforesaid Church.”<sup>12</sup> In lay terms, the words, “and his successors in the office of Presidency” make it clear that the conveyance in trust is to the President of the Church, who then happened to be Joseph Smith Jr. rather than to Joseph Smith Jr. who then happened to be President of the Church.

The deed reads:

This Indenture, made this fifth day of May in the year of the Lord, One thousand eight hundred and thirty four between John Johnson, and Elsey Johnson, wife of the said John Johnson of the Township of Kirtland, County of Geauga and State of Ohio, of the one part, and Joseph Smith Junior President of the Church of Christ organized on the 6th of April, in the year of our Lord, one thousand eight hundred and thirty, in the Township of Fayette, Seneca County and State of New York, and was called the church of the Latter day saints by a conference of the elders of said Church assembled in the Township of Kirtland, County of Geauga and State of Ohio on the 3rd day of May in the year of our Lord one thousand eight hundred and thirty four, in trust, for the uses and purposes herein after mentioned of the other part, Witnesseth, that the said John Johnson, and Elsey Johnson wife of the said John Johnson for and in consideration of the sum of two hundred twenty two dollars and thirty cents,<sup>13</sup> current money, to them in hand paid at and upon the sealing and delivery of these presents, the receipt whereof is hereby ac-

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<sup>11</sup> It is often imagined that the temple lot is sizable because of Joseph Smith’s grandiose plans for additional structures and because of the extensive grounds with which the House of the Lord is associated today. However, the actual temple lot of one acre and 154½ rods is barely large enough to accommodate the building itself and the school and print shop that once adjoined it. An 1832 Ohio statute prohibited a religious society from holding more than twenty acres of real estate. *Morgan v. Leslie*, Wright 144 (Ohio 1832). This property conveyed by the Johnson deed was, therefore, well within the statutory limitation.

<sup>12</sup> Geauga County Real Estate Records, Book 24, p. 478; Abstract, Entry 10. The deed was regularly witnessed and acknowledged.

<sup>13</sup> Marvin S. Hill, C. Keith Rooker, and Larry T. Wimmer, “The Kirtland Economy Revisited: A Market Critique of Sectarian Economics,”

knowledged have given granted bargained sold released confirmed and conveyed and by these presents do give grant bargain sell release confirm and convey unto him the said Joseph Smith Junior and his successors in the Office of Presidency of the aforesaid Church all the estate right title interest-in-property claim and demand whatsoever either in law or equity which he the said John Johnson and Elsey Johnson his wife have in to or upon, all and singular, a certain lot piece or parcel of land situate laying and being in Kirtland Township No. 9, in the 9th range of Townships, in the Connecticut Western Reserve, in the State of Ohio, and which is also in the county of Geauga and is known as part of No. 30, in tract one and is bounded as follows, to wit, On the south by land belonging to Frederick G. Williams formerly the farm of Isaac More [sic; should be Moore], commencing near the northeast corner in the center of the road leading from Kirtland Mills to Chester and running west on the north line of said land 22 rods, thence north 17 rods to a stake marked No. 1, thence east to the center of said road from thence to the place of beginning supposed to contain One Acre and 154 ½ rods subject to all highways that may be on said land be the same more or less, with all and singular the houses, Woods, waters, ways privileges and appurtenances thereto belonging in or any wise appertaining unto him the said Joseph Smith Junior President of the church aforesaid, and his successors in office, forever, in trust for the use of the members of the Church aforesaid, according to the articles and covenants of said church. And the said John Johnson and Elsey Johnson his wife do by these presents, bind themselves and their heirs forever to Warrant and Defend all & singular the before mentioned and described lot piece or parcel of land with the appurtenances thereto belonging, unto him the said Joseph Smith Junior President of the Church aforesaid and his successors in Office appointed according to the articles & covenants of the Church aforesaid, against the claim or claims of them the said John Johnson and Elsey Johnson his wife, their heirs and assigns, and against all lawful claims or demands of all persons whatsoever. In testimony whereof

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*BYU Studies* 17, no. 4 (Summer 1977): 427, incorrectly lists this sum as \$22.30. This clerical error affects their subtotal of Smith's land purchases in 1834 and their grand total. Of course, the temple should not have been listed among Smith's real estate holdings in any event since he held it in a fiduciary capacity for the members of the Church rather than in his personal capacity.



the said John Johnson and Elsey Johnson his wife have hereto set their hands and seals the day and year aforesaid.

Newel K. Whitney and his wife, Elizabeth Ann Smith Whitney, conveyed a large parcel, including the temple property, to John Johnson for \$5,000 on September 23, 1836. A minor imperfection in the chain of title appears here because the conveyance on June 17, 1833, was to Newel K. Whitney and Company, while this conveyance was from Newel K. Whitney and his wife.<sup>14</sup>

A significant strain in this first strand of the chain of title occurred on May 5, 1834, when John Johnson conveyed the real estate to the President of the Church of Christ in trust for the use of the members of the Church. The strain occurred because the property was not conveyed to Johnson himself by Newel K. Whitney until more than two years afterwards. Perhaps Johnson had entered into a contract with Whitney for the purchase of the land sometime after June 17, 1833, and had conveyed the property to the president of the Church for the use of its members before that contract was actually fulfilled.<sup>15</sup>

Although not entirely free of doubt, the soundest view is that, under a doctrine of the common law, known as "estoppel by deed" or

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<sup>14</sup>Geauga County Real Estate Records, Book 22, p. 497; Abstract, Entry 9. "Isaac Moore" should not be mistaken for Isaac Morley, one of Kirtland's early Mormon converts.

<sup>15</sup>This was the speculation of the abstractor, George E. Paine: "Probably Johnson had a contract for the land in 1834 and based his warranty deed as above on that contract." Abstract, Entry 10. Whitney was appointed by revelation to take charge of the French farm on behalf of the Church: "A conference of High Priests met in Kirtland on the 4th of June 1833 in the translating room and took into consideration how the French farm should be disposed of. The council could not agree who should take the charge of it, but all agreed to inquire of the Lord. Accordingly we received a revelation which decided that Broth N. K. Whitney should take the charge thereof." Kirtland Council Minute Book, June 4, 1833, microfilm, original at Archives, Family and Church History Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City (hereafter LDS Church Archives); Community of Christ Library-Archives, Independence; Collier and Harwell, eds., *Kirtland Council Minute Book*, 15. Johnson, a member of the United Firm, had been instructed on the same day to remove the encumbrances on the French farm. H. Michael Marquardt, *The Joseph Smith Revelations: Text &*

“inurement under warranty,” the May 5, 1834, conveyance by warranty deed from Johnson to the Church president in trust for the use of its members was sufficient to retroactively convey good title upon Johnson’s subsequent receipt of the real estate from Whitney on September 23, 1836.<sup>16</sup>

At the time of the conveyance from Johnson, the Church was an unincorporated association. Conveying real estate into the name of an unincorporated association would not have been legal. At the same time, conveying real estate directly to the numerous members themselves, while legal, would certainly have been practically impossible. Therefore, the conveyance from Johnson was to the president of the Church and his successors, in

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*Commentary* (Salt Lake City: Signature Books, 1999), 241. In their mutual transactions involving the property, both men were undoubtedly acting on behalf of the Church.

<sup>16</sup>If a warranty deed from A to B purports to convey an estate which A does not then have but which A afterwards acquires, it will inure to B under the doctrine of estoppel by deed. The doctrine is based on the intention of the parties as expressed in the deed: A intends to transfer the estate described in the deed and B intends to receive it. Whether the doctrine applies depends entirely, however, on the language used in the deed. Here, the use of the standard words of warranty in Johnson’s deed of May 5, 1834, “have . . . granted bargained [and] sold,” together with the warranty itself, “bind themselves and their heirs forever to Warrant and Defend all & singular the before mentioned and described lot . . . against all lawful claims or demands of all persons whatsoever,” militate strongly in favor of application of the doctrine of estoppel by deed. This deed was not prepared by a skilled attorney, if by any attorney at all, however, and considerable pause is given by the grant in Johnson’s May 5, 1834, deed only of “all the estate right title interest-in-property claim and demand whatsoever either in law or equity which he the said John Johnson and Elsey Johnson his wife have.” But a land contract creates equitable rights in the purchaser and if Johnson had, in fact, entered into a contract with Whitney for the purchase of the real estate prior to May 5, 1834, the doctrine of estoppel by deed would clearly apply. *Bond’s Lessee v. Swearingen*, 1 Ohio 395, 1 Hammond 395 (1824); *Allen’s Lessee v. Parish*, 3 Ohio 107, 3 Hammond 107 (1827); *Pollock v. Brayton*, 163 N.E. 573, 29 Ohio App. 296 (1928); and *Hemphy v. Brooke*, 184 N.E.2d 686, 115 Ohio App. 246 (1961).

trust, for the use and benefit of the members of the Church.<sup>17</sup> This deed did not explicitly refer to the Church president as a trustee, but the effect of the conveyance was that he held the legal title as a trustee. The equitable or beneficial title was in the members of the unincorporated association who were the beneficiaries of the trust. The deed created the trust relationship and, although scantily, defined its terms. Regardless of whatever authority may have been bestowed upon the Church president by virtue of later being designated as the Church's "trustee-in-trust" (a hackneyed designation according to the usages of the law), Joseph Smith Jr. and his successors had no more authority under this deed than the deed itself provided. This deed did not provide any authority whatsoever for any conveyance or mortgage of the property by the Church president acting in his role as trustee. Under such circumstances, in Ohio the trustee of a church's real property was required to seek judicial authorization if a sale or encumbrance were desired.<sup>18</sup> No such judicial authorization was ever sought by the trustee to sell or encumber the Kirtland Temple property.<sup>19</sup>

### *Second Strand in the Chain of Title*

John Johnson and wife conveyed the temple property to Joseph Smith Jr. in his personal capacity on January 4, 1837, again for a recited consideration of \$222.30. The property description reads: "... being the tract or parcel heretofore deeded by the said Johnson and wife to Joseph Smith Jr. and to his successors in office of President of the Church of Christ, which deed is supposed to be illegal, for which

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<sup>17</sup>An unincorporated association cannot hold property in its assumed name, but another may hold it by a conveyance in trust. *Goesele v. Bimeler*, Fed.Cas.No. 5,503, 5 McLean 223, 8 West.Law J. 385, 3 Ohio F.Dec. 18, affirmed 55 U.S. 589 (C.C.Ohio 1851).

<sup>18</sup>Ohio Rev. Code Ann. §§1715.39 and 1715.41; *South Kenton Union Sunday School Assn. v. Espy*, 17 Ohio Circuit Court Reports 524, 9 Ohio Circuit Decisions 695 (1899).

<sup>19</sup>It might be supposed that a judge antagonistic to Mormonism would never give authorization for mortgaging or selling the temple. This supposition would be mistaken, however, if a judicial officer opposed to Mormonism saw the sale, or even a mortgage, of the temple as a substantial step toward hastening the Saints' departure.

reason this last deed is executed . . .”<sup>20</sup>

On April 10, 1837, Joseph Smith Jr., in his personal capacity, joined by his wife, Emma, conveyed the temple property to William Marks, a member of the high council in Kirtland.<sup>21</sup> The grantor reserved “the Market house occupied by Whitmer, Rich & Co. which stands on the above described lot of land.” The deed recited a consideration of \$500.<sup>22</sup> Based on the subsequent course of dealing between the parties, there is no reason to believe this was an arm’s length transaction. Some have euphemistically characterized these conveyances as an effort to “protect” the assets. Lawyers might more aptly describe the transfers as “a fraud upon creditors.”

William Marks and his wife, Rosannah, conveyed the temple property to Joseph Smith Jr. as “sole Trustee in Trust for the Church of Jesus Christ of Latter day Saints,” for a recited consideration of One Dollar on February 11, 1841.<sup>23</sup> In this deed, Marks, the grantor, endeavored to reserve to himself “the Market house

<sup>20</sup>Geauga County Real Estate Records, Book 24, p. 100; Abstract, Entry 11. The date in the Abstract typescript, “1837 July 4,” is a typographical error. According to the Abstract, “the survey of ‘Kirtland City’ was made in April 1837 (Geauga Records X98) and it was necessary for all the owners of the land to join in acknowledging the survey; it may be the new deed of January 4, 1837 was made so as to enable J. Smith Jr. to sign the survey.”

<sup>21</sup>William Marks was born in 1792 in Rutland, Vermont, and died in Plano, Illinois, in 1872. Marks resided in Kirtland (1836–38) and was Nauvoo Stake president (1839–44). After Joseph Smith’s death, Marks aligned with the Strangites for a time and then joined the Reorganization, serving in its First Presidency.

<sup>22</sup>Geauga County Real Estate Records, Book 23, p. 536; Abstract, Entry 12. Joseph Smith, foreseeing the high probability that a civil penalty of \$1,000 for illegal banking would soon be levied against him, conveyed six tracts to Marks on that date for \$3,800. Geauga County Real Estate Records, Book 23, pp. 535–39, and Book 24, p. 189. Sidney Rigdon also made one transfer to Marks on April 10, 1837, recorded in Book 23, p. 535.

<sup>23</sup>The Lake County Recorder of Deeds received the deed on April 19, 1841; recorded in Book A, p. 327, Lake County Courthouse, Painesville, Ohio; Abstract, Entry 13. The typescript of the Abstract erroneously states the consideration as “\$100.” It appears that the Church was still an unincorporated association in Ohio. *Times and Seasons* 2 (July 1, 1841): 458, indi-

which stands on the above-described lot of land.” No successor in the office of trustee was named in this deed, whereas a successor had been designated in the May 5, 1834, deed from John Johnson to Smith.

The relative strength of the first strand in the chain of title is the relative weakness in the second. If the May 5, 1834, warranty deed from Johnson to the Church president, in trust for the use of its members, conveyed a good title under the doctrine of estoppel by deed upon Johnson’s subsequent receipt of the real estate from Whitney on September 23, 1836, then Johnson had nothing left to convey to Smith on January 4, 1837, and the deed from Johnson to Smith personally on January 4 was of no effect. If the first link in the second strand of the chain of title is broken, then the other links in that same strand carry no weight either.

That the deed dated April 10, 1837, from Joseph Smith Jr. to William Marks finds its place in the second strand of the chain of title, and not in the first strand, is established by Smith’s execution of this deed in his personal capacity rather than in a fiduciary capacity as trustee. Further, under Ohio law he had no authority to execute a deed to the trust estate in his fiduciary capacity without judicial permission.

The final link in this second strand in the chain of title was created when Marks conveyed the temple property to Joseph Smith Jr. as the trustee, acting in trust for the Church of Jesus Christ of Latter Day Saints. It was a matter of some importance in the Kirtland Temple litigation that no successor in the office of trustee was explicitly named in this deed, whereas “successors” were mentioned in the May 5, 1834, deed to Smith from John Johnson. Nor is there any hint in Mark’s February 11, 1841, deed that he was conveying to an ecclesiastical officer, known as a “trustee-in-trust,” and that officer’s successors. Under Mark’s deed, therefore, if it were accorded any legal weight at all, upon Smith’s death the trustee’s bare legal title, held solely for the benefit of the unincorporated church, devolved upon his heirs.

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cates that the Church was incorporated in Ohio ca. May 22, 1841, but no record of such an incorporation has been found in the records of the Lake County Court of Common Pleas.

*Third Strand in the Chain of Title*

William Marks quitclaimed “all those certain farms, pieces, or parcels of land previously deeded by me to Joseph Smith as sole Trustee in Trust,” specifically including the Kirtland Temple property, to Newel K. Whitney and George Miller, trustees in trust for the Church of Jesus Christ of Latter Day Saints, and their successors in office, for a recited consideration of One Dollar and the “love and goodwill” he bore to the Church, on November 23, 1845.<sup>24</sup> Marks’s wife did not join him in the transaction. This deed represents a complete break in the chain of title. Consequently, the abstractor, who was working from the grantor and grantee indices in the office of the Recorder of Deeds, rather than from a tract index in a modern title plant, did not pick up this deed nor the following deeds in the third strand of the chain of title.

On August 15, 1846, Almon W. Babbitt, Joseph L. Heywood, and John S. Fullmer, trustees in trust for the Church of Jesus Christ of Latter-day Saints, by warranty deed, conveyed three tracts, including the temple property, to Reuben McBride for a recited consideration of \$10,000.<sup>25</sup> A few months later, Babbitt was bragging in Batavia, New York, that he had sold the temple for that price.<sup>26</sup>

On December 14, 1846, by warranty deed, Reuben McBride and Mary Ann, his wife, conveyed the temple property to George Edmunds Jr.<sup>27</sup> of Nauvoo, Illinois, for a recited consideration of

<sup>24</sup>The Lake County Recorder of Deeds received the deed on August 25, 1846, and recorded it in Book E, p. 109.

<sup>25</sup>The Lake County Recorder of Deeds received the deed December 21, 1846, and recorded it in Book E, p. 227, on January 2, 1847. I thank Elder Lyle S. Briggs for sharing this source.

<sup>26</sup>J. Tyler wrote to William E. McLellin in February 1847 from Batavia, New York: “A. Babbitt preaches here tonight, but I shall oppose him. He says he sold the Temple at Kirtland when he was there for \$10,000, but I believe him to be a right Rev. liar.” McLellin replied in January 1848: “Babbitt’s sale of the Temple here was a mere sham, as events since have proved.” *The Ensign of Liberty* 1, no. 4 (January 1848): 60. I thank Lachlan Mackay for sharing this source.

<sup>27</sup>Edmunds, born April 10, 1822, was Emma Hale Smith’s attorney in settling Joseph’s estate in Illinois. He was also a long-time friend of Joseph

\$10,000.<sup>28</sup> There is no reason to believe that this was a *bona fide* arm's length transaction either. Much more likely, Edmunds was merely a straw party; and the transaction, like the one before it, was intended solely to legitimate the trustees' asking price for the temple.

George Edmunds Jr. and his wife, by warranty deed, conveyed the temple property to Almon W. Babbitt, Joseph L. Heywood, and John S. Fullmer, Trustees in Trust for the Church of Jesus Christ of Latter Day Saints, and their successors in office, on April 6, 1847, for a recited consideration of One Dollar and the "love and goodwill we bear to the Church of Jesus Christ of Latter Day Saints."<sup>29</sup> In the Kirtland Temple litigation, the lawyer for the Reorganization and the judge were unaware of this third strand in the chain of title.<sup>30</sup> Nevertheless, it was decisive in the RLDS Church's selection of counsel in that case. Joseph Smith III had hoped to retain George Edmunds Jr. to represent the Reorganization, but Edmunds's warranty deed to the trustees-in-trust would have significantly embarrassed the RLDS position.

The utter lack of strength of this strand in the chain of title was revealed by the need to jumpstart it by procuring a quitclaim deed

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Smith III and counsel for the Reorganization in the Independence Temple Lot suit. He should not be confused with the U.S. Senator from Vermont, also George Edmunds, who expended much energy drafting legislation during the 1880s designed to eradicate polygamy from Utah.

<sup>28</sup>The Lake County Recorder of Deeds received this deed on December 21, 1846, and recorded it in Book E, p. 228, on January 2, 1847. Through a minor scrivener's error, the quantity of real estate conveyed was referred to as one acre and 154 rods. The deed "reserved" or, more aptly, excepted, the "Market house." The abstractor also failed to pick up this instrument.

<sup>29</sup>The Lake County Recorder of Deeds received the deed on May 8, 1847, and recorded it in Book E, p. 413, May 15, 1847. Again, the quantity of real estate conveyed was referred to as one acre and 154 rods. This document, like the one before it, "reserved" the "Market house." Again, the abstractor missed this conveyance.

<sup>30</sup>A more thorough search of the grantor/grantee index would have revealed the first link in this strand under the name of William Marks, but the abstractor evidently felt no need to continue searching for entries under Marks's name once his claim had been exhausted through his February 11, 1841, deed to Smith as trustee.

from William Marks in November 1845. Whatever estate Marks once had in the temple property had been entirely exhausted through his conveyance to Joseph Smith Jr. as sole trustee in trust for the Church on February 11, 1841. The unfortunate failure to name a successor to Smith as trustee in that previous deed accounts for both the need to jumpstart this strand in the chain of title and for its lack of efficacy.

An "Act Concerning Religious Societies," adopted by the Illinois legislature on February 6, 1835, permitted an unincorporated religious association to appoint trustees for itself. The Latter Day Saints apparently believed that, under this statute, its trustees were vested with plenary power to convey and encumber the Church's property in Ohio. According to E. L. Kelley, an additional act of the Illinois legislature in 1845 was necessary to legalize the transfers made by Joseph Smith as trustee of the Church in that state.<sup>31</sup> According to a certificate filed in the office of the Lake County Recorder of Deeds on December 9, 1846, the Church had appointed Joseph Smith Jr. as such trustee on January 30, 1841.<sup>32</sup> After Smith's death, Newel K. Whitney and George Miller were appointed as trustees on August 8, 1844. When Whitney and Miller resigned, Almon W. Babbitt, Joseph L. Heywood, and John S. Fullmer were appointed to replace them on January 24, 1846.

This set of facts might be sufficient to conclude that the Church created an ecclesiastical office known as the "trustee-in-trust." And, although unlikely, it might even be possible that under Ohio law property could be conveyed to such an officer and his successors to be held on behalf of the Church, although neither the Illinois Church corporation nor its officers would have had any inherent authority to transact business in

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<sup>31</sup>E. L. Kelley, Letter to Henry Stebbins, January 9, 1880, Kirtland Temple Litigation file, P24, f37, item 1, Community of Christ Library-Archives.

<sup>32</sup>Lake County Recorder of Deeds, Book E, p. 211, December 1846. Similar documents were filed with the Recorder of Deeds, Hancock County, Illinois, Book of Bonds and Mortgages, pp. 95, 510 (No. 6338), and in Bonds and Mortgages, Book 2, p. 144 (No. 7510). Presumably, these documents were filed by the trustees-in-trust. Paine, the abstractor, did not pick up this certificate, most likely because the Lake County Recorder failed to fully index the document.



Ohio.<sup>33</sup> At this point, the difficulties in the third strand in the chain of title appear. Marks's deed of February 11, 1841, made no provision for Smith's successors, and his subsequent deed to the successors, on November 23, 1845, was made at a time when Marks had no interest, claim, or estate left to convey. Consequently, the third strand in the chain of title begins and ends with the successor trustees-in-trust holding nothing. In addition, the successor trustees-in-trust faced the hurdle, under Ohio law, of obtaining judicial authorization for any conveyance they might wish to make, a step they never undertook.

#### *Fourth Strand in the Chain of Title*

On April 19, 1862, Henry Holcomb, administrator of Joseph Smith's estate, executed an administrator's deed for two tracts of real estate (the temple property and an unrelated parcel of thirteen acres) to William L. Perkins for \$150.<sup>34</sup> This conveyance was subject to a lien of \$4.11 per year for dower (meaning support during her remaining life) in favor of Emma Hale Smith Bidamon, awarded by the probate court.<sup>35</sup>

Later on April 19, 1862, William L. Perkins quitclaimed the temple property, but not the thirteen acres, to Russell Huntley for \$150.<sup>36</sup> For \$450, Huntley quitclaimed a small portion of the temple property, 5/16 of an acre, but not including any portion of the temple itself, to Lucius Williams on October 15, 1866.<sup>37</sup>

Williams, on May 10, 1869, quitclaimed the 5/16-acre parcel ad-

<sup>33</sup>Further, *Goesele v. Bimeler*, Fed.Cas.No. 5,503, 5 McLean 223, 8 West.Law J. 385, 3 Ohio F.Dec. 18, affirmed 55 U.S. 589 (C.C.Ohio 1851), suggests that the directors of an incorporated association and their successors may not hold real estate on behalf of the unincorporated association.

<sup>34</sup>Lake County Real Estate Records, Book S, p. 526; Abstract, Entry 14.

<sup>35</sup>The amount was based on two factors: the widow's needs and the estate's value. Grandison Newell and William Perkins were concerned only to ensure that, if the Utah Latter-day Saints returned to Kirtland, they would have to contend with Emma.

<sup>36</sup>Lake County Real Estate Records, Book S, p. 371; Abstract, Entry 15. Huntley had actually taken possession of the House of the Lord by 1860.

<sup>37</sup>Lake County Real Estate Records, Book X, p. 318; Abstract, Entry

jaacent to the temple to Seth Williams for \$450.<sup>38</sup> By quitclaim deed, Russell Huntley then conveyed the temple to Joseph Smith III and Mark H. Forscutt for \$150 on February 17, 1873.<sup>39</sup>

The fourth strand in the chain of title had its genesis in the scheme of Grandison Newell, a bitter enemy of Joseph Smith Jr. from the 1830s,<sup>40</sup> and William L. Perkins, then Lake County Prosecuting Attorney, to cloud the title to the Kirtland Temple in the aftermath of the excitement precipitated by the abortive Utah War of 1856-57. They were concerned the Mormons might return to Kirtland to reclaim the temple, and they wanted to make it as difficult as possible to do so. Newell and Perkins took the first step in 1859 by obtaining an act from the Ohio Legislature that revived the judgment about the unsatisfied portion of the \$1,000 civil penalty levied against Joseph for engaging in illegal banking (a judgment originally obtained at Grandison Newell's behest) and assigned the state's portion of the civil penalty to Newell to repay an alleged personal debt. This action was part of a probate of Smith's estate they initiated for that exact purpose.<sup>41</sup>

The probate sale of the temple property at Newell's and

17. The 5/16 of an acre was described: "Begin 15.5 feet east and 4 feet and 9 inches south of the southeast corner of the Temple; thence south to the south line of the Temple lot; thence east to the center of Chillicothe road; thence Northerly on the centre of the road to a line 4 feet 9 inches south of the south side of the Temple; thence west on said line to the place of beginning, containing 50 rods more or less."

<sup>38</sup>Lake County Real Estate Records, Book 2, p. 237. Paine, perhaps because he was focusing on the temple itself, did not include this transaction in the abstract of title, an omission that caused difficulty for E. L. Kelley in the Kirtland Temple litigation, beginning when he erroneously named Lucius Williams, instead of Seth Williams, as a defendant.

<sup>39</sup>Lake County Real Estate Records, Book 5, p. 67. The legal description was the same as in the Perkins deed to Huntley but contained an exclusion: "... except so much thereof as the said party of the first part has heretofore sold to one [blank] Williams residing at the time of sale in said Kirtland, Ohio from the southeast corner thereof being about one quarter of an acre more or less."

<sup>40</sup>Dale W Adams, "Grandison Newell's Obsession," *Journal of Mormon History* 30 (Spring 2004): 159-88.

<sup>41</sup>*Journal of the House of Representatives of the State of Ohio: for the Second*

Perkins's request was premised on the January 4, 1837, deed from John Johnson to Joseph Smith Jr. *personally*; their probate court filings made no reference to the first deed from Johnson to Smith in trust, to the deed from Smith to Marks, or to the deed from Marks to Smith as trustee.<sup>42</sup> In other words, they treated the temple property as though it belonged to Joseph Smith Jr. personally at the time of his death. However, there is no plausible theory of the law and the facts under which Joseph Smith Jr. held the property at the time of his death to communicate anything other than in a fiduciary capacity. That is, he held only the bare legal title, and the equitable or beneficial ownership of the property was in the Church or its members. It is beyond cavil that a trust estate is not answerable for the personal debts of the trustee.

Notwithstanding its gross deficiencies, the probate sale of the House of the Lord was conclusive but only against persons and entities made parties to the probate case. Newell, Perkins, and Holcomb, wanting only to cloud the title rather than provoke an all-out confrontation, had named only Emma Smith and Joseph Smith III personally as Joseph Jr.'s son and heir (not as president of the Reorganization) as parties to the probate sale. Consequently, the fourth strand in the chain of title was totally worthless as against the Church or any of its factions.<sup>43</sup>

### *Encumbrances*

At the time Peter French sold Joseph Coe the acreage where the House of the Lord in Kirtland was subsequently constructed, French took back a purchase money mortgage on the site. The mortgage, dated April 10, 1833, secured payment of two promissory notes from

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*Session of the Fifty-third General Assembly Commencing on Monday, January 3, 1859*, 328, 334, 336-337, 362.

<sup>42</sup>Abstract, entries 11, 10, 12, 13, respectively.

<sup>43</sup>Under Ohio law, a probate sale of real estate is not conclusive on persons or entities who were not made parties to nor given notice of the probate proceeding and is subject to collateral attack by such persons or entities. *Richards v. Skiff*, 8 Ohio St. 586 (1858); *Farmers' Nat. Bank of Greenville, Ohio v. Green*, 4 F. 609, 4 Ohio F.Dec. 674 (C.C. Ohio 1880); and *Shackelford v. Alford*, 196 N.E.2d 609 (Ohio App. 1963). In this case, none of the Restoration factions was made a party to or given actual or constructive notice of the purported probate sale of the Kirtland Temple.

Coe in the amount \$1,500 each, the first payable in one year and the second payable in two years.<sup>44</sup>

By March 1836, Coe had defaulted on paying the notes, and French filed a bill in chancery with the Geauga County Court of Common Pleas to enforce the mortgage through the judicial sale of the property. Coe failed to respond to the suit; and the court appointed a committee of three citizens, Oliver A. Crary, Asial Hanson, and Samuel Tomlinson, to appraise the mortgaged tract of 103 acres for the purpose of establishing a fair price in the event of a judicial sale. The committee appraised the tract at \$6,000. At the conclusion of the proceeding, French asked the court to find only that the accrued interest of \$683.45 was then due him under the mortgage; and the court ordered that Coe pay that sum to French within ten days, issuing an order to the sheriff to sell the property in case of default.<sup>45</sup> French eventually released the mortgage, but not until September 18, 1848.<sup>46</sup>

On July 11, 1837, Joseph Smith Jr., Sidney Rigdon, Oliver Cowdery, Hyrum Smith, Reynolds Cahoon, and Jared Carter purported to mortgage "the Stone Temple situated in Kirtland . . . called also the 'Chapel House' and . . . the land over which the same is situated" to Mead Stafford & Company, merchants from New York City, for \$4,500.<sup>47</sup> The difficulties with this instrument as a valid mortgage were manifest and profound. All but Joseph Smith were strangers to the chain of title. As to Joseph, the first Johnson deed had not empowered him to mortgage the property nor did Smith execute this mortgage in a fiduciary capacity. Just as importantly, Smith had already divested himself of any claim under the second Johnson deed by the conveyance to Marks on April 10, 1837. Further, the document utterly failed to sufficiently describe the real estate affected and was, therefore, wholly void as a mortgage. This latter deficiency no doubt explains why the abstractor failed to pick up this instrument as a possible encumbrance.

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<sup>44</sup>Gauga County Real Estate Records, Book 17, p. 38.

<sup>45</sup>Chancery Records, Geauga County Court of Common Pleas, Book R, pp. 101-6.

<sup>46</sup>*Ibid.*, notation on the record, Book 17, p. 39. Abstract, Entry 7.

<sup>47</sup>Recorded by Ralph Caroles, Geauga County Recorder of Deeds, Book 24, p. 213, July 20, 1837. He denominated it as an "Assignment."

*Suits for Possession*

The right to control the possession and use of real estate is the primary incident of owning it. After Joseph Smith's assassination, representatives of the Church of Jesus Christ of Latter-day Saints struggled to assert that right against other Restoration factions. Reuben McBride, then living in Kirtland, later described these conflicts:

In July/45 the Rigdonites tried to drive me by force off the place [the Church farm] my life was threatened by Jacob Bump who once belonged to the Church through Mobbing and continual trouble by day and by night by Rigdonites and Strangites all apostates from the ch and Law Suit after Law Suit about the farm also the Temple and House & Lot formerly the Carlos Smith House & Lot [I held it] until it was quieted down by Law in 1847.<sup>48</sup>

The records in the office of the Lake County Circuit Clerk are sketchy<sup>49</sup> but contain some evidence of the clashes among various splinter groups after the death of the Prophet. On September 30, 1844, the "Church of Christ of Latter Day Saints of Kirtland" filed a petition against Jacob Bump, who was then aligned with the Rigdonites. The petition sought the return (replevin) of twenty keys to lock and unlock the building commonly known as "the Mormon Temple." A writ of replevin directing the sheriff to seize the keys was issued the same day the case was filed, but the sheriff's return of the writ on October 9, 1844, showed that he had found no keys. The case languished for some months and was then stricken off by the court at the plaintiff's cost on April 8, 1845.<sup>50</sup>

On April 18, 1848, representatives of the LDS Church filed a suit: "John Doe *ex demissione*, Almon W. Babbitt, Joseph Haywood, John S. Fullmer, trustees in trust for the Church of Jesus Christ of Latter Day Saints and Ira Fish, Reuben McBride, Charles Palmer, Christopher Dixon, Charles Wightman, Trustees of the Church of

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<sup>48</sup>Reuben McBride, Statement, December 12, 1853, Ms d 3171, LDS Church Archives.

<sup>49</sup>For example, on settled cases during this period, the clerk's records amazingly reflect only that the case was filed and then settled but fail to set out the contents of the petition or the proceedings leading up to the settlement.

<sup>50</sup>Lake County Court of Common Pleas, Journal, Book B, p. 350; Lake County Court of Common Pleas, Execution Docket, Book B, p. 249.

Christ of Latter Day Saints of Kirtland, and the Church of Christ of Latter Day Saints of Kirtland, and Christopher Dixon, Charles Palmer, Ira Fish, Reuben McBride, Robert Harris, Charles Dixon, Simon Heath, Joshua Hollister, John Cowles, Thomas Featherstone, Julius Dee, Cutter Davis, Charles Wightman, Ezra Carpenter, Daniel Kent, John Andrews, and Hiram Brooks vs. Richard Roe.” “Richard Roe” was a fictitiously named defendant. The case sought his ejectment from the real estate where the House of the Lord was situated, and, in addition, property generically described as “ten acres of pasture land, ten acres meadow land, ten acres arable land, ten village lots, ten temples, ten churches, ten houses, ten buildings and ten rooms, ten chambers, ten yards, and ten gardens.” Not surprisingly, since no notice of the suit was ever given to an actual person, Roe defaulted and judgment was entered for the plaintiff on April 27, 1848. A writ of ejectment based on the judgment was never issued, however, although the plaintiffs may have used the judgment in their self-help efforts to secure possession of the temple or in obtaining the informal assistance of a friendly constable.<sup>51</sup> This case was not the last time a protagonist in the internecine conflicts over the ownership and possession of the House of the Lord would use a fictitious name for a defendant or fail to give actual notice of a lawsuit to interested parties to obtain a tactical legal advantage (discussed below).

### *Payment of Taxes*

Real estate tax records are a notoriously poor source of information about property ownership. First, the descriptions of real estate in the tax records are frequently severely truncated. Consequently, identifying the indicated property can require significant guesswork. Second, identification of the person responsible for payment of the taxes in the records represents nothing more than the opinion of the county assessor—an untrained layperson, not an attorney—about the owner.

The early real estate tax records of Lake County, Ohio, pose additional challenges. These records always indicate whether the taxes were paid but do not always reveal by whom. Further, the practice in Lake County was to simply remove property deter-

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<sup>51</sup>Lake County Court of Common Pleas, Journal, Book C, p. 334; Record, Book F, p. 273; and Execution Docket, Book C, p. 81.

mined to be exempt from taxation from the tax records without any other reference to this fact or any explanation of the reasons for it. Where these limitations can be overcome, real estate tax records do provide some helpful information. Nevertheless, in Ohio payment of taxes is never enough to either constitute or preclude a claim for adverse possession.<sup>52</sup>

For 1834–37 for Geauga County, and then for 1840–61 for Lake County, the temple property in Kirtland was not, apparently on the tax rolls. In 1838 and 1839, the “Temple Lot” was expressly listed on the Geauga County tax rolls under the name of William Marks as being “not taxable.” From 1862 through 1872, Russell Huntley paid the real estate taxes assessed on the property. Likewise, Joseph Smith III and Mark A. Forscutt paid the taxes from 1873 through 1878; but apparently the property was taken off the tax rolls from 1879 onward.

#### *Untangling the Four Strands in the Chain of Title*

Not at all a simple or straightforward problem, determining the ownership of the House of the Lord in Kirtland from 1834 to 1879 requires untangling four separate strands in a twisted chain of title. The first of those strands, ending in a May 5, 1834, deed to Joseph Smith Jr. as president of the Church of Christ, also known as the Church of the Latter Day Saints, and his successors in the office of Presidency for the use of the members of the Church, is far stronger and superior to the other three. The second strand, ending in the February 11, 1841, deed from William Marks to Joseph Smith Jr. as sole trustee in trust for the Church of Jesus Christ of Latter day Saints, is more tenuous than the first. The third strand, terminated by a deed on April 6, 1847, to A. W. Babbitt, J. L. Heywood, and John S. Fullmer, trustees in trust for the Church of Jesus Christ of Latter Day Saints and their successors in office lacks any strength whatsoever. Similarly, the fourth strand in the chain of title, ending in a February 17, 1873, quitclaim deed to Joseph Smith III and Mark H. Forscutt is wholly without efficacy as against the Church. Nothing regarding encumbrances, suits for possession, or

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<sup>52</sup>*Ewing v. Burnet*, Fed.Cas.No. 4591, 1 Ohio F.Dec. 537, 1 McLean 266, affirmed, 36 U.S. 41 (C.C.Ohio 1835). However, payment of taxes by a claimant can provide powerful evidence of the *extent* of the property claimed. *Ewing's Lessee v. Burnet*, 36 U.S. 41 (1837).

payment of taxes affects these conclusions.

Throughout the 1834–79 period, then, the bare legal title to the House of the Lord in Kirtland was held by Joseph Smith Jr. and his successors in the office of Presidency, for the benefit of the members of the church. After the Prophet's death and multiple splittings of his church, questions arose about the identity of his successors in the office of president and the identity of the original church's successor. These questions became of paramount importance to leaders of the Reorganization intent on establishing the legitimacy of their faction as the true successor to the church established by Joseph Smith, Jr.

**PART II**  
**THE REORGANIZATION'S QUEST FOR LEGITIMACY**  
**AND THE KIRTLAND TEMPLE LITIGATION**

*A Scourge and a Vacuum*

Grandison Newell's plan to rid the Kirtland area of Joseph Smith Jr. came to fruition on January 12, 1838, when the Prophet fled from the town by night to avoid further legal consequences from his participation in an unauthorized bank, the Kirtland Safety Society Anti-Banking Company. Luke Johnson, a Mormon apostle whose loyalties shifted during this period, was then a constable. He later related: "January 12th, 1838, I learned that Sheriff Kimball was about to arrest Joseph Smith, on a charge of illegal banking, and knowing that it would cost him an expensive lawsuit, and perhaps end in imprisonment, I went to the French farm, where he then resided, and arrested him on an execution for his person, in the absence of property to pay a judgment of \$50, which I had in my possession at the time, which prevented Kimball from arresting him. Joseph settled the execution, and thanked me for my interference, and started that evening for Missouri."<sup>53</sup> Actually, no second case for illegal banking was ever filed, the sheriff was not attempting to serve a writ at all, and no posse pursued Smith and Rigdon as they fled. All of these events of January 12, 1838, were a ruse orchestrated by Grandison Newell. Most of the Saints soon followed, many of them leaving

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<sup>53</sup>"History of Luke Johnson [autobiography]," *Millennial Star* 27 (January 7, 1865): 5–7.



Kirtland on July 6, 1838.<sup>54</sup>

Smith never returned to the House of the Lord in Kirtland. He remained concerned about its welfare, however, writing Oliver Granger in July 1840 to express the hope “that your anticipations will be realized and that you will be able to free the Lords House from all incumbrances.”<sup>55</sup> On January 26, 1841, Smith expressed gratification that Granger had redeemed the Lord’s House, directing him to hold the keys to the building until Smith returned.<sup>56</sup> A few months later on May 4, 1841, Smith wrote Granger: “I wish you to see that the judgment obtained on the mortgage [obtained by French in 1836] on the house of the Lord, in the circuit court, be entered satisfied, and I will settle with you [the same] as if you held it yourself. . . . You will also keep possession of the Keys of the House of the Lord until you receive further instructions from me.”<sup>57</sup>

Notwithstanding Smith’s concern for the temple, the dire financial necessity of selling lots in Nauvoo significantly affected his attitude toward Kirtland. As early as December 8, 1839, the First Presidency and High Council in Nauvoo published a warning message:

We have heard it rumoured abroad, that some at least, and probably many, are making their calculations to remove back to Kirtland next season. Now brethren, . . . we warn you, in the name of the Lord, not to remove back there, unless you are counseled so to do by the first Presidency, and the high council of Nauvoo . . . It is very probable, that it may be considered wisdom for some of us, and perhaps others, to move back to Kirtland, to attend to important business there: but notwithstanding that, after what we have written, should any be so unwise as to move back there, without being first counselled

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<sup>54</sup>According to William F. Cahoon, “We turned the key and locked the door of our homes, leaving our property and all we possessed in the hands of enemies and strangers, never receiving a cent for anything we owned.” Quoted by Max H. Parkin, *Conflict at Kirtland* (M.A. thesis, Brigham Young University, 1966), 328.

<sup>55</sup>Joseph Smith, Letter to Oliver Granger, [July 1840], in Dean C. Jessee, ed., *The Personal Writings of Joseph Smith* (Salt Lake City: Deseret Book, 1984), 475.

<sup>56</sup>*Ibid.*, 489–91.

<sup>57</sup>*Ibid.*, 493–95.

so to do, their conduct will be highly disapproved.<sup>58</sup>

On January 19, 1841, Smith admonished William Law through a revelation not to move to Kirtland: "I the Lord will build up Kirtland, but I the Lord have a scourge prepared for the inhabitants thereof."<sup>59</sup> Almon Babbitt, still a Church leader in Kirtland, was castigated: "He setteth up a golden calf for the worship of my people."<sup>60</sup>

On June 1, 1841, the First Presidency disbanded the Kirtland Stake, and Babbitt was disfellowshipped four months later for teaching that the Saints should gather at Kirtland, while Hyrum Smith, writing as Church patriarch, prophesied that anyone purchasing real properties in Kirtland would be scourged, "yet your children may possess them; but not until many years shall pass away." He warned that the local Saints' plans to build up Kirtland were not in harmony with God's will and would not prosper, for such plans neglected the House of the Lord in Nauvoo, including baptism for the dead upon which "their salvation and the salvation of the world depended."<sup>61</sup> In response to the plaintive entreaties of the few remaining local Saints, Joseph Smith permitted them to tarry in Kirtland for a short time, "according to your designs," but he warned: "Do not suffer yourselves to harbor the idea that Kirtland will rise on the ruins of Nauvoo."<sup>62</sup>

In April 1843, fiery Apostle Lyman Wight was again encouraging the reluctant Kirtland Saints to move to Nauvoo. He reminded

<sup>58</sup>*Times and Seasons* 1 (December 1839): 29.

<sup>59</sup>Marquardt, *The Joseph Smith Revelations*, 306; Doctrine and Covenants (LDS) 124:83. If the "scourge" had any effect on Kirtland's public health or welfare, it escaped the notice of local historians. Ezra Taft Benson, president of the LDS Quorum of Twelve officially lifted the scourge in 1979. Unfortunately, the LDS chapel in Kirtland was severely damaged by an arsonist twice shortly thereafter.

<sup>60</sup>Ibid. Edwin Brown Firmage and Richard Collin Mangrum, *Zion in the Courts: A Legal History of the Church of Jesus Christ of Latter-day Saints, 1839-1900* (Urbana: University of Illinois Press, 1988, 2001), 58, suggest that the Prophet may have been still smarting from the embarrassment, shame, and disappointment he had experienced in Kirtland.

<sup>61</sup>*Times and Seasons* 3 (November 15, 1841): 589.

<sup>62</sup>Joseph Smith Jr. et al., *History of the Church of Jesus Christ of Latter-day Saints*, edited by B. H. Roberts, 2nd ed. rev. (Salt Lake City: Deseret News

them of the importance of building the Nauvoo House and the Nauvoo Temple. When they asked Wight what would become of the local property, including, presumably, the Kirtland Temple, Wight could not tell them:

But one thing I am sure—either the Lord or the Devil will have the disposal of it. But do not blame me. Do not meet me in the streets of Nauvoo, and call me a hypocrite, because I have told you these things in so plain a manner, you cannot misunderstand: for I tell you again and again, if you love your property more than God, hold on to it—enjoy it as long as possible in those places that you find the most pleasantly situated to your own minds; and never charge the servants of God with the crime of leading you away from your pleasant homes, contrary to your own wishes.<sup>63</sup>

After the deaths of Joseph and Hyrum Smith, Almon W. Babbitt, now back in good standing, Joseph L. Heywood, and John S. Fullmer, the trustees-in-trust for the Church of Jesus Christ of Latter-day Saints, needed no such exhortation. On May 20, 1846, they placed an advertisement in the *Hancock Eagle* (published in Nauvoo):

#### **Kirtland Temple, For Sale.**

The Church of Jesus Christ of Latter-day Saints having come to a determination to sell all the church property, offer[s] for sale the TEMPLE situated in Kirtland, Lake County, Ohio. This splendid edifice will be sold on advantageous terms. For further information concerning it, address the undersigned.<sup>64</sup>

The purported conveyances from the trustees-in-trust to Reuben McBride and then from McBride to George Edmunds Jr. followed as the trustees-in-trust sought to puff the price of the temple. In February 1847, as mentioned, Babbitt boasted in Batavia, New York, that the temple had been sold for \$10,000.<sup>65</sup> An arm's-length buyer could never be found, however; and a few months later Edmunds conveyed his claim under the third strand

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Press, 6 vols. published 1902–12, Vol. 7 published 1932; 1978 printing), 4:476.

<sup>63</sup>*Times and Seasons* 4 (August 1, 1843): 282–86.

<sup>64</sup>Quoted by Glen M. Leonard, *Nauvoo: A Place of Peace, a People of Promise* (Salt Lake City: Deseret Book, 2002), 592–94.

<sup>65</sup>Tyler, Letter to McLellin.

of the chain of title back to the trustees-in-trust.

Two factors may have made it particularly difficult to sell the temple. First, after the Saints left the area, it was a white elephant. It was appreciated and used, but the responsibility of operating and maintaining such a large building in such a small community was overwhelming.<sup>66</sup> Second, the inability of the trustees-in-trust to provide a marketable title would have by itself precluded an arm's-length sale. The trustees' decision to relinquish the temple probably became clear over time, rather than being reached at a particular moment. On September 18, 1848, the purchase money mortgage that Peter French took back when he sold the property to Joseph Coe strongly indicates that someone, probably a trustee-in trust, was taking an interest in the property at that date. Still, unable to reduce the temple to hard cash, the trustees-in-trust simply walked away from their claim under the third strand of the chain of title and never looked back. In the spring of 1850, a would-be tenant was told it was "as free as the common surrounding it. No one pretends to exercise any right or inclination to manage it. The people of the village and strangers who visit it go and come without question. It is free to all."<sup>67</sup>

Nine years later, the House of the Lord in Kirtland was still heavily used, but no one had assumed any responsibility for its care and no one claimed to own it. The *Painesville Telegraph* described its unfortunate condition:

But more remarkable than all, is the celebrated Mormon Temple. Forsaken years ago by the main body of the sect, it is still, we understand, in the possession of a few remaining adherents to the faith. It has lost its original holiness, and Mormons, Spiritualists, and worldlings use it for meetings. Its windows have become extensive ventilators from the number of missing panes from them. The entire wood work outside looks old and weather-beaten, and the once attractive inscription high up in front - "House of the Lord, built by the Latter Day Saints," &c. &c., will soon be too much faded to be read. But now, and so long as it shall stand, a thousand perhaps not always

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<sup>66</sup>Christin Craft Mackay and Lachlan Mackay, "A Time of Transition: The Kirtland Temple, 1838-1880," *John Whitmer Historical Association Journal* 18 (1998): 133, 143.

<sup>67</sup>James F. Ryder, *Voigtlander and I in Pursuit of Shadow Catching* (Cleveland, Ohio: Cleveland Printing & Publishing, 1902), 68, quoted in *ibid.*, 140-41.

pleasant memories will cluster around it.<sup>68</sup>

That same summer, W. W. Blair<sup>69</sup> lamented the poor condition of the building but hoped a benefactor for the temple was at hand:

Kirtland is a Sorry looking town yet it tis a pretty Situation and is Surrounded by a good country of farming lands which are worth from \$20 to \$50 Dolls per acre. The Temple is in a Sad condition its walls inside and all its inside work Sadly defaced. The curtains for dividing of the main part into different apartments are taken away. I learn that Russell Huntley designs fitting it up. If well done it will cost about \$2,000.<sup>70</sup>

### *The Vacuum Filled*

The law abhors a vacuum, making ample provision through the rules of adverse possession to fill any void created by the abandonment of real estate. Russell Huntley, the dupe of Grandison Newell and William L. Perkins, placed himself firmly in the void created by the abandonment of the Kirtland Temple when he paid Perkins \$150 for Perkins's spurious deed to this "treasured possession" under the fourth strand of the chain of title on April 19, 1862.

The law of adverse possession, operating as a statute of limitations, is a common-sense means of establishing the rights of parties that might otherwise be exceedingly difficult to sort out due to the lapse of time. That is, when there are several contesting claimants, the one who has been in long established exclusive possession for the statutory period has absolute priority, while long-dormant claims are suppressed. If even a meritorious claim would require much legal acumen to establish, the individual with that claim may be best served by relying upon possession for the statutory period rather than the underlying merits of the claim.

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<sup>68</sup>*Painesville Telegraph* 37, no. 4 (January 20, 1859): 3.

<sup>69</sup>William W. Blair was born 1828 in New York and was one of the RLDS's early converts in 1857. He was ordained an apostle in 1858. In 1859 he served a mission to southwest Iowa and a later mission that included Kirtland. He later served as first counselor in Joseph Smith III's First Presidency.

<sup>70</sup>W. W. Blair, Journal No. 2 (January 14-September 6, 1860), August 9, 1860, holograph, Community of Christ Library-Archives.

Details are sketchy, but it appears that Huntley had actually taken possession of the temple and had begun to make extensive and expensive repairs to it no later than November 1860 when the *Painesville Telegraph* reported: "The Mormons continue repairing the temple. The building will soon be weather proof. The repairs thus far have been external."<sup>71</sup> Under Ohio law, adverse possession would have run from this point, even though Huntley did not yet have any color of title. If his possession and the possession of his successors was, in the legal terminology of the day, "open, notorious, and exclusive," and if it extended for the requisite period, twenty-one years, he would have been meeting the necessary requirements.

### *Treasured, But for What?*

By 1873, Huntley had moved to Illinois, where he became acquainted with Mark H. Forscutt and then Joseph Smith III. On February 17, 1873, Smith and Forscutt purchased Huntley's interest in the temple under the fourth strand of the chain of title for \$150. Clearly, the purchase was made in their personal capacities and not on behalf of the Reorganized Church. It is just as clear that they purchased Huntley's claim with the hope of immediately selling the temple for secular uses in order to pay their burdensome personal debts.<sup>72</sup>

Joseph Smith III lived his life under what he felt, at least morally, to be the crushing weight of debt. Twenty-five years later in a poignant letter to his son, Israel A., he wrote: "I am now sixty-five years old; and I advise you to keep out of Debt. I have not been free from debt since the 18 years 1857, 1858, & allowed a brother to involve the two of us to the amount of several hundred dollars; so that at the end of the two years we owed \$2,500.00. He died, and I have carried our debt as an incubus; am not clear yet. Will try to be before I die, if I can accomplish it. So I know of what I write. Let me urge it on you, Keep out of debt."<sup>73</sup> Within the year, he again wrote to Israel telling him to "save all you can" rather than spending money on Christmas "gifts for us": "Indeed, . . . let

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<sup>71</sup>*Painesville Telegraph* 38, no. 48 (November 22, 1860): 3.

<sup>72</sup>Roger D. Launius, *The Kirtland Temple: A Historical Narrative* (Independence: Herald Publishing House, 1986), 106.

<sup>73</sup>Joseph Smith III, Letter to Israel A. Smith, February 17, 1898, P13, f572, Joseph Smith III Miscellaneous Letters and Papers, Community of Christ Library-Archives. The brother to whom he referred was Frederick

me reiterate my counsel, 'Keep out of debt.' Forty years of paying interest has emphasized this lesson to me, and I want my sons to profit by my errors. Keep out of debt. Buy nothing that you do not pay for at once. Buy only what you need. Make the best of what you buy. But, let this do."<sup>74</sup> Joseph III's mother, Emma, encouraged him to sell the temple to extricate himself from his financial predicament. Smith replied to her suggestion on March 8, 1873:

I was made glad by the receipt of your letter, and so much was your mind like my own upon the matter that I at once wrote to Kirtland, offering the Temple for sale. Should I be able to sell for the price offered I will be able to get out of debt, for which I shall feel profoundly grateful to the Lord. However, I dare not build any air castles, they are such cob house affairs.<sup>75</sup>

His prudence was well-founded. It was not until July 1875 that he seemed to have a solid buyer: Kirtland was interested in purchasing the building as a city hall and found the asking price of \$2,500 reasonable. Joseph III went to Kirtland to consummate the transaction; but the ancient antagonism of Grandison Newell was still at work. The prospective buyer learned that the 1862 probate sale was meaningless because the old judgment it was meant to satisfy was against Joseph Jr. personally while he held ownership of the temple as trustee. Prudently, the buyer refused to purchase it

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Granger Smith, who had died in 1862. When his cousin Mary Bailey Smith Norman, the daughter of Samuel H. Smith, asked him for financial assistance, he sorrowfully declined, explaining: "Ever since my Bro. Frederick's death, I have been constantly harassed by debts contracted with him, by him and for him; we having been in partnership for two unfortunate and disastrous years, which left me involved about 2000 dollars, which I have nearly paid off, some of it bearing interest a good share of the time." Joseph Smith III, Letter to "Mary B.," Joseph Smith III Letterbook, 1A, December 7, 1877, P6, 59-61, Community of Christ Library-Archives.

<sup>74</sup>Joseph Smith III, Letter to Israel A. Smith, December 26, 1898, Joseph Smith III Miscellaneous Letters and Papers, P13, f599, Community of Christ Library-Archives.

<sup>75</sup>Joseph Smith III, Letter to Emma Hale Smith Bidamon, March 8, 1873, P13, f219, Miscellaneous Letters and Papers, Community of Christ Library-Archives.

without a clear title.<sup>76</sup>

*The Temple, "Lately Decided to Be Church Property"*

Smith and Forscutt talked openly with others in the Reorganized Church about what had happened. Soon it was the common belief among members of the Reorganization that the temple belonged to the Church. But there was still the matter of proving the Reorganized Church was "the" Church. Other than such talk, the issue stood at a standstill until Smith wrote George E. Paine, a Lake County abstractor, to request an abstract in April 1876.<sup>77</sup> Paine wanted \$20 in advance to make the abstract, however, and the cash-strapped Joseph III let the matter drop.<sup>78</sup>

Six months later in October 1876, the RLDS semiannual general conference adopted a resolution instructing the bishop to take "the necessary measures . . . to have the title of the Kirtland Temple transferred to the church corporation."<sup>79</sup> The "necessary measures" were undertaken, but only at a snail's pace. Henry A. Stebbins, a counselor to Presiding Bishop Israel Rodgers, wrote the Lake County Recorder of Deeds to request an abstract, perhaps hoping to avoid paying an abstractor's fee by obtaining the needed information from a public official. On March 27, 1877, the recorder referred Stebbins back to George E. Paine, "who I think

<sup>76</sup>"In 1875, a Mr. Carpenter, of Kirtland corresponded with me wishing to buy the temple for a Town Hall, he being a town officer. I wrote him that we would sell for \$2,500.00. He thought they would take it; but must first look up the title. . . . I went to Kirtland the latter part of July to complete sale and make out papers, when Mr. Carpenter informed me that the town would not buy, as the title was not in Elder [Forscutt] and I." Joseph Smith III, Letter to Alexander Fyfe, July 9, 1881, Joseph Smith III Letterbook No. 3, 380-84.

<sup>77</sup>Joseph Smith III, Letter to George A. Paine, April 1876, Joseph Smith III Letterbook 1A, P6, 2.

<sup>78</sup>"I wrote Payne: He wanted me to send him \$20, and he would make an abstract; if there was any money left he would return it. I shall not send it that way." Joseph Smith III, Letter to Joseph F. McDowell, June 16, 1876, Joseph Smith III Letterbook 1A, P6, 6.

<sup>79</sup>Heman C. Smith, *The History of the Reorganized Church of Jesus Christ of Latter Day Saints*, 8 vols. (Independence: Herald House, 1951), 4:148. The final four volumes were written by F. Henry Edwards.



would attend to it and do it well.”<sup>80</sup>

This letter was written only a few days before the April general conference, at which Stebbins reported the correspondence with the Lake County Recorder and Paine, who was still asking \$20. Struggling with the nationwide depression of 1873-77, the Church did not have \$20 to spare.<sup>81</sup> Consequently, nothing happened for another five months. On October 9, 1877, Paine again wrote Stebbins, again repeating his offer to prepare the abstract for \$20, paid in advance.<sup>82</sup> This time, Stebbins sent off the money two days later; but Paine was just leaving for an extended trip to Michigan and did not complete the project until January 5, 1878.<sup>83</sup>

Based on this abstract, Joseph Smith III and other Reorganization leaders quickly concluded that his personal claim to the temple based on the fourth strand in the chain of title was poorly founded. In February, Smith wrote Forscutt:

The [Presiding] Bishop has procured an abstract of title to the Temple at Kirtland; and upon that abstract, it has been decided by legal authority, that the title is in the church, and the property not subject to tax.

As there will be a trial of this as soon as an attempt is made to collect the taxes, I have notified the Collector of the fact. I have also directed the possession to be delivered to the Bishop, subject to further action.

This I have done as precautionary measures against improper complications.<sup>84</sup>

At the same time, Smith notified the Lake County Collector: “I have been informed that the property is church property, and as such not subject to taxation. This will therefore give you notice that neither Mr. Forscutt nor myself will hold ourselves responsible for the tax now due. I presume that proper steps will be taken

<sup>80</sup>Kirtland Temple Litigation File, P24, F36, item 5.

<sup>81</sup>“General Conference Minutes, April 6, 1877,” *Saints’ Herald* 24 (May 1, 1877): 134.

<sup>82</sup>Kirtland Temple Litigation file, 6.

<sup>83</sup>*Ibid.*, 7; Kirtland Temple Suit Papers, Abstract, P68, F5.

<sup>84</sup>Joseph Smith III, Letter to Mark H. Forscutt, February 23, 1877, Joseph Smith III Letterbook 1A, P6.

to defend against tax sale.”<sup>85</sup> Transferring possession to the Presiding Bishop fulfilled one of the tests of whether a building was exempt from real estate tax, namely that it was owned by a religious association and used for religious purposes.

On March 16, 1878, Smith and Forscutt requested reimbursement from the Church of the real estate taxes, \$66.29, they had paid on the temple, “lately decided to be Church property.”<sup>86</sup>

At this point in the life of the Reorganization, many important decisions were made by or had the sanction of the general conference. The issue of the ownership of the Kirtland Temple was no exception. On April 6, 1878, the conference heard the report that the temple’s ownership had been referred to the Presiding Bishopric:

Bishop Rogers reported having procured an abstract of the title to the Kirtland Temple. His lawyer had examined it and considered that the title plainly belonged to the Church, and hence the question will now be, Who is the Church, or what body is it? If we are the Church, recognized by the law of the land, then it belongs to us. Pres. Smith entered into a detailed account of changes from hand to hand through which said temple had passed, and remarks were made by Brn. McDowell, Patterson and E. L. Kelley, after which the following was adopted: Resolved that a committee of three be appointed, to whom the abstract of the Kirtland Temple may be committed, who shall report at as early a time as practicable to this session, with such recommendation for action as may be deemed proper by them. The president appointed E. L. Kelley, E[lijah]. Banta, and J. W. Chatburn as the committee.<sup>87</sup>

Kelley, Banta, and Chatburn promptly reported back to the

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<sup>85</sup>Joseph Smith III, Letter to the Collector of Taxes for Kirtland, February 23, 1878, Joseph Smith III Letterbook 1A, 67, Community of Christ Library-Archives.

<sup>86</sup>Kirtland Temple Litigation file, 8.

<sup>87</sup>“General Conference Minutes, April 6–14, 1878,” *Saints’ Herald* 25 (May 1, 1878): 129, 135. Elijah Banta was born in 1823 and was baptized LDS by George M. Hinkle in about 1844 in Louisa County, Iowa. After affiliating for several years with the Rigdonites, he served in the Civil War, then united with the RLDS Church in 1863. He was instrumental in establishing Lamoni, Iowa, as Church headquarters, and served twice as bishop, 1873–74 and from 1882 until 1889, the year of his death. Jonas W. Chatburn was born in 1821. An early LDS member, he settled in Shelby County, Iowa, after the martyrdom of Joseph Smith Jr. He was baptized into the RLDS

same conference:

Your committee appointed to investigate and report relative to the title to the Kirtland Temple, respectfully submit the following: That the Abstract of Title shows said property to belong to the Church of Jesus Christ of Latter Day Saints, and by operation of law now held in trust by Joseph Smith and Mark H. Forscutt. That said parties, trustees, have paid taxes on said property to the amount of \$66.29, which should be refunded to them or their assignees by the proper officers of Lake county, Ohio. That in the year 1862 there was a pretended and fraudulent Administrator's Deed made, pretending to convey said property to one William S. [sic] Perkins, and that this now remains a cloud upon the title of the Church to the same. The Committee therefore recommend that the proper action be instituted in the name of the Church, or its trustee, to remove the cloud upon the title to said property, and when, in the judgment of the Attorneys prosecuting the action, it shall be deemed advisable, the Bishop be authorized, upon the due assignment of the same, to take up the tax receipts in the hands of the parties before named. The Committee further recommend that the Bishop, the legal Trustee of the Church, be authorized and instructed by this Conference to take the proper steps to secure the Church in its rights to said property.

The conference adopted the recommendations of the committee and they were discharged.<sup>88</sup>

The matter languished once more for nearly five months until Stebbins wrote again to Paine in Lake County:

The business that you transacted for us last winter was satisfactory in relation to the Kirtland Temple, although I did not send for the \$1.90 reported by you in our favor. Now we wish to institute proceedings whereby that property will be reinstated as belonging to the Church, the abstract of title showing that it was only held by Joseph Smith as trustee in trust for the Church, but that by order of a court it was sold for his private debts. We wish to institute proceedings & also obtain the refunding of the taxes paid upon it as if personal property, as we believe it is clear that it is not, & so say legal advice. Now in what manner & for what sum will you undertake the case, & what course do you

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Church in 1869, was a high priest and president of the branch in Harlan, Iowa, for many years, and died in 1902.

<sup>88</sup>Ibid., 139.

advise, & when can you do it? Please address me as early as practicable.<sup>89</sup>

Stebbins's letter arrived as Paine was preparing for another extended trip to Michigan. He replied that he would attend to Stebbins's inquiry promptly when he returned in two to four weeks.<sup>90</sup> On October 28, Stebbins, feeling a sense of urgency, wrote Paine again: "By your card of Sept 3d, saying that you would be absent three or four weeks, but would attend to the affair of which I wrote you promptly on your return, I expected to have heard from you before this time. We would much like to have it taken in hand at as early a date as possible, & would like to hear from you soon."<sup>91</sup> Paine did not respond, and Stebbins wrote more pressingly on December 14, 1878:

We are very desirous of learning something about the matter intrusted to you, namely about the Kirtland Temple, of which I wrote you Oct 28th last, from which I have had no reply. If you have not time to attend to it will you give us the names of some lawyers whom you can recommend. We wish the matter attended to now without delay. Enclose stamp for reply & hope to hear soon, & also that you can take the time to do the business, as by your card of Sept 3d you gave us reason to expect.<sup>92</sup>

Paine replied apologetically on December 23, 1878:

Ill health has interfered with my attention to most business matters since my return from Michigan. Since the receipt of your last of the 14th inst. I have been advising with one our best attorneys, Mr. J. B. Burrows, so that, in case I am hereafter unable to attend to the Matter for you, he can do so and thus avoid delay in the future.

The Abstract of Title I sent you, No. 13, Shows the title to the Temple Lot in "Joseph Smith, Sole Trustee in Trust for the Church of Jesus Christ of Latter Day Saints" at date of Feby. 11 1841.<sup>93</sup>

The Deed by Holcomb, as Adm of J. Smith Jr. deceased, to Wm L. Perkins, No. 14, I think gave no title to Perkins, but as Perkins imme-

<sup>89</sup>H. A. Stebbins, Letter to George Paine, August 31, 1878, Kirtland Temple Litigation file, P24, f36, 9-10.

<sup>90</sup>George Paine, Letter to H. A. Stebbins, September 3, 1878, *ibid.*, item 10.

<sup>91</sup>Kirtland Temple Litigation File, 11.

<sup>92</sup>*Ibid.*, 12.

<sup>93</sup>Here, Paine focused on the second strand in the chain of title,

diately Quit Claimed to Huntley April 19, 1862, and Huntley Quit Claimed to Smith and Forscutt Feby. 17 1873, I infer that the possession of the property has been under the Perkins Quit Claim since April 1862, almost seventeen years.

It seems to me there can be no question as to the claim of the legal representatives of "the Church of Jesus Christ of Latter Day Saints" (No. 13) to the property, if said claim is prosecuted within twenty-one years from April 19 1862—but it will be necessary to show that the claimant is such legal representative of said Church—The Church seems to be explicitly described in the first Deed by Johnson & Wife to J. Smith Jr. May 5 1834 (No. 10) And I think it will be important to show that the claimant is the legal representative of that original church.<sup>94</sup>

I have said this much because I notice printed at the top of your letters "Reorganized Church of Jesus Christ—"

I notice that Joseph Smith & M. H. Forscutt were residents of Plano Ill in 1873—From this I infer that they are probably in the "Reorganized Church"—and they now hold the property under the Probate Sale to Perkins in 1862 (No. 14). If this is so, and you are not able to show, clearly, that you represent the original church of 1834 (No. 10) Why not let the Probate Sale remain undisturbed until the title is perfected by twenty-one years possession?

But you will understand this is only a suggestion thrown out because I am wholly in the dark as to the facts regarding the "Reorganized Church"—But there can be no question as to the right of the legal representatives of "the Church of Jesus Christ of Latter Day Saints," as organized in 1841,<sup>95</sup> to the land on which the Temple Stands.

Who paid the Taxes which you wish to have refunded? And in what years were they paid?

It will be impossible to judge as to the cost of any proceedings to recover the property until I am fully advised as to who will be the claimant and who will contest the claim.

So far as the title is concerned the proceedings will be nominally against Joseph Smith and Mark H. Forscutt, and also against Lucius Williams (or the person holding under him) for the fifty (50) rods of land Quit Claimed by Huntley to Lucius Williams Oct. 15 1866 – (No.

rather than the first. *Ibid.*, item 13.

<sup>94</sup>Now, Paine focuses on the first strand in the chain of title, rather than the second. *Ibid.*

<sup>95</sup>Paine has now restored his vacillating attention to the second strand in the chain of title. Clearly, he was uncertain whether title derived from Perkins's 1834 deed or from Marks's 1841 deed. *Ibid.*

17) if you wish to recover this 50 rods of land.

It may be this 50 rods of land is what you really seek to get by the suit.

The first thing for you to do will be to furnish us with the evidence to show the organization of "the Church of Jesus Christ of Latter Day Saints" as it was in 1841—And as already stated this should be consistent with the description in Johnson's Deed to Smith in 1834 (No. 10)—And then the evidence that those who now claim to recover the property are the legal representatives of said original church of 1841 or 1834.<sup>96</sup>

You will also advise us as to whom you expect will contest your claim.

When the receipt of the above information and the names and dates in regard to taxes, we will immediately advise as to what course we deem best to pursue.<sup>97</sup>

Paine's most significant point was his suggestion that the probate sale, associated with the fourth strand in the chain of title, should be left undisturbed until title was perfected by adverse possession in approximately four years. Under the law of adverse possession, the period of possession of the current occupant could be added or "tacked" to the possession of previous occupants under whom the present occupant claimed in order to cumulatively reach the statutory period. Thus, the time Huntley had held possession—at least eleven years since he took possession and began repairs before Perkins actually conveyed the property to him—could be added to the time the property had been in Smith's and Forscutt's possession, which by then was nearly six years. In only a few more years, title would be securely established by adverse possession. Considering the complexity of the factual and legal issues raised, Paine was offering the sound advice to simply wait for the statutory twenty-one-year period to expire rather than resorting to the uncertainties of litigation.

*"Polygamy & Kindred Evils . . . in the Eyes of the Law"*

Paine's proposal was elegantly simple, but the Reorganization leaders never seriously considered it because they were single-mindedly intent on legally establishing the legitimacy of their church. Ownership of the temple thus was secondary to this

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<sup>96</sup>At this point, Paine has essentially given up trying to sort out the relative merits of the first and second strands in the chain of title.

<sup>97</sup>Kirtland Temple Litigation File, item 13.

overarching goal.

In fairness, Paine's suggestion to resolve the matter through a claim based upon adverse possession posed three potential problems, which the First Presidency and Presiding Bishop no doubt considered. Realistically, however, these impediments were almost inconsequential, especially compared to the sacred value of this "most treasured possession."

First, basing a claim on adverse possession would be tantamount to surrendering Smith's and Forcutt's claim for a refund of their \$66.29 in taxes, no small sum for them personally or for the impoverished Reorganization. And in fact, Lake County never refunded these taxes, although the Church eventually reimbursed Smith and Forcutt.

Second, the personal interests of Smith and Forscutt had to be considered. While Joseph III might be willing to acquiesce in the extinguishment through litigation of his personal claim to the real estate in favor of the Reorganization (a claim which was absolutely worthless except as an inchoate but ripening claim of adverse possession), Smith was adamantly and stubbornly unwilling to voluntarily transfer that claim to the Church, as he explained in his autobiography:

From Bishop Rogers and others came strong importunities to make the title to the Temple property over to the church, outright. This Alexander and I refused to do, for reasons we thought good, Brother Forscutt remaining passive in the matter. . . .

At the conference we were again presented with the idea it was our duty to make the title over to the church, and were strongly urged to that step. I held my ground, absolutely refusing to move in that direction, and stating emphatically that the church could secure such title only at the end of a law suit. I could see that to assume ownership, such as would be implied were we to execute a deed of transfer, would be to lay ourselves open to a contest involving the channel through which we had come into possession, viz., through Mr. Huntley. I much preferred to have our right to the property acknowledged by the courts through other claims, viz., that our organization as a church was the true successor to the one which originally held the property.

Whether or not many others saw the reasons and object of my long and steady refusal, I do not know; but the Bishopric did see it, and the result was as I have said, authority from the conference to proceed in

the courts of Ohio with a suit to quiet the disputed title.<sup>98</sup>

Forscutt, for his part, had promised to make a payment of \$100 to Alexander Fyfe upon the sale of the temple. His cooperation, or even passive acquiescence, in the transfer of the property to the Church would create at the very least a moral obligation for him to make the \$100 payment, something he was financially unable to do.<sup>99</sup>

Third, basing a claim to the temple upon adverse possession might be deemed illegitimate. This impediment reaches the real heart of the matter. In a foundational essay, Alma R. Blair has suggested that members of the early Reorganization could be best identified as “moderate Mormons.”<sup>100</sup> Clare D. Vlahos, in an equally insightful response to Blair, demonstrated the early obsession of the Reorganization with simultaneously establishing its legitimacy as the true heir of the Restoration and its reasonableness and respectability to conventional Christians.<sup>101</sup> Vlahos stressed the tension between these twin objectives, portraying them as sharply conflicting polar opposites, giving their simultaneous pursuit a nearly schizoid aspect, and implying that the identification of members of the early Reorganization as “moderate Mormons” was virtually an oxymoron.<sup>102</sup> A more integrated view of the matter is that the two objectives that Vlahos identified were merely the two sides of the same coin—the Re-

<sup>98</sup>Mary Audentia Smith Anderson, ed., “The Memoirs of President Joseph Smith (1832–1914),” *Saints’ Herald* 82 (December 3, 1935): 1552–54.

<sup>99</sup>Henry A. Stebbins, “Conference Minutes Supplement,” *Saints’ Herald* 27 (June 1, 1880): 180; Alexander Fyfe, *Saints’ Herald* 27 (October 15, 1880): 320; Roger D. Launius, “Joseph Smith III and the Kirtland Temple Suit,” *BYU Studies* 25 (Summer 1985): 110–16.

