HISTORY OF THE FORTY-SECOND PARALLEL AS A POLITICAL BOUNDARY BETWEEN UTAH AND IDAHO

by

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Nancy Bergeson
FOREWORD

The forty-second parallel of north latitude has had a long history as a boundary line. Originally, in 1819, it was the line between the United States and Great Britain together to the north and Spain to the south. Later, this same line separated the United States and Mexico. By 1848, however, the United States had possession of the territory both north and south of the forty-second parallel. One would assume that the history of the parallel as a boundary line would then be ended; but it had just begun. The Territory of Oregon had already been organized with the forty-second parallel as its southern boundary when Mexico ceded Upper California and New Mexico to the United States, and so the forty-second parallel continued as a boundary between territories and later between states.

When members of the Church of Jesus Christ of Latter-day Saints (Mormons) first settled in the valley of the Great Salt Lake in 1847, they knew they were squatting on Mexican territory; but less than a year later the land was in the possession of the United States. Soon after the Mormons realized this, they organized and petitioned Con-
gress for admission to the Union as the State of Deseret. Boundaries for this state followed the natural features of the Great Basin and totally ignored longitude and latitude references except to pin-point specific locations, as on the coast of California. Nevertheless, when Congress organized the Territory of Utah as a part of the Great Compromise of 1850, the borders were reduced, again using the forty-second parallel as the northern boundary of the territory.

That the forty-second parallel as a boundary line ignored geographical barriers and natural boundaries is obvious. It severed the northern one-third of Cache Valley and the northern one-half of Bear Lake Valley from the Utah Territory. Since the line had not been surveyed accurately as a boundary, the vast majority of the Mormon settlers in the region firmly believed they were still in the Territory of Utah when they settled north of the line. Only after the Territory of Idaho organized Oneida County in 1864 and claimed the northernmost Mormon communities for taxation purposes, did locating the forty-second parallel boundary become a necessity. The survey marking the boundary finally took place in 1871 and was accepted by both Territories and the Federal Government in 1872. At that time the Territory of Utah officially gave up its political claims to the land north of the forty-second parallel.
The purpose of this thesis is to examine the reasoning used in 1819 when the forty-second parallel first became a boundary; to trace the political history of that line to 1872, with special emphasis on Mormon reasons for settlement north of the line; and to determine Federal reaction to the size of Deseret and its subsequent reduction of the limits of Deseret in the organization of the Territory of Utah.

Nancy Bergeson
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ABSTRACT

History of the Forty-Second Parallel as a Political Boundary Between Utah and Idaho

by

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The original purpose of this paper was to discover why Cache County, Utah at one time taxed towns now located in the State of Idaho. Later, it became apparent that a history of the forty-second parallel was necessary to fully understand the reasoning used by both the Federal and local governments in setting up the political boundaries of Utah and Cache County. Therefore, it was necessary to research the records of the Federal Government, Cache County Government, the LDS Journal History, and diaries of residents of Cache and Bear Lake Valleys, as well as detailed accounts of Spanish and Mexican negotiations with the United States. I also felt it necessary to obtain copies of maps drawn in
the 1800s to appreciate the geographical knowledge available at the time. Boundary decisions in the western United States appeared to be the result of compromise more often than not. The forty-second parallel boundary was originally made to appease two independent nations. Because this spirit of compromise continued in the formation of territories after the United States gained control over both sides of the line and precedent was followed more readily than logic, the boundary did not fully satisfy residents on either side of the border for many years.

(116 pages)
THE ADAMS-ONIS TREATY

The acquisition of territory west of the Mississippi River by the United States through the Louisiana Purchase in 1804 presented several problems for organization and government of that area. But before any of the work could be done, it was necessary to explore the lands acquired and determine just what had been obtained. Accordingly, the Lewis and Clark expedition was sent out. It was believed that the new frontier, although undefined, followed the general course of the Rocky Mountains. But where was the western boundary, and how far north did it go? Even though the land was uninhabited by any other than the natives and a relatively few fur trappers, the United States still desired that a definite boundary be set between herself and Spain.

Because Spain owned the land west and south of the Louisiana Purchase, attempts were made to begin negotiations between the United States and Spain in order to set specific boundaries. In 1804 James Monroe and Charles Pickney endeavored to obtain not only Spanish recognition of the Louisiana Purchase, but also to bring about the purchase of the
Floridas by the United States.\(^2\) Again in 1815, Monroe tried to settle Spanish-American relations. He was willing to give up all of America's claims to Texas in exchange for the Floridas.\(^3\) As late as 1816, a letter from the Spanish Foreign Minister Jose Garcia de Leon y Pizarro's office to King Ferdinand VII said that the sale of Louisiana had been "allowed by the 'perfidy' of France, and the 'weakness and stupidity' of Spain."\(^4\)

As has been mentioned before, the acquisition of the Floridas was of primary importance to the United States. This area was vital to the security of the American Republic.

In the hands of any foreign power they were a pistol pointed at the heart of the future Continental Republic. East Florida was the butt of the pistol, Pensacola was the horizontal barrel with its muzzle pressed against the nation's life-artery, the Mississippi River, just above New Orleans, Spain had been too feeble to load the pistol and pull the trigger, but not her ally England nor her enemy Napoleon if he could lay hands on the weapon.

Although Spain felt the Louisiana Purchase was invalid, she was still willing to settle differences with the United States over indemnity claims involving Spanish and American citizens in the Floridas. She, therefore, sent Luis de Onis y Gonzalez, a thirty-year veteran of the foreign
office--although only 47 years old at the time--to negotiate in 1809. However, Onis was not officially recognized by the United States until 1815. Due to the Spanish Civil War, the United States could not recognize any ministers until she knew which government--the Spanish rebels or the Napoleonic puppet, Joseph Bonapart--obtained ascendancy.

With the restoration of the Spanish monarchy and its acknowledgment of Onis, the United States finally recognized him as the official Spanish minister, and the negotiations began.

The negotiations stalled almost immediately. Onis felt they could best be handled in Madrid rather than in Washington. So in 1814 they were transferred to Spain; but by August of 1816 they were again back in Washington.

The greatest problem encountered in the negotiations was Onis's perception of his own authority and power to negotiate. In a letter to the U.S. Secretary of State in February of 1816, Onis said,

At the conclusion of your note which I am now answering, you are pleased to make known to me that this Government [the American] is anxious to terminate, by means of a friendly negotiation with the King, my master, all pending differences, and that it will be very satisfactory to the President to know that I am vested with powers to that effect.
Yet by July of the following year, U.S. Minister to Madrid, George W. Erving wrote to Pizarro that,

... it appears from the correspondence adverted to, not only that Mr. Onis did not conceive himself to be authorized to negotiate and sign a treaty of the kind indicated, but that he was not empowered to negotiate and settle a convention on any separate object ... In fine, it distinctly appears that Mr. Onis found himself empowered to discuss every point, but not to conclude on any one separately, or on the whole in mass.

It was not until late in 1817 that Onis finally received instructions from Madrid that he felt would completely enable him to negotiate and settle a treaty with the United States over the Floridas and the Louisiana Purchase. In the meantime, he was able to accomplish little while the United States endeavored to keep the negotiations open at all costs.

Even as late as 1818, Onis allowed his personal honor to get in the way of the negotiations. He complained to the Secretary of State, John Quincy Adams, that Spanish-American revolutionaries had insulted both him personally and also his government:

First, he said, they threw stones and broke his windows. Then they broke the lamp outside his door. And finally
they hung a dead fowl to the bell cord, in mockery, as Onis interpreted it, of the debility of the Spanish monarchy. 12

In spite of all the interruptions, the negotiations went on, but little more was accomplished than the repetition of historical arguments between John Adams and Luis de Onis. Adams argued that West Florida was a part of the Louisiana Purchase and Onis, finally admitting to the validity of the sale, but not to the boundary delimitations of it, said no. 13 Also, much time was spent arguing over which river to use as a boundary between Louisiana and Texas. The Spaniard insisted on the customary or historical boundary which began "half-way between the Mermentau and Calcasieu Rivers, two small parallel streams flowing into the Gulf of Mexico entirely within the State of Louisiana." 14 Adams, however, insisted on the Colorado River of Texas which was further west. Something was needed to shake the negotiations out of the doldrums into which they had sunk.

This "something" occurred almost immediately. 15 General Andrew Jackson, chasing a war party of Seminole Indians who had attacked American settlers on American soil, crossed over the border into Spanish Florida.

Not wishing to return to the United States, and having heard that a body of Indians had gathered at Pensacola,
some 275 miles away, Jackson marched westward from St. Marks. He accused the Spanish governor at Pensacola of having aided the Indians, and demanded the surrender of the town. 16

Soon after this foray, the President prepared a note to be presented by Adams to Onis. This note stated that the seizure of Pensacola and St. Marks were Jackson's own acts and not authorized by the United States Government. It also said that the two cities would be returned to Spain when authorized personnel could take them over and when a Spanish force sufficiently strong to hold them against Indian attacks could be provided. In the meantime, the United States troops would remain there to insure peace and order. 17

Adams and Onis realized then that they had to seriously push through the negotiations before actual hostilities broke out between the two nations. Adams kept telling Onis that if they did not come to an early conclusion on the Florida negotiations, "Spain [would not] have the possession of Florida to give us."18 At the same time, Pizarro told Onis that "the difficult negotiation based on the cession of the Floridas [would] be useless, as we [should] not have them to cede."19 While Pizarro told Onis to push on with the negotiations, he broke off all diplo-
matic discussions with George Erving in Madrid because of Jackson's seizure of St. Marks and Pensacola. Onis had no real choice but to follow Pizarro's lead.

With diplomatic relations broken off, Adams withdrew all his previous boundary offers while reserving the American claim to the Rio Grande from the Gulf of Mexico to its source as the western boundary of the Louisiana Purchase. He stated that he would be willing to continue the negotiations when and if Onis could get written instructions allowing him to make a treaty without fixing the western boundary. But Onis could do nothing officially until Madrid and Washington resolved their differences.

About this time, the French Minister to the United States, Baron Guillaume Hyde de Neuville, appeared in Washington. He offered to act as a go-between for unofficial negotiations between Adams and Onis. Because of the unofficial aspect of this phase of the negotiations, both Adams and Onis were able to relax their positions slightly and talk, albeit through a third party, more openly. On July 16, 1818, Adams marked his first definite offer on Melish's "Map of the United States and the Contiguous British and Spanish Possessions" for Hyde de Neuville to convey to Onis. This offer began at the Trinity River,
from its mouth to its source, then a line due north to the Red River, following the course of that to its source, then crossing to the Rio del Norte, and following the course of it, or the summit of a chain of mountains northward and parallel to it; there to stop or take a line West to the Pacific.

In 1816 John Melish, a Scottish cartographer and world-traveler, published the first edition of this map. It closely followed Lewis and Clark in the northwest and Pike in the southwest. In the Great Basin,

. . . he showed a Buenaventura river flowing into a large, unnamed lake, with a dotted line extending west to St. Francisco Bay labeled "Supposed course of a river between the Buenaventura and the Bay of San Francisco which will probably be the communication from the Arkansaw to the Pacific Ocean." 23

Revisions were made of the map whenever new copies were issued—usually one hundred at a time. It was printed on a scale of sixty miles to the inch, which resulted in a completed size of fifty-six and a half inches by thirty-five inches. The edition of the map used by Adams and Onis in their negotiations was probably the seventh, eighth, ninth or tenth. No copy of the map was officially signed or made a part of the treaty. 24

From the time Jackson had seized St. Marks and Pensacola, the Floridas had ceased to be the most important issue.
Figure 1. The Melish map.25
Spain realized she had lost them: they became a mere pawn in the negotiations. Therefore, in April of 1818 Pizarro sent a dispatch to Onis reopening the negotiations and warning him "not to let the Floridas go without providing for a definite settlement of limits on the west." Because Spain had already lost many of her South American colonies to independence revolutions and did not want to lose any more of her empire in the Western Hemisphere, the negotiations began in earnest to decide the western limits of the Louisiana Purchase. President Monroe informed Adams that he would not give up any part of the State of Louisiana, but that he would be willing to meet the Spanish at the Sabine River which had long been the neutral barrier zone between the United States and Spain. Monroe also stressed that if the Spanish would not come to terms on this basis, the United States would then seize the Floridas and reserve all of its claims to Texas as far west as the Rio Grande.

