

of the Twelve Apostles in the “greater council” and emphasizes the teaching of Joseph Smith that the priesthood is a “perfect law of theocracy, and stands as God to give laws to the people. . . .”<sup>17</sup>

The intent of the Mormons was to establish a territorial or state government within the federal system of the United States, and that the organization of the State of Deseret and the petitioning the United States for admittance as either a state or a territory corroborates their intent.<sup>18</sup> ▣

*Excerpts taken from Dr. J. Keith Melville, Highlights in Mormon Political History (Provo, UT: Brigham Young University, 1967), 1–44.*

### Notes

1 *Journal History of the Church*, Ms, November 14, 1847. This manuscript history compiled by Andrew Jensen, assistant church historian, under the direction of the church historian, is located in the Church Historian's Office in Salt Lake City and hereafter will be cited as JH.

2 Whig State Executive Committee to the Rev. Brigham Young and Council of the Twelve of Latter-day Saints, March 18, 1848.

3 *Ibid.*

4 JH, March 27, 1848.

5 *Ibid.*

6 Manuscript History of Brigham Young, Ms, 1848, 24, as found in JH, March 27, 1848.

7 JH, October 2, 1848.

8 Evan M. Green to his uncle Brigham Young, October 7; JH, October 7, 1848. Miller, a Whig, and Thompson, a Democrat, were contestants for the House seat from the First Congressional District of Iowa.

9 Iowa Sentinel, August 18, 1848, as found in “Newsclippings from Iowa and Illinois: 1841–1849.” Typescript in Special Collections of the Brigham Young University Harold B. Lee Library, 202–3.

10 *Ibid.*, 224–37.

11 JH, December 20, 1848.

12 JH, September 21, 1851.

13 See the author's “Brigham Young's Ideal Society: The Kingdom of God,” Brigham Young University Studies, 5, no. 1 (Autumn, 1962): 3–18.

14 B. H. Roberts, A Comprehensive History of the Church of Jesus Christ of Latter-day Saints: Century 1, 6 vols. (Salt Lake City: Deseret News Press, 1930), 3:269.

15 JH, October 4, 1847.

16 *Journal of Charles C. Rich*, located in the Church Historian's Office.

17 Joseph Smith, Teachings of the Prophet Joseph Smith (Salt Lake City: Deseret News Press, 1940), 322.

18 Roberts, CHC, 3:414–47.

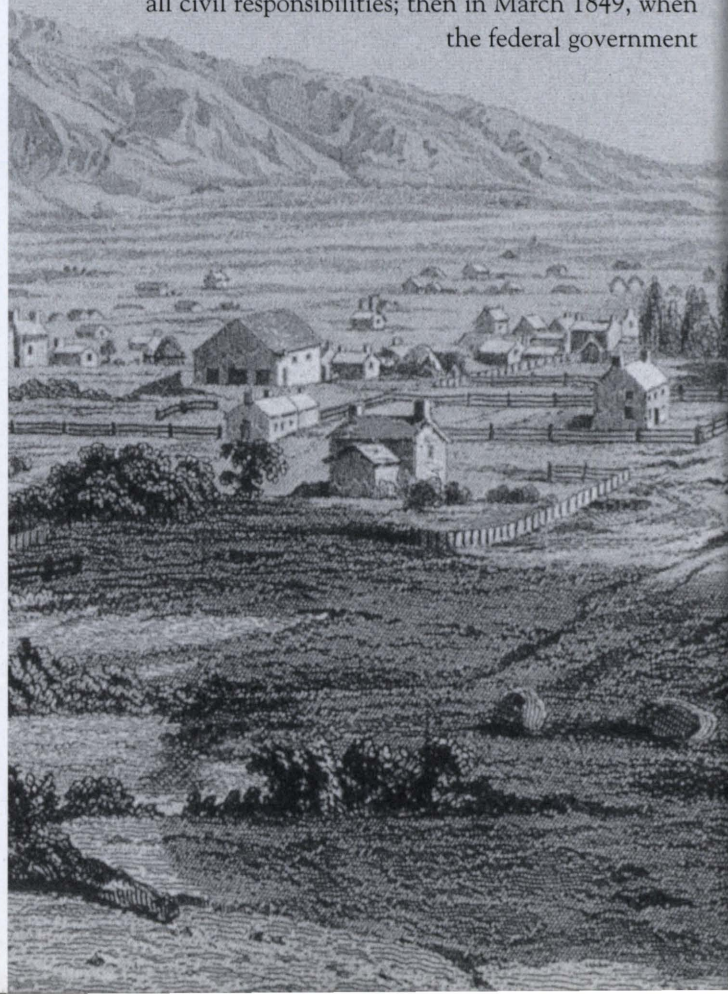
Entrance to Kanesville #003, (2–3) and Council Bluffs Ferry & group of Cottonwood trees #009, (4) courtesy L. Tom Perry Special Collections, HBL Library, Brigham Young University, Provo, UT. The Great Salt Lake of Utah by Thomas Moran, #LC-USZC4-3004, courtesy Library of Congress, (6–7). Great Salt Lake City in 1853 by Frederick Piercy, courtesy Church Archives, The Church of Jesus Christ of Latter-day Saints, (8–9).

