The Development of Municipal Government in the Territory of Utah

Alvin Charles Koritz
Brigham Young University - Provo

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THE DEVELOPMENT OF MUNICIPAL GOVERNMENT
IN THE TERRITORY OF UTAH

A Thesis
Presented to the
Department of Political Science
Brigham Young University

In Partial Fulfillment
of the Requirements for the Degree
Master of Arts

by
Alvin Charles Koritz
August 1972
ACKNOWLEDGMENTS

The author sincerely wishes to acknowledge the assistance and encouragement given to him by the following people:

Dr. Stewart L. Grow, who initially suggested this thesis topic and whose knowledge and suggestions were so immensely helpful.

Dr. Eugene E. Campbell for his helpful suggestions in writing the thesis.

The personnel and staffs of the Brigham Young University Library, the University of Utah Library, the Utah State Historical Society, the L. D. S. Church Historian's Office, the Utah League of Cities and Towns, the State Archives, the Utah Supreme Court Clerk's Office, the Utah Supreme Court Law Library, and the many city recorders who willingly gave freely of their time in assisting the author in the task of research.

Ferne G. Hunter for carefully proofreading the final draft and making numerous helpful suggestions on clarity and style.

Linda Hunter Adams, who greatly aided the author in conscientiously and professionally typing the thesis.

Finally, my wife, Alison, for her devotion and support. And my parents, Mr. and Mrs. Alvin C. Koritz, for their sacrifices in making the author's schooling possible--my love and appreciation.
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INTRODUCTION

Purpose of Thesis

The purpose of this thesis is to present, in the form of an historical survey, the beginnings and development of municipal government in territorial Utah. An attempt will be made to demonstrate the influence of various organizations and groups in this process. Also to be demonstrated are the changing forms of municipal government and the varying importance of related offices during this period.

Previous studies on local government have usually been devoted to specific areas within the territorial period. For example, Eugene E. Campbell's work focused on the government of Utah during the first four years.\(^1\) James B. Allen's study of church and state relationships in local government, while it covered the entire territorial period, was limited to activities at county and precinct levels.\(^2\)

Ellsworth E. Weaver's comprehensive study of Utah's political institutions included the historical high lights of municipal government but lacked a detailed examination of its legal development or the ecclesiastical influences bearing thereon.\(^3\)


\(^3\)Ellsworth E. Weaver, "The Evolution of Political Institutions in Utah" (unpublished Ph.D. dissertation, New York University, 1953).
**Delimitations**

This survey covers fifty years of local political development, beginning with the expulsion of the Mormons from Nauvoo in 1846 and ending with the granting of statehood for Utah in 1896. The decision to confine research efforts within these limits was determined by the writer's desire to provide as much depth as possible to an historical survey.

For the purposes of this study, a "municipality" is broadly defined as any settlement, colony, village, town or city having powers of self-government. County and precinct levels of government are occasionally referred to when they contributed to a clearer understanding of government at the municipal level.

**Methodology**

Upon beginning research the writer contemplated the use of either a random or select sample approach to the examination of records at municipal sites. However, he discovered that a great number of these early manuscripts had been either lost or destroyed. Consequently, research efforts were extended to cover an elongated area, known as the Utah Corridor,1 running from the northcentral to the southwestern corner of the boundaries of modern-day Utah. The earliest communities founded by the Mormons in the Great Basin lie along this route. The information gleaned from the records of these communities constitutes a major portion of Chapter Three. For

1For the development of the Corridor concept, see Milton R. Hunter, Brigham Young the Colonizer (2d. ed.; Salt Lake City: Deseret News Press, 1941), Chapter VIII.
Chapters One and Two, the writer relied to a great extent on manuscript sources available in the L.D.S. Church Historian's Office. Finally, the legal development of municipalities and their control by the territorial legislature, discussed in Chapter Four, would have been impossible to write without access to the session laws of the territorial legislature, the only complete set of which was found in the Utah Supreme Court Clerk's Office.
CHAPTER I

MUNICIPAL GOVERNMENT ON THE GREAT PLAINS
1846-1848

The Origin of "Mormonism"

In the spring of 1820 in the state of New York, a youth named Joseph Smith announced that he had been visited by God the Eternal Father and His Son, Jesus Christ, who told him that if he proved worthy he would serve as an instrument to restore the ancient church of Jesus Christ to the earth. Smith also claimed to have been visited on several later occasions by Moroni, a resurrected personage who instructed the boy concerning the religious history of the ancestors of the American Indian. This history was engraved on a volume of thin gold plates buried in the earth not far from Smith's home. The ancient records were eventually translated by Smith and, in the spring of 1830, published as the Book of Mormon. The appellation "Mormon" was subsequently applied to the followers of Joseph Smith.  

On April 6, 1830, the Church of Jesus Christ of Latter-day Saints was organized in the state of New York. The religion experienced rapid growth in western New York and in Ohio, where

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1The terms "Mormon," "Saint" and "L. D. S." will be used interchangeably throughout this paper. Likewise, the terms "non-Mormon" and "Gentile" will be used to designate those individuals, groups and interests not affiliated with the Latter-day Saint Church.
adherents of the faith settled near and in the village of Kirtland. In 1837 apostasy and resulting persecutions forced the Mormon prophet to leave the state of Ohio and travel to Missouri. Near the western borders of the state, Smith had previously indicated that a "New Jerusalem" was to be built to serve as a gathering place for those of the House of Israel living in the Western Hemisphere. In Missouri several communities, including the village of Far West, were founded and settled.

However, these attempts to gather together and create communities were met with such antagonism and violence that, in the winter of 1838-39, the Mormons were forced to flee Missouri and gather on the eastern banks of the Mississippi River near Quincy, Illinois. Forty-five miles to the north, on a large bend of the river, a community was subsequently founded and named "Nauvoo," meaning "beautiful place."\(^1\) In 1840 the Legislative Assembly of the State of Illinois granted the municipality a unique charter which provided for municipal powers as well as for a city militia known as the "Nauvoo Legion" and a university known as the "University of the City of Nauvoo."\(^2\) At the height of its development, Nauvoo became one of the largest cities in Illinois. A full-scale municipal government was organized in Nauvoo, and Smith served not only as the spiritual leader

---


\(^2\)James Kimball states that John C. Bennett, the Mormon delegate to the Illinois Legislature, was instrumental in securing the additional charters. James L. Kimball, Jr., "A Study of the Nauvoo Charter, 1840-1845" (unpublished M.A. thesis, University of Iowa, 1966), pp. 39-44.
of the Mormons but also as mayor of Nauvoo and lieutenant general of
the Nauvoo Legion. On March 11, 1844, Smith also organized a unique
religio-civil body which came to be known as the "General Council" or
"Council of Fifty."\(^1\)

In spite of—or perhaps because of—the success of Nauvoo,
apostates and jealous neighboring groups once again fueled the fires of
religious persecution, resulting in the martyrdom of Joseph Smith on
June 27, 1844. The Nauvoo episode was concluded in the winter of
1845-46 with the expulsion of most of the city's inhabitants, who crossed
the Mississippi and began travelling westward across the prairies of
southern Iowa. During the remainder of 1846, numerous preparations
were made for a subsequent exodus to the Rocky Mountains.\(^2\)

Organization of the Mormon Church

Brief mention should be made concerning the early leadership
and organization of the Mormon Church. Most adult male members
of the Church held either the Aaronic or Melchizedek priestages, the
orders being respectively assigned duties in the temporal or spiritual
administration of the Church. Priesthood holders were also ordained
to one of several offices including apostle, high priest, seventy, elder,

\(^1\) D.H.C., VI, 260-61. This organization is discussed at
length in Chapter III.

\(^2\) Church officials had considered numerous locations
besides the Great Basin region, including Texas, California, Oregon
and Vancouver Island, as possible refuges for the Mormons. How-
ever, it is the statement of Joseph Smith made on August 6, 1842, at
Montrose, Iowa, that indicated what later actually occurred. The
founder of Mormonism remarked that many of his followers "would
live to go and assist in making settlements and building cities [italics
mine], and see the Saints become a mighty people in the midst of the
Rocky Mountains." Ibid., V, 85.
priest, teacher and deacon. In turn, presidencies and quorums were organized for each group. In addition to their secular occupations, these officers were expected to carry out their priesthood duties without financial reward. This resulted in ecclesiastical government by a lay clergy and contributed to a blurring of the lines separating church and state, as will be discussed in this and succeeding chapters.

The First Presidency of the Church consisted of a president and two counselors whose duty it was to preside over the affairs of the entire church. The president of the Church was sustained by the general membership as a prophet, seer and revelator. His primary responsibility as head of the Church was to receive the divine guidance and revelation necessary for its direction.

Next in order of authority was the Council of Twelve Apostles. The president of this council was the senior member. The duties of the Twelve as a presiding high council were to supervise and regulate the affairs of the Church under the direction of the First Presidency. During the colonization of the Great Basin, individual apostles were assigned responsibility for the settlement of specific valleys and regions. ¹

Under the apostles, church membership was assigned to geographical areas called "stakes." ² Each stake was headed by a stake president who also presided over a high council of twelve high priests. The president, with his high council, was responsible for the temporal and spiritual welfare of the church membership in a

¹Hunter, pp. 60-61.
²Isaiah 33:20; 54:2.
specific region or settlement. In matters of church discipline and judicial function, the jurisdiction of the high council was appellate in most cases, but original in some. The decisions of a high council were usually, but not invariably, final. On an appeal from the decision of a high council, a hearing and decision could be had from a general assembly of the various councils of the priesthood, which rendered a final decision. However, such appeals were very rarely taken.

Within the stake boundaries the church membership was organized into a varying number of branches or ecclesiastical wards, the ward or branch boundaries being organized to contain from thirty to over a hundred families in a neighborhood or community. A presiding elder or a bishop, assisted by two counselors, headed local church activities. In instances where both a presiding elder and a bishop jointly presided over a settlement, the presiding elder was responsible for the spiritual welfare of the members while the bishop attended to their temporal needs. In matters of church discipline, the presiding elder or bishop could form a special court to handle disputes between members and also to adjudicate in instances involving the moral transgression of a member or members under his jurisdiction. The decisions of that court could then be appealed to the stake high council and hence to the various councils of the priesthood as

---

1During the early history of Utah some settlements were given both officers. However, by 1862 resultant difficulties in administration brought about the combination of both offices under the bishop. See comments of Brigham Young, *Journal of Discourses* (26 vols.; Liverpool, 1854-1886), X, 33, 97.
Fig. 1. Simplified L.D.S. Church Organization
previously mentioned.¹

**Municipal Organization**

After the martyrdom of Joseph Smith in 1844, Brigham Young, president and senior member of the Council of Twelve Apostles, assumed the leadership of the Church. Following the expulsion of the Mormons from Nauvoo in 1846, Young directed the founding and settlement of several communities in southern Iowa and the Missouri River Valley. Sod huts, log cabins and meetinghouses sprang up almost overnight; land was plowed, planted and fenced; and other provisions were made in preparation for a westward migration.

The vast nature of this undertaking required the adoption of a system of government suited to the development and supervision of temporary settlements peopled by a highly transient population. As the emigrants travelled west, advance companies reported back to President Young concerning sites favorable to settlement. When a suitable location was found, the Council of Twelve Apostles would convene and nominate a presidency of three individuals to superintend the development of a settlement. In this manner Garden Grove, Pleasant Grove and Mount Pisgah—all settlements founded in southern Iowa—

were organized as branches of the Church, each branch being led by a presiding elder and two counselors. After the Garden Grove nominees were ratified by the settlement population, President Young notified the new branch president of his official appointment and outlined his responsibilities.

Elder Samuel Bent received his letter of authority to preside over Garden Grove Settlement, to divide out the land fenced in by the advanced companies, to see that no man has the use of land which he does not till, to tithe the Saints for the benefit of the poor and sick, and to see that the crops are secured and nothing lost.

In this manner the small, agricultural villages founded by the Mormons were governed in both secular and religious affairs. Colonel Thomas L. Kane painted a vivid picture of these agricultural settlements, giving the following description:

In a kindred spirit of fraternal forecast, others laid out great farms in the wilds, and planted in them the grain saved for their own bread; that there might be harvests for those who should follow them. Two of these, in the Sac and Fox country and beyond it, Garden Grove and Mount Pisgah, included within their fences about two miles of land a-piece, carefully planted in grain, with a hamlet of comfortable log cabins in the neighbourhood of each.

As additional companies of emigrants pressed westward during the spring and summer of 1846, they gathered on the eastern

---

1During the early history of the Church, the terms "branch" and "ward" were often used interchangeably to denote this basic ecclesiastical unit. For example, see comments of Brigham Young, Journal of Discourses, April 8, 1862, X, 33.

2L. D. S. Church Historian's Office, Salt Lake City, Manuscript History of the Church, IV, "History of Brigham Young," Ms., May 12, 1846, p. 172. Subsequently cited as "History of Brigham Young." For the entire version of the original letter, see Appendix I.

Fig. 2. Plat of Pleasant Grove, Iowa

Source:  L.D.S. Church Historian's Office, Garden Grove Branch, Iowa, "Council Minutes and List of Members," 1847, Ms (found in unpaginated center portion of record book).
banks of the Missouri River near an elevated region known by Indians and traders as "Council Bluffs." Again, the need for a governing authority of some sort became apparent. The municipal government which was created, however, differed significantly from that of the smaller settlements previously established. A special meeting of the Twelve was called, when the following transpired:


Thus, the governing authority for the Council Bluffs area consisted of an ecclesiastical stake high council which had been expanded to include many of the civil and political functions common to municipal government. This organization also exercised supervisory powers over the other Iowa settlements. On the very same day, Brigham Young instructed the high council as follows:

... to attend as speedily as convenient to locating and advising all those saints who will tarry here as well as others, who may hereafter arrive this season and to use all means in your power to have all the poor saints brought from Nauvoo and locate them here for the winter, or at either of the farms back [Mount Pisgah or Garden Grove] as circumstances and your best judgment may dictate.

---


2. The resulting settlement was named Miller's Hollow. In 1848 the name was changed to Kanesville.

Fig. 3. Settlements in the Missouri River Valley

Later in the summer of 1846, the leadership of the Church, with several pioneer companies, crossed to the western banks of the Missouri and settled near what is today the city of Omaha, Nebraska. Here the communities of Cutler's Park, Winter Quarters, and Brigham's Farm were founded. Once again the Twelve were instrumental in organizing and establishing municipal government. In the case of Cutler's Park,

Pres. Heber C. Kimball . . . motioned that twelve men be appointed to superintend the settling of the camp and all matters relating to the town corporation. It was voted that the brethren on the west side of the Missouri settle together. 

Voted that Alpheus Cutler, president, Reynolds Cahoon, Cornelius P. Lott, Albert P. Rockwood, Ezra Chase, Daniel Russell, Alanson Eldridge, Thomas Grover, Jedediah M. Grant, Samuel Russell, Winslow Farr, and Benj. L. Clapp be the municipal high council for this location. Samuel Russell was chosen clerk.\(^1\)

While all of the settlements were under the supervision of a municipal high council,\(^2\) the municipal government of the larger communities, such as Winter Quarters and Miller's Hollow, also included bishops who attended to the material needs of the sick and poor.\(^3\)

In addition, each of the larger municipalities appointed a clerk, historian, supervisor of streets, postmaster, marshal and several police to act in various civil capacities.

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\(^1\) Journal History, August 7, 1846, p. 10 (italics mine).

\(^2\) According to Kate B. Carter, most of the settlements were given municipal high councils. Our Pioneer Heritage (13 vols.; Salt Lake City: Daughters of Utah Pioneers), V, 71-72. Apparently the Presiding Elder's Council, used in the smaller settlements, was mistaken for a municipal high council. The writer's own research supports the position that only two municipal high councils existed at any given time—one for each side of the Missouri River.

Fig. 4. Religio-Civil Government, 1846-1847
Due to the absence of organized county government on the
Pottawattamie and Omaha lands, the high council\(^1\) exercised civil
authority by consent of the church members over whom it presided.
During the winter of 1847-48 permission to remain on the Omaha lands
was terminated, requiring the Saints to abandon Winter Quarters and
return to the eastern banks of the Missouri.\(^2\) At a conference attended
by the Council of Twelve Apostles in the log tabernacle at Miller's
Hollow, a stake high council was again organized.

The congregation voted that the High Council on the east side of
the Missouri River should have all municipal power given to
them by the people, and that the Bishop's courts should have
authority as civil magistrates among the people, until the laws
of Iowa were extended over the camps of the Saints.\(^3\)

**Municipal Function**

Each pioneer family arriving at a new settlement was
awarded a city plot and farming land. The total acreage of the farm
was somewhat proportionate to the needs of each family. Locations
were determined by chance: first, lots were drawn for those assigned
five-acre plots; next, for those assigned ten-acre plots; and finally,

\(^1\)Frequent mention in the L.D.S. Church manuscripts of
the word "Council," with no further designation, can cause difficulty
in distinguishing between the municipal organizations mentioned above
and other bodies, such as the Council of Twelve Apostles, Council of
Fifty, or Presiding Elder's Council. The Twelve frequently met with
the municipal high councils. Brooks, I, 184-85; Journal History,
December 27, 1846; February 28, 1847.

\(^2\)Brooks, I, 287-88.

\(^3\)Journal History, December 25, 1847; "History of Brigham
Young," December 25, 1847, p. 130. Although Iowa was granted state-
hood on December 28, 1846, county government was not organized on
the Pottawattamie lands until 1848. See J. Keith Melville, Highlights
in Mormon Political History, Charles E. Merrill Monograph Series
for those assigned plots of twenty acres or more. Those unwilling to
till their land or care for their crops had their acreage given to others
more disposed to put it to good use.\(^1\) Describing with obvious pride
one of the growing communities, Young remarked that Winter Quarters
"... contained 41 Blocks, 820 lots, with seven hundred houses in
twenty two wards. Each ward has a Bishop and Counselors."\(^2\)

Under the municipal high council, presiding elders or
bishops with their congregations performed assignments essential to
the development and welfare of the community. When the municipal
high council, convened at Winter Quarters, decided to extend its
control over the natural resources of the area, Bishop Joseph Knight
was appointed to "... superintend and direct the cutting of timber on
the east side of the Missouri River, that it might not be wasted."\(^3\)
In another instance, the council decided to construct a flour mill at
Winter Quarters, appointing Bishop George Miller to supervise that
task.\(^4\) Bishops were also requested to act as fire inspectors in their
respective wards. They were to look for hazardous conditions and
also ensure that all straw-thatched dwellings were covered with earth.
Gunpowder was ordered delivered up to the captain of police for

\(^1\)"History of Brigham Young," May 10, 1846, p. 170;
May 31, 1846, p. 185; L.D.S. Church Historian's Office, Mount
Pisgah, Iowa, "Historical Record," May 31, 1846, p. 2.

\(^2\)"History of Brigham Young," February 25, 1847, p. 67;
see also Kane, p. 62. Hosea Stout recorded that the city, as of Decem-

\(^3\)Journal History, January 31, 1847. Knight was later
sustained as presiding bishop over the Pottawattamie lands. Ibid.,
October 7, 1848.

\(^4\) Ibid., February 28, 1847.
Fig. 5. Plat of Winter Quarters

Source: E. Widtsoe Shumway, "Winter Quarters, Nebraska, 1846-1848," Nebraska History, XXXV (June, 1954), 117.
safekeeping.  

In order to provide a measure of order and tranquility for the community, steps were taken to provide security against the theft of livestock by marauding Indians, crop damage by stray animals, and other nuisances and disturbances. The city marshal assigned policemen to each ward of the city. Since the time these men could spend providing for their families was sharply curtailed by their duties, the high council discussed the feasibility of levying a police tax on the populace. Shortly thereafter, an assessor was appointed to determine and collect the fees, usually paid in kind with firewood, harvested crops, or building and fencing materials.

Those found guilty of violating municipal ordinances could be punished in several ways. Infractions of laws of a civil nature were usually punished by fine or whipping. However, if the offense was serious, the spiritual punishments of disfellowshipment or excommunication could be added, although they were usually reserved for transgressions of a religious nature.

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1Ibid., January 24, 1847. Sometimes these duties were performed by the city marshal or a councilman. L.D.S. Church Historian's Office, Winter Quarters, Nebraska, "High Council Minutes," September 26, 1847, Ms.

2Journal History, August 7, 1846.

3Ibid., December 27, 1846; January 10, 1847.

4In a similar situation, the council voted to give Willard Richards one load of wood for each day they met in his house. Ibid., January 3, 1847.

5Unlike the church punishments of disfellowshipment and excommunication, the coercive nature of corporal punishment made it a function of the state. For additional information on church and state relationships during this period, see J. Keith Melville, "Theory and Practice of Church and State during the Brigham Young Era," Brigham Young University Studies, III (1960), 41-42, 44, 52.
occurred where the United States Government already exercised civil jurisdiction, the accused was to be remanded to the appropriate local authorities. 1

Decisions rendered by the lower bishop's courts could be appealed to the municipal high council which would then act in the capacity of an appellate court. At times this body also exercised original jurisdiction, as in the following instance:

\[
\text{The accused being cited by the Marshall to appear before the Council for shooting off a Pistol on Sabbath within the Picketts of the city, he appeared and humbly confessed his fault. Voted he be forgiven.} 2
\]

Occasionally cases appearing before the municipal court were referred to the lower bishop's courts. 3

The actions of the municipal high councils were not intended to have the same legal duration as formalized civil law. Rather, their intended effect was to promote the safe, orderly function of the community on a temporary basis. Brigham Young clarified the purpose of the municipal high council in the following statement:

With regard to law, this Council has no right to make laws to stand as precedents to this people for the future. This Council is only to make laws for the time being, and act as circumstances may require for today. It was organized a municipal High Council in order that they might take charge of all things temporal and spiritual, but you can't make laws to guide this people for three months. 4


2 Winter Quarters, "High Council Minutes," July 18, 1847, p. 3.

3 Journal History, January 3, 1847.

4 Winter Quarters, "High Council Minutes," November 1, 1847. The Mormon Moses was referring to the interim period prior to his leading a second group of emigrants to the Great Basin in the spring of 1848.
The Westward Trek

In 1847 preparations were begun for the journey to the Rocky Mountains. On January 14th Young stated that he had received a revelation from God—"The Word and Will of the Lord"—which dealt with the mode of organization to be used for the emigration. John D. Lee described its presentation to the various councils of the Church on January 15th and 16th as follows:

1 I was in council with the Twelve at E. T. Benson's, when the word and will of the Lord concerning the journeyings of Israel [sic] was first laid before the Council as a revelation to the church and acknowledged by the Council of Fifty. The revelation was then presented to the First Presidency of the Seventies and so on down and acknowledged. 1

After "The Word and Will of the Lord" had been sustained as revelation by the camp, those pioneers who were well equipped and in good physical health were organized into special divisions under the supervision of the Twelve. 2 Each division had a presidency of three at its head as well as company captains of hundreds, fifties and tens, 3 which gave the emigrants the appearance of a travelling army. Young encouraged the Saints to participate in the selection of those who would lead them across the Great Plains when he said:

I informed the people that in the government of this church, in business transactions, every man should have a voice in the matter, as if the whole responsibility were on his shoulders. It belonged to the people to appoint Captains of


2 "History of Brigham Young," January 14, 1847, pp. 18-19.

