1996-09-01

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Original Publication Citation

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INMATES OF HONOR:
MORMON COHABS IN THE IDAHO PENITENTIARY, 1885-1890

by Fred Woods and Merle W. Wells

While stories of Idaho's Mormon polygamists' capture and trial are well known, the prison experiences of these men are not. Since prison overcrowding was a nineteenth-century problem too, they served their sentences in several states. Many kept diaries or journals, and from these personal accounts we can learn a good deal about their life in prison. The principal author of this account, a religion professor at Ricks College, is also teaching history. He is working on an article about the experience of those Idaho cohabs who were incarcerated in the territorial prison in South Dakota. His co-author is Idaho's state historian emeritus and the first editor of this journal.

WHICH IS THE most honorable, to be in the Boise penitentiary three months for cohabiting with your wives, or in the Idaho legislature three months making laws to disfranchise all the Mormons?" This question, posed with some sarcasm by the 1885 Mormon inmate debate club at the Idaho territorial penitentiary, reflects the outlook of a group of men imprisoned under unusual political and religious circumstances.

Polygamy was first publicly announced as a Mormon doctrine in 1852. Four years later it became a national issue when the Mormons in Utah applied for statehood. That same year the Republican platform announced an attack against what the party termed the "twin relics of barbarism": slavery and polygamy. The Morrill Anti-Bigamy Law, signed by President Lincoln in 1862, was the first law passed by Congress to punish polygamy and included a fine not to exceed $500 and a prison sentence not to exceed five years. The law was not enforced at the time of its passage because of the nation's preoccupation with the Civil War.

At the conclusion of the war, as the controversy surrounding slavery softened, some politicians renewed their attack on the issue of polygamy. Yet the crusade against polygamy did not deter the Mormons until the Edmunds Act was passed in 1882. As an amendment to strengthen the Anti-Bigamy Law of 1862, the Edmunds Act not only disfranchised polygamists in territories subject to congressional control but also, by adding unlawful cohabitation as a crime, made it unnecessary for territorial authorities to determine proof of a second marriage before prosecution could proceed. Since plural marriages were recorded only in church records inaccessible to non-Mormons, plural marriages could not be proved and thus prosecuted. Mormon men found living with, supporting, or caring for more than one woman were charged with unlawful cohabitation.

The Edmunds Act continued the penalties of up to five years' incarceration and a $500 fine. Those found guilty of unlawful cohabitation (a misdemeanor; polygamy was a felony) were punished by a fine not to exceed $300, a prison term not to exceed six months, or both. More than 1,300 polygamous Mormon men—also a few women—served prison sentences (most for unlawful cohabitation) in Utah, Michigan, South Dakota, Arizona, and Idaho prisons.

The Idaho Penitentiary Convict Register reveals that no Mormon men served time in the penitentiary for the specific crime of polygamy. Since no plural
The Register also reveals that while no Mormon women spent time behind bars at Boise for any crime related to polygamy, 6 between January 5, 1885, and June 16, 1890, forty-eight Mormon men served time in the penitentiary. Of these forty-eight, forty-seven served time for the crime of unlawful cohabitation. All forty-eight were living in southeastern Idaho at the time of their arrest, and forty-seven were convicted in Bingham County. 7 The majority of those found guilty of unlawful cohabitation were punished with the maximum fine of $300 and a prison term that ranged from three to six months. 8 One notable exception was George C. Parkinson, a non-polygamist, who not only was fined $300 but also was sentenced to a year in the penitentiary for the crime of "resisting an officer" because he had concealed a polygamous friend. 9 He was also ordered to pay court costs of $100. 10

**A T THE BEGINNING OF 1885** two political factors significantly increased the prosecution of Mormons. The legality of the Edmunds Act, tested the previous year, had led to the arrest and conviction in Utah of Mormon leader Rudger Clawson for practicing polygamy. This success encouraged increased "polygamy hunting" for political agendas.