<sup>100</sup>Alma R. Blair, “The Reorganized Church of Jesus Christ of Latter Day Saints: Moderate Mormons,” in *The Restoration Movement: Essays in Mormon History*, edited by F. Mark McKiernan, Alma R. Blair, and Paul M. Edwards (Lawrence, Kans.: Coronado Press, 1973), 207–30.

<sup>101</sup>Clare D. Vlahos, “Images of Orthodoxy: Self-Identity in Early Reorganization Apologetics,” in *Restoration Studies I*, edited by Maurice L. Draper and Clare D. Vlahos (Independence: Herald Publishing House, 1980), 176–86.

<sup>102</sup>“Although one may argue that moderation held an appeal of respectability for gentiles, the thesis does not allow for the often conflicting demands of Utah Mormons and gentile upon the Reorganized Church



organization's quest for legitimacy.

Religion can serve either world-maintaining functions, through legitimization of existing social norms, or world-shaking functions, through a penetrating critique of the existing social order and the call for radical transformation.<sup>103</sup> Jesus was clearly a world-shaker, as evidenced by his piercing critique of existing cultural norms and his polemic of radical political transformation through God's coming reign.<sup>104</sup> While too much should not be made of the similarities, the teachings of Joseph Smith Jr. on communitarianism, "Zion" (Restoration encoding for the reign of God), and continuing revelation, for example, put the originator of the Restoration in the same camp.

As to the world-maintaining function of religion, legitimacy is achieved through correspondences drawn between the existing social order and the ultimate realities of existence and by the assertion that the ultimate order of things justifies cooperating with socially accepted norms.<sup>105</sup> Legitimization by religion of the existing social order is not a one-way street, however. That is, the well-known postulate that religion often functions as a tool to legitimize existing norms has a readily apparent corollary: In order for religion to function effectively as a tool of legitimization, the social order must also legitimize favored religions while delegitimizing socially objectionable ones.<sup>106</sup> The delegitimization of an objectionable religion, or of a religious figure, can occur through a status-degradation ritual, such as a show trial, in-

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identity." Ibid., 177.

<sup>103</sup>Peter L. Berger, *The Sacred Canopy: Elements of a Sociological Theory of Religion* (Garden City, NY: Anchor Books, 1969).

<sup>104</sup>"The outcome of Jesus' career makes it rather certain that his proclamation of the kingdom of God was political, not metaphorical, much less 'spiritual.'" Bruce J. Malina, *The Social Gospel of Jesus: The Kingdom of God in Mediterranean Perspective* (Minneapolis: Fortress Press, 2001), 1.

<sup>105</sup>Vlahos, "Images of Orthodoxy," 183, cites as examples, "the divine approval of the U.S. Constitution and the resulting belief that God's law and U.S. law will not conflict."

<sup>106</sup>Ernst Troeltsch, *The Social Teachings of the Christian Churches*, translated by Olive Wyon (New York: Harpers, 1960); Ernst Troeltsch, *Protestantism and Progress: A Historical Study of the Relation of Protestantism to the Modern World*, translated by W. Montgomery (Boston: Beacon Press, 1958).

tended to destroy any vestige of social acceptability. In a parallel manner, a status-elevation ritual may cap the legitimization of an acceptable religion, thereby creating a framework of affirmation of the common values of that religion and the larger social order.<sup>107</sup>

In this light, the Kirtland Temple litigation was not merely a naive expression of faith in the ability of the judicial branch of government to adjudicate the purity of religious practice and doctrine. Instead, it was an egalitarian attempt to bypass the subtle and lengthy processes of social legitimization by making an explicit bid for legal recognition in a show trial of its legitimacy and its reflection of standard social and generally accepted Christian mores. To achieve this purpose, the Reorganization intended through the show trial to conclusively distinguish itself from the thoroughgoing deviations from socially acceptable norms of Utah Mormonism, which espoused, as Henry Stebbins put it, "polygamy and kindred evils of greater or lesser magnitude in the eyes of the law."<sup>108</sup>

Attaining the goal of legitimization required a willingness by the Reorganization to barter its soul as a world-shaking religion.<sup>109</sup> The bartering occurred partly through the excision of the most esoteric and, to mainstream Christianity, objectionable of Joseph Smith Jr.'s innovations of Restoration practice and doctrine. It was aided by the Reorganization's willingness to revise history to absolve its originator of responsibility for the most morally odious of those innovations.<sup>110</sup> But fundamentally, the exchange was facilitated simply by the Reorganized Church's embrace of its Midwestern cultural context. There-

<sup>107</sup>Bruce J. Malina and Jerome H. Neyrey, *Calling Jesus Names: The Social Value of Labels in Matthew* (Sonoma, CA: Polebridge Press, 1988).

<sup>108</sup>Henry A. Stebbins, Letter to George E. Paine, January 14, 1879, Kirtland Temple Litigation file, item 14.

<sup>109</sup>See, on this point, Maurice L. Draper, "Sect-Denomination-Church: Transition and Leadership in the Reorganized Church of Jesus Christ of Latter Day Saints" (M.A. thesis, Kansas University, 1964). Whether Utah Mormonism, at least from the time of the Woodruff Manifesto, has also been willing to barter its soul for the sake of social acceptability and the perception of legitimacy could be a fruitful topic for others to explore.

<sup>110</sup>See, e.g., Alma R. Blair, "RLDS Views of Polygamy: Some Historiographical Notes," *John Whitmer Historical Association Journal* 5 (1985): 16-28.

after, its muted criticisms of its host culture were increasingly mainstream and socially acceptable. It had become a thoroughly world-maintaining religion.

Joseph Smith III may have believed that such accommodations were necessary for the preservation of the Restoration. If so, his work of preservation certainly required a clear demarcation of the differences between socially deviant Utah Mormonism and the socially acceptable Reorganization. These demarcations were determinative for the RLDS identity over the following years. Even more fundamentally, however, the accommodations made by the Reorganization for the sake of legitimacy reflected the role of Joseph Smith III as a prophet of pragmatism and his own personal predilections.<sup>111</sup>

Personally, Joseph Smith III boiled it down to the naive affirmation that he was the “true son of a true father.”<sup>112</sup> Or, in Joseph III’s even less nuanced expression to E. L. Kelley, reflecting upon the significance of the Kirtland Temple litigation, the issue distilled down to the deep and tenaciously held belief: “I have been ambitious of but one thing, so far as human ambition is concerned, and that was to prove by the logic of conduct that my father was not a bad man.”<sup>113</sup>

The profound irony and psychological implications of an obviously legitimate son making it his life’s work to establish his own legitimacy and, derivatively, the legitimacy of his father, should not be overlooked. The key issue in legally possessing the Kirtland Temple was the self-image of Joseph Smith III and his image of his own church. From that desired outcome, he derived conclusions about the life and work of his father and about his father’s church.<sup>114</sup> Smith was thoroughly Christian and moderate; since he was a true son of a true father, his father must have been legitimately Christian and moderate, too. From such a perspective, it

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<sup>111</sup>Roger D. Launius, *Joseph Smith III: Pragmatic Prophet* (Urbana: University of Illinois Press, 1988), 361–69.

<sup>112</sup>Joseph Smith III, “The First General Epistle of the President of the Reorganized Church of Jesus Christ of Latter-Day Saints, to All the Scattered Saints,” *Saints’ Herald* 2 (August 1861): 121.

<sup>113</sup>Joseph Smith III, Letter to E. L. Kelley, July 10, 1883, Joseph Smith III Papers, P15, f8.

<sup>114</sup>It would be backwards, in my opinion, to view the matter as revolving in the mind of Joseph Smith III around the legitimacy of Joseph Smith Jr. and, derivatively, of the son’s own legitimacy.

was obvious to him that the unchristian and immoderate practices and doctrines of Utah Mormonism were perversions of his father's Restoration movement.<sup>115</sup>

Thus, the essential purpose of the Kirtland Temple litigation was to establish the legitimacy of the Reorganization. Fifty years later, Israel Smith was still reflecting the Smith family's understanding: "Without any question, the crux of the whole matter was the *adjudication of successorship*, the question of the legal title being of secondary importance."<sup>116</sup> Ownership of the building itself was thus almost incidental, a point Henry A. Stebbins made clear in his January 14, 1879, reply to Paine's December 23, 1878, letter:

There are two points to be established: One the right of the Church of Jesus Christ of L.D.S. to the property against the deeds made to persons, the present holders of which are Joseph Smith & M. H. Forscutt. The second is that of who is the Church, a matter of principle & precedent.

In the former case there will be no trouble as the parties are one the president & one an elder in the Church, who only wish the return of the taxes paid on church property, if proved to be such. In the other case we do not apprehend any trouble or opposition, for the following reasons. . . .

By the Memorial you will see our claims as the Church, & I would furthermore say that the Church organized April 6th 1830, referred to by you as the Church of 1834 & 1841, became disorganized in 1844, split up into many factions, each adding something to, or substituting something for the original doctrines, such as *polygamy & kindred evils of greater or lesser magnitude in the eyes of the law*, & in violation of the laws of God as given to & held by the Church under the presidency of Joseph Smith the first president. Furthermore we claim that a reorganization took place in 1860, under the presidency of Joseph Smith's son Joseph, said Reorganization being so called because of the disorganization aforementioned, its adherents being then & now such persons as had stood aloof from any & all the factions, or who renounced

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<sup>115</sup>For the Reorganization, orthodoxy often served as a mere backdrop for orthopraxy. Thus, it adamantly rejected polygamy from the very beginning. After a period of initial ambivalence, the Reorganized Church also rejected temple ordinances and endowments, the political-economic role of the Church, the plurality of Gods, baptism for the dead, the Book of Abraham, blood atonement, and the premortal existence of spirits.

<sup>116</sup>Israel A. Smith, "The Kirtland Temple Litigation," *Saints' Herald* 90 (January 9, 1943): 42.

such as they had joined, with all the errors of doctrine or practice thereof, & who came forth & joined themselves to Said Reorganization, it being based solely & entirely upon the original platform & upon the original doctrines of the church of 1830 to 1844, the organizations formed by B. Young, J. J. Strang, S. Rigdon, C. B. Thompson & others being but in part like the original church, with the errors in doctrine, in government & in teaching added to them as stated herein. . . .

By the above you will understand why our body is called the 'Reorganized Church,' a disorganization having made one necessary not that the name or principles of the church are changed. We think that we can clearly show that we are the legal successor of the Church of 1830-1844, & we may send one of our number, a lawyer, & also Judge Edmonds of Iowa, Hancock C., Ills., who has been attorney for the Church on previous occasions. . . .

The only probable or possible contestants of our claim would be the Utah Church, but we do not look for it to be contested. And, if so, we still think that our claims to successorship are good, & can be substantiated, with the fact also of our incorporation under the law to aid us.

We have it under advisement to send a lawyer there who is of us & posted as to our claims & standing. Anything further desired please write us, as to depositions or lengthy statement of doctrines.<sup>117</sup>

The assurance of Reorganization leaders in the legitimacy and justice of their position was explicit. Just under the surface was an equal confidence that the social legitimacy of the Reorganization and the deviance of Utah Mormonism could be effectively determined by judicial officers who, presumably, would be as opposed to polygamy and "kindred evils of greater or lesser magnitude in the eyes of the law" as the RLDS leaders themselves. This confidence grew into an obsession. "Obsession" is not too strong a term, as Joseph Smith III admitted: "Soon after beginning my ministry with the Reorganized Church, I was impressed that the facts, arguments, and evidence upon which the Reorganization based its position as a religious body must be measured against their opponents . . . and the truth or error of that position be ascertained before the august tribunals recognized as the Courts of law and justice. . . . The idea that this contest would inevitably come became so firmly fixed in my mind that I am quite willing to admit it as-

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<sup>117</sup>Kirtland Temple Litigation file, item 14, 16-18; emphasis mine.

sumed almost the proportions of a prophetic obsession.”<sup>118</sup> As a result, Church leaders were oblivious to the very real dangers litigation might pose. Years later, when Israel A. Smith contemplated renewing the Kirtland Temple litigation to underscore the Reorganization’s polemical of legitimacy, E. Guy Hammond, an Akron attorney and RLDS high priest, cautioned him: “If the case were rested on these grounds . . . it would produce a chance to make a good deal of judicial law, and to create precedents, I believe, but considering the general low level of judicial perspicacity, the outcome would be hard to predict.”<sup>119</sup>

If Reorganization leaders were unmindful of the risks of litigation, they were also insensible to the embarrassment, not to mention suspicion of collusion, attaching to a church suing its own president. Paine tactfully tried to warn them: “Huntley’s title was based on the sale by Holcomb, Adm. Smith being President & Forscutt an Elder in the New Organization at the time said Quit Claim was made I suppose. Will not this transaction and the fact of their being officers of your church tend to embarrass a suit by your Church against them to recover this property?”

In the same letter, Paine attempted one last time to show the advantages of the safe harbor of possession: “It seems to me very important to show the possession and control of the Temple from 1844, when you say the original church became disorganized, up to the time of the sale in 1862 by Holcomb, as Adm of Joseph Smith.”<sup>120</sup>

Joseph Smith III, not Stebbins, answered Paine’s letter. Focusing exclusively on the question of legitimacy, he brushed aside Paine’s concerns:

In the matter of the Kirtland Temple, and the claims of the Reorganized Church of Jesus Christ to it; so far as Mr. Forscutt and myself are concerned in it; We are perfectly willing to be made parties in defense to an amicable suit to determine the title. It is with us, not a ques-

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<sup>118</sup>Mary Audentia Smith Anderson, ed., “The Memoirs of President Joseph Smith (1832–1914),” *Saints’ Herald* 83 (September 12, 1936): 1137.

<sup>119</sup>E. Guy Hammond, Letter to I. A. Smith, October 17, 1942, Kirtland Temple Suit Papers, Community of Christ Legal Department, Independence. Some of these documents have item numbers; others do not.

<sup>120</sup>George Paine, Letter to Henry Stebbins, January 16, 1879, Kirtland Temple Litigation file, 19–20.

tion of \$s & cts, but the equitable and moral claim to proper and legal succession, as a church to the body of which Joseph Smith was Trustee at the time the property was deeded to the church. The only contestant to this successorship, likely to put in an appearance in dispute, is the Brighamite Utah church, and the chances of their doing it are remote. But should they, we shall make a stubborn fight of it; and we think we can make a successful showing to the claim we make to the rightful succession.<sup>121</sup>

*The Kirtland Temple Litigation: An Exercise in Futility*

Now convinced that an attorney thoroughly acquainted with the Reorganization's claims was needed, Joseph Smith III hoped to assign the Kirtland Temple case to George Edmunds Jr., "one of the ablest counsel in Illinois [and] advisory counsel to the church," who was "well informed in the whole matter, with the Utah Church and our side as well."<sup>122</sup> What communication may have passed between Smith and Edmunds about the possibility of this engagement is now unknown. What is certain is that Edmunds, having previously given a warranty deed for the Kirtland Temple to the trustees-in-trust of the Utah church, was in no position to accept the assignment. Someone else was required.

E. L. Kelley,<sup>123</sup> an attorney practicing in Glenwood, Iowa, and a member of the committee appointed by the General Conference in April 1878 to examine the Kirtland Temple abstract, was invited to

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<sup>121</sup>Joseph Smith III, Letter to George Paine, January 31, 1879, Kirtland Temple Litigation file, item 16.

<sup>122</sup>Ibid.

<sup>123</sup>Edmund Levi Kelley was born November 17, 1844, in Illinois, near Vienna, baptized (1864), ordained a priest (1871), graduated from the law department at Iowa State University (1873), and was elected superintendent of schools in Mills County, Iowa, the same year. After serving a two-year term, he opened a law practice, was ordained an elder, and became a counselor to the presiding bishop (1882). In 1890, he represented the Church in the Independence Temple Lot suit in association with George Edmunds Jr. Later he served as Presiding Bishop and as a counselor in Joseph Smith III's First Presidency. When he prepared his autobiography for a vanity publication in 1899, he did not include his "victory" in the Kirtland Temple litigation on a list of his proudest accomplishments. B. P. Gue, *Biographies and Portraits of the Progressive Men of Iowa* (Des Moines, Iowa: Conaway and Shaw, 1899), 2:338.

accept the case. Kelley, dedicated, supremely self-confident and entirely fearless, energetic, and ever zealous to take up the cause of truth and justice as he saw it, was available and entirely willing. In fact, he had eagerly begun preparations before he even received the engagement and wrote enthusiastically to Stebbins:

During the summer I took occasion to note some leading cases in regard to the main question involved in such a suit and intended to forward a brief to your committee for reference but hearing nothing more of these matters in Herald did not do so. I consider the question quite well settled in favor of the Reorganization already. In no state have they held more clearly in this way than in Ohio. This we may consider our fortune since the case is to arise there.

The cases of *Harrison v. Hoyle*, 24 Ohio State 254 & 34 [illegible] 328; 77 Penn State 397 & 9 Ky 535 are directly in point as to the leading issue. I apprehend more trouble in getting competent evidence before the Court which will fully set forth the Utah innovation, than upon any other point. It is possible you have such records & official books in the office at Plano as will show this, or that there are witnesses to be had who have been taught these things; whenever pleadings are made up then these questions can be more definitely arrived at. If there is no claim by that body however, or appearance I see no reason why the Court should [not] take official notice of them & the case must be all right if properly [presented].<sup>124</sup>

Kelley accepted the case but had to free himself for a trip to Ohio to file the case. It was more than six months before he found the time.<sup>125</sup> When Kelley arrived in Painesville, Ohio, on August 13, 1879, Paine was out of town. Kelley reported to Stebbins on his second day in Kirtland: "So far can see no good reason why the undertak-

<sup>124</sup>E. L. Kelley, Letter to Henry Stebbins, February 3, 1879, Kirtland Temple Litigation File, item 17. One of Kelley's citations is illegible and another, a Kentucky case, is erroneous and cannot be traced. The other two cases, *Harrison v. Hoyle*, 24 Ohio St. 254 (1873), and *McAuley and Others' Appeal*, 77 Pa. 397 (1875), deal with conflicting claims to real estate after schisms in religious groups.

<sup>125</sup>"On inquiry relative to the Kirtland Temple, Bishop I. L. Rogers said that he had no definite report to make. The committee found the matter more complicated and difficult than was expected. He has a purpose in trying to establish the title of the Church to that property, as a matter of precedent. He asked if it was proposed to continue this committee. The President answered, yes, and on motion he was requested to continue the work."



ing shall not be entirely successful in everything except the refunding of taxes paid in the past. I do not know whether the parties holding this are now paying taxes on it, if so it is doubtful if ever received. Mr. Paine is . . . an excellent abstractor but not much lawyer and it will doubtless be better to associate another firm if can be done reasonably. I shall wait one more day for his return before talking to others as to help."<sup>126</sup>

Kelley, who needed local counsel because he was not admitted to the bar in Ohio, joined forces with the attorney Paine had previously recommended, J. B. Burrows. Captain Burrows—his title came from his Civil War service with the Ohio Light Artillery during which he had been wounded at Shiloh—had served as a state senator (1868–69) and later as Painesville’s mayor and judge of the Lake County Court of Common Pleas. Although affable and a forceful speaker, he was no student of the law. Kelley did not consider this fact a handicap, since he had arrived in Ohio with a petition draft in his pocket closely modeled after the petition in *Harrison v. Hoyle*. This case arose from a property dispute among Quakers. Members of the Society of Friends made important decisions through their meetings at which members spoke freely. When the discussion was completed, no vote was taken but the meeting moderator prepared a minute reflecting the “sense” of the discussion. The dispute in *Harrison v. Hoyle* arose when the moderator prepared a minute that many members felt did not truly reflect the sense of their meeting. This disagreement became an open split, and the factions turned to the court to settle this issue of polity and governance, which also involved ownership of the meetinghouse. The Ohio Supreme Court reiterated throughout that the matter did not involve any substantive doctrinal disputes and that the issues presented would be resolved by the application of the rules of polity of the Society of Friends itself.

It is rather mysterious how Kelley saw *Harrison v. Hoyle* as bolstering his case. Reorganization leaders had emphasized from the beginning that they saw their case as one of orthodoxy and orthopraxy, not polity or procedure. To the extent that questions of polity were necessarily implicated, they presented only a conundrum because Jo-

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“General Conference Minutes,” *Saints’ Herald* 26 (May 1, 1879): 141.

<sup>126</sup>E. L. Kelley, Letter to Henry Stebbins, August 14, 1879, Kirtland Temple Litigation file, item 18.

seph Smith Jr. had utterly failed to provide clear instructions on succession.<sup>127</sup> Furthermore, to the extent that Kelley and RLDS leaders believed the case would turn on proof of innovations of doctrine or practice, they should have been dissuaded by *Keyser v. Stansifer*, 6 Ohio 363 (1856), which held that the majority of a religious society may control the use of its real estate at its own pleasure and that no supposed error of doctrine authorizes judicial interference.<sup>128</sup>

Another difficulty, indeed, the one that ultimately determined the outcome of the Kirtland Temple litigation, was posed by the request for relief in *Harrison* upon which Kelley modeled his own petition. *Harrison* posed the issue of which of two competing factions was entitled to possession of the subject property. *Harrison v. Hoyle* did not reveal, however, that the Ohio statute for quieting title required a party in possession to bring the action. Kelley, who was obviously ignorant about this statutory requirement, framed his petition as though it were an action to quiet title, while inconsistently averring that Joseph Smith III and Mark Forscutt were in possession and requesting the court to order the defendants to deliver possession to the Reorganization. Furthermore, Kelley's approach was a classical example of shoehorning the facts to fit a predetermined legal theory.<sup>129</sup> Smith and Forscutt had actually delivered possession of the temple to the Presiding Bishop in February 1878.

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<sup>127</sup>D. Michael Quinn, "The Mormon Succession Crisis of 1844," *BYU Studies* 16 (Winter 1976): 187–233; W. Grant McMurray, "True Son of a True Father': Joseph Smith III and the Succession Question," in *Restoration Studies I*, edited by Maurice L. Draper and Clare D. Vlahos (Independence: Herald Publishing House, 1980), 131–45.

<sup>128</sup>The legend that property ownership by a church turns upon its doctrinal purity, a myth largely perpetuated by the Church's retelling of the events of the Kirtland Temple litigation, has died hard among the people of the Reorganization. As recently as 1988, those who split from the Reorganization over the ordination of women apparently believed that disputes over ownership of congregational property would be judicially resolved through proof that the practice was an unwarranted innovation. Their hopes were disappointed. *Reorganized Church of Jesus Christ of Latter Day Saints v. Thomas*, 758 S.W.2d 726, 733–734 (Mo.App. 1988).

<sup>129</sup>It should go without saying that the demands of advocacy in the heat of the fray and under the pressures of the moment are much more intense than are required for a leisurely analysis from a perspective afforded

Identifying appropriate defendants posed an additional hurdle for Kelley. He wanted to name the LDS Church in Utah as a defendant but found using its name unacceptable. "The Church of Jesus Christ of Latter-day Saints," notwithstanding differences in hyphenation and capitalization, was just too close to the name of the beneficiary in William Mark's February 1841 deed to Joseph Smith Jr., part of the second strand of the chain of title. Kelley solved this problem with a circumlocution: naming as defendant "the Church in Utah of which John Taylor is President, and commonly known as the Mormon Church."<sup>130</sup> He explained his action to Stebbins: "In my petition and notice (you will in short time get papers with this last) care was taken not to recognize the Utah claimants any more than necessity required for a good notice & this point of being sufficient. I afterward submitted to Judge Bosworth [Burrows's partner] & he thought it ample under Ohio Statute. If the question should be raised and decided against us at trial we might have to amend & give further notice—but should the Defts appear, of course it will not arise."<sup>131</sup>

Because Paine's abstract had not disclosed the third strand in the chain of title, Kelley's petition did not name the trustees-in-trust for the Utah LDS Church as additional defendants. Similarly, the petition named Lucius Williams, rather than Seth Williams, as a defendant because Paine's abstract had failed to pick up the conveyance from Lucius to Seth on May 10, 1869. The abstract did disclose the lien, under the fourth strand of the chain of title, for past due support, or dower, in favor of Emma Hale Smith Bidamon, but Kelley inexplicably failed to name her heirs as defendants either, a step neces-

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by the passage of more than one hundred and twenty years.

<sup>130</sup>Kelley was apparently unaware that Brigham Young's successor, John Taylor, was heading the Church as president of the Quorum of Twelve and that he would not actually become Church president until October 1880 when the First Presidency was reorganized. However, it is impossible to believe that anyone who actually received notice could have been deceived by Kelley's circumlocution. According to the LDS Church's website (<http://www.mormon.org>, accessed November 2003), "We are frequently called Mormons."

<sup>131</sup>E. L. Kelley, Letter to Henry Stebbins, August 22, 1879, Kirtland Temple Litigation File, item 20.

sary to extinguish Emma's lien.<sup>132</sup> Equally difficult to fathom, the petition also failed to name as defendants the heirs of Joseph Smith Jr., the holders of the bare legal title to the property under the second strand of the chain of title—the strand that was the focus of Kelley's theory of the case.

That Kelley was focused on the second strand in the chain of title is abundantly clear; paragraph 2 of the petition explicitly centers on the February 11, 1841, deed from Marks to Joseph Smith Jr. as trustee for the Church. But the reason he largely neglected the first strand is murky. Perhaps he was unaware of the doctrine of estoppel by deed. Perhaps he fixated on the second strand simply because it was later in time, or he may have strategically preferred a theory under which the heirs of Joseph Smith Jr. rather than his successors in the office of the Presidency, held the bare legal title. In any event, naming "John Taylor, President of the Utah church," as an additional defendant was Kelley's only recognition of claims arising under the first strand in the chain of title.

When Kelley was ready to file his petition in the Lake County Court of Common Pleas on August 18, 1879—a petition that was tantamount to a request for a finding that the Reorganization was legitimate—Burrows was out of town. Seemingly undeterred by what he apparently considered a small impediment, Kelley simply signed Burrows's name to the document himself and filed it with the clerk of the court.<sup>133</sup>

As originally filed, Kelley's petition read:

The Reorganized Church of Jesus Christ of Latter Day Saints, Pfff., vs. Lucius Williams, Joseph Smith, Mark H. Forscutt, The Church in Utah of which John Taylor is President, and commonly known as the Mormon Church, & John Taylor, President of said Utah Church, Defts.

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<sup>132</sup>Emma Hale Smith Bidamon had died on April 30, 1879, but her death did not extinguish her lien for past due dower accruing during her lifetime, a claim that descended to her heirs, including, of course, Joseph III.

<sup>133</sup>E. L. Kelley, Letter to Henry Stebbins, August 22, 1879, Kirtland Temple Litigation File, item 20: "In the petition I associated the name of Capt. J. B. Burrows but failed to see him after the papers were made out so as to obtain his consent, & so had to rely upon former conversations with him in taking this privilege."

The plaintiff for cause of action herein shows:

1. That it is a duly incorporated Religious Society and is the true and in fact, only Lawful and Legitimate successor of the Church of Jesus Christ of Latter Day Saints, Organized and established by Joseph Smith on the 6th day of April A.D. 1830. That as such society it is the owner of and entitled to the immediate possession of all property, real and personal, owned by said Original Church and its trustees in trust, and of which said Church has not been legally and legitimately disseized.

2. That the plaintiff by virtue of being the legal and true and legitimate successor of the Original Church of Jesus Christ of Latter Day Saints aforesaid has the legal estate in and is entitled to the immediate possession of the following described premises situate in the Township of Kirtland in said County of Lake & State of Ohio, to-wit:

Being the same deeded by Wm. Marks & wife Rosannah to Joseph Smith trustee in trust for the Church of Jesus Christ of Latter Day Saints by deed dated February 11th A.D. 1841 and therein bounded and described as follows: Known as part of lot No. 30, and bounded on the South by land formerly owned by Isaac More [sic] beginning near the North East Corner of Said More's land, in the Center of the Road leading from Kirtland Flats to Chester and running west on the north line of said land (22) rods—thence north (17) rods to a stake marked No. 1—thence east to the West line of the lot owned by the Methodist Episcopal Society on which their meeting house stands—thence south to the South West corner of said society's lot—thence east to the center of the road before mentioned—thence Southwesterly to the place of beginning, being the land on which stands the Church building known as the Kirtland Temple.

That the defendants Lucius Williams, Joseph Smith and Mark Forscutt have ever since the 17th day of February 1873 unlawfully kept the plaintiff out of the possession of said premises.<sup>134</sup>

That the defendants the Church in Utah of which John Taylor is President and John Taylor, President of said Church, the plaintiff is informed and believes, claims some title to said property as being the successor to said Original Church contrary to the plaintiffs.

3. The plaintiff therefore prays that the defendants and each of them may be compelled to show his title to said premises and that it may be determined null and void as against the said title of the plaintiff & plff prays judgment for the possession of said premises and costs.

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<sup>134</sup>The deed from Huntley to Smith and Forscutt was dated February 17, 1873.

[signed] J. B. Burrows &  
 [signed] E. L. Kelley  
 Attys for Plff.<sup>135</sup>

On the back of the petition, Kelley requested that a summons be issued for personal service upon Lucius Williams only; the clerk of the court obliged the same day, delivering the summons to the sheriff.<sup>136</sup> Two days later, Kelley learned that Lucius Williams could not be served with the summons. Ascribing to the common legal position that actual service on at least one person is necessary to successfully initiate a case, Kelley needed to add another defendant. Sarah F. Videon, although a complete stranger to the chain of title, made herself available for that purpose.<sup>137</sup> I conjecture that she was an employee, relative, or friend of Burrows who was willing to participate in the case in a limited way for that reason. There is no evidence that she was an RLDS member. Kelley crossed out Williams' name on the request for a summons and inserted Videon's.<sup>138</sup> He amended his petition by inserting the name of Sarah F. Videon interlinearly at the same time. The clerk issued the new summons, and the sheriff served it on Videon August 22, 1879.<sup>139</sup>

The jurisdiction of the court invoked in the petition filed by Kelley was *in rem*, not *in personam*. That is, the ostensible object of the case was to determine the rights of possessing and owning the property, not a personal judgment against any of the defendants. Consequently, as was legally permissible, Kelley notified the non-resident defendants (Joseph Smith III, Mark Forscutt, John Taylor, and the Mormon Church) by publishing a notice in a local newspaper, the *Painesville Telegraph*, for six weeks, beginning August 21,

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<sup>135</sup>Lake County, Ohio, Court of Common Pleas, Record Book T, 482–83, 485–87; Kirtland Temple Litigation Suit Papers, P68, f5, Community of Christ Library-Archives.

<sup>136</sup>*Ibid.*, 3.

<sup>137</sup>That the inclusion of Videon as a party was an afterthought can be seen from the interlinear insertion of her name in the clerk's docket sheet. *Ibid.*, item 3. Kelley's Affidavit of Publication, *ibid.*, items 4–5. Not all items are numbered.

<sup>138</sup>*Ibid.*

<sup>139</sup>*Ibid.*

1879.<sup>140</sup> Presumably, none of those defendants subscribed to this newspaper. Kelley's notice read:

**Notice.** Joseph Smith and Mark H. Forscutt of the State of Illinois, and the Church in Utah Territory, of which John Taylor is President, an [sic] commonly known as the Mormon Church, and John Taylor President of said Church in Utah Territory, will take notice that, The Reorganized Church of Jesus Christ of Latter Day Saints, did on the 18th day of August, 1879, file its petition in the Court of Common Pleas within and for the County of Lake and State of Ohio, against the said Joseph Smith and Mark H. Forscutt, The Church in Utah, of which John Taylor is President, John Taylor, President of said Utah Church, and Sarah F. Videon, defendants, setting forth that the said Reorganized Church is the true, and in fact, only lawful and legitimate successor of the Church of Jesus Christ of Latter Day Saints, organized by Joseph Smith, A.D. 1830, and as such society it is the owner of and entitled to the possession of all property owned by said Original Church, and of which said Church was never legally disseized, and that it has the legal estate in and is entitled to possession of the following described premises situate in Kirtland Township, in the County of Lake and State of Ohio, being the same premises deeded to Joseph Smith, trustee in trust for the Church of Jesus Christ of Latter Day Saints, by Wm. Marks and wife, by deed dated February 11th, 1841, and described as being known as part of lot No 30 in Kirtland Township, and said County of Lake, containing one acre and one hundred and fifty-four and one-half (154½) rods of land, particularly described by metes and bounds in said petition, and upon which stands the Kirtland Temple, so-called. And said Reorganized Church prays the recovery of said property and the possession thereof, and that the title of said defendants be declared null and void, and the said Joseph Smith, Mark H. Forscutt, The Church in Utah, of which John Taylor is President, and John Taylor, President of said Church in Utah, are each notified that he is required to appear and answer said petition on or before the 13th day of October, 1879. E. L. Kelley, Attorney for said Reorganized Church. Dated

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<sup>140</sup>Constitutional standards have evolved since 1879. In an *in rem* case today, such a publication would have to meet the standard of being reasonably calculated to actually reach the defendants, notify them of the pendency of the case, and alert them that their rights in the subject property could be affected thereby.

August 18, 1879.<sup>141</sup>

The notice published in the newspaper by Kelley, constructive service on the nonresident defendants, was not directed to Lucius Williams. Nor had Kelley succeeded in having this defendant personally served with a summons. As a result, the court was without jurisdiction to affect any rights Williams may have had to the property, and he should have been dismissed from the case. Neither Kelley nor the court was concerned about this jurisdictional defect, however.

Of far greater practical consequence, Kelley provided the defendants with only the bare minimum notice required by the law. He was not legally precluded from providing additional notice, however, and the demands of courtesy should have alerted him to the importance of providing actual notice of the lawsuit to one of the defendants, Mark H. Forscutt. The busy attorney did not take this step, however, a failure leading later to considerable consternation for Forscutt, Kelley, and the Church.

Having filed the petition and published the notice, Kelley returned home to Iowa. He was fully confident of accomplishing the purpose of the litigation: legal recognition of the Reorganization as the legitimate heir of the Restoration in succession to all rights, privileges, and properties belonging to the Church established in 1830. He reported to Stebbins in late August:

I talked with a number of Citizens at P[ainesville]. and Kirtland relative to the suit and the universal opinion was that it was the most important step taken by the Reorg. Church. A number thought we would hardly be able to establish our claims to the successorship as against the Utah Church. Capt. Burrows thinks that "there's the rub" but confesses he knows nothing of the evidence on either side. It shows to my mind that there is really a large proportion of the people deceived as to which body is the true following of the Original Church of L. D. S.<sup>142</sup>

Kelley's publication notified the defendants that they were required to appear and answer the petition on or before October 13, 1879, the next time the Lake County Court of Common Pleas would

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<sup>141</sup>*Painesville Telegraph*, August 21, 1879, in Kirtland Temple Litigation file, P68, F5, item 19.

<sup>142</sup>E. L. Kelley, Letter to Henry Stebbins, August 22, 1879, Kirtland Temple Litigation file, P24, f36, 29–31.



call its docket. He commissioned Burrows to appear on that date, determine whether any of the defendants had answered or made an appearance, and ask the court to set the matter over until its February 17, 1880, term.

At Church headquarters, Stebbins was anxious to stay abreast of the status of the case. As the deadline for the defendants to answer arrived, he apparently pressed Kelley for more information. Kelley responded testily on October 18: "The Kirtland Temple suit has been continued to the Feb. term next of Court. No appearance probable now so write Mess. [sic] Bosworth & Burrows. Will prepare for trial then and have matters settled. Are you happy now!"<sup>143</sup>

On September 3, 1879, Stebbins had asked Burrows what evidence would be required to prove the case. Now that the defendants were in default, Burrows was satisfied that a perfunctory presentation of evidence would be more than sufficient: "No answer has yet been made by any of the defts. As the case now stands we need no proof. The case goes over till Feby term by request of Mr. Kelley."<sup>144</sup> For Kelley, however, the gravity of what was to be established—nothing less than the legitimacy of the Reorganization—required far more evidence than what might be necessary if the case centered on a simple question of ownership or possession of the temple. He continued his exasperated letter of October 18 with a specific list of questions:

In the matter of the pending church suit it is desirable to find out what the Church has in the shape of Records of the 1st organization.

1. What original Records have you if any that will show the officers Reorganizing the Church were formerly recognized officers in former church organization?

2. Have you or do you know of licenses issued to these members of Reorganization by the first, either originals or copies of Wm Marks, Powers, Gurley, Rodgers, Briggs, Blair & etc. for instance. Unless we can get this kind of evidence, & we must if it is to be had in order to make others competent, it will be necessary to introduce a witness who personally knew of these parties being recognized and held out by the First Church as its ministers in their offices. Bro. Joseph Smith may know & remember in regard to these or some at least or Bro. Rodgers.

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<sup>143</sup>E. L. Kelley, Postcard to Henry Stebbins, October 18, 1879, Kirtland Temple Litigation file, P24, f36, item 23.

<sup>144</sup>J. B. Burrows, Letter to Henry Stebbins, November 10, 1879, *ibid.*, item 24.

Also of the Articles of faith of 1st organization. Should Bro. Smith remember in regard to the matter of some it will be well to have him attend the trial on other accounts; if not & Bro. Rodgers knows by being associated with & fellowshipping it is desirable that he be present.

Do I succeed in finding the Articles of Incorporation of the first organization it will save the trouble of some of this parol testimony. I am waiting now replicas to Ohio of officers having records in custody having been informed by David Whitmer that the Articles were first filed in Fayette Ohio in 1832 & afterwards in 1835.

The Secretary of State in Ill. Informs me that he fails to find records of the incorporation in that State & thinks there was none. He cites me to an act of the legislature in 1845 legalizing the transfers made by Joseph Smith as trustee of the "Church of Jesus Christ of Latter Day Saints" as being the only authority he is aware of on the subject. The case will be tried in Feby if we get evidence arranged in time.

If there is an old time member of Church near Painesville who has a clear understanding of matters & faith with whom you are conversant, give me his address so that I can use him trial [sic] should I further find it necessary.<sup>145</sup>

In response to Kelley's request for a witness, Stebbins contacted Apostle Josiah Ells,<sup>146</sup> who lived in Bridgeport, Ohio. Ells wrote Stebbins describing a deposition he had made at Stebbins's request:

Yours of the 27 inst was rec'd. I have written E. L. Kelley in case it is advisable I will attend personally at court at Painesville.

I stated the character of my deposition or testimony. That I joined the church in New Jersey 1838. Moved to and lived in Nauvoo until after the death of the Seer. Refused to give adherence to the Twelve because the [illegible] the Law and order of the Church as set forth in the Books as the rule of faith and practice.

That I was personally acquainted with the first or original church

<sup>145</sup>E. L. Kelley, Letter to Henry Stebbins, January 9, 1880, Kirtland Temple Litigation file, P24, f37, items 1-2.

<sup>146</sup>Ells, born in 1806 in England, united with the Restoration in New Jersey in 1838 and later rode with Joseph Smith partway to Carthage before Smith's assassination. Afterward, Ells became an apostle in Sidney Rigdon's group, then joined the Reorganization (1860), and served as an apostle from 1865 until his death in 1885. He was the author of *Prophetic Truth, Confirmed in the Appearing of the Book of Mormon* (Pittsburgh: Author, 1881).

with Z. H. Gurley, Will Marks, James Blakesly [sic] and others that re-organized the church upon its original order and doctrine, they having authority which we deem essential elements in our church organization.

If requested to attend court I will require means to defray expenses as I have none of my own.<sup>147</sup>

In addition to Ells's testimony, on February 6, 1880, Kelley anxiously enumerated documents he would need from Stebbins in presenting evidence of the Reorganization's legitimacy to the court:

I shall pass through your place on Monday afternoon (Feb'y 9th) and if you could be at the Depot, or at Sandwich & hand me the following books it will be an accommodation & save some trouble & expense.

1. The original Articles of incorporation.
2. A Nauvoo edition of the Book of Covenants.
3. The Times & Seasons Vols 1 & 2 I think
4. The original Record you have might be of value I do not know of what it treats.

All of these will be preserved & returned to you at close of trial. Should I fail to see you for any cause express them to me at Painesville in Ohio. I had prepared to start this morning & so have more time, but my family were unwell & I could not well leave. Would have been glad to have talked with you over the matters. Bro. Robinson's testimony is excellent but think can get along without him with Bro. Ells presence. Received yours with Bro Blakeslee's enclosed last evening. The "journals" would doubtless be valuable evidence if could be properly identified & proven— but they were not official & we could hardly use them however good.<sup>148</sup>

En route to Painesville for the hearing, Kelley hastily wrote Stebbins during a stop at Coldwater, Michigan. By now, Kelley had become frustrated at his co-counsel's mechanical and cursory approach to the case:

I expected to see you yesterday at Depot Plano or Sandwich but failed & as I had not prepared myself with a stop-over ticket could not

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<sup>147</sup>Zenos H. Gurley, Letter to Henry Stebbins, January 30, 1880, Kirtland Temple Litigation file, P24, f37, item 8.

<sup>148</sup>E. L. Kelley, Letter to Henry Stebbins, February 6, 1880, *ibid.*, item 9.

stop. I mailed you a letter on Friday evening to hand me a package of books there but now guess you must have been away. Please forward the books as mentioned in my letter to Painesville by Express. There will likely be more costs of suit than I left money in Sept. It would perhaps be better for you to send this sufficient to settle with the counsel employed there so I can do it before I leave & I find I have not enough with me to do this. My mind is to discharge present counsel there whether the final determination of the case is had or not as they have failed to attend to their duties in the case and I have been able to get but one letter from them in relation to it. I prefer a man who will work whether he has as much ability or not. . . . Don't forget to send the original record. It may be necessary to [show?] there is nothing in it even.<sup>149</sup>

The material from Stebbins reached Kelley in Painesville on Thursday, February 13, 1880. By then, Kelley and the affable Burrows had mended their fences and were ready to present their case the following Monday.<sup>150</sup>

#### *The Trial and an Adverse Judgment*

When the case was called on Monday, February 17, before Judge L. S. Sherman, none of the defendants appeared.<sup>151</sup> Kelley, assisted by Burrows, presented the testimony of Josiah Ells and the numerous exhibits provided by Stebbins. He premised his case on the February 11, 1841, Marks deed (the second strand in the chain of title), rather than on the May 5, 1834, Johnson deed (the first strand in the chain of title). His request was that the title be quieted and that possession of the property be awarded to the Reorganization.<sup>152</sup> Presenting the evidence obviously consumed considerable time. The liti-

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<sup>149</sup>E. L. Kelley, Letter to Henry Stebbins, February 10, 1880, *ibid.*, item 10. The last sentence is written after the signature but not designated as a postscript.

<sup>150</sup>"Yours and express matter at hand all right. Expect case to be tried Monday next. Will write you then. Will be at Kirtland over Sunday." E. L. Kelley, Postcard to Henry Stebbins, February 13, 1880, *ibid.*, item 14.

<sup>151</sup>Judge Laban Smith Sherman of Ashtabula County, Ohio, was born in 1814, served as Ashtabula County prosecuting attorney (1839–41, 1849–51), as a state senator (1852–54), and was elected judge of the Court of Common Pleas in 1876.

<sup>152</sup>E. L. Kelley, Letter to Joseph Smith III, February 19, 1880; printed

gants and attorneys in other cases must have waited restlessly, while Burrows did his best both to appear helpful and to genially disguise his befuddlement over the extensiveness of evidence being presented in a default case. At the hearing's conclusion, Kelley provided the court with a proposed judgment, including complete findings of fact and an order delivering possession of the temple to the Reorganized Church of Jesus Christ of Latter Day Saints.<sup>153</sup>

Kelley wrote Joseph Smith III on February 19, 1880, in a combination of exuberant and formal prose:

Dear Sir: One week ago today I arrived in this city, to look after the interests of the Reorganized Church in its action in the State Court, to recover the possession of the Kirtland Temple property, in Lake County. The plaintiff's claim is based upon the grounds, that the Reorganized Church is the lawful and legitimate successor of the Church of Christ of Latter Day Saints, organized by Joseph Smith, jr., A. D. 1830, at Palmyra, New York, and to which the property in controversy was deeded in the year 1841. The cause was tried to the court, Judge Sherman on the bench, on the 17th inst., and is now held under Advisement. Upon the final submission of the case the Court referred to the evidence produced, as "showing a very wide departure from the laws and usages of the original church by that body of Mormons in Utah Territory," which make claim to be in the line of succession. Although no decision has been made in the case yet, plaintiff's counsel are confident that judgment must be for the Reorganized Church and ordering that they be put in possession of the property . . . My associate counsel in the case here, J. B. Burrows, is not only an able attorney, but a genial gentleman. . . . I find many able and indeed eloquent practitioners of the bar here,—this is one of the oldest towns in the State, as well as the wealthiest in proportion to its population—and, as all well informed attorneys are, these are pleasant and honorable.<sup>154</sup>

Judge Sherman sat on the case for a week and then issued a judgment, which, except in the last paragraph, mirrored Kelley's submission. Sherman's judgment included all of Kelly's proposed findings of fact, but then, in the final two sentences, found, based

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in *Saints' Herald* 27 (March 15, 1880): 84.

<sup>153</sup>This action was not inappropriate; trial court judges prepare judgments only very rarely.

<sup>154</sup>E. L. Kelley, Letter to Joseph Smith III, February 19, 1880; printed in *Saints' Herald* 27 (March 15, 1880): 84–85.

upon the allegations of Kelley's own petition, that the RLDS Church was not in possession and that possession was a legal requirement for a quiet title suit under Ohio law. Therefore, the case was dismissed or, in laymen's terms, thrown out of court. Sherman must have felt that his resolution of the matter was the best of all possible worlds; he was able to give the despised Utah Mormons a slap in the face without substantively awarding anything whatsoever to their not altogether socially legitimate cousins in the Reorganization:

In Court of Common Pleas, Lake County, Ohio, February 23, 1880. Present: Honorable L. S. Sherman, judge; F. Paine, Jr., clerk; and C. P. Morley, sheriff.

Journal Entry, February Term, 1880. The Reorganized Church of Jesus Christ of Latter Day Saints: Plaintiff.

Against Lucius Williams, Joseph Smith, Sarah F. Videon, Mark H. Forscutt, the church in Utah of which John Taylor is president and commonly known as the Mormon Church, and John Taylor, president of said Utah church: Defendants.

Now at this term of the court came the plaintiff by its attorneys, E. L. Kelley, and Burrows and Bosworth, and the defendants came not, but made default; and thereupon with the assent of the Court, and on motion and by the consent of the plaintiff a trial by jury is waived and this cause is submitted to the Court for trial, and the cause came on for trial to the Court upon the pleadings and evidence, and was argued by counsel; on consideration whereof, the Court do find as matters of fact:

1st. That notice was given to the defendants in this action by publication of notice as required by the statutes of the state of Ohio; except as to the defendant, Sarah F. Videon, who was personally served with process.

2d. That there was organized on the 6th day of April, 1830, at Palmyra, in the state of New York, by Joseph Smith, a religious society, under the name of "The Church of Jesus Christ of Latter Day Saints," which in the same year removed in a body and located in Kirtland, Lake County, Ohio; which said church held and believed, and was founded upon certain well defined doctrines, which were set forth in the Bible, Book of Mormon, and book of Doctrine and Covenants.

3d. That on the 11th day of February, A. D. 1841, one William Marks and his wife, Rosannah, by warranty deed, of that date, conveyed to said Joseph Smith as sole trustee-in-trust for the Church of Jesus Christ of Latter Day Saints, being the same church organized as aforesaid, the lands and tenements described in the petition, and which are described as follows:

Known as part of lot No. 30 and bounded on the South by land

formerly owned by Isaac Moore beginning near the North East Corner of said Moore's land in the Center of the Road leading from Kirtland flats to Chester and running West on the North line of said land (22) rods. Thence North (17) rods to a Stake marked No. 1. Thence East to the West line of the Lot owned by the Methodist Episcopal Society on which their meeting house stands. Thence South to the South west Corner of said Society's Lot. Thence East to the center of the road before mentioned. Thence Southwesterly to the place of beginning. Being the land on which stand the Church or building known as the Kirtland Temple.

And upon said lands said church had erected a church edifice known as the Temple, and were then in the possession and occupancy thereof for religious purposes, and so continued until the disorganization of said church, which occurred about 1844. That the main body of said religious society had removed from Kirtland aforesaid, and were located at Nauvoo, Illinois, in 1844, when said Joseph Smith died, and said church was disorganized and the membership (then being estimated at about 100,000) scattered in smaller fragments, each claiming to be the original and true church before named, and located in different States and places.

That one of said fragments, estimated at ten thousand, removed to the territory of Utah under the leadership of Brigham Young, and located there, and with accessions since, now constitute the church in Utah, under the leadership and presidency of John Taylor, and is named as one of the defendants in this action.

That after the departure of said fragment of said church for Utah, a large number of the officials and membership of the original church which was disorganized at Nauvoo, reorganized under the name of the Reorganized Church of Jesus Christ of Latter Day Saints, and on the 5th day of February, 1873, became incorporated under the laws of the state of Illinois, and since that time all other fragments of said original church (except the one in Utah) have dissolved, and the membership has largely become incorporated with said Reorganized Church which is the plaintiff in this action.

That the said plaintiff, the Reorganized Church of Jesus Christ of Latter Day Saints, is a religious society, founded and organized upon the same doctrines and tenets, and having the same church organization, as the original Church of Jesus Christ of Latter Day Saints, organized in 1830, by Joseph Smith, and was organized pursuant to the constitution, laws and usages of said original church, and has branches located in Illinois, Ohio, and other States.

That the church in Utah, the defendant of which John Taylor is president, has materially and largely departed from the faith, doctrines, laws, ordinances, and usages of said original Church of Jesus Christ of Latter Day Saints, and has incorporated into its system of faith the doctrines of celestial marriage and a plurality of wives, and

the doctrine of Adam-god worship, contrary to the laws and constitution of said original church.

And the Court do further find that the plaintiff, the Reorganized Church of Jesus Christ of Latter Day Saints, is the true and lawful continuation of, and successor to the said original Church of Jesus Christ of Latter Day Saints, organized in 1830, and is entitled in law to all its rights and property.

And the Court do further find that said defendants, Joseph Smith, Sarah F. Videon, and Mark H. Forscutt, are in possession of said property under a pretended title, derived from a pretended sale thereof, made by order of the probate court of Lake County, on the petition of Henry Holcomb, as the administrator of said Joseph Smith, as the individual property of said Smith; and the Court finds that said Smith had no title to said property, except as the trustee of said church, and that no title thereto passed to the purchasers at said sale, and that said parties in possession have no legal title to said property.

And the Court further finds that the legal title to said property is vested in the heirs of said Joseph Smith, in trust for the legal successor of said original church, and that the plaintiffs are not in possession thereof. And thereupon the Court finds as matter of law that the Plaintiff is not entitled to the Judgment or relief prayed for in its petition. And thereupon it is ordered and adjudged that this action be dismissed at the costs of the Plaintiff.<sup>155</sup>

Nothing can be more ignominious or humiliating for an attorney than losing a default case. Kelley, who had been focused exclusively on questions of legitimacy, rather than upon the legal technicalities of a suit to quiet title in Ohio, must have been severely shocked by Sherman's decision.

### *Polemical Victory Snatched from the Jaws of Legal Defeat*

Kelley was not easily embarrassed, though. Upon reflection, he realized Sherman's findings of fact gave him exactly what he had been commissioned to obtain—polemical proof that the Reorganization was the authentic and legitimate heir of the Restoration. Although the court dismissed the case, it explicitly found that the Reorganization was founded “upon the same doctrines and tenets, and having the same church organization, as the original Church.” Further, the court had found that the Utah Mormonism was illegitimate, having

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<sup>155</sup>Certified copy of Journal Entry, Common Pleas Court, Lake County, Ohio, Kirtland Temple Suit Papers, P68, f5.



substantially departed from the doctrine of the original church, incorporating “into its system of faith the doctrines of celestial marriage and a plurality of wives, and the doctrine of Adam-god worship, contrary to the laws and constitution of said original church.” Finally, the court had concluded, the Reorganization was “the true and lawful continuation of, and successor to the said original Church of Jesus Christ of Latter Day Saints, organized in 1830, and [was] entitled in law to all its rights and property.” These findings were far more valuable to Kelley, and to the Reorganization, than ownership of the temple itself.

Kelley rushed the news of this polemical victory back to the leaders of the Reorganization. Over the following weeks, Joseph Smith III attempted to ensure that news of the court’s findings of fact were distributed far and wide.<sup>156</sup> His letter to the *Chicago Tribune* on March 2, 1880, is typical:

Our issue of Mar 15th next will contain the enclosed findings of the Court of Common Pleas, of Lake Co. Ohio, in a suit instituted by us the Reorganized Church, in which the issue between us and the Mormon, Utah church came before the court. We send you a proof copy, in advance of our issue, and if you deem it well to give it to your readers as an item of news bearing upon the Utah question—it is at your disposal.<sup>157</sup>

The March 15, 1880, issue of the *Saints’ Herald* set out the judgment verbatim except that the last two sentences, in which the case

<sup>156</sup>Joseph Smith III, Letter to H. P. Brown, March 1, 1880, Joseph Smith Letterbook JSLB3, 17–18.

<sup>157</sup>He also wrote on the same date to the *Chicago Times*, *Chicago Evening Journal*, the *Chicago Interocean*, and the *Burlington Hawkeye*. Joseph Smith Letterbook 3, 19–23. The *Salt Lake City Tribune* apparently picked up the story, for Joseph III reported in “Editorial Items,” *Saints’ Herald* 27 (April 1, 1880): 104: “The Salt Lake City Tribune, Gentile paper and the Herald, of the Utah Church, reached us on the 9th, both having the decision of the Court in Ohio, respecting the Kirtland Temple inserted in their columns. So let the leaven work. The Tribune, in an editorial notice of the decision intimates that there is a further point that may reach to other properties than the Temple of Kirtland. Bro. Edwin (*sic*) L. Kelly, of Glenwood, Iowa, who as attorney for the Church conducted the case, may congratulate himself on having started an enquiry that may lead to queer results.”

was dismissed, were omitted.<sup>158</sup>

For Smith, the real significance of the case did not lie in determining its property rights, for, as he expressed himself to a correspondent, “the temple as a property don’t amount to much.” Instead, he exulted in the impact the court’s findings of fact would have upon the self-image and morale of the Reorganization:

As for me, I am Bro Huntlys (*sic*) friend, as good with my capabilities, as he has any where. He has no particle of reason to be distrustful of me. I never deceived him. I differed from his view in regard to the title of the Temple, and told him. He has never made me gifts, or anything of the sort; except that he deeded the temple at Kirtland that Mark and me for which the decision states to Mark that we have no title in land or equity, which decision I believe to be a just and right one. I always regarded Bro Huntly (*sic*) as a good, noble, true hearted man—and so regard him still. . . . Of that decision—yes you are right. The temple as a property dont amount to much—but the moral of it --the ‘Morale’ of it . . .<sup>159</sup>

For the next several years, Smith and the leaders of the Reorganization used the court’s findings of fact as a polemical broadside against the Utah church at every opportunity. For example, as he wrote a correspondent on May 9, 1880: “Utah Mormonism is not the legitimate result of the teachings of Joseph Smith, and here You err; as many have done, and are doing, Utah Mormonism is a departure, and secular lawyers can see this, while you, who persist in judging all Mormonism from its Utah phase cannot, or will not.”<sup>160</sup>

From the very beginning, the leaders of the Reorganization omitted the last two sentences from their quotations of Sherman’s decision, thus fostering the misapprehension that the court had awarded the Kirtland Temple to the Reorganization as the rightful successor of the original church. Heman C. Smith’s history of the Reorganization exemplifies this use: “On February 23, 1880, it was de-

<sup>158</sup>“The Reorganization in Court,” *Saints’ Herald* 27 (March 15, 1880): 89. Also see Joseph Smith III’s editorial remarks *ibid.*, 87, and 27 (April 1, 1880): 103.

<sup>159</sup>Joseph Smith III, Letter to William Anderson, March 17, 1880, Joseph Smith III Letterbook 3, 47–50.

<sup>160</sup>Joseph Smith III, Letter to Alfred Ward, May 9, 1880, Joseph Smith Letterbook 3, 99–102.

cided in the Court of Common Pleas, Lake County, Ohio L. S. Sherman, judge, that the title of the Kirtland Temple was in the Reorganized Church of Jesus Christ of Latter Day Saints." He then copied the judgment verbatim, but tellingly omitted the last two sentences without ellipses, concluding:

Joseph Smith and Mark Forscutt, leading ministers of the church, were named as defendants, because some years before Mr. Russell Huntley, who had acquired some kind of title, had held possession for a time and made extensive repairs, deeded the property to them, and it was thought best to get judgment against every one having shadow of title. They of course made no attempt to defend their title. This decision and the subsequent occupation and repairing of the Temple gave the church considerable prestige in that country and elsewhere.<sup>161</sup>

These polemical proclamations of victory may have carried some weight in the court of public opinion. Certainly, the court's findings were integral to the Reorganization's self-image. It cultivated its identity as the legitimate heir of the Restoration and formulated a portrait of Joseph Smith Jr. excluding his responsibility for what the Church considered as the most odious of the Mormon practices and doctrines, such as polygamy. The court's findings in the Kirtland Temple litigation significantly bolstered the cementing of these positions as part of the Church's faith. The only difficulty, at least from today's perspective, was that the Reorganization's polemical proclamations of judicially determined legitimacy actually had no legal basis whatsoever. In fact, the legal result of the lawsuit was that the title stood exactly as it had before the case was filed; legally, nothing had been accomplished. This finding goes to the very essence of the matter and can hardly be

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<sup>161</sup>Heman Smith, *The History of the Reorganized Church of Jesus Christ of Latter Day Saints*, 4:302-4. See also Inez Smith Davis, *The Story of the Church: A History of the Church of Jesus Christ of Latter Day Saints, and of Its Legal Successor, the Reorganized Church* (1934; Independence: Herald Publishing House, 1969 printing), 554; Aleah G. Koury, *The Truth and the Evidence: A Comparison between Doctrines of the Reorganized Church of Jesus Christ of Latter Day Saints and the Church of Jesus Christ of Latter-day Saints* (Independence: Herald Publishing House, 1965), 104-8; Elbert A. Smith, *The Church in Court* (Lamoni, Iowa: Herald Publishing House, n.d.), 3-6; Israel A. Smith, "The Kirtland Temple Litigation," *Saints' Herald* 90 (January 9, 1943): 40-43, 54.

dismissed as mere “quibbling.”<sup>162</sup>

Fully understanding the legal effect, or, rather, the lack thereof, of the court’s findings of fact in the Kirtland Temple litigation would require an excursus on *res judicata* (the rule that a cause of action, once judicially decided on the merits by a court of competent jurisdiction, is conclusive and may not be litigated again by the same parties), collateral estoppel (which precludes identical parties from litigating the same factual issues a second time once those issues have been determined on the merits by a court of competent jurisdiction) and the implications of an involuntary dismissal, or nonsuit, of a default case. Suffice it to say that, legally, the court *dismissed* the RLDS Church’s default case because it failed to allege or prove one of the essential elements of a statutory cause of action to quiet title in Ohio—namely, that the plaintiff (the Church) was in possession of the property. In Ohio, the statutory cause of action to quiet title did not preempt the field and the old equitable cause of action to quiet title survived. The court could have treated the Kirtland Temple litigation as an equitable cause of action to quiet title, thereby dispensing with the necessity of proving possession. Nevertheless, it can hardly be faulted for not doing so, particularly where the plaintiff failed to explicitly invoke the court’s equitable power. As such, the involuntary dismissal, or nonsuit, legally was not an adjudication on the merits of the truth or falsity of the plaintiff’s other contentions. Findings of fact in such a case are not legally binding on anyone, least of all upon absent defendants. E. L. Kelley certainly should have known as much. Whether Joseph Smith III knew of the dismissal of the case at this time is an open question, but it could be inferred that Kelley failed to broach or explore these ramifications with the leaders of the Church. It is difficult to imagine that the thoroughly moralistic Joseph Smith III, no matter how misguided, would ever tolerate an outright deception, especially one so transparent.

In the 1940s, Israel Smith was anxious to accord the adjudication the status of being on the “merits.”<sup>163</sup> This conclusion was wholly unwarranted. Even if his point were conceded, however, the question would, nevertheless, arise as to what was actually ad-

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<sup>162</sup>Launius, *The Kirtland Temple*, 114.

<sup>163</sup>Israel Smith, “The Kirtland Temple Litigation,” 90: 40–43, 54.

judicated or decided. The only plausible answer would be that the sole fact necessarily adjudicated was that the Reorganization was not in possession of the premises. All other findings were wholly incidental or merely gratuitous and, therefore, still without any binding legal effect. E. Guy Hammond, an Akron attorney and RLDS high priest whom Israel Smith consulted, attempted to forcefully drive this point home: "From your letter I get the impression that you still cling to the notion that Judge Sherman's decision in Common Pleas at Painesville might be relied on. For my part, I cannot see, as explained before, that this decision can have the least effect, other than to dismiss the case, and to deny the relief prayed for. And if we should rely on it in any respect, in the first instance, it would but give the adversary opportunity to make us ridiculous."<sup>164</sup>

Meanwhile, Mark Forscutt's dilemma over payment of his promissory note to Henry Fyfe for \$100, a note that was to become due and payable upon the sale of the temple, should have presented Kelley with an opportunity to provide a fuller explanation of the legal effect of the Kirtland Temple litigation.<sup>165</sup> It was an opportunity he declined.

Joseph Smith III had written promptly to Forscutt on March 3, 1880, to inform him of the result of the Kirtland case: "A decision has been reached in the Kirtland Temple matter; and Bro Rogers is ready to return us our taxes. . . . I enclose you a proof

<sup>164</sup>E. Guy Hammond, Letter to Israel A. Smith, November 3, 1942, Kirtland Temple file, Community of Christ Legal Department.

<sup>165</sup>For additional details on the Fyfe transaction, see Henry A. Stebbins, Church Secretary, "General Conference Minutes, Saturday, September 18, 1:30 p.m." and Alexander Fyfe, Letter to the President and officers of the RLDS Church [1880], *Saints' Herald* 27 (October 15, 1880): 320; Joseph Smith III Letterbook 3, 380-84; and the excellent summary by Launius, "Joseph Smith III and the Kirtland Temple Suit," 110-16. For Forscutt, payment of the note was apparently a matter of honor and not of legal technicalities. From a purely legal perspective, however, the "promissory note" was not cognizable as negotiable paper at all since it was not due at a certain time. So far as an action on the underlying debt is concerned, one wonders about the consideration given or received in return for the promise of payment of Fyfe's losses, a promise made at a time after the losses had already occurred.

sheet of the findings of the Court, It will be in Herald for Mar 15th, I have sent copies to the four leading papers of Chicago, and the Burlington Hawke Eye, requesting an insertion in advance of our issue."<sup>166</sup> Forscutt had hoped to recoup sufficient funds through the temple sale to pay Fyfe, and it apparently was not financially possible for him to fulfill his obligation otherwise. When he received the proof sheet of the forthcoming announcement in the *Saints' Herald*, which lacked the sentences that the case had been dismissed, he focused, naturally, on the point of main interest to him: that he and Smith had no legal title to the temple property. Forscutt was nonplussed that he could be ousted without having been informed that the case was even pending. In the manner typical of the polity of the Reorganization, Forscutt took his complaints to the general conference, which was convening the following month:

The minutes for the April 13, 1880, meeting, as published, devoted only two sentences to Forscutt's complaint.<sup>167</sup> The discussion was much more extensive, however; and, for the protection of his honor, Forscutt demanded that a fuller account appear in the next issue. The *Saints' Herald* complied:

Brother Forscutt inquired whether it was a legal measure, and if legal, whether it was morally right to institute a suit against parties whose residence was known, and yet never notify those parties of such suit?

The attorney, Bro. E. L. Kelley, replied that he had taken the steps required by the laws of the state of Ohio, in which the property was situated, and advertised in the papers there of the intention to institute such suit. He had notified the other parties interested in the suit; but did not know whether he had notified Bro. Forscutt, or not.

Bro. Forscutt stated that he had received no such notification; that if he had known of the suit, he should have felt it to be his duty to interpose objections, as his honor was partly at stake in the disposal of the Temple. He owed money which he was expecting the sale of the Temple to enable him to pay, and had given a note to a brother for \$100,

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<sup>166</sup>Joseph Smith III, Letter to Bro. Mark [H. Forscutt], March 3, 1880, re: tax on Kirtland Temple, Joseph Smith Letterbook 1A, P6, 199–200.

<sup>167</sup>Joseph Smith, William W. Blair, Henry A. Stebbins, John Scott, "General Conference Minutes, Tuesday, April 13, 1880," *Saints' Herald* 27 (May 15, 1880): 149; see also Henry A. Stebbins, "Conference Minutes Supplement," *Saints' Herald* 27 (June 1, 1880): 180.

said note being payable when the Temple should be sold. For the Temple to pass out of his hands, and he make no effort to prevent its passage, make no claim upon it, and looking to the liquidation of debts promised to be paid when it should be sold, laid him open to suspicion of wrong intentions, or carelessness, unless the facts were made known. . . . He did not regret the decision of the Court decreeing the Temple to the Church, and the Reorganized Church to be *the Church*; but he thought a church of twelve or fifteen thousand members could better afford to pay for repairs which the Court decrees was made on their property, than either the former holder, Bro. Russell Huntley, Bro. Smith, or he could. His proportion of such repairs was twelve hundred and fifty dollars, and after giving nearly all his life to the ministry of the Church, and being now almost penniless, he doubted both the wisdom and the justice of a policy that should take what little he thought he had in reservation in that property, without at least returning the amount expended by the former holder to preserve it from destruction. The legal aspect might be all right; but now and hereafter the moral aspect will certainly be bad.<sup>168</sup>

Forscutt's distinction between legality and morality certainly invited Kelley to explain that the case had been dismissed and that the findings of fact had no legal effect. Kelley again refused this chance, inexplicably suggesting instead that Forscutt could have the judgment set aside within two years after its entry if he felt his rights were injured. The unusual prospect of a defendant seeking to set aside a dismissal of the plaintiff's case must have seemed bizarre even to Kelley. However, he obviously took Forscutt's complaint as a personal insult. On June 10, 1880, Kelley wrote to Henry Stebbins requesting a correction in the published minutes. The letter was subsequently published in the *Herald* on July 1:

In Conference Minutes Supplement of June 1st, 1880, there appears quite an error in what purports to have been my language, and I desire the publication of this correction. . . . What I did say was this: "That notice was given all parties interested, in accordance with the laws of the state where the property was located; residents by personal service and non-residents by publication."

Afterwards, upon inquiry as to whether I had mailed a paper containing notice to Bro. Forscutt, I replied that I was not then positive.

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The notice on Bro. Forscutt is by publication, and he was a

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<sup>168</sup>"Conference Minutes Supplement," *Saints' Herald* 27 (June 1, 1880): 180.

non-resident and the subject matter of suit real property. Now, a non-resident defendant served by publication only, in such cases, may come in and put in his defense any time within two years after judgment. If Bro. Forscutt had any actual interest and rights in this matter, they still may be adjusted, and no one will be more glad to see him file his claims and have them adjudged than counsel in the case. We were in this case desiring invaded rights rectified, not in any way interested in invading others. . . .

As to the amount claimed for repairs, it does seem to me, after particularly examining the property twice, that the one half claimed, is more than the building is worth entire, from foundation to capstone.<sup>169</sup>

On June 18, 1880, Kelley followed up on his June 10 letter to Stebbins, heatedly insisting that it be published in the *Saints' Herald* exactly as written and expressing a clear sense that Forscutt had inexplicably tried to injure him:

Yours in regard to the communications over Temple matter is at hand and after carefully considering the matter I see no reason why I should change my letter, unless it needs be to make it more severe and pointed in one or two particulars . . . Mark had been cut off in no manner by the suit and I had personally told him that the notice of publication did not require us to send him a paper. Then it was published through the Herald last Fall, that suit had been begun, I had been ordered through Conference and I had no thought of taking advantage of any one by reason of the notice, but Mark steps up with all these facts before him and charges me with having stolen a judgment on him a charge more base than was ever made against me before; and one of the most serious you can make against an attorney. . . . Bro. Mark knew well enough that in that case I had no thought of taking an advantage of him and why he should deem it advisable to make the attack on me in order to try and vindicate himself with some creditor is more than I can conceive. All I have to say is it was a dastardly mean act.<sup>170</sup>

Although Kelley was unable to openly acknowledge that the Kirtland Temple litigation had legally been an exercise in futility,

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<sup>169</sup>E. L. Kelley, Letter to Henry A. Stebbins, *Saints' Herald* 27 (July 1, 1880): 209.

<sup>170</sup>Edmund L. Kelley, Glenwood, Iowa, to Henry A. Stebbins, Plano, Illinois, June 18, 1880, Kirtland, Ohio Temple Suit Preparation, 187-1880, Henry A. Stebbins Papers, P24, f37, items 26-28.



Kelley had at least conceded that “Mark had been cut off in no manner by the suit.”

### *Ownership of the Kirtland Temple*

As far as the temple’s actual ownership was concerned, Kelley faced several alternatives following the dismissal of his suit to quiet title:

1. He could recommend filing another suit to quiet title, this time asserting the Church’s actual possession of the temple—the point on which his case had been found legally deficient—and joining Joseph Smith III in his fiduciary capacity as Church president (under the first strand in the chain of title), the heirs of Joseph Smith Jr. (under the second strand in the chain of title), and Emma Hale Smith Bidamon’s heirs (under the fourth strand in the chain of title), as additional defendants. This approach was hardly palatable since it would undermine the value and ostensible validity of the court’s finding that the Reorganized Church was legitimate in the case just dismissed.

2. Relying on the first Johnson deed in the first strand in the chain of title, he could recommend seeking a court order compelling Joseph Smith III, as legitimate successor to Joseph Smith Jr. in the office of Church president, to convey the property to the Church corporation.

3. Relying on the Marks deed in the second strand in the chain of title, he could suggest seeking a court order compelling the heirs of Joseph Smith Jr. to convey the property to the Church corporation. For legal purposes, those heirs were the three living sons of Joseph Jr. (Joseph Smith III, David Hyrum Smith, and Alexander Hale Smith) and Alice Fredericka Smith (daughter of the other brother, Frederick Granger Williams Smith, now deceased).<sup>171</sup> David Hyrum was in a mental hospital by this point, legally incompetent to represent himself, and without a guardian. Therefore, this approach would have required the appointment of an independent guardian for the limited purpose of representing his interests in the litigation. Twenty-two-year-old Alice Fredericka may not have cooperated either; her parents had been estranged at the time of her father’s death.

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<sup>171</sup>Julia Murdock Smith apparently was never legally adopted by Joseph and Emma. She died only a few months after the suit on September 12, 1880.

4. Kelley could exert his influence to ensure that the Church simply maintained possession and then rely upon the passage of time and the absence of other claimants to establish the Church's title.<sup>172</sup> This was the alternative Kelley chose, since in due time possession would give the Church everything it needed for legal purposes and the findings gave it everything it needed to establish its legitimacy for polemical purposes.

The claim of the Church based upon possession would have been substantially accelerated if Joseph Smith III and Mark Forscutt had simply quitclaimed their personal claims to ownership of the temple property to the Church. As already mentioned, by 1878, Smith, Forscutt, and their predecessor, Huntley, had been in possession of the temple for at least seventeen of the requisite twenty-one years. According to Ohio law, a deed is not ordinarily required for the "tacking" of successive claims to occur. In fact, tacking can be accomplished simply upon a transfer of possession accompanied by a verbal agreement of the predecessor and the successor claimants.<sup>173</sup> However, since Sherman expressly found that the Reorganization was not in possession, a deed from Smith and Forscutt to the Church after the case was completed would have been extremely significant—cutting against the ostensible validity of Sherman's findings of fact. Thus, it would have been even less tolerable to Smith after the litigation was over than it had been before it was commenced. Possibly for this reason, neither Forscutt nor Smith ever made such a conveyance to the Church—at least Lake County records contain no such deed.<sup>174</sup>

Smith had actually delivered possession of the Kirtland Temple

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<sup>172</sup>Eric Paul Rogers and R. Scott Glauser explored this question in an accompanying paper at the same MHA session, "Why Was the Church of Jesus Christ of Latter-day Saints Absent from the Kirtland Temple Litigation?," revised and published as "The Kirtland Temple Suit and the Utah Church," following this article.