3 Doctrine and Covenants 136:1-14. Organizational designations indicated the number of wagons, not individuals, in each company. For the full text of this order, see Appendix II.
President of Twelve Apostles

Council of Twelve Apostles

Division Presidency

Captain of Hundred

Captain of Fifty

Captain of Fifty

Capt of Ten

Capt of Ten

Capt of Ten

Capt of Ten

Capt of Ten

Capt of Ten

Capt of Ten

WAGONS CARRYING
THE CAMP POPULATION

Fig. 6. Simplified Emigrant Organization
hundreds and fifties. When we emerge into national existence
do you suppose all the officers will be appointed by one man?¹

**Summary**

During the years 1846-47, a majority of the Latter-day Saints were uprooted and expelled beyond the western borders of the United States. Surrounded by harsh frontier conditions, and in the absence of local civil government, the Saints struggled to maintain a society based on mutual assistance and cooperation. Under the pragmatic leadership of Brigham Young, the personnel and organization of the Mormon Church were adapted to the performance of civil functions in the various settlements, contributing to a fusion of church and state in Mormon society. The Mormon experience in local self-government on the prairies of the Midwest provided ample precedent for the religio-civil organizations they were soon to establish in the Great Basin.

¹"History of Brigham Young," January 25, 1847, p. 28.
CHAPTER II

MUNICIPAL GOVERNMENT IN THE GREAT BASIN
1847-1849

The Founding of Great Salt Lake City

Four days after the arrival of the main body of pioneers in the Valley of the Great Salt Lake, the laying out of a city was commenced under the direction of Brigham Young. The following account describes the birth of a "Mormon Mecca" in the West:

The President, accompanied by the Apostles, proceeded to a spot between and a little below the forks of City Creek, and striking his cane in the earth, said: "Here will be the Temple of our God. Here are the forty acres for the Temple. The city can be laid out perfectly square, north and south, east and west." It was then and there decided that the building of the city should begin at that point... ¹

The assembled body of settlers ratified this plan by unanimous vote on the same day, July 28, 1847.²

During the first few weeks, the development of the settlement was carried out under the direction of the Twelve Apostles, who acted as a supervising committee. However, Young and a majority of the Twelve intended to return to Winter Quarters for additional

¹Orson F. Whitney, History of Utah (4 vols.; Salt Lake City: George Q. Cannon & Sons Co., 1892), I, 339-40. Shortly thereafter the size of Temple Square was reduced from forty to ten acres in conformity with the other city blocks. Ibid., p. 340.

²Journal History, July 28, 1847.
numbers of the Saints, thereby requiring the creation of an organization to carry on in their absence. To this end Brigham proposed that an ecclesiastical government consisting of a stake of Zion presided over by a stake presidency and a high council be established.

President Young stated, "I move that there be a President to preside over this place." Seconded and carried. "That there be a High Council." Seconded and carried. "That all other officers that are necessary be appointed for this place." Seconded and carried. "That we call this place the Great Salt Lake City of the Great Basin, North America. That we call the Postoffice the Great Basin Postoffice." Seconded and carried. 1

John Smith, uncle of the Prophet Joseph, was voted the presiding authority of the colony with Charles C. Rich and John W. Young as his counselors. A high council of twelve men was also organized. 2 Shortly after the departure of Brigham Young, Apostles John Taylor and Parley P. Pratt arrived in the Valley with their pioneer companies. Because of their ecclesiastical rank, the two men exerted a strong influence over the affairs of the settlement, although John Smith remained the nominal leader. 3 At a general conference held in the Valley in October, Smith was sustained as President of

1Ibid., August 22, 1847. The name Great Salt Lake City was retained until January 29, 1868, when the word "Great" was dropped by legislative enactment. Acts, Resolutions and Memorials, Passed at the Several Sessions of the Legislative Assembly of the Territory of Utah, 17th Sess., 1868, Ch. III. Henceforth cited as S.L. (Session Laws) with appropriate year.

2Journal History, September 9, 1847.

3"Father John Smith was looked upon as president of the Camp; but Taylor and Pratt took the lead and in fact were in charge." John Nebeker, Early Justice (Ms, Bancroft Library, Berkeley, California), p. 4. The Twelve were nevertheless subject to the judicial authority of the high council, which ruled against Taylor in a dispute with Peregrine Sessions over the ownership of a horse. The decision was later sustained by the Council of Twelve Apostles and First Presidency. Journal History, February 16, 1849.
the Great Salt Lake Stake of Zion and Patriarch of the Church. After he had returned to Winter Quarters, Brigham Young was sustained as President of the whole Church. ¹

**Early Development**

A hostile environment, extreme poverty, the ideological orientation of the early church leaders and the uncertain legal status of the Great Basin Region were all important factors in the formation of a church policy for controlling the use of the sparse natural resources upon which the settlers were so dependent. ² Only one day after his arrival in the Great Salt Lake Valley, Young gave his famous "land law," recorded by Wilford Woodruff as follows:

> He also said that no man who came here should buy any land; that he had none to sell; but every man should have his land measured out to him for city and farming purposes. He might till it as he pleased, but he must be industrious and take care of it. ³

Brigham Young and the apostles taught that in reality the earth was the Lord's and man was but a steward over the material things thereof. His right to property was conditioned upon the beneficial use of his possessions. ⁴

In addition to the religious orientation of the pioneers, the

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¹ "History of Brigham Young," October 3, 1847, p. 117; December 5, 1847, p. 128.

² The Mormons were trespassers on Mexican soil until the signing of the Treaty of Guadalupe-Hidalgo on February 2, 1848, which annexed the vast territory known as Upper California to the United States.

³ Journal History, July 25, 1847.

lack of farming implements, fencing materials and manpower encouraged the development of a cooperative approach to the many problems of agriculture in the Great Basin. On August 22, 1847, in a special conference of the Church, the assembled congregation voted that all would farm together in a "common field." Shortly thereafter the organization used during the emigration was commissioned to carry out the task of locating, surveying and assigning the proposed farmlands as follows:

Council, Captains of 100s, 50s, & 10s met 4 o'clock P.M. at the hay stacks. Pres. Smith stated the object of the meeting & called on his councillors to do the talking. P. P. Pratt moved that the High Council & Land Committee & the Presidents & Councillors of the 2 Divisions, & the Captains of 100s be a committee to locate the farming lands for this & coming season, & do it tomorrow, & let the Survey & Chain carriers run it off in 2 Divisions, & let the Presidency of the 2 Divisions divide it to the Captns of 100s & the Captns of 100s to the Captns of 50s & the Captns of 50s to the Captns of 10s & the Captns of 10s to their men, 2nd & voted.

This initial survey was sufficient until the fall of 1848 when it became apparent that additional farmlands were needed. In the following letter to the Saints remaining in Iowa, President Young spoke concerning the laying out of a "big field":

At our suggestion the brethren have combined to enclose a big field for farming purposes, and already there has been 863 applications for lots in it, taking up 11,005 acres of land. It is our intention to have the five acre lots next to the city to accommodate the mechanics and artizans, the ten acres next, then the twenty acres, followed by the forty and eighty acre lots, where farmers can build and reside. All these lots will be enclosed in one common fence, which will be 17 miles and 53 rods long, eight feet high; and--to the end that every man may be satisfied with his lot, and prevent any hardness that

1Journal History, August 22, 1847.

2L. D. S. Church Historian's Office, Salt Lake Stake, "High Council Minutes," Ms, October 24, 1847, p. 9.
Fig. 7. Great Salt Lake City and the "Big Field"

might occur by any other method of dividing the land, we have proposed that it shall be done by ballot, or casting lots, as Israel did in days of old.\(^1\)

Once the plots had been cultivated and planted, it was imperative that a reliable source of water be supplied to the fields. To accomplish this it became necessary to utilize efficiently the few mountain streams flowing into the valley. Consequently the pioneers found it necessary to abrogate the legal tradition of riparian rights and act on a new theory. According to Andrew L. Neff,

Mormon leadership, during this initial period, did not concede the principle of private "rights" in water. Community and social ownership of this invaluable resource was esteemed as paramount to individual acquisitiveness. Happily the idea was to secure the maximum use of water, and not until later did the doctrine of private title in water win legal recognition.\(...\)\(^2\)

As a result of the above factors, natural resources in the Valley were publicly owned and controlled to ensure that all would benefit. This control was embodied in the stake high councils or, in case of the smaller towns, in the ward bishoprics. Permission to use these resources was obtained through grants, as in the following example:

The Great Salt Lake City Municipal High Council granted to Archibald and Robert Gardner the right to erect a saw mill on Mill Creek with the provision that water for irrigation purposes should not be interfered with. Said council also decided that no person should build with logs without permission, and made other stringent regulations for the preservation of timber.\(^3\)

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\(^1\)"History of Brigham Young," October 8, 1848, pp. 68-69.


\(^3\)Journal History, February 1, 1848.
Local Leadership

The Mormon Mecca grew rapidly and by the end of 1847 there were about seventeen hundred persons in the Valley. 1 To assist in the administration of the growing settlement, John Smith divided the Saints into five ecclesiastical wards under the direction of Bishops Talton Lewis, Joseph B. Noble, John S. Higbee, Jacob Foutz and Edward Hunter. 2 Sometime in the month of December, 1847, the stake high council "assumed provisional municipal powers by the common consent of the community." 3 During the winter of 1847-48 the municipal high council, as it was now called, passed seven ordinances dealing with the following matters: (1) vagrancy; (2) disturbance of the peace by disorderly or dangerous persons; (3) adultery and fornication; (4) stealing, robbing, housebreaking, and destruction of property; (5) drunkenness and improper behavior; (6) illegal use of firewood and timber; and (7) stray livestock. 4

The arrival of Brigham Young with the main body of the pioneers in the fall of 1848 boosted the population of the assembled Saints to over four thousand souls. 5 Once again a need for additional

1 Neff and Arrington arrive at specific figures of 1,671 and 1,681 persons, respectively. Neff, p. 99; Arrington, p. 47.

2 Journal History, November 7, 1847.

3 Early Records of Utah, Ms (Bancroft Library), p. 19.

4 Journal History, December 27, 1847; January 25, 1848. For the complete text of these ordinances see Dale L. Morgan, "The State of Deseret," Utah Historical Quarterly, VIII (1940), 234-35; also Appendix III.

5 A specific figure of 4,200 is calculated by Arrington, p. 50. By the end of the year, Bancroft and Neff both use the figure 5,000. H. H. Bancroft, History of Utah (San Francisco: Bancroft and Company, 1890), pp. 283-84; Neff, p. 887.
municipal organization was apparently created. On February 22, 1849, the Mormon Mecca was divided into nineteen wards over which bishops were placed with their counselors. Salt Lake City was transformed into a composite body of nineteen smaller communities whose "bishop-mayors" now carried increased responsibilities of a temporal and civic nature.

In the fall of 1848, the bishops had been made managers of the irrigation waters in their respective wards, a plan later adopted by all the settlements. Each bishop was responsible for the completion of a prescribed length of canals and ditches in or near the areas under his jurisdiction. The amount of work to be contributed to building the canals was determined by the amount of land each settler intended to place under irrigation. The amount of water he received in turn depended on the amount of work he actually accomplished on the project. Each settler was also required to labor for the maintenance of the completed irrigation system, his contribution in time and energy depending on the number of water shares he owned.

After a visit to Utah in the early 1880's, the popular soldier-author Willard Glazier recorded his impressions of Great Salt Lake City.

Most of the dwelling houses are small, and but a single story in height, having separate entrances when there is more than one wife in the family. The city is not an imposing one. The wide streets, large grounds around each dwelling, and low, small houses, give it more the appearance of an overgrown village than that of a city. Nevertheless, it cannot be denied that the plan upon which it is built secures to its inhabitants the maximum

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2 Hunter, pp. 167-69.
Fig. 8. Great Salt Lake City, 1860

of comfort, health and cleanliness. There are no narrow and
stifling streets, over-shadowed by tall buildings; no dirty alleys;
no immense crime and pestilence-breeding tenement houses.
Each little dwelling has its garden and orchard, securing to each
family the blessings of fresh vegetables and fruit, and making
each in a measure self-dependent. The air is pure, blowing
down the valley from the mountain heights; and no foul vapors
from half protected sewers or reeking courts poison it.\(^1\)

With the constant influx of additional companies of emi-
grants, the amount of available farming lands near Salt Lake City
sharply decreased and it became apparent that additional settlements
would have to be founded. Because the most promising areas near
the main colony and to the immediate south had already been explored,
President Young decided to organize the Southern Exploring Company--
a select group of experienced pioneers whose purpose was to deter-
mine favorable sites for colonies in the southern portions of the Ter-
ritory. Milton R. Hunter mentioned the following activities of the
Company:

Throughout their journey, a careful and complete record
was kept of the soil conditions, vegetation, streams of water,
timber, pasturage, and any other items which might prove to be
important factors in assisting Brigham Young in determining
where to establish colonies.\(^2\)

Once a suitable area was located, Young or one of the
apostles would carefully select and "call" a group of men to settle the
area. Usually at least two hundred able-bodied men were included in
each colonizing group to provide protection against hostile Indians and
also to ensure that a sufficient variety of the essential pioneering skills
would be represented in the organization. Brigham wanted the company

\(^{1}\)Willard Glazier, Peculiarities of American Cities (Phila-
delphia: Hubbard Brothers, 1886), p. 442.

\(^{2}\)Hunter, p. 42.
to "be composed of such persons as would in all their labors and trades act in unison, and truly and fully comply with such counsel as should be given for their peace and safety."^1

Usually before their departure or shortly after their arrival at the designated location, President Young would choose as bishop of the infant colony a man of outstanding leadership and frontier skills, as in the following example concerning the founding of Provo:

The man chosen to lead the colony into Utah Valley was John S. Higbee, one of the original Mormon Pioneers. At the head of about thirty families, with wagons, horses, cattle, cows, farming and building implements, seed and provisions, he set out from Salt Lake City early in March, 1849, to found a settlement on Provo River.\(^2\)

Pioneer bishops were charged to look after both the temporal and spiritual welfare of their settlements and were directly responsible to the church authorities for the success or failure of the new colonies. As community founders these men were faced with a multitude of duties and responsibilities including the following:

Besides being the spiritual guides to the people and serving as a court of justice, they had to fulfill all the duties accompanying the establishment of a frontier community such as the assignment of farming lands, the granting of licenses to establish sawmills and to control the mountain streams, the issuing of building permits and the supervision of timber.\(^3\)

That their efforts were largely successful is attested to by the fact that during the first ten years in the Basin, one hundred villages and towns were established, mostly in a north-south direction along the western

^1Letter, Brigham Young to Nelson Higgins, November 13, 1867, L. D. S. Church Historian's Office, Brigham Young Letterpress Book, 1867, p. 496.

\(^2\)Whitney, I, 399.

\(^3\)Hunter, p. 124.
foothills of what is now known as the Wasatch Range of the Rocky Mountains. ¹

**Municipal Function**

The tasks and responsibilities of church leaders selected to preside over the Saints caused them to be looked up to as civic as well as spiritual leaders. Their appointment to ecclesiastical office was subject to a sustaining vote, or ratification, by the assembled congregations over which they presided. Such appointments, though secular in nature, could not be called political. ² Once an ecclesiastical authority was sustained by his congregation, he could not be removed for political reasons. Sermons given by the early church leaders contained a great deal of practical, economic advice supported by scriptural authority. When the community gathered together as an assembled congregation, the following subjects would frequently be discussed:

... the presiding officer would devote much of his time talking about the economic affairs of the community. ... There were canals to be dug, bridges to be built, lands to be plowed and planted, insects to be fought and killed. Those urgent matters were closely associated with the religious life of the people and the ecclesiastical leaders saw no incompatibility between the two. ³

As the spiritual leader of his community, the pioneer bishop was expected to serve as a "Judge in Israel," to sit with his counselors as a bishop's court in cases of transgression. ⁴ Moreover, in the absence of any established political authority, the bishopric also heard cases involving disputes of a civil nature. Appeal could be made to the high council tribunal if the parties were not satisfied.

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The harsh economy of frontier life precluded the use of confinement as a punishment for lawbreakers. Jails were not built for some time because of the scarcity of readily accessible timber. Also, the amount of time and labor that would have been expended in constructing such a building could not be justified in view of other more pressing needs. It was imperative that every able-bodied individual be engaged in laboring for the good of the settlement; there was no room for the idler. Therefore, those offenders of the law whose crimes merited other than the religious punishments of disfellowshipment or excommunication were usually punished by fine or whipping. John Nebeker, one of the early prosecutors in Salt Lake City, wrote:

Having no jails we instituted the Whipping Post. One or two were whipped. . . . On one occasion I had to prosecute a case before the High Council, and also execute the judgement. The case was for stealing; the judgement was $10.00 fine or ten lashes. The article stolen was a lariet, and he was caught at it. I volunteered myself to help him pay the fine, but he would not, so he was whipped.¹

The establishment of formal education was also important to the Mormon settlers. Even during their transient situation in Nebraska and Iowa, provision had been made to extend the benefits of schooling to the children of the settlements.² In the municipal development of Utah, the first public building constructed was usually a schoolhouse, but its use extended to many other functions, particularly in the smaller villages. According to Hamilton Gardner, "Being the first

¹Nebeker, pp. 4-5. According to George Q. Cannon, "President Young was decidedly opposed to whipping. Things arose that we considered required punishment at the time." Taylor's Reminiscences, Ms (Bancroft Library), p. 6.

²Winter Quarters, "High Council Minutes," September 19, 1847.
In Salt Lake City the beginnings of public education were humble indeed. According to Whitney,

As early as October, 1847, three months after the advent of the pioneers, a school was taught in the "Old Fort," by Miss Mary Jane Dilworth, aged seventeen. . . . She opened her little school . . . in a small round tent on the west side of the south extension of the old stockade. Pieces of logs were used for seats, and a small camp-table for a desk. . . .

The impoverishment of the pioneers was also reflected in a chronic shortage of currency or other convenient medium of exchange during the early years in the Great Basin. To circumvent this situation taxes were paid with agricultural produce, firewood, timber or homemade products. Glazier makes the following remarks concerning the Saints' monetary plight:

It is said that when the city was first settled the whole community could not have raised one thousand dollars in cash. . . . A writer thus facetiously describes the condition of things at that period: "A farmer wishes to purchase a pair of shoes for his wife. He consults the shoemaker, who avers his willingness to furnish the same for one load of wood. He has no wood, but sells a calf for a quantity of adobies, the adobies for an order on the merchant, payable in goods, and the goods and the order for a load of wood, and straightway the matron is shod. Seven watermelons purchased the price of a ticket of admission to the theatre. He paid for the tuition of his children seventy-five cabbages per quarter. The dressmaker received for her services four squashes per day. He settled his church dues in sorghum molasses. Two loads of pumpkins paid his annual subscription to the newspaper. He bought a 'Treatise on Celestial Marriage' for a load of gravel, and a bottle of soothing syrup for the baby with a bushel of string beans."  

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2 Whitney, I, 433-34.

3 Glazier, p. 466.
As the need for public improvements increased, a labor tax was levied on polls and property. Assessments were made and estimates presented by the various committees representing public projects in the making.\(^1\) Thus, buildings of worship such as the Salt Lake Temple, Council House and numerous meetinghouses were constructed through tithing labor.\(^2\)

**The Plat of Zion**

The communities founded by the Latter-day Saint people were strongly influenced by a distinctive plat envisioned by Joseph Smith in 1833 at Kirtland, Ohio, and known as the "Plat of the City of Zion." This city plan contained square city blocks, ten acres in size, intersected by uniformly wide streets running to the cardinal points of the compass. In the original plan the city limits of each municipality were to enclose an area one mile square. Residential zoning regulations were proposed: to prevent overcrowding and provide some fire protection, no city lot was to contain more than one house, and that to be built of brick or stone; all streets were to be eight "perches" wide\(^3\) with residences built twenty-five feet back from the street; the city lots, one-half acre in size, were to be laid off in alternate directions so that houses would not face each other across a common street; Smith also stipulated that all farmhouses be located in the residential areas, while

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\(^1\)Salt Lake Stake, "Manuscript History," March 6, 1848.

\(^2\)"History of Brigham Young," October 1, 1848, p. 65. Tithing labor was the donation of one day in ten to working on public projects. Brooks, I, 214.