Soon after, Onis renewed direct negotiations with Adams. He again offered a line half-way between the Mermentau and the Calcacieu Rivers, to a point between the towns of Adaes and Natchitoches, north again across the Red River to the Missouri River and up that river to its source. The United States could not agree to that line as a boundary, though,
since it would effectively deprive them of half the Louisiana Purchase. Because Onis kept insisting on the Missouri River to its source as the boundary, he almost caused President Monroe to lose what little patience he had left. Finally Monroe instructed Adams to give an ultimatum to Onis: if he would not come to reasonable terms, the negotiations would be cancelled. The ultimatum also contained the minimum line acceptable to the United States as a boundary:

The Sabine River from the Gulf of Mexico to 32° N.L., then due north to the Red River, thence up the Red River to its source, "touching the chain of the Snow [Sangre de Cristo] Mountains," in 37°25' N.L., 106°15' W.L., or thereabouts, as marked on Melish's Map, and following the chain of mountains northward to 41°; thence along that parallel of latitude to the South Sea.

This was the first definite mention of a line to the Pacific Ocean. Adams claimed this as his own idea, and pursued it with great fervor. The main objective of Spain, however, was to secure a line between Spanish and American possessions that was as far east as possible. Ultimately, the Sabine River came to be the accepted starting point between the two nations. The negotiations then became stalled on the decision for an appropriate line westward to the Pacific. Onis received instructions on January 4, 1819 from the
Marquis de Yrujo, Pizarro's successor in the Foreign Office, stating that he was to settle the whole territorial question as best he could, "preferably by running the boundary along the Missouri to its source and thence to the ocean as far north as possible." On Melish's map it was very plausible to link the tributaries of the Missouri and Columbia River systems and obtain a natural boundary that was easy to follow. Adams, however, could not accept the Missouri line because it was too far north.

The United States was at that same time involved in negotiations with Great Britain to settle the northern boundary of American claims in Oregon. The line Onis had proposed was far north of 49° north latitude and would have completely denied the Pacific Northwest to the United States, so Adams countered with an offer of 41° north latitude to the ocean. This line was too close to the settlements of Santa Fe and Taos to suit Spain, so Onis proposed a line of 43° north latitude to the sea. The negotiations were now at a point of two degrees difference in latitude in the remote and basically uninhabited regions of the Continent. The President was willing to go along with the latest proposal from Onis; but Adams felt he could do better than 43°.

Finally, in a spirit of compromise, both Adams and Onis agreed upon the forty-second parallel of north latitude as
the boundary between the United States and Spain. It seemed such a simple matter to draw a line across the "height of land" that separated the headwaters of the Arkansas and the Columbia just north of 41° north latitude. Melish showed the source of the Arkansas River as 41° north latitude (its true position is 39°20'). One of the early 1816 editions of the map had the river as far north as 42°, and it is possible that the final treaty agreement came about as a result of this error. Undoubtedly the length of time involved in the negotiations had a great deal to do with the final compromise decision on the forty-second parallel as the boundary. Little was actually known about the geography of the interior which was still basically uninhabited by Europeans. The negotiators were tired and simply wanted to finish as soon as possible. What difference would it really make to have a straight line across land where no one lived? Had the Adams proposal of the forty-first parallel been accepted instead of the forty-second, it is probable that quite a different delineation of state boundaries might appear today.

The United States Senate unanimously accepted and approved the Adams-Onis Treaty on February 2, 1819. It was welcomed by nearly all political groups in the United States,
Figure 2. Area in dispute between the United State and Spain. 35
"a fact which in all fairness should be emphasized in view of the acrimonious controversy of twenty-five years later over the relinquishment of Texas."36 (Referring to the Mexican-American War of 1846-48, discussed below.) Even though the Senate had accepted the treaty without dissent, Thomas Hart Benton of Missouri condemned it:

"The Spanish Government had offered us more than we accepted," he declared; "it was our policy and not hers, which deprived us of Texas and the large country in addition to Texas, which lay between the Red River and Upper Arkansas."37

Yet if Adams had been able to retain Texas as far South as the Rio Grande, it is possible that he would not have insisted upon such a southerly line for Oregon.38

The immediate reaction of Spain to the treaty was favorable; however, court intrigues and a lack of understanding of the urgency of the situation soon led to some questioning of the treaty.39 Finally, though, it was approved by Spain on October 24, 1820.

Article IV of the treaty called for commissioners representing both governments to survey the boundary as agreed upon. This never occurred because Mexico gained her independence from Spain before the survey could be made. Later, a similar agreement between the United States and
Mexico was called for, but before it could be enacted the Mexican-American War broke out. It is unfortunate that these surveys were not made and the boundaries marked. By the 1860s many a dispute and headache over the location of the forty-second parallel between Utah and Idaho could have thus been alleviated.

As was previously mentioned, the United States and Great Britain held boundary negotiations concurrent with those of Adams and Onis. During the War of 1812 Great Britain had seized Astoria from the United States, and the United States wanted it back. Both nations had held claims to the Columbia River basin due to prior exploration and settlement, but no specific delineation of spheres of influence had yet taken place. On May 19, 1818 John Adams first discussed with President Monroe the instructions to be given to Albert Gallatin and Richard Rush stressing the forty-ninth parallel of north latitude as an international boundary. In 1823 British Foreign Secretary Canning approached Rush, the U.S. minister in London, with a proposal of an Anglo-American alliance to prevent the restoration of the Spanish colonies in the Western Hemisphere to their former overlords. Rush promptly referred the proposal to Washington.
The results of these separate, but interrelated, negotiations was Article III of the Convention of October 20, 1818, the so-called "Joint Occupation Treaty." But as Samuel Flagg Bemis stated in his biography of John Quincy Adams, there was nothing "joint" about the occupation of the Pacific Northwest:

What the treaty really stipulated was that any territory claimed by either party on the North West coast should be "free and open" to the vessels, citizens or subjects of the two powers without prejudice to the sovereign claims of either for at least ten years. More appropriately it might be called the Free-and-Open-Occupation Treaty.

So it was that by 1819 the forty-second parallel of north latitude became a truly international boundary line, and with it the division of the Great Basin's northeastern valleys. The southern half of Bear Lake Valley and southern two-thirds of Cache Valley remained in the possession of Spain; while the northern limits of each belonged to neither the United States or Great Britain, but were freely open to citizens of both countries who seemed to adopt a "wait and see" attitude concerning the boundary between them. As Tallyrand once said, "A certain amount of vagueness" would serve the Americans well. The final boundary decision between the United States and Great Britain was left open...
to discussion and might ultimately rest anywhere between 42° and 49° north latitude.
Endnotes


2 Ibid., p. 6.


4 As quoted in Brooks, p. 75.

5 Bemis, p. 302.

6 Brooks, p. 13.

7 Ibid., p. 2.

8 Ibid., p. 64.


10 Ibid., p. 443.

11 Brooks, pp. 76 and 85.

12 Ibid., p. 99.

13 Bemis, p. 312.

14 Ibid., p. 309.

15 Some have said that it was organized by the President of the United States with just that purpose in mind.

16 Brooks, p. 141.

17 Bemis, p. 316.
18 As quoted in Ibid., p. 308.
19 As quoted in Brooks, p. 92.
20 Bemis, p. 317.
21 Ibid., p. 325.
22 Ibid., p. 321. (Emphasis added.)
23 Brooks, p. 217.
25 Ibid., p. 218.
26 As quoted in Ibid., p. 135. (Emphasis added.)
27 Bemis, p. 322.
28 Ibid., pp. 323-324. (Brackets in original; emphasis added.)
29 Ibid., p. 329.
30 Ibid.
31 Ibid., p. 330.

32 If Adams had known, he could have obtained Texas by using a little more pressure on Onis. Since Spain wanted to settle the long negotiations and turn her attention to the rebellious colonies of the south, she would have yielded Texas to obtain a fixed frontier; but without the aid of a secret service, Adams unfortunately never knew this. See Bemis, p. 331.

33 Ibid.
34 Brooks, p. 152.
35 Ibid., p. 64a.
36 Ibid., p. 170.
37 As quoted in Bemis, p. 487.


40 Ibid., p. 52.

41 Bemis, p. 320.


43 Ibid., p. 482.
THE TREATY OF GUADALUPE-HIDALGO

While John Quincy Adams and Luis de Onis were arguing over the boundaries between the United States and Spain in the Western Hemisphere, the Spanish citizens of New Spain were remonstrating against Spain's heavy-handed government. As early as 1808, revolutionary demands were apparent, calling for equality and land and taxation reforms. Nothing came of these early uprisings until 1810 when a revolutionary priest named Miguel Hidalgo sounded a call to arms to the peasants of Dolores, in the State of Guanajuato. The peasants responded rapidly to this call for equality. However, "the great mass of peons who shed their blood freely in the struggle had at heart no other idea than the ownership of the land." Unfortunately for the peasants of New Spain their revolution apparently came to naught. Hidalgo was betrayed by one of his own officers, captured by the royal forces, and shot.

However, the liberal ideas which called for equality, freedom and independence lived on, not only in New Spain, but in Europe as well. These ideas had been born in both the American and French Revolutions and spread over the
European continent. As a result, on March 18, 1812, the Cortes of Cadiz—the legislative body of Spain—developed a new constitution applicable not only to Spain, but to all her colonies as well. This constitution granted equal rights to all the Spanish subjects and officially ended the Inquisition.²

The aristocracy of New Spain, like their contemporaries all over Europe, felt threatened by liberal ideas. They were afraid of losing their control of both the government and the economy. But there was no way they could ignore the recent decrees from Madrid. They ultimately decided to follow the letter of the law but not the spirit. A proclamation was issued which divided all the lands among the peasants and provided for the economic help necessary to develop those lands. This help was to come from the municipal treasuries of the respective colonies. The proclamation did not, however, inform the peasants that the vast majority of those treasuries were empty.³ In this way, the control over New Spain remained in the hands of the aristocracy.

To insure continued control of New Spain from the colony itself and not from Europe, independence for the Republic of Mexico was declared on September 13, 1813.⁴ About this same time though, a counter-revolution took
place in Spain. The king was restored to his throne with all his Divine-Right powers. As a result, King Ferdinand VII sent his troops to Mexico in 1815 to crush the revolution and restore Mexico to its colonial status. The rebellion had barely been quelled when another liberal revolt took place in Spain and Ferdinand was again forced to acknowledge the Constitution of 1812 and the liberal land reforms were reinstated.

Frustrated with the fluctuations in government from Spain, the Mexican authorities under General Augustin Iturbide officially declared Mexico's total independence from Spain on February 24, 1821. By the following autumn, Spanish authorities in Mexico City acknowledged Iturbide's proclamation. Spanish Viceroy Don Juan O'Donoju felt that recognition of Mexican independence was "the best means of carrying out the common ideas of the [liberal] revolutionists of both countries." All the land formerly belonging to Spain in what is now the western one-third of North America was officially turned over to Mexico. Iturbide was then elected as the first president of the United Mexican States, and by May of 1822, he was declared Emperor Don Augustin I. Less than one year later, though, he was deposed due to the republican feelings of the people.

Five years later, in 1828, a treaty was signed in Mexico by Joel Roberts Poinsett of the United States and
Sebastian Camacho and Jose Ygnacio Esteva of Mexico. This treaty was made to "confirm the validity of the [1819] treaty of limits, regarding it as still in force and binding between the United States and the United Mexican States." Thus, the forty-second parallel of north latitude was reaffirmed as an international boundary.

When Mexico first gained her independence in 1821, she, and many European countries as well, had great hopes of both her and the United States becoming great world powers. Both bore superficial resemblances in territory, population size, wealth, and heritage. Mexico did not become such a world power in the mid-nineteenth or twentieth centuries, however, due to some unfortunate inheritances from Spain; in addition, her revolutionary heroes could not give her the stability and reform she so desperately needed.

A highly centralized, oppressive government was set up which abolished most local autonomy. As a result, federalists in the State of Zacatecas rebelled. In retaliation, General Antonio Lopez de Santa Anna brutally suppressed their rebellion and sacked the capital city. The numerous Anglo-American residents of Texas became alarmed and organized troops for defense against an inevitable attack which would surely be caused by their sympathetic
cessionist feelings. By January of 1836, Texas declared her independence from Mexico. Considering that Texas had been settled primarily by Americans, and that their views on government and religion differed from the Mexican's on the whole, it seems amazing to this writer that the withdrawal from Mexico took so long. Texas, however, was not strong enough to stand alone as an independent republic—since she lacked a navy and funds with which to run a nation. In time, she asked the United States for annexation and admission as a state.