<sup>173</sup>*McNeely v. Langan*, 22 Ohio St. 32 (1871); *Zipf v. Dalgarn*, 151 N.E. 174, 114 Ohio St. 291, 4 Ohio L.Abs. 182 (1926).

<sup>174</sup>Launius, *The Kirtland Temple*, 114. Significantly, Kelley was aware of such a procedure. When his own tenure as Presiding Bishop was drawing to a close, he executed a series of deeds as trustee to his successor, Benjamin McGuire. Five of these deeds, executed on October 24, 1916, are recorded in Lake County real estate records, Book 65, pp. 292, 293, 294, 295, 297.

to the Church in February 1878.<sup>175</sup> Accepting Kelley's averments at face value, however, Sherman explicitly found that the Reorganization was not in possession of the property in February 1880. Therefore, the most conservative approach would count the period of possession from that date with the result that ownership of the Kirtland Temple was conclusively established by the Reorganization's adverse possession in 1901.

Evidence of such possession lies in the fact that the 1882 general conference appointed a committee to make repairs.<sup>176</sup> Guy Hammond certainly understood this legal point. In writing to Israel A. Smith, on October 17, 1942, he explained:

Under Ohio law, adverse possession gives a more substantial right than in many states, and it ripens into an indefeasible title in fee. It is not merely a defense to be urged when one's title is attacked, and then only, but may be relied upon in support of an action to quiet title. And moreover, we are not required, either, to show any color of title: "In Ohio, color of title is not necessary to the existence of title by adverse possession." It is sufficient if the possession is— "open, adverse, notorious," etc.,—without color of title. 1 Oh. Jur., p 527. A[s] we are in possession and have the exclusive use and benefits, I wonder how we might be increased by a suit to quiet title.

Writing again to Israel Smith on December 7, 1942, Hammond added: "My greatest source of comfort in the whole matter is that the Reorganization has had adverse possession too long to be upset. If Utah has any legal objections, it has certainly not manifested any faith in its legal position. And Mr. Reimann's pamphlet is not set forth with any hopes of having their title legally established, but to relieve, a little, their condemnation for promulgating false doctrine."<sup>177</sup> In sum, Forscutt and his heirs were as effectively cut off by the Reorganization's possession for the requisite twenty-one

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They do not include a deed for the Kirtland Temple, presumably because the temple had never been conveyed to Kelley or to his predecessors as trustees for the Reorganized Church.

<sup>175</sup>Joseph Smith III, Letter to Mark H. Forscutt, February 23, 1878, P6, Joseph Smith III Letterbook, 1A, 65.

<sup>176</sup>Heman Smith, *History of the Reorganized Church*, 4:392.

<sup>177</sup>E. Guy Hammond, Letters to Israel A. Smith, October 17 and December 7, 1942, Kirtland Temple file, Community of Christ Legal Depart-

years, beginning in 1880, as any other claimants.

*The Temple and the Polemic of Legitimacy*

Following the Kirtland Temple litigation, the Reorganization seized upon the Kirtland period as a symbol of its status as the legitimate heir of the Restoration. From the very beginning, the Restoration worked by Joseph Smith, Jr., was highly dynamic, inevitably producing such potentially embarrassing episodes during the Kirtland period, among others, as the Book of Abraham; the public display, for a small fee, of purportedly sacred mummies in the temple; the ritual washings in whiskey conducted in the House of the Lord, the high council sessions giving close scrutiny to everything from the parenting skills of individual Church members to whether other individual members were sufficiently charitable in sharing their property with the poor; the acceptance of violence as a tool of redemption as represented by Zion's Camp; the prophet's illicit relationship with Fanny Alger; and his penchant for resolving intra-family and mercantile conflicts through fisticuffs. Both those who espoused the Reorganization and those who followed Brigham Young to Utah handled these tensions with the same technique: first, by viewing the Restoration as nearly static and, second, by seizing a snapshot of its development at a particular stage to espouse as its "pristine" form. In the Reorganization's version of this anachronistic view, the Kirtland Temple came to embody the Reorganization's claim to pure practice and doctrine and to symbolize the Reorganization's moderation and its quest for social acceptance and legitimization. Thus, the House of the Lord surely did become a "most treasured possession" of the Reorganization. But it was treasured, not as sacred space in the Church's quest for transforming the world, but because the very fact of its possession asserted the Church's legitimacy as the true heir of the Restoration and of its legally recognized reasonableness and respectability.

Joseph Smith III reflected on the accomplishment of these purposes in a July 1883 letter to E. L. Kelley, commenting that the court case had, "certainly drawn the attention of the world upon us as nothing else [had] ever done."<sup>178</sup> The entire letter provides insight into Joseph III's lifework and his assessment of the place of the Kirtland

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<sup>178</sup>Joseph Smith III, Letter to E. L. Kelley, July 10, 1883, Joseph Smith III Papers, P15, f8, 5-6.

Temple litigation in that work as proof of his Church's legitimacy, as a test case, and as a dry run for a of the Reorganization adversarial proceeding in the impending Independence Temple Lot case:<sup>179</sup>

I have been ambitious of but one thing, so far as human ambition is concerned, and that was to prove by the logic of conduct that my father was not a bad man.

When my duty was made plain, and I was directed to the Reorganization then already begun, I found its policy in some things, I thought at fault—notably the admission that my father taught polygamy. I found no proofs sufficiently clear to prove it to me. I adopted a different theory, and was at first much decried for it. It was charged as being the result of pride in family name. I think, however, I have disproved that statement. If not it will be proved by and by. . . .

Would it not be a good thing for you to visit Dr. Hurlbut at Sturges, Mich., and see what you can get out of him. See how he will stand X [sic] examination. That is what I believe would get away with those concubinal witnesses. Eliza R. Snow must have made a fascinating odalisque. Eh! If harem heats left no more fruits of their burning with Brigham, Heber, Pratt, Smith et al, than with Joseph, it would be a barren Polygamic Kingdom they would receive in the beatific beyond. . . .

It is a belief with me that the occupation of the Temple, and its retaining is within the line of God's purposes in the reformation of his work. It has certainly drawn the attention of the world upon us a[s] nothing else has ever done. There is one more thing foreseen by me as likely to transpire. At least I am in mind prepared for it; that is a tripartite fight in the Supreme Court, out of which we will come with another moral verdict in our favor. I may mistake in this but I think not. At all events it is good discipline getting ready for it.

Thus, over time, the temple became an icon of the Reorganization's legitimacy, fulfilling this purpose best through historical tours of the sacred structure, rather than through corporate worship or preparation for mission.<sup>180</sup> Its spiritual role was limited almost completely to sporadic instances of personal piety rather than transformational purposes, and no attempt was made to assist the throng

<sup>179</sup>Ronald E. Romig, "The Temple Lot Suit After 100 Years," *John Whitmer Historical Association Journal* 12 (1992): 3.

<sup>180</sup>The vast majority of persons taking tours of the Kirtland Temple are LDS. Early on, the historical approach allowed the establishment of both common ground and clear lines of demarcation. More recently, Lachlan Mackay, Historic Sites Coordinator for the Community of Christ, has

of visitors in experiencing the space as sacred.

From the beginning, Sherman's findings (without the last two sentences dismissing the case) were readily available to visitors.<sup>181</sup> In 1899, the polemical purpose was inscribed on an entablature on the east facade of the building itself: "REORGANIZED CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS IN SUCCESSION BY ORDER OF COURT FEBRUARY 1880." Variations of this inscription remained on the temple until 1986.

### *The Temple and the Polemic of Transformation*

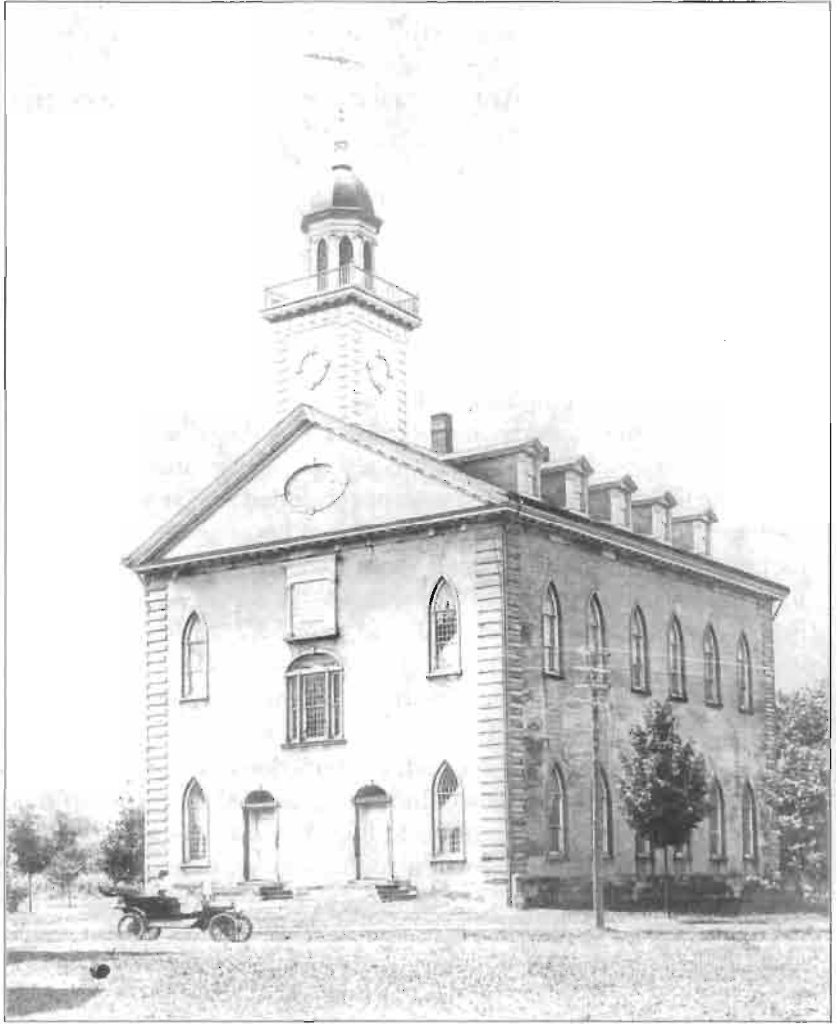
I conclude with a personal statement. If the present context teaches us anything about the past, it is that everyone, including a would-be objective and scholarly historian, has an agenda. Making my agenda explicit here serves two important purposes. First, it provides the reader with important clues about how my perspective has colored my retelling of the past. Second, I firmly believe that deconstruction, while highly enjoyable in its own right, is irresponsible when it leaves the reader bereft of meaning and hope. I do not apologize for this position. *All* truly interesting historical writing is polemical to the extent that it fails to confirm what readers already think. The question for the historian is not whether his or her work is polemical, even though extreme disputatiousness is usually to be avoided in the interests of collegiality and the synergy available only through dialogue and mutual exploration. Instead, the question ultimately faced by the historian is whether his or her work, if it is to be anything other than pure escapism, is a plausible and comprehensive construction of the connections between what once was, what now is, and what might still come to be.

Preservation of historic sites, not unlike the study of history itself, is a leisure pursuit engaged in by those with the time, money, and inclination to explore the elusive, but potentially illuminating, connections between past, present, and future. The preservation of sacred space, pursued for more immediately utilitarian, albeit spiritual,

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endeavored to emphasize a ministry of reconciliation. For evidence that the temple's fundamental mission in Joseph Smith's day was spiritual preparation for proselytizing, see Doctrine and Covenants (RLDS) 38.7b-c; 85.21; 92.1, 2a-b; and (LDS) 38:32-33; 88:76-80; 95:3-9.

<sup>181</sup>Henry Holcomb Collection, Manuscript 3368, box 1, "Scrapbook," Western Reserve Historical Society, 76, 77.



*View of Kirtland Temple from the northeast, ca. 1920, showing the entablature inscribed with the claimed court victory. Photo courtesy of Community of Christ Library-Archives*

purposes, presents corollaries to this rule. To fulfill such purposes, sacred space must confront the scandal of particularity and avoid three common failings of sacred history: First, sacred history often destroys the dramatic tension so essential to a creative, imaginative, and engaging telling of the sacred story. Second, it is fundamentally untrue to both present realities and to history as a plausible and meaningful construction of what might have been. And third, preservation of sacred space absolutely requires not only a faithful recitation of what has occurred there, but an attendant commitment to what is now happening and what is about to come forth in that place.

It will not do to suggest that the Reorganization's traditional telling of the Kirtland Temple litigation was wrong simply because it was polemical. Rather, it was wrong because it failed to disclose the truth about the purpose of the case. It was also wrong because the legal effect of the litigation was at best misapprehended and at worst misrepresented. More fundamentally, it was wrong because the retelling was not faithful to the purpose of the temple itself—preparation for mission. That is, instead of fulfilling a world-transforming purpose through a polemic for the reign of God, Zion, or for the transforming power of a connection to the divine, the traditional story fulfilled only a world-maintaining function through a polemic of legitimacy.

An icon of legitimacy based solely upon the past is largely irrelevant in our contemporary context.<sup>182</sup> This does not mean that our heritage is unimportant. In fact, there is an increasing need within the Church today for a sense of connectedness to the timeless call of God. It is, however, important to recognize that memory can provide such rootedness only as it is linked to God's ever-present call to the Church to fulfill its world-transforming mission now and in the future. In other words, authentically linking our heritage with our mission in our contemporary world is imperative. Although creating authentic linkages with a peace emphasis would present significant challenges in the context of the historic Kirtland experience, authentic connections between our heritage and present mission can easily be made regarding spiritual preparation, community, or justice.

Since this is so, then the traditional story the temple litigation tells is only half of the story, the portion based upon memory. Perhaps no better example of "false memory" is the belief that the

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<sup>182</sup>Charles D. Neff, "The Church and Culture," *Saints' Herald* 119 (December 1972): 13–14, 51–52, speaks to this point.



Kirtland Temple litigation established the Reorganization's legitimacy. The rest of the story, based upon hope and God's call to move into the future, now remains untold at the Kirtland Temple. Authentically and honestly *telling* the remainder of the story means more fully *living* the unfolding story of transformation through our use of the Kirtland Temple today to prepare for mission—especially the Community of Christ's spiritual preparation for the transformation of the world.

From my personal perspective, whether the most recent changes in the Community of Christ are a further expression of the old quest for legitimacy in an effort to be part of Christianity's "mainstream" or, alternatively, an effort to redeem and reclaim its soul as a not-entirely-legitimate critic of the injustice of the existing social order and a prophetic advocate for the revolutionary reign of God. Is the recent emphasis upon peace, notwithstanding good intentions, operatively nothing more than a polite accommodation of the need for a peaceful coexistence between a world-maintaining religion and its cultural context? Can the Community of Christ articulate a Christ-centered and world-transforming theology of peace and justice? And as it proclaims justice, is it possible for the Community of Christ to work within its larger cultural context without being a servant of it?

I have heard members and leaders of the Community of Christ articulate a clearer and growing desire to reclaim the House of the Lord as sacred space—as space embodying the divine call to transformation.<sup>183</sup> If the desire bears fruit, doubtless in coming days increasing numbers of visitors will come to the temple specifically for spiritual transformation and preparation and will be invited and afforded

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<sup>183</sup>Eloquent expressions of this desire appear in presidential statements by W. Grant McMurray: "Called to Discipleship: Coming Home in Search of the Path," *Herald*, June 2002: 8, 19–20; "A 'Goodly Heritage' in a Time of Transformation: History and Identity in the Community of Christ," *Journal of Mormon History* 30, no. 1 (Spring 2004): 59–75; presented at the same MHA conference at which I delivered this paper with excerpts published under the title of "A 'Goodly Heritage' in a Time of Transformation," *Herald* 150 (December 2003): 16–18. Another expression appears in Kim Loving, "Ownership of the Kirtland Temple: Legends, Lies, and Misunderstandings," MHA presentation, cited in part in Mark A. Scherer, "Owning Our Story," *Herald* 151 (February 2004): 7.

the opportunity to experience the House of the Lord as sacred space. When that day comes, relieved of the most onerous of its responsibilities as space embodying a polemic of legitimacy, the Kirtland Temple will once again *be* sacred space, fulfilling the transformational purposes for which it was created.

# THE KIRTLAND TEMPLE SUIT AND THE UTAH CHURCH

*Eric Paul Rogers  
and R. Scott Glauser*

ON JANUARY 2, 1831, IN FAYETTE, New York, Joseph Smith Jr. declared the word of the Lord to his followers: “Wherefore, for this cause I gave unto you the commandment that ye should go to the Ohio; and there I will give unto you my law; and there you shall be endowed with power from on high” (LDS D&C 38:32). The epicenter of that endowment of power would be the Kirtland Temple.

In the House of the Lord at Kirtland the elders prepared for missionary service and received a ritual cleansing and anointing called an endowment.<sup>1</sup> Joseph Smith and Oliver Cowdery testified that Moses, Elias, Elijah, and Jesus Christ himself appeared to them, restoring priesthood authority and power to the Earth (LDS D&C

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110). Remarkable spiritual manifestations were recorded in connection with the dedication of the temple in March 1836. Eliza Roxcy Snow wrote, "The ceremonies of that dedication may be rehearsed, but no mortal language can describe the heavenly manifestations of that memorable day. Angels appeared to some, while a sense of divine presence was realized by all present, and each heart was filled with 'joy inexpressible and full of glory.'"<sup>2</sup>

By all accounts the Mormons considered the Kirtland Temple sacred space. However, that space became polemical as well. In an effort to establish itself as legal successor to the early church and title-holder to the Kirtland Temple, the Reorganized Church of Jesus Christ of Latter Day Saints (now Community of Christ) filed a petition in the Court of Common Pleas, in Lake County, Ohio, on August 18, 1879. Among several defendants named in the suit were "The Church in Utah of which John Taylor is President and commonly known as the Mormon Church, and John Taylor, President of said Utah church."<sup>3</sup> Although named as defendants, neither the Church of Jesus Christ of Latter-day Saints nor John Taylor was represented in the Ohio court. With the potential that the court would rule in favor of the RLDS Church, legally naming it successor and owner of the temple, why would the LDS Church absent itself from this case? Several possible answers to this question constitute the focus of this paper. Before examining the possible reasons behind the absence of the LDS Church from the litigation, however, it is necessary to comment briefly on the decision of the court and the way in which public opinion concerning the case has been shaped.

#### THE DECISION OF THE COURT AND PUBLIC OPINION

Kim L. Loving, an attorney and president of the Community of Christ's Eastern Great Lakes Mission Center and Kirtland Stake, has

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2003 at the same session as Kim L. Loving's paper.

<sup>1</sup>Joseph Smith Jr. et al., *History of the Church of Jesus Christ of Latter-day Saints*, edited by B. H. Roberts, 2d ed. rev. (Salt Lake City: Deseret News Press, 6 vols. published 1902–12, Vol. 7 published 1932; reprinted by Deseret Book Company, 1976, 1980 printing), 2:300, 309–10.

<sup>2</sup>Quoted in Edward W. Tullidge, *The Women of Mormondom* (New York: Edward W. Tullidge, 1877), 95.

<sup>3</sup>Court of Common Pleas, Lake County, Ohio, Record Book T, pp. 482–83, Lake County Courthouse, Painesville, Ohio.

detailed the various threads in the chain of title to the Kirtland Temple earlier in this volume. Loving's article is most significant for its unsurpassed thoroughness in examining the ownership of the temple and the motivations underlying the litigation. Loving points out that none of the defendants in the case replied or appeared in court and that the case was dismissed.

In filing the case with the court, the RLDS Church issued "findings of fact" that articulated its claims as the legal successor to Joseph Smith's original church founded in 1830. These findings constituted a proposed judgement in favor of the RLDS Church. The decision handed down by the court mirrored the proposed findings of fact with the exception of the final two sentences: "And thereupon the Court finds as matter of law that the Plaintiff is not entitled to the Judgment or relief prayed for in its petition. And thereupon it is ordered and adjudged that this action be dismissed at the costs of the Plaintiff." Hence, the findings—minus the fact that the case was thrown out of court—have been cited for over 120 years by both RLDS and LDS writers as the basis of ownership of the Kirtland Temple.

In 1899 the inscription on the east face of the temple was changed to read: "House of the Lord, Reorganized Church of Jesus Christ of Latter Day Saints in succession by order of Court February, 1880."<sup>4</sup> (This entablature was removed in 1986.) In *The Reorganized Church and the Civil Courts* published in 1961, Paul Reimann dedicated an entire chapter to the Kirtland Temple suit. Quoting from court documents, he clearly demonstrates the case's dismissal.<sup>5</sup> In a review of F. Henry Edwards, *History of the Reorganized Church of Jesus Christ of Latter Day Saints*, Vol. 5, Russell R. Rich took exception to Ed-

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<sup>4</sup>RLDS General Conference Minutes, April 11, 1900, 229-30.

<sup>5</sup>Paul E. Reimann, *The Reorganized Church and the Civil Courts* (Salt Lake City: Utah Printing Company, 1961), 49-100. Roger D. Launius, "Joseph Smith III and the Kirtland Temple Suit," *BYU Studies* 25 (Summer 1985): 110, described Reimann's study as "an opposing opinion about the outcome of the case." In support of the traditional view—that the court ruled in favor of the RLDS Church—Launius cited Inez Smith Davis, *The Story of the Church: A History of the Church of Jesus Christ of Latter Day Saints, and of Its Legal Successor, the Reorganized Church* (Independence: Herald Publishing House, 1969), 554; Elbert A. Smith, *The Church in Court* (Lamoni, Iowa: Herald Publishing House, n.d.), 3-6; Joseph Smith III, "The Memoirs

wards's statement that the court decision "confirmed [the RLDS Church] in the possession of the Kirtland Temple." Rich writes: "This appears to be just a passing, incidental statement but is inserted for the purpose of continuing to promote the long claimed and much publicized fallacy that the Reorganized Church actually won this suit, when in reality they lost it, in spite of the fact that no one appeared against them to argue for the defense."<sup>6</sup>

Despite efforts to set the record straight, the fallacy has been perpetuated in more recent publications by writers such as Eric Paul Rogers, coauthor of this article, and S. Patrick Baggette II. Citing *The History of the Reorganized Church of Jesus Christ of Latter Day Saints*<sup>7</sup> Rogers accepted without question that Judge L. S. Sherman "issued a judgment that the title of the Kirtland Temple was in the Reorganized Church of Jesus Christ of Latter Day Saints."<sup>8</sup> Similarly, Baggette II commented parenthetically in the conclusion of his article on the Independence Temple Lot Case: "In 1880, the title to the Kirtland Temple, located in Ohio, was awarded to the RLDS Church by the Court of Common Pleas, Lake County, Ohio."<sup>9</sup> Although reference to the court case of 1880 was removed from the inscription on the temple in 1986,<sup>10</sup> popular histories and the subsequent uncritical citation of those histories have perpetu-

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of President Joseph Smith (1832-1914)," *Saints' Herald* 82 (December 3, 1935): 1553-54; and Israel A. Smith, "The Kirtland Temple Litigation," *Saints' Herald* 90 (January 9, 1943): 40-43, 54.

<sup>6</sup>Russell Rich, Review, *BYU Studies* 10 (Summer 1970): 501.

<sup>7</sup>The Reorganized Church of Jesus Christ of Latter Day Saints, *The History of the Reorganized Church of Jesus Christ of Latter Day Saints* (Independence: Herald House, 1951), 304.

<sup>8</sup>Eric Paul Rogers, "Mark Hill Forscutt: Mormon Missionary, Morrisite Apostle, RLDS Minister." *John Whitmer Historical Association Journal* 21 (2001): 81.

<sup>9</sup>S. Patrick Baggette II, "The Temple Lot Case: Fraud in God's Vineyard," *John Whitmer Historical Association Journal* 23 (2003): 136.

<sup>10</sup>Ken Stobaugh, Director of Historic Sites for the RLDS Church in 1986, explains that the reference to ownership "in succession by order of court" was changed in preparation for the sesquicentennial celebration of the temple's dedication held on June 22, 1986. (The celebration was held in June rather than on March 27 because of a conflict with the RLDS World Conference.) Stobaugh also explains that the primary motivation for the

ated the fallacy.

We will now address the primary question of this paper: Why did the Church of Jesus Christ of Latter-day Saints fail to respond to the litigation in any way? We explore several possible reasons, some more convincing than others, leaving readers to draw their own conclusions.

### POSSIBLE DESECRATION OF THE TEMPLE

According to Brigham Young, the Kirtland Temple had been desecrated. When laying the cornerstone of the Salt Lake Temple on April 6, 1853, he declared: "The temple at Kirtland, had fallen into the hands of wicked men, and by them been polluted like the temple at Jerusalem, and consequently was disowned by the Father and the Son."<sup>11</sup>

In 1837, an economic crisis swept the nation, taking down with it the Church's Kirtland Safety Society.<sup>12</sup> More than one third of the membership apostatized. Joseph Smith and Sidney Rigdon left Kirtland, never to return, in January 1838, followed by the main body

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change was the negative response of LDS visitors to the earlier version. He suggests that the decision was likely informed by the growing emphasis on peace and reconciliation within the RLDS Church. Carl Bezilla, maintenance supervisor for the Kirtland Temple and a member of the maintenance staff in 1986, corroborated Stobaugh's statement, indicating that the change was part of a larger project to make improvements to the temple and grounds. Between 1899 (when the inscription first mentioned the court case) and 1934 (when Historic American Building Survey photos were taken), the inscription read: "House of the Lord, built by the Church of Jesus Christ of Latter Day Saints 1834. Reorganized Church of Jesus Christ of Latter Day Saints in succession by decision of court Feb. 1880." Lachlan Mackay, Historic Sites coordinator for the Community of Christ, emails to Eric Paul Rogers, February 23 and May 27, 2004, printouts in Rogers's possession.

<sup>11</sup>"Minutes of the General Conference," Journal History of the Church of Jesus Christ of Latter-day Saints (chronological scrapbook of typed entries and newspaper clippings, 1830–present), April 6, 1853, 2, Archives, Family and Church History Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City (hereafter LDS Church Archives).

<sup>12</sup>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), 322.

of the Church later that year. Some Church members remained in Kirtland, and membership grew in the early 1840s, due to conversions and migration. A stake was organized under Almon W. Babbitt's leadership in 1841. Branches and priesthood quorums functioned in and around Kirtland. Joseph Smith, however, viewed Kirtland as a temporary gathering place and urged migration to Nauvoo, precipitating a second major exodus of the Saints in 1843. Following the murder of Joseph Smith in 1844, Brigham Young renewed the call to depart from Kirtland, "leaving neither man, woman or child behind that desires to come up here [Nauvoo] with a pure heart, leaving Kirtland to the owls and bats for a season."<sup>13</sup> Reuben McBride, who had been sustained as a counselor to Bishop Thomas Burdick at Kirtland in May 1841, wrote to Brigham Young in October 1845 explaining that "apostates were doing everything they could to injure the Saints" and that they had broken into the Lord's House and taken possession of it.<sup>14</sup>

During the next 30 years the building was used for various purposes. Although some Mormons remained in the area, as Loving discusses, it is not clear to what extent they considered themselves Latter-day Saints. Certainly, after they refused urgent invitations to gather with the body of the Saints, both before and after the martyrdom, it seems likely that Church leaders regarded them as apostate.

In 1855 Thomas Colburn, a Mormon missionary, visited Kirtland and reported finding "some tolerably good Saints considering circumstances, and many apostates. They have all become 'rappers,' and deny the Christ. They have taken possession of the temple, and they are no better than thieves and robbers."<sup>15</sup> Years later Joseph Fielding Smith wrote, without a citation to a historical source, that the Lord "had warned the saints in the beginning while the [Kirtland]

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<sup>13</sup>Brigham Young, Letter to the "Brethren" (Kirtland Saints), January 21, 1845, photocopy, LDS Church Archives, as quoted in Backman, *The Heavens Resound*, 371.

<sup>14</sup>*History of the Church* 7:484; quoted in Backman, *The Heavens Resound*, 442 note 12. Burdick identified S. B. Stoddard, Jacob Bump, Hiram Kellogg, Leonard Rich, and Jewel Raney as leaders of the rioters.

<sup>15</sup>"Our Brethren Abroad," *St. Louis Luminary*, February 17, 1844, 50. By "rapper" he apparently meant spiritualists. Parley P. Pratt referred to "rappers" in the context of "magnetizers, clairvoyants, and writing mediums." *Journal of Discourses*, 26 vols. (London: Latter-day Saints' Book Depot,



temple was under construction that he would not accept it if they polluted it. It was not long after the Lord accepted it and the keys of several dispensations had been revealed in it, that some of the members of the Church polluted that house and it did cease to be a house of the Lord.”<sup>16</sup> The secular purposes for which the temple was later used may have also been a factor in the LDS view that the temple was desecrated. Modern LDS practice allows for the rededication of temples. However, no precedent existed for rededication or cleansing of a desecrated temple in the nineteenth century.

Was the perceived desecration of the Kirtland Temple reason enough for ignoring the litigation? Probably not. If the Utah church could establish ownership, the property could be sold. This possibility was considered earlier. On April 27, 1846, Brigham Young met in council with Church leaders Heber C. Kimball, Willard Richards, John Taylor, Parley P. Pratt, Orson Pratt, and sixteen others. The council decided that the trustees might sell the temples at Nauvoo and Kirtland and use the proceeds to help in the westward migration of the Saints. Additionally, the council “considered that the Temple would be of no benefit to the saints, if they could not possess their private dwellings, and the time should come that they should return and redeem their inheritances they could redeem the temple also; that a sale would secure it from unjust claims, mobs, fire and so forth, more effectually than for the Church to retain it in their hands.”<sup>17</sup>

By ignoring the litigation, the LDS Church risked losing any claim to the temple. It is unlikely, however, that the LDS Church was completely uninterested in ownership of the property. Just four months after the lawsuit was filed, the LDS Church-owned and -operated *Deseret Evening News* of December 12, 1879, reprinted the following paragraph from an eastern paper:

The Mormon church which Joseph Smith built at Kirtland, Ohio,

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1854–1886), 1:6–7. Jedediah M. Grant spoke of “spirit rappers” in connection with witches and wizards and notes their satanic origins and deceptive designs. *Journal of Discourses* 2:2.

<sup>16</sup>Joseph Fielding Smith, *Church History and Modern Revelation*, 4 vols. (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1946–49), 4:81.

<sup>17</sup>Elden Jay Watson, ed., *Manuscript History of Brigham Young: 1846–1847* (Salt Lake City: Elden Jay Watson, 1971), 145.

in 1834, is now owned by Smith's descendants, and is rented for lectures, dances, and exhibitions of all kinds. This first Mormon Temple is a massive stone structure, four stories in height, and surrounded by a tower overlooking all the country around. It was solidly and durably built by the Mormons themselves, of roughly hewn sandstone from plans Smith claimed to have received in a vision and is still quite well preserved.

The *Deseret Evening News* then editorialized: "The Kirtland Temple may be claimed by the persons above named, but it is not their property, and it is a shame to the holders that it is devoted to such uses. It belongs of right to the Church of Jesus Christ of Latter-day Saints, and we believe the legal title vests there as well as the just possession. Time will show." This statement suggests at least some interest in the property—desecrated or not—and the belief that LDS claims to legal title were defensible. Interestingly, the editor seems unaware that the LDS Church had been named as a defendant but failed to act in the lawsuit.

#### EXPENSE OF FIGHTING THE PETITION

Another possible reason for not responding to the lawsuit, is that fighting the petition would have been unjustifiably expensive. We found no documentation indicating that cost was a factor; however, we must ask, what was the dollar value of the Kirtland Temple at the time of the lawsuit? From a modern historical or spiritual perspective, the building is nearly priceless. As real property, however, it may have been worth very little at the time.

The Kirtland Temple was too large a building for the small town of Kirtland. The various groups that held and used the structure did not have congregations large enough to supply the necessary funding to properly maintain the building. Several sources reported the building to be in very poor condition at the time of the lawsuit.<sup>18</sup>

A forty-three-year-old building in need of major renovation located in a small, obscure town would be worth relatively little. Records

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<sup>18</sup>"The Kirtland Temple Opened," *Salt Lake Herald*, December 7, 1882, 8; "The Old Mormon Temple," *Bear Lake Democrat*, April 28, 1883, 2; "Kirtland Temple," *Utah Journal*, *Journal History*, May 9, 1885, 15. These sources, however, also note the changes that were beginning to occur thanks to the labors of RLDS members preparing for the 1883 annual conference of the Church to be held at the Kirtland Temple. Were it not for the

show that Russell Huntley purchased the building in 1862 for \$150.37. He may have gotten a great bargain, but it seems reasonable to assume that the building could not have been sold for much more. Even today large buildings in small towns are usually considered more a liability than an asset.

Clearly, an attempt by the Utah Mormons to obtain the temple property would have been difficult and expensive—especially when considering the uncertain outcome of any court proceeding. Litigating in a distant state is time consuming and costly. At every hearing, all witnesses would have had to be present. If the LDS Church had prevailed, it would still have been necessary to actually take possession of the property. This would have been extremely difficult as there were very few LDS Church members living nearby and various other groups had been “squatting” on the premises for over thirty years.

In the unlikely event that the LDS Church, as defendant, prevailed in the lawsuit, and the even more unlikely event that it could obtain possession of the property, what would it then do with the temple? Mormon historical sites in Kirtland currently draw tens of thousands of visitors each year, but except for the occasional missionary traveling to or from his mission field, such tourism was nonexistent during the nineteenth century. By the mid-1840s, the vast majority of Saints had left Kirtland, and a formal congregation of Latter-day Saints would not be organized in Kirtland until June 5, 1977.<sup>19</sup> Why would the market have seemed more favorable in 1879? Why spend large sums of money to obtain a building worth \$150 only to turn around and attempt to sell it?

In 1879 the LDS Church may have wanted the Kirtland Temple but may have decided against pursuing the title because the cost of obtaining it would have been much greater than the property was worth at that time.

#### DISTRACTED BY OTHER CONCERNS

Referring to the Kirtland Temple litigation, Elwin C. Robison, architectural historian and author of *The First Mormon Temple: Design, Construction, and Historic Context of the Kirtland Temple*, points out that

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efforts of the RLDS Church, it is unlikely that the building would have been preserved to this day.

<sup>19</sup>Janet Brigham, “Kirtland Today: History with a Future,” *Ensign*, February 1979, 51.

the “timing of the suit coincided with the uproar concerning the LDS practice of polygamy and virtually ensured a judgment in favor of the RLDS Church, which repudiated the practice.”<sup>20</sup> Accepting the mistaken view that the RLDS Church had won the case, Robison cites, as the opinion of the court, a portion of the findings filed by the plaintiff: “That the Church in Utah the defendant of which John Taylor is President has materially and largely departed from the faith, doctrines, laws, ordinances and usages of the original Church of Jesus Christ of Latter Day Saints and has incorporated into its System of faith the doctrine of Celestial Marriage and a plurality of wives.”<sup>21</sup> While it was clear that the judge strenuously disapproved of polygamy and accepted the RLDS position that it constituted a departure from the original church’s doctrine, the court dismissed the case. However, the notion that the LDS Church was distracted by the aggressive prosecution of polygamy can hardly be contested.

The year the temple suit was filed opened with U.S. Chief Justice Morrison R. Waite’s opinion in the landmark decision *Reynolds v. the United States*. Regarding religious freedom and the practice of polygamy, Waite asserted: “Laws are made for the government of actions and while they cannot interfere with mere religious belief and opinions, they may with practices.”<sup>22</sup> On January 6, 1879, the U.S. Supreme Court unanimously confirmed the constitutionality of the anti-bigamy law of 1862 and confirmed the sentence of the lower courts upon George Reynolds. John Taylor called Waite’s opinion “so much bosh” and accused Congress of a “shameless infraction of the Constitution of the United States.”<sup>23</sup>

The furor surrounding the Supreme Court’s decision as well as the accelerated prosecution of polygamists in Utah territory certainly created a difficult environment in which to manage Church affairs. Additional concerns that year were the trial for murder of Robert T. Burton, counselor in the Presiding Bishopric of the Utah church, in

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<sup>20</sup>Elwin C. Robison, *The First Mormon Temple: Design, Construction, and Historic Context of the Kirtland Temple* (Provo, Utah: Brigham Young University Press, 1997), 105.

<sup>21</sup>*Ibid.*, 105 note 43.

<sup>22</sup>Quoted in Richard S. Van Wagoner, *Mormon Polygamy*, 2d ed. (Salt Lake City: Signature Books, 1989), 110.

<sup>23</sup>Quoted in *ibid.*, 111.

connection with the Morrisite war seventeen years earlier;<sup>24</sup> a legal dispute between Brigham Young's heirs and the administrators of his estate;<sup>25</sup> and the murder of Joseph Standing, a missionary, by a mob in Whitfield County, Georgia.<sup>26</sup>

Nevertheless, the Church obviously continued to function effectively and achieve many objectives. Missionary work, Church-sponsored emigration and settlement continued, as did the organization of branches, wards, districts and stakes at home and abroad. The first issues of the *Deseret Sunday School Reader* for LDS children and the *Contributor* for the Young Men's Mutual Improvement Asso-

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<sup>24</sup>Andrew Jenson, *Church Chronology: A Record of Important Events Pertaining to the History of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret News, 1914), 103. For a thorough treatment of the Morrisite movement and Burton's trial, see C. LeRoy Anderson, "For Christ Will Come Tomorrow": *The Saga of the Morrisites* (Logan, Utah: Utah State University Press, 1981). Burton was on trial for the murder of Isabella Bowman who was shot on the final day of the Morrisite conflict. Burton was acquitted by a jury comprised equally of Mormons and non-Mormons.

<sup>25</sup>Jenson, *Church Chronology*, 104. The interwoven nature of Brigham Young's personal assets and Church assets made the settlement of his estate difficult. An obstacle to delineating personal and Church property was the Morrill Anti-Bigamy Act which disincorporated the Church and limited its real estate to \$50,000. To avoid confiscation of properties by the federal government, properties were simply held in the name of Brigham Young or some other trustee. Although some estimates placed the size of Young's estate at as much as \$8 million, after deductions for debts and fees the total available to heirs was only \$224,242. The disappointment of the heirs, the efforts of federal officials and anti-Mormons to obtain as much property as possible from the Church, and the determination of the Church to protect its property set the stage for a lengthy dispute that ended with the excommunications of six of Young's children and that was not legally settled until 1879. Leonard J. Arrington, "The Settlement of the Brigham Young Estate, 1877-79," *Pacific Historical Review* 21 (February 1952): 1-20; Leonard J. Arrington, *Brigham Young: American Moses* (New York: Alfred A. Knopf), 422-30.

<sup>26</sup>Jenson, *Church Chronology*, 104. See also Ken Driggs, "'There Is No Law in Georgia for Mormons': The Joseph Standing Murder Case of 1879," *Georgia Historical Quarterly* 73 (Winter 1989): 745-72 and B. H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints*, 6 vols. (Salt Lake City: Deseret News Press, 1930), 5:558-67.

ciation appeared. Moses Thatcher was appointed to the Quorum of the Twelve to fill the vacancy created by Orson Hyde's death, and work continued on the Salt Lake Temple.<sup>27</sup> Apostle Orson Pratt left Liverpool for Utah on Saturday, August 16, 1879, bringing with him electrotype plates for new editions of the Book of Mormon and Doctrine and Covenants.<sup>28</sup> It would not have been impossible to assign Pratt to make a court appearance in Ohio as part of this trip. In short, although other activities certainly competed for the attention of Church leaders, they would not have been insurmountable obstacles to LDS Church representation in the case.

### ADVERSE POSSESSION

Another explanation is that adverse possession made the case of ownership essentially moot. Adverse possession allows a person or group to obtain legal title to real estate simply by occupying it for a period of time. Such possession must occur without the owner's consent and must be "actual, hostile, open, notorious, exclusive, uninterrupted and continuous for the prescriptive period stipulated by state law."<sup>29</sup>

It might be possible to argue that the Church retained de facto control of the temple until August 1846, when Almon W. Babbitt, Joseph L. Heywood, and John S. Fullmer, acting as trustees in trust for the Church, sold Reuben McBride three tracts of land in Kirtland for a reported \$10,000.<sup>30</sup> Since McBride was a member of the Church and since the trustees were straining every nerve to raise funds to finance the migration west, it seems doubtful that this was a bona fide transaction or that \$10,000 actually changed hands.

In any case, there seems to be no evidence that can be realistically interpreted as possession by the Church after 1846; and reasonably speaking, it seems that the Church had essentially abandoned the building in 1838. Because the Utah church had not possessed the property for at least thirty-three years, the church would have been di-

<sup>27</sup>Ibid., 103–5.

<sup>28</sup>Ibid., 104.

<sup>29</sup>"Adverse possession," *Real Estate Dictionary*, retrieved on May 27, 2004, from <http://www2.cabr.org/files/RealEstateDictionary.pdf>.

<sup>30</sup>This information comes from Kim Loving's article, citing the Lake County Recorder of Deeds, warranty deed received December 21, 1846, and recorded in Book E, p. 227, January 2, 1847.

vested of all title and ownership through the operation of adverse possession. This possibility, explored in detail by Kim Loving, raises an interesting question that is beyond the scope of this paper. If the Church did not hold title, then who did? While payment of property taxes alone cannot guarantee a successful claim of adverse possession, the courts would likely have been most hospitable to an argument based upon who had paid the real property taxes over the years.

It is certain, however, that by the time the lawsuit was filed, the LDS Church had not been in actual physical possession of the building for at least thirty-three years. Any competent attorney would have advised the LDS Church of its indefensible legal position. Perhaps the Church failed to respond to the lawsuit because it had no reason to believe that it could prevail.

#### THE TEMPLE'S IRRELEVANCE TO ZION-BUILDING IN UTAH

The LDS Church must have considered a decaying building in Ohio much less important than the establishment of Zion in the "top of the mountains" (Isa. 2:2). In the perspective of those who followed Brigham Young, Palmyra, Harmony, Kirtland, Independence, Far West, and Nauvoo were, in many respects, simply way-stations on the road to the Rocky Mountains. They vested great reliance in a prophecy Joseph Smith had made in Nauvoo on August 6, 1842: "I prophesied that the Saints would continue to suffer much affliction and would be driven to the Rocky Mountains, many would apostatize, others would be put to death by our persecutors or lose their lives in consequence of exposure or disease, and some of you will live to go and assist in making settlements and build cities and see the Saints become a mighty people in the midst of the Rocky Mountains."<sup>31</sup>

Such a perspective, which of course was not shared by those who went their own way from Nauvoo, allowed them to psychologically dismiss ownership of the Kirtland Temple as a structure that had served an important but temporary purpose and was now irrelevant to the growth of the "Kingdom of God."

#### LACK OF PROPER NOTIFICATION OF THE LAWSUIT

When the RLDS Church filed the Kirtland Temple suit, it named "the Church in Utah of which John Taylor is President and

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<sup>31</sup>*History of the Church*, 5:85.

commonly known as the Mormon Church” as one of the defendants. While it is clear that E. L. Kelley, the RLDS attorney, meant the Church of Jesus Christ of Latter-day Saints, the law does not allow a plaintiff to use a coined or fictitious name as a substitute for the true name of a person or organization. All plaintiffs must be correctly identified so long as the plaintiff is aware of the correct name.<sup>32</sup> Joseph Smith III and E. L. Kelley certainly knew the correct name of the LDS Church and that it had never been known as “The Church in Utah of which John Taylor is President,” officially or unofficially. The LDS Church was, therefore, never correctly named as a defendant.<sup>33</sup>

In addition to the LDS Church not being properly named in the pleading, it is also our belief that the LDS Church was not given proper notice as required by Ohio and U.S. law. Where the purpose of adjudication is “*in rem*” (meaning against the property), publication of notice may be sufficient. However, where the purpose of adjudication is “*in personam*” (meaning against the person), personal notice is required. The primary purpose of the Kirtland Temple suit was to establish the plaintiff as the “true and in fact only Lawful and Legitimate successor of the Church of Jesus Christ of Latter Day Saints.” Establishing ownership of the property was a secondary purpose that would follow by virtue of its successorship.

It may be argued that publication of notice was sufficient. However, a similar case was handed down by the U.S. Supreme Court just two years before the Kirtland Temple case was filed. The Court ruled that papers must be personally served, notifying a party of litigation and its claims in 1877. It specifically and clearly stated that a mere publication of process would not satisfy the law:

If, without personal service, judgments *in personam*, (meaning against the person) obtained *ex parte* (meaning without notice) against non-residents and absent parties upon mere publication of process, which, in the great majority of cases, would never be seen by the parties interested, could be upheld and enforced, they would be the constant instruments of fraud and oppression. Judgments for all sorts of claims upon contracts and for torts, real or pretended, would be thus obtained, under which property would be seized, when the evidence of the transactions upon which they were founded, if they ever had

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<sup>32</sup>Reimann, *The Reorganized Church and the Civil Courts*, 67–68.

<sup>33</sup>*Ibid.*, 67–68.



any existence, had perished.<sup>34</sup>

Failure to serve personal notice was particularly bothersome to Mark Forscutt, as Kim Loving documents. Forscutt was a prominent RLDS minister and leader, joint deed-holder to the temple with Joseph Smith III and a defendant in the case. Concerned with the legal and ethical implications of failure to notify the defendants, Forscutt raised the issue at the General Conference of the RLDS Church in April 1880:

Brother Forscutt inquired whether it was a legal measure, and if legal, whether it was morally right to institute a suit against parties whose residence was known, and yet never notify those parties of such suit?

The attorney, Bro. E. L. Kelley, replied that he had taken the steps required by the laws of the state of Ohio, in which the property was situated, and advertised in the papers there of the intention to institute such suit. He had notified the other parties interested in the suit; but did not know whether he had notified Bro. Forscutt, or not.

Bro. Forscutt stated that he had received no such notification; that if he had known of the suit, he should have felt it to be his duty to interpose objections, as his honor was partly at stake in the disposal of the Temple.<sup>35</sup>

Despite Kelley's claim that he had notified all of the defendants, his "notification" consisted of an announcement in the *Painesville Telegraph*, an obscure newspaper 1,700 miles away from LDS Church headquarters. Whether such publication met the requirements of the law (and the Supreme Court would say it did not), there is no evidence that either the LDS Church or John Taylor was ever served personal notice.

### CONCLUSION

This paper has investigated the strengths and weaknesses of several possible explanations for the LDS Church's absence from the

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<sup>34</sup>*Pennoyer v. Neff*, 95 U.S. 714 (1877).

<sup>35</sup>Henry A. Stebbins, "Conference Minutes Supplement," *Saints' Herald* 27 (June 1, 1880): 180. By "honor," Forscutt likely meant that he owed a debt to a former business associate and, lacking other funds, was counting on the proceeds from the sale of the temple to pay it. Joseph Smith III, Letter to Alexander Fyfe, May 26, 1880, Joseph Smith III Letterbook 3, Community of Christ Library-Archives, Independence.

Kirtland Temple litigation:

1. The temple had been desecrated and had ceased to be the House of the Lord; therefore, the LDS Church was not interested in ownership.

2. Fighting the RLDS Church's petition would have been unjustifiably expensive at a time when the LDS Church was suffering financial difficulties.

3. The LDS Church was distracted by other concerns, primarily the fight with the federal government over polygamy.

4. Arguing the case was futile because the LDS Church had not possessed the property in over thirty years and would likely have lost on the basis of adverse possession.

5. Kirtland was irrelevant to a Great Basin kingdom.

6. The LDS Church was not properly named and notified as a defendant.

Each of these explanations could have factored into LDS Church leaders' considerations, both about fighting the suit and about appealing the court's published decision. However, we consider that the most probable explanation is that the LDS Church simply did not know of the suit until after the case was dismissed. The first mention of the suit does not appear in Utah newspapers until March 5, 1880—ten days after the court had ruled. At that point, the *Salt Lake Daily Tribune* reported: "The Court of Common Pleas of Lake County, Ohio in a decision just rendered, confirms the title of the Re-organized Church of Latter-day Saints, the non-polygamist or Josephite branch of Mormons, whose headquarters are at Plano, Illinois, and of which Joseph Smith is president, to the old Mormon Temple at Kirtland, Ohio. The decision recognizes the Josephites as the true Mormons and the Utah Mormons are declared impostors." On April 9, 1880, Joseph Smith III editorialized: "The Salt Lake City Tribune, Gentile paper and the Herald, of the Utah Church, reached us on the 9th, both having the decision of the Court in Ohio, respecting the Kirtland Temple inserted in their columns. So let the leaven work."<sup>36</sup>

A review of unpublished materials including the reconstructed minutes of the meetings of the Quorum of the Twelve Apostles for 1879 and 1880; John Taylor's personal papers and correspondence

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<sup>36</sup>Joseph Smith III, "Editorial Items," *Saints' Herald* 27, no 7 (April 1, 1880): 103.

during the same time period; the papers and journals of Wilford Woodruff; the papers of George Q. Cannon; the papers, letters, and journals of Franklin D. Richards; the Franklin S. Richards letters; the Journal History of the Church; and the Historian's Office Journal reveal no evidence that the leadership of the LDS Church was aware of the Ohio case prior to its conclusion.<sup>37</sup> Published sources such as Jenson's *Historical Record* and *Encyclopedic History of the Church of Jesus Christ of Latter-day Saints* likewise reveal no prior knowledge of the litigation.<sup>38</sup>

Although unable to prove a negative—that the LDS Church was unaware of the law suit until after the case was closed—the evidence, or lack thereof, strongly suggests that this was the reason the Church of Jesus Christ of Latter-day Saints did not represent itself in the case.

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<sup>37</sup>Materials in the LDS Church Archives that are currently restricted to researchers were reviewed by Ronald G. Watt. The minutes of the Quorum of the Twelve, also restricted, were reviewed by W. Paul Werrett, a staff member of the Quorum of the Twelve. He explained that the Quorum's minutes from 1849 to 1883 were destroyed when the Council House was destroyed by fire in 1883. Apostle Franklin D. Richards attempted to reconstruct those minutes from his personal journals.

<sup>38</sup>Andrew Jenson, *The Historical Record: A Monthly Periodical Devoted Exclusively to Historical, Biographical, Chronological, and Statistical Matters*, 9 vols. (Salt Lake City: By the author, 1882–90); *Encyclopedic History of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret News Publishing Company, 1941).

# A WARY HEART BECOMES “FIXED UNALTERABLY”: ELIZA R. SNOW’S CONVERSION TO MORMONISM

*Jill Mulvay Derr and Karen Lynn Davidson*

ELIZA R. SNOW IS PROBABLY nineteenth-century Mormonism’s best-known woman. As the wife of two prophets and the sister of a third, active as a writer, speaker, and administrator, she holds a distinctive place in Mormon history. So thoroughly identified is she as an icon of female orthodoxy that it is easy to forget she had a life before Mormonism—more than three decades, in fact. That life was rich in poetry, family associations, and religious activity. Furthermore, the famed prophetic charisma of Joseph Smith had little effect on Eliza when they first met; she was not swept away by him or his prophetic message. Her mother and a sister were baptized in 1831, shortly after meeting the Prophet Joseph, but Eliza held back. Four years would pass before Eliza, at age thirty-one, finally accepted Mormonism and set out on the “pathway of the Saint.”<sup>1</sup>

What kind of a woman was this who weighed her decision so carefully before consecrating her energies and talents to the cause of

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the Saints? First and foremost, she was a poet; since childhood, she had enjoyed the attention that her rhyming gifts brought to her. In her "Sketch of My Life," she confessed: "In school I often bothered my teachers by writing my dissertations in rhyme, thereby forcing from them acknowledgments of inability to correct my articles, through lack of poetical talent."<sup>2</sup> Even as a child, then, she felt she had an advantage over those who could not rhyme, and she enjoyed this superiority.

As an adult, Eliza was no mere weekend versifier. During these pre-Mormon years, she wrote and published on many topics, aspiring to a fame far beyond that of town poetess; and her sense of personal identity grew along with her reputation as a poet. She wrote lofty, high-minded verse patterned on neo-classical models, and her subjects were often the most serious national or world events—the fight for Greek independence, the plight of the American Indian, the

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*Hymns: The Stories and the Messages* (Salt Lake City: Deseret Book, 1988). She is coeditor, with Jill Mulvay Derr, of a forthcoming volume of the complete poetry of Eliza R. Snow. An earlier version of this article was presented at the Mormon History Association annual meeting in Kirtland, Ohio, in May 2003.

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<sup>1</sup>Eliza R. Snow, "Saturday Evening Thoughts," *Times and Seasons* 4 (January 2, 1843): 64; dated November 16, 1842 in Eliza R. Snow, Journal, 1842–82, holograph, Archives, Family and Church History Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City (hereafter LDS Church Archives). The journal includes daily entries for Nauvoo, 1842–44, published as "Nauvoo Journal," in Maureen Ursenbach Beecher, ed., *The Personal Writings of Eliza Roxcy Snow* (Salt Lake City: University of Utah Press, 1995), 52–99. The poem appears on pp. 61–63. The journal also includes drafts of Snow's poetry and letters dated through 1882, which are not always dated and somewhat randomly ordered. Beecher did not publish this section of the journal. Snow attached this poem to her autobiography, Eliza R. Snow Smith, "Sketch of My Life," in Beecher, *Personal Writings*, 42–44 (hereafter cited as Snow Smith, "Sketch of My Life").

<sup>2</sup>Snow Smith, "Sketch of My Life," 7.

deaths of Jefferson and Adams.<sup>3</sup> Her pseudonyms, too, were classical: Angerona, Narcissa, and Tullia; her poetic models were William Cullen Bryant, Alexander Pope and Edward Young,<sup>4</sup> and she wrote one allegorical poem, "The Personification of Truth and Error," that was almost two thousand lines long.<sup>5</sup> She received prizes for her poetry, and one local paper, the *Ohio Star*, published in Ravenna, reported in 1830 that "Several of Tullia's pieces have been generally republished in eastern papers which we exchange."<sup>6</sup> Poetry was her entrée to recognition and public life.

With "raven hair and piercing black eyes," Eliza was said to have been "tolerably good-looking when young."<sup>7</sup> She came from a respected family, and there is no reason to doubt her claim that she had "had what was considered very flattering proposals" of mar-

<sup>3</sup>"Missolonghi," *Western Courier* (Ravenna, Ohio), July 22, 1826, 4; "Adams and Jefferson," *Western Courier*, August 5, 1826 [4]; "The Red Man of the West," *Ohio Star*, March 31, 1830.

<sup>4</sup>She may have admired other poets as well, but we can be certain of her familiarity with only a few. Pope and Young were sources of epigraphs and allusions; Young (1683–1765), a member of the "Graveyard School" of poets, was best known for *The Complaint, or Night Thoughts on Life, Death, and Immortality* (published 1742–45), a then-popular work that Eliza Snow knew well. Her familiarity with Bryant is evidenced by her 1861 poem, "Response: To 'Our Country's Call,' by Wm. C. Bryant," *Deseret News*, December 25, 1861, 201. She copied her poem into her journal with the date November 21, 1861, noted at the end and with Bryant's entire poem copied next to her own. Snow, Journal, 1842–82.

<sup>5</sup>Eliza R. Snow, "Personification of Truth and Error, Etc., An Epic Poem in Five Chapters," *Poems: Religious, Historical and Political*, 2 vols. (Vol. 1: Liverpool: F. D. Richards, 1856; and Vol. 2: Salt Lake City: LDS Printing and Publishing Establishment, 1877), 2: 213–280. In its meter and its allegorical, abstract subject matter, it shows the influence of Edward Young. Its date of composition is not known, but it seems to be an early work.

<sup>6</sup>"Editorial Notes," *Ohio Star*, June 23, 1830, n.p.

<sup>7</sup>Mrs. B. G. Harris, *The Mormons at Home; With Some Incidents of Travel from Missouri to California, 1852–3, in a Series of Letters* (New York: Dix and Edwards, 1856; reprinted, New York: AMS Press, 1971), 158; Mrs. T. B. H. Stenhouse, *Tell It All: The Story of a Life's Experience in Mormonism* (Cincinnati, Ohio: Queen City Publications, 1874), 252.



***Important Sites for Eliza R. Snow as Poet and Restorationist, 1825–35.*** By Jill Mulway Derr and Jennifer Reeder. The Snow family lived at Mantua. The *Western Courier* and *Ohio Star* were published at Ravenna. Alexander Campbell published his *Millennial Harbinger* and *Christian Baptist* at Bethany. Walter Scott lived at Steubenville; Sidney Rigdon at Pittsburgh and later Mentor.

riage.<sup>8</sup> She refused these proposals. Her inclination to remain single certainly does not mean that she had decided against marriage altogether, but it does indicate that she had something more in mind for herself than an early marriage and a traditional domestic role.<sup>9</sup> Although she drew the attention of young men, she may not have encouraged potential suitors as readily as other young women. An interesting piece of evidence on that score comes from a man named James B. Walker. If a novelist were to write a historical novel based on Eliza's life, that novelist might feel the need to create a character like James B. Walker. But Walker—who printed her first published poems, sought her out at a dance, wrote her a love poem, and was rejected—was real. Best of all, he remembered Eliza and kept track of her life and career after she traveled West with the Saints; and more than fifty years later, he published his recollections, in bemused detail, in *Experiences of Pioneer Life in the Early Settlements and Cities of the West*.<sup>10</sup>

During 1828 and 1829, Walker was half-owner and literary editor of the *Western Courier*, the first newspaper published in Portage County, located in Ohio's northeastern corner in the area known as the "Western Reserve." The *Courier* was printed at Ravenna, the county seat, some twelve miles south of Mantua, the town where Eliza resided with her parents, Oliver Snow and Rosetta Pettibone Snow. Walker described Oliver Snow as "one of the first settlers and wealthiest farmers in his neighborhood," then explained his connection to Eliza: "[Snow] had a daughter who had contributed original poetical articles for the *Courier*. Nothing had appeared from her pen for some

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<sup>8</sup>Snow Smith, "Sketch of My Life," 8, 6.

<sup>9</sup>Popular American culture in the late eighteenth and early nineteenth centuries "lauded women who held high standards for prospective husbands and who vowed to stay single unless they found a mate equal to themselves in morality, integrity, and learning." Lee Virginia Chambers-Schiller, *Liberty, A Better Husband: Single Women in America: The Generations of 1780-1840* (New Haven, Conn: Yale University Press, 1984), 12. Eliza Snow's decision to remain single is further discussed in Jill Mulvay Derr, "Form and Feeling in a Carefully Crafted Life: Eliza R. Snow's 'Poem of Poems,'" *Journal of Mormon History* 26, no. 1 (Spring 2000): 9-10.

<sup>10</sup>James B. Walker, *Experiences of Pioneer Life in the Early Settlements and Cities of the West* (Chicago: Sumner & Co., 1881). The summary and quotations that follow are taken from pp. 99-103.



time. I was anxious, in my sphere as editor, to be the patron of genius, and wrote a paragraph inviting 'Angerona'—alias Eliza Snow—to send something for the poet's corner." Soon Oliver Snow came to the newspaper office to check on the man who had extended such an appreciative invitation to his daughter. "I had on a ruffled shirt that day—" Walker writes, "an item of apparel not uncommon at the time; and I did the amiable for the old gentleman in my blandest manner. The consequence of which was, that as Mr. Snow passed out through the front office, he remarked that the new printer seemed to be a 'real gentleman.' To which, of course, my partner smilingly assented. This visit was followed immediately by a contribution from Angerona."<sup>11</sup>

Eliza's poem "Imagination" appeared in the *Courier* on February 7, 1829, likewise signed "Angerona," the name of the goddess of silence in classical mythology. Eliza had employed the pseudonym since August 1825, when she had attached that signature to her first published poem, "Pity &c."<sup>12</sup> Walker wrote an appreciative introduction preceding "Imagination": "We are much pleased with the following verses, and think them superior to anything we have seen from the same pen." His reminiscence continues: "I had not yet seen the poetess but I was interested in the family, and wished to commend myself to their attention. . . . I desired to see the poetess." He went with a friend to a gathering which he believed Eliza would attend, and this friend pointed out to him which young woman was Eliza R. Snow. She was then twenty-five years old and Walker seems to have been favorably impressed by her looks. But this little courtship did not go well. "That evening," he says, "there was a dance in the village tavern. Angerona was pious. She did not dance; nor did she stay to witness the amusement of those who did. . . . I should have seen more of her, but I offended the poetess unwittingly, and I am not sure that she ever forgave me. I wrote a little scrap in verse, and inserted it in my paper.

<sup>11</sup>Ibid., 99–100. See "At press time," p. 128.

<sup>12</sup>Angerona [Eliza R. Snow], "Pity &c," *Western Courier*, August 13, 1825, n.p. As a headnote, the editor printed a statement from its author, which began: "Mr. Editor,—It is not my wish to appear in print, yet. . . ." It is a delicious irony that these were the first printed words of a woman who became a prolific poet, published scores of poems in newspapers, and issued two volumes of poetry. "Missolonghi," signed "Narcissa" and published in *Western Courier*, July 13, 1826, had earlier been identified as her earliest published poem. See Derr, "Form and Feeling," 4–5.

It was entirely a matter of the imagination; but she was too pure to conceive of such things being written even in poetry, without having some objective reality. Here are the offending lines:

My love, the gift you gave me  
 Has bound me with a spell,  
 As pleasing as the witcheries  
 Of which old fables tell;  
 The [*sic*] loveliness subdues me;  
 Thy gentle voice I hear,  
 And the cadence of thy whispered words  
 Still murmur in my ear.

There is a charm about thee  
 Of modesty and youth;  
 There is a meaning in thine eye  
 Of constancy and truth;  
 And I'd sooner trust thy single vow  
 Than all the prayers that said [*sic*]  
 At Lama's shrine, or Mecca's tomb,  
 My own delicious maid.<sup>13</sup>

Eliza apparently did not like the idea of being James Walker's "own delicious maid." She seems to have considered Walker a lady's man, or at least an indiscriminate flirt. Walker recalls in his reminiscence: "These simple lines did not suit Angerona; and she sat down immediately, and sent the following for publication in my paper":

Say, who on earth would not despise  
 A paltry thing which thousands share;  
 A friend in fractions who would prize,  
 Or deem the piecemeal worth a care?  
 Say, who, that would not scorn to aim  
 For that which all besides possess'd;

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<sup>13</sup>*Western Courier*, December 6, 1828, n.p. Walker published another flirtatious invitation signed "D." (he was nicknamed "Dermood") on February 21, 1829: "O! Come to the bower. . . . Come clad in the charms of thy mental might!"



Say, who would ever wish to claim  
A heart which many else had bless'd?

Then talk no more of friends to me—  
I will not share a friend in co.—  
I now a single friend will be,  
Or friend, oh never let me know!"

So much for James B. Walker! However, in his 1881 memoir, he cleverly resurrected these early verses by Eliza, and turned her rejection of "a friend in fractions" back on her:

Poor Angerona! Intelligent—gifted—pious and unsophisticated [*sic*] in the ways of the world; and receiving the Old Testament to be the rule of duty, as well as the New, she became, a year or two afterwards, a convert to the Mormon's [*sic*], who made their first settlement in Ohio, not far from her neighborhood. She thought their miracles, their simple habits, and their faith, were a reproduction of primitive Christianity; and . . . became a victim to the base imposture. Her family followed the faith of their favorite daughter, and they all emigrated with the Mormon's to the West, where she is now a spiritual wife of the imposter Brigham Young—a fractional [!] wife of the polygamous patriarch in the Valley of Salt.<sup>14</sup>

Walker's ironic humor would not have been lost on readers in 1881, when public opposition to Mormon plural marriage was steadily mounting in the United States. However, though the twelve "friend in fractions" lines he quotes in his reminiscence did indeed appear in the *Courier* in March 1829, he had introduced them to readers somewhat differently: "The following lines were suggested to a 'friend' of ours by a passage in Goldsmith. They were transcribed very hastily, and we fear very imperfectly, from the album of the author." The *Courier* statement suggests that Walker surreptitiously copied and published lines Eliza had written, but which she had not "sent" him "for publication." Furthermore, the purloined lines in the *Courier* are not signed "Angerona," but rather "E. R.," a near revelation of young Eliza's identity that might have shocked and embarrassed her since she did not sign her own name to a published poem until 1835.

In the poetry columns of subsequent issues of the *Courier*,

<sup>14</sup>Walker, *Experiences of Pioneer Life*, 102–3.

Walker continued to feature selections mourning a bachelor's lost love. He soon left Ravenna and entered Western Reserve College, then at Hudson, Ohio. Eliza, for her part, published one last poem in the *Courier*, signed simply "A." following Walker's departure. Thereafter she submitted her offerings to the newly established *Ohio Star* in Ravenna, poems that bore, as signature, a new array of pen names. It is interesting that both young parties in this never-to-blossom courtship went on to achieve considerable fame for their religious writings and commitment. Walker was ordained a Protestant minister and gained a name as an abolitionist. The full page devoted to his accomplishments in *The Dictionary of American Biography* mentions his popular work of theology, *The Philosophy of the Plan of Salvation*, as "the book which gave him fame."<sup>15</sup>

James Walker remembered Eliza Snow as an aloof young woman, serious about her poetry, quickly dismissive of suitors and of frivolous entertainment. Twice in his memoir he referred to Angerona's piety. And it is true: She was earnest about religion. By 1828, when she encountered Walker, she may already have joined with "The church of Disciples of Christ at Mantua," since the church's founding record lists her name among those "added by baptism on profession of faith," sometime between January 1827 and April 1829.<sup>16</sup> She was certainly a Disciple by June 1829 when James Walker sold his interest in the *Western Courier* and left Portage County.

Eliza may have been pious, but her formal connection with a religious group was a long time coming. As one might expect, her youthful religious activity paralleled that of her parents. In September 1808, two years after they moved from Becket, Massachusetts, to Man-

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<sup>15</sup>"It was issued in 1841, anonymously, and by 1855, when it appeared in a fifth enlarged edition, still anonymously, it had sold over twenty thousand copies, was being extensively used as a textbook in the United States, and had been published in England and Scotland and translated into French, German, Italian, Welsh, and Hindustani. The book held its position until the 1870s, the later printings bearing Walker's name." Robert Hastings Nichols, "James B. Walker," *The Dictionary of American Biography*, edited by Dumas Malone and Allen Johnson, 20 vols. (New York: Charles Scribner's Sons, 1928-37), 10:347.

<sup>16</sup>"Church Records [of the Disciples of Christ at Mantua], 1827-93," 1, holograph held at Hiram College, Archives and Special Collections, Hiram, Ohio; photograph of holograph, 1-7, in Derr's possession.

tua, Ohio, Oliver and Rosetta joined the Baptist Church, which two months earlier had been established in the area by a cluster of neighbors.<sup>17</sup> “Bethesda” was the name the small group chose for their congregation, and its healing waters, like those of the famous pool at Jerusalem, were sometimes troubled. The Snows, initially stalwarts of the congregation, were periodically scolded for neglecting to attend meetings. Nevertheless, their children were nurtured in the Protestant tradition. “I was early taught to respect the Bible, and in Sabbath-Schools recited much of the New-Testament—at times reciting seven of the long chapters in the Gospels, at a lesson,” Eliza later wrote.<sup>18</sup> But she was twenty-four or twenty-five before she and two of her sisters were baptized by “immersion or dipping” as advocated by Baptists. Eliza later explained: “Although my parents adhered to the Baptist creed, they extended to their children the right, and afforded us every opportunity we desired, to examine all creeds—to hear and judge—to ‘prove all things.’”<sup>19</sup>

Eliza described her parents as “free from bigotry and intolerance,” a phrase which suggests they were open to new ideas, including, it seems, those that challenged their Baptist creed. Early in 1823, when Eliza was nineteen, two members from the Bethesda church came “to visit Br. Oliver Snow and converse with him about his negligence in not attending meetings.” Oliver told them he was absent “on account of the difficulties of his own mind.”<sup>20</sup> Those difficulties almost certainly stemmed from the religious questions then fomenting in the Western Reserve and the Ohio Valley as a new movement began to coalesce around ideas of Christian restorationism or primitivism.

The idea that Christians could rise above constraining organizational forms and creeds was not new, of course. Protestantism

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<sup>17</sup>Oliver and Rosetta Snow were two of four “Baptised persons” who were “Received Members of the Church, and Received the Communion with Mutual Joy” on September 11, 1808. The church “was Constituted at Nelson in Portage County” July 30, 1808. Garrettsville [Ohio] Baptist Church Record, July 20, and September 11, 1808, holograph, Western Reserve Historical Society, Cleveland, Ohio.

<sup>18</sup>Snow Smith, “Sketch of My Life,” 8.

<sup>19</sup>*Ibid.*, 8–9.

<sup>20</sup>Garrettsville [Ohio] Baptist Church Record, February 15 and May 10, 1823.

stemmed from the hope that, by abandoning Catholicism's institutional complexities, Christians could recover the purity, simplicity, and spirit of the New Testament church. The impulse toward such reform surfaced repeatedly as denominations multiplied in Europe and America. In the United States in the early decades of the nineteenth century, the restorationist impulse was manifest on the western frontier through a new generation of reformers that included Barton Stone, Thomas and Alexander Campbell (father and son), and Walter Scott. Their frontier religion eventually became known as Disciples of Christ or Church of Christ—"an American church created by Americans, for Americans," as Edwin Gaustad and Philip Barlow have observed. These Ohio Valley primitivists rejected ecclesiastical authority and believed ordinary people could read and understand the Bible without "a learned commentary or scholarly class of interpreters." They denounced "the multiplicity of denominations, churches, and sects" and preached that Christians' strict adherence to scriptural precedents would dissolve sectarian differences, promote unity, "restore the primitive church of the first century," and usher in the millennium.<sup>21</sup>

"Just in so far as the ancient order of things, or the religion of the New Testament, is restored, just so far has the Millennium commenced, and so far have its blessings been enjoyed," wrote Alexander Campbell in 1825, in one of the series of essays entitled "A Restoration of the Ancient Order of Things," published in his periodical, the *Christian Baptist*.<sup>22</sup> Campbell, a Scot who renounced his Presbyterian roots after arriving in America, temporarily found a religious home with sympathetic Baptists like those gathered in the liberal Mahoning Baptist Association, one of several voluntary Baptist unions to which

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<sup>21</sup>Edwin Scott Gaustad and Philip L. Barlow, *The Historical Atlas of Religion in America* (New York: Oxford University Press, 2001), 178. See also Richard T. Hughes, ed., "Introduction: On Recovering the Theme of Recovery," in *The American Quest for the Primitive Church* (Urbana: University of Illinois Press, 1988), 1-15; Richard T. Hughes and C. Leonard Allen, *Illusions of Innocence: Protestant Primitivism in America, 1630-1875* (Chicago: University of Chicago Press, 1988), 1-24.

<sup>22</sup>Alexander Campbell, "A Restoration of the Ancient Order of Things," *Christian Baptist* 2 no. 7 (February 7, 1829), 127, retrieved April 1, 2004, from [www.mun.ca/rels/restmov/texts/acampbell/tcb/TCB207.HTM#Essay2](http://www.mun.ca/rels/restmov/texts/acampbell/tcb/TCB207.HTM#Essay2). Other quotations from the *Christian Baptist* are retrieved from this same website.

local congregations sent delegates. On at least two occasions, Oliver Snow represented the Bethesda church at meetings of the Mahoning Baptist Association, named for the river that flows through Portage and neighboring counties. He and Rosetta were among the reform-minded Baptists who warmed to restorationist ideas. Other Baptists took a firm stand against restorationists like Campbell, who verbally assaulted established clergy and creeds. Both proponents and opponents of Christian primitivism or restorationism were openly received in the Snow home at Mantua which Eliza later described as “a welcome resort for the honorable of all denominations” and “the intelligent of all parties.”<sup>23</sup>

A multiplicity of parties became more apparent after 1824 when the old Bethesda church (which had changed its name in 1823 to the Baptist Church of Christ) split over the questions the new movement was raising. Early in the summer of 1824, members gathered to discuss their differences and “unanimously agreed to separate peaceably [*sic*]” after a number of dissidents declared, among other grievances, that “they were dissatisfied with having any written or printed articles or confession of their religious belief.”<sup>24</sup> Eliza’s mother, Rosetta, was among the dissenters who gathered on August 21 and voted “to renounce the Philadelphia Confession of faith, the constitution, the articles and covenant of this church formed the 30th of July 1808 and take the word of god [*sic*] for our rule of faith and practice.”<sup>25</sup> Oliver is not listed with Rosetta as a dissenter, nor is he listed among those who affirmed the Baptist confession; he seems to have remained noncommittal. But he probably continued meeting with the dissenters or reformers, who actually comprised the majority of the old Bethesda Church. The reformers came from Mantua and its neighboring communities to the east, Hiram and Nelson, and they met together in one town or another in schoolhouses and private homes.<sup>26</sup>

During the winter of 1825–26, Sidney Rigdon, a like-minded reformed Baptist, moved to Bainbridge, five miles northwest Hiram,

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<sup>23</sup>Snow Smith, “Sketch of My Life,” 8; and Snow, paragraphs preceding “The Preacher’s Exploit,” in Snow, *Journal*, 1842–82.