\(^3\)A "perch" is equivalent to one rod or sixteen and one-half feet. Thus, streets were to be 132 feet wide.
Fig. 9. The Plat of Zion with notes by Joseph Smith

Original on file at L.D.S. Church Historian's Office.
Fig. 10. Portion of Plat of St. George City

Source: "St. George, Utah. 1956 City Map."
Fig. 11. Portion of Plat of Nephi City

Source: "Map of Nephi City," n.d.
certain specified areas adjacent to the city be reserved for barns, stables and farming lands; the plat also contained entire city blocks reserved for places of worship, parks, schools and other public buildings.

This plan, with some modifications, was followed by the Mormons in founding the cities of Far West, Missouri, and Nauvoo, Illinois, as well as the temporary farming communities of Iowa and Nebraska. In the following statement Smith indicated that the Plat of Zion was a concept—not a plan restricted to the founding of any one single community:

When this square [plat] is thus laid off and supplied [with residents], lay off another in the same way, and so fill up the world in these last days; and let every man live in the city, for this is the city of Zion.

In varying degrees this concept influenced the pattern of village settlement and distribution in the Great Basin. After the establishment of Salt Lake City, "locations for settlements ten miles north and also ten miles south of the city were contemplated." According to Hunter, the sites were so distributed that no farmer would have

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\[1\] D.H.C., I, 357-59. For the complete text explaining the Plat of Zion, see Appendix IV.

\[2\] Ibid., I, 358.

\[3\] In early Utah communities, barns and stables were moved inside the city for the convenience of the city-dwelling farmers and the protection of their livestock from Indians and predators. Consequently, houses were built facing each other in the more traditional manner to spare neighbors the sight of residential barnyards. This also necessitated the enlargement of residential plots beyond the half-acre size in order to accommodate the additional buildings. Finally, the initial areas of incorporation, city blocks and streets varied somewhat in their specifications as circumstances dictated. Early Records of Utah, pp. 96, 111.

\[4\] Salt Lake Stake, "Manuscript History," October 9, 1848; "History of Brigham Young," October 8, 1848, p. 69.
Fig. 12. Residential Plots in Escalante, 1923

to travel more than seven miles from his farm to the city. 1 Arrington stated that the compact nature of the Mormon village, with its residential farmhouses and jointly enclosed farmlands offered the following advantages:

It provided security against Indians; facilitated cooperative efficiency by placing the members of the community in ready touch with directing officers of the group; made possible the maintenance of religious, educational, and other social institutions; permitted effective irrigation culture; and assured, in general, a highly organized community life. By separating the residence area from arable lands, it also made possible a more advantageous utilization of the lands, especially common pasturing of the fields after harvest. 2

Whether early Utah municipalities were consciously patterned after the Plat of Zion concept or merely the result of adaptation to environmental factors, the resultant distribution and development does in certain respects resemble the blueprint fashioned by Joseph Smith. 3

Summary

Only a few short years after being driven out of Nauvoo, the Latter-day Saints had firmly established themselves in the Valley of the Great Salt Lake. Their leaders had fostered within them an extraordinary sense of dedication and group identity which enabled them to exert the united effort needed to overcome extremely adverse circumstances. The organizations of the stake high council and the ward bishopric were

1Hunter, p. 157. Nelson gave the following average distances from village house to farm: Escalante, 2.3 miles; Ephraim, 3.0 miles; and American Fork, 1.75 miles. Nelson, pp. 94, 144, 192.

2Arrington, pp. 24-25.

3Nelson maintained that the Plat of Zion concept was responsible for the scheme of municipal development in the Great Basin. He argued that the environment and New England heritage of the pioneers were secondary influences favoring adherence to the concept. Nelson, Chapter Two.
clothed with increased temporal and civil powers in order to channel and direct this effort. According to George Thomas, the rules and procedures developed by these institutions for the colonization of the Great Basin were ingenious.

If the settlers had been allowed to claim all the land they wanted, the territory would have been held by a comparatively few people who, poor as they were, could not have supplied the labor to take out the water and the soil would have remained sterile and fruitless and a shortage of food would have prevailed. With the close settlement plan the farmers supplied the labor themselves to build the canals and reclaim the land. So that thousands of miles of canals of early Utah were built without bonded indebtedness of any kind. They were built by the farmers, owned by the farmers, and operated by the farmers. In fact they constitute one of the greatest and most successful community or cooperative undertakings in the history of America.\(^1\)

The church authorities realized that an orderly and economic use of natural resources was essential to the proper development of each community, which fact resulted in the extension of the bishop's jurisdiction to cover this responsibility early in the history of Utah.\(^2\) This combination of ecclesiastical and secular power placed these grassroots church leaders at the head of community development wherever Mormon colonization took place in the Intermountain West.\(^3\) Hence, the pattern of local self-government developed on the rolling prairies of Iowa and in the Missouri River Valley was repeated in Utah.

Apostle Parley P. Pratt, in the following letter to his brother, expressed his satisfaction and contentment with life in the

\(^1\)George Thomas, *The Development of Institutions under Irrigation: With Special Reference to Early Utah Conditions* (New York: Macmillan Co., 1920), p. 27.


\(^3\)Edward W. Tullidge, *History of Salt Lake City and Its Founders* (Salt Lake City: Star Printing Company, 1886), p. 58.
Valley of the Great Salt Lake:

All is quiet--stillness. No elections, no police reports, no murders, no wars in our little world. How quiet, how still, how peaceful, how happy, how lonesome, how free from excitement we live. The legislation of our high council, the decision of some judge or court of the church, a meeting, a dance, a visit, an exploring tour, an arrival of a party of trappers and traders, a Mexican caravan, a party arrived from the Pacific, from the States, from Fort Hall or Fort Bridger; a visit of Indians, or perhaps, a mail from the distant world once or twice a year, is all that breaks up the monotony of our busy and peaceful life. ¹

¹Latter-day Saints' Millennial Star (Salt Lake City), January 15, 1849, p. 24.
CHAPTER III

CHURCH AND STATE RELATIONSHIPS IN
THE MUNICIPAL GOVERNMENT
OF TERRITORIAL UTAH

The State of Deseret

As described in the previous chapter, the years 1847-1849 witnessed the government of the inhabitants of the Great Salt Lake Valley by an ecclesiastical "stake of Zion" whose functions and organization had been expanded to include municipal services. In 1849 Brigham Young and other high church officials began the organization of a state government. On January 6, 1849, a resolution was passed relieving the stake high council of municipal duties. Shortly

1 A majority of these leaders belonged to a group variously known as the "General Council," "Special Council," or "Council of Fifty." Although not a church organization in the strict sense of the word, the membership of the Council consisted almost entirely of Mormons high in the ecclesiastical hierarchy. A recent work on the Council of Fifty, valuable for its new perspective on Mormon history, is Klaus J. Hansen, Quest for Empire: The Political Kingdom of God and the Council of Fifty in Mormon History (East Lansing: Michigan State University Press, 1967). Earlier research on the General Council includes Hyrum L. Andrus, Joseph Smith and World Government (Salt Lake City: Deseret Book Co., 1958); Arrington, pp. 31-32, 50-51, 55, 57-63; Alfred Bush and Klaus J. Hansen, "Notes towards a Definition of the Council of Fifty" (Mimeographed Ms, Brigham Young University Library, 1957); and James R. Clark, "The Kingdom of God, the Council of Fifty and the State of Deseret," Utah Historical Quarterly, XXVI (1958), 130-48.

2 Journal History, January 6, 1849; Early Records of Utah, p. 42. A similar action occurred at Nauvoo, Illinois, on September 22,
thereafter the settlement was divided into nineteen ecclesiastical wards, each headed by a bishop and two counselors. The bishops were granted expanded temporal powers to meet the increased municipal responsibilities they now bore.

On March 12, 1849, members of the church hierarchy and the Council of Fifty organized the State of Deseret and applied for admission into the Union. Under the government of Deseret, leading authorities of the Church were placed in civil offices with duties and responsibilities analogous to their religious callings. Captain J. Howard Stansbury and Lieutenant John W. Gunnison, surveyors for the United States Topographical Engineers, witnessed the beginning of the new government while wintering in Great Salt Lake City, 1849-1850. Remarking on the religio-civil nature of the State of Deseret, Stansbury noted:

The first civil governor under the constitution of the new State, elected by the people, was the president of the church, Brigham Young; the lieutenant-governor was his first ecclesiastical counsellor, and the secretary of state his second counsellor: these three

1841, when the stake high council of the recently incorporated city resolved to transfer "all business of a temporal nature ... to the proper authorities." D.H.C., IV, 417.


2According to Hansen, "... all officers of the constitutional convention and all members of the various committees drafting the constitution were members of the Council of Fifty." Hansen, p. 128.

3"Deseret" means honeybee. Book of Mormon, Ether 2:3. To the Mormon pioneers the word was synonymous with the ideal combination of organization and industry.
individuals forming together the "presidency" of the church.  

Newell K. Whitney, presiding bishop of the Church, was selected as the state treasurer, while other prominent churchmen occupied important positions in the legislative assembly and on the state supreme court. Finally, the bishops of the city were elected as "magistrates" or justices of the peace. According to Lieutenant Gunnison, this form of religio-civil government extended "from the interior justice of the peace up to the Governor . . . the justice is Bishop of a ward in the city or precinct of the town or county."

Stansbury characterized the bishop's role in the function of local government with the following observation:

... the bishop, in case of a dispute between two members of the church, would interpose his spiritual authority as bishop for its adjustment, while in differences between those not subject to }


2Journal History, March 12, 1849. In his testimony before the U.S. Congress, Representative George Q. Cannon (himself a church apostle) offered the following in defense of the dual nature of Utah's government: "Sir, there is probably no officer in the Utah Territory, if he belongs to the Mormon people, who does not hold some position in the Church. The Mormon people do not believe in salaried preachers; but they believe it to be the privilege of every worthy man of the organization to be an elder, and, when called upon, to make himself useful in preaching. . . . so that if you say that a man must not exercise political functions in Utah because he is an officer in the church you exclude from all offices in the Territory every respectable Mormon," U.S., Congressional Record, 43d Cong., 1st Sess., 1873-1874, II, Part 5, 4471, cited in James B. Allen, "The Unusual Jurisdiction of County Probate Courts in the Territory of Utah," Utah Historical Quarterly, XXXVI (Spring, 1968), 142.

<table>
<thead>
<tr>
<th>Name</th>
<th>Ecclesiastical Office</th>
<th>Civil Office(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Leonard E. Harrington</td>
<td>Bishop</td>
<td>Mayor, Legislative</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Representative (Utah County)</td>
</tr>
<tr>
<td>John Hindley</td>
<td>Bishop's Second Counselor</td>
<td>Alderman, Justice of the Peace</td>
</tr>
<tr>
<td>William Greenwood</td>
<td>Ward Clerk</td>
<td>City Recorder</td>
</tr>
</tbody>
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Fig. 13. An Example of Religio-Civil Government in American Fork City, 1874

the spiritual jurisdiction, and who could not be made amenable to
church discipline, he would act in the magisterial capacity con-
ferred upon him by the constitution and civil laws of the State.
Thus the control of the affairs of the colony remained in the same
hands, whether under church or state organization; and these
hands were, in a double capacity, those into which the constitu-
ents had, whether as citizens or as church-members, them-
selves chosen to confide it.¹

Under the government of Deseret five cities were incor-
porated, each by a separate enactment of the legislative assembly.²
All five were, without regard for their varying populations, given the
weak mayor-council form of government, each having four aldermen
and nine councilors. The powers of the cities were extensively enu-
merated. The First Presidency gave the following reasons for the
early organization of local government:

Hitherto, California emigrants have been accustomed to
leave their sick on our hands, at a heavy expense, and depart
without notice; to turn their teams loose in our streets, and near
our city, which has caused much destruction of crops and grass,
so that if we wanted a load of hay, we have had to go from ten to
twenty miles to procure it and to drive our cattle a still greater
distance to herd the succeeding winter; but since the organiza-
tion of a municipality, quarantine has been introduced, and no
animals are permitted to roam within the corporation, which
extends to some six or eight miles square. . . .³

¹Stansbury, p. 132.
²Great Salt Lake City was incorporated January 9, 1851,
making it the second oldest incorporated city west of the Mississippi
(San Francisco was incorporated April 15, 1850). Ogden, Manti, Provo
and Parowan were all incorporated on the same day, February 6, 1851.
Laws and Ordinances of the State of Deseret (Salt Lake City: 1851
³"Fifth General Epistle to the Church," Journal History,
April 7, 1851, p. 4. Klaus Hansen disagreed with the idea that Gen-
tile encroachment was the primary motive for the early shift to civil
government. He maintained that the Council of Fifty was promoting
a policy of separatism. Hansen, p. 127. This view has, in turn,
been challenged by J. Keith Melville, "Theory and Practice of Church
and State during the Brigham Young Era," p. 33n and Highlights in
Mormon Political History, p. 44.
With municipal incorporation, many of the civil powers held by the bishops were also conferred upon the mayor and aldermen. However, many cases and disputes of a civil nature were still handled by the bishops as they continued to exercise their ecclesiastical authority as "Judges in Israel." Members of the Church were encouraged to avoid litigation in the civil courts by submitting disputes to the bishop's court or high council tribunal for adjudication, an option Latter-day Saints can exercise to this day.\(^1\) If satisfaction was not received, however, recourse could be had to the civil courts. This latter alternative was usually advised against as being costly, time-consuming and as having a divisive effect on the Saints.\(^2\)

In the meantime Congress had denied the status of statehood to the provisional government of Deseret, instead passing an act authorizing creation of the Territory of Utah. Brigham Young was appointed governor, and the other territorial offices were filled by both Gentiles and Latter-day Saints. On April 5, 1851, the State of Deseret was dissolved, after its brief tenure of two years, by the same authority which created it. The first territorial legislature was elected in August 1851 and in the month of September held its first session. On October 4, 1851, all acts and laws of the former government "which do

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\(^1\) Several colorful accounts of the proceedings and decisions of the early bishop's courts can be read in Nels Anderson, Desert Saints: the Mormon Frontier in Utah (Chicago: University of Chicago Press, 1942), Chapter XII.

not conflict with the 'Organic Act,' of said Territory" were given the status of territorial law, including the five municipal charters granted under Deseret.  

The Council of Fifty

The Council of Fifty, or General Council, was a vital force in building up and strengthening the "Kingdom of God" as perceived by the Saints. Members of the First Presidency and Council of Twelve Apostles were, by virtue of their religious callings, automatically members of the Council of Fifty. From its organization in 1844 until the latter part of the territorial period, this special council played a significant role in the political development of the Latter-day Saint people, its influence extending to include local government. According to Hansen, the General Council controlled the municipal government of Nauvoo.  

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1Whitney, I, 435; S. L., 1851, p. 205.  

2The Mormons believed that they had been commissioned to establish the "Kingdom of God" upon the earth preparatory to the second advent of Jesus Christ and the ushering in of the millennial era. This kingdom was not only spiritual but also temporal and political. Its administration was to be effected through an organization established by Joseph Smith on March 11, 1844, officially named "The Kingdom of God and His Laws with the keys and powers thereof and judgement in the hands of his servants" but more commonly referred to as the "Council of Fifty." Holding combined executive, legislative and judicial powers, this unique governing body was to serve as the "municipal department" of the Kingdom of God on earth. Hansen, pp. 52, 65-66; Brooks, I, xvii.  

According to James R. Clark, the political mission of the Council was to work toward the establishment of an equitable form of government that would protect all men, both Mormon and non-Mormon, in their God-given rights. Members of the Council were dedicated to the eventual establishment of a society in which religious and political freedom would thrive. "The Kingdom of God," p. 148.

3Hansen, p. 106.
Bent—was a member. Isaac Morley, president of the municipal high council over the settlements on the east side of the Missouri River, was made a member of the Fifty shortly after his arrival in the Great Basin. Three members of the municipal high council over the settlements west of the Missouri belonged to the Council of Fifty, including its president, Alpheus Cutler. Members of this special council were also instrumental in organizing and directing the move west and in the early government of the Salt Lake Valley.

A careful study of existing municipal records in Utah suggests that a widespread correlation of municipal affairs was practiced between city, county and territorial officials who were also prominent in the Mormon Church hierarchy, exemplifying what Gustive O. Larson termed "a unanimity ... based on ecclesiastical investiture." It is significant that this pattern of consultation and decision-making by the municipal authorities with higher levels of political authority involved many members of the Council of Fifty. Brigham Young frequently attended the early sessions of the Great Salt Lake City Council; and, although he was never a voting member of that body, the council minutes for January and February, 1851, reveal that he clearly influenced the deliberations of that body. Young was not only governor of the

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1For the purposes of this study, membership in the Council of Fifty has been determined by comparing the individuals cited with Hansen, "Appendix B, Lists of the Council of Fifty, 1844-1880," pp. 221-28.

2Arrington, pp. 31-32; Journal History, entries for July 21, 1846; August 7, 1846, and December 26, 1846; Hansen p. 123.


State of Deseret but, by virtue of being president of the Church, was also the chief presiding officer of the Council of Fifty. Two members of the city council, Mayor Jedediah M. Grant and Counselor Jeter Clinton, were also members of the General Council.\(^1\) On January 11, 1851, Clinton was assigned to the important Committee on Municipal Laws.\(^2\) One month later another member of the Fifty, A. P. Rockwood, was appointed city supervisor of streets.\(^3\) On May 16, 1857, a member of the Spanish Fork City Council, John S. Fullmer, was placed on the "drafting committee" for that municipality.\(^4\) Along with the other individuals mentioned above, Fullmer simultaneously held membership in the Council of Fifty.\(^5\)

Brigham's advice to the city council during its meetings in the first month of 1851 covered matters relating to the duties of city officials, proper regulation and financing of the city and removal of the "Old Fort."\(^6\) On occasions when the Governor expected to be absent from the city council meetings, his suggestions were made known to Mayor Grant, who then presented them before the municipal body, as in the following example:

Mayor stated that the Governor has recommended that the city be divided into 4 Wards; that the only thing to be attended to

\(^1\)Ibid., p. 1.  \(^2\)Ibid., p. 2.  \(^3\)Ibid., p. 14.  
\(^5\)It was an official policy of the Council of Fifty to seat its members in the important committees of the various agencies of civil government. Robert Glass Cleland and Juanita Brooks, eds., A Mormon Chronicle: The Diaries of John D. Lee, 1848-1876 (2 vols.; San Marino: The Huntington Library, 1955), 1, 92.  
is the Boundary lines--it would require an Alderman in each ward. ¹

Young closely followed most matters that were presented before the city council during its early meetings as is evidenced by the entry for January 16th:

Governor said [previously] he did not consider the Temple Block a Public Square. . . . His Ex. the Governor having arrived, Mayor reiterated the Sense of the proceedings of the Council. The Governor suggested that the Shade Tree Ordinance should contemplate this council taking charge of sidewalks.²

Other members of the Council of Fifty who advised the Great Salt Lake City Council during 1851 included Daniel H. Wells, major-general of the Nauvoo Legion; Willard Richards, the secretary of state; and Ezra T. Benson, who represented Great Salt Lake County in the council body of the legislature.³ Thus, members of the Council of Fifty influenced the programs and decisions of the city council either through the interlocking memberships of Grant, Clinton and Rockwood or through the external influence of the governor and other state officials belonging to the General Council.

Similar patterns of religio-civil cooperation appear in the municipal records of other communities. In Provo City, in 1853, George A. Smith, church apostle, territorial legislator from Iron County and member of the Council of Fifty⁴ was invited "to sit with the council and assist in its deliberations" at which time he made

¹Ibid., p. 3.
²Ibid., p. 6.
³Ibid., pp. 1, 4-5, 7, 10, 19, 27.
⁴Smith served almost continuously in the council body of the legislative assembly from 1851 to 1870.
remarks on "the policy to be pursued." On February 11, 1853, he was unanimously voted a member of the city council. Smith played an active role in the municipal affairs of Provo City, as can be seen by the following excerpt for June 11, 1853:

On motion, G. A. Smith was appointed an assistant with the old committee on Schools, to confer with the third and fourth ward to see to uniting them in building a school house.

Isaac Higbee, although not a member of the General Council, had nevertheless served in important church positions since the founding of Provo. In 1853, while acting in the dual capacity of stake president and probate judge of Utah County, he was also made a member of the Provo City Council, wherein he exercised considerable influence. The addition of Higbee gave Provo City eleven councilors, although the charter permitted only nine.

In Springville City Aaron Johnson simultaneously served in the Springville City Council and in the territorial legislature. In the government of the municipality, he introduced numerous ordinances, motions and recommendations, his name appearing so frequently during the years 1853-1857 that he apparently was the prime mover in the government of the community.

The records for Manti City during the years 1851-53 show

2 Ibid., p. 15.
3 Ibid., p. 30.
4 Ibid., pp. 7-26, passim. Listed as a "Counsellor" March 16, 1853, p. 21.
5 Johnson served in the territorial legislature almost continuously from 1851 to 1869.
the considerable influence of Isaac Morley, \(^1\) a member of the Council of Fifty who was also the stake president and a member of the territorial legislature from San Pete County. \(^2\) This prominent colonizer had an abiding concern for education, as is evidenced by the entry for November 22, 1851, in the city council minutes:

Isaac Morley Sen. expressed his views, showing the importance of schools and thinking it good policy for the [city] Council to conclude upon the subject immediately so that a school may be in operation. \(^3\)

Morley also gave advice on other subjects. On February 18, 1852, he instructed the city council on the nature and complexity of civil law and counseled the group on property rights. \(^4\)

The following discussion on May 3, 1852, over a fencing ordinance demonstrates the alliance that existed between civil and church authorities in Manti City:

The Committee [on Fencing] reported an Ordinance relating to the fence, Defining the duties of fence viewers, &c. Many of the Council expressed their feelings, being in favor of turning it into the hands of the Bishop and his Council. Prest. Morley being present arose and made some very appropriate remarks upon the subject Corroborating [sic] with what had been said. Councillor Washburn then moved that the fence question be turned into the hands of the Bishop and his Council. Carried. \(^5\)

After his removal to Cache Valley, Apostle Ezra T. Benson represented that area in the council body of the territorial legislature\(^6\)


\(^2\)Morley served almost continuously in the council body of the legislature from 1851 to 1857.