In a letter dated August 23, 1843 to U.S. Consul Waddy Thompson, Mexican Foreign Minister Jose Maria Bocanegra declared, "The Mexican Government will consider equivalent to a declaration of war against the Mexican Republic, the passage of an act for the incorporation of Texas with the territory of the United States." Upon hearing of the American Congress's joint resolution for annexation on March 21, 1845, Mexico indeed prepared for war. American troops were also stationed along the Texas-Mexico border as a "defensive" measure. With troops of both countries armed and ready for conflict, it was only a matter of time before actual hostilities broke out.

Meanwhile, in September of 1845, the United States decided to send a minister, John Slidell, to Mexico to
negotiate a boundary agreement along the Rio Grande River south of both New Mexico and Upper California. However, a semantic misunderstanding prevented Mexico from recognizing Slidell as a negotiator. The Mexican Government claimed it had specified that it would only receive a "commissioner" to discuss the Texas question, but the United States sent a "minister" apparently to settle all outstanding disputes and possibly the purchase of California. This the Mexicans would not and could not accept. On January 20, 1846, Secretary of State James Buchanan wrote to Slidell saying that "if Mexico should 'consumate the act of folly' by turning him away, he must arrange to 'throw the whole odium of failure of the negotiation upon the Mexican Government.'"

While relations with Mexico rapidly deteriorated and war appeared inevitable, the United States also had to decide whether or not to renew the "joint" occupation of the Oregon Territory with Great Britain. As early as 1843 the American Minister to Great Britain, Edward Everett, suggested that a continuation of the forty-ninth parallel boundary to the Pacific Ocean leaving Britain all of Vancouver Island and access to the Strait of Juan de Fuca would be an acceptable boundary line to the Americans.
Unfortunately, this suggestion was lost in personality conflicts between President Tyler and Prime Minister Peel. Because of the uncertain events in America in 1846, both the British and American Governments felt that they had to come to an agreement soon or possibly lose everything if and when war broke out in the south. With only slight variations in wording, Everett's boundary line was finally accepted by the Senate by a vote of 41 to 14 on June 18, 1846. The United States had complete sovereignty over the lands between 42° and 49° north latitude and "completed the definition of Oregon as it was known in 1848."  

Events in Texas did not stop and wait for the Anglo-American negotiations over Oregon to be settled. In April of 1846 a skirmish took place between Mexican and American troops near the city of Matamoros. By May, war had been officially declared. "There was never any question that President Polk regarded permanent possession of California as the first goal of the Mexican War." But, just how much of California did Polk want? In June, 1846, Secretary of the Navy, George Bancroft wrote that

... if Mexico made peace at once, the United States government might be satisfied with a boundary at 35°, cutting the Pacific Coast somewhere
just south of Monterey, but that a month's delay would cost her three more degrees, down to San Diego.  

President Polk himself said,

... I preferred the 26° [which would include most of Chihuahua, Sonora and Lower California] to any boundary north of it, but that if it was found that the boundary could not be obtained I was willing to take 32°, but that in any event we must obtain Upper California and New Mexico in any Treaty of Peace we would make.

The war, which the Americans thought would be ended after one or two battles, evolved into a stalemate.

Finally in 1847, President Polk decided to send a peace commissioner with the victorious American army to Mexico City. This commissioner was to present a draft of a peace treaty to the Mexican Government, and, if accepted by them, a full commissioner would then be sent to discuss the finer points of the treaty. It was agreed that a prominent politician would not be suitable for the task, and therefore, Nicholas P. Trist, the chief clerk and de facto undersecretary of the State Department, was selected.  

[General Winfield] Scott resented being upstaged at the moment of supposed victory by a civilian negotiator, a mere clerk, whose mission had not been explained to Scott by Secretary of War William L. Marcy. Besides, Scott was a prominent Whig
and had expected to negotiate the peace himself. Luckily, Trist and Scott finally came to an agreement on their respective roles in making the peace.

Trist's initial instructions were for him to specifically demand the Rio Grande boundary and the cession of New Mexico and both Californias. Later instructions gave him a little more leeway in dealing with the Mexicans by suggesting that a line along the thirty-second parallel might be more convenient than the vague southern limits of New Mexico. Another point left open to discussion was the right of Americans to cross the Isthmus of Tehuantepec (Mexico). After a final battle at the gates of Mexico City, the Americans entered the city and Trist officially began working.

On August 27, 1847, Trist met with the Mexican commissioners for the first time, and reiterated the demands of the Americans for New Mexico and the Californias. Little has been written in text books about the negotiations between the United States and Mexico in reference to the American West; yet, the tact and skill employed by Trist deserve much more credit than they have heretofore been given. Unlike President Polk who regarded the Mexicans as a "people hardly worthy of self government, unable to
develop the borderlands that stood in the way of American expansion, and their clamorous boasts and appeals to patriotism mere mouth honor," Trist went out of his way to be flexible and persuasive while treating all statements made by the Mexicans as their individual opinions. This quality enabled the Mexican commissioners to relax and speak their minds without fear of dishonor. It also helped the negotiations to move much more smoothly and quickly.

As was the case in 1819 when Spain realized she had lost the Floridas, and they became merely a bargaining point, Mexico in 1847-48 talked very little about California, knowing that it was already lost to her. "Precedent of this kind made the expansionist's conquest of the 1840's easier." Mexico's main concern was with the sovereign states located in present-day Mexico and the port of San Diego. Trist suggested a line from the Gulf of Mexico, north and west along the Nueces, Gila and Colorado rivers to 33° north latitude, then along that line to the Pacific, just north of San Diego. This should have satisfied the Mexicans' concerns; but fearing that an unpopular boundary would result in another of Mexico's all-too frequent revolutions, the Mexican commissioners rejected the offer and suggested a line of 37°, the southern boundary of present-day Utah.
The negotiations continued along this vein for another three months when a military coup resulted in a new President: Manuel de la Pena y Pena. In December President Pena, apparently wanting the negotiations on his terms and not those of ex-President Santa Anna, appointed three new commissioners: Bernardo Couto, a lawyer, Miguel Atristain, also a lawyer, and Luis G. Cuevas, a former foreign minister. These three men were to meet with Trist and demand the withdrawal of all American troops from Mexico City and the submission by the United States to arbitration of a third party. If this failed, they were to agree to a boundary "running up the Rio Grande to El Paso, thence to the Gila River and along it to the Pacific coast just north of San Diego." Trist had to consider the relative merits of natural versus artificial lines in determining a possible boundary between the United States and Mexico. He had to "reconcile existing precedent with political demands." 

Meanwhile, President Polk had decided to recall Trist for policy reasons. He sent a message to Trist stating that if he had already signed a treaty by the time he received his recall, he could bring it with him, otherwise he was to suspend the negotiations and return at once. Trist, feeling very close to success, conveniently misplaced
his recall orders and continued with the negotiations by presenting an ultimatum to the three Mexicans. He proposed a boundary along "the Rio Grande from its mouth to El Paso and the line of 32° from thence to the Pacific" which included the port of San Diego. Once the Mexicans had been assured they were only giving up New Mexico and Upper California and no part of Sonora or Chihuahua, they reluctantly accepted Trist's proposal on January 25, 1848. After haggling over several minor problems, both sides were ready to sign the completed treaty. But at the last minute the Mexicans insisted the actual signing of the treaty be held outside Mexico City in the suburb of Guadalupe-Hidalgo away from the American cannon and guns. There at 6:00 p.m. on February 2, 1848, the Treaty of Guadalupe-Hidalgo--dated several days prior--came into being and the lands both north and south of the forty-second parallel finally belonged to the United States of America. "With the possession of the Mexican territories on one side and the country which Spain, Russian [sic], France, England and the United States had once claimed on the other, America [would have] the option of abolishing the forty-second degree boundary." Apparently President Polk forgave Trist for disobeying his recall orders when he finally read the completed treaty, since
he and his cabinet rejected only Article X of the Treaty which recognized Mexican land grants in the ceded area. Otherwise the treaty was highly approved for following the original instructions almost to the letter. The Senate agreed with the President, and on March 10, 1848, approved the treaty by a vote of 38 to 14, with only 4 senators not voting. The rejection of Article X proved to be thorn in the government's side years later when it was challenged by citizens in the ceded area who had previously received land grants from Mexico. This resulted in the United States giving "lip service" to many of the original Mexican land grants, while trying to ignore them as much as possible.

Both the United States and Mexico made concessions concerning the boundary. The Mexicans agreed to recognize the southwestern boundary of Texas, and the United States conceded to the "authoritative" line from New Mexico to the Gulf of California—a boundary whose legal definition was at best vague. In actuality, "the treaty of Guadalupe-Hidalgo... made no new boundaries." It merely acknowledged some of the existing internal boundary lines of Mexico. So it was that John Adams's dream of a transcontinental America came to be; an America that, by her example, could "eradicate from the face of the earth all forms of European colonialism."
Another point that merits brief examination is how the boundary affected the European and American trappers and what impact, if any, they had upon it and American attitudes towards it. French trappers in the American West had become subjects of Spain with the cession of Louisiana in 1762, "but the change of sovereignty in no way abated their interest in the fur trade."  

They, and others, continued with their exploration and trapping over the years. They gained an unprecedented knowledge of the west. "However, little of the trappers' information found its way on to the maps of the early [eighteen-] thirties."  

This did not affect the trappers, since they relied more upon the maps in their heads than the ones prepared by commercial or governmental map-makers.

The international boundary along the forty-second parallel was vague and unmarked. The idea of using parallels and ranges in the Louisiana Purchase lands began with Thomas Jefferson. "As a surveyor, he found them scientifically precise. And, like colonial boundary-makers before him, Jefferson discovered an additional merit in geodesic lines. They satisfied handily the need for boundaries in a vaguely mapped area."  

Because the boundary was abstract and invisible without scientific instrumentation, trappers and hunters often
unknowingly crossed the boundary into Mexico. The Mexicans rarely patrolled the border; but, nevertheless, required the traders to be "licensed" to hunt in their lands. For example, in 1816 two trappers, Auguste P. Chouteau and Jules de Mur, were captured by the Mexicans and taken to Santa Fe where the governor demanded an explanation of their presence on Mexican soil. The two Americans claimed,

"... being on the waters of the Arkansas river, we did not consider ourselves in the domains of Spain, as we had a license [from the American government] to go as far as the head waters of said river."\(^{43}\)

However, the Mexican government seldom protested the presence of the trappers on its soil unless they were actually, physically captured south of the forty-second parallel, as were Chouteau and de Mur. Nevertheless, in 1828 after trappers had held a rendezvous at the southern end of Bear Lake in 1827, the Mexicans made a formal protest to the United States.\(^{44}\) The American minister to Mexico, Joel Poinsett, replied,

\[\ldots\] that upon examining Melish's Map of North America, he found that the dividing line between Mexico and the United States to pass through the lake of Timpanagos [Great Salt Lake]. Any point, therefore, four days journey beyond that lake must be situated within the territory of the United States.\(^{45}\)
The rendezvous at Bear Lake, being some fifteen miles south of the forty-second parallel, actually was a trespass onto Mexican soil, "but none of the mountain men knew where the vague abstraction, the boundary line, really ran. Nor did they care." They continued to come and go across the border as if it did not exist and some, such as Jedediah Smith, came to regard the land both north and south of the forty-second parallel as their home.

Even though the forty-second parallel had been legally accepted as an international boundary in 1819 and again in 1828, it was ignored by the inhabitants of the area in practice. Of course, by 1848, this was unimportant. The United States had control over the land and could ultimately decide to put territorial and/or state lines wherever it wanted.
Endnotes


2 Ibid., p. 41.

3 Ibid., p. 41-42.

4 This is the first time the term "Mexico" was used to refer to Spanish lands in North America.

5 de Lara, p. 58.


9 Some of these inheritances were a result of the Inquisition and early land occupation which were direct descendants of the Middle Ages. Mexico never had a renaissance, but was thrown from the fifteenth century into the nineteenth.

10 Pletcher, pp. 32-33.

11 Ibid., p. 68.

12 As quoted in Ibid., p. 126.

13 Ibid., p. 276.
14 Ibid., p. 278.
15 Ibid., p. 365.
16 Ibid., pp. 218-219.
17 Ibid., p. 414.
19 Pletcher, p. 422. See also footnote #14 above.
20 Ibid., pp. 422-423.
21 As quoted in Ibid., p. 527. (Brackets in original.)
22 Ibid., pp. 499-500.
23 Leonard, p. 166.
24 Pletcher, p. 500.
25 As quoted in Ibid., p. 603.
26 Ibid., p. 517.
27 Leonard, p. 144.
28 Pletcher, pp. 517-518.
29 Ibid., p. 541.
30 Ibid., p. 542.
31 Leonard, p. 189.
32 Pletcher, p. 529.
33 Ibid., p. 539.
34 Ibid., p. 549.
36 Pletcher, p. 558.
37 Ibid., p. 563.
38 Leonard, p. 218.