<sup>24</sup>Garrettsville [Ohio] Baptist Church Record, notes inserted following minutes of April 10, 1824.

<sup>25</sup>*Ibid.*

<sup>26</sup>*The Disciples in Hiram* (n.p., 1985), 12–13, commemorative booklet reproduced from “A History of the Disciples in Hiram, Portage County,



and began to preach regularly to the Mantua-Hiram-Nelson reformers, whose leaders and members he worked to strengthen. Rigdon was an ordained Baptist minister whose service as pastor of the First Baptist Church in Pittsburgh had ended when more conservative Baptists objected to his radical doctrines, many of which paralleled the restorationist views of Alexander Campbell, whom Rigdon had met in 1821. Rigdon cultivated a close association with Campbell and became a leading figure in the restorationist movement. He joined Campbell and Walter Scott in the free-thinking Mahoning Baptist Association. Rigdon served as "bishop" or itinerant minister or leader to as many as seventeen reformed Baptist congregations in the association, groups sometimes known as Campbellites or Rigdonites. After his 1825 move to Bainbridge, Rigdon maintained a connection to Oliver and Rosetta Snow. Though he moved north to Mentor in the fall of 1826 to accept a Baptist congregation's invitation to be its pastor, he traveled south regularly to preach to the congregations at Mantua and Hiram in which he had invested so much care. By Eliza's account he "was a frequent visitor at my father's house."<sup>27</sup>

Eliza probably listened to Rigdon's preaching, though, like her father, she seems initially to have remained noncommittal. She was twenty in 1824, when her parents' Baptist church fissured. She was twenty-one in 1825, when she published her first poem as "Angerona" in the newly established *Western Courier*. An undated poem she later copied into her journal, probably written sometime between 1824 and 1827, provides clues about her place in the battle over new religion on the Ohio frontier. "The Preacher's Exploit" is a dreadful piece of poetry,<sup>28</sup> but the three paragraphs she wrote in an attempt to provide its proper historical context are important. Those paragraphs, probably the longest commentary she

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Ohio—A Discourse Delivered to the Church on Sunday, March 26, 1876 by B. A. Hinsdale" (Cleveland, Ohio: Robison, Savage & Co. Printers and Stationers, 1876), 36 pp.

<sup>27</sup>Snow Smith, "Sketch of My Life," 9. See also Richard S. Van Wagoner, *Sidney Rigdon: A Portrait of Religious Excess* (Salt Lake City: Signature Books, 1994), 26–47.

<sup>28</sup>From "The Preacher's Exploit," 38 lines, Snow, Journal, 1842–82, undated:

Led by the spirit, (youth's ambitious flame)  
To western shades, the orient preacher came:

wrote on any poem, explain that “the sentiments of Alexander Cambell [*sic*] were creating considerable excitement.” Eliza recalls that two preachers came to Mantua to fortify the town’s established congregations against Campbell and other primitivists. A young Baptist preacher came from New England “to oppose what . . . was, at that time considered the most dangerous delusion.” He had been preceded by a Presbyterian preacher, likewise eager to counter the new movement. And, Eliza observes, “the low ebb of religion at the time, afforded ample opportunity for their mutual exertions.”<sup>29</sup> The “low ebb” obviously occurred before 1828 since Walter Scott’s evangelizing in the Western Reserve from the fall of 1827 through the summer of 1828 brought in hundreds of converts.<sup>30</sup> During this “low ebb,” Eliza writes, “I was member of no religious sect, but was conversant with, and enjoyed the confidence of all.” She obviously enjoyed the confidence of the Baptist “gentleman” preacher who called one day and communicated to her “his feelings” of frustration about trying to cooperate with the Presbyterian preacher in opposing Campbell’s ideas. Indeed, she explained, in order “to amuse, and divert his feelings from the un-

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He sought, as many heretofore have done,  
 The Christian race to ride and not to run.  
 Affrighted at the camel’s lofty stride,  
 A Babylonish mule he chose to ride:  
 The saddle plac’d—he mounted in its seat,  
 But hapless tied the stirrups to his feet!  
 Exulting thus, I’m free from future dread,  
 The stormy blast will move above my head;  
 The lonely mule shall screen me from alarm—

<sup>29</sup>Paragraphs preceding “The Preacher’s Exploit,” Snow, *Journal*, 1842–82.

<sup>30</sup>The population of the Western Reserve was doubling, but the Mahoning Baptist Association, which included Baptist churches in Portage County and surrounding counties, had a net gain of fewer than a dozen members in 1826. Thus, the “low ebb” must have been before 1827, since in 1827–28, the Mahoning Baptist Association reported over a thousand converts. A. S. Hayden, *Early History of the Disciples in the Western Region, Ohio* (Cincinnati: Chase and Hall, 1876), 56. See also Van Wagoner, *Sidney Rigdon*, 43.

pleasantness of his situation, I indulged the mirthfulness of my disposition, by writing and presenting him the following ludicrous effusion," which is how she described "The Preacher's Exploit."<sup>31</sup> The fact that she bothered to preserve these contrived and awkward verses over the years suggests they had some personal meaning for her. Did she have a romantic interest in this Baptist preacher? Did she retain some lingering nostalgia about religious discussions in the Snow household? Or was she paying private homage to a transformative era in her life?

With respect to both poetry and religion, the years between 1825 and 1829 marked a time of profound change for Eliza. She launched into publication, publishing at least eleven poems in Ravenna's *Western Courier*, possibly more, attracted (and dismissed) at least one intelligent suitor (James Walker), and firmly committed herself to New Testament Christianity as taught by Campbell, Scott, and Rigdon. "Through being conversant with priests and people of different sects," she later wrote, "I found them widely differing from each other; and all, more widely differing from the 'form of doctrine,' and practice described in the New Testament, with the writings in which, I grew more and more familiar year by year."<sup>32</sup>

Eliza made the acquaintance of Walter Scott, a close associate and friend of Alexander Campbell. Scott proclaimed the "plan of salvation" and taught children a famous five-finger exercise which he believed summarized the "ancient gospel," or the "gospel restored": "Faith, repentance, baptism, remission of sins, the gift of the Holy Spirit."<sup>33</sup> He began preaching in the Western Reserve in the fall of

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<sup>31</sup>Paragraphs preceding "The Preacher's Exploit," Snow, Journal, 1842-82.

<sup>32</sup>Snow Smith, "Sketch of My Life," 9.

<sup>33</sup>Scott explained in March 1829: "The gospel proposes three things as the substance of the glad tidings to mankind—the remission of sins, the Holy Spirit, and eternal life; and the apostles every where, in conformity with their mission, plead for reformation towards God and faith in our Lord Jesus Christ, as the state of mind adapted to the reception of these inestimable blessings. In the proclamation of the gospel, therefore, these high matters were ordered thus—faith, reformation, baptism for the remission of

1827 and by 1828 had close to 1000 converts.<sup>34</sup> In the wake of Scott's evangelizing, Adamson Bentley (brother-in-law of Sidney Rigdon's wife, Phebe), and his entire congregation in Warren came into the restoration in January 1828, an event known as the "Seige of Warren." In February, Scott visited Hiram and Mantua.<sup>35</sup> Yet it seems doubtful that he converted Eliza, since she identifies Alexander Campbell as her most significant religious influence during this period: "I heard Alexander Cambell advocate the literal meaning of the Scriptures—listened to him with deep interest—hoped his new light led to a fulness—was baptized."<sup>36</sup>

According to the Mantua church record, sometime between January 1827 and April 1829, Eliza was among those "added by baptism" to the new community who patterned their gatherings after New Testament teaching and practice.<sup>37</sup> Perhaps Eliza's 1828 poem, "The Better Choice," was written to commemorate her baptism as a Christian. "O, cease ye harpers of unhallowed things— / List to her notes, while infant Christia sings," the poem begins.<sup>38</sup> During the 1827-29 period, Eliza's mother, Rosetta, and two sisters, Leonora and Amanda, also affiliated with the group seeking to live after "the ancient order." Later her father, too, aligned himself with Campbell's frontier Christians.<sup>39</sup> Adult members of the Snow family seem to have been temporarily united in religious sentiment. Lorenzo, eldest

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sins, the Holy Spirit, and eternal life." Philip [Walter Scott], "Migrati Coloni," *Christian Baptist* 6, no. 8 (March 2, 1829): 524. Richard L. Bushman considers Scott's program in relation to teachings of Joseph Smith in *Joseph Smith and the Beginnings of Mormonism* (Urbana: University of Illinois Press, 1984), 181–84.

<sup>34</sup>Richard T. Hughes, *Reviving the Ancient Faith: The Story of the Churches of Christ in America* (Grand Rapids, Mich.: William B. Eerdmans Publishing Company, 1996), 51–53.

<sup>35</sup>Hayden, *Early History of the Disciples*, 95–100; Van Wagoner, *Sidney Rigdon*, 45.

<sup>36</sup>Snow Smith, "Sketch of My Life," 9.

<sup>37</sup>"Church Records [of the Disciples of Christ at Mantua], 1827–93," I. In April 1829, for reasons of convenience rather than doctrinal differences, Hiram-Nelson members began to hold their own meetings, apart from the more numerous members at Mantua. *The Disciples in Hiram*, 13.

<sup>38</sup>"The Better Choice," Snow, *Journal*, 1842–1882.

<sup>39</sup>An elder from the Mantua congregation later described Oliver

of Eliza's three younger brothers, was then in his middle teens. According to his reminiscence, he "was not at that time what might be called a religious boy," but rather "had an ardent desire to obtain an education after the man[n]er of the world."<sup>40</sup> Eliza's concern for her brother's spiritual well-being would become evident during the next few years.

Eliza's own reminiscent accounts reveal little about her affiliation with the movement whose adherents later called themselves "Disciples of Christ." She recorded: "During my brief attachment to that church I was deeply interested in the study of the ancient Prophets, in which I was assisted by the erudite A. Cambell, Walter Scott whose acquaintance I made, but more particularly Sidney Rigdon who was a frequent visitor at my father's house."<sup>41</sup> However, it is clear that the restorationists had a significant influence on Eliza during her four- to six-year association with them, which apparently lasted at least until 1833 and perhaps until 1835.<sup>42</sup> Traces of that early affiliation are evident in religious poetry she composed between 1829 and 1832. Her 1829 poem, "Human Life—What is It?" features the coming of an angel with "the voice of sacred Truth" who "speaks of things before untold" and brings "secret pages [which] now unfold / To human view."<sup>43</sup> This declaration of restorationist hope would have resonated with many primitivists in the Ohio Valley and Western Reserve. Eliza's "adopted motto": "Prove all things and hold fast to

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Snow's involvement: "At this time [ca. March 21, 1830], Oliver Snow, an old member of the Baptist Church, united with us. His talents, age and experience, ought to have been very useful to us, but they were more frequently experienced in finding fault with what we attempted to do, than in assisting us." D. Atwater, Letter to A. S. Hayden, April 26, 1873, as quoted in Hayden, *Disciples in the Western Reserve*, 239.

<sup>40</sup>Lorenzo Snow, "The Grand Destiny of Man," *Deseret Evening News*, July 20, 1901, 22; Lorenzo Snow, "Narration of Some General Incidents in My Life," January 15, 1844, in his *Journal and Letterbook, 1836–45*; holograph, LDS Church Archives.

<sup>41</sup>Snow Smith, "Sketch of My Life," 9.

<sup>42</sup>Oliver Snow and "Roxey E Snow" are listed as "Lost" under date "From Jan 1th 1833 to Jan 1th 1836," "Church Records [of the Disciples of Christ at Mantua], 1827–93," 5.

<sup>43</sup>N. [pseud., possibly Eliza R. Snow], "Human Life—What Is It?,"

that which is good" (1 Thess. 5:21), also appeared on the masthead of Barton Stone's *Christian Messenger*, published in Georgetown, Kentucky. She would retain a lifelong commitment to "the ancient order of things," although her early primitivist views were enlarged by Joseph Smith's teachings on that subject. And she would always conceptualize the millennium as a restoration of primordial perfection.<sup>44</sup> The decade of Eliza's young adulthood, 1825 to 1835, was formative and productive, but to the mature woman Eliza, the importance of those years paled by comparison to the years that followed her April 1835 baptism as a Mormon.

If Eliza was poet and restorationist when she encountered James Walker in 1828-29, she was more committed to both her poetry and her primitivist religion two years later when she encountered Joseph Smith in the early months of 1831. By then she had published another nine poems in the (Ravenna) *Ohio Star*, two of them on religious themes, and she had entered seriously into her "study of the ancient Prophets." The reminiscence she wrote some four decades after her first meeting with Joseph Smith suggests that Eliza was curious about the twenty-six-year-old prophet, but not particularly impressed: "Joseph Smith called at my father's, and as he sat warming himself, I scrutinized his face as closely as I could without attracting his attention, and decided that his was an honest face." With greater enthusiasm she reported that "the most impressive testimonies I had ever heard were given by two of the witnesses to the Book of Mormon, at the first meeting of the believers in Joseph Smith's mission, which I attended."<sup>45</sup> In contrast to Eliza's somewhat neutral initial impression of the Prophet, her mother and Leonora, the eldest daughter, were baptized by Joseph Smith within the year. Eliza waited, she later explained, "to see whether

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*Western Courier*, February 14, 1829, n.p.

<sup>44</sup>See, for example, "The Glorious Day Is Rolling On," *A Collection of Sacred Hymns, for the Church of the Latter Day Saints*, edited by Emma Smith (Kirtland, Ohio: F. G. Williams and Co., 1835), 83, ll. 1-4. See also "St. George," *Deseret News*, November 16, 1864, 50, ll. 7-12.

<sup>45</sup>Snow Smith, "Sketch of My Life," 9.

the work was going to 'flash in the pan' and go out."<sup>46</sup>

Eliza Snow's first encounter with Joseph Smith in early 1831 occurred less than twelve months after he and other elders organized the Church of Christ at Fayette, New York, on April 6, 1830. The Book of Mormon had been published barely a year. The new religion had come to Ohio in October 1830, when four missionaries en route from New York to preach to Native Americans in Missouri stopped in the Western Reserve. At Mentor, Elders Oliver Cowdery and Parley P. Pratt, presented Sidney Rigdon with a copy of the Book of Mormon, which he eagerly read. He was baptized by Cowdery within a fortnight. The missionaries preached to Rigdon's congregations at Mentor, Kirtland, and Mayfield, attracting crowds of curious and sincere seekers from miles around. When they left after four weeks, the Mormon elders had baptized more than a hundred converts, thereby doubling the membership of the infant church. "Faith was strong, joy was great, and persecution heavy," recalled Pratt.<sup>47</sup> Resistance to "Mormonism," as the new religion came to be known, increased after Joseph Smith and his wife, Emma, moved to Kirtland in February 1831, following Rigdon's visit to Smith in New York. The Prophet brought to Ohio not only his family, but also his New York followers, most of whom had arrived in Kirtland by May. By summer, there were more than a thousand Mormons in the Western Reserve, many of them restorationists, who believed in the prophet who had translated the Book of Mormon and who unabashedly declared he had been called by God to restore in its purity the gospel of Jesus Christ.

Mormonism reaped a harvest in Ohio, but it also reaped a whirlwind, and Eliza Snow felt its gusts in her family, her congregation, and her community. Just as reformed Baptists and Free-will Baptists had recently upset the religious sensibilities of traditional Baptists in Ohio and Kentucky, Joseph Smith and the

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<sup>46</sup>Eliza R. Snow, as quoted in Edward W. Tullidge, *The Women of Mormondom* (New York: Tullidge & Crandall, 1877), 64. Beecher, *The Personal Writings of Eliza Roxcy Snow*, 1-5, discusses the relationship between Snow's autobiography composed for Tullidge in 1876 and her "Sketch of My Life," composed in 1885 for Hubert Howe Bancroft.

<sup>47</sup>*Autobiography of Parley Parker Pratt*, edited by Parley P. Pratt [Jr.] (1874; reprinted Salt Lake City: Deseret Book, 1973), 48.

emerging Church of Christ<sup>48</sup> upset Alexander and Thomas Campbell and their primitivist followers. In August of 1830, three months before he was baptized by Mormon elders, Sidney Rigdon had had a doctrinal falling out with Alexander Campbell over the importance of spiritual gifts and communal property. Surely Eliza was aware of this disagreement, though she may not have attached much importance to it given the tempestuous religious climate in which she had come of age. However, Rigdon's baptism by a Mormon elder in November 1830 made an irreparable breach between Rigdon and his former close associates. The Campbells considered Rigdon to be a wily defector who was stealing the sheep newly gathered into their Christian fold, and they sought to harden their congregations against Mormon incursions. In February 1831, the younger Campbell published in his *Millennial Harbinger* an attack on Joseph Smith and the Book of Mormon, entitled "Delusions," a lengthy article picked up by local papers and published in 1832 as a pamphlet.<sup>49</sup> In June Alexander Campbell left his Bethany, [West] Virginia headquarters, to preach in the Western Reserve and assist congregations in retaining their members. The Mantua church record that in 1829 noted Eliza's baptism as a Christian, gradually began to list the names of Mormon converts as those "supposed to be lost." By the end of 1831, that list included the names of Rosetta and Leonora Snow.<sup>50</sup>

How many times Eliza and her family encountered Joseph Smith during 1831 is not clear. When he first came to the Snow home "in the winter of 1830 and 31," by Eliza's account, he almost

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<sup>48</sup>The Church's name was changed by vote of conference in 1834 to the Church of the Latter-day Saints, and then in 1838, by revelation through Joseph Smith, to the Church of Jesus Christ of Latter-day Saints. Joseph Smith Jr. et al., *History of the Church of Jesus Christ of Latter-day Saints*, edited by B. H. Roberts, 2d ed. rev. (Salt Lake City: Deseret News Press, 6 vols. published 1902-12, Vol. 7 published 1932; printing of 1946), 2:62-63; 3:24; D&C 115:4.

<sup>49</sup>Alexander Campbell, *Delusions: An Analysis of the Book of Mormon; with an Examination of its Internal and External Evidences, and a Refutation of its Pretences [sic] to Divine Authority* (Boston: Benjamin H. Greene, 1832).

<sup>50</sup>"Church Records [of the Disciples of Christ at Mantua], 1827-1893," 4.



certainly visited in company with Sidney Rigdon, who had been working as scribe for Joseph's translation of the Bible. Rosetta and Leonora Snow may have been baptized in the fall of 1831, after Joseph and Emma Smith and their family took up residence at the farm of John and Elsa Johnson. The Johnsons, residents of Hiram since 1825, had read the Book of Mormon, had traveled to Kirtland to see Joseph Smith, had witnessed his healing of Elsa's rheumatic arm, and had been baptized before returning home. Their son Lyman was baptized in February; their daughter, Eliza's friend Nancy Marinda, in April; and another son Luke, in May. Other Snow neighbors, including Methodist Ezra Booth of Mantua and Symonds Ryder, a leader of the Campbellite or Disciples congregation at Hiram, also traveled to Kirtland, met Joseph Smith, and were baptized. Many of Ryder's family and others of the Hiram congregation were likewise baptized Mormons in the early summer of 1831. By fall the Mantua-Hiram area claimed a significant cluster of Mormons, and that fact may well have figured in Joseph's decision to move his family to Hiram, twenty-five miles south of Kirtland.

Both regular worship services and special conferences convened at Hiram, which rapidly became a temporary headquarters for the Church of Christ. Eliza did not comment on seeing or hearing Joseph Smith speak "at the first meeting of the believers in Joseph Smith's mission, which I attended," probably at the Johnson home. Rather, she was "thrilled" by "the testimonials of two of the witnesses of the Book of Mormon," almost certainly Oliver Cowdery and David Whitmer who were at Hiram in the fall of 1831. She later recalled: "Such impressive testimonies I had never before heard. To hear men testify that they had seen a holy angel—that they had listened to his voice, bearing testimony of the work that was ushering in a new dispensation; that the fullness of the gospel was to be restored and that they were commanded to go forth and declare it, thrilled my inmost soul."<sup>51</sup> And yet she held back. "When I heard of the mission of the prophet Joseph I was afraid it was not genuine," she later wrote. "A Prophet of God—the voice of God revealing to man as in former dispensations, was what my soul had hungered for, but could it possibly be

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<sup>51</sup>Quoted in Tullidge, *The Women of Mormonism*, 63–64.

true—I considered it a hoax—too good to be true.”<sup>52</sup>

Eliza’s younger brother Lorenzo was similarly skeptical about the authenticity of Joseph’s claims. According to his reminiscient account, when he was seventeen years old Eliza and other family members accompanied him to an 1831 fall gathering at Hiram, where 250 people assembled under a bowery to listen to Joseph. “I felt some anxiety to see him and judge for myself, as he was generally believed to be a false prophet,” Lorenzo recalled. After hearing Joseph’s account of his visions, young Lorenzo believed Joseph “was telling something that he either knew to be false or positively true.”<sup>53</sup> Neither Eliza nor Lorenzo immediately responded to the spirit of Joseph’s witness. They tried to weigh his character and his words. Both Lorenzo and Eliza prized reading and learning, an engagement with words and ideas that soon prompted Lorenzo to seek a classical education. Eliza wrote of her “study of the ancient Prophets” and was no doubt attracted to the clear and rational restorationist teaching of Alexander Campbell and Walter Scott, who placed little emphasis on spiritual gifts. “Genius Emancipated: Or, the Effects of Education on the Human Mind,” was the title of a poem she had published in the *Ohio Star*, May 19, 1830. Reflecting, perhaps, the importance of logic and reason among restorationists such as Scott, the poem praised education as the means “to renovate the earth” and enable Genius, or the human mind, to direct “thrones and empires” and ultimately be “crown’d immortal at the throne of God.”<sup>54</sup> Alexander Campbell blasted Joseph Smith as “an ignorant young man,”<sup>55</sup> and Lorenzo remembered, upon first listening to Smith’s sermon, that he “was not what would be called a fluent speaker.”<sup>56</sup> The contrast with the erudite Campbell and Scott must have been striking.

How was Eliza to determine whether Mormonism was the true coin? Did she maintain her first impression of Joseph, “that

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<sup>52</sup>*Ibid.*, 63; and Snow, “Sketch of My Life,” 9.

<sup>53</sup>Lorenzo Snow, “The Grand Destiny of Man,” 22.

<sup>54</sup>Tullia [Eliza R. Snow], “Genius Emancipated: Or, the Effects of Education on the Human Mind,” *Ohio Star*, May 19, 1830, 4.

<sup>55</sup>Alexander Campbell, “Delusions,” *Millennial Harbinger* 2 (February 1831), 95.

<sup>56</sup>Lorenzo Snow, “The Grand Destiny of Man,” 22.

his was an honest face"?<sup>57</sup> A number of her neighbors quickly decided he was an impostor. By the fall of 1831, both Symonds Ryder and Ezra Booth had renounced Mormonism and had become fierce opponents of the Prophet. Booth had traveled to Missouri with some twenty missionary elders, joining Joseph Smith, Sidney Rigdon, and others who located a settlement site in Jackson County and, on August 2, dedicated that land as Zion, a central gathering place for God's people, and site of a contemplated temple. But Booth returned to Ohio disenchanting. Between October and December 1831, he published in the *Ohio Star*, the same paper that was publishing Eliza's poems, nine letters intended to expose Joseph Smith's "discordant revelations, false visions, and lying prophecies."<sup>58</sup> Festering opposition at Hiram erupted in March 1832, when an angry mob, which included Ryder, dragged Joseph and Sidney from their beds at the Johnson farm, and stripped, beat, tarred, and feathered the men they considered a menace. Shortly thereafter, Joseph left for Missouri while Emma returned to Kirtland. The Johnsons moved to Kirtland in 1833.

There is no evidence that Eliza ever spoke or wrote about that hate-filled mobbing. Nor did she explicitly record her feelings about the division over religion in her family between 1831, when her mother and sister were baptized, and 1835, the year of her baptism. One of her poems, "Thoughts of Home," published in July 1831, speaks of home's "soft contrarieties" and "extremely opposites, of joy and sorrow,"<sup>59</sup> possibly hinting at tension over religion. Rosetta and Leonora continued to meet with Mormon believers. Eliza and her father remained members of record in Mantua's restorationist congregation at least until 1833, though either or both may have ceased attending meetings earlier. Eliza's younger sister, Amanda, associated with Campbell's Disciples until her death in 1848, while Lorenzo remained unaffiliated

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<sup>57</sup>Snow Smith, "Sketch of My Life," 9.

<sup>58</sup>Ezra Booth, Letter VII, *Ohio Star*, November 24, 1831, n.p.; Booth's letters were republished in E. D. Howe, *Mormonism Unveiled* (Painesville, Ohio: E. D. Howe, 1834).

<sup>59</sup>Tullia [Eliza R. Snow], "The Thoughts of Home," *Ohio Star*, July 28, 1831, n.p.

until 1836.<sup>60</sup>

Whatever questions Eliza posed about Mormonism following Joseph Smith's 1832 departure from Hiram she only hinted at in later years, although she clearly described her questions regarding Campbell and his Disciples. She must have been aware that both Campbellites and Mormonites made significant organizational changes between 1832 and 1835. In December 1832, Campbell's Disciples of Christ and Barton Stone's Christians united, and their combined membership totaled more than 12,000, easily ten times the number of Mormons.<sup>61</sup> Alexander Campbell toured the Western Reserve in the summer of 1833, teaching and baptizing, and possibly Eliza encountered him. Her eventual separation from Campbell and the Disciples may have been a prelude to her serious consideration of Mormonism, or she may have become disenchanted with Campbell after she began to think seriously about Mormonism. Later, she explained that she listened to Campbell and "hoped his new light led to a fulness—was baptized, and soon learned that, as well they might, he and his followers disclaimed all authority, and my baptism was of no consequence."<sup>62</sup>

Joseph Smith's claim that he had received divine authority to perform baptisms and confer the gift of the Holy Ghost differentiated him from Protestants. Mormon missionaries preached that all must repent and be baptized, announcing, as one hearer recalled, that if anyone had been baptized previously "it was of no avail, for there was no legal administrator, neither had been for fourteen hundred years until God had called them to the office."<sup>63</sup> Joseph declared that by the laying on of hands heavenly messengers had conferred upon him priesthood, and thereby restored to earth in the latter days divine authority to bind God's people to him and to one another in "a new and an everlasting covenant" (D&C 22:1). This priesthood was manifest in an unfolding ecclesiastical structure, a male hierarchy gradually comprised of a three-member first

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<sup>60</sup>The religious affiliations of the other younger siblings (Melissa, 1810–35; Lucius, 1819–98; and Samuel, 1821–1909) are unknown.

<sup>61</sup>Gaustad and Barlow, *Historical Atlas of Religion in America*, 178.

<sup>62</sup>Snow Smith, "Sketch of My Life," 9.

<sup>63</sup>Recollection of Josiah Jones, *The Evangelist*, June 1841, as quoted in Milton V. Backman, Jr., "A Non-Mormon View of the Birth of Mormonism in Ohio," *BYU Studies* 12, no. 3 (Spring 1972): 308. See D&C 22:2.

presidency with Joseph as president (1832), stake high councils (1834), and a quorum of twelve apostles and a quorum of seventy (1835), as well as bishops, elders, priests, and others. Joseph taught that the order of the priesthood and the ordinances of the priesthood, including baptism and the promised temple endowment of “power from on high,” would prepare saints for the end times—the Millennium—and also for the end of time and eternal life “in the presence of God” (D&C 38:38; 76:62).

Eliza never disclosed when she began seriously to consider Joseph Smith’s claim that he was God’s instrument for bringing to pass the restoration or restitution “of all things” (Acts 3:21; D&C 86:10), but she unmistakably identified the moment she embraced Mormonism as truth restored:

Early in the spring of 1835, my eldest sister [Leonora], who, with my mother was baptized in 1831, by the prophet, returned home from a visit to the saints in Kirtland, and reported of the faith and humility of those who had received the gospel as taught by Joseph,—the progress of the work, the order of the organization of the priesthood and the frequent manifestations of the power of God.

The spirit bore witness to me of the truth. I felt that I had waited already a little too long to see whether the work was going to “flash in the pan” and go out. But my heart was now fixed; and I was baptized on the 5th of April 1835.<sup>64</sup>

Her baptism was an act of faith and of will. She revealed to a small gathering of Mormon women in 1872: “When I went to meeting for the purpose of asking permission of being baptised I had to battle very strongly with the powers of darkness. The evil one brought forth many strong arguments against my joining the church, and it was with difficulty that I overcame them[.] I finally commanded Satan to depart from me. Then my mind was again enlightened and filled with the Spirit of God, and I had firmness sufficient to ask for baptism.”<sup>65</sup>

She did not make her decision lightly. Her choice was whole-souled, deliberate, and permanent. In “My Heart Is Fix’d,” Eliza began an 1842 poem entitled “Saturday Evening Thoughts,” lines in which she first describes her moment of truth:

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<sup>64</sup>As quoted in Tullidge, *The Women of Mormondom*, 64.

<sup>65</sup>Minutes of the [Senior and Junior] Cooperative Retrenchment Association, 1871–74, June 22, 1872, holograph, LDS Church Archives.

The proclamation sounded in my ear—  
 It touch'd my heart—I hearken'd to the sound,  
 Counted the cost and laid my earthly all  
 Upon the altar, and with purpose fixed  
 Unalterably. . .  
 Embrac'd the "Everlasting Covenant" . . .<sup>66</sup>

The three accounts speak of piercing certainty and deliberate change, the turning around or transformation denoted by the Latin *convertere*. Eliza's evolution from fledgling convert to the well-known public champion of the faith was a gradual one. Her commitment and conviction deepened as she gathered with the Saints at Kirtland, and as she developed a close friendship with the Prophet Joseph Smith. In December 1835, she temporarily moved to Kirtland to teach school and to be present for the March 1836 dedication of the Kirtland Temple. Her autobiography records a joyful time, when she was "happy in an association with the Saints, fully appreciating their enlarged views and rich intelligence from the fountains of Eternal Truth."<sup>67</sup> Her brother Lorenzo, a student at Oberlin College, wrote to her on March 12, 1836, "I am delighted in learning that you enjoy so much happiness in Kirtland."<sup>68</sup> With her encouragement, (she feared he "was approaching the vortex of infidelity"),<sup>69</sup> he moved there, and was baptized in June 1836. Her sister Leonora and her parents, with her two younger brothers, would also move to Kirtland.

The first hymn text Eliza composed following her baptism, "Praise ye the Lord," expressed her gratitude for "a prophet's voice . . . Tho' all the world deride."<sup>70</sup> She had embraced Mormonism as the truth and accepted Joseph Smith as a prophet, but she had little

<sup>66</sup>Snow, "Saturday Evening Thoughts," 64.

<sup>67</sup>Snow Smith, "Sketch of My Life," 10. Prior to the completion of the Kirtland Temple, she "proffered a Cash donation to the 'Building Committee,' which they very much needed." *Ibid.*, 11.

<sup>68</sup>L[orenzo] S[now] to Sister [Eliza R. Snow], March 12, 1836, Lorenzo Snow Journal and Letterbook, 1836–1845, LDS Church Archives.

<sup>69</sup>Snow Smith, "Sketch of My Life," 11.

<sup>70</sup>Miss Eliza S. [Eliza R. Snow], "Praise ye the Lord," *Messenger and Advocate*, August 1835, 176.

acquaintance with him until she moved to Kirtland. There she boarded with Joseph and Emma in the spring of 1836 and “taught a select school for young ladies,” before returning to Mantua. Then, on January 1, 1837, she recalled, “I bade a final adieu to the home of my youth, to share the fortunes of the people of God.”<sup>71</sup> Upon Joseph and Emma’s solicitation, she again resided with them for a time and taught in their family school, before setting up a household with her sister Leonora. Eliza’s admiration for Joseph Smith grew. She recorded in her 1885 “Sketch of My Life”:

I had ample opportunity to mark his “daily walk and conversation,” as a prophet of God; and the more I became acquainted with him, the more I appreciated him as such. His lips ever flowed with instruction and kindness; and, although very forgiving, indulgent, and affectionate in his temperament, when his God-like intuition suggested that the welfare of his brethren, or the interests of the kingdom of God demanded it; no fear of censure—no love of approbation could prevent his severe and cutting rebuke.

Though his expansive mind grasped the great plan of salvation and solved the mystic problem of man’s destiny—though he had in his possession keys that unlocked the past and the future with its succession of eternities; in his devotions he was humble as a little child.<sup>72</sup>

Eliza’s poem, “Narcissa to Narcissus,” published in the Illinois *Quincy Whig* in 1839, very likely provides an earlier narrative of her deepening devotion to Joseph.<sup>73</sup> The “Narcissa” of the title harks back to one of Eliza’s favorite pseudonyms; she published four of her earliest poems under that name, and her choice of this pseudonym helps identify the “I” of the poem as Eliza R. Snow, speaking as herself.<sup>74</sup> These twenty-four lines skillfully describe Narcissa’s changing

<sup>71</sup>Snow Smith, “Sketch,” 10.

<sup>72</sup>Ibid., 11.

<sup>73</sup>Eliza R. Snow, “Narcissa to Narcissus,” *Quincy (Illinois) Whig*, August 21, 1839.

<sup>74</sup>Among her nearly 500 poems, “I” almost always means Eliza. The only exceptions are those poems for which another identity for the “I” is clearly explained in the title or subtitle, or within the poem itself.

feelings for Narcissus, presumably Joseph Smith.<sup>75</sup> The doubtful words of the first stanza seem to parallel her initial skepticism about Joseph and his new religion:

Deaf was my ear—my heart was cold,  
My feelings could not move.

She was hesitant, not unlike the aloof and self-protective Eliza described by James B. Walker. But her feelings changed as she further observed Joseph and “became acquainted with him.” “Narcissa to Narcissus” tells of her change of mind and heart:

But when I saw thee wipe the tear  
From sorrow’s fading eye;  
And stoop the friendless heart to cheer;  
And still the rising sigh:

And when I saw thee turn away,  
From folly’s glitt’ring crown,  
To deck thee with the pearls that lay  
On wisdom’s fallow ground:

. . .

And when I saw thy towering soul,  
Rise on devotion’s wings;  
And saw amid thy pulses roll  
A scorn of little things:

I lov’d thee then, for virtue’s sake,  
And ‘twas no crime to part  
With all that wealth bestows to make  
The purchase of thy heart.

The final two lines, which speak intriguingly of making the “purchase of thy heart,” suggest that Eliza felt she had gained Jo-

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<sup>75</sup>Maureen Ursenbach Beecher identified “Narcissus” as Joseph Smith in “Inadvertent Disclosure: Autobiography in the Poetry of Eliza R. Snow,” *Dialogue: A Journal of Mormon Thought* 23 (Spring 1990): 99–100.



seph's esteem and loving friendship. If initially she had treated him coldly, he may have kept his distance. But she came to value his approbation and affection, and he came to value her intelligence and loyalty. Their deepening friendship confirmed for her the rightness of her decision to "share the fortunes of the people [and the prophet] of God." If Eliza's poem is indeed addressed to Joseph, it is a rare personal disclosure, a window into her feelings as they changed from rejection to reluctant admiration and finally blossomed into total devotion. The poem completes the story of her conversion to Mormonism. And it serves as the prologue to her sealing to Joseph as a plural wife in June 1842.<sup>76</sup>

Four years passed between Eliza's first meeting with Joseph Smith in 1831 and her baptism and subsequent move to Kirtland in 1835. During those years she chose to bide her time, write her poems, observe, study, and listen. Surrounded by competing religious claims, she found religious loyalties divided within her family. Like many others of her generation, she looked for a restoration of pure Christianity, the "ancient order," untainted by sectarian strife.<sup>77</sup> She told a June 1872 gathering of women in Utah: "When I heard it announced that the Lord had spoken from heaven and a record had been brought forth I was deeply interested[.] I prayed unto the Lord to let me know if the work were true covenanting with him, if he did so, that I would ever praise his name in the congregation of the saints."<sup>78</sup> She received the witness she sought, was "baptized by a Mormon elder," and moved with the Saints to Missouri, Illinois, and Utah, living among them

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<sup>76</sup>Of course, these lines might also be read to suggest romantic love. Eliza R. Snow entered into plural marriage with Joseph Smith, June 29, 1842, and she would later describe him as "the choice of my heart and the crown of my life." See *Woman's Exponent* 15 (August 1, 1886): 37. Their marriage is discussed in: Snow Smith, "Sketch of My Life," 16-17; Jill Mulvay Derr, "The Significance of 'O My Father' in the Personal Journey of Eliza R. Snow," *BYU Studies* 36 (1996-97): 89-94; Todd Compton, *In Sacred Loneliness: The Plural Wives of Joseph Smith* (Salt Lake City: Signature Books, 1996), 312-16; and Beecher, "Inadvertent Disclosure," 99-106.

<sup>77</sup>See Marvin S. Hill, *Quest for Refuge: The Mormon Flight from American Pluralism* (Salt Lake City: Signature Books, 1989), 17.

<sup>78</sup>Minutes of the [Senior and Junior] Cooperative Retrenchment Association, June 22, 1872, holograph.

for more than half a century until her death in 1887. She spoke in tongues and prophesied, healed the sick, ministered in sacred temple ordinances, and became widely known and beloved as a leader of Mormon women. And she continued to write poems: The obscure Angerona became “Zion’s Poetess,” the poet laureate of nineteenth-century Latter-day Saints. Psalm 57 seems to have had a particular significance for her: “My heart is fixed, O God, my heart is fixed: I will sing and give praise. . . . I will praise thee, O Lord, among the people: I will sing unto thee among the nations” (Ps. 57:7, 9; see also Ps. 108:1). It not only provided her with the phrase she used to describe her conversion but also, perhaps, the script for her life as a Saint.

**At press time:** We discovered additional *Western Courier* poems. Brett Royce Nelson, *Selected Poems: The Best of Eliza R. Snow, Volume 1, 1825–1845* (Louisville, Ky.: Wasteland Press, 2004), alerted us to 1827–28 issues of the *Western Courier* at the Ohio State Historical Society, Columbus, not held by the Western Reserve Historical Society. Jennifer Reeder searched them recently. Where possible, we incorporated new material into the text and footnotes of this article. Other details are:

1. p. 103. Walker’s invitation to Angerona to publish additional poems (signed “D.” for “Dermoodly,” his nickname) begins: “Has Angerona hung her lyre beneath her own ‘ozier shade,’ or quarrelled with the Muses, or why in the name of Poesy do we not hear from her again?” Snow’s response ended: “You’ll please to pardon if she err’d / In silence’ neutral hour; / But rather pardon that she’s heard / Beneath the Muses Bower” (title of the *Courier*’s poetry column). December 29, 1827; January 19, 1828.

2. p. 107. Snow’s last poem published in the *Courier* was apparently “Eloquence,” June 19, 1829, revised in her *Poems* 2, 171–73.

3. pp. 114–15. “The Better Choice” (Snow, Journal, 1842–82), was published untitled, *Courier*, February 16, 1828, signed Christia, where its opening lines read: “Oh! Cease ye harpers of unhallowed things, / Be Angerona mute while Christia sings.”

Other Eliza R. Snow poems may be found as additional rare issues of the *Western Courier* are located.—JMD and KLD

# “YOU NASTY APOSTATES, CLEAR OUT”: REASONS FOR DISAFFECTION IN THE LATE 1850S

*Polly Aird*

SETTLERS OF THE WEST often did not settle—or not for long. Dissatisfied for one reason or another, they moved on to try somewhere new. The mid-nineteenth century saw mining frenzies in California, at Pike’s Peak, and around the Comstock Lode. They built a railroad across Panama, promoted a transcontinental railroad, and swung aboard stagecoaches in St. Louis for a twenty-day journey to Los Angeles. They hardly needed Horace Greely’s purported admonition to “Go West, young man.” People were on the move—in waves, floods, stampedes, and swarms—but when they got there, they often changed their minds. What was true of the West in general was also true of the Mormon kingdom in its midst. This paper focuses on why some Mormon settlers abandoned their religion and homes in Utah between 1856 and 1859 to move on once more.<sup>1</sup>

The frontier—a concept that itself kept shifting—saw the contin-

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<sup>1</sup>This paper does not include single men lured by gold or silver or families who turned back while on the westward trail. For examples of Mor-

ual movement of families, both within a generation and in succeeding generations.<sup>2</sup> What motivated this ceaseless migration? Usually economic opportunities beckoned. Perhaps the family farm was worn out or too small a parcel to divide among the next generation. Often it was the siren call of cheaper and more fertile land to the west. For some it was family: either as a unit or one small group following another, kinship pulling them along. Sometimes the reasons were individual: to reconfirm one's sense of independence, to claim a new lease on life, to yield to adventure or wanderlust, or to escape malaria or harsh winters.<sup>3</sup>

Continual migration also characterized the Mormons. Before settling in Utah, they had moved successively from Ohio, Missouri, Illinois, and Iowa, their overriding reason being to escape persecution. Once in Utah, people pushed on locally, seeking a more congenial place or better land or to be near old friends. Hundreds moved at the behest of Brigham Young, heading north and south to establish new colonies and towns, securing the Mormon claim to the land. But they had stronger reasons for confining their wanderings than most Westerners. Most persisted in the Great Basin because of their firm religious belief that this was Zion, the Promised Land they were called to build. They also remained because they shared the ideal of community and were willing to sacrifice individual comfort for the good of the group.<sup>4</sup> The national ideal of family—a husband and wife with bonds of love and affection, companionship and comfort, nurturing

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mon backtrailers, see William Mulder, *Homeward to Zion: The Mormon Migration from Scandinavia* (Minneapolis: University of Minnesota Press, 2000), 162, 182–83.

<sup>2</sup>Historian Kathleen Neils Conzen followed the changing homes of two families between 1700 and 1900 as the frontier advanced westward. Her account illustrates the on-going winnowing of settlers wherever they stopped to take root for a while. Kathleen Neils Conzen, "A Saga of Families," *The Oxford History of the American West*, edited by Clyde A. Milner II, Carol A. O'Connor, and Martha A. Sandweiss (New York: Oxford University Press, 1994), 315–57.

<sup>3</sup>*Ibid.*, 319, 325, 353; Ray Allen Billington, *America's Frontier Heritage* (Albuquerque: University of New Mexico Press, 1974), 186–88; John Mack Faragher, *Women and Men on the Overland Trail* (New Haven: Yale University Press, 1979), 17–18.

<sup>4</sup>Dean L. May, *Three Frontiers: Family, Land, and Society in the American*

their children and seeking better futures for them—was not the ideal set in Utah in this period when church leaders were promoting plural marriage.<sup>5</sup> The Mormon eye was instead turned to the kingdoms they would inherit in eternity.

Some Mormons, however, abandoned their religion and left Utah altogether within months or a few years of settling there. Some returned east, seeking the more fertile lands they had passed through on their way west. Some went to California with its riches in gold, soil, and climate. Sometimes they left because of the hardships of pioneer life, individual maladjustment, or homesickness for family and friends. Often it was because they lost their faith, objected to polygamy, or opposed Brigham Young's theocracy.<sup>6</sup>

The period between 1856 and 1859 was particularly turbulent in Utah. Although this is the first detailed study of deserters from the Mormon cause during the late 1850s, it appears reasonable to conjecture that more became disillusioned during these years than those just preceding or just after. A brief chronology of the difficulties will frame this discussion of some who took the road from Zion.<sup>7</sup>

*Summer 1855.* Grasshoppers destroyed nearly every green thing in many areas. Their devastation was followed by a drought, resulting in extensive crop failure.

*Winter 1855–56.* Extreme cold and snow killed about half the

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*West, 1850–1900* (Cambridge, England: Cambridge University Press, 1994), 219–20.

<sup>5</sup>For the national ideal, see Conzen, "A Saga of Families," 326.

<sup>6</sup>P. A. M. Taylor, *Expectations Westward: The Mormons and the Emigration of Their British Converts in the Nineteenth Century* (Ithaca, N.Y.: Cornell University Press, 1966), 74–75; Richard L. Jensen, "Brigham Young and the Gathering to Zion," in *Lion of the Lord: Essays on the Life and Service of Brigham Young*, edited by Susan Easton Black and Larry C. Porter (Salt Lake City: Deseret Book, 1995), 220–21; Mulder, *Homeward to Zion*, 182–84.

<sup>7</sup>For an overview of the times, see Leonard J. Arrington, *Great Basin Kingdom: An Economic History of the Latter-day Saints, 1830–1900* (1958; reprinted, Lincoln: University of Nebraska Press, 1966), 148–97; David L. Bigler, *Forgotten Kingdom: The Mormon Theocracy in the American West, 1847–1896* (Spokane, Wash.: Arthur H. Clark Company, 1998), 103–201. For the natural disasters in the first part of this period, see D. Robert Carter, "Fish and the Famine of 1855–56," *Journal of Mormon History* 27 (Fall 2001): 92–124.

livestock in the territory.

*Spring and Early Summer 1856.* Hunger was widespread because of the previous summer's crop loss; people begged in the streets and dug wild roots.

*Summer 1856.* Drought, grasshoppers, cutworms, and tobacco worms resulted in significant crop loss for a second year.

*Late Fall 1856.* The Martin and Willie Handcart Companies, the last two of the season, arrived. They had started too late from the Missouri River and experienced early winter storms. All suffered and many died.

*Winter 1856–57.* Utah experienced another harsh winter with snow eight feet deep in some places.

*Fall 1856 to Summer 1857.* Although the Mormon Reformation may have had some positive effects in improving morals and increasing unity, Brigham Young and other Church leaders used harsh rhetoric and expounded some extreme doctrines to "purify" the people. Individuals were questioned about their behavior and often made public confessions of wrong-doing. Rebaptism became the norm. Entering or expanding the practice of polygamy was considered a sign of zeal.

*March 1857.* A father and two sons who had become disaffected from Mormonism tried to leave for California, but the father and one son, plus one of their betrayers, were killed in a bloody episode known as the Parrish-Potter murders. (See pp. 172–201.)

*May 1857.* Parley P. Pratt, a popular apostle, was killed by the angry husband of one of Pratt's plural wives.

*July 1857.* The U.S. Army was advancing on Utah to put down the "Mormon rebellion," news that Brigham Young announced with maximum effect on Pioneer Day.

*September 1857.* Some 120 emigrants from Arkansas were murdered at Mountain Meadows in southwest Utah by Mormons with the help of Native Americans. That same month, Brigham Young declared martial law in the territory and called missionaries in foreign countries and members in outlying settlements back to Utah.

*March-June 1858.* Young ordered all those living in Salt Lake City or the northern settlements to vacate the city and move south in anticipation of the army's arrival.

*June 1858.* Some 2,500 soldiers of the U.S. Army marched through Salt Lake City and established Camp Floyd in Cedar Valley,

about forty miles to the southwest.

Given this turmoil, it is hardly surprising that some Mormons, perhaps many, decided to seek a better life elsewhere.

### THE EXODUS OF 1856-59

More than any other people who come to mind, religious or secular, Mormons chronicle their lives and keep statistics. Yet if a member should become disillusioned and leave, he or she disappears from such documents except for an occasional "Gone to California" noted on a ward record. Anyone researching those who left in the late 1850s has an additional problem, for few wards kept records during the move south and for several months afterwards. Unless those who left published their experiences or wrote memoirs for their families, they are lost to sight. Thus, determining the numbers of those who left is fraught with difficulty.

How many left in the late 1850s? Excommunication records might give the best idea, but they are not open to researchers. Samuel Pitchforth of Nephi noted in his diary that, at a special conference of Church authorities on November 13-14, 1858, in Salt Lake City "upwards of two hundred were cut off."<sup>8</sup> Lacking official Church figures, however, it is still possible to get anecdotal glimpses of the size of the exodus from a variety of sources.

In April 1858, Alfred Cumming, the civilian governor escorted by the U.S. Army to replace Brigham Young and thus separate church and state, offered protection for any wanting to leave. He wrote to Secretary of State Lewis Cass that 160 took up his offer, but the list of those who applied to him adds up to 194.<sup>9</sup> Captain Jesse A. Gove, camping with the army near Fort Bridger, listed 214 names given to him by non-Mormon Thomas Coverdale, a member of the departing

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<sup>8</sup>Samuel Pitchforth, November 14, 1858, Diary, typescript, Archives of the Family and Church History, Church of Jesus Christ of Latter-day Saints, Salt Lake City (hereafter LDS Church Archives).

<sup>9</sup>Alfred Cumming, Letter to Lewis Cass, May 2, 1858, Letterpress Books, Alfred Cumming Papers, typescript, Special Collections Library, Duke University, Durham, North Carolina; "Names of some of the persons who left this City in May 1858," Correspondence 1857-April 1858, Cumming Papers. Elias Smith commenting on those who applied to Cumming wrote, "Several disaffected persons went to the Pretender (Cumming) during the day to lay their grievances before him. Surely they

group.<sup>10</sup> Yet Frederick Gardiner, another member of the departing company, gave the number as 236.<sup>11</sup> Since some likely joined the company at the last minute without formally applying to Cumming, I believe that somewhere near the Coverdale or Gardiner number is the most accurate.

Cumming, responding to Cass's request to report the net changes in population, wrote in February 1860, "I have no data whereby I can form an estimate of the number of persons who annually arrive in and depart from this Territory."<sup>12</sup> Newspapers in 1859 across the country equally lacked data but had less hesitation to supply figures. The *Weekly California Express* in Marysville, California announced: "Many dissatisfied persons are leaving the country, and it is estimated that Brigham has lost not less than five thousand followers," and, "A general stampede seems to have seized the sojourners, and they are leaving the Territory in all directions."<sup>13</sup>

A history of Nevada describes how Mormons left the Washoe

have lost their senses or they would not seek protection from such an impotent source." If some wishing to go agreed with Smith's view, they may have sought other ways to leave. Elias Smith, April 26, 1858, Journal, typescript, Utah State Historical Society, Salt Lake City.

<sup>10</sup>"Statement of Thomas Coverdale, a Gentile Who Passed the Winter Among the Mormons," *The Utah Expedition, 1857-58: Letters of Capt. Jesse A. Gove, 10th Inf., U.S.A., of Concord, N. H., to Mrs. Gove, and special correspondence of the New York Herald*, edited by Otis G. Hammond (Concord: New Hampshire Historical Society, 1928), 291-92.

<sup>11</sup>Frederick Gardiner, *A Mormon Rebel: The Life and Travels of Frederick Gardiner*, edited by Hugh Garner (Salt Lake City: Tanner Trust Fund, University of Utah Library, 1993), 106.

<sup>12</sup>"Official Report of Governor Cumming to General Cass," *Utah Territory: Message of the President of the United States Communicating, in compliance with a resolution of the House, copies of correspondence relative to the conditions of affairs in the Territory of Utah*, 36th Congress, 1st Session, House Exec. Doc. 78 (serial 1056), (Washington, D.C.: Thomas H. Ford, 1860), 45.

<sup>13</sup>"Salt Lake Correspondence," *Weekly (Marysville) California Express*, August 6, 1859, 4, and "An Exodus from Salt Lake," *ibid.*, October 29, 1859, 1. See also "Mormon Exodus," *Valley Tan* (Camp Floyd, Utah), February 22, 1859, 2; "News from Salt Lake," *San Francisco Herald*, March 17, 1859, 2; "About the Mormons," *Daily (St. Louis) Missouri Republican*, July 21, 1859, 2. I have not studied newspaper reports on outmigration from Utah for ear-



Valley, just south of present-day Reno, in 1857 “at the dictation of Brigham Young.” Only a “few months” later, “fully as large a company of apostate Mormons arrived here from Salt Lake, having abandoned the City of the Saints. . . . Many of these settled in Washoe Valley, and thus brought the population up to what it had been the year before.”<sup>14</sup>

Travelers to Utah, both Mormon and non-Mormon, recounted meeting many leaving Utah. For example, Howard Williams of Wisconsin noted that, when his party neared the Sweetwater River in mid-June 1859, they “met quite a number of people from Salt Lake. All Mormons, or were once. . . . They say that they have lived at Salt Lake long enough.” Another emigrant the same summer met some thirty disillusioned Mormons just west of Fort Laramie who had “had a nuff of Mormonism.”<sup>15</sup>

Non-Mormons on the trail might have been inclined to exaggerate defections, but presumably Mormon immigrants would not. Crossing the Platte in the late fall of 1856, James Linforth recorded meeting “a company of emigrants from Utah” numbering “some forty or fifty. The chief fault expressed . . . was ‘no work and no provisions.’” John Pulsipher met fifty wagons of “apostates” toward the end of April 1857 as he entered the valley from Fort Supply for a visit. Thomas McIntyre, an 1859 handcart pioneer, reported encountering some thirty-five wagons of disillusioned Mormons in the last half of July. They were, he said, “finding fault with everything, and everybody. . . . There surely must be a stampede of Apostate Mormons from the valley.”<sup>16</sup>

Mormons in the Salt Lake Valley likewise commented on departures. For three days in a row, April 15–17, 1857, Elias Smith

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lier or later years.

<sup>14</sup>Myron Angel, *History of Nevada with Illustrations and Biographical Sketches of Its Prominent Men and Pioneers* (1881; reprinted, New York: Arno Press, 1973), 624.

<sup>15</sup>Howard D. Williams, Diary, June 13, 1859, typescript, Utah State Historical Society; Arthur Homer Hays, ed., “Diary of Taylor N. Snow, Hoosier Fifty-Niner,” *Indiana Magazine of History* 28 (September 1932): 201 (entry for June 23, 1859).

<sup>16</sup>James Linforth, “Foreign Correspondence,” *Millennial Star* 19 (January 3, 1857): 27–28; John Pulsipher, Diaries, 1838–1891, typescript, Utah State Historical Society, 1:53; Thomas McIntyre, Journal, July 10–August 1,

noted in his diary that “a host of apostates” was leaving; “Apostates leaving the city constantly,” and “Apostates are yet leaving, some of them with Handcarts, and not a few of them are off, before their nearest neighbors know they are thinking of going or that they are tired of Mormonism.” Brigham Young disgustedly wrote to two Church leaders in Great Britain in June 1857: “Our city looks as though it had taken an emetic and vomited forth apostates, officials, and in fact all the filth which was weighing us down.” The next year, Enoch Tripp recorded: “The Apostates are roleing out to the mouth of Emergration Kaneon & Camping,” and in 1859 that, “meny Gentiles & Apostates are geathering themselves togeather preparittry for the States & California.”<sup>17</sup>

#### SEVEN WHO LEFT

I have found seven accounts by disaffected Mormons who report their reasons for leaving Utah during this period.<sup>18</sup> The individuals were all men, and all European—six British and one Swiss. Are they representative of the relative numbers who left in any one year, their nationality, or, more importantly, the reasons for their loss of faith? Is it significant that three of them came on the same ship or that two of them lost their wives on the overland

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1859, holograph, LDS Church Archives. Figuring five to ten individuals to a wagon, Pulsipher’s fifty wagons would mean 250 to 500 departing emigrants, and McIntyre’s thirty-five wagons would account for between 175 and 350.

<sup>17</sup>Elias Smith, Journal, April 15–17, 1857, Utah State Historical Society; B. Young, Letter to O. Pratt and E. T. Benson, June 30, 1857, *Millennial Star* 19 (August 29, 1857): 556; Enoch B. Tripp, May 11, 1858, May 22, 1859, Journal, typescript, 9, 58, L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah.

<sup>18</sup>Perhaps this paper will stimulate a search for others so that the analysis given here can be broadened and refined. I have omitted the account of Mary Ettie Coray Smith who left in 1856 because it is hard to distinguish where truth leaves off and becomes exaggeration or even fiction. Nelson Winch Green, ed., *Fifteen Years Among the Mormons: Being the Narrative of Mrs. Mary Ettie V. Smith* (New York: H. Dayton, 1858), reprinted as *Mormonism: Its Rise, Progress, and Present Condition, Embracing the Narrative of Mrs. Mary Ettie V. Smith, of Her Residence and Experience of Fifteen Years with the Mormons* (Hartford: Belknap & Bliss, 1870).

trek? It is impossible to tell. Nevertheless, studying them as a group does reveal patterns. I analyze the reported motivations of six, then reproduce the seventh, a formerly unknown letter by Peter McAuslan, which turned up recently in California where he relocated. I compare his reasons with those of the other six. Together they give an interesting perspective about what prompted a few of the faithful soldiers of Mormonism to turn away. The seven (listed alphabetically) are:

*Charles Derry.* Born in 1826 just north of Birmingham, England, he was converted to Mormonism in 1847. Trained as a blacksmith, he soon gave up his work and spent the next six years preaching the gospel “without purse or scrip.” He sailed in 1854 with his wife, Ann Stokes Derry, and two children on the *John M. Wood* with the help of the Perpetual Emigrating Fund.<sup>19</sup> His wife died on the prairies. In Salt Lake City, he quickly married Eliza Herbert to have someone to care for his young children. They lived initially in Salt Lake City’s Fifteenth Ward and he was employed on the public works.<sup>20</sup> A year later, they moved to Ogden, where Derry worked as a laborer. After the move south during the Utah War, they settled in Bountiful. Although he received a temple recommend, he did not follow through with his endowments because “there were oaths to take that I could not conscientiously subscribe to.”<sup>21</sup> Derry finished his reminiscence in 1902 at age seventy-six; it was first published in 1908.<sup>22</sup>

*Stephen Forsdick.* Born in 1835 in Hertfordshire, England, he joined the LDS Church in 1849 at age fourteen, worked in the counting house of a silk mill, and in 1853 sailed aboard the *International*. He

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<sup>19</sup>Passenger list for the *John M. Wood*, British Mission Emigration Records from the Liverpool Office, LDS Church Archives. The Perpetual Emigrating Fund (PEF) was a revolving loan program from which an emigrant could borrow to finance the journey to Utah; once there, he was expected to pay off the loan and thus allow others to come.

<sup>20</sup>This is according to his own account, but his name does not appear in public works records at the LDS Church Historical Department. That volume may have been lost.

<sup>21</sup>Charles Derry, *Autobiography of Elder Charles Derry* (Independence: Price Publishing Company, 1997), 35.

<sup>22</sup>*Ibid.*, iv, 503.

traveled overland in a £10 company captained by Jacob Gates.<sup>23</sup> In Utah he farmed and eventually settled in Brigham City. He became the clerk for the elders' quorum but was not endowed.<sup>24</sup> He wrote his autobiography more than sixty years later, basing it on his diary, the whereabouts of which is unknown.<sup>25</sup>

*Frederick Gardiner.* Gardiner was born in 1832 near Gloucester, England, converted in 1845 when he was thirteen, ran a canal boat with his father, and sailed to the United States in 1849 on the *James Pennel*. He worked for two years in New Orleans, then crossed the plains in 1851. After some moving around, he settled in Salt Lake City's Second Ward, taught school, clerked in a store, eventually became a self-taught pharmacist, married Sarah Smith, and had two children. He received his endowments in 1855 and was ordained a seventy in 1856. His reminiscence was written after 1880, but was based on his diary.<sup>26</sup>

*John Hyde Jr.* Born in 1833, Hyde was baptized at fifteen in London and ordained a seventy in 1851. From 1851 to 1853 he served under John Taylor on a mission to France. He sailed from Liverpool in 1853 aboard the *Jersey* and traveled overland in the Joseph W. Young company under the £10 emigrating plan.<sup>27</sup> He married his English sweetheart, Lavinia Hawkins, soon after arriving in Salt Lake City and taught school for a living. He received his endowments in February

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<sup>23</sup>The £10/£13 emigrating plan was essentially a half-price program for moving emigrants from Liverpool to Salt Lake City. See Polly Aird, "Bound for Zion: The Ten- and Thirteen-Pound Emigrating Companies, 1853-1854," *Utah Historical Quarterly* 70 (Fall 2002): 300-25.

<sup>24</sup>See Stephen Forsdick, Autobiography, holograph, LDS Church Archives; and Stephen Forsdick, "On the Oregon Trail to Zion in 1853: Memoirs of Stephen Forsdick," edited by Fletcher W. Birney Jr., *Brand Book of the Denver Westerners* 9 (1953): 33-55.

<sup>25</sup>Forsdick, "On the Oregon Trail," 33 note.

<sup>26</sup>Frederick Gardiner, *A Mormon Rebel: The Life and Travels of Frederick Gardiner*, edited by Hugh Garner (Salt Lake City: Tanner Trust Fund, University of Utah Library, 1993). For mention of the diary see p. xi.

<sup>27</sup>Journal History of the Church of Latter-day Saints (chronological scrapbook of typed entries and newspaper clippings, 1830-present), September 22, 1853, 1-B, LDS Church Archives.

1854. His account was published the year after he left Utah.<sup>28</sup>

*Frederick Loba.* Loba, born in 1809 near Lausanne, Switzerland, was working as a chemist in manufacturing gas when he was converted in 1853. Later that year, he and his family left for Zion, with Loba paying the passage for his wife, Julie Sider Loba, and six children. They crossed the plains in 1854. His wife died en route from cholera. In Salt Lake City, he settled in the Eleventh Ward, married Harriet Green, and had two more children. He was ordained a high priest and received his endowments. Brigham Young asked him to make gun powder in preparation for the confrontation with the U.S. Army; but becoming unhappy with Young, he never did and left Utah in 1857. His statement was printed in the *New York Times* a year later.<sup>29</sup>

*Peter McAuslan.* Born in 1824 in Stirlingshire, Scotland, McAuslan worked as a pattern drawer for calico textiles in several towns around Glasgow, converted in 1848, and became a traveling elder in Scotland. In 1854 he sailed under the auspices of the £13 company plan on the *John M. Wood* with his wife, Agnes, whom he had married in Liverpool just before departing. He lived in Salt Lake City's Nineteenth Ward until the winter of 1856–57 when he moved to Spanish Fork and farmed. Here he was ordained a seventy.<sup>30</sup> McAuslan was not endowed. He described his reasons for disaffection in a letter (reproduced later in this article) to a friend a year after he left Utah.

*Thomas Poulter.* Poulter was born in 1817 in Surrey, England. He

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<sup>28</sup>See John Hyde Jr., *Mormonism: Its Leaders and Designs* (New York, W. P. Fetridge & Company, 1857); Lynne Watkins Jorgensen, "John Hyde, Jr., Mormon Renegade," *Journal of Mormon History* 17 (1991): 120–44; and Roger Robin Ekins, ed., "'The Pusillanimous Railings of an Apostate Mormon': The Strange Case of Elder Cannon and Mr. Hyde," *Defending Zion: George Q. Cannon and the California Mormon Newspaper Wars of 1856–1857* (Spokane, Wash.: Arthur H. Clark Company, 2002), 117–39.

<sup>29</sup>Frederick Loba, "Statement" in "Utah and the Mormons," *New York Times*, May 1, 1858, 4–5. I am indebted to William P. MacKinnon and Will Bagley for drawing my attention to this account. For his birth, see the Record of Members, 1851–55, Lausanne Branch, Swiss-German and French Mission, LDS Church Archives. For residence in Salt Lake City, see the 1856 Utah Census, 334.

<sup>30</sup>Spanish Fork Seventies Quorum minutes, 4, LDS Church Archives.



*Peter McAuslan and Agnes McAuslin McAuslan, Marysville, California, ca. 1867. Photographer unknown.*

became a steward in the Royal Navy and, when on land, a butler. He converted before 1849 and emigrated with his wife, Hannah Butler Poulter, in 1854 on the *John M. Wood* in the same company as McAuslan and Derry, although he paid his own way.<sup>31</sup> Poulter first settled in Bountiful but in 1857 moved to Ogden, supporting himself and his family as a farmer. In his 1884 reminiscence, he relates the events of a life replete with action in rather disjointed sentences but rarely indicates his feelings.<sup>32</sup>

### WHERE THEY WENT

Many disaffected Mormons—Charles Derry and his family were among their number—returned east, some to join the Reorganized Church of Latter Day Saints (now Community of Christ).<sup>33</sup> Others went west to California by either the northern route along the Humboldt River or the southern route toward San Bernardino.<sup>34</sup> McAuslan and Poulter both took the northern road. The accounts of the seven and their destinations illustrate a surprising variety.

Stephen Forsdick and John Hyde Jr. both left in 1856 before the Reformation. Forsdick, a single man, left with a couple and their young daughter, because they had a yoke of oxen and a wagon. The group was so impoverished they could not get together enough food to last for even half the journey. Part of the way to Fort Laramie, Forsdick and his companions traveled with the James Davenport train, another group of former Mormons seeking better economic conditions in the East. Forsdick worked for the sutler at Fort Laramie

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<sup>31</sup>Passenger list, *John M. Wood*.

<sup>32</sup>Thomas Ambrose Poulter, "Life of Thomas Ambrose Poulter from His Diary," *Utah Pioneer Biographies*, 44 vols. (Salt Lake City: Genealogical Society of Utah, 1964), 44:94-165.

<sup>33</sup>Derry, *Autobiography*, 57-62. Although no study of Utah Mormons who later joined the Reorganized Church has been made, the raw data can be found in Susan Easton Black, *Early Members of the Reorganized Church of Jesus Christ of Latter Day Saints*, 6 vols. (Provo: Religious Studies Center, Brigham Young University, 1993). See also Lewis M. Weigand, "Separate Trails," 7-9, paper presented at the Mormon History Association conference, May 23, 1997, Omaha, Nebraska, photocopy of typescript in my possession.

<sup>34</sup>For the latter, see Leo Lyman, *San Bernardino: The Rise and Fall of a California Community* (Salt Lake City: Signature Books, 1996), 355-60, 414.

for six months, married, and then continued on to Kansas with several officers in November 1856.<sup>35</sup>

John Hyde Jr. struggled with his decision to leave Mormonism. "Every tie that could bind any one to any system, united me to Mormonism," he wrote. "It had been the religion that my youth had loved and preached; it was the faith of my parents; of my wife and her relatives. . . . I clung [to it] with desperate energy" as his belief waned after reaching Salt Lake City. In May 1856, he accepted a mission to Hawaii because he hoped "that to be actively employed in the ministry might waken up my old confidence; that in the effort to convince others, I might succeed in reconvincing myself."<sup>36</sup> However, he reached Hawaii convinced that Mormonism was incorrect, returned to San Francisco where he had earlier defended polygamy, and preached against the practice, then went on to New York City where he published an anti-Mormon book. His wife remained in Salt Lake City.

Frederick Loba tells a harrowing tale of escape in April 1857. He greatly feared the Danites<sup>37</sup> because he had been so outspoken about his belief that Mormonism was not inspired by God, had made negative comments about some Church leaders, and had refused to take plural wives. These actions, he claimed, "determined the Prophet to order my private execution." He had eight children, a wife, a brother-in-law, and a mother-in-law. Feeling that he was at the greatest risk and not wanting to expose the rest of his family, he and his wife fled by night, leaving the road and going cross-country over the

<sup>35</sup>Forsdick, "On the Oregon Trail to Zion," 49–54.

<sup>36</sup>Hyde, *Mormonism*, 21–22.

<sup>37</sup>The Danites or "Destroying Angels" began as a Mormon vigilante group organized in 1838 in Missouri and were bound by secret oaths to exact vengeance on the enemies of Mormonism. Many believed they continued their mission in Utah. Klaus Hansen in commenting on the organizer of the Danites wrote, "Ostensibly, Avarad had organized the band in self-defense against the depredations of the Missourians. But his real intentions went farther, and must be identified with Smith's ambitions to establish the political kingdom of God. Although the prophet repudiated Avarad's excessive zeal and excommunicated him from the church, there can be no question that the germ for Avarad's ideas must be sought in ideas that originated with the leader of Mormonism himself." Klaus J. Hansen, *Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History* (East Lansing: Michigan State University Press, 1970), 57–58.



mountains so as to avoid detection.

Loba and his wife reached the comparative safety of the Shoshone Indians on the Green River. From there they were helped to Fort Laramie by Postmaster H. F. Morrell and Surveyor General David H. Burr who heard of their plight and were fleeing themselves.<sup>38</sup> Loba's brother-in-law later told him that Young had sent twenty-two horsemen out in every direction trying to intercept him. His brother-in-law followed a week later with Loba's mother-in-law and Loba's eight children. They were allowed to leave, but Church agents took everything of value from them and they reached Fort Laramie "in a state of perfect destitution." The commanding officer at Fort Laramie, Colonel William Hoffman, gave the family enough provisions to reach Kansas Territory.<sup>39</sup>

Charles Derry, like Hyde, only reluctantly gave up Mormonism and left Utah in 1859: "The principles of the gospel which I had obeyed were true," he testified. "They were in perfect harmony with the Scriptures; in fact, they were the pure Word of God. . . . It was the blessed result of that truth on my heart and mind . . . that caused me to hesitate when I thought of turning away and seeking rest for my wearied soul elsewhere." His wagon and cattle were taken from him to pay his Perpetual Emigrating Fund debt and also, he felt, to prevent him from leaving. Brigham Young gave him a certificate saying he had made settlement. With the help of a loan, he was able to buy a yoke of oxen, which he hitched to the wagon of another departing Englishman, William Moore. The group, consisting of eleven families in ten wagons, "were permitted to leave the Territory without molestation." Derry, his wife, and two children went in Nebraska where his mother, brother, sister-in-law, and cousin were living.<sup>40</sup>

The year 1859 also saw the departure of Frederick Gardiner, Peter McAuslan, and Thomas Poulter. Brigham Young had assigned

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<sup>38</sup>For an account of the flight of government officials, see Bigler, *Forgotten Kingdom*, 135–36.

<sup>39</sup>Loba, "Statement," 4. Jean Frederick Loba, "Reminiscences," 1899, typescript, 16–17, Kansas State Historical Society, Topeka, age eleven at the time of the family's flight, described the pillaging of the family's goods, which left them "in an impoverished and crippled condition, with weeks of travel before us, a large family of children, and utterly inadequate provisions."

<sup>40</sup>Derry, *Autobiography*, 27–28, 49–54.



*Charles Derry, taken during the Civil War. Photographer unknown. Courtesy Community of Christ Archives, Independence.*

Gardiner to tend the tollgate at the mouth of City Creek Canyon; but when he discovered that his wage of seventy-five cents a day was not enough to live on, he resigned, telling Young he could make more teaching school. Gardiner finally decided to leave Utah to study medicine. In April 1858 when Governor Alfred Cumming offered to protect those who wished to leave, Gardiner, his wife, and two young children joined the company. Camped at the edge of the city and ready to leave, he was called back twice to Brigham Young's

office. The first time Young unsuccessfully tried to dissuade him from going, then told him he had apostatized by leaving the toll-gate. At the second interview, Young told Gardiner that he was responsible for his father's unspecified debt to the Church, although his father insisted that "if he was in debt, he preferred to pay it himself."<sup>41</sup> Young, nonetheless, forced Gardiner to give up his house and lot to pay for it.

In May Gardiner stopped at the army camp near Fort Bridger and set up a barber shop, intending to continue his journey in the fall. Most of the army left the camp in June to march through Salt Lake City, but Gardiner stayed on, working in the quartermaster's office. When he was ready to recommence his journey east in October, the assistant quartermaster persuaded him not to leave so late in the season with young children. Gardiner and his family therefore returned to Salt Lake City for the winter, living next door to his wife's mother. But shortly after his arrival, neighbors first threatened, then beat him. Under military escort, he traveled to Camp Floyd where he worked as a doctor. In June 1859, Gardiner and his family left Utah with an army escort. He acted as doctor for the fifteen children who had survived the Mountain Meadows Massacre and were being sent back to their families in Arkansas.<sup>42</sup>

Peter McAuslan with his wife, two young children, parents, a brother with a pregnant wife and two children, and two younger unmarried brothers sought the protection of an army escort on the route to California. This escort, which consisted of two companies, one of cavalry and one of infantry, took them approximately to the site of Winnemucca, Nevada. An estimated 160 to 200 emigrants from Utah accompanied the command.<sup>43</sup>

Thomas Poulter, the fourth of the group under study to leave in 1859, had had an offer to go to California with a friend in 1856. When the bishop ordered him to care for a group stricken with smallpox, he

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<sup>41</sup>Gardiner, *A Mormon Rebel*, 93–94, 97, 103–6.