\(^3\)Manti City Council Minute Book, Vol. I, p. 3; see also pp. 7-8.

\(^4\)Ibid., p. 17.

\(^5\)Ibid., p. 19.

\(^6\)Benson represented Cache County from 1861 until his death in 1869.
and was also active in the municipal affairs of Logan City. The first meeting of the Logan City Council was held on March 14, 1868, in the church leader's home, at which time he "made a few remarks upon the duties of the City Council." The records are then silent with respect to the influence of this man until March 11, 1868--one year prior to his death--when the following entry is noted:

The Council met at the picture Gallery at 7 P. M. . . . Prest. Benson said he was pleased to see the spirit of unity in the Council, and wished it to Continue. He also urged the necessity of providing a lock up for the safe custody of offenders; and hoped the County and City authorities would work in union together. 2

Peter Maughan was also influential in the affairs of Logan. Although Maughan was not a member of the Council of Fifty, he was stake president and presiding bishop over the area3 and had been appointed to the office of probate judge by the territorial legislature which, according to Hansen, was controlled by the Council of Fifty. 4 In addition, he represented Cache and Rich counties in the legislature. 5 The minutes record only two instances of Maughan's advising the city council. The first occurred on November 26, 1869, at a special gathering of the city council to discuss municipal finances and was recorded as follows:

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1 Logan City Council Minute Book, Vol. I, p. 3.
2 Ibid., pp. 26-27.
4 Hansen, pp. 131-32.
5 Maughan served in the house of representatives from 1856 to 1871.
The mayor stated that the object of the meeting was to appoint some additional policemen and to consider the propriety of collecting the City Tax. As Prest. Maughan was present, he wished him to speak.

Prest. Maughan said it was necessary to have some revenue for city purposes, and thought best to collect the tax. Logan will have to bear its proportion of the amount due... for surveying last spring. Moved and carried unanimously that the city tax for 1869 be collected forthwith.¹

The only other entry mentioning Maughan was recorded on February 1, 1871, less than three months prior to his death and simply states "Prest. Maughan gave some very good instruction and the meeting then adjourned Sine die."²

In St. George another member of the Council of Fifty, Apostle Erastus Snow, served as a member of the city council from 1877, if not before,³ to 1881 and played a major role in the government of the community during that period.⁴ He was also serving as territorial senator during the same time.⁵

**The School of the Prophets**

The School of the Prophets was first organized by Joseph Smith in Kirtland, Ohio, in 1833, but was closed after a brief four years. It was re-established by Brigham Young in December 1867 as a theological class of the University of Deseret. Its activities, however,

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²Ibid., p. 43.
³St. George was incorporated in 1862, but the city council minutes are missing for the period 1862-1876.
⁵Snow represented Washington and Kane counties from 1863 to 1882.
were soon expanded to include the major social, economic and political programs of the territorial period. The School ceased to exist as a separate entity with its assimilation into the United Order in 1874. ¹

A detailed study of the membership listings which still exist for the various Schools of the Prophets and their comparison with the membership listings for the Council of Fifty indicates that the presidents of the Schools of the Prophets for Salt Lake City, Provo, Logan and Paris (Idaho) and the vice-presidents for Salt Lake City, Parowan and Paris were members of the Council of Fifty. In addition, of the thirty-eight members of the Salt Lake School, seventeen or 45 per cent, were members of the Council of Fifty. ²

While Klaus Hansen has indicated that the various Schools served to implement the economic policies of the Council of Fifty, ³ John Patrick, in subsequent research, has shown that the Schools were also influential in the politics and administration of municipal government. According to Patrick,

The School of the Prophets was the institution which effected the organization or rather implemented the policy determined by the Council of Fifty, at least in regards to the co-operatives. . . . The Schools of the Prophets functioned as a decision-making body for matters pertaining to local interests of the various communities. For example, they elected local officials . . . ⁴

In 1868 Brigham Young determined the selection of the municipal officers of Provo City while in a meeting of the Salt Lake


³Hansen, p. 144.

⁴Patrick, pp. 138-40.
School of the Prophets. This meeting resulted in the sending of
Abraham O. Smoot to Provo, where he served simultaneously as pres-
ident of the Provo School of the Prophets, mayor of Provo City, bishop
and stake president over the Utah Valley area and member of the ter-
ritorial house of representatives from Wasatch and Utah counties.1

The Schools were also used for the discussion of proposals
presented by members of the Council of Fifty. For instance, in the
Bear Lake School, Apostle Charles C. Rich promoted the petitioning
of the legislature for the incorporation of settlements in the area as
cities.2 Other Schools were involved in the selection and nomination
of municipal officials, as in the case of Salt Lake City; in the dis-
cussion, in some communities, of municipal fiscal policy; and, in
Provo, in the recruitment of a police force.3

Municipal Elections

During much of the territorial period it was policy to
nominate and elect Mormons to political office.4 Nominations were
made by the leading church authorities, and since the majority of the
Saints followed the counsel of their spiritual leaders, the official
church candidates' elections were virtually assured. The Manti City

1Ibid., p. 56; Journal History, January 11, 1869, pp. 3-4.
2Patrick, pp. 64-65.
3Ibid., pp. 59, 61-63, 66.
4For some interesting studies on this subject see Ronald C.
Jack, "Utah Territorial Politics: 1847-1876" (2 vols.; unpublished
Ph. D. dissertation, University of Utah, 1970) and Richard E. Kotter,
"An Examination of Mormon and non-Mormon influences in Ogden City
Politics, 1847-1896" (unpublished M.A. thesis, Utah State University,
1967).
Council minutes provide the best example of this process on the municipal level. On October 19, 1852, after the resignation of Dan Jones, the city council called on Isaac Morley to assist it in the selection of a new mayor. The records state:

Moved that Prest. Morley nominate a Person to fill the place of Dan Jones as mayor, he being Called on a Mission. Carried. Prest. Morley then nominated Alderman Shoemaker; Moved that Jezreel Shoemaker be the Mayor of this City. Carried. . . . [The new mayor] was then qualified according to the above order by the Recorder. Moved by Mayor Shoemaker that Edwin Whiting fill his former place as Alderman. Carried. Moved by Alderman Cook that Levi W. Hancock fill the place of Edwin Whiting as Councillor. Carried.1

These interim appointments were later sustained during the regular municipal elections. Morley also influenced the selection of appointive officials. For example, when Manti City officials discussed the selection of a city marshal on March 22, 1853, the following occurred:

Mayor Shoemaker . . . arose and stated that owing [sic] to his not having seen President Morley, [he] would like to omit the election of City Marshall. It was then moved and seconded that the election be laid over. Carried.2

Thus, at least in the instance of Manti, the interim appointment of municipal officers was controlled by a member of the Council of Fifty.

The regular municipal elections of early Mormon communities also appeared to serve as a ratification of decisions already made in church councils. Such affairs were routine in nature, lacking the excitement and opposition usually associated with political events. The following is a record of the Ogden City election of June 1863:

The Mayor Lorin Farr, According to Ordinance of Said City appointed James McGaw President of the meeting for Said Election. The President then declared the intent of Said meeting

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2Ibid., p. 27.
viz: to Elect One Mayor three Ald. men and Five councillors for to compose a city council in & for the city of Ogden, and then Stated that he was then ready to receive nominations to fill Said offices Whereupon it was then Moved that Lorin Farr be Elected Mayor of Said City, Seconded & Carried unanimously. It was then moved that F A Brown be Ald in for 1st ward of Said City Seconded & Carried Unanimously. It was then moved that Richard Ballantyne be Elected Ald in 2nd Ward Seconded & Carried unanimously. It was then moved that David Nelson be Ald, in & for the third Ward of Said City Seconded & carried unanimously. It was then moved & Seconded that Isaac N Goodale be elected Councillor in & for Said City Carried unanimously. It was then moved & Seconded that Leister J. Herrick be a councillor in & for Said City Carried unanimously. It was then moved & Seconded that Walter Thompson be a councillor in & for Said City Carried unanimously. It was then moved & Seconded that F. A. Hammond be a Councillor in & for Said City Seconded & Carried, one vote opposing him [italics mine]. It was then moved & Seconded that Miles M. Jones be a councillor in & for Said city Carried unanimously. The above named Mayor & Aldermen Gave bonds & Subscribed the oath of office on the 14 day of Feby. After which we certified the Secretary & Gov. of the Election & qualifications of Said persons.1

In the case of Springville City, ballots were not used. City officials were elected in a manner strongly reminiscent of the procedure used to sustain ecclesiastical officers. Section Two of Ordinance #32 entitled "Regulating City Elections" described the procedure used.

By nominations and the Show of Hands of all Legal Voters present, and the Person receiving the greatest number of votes for the Several Offices shall be Declared duly elected by the Judge of the Election ... 2

It was this profound ecclesiastical influence on the political processes of the Utah Territory, the Church being the prime mover in the nominating process, that drove ambitious Gentile politicians to distraction. According to one anti-Mormon crusader,

... it is the union of Church and State, or rather the absolute subservience of the State to the Church, the latter merely using

the outside organization to carry into effect decrees already concluded in secret council, that makes Mormonism our enemy. 1

Latter-day Saints countered by maintaining that the doctrine of separation of church and state addressed itself only to preventing the legal establishment of a state religion which would threaten to subordinate all other religions. The Mormons could not accept the idea . . . that religious people should not "soil their hands" in political affairs. To the contrary, they believed that such a policy would involve abdication of political responsibility in a democracy by good men, leaving civil government to be controlled by irreligious people. 2

Ecclesiastical and Municipal Wards

The administration of services in Utah's early communities was frequently channeled through both municipal and ecclesiastical wards. In Great Salt Lake City during January 1851, constables, fence viewers and assistant street supervisors were assigned to each of the four municipal wards. 3 Other services traditionally supervised by municipalities, such as fire protection and irrigation water utilization, were provided through the ecclesiastical wards. 4 However, in Manti City all personnel, including assistant water masters, street supervisors and fence viewers, were assigned to the bishop's wards. 5

4 Ibid., pp. 76-77, 82.
This same process is evident in the establishment of the first "common school" districts in Utah.\(^1\) In the cities of Great Salt Lake, Ogden, Provo and Manti, during the years 1855-1860, ordinances similar in wording and structure were passed, dividing each community into school districts "corresponding in number and boundary with the several bishop's wards." The ordinances authorized the bishops to call a special meeting for the election of three trustees for each district. Each of the ordinances also described the responsibilities and powers of the school officials.\(^2\) As might be expected, members of the ward bishoprics were frequently elected to the board of trustees for the conterminous school district.

In a special meeting held during the month of January 1869, the bishops of Provo expressed their dissatisfaction with the single school district then serving the city. According to James B. Allen, "the discussion was continued at the meeting of July 20, at which many bishops felt that each ward should be a school district."\(^3\) On August 14, 1869, Provo joined the communities of Great Salt Lake, Ogden and Manti by passing an ordinance providing for a separate school district in each bishop's ward.\(^4\)

\(^1\)For additional information on the effect of religious influences on the development of public education in Utah, see James R. Clark, "Church and State Relationships in Education in Utah" (unpublished Ph. D. dissertation, Utah State University, 1958).


Bishops frequently participated in the administration of municipal services at the ward level. In Manti, for example, Ordinance #23 was passed "authorizing Bishops to improve unenclosed lands" by having the same fenced. Those who provided the fencing materials and labor were to be compensated for their services by the bishop if the owner failed to do so.¹ In Ogden from 1857 to 1865, bishops were authorized to collect and expend a road and poll tax in their respective wards, supervise the maintenance of city streets, and provide fencing services for the city.² Thus ecclesiastical institutions often functioned as the administrative infrastructure of municipal government. The bishop's ward, like the municipal ward, was utilized as a special water, fire, street and school district.

Summary

The territorial period, particularly during the years up to 1880, witnessed the predominant influence of the Mormon Church in many spheres of human activity. Officials of the Church were frequently voted into civil offices whose duties and functions were similar to those of their ecclesiastical callings. Thus apostles, stake presidents, presiding bishops and ward bishops often served simultaneously in corresponding civil capacities as members of the legislature, as county probate judges, mayors, and justices of the peace. In this manner they performed many of the secular functions and activities which were exercised without the benefit of civil government during

the years 1846-1849.

The Council of Fifty appears to have been instrumental in transforming this ecclesiastical influence into secular policies and programs which were, in turn, incorporated into all levels of civil government, including the municipal level. A close-working relationship between the Council of Fifty and the early municipal government of Utah is evident in the fact that the first four consecutive mayors of Salt Lake City--Jedediah M. Grant, Daniel H. Wells, Abraham O. Smoot and Ferarorz Little--belonged to the General Council. Smoot and Little served as mayor at the time of their initiation into the Council. Dale Morgan's research indicated that a "Legislative Council" did exist and enact ordinances for Salt Lake City during 1849, but he was unaware of its significance with respect to the Council of Fifty. According to John D. Lee, the General Council was known as a "Legislative Council" or "Legislation Council" whenever it met to enact laws.

Many individuals, including George A. Smith, Isaac Higbee, Isaac Morley, Aaron Johnson and Erastus Snow, among others, played prominent roles in the development of municipal government in territorial Utah. These men held a variety of religious and religio-civil positions. In addition they frequently held civil positions at the territorial legislative level while simultaneously holding a civil office at

1Hansen, p. 140.

2Morgan, "Appendix B, " pp. 236-39. Contains several ordinances listed as "Ordinances, Passed by the Legislative Council of Great Salt Lake City, and Ordered to be Printed." Reprinted as Appendix V of this paper.

3Ibid., p. 79n.

4Cleland and Brooks, I, 86-105.
the municipal level. Apparently this practice was a reflection of their belief that religious and political unity was prerequisite to the realization of the Kingdom of God on earth.

Some writers have characterized the early incorporated cities of Utah as possessing an uncommonly large degree of independence and autonomy in the administration of their local affairs. However, in light of the above findings, this viewpoint must be qualified. It is true that the incorporating charters of early Mormon communities granted extensive enumerative powers for the execution and administration of municipal programs, but it now appears that the policies governing those programs originated from without. The early city fathers appear, in many instances, to have forsaken local political autonomy in order to achieve the broad political unity they felt was needed to build up and strengthen the Kingdom of God.

Increasing evidence also points to a working relationship between the Council of Fifty and the School of the Prophets. To take a specific example, both Ezra T. Benson and Peter Maughan influenced the municipal government of Logan City. Benson was president of the Logan School of the Prophets while Maughan was its vice-president. Therefore, although Maughan did not hold membership in the General Council, this presented no barrier to his implementing the Council's policies in view of his official ties with Benson through the Logan School.

Because of the variety of offices and callings which were

\[^{1}\text{Neff, p. 200; Levi Edgar Young, "The Spirit of the Pioneers: The New England Town Government in Early Day Utah," Utah Historical Quarterly, XIV (1946), 13.}\]
often placed upon the pioneer Mormon leader, he frequently acted in numerous official and semi-official capacities. This makes it all the more difficult to determine the basis of authority for his official actions. In the example of Benson, his involvement in municipal government could have been based upon his ecclesiastical callings as apostle and president of the Logan School of the Prophets, his civil office as senator in the territorial legislature, or his membership in the religio-civil Council of Fifty. Likewise Maughan's influence in Logan could have been exercised in the ecclesiastical capacities of presiding bishop, stake president, and vice-president of the Logan School, or in his civil capacity as probate judge of Cache County.

At the present time it is difficult to gauge the full extent of the General Council's influence on municipal government. The minutes of the Council of Fifty currently are not available to researchers. In addition the early records of many municipalities no longer exist, thereby hindering the development of a more comprehensive view of church and state relationships in the development of municipal government in the Territory of Utah.
A Comparison of the Salt Lake City and Nauvoo Charters

The municipal charter for Salt Lake City, incorporated January 9, 1851, was patterned after the charter for Nauvoo. Descriptions of boundaries naturally differ, but those sections describing the form of government and enumerative powers of Salt Lake City were copied from the Nauvoo Charter which, in turn, borrowed them from the charter for Springfield, the capital city of Illinois. In a departure from the Springfield Charter, the act of incorporation for Nauvoo contained two additional charters incorporating the "Nauvoo Legion" and the "University of the City of Nauvoo." The university and militia, covered by the 24th and 25th sections of the Nauvoo Charter, were subsequently incorporated into the law of Deseret. The University of Deseret replaced the University of Nauvoo, while the Nauvoo Legion became the territorial militia which existed until 1887, when the Edmunds-Tucker Act dissolved it.

The charter for Salt Lake City made no provision for the

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1 See Appendix VI for a comparison of both charters.
3 Ibid., IV, 248.
4 Morgan, pp. 107-08; Kimball, p. 120.
annexation of contiguous territory as did the Nauvoo version. Also, in
the Great Basin community, convicted offenders of the law could pay
their sentences by laboring on the public works; but this was not per-
mitted in the Illinois community. Finally, Nauvoo residents were
exempted from working on public works outside the city. In Salt Lake
City this same exemption did not take effect until two years after in-
corporation, possibly because of the greater need for bridges and roads
to the canyons and other settlements. 1

Characteristics of Early Utah Charters

Legislative control of Utah's communities during the early
territorial period was accomplished through the "special legislation"
or "special charter" approach. As a municipality grew or otherwise
changed in status, its charter would be amended or, more frequently,
merely superceded with the enactment of a new charter. These same
characteristics are noted with respect to the annexation of contiguous
territory. If municipal boundaries needed to be extended or reduced,
it was accomplished by special enactment or amendment of the original
charter. 2

The incorporating acts for Ogden, Manti, Provo and Paro-
wan, all passed in February 1851, closely followed the charter for Salt
Lake City with only minor differences. The charter for Salt Lake City
had provision for the appointment of its officials, in the first instance,

1Great Salt Lake City Charter, Sec. 46 (1851); Nauvoo City
Charter, Sec. 26 (1840).

2For a few examples see Spanish Fork City, S. L., 1856-57,
p. 20; Great Salt Lake City, Ibid., 1867, Ch. XXII; Washington and
Springville cities, Ibid., 1878, Chs. XIV, XVI.
by the governor and legislature of the State of Deseret, while the four remaining charters did not include this provision. The charters later issued for Nephi and Tooele were similar to previous charters except that they had only fifteen sections. Those sections which, in previous charters, had enumerated the powers of the city were condensed under the general description of powers which, in the case of Nephi, read as follows:

Sec. 10. The City Council shall have power and authority to make, ordain, establish, and execute all such ordinances, and grant such licenses not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the welfare of the inhabitants of said city, and for the protection of their property. . . . 1

The incorporated areas of early Mormon communities varied greatly, ranging from three to forty-eight square miles in size. 2 Subsequent development revealed a trend towards even larger areas of incorporation. By 1931 the corporation of Salt Lake City enclosed 52.53 square miles. 3 The city limits of neighboring municipalities often joined, leaving no unincorporated, intervening lands. In the words of Andrew L. Neff,

1C. L., 1855, Ch. IV, Sec. 10. In the Tooele Charter the same section stated that the city council could pass ordinances "for the peace, benefit, good order, regulation, convenience, and cleanliness of said city, for the protection of property therein from destruction by fire or otherwise, and for the health and happiness thereof. . . ." Ibid., Ch. VII, Sec. 10. For a complete text of the Nephi Charter, see Appendix VII.

2The average was about four square miles, but there were some notable exceptions, caused, in part, by the incorporation of farmlands adjacent to the settled portions of the community. Some examples include Salt Lake City (forty-eight square miles), Cedar City (thirty-six square miles) and Tooele (approximately nine square miles). Ibid., pp. 64, 300, 339.

3Neff, p. 710.
... in the early Fifties ... the far-flung boundaries of Springville and Pleasant Grove reached those of the central city Provo. Lehi and American Fork likewise divided the country intervening between them. This practice went on apace in the Sixties. Obviously it afforded no opportunity for the development of intervening towns. 1

One local writer remarked that the corporate limits of Spanish Fork had been extended to those of Springville and Palmyra "in order to prevent the establishment of saloons" near residential areas. 2 After the failure of the Palmyra settlement, the boundaries of Spanish Fork and Payson were readjusted to include those lands formerly within the Palmyra Corporation. 3

Besides the advantages of social and political control, extensive areas of incorporation were also necessary to ensure the proper supervision and control of natural resources vital to community growth. Neff mentioned the following economic motives:

Meadow land for pasture and hay purposes was an indispensable adjunct to successful communal economy. Control of water for irrigation and culinary purposes afforded another. Bench lands proved desirable for herding. Police and judicial control by cities of these principal economic haunts of men proved advantageous. 4

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1Ibid., p. 709. This practice was probably encouraged by the L.D.S. Church. Lowry Nelson cited an example in which meadow land northwest of the community of Ephraim, Utah, was divided equally with two other nearby villages by an apostle of the Mormon Church. Nelson, p. 139.

2Elisha Warner, History of Spanish Fork (Spanish Fork, Utah: Press Publishing Co., 1930), p. 55. A decision of the Utah Supreme Court later restricted municipal control of saloons and other business establishments to "the settled portion of the city." Salt Lake v. Wagner, 2 Ut. 400 (1880). In a later decision it was also held by the court that farming lands included within a municipal corporation, but not in or near the city plat, could not be taxed for municipal purposes. Ellison v. Lindford, 7 Ut. 166 (1891).

3S.L., 1859-60, Ch3, XIV, XV. The Palmyra Charter was repealed January 15, 1862. Ibid., 1861-62, p. 6.