The second major political factor that increased Mormon prosecutions at this time was the alignment of a vast majority of southeastern Idaho Mormons with the Democratic Party. They therefore demonstrated great political influence when they voted as a bloc. The anti-Mormon Republican Party led by U.S. Marshal Fred T. Dubois launched an all-out crusade against polygamy in an attempt to curtail this political power. 11 An anti-Mormon Democratic faction joined his bipartisan crusade. Dubois and his deputies organized raids and were responsible for arresting many Mormons on the charge of violating the Edmunds Act. 12

1 Diary of Alexander Nephi Stephens, October 31, 1885, Archives Division, Historical Department, Church of Jesus Christ of Latter-day Saints, Salt Lake City, Utah. All diaries and letters and other primary materials used in this paper are in the LDS Archives. Original spellings have been retained.

2 According to the Convict Register, one Native American woman, named Heneba, served in the territorial prison at the time some of the Mormon cohabts did. Unfortunately there is no known mention of her in their diaries or correspondence. A "Footnote to History" including information that has recently been uncovered about Heneba, who was the first female to serve time at the Idaho penitentiary, will appear in Idaho Yesterdays.

3 The Convict Register indicates that the only Mormon inmate not from Bingham County was William H. Henderson. He was from Oneida County. Bingham County was created in 1884 from the northern portion of Oneida County, which was at that time predominantly Mormon.

4 Rexburg attorney Greg Moeller has pointed out to the author that even today the maximum fine for a general misdemeanor offense is $300. Idaho Code section 18-113 also specifies that the maximum punishment for a misdemeanor must not exceed six months of incarceration, the fine, or both. Although a century has passed the fine has remained the same; but the average salary of a person is now about $30,000 a year, and in the late nineteenth century the average American earned only $400 to $500 per year. Thus, as Moeller observed, in the 1880's this was a very sizable fine, which most found to be a terrible burden. For example, in 1888 William Woodward, who was faced with a maximum punishment of six months in prison and a $300 fine, pled in a letter to President Grover Cleveland three days before his release to pardon this financial burden: "the fine I am unable to pay." William Woodward to Grover Cleveland, May 1, 1888. The Convict Register notes a "pmt. [payment] of fine" was made on May 4, 1888, the day of his release. It is not known if the fine was later pardoned. If not, this must have come as grim news to Woodward, a 54-year-old farmer from England who was struggling to provide for eight children.

5 Nephi James Bates, Reminiscences and Diary, 1885. Bates mentions that George C. Parkinson was arrested on October 21, 1885, "for the crime of hiding a polygamist, and was given a $300.00 fine and a $100.00 fine for court costs and sentenced to one year in prison by Judge Hays." According to the Idaho Tri-Weekly Statesman (Boise), Parkinson hid Rufus Walker in the cellar of a co-op store in Oxford, Idaho. The Convict Register reveals that Walker received a three-month sentence for unlawful cohabitation and also confirms what Bates wrote. The Register also indicates that Parkinson was a 28-year-old schoolteacher at the time of his sentencing. He was the youngest Mormon to serve time in the penitentiary in the 1880's and the only one not charged with unlawful cohabitation. He served only eleven months of his one-year sentence in the penitentiary and was discharged October 7, 1886.

6 The Convict Register also indicates that, including Parkinson, a total of five Mormon inmates during this time were ordered to pay $100 each for court costs: Joseph M. Phelps, Arthur Peck, George C. Parkinson, Alexander Leatham, and Andrew A. Biorn. All five were charged this additional payment on the same day and were received at the penitentiary on November 8, 1885.

7 In addition to the arrests of Mormon cohabts, anti-Mormon persecution was evident from the passage of the 1885 Idaho Test Oath, which prevented anyone who practiced or believed in the doctrine of polygamy, or belonged to an organization that did, from voting or holding public office. For more information concerning anti-Mormon legal (or illegal) practices see Merle W. Wells, Anti-Mormonism in Idaho, 1872-92 (Provo, Utah: Brigham Young University Press, 1978), 57-83.

8 The first Mormon sentenced to the penitentiary for unlawful cohabitation was William H. Henderson, a farmer from Scotland, 33 years old at the time he began his sentence at the penitentiary on January 5, 1885.
Joshua Hawkes, a Mormon inmate, described the raids conducted at this time to gather up the “cohab,” as they themselves and others called them:

Deputy Marshals were now in nearly all the settlements commencing their hellish work hunting and harassing those they thought were in polygamy. Idaho was more trouble than Utah as there were but few compared with the number of officers. 13

Being arrested came as a relief for some men who tired of the stresses and strains of hiding on the “underground.”

