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WOMAN SUFFRAGE IN UTAH AS AN ISSUE IN THE MORMON AND
NON-MORMON PRESS OF THE TERRITORY 1870-1887

A Thesis
Presented to
the Department of History
Brigham Young University
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In Partial Fulfillment
of the Requirements for the Degree
Master of Science in History

1954

by
Ralph Lorenzo Jack
August, 1954
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R. L. J.
August, 1954
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CHAPTER I

GENERAL INTRODUCTION

The supposed domination of the people of Utah by the Mormon priesthood hierarchy during the early history of Utah formed the basis for much of the misunderstanding and difficulty that characterized the Territorial period. Started because of misunderstanding and distrust of the close-knit society of the Latter-day Saints and fanned by antagonisms that had characterized Mormon-Gentile relationships even before colonization of the Great Basin, the stories and rumors unfriendly to the Church and its people multiplied quickly and spread rapidly.

One aspect of this difficulty concerned female suffrage in the Territory. Granted by the Territorial Legislature in 1870, the suffrage was a major point of conflict between Mormons and Gentiles living in Utah. For almost two decades, 1870 to 1887, the issue was debated and argued over by Utahns, who were conscious that woman suffrage was a daring and bold adventure in a pioneer society,¹ for it focused sharply the political situation of the area. Two political groups, opposed to each other in principal and practice, represented the L. D. S and Gentile populations. The Liberal, or anti-Mormon, Party was formed in order to resist and combat the temporal power of the

¹This will be discussed fully at a later point.
Church of Jesus Christ of Latter-day Saints. Its adherents included some self-styled "liberal" members of the Church, but it was mainly made up of non-Mormon settlers, mining and commercial groups. The People's Party was composed of the great majority of Latter-day Saints and was numerically superior to the Liberal group. Its policies were always faithful mirrors of the Church position.

This thesis is a study of woman suffrage as an issue in the L. D. S. and non-Mormon press of Utah Territory from 1870 until 1887, the period during which women in Utah were authorized to vote. Particular emphasis has been given to a study of the Deseret News, official publication of the Church of Jesus Christ of Latter-day Saints, and the Salt Lake Tribune, newspaper of the Liberal organization in Utah. The editorial policy pursued by each paper with regard to the woman suffrage issue is noted, and an attempt has been made to point up the differences between the policies of the two papers.

Enfranchisement of women in Utah was supported briefly by both the Tribune and the Church paper, before the editorial policy of the former had been fully determined. The legislation authorizing the suffrage was later held by the Liberals in Utah to be an act of Mormon political trickery, and as the organ of the Liberal party, the Tribune came to oppose the measure violently. As a newspaper, the Tribune was a radical and free-wheeling type of journal, often attacking woman suffrage with more vigor than considered judgement would warrant. In pursuing a policy of determined opposition to the Church, the
Tribune often indulged in practices and accusations that branded the paper as a scurrilous and intemperate publication.

A constant supporter of the enfranchisement of the women of Utah, Gentiles included, the Deseret News was unwilling to accept the terms or tactics of its editorial assailant, and it maintained a generally constant and even attitude toward the issue. When occasion warranted, however, the News was as vigorous as the Gentile paper. Often edited by men who were also leading figures in the Church, notably Willard Richards, George Q. Cannon and Charles W. Penrose, the paper was influenced by a conservatism that sometimes modified and always guided its editorial opinion. Partly because of the differences in style between the two papers, the News was less influential outside Utah as a propaganda force for women suffrage than the Tribune was in opposition.

The Liberal Tribune was a crusading newspaper. In challenging aspects of the woman suffrage issue as it was debated in Utah, the Tribune constantly tried to force its opinion and demands upon Territorial legislators, the Mormon Church, male and female voters and also federal authorities. Liberal attempts to involve the enfranchisement of women with the more explosive issues of polygamy and domination by the priesthood of all people in Utah were employed to gain support and popularity. Such attempts, whatever the merits of the case behind them, were ultimately successful.

One of the most debated issues of the Utah press, the suffrage issue as it evolved is a significant part of the history
of Utah journalism.

Despite an honest attempt to examine objectively the problem as it affected the newspapers of the Territory, it is recognized that a disposition on the part of the writer in favor of the Latter-day Saint point of view has doubtless influenced the account. But because the journalism of the pioneer period was in part responsible for the social and political antagonisms that divided Mormons and Gentiles during the nineteenth century, this paper has been prepared in the hope that it will be of interest and value.
CHAPTER II

BEGINNINGS OF THE PRESS IN UTAH

Whither the Press? However unpredictable it might have been in some things, the course of the Utah press during the Territorial period followed certain well-defined and unmistakable paths. Territorial newspapers were rallying points around which various factions gathered, and editorial stands taken by many newspapers differed from one another to the same degree that religious and political issues divided Utahns in the nineteenth century.

Settlements throughout the Great Basin, even after the railroad and the telegraph line spanned the continent, were, to a great extent, isolated from the outside world and from each other. Personal communication, though considerably speeded by the railroad, was still slow. It was to the pioneer newspapers that colonists looked for current news and for instructions on many things. Somewhat naturally, journalists became spokesmen for their readers in addition to maintaining their role as reporters of news events.

In Utah a natural division of the press was made between those who followed and supported the Mormon cause and those who did not. As Great Salt Lake City and surrounding communities continued to attract immigrant Mormon converts, the
differences between the two groups naturally sharpened. The importance of the press in Utah increased as different newspapers were made the organs of certain political groups or points of view, and differences grew as the newspapers increased in number and stature.

The Deseret News, published by the Church of Jesus Christ of Latter-day Saints, was the first newspaper printed in Utah. Started as an eight-page weekly on June 15, 1850, it had been more than three years in the planning stages.¹ Willard Richards, second counsellor to Brigham Young, President of the Church, was the first editor. "Truth and Liberty" was inscribed beneath the name-plate of the paper as its motto from the first issue. The prospectus for the newspaper stated in part:

We propose to publish a small weekly sheet, as large as our local circumstances will permit, to be called "Deseret News," designed originally to record the passing events of our State, and in connexion, refer to the arts and sciences, embracing general education, medicine, law, divinity, domestic and political economy, and everything that may fall under our observation, which may tend to promote the best interest, welfare, pleasure and amusement of our fellow citizens.

We hold ourselves responsible to the highest Court of Truth for our intentions, and the highest court of equity for our execution. When we speak, we shall speak freely, without regard to men or party, and when like other men, we err, let him who has his eye open, correct us in meekness, and he shall receive a disciple's reward.²

The name of the paper, taken in part from the Book of Mormon, meant "honey bee." To the Saints, Deseret signified

industry, and the term was widely applied throughout Latter-day Saint settlements in the Great Basin.

Much of the News' copy came from other papers brought into the Territory by travellers and from publications referred to as "exchanges." Sermons and accounts of Church meetings were as regularly and as completely reported as possible. Slanted for Church readers, the paper remained the sole news publication in Utah from its inception in 1850 until 1858, and it naturally became a focal point for journalistic barbs of the opposition press when the latter was founded. Conservative in style and outlook, the paper's main concern was the Church and its members. Only passing reference or often none at all was made to many of the anti-Mormon papers who set themselves as rivals to the News. With the inauguration of wire services, attention was given to international events and to national affairs. Congressional actions were reported daily in columns of the paper.

Although it refrained from editorial comment for several years, the Church paper regularly gave space to reprints of anti-Mormon articles culled from non-Territorial papers.

In reply to anti-Mormon charges that the Deseret News was the personal organ of Brigham Young, the paper published in all but one or two issues from January 28 to June 17, 1863, a statement over President Young's name that the News was not and had not been an organ of his, and that, except for occasional issues, he had no advance knowledge of the paper's contents. Just how authoritative the News considered most other

3Deseret News, May 13, 1863.
Utah prints to be was indicated when an article was run admonishing readers not to believe what they read or heard unless they saw it in the Church paper. 4

The News was intended, according to its editor, . . . for all Saints and as many others as please to read it, and all those who desire to know what is going on in our city, who desire to hear the instructions and teachings which are presented in the Tabernacle from Sabbath to Sabbath; and all elders who wish to learn their duty, whether in cultivating the soil or preparing for foreign missions, will need to read it and practice its precepts. . . . 5

The Deseret News commenced publication as a semi-weekly in October, 1865, and under the editorship of George Q. Cannon, the paper was stepped up to daily circulation November 29, 1867. The name was changed to Deseret Evening News, although weekly and semi-weekly editions were still published under the name Deseret News.

The first papers set up in opposition to the News were Kirk Anderson's Valley Tan and The Union Vedette. The former appeared in 1858 and mainly circulated at Camp Floyd, an Army post near the Mormon capital city. Anderson intended to act as spokesman for non-Mormons in Utah, declaring in his first issue that "... it is our intention so far as our efforts and abilities can extend, to aid in correcting abuses and errors, and particularly those relating to ... public affairs. . . ." 6 After having changed hands several times, the paper folded after three years of weekly publication. The

4Ibid., October 2, 1872.
5Ibid., December 22, 1853.
6Kirk Anderson's Valley Tan, November 6, 1858, p. 1.
Union Vedette was published by the officers and men of the California Volunteers who were stationed at Camp Douglas. Begun as a weekly in 1863, the journal began daily publication as well the following year. Apparently little circulation was given to the Vedette among members of the Church, for there were reports that the paper was unable to pay its way.\(^7\) The stand taken by the paper was one of criticism of the Church, and it bitterly denounced various matters and practices of the Saints in a manner and style that was to be used habitually by many other publications during the course of the next several decades. Despite several enlargements and claims to wide circulation, financial backing was apparently withdrawn from the Vedette, and in September, 1867, the paper suspended publication.

During the course of the next few years, numerous newspapers mushroomed into print throughout the Territory, many of them lasting for only a few issues. Among publications enjoying a permanent existence and establishing a lasting reputation, however, was the Salt Lake Tribune, which was actually the outgrowth of a publication called the Utah Magazine, but carried on in the tradition of the Valley Tan and the Vedette.\(^8\) The Utah Magazine, ostensibly devoted to literature, art, science and education, first appeared on January 17, 1868, and


\(^8\)Brigham H. Roberts, *A Comprehensive History of the Church* (Salt Lake City: Church of Jesus Christ of Latter-day Saints, 1930), V, 380.
was published by William S. Godbe and Elias L. T. Harrison, both members of the Church.

The *Magazine* was supported and encouraged by the *News* during its first year of publication, but in October, 1869, the Church paper withdrew its support and called attention to the fact that the *Magazine* was becoming increasingly radical, "... opposed to the spirit of the Gospel and calculated to do us injury." In successive issues, the *Utah Magazine* continued in opposition to the stand of the Church, particularly in the area of the development of the mineral resources of Utah. Non-Territorial journals, commenting on the "new movement" of Godbe and his associates, saw them as seeking the redemption of Utah and the breaking up of the "Mormon theocracy." Godbe, Harrison, and others connected with the movement were subsequently excommunicated from the Church for apostasy, and although they attempted to continue the *Magazine*, it lasted for only a short time.

Almost immediately after the end of the *Utah Magazine*, its backers launched a new journal, which for a time was known as the *Mormon Tribune*. The paper proclaimed in a featured article in its initial issue of January 1, 1870, the observation

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9 *Deseret News*, October 26, 1869.

10 *Universal Biography* (N. J. and Hartfords Publishing Company). No date is given. A copy of the article is available in the L. D. S. Church Historian's Office.

that

... a new era has opened upon Zion and prophetic voices are crying to her: "Arise! Shine! For thy light has come!" To assist her in this great mission, we humbly dedicate the pages of the Mormon Tribune.

On the occasion of the first issue of the Tribune, it is well that we should re-state our case that the points of issue between us and the ecclesiastical rulers of Utah may be clearly understood. One of the first objects ... is to oppose the undue exercise of priestly authority. ... 12

The Tribune occupied the somewhat incongruous position during its early life of seeking to destroy and supplant all doctrinaire Mormon authorities, while at the same time censuring Gentile publications for railing against Mormonism in a bitter and undignified manner.13

Shortly after the name of the paper was changed from Mormon Tribune to Salt Lake Tribune, on June 18, 1870, the paper reamplified its policy and clearly spelled out the position in which it considered itself:

... Ever since the predecessor of this journal--the Utah Magazine--was started, we laid down a given line of policy from which we have never departed, and that was to write and publish solely with an eye to enlighten the mind and dispel ignorance. Years of experience have taught us that the moment we arouse antagonism in those we address, all reasonings are useless, and we may argue for ever without accomplishing any good. We have, therefore, persistently refused to insert anything however true in the abstract, which, from the form in which it was presented, was calculated simply to arouse this combative feeling.

Our object is to convince and convert the people from error. To accomplish this purpose, it is useless to present an idea or fact simply because it is true to the writer.14

The paper asserted that it would sustain secular

12Mormon Tribune, January 1, 1870, p. 2.
13Ibid., May 7, 1870, p. 2.
14Salt Lake Tribune, July 9, 1870, p. 4.
governmental institutions of the country, opposing only ecclesiastical interference in non-religious affairs. No such distinctions as "Mormon" or "Gentile" would be recognized in its columns.  

For several years, beginning August 3, 1872, no individual's name was attached to the masthead of the paper, the sole identification being an acknowledgement of publication by the Tribune Publishing Company, composed of "the leading businessmen of Salt Lake City." Godbe and Harrison were the publishers of the first Tribune, but shortly after the name of the paper was changed to Salt Lake Tribune, control passed to Oscar G. Sawyer, who was brought from the New York Herald, and George W. Crouch, E. W. Tullidge and a Mr. Slocum. A succession of persons managed the paper during the next few years, most of them being Eastern journalists.

The Tribune early established itself as the center of local opposition to Mormonism and, despite its avowals, soon became the harping critic of the Mormons and their leadership. The paper's initial practice of ignoring local news was reversed, and the paper directed its editorial and news columns almost exclusively at Mormonism. For many years the Tribune rarely recorded any event of local interest without slandering or abusing the Church in some manner.

15Salt Lake Daily Tribune and Utah Mining Gazette, April 15, 1871, p. 2.
16Ibid.
17Roberts, op. cit., V, 380-381.
Among newspapers published independently of the Church by Latter-day Saints was the *Daily Telegraph*, under the proprietorship and editorship of T. B. H. Stenhouse. It had been felt by some that a need existed for a strictly news type of publication, and Stenhouse, who had been associated with the *News*, began operating the *Telegraph* as a foil to the *Vedette*. Publication of the Telegraph commenced July 4, 1864, and continued until the issue of December 22, 1869, when it was discontinued without announced reason. The paper was repeatedly denounced by the anti-Mormon press during the period it was published, but the *News* spoke well of it, labeling it a "co-laborer in Zion's cause." It is probable that Stenhouse's activities with the Godbeites during this period were a major factor in the discontinuance of the *Telegraph*.

Probably the nearest approach to an independent newspaper published in Utah during the Territorial period was the *Salt Lake Herald*. Edited by E. L. Sloan, the paper commenced on June 5, 1870, as a daily publication. In a platform heading in the first issue, the editor commented:

"... Deeming it better to represent ourselves, than to be misrepresented by others, when the people of Utah, their faith and institutions are aspersed, maligned and unjustly attacked, we shall esteem it a solemn duty to present the truth in reply, when the source is worthy a rejoinder. ... We have lived in this community for years, and hope to live in it for many years to come. ... Add to this a desire to be courteous, gentlemanly and liberal...

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19 Ibid.
20 *Deseret News*, March 7, 1870.
in expressing opinions, and a determination to give the greatest possible amount of news in the space, and our platform is before the people.\textsuperscript{21}

The Herald was lauded by E. W. Tullidge, a former assistant editor of the Mormon Tribune, who stated that the Herald "did in fact fulfill the very mission for which the Tribune was started. . . . This we, the old editors of the Tribune, were forced to confess while our paper was under the dictation of a Board of Directors, and we in vassalage. . . ."\textsuperscript{22} The Herald was ridiculed by the Tribune frequently as the "Mormon Herald," and it was often identified with the Church and the News. The paper flourished as the secular defender of the Saints, however, and was enlarged several times. Prominent on the Board of Directors were churchmen Heber J. Grant, Brigham H. Roberts, Horace G. Whitney and others, and although privately financed and published, there is little doubt that the Herald was almost as zealous as the News in the cause of Zion.

Before Utah journalism changed from a partisan, crusading and often muck-raking profession—which happened during the life of the Herald—Utah newspapers were to editorialize and wage verbal battles over many things peculiar to Deseret. Not least was the issue of woman suffrage, which furnished the press ready fuel for a period of seventeen eventful years.

\textsuperscript{21}\textit{Salt Lake Herald}, June 5, 1870.

\textsuperscript{22}Alter, \textit{op. cit.}, p. 309. Tullidge was rebaptized into the Church following his excommunication and wrote actively on behalf of the Saints.
CHAPTER III

THE WOMEN VOTE

Impetus and support leading to woman suffrage in Utah came from several sources that were unrelated except that each saw in the enfranchisement of the women of Mormondom a means by which certain definite goals could be accomplished.

Following the Civil War, women's rights advocates across the nation were anxious to secure the suffrage for American women, inasmuch as the right had been given to freed slaves. Accordingly, increased attention was given to the female suffrage movement when it was suggested by some anti-Mormon and anti-polygamy groups that providing Utah women with the vote would lead to the overthrow of the remaining "twin relic of barbarism." Suffrage groups, while no friends of Mormonism particularly, were willing to use any approach that would serve their ends, and so were completely favorable to proposals that Mormon and Gentile women in the western Territories be given voting privileges.