4Neff, p. 709.
Municipal acts of incorporation usually included the lands near the mouths of canyons where streams emerged, thus ensuring municipal control of the water supply. In addition, the right to control all canals and streams flowing through the corporate limits of a community was frequently granted in the incorporating charter or in subsequent legislative enactments. In contrast to the common-law tradition of riparian rights, George Thomas stated that the Utah pioneers acted on the following theory:

\[
\ldots \text{the waters of the streams and the lakes of the territory belong to the public and are subject to appropriation by individuals or to grants by the legislature or subordinate bodies created by it.}\ldots \]

In this spirit Ogden City was granted the privilege of legislating for the preservation of timber in canyons adjacent to the municipality in 1851. Ten years later, Payson City was given the right of control over the waters of Spring Creek "south of said city." In both instances a municipality was granted jurisdiction over natural resources lying beyond corporate limits.

Early Mayor-Council Government in Salt Lake City

Upon incorporation in January 1851 of Great Salt Lake City, the four aldermen and nine councilors of the city council divided the

1 Thomas, p. 26; S. L., 1880, Chs. XXX, XXXIX.
2 Thomas, p. 44.
3 S. L., 1851, p. 166. Subsequently, Ogden City, on October 10, 1851, passed an "Ordinance to protect and controll the timber ajoining Ogden City." Ogden City Council Minute and Ordinance Book, Vol. A, pp. 5-7.
community into four municipal wards and assigned an alderman to each. A recorder, treasurer, marshal, and assessor and collector were then appointed by that body.¹ It was also resolved that the rules of parliamentary procedure "that once governed the City Council of Nauvoo be adopted as the Rules of this Council."² All members of the council were elected for two-year terms under the supervision of three judges chosen by the city residents, the council determining the qualifications of its own members.³ Elected city officials were required to affirm their support of the United States Constitution and the laws of Deseret.

Duties peculiar to the office of mayor included restraining "all conversation irrelvent [sic] to the business under consideration," deciding "all questions of order--subject nevertheless to an appeal to the council by any member," having "a right to vote on all occasions; and when his vote renders the division equal, the question shall be lost," and signing all "acts, addresses and resolutions of the council."⁴ Both the mayor and the aldermen were empowered to serve as "conservators of the peace" and to have all the powers of a municipal judge, similar to the powers of a justice of the peace, thus becoming the heirs of those secular powers previously exercised by the city's bishops. Together the mayor and aldermen composed a municipal court, the mayor sitting as chief justice and the aldermen as associate justices.

²Ibid., p. 4. The council minutes for January 11, 1851, stated that these rules were "similar to the Rules of Congress and those of the Legislature of Deseret." Ibid., p. 2.
³Great Salt Lake City Charter, Secs. 3-5 (1851).
One assigned to each municipal ward.

Mayor served as Chief Justice; Aldermen as Associate Justices.

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Fig. 14. Great Salt Lake City Municipal Government

Appeals from the individual mayor's and alderman's courts could be taken to the municipal court "in the same manner as appeals are taken from justices of the peace."\(^1\)

An alderman could preside over the city council in the absence of the mayor. In the instance of Salt Lake City, aldermen were also assigned to the chairmanships of various committees. However, both councilors and aldermen shared remaining legislative powers and convened as one deliberative body.\(^2\)

**Legislative Development**

In 1852 Cedar City, Lehi, Fillmore, Springville and Nephi were incorporated. The following year American Fork, Payson, Palmyra and Tooele were chartered. Next, Spanish Fork, Pleasant Grove and Alpine were incorporated in January 1855. All the above-mentioned had a weak mayor-council form of government, similar to that for Salt Lake City, with four aldermen and nine councilors.\(^3\)

Salt Lake City received a new charter in 1860. Changes included the addition of one ward and alderman, abolition of the municipal court,\(^4\) and provision for additional appointive offices.\(^5\)

\(^1\)Great Salt Lake City Charter, Secs. 37-38 (1851).

\(^2\)The writer was unable to discover any evidence of bicameralism in Utah's municipalities.

\(^3\)Neff, p. 711.

\(^4\)Because of the removal of the city court, the legislature passed an act the following year permitting appeals to be allowed from the mayor's and aldermen's courts of the city to the county probate court, the same as for justices of the peace. S.L., 1861-62, p. 5.

\(^5\)Ibid., 1859-60, Ch. IV. The additional offices included auditor of public accounts, surveyor, attorney, board of school inspectors, sealer of weights and measures, sexton, chief of police, inspectors, measurers and weighers.
On January 18, 1861, the municipality of Virginia City (Nevada) was incorporated and granted a charter which stipulated a five-member board of trustees to govern the community. One trustee was to be appointed by the board as president, while another was to serve as clerk. The justice of the peace for the county precinct was to be "ex-officio recorder" while the precinct constable was to be "ex-officio marshal" of the community. 1 On the same day, Ogden City was reincorporated and given a charter reducing its city council to three aldermen and five councilors. 2 With the exception of the smaller number of aldermen and councilors, the remainder of the charter was identical to the 1860 charter for Salt Lake City. One of the final acts of the legislature in its eleventh session was to reduce the membership of the city council in several communities to two aldermen and three councilors. 3 On January 17, 1862, the City of St. George was incorporated with two aldermen and three councilors. 4

Three years later the regulatory powers of Salt Lake City were expanded to include intra-city transportation and communication facilities, utilities, medical and correctional facilities. Provision was made for a city tax commission having three members. 5 Logan was incorporated January 1865 and Payson was reincorporated the same

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1 Ibid. 1860-61, pp. 8-11.
2 Ibid., pp. 20-32.
3 Ibid., 1861-62, pp. 23-28. The communities were Cedar City, Lehi, Fillmore, Nephi, Springville, Payson, Tooele, Lake (American Fork), Pleasant Grove, Spanish Fork and Alpine.
4 Ibid., pp. 34-37.
5 Ibid., 1864-65, pp. 11-12.
month. Each was given three aldermen and five councilors. 1

Acts of incorporation were passed in January 1866 for
Wellsville and Moroni. Each charter provided for the election of a
mayor, six and five councilors respectively, and two justices of the
peace. 2 This is the first instance of the office of justice of the peace
appearing in a municipal charter. In previous acts of municipal incor-
poration, the mayor and aldermen were empowered to serve as justices
of the peace. 3

The Moroni Charter differed from all previous charters in one other respect. Neff noted the difference as follows:

While it provided for a mayor and five councilors, this new feature appears (section 14): "The Mayor shall be the chief
executive officer of said corporation, he shall preside in the
City Council, and shall have power to veto any ordinance when
not passed by four-fifths majority, and it shall be his duty to
sign all city ordinances." 4

This was the first instance of a strong mayor-council form of municipal government in Utah.

In 1867 Grantsville was incorporated with a mayor, three
aldermen, five councilors and a justice of the peace. 5 During the same
session of the legislature Beaver, Fillmore, Brigham City and

1 Ibid., pp. 24, 42. The following year Logan was re-
incorporated, the only major change being in the transferring of judi-
cial functions from the aldermen to the two new justices of the peace.
Ibid., 1866, Ch. CXLII, Secs. 4, 13, and 14.

2 Ibid., 1866, Chs. CXLIII and CXLIV.

3 The only exception was Virginia City, which relied on the justice of the peace serving at the county precinct level.

4 Neff, p. 710; see also S. L., 1866, Ch. CXLIV, Sec. 14.

5 S. L., 1867, Ch. XI.
Coalville were granted charters providing for a mayor, five councilors, two justices of the peace and no aldermen.¹

Ten communities were incorporated in 1868, eight of them for the first time. Each was to be presided over by a mayor and five councilors.² During the same session the City of St. George was given two additional councilors. The enumerative powers of the municipality, previously mentioned in only one section of the original charter, were now described in thirty-two sections.³

In 1870 Hyrum, Spring City, Mendon and Willard were granted charters. Hyrum was permitted a mayor, six councilors and two justices of the peace, while the charters of the remaining three differed only in having one less councilor apiece.⁴ Subsequently, Corinne and Washington were incorporated with two justices of the peace and ten and six councilors respectively.⁵

In 1872 Ogden, Provo, Logan and Corinne were given the same increase in powers granted to Salt Lake City in 1865.⁶ During the same session the mayors and aldermen of all incorporated cities

¹Ibid., Chs. VII, X, XII, XVII. Fillmore was reincorporated, being first granted a charter in 1852.

²Those incorporated for the first time were Deseret, Smithfield, Richmond, Kaysville, Morgan, Ephraim, Franklin and Mount Pleasant. Those reincorporated were Parowan and Cedar City. Ibid., 1868, Chs. V-XIX.

³Ibid., Ch. XXIV.

⁴Ibid., 1870, pp. 1-15, passim.

⁵Ibid., pp. 128, 133.

⁶Ibid., 1872, Ch. VII. This provision was repealed in the following legislative session. Ibid., 1874, Ch. XV.
THE ELECTORATE

chose

Two Justices of the Peace

CITY COUNCIL

Mayor\(^1\)

Five Councilors

appointed

Recorder
Treasurer
Assessor and Collector
Marshal
Supervisor of Streets

\(^1\)Mayor was chief executive officer; held veto power.

Fig. 15. Kaysville City Municipal Government

Source: S.L., 1868, Ch. IX.
were granted the powers and authority of justices of the peace. The regulatory powers of all cities were also expanded.¹ On February 16, 1872, the municipality of Fairview was incorporated with a mayor, six councilors and two justices of the peace.²

The charters of all incorporated cities were again amended in 1878. Each municipality was given a tax commission; and the offices of city recorder, treasurer, marshal, and assessor and collector were made elective instead of appointive.³ The same year Silver Reef and Richfield were incorporated, each with a mayor, one justice of the peace, and five and seven councilors respectively.⁴

In 1880 the ceilings of bonded indebtedness for the construction of municipal water systems in Salt Lake City and Ogden were placed at $250 thousand and $25 thousand respectively.⁵ The same year, the Ogden City Council was given control of water for municipal purposes,⁶ while Salt Lake City was given the power to appropriate public property for waterways and was authorized to construct the same.⁷

The powers of appointment of all incorporated cities were increased in 1882 when the city councils were authorized to fill vacancies in the offices of mayor, alderman and justice of the peace.⁸

¹Ibid., 1872, Ch. VIII. Four years later alderman were removed from the municipal judicial process. Ex parte Wiseman, 1 Ut. 39 (1876).

²S. L., 1872, Ch. XX. ³Ibid., 1878, Ch. VII.

⁴Ibid., Chs. IX, XIII.

⁵Ibid., 1880, Ch. XXX, Sec. 1; Ch. XXXVIII, Sec. 6.

⁶Ibid., Ch. XXXVIII, Sec. 5. ⁷Ibid., Ch. XXXIX.

⁸Ibid., 1882, Ch. VII.
During the same year, three towns were incorporated with a special form of government which Ellsworth Weaver described as "corresponding to the incorporated villages of New York State." These communities—Kanab, Toquerville and Rockville—were all located in Kane County. Each village was authorized to form a government composed of a president and four trustees, all elected for two-year terms. The resulting board of trustees was to be commissioned by the governor. In addition these towns were restricted to a maximum tax of two and one-half mills.

Park City was first granted a charter in 1882, with a mayor and four aldermen. However, this government was never installed because of confusion over the effect of the Edmunds Bill on municipal elections. During the next session of the legislature, the mining community was granted a new charter dividing it into three wards with two aldermen assigned to each. An interesting feature of the second charter stipulated that the mayor and one alderman from each ward were to be elected for an initial term of one year, while the remaining three aldermen were to be elected for two-year terms. In subsequent elections the mayor and aldermen were to hold office for two years. Finally, one justice of the peace, known as a "police justice," was to

1Weaver, p. 92.
2S. L., 1882, Ch. XXVII. Previous municipal corporations had been allowed a levy of five mills.
3Ibid., Ch. XLIII.
THE ELECTORATE

chose

TOWN COUNCIL

President

Four Trustees

appointed

Clerk (Auditor)

Marshal (Assessor and Collector)

Fig. 16. Kanab Town Government

Source: S.L., 1882, Ch. XXVII.
be elected for a one-year term.  

In 1884 all incorporated cities were given supplemental powers to enforce payment of municipal taxes. This power consisted of the levy and sale of real and personal property belonging to delinquent taxpayers.  

The first general incorporating act affecting municipalities was passed in 1884. Under this statute a new form of municipal organization--"town" government--was created. Under the new law any community of 300 or more taxpayers could incorporate by petitioning the county court in which the community was located. Each municipality so incorporated would receive a governing board composed of a president and four trustees, elected at large for two-year terms. The tax for general purposes was not to exceed two and one-half mills, half of the rate generally specified for cities. The board of trustees was empowered to appoint a clerk, marshal and any other officers necessary for the "good order and well-being" of the town. These and other sections of the act were patterned after the act providing for the incorporation of Kanab, Toquerville and Rockville two years previously.  

In 1886 the municipalities of Smithfield, American Fork and Lehi were granted control of rivers and streams flowing within corporate limits. During the same year all cities were granted

1S. L., 1884, Ch. VII.
2Ibid., Ch. X.
3Ibid., Ch. XXIX.
4Ibid., 1886, Ch. XIII, Sec. 18; Ch. XXIX, Sec. 3; Ch. XXXIII, Sec. 1.
authority to levy taxes for the support of municipal water systems. 1

In 1888 a major milestone was reached in the development of municipal government when the territorial legislature passed a statute entitled "An Act Providing for the Incorporation of Cities." 2 Detailed procedures were outlined for those municipalities wishing to incorporate under the new law, while all special laws affecting municipalities which were inconsistent with the new act were repealed. 3 Municipalities were divided into three categories or classes according to population and were assigned elective officials as follows: 4

<table>
<thead>
<tr>
<th>Class</th>
<th>Population</th>
<th>Officers</th>
<th>How Elected</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st</td>
<td>20,000 or more</td>
<td>1 Mayor 15 Councilors</td>
<td>3 per Ward</td>
</tr>
<tr>
<td>2nd</td>
<td>5,000-20,000</td>
<td>1 Mayor 10 Councilors</td>
<td>2 per Ward</td>
</tr>
<tr>
<td>3rd</td>
<td>Under 5,000</td>
<td>1 Mayor 7</td>
<td>At large</td>
</tr>
</tbody>
</table>

In addition all cities were to elect a recorder, treasurer, assessor and collector, and marshal. In cities of the first and second class, judicial functions were provided by a justice of the peace elected from each ward, while two justices of the peace were to be elected at large in third-class cities. 5 The appointive officers of first- and second-class cities were to include an attorney, surveyor, water master, sexton, supervisor of streets, and auditor. In cities of the third class the city council could appoint "any of said officers, or such officers and agents as may be deemed necessary." 6 All elective and appointive officials served two-year terms.

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1Ibid., Ch. XXXVII. 2Ibid., 1888, Ch. XLVIII.
5Ibid., Art. VI, Sec. 1. 6Ibid., Sec. 3.
Fig. 17. "Special Charter" Period of Legislative Development, 1851-1884

Source: S.L. of Territory of Utah.
Articles II through IV of the new statute listed the powers and duties of the mayor and city council. In all cities the office of mayor was strengthened by making him the "chief executive of all municipal departments." The duties and powers of the other elective officials, including the recorder, treasurer, assessor and collector, marshal, and justice of the peace were described in detail. In addition the powers and duties of the appointive offices of attorney, surveyor and policeman were listed.

The extension and restriction of corporate limits and dis-incorporation, previously accomplished through special legislative enactment, was to be decided jointly by the municipality and the area in question.

In 1890 first- and second-class cities were given increased authority to make public improvements on streets, curbing, etc., including special tax and tax enforcement powers. In that same session of the legislature, towns were empowered to make quarantine laws and take other health measures to prevent the introduction of diseases. They were also authorized to assess and collect a water tax for maintenance of a public water system.

In 1892 mayors of first- and second-class cities received the right of veto. This veto could be overruled only by a two-thirds vote of all members of the city council. Powers of appointment formerly exercised jointly by the mayor and council were transferred

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1 Ibid., Art. II, Sec. 1.
2 Ibid., Arts. VII-XIII.
3 Ibid., Arts. XVII-XIX.
4 Ibid., 1890, Ch. XLI, Secs. 1-14.
5 Ibid., Ch. LIV.
<table>
<thead>
<tr>
<th>Date</th>
<th>Legislative Grant of Power</th>
<th>Municipalities Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>1865</td>
<td>To regulate intra-city transportation and health facilities; to create a tax commission</td>
<td>Salt Lake City</td>
</tr>
<tr>
<td>1872</td>
<td>To empower mayor and aldermen with authority of justice of peace; to regulate intra-city transportation and health facilities; to create a tax commission</td>
<td>All incorporated cities</td>
</tr>
<tr>
<td>1878</td>
<td>To make offices of city recorder, treasurer, marshal, and assessor and collector elective</td>
<td>All incorporated cities</td>
</tr>
<tr>
<td>1880</td>
<td>To place limits of bonded indebtedness at $250,000 and $25,000 respectively; To appropriate water flowing through or adjacent to municipality; To appropriate public property for waterways</td>
<td>Salt Lake City and Ogden</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Ogden</td>
</tr>
<tr>
<td>1882</td>
<td>To authorize city council to fill vacancies in offices of mayor, alderman and justice of the peace</td>
<td>All incorporated cities</td>
</tr>
<tr>
<td>1884</td>
<td>To enforce payment of municipal taxes; to sell real and personal property belonging to delinquent taxpayers; To provide a general incorporating act for &quot;towns&quot;</td>
<td>All incorporated cities</td>
</tr>
<tr>
<td></td>
<td></td>
<td>All unincorporated communities</td>
</tr>
<tr>
<td>1886</td>
<td>To regulate and control water flowing through municipality and assess a tax thereon</td>
<td>Smithfield, American Fork and Lehi</td>
</tr>
</tbody>
</table>

Fig. 18. Growth of Municipal Powers

Source: S. L., 1865-1894.
<table>
<thead>
<tr>
<th>Date</th>
<th>Legislative Grant of Power</th>
<th>Municipalities Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>1886</td>
<td>To levy a tax for support of municipal water system</td>
<td>All incorporated cities</td>
</tr>
<tr>
<td>1888</td>
<td>To provide a general incorporating act for cities</td>
<td>All incorporated and unincorporated municipalities</td>
</tr>
<tr>
<td>1890</td>
<td>To make public improvements and levy tax therefor</td>
<td>First- and second-class cities</td>
</tr>
<tr>
<td></td>
<td>To make quarantine and other health laws; to tax for municipal water system</td>
<td>Towns</td>
</tr>
<tr>
<td>1892</td>
<td>To give mayor right of veto and powers of appointment</td>
<td>First- and second-class cities</td>
</tr>
<tr>
<td></td>
<td>To reduce number of councilors from seven to five</td>
<td>Third-class cities</td>
</tr>
<tr>
<td>1894</td>
<td>To abolish office of assessor and collector and to transfer functions to city treasurer</td>
<td>Third-class cities</td>
</tr>
</tbody>
</table>

Fig. 18. --Continued
to the mayor. Nevertheless, all appointments remained subject to the "advice and consent" of the council. The same year the number of councilors in cities of the third class was reduced from seven to five. In 1894 third-class cities lost the office of assessor and collector, the functions of that office being transferred to the city treasurer.

Municipal Milestones

Because of its early establishment and rapid growth, Salt Lake City served as a bellwether for many other Great Basin settlements. This influence becomes more apparent upon a careful reading of the early ordinances for younger communities. Many of such ordinances appear to have been copied from the initial ordinances passed in Salt Lake City. For example, on March 25, 1873, Logan City copied a liquor control ordinance passed by Salt Lake City two years previously. Some municipalities went even further. On December 27, 1859, the Springville City Council passed an ordinance "adopting G.S.L.C. Ordinances, now in force, as far as applicable, which was unanimously adopted."

In early Mormon communities, many municipal functions were provided by the residents themselves. They were expected to contribute to the protection, beautification and good order of the city; to

1 Ibid., 1892, Ch. XVIII.  
2 Ibid., Ch. XXVII.  
3 Ibid., 1894, Ch. XXVII, Sec. 1.  
improve their own waterways, sidewalks, fences, etc. A good example of the residents' responsibility can be found in the wording of the "Shade Tree" Ordinance passed by the city council of Great Salt Lake City on February 10, 1851, just one month after its incorporation. The ordinance read as follows:

Sec. 1st. Be it ordained by the City Council of Great Salt Lake City, that every holder of lots within the bounds of said city, are hereby required to set out in front of their lots, such trees for shade, as shall in their opinion, be the best calculated to adorn and improve the City; and to place said Trees not to exceed Sixteen and a half feet apart, except for gateways. Also, place said trees seventeen feet from the line of said lot or lots; upon a straight line with the Sidewalk; and also box or otherwise secure said trees from injury; and in case of failure thereof, the City Corporation shall have the right to set out said trees at the expense of the owners of said lots. . . .

The following year the Deseret News gave its support to the ordinance, exhorting the residents of the city to

Let every street and side-walk be lined with shade trees, throughout our city; and if the cattle do run down some of them, your neighbors and friends take the liberty to tie their horses to them because they are too lazy or too ungentlemenly to go one or five rods to a stake, prepared for the purpose, never mind, you will save some of them; . . . their shadows will make your souls thankful a year or two hence. . . . Cottonwood is better than quakingasp . . .

Other municipalities also expected the city residents to provide basic services. For example, in Springville the city supervisor of streets was authorized, on April 28, 1855, "to call every able-bodied man, of the age of legal majority, living in this City to work one
day annually on the public roads, within Springville City Corporation. "1

On March 16, 1871, owners of city lots in Fillmore were assessed one
day's labor for maintenance of the city's irrigation system. 2

As Great Salt Lake City continued to grow, and the most
pressing tasks were completed, the Saints turned their energy and
skills to the construction of public works. The first major building was
a council house, built by tithing labor under the direction of Daniel H.
Wells. It was erected in 1849 and completely finished by November
1851. 3 This building was used for several years until the construction
of a new city hall, or Council Hall, as it was more commonly known,
in 1864-65. The edifice, constructed of native red sandstone, was
located at 120 East First South Street, where it served from 1866 to
1894 as the seat of city government. 4 On March 18, 1891, an agreement
was made between Salt Lake City and Salt Lake County authorizing the
construction of a building for the joint use of both governments. The
imposing, ornate structure, which stands on Washington Square, was
completed three years later and is now known as the City and County
Building. 5


4 Jenson, Church Chronology, p. 74; Marker Inscription, "Old City Hall--Now Known as Council Hall." Placed by the N. G. Morgan Foundation at location on Capital Hill, Salt Lake City, Utah.