While men went on the underground to avoid imprisonment, women too went into hiding to protect their husbands. 14 Not only did spouses support each other, but entire communities rallied behind those who went underground. This was especially true of the Mormons in Paris, Idaho, who created a warning system to aid those in hiding. According to the reminiscences of Jessie R. S. Budge:

One or more men were kept stationed at Montpelier to observe if the deputies got off the train and if so, a horseman was immediately dispatched to Paris, ten miles away, to give the alarm, whereupon, some Paris resident would get out on the street with a tremendous horn . . . and would blow it lustily . . . the scattering was prompt and complete. 15

Also in Paris, youths protected local cohab from arrest by maintaining ignorance when deputy marshals interrogated them concerning the various locations of offenders. 16

In spite of these combined community efforts, many cohab were apprehended. After a number of successful arrests and convictions of Mormon male cohab, Dubois (a Republican) was elected territorial delegate to Congress. He once boasted in open court and under oath that “he had a jury impaneled to try unlawful cohabitation cases that would convict Jesus Christ if he were on trial.” 17

Written records from several Boise inmates indicate that their trials were held in Blackfoot, Idaho, the county seat of Bingham County. A unique aspect of these trials was that a prison term could be avoided simply by the cohab taking the so-called Edmunds Oath, renouncing his additional wives and families. However, the consequence of such a choice meant not only that he would break ties with loved ones but that he would probably be branded an outcast by Mormon society. 18 Nephi James Bates listed in his diary several Mormon cohab who stood trial, and he indicated in some instances whether they stood true to their beliefs or whether they took the Edmunds Oath. Most stood true. 19

John Nebecker captured the spirit of the majority of cohab who stood true to their commitment not to abandon their polygamous families, nor their religion. He stated: “We are not going to barter off our wives and children to shun the Penitentiary, nor are we going to relinquish one principle of our religion, God forbid.” 20 Thus, most Idaho cohab when apprehended submitted to heavy fines and several months in the penitentiary.

MORMON INMATE ISAAC B. Nash, who the Convict Register notes was a 62-year-old blacksmith from Wales, described to the editor of the Logan Journal his journey to Boise after sentencing in Blackfoot. The Mormons were put in the charge of Marshal Dubois and transported by the Utah Northern railroad to Pocatello. Nash sarcastically wrote: “We found Mr. Dubois to be a generous hearted gentleman. He gave us a free ride on the U & N. R. to Pocatello.” From there they rode the Oregon Short Line to the train station in Kuna, fifteen miles from Boise. At Boise, Nash noted, “the sidewalks were crowded with men of all ages and descriptions watching for a [s]light of the distinguished guests.”

From the city the cohab were taken under guard by stage to the penitentiary. Nash, with tongue still firmly in cheek, continued: “Mr. Dubois had the drivers take us up to his establishment, a fine hotel, vulgarly called a penitentiary, situated about two miles southeast of the city.” Upon reaching the penitentiary, they “were escorted to the reception room . . . . We were then introduced, one by one to Mr. Norton, who registered our name, height, weight, complexion,
occupation and place of residence. We were then introduced to our rooms." Later, the waiters (guards) brought their guests (inmates) dinner at the appointed hour. Nash compared their "guest rooms" to steamboat berths on the Missouri River; the only difference, he wrote, was that the floors of their rooms were made out of rock and their doors of solid iron, unlike the flimsy material of the steamboats.21

According to Nash's report the inmates were allowed a bath the next morning and their hair was trimmed and any beards were shaved—the latter, for the Mormon patriarchs, especially humiliating.22 Inmate Samuel Rose Parkinson, who was 55 years old when he was sentenced to the penitentiary, wrote in his diary that "the judge said he would speak to the warden not to shave [shave] me as he thought I would catch a severer [shiver?]."23