42 Leonard, p. 45.

43 As quoted in Morgan, The West of William H. Ashley, p. xlvi.


45 Morgan, The West of William H. Ashley, pp. 168-169. (Brackets in original.)


47 Morgan, Jedediah Smith and the Opening of the West, p. 214.
THE STATE OF DESERET

As early as 1842, Joseph Smith, President and Prophet of the Church of Jesus Christ of Latter-day Saints (Mormon) had prophesied that his followers would "be driven to the Rocky Mountains ... and assist in making settlements and building cities, and see the Saints become a mighty people in the midst of the Rocky Mountains."¹

However, the Great Basin of the Rocky Mountains was not the only area that had been considered for settlement by the Mormons: Russia and Texas, among others, had also been regarded. In December of 1843, Joseph Smith had petitioned Congress to have the Mormon city of Nauvoo, Illinois named an independent federal district.² But when this plan failed, George J. Adams was sent on a mission to Russia in 1844. This mission was not the usual proselytizing mission, but was intended to sound out the Russians' attitude in reference to an independent Mormon state in Russia.³

The Mormon leaders also sent representatives to Texas in 1844.

[The Mormon leaders, somewhat too optimistically and prematurely, acted as if the Kingdom of God were already]
a political state, or at least a quasi-independent government. ... The Republic of Texas was to recognize the Mormon kingdom of God as an independent nation. The Texas recognition of the Mormons would have created problems with the United States government. And so, by 1846 with the failure of all other options, the Great Basin was the only viable alternative open to the Mormons.

Nevertheless, it did not seem to bother Smith or subsequent leaders of the church that their "promised land" belonged to Mexico. They wanted only to get as far from civilization and their persecutors as possible. They were aware of the impending conflict between the United States and Mexico and, while willing to become citizens of either country, they, no doubt, believed the land would eventually belong to the former.

Therefore, the Mormons began preparations for the move to the Great Basin. They acquired John C. Fremont's report of his journey to the Rocky Mountains, and Brigham Young and his Council of Twelve spent "many hours studying maps and reading travelers' accounts" of the area. John Charles Fremont was the first government explorer to survey the Great Basin with any accuracy. Prior to his journeys, only the mountain men and Indians knew of the
valleys later to be known as Cache and Bear Lake. Although these mountain men and Indians knew the areas well, having held several rendezvous' there, they had never mapped them or worried about the latitude or longitude. Fremont's expedition used the following instruments in determining their various positions in the wilderness: one reflecting telescope, one reflecting circle, two sextants, two pocket chronometers, one syphon barometer, one cistern barometer, six thermometers and several small compasses. The altitude, longitude and latitude were usually figured at each night's camp along with noting the outstanding features of the vicinity.

Fremont, however, did not draw the maps which accompanied his reports himself. This work was done by German-born cartographer Charles Preuss. Preuss went with Fremont on almost all of his journeys and the maps he prepared only showed the territory which they had actually surveyed. The maps, therefore, contained a lot of vacant, white areas left to be filled in by later expeditions.

Fremont's first journey in 1842 went as far as the Rocky Mountains. Preuss's map, later published by the federal government by the thousands, became a road map for the Oregon pioneers. It was this map and Fremont's report
which Brigham Young used in determining the route to be taken by the Mormons in 1846. Another map, printed in 1845, contained information on the lands of the Rocky Mountains and California. On this map, Fremont and Preuss mistakenly showed the Great Salt Lake and Utah Lake as one body of water rather than two, as a result of an incomplete investigation of the region. They also showed most of Cache Valley and all of Bear Lake north of the forty-second parallel, again as a result of incomplete exploration of the area. (See Figure 3 on page 45.) This map was the first, however, to show the Great Basin for what it really was: a vast desert surrounded by mountains with no rivers escaping from it.

Finances for the Mormons' journey to the Great Basin became a top priority. To take thousands of people from Missouri and Illinois to the Great Basin would cost much more than they could possibly hope to raise on their own. In 1846 they decided to ask the federal government for aid. They were not asking for a hand-out, but were willing to work for the help. Therefore, Brigham Young, now the President of the Church, appointed Jesse C. Little to go to Washington with a petition stating that "if the government would assist them in their present emergency, the petitioner stood ready to pledge himself as their representative to
Figure 3. The Fremont-Preuss map of 1845.
answer any call the government might make upon them for
service on the field of battle."\textsuperscript{11} Earlier in that year,
January 20, the High Council of the Church announced the same
thing in terms reflecting the "Manifest Destiny" views of
the American public in general:

Should hostilities arise between the
government of the United States and any
other power, in relation to the right
of possessing the territory of Oregon
[and California], we are on hand to
sustain the claims of the United
States government to that country.
It is geographically ours; and of right,
no foreign power should hold dominion
there; and if our services are re­
quired to prevent it, those services
will be cheerfully rendered according
to our ability.\textsuperscript{12}

The United States, seeing a way to rid itself of the Mormons
by helping them go west and also to obtain reinforcements
for the war with Mexico, complied. In June of 1846, Colonel
Edward Kearney instructed Captain James Allen of the First
Dragoons to go to the Mormon camp and raise four or five
companies of volunteers. Apparently many of the Mormons
did not realize that their leaders had previously offered
their services, for when Captain Allen asked for volunteers,
much mumbling and complaining resulted. John W. Hess, a
volunteer in the battalion said:

This indeed, was unexpected news;
while the people of the state of
Illinois had driven us out, and while we were scattered on the prairies of western Iowa with nothing in many instances, but the canopy of heaven for a covering, to be called on under these circumstances for five hundred of the strength of the camps of Israel, seemed cruel and unjust indeed.

Or, as Henry Bigler, another volunteer, wrote in his journal for June 31, 1846:

Still it looked hard when we called to mind the mobbings and drivings, the killing of our leaders, the burning of our homes and forcing us to leave the States and Uncle Sam take no notice of it and then to call on us to help fight his battles.

Nevertheless, the battalion was organized and joined Colonel Kearney in his march across the deserts of the southwest to California; and the remaining Mormons received federal money to aid their move to the Great Basin.

Brigham Young told his followers that the exodus to the Mexican territories was a test of orthodoxy:

If the authorities of this church cannot abide in peace within the pale of this nation, neither can those who implicitly hearken to their wholesome counsel.

Young apparently did not foresee the possibility that the United States would possess the Great Basin in the near future at the time he said this.
Thus, when the Mormon pioneers first arrived in the Great Salt Lake Valley in 1847, they were in Mexican territory. No apparent attempt was made to secure land grants from the Mexican authorities to legalize the settlement. Again, it is possible that the church leaders felt confident enough of the outcome of the war between the Americans and the Mexicans to avoid any action on their part to become Mexican citizens. Yet in a letter dated June 28, 1848, George A. Smith and Ezra T. Benson told Brigham Young that their desire would be for a nation independent of both Mexico and the United States. "... if we are in possession of the soil our destiny would be independence should Mexico maintain her old lines."16

Because the Mormons had come to the valley as a group already united by religious bonds, a civil government was deemed unnecessary. Under the circumstances it was in the power of Church leaders to perform all the duties required to govern and rule their followers. Yet they had more than enough on their hands in dealing with basic survival needs without being worried about setting up a civil government which was not even needed at the time.

However, by 1849, the Treaty of Guadalupe-Hidalgo had been signed and gold had been discovered in California, resulting in a great influx of non-Mormons into the area.
Suddenly a secular government was vitally important as the "gentiles" (non-Mormons) refused to abide by the laws of the Church, which they termed "lawless oppression." It became necessary to establish a government that would not be questioned by any; a government that, "being recognized by the government of the United States, would have the support of its laws and the shield of its protection." Accordingly, on February 1, 1849, a notice to "all citizens of that portion of Upper California, lying east of the Sierra Nevada Mountains" was made public. This notice called for all concerned citizens to meet in Salt Lake City the following March 5th, "for the purpose of taking into consideration the propriety of organizing a Territorial or State Government." On March 5, 1859, a "considerable number" of the inhabitants of the Great Basin met in Great Salt Lake City and elected Albert Carrington, Joseph O. Heywood, William W. Phelps, David Fullmer, John S. Fullmer, Charles C. Rich, John Taylor, Parley P. Pratt, John M. Bernhisel and Erastus Snow to a committee to "draft and report to the convention a constitution under which the inhabitants of said Territory might organize and govern themselves." The election of this committee was, no doubt, only a formality. Brigham Young had already decided that his State of Deseret would
cover the entire Great Basin. This claim is supported by the notice publicized in February of 1849 which was directed to all the inhabitants east of the Sierra Nevadas—why include them in the formulation of the constitution if they were not to be a part of the state? Also, within three days the committee presented to the convention on March 8th, 9th and 10th, a draft for the constitution "which after such consideration as could be given the subject in the three days through which the convention met . . . was finally adopted." It would have been impossible to create such a constitution from scratch and devise boundaries in the basically unexplored Great Basin in only three days without having previously decided upon its basic structure.

The fact that the constitution was read to the convention on March 8, 1849 only three days after the convention had opened its session on March 5, suggests that the document was framed after an already existing pattern . . .

On the twelfth of March an election was held to vote on officers for the government of Deseret as well as to select a delegate to Congress, and the first Monday in May was set aside for voting on the constitution. This constitution followed the long established pattern of state governments in America in that it provided for a judiciary, an executive branch and a bi-cameral legislature. The out-
standing feature, however, was the size of the territory being incorporated into Deseret. A total of 490,000 square miles was claimed: all of present-day Utah and Nevada, and parts of Oregon, Idaho, Wyoming, Colorado, New Mexico, Arizona and California.

The circumference was drawn with obvious regard to the outstanding physical features—the mountain walls on the west and east, the latter being none other than the Continental Divide; while the zig-zag contour of the Great Basin supplied the northern line of demarcation. Southward the line reached to the Mexican border. Last but not least, Deseret possessed a harbor [San Diego], and access to the sea.

Although most of the original territories formed out of the Louisiana Purchase and the Mexican Cession were large, Deseret was gigantic in comparison. Why did the Mormons claim so much land for their state? Did they really believe the federal government would accept the boundaries as originally set?

To begin with, it should be noted that the Mormons had technically not over-stepped the laws of the United States by organizing Deseret prior to federal recognition. They did act without the benefit of law, but they had precedents upon which to rely. The United States had done nothing to either support or discourage the organization of any govern-
Figure 4. The State of Deseret.24
men in the lands of the Mexican Cession. California had been placed under martial law after the Bear Flag Revolt only because American troops were already stationed there. Otherwise she too, probably would have set up a government with a constitution. As it was, the Mormons in the Great Basin area felt something had to be done, and if the federal government would not do it, they would do it themselves. "And by so doing the people of the Mormon community were simply following well established precedents of frontier impatience and restlessness." 

Within a month of the Mormons' arrival in the Great Salt Lake Valley, Brigham Young sent people out to explore the immediate vicinity. When the volunteers of the Mormon Battalion returned, they brought with them vital information about the southwest deserts and the coast of California. During a conference with the High Council of the Church that same year (1847), Young stated "that he intended to have every hole and corner from the Bay of San Francisco to Hudson Bay known to us." As a result of these explorations, the Mormons knew with a fair degree of certainty that the land was a desert and could not support a large population.

We have explored for hundreds of miles in various directions, and find here and there a fertile spot amidst vast deserts and mountain heights; yet, all
we have included in our boundaries is accessible for all useful and necessary purposes pertaining to Government. We admit the boundary asked for is large, when we consider the area; but if land susceptible of cultivation, that will admit of a dense population, is taken into consideration, it is not so large; and we are not advised of a single dissenting voice within our proposed boundaries, that object to being included therein.

The Mormon church greatly increased in size as a result of its missionary activities not only in the United States, but more importantly, in Europe and the South Seas. One of the main objectives of these new converts was to gather to "Zion" where they could be closer to the headquarters of the church, and, quite possibly, to God. As a result, as historian Joel E. Ricks pointed out, the Mormons "required large areas with climates diversified enough to invigorate the sturdy folks from northern Europe as well as mild enough to satisfy converts from warmer southern lands." Ricks might have stretched the point a bit too far here, but it is true that the lands claimed—from Cache Valley on the north which had been deemed too cold to support settlement, to semi-tropical Arizona and California on the south—could and did satisfy the various requirements of the emigrants.