In 1864 the first mention is made of a circulating public library in Salt Lake City at the Seventies Council Hall.\(^1\) Eight years later another free public library was established, with Mrs. William Haydon as its president.\(^2\)

The first police department was organized in Salt Lake City on March 10, 1851. There were forty patrolmen whose wages were twenty-five cents an hour. Leonard W. Hardy was the first chief.\(^3\)

The policemen or "constables" were charged with the following duties:

\(\ldots\) to act as Conservators of the peace; to suppress riots; to preserve the peace and good order of the City; to serve all processes directed to them by the Mayor or any Alderman of said City; and to assist the Marshall in his duties, when required so to do by the Marshall.\(^4\)

To aid in the enforcement of the laws, the first criminal code was passed by the Salt Lake City Council on March 20, 1858. It was divided into eleven parts dealing with possible crimes and offenses against the city and its inhabitants.\(^5\)

Official fire protection services were first available in Salt Lake City in 1853 when an ordinance was passed authorizing the organization of a fire brigade. According to retired Fire Chief Piercey,

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\(^4\)Great Salt Lake City Ordinance Book, Vol. A, p. 20. Duties and powers were greatly expanded under the Charter of 1860. Ibid., pp. 30-31.

\(^5\)Ibid., pp. 123-40.
"Three dozen leather buckets were purchased and twenty-one ladders constructed." The able-bodied men of each ecclesiastical ward were formed into fire companies. In 1856 the fire department was re-organized and placed under the direction of Jesse C. Little. The "Deseret Engine Company, No. 1" and the "Deseret Hook and Ladder Company, No. 1," with a combined total of fifty-eight men, completed the organization. The first fire ordinances were passed in 1862. Finally, overnight protection was established in 1872.

A reliable supply of irrigation water was necessary in the Mormon settlements because of the large gardens and orchards located within the residential areas in compliance with the Plat of Zion concept. To meet these needs, the Great Salt Lake City Water Works Association was incorporated by the legislature on February 7, 1853. According to the act of incorporation, the Association was empowered to

... have full power and authority to supply Great Salt Lake City and the citizens thereof with water and to conduct the same in pipes through the streets ... and to erect the necessary works in or near the city and apparatus for conducting water into the streets and avenues ...

In 1872 ground was broken for a new waterworks north of the city on

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2Great Salt Lake City Ordinance Book, Vol. A, p. 110; Andrew Jenson, Church Chronology, p. 57.


5"An Act to Incorporate the Great Salt Lake City Water Works Association," Ibid., March 5, 1853, p. 32; S.L., 1855, Ch. LVII.
City Creek. The first high-quality pipeline for the new works was made of laminated elm wood. The first cast-iron hydrants were installed during the year 1876.

The legislature in 1853 authorized the levying of taxes by all incorporated cities for "Road and Other purposes." Previous to this period roads were graded and otherwise maintained through tithing labor, the assessments being made by the city supervisor of streets and his assistants. The first street pavings were done in brick in 1866 when sections of East Temple (Main) Street were paved. The numbering of houses was authorized by the Salt Lake City Council in 1883 in the anticipation of free mail delivery, and the naming of all streets within the corporation was accomplished later the same year. This was followed by the placement of street signs in 1892 on the principal streets. Public sewers were provided for with the creation of the first sewer district in 1888. In 1892 a contract was signed with the Culmer-Jennings Company to pave the principal streets lying adjacent


3"The Hydrants," Ibid., March 1, 1876, p. 55.

4S.L., 1852-53, pp. 146-47.

5"Worth Imitating," Deseret News, November 28, 1866, p. 413.

6Jenson, Church Chronology, pp. 112-13.


and south of Temple Square. 1

The streets of Salt Lake City were first lighted with oil lamps in 1869. 2 On May 25, 1872, the Salt Lake City Gas Company was organized, 3 and the following year the city was lighted with gas. 4 Residential service was begun during the month of March 1895. 5 The first electric light in Utah was demonstrated in Salt Lake City on September 11, 1880. 6 The city fathers were impressed; and in November of the same year the Salt Lake Power, Light and Heating Company was formed. 7 According to its successor, the Utah Power and Light Company, "Salt Lake City became the fifth city in the world to adopt the central power station lighting system following New York, London, San Francisco and Cleveland." 8

With the introduction of electric lighting, electrically-powered transportation was not far behind. Prior to the advent of electricity, the territorial capital's public transportation needs had been met by the Salt Lake City Street Railway Company, organized on January 1, 1872, by Brigham Young. Each streetcar was powered by

1"The Paving Contract," Ibid., October 22, 1892, p. 572.
2Jenson, Church Chronology, p. 82.
4Warrum, I, 802, 805; Sloan, p. 35.
5Jenson, Church Chronology, p. 208.
6Warrum, I, 571, 805.
8Utah Power and Light Company (pamphlet, 1962).
two Missouri mules. On August 8, 1889, the first successful run of an
electric streetcar was made, and the same year the Salt Lake and Los Angeles Railroad was organized.¹

The first telephone was introduced into Utah by A. M. 
Musser with a demonstration in Salt Lake City on March 1, 1879.² Six
months later a petition was presented to the Salt Lake City Council by
a group headed by Mr. William Jennings asking permission to install a
"telephonic system" in the city. According to the Deseret News report,
the resulting organization was to be called the "Salt Lake Telephone
Company." It would serve the city by "connecting the principal business
offices, establishments and residences of the city."³ However, the
Mountain States Telephone and Telegraph Company maintains that the
first municipal exchange service was actually opened in Ogden on about
September 8, 1880, "with 24 lines and approximately 30 telephones,"
making it the first telephone exchange in the states of Utah, Idaho,
Montana, Nevada, Arizona and Wyoming.⁴

The first public park or "pleasure ground" was laid out in
1866 on Union Square of the Sixteenth (ecclesiastical) Ward of Salt Lake
City. The News stated that the plan included the following features:

¹Jenson, Church Chronology, p. 87; Utah Power and Light
Company (pamphlet); Kate B. Carter, comp., Heart Throbs of the West
(12 vols.; Salt Lake City: Daughters of Utah Pioneers, 1948), IX, 235.
The first ordinance regulating city railroads was passed by the Salt
Lake City Council in 1871. Salt Lake City, Revised Ordinances and
Resolutions, 1875, Ch. XIII.

²Carter, Heart Throbs of the West, IX, 235.

³"Our Telephone System," Deseret News, September 3,
1879, p. 481.

⁴Mountain States Telephone and Telegraph Company,
"History of the Telephone in Utah" (pamphlet, n.d.), p. 2.
... walks, drives, grass plots, flower beds, rosaries, fountains, etc., with a space in the centre devoted to building purposes ... As our city increases in size, ten-acre "lungs" of this character will be found places of public resort ...

According to Andrew Jenson, the Old Mill or Locust Farm of 110 acres was purchased by Salt Lake City on May 25, 1881, for a public park. His next mention of a public park was under his entry for Saturday, June 17, 1882, when "Liberty Park, Salt Lake City, was formally opened to the public." 2

In 1871 public meat markets were established by the Salt Lake City Council in each municipal ward. According to the Council, this was accomplished for greater convenience to all residents of the city and also to create "a greater competition in the vending of meat, and market produce, which will have a tendency to cheapen those articles." 3

In the field of public education, a "Parent School" first commenced holding classes on November 11, 1850. Its mission, according to the News, was "to qualify teachers for the District or Ward schools, as fast as possible, that there may be a uniformity in the method of teaching throughout Deseret." 4 This organization was replaced, ten years later, by the Deseret School Teachers' Association, organized in Salt Lake City for the same purpose. 5

1 "Pleasure Grounds," Deseret News, March 15, 1866, p. 117.

2 Jenson, Church Chronology, pp. 108, 110.


4 Ibid., November 16, 1850, p. 156.

Daughters of Utah Pioneers, the first free public school was opened in American Fork in November 1867. 1

The first hospital, a temporary affair of tents, was established at the mouth of Emigration Canyon in 1851. It served as a quarantine facility for emigrants who were prohibited from camping within the limits of the city corporation until pronounced in a healthy condition by the city's physicians. 2 In 1870 the city council of Salt Lake City authorized the establishment of a combined insane asylum and hospital in the municipal Fifth Ward, also known as the Sugar House Ward. It was operated by a special board composed of a superintendent, the mayor and one or more physicians appointed by the city. 3 The first regular hospital was begun in 1872. The Salt Lake Tribune described the facility as follows:

... Members of the Episcopal Church rented a small adobe house on the corner of 4th South and 5th East in Salt Lake City. There were six beds in this hospital, called St. Marks Hospital. Four years later, the hospital moved one block north. There were 12 beds in this hospital. When there were more than 12 patients, they were put on mattresses on the floor. 4

The first municipal cemetery was probably established in Salt Lake City. In 1856 the following entry appeared in the Deseret

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1Daughters of Utah Pioneers, Adams and American Fork camps; Marker Inscription in American Fork City Park (No. 47, erected July 24, 1939).


3Ibid., February 8, 1870, pp. 155-57; Revised Ordinances and Resolutions, 1875, Ch. XLII.

4L. H. Kirkpatrick, comp., Know Your Utah (special reprint of a series first appearing in the Salt Lake Tribune, n.d.), p. 13. For general comments on the quality of hospital services in Salt Lake City at the time, see "Shall We Have a Hospital?" Deseret News, December 18, 1872, p. 699.
Persons wishing to bury upon their own lots in the cemetery, are required by law to report the same to me previous to burial, stating the cause of death, place and time of birth, and medical attendant. (if any).

Price of lots, including recording, deed, &c, will be from $6 to $12

Price of opening grave 2 to 4

Showing lots 1

Coffins furnished at reasonable prices

J. C. LITTLE, CITY SEXTON

Summary

The development of municipal government in the Territory of Utah was influenced by the charter for Springfield, Illinois. It is after the act of incorporation for this Midwestern capital city that the charters for Nauvoo and Great Salt Lake City were subsequently patterned. Until 1862 Utah's municipalities received variations of the weak mayor-council form of government granted the Mormon Mecca in 1851.

An interesting policy of the territorial legislature, characteristic of the period, was the inclusion of large areas of land within many municipal corporations, and the granting to cities extensive control over natural resources outside but adjacent to corporation boundaries. These features were designed to foster the survival, protection and growth of Mormon communities.

During the years 1851-1855, twelve communities were

1"Great Salt Lake City Cemetery," Deseret News, August 27, 1856, p. 190.
granted municipal charters. Each received essentially the same charter granted Great Salt Lake City in 1851. Thus the legislative assembly utilized a special charter approach which, nevertheless, included generalist tendencies. From 1861 to 1884 the special charter approach became more evident as varying forms of government were stipulated in the acts of incorporation for Utah's cities and towns. However, a generalist approach was still employed to alter the powers of cities previously incorporated.

From 1851 to 1865 the alderman, with combined legislative and judicial powers, was a prominent figure on the municipal scene. Beginning in 1866, however, judicial functions were transferred to the municipal justice of the peace, and the office of alderman disappeared in most subsequent charters.¹

The year 1866 also saw the advent of the strong mayor when that office was granted increased executive powers, including the veto. Of the twenty-four mayor-council governments organized between 1866 and 1888, only four kept the weak-mayor feature.²

The special charter approach to legislative control of municipal government was abandoned in 1888 when the classification system was introduced. From 1888 to the end of the territorial period, the policies of the legislature towards Utah's municipalities conformed to the classification approach, which is still used today.

The territorial period, particularly during the 1870's and

¹Of the municipal charters granted between 1866 and 1888, only two--those for Grantsville and Park City--included the office of alderman.

²They were Wellsville, Grantsville, Richfield and Park City.
1880's, also witnessed the rapid evolution and proliferation of municipal services. This was most noticeable in the field of public utilities.
CHAPTER V

FINDINGS, CONCLUSIONS AND ASSUMPTIONS

From Garden Grove to Great Salt Lake City

The religio-civil nature of local government established in territorial Utah was first practiced on the prairies of southern Iowa and in the Missouri River Valley during the exodus of 1846-48. Once beyond the jurisdiction of the United States, the organizations of the L.D.S. Church were expanded to serve in civil as well as religious capacities. All offices took on increased secular authority and responsibility. Prior to the arrival of the Mormons in the Great Basin, the ecclesiastical offices of stake president, bishop and presiding elder increased in importance as vital links in the structure of the municipal government of the Saints. Their corresponding organizations—the stake high council, bishop's court and presiding elder's council—performed in executive, legislative and judicial capacities, simultaneously acting in civil and ecclesiastical roles. This adaptation found expression in the performance of municipal functions and services by these bodies. Under their stewardship extensive agriculture was practiced, communities were built and society was maintained and regulated.

In the Great Basin during the years 1847-49, the same form of religio-civil government was established as had existed on the Great
Plains. A municipal high council, similar to those established in the Missouri River Valley, was organized in Great Salt Lake City. The bishops of the Mormon Mecca were assigned duties and responsibilities similar to those they had performed at Winter Quarters and Council Bluffs.

With the organization of the State of Deseret in 1849, a superstructure of state authority was placed over the established forms of government. Church officers were elected or appointed to civil offices with analogous functions and duties. This event was a logical step in a society whose religion maintained the inseparability of temporal and spiritual concerns, the administration thereof depending on a lay clergy. From 1851 to 1880 this political dualism found widespread expression as apostles served in the territorial legislature, stake presidents and presiding bishops served as county probate judges and mayors, and bishops and presiding elders were elected as mayors and justices of the peace.

New England Influences

Many factors would appear to indicate that the pattern of municipal development in the Great Basin was borrowed or copied from New England. Both Joseph Smith and Brigham Young possessed a New England heritage. Frederick Jackson Turner stated that the Territory of Utah had a population of over 11,000 by 1850, 2,000 of whom were born in the Middle Atlantic States, and about half that number, or 1,000, in New England.¹ According to Milton R. Hunter, 50 to 60 per

cent of American-born converts during the Brigham Young era were from states north of the Ohio River. 1

Certain early practices of the New England colonists invite comparison with those of the Mormon pioneers. 2 In New England as in the Great Basin, extensive tracts of timber, pasture and farmland were frequently placed under control of the community. 3 New England colonists enclosed their agricultural lands in a "common field" and determined site selection by the casting or drawing of lots, 4 with each landowner participating in the maintenance of the common fence "according to his share in the land enclosed." 5 Near Ephraim, Utah, the pioneers shared frontage to a meadow by dividing it into narrow strips, resulting in each farmer's holding a portion three rods wide by two miles long. This technique of land division was also commonly practiced in New England. 6 While Utah had its "hub" or "base" communities that fostered the colonization of a particular valley or region, 7 New England plantations or "mother towns" performed a similar role by issuing grants for the founding of new villages. 8 According to Levi

1 Hunter, p. 64.


3 Egleston, p. 576; Bates, p. 367.

4 Reps, p. 147.

5 Egleston, p. 595.

6 Compare Nelson, p. 139 with Reps, pp. 147, 150-51.

7 Hunter, pp. 366-71.

8 Egleston, pp. 574-78.
Edgar Young, the "town meeting" form of local government in early-day Utah was an expression of the New England heritage of the Mormon pioneers.¹ Turner argued that the Mormons re-established the New England town in order to foster the economic institutions necessary for survival in a hostile, semi-arid region.² Finally, Brigham Young and the apostles in charge of colonization frequently reminded the pioneers of the dangers of attack by Indians or white men, and the advantages inherent in defending a compact settlement.³

The Mormon Village Revisited

The above comparisons and arguments, however, explain only that the Mormon colonists employed methods similar to those used by their New England forefathers in order to maintain social and agricultural institutions resulting from the compact village settlement. The question of why the Latter-day Saints settled in the compact village in the first place has been given a totally different explanation by Lowry Nelson. In his words:

It does not appear that the Mormon village was intended primarily as a protective device. . . . It was surely not essentially a response to the geographic environment, for then other settlers in Ohio and Missouri must have adopted it. It could not be simply an attempt to borrow from New England, otherwise the new plan would have corresponded more nearly to the "town" in general structure; and other Yankees on the Western Reserve should certainly have known the New England community. The

¹Levi Edgar Young, pp. 13-15.
only logical explanation would seem to be that it resulted not from these external influences, but rather was the product of the group ideologies. ¹

Nelson asserted that the Plat of Zion was an integral part of the Mormon "group ideologies." He maintained that the Mormon village persisted because the Great Basin environment and the social solidarity of the Saints favored its continued application. ²

According to John W. Reps, "While not all of the Mormon settlements adhered to the strict order of the City of Zion scheme, they were all planned in the spirit of this original concept."³ Some general characteristics of the Mormon village can be noted as follows:

1. Streets were laid off in north-south, east-west fashion, facing the cardinal points of the compass; streets averaged five to eight rods wide.

2. Strategically located blocks within the city plat were reserved for general public use as parks, schools and meetinghouses.

3. Residential lots averaged one acre in size, large enough for private orchards and gardens as well as for barns and other farm-related buildings.

4. Village-dwelling farmers were granted small, individual holdings averaging from ten to fifteen acres, enclosed by a common fence in a "big field."

5. These farmlands were located adjacent to the residential areas of the city and were often included within the corporate limits of the municipality.

¹Nelson, p. 40. ²Ibid., pp. 52-53. ³Reps, p. 419.
The Kingdom of God

The contributions of James R. Clark, Klaus J. Hansen and John R. Patrick have added still another dimension to the history of political development in Utah during the territorial period. Commenting on the role of the Council of Fifty, Clark made the following statement:

So far-reaching into every phase of society in territorial Utah is the concept of the Kingdom of God and its accompanying body of control, the General Council, that a significant history of Utah cannot be written which does not take into consideration the influence of these ideas on both the Mormon and non-Mormon populations of the state.¹

The research of Hansen added new perspective on the extent of the Council's influence on territorial and national levels of politics, while the research of Patrick indicated that the School of Prophets frequently served as the administrative and executive arm of the General Council, implementing its policies at all levels of government during the territorial period.

It is also likely that the Council was involved in the development of municipal government in territorial Utah. The first four consecutive mayors of Salt Lake City were members of the Council of Fifty. According to Hansen, two of them—Abraham O. Smoot and Feramorz Little—were granted membership in the Fifty while serving as mayor of Salt Lake City.² Together, the combined tenure of these early mayors extended from 1851 down to 1882. Therefore, it is highly probable that these individuals brought the municipal problems before the General Council.

²Hansen, p. 140.
The writer's own research indicates that certain members of the Council of Fifty simultaneously held positions in both the legislature and in various city governments. These men could have served as an important liaison between the General Council and the municipalities. In the course of their legislative duties, they could have translated the municipal policies of the Council of Fifty into legislative enactments. Subsequently the same persons, sitting on the city councils, presumably advised city officials as to the best means of implementing policies of the General Council.

Apparently these early Mormon leaders saw no conflict in simultaneously occupying political offices on more than one governmental level. On the contrary, political and spiritual unity in the Kingdom of God appeared to be the greater goal sought after. This practice of holding political office on both the territorial and municipal level was most noticeable in the central and southern portions of Utah. Perhaps this can be best explained by Andrew Neff's observation that the southern settlements were developed under close ecclesiastical supervision while the northern settlements grew more spontaneously through private initiative. ¹

**Territorial Legislative Policy**

Legislative control of municipal government during the first decade in territorial Utah was a mixture of both the "generalist" and the "special charter" approach. During this period municipal acts of incorporation were patterned after the weak-mayor charter granted Great Salt Lake City in 1851. Each community was incorporated by a

¹Neff, p. 901.
special act of the legislature, the charter granting essentially the same powers originally given to the Mormon Mecca. The origin of these extensive powers can be traced to the capital city of Springfield, Illinois. Other characteristics of the early charters included extensive control over surrounding farmlands and natural resources by the corporation.

In 1861 the Legislative Assembly aligned itself more solidly with the "special charter" approach to municipal control. Acts of incorporation varied not only in the powers and privileges granted to the community, but also in the number of aldermen, councilors and justices of the peace assigned to each. This period witnessed the office of alderman at the height of its influence. The office subsequently declined in importance with the removal of the alderman from the judicial process in 1876. In later charters the functions of the alderman were usually absorbed by the municipal justice of the peace.

During the period 1866-78, there was a predominance of strong mayor-council governments, the office of mayor having been granted the veto power and increased administrative and executive powers. The veto feature reappeared in 1892 in first- and second-class cities.

A greater degree of legislative discrimination with respect to the varying needs of municipalities took place in 1882 when three communities were incorporated as "towns." Each was given a presiding body of elective officials consisting of a president and four trustees. The powers of these towns were more restricted than those of previous municipalities. These charters served as forerunners to the first general incorporating act for towns which was passed in 1884.
Under the new law, the initiative for incorporation was formally placed at the community level. Towns incorporated under this act received a board of trustees and powers similar to those granted to the three towns incorporated in 1882.

In 1888 all Utah municipalities were classified according to population and received a varying number of elective and appointive offices in accordance with the class assigned to each. This special act laid the foundation for the classification approach used in Utah today.

**Summary**

In gathering the material for this study, the author wishes to mention that the municipal manuscript sources cited herein may or may not be representative of the material contained in the records of all municipalities founded during the territorial period. In many instances the early minute and ordinance books have been destroyed or lost, making it difficult to determine the full dimensions of municipal development during the early years of the Territory. In three of the communities having complete records, a detailed examination of the books revealed virtually no mention of Mormon Church officials or institutions.¹ On the other hand, those municipalities which had served as "hub" or "base" colonies during the Brigham Young era, yielded a wealth of information regarding church and state relationships at the local level.²

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¹These three communities are Spanish Fork, Payson and Park City (a non-Mormon mining town).