<sup>42</sup>*Ibid.*, 106–14. Gardiner gives the number of children as fourteen, but Will Bagley, *Blood of the Prophets: Brigham Young and the Massacre at Mountain Meadows* (Norman: University of Oklahoma Press, 2002), 236–39, shows that it was seventeen.

<sup>43</sup>Polly Aird, "Escape from Zion: The United States Army Escort of Mormon Apostates, 1859," *Nevada Historical Society Quarterly* 44 (Fall 2001): 196–237.

obeyed and missed the chance. In 1859, again ready to leave, he gave everything to his brother for fear that if he sold his possessions in Bountiful the bishop would hear of it and the "destroying angels" would be after him. He, his wife, and three children joined a non-Mormon group driving 1,600 head of cattle to California; he was employed to handle the provisions wagon.<sup>44</sup>

### BARRIERS TO LEAVING

These seven accounts, reinforced by other sources, report four barriers to leaving that must, in many other cases, have seemed insurmountable to Mormons who might otherwise have decamped: discouragement from Church leaders, poverty, debt, and possibly the obligations of consecration.

#### *Church Leaders*

Much of the preaching of the Church leaders, particularly Brigham Young's sermons, takes the position that the unfaithful could not depart fast enough. As early as March 27, 1853, Brigham Young ordered: "You nasty apostates, clear out."<sup>45</sup> But at the same time, other evidence suggests that Young made strenuous efforts to prevent departures. A few examples will illustrate the conflicting messages.

On August 17, 1856, Brigham Young preached, "It is reported that many are going away; I say, gentlemen and ladies, you who wish to go to California, or to the States, go and welcome; I had rather you would go than stay." But in the same sermon, he also warned: "The moment a person decides to leave this people, he is cut off from every object that is durable for time and eternity. . . . Every possession and object of affection will be taken from those who forsake the truth, and their identity and existence will eventually cease."<sup>46</sup>

Giving a similar message of proclaiming freedom to leave but threatening them in the same breath, Heber C. Kimball had preached just the day before on August 16, 1857, about two weeks after receiving the news that the army was advancing on Utah, "I have not a doubt but there will be hundreds who will leave us and go away

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<sup>44</sup>Poulter, "Life," 149-50.

<sup>45</sup>Brigham Young, *Journal of Discourses* 26 vols. (London and Liverpool: LDS Booksellers Depot, 1854-86), 1:83.

<sup>46</sup>*Ibid.*, 4:31-32.

to our enemies. I wish they would go this fall: it might relieve us from much trouble, for if men turn traitors to God and His servants, their blood will surely be shed, or else they will be damned."<sup>47</sup>

Six months later Young wrote to George Q. Cannon, "It is rather warm for the wicked and we expect when spring comes there will be a scattering out of such as cannot abide righteousness and the purifying influences of the Spirit of God. Let them go, it is better for us to have them leave now in times of peace than to have them fail us in times of trouble."<sup>48</sup>

In June 1858 after Young had accepted Cumming as governor and lifted martial law, he preached, "With the exception of a short time during the late difficulties all persons have always had the privilege of going away from here when they pleased, and have been repeatedly invited to do so if they wished to."<sup>49</sup> In May 1859 just as four of the group included here were leaving, Young preached, "Br. Pratt wishes that the miserable, dissatisfied spirits would leave, but they will not all go. The question might be asked why do you wish them to go from this Territory? We do not particularly care whether they go or stay; they are at perfect liberty to please themselves in that matter."<sup>50</sup>

Charles Derry, one of our seven, wrote that during the Reformation of 1856–57, he attended a meeting in Ogden called by Lorenzo Farr. One member of the "inquisition" told the people "that no man would be permitted to leave the Territory, and if they attempted to leave, they must leave their property and their wives and children behind them."<sup>51</sup> Charles Derry, Stephen Forsdick, and Frederick Gardiner had considerable obstacles put in their way in an apparent effort to keep them from leaving.

Given a record of conflicting statements, it is hardly surprising that those wishing to leave did not believe the Church leaders. They were living under a monolithic theocracy where those in authority continually warned against apostasy in menacing language, held se-

<sup>47</sup>Ibid., 4:375.

<sup>48</sup>Printed in *Western Standard*, February 21, 1857, 2, as quoted in Ekins, *Defending Zion*, 234.

<sup>49</sup>Brigham Young, Sermon, June 6, 1858, *Deseret News*, July 28, 1858, 94.

<sup>50</sup>Brigham Young, Sermon, May 22, 1859, *Deseret News*, June 1, 1859, 97.

<sup>51</sup>Derry, *Autobiography*, 41.

cret meetings, and taught that obedience was a primary duty. Undoubtedly many who lost their faith were afraid, vulnerable to whispered rumors of Danites and danger, and became somewhat paranoid.

### *Poverty*

Poverty appears to have been a major barrier for those who wanted to leave. General Albert Sidney Johnston, commander of the army in Utah, wrote to headquarters: "Many poor persons, heads of families, have at various times applied to me for means of transportation to take themselves out of the territory and away from an association which they say has become distasteful to them; of course I can do nothing of the kind."<sup>52</sup>

John Hyde claimed that poverty prevented him from leaving in 1854 and again in 1855, explaining:

There are large numbers of persons very desirous but quite unable to leave Utah, for lack of the necessary means. . . . They are now a thousand miles from civilization. They need two months' food in advance, when it is more than they can do to provide a week beforehand. They need a wagon to carry that food, when many of them are sleeping in mud-hovels on stick bedsteads. They need a team to haul it. . . . They are poor and helpless, and helpless because they are poor. . . . The Mormons do not use any other physical restraint than by making and keeping them poor.<sup>53</sup>

Hyde concedes that Church leaders did not prevent people from leaving if they were able; however, he left in 1856 before the Reformation, and the situation may have changed over the next three years.

Derry interpreted the Church's tithing policy as a means of keeping the people poor and called it "oppression":

The man that has not sufficient means to provide himself with the absolute necessities of life, much less having a surplus, is tithed one-tenth of his time and one-tenth of what he raises; also one-tenth of

<sup>52</sup>Brevet Brigadier General Albert Sidney Johnston, commander, Department of Utah, Camp Floyd, Utah Territory, Letter to Lieutenant Colonel Lorenzo Thomas, A.A.G., HQ, U.S. Army, N.Y., March 10, 1859, in Letters Sent, HQ, Dept. of Utah, RG 393, National Archives, Washington, D.C.

<sup>53</sup>Hyde, *Mormonism*, 21–22, 315–16.

what property he has when he arrives there. . . . Now, I ask every candid mind if this is not the heaviest kind of oppression? Nay, is it not robbery to take the bread from the mouths of those half-naked children, and especially when we understand that this is no voluntary contribution?<sup>54</sup>

### *Debt*

People were not allowed to leave Utah without paying their Perpetual Emigrating Fund or other debts.<sup>55</sup> This factor naturally combined with poverty to create a reinforcing condition. Cumming questioned those who applied to him for protection about their debts, including outstanding court judgments, and their plans for payment before departure.<sup>56</sup> Derry mentioned he needed a certificate from Brigham Young saying that his debts were paid before he could leave.<sup>57</sup> What was owed in tithing appears to have been viewed differently, and little evidence has come to light that people were prevented from leaving because they were behind in their tithing.

Some debts, however, appear to have been trumped up or exaggerated. While Derry was a public works laborer, he says he was charged for items at the Tithing Office he never received, including such luxuries as silk and some groceries "which we were utter strangers to." Although he demanded an investigation, the debts were held against him. "Many poor men found themselves in the same condition, but we were powerless to obtain redress." He conjectured that the Church authorities or the clerks in the Tithing Office had taken the items and assigned them to his account.<sup>58</sup> Similarly John Hyde accused: "By some singular system of bookkeeping, although these unfortunate men [public works laborers] are never half paid, they are always found to *be in debt*,

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<sup>54</sup>Derry, *Autobiography*, 516.

<sup>55</sup>Jensen, "Brigham Young and the Gathering to Zion," 222; Arrington, *Great Basin Kingdom*, 102; Derry, *Autobiography*, 47.

<sup>56</sup>"Names of some of the persons who left this City in May 1858," Cumming Papers.

<sup>57</sup>Derry, *Autobiography*, 49, 51.

<sup>58</sup>*Ibid.*, 27.

should they wish to leave.”<sup>59</sup>

Three of the seven mention debts. Forsdick had his hog—which was to have been their food for the journey—taken to pay a “put up” \$20 poll tax. In addition, his Brigham City lot with the irrigation ditch he had dug was taken for an unspecified and “unjust” reason.<sup>60</sup> Gardiner was forced to pay his father’s debt, despite his father’s insistence that the debt was his own and he would pay it himself. The issue loomed large for Derry. He had traveled to Utah with the help of the Perpetual Emigrating Fund.<sup>61</sup> Once in Utah, a succession of tribulations prevented repayment: crop failure, famine, the move south, and the army’s arrival. “With all these hindrances, it had been a hard matter to live at all without paying a debt, which in strict justice I did not owe,” he lamented. “I had spent six years in preaching the gospel without remuneration, and had come to Utah in obedience to the counsel of the authorities. Still it was my intention to pay the debt.” When the bishop learned Derry wished to leave Utah, he confiscated Derry’s oxen and wagon gears to pay his debt.<sup>62</sup>

No doubt some people wishing to leave Utah hoped to escape without paying their debts, as would be true in any society. Our group all appear to have paid what they owed, though not without coercion. It does appear, however, that some debts were exaggerated or that sometimes one was held responsible for the debts of extended family as in Gardiner’s case. Those too poor to pay what they owed, such as most PEF emigrants, had no choice but to remain in Utah.

### Consecration

The “law of consecration” originally revealed to Joseph Smith

<sup>59</sup>John Hyde Jr., “Salt Lake and Its Rulers,” *Harper’s Weekly* 1 (July 11, 1857): 442; emphasis his.

<sup>60</sup>Forsdick, *Autobiography*, 38.

<sup>61</sup>The *John M. Wood* passenger lists shows Derry and his family as PEF emigrants, although Derry, *Autobiography*, 47, says he borrowed only half their fare. Derry was probably not charged interest on his loan. B. H. Roberts, *A Comprehensive History of the Church of Jesus Christ of Latter-day Saints*, 6 vols. (Salt Lake City: Deseret Book, 1930), 3:410.

<sup>62</sup>The bishop left the family the wagon bed to sleep in. Derry, *Autobiography*, 27.



was the tenet of giving everything back to God because he had given it all in the first place. The intent was to pool resources for the common good and to increase unity. Although the practice was abandoned after the Missouri period, the principle was revived in 1854 and enacted in 1855, after a legal form for the deed of consecration was devised.<sup>63</sup>

Some of Brigham Young's statements implied that its purpose was to stop those wishing to leave Utah. A year after reinstituting the practice, he preached at Parowan, "If the people had done their duty and consecrated all their property to the Church of Jesus Christ of Latter-day Saints, they could not have gone away and lost their souls. . . . If any man will say, 'I am going to apostatize,' I will advise him to consecrate all he has that he might be kept with the Saints and saved, so that if you are tempted to go away, you may feel it best to stay where your treasure is."<sup>64</sup> On January 20, 1854, the territorial legislature enacted a bill that empowered probate judges to seize property "left by any deceased or abscondent person" and to give it to the Perpetual Emigrating Fund.<sup>65</sup>

Hyde, the only one of the seven known to have promised to consecrate his possessions, believed that the principle's purpose was for control. Brigham Young, he wrote, "frankly stated the object of this policy at the [1854] conference. It was to prevent Gentiles from purchasing any property without ecclesiastical sanction; to hinder departing apostates from taking any property from the Territory; to make it the *interest* of every man to be submissive, and thus to more completely rule the people. Said he, 'Men love riches, and can't leave without means; now, *if you tie up the calf the cow will stay.*'"<sup>66</sup> T. B. H. Stenhouse, who left the Church some years later, wrote concerning consecration that "to leave the Territory was an impossibility: [one] had nothing to

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<sup>63</sup>See Leonard J. Arrington, Feramorz Y. Fox, and Dean L. May, *Building the City of God: Community and Cooperation among the Mormons* (Urbana: University of Illinois Press, 1992), chaps. 2, 4. Brigham Young's consecration deed is in Appendix 2.

<sup>64</sup>May 18, 1855, quoted in *ibid.*, 71.

<sup>65</sup>Bigler, *Forgotten Kingdom*, 55.

<sup>66</sup>Hyde, *Mormonism*, 38; emphasis his. Hyde's name is on a list of people volunteering to consecrate. See Consecration Deeds, 1854-67, LDS Church Archives. However, no deed with his signature has come to light.

sell. He must remain, or go forth a beggar.”<sup>67</sup>

Did consecration actually prevent people from leaving? Probably not. The deeds were a manifestation of faith for those who signed them. Although the deeds legally conferred title to property to the Church, there is no evidence that Brigham Young or his assignees actually took possession. And even as a test of faith, it must have disappointed Young, since only an estimated 40 percent of families deeded their property to the Church during 1855–56.<sup>68</sup> Paul H. Peterson, a historian of the Reformation period, summarized: “Curiously, Brigham Young never seemed interested in carrying out the program fully. He always insisted it was voluntary, never bothered to give out stewardships, and, after 1855, never pressed the issue. Furthermore, consecration was never a major consideration during the Reformation of 1856–1857, the stress being placed instead on payment of tithes.”<sup>69</sup>

Of the obstacles that prevented people from seeking a new life outside Utah, it appears that poverty and debt had substance. Consecration was probably primarily a psychological deterrent. The Church leaders’ statements that people were free to go were mostly not believed, out of fear.

### REASONS FOR LEAVING

The reasons disaffected Mormons gave fall generally into seven categories: seeking a better life, disillusionment with various aspects of life in Utah, resistance to lack of freedom of thought, dislike of polygamy, loss of confidence in Church leaders, the Mountain Meadows Massacre, and fear. I have grouped what the six individuals said about these topics. Where relevant, I have added corroborating statements from others to help fill in the picture. Peter McAuslan’s annotated letter with an accompanying comparison of his reasons follows this section.

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<sup>67</sup>T. B. H. Stenhouse, *The Rocky Mountain Saints* (Salt Lake City: Shepard Book Company, 1904), 502 note.

<sup>68</sup>Arrington, *Great Basin Kingdom*, 146.

<sup>69</sup>Paul H. Peterson, “The Mormon Reformation of 1856–1857: The Rhetoric and the Reality,” *Journal of Mormon History* 15 (1989): 62.

*Seeking a Better Life*

Thomas Poulter and Frederick Gardiner seem to have been primarily motivated to leave by hopes of bettering their economic condition. Poulter, then living in Bountiful and referring to the severe winter of 1855–56, wrote: “Hundreds of the Saints lost all the stock they had. These were trying times for one’s faith. At this time there was lots of game but we had no guns or powder or shot. . . . A friend of mine was going to California and offered me and my wife a free passage. My wife of course was glad of the chance.”<sup>70</sup>

Gardiner wrote, “Of late I have become acquainted with a few who are dissatisfied, and are making preparations to go to the States, as soon as the way is open. I also would like to go in order to learn more in regard to the practice of medicine.” He told Governor Cumming that “I desired to go where I could study medicine, and better my condition.”<sup>71</sup>

Others not in the group also desired to leave for economic reasons. Leonard W. Hardy, counselor to Presiding Bishop Edward Hunter and bishop of Salt Lake’s Twelfth Ward, reported to the bishops’ meeting in May 1859 that many were leaving because they could not make a decent living.<sup>72</sup> A year earlier, Brigham Young had received a letter from three men stating: “We firmly believe in the principles of Mormonism but we wish to go where we can get a better living.”<sup>73</sup> An 1859 observer commented, “I verily believe that the principal portion of those who go away from here do so because they think they can do better, in a pecuniary point of view, among the Gentiles.”<sup>74</sup>

A dispatch dated August 13, 1858, from Fort Laramie, written by one of the soldiers with the army who was also a corre-

<sup>70</sup>Poulter, “Life,” 146.

<sup>71</sup>Gardiner, *A Mormon Rebel*, 103–4.

<sup>72</sup>Minutes of Presiding Bishop’s Meeting with Bishops, 1851–1862, May 12, 1859, as mentioned by Peterson, “The Mormon Reformation of 1856–1857,” 79.

<sup>73</sup>John Everett, John Shipley, and Michael Markland, Letter to Brigham Young, March 16, 1858, Brigham Young Office files, LDS Church Archives. I am grateful to Waldo Perkins, M.D., for pointing this out to me. No reply from Young has survived.

<sup>74</sup>John Jaques, Letter to E. W. Tullidge and Thomas Williams, [1859], as quoted in Stella Jaques Bell, *Life History and Writings of John Jaques*

spondent for the Philadelphia *Daily Evening Bulletin* under the pen name "Utah," described a party of Mormons they had recently passed: "They were returning to the States, and declared that had they known what they would have to endure in Utah, Brigham Young and ten thousand angels could not have induced them to go there. 'But being there,' said they, 'we did the best we could, until the prospect of next winter appalled us.' 'I have left all behind,' said an old man. 'I went there wealthy—I return a beggar. . . .' 'My faith failed to sustain me,' said another. 'Life among the Gentiles is preferable to death among the Saints.'"<sup>75</sup>

Peleg Brown, who later had a ranch in Washoe Valley, Nevada, wrote to his parents on June 21, 1857, from near Fort Hall: "It is not uncommon [to] see 10 or fifteen waggons loaded with movers that have left the Mormans daily that are going to the state[s] I frequently ask the[m] where they are going to and what is the matter[.] [T]hey tell me that they cant live and there is onely one thing that they have enough of and that is wives."<sup>76</sup> James Linforth, en route to Utah, as mentioned earlier, reported that the "chief fault" the party of defecting Mormons had with Utah "was 'no work and no provisions.'"<sup>77</sup> Similarly, the *New York Daily Times* reported that 100 disaffected Mormons who arrived in Lawrence, Kansas Territory, toward the end of July 1857 had "fled from the holy land, partly to escape from the relentless tyranny of the Brigham Young oligarchy, and partly to improve their pecuniary affairs."<sup>78</sup>

But economic hopes were not the only quality of the better life sought outside Utah. Mormon David Candland, who kept the Globe Inn in Salt Lake City would ask those who were leaving for their reasons. "I said to one man, 'What is the matter,' He replied 'I like the gentile manners and customs, and I will go where I shall not have the compunctions of conscience that I should have were I to stay

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(Rexburg, Ida.: Ricks College Press, 1978), 197.

<sup>75</sup>Harold D. Langley, ed., *To Utah with the Dragoons and Glimpses of Life in Arizona and California, 1858-1859* (Salt Lake City: University of Utah Press: 1974), 45-46.

<sup>76</sup>Brown Family Papers, Nevada Historical Society, Reno, Nevada. I am indebted to Will Bagley for a transcript of the letter.

<sup>77</sup>Linforth, "Foreign Correspondence," 27-28.

<sup>78</sup>"Mormonism—Disgusted 'Saints,'" *New York Daily Times*, August 5, 1857, 2.

here.”<sup>79</sup>

Also part of a “better” life was reunion with kin, and many returned to relatives in the Midwest, where they had a built-in support system. In our group, Charles Derry went to Nebraska where his mother, brother and sister-in-law, and cousin were living. They had been 1856 pioneers, but had dropped out on the journey to Utah.<sup>80</sup>

### *Disillusionment with Utah Conditions*

Disappointment at what they found in Utah was a subject about which all in our group except Frederick Gardiner had something to say. Economic disappointments were no doubt exacerbated by romantic depictions of America as the great land of opportunity. In addition, the European converts had grown up in a world permeated with political idealism, social revolution, utopianism, and millenarianism.<sup>81</sup> Such views naturally reinforced their religious ideals and were encouraged by the American missionaries. They saw themselves leaving the old corrupt world (“Babylon”) and embarking on a quest of biblical dimensions to the new land (“Zion”) of glorious beauty, order, freedom from want, and salvation. Although not phrased in such grand terms, our converts reiterated such dreams in various ways.

Loba, for example, had been assured by the missionaries that Utah “had been appointed by the Lord for the gathering of all those who were honest and pure in heart, . . . that peace and plenty covered the entire Valley, that no evil or wickedness was to be found there, and that the Saints lived there in perfect security, free from want or alarm.” But when he arrived in Salt Lake, “I was grievously disappointed to find that all I had been told in Switzerland of this beautiful land was far from truth.”<sup>82</sup>

In England Derry had been instructed to

gather my family from the wicked nations and go to the valleys of

<sup>79</sup>David Candland, “Discourse by Elder David Candland, Bowery, Sunday morning, May 3, 1857,” *Deseret News*, May 20, 1857, n. paginated.

<sup>80</sup>Derry, *Autobiography*, 54; see other examples in Weigand, “Separate Trails,” 8.

<sup>81</sup>See for example J. F. C. Harrison, *The Early Victorians, 1832–51* (St. Albans, Herts, England: Panther Books, 1973), 179–203.

<sup>82</sup>Loba, “Statement,” 4.

Utah—there to learn the way of the Lord more perfectly. . . . I was told that there intelligence flowed from the eternal fountains, unalloyed with the base mixture of error . . . ; that there my children would be surrounded with a pure moral atmosphere, and could be brought up in the fear of the Lord. . . . Yet I by no means expected to find every man and woman perfect. But I did expect to see them as a people trying to perfect themselves by an enlightened obedience to the Divine precepts they had received. . . . My every hope was blasted. The peace, love, and pure, genuine righteousness that had been pictured to my mind was not there.<sup>83</sup>

Forsdick confessed: “I was disappointed from the time I landed there. At first I tried to make myself believe that I was not and that every thing was as I had expected to find it, but I know now that it was not. . . . From the time I joined the church, I had thought of Brigham Young as little lower than the angels and of Salt Lake as next door to heaven.”<sup>84</sup>

Expecting to find brotherly love and help in Zion, those without family or old friends to provide support—especially if they were poor—were chilled by the lack of fellowship. After being bereaved of his wife on the trail, Derry felt when he arrived in Salt Lake City “still more lonely than ever. No kindred spirit to comfort me. . . . [A] distant feeling . . . seemed to pervade the very atmosphere. Brethren and sisters seemed more distant than strangers.”<sup>85</sup>

Poulter felt that the American Mormons did not live up to their saintly professions: “I went to the meeting on Sunday. Brother Perry G. Sessions was called upon to preach and he lately had come from his mission in England. . . . He said . . . that the English Saints were like so many cock robins on a cold morning, ready to swallow all they heard preached from the valley. Well I thought this a fine specimen of a Saint.” When Poulter asked a neighbor how to keep the weeds down in his vegetable garden, he was startled to be rebuffed “with a laugh and a sneer, ‘Well, you see Brother you English folk have to learn a

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<sup>83</sup>Derry, *Autobiography*, 510-11, 517.

<sup>84</sup>Forsdick, *Autobiography*, 27.

<sup>85</sup>Derry, *Autobiography*, 22.

good deal.”<sup>86</sup>

Hyde found the mixture of the spiritual and secular offensive to his views of religion. In Great Britain, the Church stressed biblical doctrines and discussions. Gifts of the Spirit such as visions had great appeal.<sup>87</sup> Hyde was repelled by typical meetings: “They . . . always commenc[e] by singing and prayer, but discourse on adobe-making, clothes-washing, house-cleaning, ditch-digging, and other kindred subjects. . . . It is no more worship than any thing else they do, as they open their theatrical performances with public prayer, and dismiss the actors, *and some of them very intoxicated too*, with a benediction.”<sup>88</sup>

#### *Lack of Freedom of Thought*

Two of our group felt they were pressured to stop thinking for themselves. Charles Derry recorded as a turning point the moment when “a spirit of rebellion . . . seized upon me. I determined to be a free man and do my own thinking.”<sup>89</sup> Stephen Forsdick resisted the Church leaders’ emphasis on obedience: “One sermon [by Heber C. Kimball] which I have always remembered was along the line that ‘We should become like clay in the hands of the potter.’ He said ‘What would we think of a lump of clay if it would undertake to dictate to the potter the kind of a vessel he should make of it?’ He then went on to say that ‘Brother Brigham was the Potter, working under the direction of the Master Potter and if this people would continue to be as clay in his hands, the Lord would continue to bless them.’ . . . I could not and would not be as clay in the hands of anyone.”<sup>90</sup>

<sup>86</sup>Poulter, “Life,” 144.

<sup>87</sup>Ronald W. Walker: *Wayward Saints: The Godbeites and Brigham Young* (Urbana: University of Illinois Press, 1998), 78.

<sup>88</sup>Hyde, *Mormonism*, 39–40; emphasis his.

<sup>89</sup>Derry, *Autobiography*, 34.

<sup>90</sup>Forsdick, *Autobiography*, 32. Many examples of Heber C. Kimball’s preaching on the potter and the clay can be found in the *Journal of Discourses*: for instance, February 25, 1855, September 21, 1856, October 5, 1856, April 19, 1857, August 2, 1857, September 27, 1857.

*Polygamy*

Polygamy was a significant impediment for all except Thomas Poulter, who does not mention it. None of our group had plural wives. Only Frederick Loba reports specific pressures to enter the practice, although Charles Derry felt a generalized pressure and feared that it might become more specific.

Gardiner admitted: "This . . . to my inexperienced and innocent mind, appears very unchristian like, and is a great stumbling block and source of trouble to me."<sup>91</sup>

Hyde took violent objection to misrepresentations about the practice in England and also found it degrading: "In England all its [Mormonism's] objectionable principles were not only ignored, but denied. Its Apostles and Elders . . . not only denied many things that were true, but stated many things that were utterly false. As a sample of their falsehoods, I will instance polygamy."<sup>92</sup> In another piece, he wrote: "The practice of polygamy at Salt Lake does not make men or women happy nor elevated—that on the contrary it does degrade and deprave them,—that it does make wretched women, destroys home, engulfs home pleasures, renders children wicked, rebellious, neglected and precociously vicious; and that to judge it as a cause from the effects that follow it, it cannot come from God."<sup>93</sup>

Forsdick said that his usual answer, on being asked why he abandoned Mormonism, was:

"The practice of Polygamy." . . . The more I saw of it after reaching Salt Lake, the more I disliked. . . . In going to work for [Jacob] Gates, I had a good chance to see how polygamy worked in the home and I

<sup>91</sup>Gardiner, *A Mormon Rebel*, 56.

<sup>92</sup>Hyde, *Mormonism*, 13–14.

<sup>93</sup>John Hyde, "Letter," published in "Renunciation of Mormonism," *The Pacific*, November 27, 1856, reprinted in Ekins, *Defending Zion*, 120. Adding confirmation to part of Hyde's complaint, Brigham Young preached on September 21, 1856, "It is frequently happening that women say they are unhappy. Men will say, 'My wife, though a most excellent woman, has not seen a happy day since I took my second wife'; 'No, not a happy day for a year,' says one; and another has not seen a happy day for five years. It is said that women are tied down and abused: that they are misused and have not the liberty they ought to have; that many of them are wading through a perfect flood of tears." *Journal of Discourses* 4:55.



made up my mind that I did not want any of it in mine. . . . The first Mrs. Gates had been with the Mormons since they were driven out of Missouri and knew all the old Mormons and was particularly intimate with Mrs. Hunter, the first wife of Bishop Hunter. While I was there, the first Mrs. Hunter died quite suddenly and in talking with Mrs. Gates, I said "Wasn't it sad about Sister Hunter's death?" She gave me a look which I shall never forget and said, "Stephen, there are lots harder things to do than to die."<sup>94</sup>

Frederick Loba summarized his observations: "I also saw that the system of polygamy was anything but conducive to peace and happiness in the human family."<sup>95</sup> Charles Derry found the practice repugnant to his moral feelings: "The longer I stayed the more I became painfully aware that I had made a mistake in supposing I could raise my children under righteous influences. . . . It is true they boasted of purity, but the very atmosphere was impregnated with lust. Groups of men could be seen at street corners and public places, with their eyes fixed upon every female that passed." Calling polygamy a "pretended revelation," he described the heavy emphasis "that whoever will not obey it will be damned. This is continually rung in the poor man's ears, and if he does not comply with it, he is denounced and ridiculed by the 'faithful,' and finally given to understand that the time is nigh at hand when all that will not comply with the 'Celestial Law' will be cut off."<sup>96</sup>

#### *Loss of Confidence in Church Leaders*

All in our group expressed great disappointment in the Church hierarchy, especially in Brigham Young. They describe lying, swindling, and the misuse of tithing in particular. As already noted, the lies of Church leaders about polygamy for more than a decade was a major issue for John Hyde: "The whole of the apostles abroad had lied in denying it; positively, deliberately, wilfully lied,—wrote lies,—published and circulated lies,—the heads of the church sanctioned and commanded them and claimed for it the approval of that Being who 'cannot lie'! What confidence can we place in the statements of such men,

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<sup>94</sup>Forsdick, *Autobiography*, 27–28. Forsdick had crossed the plains in the Jacob Gates Company in 1853.

<sup>95</sup>Loba, "Statement," 4.

<sup>96</sup>Derry, *Autobiography*, 28–29, 514.

or the pretensions of such a system?"<sup>97</sup>

Hyde also wrote about the vastly exaggerated 1856 census, an effort to qualify for statehood: "The district reporters deliberately made affidavit and swore that these census returns were correct; knowing as they did, . . . they were extravagantly and intentionally false! . . . how can they expect to be believed when speaking of the purity of their morals, the divine authority of their revelations, the divine authority of their prophets and apostles, or the holiness of their lives?"<sup>98</sup>

Disillusionment for Loba began in St. Louis on his way to Utah in 1854 when Orson Pratt made him temporary branch president:<sup>99</sup> "My experience . . . with respect to the private character of some of the leading members of the church was not calculated to augment the high opinion which I had formed of these dignitaries. Stealing, cheating and deceiving, and living contrary to the moral principles which I entertained and cherished, were practices which I was obliged to notice every day." Believing that Brigham Young would not sanction such immorality, he set off "full of faith" for Utah. But there, upon exposure to Young and "with many of their secret plans and transactions," he became "fully convinced that nothing which the Mormons said or did was of heavenly origin or inspiration."<sup>100</sup>

Given the grinding poverty of most of the Saints, problems involving money were particularly troubling. Forsdick recorded:

There was one thing that I heard him [Brigham Young] say . . . that helped to sow the seeds of doubt and dissatisfaction in me. . . . In our [crossing the plains] Company a certain Elder borrowed considerable money from a family before leaving England and after they reached Salt Lake, he would not pay them and they complained to Brigham Young about it. The next Sunday in his sermon he brought

<sup>97</sup>John Hyde Jr., "'Utah as It Is,' To the Editor of the Polynesian," *The Pacific*, November 27, 1856, in Ekins, *Defending Zion*, 122; also see Hyde, *Mormonism*, 14–15.

<sup>98</sup>Hyde, "'Utah as It Is,'" 123. Another instance of Young lying, this time about a beef stolen from merchants passing through Salt Lake, is given in Hyde, *Mormonism*, 187.

<sup>99</sup>As Pratt did not arrive in St. Louis until May and Loba most likely left in an overland company in early July (no rosters were kept that year), it must have been a short-term position.

<sup>100</sup>Loba, "Statement," 4.

up the matter and said "That money you loaned to Brother \_\_\_\_ was not your money; it belonged to the Lord and when you let our brother have the money, the Lord just got back his own."<sup>101</sup>

Two in our group claimed that they were swindled. Loba wrote about his crossing the plains, "I had with me two wagons loaded with all kinds of goods, which I had brought over from Europe, to the value of eight or nine thousand dollars. The guides, who were all Mormons from the Valley, plundered me upon every opportunity throughout the journey, especially when we drew near to the Valley. Still I believed Brother Brigham to be an honest man, and in this comforting faith pushed on. . . . After my arrival in the Valley. . . . I . . . became acquainted with many of their secret plans and transactions. These opened my eyes. . . . The conviction had been forced upon my mind that Brigham himself was at the bottom of all . . . wickedness practiced among his followers."<sup>102</sup> Poulter on first reaching Salt Lake Valley also told of being swindled out of animals and his wagon by "sharpers."<sup>103</sup> As already mentioned, Derry was dismayed when items appeared on his public works account that he had not re-

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<sup>101</sup>Forsdick, *Autobiography*, 27. Forsdick may be referring to Young's sermon on December 16, 1855: "There are men who have lately arrived in town who have a draft on me, and who have hunted me up for the cash before they could find time to shave their beards, or wash themselves, saying, 'I have a draft on you at ten days', fifty days', or six months' sight,' as the case may be, with, 'Please pay so and so. Brother Young, cannot you let me have the money immediately, for I do not know how I can live without it.' This is the kind of confidence some men have in me. . . . I am hunted; I am like one that is their prey, ready to be devoured. . . . I will pay you when I can, and not before. Now I hope you will apostatize, if you would rather do it. It is the poor who have got your money, and if you have any complaints to make, make them against the Almighty for having so many poor. I do not owe you anything. You have my name attached to the paper to help the poor; whether they are the Lord's poor, the devil's poor, or poor devils, is not for me now to judge." *Journal of Discourses* 3:3-4. The unedited version of this sermon has not survived. Ronald G. Watt, Letter to Polly Aird, June 18, 2003. Other cases of people who had lent money that was not repaid are cited in Hyde, *Mormonism*, 185, 187.

<sup>102</sup>Loba, "Statement," 4.

<sup>103</sup>Poulter, "Life," 141. Hyde, *Mormonism*, 185-86, also reports several second-hand cases of swindling.

ceived. "Our eyes began to open as to the spirit that actuated our leaders," he wrote.<sup>104</sup>

Except for jobs on the public works, there seems to have been no form of poor relief, leaving the question open of how tithing was disbursed. According to Leonard Arrington, no systematic budgets nor accounting beyond the most general tracked tithing funds.<sup>105</sup> Hyde was one who believed that Church leaders profited as a result, although he cites no specific examples:

The tithing contributed by the people is paid to the employees of the "Public Works"; and, as the authorities are engaged on public duty, . . . they have the first selection, the tithing clerks posting an open account between them and the Lord. Favoritism the most glaring is exhibited in the distribution of the articles. They pretend to pay very large wages to artizans, and salaries to the clerks, but charge equally exorbitantly for articles paid; and while the leading clerks, etc., have an abundance, the poor artizan is half starved, half clad, wretchedly housed, almost insulted on applying for any thing.<sup>106</sup>

Derry had been taught in England that tithing "provided for the poor and needy," but in Utah he found that "Another means of oppression is the perverted law of tithing. . . . I think I am safe in saying that the first widow, the first fatherless child, and the first poor person in any situation, has yet to be supplied from that source—unless it is the widows of the prominent dead among them. One thing I do know, I never saw anyone that really needed it, receive any benefit from it while I was there, which was four years and a half."<sup>107</sup>

Frederick Gardiner was the only one of this group of seven who mentions that the handcart disaster "caused considerable dissatisfaction among the people and caused many to weaken in the faith." Although he was not more specific, he concluded: "Some one is certainly to blame."<sup>108</sup> On November 2, 1856, when the Willie and Martin companies were still struggling to get to the valley, Heber C. Kimball preached a defensive sermon obviously responding to such

<sup>104</sup>Derry, *Autobiography*, 27.

<sup>105</sup>Arrington, *Great Basin Kingdom*, 141–42, 457 note 34.

<sup>106</sup>Hyde, *Mormonism*, 38–39.

<sup>107</sup>Derry, *Autobiography*, 516–17.

<sup>108</sup>Gardiner, *A Mormon Rebel*, 84.

criticism:

Some find fault with and blame brother Brigham and his Council, because of the sufferings they have heard that our brethren are enduring on the Plains. A few of them have died, and you hear some exclaim, "What an awful thing it is! Why is it that the First Presidency are so unwise in their calculations? but it falls on their shoulders." Well, . . . let me tell you, most emphatically, that if all who were entrusted with the care and management of this year's immigration had done as they were counseled and dictated by the First Presidency of this Church, the sufferings and hardships now endured by the companies on their way here would have been avoided.<sup>109</sup>

### *The Mormon Reformation*

Five of the seven in this study experienced the Reformation of late 1856 to 1857, Hyde and Forsdick having left the summer of 1856. Poulter does not mention it in his reminiscence. Gardiner only briefly refers to the death of Jedediah M. Grant, the apostle who inspired the movement to purify the people: "All the people mourn his loss," wrote Gardiner. "Standing in the front rank, ever on duty in fighting for the cause of truth He has gone to obtain the reward of the just."<sup>110</sup> The remaining three, however, saw the Reformation in a different light and gave it as a prime cause for their disillusionment. Loba referred to it as a dark and gloomy time of suspicion and accusation when "murder was openly advised in the public meetings . . . and persons whose faith in Mormonism was suspected were searched in the hope of finding evidence against them."<sup>111</sup> McAuslan's reactions are clear in the letter which follows later in this paper.

Derry was the most outspoken, devoting several pages in his book to its negative effects: "I know that polygamy, blood atonement, and their oppressing system of tithing, together with the necessity of honoring the 'file leaders' . . . as the Lord's anointed, were the burden

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<sup>109</sup>Heber C. Kimball, November 2, 1856, *Journal of Discourses* 4:64. The Willie company arrived on November 9, the Martin Company on the 30th.

<sup>110</sup>Gardiner, *A Mormon Rebel*, 86.

<sup>111</sup>Loba, "Statement," 4.

of their teaching.”<sup>112</sup> David Candland, as innkeeper of the Globe in Salt Lake City, reported that when he queried departing individuals about their reasons, “Some replied that the reformation had developed more than they ever thought of, and that they felt they could not live ‘Mormonism,’ and finally decided to go away.”<sup>113</sup> John Taylor, accompanying part of the 1857 immigration to Utah, wrote that before they left Florence (now part of Omaha), eighteen wagons of apostates arrived: “They are composed of such as could not endure the late revival and purging among the Saints.”<sup>114</sup>

### *Mountain Meadows Massacre*

Surprisingly, Peter McAuslan is the only one of this group who identified the Mountain Meadows Massacre as a reason for leaving Utah. However, he was also the only one living south of Salt Lake City; perhaps in those days of slow communication, he was more aware of it. He did not mention the massacre in the letter reproduced below; but in a subscription county history of the Sacramento Valley where he settled, the writer who interviewed him wrote, “Upon learning from good authority that the Mormons and not the Indians were responsible for that terrible crime, his faith in the church, which had never been strong enough to cause him to comply with its full rites, was so shaken that he determined to leave Salt Lake City at the first opportunity.”<sup>115</sup>

The “good authority” was most likely U.S. Indian Agent Garland Hurt who was stationed on the Indian farm just outside of Spanish Fork where McAuslan lived. Six days after the massacre when two Utes brought news of it to Hurt, he sent a trusted Ute youth named Pete south by a back way to query the southern Paiutes. Pete reported that the Mormons had persuaded the Indians to attack the emigrants in Mountain Meadows but that, after the Indians were repulsed, the Mormons stepped in and by “lying” and

<sup>112</sup>Derry, *Autobiography*, 39–42.

<sup>113</sup>Candland, “Discourse”; emphasis his.

<sup>114</sup>John Taylor, Letter to William I. Appelby, “Correspondence from the Plains,” *Millennial Star*, 19 (September 19, 1857): 605–6.

<sup>115</sup>J. M. Guinn, *History of the State of California and Biographical Record of the Sacramento Valley, California* (Chicago: Chappman Publishing Company, 1906), 660. A similar account is given in McAuslan’s obituary, *Sutter County Farmer*, December 25, 1908, 7.

“seductive overtures” induced the emigrants to lay down their weapons. “In the language of the unsophisticated boy, *they cut all of their throats but a few that started to run off, and the Piedes shot them.*”<sup>116</sup>

Perhaps McAuslan told the interviewer he left because of the massacre because it was so well known, would not need to be explained, and would fit into a short biography. Undoubtedly others left as well because of the massacre, but I have found no accounts giving it as a specific reason to date. Most likely these departees’ papers would be in Nevada, Arizona, or California depositories; local histories of defecting Mormons who resettled in these areas, unlike McAuslan’s specificity, often state only generally that the family “abandoned their affiliations” with Mormonism or the person “severed his connection with the Mormon Church.”<sup>117</sup>

### *Fear*

For this group of seven, fear wore vivid colors. All of them expressed fear of some sort. Once they lost their faith and felt estranged from their Mormon brethren, they were afraid to speak their thoughts. Each felt at risk, sometimes to the point of fearing for their

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<sup>116</sup>G. Hurt, Letter to J. Forney, October 24, 1857, *The Utah Expedition, Message from the President of the United States Transmitting Reports from the Secretaries of State, of War, of the Interior, and of the Attorney General, relative to the military expedition ordered into the Territory of Utah, Feb. 26, 1858*, 35th Congress, 1st Session, House Exec. Doc. 71 (serial 956), (Washington: James B. Steedman, 1858), 202–5; emphasis his. Hurt mentions McAuslan by name in three letters. Garland Hurt, Letter to General A. S. Johnston, May 1, 1859, Adjutant General’s Office, Army Headquarters, War Department, Letters Sent, Letters Received, 1859–1861, National Archives, copy in the Utah State Historical Society. Hurt reports in these three 1859 letters that McAuslan had come to him to report on “secret maneuvers” of the Mormons. By this time, McAuslan had lost his faith and was supplying information to the army through Hurt. It was when the Mormons thought that the army was about to invade Salt Lake City and capture or kill Brigham Young, and so they were organizing and readying militia units. These letters thus provide evidence of contact between McAuslan and Hurt in 1859. Hurt wrote a similar letter and a shorter one the next day to U. S. Marshall Peter K. Dotson.

<sup>117</sup>John Brown Jr. and James Boyd, *History of San Bernardino and Riverside Counties*, 3 vols. (Chicago: Western Historical Association, 1922), 3:1073, 1267.

lives.

General Albert Sidney Johnston, in transmitting a petition asking for protecting from religious “tyranny [sic]” from Mormon residents of Springville, commented: “The person whose name is first signed . . . says many others would have signed it but were restrained from doing so by fear, and if the names of the signers are made public they will be made special objects of persecution. . . . They assert, a despotic ecclesiastical law has been substituted for the civil, and . . . a portion of the people are now suffering its oppressions.”<sup>118</sup>

All seven specifically mentioned the Danites or others who would do away with them. Leonard J. Arrington, in his prize-winning biography of Brigham Young claims that Young had formed a small group of “Minute Men” whose purpose was to retrieve stolen animals from white or Indian raiders. “So efficient and dedicated were these young men that they began to take on a sinister aspect” and were “sometimes referred to as Danites or Destroying Angels. . . . That the Minute Men were anything more than a group willing to undertake arduous labors for their governor or church president has never been demonstrated.”<sup>119</sup> Historian Paul H. Peterson concludes: “While it is probably true that the Danites never existed in Utah Territory, it seems apparent that locally organized ‘trouble-shooting’ groups policed various locales. It is also probable that Brigham, though not connected with any of them, sanctioned at least some of their doings. In this regard it is instructive that Brigham maintained an amiable association with Bill Hickman, a ruffian of questionable character.”<sup>120</sup>

An exchange of letters in early 1859 in the *Valley Tan*, the first non-Mormon newspaper in Utah Territory, gives a contemporary disagreement over the asserted existence of Danites. The first, signing himself “Truth,” wrote, “A few issues [of the newspaper] since [i.e., ago] reference was made to the existence in this Territory of a Danite band; permit me in all honesty and sincerity to as-

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<sup>118</sup>Johnston, Letter to Thomas, March 10, 1859, in Letters Sent, HQ, Dept. of Utah, National Archives.

<sup>119</sup>Leonard J. Arrington, *Brigham Young: American Moses* (Urbana: University of Illinois Press, 1986), 150, 250.

<sup>120</sup>Paul H. Peterson, *The Mormon Reformation* (1981; reprinted, Provo, Utah: Joseph Fielding Smith Institute for Latter-day Saint History and BYU Studies, 2002), 72.



sure you such is not the fact. I have been a resident of the Territory many years, and know its workings; but no such an organization as referred to never did, nor does not now exist here. I know it is a common rumor, and many, doubtlessly, honestly believe it; but it is a common error."<sup>121</sup>

"E. X. Y." responded the next week:

That a secret band, or junto, once existed among the Mormons, by that name, can scarcely be denied. But Truth denies its existence now. This may be; they may have changed their name, for the purpose of executing more successfully the duties enjoined upon them. It may not be out of the course of Mormon policy to deny the existence of facts occasionally. We well remember, when it was first reported that polygamy was, or would be incorporated, into the Mormon creed, it was most positively denied by their Apostles and Elders. . . . Subsequent developments have exposed venality, and cast doubt upon the credulity of any statement they may make in regard to their institutions. . . . Then what right has your correspondent to expect our confidence, though he comes to us clothed with the veritable signature of *Truth*?<sup>122</sup>

Given what Michael Quinn calls the "culture of violence" that existed in Utah, whether the group existed formally may be something of a moot point. "LDS leaders publicly and privately encouraged Mormons to consider it their religious right to kill antagonist outsiders, common criminals, LDS apostates, and even faithful Mormons who committed sins 'worthy of death,'" he explains, adding, however: "Mormon theocracy created such a unique context for Utah violence that it will always be impossible to determine how many violent deaths occurred for theocratic reasons and how many merely reflected the American West's pattern of violence."<sup>123</sup>

Whether the Danites existed in fact or only in rumor, all seven of our group believed in the real possibility of ecclesiastically sanctioned murder. For example, once Derry "rebelled in

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<sup>121</sup>Truth (pseud.), Letter to the editor, Kirk Anderson, *Valley Tan*, January 11, 1859, 2.

<sup>122</sup>E. X. Y. (pseud.), Letter to the editor, *Valley Tan*, January 18, 1859, 2; emphasis his.

<sup>123</sup>D. Michael Quinn, *The Mormon Hierarchy: Extensions of Power* (Salt Lake City: Signature Books, 1997), 260.

spirit” against what he increasingly came to see as Mormonism’s oppression, he “kept a still tongue and minded my own business so that I was not suspected of harboring what they termed a spirit of apostasy. . . . I was not anxious to have the Danites lurking in my path.” He was especially wary when he noted “the anxiety of the inquisitors to know in what light we regarded President Young. Woe betide the man who dared to express a doubt as to the divinity of his calling, either as Prophet or lawful President. He was a marked man.”<sup>124</sup>

John Hyde asserted: “Some of the leading spirits of that band [the Danites] are still in Salt Lake City. Although they do not maintain their organization, being generally merged into ‘Brigham’s Life Guards,’ yet without the same name, they have performed the same deeds.” And, “They never threaten what they will not perform, and fear of risking the penalty withholds many from apostacy [sic].”<sup>125</sup>

Loba reported that Brigham Young, acting to “prevent or check” the great number of departures that he expected in the spring of 1857, “organized a body of 400 men, to whom he gave the name of ‘Wolf Hunters.’ The duty of this band was to assassinate every person who should attempt to leave the Valley without permission of the Prophet.” He also described a second function of this group: “If anybody was even accused of having indulged in any disparaging remarks concerning the head of the Church, that man was certain to disappear suddenly and mysteriously, —being privately destroyed.”<sup>126</sup>

Thomas Poulter felt himself to be a marked man when he delayed moving south at Brigham Young’s order because his wife was

<sup>124</sup>Derry, *Autobiography*, 34, 41.

<sup>125</sup>Hyde, *Mormonism*, 105, 102. Juanita Brooks noted that Hosea Stout used the term “Be’hoys” in such a way as to “suggest that the term was applied to a definite group of men,” and added that Bill Hickman referred to a group of “Brigham’s boys”; see Hosea Stout, *On the Mormon Frontier: The Diary of Hosea Stout*, edited by Juanita Brooks, 2 vols. (Salt Lake City: University of Utah Press, 1964), 2:653 note 21.

<sup>126</sup>Loba, “Statement,” 4. John D. Lee, *Mormonism Unveiled* (1877; reprinted Albuquerque: Tierra Blanca Publications, 2001), 290, similarly remarked: “It has always been a well understood doctrine of the Church that it was right and praiseworthy to kill every person who spoke evil of the

due to deliver. Six weeks later the bishop returned and transported the family south to the shores of Utah Lake. When they were permitted to return, Poulter could not join the others because he had only a wagon box without running gears. He was tempted to approach a stranger at the mouth of the Provo River about decamping to California but refrained because "I was afraid. I thought he might be one of the Twelve Apostles and so I returned to camp." When he was finally able to return to Bountiful, he says, "I could see I was spotted because I refused to move south at the call of the Bishop." Filled with apprehension, he made secret preparations to depart for California in 1859. He "gave my brother all my winter's food, pig and all, for I could not sell a thing at Bountiful without the Bishop hearing of it and he had often preached that the destroying angels would not save all such who wanted to leave Utah."<sup>127</sup>

These fears were not mere paranoid fancies as the assault on Gardiner demonstrates. He got as far as Fort Bridger in 1858 where he worked for the U.S. Army but returned to Salt Lake Valley because it was too late in the season to continue east. He was seen returning in company with an army officer. Three men whom he had formerly considered friends attacked him one night at a party to which they had all been invited. One knocked him down outside the house where the party was going on. He got up and staggered toward the door. A blow on the back of the neck knocked him headfirst against the door. The third "friend" then drew a revolver and "threatened if I made any resistance he would blow the top of my head off. Gardner's shouts brought help from inside the house. After recovering his breath, he went home. That same evening, however, seven men—three of whom he knew (he doesn't say if they were the same three)—barged into his home and would have dragged him from the house except for the fierce defense of his mother-in-law and a neighbor. After the "ruffians" left, his neighbor advised him to leave the house, disguised as a woman, and spend the night elsewhere. The next morning, he went to U.S. Marshal Peter Dotson, who advised him not to prosecute his attackers, saying, "If I did, I might get judgment against them. But afterwards I would not live long enough to cross the Street." When Gar-

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Prophet. This doctrine had been strictly lived up to in Utah, until the Gentiles arrived in such great numbers that it became unsafe to follow the practice."

<sup>127</sup>Poulter, "Life," 148-49, 150.

diner sought Cumming's advice, the governor told him to hold his ground in the city and that if anything happened, Cumming would "drench this d'd, city in blood." Unimpressed by the bluster, Gardiner pointed out "Even if such a thing should take place it may not save my life." He then appealed to General Johnston for protection, who responded by bringing him and his family under military escort to Camp Floyd where they stayed until they could leave the next spring. Gardiner concluded that his abuses occurred "because I did not obey Prest. Youngs [sic] Council," not to leave Utah.<sup>128</sup> He did not identify his attackers as Danites or suggest that they were acting on instructions from ecclesiastical superiors, but he also reported no public outrage at the attack.

Three of our group—John Hyde, Frederick Loba, and Frederick Gardiner—received their endowments. Gardiner does not comment further; but the other two, plus Stephen Forsdick and Charles Derry, perceived that those who knew "the mysteries" of Mormonism were at great peril if they wanted to leave Utah.

Forsdick mentioned the danger twice: "At that time, the Temple had not been built, but all the secret work was done in the Endowment House, with oaths and vows of secrecy. They had Destroying Angels to enforce the penalty for violating such oaths."<sup>129</sup> Later, when he was working at the sutler's store at Fort Laramie on his way east, he wrote: "A few days later Thomas Margetts' team drove up to the store door. . . . I learned now that he had left Salt Lake for good and had his wife with him. . . . I warned them to be on guard, because the Destroying Angel had passed by a few days before. Margetts had been through the Endowment House, and knew all the secret workings of the Mormons. He was a dangerous man for them to allow to leave. The Margetts party was soon on its way, and I was the last man who knew him to see him alive."<sup>130</sup> Margetts and his wife, and James Cowdy, with his wife and child, all disaffected Mormons, were murdered on September 6, 1856, some 125 miles west of Fort Kearny, but by the Cheyenne, not the Danites.<sup>131</sup>

John Hyde also mentioned these murders, which happened about three months after he left. Believing like Forsdick that the per-

<sup>128</sup>Gardiner, *A Mormon Rebel*, 108–13.

<sup>129</sup>Forsdick, *Autobiography*, 30.

<sup>130</sup>Forsdick, "On the Oregon Trail," 52.

<sup>131</sup>"Report by F. D. Richards and Daniel Spencer," in LeRoy R. Hafen

petrators must have been Danites, Hyde stressed the victims' endowed status: "This circumstance is still more significant, remembering that Margetts and Cowdy were both 'covenant-breaking' apostates; that they were returning to their native country; that they could make many terrible disclosures, and do Mormonism much injury in England; that it was Mormon law that they should die, and Mormon interest to kill them."<sup>132</sup>

Loba likewise believed those who had taken their endowments were in danger: "Vengeance . . . was especially wreaked on those who, after having been entirely initiated into all the mysteries of Mormondom, attempted to effect their escape from the Valley."<sup>133</sup>

Although Derry's bishop had urged him to be endowed and gave him a recommend, Derry did not pursue it because, as he wrote, "It was absolutely necessary for a man to keep his own counsel, as it was an easy matter to throw obstacles in his way and prevent him from leaving. I am satisfied my cattle and wagon had been taken from me for that purpose. But such as had received their endowments were in greater danger." Instead, Derry burned the recommend and "bided my time."<sup>134</sup>

#### SUMMARY

Reasons for leaving Mormonism and Utah—which were near synonyms in the late 1850s—were many and strongly felt. Wanting to

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and Ann W. Hafen, *Handcarts to Zion: The Story of a Unique Western Migration, 1856–1860* (Lincoln: University of Nebraska Press, 1960), 220; Stout, *On the Mormon Frontier*, 2:601 note 75; and "James G. Willie Emigrating Company Journal," 8 September 1856, LDS Archives, as printed in Lynne Slater Turner, comp., *Emigrating Journals of the Willie and Martin Handcart Companies and the Hunt and Hodgett Wagon Trains* (n.p.: Privately printed, 1996), 28–29.

<sup>132</sup>John Hyde Jr., *Mormonism*, 105–6. The law Hyde referred to is probably Doctrine and Covenants 21:7 (1835 edition; 1981 edition 64:35–36): "The rebellious shall be cut off out of the land of Zion, and shall be sent away, and shall not inherit the land; for verily, I say that the rebellious are not of the blood of Ephraim, wherefore they shall be plucked out."

<sup>133</sup>Loba, "Statement," 4.

<sup>134</sup>Derry, *Autobiography*, 34–35, 51; see also 130–31 for a second-hand story he heard about someone who was threatened on orders of Brigham Young because he had "broken his endowment oaths."

*Brigham Young. Courtesy LDS Church Archives.*



improve their economic situation was a prominent factor for two of the group. One was pulled by family ties. All except Gardiner mentioned being disappointed by Mormonism in practice. The stress on obedience and not being free to think for oneself, much less speak out, particularly grated on Forsdick and Derry. Except for Poulter, polygamy loomed large as a tenet they could not subscribe to. Poulter and Gardiner do not appear to have lost their faith in the Church leaders like the others. Hyde and Forsdick left before the handcart tragedies, the Reformation, and the Mountain Meadows Massacre; the others mention them—especially the heavy-handedness of the Reformation—but no single episode appears to have been a deciding factor. On the other hand, fear of all kinds—from the general atmosphere to specific apprehensions—certainly intensified during the Reformation; and each departing man expressed it to a greater or lesser degree.

In this context, we may better evaluate Peter McAuslan's letter and the reasons he gave for leaving. To understand a central part of his letter—as well as a major contribution to the atmosphere of fear—it is necessary to understand the Parrish-Potter murders, which took place in March 1857 six months before the Mountain Meadows Massacre and six miles from where McAuslan was living. Like the Mountain Meadows Massacre, these murders have raised questions about the involvement of Church authorities.

### THE PARRISH-POTTER MURDERS

The details of the murders of William Parrish, his son William ("Beason") Parrish, and Gardiner G. "Duff" Potter on March 15, 1857, came to light after U.S. Judge John Cradlebaugh arrived in Utah in November 1858. According to his account, he received numerous reports about the Parrish-Potter murders, then twenty months old, as well as others and launched an investigation to identify and punish the perpetrators. He called a grand jury and "their attention was pointedly and specifically called to a great number of crimes that had been committed in the immediate vicinity. . . . The jury thus instructed, though kept in session two weeks, utterly refused to do anything, and were finally discharged as an evidently useless appendage of a court of justice."<sup>135</sup> It was following this futile effort that Cradlebaugh took testimony from two witnesses (Alvira L. Parrish and Orrin E. Parrish), six affidavits (Joseph Bartholomew, Zephaniah J. Warren, Alva A. Warren, James W. Webb, Thomas O'Bannion, and Leonard Phillips), and the confession of Abraham Durfee under oath, all of which were later published.<sup>136</sup>

Hosea Stout, a lawyer for the defense in Cradlebaugh's court, scornfully recorded in his diary that Durfee, like Bartholomew, "has turned states evidence and seeks to save his own neck by implicating others." The evidence, Stout wrote, showed "a one sided concern and is evidently a garbled statement got up and prepared by the court and his coadjutors for the purpose of criminating others."<sup>137</sup> Although Cradlebaugh's reputation among the Mormons was that he was likely insane and would do anything "to get hold of something to criminate

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<sup>135</sup>John Cradlebaugh, *Utah and the Mormons: Speech of Hon. John Cradlebaugh, of Nevada, on the Admission of Utah as a State* [Washington, D.C.: L. Towers & Co., 1863], 15-16. Later in 1859 Cradlebaugh gathered testimonies regarding the Mountain Meadows Massacre, some of which proved valuable in the trials of John D. Lee. These testimonies are also in the appendix to Cradlebaugh, *Utah and the Mormons*, 27-43; see also Davis Bitton, "The Cradlebaugh Court (1859): A Study in Early Mormon-Gentile Misunderstanding," *Social Accommodation in Utah*, edited by Clark Knowlton (Salt Lake City: American West Center, University of Utah, 1975), 91.

<sup>136</sup>Cradlebaugh, *Utah and the Mormons*, appendix, 33-61.

<sup>137</sup>Stout, March 31, and April 1, 1859, *On the Mormon Frontier*, 2:693. Stout may have been partially right about Durfee. In his four-page confes-

ex Gov. Young,” and Stout’s characterization of Durfee and Bartholomew was that they were only interested in saving themselves, the nine statements give a surprisingly consistent picture of the events.<sup>138</sup> In addition to the statements that Cradlebaugh took soon after the grand jury, John M. Stewart, former counselor to the bishop and justice of the peace, wrote a letter to the editor of the *Valley Tan* from San Bernardino, California; it is in essence a confession of his role in the affair.<sup>139</sup> It seems highly unlikely that Alvira or Orrin Parrish, the widow and son of William, would have collaborated on a story with either Durfee, one of the accomplices, or Bartholomew, a policeman and a participant in some of the bishop’s private council meetings before the murders, or that Durfee and Bartholomew’s stories would agree with Stewart’s, as they had not seen Stewart for some months before Cradlebaugh’s arrival. From these statements and a few minor sources, the murders can be reconstructed as follows:

Springville in Utah County was first settled in 1850. Indian troubles—the Walker War and other minor confrontations—had led the townsfolk to build a fort, then enlarge it, and finally to build a substantial mud wall around the town. This wall ranged from twelve feet high on the side facing the mountains, to ten feet, and lower still on the side away from the mountains. It had four stout city gates, at each end of both Center Street and Main Street, the intersection of the two forming the town square. The walls encompassed three-fourths of a

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sion, Durfee took care to state three times that Potter had told him that the Parrishes were only to be brought back, not killed. Does he protest too much? Orrin Parrish, one of the intended victims, claimed that Durfee nearly killed him. “Confession of Abraham Durfee,” 56–59; and “Testimony of Orrin E. Parrish,” 47, both in Cradlebaugh, *Utah and the Mormons*.

<sup>138</sup>For Cradlebaugh’s reputation, see Roberts, *A Comprehensive History of the Church*, 4:495 note 51; and Church Historian’s Office, Church of Jesus Christ of Latter-day Saints, *History of Brigham Young, 1847–1867*, edited by William L. Knecht and Peter L. Crawley (Berkeley, Calif.: MassCal Associates, 1964), 284.

<sup>139</sup>J. M. Stewart, Letter to the editor, July 4, 1859, *Valley Tan*, August 24, 1859, 2. Sometime after the murders, Stewart lost his faith and in July 1858 went to Camp Floyd to earn money for an outfit to take him to California. Don Carlos Johnson, *A Brief History of Springville, Utah, from Its First Settlement September 18, 1850 to the 18th Day of September, 1900* (Springville, Utah: William F. Gibson, 1900), 48–49.



square mile and were at Fourth North, Fourth South, Fourth East, and Fourth West.<sup>140</sup> The population of Springville in March 1859 was approximately 2,000; as many people left in the two years after the murders, it may not have grown much since March 1857.<sup>141</sup> In that period many of the leading men blended their ecclesiastical and municipal roles, making for "continual clashing."<sup>142</sup>

The late fall of 1856 and the winter and spring of 1857 saw the Reformation pursued in Springville as elsewhere, but it seems to have been pushed especially vigorously. Local historian Don Carlos Johnson described the excited atmosphere: "Some of the more impetuous became quite frantic in their religious fervor. 'All who are not for us, are against us,' and, 'It may be necessary to cleanse the platter,' were quotations frequently uttered by some whose zeal had run into fanaticism."<sup>143</sup> Alvira Parrish, widow of the murdered William Parrish, testified: "There had been public preaching at Springville, to the effect that no apostates would be allowed to leave, if they did, hog-holes in the fences would be stopped up with them. I heard these sermons. Elder Hyde and President Snow [James C. Snow, stake president], and others, preached that way. My husband was no believer in the doctrine of killing to 'save' as taught by the teachers."<sup>144</sup> In Salt Lake City just five weeks before the murders, Brigham Young preached at the

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<sup>140</sup>Johnson, *A Brief History of Springville*, 24; and Mary J. Chase Finley, *A History of Springville* (Springville, Utah: Art City Publishing Co., 1990), 18–19.

<sup>141</sup>Garland Hurt, "Appendix N: Population and Resources of the Territory of Utah" March 10, 1859, in James H. Simpson, *Report of Explorations Across the Great Basin in 1859* (1876; reprinted, Reno: University of Nevada Press, 1983), 451–55. Johnson, *A Brief History of Springville*, 48–49, mentions that a number of people left town after the murders. Springville resident George W. Bean told Brigham Young: "There are many persons in Utah County who are uneasy. Some had openly apostatized, others wished to move to other parts of the Territory. Town property can be bought cheap especially at Springville." *Journal History*, April 20, 1859. My thanks to Ronald O. Barney for bringing Bean's letter to my attention.

<sup>142</sup>Johnson, *A Brief History of Springville*, 54.

<sup>143</sup>*Ibid.*, 45.

<sup>144</sup>"Testimony of Mrs. Alvira L. Parish [sic]," in Cradlebaugh, *Utah and the Mormons*, 45.

## Tabernacle:

I have known a great many men who have left this Church for whom there is no chance whatever for exaltation, but if their blood had been spilled, it would have been better for them. The wickedness and ignorance of the nations forbid this principle's being in full force, but the time will come when the law of God will be in full force. This is loving our neighbour as ourselves; if he needs help, help him; and if he wants salvation and it is necessary to spill his blood on the earth in order that he may be saved, spill it.<sup>145</sup>

Aaron Johnson, bishop of Springville since its founding, ardently espoused the Reformation. "Johnson had no clear distinction between the kingdom of God and the goals of the political community of Springville," observed the editor of his correspondence. "The affairs of the city were tightly interwoven with the affairs and goals of the church. He translated his struggles, persecution, and conflicts into a struggle of cosmic significance. The cosmic interpretation of the conflict—God's elect versus antichrist—appeared as a significant pattern in the intricate tapestry of ideas used by the bishop to explain his beliefs and actions."<sup>146</sup>

A staunch believer in Mormonism in the East, William Parrish's faith had wavered in Springville and he began to make plans to leave Utah with twenty-one-year-old Beason and nineteen-year-old Orrin, both unmarried. He would send for Alvira and their four younger boys when times were safer. According to an account written later by William's niece, William was "well to do, bought a fine carriage and two fine grey horses, other wagons, with goods for sale, but he was too prosperous, to suit the heads of the Church."<sup>147</sup> Prosperity is relative, however, for his home did not reflect it. The Parrish family rented one

<sup>145</sup>February 8, 1857, *Journal of Discourses* 4:220.

<sup>146</sup>Lyndon W. Cook, ed., *Aaron Johnson Correspondence* (Orem, Utah: Center for Research of Mormon Origins, 1990), viii–ix.

<sup>147</sup>Maryette Parrish Keir, *Memoir*, August 10, 1913, Parish-Keir Folder, Beattie Papers, Huntington Library, 8. Parrish actually had four gray horses. I am indebted to Rell G. Francis for a photocopy of this memoir. Giving some credence to Parrish-Keir's description is Alvira Parrish's testimony: "My husband had a Territorial order in his pocket book when he left home—called for \$500; I never got it back; when I got his pocket-book it had a few jewels in it belonging to my sons, a medal, a half dollar, [and] a

end of a double house owned by Thomas O'Bannion, who lived at the other end. The house, with two rooms in each end, stood north of the center of town near the home of William's brother, Ezra Parrish. Springville's historian Don Carlos Johnson described William as "a bold outspoken man."<sup>148</sup>

Three men—Abraham Durfee, Joseph Bartholomew, and John M. Stewart—left accounts of council meetings that Bishop Aaron Johnson held in the upstairs room of his house. Stewart was a highly respected man, being both counselor to the bishop and justice of the peace for the city. Bartholomew and Durfee, however, did not apparently hold ecclesiastical or municipal office. Durfee, then thirty and married with three children, called himself one of "the boys."<sup>149</sup> According to their statements two years after the murders, at least three council meetings took place. Because of the lapse of time, the dates are uncertain, but the descriptions are detailed enough that one meeting can be distinguished from another.

The first probably took place at the end of January 1857. It may actually have been two closely related meetings, one for the select inner circle and one for a larger group. Stewart mentioned that "Bishop (Johnson), Guymon [Noah T. Guymon or Guyman, the other counselor to the bishop], myself and some few others whom I cannot now identify composed this council." The purpose of the meeting was to:

hear a letter which he had just received from "President Young." He there read the letter, the purport of which was about this. He, Brigham, had information that some suspicious characters were collecting at the "Indian Farm," on Spanish Fork, and he wished him (Bishop Johnson) to keep a good look out in that direction; to send some one there to reconnoiter and ascertain what was going on, and if they (those suspicious characters) should make a break, and be pursued, which he required, he "would be sorry to hear a favorable report;" "but," said he, "the better way is to lock the stable door before

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twenty-five cent piece." "Testimony of Mrs. Alvira L. Parish," 44.

<sup>148</sup>Johnson, *A Brief History of Springville*, 40.

<sup>149</sup>Family group record for Abraham Durfee, retrieved on October 4, 2003, from [www.familysearch.org](http://www.familysearch.org); "Affidavit of Abraham Durfee," in Cradlebaugh, *Utah and the Mormons*, 66.

the horse is stolen.”<sup>150</sup>

Durfee’s description of the meeting mentions more attendees. Young’s letter was not read, just shown:

I was notified of a council by Wilber J. Earl in the month of January, 1857; he told me he wanted me to come to the Bishop’s house that evening. . . . The Bishop was there, A. F. McDonald, Wilber J. Earl, Abraham Durfee, Andrew Wiles, and Lorenzo Johnson, William Bird, and Gardner G. Potter and Joseph Bartholomew, Simmons Curtis and Lorin Roundy were there, and there were a number of others whose names I have forgotten. I do not know what the meeting had been called for; there were matters talked of concerning people going away. Some individuals were mentioned by the Bishop; he stated he had instructions in regard to them. The Bishop said he had received a letter, which he had in his hand; said that was sufficient for us to know, that he did not wish that any inquiry should go any further back than to himself. He stated that there were some individuals at the Indian farm who were about to leave; he said he wanted them watched and wanted some one to see when they would leave; he said there was word that they were going to steal some horses, and then going to leave the Territory. That was about all I recollect that transpired that night. The understanding was that the persons there were to watch generally for persons going away.<sup>151</sup>

Bartholomew gave a shorter version, but mentioned the same names as Durfee with the addition of John M. Stewart and “other persons I do not remember the name of. There were at least fifteen present.” He testified that he did not “recollect what was done at this first meeting; there was merely some talk about persons leaving and matters and things connected therewith, of which I do not remember the particulars.”<sup>152</sup>

A second meeting appears to have taken place between Feb-

<sup>150</sup>J. M. Stewart, Letter to the editor, July 4, 1859, *Valley Tan*, August 24, 1859, 2.

<sup>151</sup>“Confession of Abraham Durfee,” 56. According to the autobiography of Elizabeth Graham MacDonald, wife of Alexander F., the family’s last name was spelled MacDonalld, not McDonald. LDS Church Archives.

<sup>152</sup>“Affidavit of Joseph Bartholomew,” in Cradlebaugh, *Utah and the Mormons*, 48.

ruary 21 and March 7, at which Duff Potter and Abraham Durfee were named to find out when the Parrishes were planning to leave for California. Potter, a man in his forties with three young children and a pregnant wife, was known as “a Mormon in good standing” and “a leading man.”<sup>153</sup> According to Bartholomew, the same people attended this meeting and

Potter and Durfee were “dropped off” and selected for the purpose of finding out what was going on. At the meeting the conversation was about the Parrishes, and about persons at the Indian farm. The meeting was called to enter into arrangements to find out what these persons expected to do. . . . I did not attend any meetings after this. At this meeting it was not known what the Parrishes intended to do, and nothing was decided as in [sic] regard to them. Bishop Johnson made a remark, however, that some of us would yet “see the red stuff run.” He said he had a letter, and the remark was made by some one that “dead men tell no tales.” I do not know whether any other meetings were held or not.<sup>154</sup>

Durfee’s account resembles Bartholomew’s:

It was some three weeks before the Parrishes and Potter was killed. The same persons were at this meeting that were at the first I have spoken of. N. T. Guyman was at this meeting; Bishop Johnson presided. There was something mentioned at this meeting about the Parrishes—that they were going to leave the Territory. The Bishop said there were some demands against them, for debts that they were owing; he did not state the debts. It was mentioned, either by the Bishop or McDonald, I don’t recollect which, to have some one to find out when the Parrishes were going to start; they nominated or named persons to know when the Parrishes were going to leave. My name (Abraham Durfee) was mentioned, and I objected to it; then they mentioned Potter’s name; and then the Bishop decided that both Potter and myself should try and learn when the Parishes were going to leave the Territory. The Bishop said he did not wish any one to decline when he was called upon. I then told the Bishop I would do

<sup>153</sup>Family group record for Gardiner Godfrey Potter, retrieved on October 4, 2003, from [www.familysearch.org](http://www.familysearch.org); Johnson, *A Brief History of Springville*, 40; and “Affidavit of Joseph Bartholomew,” 51.

<sup>154</sup>*Ibid.*, 48.

the best I knew how, and Potter assented to the same.<sup>155</sup>

Toward the end of his confession, Durfee added, "In the second meeting which I attended Bishop Johnson said there were some of them that would see the blood run."<sup>156</sup> Although a debt was referred to in this meeting, it was not specified nor did the bishop say how it would be paid.

In Stewart's version, much of the talk was in secret groups:

In this council were, as well as I remember, Bishop A. Johnson, J. M. Stewart, A. F. McDonald, N. T. Guyman, L. Johnson, C. Lanford, and W. J. Earl. I am pretty certain there were others present, but I cannot now name them. O yes! Potter and Durfee were present. They came in with blankets wrapped around them. In this council there was a good deal of secret talking done by two or three individuals getting close together, and talking in suppressed tones, which I, being dull of hearing, did not understand. I did not try to understand, but some things I could not help understanding. I understood when Potter requested of the Bishop the privilege to kill Parrish wherever he could find "the damned curse," and the Bishop's reply, "Shed no blood in Springville." . . . I understood that blood would probably be shed, not *in* Springville, but *out* of it.<sup>157</sup>

A third council meeting was more specific about the debt Parrish allegedly owed. Stewart, Durfee, and Bartholomew did not attend this meeting, but Potter told Durfee about it. This meeting took place on either March 11 or 12, right after William Parrish and Potter had gone to Provo with a search warrant from Justice of the Peace Stewart to try to find the horses stolen from Parrish the day before. According to Durfee,

Potter told me that he went to the meeting after he returned from Provo. He told the meeting that he had found one span of the horses. I asked him what they said about the taking of the horses; he said that the Bishop told him that Parrish or his son was owing Bullock something in regard to an order that Parrish's son had traded to Bullock, and that he (the Bishop) wanted those horses placed where they belonged to answer the demand. That evening, at that meeting, Wilber J. Earl and A. F. McDonald were appointed to go and tell Parrish that

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<sup>155</sup>"Confession of Abraham Durfee," 56.