# the PROVISIONAL GOVERNMENT

Although the stake presidency and high council functioned as the highest governmental units in Utah until late 1848, two members of the Council of the Twelve Apostles and the Council of Fifty, Parley P. Pratt and John Taylor, came into the Valley in October 1847 and were regarded as the highest authorities there. Shortly after his arrival, Pratt reminded the stake high council that its laws were only temporary—that permanent arrangements would be in the hands of the Council of Fifty as soon as its members were present.<sup>1</sup>

The Saints, in seeking a sanctuary and self-government, found themselves situated on the crossroads of an expanding nation and under its jurisdiction. Already aware that gold had been discovered in California, the leaders of this politico-religious community realistically concluded that there would be an ever-increasing contact with people not of their faith and that the theocratic government would be unacceptable to the nonbeliever.<sup>2</sup>

For nearly two years church leaders handled all civil responsibilities; then in March 1849, when the federal government





still had not made any move to provide the Saints with any form of government, the leaders took it upon themselves to form a provisional government. In February they sent out a notice:

"... to all the citizens of that portion of Upper California lying east of the Sierra Nevada Mountains, that a convention will be held at Great Salt Lake in said Territory, on Monday the fifth day of March next, for the purpose of taking into consideration the propriety of organizing a territorial or state government."

This—March 5—was the day that General Zachary Taylor succeeded James K. Polk as president of the United States.<sup>3</sup>

When the citizens of the Great Basin gathered in convention on that day, they elected Daniel Spencer, president of the Salt Lake Stake, to be convention chairman. William Clayton was elected secretary; Thomas Bullock, assistant secretary; and Horace S. Eldridge as marshal. A committee was commissioned to draft a constitution under which the people might organize and govern themselves: "Until the Congress of the United States shall otherwise provide for the Government of the Territory, hereinafter named and described, by admitting us into the Union, WE, THE PEOPLE, Grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and Independent Government by the name of the STATE OF DESERET. . . ."<sup>4</sup>

The [proposed State of Deseret] boundaries were ambitious to say the least, comprising all of the present states of Utah and Nevada; most of Arizona; much of Wyoming, Colorado, and New Mexico; approximately a third of California from the boundary of Mexico north along the coast to 118 degrees 30' west longitude; and small sections of Idaho and Oregon.<sup>5</sup>

[The preamble made it] clear that the people intended they should always be identified with the government of the United States.

The committee consisted of ten members, four of whom were Apostles and the rest prominent men in the Church. The work of the convention continued until March 10, when the Constitution of the State of Deseret was unanimously adopted. Two days later, March 12, it was unanimously ratified by the people who were assembled in the bowery, and the officers for the State of Deseret were elected; 674 votes were counted in favor of the following ticket:

Brigham Young, governor  
Willard Richards, secretary of state  
Newel K. Whitney, treasurer  
Heber C. Kimball, chief justice  
John Taylor and Newel K. Whitney, associate justices  
Daniel H. Wells, attorney general  
Horace S. Eldridge, marshal  
Albert Carrington, assessor and collector  
Joseph L. Heywood, surveyor of highways





These officers were elected in the same manner as those under the theo-democratic government: a group of church leaders was selected by the high council to choose the best man for each position, and they selected only one list of nominees. This list was submitted to the people without any campaigning.<sup>6</sup>

By including a section of the coastline of California, the Saints would have the seaport of San Diego, giving them an outlet to the sea and a port through which immigrants coming by the way of the Isthmus of Panama could take a southern route into the interior of the country in weather that would permit year-round migration.