The problems connected with Idaho's gold rush in the early 1860's necessitated the building of an Idaho territorial prison. People came in droves to the region that soon would be Idaho, some to mine in the hills and others to take advantage of those miners through various forms of crime. In 1863 Idaho was granted territorial status, and the cry for a prison went up to the federal government throughout the '60's. It was very difficult for Idaho officials to deal with the swelling number of inmates housed throughout the decade in the poor, cramped, and dirty county jails of Idaho City and Lewiston.24

Public insistence finally culminated in the selection of a site for the territorial prison just east of Boise. In 1869, James S. Reynolds, editor of Boise's Idaho Statesman, reported that a site had been selected for the territorial penitentiary which had water nearby and excellent stone to quarry. He also noted that "the penitentiary structure would be the first public building constructed in the territory."25 The following year, with construction under way, Reynolds visited the site to provide a report of the new structure, which was initially designed for a total of thirty-nine inmates. To Statesman readers he reported the following:

The cell range will be twenty-six feet high, fifty feet long and twenty feet wide, surrounded by an area or hall eight feet wide and paved with brick. The cells will be forty-two in number, placed in three stories, seven in a range and twenty-one on each side. Each cell will be six feet wide, eight feet high and eight feet long with arched ceiling and brick floor; they will be reached by an iron gallery running around two stories and approached by the north hall. Three cells will be fitted up as bath and retiring rooms fitted with water pipes, mains and iron bath tubs. . . . The stone walls will be two feet thick and the brick walls seventeen and twenty inches thick.26

Although the building was finished by December of 1870, it was not occupied until fifteen months later because of contract disagreements with the federal government over reimbursement of costs for the inmates—technically federal prisoners. Finally, in March of 1872, eleven prisoners were transported from the Boise County jail in Idaho City to the territorial penitentiary; the new building was inaugurated as the inmates arrived decorated with irons and escorted by guards.27

With an increasing number of inmates, the six-by-eight-foot cells designed to house single inmates became home for two prisoners each by the time the Mormons arrived in the late 1880's. Alexander Nephi
Stephens noted in his diary in the winter of 1888: "Moved in with Bro. Charles Shippen today, there is 83 prisoners here now."28 Overcrowding prompted construction of a new cell house in 1889, using inmate labor. Although the new block had forty-two cells measuring six by eight feet, doubling was again necessary because of the swelling inmate population. Mormon inmates never occupied this new facility because the last two cohabs were discharged in December of 1890, the month the new building became operational.29

There was plenty to experience in the rest of the prison. Obviously, much of that experience was not very pleasant. One challenge for most was that the majority of inmates' time was spent confined by twos in their small cells. Alexander Nephi Stephens noted in his diary the following concerning himself and his cellmate Elijah Wilson:

We staid in our cells most all day, we went out about an hour and a half around the Prisoners. . . . Spent the rest of the day in reading and sitting around, could not get much exercise in our cell [as] it is about 6x10 ft.30

Two weeks later he wrote that there was a rule regarding the time inmates were to be out of their cells: "Just came in from being [out] 1 1/2 hours in a rain storm. It is the rule that we must go out 1 1/2 hours in 24 and stay out rain or shine."31

Although the minimum time required out of the cell each day was ninety minutes, it is readily apparent from the cohabs that the time spent out of their cells changed from time to time. Stephens wrote in his diary for December 9-10, 1887:32

We have been killing bogs all day, [out] for the first time in 21 days only been out 1 1/2 hours in 24 hours until today. Been out all day today [Dec. 10] it seems more like it felt like a bird let out of his cage, we felt like there was some freedom in prison. There was some Gentlemen visiting us from Salt Lake City today.

Apparently the warden wanted to impress these visitors and thus gave the inmates some extra time out of their cells. Yet it is evident that weather often dictated the amount of time inmates were brought out of their cells. For example, in 1885 Isaac B. Nash wrote that during his time in the penitentiary the inmates were out in the prison yard "one to four hours a day according to the state of weather . . . ."32

Nash also wrote that inmates were required to eat their meals in their cells: "At two o'clock the whistle blew for dinner and we all went into our rooms [cells] and dinner was brought to us by the waiters [guards]." However, "[o]ur food is good and substantial. We have good bread, beef, potatoes, beans, cabbage and other kinds of vegetables and coffee and tea whenever desired."33