Endowing Utah women with the vote was the subject of a New York Times editorial in January of 1868. The first notice in any Utah newspaper of the subject of the enfranchisement of women was taken by the News January 15, 1868, when it reprinted the Times article:
Female suffrage might perhaps be tried with novel effect in the territory of Utah—the State of Deseret. There the 'better half' of humanity is in such a strong numerical majority that even if all the other half should vote the other way they would carry the election. Perhaps it would result in casting out polygamy and Mormonism in general. ... Here would be a capital field for women suffrage to make a start, and we presume nobody would object to the experiment. ... ¹

Congressional action to extend the vote to women in Territories of the United States was initiated in the House of Representatives February 27, 1869, by George W. Julian of Indiana. The Deseret News of March 24 gave a detailed account of the progress and purposes of the bill, although the news was late, having been "sadly delayed by the blockade of the Union Pacific Railroad." ² On February 27, representatives of the Universal Franchise Association spoke before the House Committee on Territories to urge passage of the Julian bill. It was claimed that the unequal distribution of the sexes in the nation, with its attendant evils of low wages for women and lives of ill-fame, would be much lessened by enfranchising the women. A major reason for enacting woman suffrage would be to give to women the same rights that were extended to the "ignorant freedmen of the South." If the project succeeded in Utah, it could be extended elsewhere; but if it did not, only the Mormons would suffer. The people of the East would be able to look calmly on until the question was settled. Another end to be gained by enfranchising the women would be the gradual

¹Deseret Evening News, January 15, 1868, p. 388.
²Ibid., March 24, 1869, p. 78. The railroad reached Ogden, Utah, March 8, 1869.
abolition of polygamy. It was known, the *News* reported, that the women of Utah were keenly alive to their own interests, and it was thought that they could not look with favor upon a marriage institution which permitted a plurality of wives.³

On the day following the introduction of Julian's bill, Samuel C. Pomeroy, senator from Kansas, presented a bill in the Senate proposing an amendment to the Constitution granting the franchise on the basis of citizenship.

Reaction in Utah to proposals that women be given the vote were generally favorable at first. On the same page in the *News* as the article mentioned above, the Church paper gave its endorsement to the suffrage bills before Congress, hailing them as a sign that the world "progresseth." No mention was made in the paper, however, of the overthrow of polygamy as a possible result of the suffrage.

...Verily the world progresseth. What better sign can be given of this than the spectacle we now witness? Gentlemen overwhelmed with the cares of office and the burdens of a large constituency, in the midst of the exciting scenes consequent upon the scramble to secure appointments under the New Administration, so patriotic and self-sacrificing that they bestow thought upon Utah and the rights of her daughters! It is wonderful. The plan of giving our ladies the right of suffrage is, in our opinion, a most excellent one. Utah is giving examples to the world on many points, and if the wish is to try the experiment of giving females the right to vote in the Republic, we know of no place where the experiment can be so safely tried as in this Territory. Our ladies can prove to the world that in a society where the men are worthy of the name, women can be enfranchised without running wild or becoming unsexed.⁴

Despite the introduction of the suffrage bills in

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³Ibid.

⁴Ibid.
Congress and the early support with which they were received, little came of them. Julian's bill was read a first and second time on the floor of the House and ordered to be printed. Like Pomeroy's bill, it later died in committee.  

The action begun in Washington doubtless spurred Utahns to consider suffrage of their women as a matter that could well be handled on a Territorial basis. Although official records fail to mention when legislation was commenced within the Territory for the enfranchisement of women, Orson F. Whitney, Edward W. Tullidge and others include in their histories on Utah some information on this point. The History of Salt Lake City by Tullidge notes that

... Mr. Julian, of Indiana, offered a bill to the House in 1867 [sic] in substance, "A Bill to Solve the Polygamic Problem." Upon its presentation and announcement, Delegate Hooper [of Utah] immediately called upon Mr. Julian, saying "That bill has a high sounding title. What are its provisions?" He replied, simply a bill of one section providing for the enfranchisement of the women of Utah." "Mr. Julian," said the Delegate, "I am in favor of that bill." He inquired, "Do you speak for your own leading men?" Mr. Hooper replied, "I do not; but I know no reason why they should not also approve of it."

When Mr. Hooper returned to Utah, he held a conversation with President Brigham Young upon this subject. "Brother Hooper," inquired the President, "are you in favor of female suffrage?" "I know of no reason why I should not be," he answered. No more was said; but from that time the subject seemed to develop itself in the mind of the President and soon afterwards it was taken up by the Legislative body and passed by an unanimous vote.  

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6 Legislative Council Journals date from 1876.

The woman suffrage act of the Utah Legislature was passed by that body on February 12, 1870, and the law "Conferring upon Women the Elective Franchise" stated in part:

Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That every woman of the age of twenty-one years who has resided in this Territory six months next preceding any general or special election, born or naturalized in the United States, or is the wife, widow or the daughter of a native-born or naturalized citizen of the United States, shall be entitled to vote at any election in this Territory.\(^8\)

A second section of the Act repealed all laws or parts of laws of the Territory in conflict with it.

Reaction to the bill in Utah was varied. Although he signed the bill, Acting Governor S. A. Mann did so with "very grave and serious doubts as to the wisdom and soundness of that political economy" which was responsible. The acting governor indicated that many things caused him to be opposed to the Legislation, but in view of the unanimous approval of the Act by the Legislature, he signed the bill "hoping that future experience and wisdom may approve the wisdom of our action, and that the same may be found in harmony with the spirit and genius of the age in which we live."\(^9\) The governor of the Territory, J. Wilson Shaffer, had but recently been appointed to the office, and he did not arrive in Salt Lake City until the 20th of March. In conversation with Utah delegate Hooper,

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\(^8\)Legislative Assembly of the Territory of Utah, Acts, Resolutions & Memorials (Salt Lake City: Joseph Bull, Public Printer, 1870). The entire Act will be found in Appendix A.

\(^9\)Deseret Evening News, February 16, 1870, p. 18.
before he left Washington, he declared his intention of wiring Mann to veto the suffrage bill. He failed to do so, however, and the act stood. The passage of the bill received favorable comment in Washington, according to Roberts, but anti-Mormon groups in Utah were prompt to assign a selfish motive for the action of the Legislature. "It is to enhance the power of the Priesthood," said they. But if the bill had failed to pass, they would have been just as apt to declare that the Mormons were afraid to enfranchise the women . . . and were determined to keep them in bondage."

Both the Mormon Tribune and the News applauded the passage of the Act. The Tribune, still friendly in part to the L. D. S. people of Utah, printed the bill and stated briefly: "We congratulate the ladies of Utah on the passage of the . . . Act . . . ." On another page of the same issue, a flowery, if somewhat vague and ambiguous, editorial was run, doubtless inspired by the new law:

A people is developing in Utah who are proud to acknowledge as much divinity and intelligence in woman as in man; who regard her, in every practical sense, as his equal, and his superior in all those feminine graces and winning traits of character that make her the center of his love and the sunshine of creation. Add to this that they accord her unrestricted suffrage on all questions, and what more does she want? If there is anything still lacking, by all means

10 Roberts, op. cit., V, 326.

11 Ibid.

12 Orson F. Whitney, History of Utah (Salt Lake City: George Q. Cannon & Sons Co., 1893), III, 404.

let her have her own way.\textsuperscript{14}

The \textit{News}, in a lengthy article on the Act, declared that "we have no doubt as to the result of the bill and are satisfied that it will strengthen the cause of Zion, polygamy included . . . [and] that the result will be exactly the opposite to what our enemies anticipate."\textsuperscript{15} If the existence of the most cherished institutions of Mormonism hung by such a slender thread as the possession of power by women of the Church, then the women should have the opportunity to choose, the \textit{News} affirmed, and the paper was anxious to see the matter tested.

The first test came two days after the approval of the suffrage bill, on February 14, in a Salt Lake City municipal election. Its proceedings, said the \textit{News}, ought to satisfy everyone, unless there were some "desirous of a row." The paper noted that "a few ladies exercised their right to vote under the law published on Saturday; and we believe the first one who recorded her vote was Miss Seraph Young, daughter of B. H. Young, Esq."\textsuperscript{16}

Total recorded vote of the election was 3,301. Just how many women voted in addition to the grand-niece of the President of the Church was not recorded, but election returns indicated a majority vote for candidates of the People's ticket. Results of previous elections held in the city showed

\textsuperscript{14}\textit{Ibid.}, p. 6.
\textsuperscript{15}\textit{Deseret Evening News}, February 13, 1870.
\textsuperscript{16}\textit{Ibid.}, February 16, p. 18. Several conflicting dates for the election are given in journals of the period. The date above, however, appears to be correct.
let her have her own way.\textsuperscript{14}

The \textit{News}, in a lengthy article on the Act, declared that "we have no doubt as to the result of the bill and are satisfied that it will strengthen the cause of Zion, polygamy included . . . [and] that the result will be exactly the opposite to what our enemies anticipate."\textsuperscript{15} If the existence of the most cherished institutions of Mormonism hung by such a slender thread as the possession of power by women of the Church, then the women should have the opportunity to choose, the \textit{News} affirmed, and the paper was anxious to see the matter tested.

The first test came two days after the approval of the suffrage bill, on February 14, in a Salt Lake City municipal election. Its proceedings, said the \textit{News}, ought to satisfy everyone, unless there were some "desirous of a row." The paper noted that "a few ladies exercised their right to vote under the law published on Saturday; and we believe the first one who recorded her vote was Miss Seraph Young, daughter of B. H. Young, Esq."\textsuperscript{16}

Total recorded vote of the election was 3,301. Just how many women voted in addition to the grand-niece of the President of the Church was not recorded, but election returns indicated a majority vote for candidates of the People's ticket. Results of previous elections held in the city showed

\begin{itemize}
  \item \textsuperscript{14}\textit{Ibid.}, p. 6.
  \item \textsuperscript{15}\textit{Deseret Evening News}, February 13, 1870.
  \item \textsuperscript{16}\textit{Ibid.}, February 16, p. 18. Several conflicting dates for the election are given in journals of the period. The date above, however, appears to be correct.
\end{itemize}
approximately the same percentage of votes between candidates as in previous elections, so presumably the women who voted followed the lead of the men.¹⁷

The right given Utah women in 1870--that of going to the polls--was not a completely new experience for them. In an ecclesiastical sense, women of the dominant church in Utah enjoyed equal voting rights with the men, and they had done so since the Church was founded in 1830. In secular affairs, also, woman suffrage had been practiced in the Mormon communities of the Great Basin from July, 1847, until establishment of the provisional State of Deseret, in March, 1849. In point of order, Utah women were second to vote in the United States or its Territories, with New Jersey first allowing women to vote for a short time, from 1790 until 1807. Wyoming gave its women voting privileges in December, 1869, but no election was held in that Territory until after the Utah election of February, 1870.¹⁸

Although many women failed to respond immediately to their new right, a delegation of women was selected at a general Relief Society meeting held in Salt Lake City, February 19, 1870, to express the thanks of the women of Utah to the

¹⁷Of the total votes cast, winning candidates received the following votes: For Mayor, Daniel H. Wells, 1,999; for Aldermen, Isaac Groo, 2,007; S. W. Richards, 2,005; A. H. Raleigh, 2,000; Jeter Clinton, 1,997; A. C. Pyper, 2,008. Candidates for other offices on the People's ticket received similar votes.

acting governor for approving the suffrage bill. The committee consisted of Eliza R. Snow, Bathsheba W. Smith, Sarah M. Kimball, Margaret T. Smoot, Harriet Cook Young, Zina D. H. Young, Mary Isabella Horne, Phoebe C. Woodruff, Marinda N. Hyde, Elizabeth H. Cannon, Rachel I. Grant, Amanda Smith, Amelia F. Young and Prescindia H. Kimball. Many of the women named were to be come prominent in Utah as women's rights leaders during the next several decades.\textsuperscript{19}

Increasingly, following the passage of the law granting female suffrage in Utah, the principal newspapers in the Territory drew apart in their views on the subject. On July 30, 1870, the \textit{Salt Lake Tribune} reprinted without comment a poem on women's rights and duties which was taken from the \textit{New York Tribune}:

\begin{quote}
... And no, to-day, another question comes, 
O, women of the nineteenth century--
Which will ye have--a place among the men
In courts, in Congress halls, in noisy crowds,
Where even woman's name should never come--
A voice above the tossing, restless tide
Which surges toward the polls, and all the homes
Made darker by your absence?
Or will ye keep
Your ever pure and precious womanhood,
The tender love of husband and of child,
The God-appointed right to mold and train
The future men and heroes of the land?
0 women of the nation! Pause and think!
Why babble ye of wrongs and injured rights?
God pity women who have wrongs indeed,
And we may pity, and may help them too;
But giving them the ballot and the work
Which men should do would never help their wrongs
Or at a cost too fearful and too great.
Yes, trials are the lot of all mankind,
And men as well as women have their wrongs
Which all their right to vote can never help.
\end{quote}

\textsuperscript{19}Whitney, \textit{op. cit.}, III, 404.
Then, through the lights and shades of future years
Let woman work with high and noble aim;
Not to be Presidents, and Priests, and Kings,
But Truer Women. Then the day will come
When men shall cease to scoff and ridicule,
And honor woman as the better half
Whom God appoints to lead his wayward sons
Nearer to him.20

The Tribune also reprinted articles asking for woman
suffrage as the right of tens of thousands of working women
throughout the United States, which would indicate that a pol-
icy of opposition to the established order—particularly woman
suffrage—was not completely formed during those early months
of the Tribune's history. An indication as to the course the
Tribune was launching upon, however, was revealed by editorial
comment in its issue for August 13, 1870, when it noted that
the question of whether women should vote was posing a great
problem. "It is hard to say whether the majority of women wish
to exercise the right of suffrage and to perform the duties
attendant thereupon. . . . We do not see, however, why the mi-
nority in either case should be obliged to be governed by the
wishes of the majority."21

The Deseret Evening News did not turn aside from the
role it had assumed as a champion of women's rights in Utah.
Reference editorially to the progress of the Territory as a
result of women's enfranchisement was often made; and space
was frequently given to comments of non-Territorial publications.
While such comments were not always favorable to the suffrage

20Salt Lake Tribune, July 30, 1870, p. 2.
21Ibid., August 13, 1870, p. 2.
"experiment," many times they were.22

The results looked for in Utah following the enfrancisement of its women—emancipation from the "yoke" of the Priesthood and from degradation—were not forthcoming after several elections, all with results similar to the 1870 election of Salt Lake City. When the Chicago Post complained that woman suffrage was proving to be "no cureall for Mormonism, a panacea for polygamy, than for sundry other ills to which the modern political doctors would apply it," the News replied with a terse comment: "Of course not. We could have told them that before trial was made. Women are not going to vote against their own welfare and their best friends after that fashion."23 Even so, the News was sure that women's influence with the vote was beneficial, helping to maintain order and raise the dignity of the polls. It was well known, the Church newspaper constantly reminded its readers and critics, that nowhere in Christianity did women enjoy such a multiplicity of rights as in Utah. Suffrage, the News pointed out, was proof of that.24

22 Examples of press comments may be found in Deseret News issues for February 7, 1871; March 13 and 27, 1872; September 30, 1872; July 9, 1873.


24 Ibid., March 27, p. 92.
CHAPTER IV

THE PERIOD OF REFORM

"It has come to have the force of an axiom that there must needs be an opposition in all things," commented a Deseret News editorial writer in March, 1872, borrowing an expression from the Book of Mormon. The statement, which might have been made at almost any time during the period of journalistic warfare between the Latter-day Saint and Gentile presses in Utah, was written in 1872 and had specific reference to the outcome of a local election and the part taken in it by women. The Church paper noted that the "opposition gentry" were very much dissatisfied over the election outcome, but that it would have been impossible to please them in any event. "They were displeased because the ladies voted, and they would have been displeased if the ladies had not voted." 3

The Tribune's dissatisfaction with the way the women of Utah went to the polls began shortly after the franchise had been given them, for not only did Mormon women fail to vote themselves out of polygamy, but they cast their ballots with

1 Deseret News, March 6, 1872, p. 50.
2 2 Nephi 2:11.
3 Deseret News, March 6, 1872, p. 50.
those of the men of the Church, increasing, rather than reducing the control of the Latter-day Saints over political affairs in the Territory.

Tribune arguments against woman suffrage came to be centered around three rather definite points during the 1870's:
1. Use of a marked ballot in Territorial elections;
2. Lack of an adequate registration system for voters;
3. Illegal voting of alien women and under-age girls.
Opposition of the Gentile paper was not primarily directed against the points themselves, but as the Liberal program had been consistently defeated in elections throughout the Territory, and as the political horizon gave no promise of any change, the paper seized upon every possible pretext to harass the majority party, the legislators, and the Mormon press to gain its ends.