²These included Salt Lake City, Ogden, Provo, Logan, Manti and St. George.
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*On microfilm at Archives of State Capital

Fig. 19. Survey of Earliest Available Records in Selected Municipalities
The writer personally examined the early records of many Utah municipalities. In so doing he was able to extract information from the records of twenty communities lying along the Mormon Corridor from Logan to St. George. Undoubtedly additional visits to other cities and towns would have resulted in more material. His brief glimpse into the early records of Utah's municipalities suggests that a great amount of valuable manuscript material, still undiscovered, awaits the examination of future researchers interested in the historical patterns of municipal government in Utah.
APPENDIX I

THE CALLING OF ELDER SAMUEL BENT
AS PRESIDENT OF GARDEN GROVE

To the Church of Jesus Christ of Latter Day Saints,

and especially those who are and shall hereafter be at Garden Grove,
Greeting! This certifying that at a Public meeting of the authorities
of the whole church and the Saints at Garden Grove on Sunday the 10th
day of May 1846, Elder Samuel Bent was duly elected and chosen to
preside over all the Saints at Garden Grove to apportion every
man his share of the land, to till and see that he does it or else give it
to some one who will, To permit no one to beg or eat on the plantation
who will not work upon it and for the general interest & according to
council, and with his two councillors by him selected to guide, regu-
late, order, control, & superintend all matters spiritual & temporal in
any wise pertaining to said farm or location & the Saints connected
therewith, & that he shall retain all the improvements connected with
said farm as the property of that portion of the Church which made the
same & have or are about to remove further west & that for the benifit
of the poor who are now here & shall hereafter arrive and to
tithe all the income of all the Saints for the benifit of the poor &
sick; and if any one shall neglect carefully to secure the crop he has
raised, that he gathered, the same into his storehouse that nothing be lost, & do all other acts & things as he shall be directed
by the Spirit of God & the principles of Revelation & if the Saints will
hearken to their President & abide his council in all things they shall
prosper, and where the keys of the kingdom shall be located there they
shall also come. President Bent has selected Aaron Johnson & David
Fullmer for his councillors & the same has been approved by the
general council.

Done for and in behalf of the general authorities of the
Church of Jesus Christ of Latter Day Saints at Garden Grove, Iowa
Territory May 12th 1846.

) Brigham Young
) President
Willard Richards
) Clerk

1L.D.S. Church Historian's Office, Garden Grove Branch,
APPENDIX II

"THE WORD AND WILL OF THE LORD"¹

Winter Quarters, Camp of Israel, January 14, 1847.

The Word and Will of the Lord concerning the Camp of Israel in their journeyings to the West:

Let all the people of the church of Jesus Christ of Latter-Day Saints, and those who journey with them, be organized into companies, with a covenant and promise to keep all the commandments and statutes of the Lord our God. Let the companies be organized with Captains of Hundreds, Captains of Fifties, and Captains of Tens, with a President and his two Councillors at their head, under the direction of the Twelve Apostles; and this shall be our covenant, that we will walk in all the ordinances of the Lord.

Let each company provide themselves with all the Teams, Wagons, Provisions, clothing and other necessaries for the Journey that they can.

When the companies are organized, let them go to with their might, to prepare for those who are to tarry.

Let each company with their Captains and Presidents, decide how many can go next spring; then choose out a sufficient number of able-bodied and expert men to take Teams, seeds, and Farming utensils, to go as Pioneers, to prepare for putting in spring crops.

Let each company bear an equal proportion, according to the dividend of their property, in taking the poor, the Widows, the Fatherless, and the families of those who have gone into the army, that the cries of the Widow and the Fatherless come not up into the ears of the Lord against this people.

Let each company prepare houses, and fields for raising Grain, for those who are to remain behind this season; and this is the Will of the Lord concerning his people. Let every man use all his influence and property, to remove this people to the place where the Lord shall locate a Stake of Zion; and if ye do this with a pure heart, in all faithfulness, ye shall be blest, you shall be blest in your Flocks and in your herds, and in your fields, and in your houses, and in your

families.

Let my servants Ezra T. Benson, and Erastus Snow organize a company; and let my servants Orson Pratt and Wilford Woodruff organize a company; also let my servants Amasa Lyman and George A. Smith organize a company; and appoint Presidents; and Captains of hundreds, and of Fifties, and of Tens; and let my servants that have been appointed, go and teach this my will to the saints, that they may be ready to go to a land of Peace.

Go thy way and do as I have told you; and fear not thine enemies; for they Shall not have power to stop my work. Zion shall be redeemed in mine own due time. And if any man shall seek to build up himself, and seeketh not my council, he shall have no power, and his folly shall be made manifest. Seek ye; and keep all your pledges one with another; and covet not that which is thy brother's.

Keep yourselves from evil, to take the name of thy God in vain; for I am the Lord your God, even the God of your Fathers, the God of Abraham, and of Isaac, and of Jacob. I am he who led the children of Israel out of the land of Egypt; and my arm is stretched out in the last days to save my people Israel.

Cease to contend one with another. Cease to speak evil one of another. Cease Drunkenness, and let your words tend to edifying one another. If thou borrowest of thy neighbor, thou shalt restore that which thou hast borrowed; and if thou canst not repay, then go straitway, and tell thy neighbor, lest he condemn thee.

If thou shalt find that which thy neighbor has lost, thou shalt make diligent search, till thou shalt deliver it to him again. Thou shalt be diligent in preserving what thou hast, that thou mayest be a wise Steward; for it is the free gift of the Lord thy God, and thou art his Steward.

If thou art merry, praise the Lord with singing, with music, with Dancing, and with a prayer of praise and Thanksgiving. If thou art sorrowful, call on the Lord thy God with supplication, that your souls may be joyful.

Fear not thine enemies, for they are in mine hands, and I will do my pleasure with them. My people must be tried in all things that they may be prepared to receive the Glory that I have for them, even the Glory of Zion; and he that will not bear chastisement, is not worthy of my kingdom.

Let him that is ignorant, learn wisdom by humbling himself, and calling upon the Lord his God, that his eyes may be opened that he may see, and his ears opened that he may hear, for my spirit is sent forth into the world to enlighten the humble and contrite, and to the condemnation of the ungodly.

Thy brethren have rejected you and your testimony, even the nation that has driven you out; and now cometh the day of their calamity, even the days of sorrow like a woman that is taken in travail; and their sorrow shall be great, unless they speedily repent; yea, very speedily! for they killed the Prophets, and they that were sent unto them, and they have shed innocent blood, which crieth from the ground against them. Therefore marvel not at these things, for ye are not yet pure; thou canst not yet bear my Glory, but thou shalt behold it, if ye are faithful in keeping all my words that I have given you from the days of Adam to Abraham; from Abraham to Moses, from Moses to Jesus
and his apostles, and from Jesus and His Apostles to Joseph Smith, whom I did call upon by mine angels, my ministering servants, and by mine own voice out of the heavens, to bring forth my work; which foundation he did lay, and was faithful and I took him to myself. Many have marveled because of his death, but it was needful that he should seal his testimony with his blood, that he might be honored, and the wicked might be condemned.

Have I not delivered you from your enemies, only in that I have left a Witness of my name? Now, therefore, hearken, O ye people of my church; and ye Elders, listen together; you have received my kingdom; be diligent in keeping all my commandments, lest judgment come upon you, and your faith fail you, and your enemies triumph over you.

So no more at present. Amen and Amen.
APPENDIX III

ORDINANCES OF THE HIGH COUNCIL
OF GREAT SALT LAKE CITY

Great Salt Lake City, Dec. 27, 1847.

We the High Council of the Great Salt Lake City, in the absence of any organized jurisdiction of any Territory, for the peace, welfare and good order of our community, proceed to enact the following laws, for the government and regulation of the inhabitants of this city and valley for the time being, subject to the approval of the people.

Ordinance 1st, Concerning Vagrants

Whereas it is of the utmost importance that every man in our community use the utmost exertion to cultivate the earth in order to sustain himself or family in a new location, so far from supplies, therefore should any person or persons be convicted, before any acting judge or judges acknowledged by the people of said City and Valley of idling away his or her time, or neglecting in any manner to use the necessary exertions for the above purposes, it shall be the duty of said judge or judges to appoint two or more trustees, whose duty it shall be to take charge of all the property of the person or persons thus convicted, or such portion of the same as the judge or judges may deem necessary, and to hold the same in security for the support of himself or family or those depending upon his labors, to be held at the discretion of the judge or judges. And it shall be the further duty of said Trustees to take into custody the person or persons thus convicted and to cause them to be industriously employed, the proceeds of which employment shall be held and applied in the same manner and for the same purpose as the property before mentioned. And be it further ordained, that the Trustees be paid a reasonable compensation for their trouble out of the property taken from, or labor done by any person or persons convicted under this Ordinance.

1L.D.S. Church Historian's Office, Journal History, December 27, 1847; January 25, 1848.
Ordinance 2nd, Concerning disorderly or dangerous persons and disturber of the peace

Any person convicted of violence on person or property, threatening, or riot, shall be sentenced to receive a certain number of lashes on the bare back, not exceeding 39, or be fined in any sum not less than five dollars, nor exceeding five hundred dollars, and shall give security for his good behavior, at the discretion of the judge or judges.

Ordinance 3rd, Concerning Adultery and Fornication.

Any person or persons convicted of the crime of Adultery or Fornication, shall be sentenced to receive a certain number of lashes on the bare back, not exceeding 39, and be fined in a sum not exceeding one thousand dollars, at the discretion of the judge or judges.

Ordinance 4th, Concerning Stealing, Robbing, Housebreaking or maliciously causing the destruction by fire of any property

Any person or persons convicted of any of said crimes shall be sentenced to receive a number of lashes on the bare back, not exceeding 39, and to restore four fold, and to give security for their good behavior in future at the discretion of the judge or judges.

Ordinance 5th, Concerning Drunkenness, and etc.

Any person or persons convicted of Drunkenness, Cursing, Swearing, foul or indecent language, unnecessary firing of guns, within or about the Forts, unusual noise or noises, or in any other way disturbing the quiet or peace of the community, shall be fined any sum not less than 25 dollars. The above Ordinances to take effect from and after the first day of January, A.D., 1848.

Done in behalf of the High Council and People of Great Salt Lake City

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Great Salt Lake City, Jan. 25, 1848.

Ordinance 6th, Be it ordained, that no person is entitled to more fuel than will last him to the first day of October, 1848, or to more poles or timber than will answer for his present fencing or
building, unless by permission of the Council, under penalty of a sum not less than 5 nor exceeding 500 dollars, at the discretion of the judge or judges.

Ordinance 7th, Be it ordained that no loose cattle, horses, mules or sheep, shall be permitted to run upon the wheat land, or be driven on the road passing through it; and that the Marshall, or any person he deputizes, shall take up every animal thus trespassing; and that the owner of every animal thus taken shall pay twenty-five cents per head to the person who takes them up, and two cents per head a day, for herding, if they require to be herded; for the wheat lands and the roads through it shall be kept clear of loose animals.

The above ordinances to take effect and be in full force, from and after sunset of the 27th day of January, A.D., 1848.

Albert Carrington, clerk.
APPENDIX IV

THE PLAT OF ZION

An Explanation of the plat of the city of Zion, sent to the brethren in Zion, the 25th of June, 1833: [See p. 40.]

The plot contains one mile square; all the squares in the plot contain ten acres each, being forty rods square. You will observe that the lots are laid off alternately in the squares; in one square running from the south and north to the line through the center of the square; and in the next, the lots run from the east and west to the center line. Each lot is four perches in front and twenty back, making one half of an acre in each lot, so that no one street will be built on entirely through the street; but on one square the houses will stand on one street, and on the next one, another, except the middle range of squares, which runs north and south, in which range are the painted squares. The lots are laid off in the squares, north and south, all of them; because these squares are forty perches by sixty, being twenty perches longer than the others, their greatest length being east and west, and by running all these squares, north and south, it makes all the lots in the city of one size.

The painted squares in the middle are for public buildings. The one without any figures is for store-houses for the Bishop, and to be devoted to his use. Figure first is for temples for the use of the presidency; the circles inside of the squares, are the places for the temples. You will see it contains twelve figures, two are for the temples of the lesser Priesthood. It is also to contain twelve temples.

The whole plot is supposed to contain from fifteen to twenty thousand people: You will therefore see that it will require twenty-four buildings to supply them with houses of worship, schools, etc.; and none of these temples are to be smaller than the one of which we send you a draft. This temple is to be built in the square marked figure 1; and to be built where the circle is which has a cross on it on the north end.

South of the plot where the line is drawn, is to be laid off for farms, stables, etc., for the use of the city; so that no barns or stables will be in the city among the houses; the ground to be occupied for these must be laid off according to wisdom. On the north and south are to be laid off the farms for the agriculturist, and sufficient quantity of land to supply the whole plot; and if it cannot be laid off

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1D.H.C., I, 357-59.
without going too great a distance from the city, there must also be some laid off on the east and west.

When this square is thus laid off and supplied, lay off another in the same way, and so fill up the world in these last days; and let every man live in the city for this is the city of Zion. All the streets are of one width, being eight perches wide. Also the space round the outer edge of the painted squares, is to be eight perches between the temple and the street on every side. No one lot, in this city, is to contain more than one house, and that to be built twenty-five feet back from the street, leaving a small yard in front, to be planted in a grove, according to the taste of the builder; the rest of the lot for gardens; all the houses are to be built of brick and stone. The scale of the plot is forty perches to the inch.
APPENDIX V

ORDINANCES PASSED BY THE LEGISLATIVE COUNCIL
OF GREAT SALT LAKE CITY, AND
ORDERED TO BE PRINTED

Penalty for riding horses without leave,
  driving cattle off the
  feeding range, &c.

No. 36. Feb. 24, 1849.

Sec. 1. That any person or persons, who is or are found riding horses or mules in this valley, which does not belong to him, her or them; not having permission from the owner, shall, on being convicted before the proper authority, be fined in the sum of not less than twenty-five dollars, for each offense.

Sec. 2. That any person or persons, found driving horses or mules from their feeding range, which does not belong to him, her, or them, and running them off their range, without permission from the owners, either to bring them to the Forts or elsewhere; shall, on being convicted before the proper authority, be fined in the sum of not less than twenty-five dollars for each offense.

Sec. 3. That any person, or persons, who is found driving oxen, cows, or young cattle from the feeding range, which does not belong to him, her, or them, without permission from the owners, either to the Forts or elsewhere, shall, on being convicted before the proper authority, be fined in the sum of not less than five dollars, for each ox, cow, or young creature, so drove from the range.

Sec. 4. That any person, or persons, on being convicted of breaking any of the above laws, by riding or driving horses, mules, oxen, cows, or young cattle as above stated, shall, in addition to the aforesaid fines, pay to the owners all damages: the amount of damages being assessed by competent authority.

Sec. 5. That in case of any person, or persons, being convicted on any of the aforesaid offenses, the fine shall be collected forthwith; one half of which shall be given to the informant, and the other half be paid into the Public Treasury.

Stud Horses, or Jacks, not to run at large.

No. 66. March 17, 1849.
That from and after this date, no Stud-Horse, or Jack over eighteen months old, shall be allowed to run at large in this valley, or in the regions round about, under the penalty of such Horse or Horses, Jack or Jacks being forfeited for the public use.

Water not to run across the street, without a bridge, &c.

No. 77. April 28, 1849.
That each Bishop in the City, be required to run furrows, and cut ditches around their wards, to keep the water from flooding the streets; and in all cases, where it is necessary, to convey the water across the street or public roads, the Bishops shall build, or cause, to be built, a sufficient bridge over the ditch: and in case of neglect, a fine of twenty-five dollars shall be assessed upon said ward, for every instance of water running across the public roads, and not having a bridge over it.

City Sexton.

No. 113. October 20, 1849.
On motion, Jesse W. Crosby was appointed Sexton for the City of the Great Salt Lake.

Penalty for throwing filth in the Public Water Courses, &c. in the City.

No. 121. November 10, 1849.
Sec. 1. Be it ordained, that from and after the passage of this Ordinance, any person killing beeves in this City, and suffering the filth from the dead carcasses to run in the public water courses, or washing entrails or other parts of dead cattle in the public water courses, shall, on conviction thereof, before any Bishop or Justice of the Peace, be fined in the sum of not less than five, nor more than fifty dollars for each offense.

Sec. 2. Any person placing raw hides, or other filthy substance in any public water course of this City, shall, on conviction of the same, before the proper tribunal be fined in any sum, not exceeding fifty, nor less than five dollars for each offense.

Sec. 3. That the Marshall and deputies, are hereby ordered to pay attention to the public water courses, and that they are hereby authorized to arrest, without process, and bring before any Bishop or Justice of the Peace, any persons, who shall violate the first or second sections of this Ordinance.
Assistant Supervisors of Streets

No. 122. November 10, 1849.

On motion, Resolved that an Assistant Supervisor be appointed in each ward of the City, to repair, and keep in repair the streets of the same; and the following persons were appointed Assistant Supervisors, for their respective wards, to wit:--

1st ward, Charles C. Burr, 9th " Sam'l A. Wooley,
2d " Thomas Moor, 10th ward, John Dalton,
3d " Erastus Bingham, 11th " John Lytle,
4th " John Preece, 12th " Daniel Hendricks,
6th " Levi Savage, sr. 13th " C. V. Spencer,
7th " Vinson Shurtliffe, 14th " John Van Cott,
8th " William Glover, 15th " Wm. A. Empy,
15th " Wm. A. Empy, 17th ward, Martin Peck,
16th " William Miller, 19th " Peter Nebeker.

Sawing Lumber, allowed one third.

No. 125. November 24, 1849.

That no person owning a saw mill, shall be allowed more than one third of the lumber for sawing; and wherein they have taken more than the one third, that they shall refund the amount to the owner of the logs.

Cattle in the Stray Pound, after one Month to be sold.

No. 76. April 28.

Resolved, that from and after the first day of May, 1849, the inhabitants of the Valley of the Great Salt Lake, be required to keep all kinds of stock off the farming land, and city lots, and further resolved, that after the above date, all kinds of stock, found loose on the farming lands, and city lots, shall be delivered over to the Marshall or the Bishops of the several wards, who shall collect from the owner of each trespassing creature, the sum of one dollar for each offense, together with damages and expenses.

No. 127. November 24, 1849.

That all cattle, that have been on the hands of the owners of the Stray Pound, over one month be sold, and the proceeds be put into the perpetual poor emigrating fund.
AN ORDINANCE CREATING AN OFFICE FOR THE RECORDING OF "MARKS AND BRANDS" ON HORSES, MULES, CATTLE, AND ALL OTHER STOCK.

Passed by the Legislative Council, Saturday Dec. 29, 1849.

No. 130.

Sec. 1. Be it ordained that an office be, and is hereby created for the purpose of recording, marks and brands, put on horses, mules, cattle, cows, and all other stock, owned by the citizens of the Valley of the Great Basin.

Sec. 2. It shall be the duty of the Recorder of said office, to keep a fair and faithful record of all marks, or brands, put on all horses, mules, cattle, cows, and all other stock owned by the citizens of the Valley of the Great Basin, together with the names of owners of said brands, and place of residence, whenever application is made for the same by the owners thereof, and to define and designate the particular marks or brands, to be used by each individual.

Sec. 3. It shall be the duty of the Recorder to consult the convenience of each person applying, for a mark, or brand, provided, the brand applied for has not previously been recorded to some other person, and to furnish to any person desiring it a certificate of his or her brand, recorded by him, free of charge.

Sec. 4. It shall be the duty of the Recorder to keep exposed in his office, or at some public place near the Temple Block, a faithful copy of all marks or brands, recorded by him, and the names of the owners of said brands.

Sec. 5. The Recorder's fees, for recording any mark or brand on his record, shall not exceed fifty cents, for each mark or brand recorded.

Sec. 6. That William Clayton be appointed the Recorder of Brands, according to the provisions of this ordinance.

Sec. 7. It shall be the duty of the Recorder, to furnish a printed copy free of charge, of all marks, brands, and record of brands, to every individual applying for the same, and having a certificate of record, as speedily as possible after the entry of one hundred brands, also to repeat the same on the completion of the entry of every succeeding hundred.

Sec. 8. Any person finding cattle or any animals intended in this ordinance having recorded brands in any enclosure, or any place where they may be doing damage, shall immediately secure and take good care of the same, and search diligently, and restore the animal or animals to the owners, who shall be liable for all reasonable cost, and damages: and if the owner cannot be found after diligent search, said animals may be driven to the Stray Pound.

Sec. 9. It shall be the duty of every person selling or disposing of any animal having a recorded brand, to reverse the same on said animal; but if any person shall alter or deface, any recorded brand, on any animal; or place, or cause to be placed his own, or other brand on any animal not belonging to said individual; he or they
shall be subject to any or all penalties of this Ordinance, together with further punishments, applicable to felonious offenses, at the discretion of the Court, having jurisdiction.

Sec. 10. Be it further ordained, that whenever horses, mules, cattle, cows, or other stock having Recorded Brands, are put in the Stray Pound, it shall be the duty of the overseers of the Stray Pound to use due diligence to ascertain the names of the owners of said stock, both by reference to the Record of Brands and otherwise; and to notify the owners of the same if known; or publish the same with the marks or brands in four public places of the city, within three days from the time, said stock are put in the Pound.

Sec. 11. Any officer or individual, violating any provision of this Ordinance, shall be liable to a penalty of not less than one dollar, nor more than one thousand, at the discretion of the Court, having jurisdiction thereof.
Section 1. Be it enacted by the people of the State of Illinois, represented in the General Assembly, that all that district of country embraced within the following boundaries, to wit: beginning at the north east corner of section thirty-one in Township seven, north of range eight, west of the fourth principal meridian, in the county of Hancock, and running thence west to the northwest corner of said section, thence north to the Mississippi river, thence west to the middle of the main channel of the said river; thence down the middle of said channel to a point due west of the southeast corner of fractional section number twelve in township six, north of range nine, west of the fourth principal meridian, thence east to the southeast corner of said section twelve, thence north on the range line between township six north, and range eight and nine west, to the southwest corner of section six in township six north of range eight west, thence east to the southeast corner of said section, thence north to the place of beginning, including the town plats of Commerce and Nauvoo, shall hereafter be called and known by the name of the "City of Nauvoo," and the inhabitants thereof are hereby constituted a body corporate and politic by the name aforesaid, and shall have perpetual succession, and may have and use a common seal which they may change and alter at pleasure.