Emigration to the Great Basin would be faster and less expensive, it was believed, if the Mormons had control of
their own seaport. Therefore, San Diego had been included within the limits of Deseret. No doubt the reports of the Mormon Battalion aided this decision. A seaport would also encourage and facilitate commerce by eliminating the middle-man and his consequent expenses.

The Mormons firmly believed they were doing the United States a great favor by claiming desert lands that no one else could ever want.

Should not a nation, be willing, nay, seek to cherish those who are endeavoring to render her most sterile and barren domain productive; who are extending settlements, making improvements, and developing the natural resources of hitherto unexplored regions, thereby adding to the national wealth; not, it is true, merely in gold, but in the proudest trophies of any enlightened nation, that of civilized society . . . ?

Or,

To the United States: if you wanted to know the value of the mountain valleys [sic], you could only learn it through the patriotism and perseverance of the "Mormons," all others were too limited to explore and settle them, and when settled were too avaricious to cultivate: they think they can get gold faster by going to the mines . . . .

Some, apparently ignoring or forgetting that the federal government had aided their move west, even went so far as to
insist that the United States owed a debt to the Mormons for their help in the Mexican-American War. One-sixth of the United States would be considered an acceptable payment for this debt.31

Although the Mormons believed they would someday fill the Great Basin with settlers, in 1848-49 their population was too small to meet the traditional minimum required for admission into the Union as a state that had begun with the organization of the Northwest Territory Act of 1787. They did everything they could think of, including making Deseret as large as they did and helping to finance emigration, to increase their population. It was soon realized, though, that without including all of California and its populous gold regions, statehood was probably an unobtainable dream. They believed that their God would help them; and in August of 1849, as if in answer to their prayers, General John Wilson arrived in Salt Lake City. General Wilson was on his way to California to take over as the U. S. Indian Agent there. He also had another mission to perform for President Zachary Taylor that had nothing to do with the Indians:

It was thought by the administration, that if a large state extending from the Pacific Ocean eastward to Salt Lake--including all the territory ceded by Mexico to the United States--was admitted as one state, leaving the question
slavery to be determined by the people of the state; it would remove the question from congress; and if the proposed state voted free, as most likely it would be, it would offset the late accession of Texas and thus calm the rising storm over that question.

I: should be noted here that this union of Deseret and California included only those lands "ceded by Mexico;" in other words, only that area south of the forty-second parallel. The northern valleys would again be divided. Although somewhat confused by the President's generous offer knowing of his anti-Mormon sentiments, the Mormons were overjoyed at the prospect of being admitted to the Union as a state. They were also a little distrustful of the Californians who they felt were unstable and transient because of the gold fields. Therefore, they proposed an amendment to President Taylor's plan: California and Deseret would be joined for two years until 1851, and then after achieving statehood, they would divide into two separate states and avoid territorial status. No mention was made as to whether or not the original boundaries of Deseret were to be included in the union with California. Would the new state include part of Oregon or, which state would retain southern California when they divided? General Wilson took the plan and the Mormon amendment to it with him to California where he presented it to Governor Burnett.
The Californians, however, were outraged at the apparent audacity of the Mormons in conceiving of joining Deseret and California. They were still burning at the inclusion of San Diego within the boundaries of Deseret—
even though the Mormons were willing to let the inhabitants vote on the proposition. Governor Burnett spoke to the California Legislature on February 4, 1850, where he stressed the impracticality of the President's plan:

Now supposing such a convention were called . . . whether notice could be given to the people in time to elect their delegates, and for them to attend the Convention within six months after the passage of the law, is extremely doubtful, especially when we reflect that such a law would pass at the season when the Sierra Nevada is impassable half the year . . . . But upon the supposition that the Convention should meet in the summer of 1851 and form a constitution to include all California for a time, the same could not be submitted to Congress before the meeting of that body in December of that year; and we should, after incurring all the expense and trouble of such a step be compelled to suffer a delay of nearly if not quite two years, before the State could be admitted into the Union. That which we have already done must be abandoned and the public suffer the great inconvenience of passing into a new system, which must again be repeated when California and Deseret should separate. To form a constitution fitted to such an unnatural state of things would be a most complex and difficult task. Had the states of Maine and Texas been organized at the same time, the proposition to unite them
both in one state for a time would not have produced, if carried out, so great an inconvenience as the plan now submitted. . . . I cannot, in the solemn discharge of the duties imposed upon me by the position I occupy, conscientiously recommend you to accept the proposition made. I cannot for a moment feel that Congress will reject our application for admission into the Union upon the ground that we have not included both east and west California within the limits of the State. 34

The Californians had previously rejected the idea of a large state which included the Great Basin and the Mormons in their own statehood convention. Lansford W. Hastings had stated, "... we are not willing to include the Mormons in the proposition of the State of California. Theirs is a distinct proposition, originating from a distinct population, having distinct interests." 35 Another representative to the California statehood convention, a Mr. Hoppe said,

[Let us] exclude the Mormons whatever we do. . . . Their influence would be most injurious. They would make the taxes of this State burdensome to every man in it; no citizen of California desires that we shall have any social or political connexion with them. 36

Without California's acceptance of President Taylor's plan, the Mormon hopes for immediate admission into the Union as a state seemed to be shattered. They, therefore,
continued pressing Congress for the admission of Deseret on its own merits. The original memorial to Congress stated that the Mormons, although preferring a state government, would accept whatever form of government Congress deemed proper. In 1849, they prepared a second memorial to Congress asking for territorial status, feeling that any government authorized by the federal government would be better than none at all. The memorial limited the size of Deseret somewhat, and apparently acknowledged the forty-second parallel as the northern boundary by asking for all the lands "lying between Oregon and Mexico, and between the Sierra Nevada and the 27th degree of west longitude [from Washington]." 37 Dr. John M. Bernhisel presented this memorial to Colonel Thomas E. Kane, a long-time friend and defender of the Mormons, for his opinion before it went to Congress. Colonel Kane was asked for his help in retaining as much of the original State of Deseret as possible: to extend the northern boundary to 43° north latitude, which would have incorporated both Cache and Bear Lake Valleys into the territory; to modify the eastern line; and to retain the coast of California "as he might find it expedient or necessary." 38

The second memorial repeated the Mormon's reasons for the size of Deseret stating that the land was basically
terile, that they needed a market place of their own, and that they were too far from any "civilized" society to possibly be united with them. They mentioned the Indian depredations and their need for military support, and concluded by saying that they, "by their arms and influence, had done more than any other equal body of citizens to obtain and secure this country to the Government of the United States." 39

Colonel Kane, however, told Bernhisel that, as a territory the Mormons would have no control over the appointment of territorial administrators and that friction would ultimately develop over religious tenets and the separation of church and state. He also stressed that if the application for statehood initially failed, "you can fall back upon it again at another session, if you have not a Territorial government; but if you have, you cannot apply for a State government for a number of years." 40

It seems that Bernhisel heeded this advice, for he never presented the memorial before Congress. He immediately wrote to Brigham Young and repeated Kane's warnings. On September 13, 1850 the General Assembly of the Provisional State of Deseret passed a series of resolutions to be sent to Bernhisel instructing him to push for statehood. Unfor-
tunately, they were too late. Only two days before, the federal government had legally replaced Deseret with the Territory of Utah.\textsuperscript{41}
Endnotes


2 Klaus J. Hansen, Quest for Empire; The Political Kingdom of God and the Council of Fifty in Mormon History, (Michigan State University Press, 1967), p. 80. (No city or state given for the location of the press in the book.)

3 Ibid., p. 60.

4 Ibid., p. 85.

5 Arrington, p. 41.


7 Fremont, p. 106.

8 Gudde, p. xix.


10 Ibid., Map 3. (Lakesdarkened and names of lakes and valleys added.)

12 As quoted in Brigham H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints; Century I, 6 volumes, (Salt Lake City, Utah: Deseret News Press, 1930), 3:416-417.


15 As quoted in Hansen, p. 115.

16 As quoted in Ibid., p. 125.

17 Bancroft, p. 440.


19 Since no head count was made, it is impossible to determine just how many attended the meeting or whether any were from outside of the Salt Lake Valley.

20 Journal History, March 5, 1849.

21 Roberts, p. 424.

22 Hansen, p. 128.

23 Neff, p. 117.


25 Leland Hargrave Creer, The Founding of an Empire: The Exploration and Colonization of Utah; 1776-1856, (Salt Lake City, Utah: Bookcraft, 1947), p. 313. But see Hansen, p. 127: "The fact is that the Saints had migrated to the West precisely for the purpose of setting up their own government... Had a government already existed in the area, the Mormons most likely would not have migrated there."
26 As quoted in Edward W. Tullidge, *Life of Brigham Young; or Utah and Her Founders*, (New York: Tullidge & Crandall, 1877), p. 79.

27 *The Deseret Weekly News*, (Salt Lake City, Utah), September 2, 1850. (No author or byline was given.)


29 *Deseret Weekly News*, September 21, 1850. (No author or byline was given.)

30 Ibid., July 27, 1850. (No author or byline was given.)

31 Roberts, p. 429.

32 Ibid., p. 438.


34 As quoted in Creer, pp. 327-328.


36 As quoted in Ibid., p. 306.

37 Roberts, p. 429. (Brackets in original.)

38 Ibid., p. 430. (The Mormons knew at that time that the forty-second parallel was their northern boundary, but were not certain of its actual location.)


40 Ibid., p. 115.

41 Ibid., p. 102.
THE TERRITORY OF UTAH

The election held March 12, 1849 to select State officers for Deseret, also saw Almon W. Babbitt chosen (apparently he was appointed) as Deseret's representative to Congress. It was his responsibility to officially present the memorial for the Provisional State of Deseret as well as a request that he be seated in the House of Representatives.¹ On January 28, 1850, Linn Boyd of Kentucky presented both the memorial and Babbitt to the House of Representatives. But not until July of 1850 did the House of Representatives begin to argue over the legality of admitting Babbitt to the House.

Joseph W. Woodward, representative from South Carolina, stated that before they could admit any delegate to the House, they should determine the exact area he was supposed to represent by geographical bounds. "To admit this delegate would be to recognize the political existence of Deseret, as she is, or claims to be. . . . Such a course would amount to a recognition of the laws and constitution of Deseret."² William W. McWillie of Mississippi agreed, saying that if they admitted Babbitt, they did so with the
understanding that he was to represent all of the people within the boundaries prescribed for Deseret. Others noted that the memorial itself asked for the representative to be admitted only "upon the adoption of any form of government," and not before.

William Strong of Pennsylvania summarized the views of the House of Representatives in reference to Babbitt on July 20, 1850. He said:

[I]n fixing their boundary the [inhabitants of Deseret] had included a large portion of what was claimed by California to be a part of her territory. Here, then was a conflict of boundary, and there was a Delegate coming to this House as the Representative of about one third of the territory claimed as being embraced within the limits of Upper California. But again there was a political organization constituted by law of Congress for the Territory of Oregon, and the boundary claimed for this State of Deseret cut off a large portion of that Territory; and these were the people who were claiming to be represented already by the Delegate from Oregon; was that House going to permit them to be represented again? The boundary of Deseret he repeated, looking at it as a State, was in conflict with that of California and with that of Oregon. If Mr. Babbit [sic], then, claimed to represent "a people" within the geographical limits which they had prescribed for themselves, he would represent a part of Oregon and a part of California.
Apparently all the representatives agreed with Strong that Deseret's boundaries encroached on California and Oregon. But not all agreed that Deseret's cause should be abandoned. Albert G. Brown of Mississippi felt that Deseret had been ignored far too long and that "[i]t was the solemn duty of Congress to have taken these people under its care. . . . to have given them laws and government." He further said that he would vote for the admission of both Deseret and Babbitt as soon as "proper metes and bounds" were given for Deseret's boundaries. When the final vote was taken in the House of Representatives, however, Almon W. Babbitt was denied a seat, and Deseret lost her initial bid for admission.