Use of the marked ballot in Territorial elections was part of an election system probably little changed from the methods first employed in the valley by the Saints. Ballots issued by the two political parties were available to each voter prior to each election, and on election day the voter handed his ballot to an election official, who recorded the name of the voter on an election list and opposite to it a number which was also recorded on the back of the ballot itself. Following this the ballot was placed in a special box, the contents of which were tabulated by election officers at the close of the election.
For nearly six years, from 1872 to 1878, the use of the marked ballot was given out by the anti-Mormon press in Utah as a main reason why Liberal candidates failed to receive voting majorities in any of the elections. Liberal pressure to have the system changed from a marked ballot to a secret one was exerted through the columns of the Tribune and through other Gentile organs without pause during this period. The issue was resolved eventually by action of the Legislative Assembly of the Territory. The governor at the time, George W. Emery, a non-Mormon appointee, sought to end the ballot dispute by recommending that each county court appoint two judges of election, one from each political party, who would oversee the elections and guarantee their proper operation. Recommendations of the governor were embodied in a bill presented in the Legislature January 18, 1878, and they were subsequently passed by that group. The new election laws assured a secret ballot to every voter and made provision for the following safeguards:

County courts were to provide election judges with a supply of plain envelopes, uniform as to size and color, "without any marks, writing, printing, or device upon them. . . ." Every voter was to designate on a single ballot the name of the person or persons voted for together with a description of the office to be filled. This done, the ballot

. . . . shall be neatly folded and placed in one of the

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4 The Compiled Laws of Utah (Salt Lake City: Herbert Pembroke, 1888), I, 318-322.

5 Ibid.
envelopes hereinbefore provided for, and delivered to the presiding officer of election, who shall, in the presence of the voter, on the name of the proposed voter being found on the registry list, and on all challenges to such vote being decided in favor of such voter, deposit it in the ballot box, without any mark whatever being placed on such envelope; otherwise, the ballot shall be rejected. 6

Registration of all persons eligible to vote was also a provision of the Territorial law. In addition to its allegations that marked ballots were hurting the Liberal cause, the Gentile party contended that juggling of election returns and ballot-stuffing by dishonest officials were swelling the People's party vote far beyond what could legally be expected. Under the revised law, a registration officer was authorized to visit every dwelling in each precinct and make careful enquiry of each person claiming the right to vote. After satisfying himself of the individual's right to go to the polls, the assessor was to administer an election oath, given as follows:

I, __________ being first duly sworn, depose and say that I am over twenty-one years of age and have resided in the Territory of Utah for six months, and in the precinct of __________ one month next preceding the date hereof, and (if a male,) am a "native born" or "naturalized" (as the case may be,) citizen of the United States, and a tax-payer in this Territory (or, if a female,) I am "native born" or "naturalized" or the "wife," "widow," or "daughter," (as the case may be,) of a native born or naturalized citizen of the United States. 7

The third objection of the Tribune during this period, the charge that alien women and under-age girls were voting, was the only one with any real degree of legitimacy. But as the tables on the following pages will show, the total vote

6 Ibid.
7 Ibid.
recorded in any Territorial election from 1870 through 1888
was far less than the number of persons over twenty-one, who
presumably were able to vote during at least a part of the pe-
period indicated.

TABLE I
POPULATION STATISTICS FOR UTAH TERRITORY

<table>
<thead>
<tr>
<th></th>
<th>1870</th>
<th>1880</th>
<th>1890</th>
</tr>
</thead>
<tbody>
<tr>
<td>Population</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>86,786</td>
<td>143,963</td>
<td>207,905</td>
</tr>
<tr>
<td>Males</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Born</td>
<td>28,994</td>
<td>52,189</td>
<td></td>
</tr>
<tr>
<td>Foreign Born</td>
<td>15,127</td>
<td>22,320</td>
<td></td>
</tr>
<tr>
<td>21 and Over</td>
<td>18,042a</td>
<td>32,773</td>
<td>54,471</td>
</tr>
<tr>
<td>Females</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Native Born</td>
<td>27,090</td>
<td>47,780</td>
<td></td>
</tr>
<tr>
<td>Foreign Born</td>
<td>15,575</td>
<td>21,674</td>
<td></td>
</tr>
<tr>
<td>21 and Over</td>
<td>17,000b</td>
<td>28,865</td>
<td>45,000c</td>
</tr>
</tbody>
</table>

a Available census records for the United States for the
period indicated in Table 1 do not specify as a special group
persons over twenty-one who had rights of citizenship except
for 1870, when 10,147 males over twenty-one were so designated.
b Estimated figure.
c Estimated figure.

8 Compiled from United States Census reports for the
years 1870, 1880, 1890.
TABLE 2

COMPARATIVE TABLE SHOWING PEOPLE'S AND LIBERAL PARTY VOTES CAST IN TERRITORIAL ELECTIONS FROM 1870 TO 1888

<table>
<thead>
<tr>
<th>Year</th>
<th>People's</th>
<th>Liberal</th>
<th>Year</th>
<th>People's</th>
<th>Liberal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1870</td>
<td>21,656</td>
<td>1,469</td>
<td>1880</td>
<td>18,567</td>
<td>1,357</td>
</tr>
<tr>
<td>1872</td>
<td>21,970</td>
<td>1,938</td>
<td>1882</td>
<td>15,653</td>
<td>4,374</td>
</tr>
<tr>
<td>1874</td>
<td>24,864</td>
<td>4,589</td>
<td>1884</td>
<td>22,120</td>
<td>2,215</td>
</tr>
<tr>
<td>1876</td>
<td>20,850</td>
<td>3,833</td>
<td>1886</td>
<td>19,605</td>
<td>2,810</td>
</tr>
<tr>
<td>1878</td>
<td>14,201</td>
<td>57</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*The figures beyond those indicated here are incomplete for both political parties for the 1882 election.

9 Election returns given in the table were compiled from the Salt Lake Daily Tribune for November 9, 1882, p. 4, and from later election returns printed in that newspaper and in the Deseret News.
Despite the law of 1862 which outlawed polygamy, members of the Church with plural wives continued, in most cases, to support their families, ignoring the law or contending that it was an unconstitutional infringement of their religious rights. The Tribune charged that Mormon men, both naturalized and native born, took as plural wives great numbers of alien women and, regarding them as legal wives, encouraged them to vote. Federal laws stipulated that citizenship could be acquired only after an alien had declared his intention of becoming naturalized; renounced all other allegiance; and established residence within the country of five years and at least one year in the state or Territory. In the event a declarant died before completing the residence requirement, the widow and children were to be construed as full citizens of the United States upon taking the oaths prescribed. But that women who had no claim to citizenship, other than as plural wives of Mormon elders, did go to the polls in some numbers there is little doubt. The Women's Exponent, a publication circulated among members of the Church, made tacit admission that the charge of the Tribune was based at least partially on fact. The journal declared that there had been great neglect among the foreign-born women of Utah in taking out their citizenship papers or even in making an effort to do so. Few


11"Naturalization and Registration," Women's Exponent, September 15, 1882, p. 60.
such women became citizens, the *Exponent* said, a thing that was unaccountable.\(^{12}\)

In an editorial of July 31, 1878, the *Deseret News* likewise acknowledged, somewhat belatedly, that "quite a number" of women who were foreign-born plural wives had taken no steps toward securing the right to vote in the election then approaching. Many such women, the *News* indicated, had registered and had undoubtedly voted in previous elections. Despite the contention of the Latter-day Saints that such women were the wives of their husbands, with all that the title implied "in the sight of God and their co-religionists," yet the paper said, the law of the land only contemplated one legal wife for any man. "We think it better to lose a few votes than to break the law, or even to be in a dubious position in relation to it. The best way for all our alien ladies is to become naturalized and thus obtain the status of citizens independently."\(^{13}\) But as to the number of alien women who had actually been voting, none of the journals had any estimates, and other sources do not suggest any figures. However, the sudden drop in the Church party election returns immediately following the Territorial election law of 1878 indicates that a considerable group of persons did not qualify under the new law, or acting on the counsel given by the *Deseret News*, felt it wiser to remain away from the voting booths until they could


meet necessary qualifications.

Arguments used by the Tribune to support its views assumed a recognizable pattern which had but little deviation: regular exposures were made of the voting procedure used in the Territory, and particular stress was laid on the evils allegedly resulting. Modification of the law was always sought by the paper.

The Tribune, as the voluble mouthpiece of the Liberals, insisted that the marked ballot was a check placed on all members of the Church to keep them from voting in opposition to the wishes of the Priesthood. Fear of swift punishment was the tool employed to force men and women to vote the Church line. Because the ballots for the People's and the Liberal parties were regularly issued by the groups themselves, there was nothing to guarantee standardization, and apparently, differences between the two ballots made the voters' choices conspicuous to any interested observers. A Tribune article titled "The Election" purported to give an accurate picture of the methods used in Zion at election times:

At the time for opening the polls in the several precincts, yesterday morning, the polygamous judges and their clerks were on hand, ready to admit any and all ballots, providing the voters presented the hieroglyphic ticket. The slips of paper on which was printed the names of Brigham's nominees had some secret instructions printed on the back in the Deseret alphabet, a system of phonetics with which none but the priests seemed to be familiar. Many conjectures were rife as to the interpretation of these crazy looking characters. One was that it was a deed of transfer to the Order of Enoch of all the worldly goods in the possession of each unfortunate slave who voted the ticket; another, that it was a curse pronounced by the Prophet Brigham, upon the Gentiles, coupled with a command to the Danites to "spot" all Mormons who should dare to vote any
other ticket, and to follow them with swift vengeance. . . .

In answer to the cry raised by the Gentile paper, the Deseret News was quick to give the reasons for the marked ballot then in use. The paper pointed out that the system was not a Utah creation but was adopted from the constitutions of experienced commonwealths in the United States. The marked ballot, said the News, was the most positive way to guarantee the purity of elections. The system "renders fraud almost impossible, and in cases of contested elections affords a direct and easy way of ascertaining the truth." The election system employed in Utah had just been incorporated into the Colorado constitution and ratified by popular vote there, and it was praised highly in California, the News noted. Furthermore, a fine of two hundred dollars was fixed as penalty against any persons who examined a ballot for any purpose other than to compute election returns. No reason existed, the paper added with finality, for any person to be ashamed of the way in which he voted.

The Tribune refused to rise to the counter charge of the Church paper—that the Liberals would use trickery and ballot juggling to achieve what they couldn't accomplish by honest electioneering. The Tribune, doubtless seeking subscribers as well as support from the preponderantly Mormon population of Utah and especially Salt Lake City, posed as the

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champion and supporter of the people in order to gain its ends. It was asserted that the non-Mormons of Utah were not seeking the repeal of woman suffrage despite the fact that it was an evil, which did more harm to those enfranchised by it than to those deprived of their rights by its operation. This, the paper explained, was because the "Saintesses" voted at the dictation of their "annointed" masters, thus perpetuating the Utah misrule. However, the Liberals had an abiding faith in the prevalence of right and were

... willing to fight their inspired oppressors handicapped with the female dupes of the priesthood arrayed at the polls against them. They ask only a fair field and no favor. Let Congress give them an unmarked ballot, and place the custody of the polls and the poll-lists in honest hands, and the opposition is willing to meet the hosts of Armageddon without further support... to lock horns with the whole infallible hierarchy. If the Gentile cause is not essentially right, and lacks the robustness necessary to achieve success, let it go down to an early grave. 16

Unwilling to be reconciled by the modifications recommended by Governor Emery to insure a secret ballot, the Liberal journal asserted that "some facile invertebrate creature from the Gentile ranks could be chosen, whose services as watch dog at the poll and at the canvass of the votes would amount to just nothing." 17 Going beyond its former allegations, the paper insisted that with elections conducted as they were, a secret ballot would be of no effect as long as there was no security against stuffing the box before it reached the canvassers, and as long as the canvass of the vote was made stealthily

and in secret. As the law stood, the ballot boxes at the
close of the polls were sent from the various precincts to the
county clerk. The Tribune reasoned further:

The messenger is some irresponsible person who is not
sworn, and if he should be detected stuffing the ballot-
box choke full of bogus votes, the extreme penalty provid-
ed for this heinous offense is a fine of twenty dollars!
In the Southern counties, where Liberals are few in number
and these intimidated by an usurping priesthood, there is
absolutely no protection to the rights of the minority...18

Examination of the type of reasoning employed by the
editors and writers of the Gentile paper lead one directly to
the conclusion that the paper was determined not to be satis-
fied whatever the changes in the Territorial laws. The Deseret
News apparently reached the same conclusion, for to many ac-
cusations and complaints of the Tribune there was no answer.
As far as the News was concerned, there was satisfaction with
the enactment of the election law, and that publication hailed
it as a "good liberal bill," which would protect the rights
of the minority party through appointment of a Liberal party
election judge to sit with judges of the People's party when-
ever any contest had occurred in the previous election.19

Lack of a registration law prior to 1878 was a major
shortcoming in Utah, as we have previously noted, but when the
law was passed, the Tribune called it "one step in the right
direction and a half dozen steps in the opposite direction."20

19"The New Election Law," Deseret News, February 25,
1878, p. 2.
20"A Curious Election Law," Salt Lake Daily Tribune,
March 9, 1878, p. 1.
Ironically, the registration-screening of persons before they could vote was labeled the step in the wrong direction:

In sparsely populated districts, the voter will have to lose a day to register his name, and perhaps hire a vehicle to attend the register's office. This will work against the Gentile cause, as quite a number of its members are not permanent residents in the locality, being compelled to shift as the visissitudes of mining industry control them; and many will feel careless about registering, when it is open to a doubt whether they will remain in the same precinct to cast their votes. 21

Suppose, asked the paper, the assessor did not chose to be satisfied with the claim of the affiant to vote? "Suppose some of these petty, illiterate despots . . . refuse to register an opposition voter, what is the . . . redress? None is provided." 22 The oath included a drag-net to catch every opposition voter, the Tribune asserted, requiring every voter to swear he was a tax-payer. Election judges held that to be a tax-payer one had to pay taxes on property, since a poll-tax receipt did not entitle a person to vote. Few miners and non-Mormons could answer that requirement, and so fully three-fourths of the Liberal voters would be disfranchised, the paper argued. Especially irritating was the failure of the registration provision of the law to disqualify Mormon women who were able to meet provisions required by the test oath. The Tribune stated heatedly that even though women had no property, lacked a knowledge or understanding of English, or did not know whether they were governed by an emperor or president, they

were still able to vote.23

The most serious shortcoming of the Gentile paper's argument, however, was the fact that no alternative proposal for voter registration was ever set forth in its columns. Particularly revealing concerning the Tribune's attitude was its harsh treatment of Governor Emery in approving the election bill of 1878. Prior to passage of the measure, the tone of the Liberal paper was cordial and respectful toward Emery; but after the Governor's approval was given, no insults seemed to satisfy the Tribune. Until he was replaced in office, in 1880, he was denounced as a corrupt Mormon tool, unfit for the responsibility he held.

In its issue of June 2, 1878, the Tribune announced that Liberals in Utah had determined in advance to allow the approaching election to go to the Church party by default.24 Many Gentiles had failed to register anyway, the paper added, and so they would have been ineligible to vote. Similar statements were fairly frequent in the paper's columns prior to municipal or Territorial elections following the 1878 bill.

The third main objection of the Tribune to women going to the polls was their use as tools to "swamp" the elections, and the paper early seized on an issue that seemed readymade:

At the election on Monday a large number of polygamous wives voted the Church ticket. Now it is somewhat a problem to know how many women a man can naturalize by marriage. In the first place we do not believe in the legality of

23 Ibid.
24 Ibid., June 2, 1878, p. 2.
any foreign woman's vote unless she has submitted to the naturalization laws the same as a man, and this is entirely outside the question of the constitutionality of woman suffrage. It is manifestly unjust to allow an alien woman to neutralize the vote of a bona fide citizen, yet on election day such votes were accepted by the hundreds.

Granting for argument's sake, that a man naturalizes and makes a citizen of one woman by marriage, this certainly cannot apply to the second, third, fourth and fifth wives, for the reason that the law does not recognize any such subsequent marriages, consequently these women are just as much aliens as when they first stepped on the emigrant ship; yet on election day hundreds of this class of citizens voted the Church ticket, and in so doing acted in defiance of the laws of the country.25

Continuing its argument in another article of the same issue, the Tribune reasoned:

Out of the two thousand Mormon women who voted on Monday, not more than two or three hundred could possibly have polled a legal vote, even if female suffrage be extended to American citizens. No woman of foreign birth can be an American citizen, unless she has been naturalized through the regular method of naturalization. A Territorial Legislature has no power to grant the dispensation of citizenship to a foreigner, nor has even a State. The transaction is between the alien and the United States, and the United States alone has the power to adopt the foreigner, and confer upon either him or her the rights of an American citizen. And even where the United States is a party in that transaction, there is the due form laid down for the entire Republic, which no presumptuous priestly Legislature has the power to set aside to prop up a fallen theocracy by the votes of alien women. Looking at this matter from any point of view, consistency would declare that nearly all the women votes cast at the election ought to have been rejected on the grounds of non-citizenship.26

Apart from the legality of the problem, the Tribune deprecated the use of Mormon women as tools to swell the vote of the Church party and the way of the "much-married lord" in marching his half-dozen wives to the polling booth, there

26 "Non-Citizen Women," Ibid.
commanding them to vote.27 Fully one-half of the Mormon women in the settlements of the Territory did not understand English, the paper reported, but they mutely obeyed counsel, not knowing or caring for whom they deposited their votes.28 Similar word pictures of Latter-day Saint women as election tools were often painted in the pages of the Tribune.