The official name of the state was to be *Deseret*, a word from the Book of Mormon, meaning honeybee (Ether 2:3). It was meant to be a symbol of thrift and industry.<sup>7</sup>

The constitution followed in principle the pattern of other state constitutions in the United States and divided the government into the three different branches: the executive, the legislative, and the judicial. The executive power was vested in the governor, the lieutenant governor, the secretary of state, the auditor, and the treasurer, each holding office for four years. The legislative branch was divided into a senate and a house of representatives, whose members were to be elected by the people for four years. The judicial branch of government was vested in a supreme court, which was to consist of a chief justice and two associate justices to be elected by the people. No qualifications of legal training were set up for those who were to serve on the supreme court.

A state militia was provided in which all able-bodied white male citizens between the ages of eighteen and forty-five were to serve. At its first session, the assembly was to provide for a census of all white inhabitants in the state. The constitution also provided that each member of the assembly (senator or representative) was to take an oath to support the federal constitution as well as that of the State of Deseret. The right of trial by jury was held inviolate by the constitution. Orson F. Whitney states that "all officers . . . served without pay." An unusually strong section guaranteeing perfect toleration of religion was another feature of the constitution. This is a note of unusual interest because of the many accusations of intolerance that had been charged against the people.<sup>8</sup>

### Deseret in Action

**A**lthough Utah Territory was formed September 9, 1850, the State of Deseret had been functioning since March 1849 and it continued to do so until early 1851, when the territorial administration gradually

took over. Brigham Young served as Deseret's governor, and prominent churchmen held most of the elective and appointive posts. A significant record of accomplishments was compiled by officials of the State of Deseret during these two years of quasi-official government.

To provide local government for the rapidly expanding colonies, seven counties were organized and their boundaries were prescribed by the General Assembly; they were Salt Lake, Weber, Davis, Tooele, Utah, Sanpete, and Iron. Great Salt Lake City, Ogden, Provo, Manti, and Parowan were incorporated as cities and were chartered early in 1851. At this time the counties had no governing officials but merely served as legislative and later as judicial districts. In the colonizing ventures the church leaders appointed men to preside until cities were chartered and elections were held. In Great Salt Lake City, for example, the charter was granted and the first officers were appointed by the governor and the legislature. The first regular election was held in April 1851, and all of the appointed officers retained their positions with the exception of two councilmen. The city was divided into municipal wards according to the number of aldermen; the tax rate for the city was fixed; and other necessary officers such as treasurer, marshal, and assessor were appointed. A similar procedure was followed in the other incorporated cities of Deseret.

Among the more important services rendered by the State of Deseret were those related to the judiciary. Just as the state government superseded that of the Church, so did the civil courts replace the stake high council and the bishop's courts of the theo-democracy. The latter courts had been adequate for the first years of the small isolated settlements, but with the coming of California's gold rush, many legal disputes developed that the church courts were incapable of resolving. These courts could render fair decisions, but in cases involving Mormons and non-Mormons they were almost certain to be accused of partiality, if the non-Mormon were the loser in the case. This problem was not entirely solved by the establishment of civil courts, because the chief justice and associate justices of Deseret were all church leaders and most of the magistrates of the lower courts were still ward bishops. Despite some claims of prejudice and unfairness, however, the courts rendered an important service to both settlers and transients in the region. Captain Howard Stansbury, who was surveying in the Salt Lake Valley in 1849, reported favorably on Mormon justice:

"Their courts were constantly appealed to by companies of passing emigrants, who, having fallen out by the way, could not agree on the division of their property. The



decisions were remarkable for their fairness and impartiality and if not submitted to, were sternly enforced by the whole power of the community."

John W. Gunnison, one of Stanbury's associates and a military surveyor in Utah in 1853, expressed similar sentiments. With reference to another problem involving transients, Gunnison noted that the value of crops was "so enormously greater than in the states" that the remuneration demanded for damage done by trespassing emigrant livestock "looked to the stranger as an imposition and an injustice," even though it reflected market conditions.