Sec. 2. Whenever any tract of land adjoining the "City of Nauvoo" shall have been laid out into town lots, and duly recorded according to law, the same shall form a part of the "City of Nauvoo."

Sec. 3. (2) The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be imploaded, defend and be defended, in all courts of law and equity, and all actions whatsoever; to purchase, receive and hold property, real and personal, in said city, to purchase, receive, and hold real property beyond the city, for burying grounds, or for other public purposes, for the use of the inhabitants of said city, to sell, lease, convey or dispose of property, real or personal, for the benefit of the city, to improve and protect such property, and to do all other things in relation thereto as natural persons.


2Corresponding sections of the Great Salt Lake City Charter of 1851 are placed in parentheses. A similar comparative technique was used by Morgan, p. 107n.
Sec. 4. (3) There shall be a City Council, to consist of a Mayor, four Aldermen, and nine Councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The City Council shall judge of the qualifications, elections and returns of their own members, and a majority of them shall form a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 5. (4) The Mayor, Aldermen and Councilors, before entering upon the duties of their office, shall take and subscribe an oath or affirmation that they will support the Constitution of the United States, and of this State and that they will well and truly perform the duties of their offices to the best of their skill and abilities.

Sec. 6. (5) On the first Monday of February next, and every two years thereafter, an election shall be held for the election of one Mayor, four Aldermen, and nine Councillors; and at the first election under the Act, three Judges shall be chosen viva voce by the electors present. The said Judges shall choose two Clerks, and the Judges and Clerks, before entering upon their duties, shall take and subscribe an oath or affirmation such as is now required by law to be taken by Judges or Clerks of other elections; and at all subsequent elections, the necessary number of Judges and Clerks shall be appointed by the City Council. At the first election thus held, the polls shall be opened at 9 o'clock a.m. and closed at 6 o'clock p.m.; at the close of the polls the votes shall be counted and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the Clerks shall leave with each person elected, or at his place of residence, within five days after the election, a written notice of his election; and each person so notified shall within ten days after the election take the oath or affirmation hereinbefore mentioned, a certificate of which oath shall be deposited with the Recorder, whose appointment is hereafter provided for, and be by him preserved; and subsequent elections shall be held, conducted and returns thereof made as may be provided for by ordinance of the City Council.

Sec. 7. (6) All free white male inhabitants, who are of the age of twenty one years, who are entitled to vote for State Officers, and who shall have been actual residents of the city sixty days next preceding said election, shall be entitled to vote for City Officers.

Sec. 8. (7) The City Council shall have authority to levy and collect taxes, for city purposes, upon all property, real and personal, within the limits of the city, one-half per cent per annum, upon the assessed value thereof, and may enforce payment of the same in any manner, to be provided by ordinance, not repugnant to the Constitution of the United States or of this State.

Sec. 9. (8) The City Council shall have power to appoint a Recorder, Treasurer, Assessor, Marshal, Supervisor of streets, and all such other officers as may be necessary, and to prescribe their duties and remove them from office at pleasure.

Sec. 10. (9) The City Council shall have power to require, of all officers appointed in pursuance of this Act, bonds, with penalty and security, for the faithful performance of their respective duties,
such as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices.

Sec. 11. (10) The City Council shall have power and authority to make, ordain, establish and execute all such ordinances, not repugnant to the Constitution of the United States or of this State, as they may deem necessary for the peace, benefit, good order, regulation, convenience, and cleanliness of said city: for the protection of property therein from destruction by fire, or otherwise, and for the health and happiness thereof: they shall have power to fill all vacancies that may happen by death, resignation, or removal, in any of the offices herein made elective; to fix and establish all the fees of the office of said corporation not herein established; to impose such fines, not exceeding one hundred dollars, for each offense, as they may deem just, for refusing to accept any office under the corporation, or for misconduct therein; to divide the city into wards; to add to the number of Aldermen and Councilors, and apportion them among the several wards as may be most just and conducive to the interests of the city.

Sec. 12. (19) To license, tax, and regulate auctions, merchants, retailers, grocers, hawkers, peddlers, butchers, pawn-brokers, and money-changers.

Sec. 13. (34) The City Council shall have exclusive power within the city, by ordinance, to license, regulate, and restrain the keeping of ferries; to regulate the police of the city; to impose fines, forfeitures, and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties; and to pass such ordinances, as may be necessary and proper for carrying into execution the powers specified in this Act; provided such ordinances are not repugnant to the Constitution of the United States or of this State, and in fine to exercise such other legislative powers as are conferred on the City Council of the City of Springfield, by an Act entitled an Act to Incorporate the City of Springfield, approved February 3rd, 1840.

Sec. 14. (35) All ordinances passed by the City Council shall, within one month after they shall have been passed, be published in some newspaper printed in the city, or certified copies thereof be posted up in three of the most public places in the city.

Sec. 15. (36) All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all courts or places without further proof.

Sec. 16. (37) The Mayor and Aldermen shall be conservators of the peace within the limits of said city, and shall have all the powers of Justices of the Peace therein, both in civil and criminal cases, arising under the laws of the State; they shall, as Justices of the Peace, within the limits of said city, perform the same duties, be governed by the same laws, give the same bonds and security, as other Justices of the Peace, and be commissioned as Justices of the Peace in and for said city by the Governor.

Sec. 17 (38) The Mayor shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry such ordinances into
execution and effect; appeals may be had from any decision or judgment of said Mayor or Aldermen, arising under the city ordinances, to the Municipal Court, under such regulations as may be presented by ordinance; which court shall be composed of the Mayor as Chief Justice, and the Aldermen as Associate Justices, and from the final judgment of the Municipal Court to the Circuit Court of Hancock county, in the same manner as appeals are taken from judgments of the Justices of the Peace; provided that the parties litigant shall have a right to a trial by a jury of twelve men in all cases before the Municipal Court. The Municipal Court shall have power to grant writs of habeas corpus in all cases arising under the ordinances of the City Council.

Sec. 18. (39) The Municipal Court shall sit on the first Monday of every month, and the City Council at such times and place as may be prescribed by city ordinance; special meetings of which may at any time be called by the Mayor or any two Aldermen.

Sec. 19. (40) All process issued by the Mayor, Aldermen, or Municipal Court, shall be directed to the Marshal, and, in the execution thereof, he shall be governed by the same laws as are or may be prescribed for the direction and compensation of constables in similar cases. The Marshal shall also perform such other duties as may be required of him under the ordinances of said city, and shall be the principal ministerial officer.

Sec. 20. (41) It shall be the duty of the Recorder to make and keep accurate records of all ordinances made by the City Council, and of all their proceedings in their corporate capacity, which record shall at all times be open to the inspection of the electors of said city, and shall perform such other duties as may be required of him by the ordinances of the City Council, and shall serve as Clerk of the Municipal Court.

Sec. 21. (42) When it shall be necessary to take private property for the opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation therefor to the person whose property is to be taken, and if the amount of such compensation cannot be agreed upon, the Mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

Sec. 22. (43) All jurors compelled to inquire into the amount of benefits or damages that shall happen to the owners of property so proposed to be taken, shall first be sworn to that effect, and shall return to the Mayor their inquest in writing, signed by each juror.

Sec. 23. (44) In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully, and corruptly be guilty of oppression, mal conduct, or partiality, in the discharge of the duties of his office, he shall be liable to be indicted in the Circuit Court of Hancock county, and on conviction he shall be fined not more than two hundred dollars, and the court shall have power on the recommendation of the jury to add to the judgment of the Court that he be removed from office.

Sec. 24. The City Council may establish and organize an institution of learning within the limits of the city, for the teaching of the Arts, Sciences, and Learned Professions, to be called the "University of the City of Nauvoo," which institution shall be under the
control and management of a Board of Trustees, consisting of a Chancellor, Registrar, and twenty-three Regents, which Board shall thereafter be a body corporate and politic, with perpetual succession by the name of the "Chancellor and Regents of the University of the City of Nauvoo," and shall have full power to pass, ordain, establish, and execute, all such laws and ordinances as they may consider necessary for the welfare and prosperity of said University, its officers and students; provided that the said laws and ordinances shall not be repugnant to the Constitution of the United States, or of this State; and provided also, that the Trustees shall at all times be appointed by the City Council, and shall have all the powers and privileges for the advancement of the cause of education which appertain to the Trustees of any other College or University of this State.

Sec. 25. The City Council may organize the inhabitants of said city, subject to military duty, into a body of independent military men, to be called the "Nauvoo Legion," the Court Martial of which shall be composed of the commissioned officers of said Legion, and constitute the law-making department, with full power and authority to make, ordain, establish, and execute all such laws and ordinances as may be considered necessary for the benefit, government, and regulation of said Legion; provided said Court Martial shall pass no law or act, repugnant to, or inconsistent with, the Constitution of the United States, or of this State; and provided also that the officers of the Legion shall be commissioned by the Governor of the State. The said Legion shall perform the same amount of military duty as is now or may be hereafter required of the regular militia of the State, and shall be at the disposal of the Mayor in executing the laws and ordinances of the city corporation, and the laws of the State, and at the disposal of the Governor for the public defense, and the execution of the laws of the State or of the United States, and shall be entitled to their proportion of the public arms; and provided also, that said Legion shall be exempt from all other military duty.

Sec. 26. The inhabitants of the city of Nauvoo are hereby exempted from working on any road beyond the limits of the city, and for the purpose of keeping the streets, lanes, avenues, and alleys in repair, to require of the male inhabitants of said city, over the age of twenty-one, and under fifty years, to labor on said streets, lanes, avenues, and alleys, not exceeding three days in each year; any person failing to perform such labor, when duly notified by the Supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

Sec. 27. (45) The City Council shall have power to provide for the punishment of offenders by imprisonment in the county or city jail, in all cases when such offenders shall fail or refuse to pay the fines and forfeitures, which may be recovered against them.

Sec. 28. This Act is hereby declared to be a public Act, and shall take effect on the first Monday of February next.

Wm. L. D. Ewing,
Speaker of the House of Representatives.
S. H. Anderson,
Speaker of the Senate.

Approved Dec. 16, 1840.

Thos. Carlin.
State of Illinois, Office of Secretary of State.
I, Stephen A. Douglas, Secretary of State, do hereby certify that the foregoing is a true and perfect copy of the enrolled law now on file in my office.

Witness my hand, and Seal of State, at Springfield, this 18th day of December, 1840.

Secretary of State.

The following are the Legislative powers alluded to in the 13th section of the foregoing Act, as pertaining to the City Council of the City of Springfield, and which consequently became a part of the Charter of the City of Nauvoo, to wit:

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

Sec. 1. (7) The City Council shall have powers and authority to levy and collect taxes upon all property, real and personal, within the city, not exceeding one-half per cent., per annum, upon the assessed valuation thereof, and may enforce the payment of the same in any manner prescribed by ordinance, not repugnant to the Constitution of the United States and of this State.

Sec. 2. (9) The City Council shall have power to require of all officers appointed in pursuance of the Charters, bonds with penalty and security for the faithful performance of their respective duties as may be deemed expedient, and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices upon entering upon the discharge of the same.

Sec. 3. (11) To establish, support, and regulate common schools, to borrow money on the credit of the city: provided, that no sum or sums of money shall be borrowed at a greater interest than six per cent per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one half of the city revenue, arising for taxes assessed on real property within the corporation.

Sec. 4. (12) To make regulations to prevent the introduction of contagious diseases into the city, to make Quarantine Laws for that purpose, and enforce the same.

Sec. 5. (13) To appropriate and provide for the payment of the debt and expenses of the city.

Sec. 6. (14) To establish hospitals, and make regulations for the government of the same.

Sec. 7. (14) To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same.

Sec. 8. (15) To provide the city with water, to dig wells and erect pumps in the streets for the extinguishment of fires, and convenience of the inhabitants.

Sec. 9. (16) To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets,
Sec. 10. (16) To establish, erect, and keep in repair bridges.
Sec. 11. (10) To divide the city into wards, and specify the boundaries thereof, and create additional wards, as the occasion may require.
Sec. 12. (17) To provide for lighting the streets and erecting lamp posts.
Sec. 13. (17) To establish, support, and regulate night watches.
Sec. 14. (17) To erect market houses, establish markets, and market places, and provide for the government and regulation thereof.
Sec. 15. (18) To provide for erecting all needful buildings for the use of the city.
Sec. 16. (18) To provide for enclosing, improving, and regulating all public grounds belonging to the city.
Sec. 17. (19) To license, tax, and regulate auctioneers, merchants, and retailers, grocers, taverns, ordinaries, hawkers, peddlers, brokers, pawnbrokers, and money changers.
Sec. 18. (20) To license, tax, and regulate hackney carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.
Sec. 19. (20) To license and regulate porters and fix the rates of porterage.
Sec. 20. (21) To license and regulate theatrical and other exhibitions, shows and amusements.
Sec. 21. (22) To tax, restrain, prohibit, and suppress, tippling houses, dram shops, gaming houses, bawdy and other disorderly houses.
Sec. 22. (23) To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
Sec. 23. (23) To regulate the fixing of chimneys, and the flues thereof, and stove pipes.
Sec. 24. (24) To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.
Sec. 25. (25) To regulate and order parapet walls, and partition fences.
Sec. 26. (26) To establish standard weights and measures, and regulate the weights and measures to be used in the city in all other cases not provided for by law.
Sec. 27. (27) To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.
Sec. 28. (28) To provide for the inspection and weighing of hay, lime, and stone coal, the measuring of charcoal, firewood, and other fuel, to be sold or used within the city.
Sec. 29. (29) To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whiskey in barrels.
Sec. 30. (30) To regulate the weight, quality, and price of bread, sold, and used in the city.
Sec. 31. (31) To provide for taking the enumeration of the
inhabitants of the city.

Sec. 32. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinances.

Sec. 33. (32) To fix the compensation of all city officers, and regulate the fees of jurors, witnesses, and others, for services rendered under this Act or any ordinance.

Sec. 34. (34) To regulate the police of the city, to impose fines, and forfeitures, and penalties, for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

Sec. 35. (33) The City Council shall have exclusive power within the city by ordinance, to license, regulate, and suppress, and restrain, billiard tables, and from one to twenty pin alleys, and every other description of gaming or gambling.

Sec. 36. (34) The City Council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this Act, so that such ordinances be not repugnant to nor inconsistent with, the Constitution of the United States or of this state.

Sec. 37. The style of the ordinances of the city shall be--
"Be it ordained by the city council of the city of Springfield--[Nauvoo]."

Sec. 38. (35) All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

Sec. 39. (36) All ordinances of the city may be proven by the seal of the corporation, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.
APPENDIX VII

AN ACT INCORPORATING NEPHI CITY. ¹

Sec. 1. Be it enacted by the Governor and Legislative Assembly of the Territory of Utah: That all that portion of country situated within the following boundaries, to wit: commencing at the south east corner of the plot of Nephi city, in the county of Juab, in said Territory, and running thence west two miles; thence north four miles; thence east to the base of the mountain; thence southerly along the mouth of the kanyon [sic] and base of the mountain to a point opposite to the place of beginning, shall be known and designated as Nephi city; and is hereby incorporated under the name and style aforesaid; and the inhabitants thereof are hereby constituted a body corporate and politic, by the name aforesaid; and shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Sec. 2. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued; to plead and be impleaded; defend and be defended in all courts of law and equity and in all actions whatsoever; to purchase, receive and hold property, real and personal, in said city; to purchase, receive, and hold real property beyond the city, for burying grounds, or other public purposes, for the use of the inhabitants of said city; to sell, lease, convey or dispose of property, real and personal, for the benefit of said city; to improve and protect such property, and to do all other things in relation thereto, as natural persons.

Sec. 3. There shall be a city council, to consist of a mayor, four aldermen, and nine councilors, who shall have the qualifications of electors of said city, and shall be chosen by the qualified voters thereof, and shall hold their offices for two years, and until their successors shall be elected and qualified. The city council shall judge of the qualifications, elections, and returns of their own members, and a majority of them shall form a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such penalties as may be prescribed by ordinance.

Sec. 4. The mayor, aldermen, and councilors before entering upon the duties of their offices, shall take and subscribe an oath or affirmation, that they will support the Constitution of the United States, and the laws of this Territory, and that they will well

¹C.L., 1855, Pt. IV, Ch. IV.
and truly perform all the duties of their offices to the best of their skill and abilities.

Sec. 5. On the first Monday of April next, and every two years thereafter, on said day, an election shall be held for the election of one mayor, four aldermen, and nine councilors; and at the first election under this act, three judges shall be chosen, viva voce, by the electors present. The said judges shall choose two clerks; and the judges and clerks, before entering upon their duties, shall take and subscribe an oath or affirmation, such as is now required by law to be taken by judges and clerks of other elections; and at all subsequent elections the necessary number of judges and clerks shall be appointed by the city council. At the first election so held, the polls shall be opened at nine o'clock a.m., and closed at six o'clock p.m. At the close of the polls the votes shall be counted, and a statement thereof proclaimed at the front door of the house at which said election shall be held; and the clerks shall leave with each person elected, or at his usual place of residence, within five days after the election, a written notice of his election, and each person so notified, shall within ten days after the election, take the oath or affirmation hereinbefore mentioned; a certificate of which oath shall be deposited with the recorder, whose appointment is hereinafter provided for, and be by him preserved; and all subsequent elections shall be held, conducted, and returns thereof made, as may be provided for by ordinance of the city council.

Sec. 6. All free white male inhabitants who are of the age of twenty-one years, who are entitled to vote for territorial officers, and who shall have been actual residents of said city sixty days next preceding said election, shall be entitled to vote for city officers.

Sec. 7. The city council shall have authority to levy and collect taxes for city purposes, upon all taxable property, real and personal, within the limits of the city, not exceeding one half per cent. per annum upon the assessed value thereof; and may enforce the payment of the same, in any manner to be provided by ordinance, not repugnant to the Constitution of the United States or the laws of this Territory.

Sec. 8. The city council shall have power to appoint all such officers as may be necessary to carry into effect their legal enactments, define their duties, and remove them at pleasure.

Sec. 9. The city council shall have power to require bonds as they shall deem necessary, of all officers appointed by them, and require an oath or affirmation for the faithful discharge of the duties assigned them.

Sec. 10. The city council shall have power and authority to make, ordain, establish, and execute all such ordinances, and grant such licenses not repugnant to the Constitution of the United States, or the laws of this Territory, as they may deem necessary for the welfare of the inhabitants of said city, and for the protection of their property. They shall have power to fill all vacancies that may occur by death, or otherwise; to fix and establish all the fees of the officers of said corporation, not herein established; regulate the fees of witnesses and jurors, and all other services; to divide the city into wards, and specify the boundaries thereof, and create additional wards; to add to the number of aldermen and councilors, and apportion them among
Sec. 11. All ordinances passed by the city council, shall, within one month after they shall have been passed, be published in some newspaper printed in said city, or certified copies thereof be posted up in eight of the most public places in the city.

Sec. 12. The mayor and aldermen shall be conservators of the peace within the limits of the city, and shall have all the powers of justices of the peace, perform the same duties, be governed by the same laws, and be commissioned in the same manner as other justices of the peace within this Territory.

Sec. 13. The mayor and aldermen shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall issue such process as may be necessary to carry said ordinances into execution and effect. Appeals may be had from any decision or judgment of said mayor or aldermen, arising under the ordinances of said city, to the municipal court, under such regulations as may be prescribed by ordinance, which court shall be composed of the mayor as chief justice, and the aldermen as associate justices; and from the final judgment of the municipal court, to the probate court in the county of Juab, in the same manner as appeals are taken from justices of the peace: Provided, the parties litigant shall have a right to a trial by jury of twelve men, in all cases before the municipal court. The municipal court shall have power to grant writs of habeas corpus, and try the same in all cases arising under the ordinances of the city council.

Sec. 14. The municipal court shall sit at such times and places as shall be prescribed by the city council, who shall sit when they think proper, and make their own adjournments. Special meetings of which may at any time be called by the mayor, or any two aldermen.

Sec. 15. It shall be the duty of the recorder, to make and keep accurate records of all ordinances made by the city council, and of all their proceedings in their corporate capacity, which record, shall at all times be open to the inspection of the electors of said city, and shall perform all other duties as may be required of him by the ordinances of the city council, and shall serve as clerk of the municipal court.

Approved March 6, 1852.
APPENDIX VIII

A MUNICIPAL ELECTION IN
PROVO CITY, 1868

Mass Meeting for Municipal Elections, Prayer by Bishop A. O. Smoot, Singing.

The following ticket was unanimously sustained: Mayor Abraham O. Smoot, Aldermen E. F. Sheets, Wm. Miller and Myron Tanner. Councillors Wilford Woodruff, Joseph F. Smith, A. F. Macdonald, Geo. G. Bywater & David Cluff, Jr.

Mayor A. O. Smoot thanked the congregation for the nomination and gave as his politics, "The Kingdom of God." Remarks were made by Elders Taylor & Woodruff and Pres. B. Young.

1Early History of Provo, Ms, February 8, 1868, p. 105.
APPENDIX IX

A UNIQUE, APPOINTIVE OFFICE

IN PROVO CITY

City Scavenger

The city scavenger shall perform such duties as are, or may hereafter be, imposed upon him by ordinance, order or resolution of the city council in reference to the public health and cleanliness of the city.

1Provo City, Revised Ordinances, 1893, Ch. XXVI, Sec. 90.
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