In strong contrast to the condition that then existed, affirmed the Gentile sheet, would be the scene enacted if women in Utah had a "free ballot" and were able to go to the polls without fear of their masters: "These deeply injured and oppressed women only want a chance to rise; they only ask an opportunity to do themselves some faint approach to justice . . . they would soon learn to correctly estimate the value of the franchise conferred upon them."29

A "remarkable reluctance" on the part of the Gentile women in going to the polls likewise called for strong criticism by the Tribune. In some cases it was like pulling teeth, the paper said, to get non-Mormon women to vote. Although some women voted strictly from a sense of duty, the great majority of them stayed away from the polls. Sometimes reversing its stand, the newspaper sympathized with the Gentile women for not voting, at such times approving their reluctance to do so. They had no wish to vote when their ballots were

27"Female Suffrage in Utah," Ibid., December 30, 1873, p. 2.
28"Woman Suffrage in Utah," Ibid., December 15, 1877, p. 2.
29Ibid.
only neutralized by illegal votes, it was explained. The women who could cast an honest and independent vote had no stomach for the business and preferred to have their husbands speak for them. But whether the women voted or not, the Tribune was ready with a reason for the condition that existed. The News passed most of the Liberal Tribune's accusations off, probably considering that Gentile frustration at polling no more than a few thousand votes in any election was responsible. The News summed up its attitude in an article clipped from the Woman's Journal, a national suffrage publication defending woman suffrage in Utah generally:

We can understand perfectly well that the "Gentiles of Utah," who are principally miners and unmarried men without families, feel aggrieved at being outvoted by the Mormons, of whom a large portion are women. A husband, wife and grown up daughter count three at the polls, an unmarried man counts one. But, after all, this is right. These women are entitled to representation. If the Gentile wishes to count three, let him also marry and rear children"30

The article was run without comment.

The action of the News in advising polygamous women to stay away from the election polls unless their right to vote could not be disputed31 surprised the Tribune, which evidently expected resistance rather than such a step from the Church paper, and the Gentile paper considered the step as a matter of interest worthy of speculation: "There being no opposition ticket in the field, the priesthood party had only to walk the

31Previously referred to on page 33 of this chapter.
course, and the inaction of the entire female persuasion made no difference in the result [of the election]. It looks very much as if they were being used."\(^{32}\) But just who was being "used" and in what manner the paper failed to say.

The sudden action of the Church newspaper in advising certain Latter-day Saint women to remain away from the polls after seven years of voting suggests that the People's party was anxious not to give offense, as Congress was becoming less friendly toward the existing system in Utah.

Fully bent on its policy of exposure and reform of supposed Mormon abuses of the suffrage act of 1870, the *Tribune* in the mid-1870's began to charge the Church with encouraging girls under age to vote in order to increase election returns for the Church party:

The law says a woman must be a citizen, twenty-one years of age or must be the wife, daughter or widow of a citizen in order to vote. Under that law, girls of fourteen have borrowed babies, and voted on the strength of being mothers. Hundreds of women have voted who were under age, and thousands have voted who at the time of voting had not been a year from Scandinavia. This work goes on at every election, and in order that it may, a Mormon Legislature refuses to change the law. The *News* knows all about this . . . and yet it lies about it. . . .\(^{33}\)

The *Tribune* 's claims made good copy and probably sensational reading among non-Mormons and foes of the Church in the Territory and in the press of the nation. But although the *Tribune* repeatedly insisted that under-age Mormon girls


\(^{33}\)Ibid., December 1, 1881, p. 2. *Tribune* charges are clearly set forth here, although numerous similar accusations were made earlier.
voted with the connivance of the election authorities and even
gave feminine names to animals and "voted them," 34 nothing more
substantial than repetition was offered to support the charges.
The Liberals professed to see in the wording of the election
law of 1870 loopholes whereby the People's party claimed jus-
tification for such irregularities, and they held that the 1870
Legislature had purposely enacted a law to permit fraud:

The intention of the law is plain enough. It was meant
to give the suffrage to alien women and girls under age.
We do not hesitate to say that for passing and approving
such a law as that the organic act of this Territory ought
long ago to have been taken away from the people, for it
shows an utter disloyalty to and contempt for the Govern-
ment of the United States. 35

The Deseret News denied the Liberals' charges, brand-
ing them as ridiculous and malicious and as contemptible mis-
representations of the truth. The News also noted that the
Tribune was extremely slow in bringing forth proof of the pur-
ported election violations. In a lengthy article, the paper
examined the law enfranchising women of the Territory, declar-
ing that it was honest in its intent and explicit in its pro-
visions. The woman suffrage act required that every women, in
order to vote, had to be at least twenty-one; have resided in
the Territory six months previous to any election in which she
voted; be either born or naturalized in the United States; or
be the wife, widow or daughter of a citizen. "This is plain
as language can make it. It follows, therefore, that a woman


35 Ibid.
under twenty-one years of age cannot vote in this Territory even if she possesses the other requisite qualifications." 36 

Implementing the requirements of the act was a registration law recently approved in the Territory. 37 The News article concluded with a scathing denunciation of the governor of the Territory, Eli H. Murray, a bitter anti-Mormon, who had told a correspondent of the New York Tribune that the Utah election law was so framed and regarded by election officials of the Territory that "'a Chinese girl 12 years of age who hasn't been in the country a month, can vote if she is married!'" 38 

The News angrily retorted to the public:

There never was a more palpable and unequivocal untruth told by mortal man than the sentence we have quoted. . . . It is false in every part and false in its entirety. The object of such misrepresentation is as vile as the untruth, and stamps its author as unutterably despicable and contemptible. Those who repeat the falsehood, knowing that they are garbling the laws and maligning the people of Utah, belong to the same category and are unworthy of the respect of any decent man or woman inside or outside of the Territory. 39

Most of the charges of the Liberals about irregularities in the voting of the Latter-day Saints the Church paper passed over as having a foundation more in frustration and fury than fact.

Despite the editorial din and confusion of the 1870's,


37 Previously discussed in this chapter.


39Ibid.
certain summations should be made and noted:

Through their agitation the Liberals and their newspaper were able to secure modification of election laws in the Territory and to reduce somewhat the Latter-day Saint or People's vote, although the People's Party had no difficulty in electing their candidates to office. But if observers were hopeful that the Tribune would let the suffrage issue rest, they were wrong. The campaign which the Tribune had conducted was only a forerunner of more ambitious projects.
CHAPTER V

"CRUSADE" FOR REPEAL

Feeling itself to be subjected to a crossfire of criticism which it considered unjust as well as harmful to the Liberal cause in Utah, the Salt Lake Daily Tribune periodically took occasion to amplify and defend its policies.\(^1\) Perhaps the most revealing statement made by the Tribune about itself and its purposes was printed some four years after the establishment of the paper as a Liberal publication in Salt Lake City:

Taking the maxim, "the greatest good for the greatest number," in its correct interpretation to mean a participation in the knowledge and experience of the American people and the right to share the blessings conferred by their institutions, we shall always insist, until the objection is removed, that the chiefest hindrance to Utah's happiness lies in her self-imposed estrangement from the influences which under opposite conditions had clothed her with social, political and material splendor. Governed only by a desire for the common weal, we shall labor to supplant that system which makes the citizen alien to his own country, and substitutes a feudalism of lord and vassal. . . . In a word, knowing that the constitution of the Church of Latter-day Saints is framed, or if not so framed, is enforced on the Mormon people to their positive injury, and that by a complication more intricate than ingenious, all religious duties of the believer are mingled with the political actions of the citizen. That by reason of this mixed authority an absolute union of Church and state has followed, with the Church uppermost. Hence a priesthood dominates over the people, and civil government with its vast majority of the inhabitants of Utah. In the emancipation of these thousands now held down by deception, THE TRIBUNE

\(^1\)Salt Lake Daily Tribune, January 1, 1873, p. 2.
will be a willing worker. Without a thought of malice, bearing no rancor toward the people now plodding beyond the pale of liberty, we shall endeavor to show them that religious and political duties are not only separate ideas, but that the world has never had an instance in which their union was not a curse to humanity. Utah must not expect to be an exception. She cannot be especially at this time, when her tyrants are forging new chains and fitting them to the limbs of their victims. The friend of the people, THE TRIBUNE has gone into the fight, and will battle for their rights until our territory has a populace worthy of the advantages she offers them, until no other power than the gentile weight of national authority is above them.2

Despite the somewhat cloudy phraseology in the article, there is little doubt as to its meaning. In the light of subsequent events, it is clear that the Tribune and the Liberal Party in Utah had in view nothing less than the destruction of the temporal power of the Church of Jesus Christ of Latter-day Saints. Woman suffrage thus logically drew the fire of the Liberals, supported as it was by the Church and its official organ, the Deseret News.

From 1872 to 1884, continuous reference to woman suffrage was made in the columns of the Tribune, most articles being in the nature of editorials or combination news-editorials. Such stories were usually slanted against women's enfranchisement, and they almost invariably made their appearance on page two of the daily paper. In some instances, news reports were given of suffrage activities in other parts of the nation or abroad. In contrast to the stories on the local situation, these articles were nearly always free from editorializing although the headlines reflected Tribune sentiment in all cases.

2Ibid., May 19, 1874, p. 1.
Arguments used by the *Tribune* against the voting of women first sought amendment of the suffrage law and then sought outright repeal when it was realized by Liberals that the enfranchisement of women in no way helped their political fortunes. Reasons given by *Tribune* writers for amendment or repeal of the 1870 law varied only slightly from one another, most of them being similar to those already referred to in this paper.

Ridicule and name-calling were probably the most frequently used devices to sway public and official opinion and to secure Liberal Party goals during the *Tribune* crusade against the woman suffrage act. Illustrative and typical of the paper's campaign is the following article for December 15, 1877:

*Grandmother*[^3]... put in a weak plea for woman suffrage in Utah. She says female electors do not cut up and behave riotously at the polls, therefore they should have the ballot. And the mincing old dame compliments the brethren on their gallantry in giving the suffrage to woman, when States which make a great parade of regard for the sex, have withheld from it the priceless boon. But the incantious old girl admits too much in her laudation...

The arch old deceiver bamboozles her own sex, too. She congratulates the dear creatures upon their special advantages, and pronounces the act of the Legislature (approved by a drunken Secretary while acting Governor,) conferring suffrage upon the women of Utah, "a work of progress in civil liberty." But can any one of these enfranchised Saintesses tell us wherein she is benefited by the boon? They are not allowed to hold office, it brings them neither profit nor advantage, they derive from their boasted privilege no social advancement and no political elevation.

*Grandmother* makes a specious show of liberality in boasting that the right of suffrage is not confined to devout Saintesses alone. "It is enjoyed by all women of twenty-one years and over in the Territory." Gentile women show no sense of gratitude for the privilege, as the bulk of them stay away from the polls, declaring with an air

[^3]: Refers to the *Deseret News*. 
of outraged dignity, that they will not be seen in company with a crowd of celestial concubines hand in their ballots at the polls. And the few who are prevailed upon to vote, do so with reluctance, and from a sense of public duty; they all declare they have no desire to take part in elections, and wish to goodness the men would manage their political matters for themselves.

And the Mormon women show equal indifference. They go to the polls and vote just as you would drive a flock of sheep to water. In the settlements, one-half of the female population do not understand the English tongue, and when they are instructed by the bishop at Sunday meeting to vote, they mutely obey counsel, as is enjoined upon them by their religion. They take the ballots from the hands of their teachers, ask no questions, and go in wagon loads to the polls, without knowing or caring for whom they deposit their votes. . . .

Yet with all these advantages, and having the thing entirely in their own hands these priests in office durst not place in the hands of their women a free, unmarked ballot. The poor creatures are docile, their religion degrades them to worse than Asiatic servitude. . . .

Repitition and contradiction from one sentence to another failed to halt the rush of words:

. . . The dear creatures do not take to the business of voting kindly or intelligently, and their ballots, instead of indicating the will of a purer and higher element . . . merely produce one egregious muddle. . . .

Then they are inveterate repeaters. The idea seems to have been infused in these female voters' minds that the unrighteous Babylonians must be beaten every time, and every vote the sisters can get into the ballot box--legal or illegal makes no difference--is so much to their credit. . . .

In its pose as "Tribune of the people," the newspaper often sought support from the very groups it had previously attacked and would again attack in the next issue of the paper. One such appeal was made to all women who had regard for a

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5 "Women Voting," ibid., February 16, 1876, p. 2. Other examples of the Tribune's attack on the suffrage will be found in Appendix D.
happy home and desired to free themselves from the slavery to
which they had been subjected by polygamy; to the men who
could "make the Polygamists sick when the vote is counted" if
they would follow the Liberal line; and to all those who had
regard for the law. The paper exorted "Young Utah" to ponder
over the falseness of the Church journal "... talking to you,
as it assumes to, in the name of the living God. Are you not
growing tired of this? ... Shame! Shame! Come out from
this thieving thing called a church ... which is carried on
merely to debase, degrade and rob you."  

Appeals for repeal of the franchise law were made un-
successfully to the Territorial Legislature, and failing there,
to Congress. A Liberal lobby, termed the "ring" by the Des-
eret News, spearheaded activities in Washington, D.C. From
1872 to 1874, according to Roberts, the "ring" kept a lobby in
the nation's capitol, constantly begging for special legis-
lation.  

As if to remind the Tribune of deviation from the
course it first set out on, the Deseret News not infrequently
recalled that following the establishment of female suffrage
in the Territory the "very class of people now anxious for its
repeal were full of hope that it would further their ambitious
projects." Such hope having failed, there resulted increased
attempts to destroy the foundation once praised, "... and

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6Ibid., November 7, 1882, p. 4.
7"Utah's Election Law, "Ibid., December 24, 1881, p. 2.
8Roberts, op. cit., V, 433.
all this not from any sound principle, just motive, or generous impulse, but simply from the abundance of pure, ingrained selfishness, the sordid selfishness that will use or abuse anything and anybody to secure its own vicious gratification."

Had the women of Utah voted for their maligners and oppressors, the Church paper insisted, no move would ever have been made to have the law changed. The act of the Utah Legislature in 1870 the News declared to be good, and would have been so whatever the religious background of its sponsors had been. Woman suffrage in Utah needed no defense. It was not attacked on its own account, on its merits or demerits, but only incidentally, sneakingly, apologetically, and "for the accomplishment of another and very different object," the News editorialized on February 11, 1874. The Church paper indicated that it was fully aware of the intent of the Liberal backers of the Tribune. The existence of woman suffrage, or its non-existence, "is nothing at all to that clique, only as a means to an end, and that end is the annihilation of 'Mormonism!'"

In the efforts of the Gentiles in Utah, the News saw an attempt to deny to all Mormons the right to hold office, federal or local, and the right to vote at the polls for all officers. The prohibition of suffrage to the women of the

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9Deseret News, December 13, 1877, p. 742.
10"How It Works," Ibid., February 11, 1874, p. 22.
11Ibid.
Territory was only an entering wedge in a larger campaign; the result would be a "long, dismal, and cruel course of injustice and tyranny . . . towards the disfranchised and semi de-citizenized class."\(^{12}\)

The Church newspaper, sensitive to the reports broadcast by the Tribune concerning the political and social situation in Utah, periodically struck back with editorials worded as strongly as those of the other paper. It was not at all strange, the News said, that those who set themselves up to destroy Mormonism should send "Ridiculously false and foolish dispatches" for the purpose of creating public sentiment adverse to the interests of the Territory. Disturbing, however, was the readiness of reputable newspapers to give attention and coverage to such stories, which were "false, highly-colored and malicious reports."\(^{13}\) If honest men really knew the source of the reports which were so damning to Mormonism, the paper was sure they would readily change their views.\(^{14}\)

That the press of the nation did take seriously accounts of the failure of woman suffrage and the attendant condition of political affairs in the Territory as delineated by the Tribune was evidenced by the number and variety of articles that appeared in the national press, many of which were reprinted in both leading newspapers of Salt Lake City. An

\(^{12}\)"Wolfish Legislation--'Mormons' Shall Not Vote Nor Be Voted For," \textit{Ibid.}, January 14, 1877, p. 742.

\(^{13}\)\textit{Ibid.}, March 6, 1872, p. 50.

\(^{14}\)\textit{Ibid.}, February 15, 1872, p. 50.
article entitled "Shall We Disfranchise Women?" appeared originally in the New York Independent, written on the legality of denying the franchise and posing the question of whether there was sufficient justification to do evil in order to accomplish good ends.\textsuperscript{15} The News also recopied from the Sacramento Union a typical article which declared that there had been no original intention by the framers of the suffrage act to elevate women,\textsuperscript{16} a story which followed many of the Tribune arguments. Other articles reported unfavorably on the Utah situation.

On the other hand, the News clipped many articles favorable to woman suffrage from exchange papers which came into the newspaper's office. Unlike the Tribune, which usually gave bare coverage to such articles, the Church journal reprinted the articles in their entirety as proof that many groups looked with satisfaction on the progress of woman suffrage.