Besides good food, the inmates enjoyed the books they were allowed to read. As Stephens noted, while confined to their cells the cohabs spent most of their days reading. In 1887 Stephens also wrote that he and Wilson had in their cell (which he termed "our library") "two copies of the Book of Mormon, Key to Theology, one copy of the Doctrine and Covenants and one him [hymn] book."34

Although all four of the books listed in their cell were of a religious nature, a prison library covering a variety of subjects had been established the year before when cohabs suddenly increased the inmate population. In 1886 E. J. Curtis donated 100 books to the penitentiary. Three years later, visitors were charged an admission fee of 25 cents that went to the library fund to purchase more books.35

Isaac B. Nash made it clear that the Mormons did not restrict themselves solely to religious literature:

The inmates of the establishment study a good deal; some more than others. Some study reading, writing and arithmetic, grammar, and some study the Spanish language. Geo. C. Parkinson is one of the last mentioned. He is studying all he can and I think he will learn the language very soon.36

After Parkinson was released from prison, he mailed two of his Spanish books to inmate William Woodward, who had requested them.37

NOT ONLY did the cohabs discipline themselves to read a variety of good literature, but they also pushed themselves and each other to excel. In 1885 they
organized a debate club whose officers were J. M. Phelps, president; A. L. Blackburn, vice president; and George C. Parkinson, secretary. They also were eager to get outside their cells and engage in physical labor. Evidence suggests that it was rewarding to work and that not all inmates had the opportunity to work or to perform the variety of jobs and errands that the Mormon cohabs were privileged to do—including trips outside the penitentiary.

Samuel Rose Parkinson was first given the assignment of attending to the fires in the penitentiary and keeping all the stoves clean. His diary reveals that he performed this task from November 24 to December 6, 1886. Parkinson then noted that his new job was to feed the pigs, which he did nearly every day until his release. He also indicated that he was given other assignments such as hauling wood. On March 2, 1887, he wrote, "I was making soap and the warden put me to superintend the washing department of the penitentiary." Twice Parkinson noted that he was let outside the penitentiary to go and buy some apples, indicating the prison officials' level of trust in him.

When he returned with a sack of apples from one of these trips, he had to give three of the prison officials "a pear a piece" (apparently meaning a pair of apples apiece) to let him back in the gate; "so you see we are glad to get in the penitentiary some times."38

Alexander Nephi Stephens' diary indicates that he too was given a number of chores to perform, one of which likewise required a great deal of trust. On December 13, 1887, he wrote, "I went to the depot today after a load of coal, went through Boise city.

Other jobs he tackled included carrying lumber from the sawmill, sawing and loading ice, making brackets, small boxes, and picture frames.

Just as Stephens made boxes and frames, it is apparent from Nash's letter that most inmates were allowed time to craft items for themselves. Inmates (both Mormon and non-Mormon) representing a diverse population produced unique and highly skilled crafts. An appreciation of each other's craftsmanship seemed to permeate this unique social conglomeration.

38Parkinson diary, November, 1886-March, 1887.

Left: George C. Parkinson. Photograph from a Parkinson family history, courtesy Preston W. Parkinson (George's son). Right: Charles Shippen. Photograph courtesy Veda Call.
Nash wrote a vivid description of a unified international group of inmates dressed like "zebras," perhaps unique for a prison yard both then and now.

There are representatives here of many nations such as Americans, Dutch, Spanish, Welsh, Scotch, French, Danish, Chilnamen, and Indians, and all seem to be at peace with one another. It is astonishing to see the ingenuity that is displayed by some that are here; for example some of the inmates have built miniature steamboats. The most perfect in imitation to those that run on the Mississippi River that man ever saw . . . Brother Lewis . . . makes all kinds of picture frames and embellishes them all around with scroll work.39

Although considered by some visitors as "Superior to these other prisoners," the Mormon inmates did not view themselves as better; they simply sought ways to improve their environment—which included lifting the spirits of the other inmates. Stephens mentioned in his diary that during one of the breaks outdoors, he and Brother Wilson and Brother Anderson took turns playing an old fiddle for the other inmates, and he added: "We cheered them up as well as we could."40