<sup>156</sup>*Ibid.*, 59.

<sup>157</sup>Stewart, Letter to the editor, 2; emphasis his.

he should not receive those horses; this was told me by Potter.<sup>158</sup>

After the second meeting, when Potter and Durfee were assigned to learn when the Parrishes were leaving, they were both at Parrish's house almost every day, leading him to believe they too wished to leave. Durfee, according to Orrin Parrish, "pretended to father that he couldn't stand Mormonism any longer, and that he wanted to get out of the country."<sup>159</sup> Events escalated quickly. About March 8, "Mr. Johnson, Mr. Metcalf, and a person whose name witness does not recollect, came to father's as teachers, and questioned father about his religion, whether he prayed, and what he intended to do; don't recollect all that was said, but they didn't seem pleased with father's answer."<sup>160</sup>

One or two nights after the ward teachers' visit, William Parrish's four gray horses and carriage were stolen out of the stable on the property where he lived.<sup>161</sup> The next morning, Parrish went to see Durfee and ask his help in hunting for them. They went to John M. Stewart, the justice of the peace, for a search warrant. Although Stewart was willing to issue one, he would only deputize a sheriff, a deputy sheriff, or a Utah County constable. Eventually Stewart gave the search warrant to Potter, but whether the latter filled any of those roles is unknown. Potter and Parrish then went the five miles to Provo where they found two of the horses in Mayor B. Kimball Bullock's stable. Bullock said that someone had put them into his stable without his knowledge.<sup>162</sup>

The next day, March 12 or 13, Earl and MacDonald came to visit Parrish. According to Alvira Parrish's testimony,

A few days before my husband and son were murdered, Wilber J. Earl and Alx. F. McDonald came to my house about dusk in the evening and took my husband out. My son followed and McDonald drove him

<sup>158</sup>"Confession of Abraham Durfee," 57.

<sup>159</sup>"Testimony of Orrin E. Parrish," 46.

<sup>160</sup>*Ibid.*, 45-46. "Mr. Johnson" may have been Lorenzo Johnson, Aaron Johnson's brother who attended some of the council meetings, or possibly William D. Johnson, a policeman.

<sup>161</sup>*Ibid.*, 45; "Confession of Abraham Durfee," 57; and "Affidavit of Thomas O'Bannion," 60, in Cradlebaugh, *Utah and the Mormons*.

<sup>162</sup>Stewart, Letter to the editor, 2; "Confession of Abraham Durfee," 57; "Testimony of Orrin E. Parrish," 45-46.

back. Then I went out and crossed the street into my nephew's house, and stood at the open window, the house being an unfinished one, and heard McDonald tell my husband that he could never see his grey horses any more. My husband replied that if he would let him go to Brigham Young, he would bring papers to show that the horses belonged to him and no one else. McDonald said we dont [sic] care for Brigham Young, and if you start to see him you will never live to get there. My husband then opened his bosom and told them if they wanted to kill him to do it now. McDonald said we dont want to shed blood now.<sup>163</sup>

Orrin Parrish added: "Father afterwards wrote on a piece of paper what was said to him. Witness [Orrin] thinks it read about as follows: 'Abram [Alexander] F. McDonald and Wilber J. Earl says that I (William R. Parish) will never see my grey horses any more, and if I start to the city to see Brigham Young, I will never live to get there.'<sup>164</sup> William's niece Maryette described his distress:

Though I was only a little girl, I remember his coming to our house, and walking the floor and talking, wondering what he had done that the Lord would have him persecuted in such a way. He wanted a court of justice, but there was no courts. Only Brigham Young's law, as President of the Church. Then he said he would go to Brigham Young. He wanted to know whether he sanctioned what had been done to him, but they told him, he could not see Brigham, and if he tried to go to him, he would be killed.<sup>165</sup>

The Parrishes' landlord and neighbor, Thomas O'Bannion, testified that one Moses Daley Jr., sent by whom is not stated, "came to me a few days before the murder, and told me to tell Parrish if he did not settle that matter between Beason and Bullock his blood would pay the debt." O'Bannion then added that Parrish had told him that "he had had a terrible dream, and should be murdered in his own house if he did not leave soon; wrote on a paper that his life had been threatened by Earl and McDonald."<sup>166</sup>

Durfee reported, "Parrish the next day told me that he had given up all hope of getting his horses, that they were gone. Parrish

<sup>163</sup>"Testimony of Mrs. Alvira L. Parish," 43.

<sup>164</sup>"Testimony of Orrin E. Parrish," 46.

<sup>165</sup>Parrish Keir, *Memoir*, 8.

<sup>166</sup>"Affidavit of Thomas O'Bannion," 60.



... proposed leaving right away; he wanted to know if Potter and I would go with him. I told him I would. Potter said he would go too."<sup>167</sup> Orrin explained, "The arrangement was finally made, that father, brother, Durfee, Potter and myself, were to start on Sunday night, the 14th of March, 1857. They talked the matter over, and concluded that it would not be safe to start in the daytime; if we did we would be followed and killed as apostates. It was arranged to go out after dark, and meet about a quarter of a mile south of the city wall, at a corner of the lane fence."<sup>168</sup> Orrin was mistaken in the date; Sunday was the 15th.

Orrin and Durfee's accounts together build a picture of the events of March 15. About 10:00 A.M., Durfee and Potter arrived at the Parrish house, which police were watching. Potter offered to take some of Parrish's things out to allay suspicion. Potter then went off with gloves, a bridle, a gun, tape, and other items. About 2:00 P.M., William Parrish and Durfee left the house after giving directions to Beason and Orrin about where to meet. William and Durfee left town through the east gate, then went south, crossed Hobble Creek and came to Dry Creek. Here Parrish said he would wait until it was time to meet his sons. Durfee started back to town to get the boys ready; when he approached the house, Potter came out and wanted to know the plan, as he had some of Parrish's things and wanted to take them to him. Potter then left.<sup>169</sup>

What exactly happened to Parrish and Potter after this point is not clear, since neither lived to tell. Durfee reported the story as William Bird, who admitted to him that he was the killer, told him. As Potter was leaving town, he had called on Bird and asked him to accompany him "to do this deed." At the corner of the fence where the two parties were to meet, Bird lay down and stationed himself. When it was fully dark, Potter and Parrish walked along the fence toward the meeting spot. As they approached, Bird shot at them and killed Potter, mistaking him for Parrish in the dark. Bird then got up and tackled Parrish. In a fierce struggle, Bird drew his knife and stabbed him repeatedly. "Bird said, after Parrish was down he gave him a lick which cut his throat. He never said anything about any other person's being there, helping him. Bird said, after he got through with the old man,

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<sup>167</sup>"Confession of Abraham Durfee," 57.

<sup>168</sup>"Testimony of Orrin E. Parrish," 46.

<sup>169</sup>*Ibid.*, 46-47; "Confession of Abraham Durfee," 57-58.

he took Potter's gun and his own, and got into the corner of the fence again, to be ready for us."<sup>170</sup>

Meanwhile, under cover of darkness Durfee went with Beason and Orrin west on Center Street and out through the west gate, then south to the southwest corner of the city wall. Here Durfee told Orrin to wait and asked Beason to go with him to find some things he had hidden earlier in the day. While they were gone, Orrin heard a shot. When Durfee and Beason returned, he asked what it meant. Durfee thought it was their father or Potter giving them a signal or it might be Indians. When they got near the meeting place, Durfee called Potter's name three times, but got no answer. Within fifteen or twenty feet of the corner of the fence, a voice called Durfee's name, he answered, and a shot rang out, that killed Beason. At this point, Orrin's and Durfee's stories diverge. Orrin said that Durfee then pointed a gun at him and "bursted a cap, the gun failing to go off." Orrin turned and ran for town. Durfee claimed that, rather than firing at Orrin, he leaped toward a hollow that crossed the road.<sup>171</sup>

Another gun, not Durfee's, fired two or three shots from the corner of the fence at the fleeing Orrin. Orrin, however, managed to climb the city wall at a place where it was only about seven feet high, but hurt himself badly in jumping down from it. He ran to his Uncle Ezra Parrish's house where "some ten or twelve men were standing in the street to the left. Witness [Orrin] got in so quick they could not catch him."<sup>172</sup> Durfee said that, as Orrin was running, someone "sprang" from the fence and shot after Orrin, and then called to Durfee: "You need not be afraid, it was all right." This individual was Bird. Durfee went back into town through the south gate and soon met Cyrus Sandford, the city marshal, who took him into custody, brought him to the bishop's yard, and turned him over to H. H. Carnes, the captain of the police.<sup>173</sup> Orrin testified that the voice calling Durfee's name was Carnes's as "he has a peculiar voice;

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<sup>170</sup>*Ibid.*, 59.

<sup>171</sup>"Testimony of Orrin E. Parrish," 46-47; "Confession of Abraham Durfee," 58-59.

<sup>172</sup>"Testimony of Orrin E. Parrish," 47.

<sup>173</sup>"Confession of Abraham Durfee," 58-59.

I knew it well, and cannot be mistaken."<sup>174</sup> Thus, perhaps Bird was not alone.

The search for Orrin began quickly. According to O'Bannion, the Parrishes' neighbor,

Several persons came in front of Parrishes; some went in. I heard Carnes ask for Orrin; he said he had a writ for him. They afterwards came into my house and asked for Parrish; I asked which Parrish; Carnes replied, "any Parrish." They then searched my house and granary. H. H. Carnes, Lehi Curtis, Moses Daley [Jr.], Sanford Fuller, Richard Bird, Henry Rollins, and William Johnson were there. Carnes said they must make a clean sweep or search of it; said he always did what he undertook. My best recollection is that the words used were, a clean sweep of it. . . . Didn't say why they wanted Parrish. Curtis and Fuller appeared excited when they were making the search; when they opened my granary door Fuller cocked his gun.<sup>175</sup>

Not finding him there, they went to the uncle's house. "Wilber J. Earl, H. H. Carnes, Daniel Stanton, Sanford Fuller, Andrew Wiles, and a man by the name of Curtis, came to uncle's; Carnes asked for me, said he wanted me, dead or alive. Witness was sick from hurt in jumping the wall, and had laid down in bed; made me get up to see if I was shot. . . . Said he had a writ for me, and I must go with him." Orrin's aunt, however, refused to let the men take him and instead said they could set a guard over him, which they did.<sup>176</sup>

About 10 P.M. the captain of the police, H. H. Carnes, called Joseph Bartholomew and some ten or fifteen others to the schoolhouse, the largest building in town. They were formed into a company and, with a wagon and team, marched south.<sup>177</sup> John M. Stewart reported:

I knew nothing of . . . the deeds having been done, until . . . I was awakened, and requested to go and hold an inquest over some dead bodies. W. J. Earl, one of the city aldermen, and my predecessor in the magisterial office, made this requirement of me, and undertook to dictate [to] me in the selecting of a jury. . . . We proceeded along the main road, south, about one miles from the public square, to the cor-

<sup>174</sup>"Testimony of Orrin E. Parrish," 47.

<sup>175</sup>"Affidavit of Thomas O'Bannion," 60.

<sup>176</sup>"Testimony of Orrin E. Parrish," 47.

<sup>177</sup>"Affidavit of Joseph Bartholomew," 48.

ner of a field known as Childs' corner.<sup>178</sup>

When they came to the bodies, Stewart, the justice of the peace now acting as coroner, with twelve men making up the coroner's jury, examined the bodies.<sup>179</sup>

The group then picked up the three bodies, placed them in the wagon, and brought them back to the schoolhouse. "A guard was put around the school house that night," reported Bartholomew. "I was called to take charge of the house, and to wash the bodies and lay them out. Edward Hall and Thomas Cordingly (since dead) assisted me." He described the wounds on each body, particularly those on "old man Parrish," who was "cut all over with knife wounds. His throat was cut in the left side. He was cut at least fifteen times in the back, in front, on his arms, the hands, in fact all over."<sup>180</sup>

The next morning, March 16, a farce of a "court of inquiry" was held. The jury consisted of Earl's handpicked personnel. Despite his resentment, Stewart "considered my position for a moment, and concluded to suffer myself to be dictated to, unless an attempt should be made to lead me to the commission of crime."<sup>181</sup> Durfee explained his part: "The next morning when the hearing of myself and Orrin Parrish was before John M. Stewart, I knew that Bird was the man, but I was afraid to state it. Bishop Johnson told me that morning what evidence I should give; and he said if I told what I learned that night, they would send me the same way; I stated to the justice what the Bishop

<sup>178</sup>Stewart, Letter to the editor, 2.

<sup>179</sup>Coroner's Inquest, March 15, 1857, Hosea Stout Miscellaneous Papers, Utah State Historical Society.

<sup>180</sup>"Affidavit of Joseph Bartholomew," 49.

<sup>181</sup>Stewart, Letter to the editor, 2; and Coroner's Inquest. The jurors were: A. F. McDonald, foreman, M. N. Crandall, N. J. Guyman, Uriah Curtis, S. P. Curtis, John Dayley, William Smith, G. McKenzie, Philo Dibble, Wilber J. Earl, Joseph Bartholomew, and Thomas G. Sprague. Cradlebaugh pointed out that many of these men were the same as appointed to the grand jury for his investigation two years later, "the Mormon county court in Utah having," he said, "the selecting of the Grand and trial jurors for the Federal courts." Stewart, Durfee, and Bartholomew also named many of the same men as participants in Bishop Aaron Johnson's council meetings. Cradlebaugh, *Utah and the Mormons*, 53.

told me to say.”<sup>182</sup> Orrin too had been warned to say nothing: “Durfee and I were sworn. Durfee was examined first; don’t recollect all he said; he had snapped a cap at the enemy. I told them I knew nothing about it more than Durfee had stated; that I saw nobody, but saw something dark toward the corner of the fence. My uncle got a chance to speak to me in the morning, and he told me to say that I knew nothing; said that if they found out that I knew anything, they would kill me.”<sup>183</sup>

Stewart well “understood that it was only to be done as a show.” Durfee “told what he had been instructed to tell. Parrish, as might have been expected, chose not to know anything of consequence. It was certainly wise in him to be ignorant.”<sup>184</sup> The jury’s verdict was predictable: “They came to their deaths by the hands of an assassin, or assassins, to the jury unknown.” Stewart continued, “The law of the Territory made it my duty to make returns of my proceedings, in this case, to the County Court, but the Bishop told me not to do it, and I obeyed him.” Stewart ended his letter to the editor by writing,

I am perfectly aware that that portion of the community who have no knowledge of the under-currents and wire-workings of Mormonism will consider me a “poor concern,” for suffering myself to be swayed in my official duties by ecclesiastical dignitaries; for suffering myself, in the case above mentioned, to be governed by the Bishop. But I perfectly understood that to act without counsel, or to disobey counsel, was to transgress; and if I had never understood it before I could not help but understand it then, by the example of the three dead bodies right before my eyes, that “The way of the transgressor is (was) hard.”<sup>185</sup>

Durfee and Orrin were discharged. Alvira Parrish went to see Brigham Young four months later, but he “told me he knew nothing of the affair,” she said. “Springville was fifteen years ahead of him. He would have stopped it had he known anything about it.”<sup>186</sup> No further action to apprehend the murderers took place until two years

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<sup>182</sup>“Confession of Abraham Durfee,” 59–60.

<sup>183</sup>“Testimony of Orrin E. Parrish,” 47.

<sup>184</sup>Stewart, Letter to the editor, 2.

<sup>185</sup>*Ibid.*

<sup>186</sup>“Testimony of Mrs. Alvira L. Parish,” 44.

later when Judge Cradlebaugh empanelled the grand jury.

Alan P. Johnson, Aaron Johnson's great-great-grandson and biographer, exonerates his ancestor of any blame and implies that the Parrishes were killed because they were fleeing because of "substantial debts [owed] to various people in the valley."<sup>187</sup> He selectively quotes T. B. H. Stenhouse's 1873 characterization of Aaron Johnson as "a very quiet, inoffensive man. He has a well-regulated and, for aught the public know, a peaceable home, with ten excellent wives and a long string of children," and A. F. MacDonald as "a thorough Scotchman, a Gaelic Highlander, born and reared with the best surroundings of Presbyterianism, a man of unfailing honesty, strict integrity, and truthfulness," while conveniently ignoring Stenhouse's assertion in the same paragraph that "the facts of this deed of blood clearly exhibit that it was a religious murder. The major part of the men charged with compassing the death of the Parrishes never would have soiled their hands with the blood of these or any other persons on their own account." Alan Johnson also fails to quote Stenhouse's statement five pages later "that all this was the work of the 'Reformation,' and its teaching about killing apostates 'to save them,' there can be no doubt."<sup>188</sup>

It is true that the Parrishes may have owed B. K. Bullock, Provo's mayor, some sort of debt, but it not clear why Bishop Johnson considered himself responsible for enforcing its repayment. Even so, the theft, or confiscation, of the horses and carriage would seem to have balanced the books, though illegally. Some doubt is

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<sup>187</sup>Alan Johnson, *Aaron Johnson: Faithful Steward* (Salt Lake City: Publishers Press, 1991), 561. Johnson also asserts that "along with others, he [Aaron Johnson] was completely exonerated" (562), when in fact the grand jury was dismissed after failing to make findings of any sort. When the territorial marshal tried to serve a warrant for Aaron Johnson, he found that Johnson had fled to a hideout in the mountains where he stayed for several months.

<sup>188</sup>Stenhouse, *Rocky Mountain Saints*, 462, 467. Historian Glen Leonard, "Recollections and Reconstructions from the Killing Fields at Mountain Meadows," paper presented at the Mormon History Association annual meeting, Provo, Utah, May 22, 2004, 8, has called Stenhouse's account of the Mountain Meadows Massacre a "realistic narrative" and "a reasoned history." Photocopy in my possession. The same can apply to his evaluation of the Parrish-Potter murders.

thrown on debt as an explanation, however, by the fact that, after Alvira Parrish visited Brigham Young in July 1857, Young wrote to Aaron Johnson, who returned the two horses in Bullock's possession to her.<sup>189</sup> Lysander Gee of Tooele had the other two, although there is no indication from any surviving source that the Parrishes owed him anything. A few days after his father's murder, Orrin Parrish said he saw Gee and another man riding them in Echo Canyon; in the fall of 1858, Gee was driving them in Salt Lake City.<sup>190</sup> They were apparently never returned. Even if the purported debt was legitimate, no legal code allowed murder to justify debt.

Could these murders be an instance of blood atonement? This tenet, often preached during the Reformation, held that Christ's redemption was inadequate to atone for some sins and that the offender could make restitution only if his or her own blood was shed. Typically the sins that required such sacrifice were listed as murder, adultery, and apostasy. An anonymous Mormon wrote to the *Valley Tan*: "Many of our Church members . . . are opposed to many acts of violence that are done under a pretended right and color of our faith. I never did and never can believe in the doctrine that it was right to take a persons [sic] life, for the purpose of saving him; yet many of my brothers differ with me on this—they think that when there is danger of Apostatizing they should by a *premature transition* from this world be secured the happiness of a better one."<sup>191</sup>

In addition to the preaching on blood atonement in Springville that Alvira Parrish described, Leonard Phillips of Provo testified to Judge Cradlebaugh: "On the Sunday night of the murder I was at a meeting in the street in Provo. President [James C.] Snow, President of this State [Stake], and others, preached from a wagon. Their preaching about that time was pretty much about apostates and persons go-

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<sup>189</sup>Brigham Young, Letter to Aaron Johnson, July 30, 1857, Young letterbook, as referenced in Quinn, *The Mormon Hierarchy: Extensions of Power*, 528 note 120; and "Testimony of Orrin E. Parrish," 45, in which he said, referring to the two horses in Bullock's stable, "got them back after father's death from the Bishop."

<sup>190</sup>*Ibid.*, 46.

<sup>191</sup>*Valley Tan*, December 17, 1858, 3; emphasis in original.

ing to leave the Territory, and how they would be disposed of.”<sup>192</sup>

Because bloodshed was required, slitting the throat was understood as a sign of blood atonement. Beason Parrish and Duff Potter died from bullets, but William Parrish was stabbed multiple times and had cuts to the throat. Alvira Parrish, Orrin Parrish, Bartholomew, Durfee, and Stewart each described these wounds in some detail.<sup>193</sup> The coroner’s inquest record, signed by the twelve picked jurists, stated that William Parrish had “many knife wounds inflicted on his body, and especially in his throat.”<sup>194</sup>

Four days after the murders, Winslow Farr of Big Cottonwood Ward wrote in his diary, “Went to the evening meeting I heard some good preaching and was glad to hear that the law of God has been put in force in Springville on Some men who deserved it.”<sup>195</sup> Hosea Stout had also heard about the murders on the same day, but added more cautiously, “The circumstances and how I have not learned.” Stout made no further mention of the matter until two years later when Cradlebaugh began his investigation. Then Stout criticized Cradlebaugh’s methods.<sup>196</sup>

Historian Thomas G. Alexander concedes, speaking of the Potter-Parrish murders, “Some members may have taken the talk about blood atonement to heart.” Paul H. Peterson, author of the most thorough study to date of the Reformation, believes that these murders were not a strict case of blood atonement but rather were intended “to purify the environment or to avenge past wrongs. Their killers were probably unconcerned with expiation, forgiveness of sin, or the eventual fate of the Parishes [sic] souls. Applying twisted logic in a time of emotional frenzy, they probably reasoned that the Parrishes were ene-

<sup>192</sup>“Affidavit of [Leonard] Phillips,” in Cradlebaugh, *Utah and the Mormons*, 60. Phillips’s first name comes from an affidavit signed by him and five others, asking for military protection and published as “Important from Utah,” *New York Times*, April 29, 1859, 1.

<sup>193</sup>“Testimony of Mrs. Alvira L. Parish,” 44; “Testimony of Orrin E. Parrish,” 47; “Affidavit of Joseph Bartholomew,” 49; “Confession of Abraham Durfee,” 59; Stewart, Letter to the editor, 2.

<sup>194</sup>Coroner’s Inquest.

<sup>195</sup>Winslow Farr, Diary, March 19, 1857, typescript, 25, LDS Church Archives.

<sup>196</sup>Stout, *On the Mormon Frontier*, 2:624, 690–93.



mies of God and harbingers of evil that needed to be eliminated.”<sup>197</sup> There seems little doubt that the local Church leaders instigated the murders, but whether higher authorities were involved cannot be easily determined. The letter Stewart described at the first council meeting as being from Brigham Young was about preventing people from leaving, not about killing specific individuals. Durfee’s statement about that meeting is more suggestive, that the bishop “had instructions” in regard to “some individuals.” Bartholomew, in recounting what happened at the second council meeting, juxtaposed seeing “the red stuff run” and the bishop’s letter, but did not explicitly state that one was linked to the other. Phillips’ testimony before Cradlebaugh established that, on the night of the murders, the stake president in Provo asked a man to take a letter to Bishop Johnson but does not identify the letter’s author.<sup>198</sup> On the other hand, Alvira’s testimony that A. F. MacDonald had said, “We dont [sic] care for Brigham Young,” would support the idea of a local decision to carry out the murders.

A definitive study has yet to be done. Until then U.S. Indian agent Garland Hurt’s comment about Springville is still apt: “The tragical murder of Potter and the two Parishes [sic], in the spring of 1857, must ever cleave like bird-lime to its history.”<sup>199</sup> But for the purposes of this study, the relevant fact is that Peter McAuslan and others believed the Parrishes were killed because they were considered apostates.

#### PETER MCAUSLAN’S LETTER TO ROBERT SALMON

This letter in Peter McAuslan’s handwriting appears to be a draft; presumably he sent a final version to Salmon in Scotland. Consisting of a long sheet of pale blue ledger paper folded to make four pages, it was discovered among McAuslan’s papers and books in Live

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<sup>197</sup>Alexander, *Utah, The Right Place*, 125; Peterson, *The Mormon Reformation*, 75, 77 note 59. In the footnote, Peterson added, “Whether or not it was a blood atonement killing, of course, does not lessen the abominable nature of the deed.”

<sup>198</sup>“Affidavit of [Leonard] Phillips,” 60–61.

<sup>199</sup>Hurt, “Appendix N,” in Simpson, *Report of Explorations Across the Great Basin*, 453. Similarly, “A.B.C.,” correspondent, “Important from Utah,” *New York Times*, April 29, 1859, 1, wrote “The evidence adduced is astounding, and will form a dark, dark chapter in our history.”

Oak, California, where he had settled.<sup>200</sup> Scribbles, as if he were trying out his pen, appear at the top of the first page and the bottom of the last; a few numerical calculations dot the top and bottom of the last page. The letter ends abruptly, without a closing. I have added paraphrasing, initial capitals, and punctuation for ease of reading.

Robert Salmon was born in 1812 in Balloch, Dunbartonshire, Scotland. The Salmon and McAuslan families had known each other in Kirkintilloch (northeast of Glasgow), Denny (near Falkirk), and Barrhead (near Paisley), where both successively moved to find work in calico printing factories. McAuslan was instrumental in converting Salmon to Mormonism and baptized him on March 3, 1849, in Denny, where they were sharing a room.<sup>201</sup> Salmon was married and had seven children but was probably rooming with McAuslan while looking for work, intending to move his family from Kirkintilloch once he obtained a position.<sup>202</sup>

\* \* \*

Mary'sville [California], Decr 1860

Mr. Robart Salmon

Dear Brother

I received your letter some time ago and was happy to learn that you were all well and in good spirits. I am happy to inform you that we are also well and in as good spirits now as I ever was, and I might add, better than I ever was in the Mormon Church, but I know that you cannot believe that according to your present faith, but no matter, all is right.

I still intertain the same faith in regard to the First principles of the Gosple of Christ, that is, as farr as Faith, Hope and Charity is concerned, or in other words, I believe and do know that I enjoy the

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<sup>200</sup>I am grateful to Donna Ferguson, McAuslan's great-great-granddaughter, for a photocopy.

<sup>201</sup>Falkirk and Barrhead Branches, Scotland, "Record of Members," British Mission, LDS Church Archives; Peter McAuslan, Letter to Agnes McAuslan Allan, March 1, 1884; photocopy in my possession.

<sup>202</sup>William Gibson, then president of the Edinburgh Conference of the Church, said that many in those days of high unemployment and low wages were forced to work forty or fifty miles away from home, seeing their families only on Sunday. Gibson, *Journal*, Vol. 1:78, LDS Church Archives.

Spirit of God more so then ever, and that Spirit leads me to have faith, hope and charity, and to follow after truth wherever I may find it Independent of Churches with there Dogmas or Prophets and Priests that preach that your Salvation depends on Paying up your Tithing that they might live in ease and Splendor and in the injoyment of all the pleasure that this world can bestow!<sup>203</sup>

More particularly I will state a few of the reasons I had for leaving Salt Lake and the Mormon Church. First I was taught to believe when I was in the Old Cuntry that when I got to the So-called Zion I would have the pleasure of seeing and hearing a Prophet, Seer and Revelator of the Lord. I was sorrowfully dissappointed after being there over 5 years. I was forsed to come to the conclusion that Brigham Young is no more inspired by the Allmighty then many other men are, who are out of the Pale of Mormondom.

Of course you say I have no right to judge the Servent of the Lord. Well I have not time to discuss this subject at this time, but would mearly say that I clame it as a right to judge all things for myself, feeling as I do that I shall have to give an account for myself of the course I persue in this life. If I take a right course, I shall receive the reward. If I take a wrong course, I shall suffer the Penalty anexed thereunto, and of course I would consider myself a fool or a dupe to expect any man to be responceable for my actions. ~~Hence you can see at once from these few remarks that that~~

The Doctrin of doing as you are told, whither it appears to you to be right or rong, was most strongly urged the last year or two that I was thare, so much so that I could not believe it, and of course I found out that I could not be consistently a Mormon.<sup>204</sup> Such a doctrin as that in the hands of uninspired men, even suppose them to be of Spotless Character, would in my estamation lead to most fearfull consequences. [p. 2] What do I suppose those consequences to be, you

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<sup>203</sup>When he left Utah, McAuslan owed \$91.77 in combined labor and produce tithing. Although others were also in arrears, this amount was greater than the average. Spanish Fork Financial Records, LDS Church Archives, 102.

<sup>204</sup>Derry, *Autobiography*, 33, had similarly complained: "It seemed to me that the leading men were set upon crushing out what manhood there was in the people by their oppressions, and at the same time the burden of their teaching was, 'obedience to counsel,' 'follow your leaders,' 'do as you are told,' 'heed the counsel of the living oracles.'"

might ask? In my humble oppion it requires no Prophetic Eye to See what those conciquences would be.

Firstly, instead of man excercising those reasonable facculties that God has indowed him with for the discovery of truth, they would lie in a dorment condition. Hence an end to progression and the expansion of his intellect, and instead of God's purposes ~~being~~ towards man being aided (which are in my oppion man's development phisically, intelectully and morally), they would be retarded.<sup>205</sup> Therefore, you see, I desided for myself—after earnest Prayer to the Almighty to aide me in the discovry of truth and it's addoption, and the renouncement of error—that such a doctrin could never come from the Almighty, and of course must have been concocted by man for the subjugation and inslavement of his fellow man, both Soul and body. Such is the ultimate [fate] of the faithfull followers of Brigham Young.

As I know from expearience that I cannot effect your faith in Mormonism or, in other words, what you understand to be Mormonizm in Scotland, neither do I wish to, but would ask you to go ahead and prove it for your self and not depend upon my expearience in Mormonizm. I am of the many but one (judging from my own past expearience) [and] am convinced that you will do that anyway, but as you have asked my reasion's for leaving Mormonizm, I shall give you a few of the most prominent of them, without going into detail.

That I might put no Stumbling Block in your path, I might add that I do know that there are many just as good men as I would wish to ascocaite with whose expearience in Mormonizm has made them Stronger in the Faith. And I must say that my feelings are very

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<sup>205</sup>Sociologist Thomas F. O'Dea, *The Mormons* (Chicago: University of Chicago Press, 1957), 242–43, observed: “The emphasis upon the free agency of man, upon man’s development through his own effort, and upon the possibility of the individual’s achieving Godlike status” contradicted the “church claiming descent from the rule of a specially chosen prophet-founder and embodying a hierarchy of office and decision-making.” The result is an inherent conflict between individual effort and obedience; and although the Church has made an accommodation for individual participation within the authoritarian structure, “it remains a potential source of strain, and for the intellectuals it is an actual source of difficulty.” William Mulder gives examples of “no room for a loyal opposition” in *Homeward to Zion*, 227–30.

Charityable towards them as a people, that is to those who are honest in the faith.<sup>206</sup> And although such do intertain ubsurd doctrins, they are not to blame. It requires time and expearience to develop them; then they shall get rid of there [their] absurdities just as I as one of the many have down [done] before them.

But I think I here you exclaim, "Poor fellow! I am vexed for you. You have got into darkness, but I hope and Pray that you might be brought back to the light again, yea to the glorious light of the latter day Gosple." I am thankful to you for such feelings and accept them as a token of the magnaminity of your Soul towards me.

But to return to my reasons. The Mormons do intertain doctrins [that] when they are put in force are destructive of the rights of there fellow man.<sup>207</sup> Do I know this? Yes I do. What are they? When the Celestial law is fully put in force there shall no one leave the Mormon church and go over to the enemy.<sup>208</sup> The enemy here alluded to is the world or all who do not believe in

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<sup>206</sup>Compare with Derry: "I have no desire to create the impression that the mass of the people of Utah were bad. On the contrary, I am satisfied there were many God-fearing people who had made great sacrifices for the truth." Hyde likewise commended the people in a letter addressed to Brigham Young: "I admire the industry of your people, their notable labors and their general sincerity." Forsdick echoed these sentiments: "As a whole, I consider the Mormon people a kind-hearted and generous class of people. They were sincere in their belief, which is shown by the sufferings they endured in crossing the plains and settling up of the valley." Derry, *Autobiography*, 38; Hyde, *Mormonism*, 333; Forsdick, "On the Oregon Trail to Zion," 49.

<sup>207</sup>Compare with Alexander, *Utah: The Right Place*, 133: "Although the Mormons suffered and fought for their religious rights in the Midwest, they disregarded the rights of those who differed with them in Utah. In Utah, the property and, in some cases, the lives of dissidents and non-Mormons were clearly not secure."

<sup>208</sup>Celestial law refers to all the laws of God. They are often spoken of separately, such as the "celestial law of tithing," the "celestial law of consecration," or the "celestial law of marriage" (i.e., plural marriage). McAuslan is here referring to blood atonement. "A Voice from the Temple," *Times and Seasons* 5 (December 1, 1844): 728; Orson Pratt, "Equality and Oneness of the Saints," *Seer* 2 (July 1854): 291. See also Maureen Ursenbach Beecher, ed., *The Personal Writings of Eliza Roxcy Snow* (Salt Lake City: University of Utah Press, 1995), 17, who refers to the "celestial law of marriage."

Mormonism—"all who are not for us are against us" and of course enmities.<sup>209</sup> How do they mean to accomplish this? The Angle of the Lord shall [p. 3] destroy them, or in other words, the dannits shall slay them. The dannits are a well disipled branch of the Preisthood organized with captains over Tens and Fifties to exacute a very prominent part of gods judgments upon the Earth.<sup>210</sup> Who did I here preach these doctrins? John Young, Head Patrerch of the Church, and many other dignatrysts of the church.<sup>211</sup> In fact I do not mean to write any thing in this letter but what I do know and can vouch for as being doctrins intertainied by the Mormon Church in Salt Lake. I heard the the [sic] Bishop of the 19 Ward declare that if the Celestial Law was put in force, they the people of the Lord would be cutting one an-

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<sup>209</sup>McAuslan may be referring to a sermon by Orson Hyde on October 25, 1857: "When that day comes, . . . those who are not right and pure will be devoured and destroyed. . . . If we do not live our religion, we shall be consumed in that day. . . . Why have they not yielded obedience to the laws of the kingdom of God and taken upon them the yoke of Christ? It does seem to me that persons holding that position are ready to turn to the enemy. . . . 'He that is not for us is against us.'" *Journal of Discourses* 5:355–56.

<sup>210</sup>This description of the Danites from the "History of Joseph Smith," dated October 1838, was published in the *Millennial Star* 16 (July 22, 1854): 458–59, the year that McAuslan emigrated to Utah: Sampson Avard "proceeded to administer to the few under his control, an oath, binding them to everlasting secresy [sic] to everything which should be communicated to them by himself. Thus Avard initiated members into his band, . . . which *he* named *Danites*. . . . He held meetings to organize his men into companies of tens and fifties, appointing a captain over each company." Emphasis in original.

<sup>211</sup>Brigham Young's eldest brother, John Young, was sustained as a patriarch in October 1853. Obituary, *Journal History*, April 27, 1870. McAuslan most likely heard him on November 26, 1856, when Young preached in Salt Lake City's Nineteenth Ward, where McAuslan was then living. Nineteenth Ward, Salt Lake Stake, Record of Members 1850–1856 and Historical Record, LDS Church Archives, 116. However, John Young was never Church Patriarch. John Smith, the oldest son of Hyrum Smith, was Church Patriarch from 1855 to 1911.

other's throats.<sup>212</sup>

We were also taught—that our minds might be prepared for coming events—to beware of Sympthy, as that feeling would destroy a great many in this Curch. How thact to beware of Sampty [sympathy]? Because when that time comes and is at hand you may see the dead Bodys of your Fathers, your Brothers, or your nearest, dearest relatives and friends lying upon the Streets, and if you should pass by, say not a word to anybody, nither ask the cause, just conduct yourself as if nothing had happened. All is right, it was down [done] by athrowity.<sup>213</sup>

But I wish to inform you that it is not so. Those who renounce the faith and who have courage enough to speek what he dose think and know would meet with such a fate faster than a murderer or an adulterer. Do I know of any such cases? Yess I do. Not that I saw the deed commited with my own eyes, but this deed that I am going to relate was commited at the Town of Springville only 6 miles from Spanish Fork where I resided at that time, and the people not being atall prepared to act by the above council, “pass by and not say a word about it,” there secret deeds were published upon the house tops. So I got to know as much about it as if I had seen it with mine eyes, a day or

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<sup>212</sup>Alonzo H. Raleigh, then bishop of the Nineteenth Ward, recorded in his Journal, December 1, 1856, holograph, 151–52, LDS Church Archives: “I declared my intentions to carry out the law of God, to the verry letter in Sanctifying Israel & cleanzing the inside of the Platter by wiping out inniquity from our midst.”

<sup>213</sup>George A. Hicks, who lived in Spanish Fork before and during the time that McAuslan lived there, described John Young’s visit on September 27–29, 1856, in a similar way: “It was during the Reformation that that liable [sic] doctrine known as ‘blood atonement’ was first preached in Utah. John Young, that same one man that started the Reformation in Spanish Fork . . . said there were hypocrites in Zion and that [they] were not fit to live and the time had come that their blood would have to be shed to save them and he continued, ‘If you should find your fathers or your mothers by the way side with their throats cut go on about your business and say nothing about it for it would be all right. Zion must be purified.’” “History of George Armstrong Hicks Written by Himself,” [1878], typescript by Kent V. Marvin, Mary Anne Loveless, and Karen Kenison, chap. 10. I am grateful to Will Bagley for a photocopy of this account.

so after it was done.<sup>214</sup>

A Father and Two sons had renounced the Faith and disided [decided] on leaving the Territory. A few days before they decided to start, there carrage [carriage] and horses were stolen out of ther stable by night. There was another man, a Dannit, acting in consort with them with the pretended intention of leaving at the same time.<sup>215</sup> The time appointed came; they left the town at a time when they thought they would be lest [least] suspected, prepared with laraets to captured their own horses as they knew the field that they were in.<sup>216</sup> They had not proceeded far when they came to were [where] other Dannits were lieing in wate [wait]. The work of death commenced. In the struggle the Traitor Dannit fell with the Father and one son. The other son, making his escape unhurt, went straight back to town [where a] public metting [meeting] [was] going on at the time. He entered the metting and plead[ed] for protection. The Bishop promised him protection upon the condition that he remaind and behaved himself.<sup>217</sup>

I have not the lest doubt but that you have heard of this case. Nither do I doubt but that it has had the appropriate coloring to sute [suit] the tastes of honnest and [p. 4] faithful but to[o] credulous Saints at home [i.e., in Scotland] put upon it by some faithfull Elder

<sup>214</sup>George A. Hicks, also residing in Spanish Fork, wrote, "This [Reformation] preaching soon began to have an effect throughout the country and many were the victims that fell by the hand of the destroyer. . . . My wife and myself both saw the blood of the Parishes at Springville two days after the murder. Those were truly perilous times such as only fanatic[s] know how to bring on a country." "History of George Armstrong Hicks," chap. 10.

<sup>215</sup>There were actually two men, "Duff" Potter and Abraham Durfee, who betrayed them, but to call them Danites is probably inaccurate.

<sup>216</sup>Abraham Durfee twice mentioned that the Parrishes had a bridle with them, but neither it nor a lariat was found with the corpses. "Property Found on the Bodies," Hosea Stout, Miscellaneous Papers, Utah State Historical Society.

<sup>217</sup>Orrin, the younger son, tells a different story. He "ran to his uncle's house; some ten or twelve men were standing in the street to the left. Witness [Orrin] got in so quick they could not catch him." A guard was set over the house that night and the next day he was taken before Justice of the Peace John M. Stewart and examined in a court of inquiry. "Testimony of Orrin E. Parrish," in Cradlebaugh, *Utah and the Mormons*, 47.



from Zion.<sup>218</sup> But I have only to say I have given you a simple unvarnished statement of the facts as they occurred and would merely add that they were men of good moral character, had committed no crime and were in debt to no body.<sup>219</sup>

This act occurred during the reformation excitement, and it was expected that the Celestial laws were going to be put in force right straight, and as they had already declared their independence from the United States,<sup>220</sup> they had full faith that the Lord would fight their battles and sustain them as an independent Kingdom to the dismay and overthrow of all their enemies, even the Prophet himself declaring that with Ten men of the right stripe he could defy all the armies of the U.S.<sup>221</sup> But the enemies from within were more to be feared, hence the necessity of cleansing

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<sup>218</sup>Probably reflecting the standard Church explanation of the time, B. H. Roberts, *Comprehensive History*, 4:176–77, 176 note 26, briefly described the Parrish murders, placed the blame squarely on the individuals who committed these and other “deeds of blood perpetrated in those troubled, and unsettled years of Utah’s history,” and unequivocally absolved the Church of any responsibility. He explained these crimes as the outgrowth of times “when men’s worst passions were highly wrought upon by memories of past injustice, and by threatening portents of oppression yet to come.”

<sup>219</sup>As discussed above, McAuslan may have been mistaken about a possible debt.

<sup>220</sup>On August 31, 1856 Brigham Young declared, “We are bound to become a sovereign State in the Union, or an independent nation by ourselves,” *Journal of Discourses* 4:40. On September 6, 1857, when the U.S. Army was on its way to Utah, he “declared that the thread [sic] was cut between us and the U. S. and that the Almighty recognized us as a free and independent people and that no officer appointed by the government should come and rule over us from this time forth.” Quoted in Stout, *On the Mormon Frontier*, 2:636. Charles Derry, referring to a sermon given by Heber C. Kimball on the same date, wrote, “They [the church leaders] talked very loudly about ‘Buck and Bright’ being no longer yoked up together. ‘Buck’ represented the Government under Buchanan, and ‘Bright,’ Utah under the rule of Brigham.” Derry, *Autobiography*, 43; *Journal of Discourses* 5:217.

<sup>221</sup>Brigham Young made this declaration three times in the fall of 1857 when the army was on its way to Utah. “Our enemies will not be able to come within a hundred miles of us. I know that ten men, such as I could

the inside of the Platter first.<sup>222</sup>

As it is not attall according to my feelings to write on this subject and [I] would not have troubled you now with this expos[t]ulation on Mormonism had you not, allong with others, requested me to write you on this subject. I have a few more remarks to make and then I shall close for the present.

A few words about polligmy or selestial marrage. There is no such a thing as revelation from the Lord required in order to get more wifes. Previous to the Mormon rebellion, there was generall teaching to all to go ahead and get more wifes as they could \_\_\_ [illegible word] to receive a Selestiall Salvation with it.<sup>223</sup> That coupled allong with conciration [consecration] of all your property to the Lord—that is Brigham, the only Lord they my [may] ever expect to see,—that down there Selestial Salvation is about sure, or as I would speek it, they are bound hand and foot, and must remain slaves to Lord Brigham during there natural lives. You must see at once that a man after he has got two or three wifes and they have children by him, natural affection, even if he should lose faith in Mormonism, binds him to his chil-

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name and select, could stop them before they got to Laramie. . . . I count five such men equal to twenty-five thousand, and believe that two of them could put ten thousand to flight." October 8, 1857, *Journal of Discourses* 5:339. See also statements on October 25, 1857, *ibid.*, 5:353; November 15, 1857, *ibid.*, 6:41.

<sup>222</sup>This scriptural metaphor (Matt. 23:25; Alma 60:23–24) was applied frequently to eliminating apostates during the Reformation. For example, on March 2, 1856, Jedediah Grant preached, "I not only wish but pray, in the name of Israel's God, that the time was come in which to unsheath the sword, like Moroni of old, and to cleanse the inside of the platter, and we would . . . walk into you and completely use up every curse who will not do right." *Journal of Discourses* 3:236; see also "Discourse," *Deseret News*, November 12, 1856, 284; and Heber C. Kimball's statements, *Journal of Discourses* 4:140, 6:35.

<sup>223</sup>Church leaders urgently promoted polygamy during the Reformation. Nelson Wheeler Whipple, also a resident of the Nineteenth Ward during the Reformation, noted: "Among other teaching and instructions the plurality of wifes was strongly urged and a great number of the men took more wifes. Some two, three, four and as high as eight." "The History of Nelson Wheeler Whipple," typescript, Mormon File, Huntington Library, 56; see also Daniel H. Wells, March 1, 1857, *Journal of Discourses* 4:254.

dren, and as they [the] saying amongst them is, "if he should appostatize his property wont."<sup>224</sup> Thus you see the Trap is well planed and it's hard to get out of, and the reason of them being so anxious to get them into it, before the expected fight with *Uncle Sam* [in the Utah War], for if a man will fight for anything it will be for his wives and children coupled with a fanicial [fanatical?] religion. As is to be expected, the women live very unhappy lives with but few exceptions.

The present prospect for Joseph Smiths prophesy in regard to South Caralena being fullfilled is at present exciting much interest at Salt Lake, with the Saints. I learn this from the pappers. (Such a prophesy even though it should come to pass) looses much of its weight when the fact is known that S.C. has possessed the elliments of disunion as far back as the 1800 and has manifested itself less or more ever scince.<sup>225</sup> [Letter draft ends here.]

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Although he did not mention wanting to improve his life economically, Peter McAuslan closely matched the others in this study in the causes they gave for losing their faith: His expectations of "Zion" were disappointed, he thought the demands of obedience conflicted with his God-given faculties for reason and self-development, he saw polygamy as a way to keep the people chained to Mormonism, he no longer believed that Brigham Young was inspired by God but rather was interested in living well at the expense of the members, and he saw plenty of reason to fear those in authority if one turned against Mormonism. McAuslan, however, was the only one of the seven living in Utah County and was thus particularly affected by the Parrish-Pot-

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<sup>224</sup>Compare with Hyde, *Mormonism*, 38, on consecration, who quoted Brigham Young as saying, "If you tie up the calf the cow will stay" and Stenhouse, *The Rocky Mountain Saints*, 502 note.

<sup>225</sup>McAuslan was referring to Joseph Smith's prediction of a war between the North and the South that would begin in South Carolina and in which all nations on earth would be involved (D&C 87). By this means, Mormons of the time believed, the United States would be punished for acting against Mormonism. Paul Peterson, "The Mormon Reformation of 1856-1857," 80, commented, "When the Civil War failed to lead to the consummation of all things, a re-reading of historical processes was made necessary."

ter murders.<sup>226</sup> All the others lived in Salt Lake City or the northern settlements.

### EPILOGUE

Robert Salmon was not dissuaded by McAuslan's letter. He came to Utah six years later with his wife and ten children on the *John Bright* and settled in Coalville, Summit County, Utah. In 1877, when Summit Stake was organized, he was appointed bishop and continued in that capacity until 1889. He is listed as county clerk in the 1880 U.S. Census. He died in 1891 at age seventy-eight.<sup>227</sup>

For the seven who left, their lives took divergent paths, though a number of them continued to express their religious feelings.

Charles Derry settled in the Midwest, joined the Reorganized Church of Jesus Christ of Latter Day Saints in 1861, served a mission

<sup>226</sup>Another similarly affected, but not included in our group, was a young Welsh man, John Davies, who wrote to his brother: "I guess you are anxious to know the reason why I left Salt Lake. . . . If he [i.e., a person] don't agree to these things [tithing, polygamy], he had better quit: but by doing so he is in danger of losing his life every minute, for they would rather kill him than let him be the means of letting the world know how things are in their midst. Many have been shot down in trying to escape." He then says he "saw three persons killed merely because they intended to escape," and describes the Parrish-Potter murders. It seems unlikely that he was, in fact, an eye-witness, since his account contains several inaccuracies: Springfield instead of Springville, Sunday morning instead of Sunday night, "Poster" instead of "Potter" (although this could be a typesetter's error), and that all three were shot (only two were). However, he has the correct day, the correct number of victims (three), and that the father's throat was cut. And certainly, his main point is clear: These murders, combined with his belief that "many" had similarly died, were his main motivation for leaving Utah. "The Mormons: A Curious Personal Narrative of an Escaped Mormon," *New York Times*, September 28, 1857, 2. According to Don Carlos Johnson, *A Brief History of Springville*, 48-49, the Parrish murders led "many" to leave Springville and Utah between the summer of 1857 and that of 1859; he gives the names of eight families who were among them.

<sup>227</sup>*Mormon Immigration Index*, CD-ROM, 2000; Andrew Jenson, *Encyclopedic History of the Church of Jesus Christ of Latter-day Saints* (Salt Lake City: Deseret News Publishing Company, 1941), 151; U. S. Bureau of the Census, 1880, Coalville, Summit County, Utah, National Archives MF #T9-1338, p. 13A.

in England, and lived wherever he was called, but mostly in the Council Bluffs, Iowa, area. He served as an apostle for five years, as president of the high priests' quorum for twenty-six years, and was ordained a patriarch. He wrote more than ninety articles for the *Saints' Herald* before his death in 1921, age ninety-five.<sup>228</sup>

Stephen Forsdick left Utah at age twenty-four. The 1880 U.S. Census lists him as a farmer in Rose Creek, Republic County, Kansas, with his wife and six children. He died in 1927 at age ninety-two.<sup>229</sup>

Frederick Gardiner spent the Civil War years in New Orleans, eventually serving in the Union Army as a hospital steward. He then went to England on the promise of a job, but when it did not materialize, he returned to New Orleans, then went to Salt Lake City to be near his parents and siblings. Brigham Young called him to go to St. George, but he declined, which made his break with the Church final. He practiced as a doctor in Salt Lake City, though he was never formally trained or licensed. Gardiner died in 1903 in Salt Lake City at age sixty-eight.<sup>230</sup>

John Hyde Jr. lectured against Mormonism in California and published *Mormonism: Its Leaders and Designs* in New York in the summer of 1857. The previous January he was excommunicated publicly in the Salt Lake City Tabernacle and "delivered over to Satan to be buffeted in the flesh."<sup>231</sup> From New York, he returned to England in 1858, leaving his wife in Utah. In 1860 she became the plural wife of Joseph Woodmansee, a Salt Lake merchant. Apparently afraid for his life, he never returned to Utah. He led a respectable life in England, becoming a Swendenborgian minister in Derbyshire, wrote several books and pamphlets, and died in 1876 at age forty-three.<sup>232</sup>

Frederick Loba settled sequentially in Kansas, Missouri, and Illinois, where he died of pneumonia in 1864 on his farm, age fifty-four.

<sup>228</sup>Derry, *Autobiography*, xi, 62, 525.

<sup>229</sup>Forsdick, "On the Oregon Trail to Zion," 33 note; U.S. Bureau of the Census, 1880, Rose Creek, Republic County, Kansas, National Archives MF #T9-0394, p. 44A.

<sup>230</sup>Gardiner, *A Mormon Rebel*, xvi, 115-55.

<sup>231</sup>*Journal of Discourses* 4:165.

<sup>232</sup>Jorgensen, "John Hyde, Jr.," 129-36. An interesting account of Hyde's anti-Mormon campaign in California is given in Ekins, *Defending Zion*, 117-39.

His son Jean Frederick became a Congregational minister; another son, Victor Eugene, also became a minister.<sup>233</sup>

Peter McAuslan, his wife, and their two children settled north of Yuba City in the Sacramento Valley, California, where he became a wheat and fruit grower. Six more children were born to them. For the rest of his life he was actively interested in both Spiritualism and socialism. He lived to be nearly eighty-five, dying in 1908.<sup>234</sup> McAuslan shared five characteristics with the more illustrious Godbeites who rebelled against the Church ten years later: he was British, enjoyed debate, dissented from the Church, was skeptical of Brigham Young, and became a Spiritualist.<sup>235</sup>

Thomas Poulter settled first in Marysville, California, then the third largest city in California after San Francisco and Sacramento, where he worked as a watchman. After five years, he was lured to the Comstock Lode in Virginia City, Nevada, but instead settled his family in Carson City where he worked successively for the Overland Mail Company and the mint, then managed a bar and hotel. After his wife died, he went back to England, but unhappy there, he returned to California. He eventually moved back to Utah to be with his widowed sister-in-law in Ogden and worked at Farr's mill. As his four children were all married in the Endowment House in 1882, it appears that he and his children were reinstated as Church members. Poulter died in 1892 at age seventy-five.<sup>236</sup>

### FINAL QUESTIONS

In evaluating these accounts of disaffection and departure, the most crucial question is credibility. Are these accounts believable? Are they reliable witnesses? On the whole, the answer is yes. The most

<sup>233</sup>Loba, "Statement," 4; U.S. Bureau of the Census, 1860, Central Township, Jefferson County, Missouri (name written as "Lobar"), National Archives MF #M653-626, p. 540; Jean Frederick Loba, *Reminiscences*, 34-39, 49-52; U.S. Bureau of the Census, 1880, Lorenzo, Brown County, Minnesota, National Archives MF #T9-0616, p. 79c.

<sup>234</sup>"Sutter Pioneer Goes to His Reward," *Daily Appeal* [Marysville, California], December 22, 1908, 5; "Death of Peter McAuslan," *Sutter County Farmer*, December 25, 1908, 6, 7.

<sup>235</sup>Walker, *Wayward Saints*.

<sup>236</sup>Poulter, "Life," 95-165; death date from Family Group Record, retrieved on January 12, 2003, from [www.familysearch.org](http://www.familysearch.org).

suspect of exaggeration is Frederick Loba and the gripping story of his escape. Although it is not possible to verify his account completely, Loba's son, Jean Frederick, who wrote his memoirs at age fifty-six when he was an ordained Congregational minister, confirmed his side of Loba's account: that when he was eleven, his father and step-mother had fled through the mountains, while the eight children, of whom he was the oldest, his step-brother described as a "young man," and his frail step-grandmother, all followed a week later by wagon but were accosted by Church men on horseback who took their best yoke of oxen and a good part of their provisions. He told of the happy sight of his father on the far side of the river at Fort Laramie waving a red silk handkerchief as they approached. "Now we knew they were safe. We had . . . been informed that they were pursued by the Mormons as soon as their flight had been discovered, that Brigham Young had put men mounted on mules, who were to scour the canyons and climb every mountain possible and bring them back, dead or alive."<sup>237</sup> Jean Frederick wrote in 1899, three years after Utah had achieved statehood, more than twenty years after Brigham Young's death, and after the most intense period of prosecution for polygamy during the 1880s had passed. Although Mormons had not yet achieved integration into the American mainstream, there seems to have been no particular reason for Rev. Loba to have sensationalized his account and, in fact, it contains neither harsh accusations nor sweeping generalizations.

What kind of people were these seven? Brigham Young called them "nasty apostates."<sup>238</sup> Hosea Stout quoted scripture against them: "The fire of the reformation is burning many out who flee from the territory afraid for their lives," he wrote in 1857. "This is scriptural. 'The wicked flee when no man pursue,' and so with an apostate Mormon he always believes his life in danger and flees accordingly."<sup>239</sup>

There is no doubt that these seven were afraid. But were they wicked? From what one can tell, they appear to have been sincere and principled individuals. Two of them (Hyde and Derry) plus two sons of a third (Loba) became ministers in their new churches. Two others (Poulter and Gardener) returned to live in Utah near their

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<sup>237</sup>Jean Frederick Loba, *Reminiscences*, 16–18.

<sup>238</sup>Young, *Journal of Discourses* 1:83.

<sup>239</sup>Stout, *On the Mormon Frontier*, 2:625; see Proverbs 28:1.

families. One rejoined the Church; the other worked as a doctor. A sixth (McAuslan) became a hard-working farmer who raised a large family in California. The seventh (Forsdick) also became a farmer, but less is known about him. In short, they all appear to have lived stable and respectable lives. But before he settled down in England, John Hyde Jr. wrote an anti-Mormon book which along with his lectures contributed to the furor during the Utah War. But in spite of his bitterness, he expressed sadness that the religion so fervently held in his youth had come to disappoint him to the extent he could no longer in conscience believe in it and felt he must caution others. The stereotype of "wicked apostates," even for Hyde, fails to satisfy when one begins to understand each one's particular experiences and reasons.

A more apt assessment may be that written by the niece of William Parrish, murdered in Springville in 1857. She said that the people who left "were mostly a good people, honest, and sincere in their religion, until, they saw the wickedness that was being practiced. Many knew nothing of polygamy, until they came there and saw it practiced, and when they were there, there was no way for them to get away. They were too poor . . . and they must obey the laws of the Church, and do as they were told and ask no questions."<sup>240</sup>

Thomas Poulter, having lived many years among both Mormons and non-Mormons, ended his memoir with a balanced appraisal: "I have been asked 'Are the Mormon men better than those that are not Mormons?' As a proof you can only prove this answer by their works. As a clue to this I have seen some Mormons very good, yea very good, while others have made their religion to be the means of doing every kind of meanness."<sup>241</sup>

Were the individuals of this group so influenced by their expectations of Zion that they were bound to be disappointed? For two hundred years, America had been viewed as rich in opportunities and a place for new beginnings. In the half century preceding the period of Mormon emigration from Europe, ideas of romanticism blended with those of social revolution and millenarianism, and the working classes, from which the Mormon emigrants were drawn, longed to turn out the old and corrupt to welcome in a

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<sup>240</sup>Parrish Keir, *Memoir*. Keir moved with her family to San Bernardino soon after the Mountain Meadows Massacre.

<sup>241</sup>Poulter, "Life," 165.



new age of righteousness and plenty. The American missionaries thus found it easy to foster radiant expectations and conjure up glowing images of Utah.<sup>242</sup> Eliza R. Snow had written a hymn with sage advice:

Think not when you gather to Zion,  
Your troubles and trials are through . . . ,  
Think not when you gather to Zion,  
That all will be holy and pure.<sup>243</sup>

Despite this wise counsel, converts in Great Britain had only to pick up almost any issue of the *Millennial Star* to find such countervailing poetry about Utah as:

They've sought out for themselves a peaceful home, . . .  
Where wisdom, knowledge, and the love of God,  
Flow down upon them with . . . burning power.<sup>244</sup>

In many articles and poems—and thus in the minds of the emigrants themselves—the Zion to which the converts were gathering merged with the Zion they expected under Christ's rule. Once in Utah these hopes were thus easily dashed, particularly in the late 1850s when the newcomers faced exceptionally trying and unsettled times: a series of natural disasters that led to famine, the dreaded approach of the U.S. army, and the disruption caused by the move south. But what seems to have turned the individuals studied here most against Mormonism were the demands of obedience, the tenet and practice of polygamy, the excesses of the Reformation, the perceived failure of Brigham Young and other Church leaders to set and live up to a high moral standard, and the insidious atmosphere of fear. It is not surprising that some took the road out of Zion.

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<sup>242</sup>For examples of how the Mormon missionaries in Great Britain described Utah, see Polly Aird, "Why Did the Scots Convert?" *Journal of Mormon History* 26 (Spring 2000): 110–12.

<sup>243</sup>I am indebted to Lynn and Pamela Carson, Salt Lake City, for the text of Snow's hymn.

<sup>244</sup>John Jaques, "Who Can Measure Arms with God?" *Millennial Star* 15 (January 3, 1853): 31–32.

# DAVID O. MCKAY'S PROGRESSIVE EDUCATIONAL IDEAS AND PRACTICES, 1899-1922

*Mary Jane Woodger*

BEFORE AMERICANS WERE EXPOSED TO the common school movement of the twentieth century, it was commonly believed that proper nourishment was the only need children had.<sup>1</sup> Horace Mann, John Dewey, and other leading progressives promoted the philosophy that proper education was another basic need for a successful adult life. Progressives believed that children needed to be exposed to schooling where they could have "experience."<sup>2</sup> Progressive educators emphasized that "true education was centered on activity, which in turn promoted the growth of charac-

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<sup>1</sup>Max C. Otto, "John Dewey's Philosophy," *Social Frontier* 3, no. 27 (June 1937): 265.

<sup>2</sup>Max C. Otto, "Philosopher of a New Age," *Social Frontier* 3, no. 26



*David O. McKay in December 1897, four years before he joined the faculty of Weber Stake Academy. All photographs in this article are courtesy of Archives, Stewart Library, Weber State University.*

ter.”<sup>3</sup> In addition, for a child to grow correctly, he or she needed to be viewed as a “free personality” capable of charting his or her own destiny.

Utah educational leaders advocated their own brand of progressivism, most especially child-centered education. At a remarkably early stage, educators in Utah public schools, the LDS Church system, and even to a limited degree leaders in the LDS Church hierarchy captured the essence of what one historian called the “Copernican” shift to the child as the center of education.<sup>4</sup>

One reason Utah seemed enthused with progressive ideas may have been that most of its citizens during the early 1900s were

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(May 1937): 232.

<sup>3</sup>Lawrence A. Cremin, *The Transformation of the School* (New York: Alfred A. Knopf, 1962), 259.

<sup>4</sup>Allan Dean Payne, “The Mormon Response to Early Progressive Ed-

highly involved with their religion and saw some affinity between Mormonism and progressive thought. The practice of linking education with religion was not a new idea. Horace Mann and the Common School folks had done the same thing. Ironically, progressive educators were not allowed to mention their theological beliefs in Utah public schools. The territorial Free School Law (1890) simultaneously established public high schools and outlawed religious education in tax-supported schools. The first public high school opened its doors that same year under the suspicious eyes of LDS leaders. Between 1890, when Mormon schools educated slightly more than 25 percent of secondary school students, and 1895, the percentage rose to 50 percent and remained about there for the next 15 years. However, public schools dominated from that point. By 1915, 25 percent of Utah's secondary school students were being educated in Church school; but five years later, only 14 percent were.<sup>5</sup>

Church President Joseph F. Smith, sixth president of the LDS Church, resisted the trend. In 1915, expressed his concerns about public education in general conference:

We are having forced upon the people high schools throughout every part of the land. I believe that we are running education-mad. I believe that we are taxing the people more for education than they should be taxed. . . . And especially is it my sentiment when the fact is known that all these burdens are placed upon the tax payers of the state to teach the learning or education of the world. God is not in it. . . . If we will have our children properly taught in principles of righteousness, morality, and religion, we have to establish Church schools or institutions of education of our own.<sup>6</sup>

Previously, the Church had established stake academies that were the equivalent of high schools. By 1890, forty LDS academies stretched along the Mormon corridor, including Brigham Young Academy (renamed Brigham Young University in 1903) at Provo, Utah; Gila and Snowflake academies in Arizona, Oneida Academy at Preston, Idaho; and Big Horn Academy in Wyoming. However,

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ucation, 1892–1920” (Ph.D. diss., University of Utah, 1977), 105.

<sup>5</sup>James R. Clark, “Church and State Relationships in Education in Utah” (Ph.D. diss., Utah State University, 1958), 282.

<sup>6</sup>Joseph F. Smith, *Conference Report*, October 1915, 6.

only fifteen survived into the 1900s.<sup>7</sup>

Among teachers at the surviving LDS academies, David O. McKay was in a key position to influence education in Utah and the educational policies of the LDS Church. American education was at a crossroads, changing from traditional practices to the innovative progressive thought that was strongly influenced by John Dewey and others. As educational historian Allen Dean Payne has shown, LDS educators were attuned to these national progressive trends.<sup>8</sup> Colonel Francis Parker (the "Father of Progressive Education") visited a summer school for Church educators held in 1892, while progressive educator Stanley Hall followed five years later, and John Dewey lectured in Utah in 1914.<sup>9</sup> In response, most Utah educators embraced "social uplift with a vengeance," as educational historian Frederick S. Buchanan, a historian of Utah education, put it, infusing progressive education into their pedagogy.<sup>10</sup>

The Normal Department at Utah's main institution of higher education, the University of Utah, gave more than lip service to these national progressive trends. Beginning in 1895 and continuing throughout the early 1900s, the university established a summer school with the goal of exposing students to progressive ideas and lecturers that would enhance their educational foundation. Many students attending the summer schools were, like David O. McKay, already experienced teachers. The university also created a kindergarten department, another progressive idea, during the 1897-98 school year, along with a laboratory school patterned after Parker's in Cook County, Illinois.<sup>11</sup> A laboratory sponsored by the Department of Pedagogy was an especially innovative feature. Its eight grades were each supervised by an expert teacher; peda-

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<sup>7</sup>Richard W. Sadler and Richard C. Roberts, *Weber State College: A Centennial History* (Salt Lake City: Publishers Press, 1988), 32.

<sup>8</sup>Payne, "The Mormon Response to Early Progressive Education."

<sup>9</sup>"The Services of Distinguished Pedagogues Secured by Faculty of the B.Y. Academy," *Deseret News*, May 24, 1892, 4; "Organization Effected, Dr. Stanley Hall Gives First Lecture," *Deseret News*, August 22, 1897; "Dewey's Message to Utah," *Deseret News*, June 14, 1914, 1-2.

<sup>10</sup>Frederick S. Buchanan, "Education in Utah," in *Utah History Encyclopedia*, edited by Allan Kent Powell (Salt Lake City: Utah Historical Society, 1994), 154.

<sup>11</sup>Ralph V. Chamberlin, *The University of Utah: A History of Its First*

gical students had a full academic year of student teaching there, thus dealing with the actual problems they would encounter in their classrooms.<sup>12</sup> McKay matriculated in 1894 and graduated from the normal school in 1897, thus receiving considerable exposure to these ideas. In turn, his orientation toward progressive ideas and other modern educational philosophies influenced Church and public education in significant ways. This historical examination is the first to study David O. McKay as a professional educator, deepening our understanding of Mormon education in particular at Weber Stake Academy in Ogden, Utah, and the history of LDS Church education in general.<sup>13</sup>

Weber Stake Academy originally began instruction on January 7, 1889, meeting in the Ogden Second Ward. Of the 196 students enrolled, thirty-six were in the Preparatory Department, sixty-six in the Intermediate Department, and fifty-nine in the Academic Department. Thirty-five did not state their classification. The school's register shows that sixty-six were over eighteen, fifty-three were between fifteen and eighteen years; sixty-three were under fifteen; and fourteen did not report their ages. These statistics show "that a large number of students had reached maturity without having completed the level of the elementary grades."<sup>14</sup> The Preparatory Department corresponded to elementary courses offered in public schools to the sixth grade, the Intermediate Department covered the seventh and eighth grades, and the Academic Department offered normal (teacher training) courses.

In 1887, the anti-bigamy Edmunds-Tucker Act allowed the government to confiscate most Church property by a federal receiver,

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*Hundred Years* (Salt Lake City: University of Utah Press, 1960), 184.

<sup>12</sup>Ronald F. Campbell, *Nine Lives: Leadership in the University of Utah School of Education, 1869-1988*, edited by L. Jackson Newell (Salt Lake City: University of Utah Graduate School of Education, 1990), 69.

<sup>13</sup>Mary Jane Woodger, "Educational Ideas and Practices of David O. McKay: 1880-1940" (Ed.D. diss., Brigham Young University, 1997). Weber Stake Academy's name was changed to Weber Academy in 1908, Weber Normal College in 1918, Weber College in 1922, Weber State College in 1933, and Weber State University on January 1, 1991.

<sup>14</sup>Clarisse H. Hall, *The Development of the Curricula at Weber State College: 1889-1933* (Ogden, Utah: Weber State College, 1969), 9, 14.

thus forcing the closure of Weber for about a year and a half. During this time, members of the Weber Stake Academy Board of Education decided to build a school and purchased a lot between 24th and 25th Streets in Ogden, Utah. The red-brick, two-story structure later known as the Moench Building opened November 23, 1891. The upper floor had four recitation rooms that housed the Academic Department. The lower floor, used primarily for intermediate and preparatory courses, had two large general rooms, a music room, recitation rooms, a physical and science lab, cabinet room (housing minerals, fossils, and herbarium), library, and study hall.<sup>15</sup>

Twenty-six-year-old David O. McKay joined the faculty of Weber Stake Academy in the fall of 1899 with three assignments: registrar, instructor of pedagogy and literature, and choir director.<sup>16</sup> He became its principal three years later, serving in this capacity until June 1908, even after he was called to the Quorum of the Twelve. However, for the next seventeen years he continued to serve as president of the Weber Board of Trustees and, for the rest of his life, retained a great fondness for the institution. In 1940, he commented: "As I search for the source of my affection for the good old school I find it not in the architecture, or its materials, not the scholastic courses and the instruction of the professors . . . but in [the] personal integrity and worth of the hundreds and thousands [of alumni] who . . . exemplify the ideals for which Weber Stake Academy, Weber Academy, and Weber College have stood."<sup>17</sup>

#### DAVID O. MCKAY: PROFESSIONAL TEACHER

McKay began his teaching career in 1899 at a salary of \$850 a year.<sup>18</sup> Enrollment at Weber Stake Academy was 206; by January 1900, enrollment was 252, a 21 percent increase from the previous winter's matriculates. Of the students registered, 84 took preparatory

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<sup>15</sup>Sadler and Roberts, *Weber State College*, 24, 54.

<sup>16</sup>Hall, *The Development of the Curricula*, 43.

<sup>17</sup>David O. McKay, Letter to Henry Aldous Dixon, read by Dixon at the Founders' Day Assembly, Weber State College, January 8, 1940, printed in *Signpost*, January 19, 1940, 1.

<sup>18</sup>Minutes of Weber Stake Board of Education, July 29, 1900, Weber Stake Academy, Ogden Utah, Centennial History Project, typescript, WA38, series 9, p. 18, Archives, Stewart Library, Archives, Weber State University (hereafter cited as Weber Stake Board of Education, Minutes).

courses, while 168 took high school, commercial, and Sunday School courses. Commercial courses included such subjects as typing and shorthand. Students' ages ranged from under fifteen (one student) to 105 between ages sixteen and seventeen, while 146 were over eighteen.<sup>19</sup> In the fall of 1900, McKay added history and literature to his teaching curriculum.<sup>20</sup> He also supervised extracurricular activities such as picnics, baseball games, a Thanksgiving assembly, field days held at Lagoon (a local amusement park), a ball (dance) held at Lester Park Pavilion, and a memorial program for assassinated U.S. President William McKinley.

In the fall of 1900, McKay received a raise of fifty dollars (\$900), making him Weber's second highest paid teacher. He also began teaching theology, required for all students, and the Sunday School course.<sup>21</sup> Theology was to "prepare students for missionary labors both at home and abroad; to establish faith in their hearts; to cultivate pure moral principles and to fortify them against the vices and evil allurements of the age."<sup>22</sup> The Sunday School course was offered to any student recommended by his Sunday School superintendent or bishop. Running from November until April or May, this course included the theory and practice of teaching and "practical application of theological matter."<sup>23</sup>

McKay also launched a night school program. A printed bulletin announced:

A night school will be opened at the Weber Stake Academy Monday, November 5, 1900, for the benefit of those who are at work during the day, but who have the ability and determination to carry on some line of study during the evening. A careful consideration of the subject has convinced us, and we will convince you, that the chances

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<sup>19</sup>William Z. Terry, "Weber College Items of Early History," 1952, Centennial History Project, LD 5893.w52, chap. 3, p. 7, Archives, Stewart Library, Weber State University.

<sup>20</sup>Weber Stake Academy Faculty, Minutes, September 17, 1900, Centennial History Project, holograph, WA38/12, Vol. 3, p. 164 (hereafter cited as Weber Faculty, Minutes).

<sup>21</sup>Weber Stake Board of Education, Minutes, February 12, 1901, p. 19.

<sup>22</sup>Weber Stake Academy, "Annual of the Weber Stake Academy, 1905-1906," Centennial History Project, LD 5893/W5C298, p. 23.

<sup>23</sup>Ibid., 40; Terry, "Weber College Items of Early History," 8.



for promotion are about two hundred times as great to an educated person as an uneducated one.<sup>24</sup>

McKay taught the same subjects in this night school as he taught in his daytime courses.<sup>25</sup> A firm believer in what would later be called life-span learning, he encouraged night school as a way for adults to also have an "excellent opportunity for intellectual development."<sup>26</sup>

The transcript of Weber student Lizzie Thomas shows that, in 1902, McKay also taught grammar and classics, rhetoric, English literature, Church history, training, and American literature.<sup>27</sup>

The 1905 Weber Stake Academy Annual gives us a glimpse of the texts McKay used in his classes.<sup>28</sup> English students used Frederick William Goudy's *English Grammar* and had "abundant practice in composition work." Goudy is historically known for his classes in teacher training and as a leading typographer of the early 1900s who established the Village Press imprint in 1908. When McKay taught pedagogical theory, his chief objective was to "study the laws governing the physical, intellectual and moral development of the child." He used Joseph Baldwin's *The Art of School Management: A Textbook for Normal Schools and Normal Institutes, and a Reference Book for Teachers, School Officers and Parents*, supplemented by Herbert Spencer's *Education: Intellectual, Moral, and Physical*, which was considered at the time to be aggressive and revolutionary; John Dewey's *The School and Society: Being Three Lectures*, and Francis W. Parker's *Talks on Pedagogics: An Outline of the Theory of Concentration*.<sup>29</sup> The pedagogical theories in these volumes stressed the most recent progressive educational ideas of the day and are now considered classics in the

<sup>24</sup>Sadler and Roberts, *Weber State College*, 44.