One of the most significant enactments of the State of Deseret was the February 28, 1850, chartering of the University of Deseret, which eventually became the University of Utah. Another law provided for an organized militia based on the Nauvoo Legion, which had maintained its existence during the years of migration and early settlement. The General Assembly also authorized Governor Young to contribute a block of Utah's best marble to the Washington Monument, then being erected. The stone sent by the people of Deseret became part of the monolith in the nation's capital, along with blocks from the various states and territories and from Sunday Schools, fire companies, and temperance societies.

Other important enactments included the incorporation of The Church of Jesus Christ of Latter-day Saints, the incorporation of the Perpetual Emigrating Fund Company, the regulation of the manufacture and sale of spiritous liquors, and several enactments for the control and conservation of the region's natural resources.<sup>9</sup> ■

## Notes

1 Richard D. Poll, ed., *Thomas G. Alexander, Eugene E. Campbell, and David E. Miller, assoc. eds., Utah's History* (Provo, UT: Brigham Young University Press, 1978), 156.

2 J. Keith Melville, *Highlights in Mormon Political History* (Provo, UT: Brigham Young University, 1967), 45.

3 Russell R. Rich, *Ensign to the Nations* (Provo, UT: Brigham Young University, 1972), 181.

4 *Acts, Resolutions and Memorials Passed at the Several Annual Sessions of the Legislative Assembly of the Territory of Utah* (Great Salt Lake City: Joseph Cain, Public Printer, 1855), 45.

5 Melville, *Highlights in Mormon Political History*, 51-53.

6 Rich, *Ensign to the Nations*, 182.

7 *Ibid.*, 183.

8 *Ibid.*, 185.

9 Poll, *Utah's History*, 158-59.

# seeking TERRITORY or STATEHOOD?

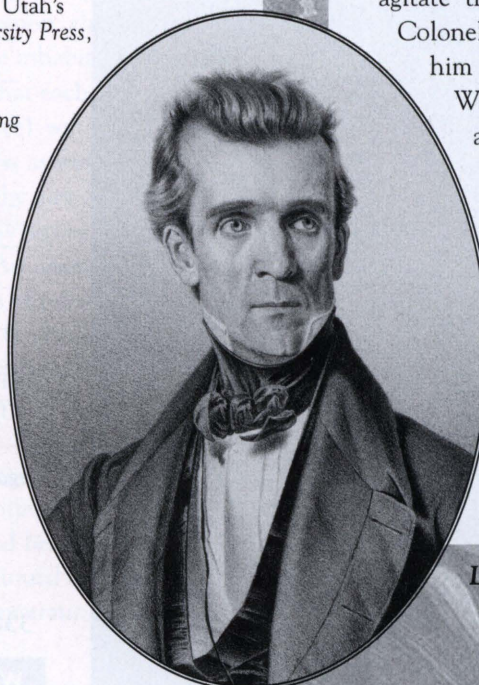
On December 9, 1848, the Council of Fifty met at Heber C. Kimball's house to determine what type of secular government should be established. The Guadalupe-Hidalgo Treaty had transferred the Utah region to the United States from Mexico, creating the option of statehood or territorial government. The council decided to apply for a "Territorial government of our own," implying that officers be chosen from Mormon leadership. A petition stating the proposal was drawn up, and Dr. John M. Bernhisel carried it to Washington, D.C., leaving Utah on May 3, 1849. The document bore 2,270 signatures, including Brigham Young's.<sup>1</sup>

[When] the General Assembly of the new government met in July 1849, [they] selected Almon W. Babbitt to carry its petition for statehood to Washington. Since Bernhisel was already on his way with the territorial petition, it appeared that some difficulty might develop.<sup>2</sup>

Earlier still, Brigham Young had asked Colonel Thomas L. Kane, in a letter dated February 9, 1848, to draft a petition for territorial government and "agitate the subject in the halls of Congress."<sup>3</sup>

Colonel Kane pursued the action requested of him and reported to John M. Bernhisel and Wilford Woodruff the results of his work in an interview on November 26, 1849, in Philadelphia:

"I applied, according to the wish of President Young, for a Territorial government. I had my last sad and painful interview with President Polk. I found he did not feel disposed to favor your people, and he had his men of his own stamp picked out, to serve as governor and other officers, who would have oppressed you or



Left oval: U.S. President James K. Polk