Nash described sports that played an important role in their prison life: "according to the state of the weather, we can amuse ourselves with various games such as baseball, pitching quoits, foot racing, wrestling, jumping, [and] swinging Indian clubs etc."41 Stephens especially enjoyed the races: "Today I have been in the yard looking at the foot races." A month later he noted: "Today is Sunday. I have been doing nothing today only passing off the time the best I can, had a foot race today between a white man and a mulatto. Sunday is a sporting day here."42

Holidays such as Thanksgiving and Christmas were also filled with activities. Stephens wrote: "Today is Thanksgiving day, all the prisoners were out in the yard together from 8 o'clock till 2 o'clock . . . Singing first one and then another then the fiddle and then the mouth organ and so on we went."43 Samuel Rose Parkinson wrote on Christmas Day of 1886 that the inmates enjoyed playing "ball from half past 8 o'clock until half past 1 o'clock and then [we] had dinner and at half past four o'clock the prison commenced singing and sung songs until 8 o'clock."44

Letters and visitors also lifted the spirits of the inmates. Mormon diaries reveal that both Mormons and non-Mormons came to visit the inmates in the penitentiary. For example on December 7, 1887, Alexander Stephens wrote: "We have some Lady Visitors today." Three days later he related the following:

there was some Gentlemen visiting us from Salt Lake City today Bro. Wilson told them it was the first time we had Been out all day he asked what we had Been doing he [Bro. Wilson] told him that we had done Nothing he [they] was [were] Strangers here, yet they Did not know us Yet he Said you are Superior to these other Prisoners that he would See what his influence would do . . . 45

On January 25, 1887, Stephens also recorded that Bear Lake Mormon Stake President William Budge had visited the Mormon inmates: "We was all Glad to See him we had a good time Chating with him about an hour and a half until the whistle Blew and then we had to go to hour [our] cells."46

Mormon diaries reveal that although visits were few, given distance and transportation, there was much support from home and community by way of letters and gifts. Alexander Stephens recorded in his diary dated November 29, 1887, "I received a letter from our house for which I was thankful." Four days later he noted that "Bro. Wilson got a letter from home folks."47

Samuel Rose Parkinson wrote that in December of 1886, "I received 29 letters this month." On Sunday, February 6, 1887, he also noted that he had "received 19 [letters] since last writing day." Two weeks later he mentioned that he had received an additional twenty-one letters since last writing day. Writing day meant Sunday, and the cobsabs responded by writing many letters back to their homes and communities.47

Letters also provide evidence of mutual support by those who had experienced incarceration for Mormon beliefs and practices, though at different times and places. For example, Brother Byington wrote to Alexander Stephens from the Blackfoot county jail that he had received his sentence of a miserable three years and six months in Sioux Falls (for polygamy), yet he

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39Nash letter. This unity was especially true of the Mormons, who not only had their unique religion in common but, as noted above, were all from southeastern Idaho. However, as the Convict Register reveals, their birthplaces were quite varied. About half were born in America and about half in foreign lands—a quarter from England alone, the rest from such countries as Scotland, Sweden, Denmark, Wales, Norway, and Switzerland. There is certainly a need to study more carefully this multi-ethnic composition of southeastern Idaho in the nineteenth century; see Lawrence G. Coutes, Peter G. Boag, Ronald Haezen-buehler, and Merwin R. Swanson, "The Mormon Settlement of Southeastern Idaho, 1845-1900," The Journal of Mormon History (Fall, 1994), 61-62.

40Stephens diary, December 15, 1887.
41Nash letter. Quoits are loops of stiff rope, tossed at posts.
42Stephens diary, February 19, 1887, March 25, 1888.
43Ibid., November 23, 1887.
44Parkinson diary, December 25, 1886.
45Stephens diary, December 7, 1887.
46Ibid., January 25, 1887.
47This is amply attested in Samuel Rose Parkinson's diary for the Sundays of January 6 and February 6 and 20, 1887. It is also attested in Alexander Neph Stephens' diary for Sunday, December 18, 1887, and confirmed in his April 15, 1888, entry: "Today is Sunday and it is writing day."
and four other Mormon brethren also sentenced "was well." 