<sup>25</sup>"Weber Stake Academy Notes," [*Ogden*] *Standard*, November 7, 1903, 7.

<sup>26</sup>Weber Stake Academy, *Annual*, 1905-06, 21.

<sup>27</sup>Weber Stake Academy, "Lizzie Thomas Transcript," 1912, typescript, Individual Student Records, WA 31/1/ vol. 2, Archives, Stewart Library, Weber State University. Church history was defined as "History of the Church of the present dispensation. Text: Brief History of the Church. Reference: Life of Joseph Smith, Book of Mormon." Defined in Weber Stake Academy, *Annual*, 1905-06, 24, 31.

<sup>28</sup>Weber Stake Academy, *Annual*, 1905-06, 31.

<sup>29</sup>Joseph Baldwin, *The Art of School Management: A Textbook for Normal*

field of teacher training.

### MCKAY'S TEACHING METHODS

While no detailed accounts of McKay's classroom procedures have survived, a few records give snapshots of his pedagogical techniques, among them outlining, storytelling, wit and good humor, and asking thought-provoking questions.

McKay consistently taught, used, and insisted on outlining, which meant that his presentations were orderly and logical. This technique must have been an important element in his classroom success. Teenager H. Raymond Bingham, who took McKay's Old Testament and Doctrine Class in 1904–06, took 181 pages of detailed notes in beautiful handwriting.<sup>30</sup> Each of McKay's eighty lessons follows the same format: title, suggestions, and notes. Every day, McKay put notes on the blackboard and his students copied them. McKay believed that seeing, hearing, then personally writing down important points reinforced learning. Hartman Rector Jr., never a student of McKay's but called as a Seventy by McKay as Church president in 1968, recalled that McKay "was totally in favor of training aids."<sup>31</sup> William E. Barrett, a supervisor in the Church Education System, typically filled an entire chalkboard with notes before a class came in. When historian James Allen was recently interviewed, he remembered Barrett explaining that he learned this approach from McKay, who wrote entire outlines on the board before his classes started. Barrett quoted McKay as saying, "The best tool a teacher has is a

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*Schools and Normal Institutes, and a Reference Book for Teachers, School Officers and Parents* (New York: A. Appleton and Company, 1899); *Herbert Spencer, Education: Intellectual Moral and Physical*, *John Dewey, The School and Society: Being Three Lectures* (Chicago: University of Chicago, 1900); and Francis W. Parker, *Talks on Pedagogics: An Outline of the Theory of Concentration* (1861; reprinted, New York: D. Appleton and Company, 1900).

<sup>30</sup>H. Raymond Bingham, "Theology Outlines for Old Testament and Doctrine, 1904–06," holograph, Individual Student Records, WA 31/1 vol. 2, Archives, Stewart Library, Weber State University.

<sup>31</sup>Hartman Rector Jr., Oral History, 2, interviewed by Mary Jane Woodger for the BYU College of Education, McKay Research Project, October 10, 1996, Salt Lake City. Transcripts of all oral histories, unless otherwise noted, are in my possession.

chalkboard."<sup>32</sup> Outlining also helped to keep order in the classroom.

A second popular McKay teaching device was storytelling. In the school annual, students reported fond memories of being mesmerized while McKay spun a yarn. In addition to being entertaining, McKay's stories always made a character-building point. McKay explained the purpose of story telling: "If you have thrilled them, or if unable to do that, if you have given them one thought which has appealed to them, you will find that their intention and desire to return will be manifest by their presence."<sup>33</sup> The school newspaper, *The Acorn*, published a souvenir edition in 1908 including a story by McKay that reveals his ability to tell a story and simultaneously teach a principle:

Two small boys were playing in the room. I went up to them and said, "I've got some money for you. Which will you have, ten cents now or fifty cents thirty days from now?" The older one, about thirteen years, said, "I'll take the fifty cents thirty days from now." The other, about seven years old, said, "I'll take the ten cents now."

What was the difference between these two boys? Experience had taught the one to know that fifty cents thirty days hence is more valuable than ten cents today, and that it would pay to wait. The younger boy did not have the proper appreciation of values. The deepest aim of education, says Prof. [William] James, "Is to enable us to acquire a true standard of values."

The fact that few of us appreciate the value of an education is shown by the number of students who drop out of school during the year to accept a position that offers "the ten cents now."<sup>34</sup>

Another of McKay's great strengths as a storyteller was his quick wit. He often used humor to get his students' attention and make a point. One of his favorite jokes makes a serious point about expressing appreciation:

A man's wife having died, his neighbor came in and expressed his

<sup>32</sup>James B. Allen, *Oral History*, 1, interviewed by Mary Jane Woodger for the BYU College of Education, McKay Research Project, January 27, 1996, Orem, Utah.

<sup>33</sup>David O. McKay, *Youth and a Better Future*, baccalaureate sermon, University of Utah, June 3, 1945 (Salt Lake City: University of Utah Press, 1945), 8.

<sup>34</sup>Oman (David O. McKay's middle name), "The Sense of Values," *The Acorn*, Souvenir Edition, no. 3, 10 (March-April 1908): 29.

condolence at Sandy's loss, and then praised the virtues of that good wife. She was loving, devoted, and always true to her husband. Sandy listened and finally said, "Aye, Thomas, what ye say is true, and she was that and more: she was aye good, true wife tae me, and I cam' near tellin' her sae, aince or twice."<sup>35</sup>

Students also recorded this typical humorous exchange:

Bro. McKay—(Reading [Alexander] Pope)—Where are we now, Henry?

Jenson—We've just got back to earth.

Bro. McKay (in English Literature)—Miss Groberg, can you see where we are now?

Jennie—Yes sir, I jumped off at the first.

Bro. McKay—Well, have you got back on?"<sup>36</sup>

McKay also skillfully used the Socratic method to engage his students in critical thinking, attributing success with this technique to knowing the difference between a "leading question" and a "direct question."<sup>37</sup> Closely related to his skill in questioning was his expertise at facilitating "excellent discussions."<sup>38</sup> Another phrase that McKay commonly used in carefully leading students through a logical proposition was: "Now, this being true . . ."<sup>39</sup>

### MCKAY'S METHODS OF DISCIPLINE

One essential element in a classroom teacher is the ability to dissolve and resolve discipline problems, often before they begin. McKay was known for his ability to maintain control of the classroom, partly because of his charismatic personality, but also because of his modeling of personal discipline, his high standards of instruction, his wise balance of justice and mercy, and his stress on consistency and choice.

Nearly everyone who studied with McKay sensed and appreciated his unusually dynamic personality. Next-door neighbor and rela-

<sup>35</sup>David O. McKay, Minutes, Fiftieth Founders' Day, January 7, 1938, Centennial History Project, WA38, series 10, pp. 7–8.

<sup>36</sup>*The Acorn*, Souvenir Edition, 42.

<sup>37</sup>McKay, *Youth and a Better Future*, 7.

<sup>38</sup>David O. McKay, Diary, January 27, 1907, David O. McKay Papers, 1897–1983, Mss 668, microfilm of holograph, reel 3–429, p. 74, Special Collections, Marriott Library, University of Utah, Salt Lake City.

<sup>39</sup>*The Acorn*, Souvenir Edition, 48.

tive Gunn McKay said that McKay had the ability to get a “student’s attention” with a glance from “his eyes or a pause.”<sup>40</sup> Indeed, by “simply entering a noisy study hall, his mere appearance in the door” would change behavior.<sup>41</sup> Students agreed that McKay could govern without a word. One admiring but anonymous student wrote this poem about McKay in the school newspaper:

So tall, and stately is his form,  
 A prince of men, he nobly stands,  
 A leader; that he is indeed,  
 But one, who need not use commands.  
 His beaming eye does oft times show  
 How deep the feeling of his soul,  
 He inspires us for truth to seek;  
 Eternity he puts our goal.  
 The students love him one and all;  
 And oft you’ll hear them sadly say,  
 “O, what will English be next year.  
 When we have not our dear McKay?  
 But we are sure we still shall have  
 His love and faith to help us on;  
 His influence and cheer we’ll feel,  
 Although his loving presence’s gone.”<sup>42</sup>

McKay had early learned to master himself; thus, he taught self-discipline by his example. Weber alumnus Fred Naisbitt remembers one day when he and the rest of a class were being very rowdy when McKay entered. McKay was obviously upset; but instead of taking direct physical action to restore order or rebuke misbehaving students, he walked to the window and stood looking out, “gritting

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<sup>40</sup>Gunn McKay, Oral History, 2, interviewed by Mary Jane Woodger for the BYU College of Education, McKay Research Project, July 28, 1995, Huntsville, Utah.

<sup>41</sup>David Lawrence McKay, *My Father, David O. McKay*, edited by Lavina Fielding Anderson (Salt Lake City: Deseret Book, 1989), 37.

<sup>42</sup>“Our Faculty,” *The Acorn*, Souvenir Edition, 18.

his teeth for about ten minutes,” until he regained his composure.<sup>43</sup> He often reacted to similar situations with this kind of self-control. In addition to instantly regaining control of the awed students, he also set an influential example of how an authority figure should behave.

Self-mastery, McKay felt, was crucial in all relationships, whether teacher-student, parent-child, or peer-peer. Its lack, he believed, contributed to unhappiness and disorder. He especially felt that thoughtless speech was the biggest cause of discord at home and at school.<sup>44</sup> Self-control was also a vital ingredient in governing children. McKay taught that children should be properly “directed and controlled” and that they should never “run around without limitation to their actions.” He took the position that children as young as three could learn to control themselves and that, in fact, if a child had not learned self-discipline by the age of five, children would have difficulty acquiring that characteristic.<sup>45</sup> Children were to learn early that the world is not created for them alone.<sup>46</sup> Thus, rowdiness and self-indulgence among adolescents was not just an impediment to effective teaching but a manifestation of a serious character deficiency.

Yet this teacher’s self-control was not permissiveness. He would not permit a student to distract someone else. He made it clear that the disorderly person was the one that was most injured. McKay felt that good classroom order would instill self-control in students.<sup>47</sup> At times McKay was strict and stern. As a principal he directed that “a student must be in classes or be seriously dealt with.” McKay believed

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<sup>43</sup>Fred Naisbitt, quoted in Gunn McKay, Oral History, 1.

<sup>44</sup>Emma Rae McKay Ashton, Oral History, 1, interviewed by Mary Jane Woodger for the BYU College of Education, McKay Research Project, June 20, 1995, Salt Lake City.

<sup>45</sup>David O. McKay, *The Responsibility of Parenthood* (Salt Lake City: Deseret Book, 1962), 8.

<sup>46</sup>David O. McKay, *Conference Report*, April 1959, 73.

<sup>47</sup>David O. McKay, *Fundamentals in Character Building* (Salt Lake City: Mutual Improvement Association, 1951), 3–5, copy in LDS Church Historical Library, M257.4/M1637, Access #73471.

teachers were to control classes and be “absolute in position.”<sup>48</sup> He expected teachers to provide guidance, direction, and proper restraint.

McKay also cited poor instruction as a cause of discipline problems. To his Weber faculty, he stressed that students exhibited disorderly conduct when they did not like or respect their teachers or when they were disengaged from the subject. He encouraged his teachers to take an analytic approach to discipline problems—to “dig deep and find the cause.”<sup>49</sup> His daughter Emma Rae McKay Ashton coupled both reasons in explaining why her father was such a successful teacher: He not only “commanded respect . . . [but] was so interesting that he earned their love as well.”<sup>50</sup>

McKay believed that the teacher should never be in a position where his authority could be successfully challenged—that authority should be exercised with firmness and strictness, but he also tempered the exercise of authority with forgiveness and mercy. He did not believe in sharing power with students and used the comparison, no longer in vogue among educators or parents, that handling a child was like breaking a colt: “You keep enough control but gave them line.”<sup>51</sup> He never chased a disobedient animal or child. Instead, he taught them to come to him.

As an example of his firmness, when a student named Greenwell stole three books and two silk handkerchiefs from a classmate at the academy, McKay asked Greenwell to apologize to the entire student body and make restitution; then he had the students vote on whether Greenwell should be forgiven. The student body voted affirmatively.<sup>52</sup> Such actions may seem harsh by today’s standards, but McKay taught the boy a much-needed lesson of responsibility to the community while teaching the other students their own responsibility to extend mercy.

On another occasion when McKay was principal, “two [Weber] students were arrested and subpoenaed before the Juvenile Court for

<sup>48</sup>Weber Faculty, Minutes, March 31, 1908, vol. 4, p. 59.

<sup>49</sup>Ibid., November 26, 1907, vol. 4, p. 47.

<sup>50</sup>Ashton, Oral History, 5.

<sup>51</sup>Edward and Lottie McKay, Oral History, 1, interviewed by Mary Jane Woodger for the BYU College of Education, McKay Research Project, June 30, 1995, Salt Lake City.

<sup>52</sup>Weber Faculty, Minutes, February 1, 1900, vol. 3, p. 52.

disorderly conduct in church." This was before juvenile records were routinely sealed, but McKay, while upholding their punishment, asked the judge to "erase the case from the books" so that the boys would not go through life with a police record.<sup>53</sup> Another example comes from a story told by McKay's son Edward:

One time when father's car was stolen, the police apprehended the thief, and it turned out to be a young boy of about twelve or thirteen. Father was asked if he wanted to prosecute the boy. He replied, "No, I will take care of it." He then interviewed the boy and asked him why he had stolen the car. The boy answered that he just wanted to try to drive a car. Father told him to come over to his house, and he would let him drive his car. [The boy] did that once a week for a long time.<sup>54</sup>

Edward McKay added that, as a wonderful ending to the story, this boy "later became a police officer so that he could help others as David O. McKay had helped him."<sup>55</sup>

Certainly, McKay was not dictatorial or arbitrary. He felt that students should discuss, speak, and participate freely. When some students were petitioning to join a class, McKay talked with each student involved before making a decision.<sup>56</sup> Closely allied to his beliefs on authority and fairness were his stress on the matched principles of consistency and choice. McKay insisted that, when a teacher said "no," he or she must follow through to enforce discipline. Yet he encouraged teachers to give alternatives to students. In March 1908, McKay recorded the following incident in his journal that exemplified these principles: "Dealt strongly but kindly with some boys who participated in a fight on the square during school hours. They were given their choice to apologize before the school, or to withdraw from the student body. Some apologized, others asked for time, which was granted. I hope they will not leave school. Expelling students is the poorest means of discipline. It betokens weakness in the teacher or

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<sup>53</sup>Ibid., January 16, 1907, vol. 4, p. 21.

<sup>54</sup>Edward and Lottie McKay, Oral History, 1.

<sup>55</sup>Ibid.

<sup>56</sup>Weber Faculty, Minutes, October 21, 1907, vol. 4, p. 42.



the school.”<sup>57</sup>

When McKay corrected pupils, he was willing to take direct, public action as these examples show; yet there is no way of knowing how many incidents he handled in complete privacy. According to his daughter, for most of McKay’s students, the worst punishment was to know they had disappointed their teacher.<sup>58</sup> At the heart of this principle was the personal relationship that McKay developed with each of his students.

#### POSITIVE RELATIONSHIPS WITH STUDENTS

To a degree that seems remarkable even in modern days when schools are widely seen as meeting a variety of social service needs, McKay was known for taking an intense and sensitive personal interest in his students as seen in the following examples. John M. Belnap attended Weber in 1904–05 as a teenager but lacked funds to continue his schooling the next year. McKay found a position for him as a supervisor of the blind boys at the State School for the Deaf and Blind in Ogden. Belnap not only continued his studies but also had some “wonderful” experiences working in this position.<sup>59</sup>

One of the best-known stories is McKay’s befriending of Aaron W. Tracy, who was orphaned at a young age. Tracy worked for family and friends in Marriott, Utah, and had a limited grade school experience. He entered Weber Academy in 1905 when he was eighteen but told McKay during the year he would have to drop out due to a lack of funds. McKay invited Tracy to live in the McKay home where he did chores to earn money for his school expenses. Tracy went on to become a successful educator in his own right, then head of Weber’s English Department in 1919. In 1922 he was appointed president of Weber where he served for thirteen years.<sup>60</sup>

These two boys are not the only students who owed their educational success to McKay’s concern. During his late teens, Merwin Thompson (born November 1, 1885) decided he wanted to get a job instead of continuing his education. His parents tried unsuccessfully

<sup>57</sup>Ibid., March 13, 1908, reel 3–430, p. 4.

<sup>58</sup>Ashton, Oral History, 3.

<sup>59</sup>John M. Belnap, Oral History, 3, interviewed by Max Belnap, June 3, 1971, WA25/17 #16, Weber State College Oral History Program, Archives, Stewart Library, Weber State University.

<sup>60</sup>Sadler and Roberts, *Weber State College*, 307.

to persuade him to go to Weber. Under heavy pressure, Merwin reluctantly agreed to talk to McKay. According to Merwin's granddaughter, Merwin often repeated: "It didn't take long for Brother McKay to persuade me that I should go to school. When you get around people who know something, it doesn't take long to realize that you want to be that way, too." Merwin stubbornly insisted on one condition. Because he thought religion and English were a waste of time, he said he would not take those subjects, both of which McKay just happened to teach. McKay explained: "Merwin, anyone who comes to our school has one required class and that is Theology, so if you come here, you will take Theology. As for English, I hope you're not like a neighbor of mine up in Huntsville. He said to me one day, 'I ain't never had no grammar, but I can talk just as good as them which has.'"<sup>61</sup> The combination of firmness and respect were persuasive. After a good laugh, Merwin registered for both classes. McKay assigned all of his English classes to memorize lines from Shakespeare. Even at age ninety, Merwin could still quote Hamlet's soliloquy which he had memorized as McKay's student.

Another student who blossomed under McKay's personal attention was Joseph Anderson, who later served as a secretary to the First Presidency for nearly fifty years (February 1, 1922–April 6, 1970), until he was called as an Assistant to the Quorum of the Twelve. At age fourteen, Anderson entered the academy. Since the Andersons were a poor family from Roy in Weber County, Joseph always had to work at a canning factory to earn enough money for school, which meant he missed the first six weeks of instruction. He felt embarrassed when McKay called him up to the board to diagram a sentence or perform other simple tasks but felt encouraged to persist. Anderson called McKay the "greatest school teacher I remember" and particularly recalled how McKay "shared his great love for the classics of English literature and made them come to life."<sup>62</sup>

Another incident shows how McKay's personal attention showed not only deep insight but even prophetic foreknowledge. Castle H. Murphy, who later served as a mission president in Hawaii and as a construction missionary in the South Pacific, remembered at

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<sup>61</sup>LauRene Thompson Buswell, North Ogden, Utah, Letter to McKay Research Group, November 22, 1995; photocopy in my possession.

<sup>62</sup>Joseph Anderson, *Prophets I Have Known: Joseph Anderson Shares Life's Experiences* (Salt Lake City: Deseret Book, 1973), 119–20.

tending a Weber College dance in 1905 when he was nineteen. He was chatting in a corner with some other boys when McKay approached and asked what mission fields the boys would like to be assigned to. Everyone responded to the question but Murphy. McKay asked directly, "Brother Murphy, what about your preference? Haven't you one?" Murphy responded:

You brethren teach us that we should prepare ourselves to be worthy to enter the temple, select a good LDS girl, have her sealed to us, prepare to provide a home for a family, raise a good-sized family, arrange to educate our children properly, provide security for the group, and fill Church assignments when called. I can't understand how we can be expected to accomplish all of those things and still find time to fill a mission.<sup>63</sup>

McKay simply smiled, shook Murphy's hand warmly, and said, "Who knows but that you will someday preach the Gospel to the Chinese and Japanese," turned around, and left. Years later Murphy found himself as a missionary to the Chinese and Japanese people in Hawaii and remembered McKay's words as prophetic.

McKay also displayed the same interest in his young female students. When Jennie Marshall Neil was thirteen, she took McKay's Sunday School course at Weber Stake Academy. As an adult, she still remembered McKay's three-part lesson plan: "Select a text, develop an aim, make an outline and application." She showed such aptitude that, at age fourteen, she became an assistant schoolteacher at the Liberty, Utah, school. At sixteen, she enrolled in Weber Academy's teacher preparatory program and, the next year, began teaching at the Wilson Lane Elementary school near Ogden. A few years later, she became a teacher supervisor, sharing what she had learned from McKay.<sup>64</sup>

McKay was also willing to exert himself for his students' professional futures. After Joseph H. Stimpson completed the four-year

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<sup>63</sup>Castle H. Murphy, *Castle of Zion—Hawaii: Autobiography and Episodes from the Life of Castle H. Murphy, Missionary to Hawaii* (Salt Lake City: Deseret Book, 1963), 129.

<sup>64</sup>Laverna B. Newey, *Remember My Valley: A History of Ogden Canyon, Huntsville, Liberty, and Eden, Utah* (Salt Lake City: Hawkes Publishing, 1977), 237–38.

normal course at Weber, McKay wrote him a letter of recommendation. The words and sentiment not only reveal McKay's regard for this student but also what he found important in all students:

His work as a student was highly creditable. After graduation, he returned and did more advanced work, acting at the same time as librarian and hall custodian. He has had successful experience as substitute teacher in the Ogden City schools. His experience in this regard, however, is limited.

His character is spotless; and his influence, morally and intellectually, is for good. I cheerfully recommend him as an excellent prospective teacher.<sup>65</sup>

As this letter shows, Stimpson's character was an important part of McKay's evaluation. Character was also the basis for the education he provided at Weber. Years later, McKay noted, "The highest purpose of education is not just to teach facts, however important they may be, but to train the mind, to make good citizens, and to develop character."<sup>66</sup>

#### **McKAY AS ADMINISTRATOR: 1902-08**

McKay was asked to become Weber Stake Academy's principal in 1901 but did not become the school's administrator until the fall of 1902. He wrote of this experience to his brother Thomas E., on June 22, 1901:

There was quite a stir about the principalship of the school. The Stake presidency made the statement that a change would be made, and accordingly, notified Prof. Moench. I was asked to succeed him, which seems to have worried Prof. [William Z.] Terry very much. He went so far as to say that he wouldn't let a young man "with only a certificate to preside over him, a B. S.!" He wouldn't have been asked to

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<sup>65</sup>David O. McKay, Letter of recommendation for Joseph H. Stimpson, July 10, 1904, holograph, Individual Student Records, WA311, Archives, Stewart Library, Weber State University. Stimpson served as an LDS mission president in Japan in the 1920s.

<sup>66</sup>David O. McKay, "Address at Weber College," October 1, 1956, as quoted in Hall, *The Development of the Curricula*, 57.



*Weber Stake Academy's faculty and students, June 1901. Louis F. Moench, bearded, is seated in the center with David O. McKay on his left and Jeanette McKay Morrell on his right.*

remain so he needn't have worried.<sup>67</sup>

But Prof. Moench was not ready to step out. He applied for another position; not getting one, he determined to retain the one he then held. Obtaining testimonials of his work and efficiency as a teacher, and of the good work done in the Academy, he prepared an epistle putting forth his side of the question. This he presented to Pres. Snow; who said that since he (Prof. Moench) had been given no notice to resign, until after school closed, he might retain the position for another year.

This announcement surprised most of us and we were disappointed at first; but now we can see the hand of the Lord in it, I am

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<sup>67</sup>William Z. Terry remained at Weber Stake Academy during all of McKay's tenure as its principal.

thankful the change was not made.<sup>68</sup>

More than a year later, on April 14, 1902, Joseph Marion Tanner, LDS Church Superintendent of Schools, recommended that McKay become the next principal of Weber Stake Academy. N. C. Flygare, Weber Stake Board president, seconded the motion, and the board voted unanimously in the affirmative.<sup>69</sup> McKay accepted the position and its salary of \$1,500 a year. Tanner seems to have been one of McKay's greatest allies. It was at Tanner's recommendation two years later on January 27, 1904, that McKay was awarded the degree of Bachelor of Didactics by the General Church Board of Education.<sup>70</sup> McKay more than proved that Tanner's confidence was not misplaced. He worked hard to manage Weber Academy's finances, provide leadership, maintain good faculty morale, continue and broaden his personal interest in students, and engage the community with the academy. As a result, Weber's enrollment shot up, and McKay spearheaded a successful effort to expand the school's physical plant. This success shaped his enduring attitudes about the significance of education in the lives of the Saints.

McKay started his principalship in the red according to the minutes of a General Church Board of Education meeting held on April 30, 1902. Superintendent Tanner reported to the board that Weber Stake Academy was in arrears between \$800.00 and \$1,000. "The academy people claimed that President Snow had agreed to give them \$800.00 more than had been appropriated by the Board, and this was corroborated by Supt. Tanner."<sup>71</sup>

The next year, in 1903, McKay requested that the school's appropriation be increased by \$2,281.80. After consideration, the board approved his request.<sup>72</sup> Each year this process was repeated. Weber always needed more money, and usually McKay was successful in persuading the General Church Board of Education toward

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<sup>68</sup>David O. McKay, Letter to Thomas E. McKay, June 22, 1901, Thomas E. McKay Papers, MSS 1442, fd. 1, L. Tom Perry Special Collections, Lee Library, Brigham Young University, Provo, Utah.

<sup>69</sup>Weber Stake Board of Education, Minutes, April 14, 1902, 80.

<sup>70</sup>General Church Board of Education, Minutes, January 27, 1904, typescript, Centennial History Project, WA38, series 8, vol. 2, p. 12.

<sup>71</sup>*Ibid.*, April 30, 1902, vol. 2, p. 9.

<sup>72</sup>*Ibid.*, April 29, 1904, vol. 2, p. 20.

greater generosity.

McKay seems to have exercised leadership early and easily. Even when he was a faculty member, minutes of the meetings record that he frequently took the lead in discussions or actions that would enhance Weber's success. For example, on May 1, 1900, McKay asked the faculty to approve the petition of two students asking to be excused from arithmetic. When he complained that many students were leaving school before the day's end without excuses, other teachers agreed that the problem existed. Four months later, on September 28, 1900, McKay reported that he had fewer absentees and that he was getting "overall good work from students." And a few weeks later on October 19, 1900, he made a motion that teachers be allowed "to use their own system of marking the rolls, keeping track [of] students progress, etc." The motion carried with a stipulation that teachers communicate their systems to the administration.<sup>73</sup>

At another faculty meeting, William H. Jones, head of the Business Department, suggested that more time be given to the Short-hand II students to complete their work. McKay opposed the motion, arguing that such a policy would take from the "students' studies all around."<sup>74</sup> The motion was voted down.

Because McKay continued to teach during the entire seven years of his principalship, he never lost sight of what happened in the classroom nor failed to identify with other faculty members. When McKay became principal, Weber Academy had ten teachers. McKay taught theology and literature; John G. Lind, Latin and general science; William Z. Terry, history and German; Joseph Ballantyne, music; W. M. McKendrick, mathematics; Sylvester D. Bradford, pedagogy and psychology; Thomas E. McKay, grammar and physiology; Clara P. Eldredge, preparatory course; Sara T. Evans, drawing and domestic arts; D. Ray Shurtliff, commercial course; Bette Kerr, special instruction in kindergarten, and Jeanette McKay, elocution, rhetoric, grammar, and reading.<sup>75</sup> It is interesting that two of the ten faculty members were also siblings of the principal.

<sup>73</sup>Weber Faculty, Minutes, May 1, 1900, vol. 3, p. 69; September 28, 1900, vol. 3, p. 80; October 19, 1900, vol. 3, p. 82.

<sup>74</sup>Ibid., March 3, 1900, vol. 3, p. 60.

<sup>75</sup>"Weber Stake Academy," [*Ogden*] *Standard*, September 5, 1904, 10. This newspaper later became the *Standard Examiner*.

We get a glimpse of McKay's attitude towards his faculty from feelings he disclosed when he had to let one teacher go. Notice that there is no anger or resentment in the tone of this journal entry for October 3, 1907:

During the afternoon of this day, I had the most distressing experience that I have had in my school life. An incompetent teacher had to be told that her lack of scholarship necessitated my asking her to give up three of her classes. She knew what I said was true, but she did not want to give up her position. I was grieved by the condition, and especially when she pleaded, but the school, and her classes, will not succeed under her, in fact, she will be humiliated and probably have her reputation as a teacher ruined if she continue[s] long.<sup>76</sup>

McKay's administrative strengths were extensions of his teaching strengths: organization, positive feedback, site-based management, and concern for students. McKay was a highly organized leader. For instance, on September 6, 1902, at the first faculty meeting at which he presided as principal, he called for an agenda to be made for each faculty meeting. This had not been a practice during the previous administration.<sup>77</sup> He also insisted on punctuality, especially for the first classes of the morning. In September 1903, he instituted a "new system of disciplining for controlling tardiness" that, though not described, brought the percentage of punctuality to 98 percent by November 14.<sup>78</sup>

McKay was generous with encouragement and positive feedback. On the first day of school on September 6, 1902, the first item of business at faculty meeting was to "congratulate teachers on the prospects for the coming year." In the next meeting he thanked teachers for their support and commended the teachers for "their special interest in weak students."<sup>79</sup> Similar statements appear frequently throughout the minutes.

A third characteristic of his leadership was his willingness to involve the faculty in the decision-making process, an educational philosophy now known as site-based management. He asked teachers to

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<sup>76</sup>David O. McKay, Diary, October 3, 1907, reel 4-431, p. 56.

<sup>77</sup>Weber Faculty, Minutes, September 6, 1902, vol. 4, p. 108.

<sup>78</sup>"Weber Stake Academy Notes," [*Ogden*] *Standard*, September 26, 1903, 7; and November 14, 1903, 7.

<sup>79</sup>Weber Faculty, Minutes, September 6 and 8, 1902, vol. 4, p. 108.



be “fair in express[ing] themselves toward him and each other,” because “if the teachers are united, it will be [a] strength to the school.”<sup>80</sup> The minutes never record that McKay issued orders or demands. Instead, the terms recorded in the minutes and in statements quoted from him are “suggest,” “revise,” “report,” “instruct,” and “urge.” This leadership style brought McKay support from his faculty. For instance, in 1903 when the Church Board of Education instituted a program to assist “gifted and worthy” students, it asked all teachers in the Church School System to contribute half of 1 percent of their annual salaries to fund the proposition. Weber teachers willingly complied.<sup>81</sup>

At the end of his term, a tribute edition of *The Acorn* singled out McKay’s relationship with the faculty for praise: “Surrounding himself with a faculty willing to work at the pace set by their energetic leader, he commenced planning for the future. . . . When they saw his determination, the Faculty entered the work with greatest enthusiasm and have stood by him to the end.”<sup>82</sup>

As a principal, McKay continued to be deeply concerned with individual students. At one faculty meeting, he identified by name students who “were wasting time and assigned teachers to personally look after them.” If students were doing poorly either academically or behaviorally, the faculty referred them to McKay, who met with them personally. In November 1907, McKay reported that “students are not studying at home as they should and that parents were complaining.” At the same meeting he encouraged the faculty to “look after and instruct wayward students.”<sup>83</sup> David O. McKay’s sister, Jeanette McKay Morrell, who taught at Weber Stake Academy from 1900 to 1907 recalls, “David lived his ideals and influenced . . . by example as well as

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<sup>80</sup>Ibid.

<sup>81</sup>Sadler and Roberts, *Weber State College*, 24.

<sup>82</sup>*The Acorn*, Souvenir Edition, 5.

<sup>83</sup>Weber Faculty, Minutes, January 20, 1903, vol. 4, p. 116; October 21, 1907, vol. 4, p. 42; November 11, 1907, p. 45. The minutes did not include the students’ names. On September 22, 1900, Principal Moench had asked the faculty to “refrain as much as possible from mentioning students’ names in faculty meeting because it may tend to create an unfavorable opinion among the teachers of the students mentioned and also it may discourage or limit the student if he learns that some unfavorable things have been said of him in these meetings.” This guideline seems to be followed



*Weber Academy's women basketball team, 1902.*

precept. . . . [He] gave sympathetic understanding to [the] problems of every student and in this way gained the confidence and respect of all."<sup>84</sup>

In providing educational leadership, David O. McKay served as principal during an era when very few women received a secondary education. Valuing the education of women, he set out to change this situation at Weber. McKay claimed that if he had to choose between educating his sons and his daughters, he would choose his daughters because their influence on children and others is so important. He thought that when you educate a man, you educate one person, but

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throughout the McKay administration as there are very few student names mentioned in the minutes. Obviously McKay made an exception in this case so that the students could receive the special attention they needed.

<sup>84</sup>Jeanette McKay Morrell, "Life of President David O. McKay: A Few Highlights of a Busy Life," *Relief Society Magazine* 40, no. 11 (November 1953): 733.

when you educate a woman, you educate a generation.<sup>85</sup> He also succinctly addressed the role of women in an article he wrote for *The Instructor*:

Not much emphasis has been placed upon the part that women played in the settlement of the Western Empire. In this we are but following the general practice of men throughout the ages. Women bear the burdens of the household, carry most of the responsibility of rearing a family, inspire their husbands and sons to achieve success; and while the latter are being given the applause of public acclaim, the wives and mothers who really merit recognition and commendation remain smilingly content in unheralded achievement.<sup>86</sup>

In his second year as principal, McKay added domestic arts classes taught by Sarah Taylor Evans, age fifty-two. *The Acorn* listed as background on Evans that she had served as the secretary and then president of the Mutual Improvement Organization in Lehi for a total of seventeen years. Evans was put in charge of the fifty girls who registered for courses in sewing and art needlework, including embroidery, drawn-work, and lace-making.<sup>87</sup> Evans taught at the academy until her death January 15, 1908.<sup>88</sup>

In 1905, these courses were put under the umbrella of a new Domestic Science Department under the direction of Eva Farr, whom the 1908 Weber catalogue lists as holding a B.S.<sup>89</sup> The department

<sup>85</sup>Edward McKay as quoted by Leslie Moore, in *David O. McKay: Prophet Educator*, videotape produced by Brigham Young University Media Services for Brigham Young University, College of Education, McKay Research Project, October 1996, transcription of video interview, videotape in possession of David O. McKay School of Education, Brigham Young University.

<sup>86</sup>David O. McKay, "Pioneer Women, Heroines of the World," *The Instructor*, July 1961, 217.

<sup>87</sup>Weber Stake Academy, *Annual, 1903-04*, and "Sixteenth Annual Report," LD5893/W5C298, p. 25, Archives, Stewart Library, Weber State University.

<sup>88</sup>*The Acorn*, Souvenir Edition, 6.

<sup>89</sup>Weber Stake Academy, *Catalogue of the Weber Stake Academy, 1908-1909*, LD5893/W5C298, p. 2, Archives, Stewart Library, Weber State University.

was very successful with 119 girls enrolled in sewing.<sup>90</sup> Two women's student clubs were also organized under the direction of McKay's sister, Jeanette McKay Morrell. The HCP Literary Club was open to all junior and senior girls. Although the available records do not explain what the initials stood for, they indicate that this club sponsored debates and speeches by local, state, and national personalities. The Edina Society for Women held weekly meetings, planned picnics, and promoted school spirit.<sup>91</sup> In 1902, under McKay's direction the school also formed a women's basketball team.<sup>92</sup> In September 1904, McKay happily reported that one of the most "pleasing feature[s]" of registration that year "was the number of young ladies who applied for registration, forming one half of those who were present."<sup>93</sup>

McKay also strengthened the extracurricular component of Weber Academy. On February 15, 1904, with McKay's encouragement, the school began its own newspaper, *The Acorn*. During McKay's tenure, it evolved into a literary magazine and the 1909 issue was described as "somewhat after the manner of a yearbook."<sup>94</sup> For the first time, in 1904 the school elected student body officers to encourage greater support of various school activities. McKay also continued the practice of field days, held annually in Ogden Canyon, and daily devotional exercises.<sup>95</sup>

One of the academy's persistent problems was a consequence of Weber County's largely rural nature. Many male students from farm families had to start school late in the fall and leave early in the spring. McKay started a campaign to educate students and parents about the value of attending for the full school year.<sup>96</sup> McKay spent countless hours speaking in wards, stakes, and public meetings as Weber's advocate. He advertised school activities and made community members feel welcome at such campus events as lectures, debates and con-

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<sup>90</sup>Morrell, "Life of President David O. McKay," 52; and Hall, *The Development of the Curricula*, 56.

<sup>91</sup>Sadler and Roberts, *Weber State College*, 25.

<sup>92</sup>Morrell, "Life of President David O. McKay," 52.

<sup>93</sup>"Weber Stake Academy," [*Ogden*] *Standard*, September 10, 1904, 5.

<sup>94</sup>"Weber Stake Academy Notes," [*Ogden*] *Standard*, February 6, 1904, 7; Sadler and Roberts, *Weber State College*, 33.

<sup>95</sup>*Ibid.*, 25.

<sup>96</sup>"Weber Stake Academy Notes," [*Ogden*] *Standard*, November 17, 1906, 3.

certs.<sup>97</sup>

McKay's reward for his seven years of unstinting effort was the academy's phenomenal growth. Two hundred ninety-two students matriculated in the fall of 1902, the first term he became principal. When he left at the end of the school year in 1908, Weber had 453 students, a growth of 55 percent.<sup>98</sup> Some classes had to be held in halls and stairways to accommodate the increasing population. McKay moved his office into "the vestibule between the inner and outer doors because the Moench building on campus was so overcrowded."<sup>99</sup>

During his second year, McKay presented the problems of overcrowding to the Weber Stake Board of Education. That body, in the fall of 1903, consisted of Lewis W. Shurtliff, Charles F. Middleton, Nils C. Flygare, Robert McQuarrie, David McKay (David O.'s father), Louis F. Moench, Joseph Stanford, and John Watson. They empathized with the stress of crowded conditions but were hesitant to launch a fund-raising campaign. Constructing the academy's first building in 1892, a project all but John Watson had participated in, had been a painful struggle. At one point, board members had been forced to mortgage their own homes to underwrite the building campaign.<sup>100</sup>

Two years later McKay, Flygare, and Watson wrote the General Church Board of Education, requesting more money. The letter

set forth that \$5,000 [was] still owing on the old debt of the Academy, and that there [was] a pressing need for another commodious building; that the vacant lot adjoining the Academy on the south should be secured by the Academy, and upon that a suitable building erected this spring, in order that the institution may grow. The committee stated that the lot is offered to them for \$2,500, and they estimate the cost of the lot and building at \$30,000. They ask, "May we hope for assistance from the Church?"

The minutes continue: "After President Joseph F. Smith expressed himself on this question," a move was made that "a reply be sent to the committee to the effect that if they [Weber Stake Board]

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<sup>97</sup>Sadler and Roberts, *Weber State College*, 31.

<sup>98</sup>Hall, *The Development of the Curricula*, 153.

<sup>99</sup>David Lawrence McKay, *My Father, David O. McKay*, 37.

<sup>100</sup>Morrell, "Life of President David O. McKay," 54.

would first raise the \$5,000 and pay their old debt and then would agree to put up the required building, the Board would agree to advance the \$2,500 necessary to purchase the lot.”<sup>101</sup>

The minutes and other records do not itemize the expenses responsible for the \$5,000 of old debt; however, Weber historians Sadler and Roberts say that it included debt from the original academy building.<sup>102</sup>

On July 6, 1904, the Weber Stake Board of Education met and discussed the possibility of constructing the annex. Board members expressed their concerns that “they had gone through that experience once and did not care for a second trial. Principal McKay then suggested that if he could use the faculty to assist him, he would assume the task of collecting the money.” Board member L. F. Moench offered the following resolution: “Be it resolved that the Weber Stake Board of Education hereby authorize the faculty of the Weber Stake Academy to canvass the Weber Stake of Zion and solicit means for the erection of an annex to the present academy building.” The board passed this resolution, however, adding the proviso that “it must be strictly a pay-as-you-go proposition. No work was to be done until the money was on hand to pay the bills. Any time the money ran out, the work must stop. No debts for anything!” McKay organized the faculty into a building committee and went to work. A letter went to bishops and local church authorities asking for their support.<sup>103</sup> Subsequently, the General Church Board of Education pledged to match every thousand dollars the faculty could raise.<sup>104</sup>

McKay became the key figure in raising funds from church authorities, faculty, businessmen, and community leaders. He and the faculty personally canvassed the entire state and received some remarkable contributions. For example, Samuel Newhouse, a noted

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<sup>101</sup>General Church Board of Education, Minutes, February 17, 1904, vol. 2, p. 18.

<sup>102</sup>Sadler and Roberts, *Weber State College*, 26.

<sup>103</sup>Terry, “Weber College Items of Early History,” chap. 1, p. 6; Weber Stake Board of Education, L. W. Shurtliff, President and Joseph Stratford, Secretary, Letter to “The Bishops and General Local Church Authorities, as also the Saints and All Generously Disposed Persons, of the Weber Stake of Zion,” July 1904, quoted in David O. McKay, *Fiftieth Founders’ Day Minutes*, January 7, 1938, p. 7.

<sup>104</sup>David O. McKay, *Fiftieth Founders’ Day Minutes*, p. 7.



*David O. McKay is seated in the center of the graduating class, June 1905, at Weber Stake Academy.*

Utah mining entrepreneur who lived in Salt Lake City, donated \$5,000. Jesse Knight of Provo, another mining magnate and a consistent benefactor to Brigham Young Academy, contributed \$1,000. Heber Scowcroft and David Eccles, Ogden businessmen, each pledged \$1,000. Fred J. Kiesel a non-Mormon businessman in Ogden and the city's former mayor, contributed \$500.<sup>105</sup>

In March 1905, Superintendent J. M. Tanner visited several academies and reported to the General Church Board of Education: "Weber Stake Academy is overcrowded, and unless something is done to provide new buildings its growth must stop."<sup>106</sup> Though unrecorded in the minutes of the General Church Board of Education, the academy had presumably paid off its outstanding \$5,000 debt before Tanner's visit.

The cornerstone of the new building was laid October 19, 1906.

<sup>105</sup>Sadler and Roberts, *Weber State College*, 23.

<sup>106</sup>General Church Board of Education Minutes, March 29, 1905, vol. 2, p. 33.

McKay supervised every step of the construction from the architectural design to the furnishings. By the time the roof and walls were up, contributions had trailed off, leaving most of the interior construction undone. When LDS Church President Joseph F. Smith visited Weber, McKay took him on a walk and later gave this account of their discussion:

[Smith:] "Well, David, how are you getting on with the new addition?"

[McKay:] "Not so very well, President Smith."

[Smith:] "That's so? What's the matter?"

[McKay:] "Well, at first we received large contributions and [with] the Church's equal contributions we were able to move along rapidly, but now the contributions are coming in very slowly in very small amounts. It reminds me of [molasses stored in] the cellar. If one inverted the can, the molasses would come out in a lump, but no matter how long one kept the can inverted, the molasses would just dribble, dribble, and the last drop would not come out."

[Smith:] smiled and said, "Shall I tell you how to get that last drop?"

[McKay:] "Yes." . . .

[Smith:] "Warm the can."<sup>107</sup>

McKay and the faculty kept their enthusiasm warm and their spirits high. In a faculty meeting held February 13, 1907, McKay spoke of presenting the "New Building Matter" at a stake priesthood meeting; on October 14, 1907, teachers were told they were "expected to visit wards to raise money."<sup>108</sup> The final report shows the results of their fund raising campaign:

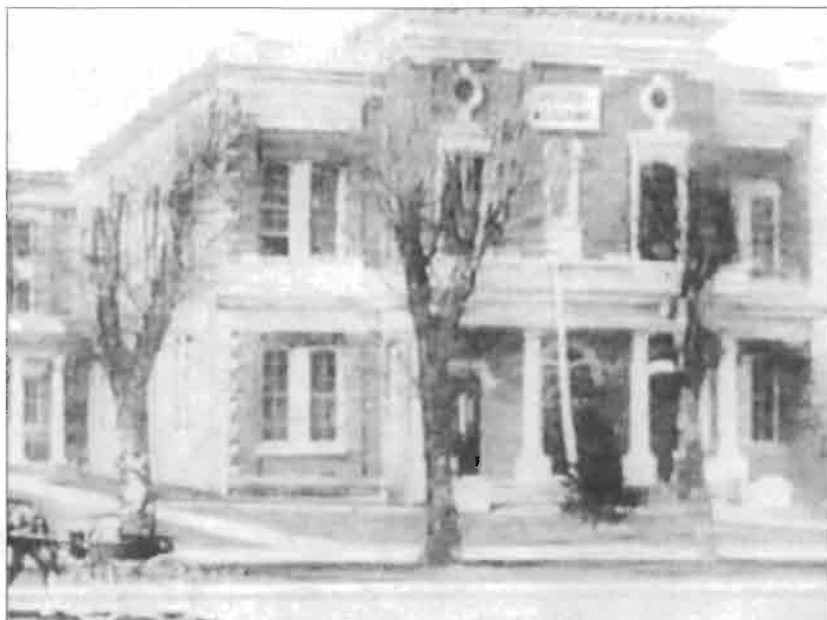
Amounts collected for the building:

Church appropriations	\$12,000
Mr. Samuel Newhouse	5,000
Bro. Jesse Knight	1,000
Bro. Heber J. Grant	<u>50</u>
Amounts collected without the stake	\$18,050
Amounts collected within the stake	\$21,950

<sup>107</sup>David Lawrence McKay, *My Father, David O. McKay*, 37-38.

<sup>108</sup>Weber Faculty, Minutes, February 13, 1907, vol. 3, p. 24; October 14, 1907, vol. 3, p. 25.





*Moench Building in the 1890s. Photo courtesy of Lani Prout, Stewart Library Archives.*

Total	\$40,000 <sup>109</sup>
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The new three-level building, often called the west wing of the Moench building or the annex, was completed in the spring of 1908. Sadler and Roberts describe it:

In the basement were the rooms which housed the band, botany, zoology, chemistry, and the physical science laboratories as well as the manual training department. On the first or main floor was the Principal's office, the Commercial Department and six classrooms, while the second floor housed three classrooms and the Lecture Hall with a seating capacity for 1,500 people.<sup>110</sup>

The year of 1908 was a watershed at Weber for other reasons besides opening a new building. On April 8, 1906, McKay had been

<sup>109</sup>General Church Board of Education, Minutes, October 14, 1909, vol. 2, p. 16; Sadler and Roberts, *Weber State College*, 27.

<sup>110</sup>Sadler and Roberts, *Weber State College*, 27.



*Cartoon in the 1980 Acorn commemorating McKay's legendary habit of catching the train from Ogden to his Quorum of the Twelve meetings in Salt Lake City on the fly. On one famous occasion, he hitched a hasty ride to the station on a boy's pony.*

called to serve in the Quorum of the Twelve. He humbly and willingly accepted this calling but still felt personally responsible for the new construction. He requested and received permission to remain as principal until the building was completed but willingly accepted the many added responsibilities of an apostle.<sup>111</sup>

Two years later when the annex was completed, Weber Stake Academy gave McKay a surprise tribute dinner on May 26, 1908. Four hundred people, including LDS President Joseph F. Smith, attended. The climax of the event was President Smith's announcement that, in honor of McKay, the faculty, bishops in Ogden, and the First Presidency, were contributing a total of \$6,050, which would enable the

<sup>111</sup>Morrell, "Life of President David O. McKay," 54-55.

academy to pay every penny of its former and current debts.<sup>112</sup> That night McKay wrote in his journal that he “tried to respond [to this generosity] but made a poor failure of it.” It was “a great deal more than I had ever expected.”<sup>113</sup> Four days later after Commencement he recorded, “The chapter of my school life is closed.”<sup>114</sup>

Almost twenty years later, in an address to Weber graduates, McKay disclosed his thoughts about the institution he had served, “This school has individuality, it is impregnated with spirituality. . . . Weber has [made] contributions to us [of] those things which are most high, beautiful, and inspirational that can come to the soul.” McKay then made this evaluation about his life’s work: “When I cease to be interested in youth, when my confidence in youth begins to wane; then friends, you may know my work is done.”<sup>115</sup> Although McKay’s work as a secular teacher and principal was done in 1908, true to the declaration above, his interest in youth never waned throughout the next sixty-two years of his life.

During the summer of 1908, Weber Stake, which had included all of Weber County, was divided into three stakes: Weber, North Weber, and Ogden Stakes; the Weber Stake Academy changed its name to Weber Academy; and its Board of Education was reorganized and renamed the Weber Board of Trustees.<sup>116</sup> McKay’s resignation to assume his duties as an apostle did not terminate his service to the institution. In September 1908, he accepted the invitation to become president of Weber’s Board of Trustees; here he served until November 1922, possibly preserving it when many other stake academies were closed.<sup>117</sup>

In June 1920, the LDS General Church Board of Education, upon which McKay served, met to define policy for all Church schools. The committee unanimously agreed that there should be only one “Training School”—Brigham Young University. They upgraded four of the academies to junior colleges including Ricks College at Rexburg, Idaho; Snow College at Ephraim, Utah; Dixie Col-

<sup>112</sup>Sadler and Roberts, *Weber State College*, 27.

<sup>113</sup>David O. McKay, *Diary*, May 27, 1908, reel 3-430, p. 56.

<sup>114</sup>*Ibid.*, May 30, 1908, 3-430, p. 62.

<sup>115</sup>David O. McKay, *Commencement Address for Graduates*, May 29, 1929, typescript, Centennial History Project, WA38, series 10, pp. 1-2.

<sup>116</sup>Terry, “Weber College Items of Early History,” chap. 2, p. 8.

<sup>117</sup>Sadler and Roberts, *Weber State College*, 28.

lege at St. George, Utah; and Weber College at Ogden, Utah. Immediately after these changes the Church closed the three academies located in Gila and Snowflake, Arizona; and Uintah, Utah. Three years later another Church announcement closed the academies in Paris (Fielding Academy) and Preston (Oneida Academy), Idaho; Beaver (Murdock Academy) and Castledale (Emery Academy), Utah; and turned over the two academies located in Colorado (San Luis Academy) and Wyoming (Big Horn Academy) to their respective state governments.<sup>118</sup>

In August 1922, Weber Stake Academy's name was changed to Weber College. It then functioned as an accredited two-year junior college under the Church Department of Education until it was given to the state of Utah in 1933. On January 1, 1991, the name was changed to Weber State University and it became an accredited four-year state institution of higher learning.

#### MCKAY'S IMPACT ON CHURCH EDUCATIONAL POLICY

As an apostle, McKay's professional expertise at Weber made him a significant voice in Church leadership councils on educational issues. The Quorum of the Twelve was stable in membership from 1920 to 1931 with the following members in addition to McKay: Rudger Clawson, Reed Smoot, George Albert Smith, George R. Richards, Orson F. Whitney, Joseph Fielding Smith, James E. Talmage, Stephen L. Richards, Richard R. Lyman, Melvin J. Ballard, and John A. Widtsoe. Apostles Clawson, Smoot, Richards, Whitney, and the two Smiths had very little or no educational background. Stephen L. Richards had a degree in law, Lyman a Ph.D. in civil engineering, and Ballard a bachelor's degree in music. On April 3, 1919, President Heber J. Grant formed the LDS Church Commission of Education. He named McKay Church Commissioner of Education, thus making him the first General Authority "directly in charge of the Church's entire education program"; Richards and Lyman served as assistant commissioners.<sup>119</sup> Widtsoe, another former educator in the quorum, succeeded McKay in January 1922.

In early November 1919, President Grant had also assigned

<sup>118</sup>Thomas G. Alexander, *Mormons in Transition: A History of the Latter-day Saints 1890-1930* (Urbana: University of Illinois Press, 1986), 165.

<sup>119</sup>James B. Allen and Glen M. Leonard, *The Story of the Latter-day Saints* (Salt Lake City: Deseret Book, 1976), 513.

McKay to tour the Church's missions, inspect Church-owned schools throughout the world, and make suggestions for new schools. Accompanied by Hugh J. Cannon of the Sunday School general board and a son of George Q. Cannon, McKay left Utah on May 9, 1920, sailing from Portland, Oregon, on the *Empress Japan*. He experienced seasickness, which he later related comically:

I reached only the top of the stairs, when that intense yearning to be alone drove me back to my cabin. Good-bye last night's dinner! Good-bye yesterday's Rotary luncheon! And during the next sixty hours, good-bye everything I had ever eaten since I was a babe on mother's knee. I'm not sure I didn't even cross the threshold into the pre-existent state.<sup>120</sup>

Traveling more than 62,000 miles, the two Mormon officials visited all the LDS schools and missions except for one in South Africa. McKay found that each culture possessed unique characteristics. In Japan he found courtesy and consideration; in Korea interest and picturesqueness; in China wonder and inspiration; and among the Polynesian people a depth of love he had not before experienced. It was while visiting the peoples of Hawaii, Tahiti, and New Zealand, that McKay made a profound educational commitment. Much of the force behind this commitment stemmed from an experience he had on the island of Oahu at a Church-owned elementary school in the small town of Laie.

While there he participated in a flag-raising ceremony on February 7, 1921. He was impressed with the many nationalities of children—*haoles* (Caucasians), Hawaiians, Japanese, Portuguese, Chinese, and Filipinos—all pledging allegiance to their new country. McKay envisioned the same scene being duplicated on a large scale, with Laie becoming the Pacific's intellectual center. He recorded:

As I looked at that motley group of youngsters, and realized how far apart their parents are in hopes, aspirations, and ideals, and then thought of these boys and girls, the first generation of their children, all thrown into what . . . [is] aptly called the "Melting Pot" and coming out Americans, my bosom swelled with emotion and tears came to my eyes, and I felt like bowing in prayer and thanksgiving for the glorious country which is doing so much for all these nationalities. But more

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<sup>120</sup>Quoted in Keith C Terry, *David O. McKay: Prophet of Love* (Santa Barbara, Calif.: Butterfly Publishing, 1980), 63.

than that, when I realize that these same boys and girls have the opportunity of participating in all the blessings of the Gospel which will transform the American into a real citizen of the Kingdom of God, I feel to praise His name for the glorious privileges vouchsafed to this generation. We held short services in the school room in which all—American, Hawaiian, Japanese, Chinese, Filipino—participated as though they had belonged to one nation, one country, one tongue.<sup>121</sup>

This image stayed with him for the next thirty-four years. In 1951 when he became Church President, one of his first official acts was to establish a college in that location. When the Church College of Hawaii was dedicated, McKay expressed his view that it would not only educate young Latter-day Saints but would have a significant impact on the world at large. He said:

From this school, I'll tell you, will go men and women whose influence will be felt for good towards the establishment of peace internationally. Four hundred and fifty million people waiting to hear the message over in China, a noble race. . . . I don't know how many million over in Japan. You prepare to go and carry that message. Three hundred and fifty million down in India. We have scarcely touched these great nations, and they're calling today.<sup>122</sup>

McKay had other experiences of a spiritual nature in the Pacific that had a profound impact on him and confirmed his resolve the Church had a responsibility to provide educational opportunities for the Polynesian people. After he became the prophet, McKay supervised the establishment of the Pesega School or Church College of Western Samoa (1952), the Mapasaga High School on the island of Tutuila in Samoa (1954), and the Liahona College in Tonga (1952).<sup>123</sup>

After leaving the Pacific Islands on his 1921 tour, McKay arrived in New Zealand and attended the *hui' tau* (annual conference). Later

<sup>121</sup>David O. McKay, Diary, February 6–7, 1921, Box 6, fd 3, ms 668, Special Collections, Marriott Library, University of Utah, Salt Lake City.

<sup>122</sup>David O. McKay, *Address of President David O. McKay at the Dedication Services at the Church College of Hawaii—Ground Breaking, February 10, 1955*, pamphlet (Laie, Hawaii: The Church of Jesus Christ of Latter-day Saints). Dedication-Ground Breaking 1.1, CCH/BYU-H subject file, BYU-H Archives, Cannon Library, Brigham Young University-Hawaii, Laie.

<sup>123</sup>David O. McKay, *Conference Report*, October 1952, 8.

he mentioned feeling that three great religious gatherings were held in the world: “the LDS General Conference in Salt Lake City; the Passion Play held in Oberammergau, Germany; and the Hui’ Tau in New Zealand.”<sup>124</sup> McKay reported to the *hau’ tau*:

Recently I was in Hawaii, and there found a school run entirely under the auspices and expenses of the Church, patronized not only by the Americans and Hawaiians, but by Japanese, Filipinos, Koreans, Chinese . . . [in] a little town called Laie, in the midst of which was an amusement hall for the young, and libraries and a plantation school. . . . I mention these things because in the little town of Laie you have a graphic presentation of the work of Mormonism in all the world. The Church is looking after the temporal salvation of its members. . . . The education typified in the school, like the Maori Agricultural College, [is] not doing advanced work, but, I hope in the future that they may have the same advantages and opportunities as you have here . . . [the] industrial, temporal, social, intellectual and spiritual salvation of man that is Mormonism. Let the world see what it means.<sup>125</sup>

The Maori Agricultural College (MAC) that McKay mentions was originally built in 1913; in 1929, an earthquake destroyed it, ending its operation. Many of its graduates, known as the “old boys,” became branch and district presidents—later bishops and stake presidents. For instance, MAC student Sidney Crawford became a temple president, and alumni Tori Read served as a bishop five times. Moreover, alumni included such New Zealand’s celebrities as John Apati, one of the country’s intellectual Maori leaders, and George Napea, in his day its most renowned rugby player.<sup>126</sup> After McKay completed his tour of New Zealand and returned home, he often spoke with Apostle Matthew Cowley, who had served as a missionary in New Zealand 1914–19. Cowley frequently identified illustrious MAC graduates, intriguing McKay. When Cowley became an apostle in 1945, he persuaded McKay that the MAC, by then out of operation for sixteen

<sup>124</sup>Ibid.

<sup>125</sup>David O. McKay, “Hui’tau Conference Addresses of the New Zealand Mission of the Church of Jesus Christ of Latter-day Saints, Huntley, Waikato, New Zealand, New Zealand, April 23–25, 1921, Middlemiss Scrapbooks, No. 127, typescript, not paginated, MS 4640, LDS Church Archives.

<sup>126</sup>Glenn L. Rudd, Oral History, 3, interviewed by Mary Jane Woodger for the BYU College of Education, McKay Research Project, February 8, 1996, Salt Lake City.

years, needed to be replaced. The Church College of New Zealand was dedicated April 1958 and still serves as a high school (2003).<sup>127</sup>

After visiting New Zealand in his 1921 world tour, McKay's educational interests expanded as he continued on with Hugh Cannon, visiting Israel, Australia, Singapore, India, Egypt, Palestine, Italy, Scotland and several other countries.

Even while touring, his influence on Church education was needed at home. A letter from Anthon Lund, then Church Historian, on December 17, 1920, urged McKay to suggest to the First Presidency the need for a "one-volume history of the Church." Lund added that one member of the First Council of the Seventy and an apostle (neither named) had both declined the project.<sup>128</sup> Eventually, such a book was written by Joseph Fielding Smith, son of President Joseph F. Smith. *Essentials in Church History* was published in 1922, two years after McKay suggested that such a volume be written.

McKay returned from his world tour on Christmas Eve, 1921, and reflected in his journal in April 1922: "I am now convinced that school life has more real pleasures and fewer cares than any other. Searching in itself is a pleasure. Add to this all the pleasant associations and individual joys, remember that the time after the student's greatest worry, work, becomes pleasure. I think all would agree that school days are among the happiest in life."<sup>129</sup> McKay was not destined to stay in Utah long. He was appointed president of the European Mission, headquartered in Liverpool, England, on November 3, 1922, and resigned from the Weber College Board of Trustees.

Although McKay's professional career as an educator ended in 1922, his influence on education, particularly within Mormonism, continued throughout his long life. By the time of his death in January 1970, he had been a General Authority for sixty-four years, the lengthiest record to that point. A gifted teacher, he trained instructors in the Church's auxiliaries to use outlines, lesson aims, and other teaching methods he perfected in Weber's classrooms. As general superintendent of the Church's Deseret Sunday School Union from 1918 to

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<sup>127</sup>Ibid., 2-4; Robert L. Simpson, Oral History, 6, interviewed by Mary Jane Woodger for the BYU College of Education, McKay Research Project, December 30, 1996, Salt Lake City.

<sup>128</sup>Anthon Lund, Letter to David O. McKay, December 17, 1920, David O. McKay Papers, reel 1, p. 146.

<sup>129</sup>David O. McKay, Diary, April 7, 1922, reel 2-225, unpaginated.



1934, he exercised both direct and indirect influence on instruction in the LDS auxiliaries and priesthood quorums. According to James B. Allen and Glen M. Leonard, "By 1928 the Sunday School had become the teaching arm of the Priesthood for theological and doctrinal instruction."<sup>130</sup> McKay also wrote *Ancient Apostles*, which was "one of the first Sunday School lesson manuals for the Church," in use from 1918 to 1926.<sup>131</sup> The Deseret Sunday School Union continued to use this manual as a teacher's supplement as late as 1969, and it was translated into Dutch, Spanish, Portuguese, Danish, Tongan, Samoan and Japanese. McKay was also instrumental in developing other lessons for the Sunday School, organized around objectives and applications. Another McKay innovation was instituting monthly "union" meetings for all ward Sunday School teachers and officers where the trained stake board members instructed teachers on the ward level in identifying aims, organizing, and presenting the lesson for maximally effective classes.<sup>132</sup> Before McKay chaired the General Priesthood Committee in 1908, priesthood quorums had met infrequently and irregularly. Under his direction, this committee inaugurated weekly priesthood meetings and uniform courses of study on the ward level.<sup>133</sup> In this position and many others, McKay's background as a professional educator served the LDS Church well in expanding its educational pursuits.

### CONCLUSION

Although much of the data collected for this paper, particularly the interviews, is overlaid by the passage of years, McKay's later position as Church president, and by the virtually universal reverence and affection with which members regarded him, it is still possible to critically examine the mutually beneficial relationship that he had with Weber Stake Academy. As a classroom teacher, McKay drew on environmental, scholarly, and cultural influences. He was eclectic in his approach, borrowing some ideas from traditional practices, infused

<sup>130</sup>Allen and Leonard, *Story of the Latter-day Saints*, 501.

<sup>131</sup>David O. McKay, *Ancient Apostles* (Salt Lake City: Deseret Sunday School Union, 1918).

<sup>132</sup>David O. McKay, "The Lesson Aim: How to Select it: How to Develop it, How to Apply it," *Juvenile Instructor* 40 (April 15, 1905): 242.

<sup>133</sup>Richard O. Cowan, *The Church in the Twentieth Century: The Impressive Story of the Advancing Kingdom* (Salt Lake City: Bookcraft, 1985), 53.

by methodologies from the progressive educators who trained him, and modified still further by his own pedagogical experiences. Chief among those influences was his deep personal faith in Christianity and Mormonism, and his high ethical principles.

As an apostle, the McKay's pulpit became his classroom, and the entire membership of the LDS Church became his students. His ability to establish relationships with individuals blossomed. Even those who had no contact besides being in congregations where he spoke felt a personal affinity with the man. He received many opportunities to exercise his leadership skills, and his professional expertise and charismatic personality attracted people from all walks of life, including his peers within the Church hierarchy. He motivated and strengthened the LDS rank and file. The unity he sought and maintained at Weber among the student body and faculty became his goal for LDS educational organizations. In addition, McKay's successful efforts to gain the interest and support of Ogden citizens became foundational in his larger mission as a representative of the LDS Church. McKay's great ability to secure funds and his desire to use resources on educational pursuits affected generations of LDS young people. As he took his place in the LDS hierarchy, the abilities and skills he developed at Weber had a demonstrable impact on LDS educational policies.

At the time of McKay's death, Sterling M. McMurrin, a nationally recognized educator who served as U.S. Commissioner of Education in the John F. Kennedy administration, found that McKay had made a remarkable difference in the world's view of Mormonism:

In this period [that] the Church began to enlarge its perspectives on its place in the world, magnifying its vision, and moving, though slowly, toward an identification of itself with all men was surely due in a large part to President McKay's own moral disposition and ideals, ideals which . . . included rather than excluded his fellowmen.<sup>134</sup>

McKay's personal efforts not only brought about a new era of acceptance of Latter-day Saints by those of other faiths, but his efforts also introduced a new era of educational practices and ideas into a worldwide LDS community.

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<sup>134</sup>Sterling M. McMurrin, "President David O. McKay, 1873-1970," *Dialogue: A Journal of Mormon Thought* 4 (Winter 1969): 54.

## REVIEWS

Gary James Bergera. *Conflict in the Quorum: Orson Pratt, Brigham Young, Joseph Smith*. Salt Lake City: Signature Books, 2002. 300 pp. Notes, bibliography, index. Cloth: \$24.95; ISBN: 1-56085-164-3

*Reviewed by William G. Hartley*

A pervasive belief among LDS Church members, author Gary Bergera affirms, is that “harmony prevails within the First Presidency and Council of the Twelve Apostles.” But historically, he cautions, “differences of opinion can and do erupt into debates” within this leadership group (vii), and his important book examines one major case of such—“the sometimes contentious relationship” between Apostle Orson Pratt and Church Presidents Joseph Smith and Brigham Young.

Among nineteenth-century LDS leaders who were not presidents of the Church, few tower taller than Apostle Orson Pratt. A missionary as energetic as the Apostle Paul, Pratt crossed the ocean sixteen times on missions. Wilbur D. Talbot asserts in *Acts of the Modern Apostles* (Salt Lake City: Randall Book, 1985), 120–21) that Pratt “walked more miles, preached more sermons, and converted more people than any other man of his generation.” A leader in the Church’s pioneering and colonizing work, Pratt was a legislator, mathematician, and astronomer. His logical mind produced “precisely written theological studies,” providing powerful defenses of LDS doctrines.<sup>1</sup> T. Edgar Lyon posited that Pratt “did more to formulate the Mormons’ idea of God, the religious basis of polygamy, the pre-existence of spirits, the doctrine of the gathering of Israel, the resurrection, and eternal salvation than any other person in the Church, with the exception of Joseph Smith” (quoted p. 281).

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<sup>1</sup>David J. Whittaker, “Pratt, Orson,” *Encyclopedia of Mormonism*, 4 vols. (New York: Macmillan Publishing, 1992), 3:1114–15.

In an even-handed way, Bergera carefully explores the main conflicts Pratt had with his two Church presidents (Smith and Young), and shows how and what kind of resolutions—albeit sometimes tenuous ones—were reached. Bergera did not take sides but “tried to consider each person’s perspective in terms of how he interpreted his circumstances” and “tried to set aside my own preconceptions and biases as much as possible,” relying on the participants’ own words and their contexts to form the core of the study (viii).

Among the conflicts discussed are: Pratt’s feud with Joseph Smith in 1842, when Pratt dropped from the Twelve; Pratt’s opposition to reconstituting the First Presidency in 1847; Young’s dressing-down of Pratt in the 1850s and 1860s for preaching and publishing doctrines of which he did not approve (the nature of God, the creation, Adam’s role, the Holy Spirit, and God’s omniscience, among others); Pratt’s publishing without authorization Lucy Mack Smith’s history of Joseph Smith; Pratt’s championing of Joseph Smith’s inspired version of the Bible; and, ultimately, Pratt’s 1875 demotion in seniority in the Quorum of the Twelve.

This book expands upon Bergera’s previous essays published on the subject: a 1980 *Dialogue* article about the 1853–68 Pratt-Young controversies and a *Journal of Mormon History* essay (1992) focusing on Pratt’s demotion in seniority and the quorum realignment of 1875.

Regarding his sources, Bergera informs readers that much of his research was done in the late 1970s at the LDS Church Historical Department, when “policies regarding access to the papers of general church officers were different” (viii). Unable since then to reexamine those sources, he had to rely on his old notes and photocopies. We therefore benefit from such research that is no longer possible, which is a major contribution of this book.

Certainly since the first Twelve in this dispensation were chosen, in 1835, there have been “conflicts in the quorum,” so Bergera doesn’t plow new ground there. A short list of such conflicts includes Thomas B. Marsh’s removal as president of the Twelve (the famous quarrel over the pail of milk); William Smith’s “violence upon” Joseph Smith in Kirtland; Lyman Wight’s insistence, over Brigham Young’s objections, on carrying out Joseph Smith’s assigning him to go on a mission to Texas; and the dropping of Moses Thatcher, John W. Taylor, and Matthias Cowley from the quorum. Notable, too, is the “conflict” that caused President Joseph F. Smith to silence Apostle Joseph Fielding Smith and Seventy Brigham H. Roberts from arguing about the creation of the earth. What Bergera provides here is the most in-depth study of which I’m aware regarding the internal differences at the First Presidency-Twelve levels and how they were resolved.

Bergera first tells us about Orson Pratt’s negative reactions to plural marriage in Nauvoo and his alienation from the Prophet. Scanty documen-

tation surrounds the disciplinary action taken against Pratt in August 1842, other than that he was “cut off.” In Chapter 2, Bergera shows that Pratt was “cut off” from the quorum, not from the Church, and that his reinstatement in 1843 returned him to his “former office and standing” in the Twelve (36, 45). The next chapter assesses Pratt’s opposition to reconstituting the First Presidency in November and December 1848, and provides verbatim minutes from an “intense three-week period” of meetings (82) during which the matter was thoroughly debated until Pratt conceded. “A pattern emerged that would repeat,” Bergera noted. “Pratt would continue to feel the need, or the responsibility, to question Young, who for his part would respond in kind to Pratt” (82). Next, Bergera examines Pratt’s major philosophical writing and thinking, most of it published in *The Seer*, the newspaper Pratt edited in Washington, D.C. (1852–54). As defender of the faith, Bergera says, Pratt “had few equals,” but “these same gifts would earn him another near-expulsion from the church he loved” (104). From then on, Pratt and Young’s differences became “increasingly polarized in a battle of wills between two strong, opinionated minds” (110).

When Pratt returned from the East in 1854, Pratt’s and Young’s doctrinal conflicts escalated (chap. 5), particularly those relating to the omniscience of God and to Young’s “Adam-God” teachings. Pratt had had Lucy Mack Smith’s history of Joseph Smith published in England in 1853, an act that Young criticized as unauthorized and as perpetrating false history. Young criticized Pratt publicly several times. “He is dabbling with things that he does not understand,” Young preached in March 1857; “his vain philosophy is no criterion or guide for the Saints in doctrine” (132). In 1858 Pratt was nearly disfellowshipped (133).

The next chapter, “False Doctrine,” quotes lengthy excerpts from minutes of a lengthy meeting on January 27, 1860, of First Presidency, Twelve, Seventy, and other leaders, called to resolve Pratt and Young’s doctrinal disagreements. Afterward, Pratt felt humiliated to see how out of harmony he was, not only with President Young but “with his quorum and church” (151). In response he preached a “confessional sermon on January 29, 1860.” Chapter 7 contains the entire text. But that confession, as the next two chapters demonstrate, “actually exacerbated, rather than resolved,” the two men’s differences (170). Chapter 10 discusses two personal developments very hurtful to Pratt: his separation from his first wife, Sarah, and the excommunication of his son, Orson Pratt Jr., for “unbelief.”

Next, Bergera details how Young in 1860 formally denounced both the Lucy Mack Smith history and Pratt’s “confessional sermon.” He also chided Pratt for his teachings about how Adam originated, the Holy Spirit, the creation, and other matters and insisted that “no member of the Church has the right to publish any doctrines, as the doctrines of the Church . . . without first

submitting them for examination and approval to the First Presidency" (242). Young's criticisms were designed, Bergera finds, "to reduce the influence of Pratt's theories, not to diminish the status of the apostle himself." Pratt immediately issued a statement of "sincere regret" for publishing things troublesome to Church authorities (243).

Chapter 12 describes Pratt's return from England in 1867, "determined to distance himself" privately and publicly "from several of his disputed theories" (246). After that, "conflict between the two men dissipated" as the infirmities of age and other assignments took priority in their lives (251). Bergera then deals with the 1875 rearrangement of seniority in the Twelve that resulted in the demotion of Hyde and Pratt. Young took that action, Bergera argues, to prevent Hyde and Pratt from ever becoming Church presidents because they had "faltered" in the past (280).

In his conclusion, Bergera posits that "the primary issues were not the attributes of God or the identity of Adam or the publication of Lucy Mack Smith's history and Joseph Smith's Bible. Rather they were conflicts over authority—Young's notion of dynamic revelation and the primacy of contemporary statements by living prophets on the one hand and Pratt's fundamentalist adherence to a literal interpretation of divine cannon on the other" (284). Pratt, Bergera adds, despite "protracted doctrinal disagreements with Young . . . would remain forever committed to the church and its teachings, even at the expense of his own welfare and that of his several families" (83).