While Babbitt was attempting to be recognized by the House of Representatives, John M. Bernhisel was trying to persuade the Senators of the validity of Deseret's cause. Bernhisel convinced Stephen A. Douglas of Illinois to present the memorial for statehood before the Senate on December 27, 1849. Henry J. Foote of Mississippi then offered a bill that would establish territorial governments for California, Deseret and New Mexico as a compromise measure to satisfy both the northern and southern senators. The two bills were then tabled for further consideration until
January 22, 1850 when they would be referred to the Committee on Territories. 7

Three counter-memorials to the admission of Deseret were presented to the Senate and House stressing the negative aspects of Mormonism. Two of these, both presented by Joseph R. Underwood, were written by William Smith, brother of the late Mormon Prophet Joseph Smith, and by Isaac Sheen, William's First Councillor in what came to be known as the Reorganized Church of Jesus Christ of Latter-day Saints. Smith claimed to be the legitimate president of the Church of Jesus Christ of Latter-day Saints because he was the brother of Joseph Smith and because he believed that the line of authority in the church should be hereditary. Because the Council of Twelve of the Church of Jesus Christ of Latter-day Saints disagreed and elected Brigham Young as its new president when Joseph Smith was killed, William Smith organized his own church.

Smith's and Sheen's first memorial, presented December 31, 1849, said that the Mormons in the Salt Lake Valley had sworn an oath of vengeance on the United States for allowing the murder of Joseph Smith. They also mentioned that the Mormons condoned and practiced polygamy and various other crimes. They called for the United States to form a
government in the Great Basin that would effectively end these crimes and prevent future ones. Their second memorial was presented on March 14, 1850. It claimed that the Mormons in Salt Lake City obstructed postal delivery and had declared a war against First Amendment rights of freedom of speech, the press and religion. They felt these reasons were more than enough to prove the impropriety of admitting Deseret into the Union and that no Mormon should be allowed to hold any office.8

The third memorial attacking the Mormons was presented on February 22, 1850 in the House of Representatives by John Wentworth of Illinois. It had been written by several citizens, also of Illinois, asking Congress to protect the rights of travelers in the Salt Lake Valley. According to them, non-Mormons passing through Salt Lake City were harassed by the Mormons, who were both robbers and murderers in favor of a kingly government and polygamy.9

Leland Hargrave Creer in his histories of Utah has inferred that the counter-memorials did not influence the United States Congress in its final decision on Deseret.10 He claimed that the memorials must have been killed in committee debates since nothing more was said of them in the congressional records. However, it should be noted that these memorials were presented before both Houses of Con-
gress prior to the vote on statehood for Deseret. In addition, Almon Babbitt claimed in a letter to Brigham Young that President Taylor had told twenty members of Congress that he would veto any bill passed, state or territorial, for the Mormons, who were not fit for self-government. Undoubtedly, congressmen seeking political prestige and greater access to the president would comply with his wishes. Moreover, Senators and Representatives were not required to explain their votes; and it is therefore, entirely feasible that some had been influenced further by the memorials. Jefferson Davis, future president of the Confederate States of America, stated in February 1850:

This is proposed, upon the idea that it is not proper or expedient to give any assurance to that peculiar people, the Mormons, by providing a separate territorial government for them, or to hold out any expectation that they will ever be admitted; but till we know more of their policy, designs, and institutions—I speak not exclusively of religious institutions—I should think that no Senator would be disposed to do more for them than to extend to them an adequate protection.

On March 21, 1850, in an effort to present the Mormons' viewpoint on Deseret and hear specific arguments against her, John M. Bernhisel met with Senators Henry Clay,
Stephen A. Douglas, Daniel Webster, Lewis Cass, Thomas H. Benton, William H. Seward, Henry S. Foote, and Salmon P. Chase and Speaker of the House Howell Cobb. Here the Senators and the Speaker told Bernhisel of their feelings about Deseret. Clay said he would try to be open minded even though he was still suffering emotionally from a letter written by Joseph Smith in 1844. Daniel Webster wanted to know more about Deseret before committing himself. Cass was in favor of statehood for Deseret since the Mormons could manage a state "as well as anybody else." Seward and Chase did not like the wording in the constitution for Deseret because it did not expressly forbid slavery and said all men "should" be born free and equal. Foote also felt that the slavery question had to be settled as soon as possible. Benton disliked the name "Deseret" which he felt was repulsive and sounded too much like "desert." Douglas, too, disliked the name "Deseret" saying he preferred "Utah." More importantly, Douglas told Bernhisel that Deseret's boundaries were too large and would have to be reduced before statehood could be granted.  

A week later Bernhisel wrote to Brigham Young. He stated that on the twenty-fifth day of March the Senate Committee on Territories had presented two bills for the
organization of territories for New Mexico and Utah. "Utah" was the name given by the Senate to the proposed territory which included the Great Salt Lake Valley. Bernhisel reluctantly reported that not only had Deseret lost her name, but that she had also lost much of her territory. Still encompassing a vast domain, the territory's new boundaries were to be California on the west, Oregon on the north and the "ridge which divides the waters which flow into the Great Basin from those which flow into the Gulf of California [on] the southern and eastern" sides. Bernhisel said that he believed the bills would not pass and that the Mormons might yet receive the "whole of the territory without the limits of California when she is admitted." In other words, he still hoped that the contours of the Great Basin would be followed for the territory and that Utah's northern boundary might extend beyond the forty-second parallel.

In 1850 the Senate of the United States faced many obstacles. It not only had to organize governments for Utah, California and New Mexico as well as to resolve a boundary dispute between New Mexico and Texas, but also had to deal with slavery and the slave trade. The most pressing issue before the Senate was the border conflict between Texas and New Mexico over the Santa Fe region. It
was "feared that, if Texas tried to establish authority over Santy Fe by force, the move would lead to civil war and, perhaps, disunion." President Taylor believed the conflict could be averted by the establishment of statehood for New Mexico. This solution would also eliminate from Congress the question of slavery in New Mexico by putting it before the inhabitants of that area. Texas could no longer quibble over the border if an established state shared the border rather than the no-man's land of the public domain.

Because there were so many related bills before the Senate and its term of office was running out, the Senators voted to form a select committee to consider the issues outside of Chambers and leave the more mundane bills to be passed or vetoed by the Senate as a whole. On April 19, 1850 a committee of thirteen members, with Henry Clay as its chairman, was duly elected.

Little is known about the actual deliberations of the Committee. But the final bill presented before the Senate on May 8, 1850 reflected the true compromise spirit of its members. California was to be admitted as a free state, while New Mexico and Utah were to be admitted as territories by splitting the land between Oregon and Mexico. The boun-
daries of Texas were to be officially established, her
debt was to be partially covered, and no new states were to
be organized from her lands for a while. The main issues
covered by the committee, however, dealt with slavery: the
creation of a stricter fugitive slave law and the prohibi-
tion of the slave trade in the District of Columbia.
Because the bill contained so many seemingly unrelated
points, it became known as the "Omnibus" Bill.

The fight over slavery between the North and South was
visible in all aspects of the Omnibus Bill. Since Califor-
nia was to be a free state, Utah and New Mexico must be
territories so that their delegates could not vote in the
House of Representatives and upset the voting balance that
then existed. If New Mexico and Utah were to become states,
the southern senators would not approve the bill. These
political issues, "coupled with uncertain knowledge of geo-
graphic facts, made difficult Congress' secondary searching
in the pages of the past for answers."18

The House of Representatives determined that Deseret's
boundaries overlapped both California and Oregon and had
to be curtailed; in addition, the Senate's committees pro-
posed to organize two territories, Utah and New Mexico,
out of the Great Basin lands. The only item left to vote
upon was the boundary line between these two territories. "The use of natural boundaries [such as Deseret's] presupposed a knowledge of their existence and location. Congress gathered the best information available at the time in an attempt to base its decisions on [what were presumed] correct geographical facts." On July 31, 1850 Senator Stephen A. Douglas, who had first presented Deseret's memorial for admission, proposed an alteration of the bill relating to the boundaries of Utah. The eastern limit of Utah was changed to the summit of the Rocky Mountains and the southern limit was changed from the supposed "height of land" forming the southern rim of the Great Basin to the thirty-eighth parallel of north latitude. William K. Sebastian of Arkansas wanted to use the Missouri Compromise line of 36°31' as the southern boundary, but was voted down by the Senate. When Douglas was asked why he preferred the thirty-eighth parallel, he said, "I find that the boundaries at present proposed by the bill separate the Mormon settlement in some slight degree. I thought the thirty-eighth parallel would include them all." He also said he felt that 37° north latitude would be adequate and that he did not "consider it a matter of the slightest importance" whether the Senate settled on 37° or 38°. After it was
finally put to a vote, the thirty-seventh parallel became Utah's southern boundary.

Two kinds of boundaries were available for the line between Utah and New Mexico. Utah residents in their proposed convention suggested one type; Congress adopted the other. The provisional state of Deseret was defined entirely by natural boundaries. The Territory of Utah created by Congress was given only one natural boundary—the Rockies.  

The forty-second parallel remained as Utah's northern boundary and the Mormon hopes of an extended northern border apparently were dashed.

When the Omnibus Bill came before the Senate for a vote on August 2, 1850, Senators found they could not agree on all of it at once. Amendments were proposed to its various sections. Then amendments to the amendments were presented, until it was finally decided to vote on each part of the bill separately. After the votes were all in, the creation of Utah was the only item of the original bill to be approved. As Thomas H. Benton so aptly put it:

The omnibus is overturned, and all the passengers spilled out but one. We have but Utah left—all gone but Utah! It alone remains, and I am saving it as a monument of the herculean labors of the immortal thirteen.
However, as it worked out, the House approved the Utah bill on September 7, 1850 and returned it to the Senate for final approval on September 9th. President Willard Fillmore signed the bill the same day, officially creating the Territory of Utah. According to a letter from John M. Bernhisel to President Fillmore dated December 1, 1851, the "news of the organization of the Territory of Utah was most gratefully received by its inhabitants. . . . and was greeted by the firing of cannon and every demonstration of enthusiastic joy." However, in a letter to Brigham Young dated the same day the territory was created, Bernhisel stated, "The ignorance of the collected wisdom of the nation in regard to our region of country is most profound." Brigham Young was upset by the creation of a territorial government for Utah not only because he feared that the Mormons would basically lose all effective control over its administration, but, more importantly, because he felt Utah had been slighted in favor of California and its rich gold mines. On September 12, 1840, he wrote:

When the constitution of Deseret was adopted, and its boundaries were established therein, the actual settlers of Deseret outnumbered [those of] western California five to three. Notwithstanding which, a strong exertion has been made by Congress to receive California into the Union, to the exclusion of Deseret, though our own petition for admission was equally before them."
As it turned out only California was given the boundaries it asked for in 1850 partly because it had offered alternative boundaries, and partly because its eastern line "seemed to fall where nature intended it to be."\textsuperscript{26} Even as late as 1857 Young chaffed under territorial status which he termed "colonial vassalage unconstitutionally perpetrated by tyranny and usurpation in the powers that be."\textsuperscript{27}

Had the Mormons established their northernmost settlements in Cache and Bear Lake Valleys prior to 1850 it is entirely possible that Senator Douglas's boundary amendment of July 31, 1850 would have included a change in Utah's northern as well as its southern limits to include all the Mormon settlements therein. This would have terminated the forty-second parallel's history as a boundary between Utah and Idaho Territories and eliminated the disputes between those two governments for control over the northern portions of the valleys.
Endnotes

1 If Deseret were admitted as a state, Babbitt would be a congressman, if admitted as a territory, he would be a non-voting delegate.


3 Ibid., p. 1420.


5 Oregon had been organized as a territory in 1846 with the forty-second parallel as her southern boundary; and California had applied for statehood in 1849 with the port of San Diego included within her limits. Congressional Globe, p. 1421.

6 Ibid., p. 1415.

7 Ibid., pp. 86-87.

8 Ibid., pp. 92 and 524.

9 Ibid., p. 413.


11 As quoted in Andrew L. Neff, History of Utah; 1847 to 1869, (Salt Lake City, Utah: The Deseret News Press, 1940), p. 171. See also Creer, Utah and the Nation, p. 79.

12 Congressional Globe, p. 438.
13 Journal History of the Church of Jesus Christ of Latter-day Saints, (microfilm, Logan, Utah: Utah State University, Special Collections), March 21, 1850.