FORMER MORMON INMATE George C. Parkinson wrote a letter of encouragement to William Woodward while the latter was incarcerated at the penitentiary:

Beloved Brother, . . . I hope your health and spirits are good and that [you] are receiving kind treatment from all with whom you associated. I often think of and shall ever appreciate the kind consideration extended by [prison officials] Mr. Hailey, Lomax, McDonald and others. Please remember me kindly to them, and Bro. Alva Lewis and W. Hicks. . . . Your time will soon expire and you will be again with family and friends. Be patient, You are suffering for conscience sake and your reward is sure. May the blessings of heaven be with you in your solitary moments and comfort you in your narrow cell in the earnest prayer of your friend and Bro. Geo. C. Parkinson. 

Parkinson's letter not only demonstrates a sense of the close brotherhood experienced by the cohab's who felt they were in bonds for conscience's sake, but it reveals a warm relationship between the prison officials and a Mormon inmate who had spent nearly a year behind bars—twice the time any of his Mormon brethren had. 

Alexander Nephi Stephens. Photograph courtesy Scott Emfield, a member of the Stephens family.

In the case of warden John Hailey, there were good reasons for a warm relationship with the Mormon inmates. In 1872 Hailey had been elected territorial delegate to Congress because of Idaho's solid Democratic Mormon vote. That bloc voting had, in fact, set off Idaho's radical anti-Mormon movement. In 1884, Hailey had been elected delegate to Congress again as a Democrat, in his campaign dismissing anti-Mormonism as a false issue and receiving strong Mormon support at the polls. But radical anti-Mormon Democrats joined U.S. Marshal Fred Dubois' supporters in the 1884-85 territorial legislative session to disfranchise all Mormons regardless of their marital status. From then on, no Mormon could serve on an Idaho territorial jury, so unlawful-cohabitation convictions became automatic. Hailey lost the congressional election in 1886—running against Dubois— when no Mormon could vote. As penitentiary warden, he treated his leading Mormon associates and supporters with respect but allowed that they could not stay out of prison if they continued to maintain their plural families.

Both diaries and official records support the notion that the Mormons were on good terms with the prison employees. The Mormons never attempted an escape and were never punished, although many other inmates were. A mild reprimand did come to Alexander Nephi Stephens. His diary noted that he was one among several who were reprimanded by the warden for not putting their wash buckets up. According to Stephens, "the Warden told us if we [did] as we did again we

48 Stephens diary, November 26-27, 1887.
49 Under the unused portion of "Bills Payable" at the back of Stephens' diary is a list of some of the prison officials serving while Stephens was an inmate, a list that partially corresponds to the names of prison employees whom George C. Parkinson is writing about. The list reads as follows:
   "John Haley [Hailey] First Warden
   P. L. Lomax Deputy
   Bud Haley Gard [guard]
   Mickey Sullivan [""
   Mr. West ["]
   Frank McDonald ["]
   Frank Riel [7] ["]
   young McDonald ["]"

William Woodward material previously cited. Neither Alva Lewis nor W. Hicks is found in the Convict Register. Either they were tried and perhaps fined but not sentenced, or they may have been Mormon inmates serving in the penitentiary who simply did not get recorded—which is highly unlikely, with fewer than 100 men to account for at any given time in the nineteenth century. The former assumption seems more plausible.
52 When Idaho was limited to territorial status, the U.S. Marshals were also recognized as the official wardens of the penitentiary. During the Mormon cohab era (1885-1890) these included Fred Dubois (1882-1886), Ezra Baird (1886-1889), and J. Wilson (1889-1891). Because of their busy schedules traveling throughout the territory, other wardens were appointed to act in their stead. Three known acting wardens were John R. Richard, J. D. Springer, and John Hailey, Jr. See Kaye B. Doty, The Old Idaho Territorial-State Penitentiary: Museums and Exhibits (Boise: Horse Publishing, n.d.), 22.
53 See files on "Prison Escapes" and "Punishments" at the Old Idaho Penitentiary historic site.
would be Locked up in the Dungin [dungeon].’’ Stephens later noted that within a week two inmates were sent to the dungeon (which meant solitary confinement) for fifteen days each, that their meals consisted of three slices of bread a day, and that they had only a cold stone floor for a bed even when the temperature was 27½ degrees below zero.53