Closely followed by both the Deseret News and the Tribune was the action of Congress relative to the suffrage question. As early as February 26, 1873, a bill was introduced in the Senate of the United States to bar women from going to the polls. Known as the Utah Bill, its author and principal supporter was Sen. Frederick Frelinghuysen of New Jersey. According to one of the provisions of the bill, the act of the Utah Legislature in providing for the franchise of women was

\begin{footnotes}
\item[15]\textit{Ibid.}, March 11, 1874, p. 87.
\item[16]\textit{Ibid.}, February 4, 1874, p. 11.
\end{footnotes}
disapproved and annulled. Following passage of the bill, any woman that voted was to be liable to a five hundred dollar fine and/or a year's imprisonment. Most censurable provision of the bill, framed "to aid in the execution of the laws in the Territory of Utah," was a section calling for the extension throughout Utah of the common law of England as it had been in force in the American colonies at the time of the Declaration of Independence. According to the common law as it had been practiced, the husband succeeded upon his marriage to all the rights of his wife, acquiring an absolute title to her property and ruling over his with such actions as were necessary. The section of the bill which would have invoked the English common law was outrageous to the Latter-day Saints and to their newspaper, which labeled the entire bill abominable, for it would have remanded the women of the Territory into a slavery far more real than the bondage under which they were allegedly suffering.

Senate approval of the bill was gained by its supporters, although it failed to pass the House. Only intervention on the part of the friends of woman suffrage defeated the measure, the News reported. A somewhat-modified version of his earlier anti-Mormon bill was reintroduced in the Upper House by the Senator on December 3, 1873. Ordered printed,

17 Ibid., March 8, 1873, p. 134.
19 Deseret News, April 2, 1873, p. 34.
the new measure did not contain any reference to establishment of common law, which reference had been struck out by the Judiciary committee.\textsuperscript{20} As with the earlier version of the bill, however, the Frelinghuysen measure was never enacted into law.

The Utah press, as has been indicated, gave extensive coverage of the progress of the anti-Mormon bills, for the proposed legislation was as attractive to the Gentiles as it was repugnant to the Saints. Suffrage organizations throughout the country were interested in defeating Frelinghuysen's bills, and their influence was noted with disapproval by the \textit{Tribune}. A suffrage group in Boston, Massachusetts, was particularly criticized for the lack of "discrimination" with which they pursued their work. The paper declared that it had the admission of one Boston woman that the Frelinghuysen bill was defeated in Congress principally through their efforts, and they intended to pursue the same "criminal" course for the second measure. As if to point out the effect of the intervention, the Tribune printed part of a letter from a Salt Lake woman who was referred to as but one example of the suffering and much-wronged members of her sex in Utah:

I would set over against the petition of the New York merchants who sell goods to the Mormon leaders, the prayer of the four hundred woman [sic] of Utah who appealed to Congress last year for the redress of their wrongs. Their prayer was disregarded, but they were only woman [sic] sitting solitary by desolate hearth-stones, or gathering around their little children whose only heritage was poverty and wretchedness. They had no money to buy votes, and no political influence to wield. What wonder then

\textsuperscript{20}\textit{Ibid.}, January 28, 1874, p. 830.
that their bitter cry fell upon deaf ears, that their prayer for help was unheeded.\footnote{Female Suffrage in Utah,} Salt Lake Daily Tribune, December 30, 1873, p. 2.

Resolutions of suffrage organizations calling for defeat of the anti-Mormon bills were sent to Congress from nearly a score of states, and their influence was gratefully noted and acknowledged by the Deseret News.\footnote{Pennsylvania Woman Suffrage Association,} Deseret News, April 29, 1874, p. 206.

Although women in Utah were active on behalf of the suffrage and later were to send representatives to the nation's capital, the press of the Territory did not take notice of their efforts to secure the defeat of the Frelinghuysen measures.

Editorial comment on the progress of much of the anti-Church activity in Washington was not indulged in by either of the principal papers of Utah during this time, other than to regard the events as news items. The feeling of the press was possibly that legislation directed against the Church in the mid-1870's was too weak and scattered to be effective.

It should be observed, however, that Congressional consideration of matters in Utah during this period was not wholly without results. Approved June 23, 1864, was an act which took from the probate courts of the Territory all criminal, civil, and chancery jurisdiction. Known as the Poland Bill,\footnote{The Compiled Laws of Utah (Salt Lake City: Herbert Pembroke, 1888), I, 107.} the measure was introduced by Sen. Luke Potter Poland of Vermont. The bill, according to Roberts, was the beginning "of that
series of congressional enactments which nearly destroyed for
years every vestige of local self-government" in Utah. 24

In Utah itself, women's groups were active both as de-
defenders and as opponents of the L. D. S. position through the
mediums of their own publications. The Salt Lake City unit of
the Women's National Anti-Polygamy Society printed the Anti-
Polygamy Standard from April, 1880, to March, 1883. The paper
was similar in format to the L. D. S. Women's Exponent, which
it obviously set out to oppose. Under the name plate was a
verse from the New Testament, "Let every Man have his own Wife,
and Let every Woman have her own Husband.--1 Cor. 7:2." The
Standard further distinguished itself by printing in each is-
sue on page one a statement by Harriet Beecher Stowe to the wo-
men of America:

Let every happy wife and mother who reads these lines
give her sympathy, prayers and efforts to free her sisters
from this degrading bondage. Let all the womanhood of the
country stand united for them. There is a power in com-
bined enlightened sentiment and sympathy, before which ev-
ery form of injustice and cruelty must finally go down. 25

Jennie Anderson Froiseth, editor of the Standard, was
active in anti-Mormon groups and was author of a lengthy work
on polygamy, The Story of Mormonism, which was ostensibly "told
by the victims themselves." 26

Early issues of the Standard passed over the suffrage

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26 Jennie Anderson Froiseth, The Women of Mormonism (De-
troit; C. G. G. Paine, 1882). The work was popular as an ex-
posure of Latter-day Saint polygamous practices.
issue, averring little direct interest in the matter, but in June, 1880, the publication charged that the only effect of the suffrage on the women of Utah had been to increase the spread of polygamy and to degrade women, making them, if possible, greater slaves than before. At the same time the Mormon priesthood reportedly had been strengthened. Suffrage as it existed in Utah was "an entirely different matter" from that system which suffragists in the East were working for, the journal contended, although Eastern groups failed to see the difference. There it represented a principle; in Utah it served only to place greater power in the hands of the men, and rather than representing the sentiments of the women, it was "only a reflex of the opinions of the priesthood."  

The argument used by the *Standard* closely resembled the *Tribune* editorial line against woman suffrage. Whether or not there was editorial collaboration between the two publications is not clear, although their policies would naturally give them the same point of view. Some financial connection existed between the *Tribune* and the *Standard*; and the *Standard* was probably printed on the newspaper's presses. In the March, 1883, issue of the *Anti-Polygamy Standard*, a notice was printed notifying subscribers that payments should be made at the *Tribune* office.  

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28Ibid.

29Ibid., March, 1883, p. 84.
The **Women's Exponent**, previously mentioned, began publication in 1870, continuing until 1913. It was edited by Mrs. Emmeline B. Wells, wife of Daniel H. Wells, counselor to Brigham Young in the First Presidency of the Church. Most references in the *Exponent* to the issue of woman suffrage were merely notices referring to meetings of various local and national groups.

During the political campaign of 1880 in Utah, a major attempt was made by Liberal party leaders to disfranchise the women of the Territory. Practically defunct as an effective political force for several years preceding the election, the party hoped for a revival of enthusiasm and planned that such would come through court action disfranchising the women. On the complaint of George R. Maxwell, long-time Liberal activist, a writ of mandamus was sought requiring Robert T. Burton, Salt Lake County registrar, to erase and strike from the list of voters of the county the names of the following persons as being ineligible to vote: Emmeline B. Wells, Maria M. Blythe, Mrs. A. G. Paddock "and also a large number of the names of women residing in the various precincts of Salt Lake County, amounting to several thousand in number. . . ." On September 25, 1880, the Territorial Supreme Court granted a writ requiring the assessor to either strike off the names of women from the registry lists or show reason why he should not do so. Court hearing on the matter was set for September 29.

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30 Roberts, *op. cit.* VI, 1.

31 *Salt Lake Daily Herald*, September 26, 1880.
The plaintiff claimed that the Territorial law conferring suffrage rights upon females of the Territory was invalid, having set qualifications for them that were different from and less onerous than those required of men. The Tribune gave extensive coverage to the proceedings, supporting the action of Maxwell editorially. In its issue of September 28, it gave the basis of the Gentile argument:

The existing statutes . . . prescribe the qualifications of voters, and . . . how the right shall be exercised. Our inquiry is solely with regard to the qualifications of voters. The Organic Act provides that these shall be such as the Legislative Assembly shall prescribe, provided that the right of suffrage shall be restricted to citizens of the United States. In pursuance of this act the Legislature proceeded to prescribe the qualifications of voters, and Section 40 of the Compiled laws as amended by the Act of February 5, 1878, declares that "no person shall be entitled to vote at any election unless he is a male citizen of the United States, 21 years of age, a constant resident of the Territory during the six months next preceding the election, and is a taxpayer in the Territory. . . ."

On the 12th of February, 1870, the Legislature passed an act authorizing "every woman of the age of twenty-one years, who has resided in the Territory six months next preceding any general or official election . . . to vote at any election in this Territory."

It is conceded that the law was plain and valid prior to the passage of this last act; also that this woman suffrage act was not intended to affect the first one, the persons mentioned in the first act not being referred to at all in the last act. The case then stands: The Legislature passed a valid act conferring the right to vote on men with certain qualifications. Subsequently the Legislature passed an act conferring suffrage on women. Either act alone would unquestionably be good, but by reason of a want of uniformity in the qualifications prescribed, both cannot stand. Which shall be held good and which rejected? 32

To the Tribune, it was clear that the so-called woman suffrage law was void, having been authorized on different

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terms than the law which enfranchised the males of the Territory, and hence being discriminatory. One vast stumbling block in the way of the regeneration of Utah would be removed, the paper affirmed, if the law supporting the suffrage of women was held to be invalid.

The Liberal move in seeking a writ of mandamus in order to get a court ruling on the legality of the suffrage was a great mistake, in the opinion of the Latter-day Saint press, and indicated a desperation that was "rather remarkable considering the legal talent which has joined the conspiracy." The News followed with a legal argument based on Bouvier setting forth the area of original jurisdiction of the Supreme Court which was going to rule on the matter. "Leaving other points in this case aside, we think it can be made clear that the Supreme Court of the Territory has no authority to issue a mandamus to an officer. . . ." Accurate in its prediction, the News' estimation of the case closely followed the action of the court.

The case was heard on demurrer, the defendant claiming that the court had no jurisdiction over the subject of the action and that neither the petition nor writ of Maxwell stated facts sufficient to constitute a cause for action. The decision handed down by the Supreme Court of the Territory

33Salt Lake Herald, October 2, 1880.
35Ibid.
ruled that the officer against whom the writ was directed had performed his duty in registering the women of Salt Lake County, and the court was not "called upon to command him to do any duty he has failed or refused to perform, but we are asked to compel him to undo an act which the law compelled him to do and he has done. This we cannot do."  

The purpose of the proceeding, the court held, did not allow the court to inquire into the validity of the law requiring the assessor to perform his office and it was satisfied that the duty required by the statute had been performed and so left nothing for the court to do. A minority opinion of the court stated that the Legislature had no right to make two laws conflicting with one another, one requiring men to be taxpayers and citizens and the other not requiring women to observe the same qualifications.

Although it recognized the validity of the Supreme Court decision concerning the writ, the Liberal party was greatly disappointed that the questions "fundamentally involved in the issue" had not been passed upon, and the legality of the laws finally determined.

Reaction of the women of Utah, through their publications, the Woman's Exponent and Anti-Polygamy Standard, with reference to the suffrage, has already been noted here. However, a brief discussion of women's activities during the time

36 Salt Lake Herald, October 2, 1880.
37 Ibid.
38 Ibid.
of their enfranchisement in Utah is pertinent. Probably the outstanding spokesman of women's rights in Utah during the period under consideration was Emmeline B. Wells. She was active both in the Territory and elsewhere for more than twenty years as an ardent champion of the suffrage and of increased women's activities generally. In addition to being the founder and editor of the Exponent, for a number of years she also directed the Relief Society, women's auxiliary to the Church of Jesus Christ of Latter-day Saints. It was through the Relief Society that much of her work among her sisters in Utah was done. Courses of study in the organization included lessons on government, civic affairs, the Constitution, and related documents. She was vice-president of the National Women's Suffrage Association, and frequently she appeared at suffrage meetings throughout the country with Susan B. Anthony, national suffrage leader. Mrs. Wells' prominence in Utah made her a natural target for the anti-suffrage press, and her not infrequent appearances across the nation on behalf of women's rights doubtless added to the zeal with which the Liberals attacked her.

Also active in Utah as suffrage leaders were Eliza R. Snow, president of the Latter-day Saint women's organizations; Zina D. H. Young, wife of Brigham Young; M. Isabella Horne, Sarah M. Kimball, Prescinda L. Kimball, Bathsheba W. Smith, Elizabeth Howard, Romania B. Pratt, Ellis R. Shipp, Martha Paul Hughes, Kate Wells, Zina Y. Williams, Ellen C. Clawson.

39 "Women's Suffrage," Women's Exponent, February 1, 1884, p. 132.
The women of Utah often combined with suffrage associations in other parts of the nation during times when the suffrage law of Utah was threatened either in Utah or in Congress. Several times, delegations from Utah on behalf of the suffrage law waited upon members of Congress in attempts to gain support from that group. Petitions from the women of Utah to Congress on behalf of their rights mounted during the 1880's. In January, 1879, a delegation from the Women's Suffrage Convention were granted a hearing by the House Judiciary Committee. Mrs. Wells and Mrs. Williams from Utah and a suffrage leader from the East were speakers. In typical Tribune style, the journal reported that "... our Washington correspondent says, the presence of these two Saintesses at the Women's Convention has set back the cause of female suffrage a quarter of a century. Their visit ... has also been detrimental to their brothers and sisters in polygamy. ...".

In some mass meetings of women in Utah, as many as two thousand joined together in petitioning Congress against passage of anti-suffrage legislation. One such meeting, held in the Salt Lake Theater, was attended by more than that number of women, and their memorial stated in part:

We learn that measures are in contemplation before your honorable bodies to still further harass and distress us. We protest against the movement to deprive us of the elective franchise, which we have exercised for over fifteen years. What have we done that we should thus be treated

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as felons? Our only crime is that we have not voted as our persecutors dictate. We sustain our friends, not our enemies, at the polls. We declare that in Utah the ballot is free. It is entirely secret. No one can know how we vote unless we choose to reveal it. We are not compelled by any men or society or influence to vote contrary to our own free convictions.

... We see pure women forced to disclose their conjugal relations or go to prison, while the wretched creatures who pander to men's basest passions are left free to ply their horrible trade, and many vote at the polls, while legal wives of men with plural families are disfranchised. We see the law made specially against our people so shamefully administered that every new case brings a new construction of its meaning, and no home is safe from instant intrusion by ruffians in the name of the law. And now we are threatened with entire deprivation of every right and privilege of citizenship to gratify a prejudice that is fed on ignorance and vitalized by bigotry.

We respectfully ask for a full investigation of Utah affairs. ... 42

The Anti-Polygamy Society was active nationally as well as in Utah. But the influence of the group was only slight as far as gaining converts from among the Latter-day Saints was concerned.

CHAPTER VI

EVOLUTION AND REPEAL

The flood tide of public opinion, largely indifferent and apathetic for many years, began to turn against the Church with mounting force during the 1880's. Incited by apostates' reports and anti-Mormon groups in and out of Utah, but gaining credence because of the basic incompatibility of plural marriage and the norms of nineteenth century American society, accusations were spread broadcast by the press of the nation.

Reporting the wide spread sentiment against the Church, B. H. Roberts states:

In view of all the public agitation . . . expressing itself in demands upon Congress for action, and for action that meant at bottom effective, physical force, and never once appealing to the moral forces of persuasion and reason, much less to the spiritual power supposed to be resident in religion, it is not a matter of astonishment that Congress listened to the clamor and sought to satisfy it. . . .

Congress's answer to the Mormon problem was the Edmunds Act. Introduced from the Judiciary committee of the Senate by Senator George F. Edmunds, on January 24, 1882, the measure was adopted by the senate on February 16, without a record vote. Its passage in the house was swift, for it came up for consideration on March 13 and passed the following day

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1Roberts, op. cit., V, 41-42.
with no amendments and little discussion by House members.\(^2\)

The legislation in part amended the anti-bigamy law of 1862, defining polygamy as a crime punishable by a fine of five hundred dollars or five years' imprisonment, or both. Section 8 of the Edmunds Act stipulated:

That no polygamist, bigamist or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described aforesaid in this section, in any Territory or other place in which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any such Territory or other place, or be entitled to hold any office or place of public trust, honor or emolument, under or for any such Territory or place or under the United States.\(^3\)

A board of commissioners, authorized by section 9 of the act, was to have the direction and complete control of all election affairs in Utah. All registration and election offices in the Territory were declared to be vacant.

Gentiles in Utah were jubilant over the passage of the bill and hailed it as a "real triumph at last, the first real triumph in a contest which has raged for twenty years."\(^4\) The solidarity of the Liberal position thus strengthened and buttressed by Federal authority, party leaders saw a speedy reversal of the Mormon and Gentile positions in Zion.