14 Ibid., March 27, 1850.


16 Ibid., p. 17.


19 Ibid., p. 273.

20 Congressional Globe, pp. 1482-1483.

21 Leonard, p. 383.

22 Congressional Globe, p. 1484.

23 United States, House Executive Document No. 25, 32nd Congress, 1st Session, 1851, p. 3.


25 Creer, Utah and the Nation, p. 86.

26 Leonard, p. 417.

27 As quoted in Edward W. Tullidge, Life of Brigham Young; or Utah and Her Founders, (New York: Tullidge & Crandall, 1877), p. 272.
THE UTAH-IDAHO BORDER DISPUTE

Mormon settlement of Deseret was not done in a haphazard way; Brigham Young planned the colonization from the very start. As new locations were needed to relieve population growth or to supply new herd grounds, he sent out exploring parties—usually of volunteers—to make ready the proposed settlements. ¹ Cache Valley, approximately eighty miles north of Salt Lake City, was first explored in August of 1847. The explorers of this valley brought back a "cheering" report of the area. ² It is not known whether this group of explorers had the equipment necessary to determine longitude and latitude, but other groups did. Professor Orson Pratt, who helped explore the Salt Lake Valley, reported the latitude of the north line of the Temple Block in Salt Lake City as 40°45'44" and the longitude as 111°26'34". ³ Brigham Young probably did not feel any need to survey Cache Valley in 1847 because the forty-second parallel was not important in marking the limits of Deseret, which followed the geographical boundaries of the Great Basin and because the area had not yet been settled.

In 1855, five years after the organization of the Territory of Utah and the establishment of the forty-second
parallel as its northern border, a devastating drought hit the Salt Lake Valley which brought the settlers of the valley and, more importantly, their cattle, to the brink of starvation. It was at this time, that Brigham Young first began to seriously consider the settlement of Cache Valley. On June 18, 1855, Hosea Stout recorded in his journal:

To day Governor Young accompanied by a large company started North on an exploring expedition. They took along scientific instruments with the intention of determining the Oregon line.

Monday, 25 June 1855. The governor and suit returned from their northern rout on the fore noon to day, having been gone seven days, during which time the territorial line between Utah Oregon was determined by Prof O. Pratt that is the 42° north where a stone was set up on the line & trenches dug on its crossing the fort Hall road.  

The following year, 1856, Young's mind was made up when Peter Maughan of Tooele called on him to request a more suitable valley for settlement. Maughan and his neighbors had become disillusionsed with Tooele because of the grasshopper damage, salt in the soil and Indian depredations. On July 21, 1856 Maughan recorded in his diary: "I was sent by President Young to pick out a location in Cache Valley for a settlement." They decided upon the southwest end of the valley—the site of present-day Wells-ville.
The previous January, the Utah Territorial Legislature passed an "Act in Relation to Counties" fixing the northern boundary of Cache County as the Oregon Territory, in other words, the forty-second parallel. The Cache County Court, which was the immediate predecessor to the present County Commission, was in charge of granting or denying the petitions of citizens in reference to herd grounds, timber and water rights, and the construction of roads and bridges. It also acted as the governing body of the county. On May 23, 1859 the Court divided Cache County into voting precincts and school districts for Logan, Providence, Hyrum, Wellsville, Mendon, Smithfield, Richmond and Franklin. The boundaries of Franklin Precinct, now a part of Idaho, were described as "bounded on the south by Richmond precinct; on the west by Malad county; on the north by Oregon [the forty-second parallel]; on the east by Green River County." Seven years later, on March 2, 1868, Weston Precinct—due west of Franklin—was organized with its limits vaguely described as "on the north by a creek about 5 miles, south by a spring about 5 miles, east by Bear River, and west by summit of mountains." Since both Franklin and Weston are only about two miles north of the forty-second parallel and the line had not been officially surveyed, but only marked by a stone and trenches on the
Fort Hall road, it is no wonder that the residents of Utah Territory initially considered these settlements to be within their jurisdiction. As late as 1868 Cache County Surveyor James H. Martineau was surveying townsites as far north as Stockton and Oxford, at the extreme north end of Cache Valley.9

Only once in the thirteen-year period between 1859 and 1872 was a petition ever denied by the Court on the grounds that it was "out of the Territory." This involved a petition presented in December of 1862 by E. Landers and Wm. Bell to obtain a permit for a ferry across the Bear River north of Franklin.10 A. J. Simmonds, Utah State University Archivist and Cache Valley historian, has placed this location near Bridgeport, Idaho.11 Yet by June of 1865 a bill was paid by the county for construction of a road "from the Bear River to Round Valley"—exactly the same area.12

By 1872, the Cache County Court had set up a total of seventeen precincts in Cache Valley, five of which—Weston, Clifton, Oxford, Bridgeport and Franklin—were north of the forty-second parallel and in Idaho Territory. These seventeen precincts covered the entire Cache Valley. Lester Parkinson Taylor, in his biography of Samuel Rose Parkinson, one of the founders of Franklin, said that "Samuel and the other founding settlers of Franklin knew they were bumping
the southern border of Idaho when they staked out their town, but their surveys—admittedly crude—convinced them that they were in Utah."  

13 Apparently Mormon perception of the location of the forty-second parallel shifted further north as the new settlements were established in Cache Valley and no objections were voiced by the officials of the Oregon (later Idaho) Territory.

In September 1863, a group of Mormon settlers under the leadership of Charles C. Rich crossed the mountains east of Franklin and founded the settlements near Bear Lake. Again, they did not know for sure that they were north of the forty-second parallel and, thus, no longer in Utah Territory. Joseph C. Rich, son of the leader, wrote, "Politically and geographically we did not know where we belonged. The United States surveys and territorial boundaries were unknown."  

14 Less than a year later, on May 19, 1864, Brigham Young told his followers in Montpelier:

The people here need a surveyor. We have young men who can learn in one week to survey this valley sufficiently accurate to be agreeable to all parties, and to assure every purpose that can be desired. As to whether we are in Utah Territory or Idaho Territory, I think we are now in Idaho. I have no doubt of it, and the greater part of those who settle in this valley will be in that territory, the snow lies too low in the mountains here for Utah."  

19
Idaho Territory was organized out of the old Oregon Territory in 1863, just six months before Bear Lake Valley was settled. In January, 1864, the Idaho Territorial Legislature organized the County of Oneida. This county was massive: "extending from the northern boundary of Utah northward to Montana, east to Wyoming, and westward beyond American Falls." Included in it were the northern portions of both Cache and Bear Lake Valleys. Early in 1866 the new county commissioners of Oneida attempted to include the northernmost Mormon settlements of Cache and Bear Lake Valleys within its jurisdiction. They gave the following instructions to the county assessor:

The county assessor is hereby ordered to assess and place under his assessment roll all the taxable property in the town of Franklin and other settlements lying north of the supposed southern boundary line of Oneida County. The said assessor may omit the collection of personal taxes in said places until he is satisfied regarding the southern boundary line.

When Oneida County officials sent their representatives out to collect taxes for the Territory of Idaho, the residents of Bear Lake Valley refused to recognize their authority because no definite boundaries were known to exist. The tax collector then threatened to assess the people and sell the property if the taxes were not paid. "Considerable
feelings were engendered on both sides," wrote Joseph C. Rich, "but happily—nothing hotter than words ensured [sic] and we continued politically to act as a part of Utah." 18

However, Larry Eugene Hibbert stated in his biography of John Anderson Hibbert and Elizabeth Davies, that when the tax collectors appeared in Montpelier they were "tarred and feathered" among other things. 19

The Mormon settlers of the two valleys had no desire to become a part of the Idaho Territory which was controlled not only by non-Mormons, but by fanatical anti-Mormons—especially in Oneida County. They also had political motives for wanting to remain in Utah Territory. The taxes were lower and collections more lenient in Utah. 20

The people were geographically closer to Salt Lake City than to Boise and had cultural ties that bound them to Utah. The greatest difference between the two territories, however, was their stand on polygamy. Because the leaders of the Mormon church were also the de facto leaders of the territory, polygamy was legal in Utah. Idaho, on the other hand, looked upon polygamy as a vile disease that should be obliterated. Sheriff H. O. Rogers of Oneida County made this typical anti-Mormon/anti-polygamy statements in May 1865:

Morman [sic] heirachy[l's] fetid breath
falls like a mildew on everything
Christian-like or moral that passes
under its shadow. It has lawlessly passed the limits of its own corrupt jurisdiction, and dared to pollute the sacred soil of Idaho with its polygamic poison, hurling defiance in the very teeth of civil authority. This, however, will not continue. The "institution," if allowed to exist at all, shall coil its slimy folds, within its own territorial lines, obtaining sanction from its own corrupt legislation.

The Mormons retaliated by joining forces and excluding Gentile (non-Mormon) participation. On March 15, 1869 the Logan Cooperative Mercantile Institution, the LCMI, was organized. Its purpose was to "unite all Mormon-owned businesses under a single management and rigorously boycott Gentile firms." Church members who would not join the LCMI or who patronized Gentile establishments were often ostracized and sometimes even excommunicated. Paul Larsen of Clarkston and his brother Magnus of Mendon were both excommunicated for buying goods from the Gentile merchants at Corinne in Box Elder County instead of the LCMI, even though the goods could be bought in Corinne and then freighted to Cache Valley cheaper than they could be purchased from the LCMI. In other towns such as Weston--later determined to be in Idaho Territory--the church members had only to ask forgiveness for frequenting the Gentile merchants. Unfortunately the Church's stand on the Gentiles often alienated their own members and drove them to the other side.
The issue of polygamy even divided Mormons against one another. Lars Fredrickson mentioned in his History of Weston a duel between James H. Kofoed and Robert Augustus Wilcox, both of Weston in 1874:

Nine shots were fired, four from Kofoed, and five from Wilcox. When Kofoed's pistol was empty Wilcox said, "I will stop. I won't fire on a man that can't defend himself." There was no one hurt. One horse wounded; the duel was over a dispute on Polygamy. Kofoed said it was right, and Wilcox said it was not.

Throughout the 1860s Utahans and Idahoans continued to argue over polygamy and whether the residents of northern Cache and Bear Lake Valleys could legally practice it as Utahans or be subject to federal and territorial anti-bigamy laws as Idahoans. As a result, on December 14, 1865, the Deseret Weekly News ran the following editorial:

A question has arisen between the authorities of Oneida County, Idaho, and those of Cache County, in this Territory, relative to the location of the boundary line between the two Territories.

Certain settlements heretofore supposed to be in Utah, are now claimed to be within the Territorial limits of Idaho. For purposes of settling this question, I would recommend that the Surveyor-General of the Territory, or some other suitable person, be appointed a Commissioner to meet with a similar Commissioner to be appointed on the part of the Territory of Idaho, and
survey that portion of the boundary line passing through, or near the territory in dispute.  

The Preston Citizen ran an article on March 18, 1948, written by the State Board of Publicity, with no author or byline, which claimed that a survey of the border had been made in 1868 apparently as an answer to the 1865 Deseret Weekly News editorial. This article said, in part:

The keen glass eye of the surveyor's transit swung across the patchwork of fields and the operator jotted down his readings. He thoughtfully rubbed his chin whiskers that warm day in 1868, then he made his pronunciation, "Nope, she's in Idaho Territory."  

This surveyor was never named, nor can any other record of a boundary survey in 1868 be found. The State Board of Publicity was the forerunner of the State Department of Tourism and Industrial Relations. The article in the Preston Citizen was written as a part of a series on the history of Idaho in anticipation of a flood of tourists to Idaho in 1948. No records can be found showing which documents the Board used or how it got its facts. The Franklin County Offices and the Idaho Historical Society state that they have never heard of such a boundary survey in 1868. It appears that the author of the article was either confused or did not care about the actual date of the survey which took place in 1872 not 1868.
The official survey of the border began in August of 1871. The surveying team was led by Daniel G. Major under federal auspices. A total of 970 miles was surveyed between the two territories at a cost of $42.00 per mile. The survey itself took a little over a month for completion, from August 29 to October 8. Several local residents were also employed by Major in surveying the boundary line, among whom were Edward M. Patterson, John Haddock, Emmanuel Long and Isaac Tonk. Patterson reported being paid $15.00 for his labors. When the survey was completed, copies were sent to both Territorial capitals and to the National capital for approval and acceptance. The acceptance by all three, making the survey official, came on February 15, 1872. "It was when the instruments of these technicians were applied that the boundaries laid down on paper were given their first test of quality."  

Even while the survey was being conducted, the residents of Cache Valley north of the forty-second parallel still considered themselves to be a part of the Utah Territory. Lars Fredrickson made the following journal entry for the year 1871:

This fall the Weston people started to haul timber for a bridge across Bear River east of Weston. I helped to haul the piling. I was also one of the teamsters to go to Packer's Bridge
after the pile driver, and all its machinery, and haul it down to the Weston Bridge site. . . . I have understood that the machinery belonged to Cache County."

Fredrickson, however, never mentioned the survey. Neither did William G. Nelson in his journal; although Nelson stated that on December 8, 1871, his son was born in Oxford, Idaho. Apparently he had already accepted the survey's findings.