Accusations against prison employees were sometimes levied by Mormon inmates. Apparently some Mormon gifts were too tempting to pass through the hands of a few prison officials. Samuel Rose Parkinson wrote that he had received a box of Christmas presents from home consisting of “a roll of butter, 1 chicken, 1 duck, 1 can of peaches and candy and nuts.”54 Such gifts were at times tampered with. For example, the Deseret News reported that just prior to his release George C. Parkinson stated: “We all rejoice over the recent change in officials. The new ones are men of honor and respectability who do not rob gifts out of the mail. . . .”55

Stephens’ warning and tampering with mail seem to be exceptions to the norm. For the most part the relationships between the Mormon inmates and the prison employees were very good. A conversation between warden John Hailey and Samuel Rose Parkinson just prior to the latter’s release seems to reflect the kind of association that was evidenced when the cohabs walked the prison yard. Warden Hailey is reported to have asked Parkinson:

“Mr. Parkinson, which one of your wives are you going to live with when you leave here? You know you can’t live with all of them.”

“Warden Hailey,” Samuel replied, “I’ll stay here as long as you say, but when I leave, I am going home to all of them.”

Then the Warden asked, “Which one do you love the most?” Samuel considered the question a few moments, then, very deliberately, in the dust of the prison yard, he drew a circle with the end of his cane. Stepping to the center of the circle, he replied: “Warden, you see me here in the center of this circle. Put my wives anywhere around it and the one nearest to me I love the best.”

On May 2nd, the day Samuel completed his sentence, the warden took him down town. This is how he recorded the day in his journal.

“The warden took me down town and took me through the capitol building and the court house and college and I thought these buildings was a credit to the place and I thank[ed] the warden for his kindness and left at 5:30 p.m. on the stage.”56

Parkinson received a warm welcome when he returned to his community in Franklin, Idaho. Having stood true to the principles of his religion, he was even more respected by those of his faith. This was typical of other cohabs who returned home from prison as if they had returned from a proselyting mission.57

Although the Mormon inmates were allowed no known religious services of their own in the penitentiary during the nineteenth century,58 they were clearly strengthened by their commitment to their beliefs. Their religious faith, coupled with a sense of suffering for conscience’s sake, unified them into a brotherhood. In the penitentiary they seemed to be at peace with themselves and their situation. Evidence of this was offered by Isaac B. Nash:

[Image: Photograph from a Parkinson family history, courtesy Preston W. Parkinson (Samuel’s grandson).]
I feel first rate and am contented with my lot, knowing I am here for keeping the commandments of God, and that in the end if I prove faithful through the trials of my life, I will gain life eternal... in the kingdom of God.

Then why should we mourn or feel downcast because we are thrust into prison?
Though bound by the chains of oppression
Fear not; to us strength will be given.
We'll rely on the words of the Savior
If we His commandments obey.
He'll shield us from harm and from danger
And drive all our sorrows away..."59

In 1890, the year Idaho received her statehood, Mormon plural marriages officially ended with the declaration of the Manifesto issued by Wilford Woodruff, the presiding Mormon authority.60 This declaration helped to bring an end to anti-Mormon persecution, and by the end of that year the last of the cohabts were released from the penitentiary.

The Mormon men who were incarcerated in Idaho’s territorial penitentiary in the late 1880’s were an unusual group. They were a community both inside and outside the walls, they were incarcerated for conditions that their religious beliefs supported, and they were arrested and convicted far more for their political persuasion than for their living arrangements. Their religious beliefs and the circumstances of their conviction and imprisonment helped them maintain their integrity and sense of honor both in prison and on their release.


John Hailey’s office as warden of the Idaho Territorial Penitentiary. Hailey is seated; with him are his clerk, Harlen Pefley, Sr., and Sam Loury, a guard. Note the sign on the top of Hailey’s desk that records the number of prisoners currently incarcerated. On the right and in the room beyond are drawings or paintings of the Penitentiary site as it then appeared. ISHS 71-182.21.