Bergera's fine book would have been strengthened by noting that, prior to the 1842 crisis, Orson Pratt and his brother Parley had taken exception to Joseph Smith's financial management in Kirtland. Also, the book's title may mislead a little. "Quorum" refers to the Twelve, from which the First Presidency is drawn. From the title, one would expect the study to focus on the quorum itself during each of the conflicts discussed. How did the Twelve, as a quorum and as individual members, respond to these episodes? What role did Orson Hyde, the quorum president, play during these conflicts? Who among the Twelve sided with Pratt, particularly during conflicts about the Adam-God controversy, the Lucy Mack Smith publication, and the Joseph Smith translation? Additional perspective would have come, as well, from considering the several conflicts that other quorum members had with one another and with the First Presidency and how those were managed.

*Conflict in the Quorum* is meat, not milk. It is carefully researched. Bergera's writing style is clear and enjoyable to read. His voluminous footnotes are as interesting and informative as the text itself. This book makes a responsible, solid contribution to our understanding of how priesthood authority operated in the LDS Church's early years, also providing insight into the personalities and character of Brigham Young and Orson Pratt. It is a

narrow study—a small slice of the big lives of Young and Pratt. To understand the Pratt-Young conflicts within a larger framework, readers should examine, among other studies, Breck England's *The Life and Thought of Orson Pratt* (Salt Lake City: University of Utah Press, 1985), and Leonard J. Arrington's *Brigham Young: American Moses* (New York: Alfred A. Knopf, 1985).

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Richard Ian Kimball. *Sports in Zion: Mormon Recreation, 1890-1940*. Urbana: University of Illinois Press, 2003. 217 pp. Bibliography, index. Cloth: \$29.95; ISBN 0-252-02857-0

Stanford J. Layton, ed. *Red Stockings & Out-of-Towners: Sports in Utah*. Salt Lake City: Signature Books, 2003. 250 pp. Bibliography, index. Paper: \$21.95; ISBN 1-56085-165-1

*Reviewed by Michael H. Paulos*

As a sports fanatic and lifetime participant in LDS Church-sponsored athletic programs, I thoroughly enjoyed reading these two fascinating books on the history of sports and recreation in Utah. Not only are sports a significant part of global contemporary culture, but they play a large role in LDS culture, as witness the estimated twenty or thirty thousand BYU fans (most of them presumably LDS) expected to attend the BYU vs. USC football game in Los Angeles on September 6, 2003, according to a pre-game pep rally comment by BYU's President Cecil O. Samuelson.

Richard Ian Kimball, an assistant professor of history at Brigham Young University, summarizes LDS Church leaders' statements on recreation between 1890 and 1940, analyzing how this philosophy shaped Church policy and recreational behavior within Utah and the LDS community. Given this focus, however, the title, *Sports in Zion*, is something of a misnomer. This book is an expansion of his Ph.D dissertation at Purdue University, "To Make True Latter-day Saints': Mormon Recreation in the Progressive Era," now published in the JFS Institute/BYU Studies series. It focuses on the "Progressive era" (1890-1940) when American society at large was encountering the challenge of urbanization. Thomas G. Alexander has explored this crucial transitional period in three important works: *Mormonism in Transition: A History of the Latter-day Saints, 1890-1920* (Urbana: Univer-

sity of Illinois Press, 1986); his *Things in Heaven and Earth: The Life and Times of Wilford Woodruff, a Mormon Prophet* (Salt Lake City: Signature Books, 1992); and "The Reconstruction of Mormon Doctrine: From Joseph Smith to Progressive Theology," *Sunstone* 5 (July–August 1980): 24–33. Kimball's study focuses closely on one social and cultural manifestation of this pivotal period.

The first of his five chapters introduces teachings by Joseph Smith and Brigham Young on recreation (pre-Progressive Era), then covers spokesmen from the period, including Apostles David O. McKay and Melvin J. Ballard; B. H. Roberts of the First Council of the Seventy; E. E. Erickson, professor of sociology and philosophy at the University of Utah and member of the YMMIA general board (1922–35); and George Brimhall, BYU's third president (1904–21). Chapter 2 discusses the history and rationale for including "amusement halls" or "recreation halls" (today's "cultural halls") immediately adjacent to the chapels in LDS meeting halls. The role of Deseret Gym as the "Temple of Health" (so described by early twentieth-century Mormons) is an interesting episode. The first gym was constructed in 1910 next to the Lion House (67). According to Kimball: "By understanding the rationale that led to the gym's construction and analyzing the various social and athletic programs sponsored by the institution, we can gain a deeper appreciation of how integral recreational activities were to Mormon society in the early twentieth century." It also throws into "sharp relief the prescribed gender roles of Mormon men and women in the twentieth century" (66). The gym was razed in 1993 to make way for the Church Office Building (82) and replaced in 1965 by a new Deseret Gym constructed on North Temple, which was, in turn, demolished in 1997 to make way for the Conference Center (186).

Chapter 3 describes how Church leaders used recreation and athletics to "socialize" and "sell the Word of Wisdom" (107). Vestiges of these practices continue today, as, for example, Peter Vidmar's general conference address on the Word of Wisdom after winning a gold medal in the Olympics (188). I noted with interest that ward basketball games from the 1920s were marked by aggressiveness and "hot contests" (105), thus providing some historical roots for the T-shirt currently being sold at the BYU Bookstore proclaiming: "Church basketball, the brawl that begins with a prayer."

Chapter 4 summarizes such "outdoor activities" as the Church's involvement with the Boy Scouting program and its updated pioneer-era Young Men's Mutual Improvement Association and Young Women's Mutual Improvement Association. Chapter 5 discusses how LDS leaders used recreation to respond to the Great Depression by combatting idleness, countering social evils, and fostering unity in the Mormon community (163).

Kimball's conclusion documents the general decline after the 1940s



of many of these Progressive Era recreational activities and concepts. Kimball deftly draws on both liberal and conservative scholars in constructing this landmark study of prodigious research and detailed footnotes, carefully avoiding major ideological biases on either side of the continuum. His book is indispensable for any serious student of Mormon culture during the Progressive Era.

*Red Stockings and Out-Of-Towners* covers more aspects of "sports in Zion." This collection of fourteen essays, originally published in the *Utah Historical Quarterly*, was selected by the *Quarterly's* former editor, Stanford J. Layton. The topics include baseball, football, boxing, tennis, cycling, pari-mutuel betting, skiing, hiking, car racing, and fishing. Basketball is a glaring omission from this list, which Layton acknowledges: "I lament the fact that in its seventy years of publication, the *Utah Historical Quarterly* has not attracted a single article on that particular sport. . . . Consider this an opportunity and a call to historians of the upcoming generation" (xi). The two chapters on baseball, however, are fascinating; and I felt that the book's highlight was Larry R. Gerlach's "The Best in the West? Corinne: Utah's First Baseball Champions" (1-32) while Kenneth L. Cannon II's essay gives the collection its title: "Deserets, Red Stockings, and Out-of-Towners: Baseball Comes of Age in Salt Lake City, 1877-79" (33-56). Heber J. Grant, future seventh president of the Church, played second base on one of those teams (43, 46).

Grant also appears indirectly in "Utah's Gamble on Pari-Mutuel Betting in the Early Twentieth Century," by Bruce N. Westergren. In 1925, Utah's legislature overturned a ban on horse-racing and established a limited pari-mutuel betting system to raise funds. The LDS Church made no official pronouncements, and Mormons could be found on both sides of the issue. Grant reportedly attended the opening race, held at the Utah State Fairgrounds, while his brother, Brigham, was first chair of the racing committee (146, 143).

I read with interest Melvin L. Bashore's "The Salt Lake Seagulls Professional Football Team," a scandal-plagued two-year episode. Even before the first season, allegations erupted in 1946 that the Seagulls' coach and general manager, Fred Tedesco, was building the bleachers with city resources, and workers complained to David O. McKay, then second counselor in the First Presidency. McKay brought the commissioners, mayor, and city attorney to his office to hear the allegations, then withdrew while the city officials continued in an "executive session." They "determined that Tedesco would issue a statement and that the city would 'explore' the charges" (79). Tedesco reimbursed the city for the 935 manhours used to construct the bleachers.

Some of these chapters describe activities that are no longer main-

stream sports, and I would have appreciated an introductory paragraph from the editor providing context for such articles as “The Rise of Tex Rickard as a Fight Promoter” by Virginia Rishel, “Joe the Fish Lake Guide” by Lea Nielson Lane, and “A Visit to the Champ’s House” by John Farnsworth Lund. I found myself intrigued and motivated to do more research on Jack Dempsey, Lund’s subject. A Utah boy who became the boxing heavyweight champion of the world (1919–26), Dempsey’s Utah connection and affiliation with the Mormon Church are only scantily described. Layton notes that “some articles in this anthology have been edited slightly for length” but does not specify which they are (250).

The other articles in the book are: “Coming Home: Community Baseball in Cache Valley” by Jessie L. Embry and Adam Seth Darowski, “Tennis in Utah: The First Fifty Years, 1885–1935” by Afton Bradford Bradshaw, “Bicycle Racing and the Salt Palace: Two Letters” edited by Olive W. Burt, “‘These Bloomin’ Salt Beds’: Racing on the Bonneville Salt Flats” by Jessie Embry and Ron Shook, “It’s All Downhill from Here: The Rise and Fall of Becker Hill, 1929–1933” by Lee Sather, “Winter Fun in Northern Utah Valley: A Pleasant Grove Example” by Beth R. Olsen, and “A Winter Acquaintance with Timpanogos” by Dean R. Brimhall.

I appreciated the substantial paragraphs of identification on the authors, including current activities and interests.

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Stewart L. Udall. *The Forgotten Founders: Rethinking the History of the Old West*. Washington, D.C.: Island Press, 2002. xxvii, 237 pp. Photographs, maps, tables, notes, suggested readings, index. Cloth: \$30.00; ISBN 1-55963-893-1. Paper: \$15.00; ISBN 1-55963-894-X

*Reviewed by Brian Q. Cannon*

In this stimulating book written for the general reader, former Secretary of the Interior Stewart L. Udall sets out to correct myths of the Wild West that concentrate upon miners, soldiers, lawmen, and outlaws and to refocus attention on “the authentic story of western settlement,” including the role religion played in motivating and sustaining it (12). While popular myth has lionized the likes of Wyatt Earp and Billy the Kid, Udall emphasizes religious leaders and their followers, including his own Mormon forebears.

Udall's smooth, flowing style and talent for description and dramatic narrative enhance the work's appeal and accessibility. His work is a serious intellectual endeavor, though, where stories serve as building blocks for revisionist ideas.

In focusing upon the common people, Udall builds upon and cites significant books by western social historians, showing that he has read widely. His assessment of religion and of agrarian settlement tends to be more positive than that of many recent historians. For instance, where New Western historians have often discussed Juan de Onate in connection with his brutal raid on Acoma Pueblo, Udall emphasizes Onate's role in founding the first Euro-American settlements in what became the United States. Udall accurately observes that contemporary western historians have not emphasized religion to the extent that he does, yet their neglect of the topic is not as extensive as he claims. He criticizes the editors of the *Oxford History of the American West* for not devoting more attention to Brigham Young and Archbishop John Baptist Lamy, yet he does not acknowledge that an entire chapter in that history is devoted to religion and spirituality.

Udall begins his book with a discussion of American Indians, using well-chosen examples of the Iroquois, Cherokee, and Pueblo to show the impact of native peoples upon Euro-Americans on issues ranging from constitutional development to architecture and irrigation.

Udall next considers Euro-American settlers in the West, noting that religious motives and desires to establish homes and communities animated many settlers. In short, these were "not simply people who showed up to exploit resources and then return home" (37). To illustrate this point, Udall briefly recounts the achievements of five sets of his and his wife's Mormon great-grandparents: Edward Milo Webb and Amelia Owens Webb, William Bailey Maxwell and Lucretia Bracken Maxwell, Jacob Hamblin and Louisa Bonelli Hamblin, Levi Stewart and Margery Wilkerson Stewart, and John Doyle Lee and Emma Batchelor Lee. He indicates that his portraits are based upon journals, privately published family histories, and the reminiscences of descendants. These sources contain excellent grist for historians, but they also tend toward hagiography in their stock accounts of courageous and determined pioneers faced with adversity and privation. While the tendencies in his sources and his familial ties color Udall's portrait of his forebears, there is undeniably much to admire in these people's achievements. Udall describes one of them, Levi Stewart, as a "tall, handsome man whose dark hair and blue eyes made him stand out in a crowd" (57) and who "transform[ed] himself into a leader of Utah's emerging business community" by virtue of his business acumen and the fact that "his word was his bond" (58). Another ancestor, William Bailey Maxwell, is characterized as "a frontiersman's frontiersman" (43) who was less interested in "seeking monetary

gain" than in "the founding of communities" (48). Louisa Bonelli Hamblin is characterized as "a dutiful wife and mother who kept the faith and rarely complained about her lot" but who once confided that she had felt more like "Jacob Hamblin's squaw" than his wife (57).

From his discussion of John D. Lee as a relative, Udall moves into a brief discussion of the Mountain Meadows Massacre, followed by a delightful account of Udall's role in planning a 1990 memorial service for the massacre victims. Udall attributes the wartime hysteria in southern Utah partly to Brigham Young's militant rhetoric, exonerates him from direct responsibility for the decision to slaughter the emigrants, portrays the Fancher-Baker party as peace-loving families who "posed no threat" to the Mormons, and maintains that "Indians were not involved in the massacre" aside from plundering the wagon train and corpses for booty (64). He paints with broad, definitive brush strokes, giving no hint that the evidence is contradictory regarding key points such as the character of the emigrants and the role of the Paiutes. In light of the fact that his research entailed careful "study [of] everything I could find that threw light on the massacre" (72), the absence of references to the specific documents that led to his conclusions in this section is lamentable.

Udall takes on Bernard DeVoto's influential interpretations of the mountain men as agents of western empire and DeVoto's assertion that religious leaders in the West treated the Indians more cruelly than the military. He also flays DeVoto for his denigration of Mormons. Admitting that the mountain men were important, he argues that religion was more significant, pointing to Catholic settlements in the Southwest, Father De Smet's missionary activities, the trailblazing and pioneering of Protestant missionaries in Oregon, and Mormon colonization of the Great Basin.

Udall challenges the prominence of the California gold rush in narratives of the West's development, arguing that it produced few economic changes in the West except in northern California, but this assertion overlooks the forty-niners' economic and cultural impact in Salt Lake City. Labeling some of the forty-niners "gold rush bums" (131), Udall accuses them of pillaging the environment and abusing California's Indians. In contrast, he argues that agrarian pioneers developed communities, excavated canals, built schools and roads, and opened mercantile establishments. External investors in railroads and mines exerted a large influence, but it was settlers in agrarian villages and small towns and their "bootstrap capitalism" that dominated the West as late as 1880 and set the stage for that development. No one would argue that western farmers played key roles in settling the West; but Udall's unstinting praise of them in what he designs as a myth-breaking book ironically reinforces yet another American myth: Jeffersonian agrarianism with its virtuous yeoman farmer.

Udall concludes his book by examining the myth of western violence, pointing out that many legendary conflicts including the shootout at the OK Corral and the Tonto Basin War were little more than family feuds. He portrays the western military campaigns as gory episodes, arguing that settlers rather than soldiers developed the West. His account omits the role that western settlers, including Mormons, and their demands for protection played in inciting military engagements, including the Bear River Massacre.

Although historians who have devoted their careers to studying the West can identify flaws and omissions in Udall's account, as a popular revisionist history the work is generally accurate and delightfully written. It demonstrates the intellectual versatility and breadth of one of Mormonism's most famous native sons. Its admiring portrayal of Mormonism represents the author's mature, considered views on the importance of religious convictions and faith, agricultural settlement and rural communities in western development. For any who perceived the author's public criticism of the Church's racial policies in the 1960s as evidence of a disengagement from Mormonism, this book affirms Udall's continued affinity for and pride in his Mormon roots.

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Boyd Jay Petersen. *Hugh Nibley: A Consecrated Life*. Salt Lake City: Greg Kofford Books, 2002. xxxi, 409 pp. Photographs, footnotes, chronology, appendices, index. Cloth: \$32.95; ISBN 1-58958-020-6

*Reviewed by D. Michael Quinn*

I knew I would enjoy this biography when I laughed out loud while reading its preface and foreword, then repeatedly exclaimed "Wow!" while perusing its chronology. Written in a lively style, the book is a skillful portrait of the man who, during the 1950s and 1960s, established parallels to obscure, ancient texts as the best defense for the sacred texts and ceremonies of the Church of Jesus Christ of Latter-day Saints.

The introductory chapter places Hugh Nibley within the context of Utah folklore about him. Both here and throughout the biography, Petersen shows the interplay between private experience, popular narration, and public image.

Chapter 1 explores "the ambiguous legacy" of Hugh's grandfather, Charles W. Nibley, a wealthy entrepreneur who served as Presiding Bishop

of the Church from 1907 to 1925 and as second counselor to the LDS prophet until 1931. In presenting Hugh's life and thought from 1910 to 2002 as chapters 2–26, Petersen alternates each chronologically organized chapter with a topical one about this nonagenarian's lifelong views on society's problems (both LDS culture and "Gentile"), on nature and the ecological challenges of human habitation, on humor and satirical writing, on personal faith, on education and scholarship, on war, on the Book of Mormon, on traditions of the Hopi Indians, on the Pearl of Great Price, on LDS temple ceremonies, and on the relationships between materialism and spirituality, capitalism and consecration.

Truly remarkable is the virtual absence of evolution, revision, or reversal in Nibley's intellectual life: "His writings as a teenager reflect similar themes, ideas, and interests to those he wrote in his eighties or nineties. His writings, both public and private, are almost seamless in their consistency" (408). In fact, without dates or the biographer's reminder about Nibley's age, his letters from age eleven to fifteen (53–54, 68–69) could be mistaken as expressing the thoughts of someone in his twenties.

Nibley has been described as "one of a kind," as *sui generis*, as *nonpareil*—polyglot praise reflecting his extraordinary facility with languages. At fourteen, he was trying to teach his youngest brother French, German, and Spanish. At age thirty-six, his *curriculum vitae* "listed speaking ability in French, German, Arabic, Spanish, Latin, Greek, Russian, Dutch, Italian, and a reading ability in Old Icelandic, Hebrew, Babylonian, Hieroglyphic [Egyptian], as well as the dialects of Old Bulgarian, Old English, and Flemish" (230). He added more languages each decade thereafter.

Equally daunting has been the breadth of his intellectual curiosity and achievement. Able to read before kindergarten, by thirteen he was keeping a detailed record of his astronomical observations. Graduating *summa cum laude* from UCLA in history, he obtained a Ph.D. in ancient history from the University of California at Berkeley. He wrote his 300-page doctoral dissertation in an astonishing six weeks. To prepare scholarly publications (directed primarily to LDS readers), he devoured multilingual books of history, religion, literature, philosophy, philology, archaeology, and anthropology. For diversion, he studied advanced texts in astronomy, math, and physics. Although lauded by non-Mormon scholars and LDS prophets, "Hugh has a scorn of celebrity-seeking and a wariness about vanity that verge on the pathological" (xiv).

Upon first encountering examples of this book's personal disclosures, many readers will compare it with the candor in the 1977 family biography of Spencer W. Kimball, published by a son and grandson while the LDS president was energetically alive. However, nothing in President Kimball's foibles and personal views matches some of the surprising disclosures in this

biography. While some readers may criticize the author (a son-in-law) for even mentioning one daughter's estrangement from the family, I think that all readers will agree that including this discussion in an "authorized biography" is an ultimate example of the dedication to honest history by Hugh Nibley, his wife, and their children.

Most of Nibley's foibles are truly endearing, but I was startled by several of the "authorized" disclosures: His lifelong mixture of admiration and contempt for his General Authority grandfather. Hugh's strained relationship with both his parents. His routinely endangering other people's lives by driving "with a book on the steering wheel," a practice that took him "through stop signs" (107). His anti-Semitism at age thirty (despite, or perhaps because of, his being one-fourth Jewish)—"I promise immediate violence to the unfortunate who mistakes me for one of them [Jews]" (135). He did an abrupt about-face when the reports of Nazi atrocities began filtering out of Germany, and he sharply rebuked his mother for her own anti-Semitic expressions. His occasional academic pettiness, which led to a "scathing five-page response" which he mimeographed and distributed to General Authorities after an LDS Church magazine rejected one of his articles (301).

On the other hand, I felt admiration for Nibley's gritty experiences: Foraging at age sixteen for six weeks in the Oregon wilderness, where he was attacked by a wolf. Being poisoned by a German Catholic family after a priest warned them against his visit as a Mormon missionary in 1929. Surviving on cabbage, oranges, and grapefruit during his first year of teaching without salary at the Claremont Colleges during the 1930s depression in California. Being engaged and rejected twice in his early thirties. Driving a jeep onto the beaches of Nazi-occupied France during the 1944 Normandy invasion. Jumping into a foxhole littered with the brains of a fellow American. Being the only survivor of his unit by the end of World War II. Sleeping on the floor with his new bride in a drafty old house the first year he taught at BYU. Losing his memory for a few weeks due to a stroke at age sixty-four.

Among dozens of examples of Petersen's candor as a family biographer are his critical assessments about certain aspects of Nibley's published defenses of Mormonism. "He [Stanley S. Ivins] objected to a few places where Hugh had misrepresented [Fawn M.] Brodie's words and another where Hugh had cited Brodie's source and attributed it to Brodie—certainly valid criticisms" (226–27). "Klaus Baer [Nibley's friend and mentor in Egyptian] frankly felt that some of Hugh's early installments [about the "Book of Abraham"] in the *Improvement Era* were a red herring" (322). Petersen characterizes this approach as "a way of sidestepping some of the difficult problems raised by the Joseph Smith Papyri" (323).

Nevertheless, the most serious flaw in this wonderful biography is that Petersen does not always unpack the significance of his observations. An im-

portant example concerns Nibley's "life-after-life experience" when he stopped breathing during surgery at age twenty-six. Prior to this vision, says Hugh, "I was terribly bothered about this afterlife business and that sort of thing. I had no evidence for that whatever" (115). Petersen notes that "Hugh's doubts about the afterlife were dramatically and instantly resolved by this experience" (121), which "so changed his view of death that it became not the ultimate end, but the ultimate miracle" (122). But how long had he regarded death as "the ultimate end"? Petersen implies that this question didn't trouble Nibley until 1936, but not until December of that year did he *ever* have the kind of "evidence" he seemed to need to believe in an afterlife. Doubting the afterlife for years instead of months before December 1936 would explain why: "To this day, Hugh has never talked about the emotional impact of [his brother] Phillip's death on him" (109) in 1932. His brother died after being ill for two years, after the prayers (and probably priesthood administrations) of their father, and after a brief recovery that his father described "as a miracle if there ever has been one" (108). This, the death of Hugh's stillborn son, and the paralysis of his granddaughter are part of the theodicy problem for those who have faith in God's intervention, especially in view of Nibley's affirmation: "The Lord will grant me anything I ask for; he's done it again and again. And I only ask for things that I can't acquire by my own efforts" (126).

Another gap is the lack of explanation for why Mormons have "largely ignored" (67) Nibley's writings and speeches on behalf of natural conservation and wilderness preservation. For the LDS audience, a fatal flaw in the environmentalist campaign is its assumption of guaranteeing humanity's survival into the far distant future, versus (in Nibley's testimony to the U.S. Bureau of Land Management) "rendering the land uninhabitable for 10,000 years" (81). Many devout Latter-day Saints do not believe that humanity has even a generation left before the pre-millennial destruction of the earth and its inhabitants. This faith in the immediacy of the "Last Days" even resulted in Nibley's private prediction that "the world would end in 1952" with a "big bang" (34). When 1952 came and went uneventfully, Nibley later wrote to a correspondent that he expected the earth's "unspoiled" wilderness and its "trickle of tourists" to be destroyed in the 1960s (76-77). However, because of his almost metaphysical love for nature, Nibley's 1986 BLM testimony (and much of his environmentalist writing) implicitly denies his Latter-day Saint eschatology and millennial faith. In my view, most of his LDS audience is unable to engage in mental (or spiritual) gymnastics of that kind: Why should we try to protect an earthly environment which God is almost ready to destroy? This is why "Hugh's words have gone largely unheeded by his people and the Mormon attitude toward the environment is still largely destructive" (83).



Further, Petersen does not even acknowledge one paradox, yet alludes to it repeatedly with a researcher's barely concealed frustration. Despite his training by several universities in history and his lifelong emphasis on historical documents, Nibley preserved almost none of the letters from his parents, brothers, sister, or children. Why did he consistently throw away correspondence of love and family reportage? This is not inconsequential in view of Petersen's observations about Nibley's emotional distance from his parents (93, 113, 145, 269-70, 386) and from his children after they were toddlers (243, 268).

Finally, it is difficult to take seriously Petersen's claim that Nibley "was never cynical" (37), even though he describes some of Nibley's more extreme statements as "overreactions" (44), "sour grapes" (205), or "essentially negative" (390). Unrelenting cynicism is the black thread running through Hugh's barbs and tirades against traditional academia (155-58, 164-65), the German people (41, 84, 204), the American people (42, 179), the American military (166, 179, 182, 191-92, 205, 212, 220), war (210), Mormon culture (44, 161-62, 218, 337-38, 341, 361, 366, 369, 384, 389-90, 392), the LDS Church as an institution (159, 250-52, 339-40, 372), Utah's conservative Congressional delegation and "far-right Republicans" (83, 309, 367, 370), BYU's religion professors (100, 151, 152, 293, 309), BYU's lack of intellectual rigor, its limits on academic freedom, and its emphasis on conformity (150, 273, 293-95, 310-11, 338), and even against Disneyland (43).

With its few weaknesses and overwhelming strengths, Petersen's biography amply fulfills his intention "to be balanced, [in] showing the human side of a man who has become a legend" (xv).

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Kahlile B. Mehr. *Mormon Missionaries Enter Eastern Europe*. Provo, Utah: Brigham Young University Press/Salt Lake City: Deseret Book, 2002. xv, 399 pp. Photographs, notes, maps, index. Cloth: \$26.95; ISBN 0-8425-2482-7

*Reviewed by Gregory A. Prince*

In the late 1960s, Kahlile Mehr and I worked together on the Brazilian *pampas* as missionaries in the Brazilian South Mission. In the intervening years, we came to share at least one other experience in common: We both moved indirectly toward Mormon history, pursuing it as a passion-

ate avocation while sticking with our day jobs. In the midst of a career as an employee of the LDS Church's Family History Library, Mehr developed a fascination for twentieth-century Mormon history and has channeled that fascination into a series of magazine and journal articles, along with coauthoring with James B. Allen and Jessie L. Embry a centennial history, *Hearts Turned to the Fathers: A History of the Genealogical Society of Utah, 1894-1994* (Provo, Utah: BYU Studies, 1995).

Mehr's latest and most ambitious project, and his first sole-authored book, is *Mormon Missionaries Enter Eastern Europe*. The swath of Mormon history that he undertakes to chronicle is both broad—including all of Eastern Europe with the exception of the German Democratic Republic (East Germany)—and deep—extending from the Church's first tentative and unsuccessful foray in 1865, through 2002.

Unlike most current Mormon history, which relies heavily or exclusively upon existing published or archival sources, Mehr's book depends to a large and impressive extent upon source material that he himself generated. Although he did not include a bibliography (a regrettable omission), it appears that he conducted several hundred interviews, many of them sandwiched between official duties on numerous trips to Eastern Europe. He thus performed a double service to his readers and to other researchers, in a sense creating history even as he wrote it. In addition to his own sources, he consulted the (regrettably) thin corpus of published and archival material relating to his subject. As a result, he has produced a carefully documented narrative, supported by over a thousand footnotes, that recounts in great detail the Church's genesis, growth, and development throughout Eastern Europe and the former Soviet Union, an area that by January 2002 included nineteen missions. Given the depth of Mehr's research, *Mormon Missionaries* is certain to remain the definitive work on the subject for many years to come, as well as a foundational book on Mormonism in the twentieth century.

The core of the book consists of its nine chapters: "Empires of the East, 1865-1917"; "Slavic Mission, 1929-1939"; "Soviet Empire, 1946-1985"; "Mission Impossible, 1972-1991"; "The Curtain Rises, 1985-1991"; "Mission Accomplished, 1990-1992"; "Exemplary Lives, 1989-1993"; "Outer and Inner Frontiers, 1993-2002"; and "Eastward in Europe." A lengthy appendix deals with Mischa Markow, the most important figure in the genesis of the Church in Eastern Europe. Prepared by Matthew K. Heiss, Mehr's colleague in the Church Historical Department, the appendix consists of a biographical narrative followed by an annotated transcription of Markow's unpublished autobiography.

Mehr's literary style is focused and compact, a requirement for a book that carries the reader through such vast territory. Nonetheless, he manages

to do much more than telegraph data points. A particularly gripping passage describes the dissolution of the Czechoslovakian Mission in 1950, an event precipitated by the arrest of two LDS missionaries whose release was made contingent upon the Church's dismantling of its mission and the departure from the country of Mission President Wallace Toronto, his family and all of the missionaries:

"The mission staff now consisted of a president, his family, and two missionaries. Unrelentingly, the secret police focused on expelling even these. The police arrived at the mission home the last day of February [1950]. Martha, bedridden by illness and frayed nerves, watched as they escorted her husband outside past a cherry tree barely beginning to bud, a harbinger of hope where there was none. After seven hours, he finally returned. The next day he took his wife and children to the train station. A crowd of Czechoslovak members gathered to bid them farewell, not unlike the mission leader's farewell that preceded the Nazi holocaust" (85–86).

Important as the book is, however, it falls short of what it could have been because of several tactical and strategic limitations. First, the tactical.

1. The organization of the book is confusing, at least to readers like me with essentially no background in the subject. Five of the nine chapters overlap others in chronology, and individual countries are repeatedly treated, abandoned, then revisited in subsequent chapters. While there is some coherence in the organization of each chapter, a different approach devoting a chapter to each country would likely have resulted in a book that was far easier to follow.

2. Two reference sections might have been included to assist the reader. The first, already mentioned, would be a bibliography arranged in a standard format by categories such as books, published articles, archival sources, interviews, etc. The second would be a pronunciation guide, as few readers have the skills to cope with the hundreds of proper names throughout the book.

3. While Mehr excluded the German Democratic Republic from his book, for the logical reason that LDS missionaries had worked throughout Germany since the nineteenth century, he might have included a discussion of the impact that the construction and dedication of the Freiberg Temple, the only one ever to be constructed in a Communist country, had on proselytizing efforts and the subsequent development of the Church in other Eastern European countries. Many of the principals in the saga of that temple are still living, and Henry Burkhardt, a president of the temple whom Mehr cites in other contexts, would certainly have had insights into this topic.

4. A final tactical shortcoming reaches behind the published text. My own current research (David O. McKay) has relied heavily upon archival

sources that include interviews. These are of two kinds: full transcriptions of audiotapes, and written notes of interviews that were not taped. The former are far, far superior to the latter, not only for the interviewer, but also for all subsequent scholars who pan from them their own nuggets. This point was driven home to me when I examined the papers of the late Richard D. Poll, from which he wrote *Working the Divine Miracle: The Life of Apostle Henry D. Moyle* (Salt Lake City: Signature Books, 1999). Poll taped his interviews; but rather than transcribing them, he simply made brief handwritten notes as he played them back. Because his daughters donated both the notes and the tapes to the J. Willard Marriott Library at the University of Utah, I was able to make my own complete transcriptions of the tapes and compare them with Poll's notes and the completed Moyle biography. His notes contained far less information than the transcriptions; and by relying solely on notes made during a one-time playing of the tapes, he missed important insights that would have enriched the Moyle biography. Furthermore, there was much relating to David O. McKay in the transcriptions that was not in his notes, yet which was crucial for my own research.

My point here is that Mehr, by relying only upon notes of his interviews (he made no audiotapes), probably shortchanged himself and undoubtedly shortchanged future historians who might have found, in complete transcriptions, grist for their own mills in material that seemed insignificant at the time of the interviews or tangential to Mehr's own purposes. The growth of the Church has far outstripped the capacity of the James Moyle Oral History Program to keep pace (especially since a significant number of these oral histories are off limits to contemporary researchers). Historians working in the modern period have both an opportunity and a responsibility to add to our oral history, and eventually to deposit their papers in accessible archives for others to examine.

My strategic criticism of *Mormon Missionaries* is that it remains where most Mormon historiography has resided for decades: descriptive history. Mehr has done a magnificent job of gathering and presenting data (including several of his own photographs of historic sites), but he falls short of giving us the *analytical* history made possible by his own careful work. I give two examples of what might have been.

Most of the book covers years (1934–95) when two prominent Church leaders, David O. McKay and Ezra Taft Benson, served as apostle, as a counselor in the First Presidency, or as Church president. Both men were outspoken opponents of Communism. For McKay, the subject occupied much of his attention from 1936 (when, as a member of the First Presidency, he signed the Church's first policy statement on Communism), until his death in 1970. In the case of Benson, Communism often seemed to be his *only* agenda, particularly as he interacted with the John Birch Society. Because of

the prominence of these two men and their concerns about Communism, they certainly had an effect on the Church's policy toward missionary efforts in Communist countries. Certainly, they were, in turn, influenced by events in those countries, yet Mehr missed the opportunity of helping us understand all of this.

For instance, Mehr makes only a brief mention of the arrest by the Czech police of two LDS missionaries, Stanley Abbott and Alden Johnson. That event was the beginning of the end of missionary work in that country. Because Mehr interviewed both missionaries, his narrative is fascinating for its details of their imprisonment:

Abbott and Johnson languished in prison for twenty-seven days without a change of clothing or a bath. They were interrogated, not brutally, but severely, during the first three days. Thereafter, they suffered long hours of loneliness and uncertainty, isolated from the outside world, each other, and the mission. They subsisted on a diet of Postum and black bread in the morning, and soup with a floating meatball in the evening. (85)

But Mehr stopped short of conveying to the reader the full significance of the story, leaving the impression that its only effect was to hasten the already planned expulsion of the Church from Czechoslovakia. In fact, the story was picked up by newspapers across the country, including the *New York Times*, and the missionaries were not released until there was a flurry of activity by President McKay, the State Department, and Utah's Senator Elbert Thomas. The episode was a bitter pill for McKay, who at the time, as second counselor in the First Presidency, supervised the Church's entire missionary effort. He made no effort to hide his feelings. Speaking in general conference a month after the release of the two missionaries, he used the incident as an object lesson on the evils of Communism: "Every member of this Church should take a lesson from what has occurred in that communistically dominated land, and if you do not, then you are not using the intelligence and the inspiration to which you are entitled. Communism is anti-Christ. We have heard that some of our members suspect that stories which come out of Russia are exaggerated. Do not be deceived."<sup>1</sup>

McKay's reaction to the incident undoubtedly influenced his feelings about future proselytizing activity in Communist countries, perhaps affecting adversely those activities. Similarly, Benson's outspokenness hardly went unnoticed abroad and may have caused a backlash in countries that

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<sup>1</sup>David O. McKay, *Report of the Semi-Annual Conference of the Church of Jesus Christ of Latter-day Saints*, April 1950 (Salt Lake City: Church of Jesus Christ of Latter-day Saints, semi-annual), 175.

might otherwise have admitted missionaries earlier. As but one example, a 1985 internal report by Stasi, the secret police of the German Democratic Republic, said of Mormons that "they are to be classified as representatives of the right wing of American conservatism. There are close connections between their leadership and ruling circles within the government [at that time the Reagan administration]. Relationships also exist between persons and institutions of the church and the American secret service."<sup>2</sup> The report was written the year Benson became Church president and accurately reflects his politics.

How convincing was it to these countries to hear a Church say that its members believe in "obeying, honoring, and sustaining the law," regardless of their homeland, while at the same time, it condemned the lawful, albeit distasteful, Communist governments in the harshest terms? Mehr had an opportunity to give us far deeper insights into the interplay of these two men, Communism, and Church efforts to proselytize in Eastern Europe, yet either did not see the opportunity or chose to steer clear of it. Either way, we are the poorer for lack of analysis that perhaps he alone would have been qualified to give.

A second area in which analysis would have been desirable, and probably feasible, is the maturation of the Church throughout Eastern Europe. Mehr chronicles in great detail the decades of frustration that preceded the establishment of permanent missions in each country, as well as the impressive gains in membership in the first few years following the fall of Soviet Communism. The euphoric times, however, were short-lived; and while Mehr does not pretend otherwise, he devotes far less attention to "the rest of the story." The "what" and the "why" of our deceleration in these countries are crucial questions whose analyses might lead not only to an understanding of the present state of affairs, but also to possible options for redirection. Perhaps this point and the previous one will be the subject of Mehr's future writings, for there is no question that he is uniquely qualified to analyze them.

While I have devoted much space to discussing what the book might have been, I conclude by reaffirming what it is. It is, indeed, a major contribution to Mormon historiography, made by a devoted nonprofessional historian who spent two decades both researching and generating history to take us where no historian had previously gone.

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<sup>2</sup>Karlheinz Leonhardt, "Eine Geschichete der Gemeinde Freiberg, geschrieben von Karlheinz Leonhardt nach der Hundertjahr-Feier 1996" (Freiberg, Germany: Author, 2000), English translation by Raymond Kuehne in my possession.

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Reed M. Holmes. *Dreamers of Zion: Joseph Smith and George J. Adams: Conviction, Leadership, and Israel's Renewal*. 234 pp. Illustrations, endnotes, bibliography, index. Cloth: \$54.95; ISBN 1-903900-62-X

*Reviewed by Kahlile B. Mehr*

For thirty years, Reed Holmes has studied George J. Adams and the ephemeral American Colony he founded in 1866 in the port city of Jaffa, gateway to Jerusalem. While Holmes had written an earlier narrative of the colony, this work focuses on its theological and historical significance. He demonstrates how Adams augmented the teachings of Joseph Smith, the founder of Mormonism. Unlike most Christians of the time, Joseph envisioned Jews establishing a Zion in Jerusalem and sent Apostle Orson Hyde to dedicate Jerusalem for that purpose. George J. Adams became imbued with the hope of a Jewish Zion being established in Jerusalem when he accompanied Hyde on the leg of his journey from New York to England. Twenty-five years later, Adams convinced 156 people, primarily from Maine, to bring the dream to fruition. Hence, while both Smith and Adams dreamed of Zion, as the book title suggests, Adams took the next step of attempting to mold the dream into a reality.

Holmes was able to interview a colony survivor in 1943, Theresa Rogers Kelley. After a thirty-year hiatus, in 1973 he returned to his investigation and published a narrative on the colony in 1981 titled *The Forerunners* (Independence: Herald House; 2d ed., Tel Aviv: Reed and Jean Holmes, 2003). It recounts Adams's role in the Church after his baptism in 1840, his disaffection after the martyrdom, an itinerant career as a preacher and actor, then the mounting of an ill-fated colonization effort in Jaffa, Palestine, 1865–66, and Adam's attempt to encourage the Jewish return to Jerusalem. In these two works, Holmes has woven together material from massive amounts of original documentation including interviews with descendants, journals and correspondence of the participant ancestors, official documentation generated by U.S. government officials in Washington, D.C., and Palestine, and commentary in contemporary periodicals. The list of institutions whose

sources he has investigated is impressive. He is, without a doubt, the foremost authority on the subject.

Holmes traces the genesis of the Jaffa colony back to one of the earliest episodes in the sequence of events leading to the gospel's restoration. Joseph Smith reported that, during the 1823 visitation from Moroni, last of America's ancient prophets, this messenger quoted scriptures from the Old World prophets concerning the restoration of not only the "outcasts of Israel" but also the "dispersed of Judah from the four corners of the earth" (Isa. 11:12). Smith reiterated this theme throughout his ministry. Holmes provides the important insight that Mormonism derives its doctrine as much from the Old as the New Testaments with its emphasis on the unifying role of the temple, the concept of priesthood (Melchizedek as well as Aaronic), the establishment of Zion, and the gathering of Judah in the last days (40). This Old Testament orientation is manifest in that fact that, concurrent with the building of the Kirtland Temple, Smith and his top associates studied Hebrew; and when the temple was completed, Smith witnessed the return of Elijah, fulfilling a prophecy of the Old Testament that remains obscure to most Christians.

Holmes places Mormon doctrine in the context of Jewish traditional aspirations to return to Israel and the minority of Christians that supported this cause, contrasting Mormonism with the large number of those from the Christian tradition who have despised and persecuted Jews for centuries: "Joseph Smith perceived the Jewish people as legitimate in their Jewishness, and still within the age-old covenant and promises of God, with continuous responsibility to establish Zion" (45). He advances an interesting supposition that Smith's doctrine may have influenced Zionist Warder Cresson when Smith passed through Philadelphia in 1839-40. A Mormon convert in 1840, Cresson converted to Judaism while in Palestine establishing an agricultural colony later in the decade (54). Consequently, Adams may have been the second person Smith inspired to mount a colonization effort.

Having dealt with Smith's dreams in the first half of book, Holmes then turns to the Zionism of Adams. Having associated closely with the Prophet from 1843 to 1844, Adams briefly filled a prominent role as an influential Mormon preacher. He was called to accompany Orson Hyde on a mission to Russia, an initiative curtailed by Smith's martyrdom. Adams is little known to most Mormons today because his allegiance to Smith did not carry over to Brigham Young. He became an associate of James J. Strang, who had himself crowned as the earthly head of God's kingdom by Adams, using vestments from his Shakespearean actor's trunk (89). When that relationship soured, he pursued a livelihood as a preacher and stage actor. In 1861 he formed the Church of the Messiah and, later that year, ended up in



the vicinity of Jonesport, Maine, preaching a doctrine derived from Smith that the Jewish return to Jerusalem would be led by descendants of Ephraim. In 1865, he convinced a large group of his members that this was their destiny. Adams departed significantly, however, from Joseph Smith's doctrine that there would be two Zions, proclaiming instead that Jerusalem was the lone site of Zion (94).

While a convincing preacher, Adams turned to drink under stress, a flaw that would undermine his endeavors. Holmes takes considerable time to elucidate both the good and bad aspects of Adams's personality and conduct. He takes issue with the view that Adams intentionally duped the conservative folk of Maine, insisting that his influence lay in his faithfulness to his vision of redeeming Judah: "George Adam's credentials and credibility were in the sincerity of his belief in the imminent return of the Jews" (149).

It is indeed remarkable that Adams would act upon a dream nearly a quarter of a century after its germination in Joseph Smith's teachings and try to make it a reality. Yet his character was insufficient to carry the burden of leadership when faced with insurmountable odds. The colony was denied the legal option of buying land directly and had to do so through an intermediary. Thirteen died within two months of their arrival. Their cash reserve was insufficient to meet unexpected demands, and they were further plagued by alleged graft. Adams's descent into drunkenness in the face of dissension contributed substantially to the problem, although Holmes mentions it as if the reader was already aware of it (146). However, Holmes makes it clear that a failed harvest sealed the colony's fate, and quotes one participant's lament: "Thus are we left in this strange land utterly ruined, sick of fever and ague, without means, our clothes worn out, our children without school or teaching whatever, and in distressing ignorance, suffering from the climate" (143).

Furthermore, Holmes notes that in small ways the colony did succeed. Some colonists remained and developed their adopted land. Rolla Floyd, who introduced horse-drawn carriage travel along a newly built road from Jaffa to Jerusalem, was prominent in the tourist trade in Palestine for forty years. The American Colony became the hotel center of Jaffa, helping to host the flood of tourists that began coming to Jerusalem in the 1870s. Just before his death in 1911, Floyd welcomed RLDS apostles to Jerusalem where they established a school and branch of the Church that lasted until 1934. Holmes includes commentary from contemporary Israeli scholars. Dr. Ruth Kark of Hebrew University wrote in 1983 that Adam's colony "contributed much to the discussions held at the time in Jewish and Protestant circles regarding the possibilities of settling in Palestine. . . . Other than their ideological influence on Jewish settlement, it is clear that their introduction of new

technologies in the sphere of agriculture, the building trades, crafts, transportation and road services left an imprint” (158). Holmes also quotes Yehoshua Ben-Arieh, also of Hebrew University, who wrote in 1983 that the colonists in Jaffa were significant in that they preceded and prompted the Zionist settlements of the later 1870s and early 1880s (178). It seems to me that Holmes hopes that descendants of those colonists might recognize the tremendous sacrifices made by their ancestors and the long-term impact of their effort, rather than feeling ashamed of their heritage.

The book provides many valuable insights into the colony in terms of its place in Mormon and Zionist history. One flaw is that the reader who has not previously read *The Forerunners* might have difficulty following the chronology of the American Colony's establishment and demise in Jaffa. Holmes does not provide enough narrative to make much sense of: (1) what happened between the arrival of the colonists in September 1866 and December of the same year when Victor Beauboucher, the American Consul in Jerusalem, conducted an inquiry into the condition and accounts of the settlers' at Jaffa; (2) the sequence of incidents that generated the problems from which the dissension arose; and (3) the departure of fifty-five settlers in early 1867.

Coming from the RLDS tradition, Holmes states that the contemporary mission of the Community of Christ in Israel is to “work with the people of Israel toward fulfillment of their own understanding of the covenant” (177). In this work, he has certainly done his part to accomplish that purpose.

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Dorothy Allred Solomon. *In My Father's House: An Autobiography*. New York: Franklin Watts, 1984. viii, 312 pp. No bibliography. No index. Cloth: \$17.95; ISBN 0-531-09763-3

Dorothy Allred Solomon. *Predators, Prey, and Other Kinfolk: Growing Up in*

*Polygamy*. New York: W. W. Norton and Co., 2003. 399 pp. Bibliography. No index. Cloth: \$24.95; ISBN 0-393-04946-9

*Reviewed by Armand L. Mauss*

Apart from reading the usual histories of Mormon polygamy, historical and contemporary, my interest in the topic derives mainly from family connections. Many of my father's second cousins are descendants of Ludwig Koelsch (Louis Kelsch), a close associate of Heber J. Grant and a devout polygamist. Kelsch was mainly responsible for the Mauss family's conversion and immigration to Utah in 1890, but his commitment to "the Principle" was never among his many admirable qualities acknowledged in family comments. I learned about it only in middle age, as I began to study my family's history and to meet some second and third cousins who carry on his devotion. I know of no direct connection between the Kelsch and the Allred families, since they are not part of the same fundamentalist faction, but I can imagine that they have shared many similar struggles and predicaments in their efforts to live an anachronistic way of life, much of it "underground."

Taken together, Dorothy Allred Solomon's two autobiographies offer a view of contemporary polygamy that is both candid and poignant. Though based in Utah, the family moved around constantly, so that memorable events occur also in Nevada, Montana, and Mexico. Solomon recounts these experiences in only rough chronological order, interlaid with many flashbacks, so the time period is not always clear. The books are not intended as scholarly history, so names, dates, and places might not always be accurate. I noticed very few (and only minor) gaffes in historical detail, but neither book has any footnotes, and no sources at all are listed for *Father's House*. From Solomon's short list of acknowledgements and journals at the end of *Predators, Prey*, plus internal references and allusions, it is possible to infer Allred's sources for many episodes. Some passages are quoted from journals of family members. Yet, as often as not, the stories are personal and retrospective, with Allred almost certainly reconstructing the dialogue imaginatively. Still more dubious are the thoughts and reflections which she attributes to herself and others, usually many years after they occurred. Some of these reconstructions are hard to credit as when, for example, Solomon recalls accompanying her father and brother on a fishing jaunt as a child. "I gazed at the blue-black water and then up at the empty sky. . . . [What I feared most was] . . . slipping into something so empty—a sky of perfect truth or endless lies. If I floated away, would God catch me? If I slipped into some blue-black hole, would God fish me out?" (29). It is important, therefore, to remember that these autobiographies are less history than literature.

The writing is colorful, engaging, and enjoyable, as, for example, in this introduction:

My family's presence in Utah might best be compared to the deer herds that populate the Wasatch Mountains above the Salt Lake Valley. For the most part, we were shy, gentle creatures who kept to ourselves, ruminants chewing on our private theology, who dealt with aggression by freezing or running. As with the deer herd, where several females precede the male into the meadow, father's wives ventured into the fields of the wicked world—the neighborhood, the public school, the grocery store—drawing fire in behalf of their shared, stately husband. The mothers were vigilant and hardworking, raising the young and enduring every type of hardship with courage and grace. (12)

*In My Father's House*, published before the *Journal of Mormon History* began reviewing books, covers Solomon's life up to mid-1977, when her father, Rulon Clark Allred, was murdered by two women at the behest of their leader Ervil LeBaron, self-appointed head of a rival and violent fundamentalist faction. At that point, Solomon, in her late twenties, had married monogamously outside her faith, and had drifted quite far from the fundamentalist way of life, but was still in regular and affectionate contact with her family. This seventeen-chapter book is essentially a reminiscence of her childhood and youth in a large polygamous family. It has a largely self-centered focus portraying her negotiations through normal life-stages but in an abnormal context: as "the only daughter of my father's fourth plural wife, twenty-eighth of forty-eight children—a middle kid, you might say, with the middle kid's propensity for identity crisis," as she put it in *Predators, Prey* (17).

The second book focuses more on her young adulthood, marriage to a Vietnam soldier, and the births of their first two children, although she again looks back to her paternal ancestors. This second book concludes with a broader outward focus. After her excursions into a rather worldly life, she settled eventually into an LDS temple marriage and family life (269–73, 303). She and her husband are listed on the jacket's back flap as cofounders of Rising Star Communication Training, Inc., which trains people in "win/win scenarios" of communication. *Predators, Prey* thus benefits both from the intervening years of experience and from her enhanced understanding of interpersonal communication and relationships.

*Predators, Prey* is divided into four major sections, each subdivided into unnumbered chapters. There is significant overlap with the experiences of *In My Father's House*. The main narrative up through the third section of *Predators, Prey* still does not go far beyond her father's assassination and the resulting criminal and civil prosecutions, including a successful suit for wrongful death against one of the killers in the early 1990s. Rather than proceeding to update the narrative more fully, the fourth section contains re-

flections on the case histories of family members (especially women) as casualties of patriarchal polygamy, or at least of its excesses. This final section is apparently the main justification for the second book, and certainly for its provocative title. Unrighteous dominion, institutionalized poverty, physical and psychological suffering, and even incest are recounted in terms more subdued than salacious, and Allred usually tries to differentiate what she knows from what she guesses or speculates.

Both books are permeated with the author's wrenchingly ambivalent feelings about her father, her forty-eight siblings, her father's (eventual) dozen wives, and her upbringing. To some extent, her youthful resentments are typical of nearly any family: teenage struggles to achieve psychological and economic independence while the father demands social and religious conformity; hankerings for "worldly" feminine fashions never accessible given the family's values or budget; and romantic yearnings crushed by disenchantment when confronted by the realities, on the one side, of young male boorishness and even rape, and, on the other side, by the expectations of "sharing" a husband under "the Principle." Except for the last-mentioned reality, most of Solomon's conflicts seem familiar.

Much less familiar were the constant fleeing and hiding, especially during the 1940s and 1950s, not only from the law but also from social workers, school authorities, employers, and even needed medical attention. Different segments of the family periodically scattered throughout the West, often in the middle of the night on short notice, to avoid a threatened or actual raid by law officers. Such wariness lessened during the 1960s and 1970s when other national preoccupations and the sexual revolution resulted in less official scrutiny and prosecution of unconventional lifestyles. Nevertheless, always fearful that someone would "turn them in," the Allred parents taught children from early childhood to avoid drawing attention to themselves and to lie by indirection—which Solomon terms "Mormon logic." Despite challenges to the conscience, one wife explained: "The way we live, we can't afford to split hairs about what's a lie and what isn't" (157). For Solomon, the sheer frequency and scale of detection-avoiding devices cast a constant shadow over daily life, along with the creeping moral corrosion that comes with living a lie. Solomon recounts only a few memories of happy times to balance this joyless existence. Ultimately, she dealt with it by moving out of her father's religion, first by drift and later by choice. Her account reminded me of other urban "underground" cultures, such as the "gypsies" and the Mafia (although I am not comparing polygamy with either the motivations or the deviance of these groups).

Even though disclosure was obviously an important motive for Solomon's writing, these books are not exposés. She eventually obtained her father's blessing on her plans to write, along with his charge to deal in truth

and reality while still presenting the family as “a good and saintly people” (321, 394). Clearly she retains much admiration for her people. Her varied portrayals of her kin—some good and saintly, others decidedly not, some severely wounded, or even deformed, and still others ambiguous—do not seem much more negative, on balance, than we might expect with any other large extended family. Solomon herself turns out to be a formidable individual, seemingly despite her experiences, who has found a fuller honesty and redemption in writing *Predators, Prey* than *Father’s House*: “That first book no longer adequately represents me. . . . With each passing year, I find it harder to sustain secrets, more compelled to tell the truth. My hope is that these pages offer something redemptive, honest, and close to home” (13–14; see also 393–96).

Although these books tell Solomon’s story, both books are dominated by her father, a naturopathic physician to whom she attributes remarkable healing powers (121–22, 134–35). He was given leadership of the United Apostolic Brethren as a call from Joseph Musser, through Lorin C. Woolley, who claimed to receive that authority from John Taylor, third President of the LDS Church. Allred seems guileless, even naive, intensely devoted to his God, his religion, his followers, his medical practice, his children, and his wives, in about that order. Good and saintly man though he seems to have been, no man could have spread himself thin enough to meet more than the most minimal obligations of his complicated life, especially while he was on the run and even serving a prison term. His desperation and naivete caused him to seek refuge briefly with the LeBarons in Mexico, as his father had. Before he disassociated himself, he had inadvertently stoked the rivalry and jealousy that caused his murder three decades later (235–41, 290–93). He proved equally (though not fatally) naive in recruiting Alex Joseph to his Montana refuge in the 1960s. (Solomon discusses his relationships with other Fundamentalist groups, pp. 274–94.)

These books suggested five issues requiring careful consideration: First, to what extent should we consider Solomon’s experiences (assuming they are fairly conveyed) as typical of life in contemporary Fundamentalist families? Probably not much. Except for the shared practice of plural marriage, Fundamentalism is too varied to be represented by one group, as D. Michael Quinn points out in “Plural Marriage and Mormon Fundamentalism,” *Dialogue* 31 (Summer 1998): 1–68. Mary Batchelor, Marianne Watson, and Anne Wilde, eds., *Voices in Harmony: Contemporary Women Celebrate Plural Marriage* (Salt Lake City: Principle Press, 2001), presents a happier and more fulfilling version. These three editors, with Linda Kelsch (probably my third cousin by marriage), have created “Principle Voices of Polygamy” [[www.mormonpolygamy.com](http://www.mormonpolygamy.com)], with the goal of disseminating reliable and

objective information about the various groups for the benefit of the public generally and law enforcement agencies in particular.

A second set of questions is: What are the main differences and similarities between life in contemporary polygamous families and those of the nineteenth century? Do books of this kind on the contemporary scene provide reliable glimpses into the Mormon polygamous past? Are the pressures from hostile social and legal institutions similar?

Third, which of polygamy's apparent drawbacks are attributable to polygamy itself (and thus perhaps inevitable) and which stem from the stresses of coping with life outside the law? Fourth, will the "equal rights" constitutional doctrine now working so well for gay-rights advocates eventually benefit Mormon fundamentalists as well?

Fifth, as historians we must ask: What are the casualties, both to the Church and to individuals, when fundamental changes occur in doctrines and/or policies on which generations of Saints have based their most conscientious religious commitments? The worst of times must have been those decades after the Manifesto of 1890, when devout Saints were getting such mixed messages from both local and general leaders that they could not be sure of the actual (as contrasted with the "official") Church policy. Samuel W. Taylor reflects on those years when his father's family separated into single-mother households in *Family Kingdom* (New York: McGraw-Hill, 1951) and *Taylor-Made Tales* (Murray, UT: Aspen Books, 1994). His light-hearted treatment does not entirely mask the heartaches, privations, and cover-ups he experienced in growing up.

For Rulon Allred, who was about Taylor's age, the period of ecclesiastical ambiguity lasted longer. Like his father and grandfather, Rulon had come to see polygamy and Mormonism as a seamless whole: "Even as his attitude in favor of plural marriage emerged, [he] had continued to fulfill his church callings. . . . No one can say why he decided to shift his loyalty from the . . . official church to become . . . 'a law unto himself.' . . . Perhaps he felt that in turning against plural marriage, he would betray the religious underpinnings of his existence. Perhaps he saw the tide of opportunity come in, and caught the wave that would take him to greater power and leadership" (140-41).

Even Joseph F. Smith's second manifesto (1904) could not rend the half-century of tight interweaving. Another whole generation was required to shut down the practice, and the Church never did renounce "the Principle" itself. As D. Michael Quinn explains (*Elder Statesman: A Biography of J. Reuben Clark* [Salt Lake City: Signature Books, 2002], 237-54), despite a warning issued in the General Conference of October 1910, which threatened excommunication for anyone participating in new plural marriages, bishops and stake presidents often remained reluctant to back up the warn-

ing. Many like Rulon just continued (or began) to live polygamy quietly and participated in regular Church activities. Not until a militant 1933 First President statement, authored by the new counselor, J. Reuben Clark Jr., was "a ragtag collection of polygamist sympathizers, who valued their church membership, [transformed] into a cohesive [schismatic] movement" (245-46).

During those ambiguous decades before World War II, many LDS extended families had members who went back and forth between polygamous and monogamous living with no sense of violating "actual" Church policies. As late as 1935, Rulon was called to the Long Beach California Stake high council, even though his stake president, Solomon claims, knew he was drifting into polygamy like his father (144-46). Allred, a powerful and respected speaker, advocated the Principle at spontaneous "firesides" and "cottage meetings," indirectly recruiting women, many of whom were quite eager to accept the practice (140-43, 243-47).

The most devout followers felt they had reason to continue as a "saving remnant," an inspiring example to the rest of the Church, confident that sooner or later their sacrifice would be honored both in heaven and on earth. Rulon regularly implied that "he had [had] a revelation from God . . . that it was his responsibility to 'keep the Principle alive.' The waters of belief heated steadily, coming to slow boil until there was no turning back" (141). When public excommunications began to occur on a large scale in the 1930s, and especially as the Church made common cause with the state authorities, the fundamentalists were not only disillusioned but devastated. Readers might conclude that the Allreds and their ilk should have known better, but they have been neither the first nor the last devout Church members to feel betrayed by drastic policy changes. Solomon draws on her grandfather's journals to recount how he was at first pressed reluctantly into polygamy by prominent Church leaders as late as 1901, even though doing so necessitated a very disruptive move to Mexico; and then in 1918, even after resuming a monogamous life in Idaho, he was "ordered in the name of the priesthood" to withdraw his virtually unopposed candidacy for the U.S. Senate for fear that his "past family relations" might embarrass a church that "was keen to keep its polygamous skeletons closeted so as not to deter potential members" (122-23). The long-term consequences of this and other forms of official abandonment "after a life of devoted membership" led eventually, in Solomon's account, to her grandfather's acrimonious break with the Church in 1932, his permanent embrace of the "the Principle," and the eventual conversion of his son Rulon as well (136).

Yet not all relationships across the Fundamentalist divide remain acrimonious. Many Fundamentalists still believe in the efficacy of the vicarious ordinances performed in LDS temple. Accordingly, we Mauss cousins happily accept the careful Kelsch genealogical records that are periodically



passed along to us and see that the temple work is done for our many shared ancestors.

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Dennis B. Horne, ed. *An Apostle's Record: The Journals of Abraham H. Cannon, Member of the Quorum of the Twelve Apostles, 1889-1896*. Clearfield, Utah: Gnolaum Books, 2004. xi, 504 pp. portrait, bibliographical essay, two appendices, index. Cloth: \$49.94; ISBN 0-9746780-0-7

*Reviewed by Anne Wilde*

It is encouraging and enlightening when first-hand doctrinal and historical information from nineteenth century LDS Church leaders is made available to us in the twenty-first century. This abridgment of the journals of Abraham ("Abram") H. Cannon, apostle and a son of George Q. Cannon, provides an insight into the discussions and decisions of the leading Church quorums during the Manifesto crisis—from his ordination on October 6, 1889 through 1895. (He died at age thirty-seven on July 19, 1896.)

On the jacket flap, Dennis Horne comments: "It can be justifiably argued that the A. H. Cannon journal is one of the finest journals produced in all nineteenth-century Mormonism." Francis M. Lyman, Cannon's fellow apostle during the 1890s, called him "a model in keeping a history of his life" who "has done more in detail work than any other man of his age in the Church."

Horne supplies an "Introductory Essay" in which he summarizes fourteen of the more interesting subjects and events in the journals. He also explains his selection process, editorial procedures, and the provenance of the journals. Cannon began his diary in 1879 and kept a voluminous record: nineteen volumes (about 4,000 pages). Horne decided "to concentrate on Elder Cannon's Apostolic years, selecting the most historically and doctrinally interesting and relevant excerpts" (9). "The journals are handwritten from 1879 until 1891, and then are typewritten until his death" (13). Horne

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<sup>1</sup>Brian H. Stuy, comp. and ed., *Collected Discourses Delivered by Wilford Woodruff, His Two Counselors, the Twelve, and Others*, 5 vols. (Burbank, Calif.: BHS Publishing, 1987-92), 5:163.

worked mostly with photocopies in the L. Tom Perry Special Collections, Harold B. Lee Library, Brigham Young University, Provo, Utah. Family members had physically excised many personal entries from these journals before giving them to BYU. The family also donated photocopies to the Utah State Historical Society Library, the Marriott Library at the University of Utah, and the Archives of the Family and Church History Department, Church of Jesus Christ of Latter-day Saints. According to Horne, Cannon “possessed remarkable competency in spelling and writing”; thus, the journal entries “have needed very little clarifying editorial work” (13). Horne usually does not use ellipses if material is omitted between the date and the beginning of the selection but he does indicate omissions in the middle or end of a quotation.

He follows, at least in part, the LDS Archives’ guidelines on editorial procedures by omitting “three small categories” of Cannon’s journal entries: (1) those he considered “too sacred to publish” (i.e., temple ceremonies); (2) personal “problems and transgressions . . . brought to the presiding quorums for judgment”; and (3) material relating to the “Adam-god [*sic*] theory” (9). Interestingly, he defines the first two areas but remains conspicuously silent about the third.

Horne’s “Introductory Essay” also lists what he defines as “the more interesting subjects”: doctrinal and policy discussions, spiritual experiences of members of the First Presidency and Twelve, Church history, polygamy, incidents from George Q. Cannon’s life, late nineteenth-century LDS publishing, the disciplining of Apostle Moses Thatcher for political reasons, the (mis)adventures of Abraham’s older brother Frank J., politics, business affairs (Church, personal, and Cannon family), the Salt Lake Temple dedication, the continuing controversy over the Mountain Meadows Massacre, addresses given at general conference and in other gatherings, and Abraham’s imprisonment for polygamy (3–6). The back dust jacket contains Horne’s personal appraisal: “The real worth of the Abraham H. Cannon journals lies not in who he was—a loyal but young and now little-known Apostle—but in what he preserved of the deliberations of the presiding councils of The Church of Jesus Christ of Latter-day Saints in the 1890s.”

An introductory “Biographical Essay” provides important family and historical background. Abraham H. Cannon was born March 12, 1859, the third child of George Q. Cannon and his first wife, Elizabeth Hoagland. He served a mission in England, Switzerland, and Germany; became business manager of the *Juvenile Instructor*; and was called as one of the Seven Presidents of the Seventy on October 8, 1882. He married Sarah Ann Jenkins and Wilhelmina (“Mina”) Cannon in 1878 and 1879, served a prison term of five months for polygamy in 1886, and, five months after his release, married his third wife, Mary E. Broxall, in January of 1887. He married Lillian Hamlin in

1896; but because his journal for that year is missing, she does not figure significantly in the record except for Horne's mention that she delivered a daughter, Marba ("Abram" backwards), after his death. Professionally, Cannon was involved with mining, railroad, and banking interests. He seems to have been particularly close to his father, who, when asking Abraham to look after the affairs of another son, John Q., praised him: "Abraham has always stood by me and done all in his power to assist me, and I felt to bless him for it. I could scarcely refrain from weeping in thinking about the manner in which he has helped me on various occasions" (38).

The book is arranged in eight chapters. Chapter 1 (1882-88) contains Cannon's journal entries about the pre-apostolic period, beginning with his call to the First Council of the Seventy. The remaining chapters deal with his years as an apostle, one per year (1898-95). (Joseph F. Smith ordained him an apostle and called him to the quorum in 1889). Appendix 1 is a seven-page treatment of "Plural Marriage Issues in the Abraham H. Cannon Journals." Appendix 2, a "Biographical Register," identifies "the major characters whose names appear in the Abraham H. Cannon journals."

Among the high-interest excerpts that I found particularly intriguing for what they revealed about the thought and teachings of the time are:

"Father [George Q. Cannon] said Heber C. Kimball once told him he [Heber] was a direct descendant of the Savior of the world" (314).

"All those who took part in this bloody deed [Mountain Meadows Massacre], so far as they are known, lived miserable lives and died horrible deaths" (408).

"Pres. Snow says he always aims to face the chief temple in offering his prayers" (335).

"We [the Twelve] had some talk about re-incarnation. . . . It was felt that these and any other persons who believe in this false idea, should be corrected" (442).

"Bro. Snow said I [Cannon] would live to see the time when brothers and sisters would marry each other in the church. All our horror at such a union was due entirely to prejudice" (79).

Quoting Joseph F. Smith: "We do not want you to leave your wives because of the manifesto. . . . The time will come when those who endure faithful in this practice will receive a full, complete deliverance and be more exalted. All the principles are just as true as they ever were, and if they have been withdrawn it is because the people as a rule are unworthy of them" (209). "The Lord gave to the church the law of Enoch, as also the law of Celestial Marriage, but they were rejected, and were therefore withdrawn, thus relieving the Saints of the condemnation which would otherwise have followed their disobedience" (397). "No man is justified in putting away his

wife, however, save for fornication, and this, as explained in the pamphlet issued in the days of Joseph the Prophet, is alienation” (437).

Quoting Francis M. Lyman: “We should encourage early marriages among our young people to prevent them from committing sins against virtue” (417).

Horne’s apparent bias against plural marriage, or his insufficient historical investigation, is evident in his discussion in Appendix 1. It is not clear why he felt this doctrine needed to be “explained” at all, since Cannon’s journals communicate only the utmost respect for and commitment to that doctrine. This appendix makes a number of demonstrably inaccurate statements: (1) the Second Manifesto of 1904 “fully stopped” the practice of plural marriage; (2) all “Fundamentalist” polygamists are nonmembers of the Church; (3) John Taylor’s revelation on September 26–27, 1886, does not say, as Horne interprets it, that plural marriage “would never cease *in the Church*” (464; emphasis mine). That revelation rather stated: “For I the Lord am everlasting and my everlasting covenants cannot be abrogated, nor done away with, but they stand forever,” a statement which allows the interpretation that plural marriage will continue either in or out of the Church.

Horne quotes lengthily from a lecture that Bruce R. McConkie gave at BYU in 1967 to bolster his position (466–68). However, McConkie’s statements, despite his authoritative weight, are also not historically impeccable. For example, McConkie stated, ignoring the Old Testament patriarchs that nineteenth-century Mormons repeatedly cited as precedent: “The Lord’s law of marriage has always been one wife for one husband. This has been the case since the days of Adam to the present moment. It will so continue except for those periods of time when by revelation the Lord commands that plural marriage should be practiced” (466). As a second example, the President of the Church “could say ‘we will not perform any more plural marriages,’ and no one could perform a valid plural marriage” (467). In point of fact, Wilford Woodruff’s Manifesto came close to saying just this: “We are not teaching polygamy . . . nor permitting any person to enter into its practice. . . My advice to the Latter-day Saints is to refrain from contracting any marriage forbidden by the law of the land” —Official Declaration 1). However, the post-Manifesto unions performed by General Authorities or with their specific authorization were certainly treated as “valid,” at least until the Second Manifesto of 1904.

Because of Elder Abraham H. Cannon’s abilities and youthfulness at the time of his ordination, it is interesting to speculate about what his future may have been in the Church had he lived a few more decades. It would, for example, have been illuminating to have his views during the Reed Smoot hearings, the Second Manifesto, and subsequent changes in Church doc-

trine, as he accumulated apostolic seniority, perhaps even becoming LDS Church president.

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## BOOK NOTICES

Ronald G. Walker. *Qualities That Count: Heber J. Grant as Businessman, Missionary and Apostle*. *BYU Studies* 43, no. 1 (2004). Special Issue—The Early Life of Heber J. Grant. xviii, 299. Photographs, notes, index. Paper: \$5.00

Ronald G. Walker began researching the life of Heber J. Grant, LDS Church president (1918-45) within days of being employed in Leonard J. Arrington's History Division. Even though the envisioned biography was never completed "due to intervening circumstances at the Historical Department," Walker "wrote more than a dozen articles" on Grant's pre-presidential years. This special issue of *BYU Studies* publishes twelve, timed to coincide with the study of Grant's teachings by LDS Relief Societies and priesthood quorums worldwide in 2004.

These articles, organized thematically and somewhat chronologically, include: "Jedediah and Heber Grant," "Rachel R. Grant: The Con-

tinuing Legacy of the Feminine Ideal," "Young Heber J. Grant's Years of Passage," "Growing Up in Early Utah: The Wasatch Library Association, 1874-1878," "Young Heber J. Grant: Entrepreneur Extraordinary," "Crisis in Zion: Heber J. Grant and the Panic of 1893," "Heber J. Grant and the Utah Loan and Trust Company," "Young Heber J. Grant and His Call to the Apostleship," "A Mormon 'Widow' in Colorado: The Exile of Emily Wells Grant," "Grant's Watershed: Succession in the Presidency, 1887-1889," "Strangers in a Strange Land: Heber J. Grant and the Opening of the Japan Mission," and "Heber J. Grant's European Mission, 1903-1906."

The essay that Walker calls Grant's "watershed"—Wilford Woodruff's accession as Church President—describes a complex and painful period in Church history, beginning with John Taylor's defiance of the federal pressure

lygamy that isolated him in hiding during his final illness. As a result, his competent counselor George Q. Cannon was left with much of the burden of running the Church, a situation that made some other apostles uneasy, including Grant. Walker sorts out the strands of the controversy, including Cannon's defense of two sons who were guilty of serious improprieties, some confusion about whether certain properties were personal or Church-owned, and the fact that succession by seniority had not been clearly established. Grant, for one, initially preferred to pass over Woodruff in favor of returning the presidency to the Smith family in the person of a younger apostle, Joseph F. Smith. A series of meetings with the Twelve failed to clear the air and left such a residue of bad feeling that the First Presidency could not be organized until just before April conference 1889.

Walker comments:

While it is clear that [Grant] acted with candor, energy, and idealism throughout the episode, with hindsight he believed that he had erred, especially in breaching a vital rule of the Quorum—collegiality—as he and other young members of the Twelve had tried too hard to make their views prevail. So deep [was] his later anguish, he cut troubling passages from his diary, and on becoming a senior Church leader he either avoided speaking of the Woodruff episode or retold the incident without including much of its detail, a not altogether conscious handling of a painful memory. But clearly it was a lesson learned. For the rest of his life, unity among the “Brethren” was a cherished, never fully realized, ideal. (195)

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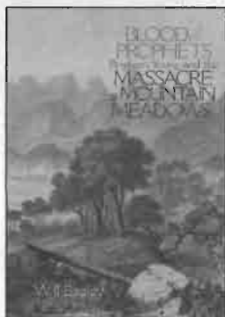
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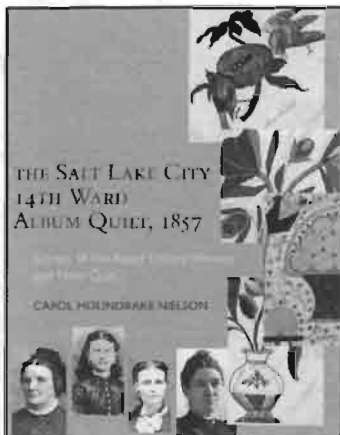
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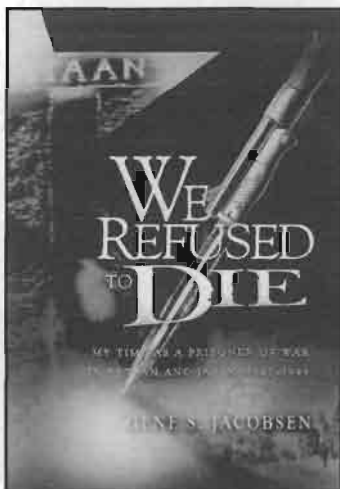
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