The haste with which Congress rushed through the Edmunds measure was due, according to Roberts, to the stipulations of section eight. The provisions therein would be


\(^3\)See Appendix B.

pertinent to the seating of the Utah delegate, whose seat was contested for by George Q. Cannon, the incumbent, and Allen G. Campbell. Elected by a vote of 18,568 to 1,357 in the Territorial election of 1880, Cannon's right to the seat was contested by his political opponent. The decision in the contest by the House of Representatives was not forthcoming until April 19, 1882, during which period hearings were held and at which Cannon acknowledged that he was a polygamist. The previous intention of a number of Congressmen to support Cannon had been materially affected, they said, as a result of the Edmunds Act. The contested seat was subsequently declared vacant, Campbell's ineligibility having been long since determined.

With the aid of section eight of the new law, Utah Gentiles saw the way clear to victory in the November election of 1882. They estimated that of 67,000 voters in the Territory, including 16,650 female voters, more than 25,000 had been disfranchised by the act. Approximately 10,000 men and women were actually unable to vote in the 1882 election, according to a report of the Utah Commission. (In 1884 the Commission reported that nearly 12,000 persons were excluded from registration by reason of polygamy.) The Tribune estimated the number

5Roberts, op. cit., V, 45.
6Ibid.
of qualified voters in the Territory at approximately 20,000. In mid-September, following the registration of voters, the Liberal paper again took stock of the potential vote, noting that the Mormons had been able to register close to twenty thousand persons compared to a Liberal showing of twelve thousand. Recalculating, the paper guessed that of the total possible vote two thousand persons would fail to vote and so could be marked off the total of each political camp. The Liberal male vote was set at ten thousand, supplemented by two thousand Mormon votes. The total Gentile vote was estimated to be two thousand more than would be polled by the Church party. The rather remarkable arithmetic employed by the Tribune discounted all female votes because of the anticipated outcome of a disfranchisement effort then being made by the Liberals of the Territory.

Much of the confidence of the Liberal Party was accounted for by a move which the women of the People's Party saw as an attempt to keep them from voting. This was an oath prepared by the Utah Commission which was required of all prospective voters upon registering and was given as follows:

... I am over twenty-one years of age, and have resided in the Territory of Utah for six months and in the precinct of ... one month immediately preceding the date thereof, and (if a male) am a native born or naturalized, ... citizen of the United States, and a tax-payer in this territory; (or if a female) I am native-born, or naturalized, or the wife, widow, or daughter ... of a


10To be discussed later in this chapter.
native-born, or naturalized citizen of the United States; and I do further solemnly swear (or affirm) that I am not a bigamist nor a polygamist; that I am not a violator of the laws of the United States prohibiting bigamy or polygamy; that I do not live or cohabit with more than one woman in the marriage relation, nor does any relation exist between me and any woman which has been entered into or continuation in violation of the said laws of the United States prohibiting bigamy or polygamy; (and if a woman) that I am not the wife of a polygamist, nor have I entered into any relation with any man in violation of the laws of the United States concerning polygamy or bigamy. 11

The Women's Exponent protested the action of the Commission calling for the oath, inasmuch as the Edmunds act did not specify such affirmation to be made. In its wording, declared the Exponent, the oath was very obnoxious, such that any sensitive, delicate and pure-minded woman would shrink from and

... nothing but the sternest sense of duty could induce a noble true woman to subscribe to it. But brave hearted women endure ignominy, scorn and indignities for the sake of maintaining the right and God and their own conscience are their support and strength in any trying ordeal. . . .

Notwithstanding the oath which has to be taken before one can register, many have already gone forward and accepted the conditions, and though feeling it a great injustice required of them. The words included in the test oath "in the marriage relation" are exceedingly objectionable. . . . 12

Despite protests that the registration oath was discriminatory and unfair, it was administered for three years, until 1885. An estimated twelve thousand polygamists and alleged polygamists were denied the ballot during that period.


12 "Naturalization and Registration," Women's Exponent, September 15, 1882, p. 60.
because of it.\textsuperscript{13} An illustration of the unfairness of the enforcement measure was the denial of the ballot to Mildred E. Randall and Mary Ann Pratt until 1885, even though the Supreme Court of the United States eventually found that they were not living as polygamous wives. The phrase "in the marital relation," according to Richard D. Poll:

\dots was used to excuse even the most corrupt non-Mormons from the operation of the Edmunds Law, whose provision that "no polygamist, bigamist, or any person cohabiting with more than one woman \dots" would seem logically to bar Gentiles with several mistresses as well as Mormons with several wives.\textsuperscript{14}

According to the News, every attempt was being made by the Gentiles to prevent Mormons from voting in the Utah election of November, 1882. Rumors were being circulated that registration would be extended to throw members of the People's party "off their guard," the paper affirmed, but such had no basis in fact.\textsuperscript{15}

Despite the expressed confidence of the Liberal leaders concerning the outcome of the approaching Territorial election, the Deseret News, on September 13, assailed the Gentiles for quietly seeking the disfranchisement of women by means similar to their abortive try of 1880. In connection with the registration of voters in Utah, test cases or "sham suits," as they


\textsuperscript{14}\textit{Ibid.}, p. 208

\textsuperscript{15}"To Citizens Who Have Not Registered," \textit{Deseret News}, September 14, 1882, p. 2.
were labeled by the News,\textsuperscript{16} were instituted in each of the three judicial districts of the Territory. In each district several non-Mormon women were refused registration on the grounds they were women, hence ineligible to vote. A mandamus was applied for in the district courts to require the registrar to show cause for refusing to register the Liberal ladies, and, according to the Church journal, the suits were argued feebly on the side of the applicants but vigorously on the side of the defense. It was hoped that such a presentation would "place the matter in such a light that a \textsuperscript{[sic]} least two of the three judges would refuse a mandamus, and so a pretext could be established for striking the names of all women from the registry lists."\textsuperscript{17}

The People's Party did not object to the Liberal tests on the legality of the suffrage law and declared itself confident of the outcome. The Church paper observed:

There seems now to be an understanding on all sides, by which the whole question involved will be brought squarely before the court; that it will be fully and freely argued, and that a decision will be reached which will settle the question of the right of women to vote in Utah. Since the Liberal party have forced the issue, the members of the People's party are prepared to fight it fully before the courts, having secured for that purpose some of the best legal talent in the Territory.\textsuperscript{18}

In Ogden, Salt Lake City, Tooele, and Beaver, the

\textsuperscript{16}"Liberal' Scheme Against Woman Suffrage." \textit{Ibid.}, September 13, 1882, p. 2.

\textsuperscript{17}"Failure of the Conspiracy," \textit{Ibid.}, September 16, 1882, p. 2.

\textsuperscript{18}"The Validity of the Woman's Suffrage Act To Be Tested," \textit{Ibid.}, September 13, 1882, p. 5.
Gentiles put their plans into operation. In Ogden, a writ of mandamus was applied for on September 12, by a Mrs. Littlefield, and a second case was pending. Three cases were filed in Salt Lake City the day following. In the first precinct, Mrs. Florence Wescott was barred from registering, and in Big Cottonwood precinct, a Mrs. Erinton was likewise refused. The third case involved a woman identified as Mrs. Howells, who was from the second precinct. In each instance the woman possessed all qualifications necessary to vote.

Inasmuch as all the cases involved the same points, the Liberal Party made arrangements for Chief Justice John A. Hunter to be joined in Salt Lake City by Associate Justice Philip H. Emerson, where some of the suits were to be heard jointly by the two men. The hearings were set for September 14 and 15, with the arguments to be limited to four hours.

The argument for the defendants was essentially in three parts: (1) Congress had never intended the franchise to be conferred upon women, and none of its enactments concerning the nation or its Territories could be construed to support such an assertion; (2) the passage of the Act of 1870 by the Utah Legislature was a presumption of authority prohibited by the Organic Act and the other rulings of Congress; (3) even if the Utah Legislature had the power to grant the ballot to women, it was not the intention of that body to

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19 The full names of these women have not been discoverable.

grant suffrage to different classes of voters on different terms.\textsuperscript{21} Extensive reference to Congressional and Territorial statutes was made by the defense attorneys to support their allegations.

Through counsel, the plaintiffs held (1) that the policy of Congress was to leave the Territories to self-government; (2) that the law enfranchising women had been "ratified by Congress by twelve years acquiescence"; (3) that both the Organic Act and the Act of 1870 were in force, and "if qualifications must be uniform . . . then the tax-paying clause, as to male voters, is in conflict and it is that which must fall."\textsuperscript{22}

Both Chief Justice Hunter and Associate Justice Emerson, in handing down decisions on the cases heard jointly, declared that the law of 1870 was valid; that women were legal voters in the Territory; and that Congress did not restrict the Territorial Legislature from conferring the franchise on citizens of the United States.\textsuperscript{23} In the cases heard separately by the two justices, they were in similar agreement. Concerning the differences in the laws of 1859 and 1870, Justice Hunter ruled that "whilst there may be want of uniformity in the two acts, there is no deprivation of any right."\textsuperscript{24}

\textsuperscript{21}"The Woman Suffrage Case," \textit{Ibid.}, September 14, 1882.

\textsuperscript{22}"The Woman Suffrage Case," \textit{Ibid.}, September 15, 1882, p. 4.


In the Tooele suit, Ann M. Thompson made application for mandamus on grounds identical to those made in the Ogden and Salt Lake City suits. Ruling upon the case, Judge Stephen P. Twiss refused the writ of mandamus sought by the claimant. The tax-paying qualification established in the law of 1859 was in full force, he affirmed, and it applied equally to both male and female voters. Since the applicant had not "shown herself in any way to be a tax-payer, she is not a voter, [and] has no legal right to a writ of mandamus compelling the respondent to register her as a voter." 25

The dissenting opinion of Judge Twiss at Tooele did not materially affect the main question. It only showed a conflict of opinion between the Associate Justices of the Territorial Supreme Court on the tax-paying qualification. Since there was no further appeal, the decisions of the three justices in effect constituted majority and minority opinions. 26

The Tribune commented on the outcome of the tests:

It is a square decision, no equivocation about it, and no evasion. It goes to the legality of the whole question, and settles it; for the matter being appealable only to the Territorial Supreme Court, and they Hunter and Emerson being the majority of that court, there is nothing further to be done, as far as this form of action is concerned . . .

However much we regret that the Judges found themselves obliged to reach the conclusions they have, we make no insinuations against the purity of their motives nor the honesty of their opinions. It was a distasteful and hard task that was set them, and they would of course gladly have avoided the toil and responsibility.

The liberals are again beaten, though they have no reason to feel cast down. It was their plain right and jury to test the law, believing it to be invalid. That it has not been held so, can't be helped.27

Registration of women in the southern part of the Territory was halted for a time as the result of a telegram sent from Beaver directing officials to register no more women. "Let them test case likewise," the wire directed.28 Sent by a person without authority in the matter, the wire had only a temporary effect in halting the registration of women, but it served to show how anxious the Liberals were throughout Utah to secure women's disfranchisement and a Gentile victory at the polls.

Despite the several reins of the Edmunds Act on Latter-day Saint voters and despite the blatant optimism of the Tribune, the election of 1882 sent the People’s candidate, John T. Caine, to Congress with 23,639 votes, as compared to 4,884 for the Liberal candidate.29

The election meant one thing to the Gentiles in Utah: the Edmunds Act had been tried and found wanting. "... There is no remedy but a heroic one for this treasonable crime of Mormonism. Let the power be taken away from the hands of the law-defying and law-breaking Mormons, and the Government assert


its sovereignty."\textsuperscript{30}

Desirous of pressing the advantage given to the Liberals by the enactment of the Edmunds act and unwilling that the prevailing anti-Mormon sentiment should subside before the full accomplishment of its objectives, the \textit{Tribune}, on April 19, 1883, urged Congress to the next step to crush Mormonism:

\textit{\ldots The fact is studiously kept out of sight that all the Mormon voters, whether actual polygamists or not, believe in polygamy and uphold it, with equal determination; that is, in effect they are all polygamists; and there is no reason why they should not all be enfranchised or disfranchised together, men and women, actual and theoretical polygamists. If there is sound reason for disfranchising actual polygamists, there is precisely the same reason for disfranchising theoretical polygamists. \ldots The statesmanlike course would be to disfranchise them all; that is, to take at least political power from an alien and hostile ecclesiastical organization, in toto. That is the ground the Gentile cause rests on, and it cannot be too often stated, nor too plainly. That their effort happens to be at a certain moment directed particularly against woman suffrage is because merely of the exigencies of the battle. \ldots The women are just as fit to vote as the men, the followers as the leaders, and not a soul of them is fit to vote at all in this Republic, for their fealty is to their kingdom. \ldots And when the \textit{News} claims that any Mormon, men, woman, or child, or mule, is free to vote as he pleases it lies, and lies, and lies.}\textsuperscript{31}

Women had used the suffrage in Utah infamously, cried the \textit{Tribune}, appealing to the history of the Territory to support its assertions.

Reaction to the solidarity of the Mormons and their voting strength in the 1882 election had already taken place in Washington. Senator John A. Logan, speaking in the \textit{Senate

\textsuperscript{30}"The Election in Utah," \textit{Anti-Polygamy Standard}, December, 1882, p. 68.

\textsuperscript{31}"Woman Suffrage in Utah," \textit{Salt Lake Daily Tribune}, April 19, 1883, p. 2.
on February 23, urged the acceptance by that body of the amend-
ment he had introduced to the Edmunds act: "Inasmuch as the
act that we have passed heretofore does not go far enough, I
am, as I said, willing to go to any length within the Consti-
tution of the United States for the suppression of this crime
and abomination. . . ." 32

Referred to as the Logan amendment, the proposed legis-
lation stipulated that:

It shall not be lawful for any female to vote at any
election hereafter held in the Territory of Utah for any
public purpose whatever, and no such vote shall be receiv-
ed or counted or given effect in any manner whatever; and
any and every act of the governor and Legislative Assembly
of the Territory of Utah providing for or allowing the
registration or voting by females is hereby annulled. 33

Senators Logan and Edmunds were principal supporters
of the bill. And although debate centered chiefly on the sec-
tion providing for repeal of female suffrage, Logan insisted
that the issue was actually a minor one. 34 Poll observes that
despite the oratory of proponents and enemies of the bill, a
quorum was not present to vote on the measure. A move to com-
pel members' attendance was made by Edmunds, but the "prevail-
ing sentiment appears to have been that the Mormon question
was not important enough at the time to justify interrupting
the activities of the absent members." Side-tracked the follow-
ing day because of an appropriation measure, the bill to repeal

32 U. S. Congress, Congressional Record, 47th Cong., 2nd
Sess., p. 3171.
33 Ibid., pp. 3056-7.
34 Ibid., pp. 3171-3178.
repeal woman suffrage died on the calendar.35

During the following session of Congress, in 1884, a somewhat more successful try by opponents of Mormonism was made to disfranchise the women of Utah. Also included in the bill were provisions compelling a wife to testify against her husband and dissolution of the church corporation. The bill was introduced January 28, 1884, and reached the senate floor May 27.36 Senator George F. Hoar, who had strongly resisted the Logan amendment during the previous session, again spoke as an advocate and defender of woman suffrage. A senate vote, however, approved the measure thirty-three to fifteen, with twenty-eight not voting. But the bill, when it was received by the house, was never approved by that body.

Although bills calling for repeal of woman suffrage were introduced in successive sessions of Congress, the Territorial press of Utah, usually voluble on the subject, generally remained silent editorialwise following the 1884 repeal effort. For several years, November election time occasioned Liberal criticism of the existing situation and admonitions by the Deseret News directing the Saints to vote, but neither paper focused attention on woman suffrage as such.

The silence continued only from 1884 until 1886. The Mormon question was being agitated more fiercely than before passage of the Edmunds act in 1882, with an unsympathetic and

often uninformed press urging passage of more stringent legislation against the Church. The Tribune was foremost in “exposing” existing conditions in Utah.

A climax in the crusade against Mormonism was reached in 1887 with the Legislation known as the Edmunds-Tucker act. Ostensibly framed to do away with polygamy, the bill also called for repeal of woman suffrage and disincorporation of the Church of Jesus-Christ of Latter-day Saints. Use of the ballot was to be restricted to monogamous or male voters in electing the Territorial delegate to Congress and in the selection of members for the lower House of the Legislature. Appointment of other Territorial, district, county and precinct officers was to be reserved to the President or the federally appointed Governor.

During consideration of the measure in Congress, there not infrequently appeared articles in reputable newspapers throughout the country showing considerable misconception as to actual political conditions in Utah and as to the bill pending in Congress. One such article in the New York World stated that support of the bill was being given by the paper because it called for the disfranchisement of polygamous women. When papers talked like the World, the Deseret News warned, "... whether attempting to be facetious or in sober earnest, they only expose their ignorance of the subject. They stir up Congress to do something desperate against polygamy, and

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what they urge has not the remotest bearing on the polygamy question."\textsuperscript{38} In its issue of January 31, 1887, the \textit{News} pleaded with the press of the country to investigate the Utah question then before Congress as a matter of justice and honesty, for if the Mormon question had sufficient interest to justify public comment, it had sufficient merit to demand investigation. Too often influential journals expounded on the subject in a manner that proved to both Latter-day Saints and Gentiles in Utah that the newspapers had not taken the trouble to master "the most salient points relating to it."\textsuperscript{39} The \textit{News} admonished:

Let the press of this nation look into the bill and discover its infamies, and then let those editors who have moral courage enough to defend the right and expose the wrong in face of public ignorance and prejudice, come out like men and denounce the villainous un-American, anti-republican, anti-democratic scheme for place and plunder with the rigorous condemnation that it so richly deserves.\textsuperscript{40}

The paper affirmed that behind the ostensible goals claimed in Congress for the anti-Mormon bills was the desire for political control of Utah by a small minority with mixed motives. Through the republican methods of choice at the controls, such individuals would never have a chance to gain the end that were now imminent, the \textit{News} maintained. As the Church newspaper pointed out, the disfranchisement of all polygamists had been effected five years earlier with passage

\textsuperscript{38}Ibid.