The Cache County Court made no mention of either the disputes or the survey. Perhaps it was waiting for an official statement about the location of the forty-second parallel before admitting the loss of the northern one-third of the valley. This would explain why the County lent Fredrickson the pile driver to use on the Weston Bridge so late in 1871. However, on June 3, 1872 Cache County Selectman L. H. Hatch, who lived in Franklin, reported to the Court that Weston, Clifton, Oxford, Bridgeport and Franklin Precincts "were beyond Cache County['s] Boundary line and that Malad [sic] County, Idaho claims the right of assessment."33

In Bear Lake Valley the official boundary line divided the lake in half. But about eighty percent of the settlements and at least eighty percent of the arable lands were north of the line, and Richland County, Utah was left with little more than sagebrush.34 Russell Rich wrote in his
1948 Master's Thesis that Bear Lake County, Idaho had paid taxes to Utah in 1874, which Utah ultimately refunded.³⁵ But he did not say why Bear Lake County was still paying taxes to Utah two years after the survey was finally approved. Again speculation would lead one to believe that the residents were still fighting Idaho officials and wished to remain a part of Utah for as long as possible.

Even after the survey of 1872, residents of the two valleys did not seem to recognize any differences. Their sense of community could not be changed by the mere drawing of a line. Lars Fredrickson mentioned several people in his journal that he considered to be residents of Weston who actually lived south of the border in Utah.³⁶ While he made no mention of the survey, he did state that in 1872 the crickets were extremely bad "so this fall about half of the people had to move away where they could get work to make a living for their families."³⁷ The Fredrickson family moved to Hyde Park, Utah—just north of Logan and still in Cache Valley. One wonders just how many of the people who moved to Utah went for political and not economic reasons.

Those who remained in the Idaho portion of the two valleys were rather reluctant to send representatives to the Idaho Legislature, but when faced with the indisputable fact that they were no longer in Utah, they responded,
nevertheless. 38 All, that is, except Charles C. Rich, resident and founder of St. Charles, Idaho, in Bear Lake Valley. Even as late as the mid-1870s he sat as a Councilor in the Utah Territorial Assembly while his son Joseph, who lived across the street, sat in the Idaho Legislature in Boise. 39 Because the elder Rich was a general authority of the Mormon Church and had established the Bear Lake settlements under Brigham Young's supervision, it is conceivable that he and those who elected him, considered themselves to be Utahans no matter what the survey or the federal government told them to the contrary. "The people adjusted to their limits where they could, ignored them where they couldn't, and began to think that boundary-making was a dead art." 40

Utah, however, did not give up all hope of ever controlling the disputed area. In her application for statehood in 1872 the following provision, indicating a desire to eventually control northern Cache Valley and the Arizona Strip, was added:

... whenever Congress shall authorize the addition to the Territory of Utah or State of Deseret of any portion of the Territory on the northerly [Cache and Bear Lake Valleys] or southerly [the Arizona Strip] borders ... the same shall thereupon be embraced within and become a part of this State.
Thus ended the controversy between Utah and Idaho over the location of the forty-second parallel. The two territorial governments appear to be the main ones, other than Charles C. Rich and his followers, who had kept the dispute hot. Utah obviously wanted to keep the settlements and their populations because the greater the population, the greater were her chances of becoming a state. Also a greater population meant greater tax revenues and a larger territorial budget. For the same reasons Idaho wanted control over the settlements. In addition, the Idahoans desired to reduce the territory of Utah as much as possible and thus curb the growth of polygamy. As far as the inhabitants of the border communities were concerned, they preferred to remain in Utah and maintain all their cultural ties, but agreed to transfer their political allegiances to Idaho after the survey removed all doubts concerning the location of the forty-second parallel.

Even though the border dispute officially ended with Major's survey in 1872, cartographers continued to misrepresent Utah's boundary. In the 1850s maps rarely showed Bear Lake and, if they did, it appeared as nothing more than a wide spot in the river about one-eighth of the way between 42° and 43° north latitude. The following map by
W. J. Keeler, a civil engineer, although done in 1867 as a part of the "National Map of the Territories of the United States from the Mississippi to the Pacific Ocean" is typical of later maps.\textsuperscript{43}

The most notable items on this map are that the town of Franklin was located quite a bit south of the forty-second parallel and all of Bear Lake (shown as Bear River Lake on the map) was north of the parallel. In fact, all of Cache Valley's towns appear to be too far to the south, while Bear Lake Valley is too far to the north. These were common errors on maps before Daniel Major's survey in 1872, however; and it is no wonder that the residents of Cache Valley in particular, and the Territory of Utah in general, fought with those of the Idaho Territory for almost ten years for control of the border towns.
Figure 5. The Keeler map of 1867.
Endnotes


2Edward W. Tullidge, Life of Brigham Young; or Utah and Her Founders, (New York: Tullidge & Crandall, 1877), p. 182.

3Journal History of the Church of Jesus Christ of Latter-day Saints, (microfilm, Logan, Utah: Utah State University, Special Collections), July 28, 1847.


6As quoted in Ibid., p. 9.

7Cache County Court, Book A, (microfilm, Logan, Utah: Office of the County Clerk), May 23, 1859.

8Ibid., March 2, 1868.

9James H. Martineau, "Cache County Land Surveys, 1860-1879," (xerox, Logan, Utah: Utah State University, Special Collections.)

10Cache County Court, December 1, 1862.


12Cache County Court, June 5, 1865.

14 A. McKay Rich, "History of Montpelier; 1864-1925," (typescript, Logan, Utah: Utah State University, Special Collections).


17 As quoted in Ibid.

18 As quoted in Rich, Land of Sky-Blue Water, p. 130.

19 Hibbert, p. 165.

20 Taylor, p. 74.


23 Ibid., p. 15.


25 Ibid., p. 25.

26 Deseret Weekly News, (Salt Lake City, Utah), December 14, 1865.


29 As quoted in Ramona Weston, "History of Bear Lake Valley, and Paris, Idaho; 1863-1890," (Seminar Paper for Dr. Joel E. Ricks, no. 110, Logan, Utah: Utah State University, Special Collections, n.d.), p. 29.


31 Fredrickson, p. 6. (Emphasis added.)


33 Cache County Court, June 3, 1872.


36 Fredrickson, pp. 15, 30 and 36.

37 Ibid., p. 23.


40 Leonard, p. 3.


44 Ibid., p. 279. (Lakes darkened and certain place names enlarged.)
CONCLUSION

The creation and use of the forty-second parallel as a boundary line originated as a compromise in 1819 and continued as such on down to 1850. Adams and Onis could not agree on a specific line to the Pacific Ocean and, therefore, compromised on the forty-second parallel when they were within three degrees of agreement. Again in 1850, the United States Congress compromised Deseret's boundaries on the south and retained the forty-second parallel on the north because of the precedent set in 1819. The use of artificial lines as boundaries had been highly favored by Thomas Jefferson as convenient and easily marked on paper. He apparently had not considered how these lines would affect the people living in the lands thus divided.

The arbitrary use of latitudes and longitudes by the federal government in creating territories and states occurred more frequently in the Transmississippi West than along the east coast of the United States.

The proportions are about five to four in favor of natural boundaries in the Atlantic States and three to two in the Trans-Appalachian region, but five to three in favor of geometric boundaries in the Louisiana Purchase states.
This movement toward artificial boundaries created several other boundary problems besides the Utah-Idaho border dispute. Idaho Territory had trouble with almost all of her borders—except possibly the northernmost one with Canada. The main reason for all of Idaho's problems was that the geography of the Rocky Mountains and the Snake River country did not allow for the drawing of straight boundary lines along latitudes and longitudes. The Congress of the United States, however, did not have enough information on the region to be able to make intelligent boundary decisions. 2

Brigham Young had great hopes of gaining control over all of southern Idaho when Oregon was admitted as a state. In his diary for August 6, 1857, he said,

As it is generally admitted that when Oregon shall enter the Union as a State --there will be a large slice taken from her on the east side, and this be constituted into a separate territory--this will fall into the hands of the Mormons. 3

His hopes were dashed by 1859, however, when Congress created the Territory of Washington out of the eastern and northern portions of the old Oregon Territory, and again in 1863 when the Idaho Territory was created.

With the discovery of gold in the Rocky Mountains, miners from the California mines rushed into the eastern half of the Washington Territory and the western edge of
the Dakota Territory. This increase in population made it just a question of time before Congress would have to create a new territory. 4

The question was raised as to whom the panhandle region of Idaho was to belong. This area was closer and geographically more accessible to the Washington Territory than to the remainder of the newly-created Idaho Territory. Residents of the area were separated by large rivers and mountain barriers from their territorial capital. These geographical barriers added many miles to a journey to Boise by causing the travelers to go around them, many times through several other territories. But annexation of the panhandle to Washington also had its drawbacks. In 1862 John H. Scranton told of the inconvenience of traveling to Olympia, Washington:

During four months of last year no communication could be had with the place at all. Its distance is between seven and eight hundred miles, interspersed with huge forests, roaring rivers, and rocky bound shores of ice, with impassable barriers of snow. 5

But by 1863, the United States Congress decided to follow a boundary proposal made by Surveyor-General A. H. Henry to separate Idaho and Washington. This line followed river courses north to the city of Lewiston, and then ran due north to the Canadian border. The border between Idaho and
Washington was easily drawn in Washington, D. C., but not until after the middle of April 1864, did residents know for certain to which territory they belonged.6

Similarly, when Congress decided to create Wyoming in 1850, they decided it should follow the symmetrical pattern of Colorado totally using longitude and latitude lines; and, therefore, be as close to a perfect square as possible even though it would be at the expense of a symmetrical Utah.7 The northeastern corner of Utah and the eastern portion of Idaho were taken to be added to the new state regardless of the natural features of the land. The boundary line between Idaho and Wyoming ran down the middle of the rugged Teton mountain range; and, near the city of Rigby, Idaho, the Teton Valley was determined to lie on both sides of the line. This resulted in the small town of Alta being on the Wyoming side. Because of the Teton mountains, the residents of Alta had to travel through Idaho to find a way around them in order to get to county events in Evanston and later in Jackson. This trip added several hundred miles to their journey. If they had been left as a part of Idaho, the trip would have been much less than one hundred miles.

By 1903 new surveying techniques enabled the residents on both sides of the line to determine that an error had occurred in calculating the longitude and latitude of the
Teton Valley in 1850. The boundary should have been 2.29 miles further east and would have put Alta back in Idaho. By the 1930s a border change was requested by the citizens of both Idaho and Wyoming. In 1933 Congress responded to the request in the negative, saying that "the situation did not justify any change in the existing boundary" even though that boundary was erroneous.

In the 1880s the Nevada territory was having economic problems due to a decline in productivity of the Comstock Lode. Governor William M. Steward, looking for means to increase the population and, therefore, the territorial budget, presented a plan that involved joining northern Idaho to Washington and southern Idaho to Nevada with the capital at Winnemucca. This plan would have ignored the forty-second parallel as a boundary line and followed the natural features of the area in a way similar to that proposed by the Constitution of Deseret. Although the citizens of northern Idaho and Washington favored the plan, those of southern Idaho rejected it outright, and it was never mentioned again.

Thus, it can be seen that the Mormon problem in Cache and Bear Lake Valleys over the forty-second parallel as a political boundary of the territory was not unique--Idaho had similar problems on all of its borders. The lack of
accurate information on federal levels created arbitrary boundaries resulting in the local residents never knowing in which territory they actually belonged. However, the Mormon experience was unique in its tight control over religious affairs. Without the cultural ties to Salt Lake City, the residents of southern Idaho would have had no viable reason for remaining a part of Utah. Also, without that religious tie, the polygamy controversy in southeastern Idaho might not have been so severe. Finally, had the United States Government only taken the time to accurately survey the land before making its decisions on boundary lines, many, if not all, of these disputes could have been alleviated since valleys, such as Cache and Bear Lake, would not have been divided between territories and/or states. Expeditions similar to Fremont's could have been sent out to mark proposed boundaries and make suggestions for alternatives that corresponded to the geography of the area; and the desires of the residents, if any lived within a certain radius, should have been heeded. In this way, the government would have known about Utah's northernmost valleys, the impracticality of dividing them, and the Mormon's desire to settle them.
Endnotes


4 Beal and Wells, p. 325.

5 As quoted in Ibid., p. 328.

6 Ibid., pp. 333-334.

7 Leonard, p. 397.


9 Ibid., p. 13.

10 Beal and Wells, p. 592.
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