\textsuperscript{40}Ibid.
of the Act of 1882, and therefore, passage of the new measure could not be construed as being anything other than a body blow at the Church, despite any professions of those in responsible positions.

Despite opposition to the passage of the bill from women's suffrage organizations throughout the country, whose influence in favor of the continuance of the 1870 Act in Utah was still considerable, their actions were not able to do more than possibly slow the bill's passage through Congress. Repeal of woman suffrage remained a provision of the Edmunds-Tucker legislation.

Press opinion largely was arrayed against defeat of the bill, as indicated, although occasionally articles appeared which denounced the measure as unconstitutional. One article printed in the Boston Traveler over the signature "Justice" is noteworthy for the similarity of its stand with that of the Deseret News:

The anti-Mormon measure, known as the Edmunds-Tucker bill now in the hands of a conference committee of the two houses of Congress, is an astonishing piece of legislation. Incredible as it may seem, the bill, whose ostensible object is the extermination of the practice of polygamy, has for its real aim the destruction of a religion, the plundering of a church and the perpetual disfranchisement of a certain portion of the people. It is framed with a cynical disregard of the traditions and institutions of the American people and in reckless defiance of the constitutional declaration in favor of absolute freedom.

On February 18, 1887, the Congress gave final approval to the bill, and on March 3, it became law without President

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41 "The Edmunds-Tucker Bill," Ibid., February 8, 1887, p. 4.
Cleveland's signature. Various sources suggest that the unwillingness of the Chief Executive to sign the measure stemmed from a disinclination on his part to see any class of citizens disfranchised, although he was equally unwilling to defeat the other provisions of the bill.

The Edmunds-Tucker act was the last piece of anti-Mormon legislation passed by Congress against Utah. In its provisions it climaxed the crusade against the people of Utah and the suffrage which a class of its citizens had exercised.

CHAPTER VII

EVALUATION

The Tribune, jubilant over the passage of the Edmunds-Tucker act, had looked forward to such legislation for almost seventeen years. It cannot be said that the influence of the Liberal journal was decisive in the passage of any part of the measure, for its enactment was due to the overwhelming force of events coming from every quarter and backed by considerable anti-Mormon sentiment throughout the country. The writer believes, however, that the influence of the Tribune in causing the repeal of woman suffrage was certainly as great as any other factor, because of that newspaper's appraisal of the woman's vote as a major obstacle to be overcome if Liberal political dominance were to be realized in Utah. For seventeen years the woman suffrage issue had occupied a considerable portion of the editorial space of the Gentile publication and during that time was probably the most criticized institution in the Territory except polygamy.

Defending the enfranchisement of the women, the Deseret News played a role secondary to that of the Tribune, never seizing upon the subject as the Tribune did, to argue over its merits in combating the opposition party.

In evaluation of the techniques employed by the two
newspapers over the suffrage issue, it is not a great over-simplification to state that the News supported and the Tribune opposed the women of Utah as voters. The two papers, as mouthpieces of the Mormon and Gentile factions in the Territory, were in constant opposition to each other, almost as a matter of course, over nearly every local issue as well as most national ones.

The campaign of each publication—if the stand of the Deseret News justifies such a term—was not the result of organized and planned activity, with each faction seeking to outmaneuver the other; instead, the Tribune attacked woman suffrage with whatever argument it felt would be most telling at the moment and from whatever vantage point seemed to afford the best opportunities for doing so. The charge of Priesthood domination gave a unity and consistency to the paper’s stand, however, forming as it did the basis for part of the Tribune opposition to the franchise.

The Church newspaper, in defense of the act of 1870, generally remained silent except when stirred up by extreme and vicious attacks of the opposition which were especially provoking. Often, the only reply made by the Deseret News was in the form of an article reprinted from another paper reporting the advantages to be realized under female suffrage.

The Tribune’s techniques in "exposing" so-called frauds by which the women of Utah voted and the constant demands it made for the defeat of the suffrage enactment were of practically no force among the Latter-day Saints, partly because the
paper had only limited readership among the Saints and partly because of the constant opposition of the paper to everything Mormon. But the Liberal sheet was effective in securing a secret ballot in Utah elections in place of the previously used system, and it was instrumental in obtaining a Territorial registration law preventing unqualified persons from voting. As a newspaper which purportedly had access to the truth from within the Mormon empire, it probably had a fairly extensive readership across the nation, especially after the Mormon issue became a national topic. In that sense its effect and influence were probably considerable. It was not the logic or honesty with which the paper attacked woman suffrage that gained the attention and support given to the issue, but rather the cumulative force of arguments used over and over. As we have indicated, the combination of growing anti-Mormon sentiment was the decisive factor in accomplishing Liberal ends in Utah.

In countering the Tribune attacks, the Deseret News was only partially successful. The Gentile paper often refused to acknowledge the validity of any of its arguments, and even proof supporting the News' stand did not deter the other paper from continuing and expanding its arguments on a given point. Among the Saints no elaborate defense of the rightness of women going to the polls was necessary, inasmuch as the practice had always existed in the Church and also in the Territory prior to 1850. The flaws that frequently marred the Tribune attacks on the franchise issue were doubtless considered by the News to be better proof of their invalidity than anything
that could be printed in rebuttal. In conclusion, it should be observed that the tide of anti-Mormon sentiment throughout the nation at that date was such that no argument or appeal of the Deseret News would have had much restraining influence on impending events.
APPENDICES
APPENDIX A

AN ACT CONFERRING UPON WOMEN

THE ELECTIVE FRANCHISE

SEC. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That every woman of the age of twenty-one years who has resided in this Territory six months next preceding any general or special election, born or naturalized in the United States, or who is the wife, widow or the daughter of a native-born or naturalized citizen of the United States, shall be entitled to vote at any election in this Territory.

SEC. 2. All laws or parts of laws conflicting with this Act are hereby repealed.\(^1\)

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\(^1\)Legislative Assembly of the Territory of Utah, *Acts, Resolutions & Memorials* (Salt Lake City: Joseph Bull, Public Printer, 1870).
APPENDIX B

EDMUNDS ACT

Be it enacted by the Senate and House of Representatives of the United States of America in Congress Assembled, That section 5,352 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, namely:

Every person who has a husband or wife living who, in a territory or other place over which the United States have exclusive jurisdiction, hereafter marries another, whether married or single, and any man who hereafter simultaneously, or on the same day, marries more than one woman, in a territory or other place over which the United States have exclusive jurisdiction, is guilty of polygamy and shall be punished by a fine of not more than $500 and by imprisonment for a term of not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract.

Sec. 2. That the foregoing provisions shall not affect the prosecution or punishment of any offense already committed against the section amended by the first section of this act.

Sec. 3. That if any male person in a territory or other place over which the United States have exclusive jurisdiction, hereafter cohabits with more than one woman, he shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not more than $300, or by imprisonment for not more than six months, or by both said punishments, in the discretion of the court.

Sec. 4. That counts for any or all of the offenses named in sections one and two of this act may be joined in the same information or indictment.

Sec. 5. That in any prosecution for bigamy, polygamy,
or unlawful cohabitation, under any statute of the United States, it shall be sufficient cause of challenge to any person drawn or summoned as a juror or talesman, first, that he is or has been living in the practice of bigamy, polygamy or unlawful cohabitation with more than one woman, or that he is or has been guilty of an offense punishable by either of the foregoing sections, or by section 5,352 of the Revised Statutes of the United States, or the act of July 1, 1862, entitled "An Act to punish and prevent the practice of polygamy in the territories of the United States and other places and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah," or second, that he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabiting with more than one woman; and any person appearing or offered as a juror or talesman and challenge on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge, and other evidence may be introduced bearing upon the question raised by such challenge; and this question shall be tried by the court. But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may tend to criminate himself; and if he shall answer as to said first ground, his answer shall not be given in evidence in any criminal prosecution against him for any offense named in sections one or three of this act; but if he declines to answer on any ground, he shall be rejected as incompetent.

Sec. 6. That the President is hereby authorized to grant amnesty to such classes of offenders, guilty before the passage of this act of bigamy, polygamy, or unlawful cohabitation, on such conditions and under such limitations as he shall think proper; but no such amnesty shall have effect unless the conditions thereof shall be complied with.

Sec. 7. That the issue of bigamous or polygamous marriages, known as Mormon marriages, in cases in which such marriages have been solemnized according to the ceremonies of the Mormon sect, in any Territory of the United States, and such issue shall have been born before the first day of January, A. D. 1883, are hereby legitimated.

Sec. 8. That no polygamist, bigamist, or any person cohabiting with more than one woman, and no woman cohabiting with any of the persons described as aforesaid in this section, in any Territory or other place over which the United States have exclusive jurisdiction, shall be entitled to vote at any election held in any Territory or other place, or be eligible for election or appointment to or be entitled to hold any office or place of public trust, honor, or emolument in, under, or for any such Territory or place, or under the United States.
Sec. 9. That all the registration and election offices of every description in the Territory of Utah are hereby declared vacant, and each and every duty relating to the registration of voters, the conduct of elections, the receiving or rejection of votes, and the canvassing and returning of the same, and the issuing of certificates or other evidence of election in said Territory, shall, until other provision be made by the Legislative Assembly of said Territory as is hereinbefore by this section provided, be performed under the existing laws of the United States and of said Territory by proper persons, who shall be appointed to execute such offices and perform such duties by a board of five persons, to be appointed by the President, by and with the advice and consent of the Senate, not more than three of whom shall be members of one political party, a majority of whom shall be a quorum. The members of said board so appointed by the President shall each receive a salary at the rate of $3,000 per annum,; and shall continue in office until the Legislative Assembly of said Territory shall make provision for filling said offices as herein authorized. The secretary of the Territory shall be the secretary of said board and keep a journal of its proceedings, and attest the action of said board under this section. The canvass and return of all the votes at elections in said Territory for members of the Legislative Assembly thereof shall also be returned to said board,, which shall canvass all such returns and issue certificates of election to those persons who being eligible for such election, shall appear to have been lawfully elected, which certificates shall be the only evidence of the right of such persons to sit in such Assembly, provided said board of five persons shall not exclude any persons otherwise eligible to vote from the polls, on account of any opinion such person may entertain on the subject of bigamy or polygamy, nor shall they refuse to count any such vote on account of the opinion of the person casting it on the subject of bigamy and polygamy; but each house of such Assembly, after its organization, shall have power to decide upon the elections and qualifications of its members. And at, or after the first meeting of said Legislative Assembly whose members shall have been elected and returned according to the provisions of this act, said Legislative Assembly may make such laws, conformable to the Organic Act of said Territory and not inconsistent with other laws of the United States, as it shall deem proper concerning the filling of the offices in said Territory declared vacant by this act.2

APPENDIX C

EDMUNDS-TUCKER ACT

An Act to amend an act entitled 'An Act to amend Section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes' (escheatment of Church property etc.) approved March 22, 1882.

The EDMUNDS-TUCKER LAW, as agreed upon by Conference Committee and adopted by the Senate and House of Representatives, and which became a Law by lapse of time after being referred to the President.

Be it enacted by the Senate and House of Representatives of the United States in Congress assembled, That in any proceeding or examination before a grand jury, a judge, justice or a United States commissioner, or a court in any prosecution for bigamy, polygamy, or unlawful cohabitation, under any statute of the United States, the lawful husband or wife of the person accused shall be a competent witness, and may be called but shall not be compelled to testify in such proceeding, examination or prosecution without the consent of the husband or wife, as the case may be; and such witness shall not be permitted to testify as to any statement or communication made by either husband or wife to each other, during the existence of the marriage relation, deemed confidential at common law.

Attachment for witnesses. Sec. 2. That in any prosecution for bigamy, polygamy or unlawful cohabitation, under any statute of the United States, whether before a United States commissioner, justice, judge, a grand jury, or any court, an attachment for any witness may be issued by the court, judge, or commissioner, without a previous subpoena compelling the immediate attendance of such witness, when it shall appear by oath or affirmation to the commissioner, justice, judge or court, as the case may be, that there is reasonable ground to believe that such witness will unlawfully fail to obey a subpoena issued and served in the usual course in such cases; and in such case the usual witness fee shall be paid to such witness so attached; Provided, That the person so attached may at any time secure his or her discharge from custody by executing a recognizance with sufficient surety, conditioned for the appearance of such person at the proper time, as a witness in the cause of proceeding wherein the attachment may be issued.
Adultery. Sec. 3. That whoever commits adultery shall be punished by imprisonment in the penitentiary not exceeding three years; and when the act is committed between a married woman and a man who is unmarried both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery.

Incest. Sec. 4. That if any person related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related persons, knowing her or him to be within said degree of relationship, the person so offending shall be deemed guilty of incest, and on conviction thereof, shall be punished by imprisonment in the penitentiary no less than three years and not more than fifteen years.

Fornication. Sec. 5. That if an unmarried man or woman commit fornication, each of them shall be punished by imprisonment not exceeding six months, or by fine not exceeding $100.

Prosecution for Adultery. Sec. 6. That all laws of the Legislative Assembly of the Territory of Utah which provide that prosecutions for adultery can only be commenced on the complaint of the husband or wife are hereby disapproved and annulled; and all prosecutions for adultery may hereafter be instituted in the same way that prosecutions for other crimes are.

Commissioners made justices of the peace. Sec. 7. That commissioners appointed by the supreme court and district courts in the Territory of Utah shall possess and may exercise all the powers and jurisdiction that are or may be possessed or exercised by justices of the peace in said Territory under the laws thereof, and the same powers conferred by law on commissioners appointed by circuit courts of the United States.

Marshals made sheriffs and constables. Sec. 8. That the marshal of said Territory of Utah, and his deputies shall possess any may exercise all the powers in executing the laws of the United States or of said Territory possessed and exercised by sheriffs, constables, and their deputies as peace officers; and each of them shall cause all offenders against the law in his view, to enter into recognizance to keep the peace and to appear at the next term of the court having jurisdiction of the case, and to commit to jail in case of failure to give such recognizance. They shall quell and suppress assaults and batteries, riots and route, affrays and insurrections.

Marriage Ceremonies. Sec. 9. That every ceremony of marriage, or in the nature of a marriage ceremony, of any kind in any of the Territories of the United States, whether either
or both or more of the parties to such ceremony be lawfully competent to be the subject of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full names of each of the parties concerned, and the full names of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and persons taking part in the performance of such ceremony and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this act to be stated therein, in any proceeding, civil or criminal, in which the matter shall be drawn in question. Any person who shall wilfully violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be punished by a fine of not more than $1,000, or by imprisonment not longer than two years or by both said punishments, in the discretion of the court.

Proof not changed. Sec. 10. That nothing in this act shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence now legally admissible for that purpose.

Illegitimate children disinherited. Sec. 11. That the laws enacted by the Legislative Assembly of the Territory of Utah which provide for or recognize the capacity of illegitimate children to inherit or to be entitled to any distributive share in the estate of the father of any such illegitimate child are hereby disapproved and annulled; and no illegitimate child shall hereafter be entitled to inherit from his or her father or to receive any distributive share in the estate of his or her father; Provided, That this section shall not apply to any illegitimate child born within twelve months after the passage of this act, nor to any child made legitimate by the seventh section of the act entitled, 'An act to amend section 5352 of the Revised Statutes of the United States in reference to bigamy, and for other purposes' approved March 22, 1882.

Curtailing Probate Jurisdiction. Sec. 12. That the laws enacted by the Legislative Assembly of the Territory of Utah, conferring jurisdiction upon probate courts, or the judges thereof or any of them, in said Territory, other than in respect of the estates of deceased persons, and in respect of the guardianship of the persons and property of infants and in respect of the persons and property of persons not of sound
mind, are hereby disapproved and annulled, and no probate court or judge of probate shall exercise any jurisdiction other than in respect of the matters aforesaid, except as a member of a county court; and every such jurisdiction so by force of this act withdrawn from the said probate courts or judges shall be had and exercised by the district courts of said Territory respectively.

**Property escheated.** Sec. 13. That it shall be the duty of the Attorney-General of the United States to institute and prosecute proceedings to forfeit and escheat to the United States the property of corporations obtained or held in violation of section 3 of the act of Congress approved the 1st day of July 1862, entitled 'An act to punish and prevent the crime of polygamy in the Territories of the United States and other places, and disapproving and annulling certain acts of the Legislative Assembly of the Territory of Utah' or in violation of section 1890 of the Revised Statutes of the United States; and all such property so forfeited and escheated to the United States shall be applied to the use and benefit of the common schools in the Territory in which such property may be; Provided That no building, or the grounds of worship of God, or parsonage connected therewith, or burial ground shall be forfeited.

**Proceedings against corporations.** Sec. 14. That in any proceeding for the enforcement of the provisions of law against corporations or associations acquiring or holding property in any Territory of the United States in excess of the amount limited by law, the court before which such proceeding may be instituted shall have power in a summary way to compel the production of all books, records, papers, and documents of or belonging to any trustee or person holding or controlling or managing property in which such corporation may have any right, title, or interest whatever.

**P. E. Fund Company Dissolved.** Sec. 15. That all laws of the Legislative Assembly of the Territory of Utah, or of the so-called government of the State of Deseret, creating, organizing, amending, or continuing the corporation or association called the Perpetual Emigrating Fund Company are hereby disapproved and annulled; and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved; and it shall not be lawful for the Legislative Assembly of the Territory of Utah to create, organize, or in any manner recognize any such corporation or association, or to pass any law for the purpose of or operating to accomplish the bringing of persons into the said Territory for any purpose whatsoever.

**Proceedings consequent.** Sec. 16. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory
of Utah as shall be proper to carry into effect the provisions of the preceding section, and pay the debts and to dispose of the property and assets of said corporation according to law. Said property and assets, in excess of the debts and the amount of any lawful claims established by the court against the same, shall escheat to the United States, and shall be taken, invested and disposed of by the Secretary of the Interior, under the direction of the President of the United States, for the benefit of common schools in said Territory.

The Church Disincorporated. Sec. 17. That the acts of the Legislative Assembly of the Territory of Utah, incorporating, continuing or providing for the corporation known as the Church of Jesus Christ of Latter-day Saints, and the ordinances of the so-called general assembly of the state of Deseret incorporating the Church of Jesus Christ of Latter-day Saints, so far as the same may now have legal force and validity, are hereby disapproved and annulled, and the said corporation, in so far as it may now have, or pretend to have, any legal existence, is hereby dissolved. That it shall be the duty of the Attorney-General of the United States to cause such proceedings to be taken in the supreme court of the Territory of Utah as shall be proper to execute the foregoing provisions of this section and to wind up the affairs of said corporation conformably to law; and in such proceedings the court shall have power, and it shall by its duty, to make such decree as shall be proper to effectuate the transfer of the title to real property now held and used by said corporation for places of worship, and parsonages connected therewith, and burial grounds, and of the description mentioned in the proviso to section 13 of this act and in section 26 of this act, to the respective trustees mentioned in section 26 of this act; and for the purposes of this section said court shall have all the powers of a court of equity.

Dower, etc. Sec. 18 (a) A widow shall be endowed of the third part of all the lands whereof her husband was seized of an estate of inheritance at any time during the marriage, unless she shall have lawfully released her right thereto.

(b) The widow of any alien who at the time of his death shall be entitled by law to hold any real estate, if she be an inhabitant of the Territory at the time of such death, shall be entitled to dower of such estate in the same manner as if such alien had been a native citizen.

(c) If a husband seized of an estate of inheritance in lands exchanges them for other lands his widow shall not have dower of both but shall make her election to be endowed of the lands given, or of those taken in exchange; and if such election be not evinced by the commencement of proceedings to recover her dower of the lands given in exchange within one year after the death of her husband, she shall be deemed to have elected to take her dower of the lands received in exchange.
(d) When a person seized of an estate of inheritance in lands shall have executed a mortgage, or other conveyance in the nature of mortgage of such estate, before marriage, his widow shall nevertheless be entitled to dower out of the lands mortgaged or so conveyed, as against every person, except the mortgagee or grantee in such conveyance and those claiming under him.

(e) Where a husband shall purchase lands during coverture, and shall at the same time execute a mortgage, or other conveyance in the nature of mortgage of his estate in such lands to secure the payment of the purchase money, his widow shall not be entitled to dower out of such lands, as against the mortgagee or grantee in such conveyance or those claiming under him although she shall not have united in such mortgage; but she shall be entitled to her dower in such lands as against all other persons.

(f) Where in such case the mortgagee or such grantee or those claiming under him shall, after the death of the husband of such widow, cause the land mortgaged or so conveyed to be sold, either under a power of sale contained in the mortgage or such conveyance, or by virtue of the decree of a court if any surplus for her life as her dower.

(g) A widow shall not be endowed of lands conveyed to her husband by way of mortgage unless he acquire an absolute estate therein during the marriage period.

(h) In case of divorce dissolving the marriage contract for the misconduct of the wife, she shall not be endowed.

Probate Judges appointive by the President. Sec. 19
That hereafter the judge of probate in each county within the Territory of Utah provided for by the existing laws thereof shall be appointed by the President of the United States, by and with the advice and consent of the Senate; and so much of the laws of said Territory as provide for the election of such judge by the Legislative Assembly are hereby disapproved and annulled.

Abolishing Woman Suffrage. Sec. 20. That it shall not be lawful for any female to vote at any election hereafter held in the Territory of Utah for any public purpose whatever, and no such vote shall be received or counted or given effect in any manner whatever; and any and every act of the Legislative Assembly of the Territory of Utah providing for or allowing the registration or voting by females is hereby annulled.

A Secret Ballot. Sec. 21. That all laws of the Legislative Assembly of the Territory of Utah which provide for numbering or identifying the votes of the electors at any election in said Territory are hereby disapproved and annulled; but the foregoing provision shall not preclude the lawful registration of voters, or any other provisions for securing fair elections which do not involve the disclosure of the candidates for whom any particular elector shall have voted.
Redistricting the Territory. Sec. 22. That the existing election districts and apportionments of representation concerning the members of the Legislative Assembly of the Territory of Utah are hereby abolished; and it shall be the duty of the governor, Territorial secretary, and the board of commissioners mentioned in section 9 of this act of Congress approved March 22, 1882, entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,' in said Territory, forthwith to redistrict said Territory, and apportion representation in the same in such manner as to provide, as nearly as may be, for an equal representation of the people (excepting Indians not taxed.) being citizens of the United States according to numbers, in said Legislative Assembly, and to the number as now established by law; and a record of the establishment of such new districts and the apportionment of representation thereto shall be made in the office of the secretary of said Territory, and such establishment and representation shall continue until Congress shall otherwise provide; and no persons other than citizens of the United States otherwise qualified shall be entitled to vote at any election in said Territory.

Election Law Remains. Sec. 23. That the provisions of section 9 of said act approved March 22, 1882, in regard to registration and election officers, and the registration of voters, and the conduct of election, and the powers and duties of the board therein mentioned, shall therein referred to, to be made and enacted by the Legislative Assembly of said Territory of Utah shall have been made and enacted by said assembly and shall have been approved by Congress.

The Test Oath. Sec. 24. That every male person 21 years of age resident in the Territory of Utah shall, as a condition-precedant to his right to register or vote at any election in said Territory, take and subscribe an oath of affirmation, before the registration officer of his voting precinct, that he is over 21 years of age, and has resided in the Territory of Utah for six months then last passed and in the precinct for one month immediately preceding the date thereof, and that he is a native born (or naturalized, as the case may be) citizen of the United States, and further state in such oath or affirmation his full name, with his age, place of business, his status, whether single or married, and, if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof, and especially will obey the act of Congress approved March 22, 1882, entitled 'An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy, and for other purposes.' and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes. Such registration officer is authorized to administer said oath of affirmation; and all
such oaths or affirmations shall be by him delivered to the clerk of the probate court of the proper county, and shall be deemed public records therein. But if any election shall occur in said Territory before the next revision of the registration lists as required by law, the said oath or affirmation shall be administered by the presiding judge of the election precinct or before the day of election. As a condition precedent to the right to hold office in or under said Territory, the officer before entering on the duties of his office, shall take and subscribe an oath or affirmation declaring his full name, with his age, place of business, his status, whether married or single, and if married, the name of his lawful wife, and that he will support the Constitution of the United States and will faithfully obey the laws thereof and especially will obey the act of Congress approved March 22, 1882, entitled "An act to amend section 5352 of the Revised Statutes of the United States, in reference to bigamy and for other purposes", and will also obey this act in respect of the crimes in said act defined and forbidden, and that he will not, directly or indirectly, aid or abet, counsel or advise, any other person to commit any of said crimes; which oath or affirmation shall be recorded in the proper office and indorsed on the commission or certificate of appointment. All grant and petit jurors in said Territory shall take the same oath or affirmation to be administered in writing or orally, in the proper court. No person shall be entitled to vote in any election in said Territory or be capable of jury service or hold any office of trust or emolument in said Territory who shall not have taken the oath or affirmation aforesaid. No person who shall have been convicted of any crime under this act or under the act of Congress aforesaid approved March 22, 1882, or who shall be a polygamist or who shall associate or cohabit polygamously with persons of the other sex shall be entitled to vote in any election in said Territory, or be capable of jury service, or to hold any office of trust or emolument in said Territory.

Office of School Superintendent Abolished. Sec. 25. That the office of Territorial superintendent of district schools created by the laws of Utah is hereby abolished; and it shall be the duty of the supreme court of said Territory to appoint a commissioner of schools, who shall possess and exercise all the powers and duties herefore imposed by the laws of said Territory upon the Territorial superintendent of district schools, and who shall receive the same salary and compensation, which shall be paid out of the treasury of said Territory; and the laws of the Territory of Utah providing for the method of election and appointment of such Territorial superintendent of district schools are hereby suspended until the further action of Congress shall be had in respect thereto. The said superintendent shall have power to prohibit the use in any district school of any book of sectarian character or otherwise unsuitable. Said superintendent shall collect and classify statistics and other information respecting the districts
and other schools in said Territory, showing their progress, the whole number of children of school age, the number who attend school in each year in the respective counties, the average length of time of their attendance, the number of teachers and the compensation paid to the same, the number of teachers who are Mormons, the number who are so-called Gentiles, the number of children of Mormon parents and the number of children of so-called Gentile parents, and their respective average attendance at school; all of which statistics and information shall be annually reported to Congress, through the governor of said Territory and the Department of the Interior.

Churches may hold real property. Sec. 26. That all religious societies, sects, and congregations shall have the right to have and to hold, through trustees appointed by any court exercising probate powers property for the erection or use of houses of worship and for such parsonages and burial grounds as shall be necessary for the convenience and use of the several congregations of such religious society, sect, or congregation.

The Militia. Sec. 27. That all laws passed by the so-called state of Deseret and by the Legislative Assembly of the Territory of Utah for the organization of the militia thereof or for the creation of the Nauvoo Legion are hereby annulled and declared of no effect; and the militia of Utah shall be organized and subjected in all respects to the laws of the United States regulating the militia in the Territory; Provided, however, That all general officers of the militia shall be appointed by the governor of the Territory, by and with the advice and consent of the council thereof. The Legislative Assembly of Utah shall have power to pass laws for organizing the militia thereof, subject to the approval of Congress.

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APPENDIX D

WOMEN VOTING

If we take woman suffrage in Utah as an experiment in politics, we feel bound to pronounce it a conspicuous failure. The dear creatures do not take to the business of voting kindly or intelligently, and their ballots, instead of indicating the will of a purer and higher element imported into the selection of men to administer public affairs, merely produce one egregious muddle. The sister Saints go all one way, and that as the Church spies tell them to go. Many of them do not know whom they are voting for, or what office the candidates are to fill. The ballots are placed in their hands and the sisters are bidden to vote them. That is enough, obedience to counsel is a part of their religion, and there are few who would fail in so cardinal a duty.

Then they are inveterate repeaters. The idea seems to have been infused in these female voters' minds that the unrighteous Babylonians must be beaten every time, and every vote the sisters can get into the ballot box--legal or illegal makes no difference--is so much to their credit. The Liberals have no organization to guard the purity of the polls; each precinct polling-place is surrounded with Danite policemen and polygamous teachers who smile upon their fraudulent sisters as they deposit their ballots, and encourage them with their commendation to persist in their dishonest work. It is reasonable to believe that fully one half of the Church votes polled at every election are illegal. On Monday, as on all other similar occasions, the sisters made a strong rally at the polls when they were first opened. Most of these are supposed to have been colonized for the purpose, and it would be hardly fair to their heartiness in the cause, to suppose they contented themselves with this sole expression of their will. To vote early and often is regarded by many of these devout Saintesses as a religious duty.

Then the Gentile women show a remarkable reluctance to the use of the franchise, and it is like pulling teeth to get them to the polls. In some cases their husbands are persistent, and the dear creatures vote as a connubial duty. But the large majority stay away, and when appealed to on the ground of public duty, half a dozen frivolous excuses are offered as a reason for their avoidance of the franchise.
The experience of female suffrage in this Territory is by no means encouraging. Women who would poll an honest and independent vote have no stomach for the business, and are perfectly willing to have their husbands speak for them. While the Mormon women vote like dumb, driven cattle, and the power placed in their hands professedly to enhance their condition, is made an instrument of their enslavement. Let us hope that if Congress gives us an electoral law this session, this Mormon fraud of a woman's ballot will be abolished.⁴

APPENDIX E

YESTERDAY

The election as it progressed in this city yesterday was a pleasant spectacle. There was occasionally a woman who tore up a Van Zile ticket with more energy and with fiercer imprecations than were necessary; there was here and there a polygamous wife who, upon being challenged, in lieu of taking the oath, insisted with more vehemence than the occasion absolutely demanded that her challenger was "a dirty thing;" but generally good nature prevailed, and first-rate work was done. We believe the Saints polled nearly their full vote; the women seeming determined to exhaust their right. And speaking of them, it was an entertainment in its way to watch them. Besides the bright and intelligent-looking—hundreds of them—there were some who to look at caused every beholder to wonder where on earth they came from. Milton describes sin sitting at hell's gate as

A woman to the waist, and fair;
But ending foul in many a snaky fold.

Some of these answered the description except 'to the waist.' On their faces there was no look of intelligence, nothing more than a dogged determination to do something; very much such a look as an old sheep puts on when she makes up her mind to jump a stone wall, even if the act is to result in her breaking her neck. That they had any idea what they were doing, no stretch of the imagination could make seem reasonable. . . .

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WOMAN SUFFRAGE IN UTAH AS AN ISSUE IN THE MORMON AND NON-MORMON PRESS OF THE TERRITORY 1870-1887

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ABSTRACT

Early Utah history was characterized in part by a period of journalistic controversy and abuse that clearly reflected the differences between the Latter-day Saint and Gentile populations of the Territory. This thesis is a study of the differences between the Mormon and Gentile presses concerning the subject of woman suffrage.

The Deseret News, pioneer Utah newspaper, was first published June 15, 1850, and for eight years was the sole news journal in the Territory. Edited by many prominent churchmen and published by the Church of Jesus Christ of Latter-day Saints, the paper was directed principally to the Saints.

The most serious opposition to the News came from the Salt Lake Daily Tribune, also known for a short time as the Mormon Tribune. The paper first appeared in January, 1870, under the proprietorship of Elias L. K. Harrison and William S. Godbe, leaders of an apostate faction from the Church. Other publications of lesser importance in this study include the Salt Lake Herald, published privately by various members of the Church from 1870.

Woman suffrage was proposed by various groups following the Civil War and briefly considered by Congress in 1868 as a possible solution for polygamy in Utah. The Territorial Legislature, February 12, 1870, doubtless acting under encourage-
ment from Brigham Young, enacted a law enfranchising " . . . every woman of the age of twenty-one years who has resided in this Territory six months next preceding any general or special election, born or naturalized in the United States, or who is the wife, widow or daughter of a native-born or naturalized citizen of the United States. . . ."¹ The first election of the Territory in which women voted came two days later, on February 14, the great majority of women voting for the People's ticket.

Both the Tribune and Deseret News supported the legislation for a time, recognizing that it was an important and dramatic step forward in equalizing rights between the sexes. But contrary to the expectations and hope of many Liberal Party members in Utah and anti-Mormon groups outside the Territory, however, woman suffrage did not result in the overthrow of any Mormon institutions or practices, but strengthened the political hold of the L. D. S. People's Party over affairs in Utah. As party organ for the Liberal group in Utah, the Tribune came to oppose the enfranchisement of women in the Territory, and by 1872, it was seeking repeal of the measure. The News was consistent in its support of woman suffrage and frequent articles were printed recording progress of the Territory as a result of the franchise.

Claims by the Tribune concerning irregularities in the voting methods of women in Utah became regular during the

¹Legislative Assembly of the Territory of Utah, Acts, Resolutions & Memorials (Salt Lake City: Joseph Bull, Public Printer, 1870).
1870's. The paper charging in part that the lack of a secret ballot enabled the priesthood to maintain absolute control over actions of the women as well as the men at the polls. Other areas of Tribune attack involved the lack of a Territorial registration law and alleged voting of alien women and underage girls. Of its charges, only illegal voting by unnaturalized women had any proven basis in fact.

On two different occasions, once in 1880 and again in 1882, the Liberal party sought to obtain court orders declaring the women suffrage law illegal because of unequal restrictions on men and women voters and through supposedly contradictory laws enfranchising men and women in the Territory. Both such attempts failed, although the Tribune did not relax in other efforts to secure Congressional restraint of women voters.

Newspaper opinion outside of Utah was generally unfavorable to the continuance of woman suffrage in Utah inasmuch as the ballot did not result in either the overthrow of polygamy or Mormonism. National suffrage groups were ardent supporters of the Utah law, but their efforts were unable to stem impending Congressional action against the Church.

In 1882, under terms of the Edmunds Act, all polygamists were disfranchised, totaling some twelve thousand men and women. The Mormon hold on elective offices in the Territory continued, however, and more stringent action was urged against voting practices. Women of Utah continued to go to the polls in Utah until 1887, when their franchise rights were