Mormon Settlement of Snake River Fork Country, 1883-1893

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MORMON SETTLEMENT OF
SNAKE RIVER FORK COUNTRY 1883-1893

A THESIS
SUBMITTED TO THE
DEPARTMENT OF HISTORY
BRIGHAM YOUNG UNIVERSITY

In partial fulfillment
of the requirement for the Degree
Master of Science

by
Norman Earl Ricks
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Norman E. Ricks
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CHAPTER I

INTRODUCTION

The most interesting and important place in the world is where a man lives. His home becomes the finest place on earth regardless of its merits in relation to other habitats. After years of residence the history of the country takes on reality and significance and a long acquaintance reveals elements of romance and adventure that enhance ones love of his surroundings. This is one of the reasons for this thesis topic. During a young impressionable life the stories of Indians, trappers, pioneers, rustlers and polygamist, have been constantly a part of the environment of the author. Long trips in the mountains hunting, fishing, camping, and logging have added to this feeling of veneration and fondness for the country. Others have written many of these early events down but a complete synchronization does not appear in any one place.

Added to the fondness for the region is a genuine feeling that here is a peculiar chapter in western American history that has not been completely written. This section of Idaho has been entirely neglected by most historiographers. Even the reports of the Territorial Governors were silent on the settlement and conquest of this region. Whether this neglect has been purposefully or innocently done is not fully clear.
Political ostracism seems apparent in earlier writings, though location is probably a greater factor. This peculiar valley between the forks of the Snake river was largely isolated until ten years after its settlement. Most Idaho history was written about the seat of government and about the communities that could be visited by railroad. For that reason mainly, little was included of this section in early writings. The geography of southeastern Idaho also places this section in a poor position in relation to the early settled parts of southern, central and northern Idaho. The history of this section is very closely connected with Utah. The people today still trade and visit Utah much more than Boise, the State Capitol. Many more students attend Utah universities than Moscow. This is readily understandable for two reasons, one, the distance, and two, the religious and social background and affiliation of the people.

In the matter of distance it is 380 miles from Rexburg (the center of this study) to the state capitol at Boise, while it is only 260 miles to Salt Lake City and less than 200 to Logan, Salt Lake City and Provo are all much closer. The shopping centers at Logan, Ogden, and Salt Lake City are correspondingly closer and more selective than Boise. All freight and produce from the east coast or California pass through Utah before reaching Boise and are that much nearer for southeastern Idahoans.

In religious affiliation and social background there is
even a more convincing tie between Utah and southeastern Idaho. The people, after over sixty years of settlement, are still predominantly Latter-day Saint. The first permanent settlements were offspring of Utah parents notably Cache Valley, a distance of some 190 miles. Many of the settlers had parents or near relatives living in Utah. The close supervision of the colonization by Church Authorities and actual financial assistance all helped draw the ties a little closer. A great part of this feeling came during the 1880's as a result of the persecution and prosecution resulting from the belief of the Latter-day Saints in polygamy. Another element of this tie arose from the similarity of social background as a result of church membership. Wherever there was a group of Latter-day Saints they met together for worship and recreation. The unitary nature of worship and recreation made them feel similarly welcome regardless of where they met.

The predominant membership of the early settlers in the Church of Jesus Christ of Latter-day Saints makes this study peculiar in itself; another singular element is the period of colonization. Oregon had been settled and had obtained statehood many years previously. The Indians had been on reservations for many years and in most parts of the west, railroads, roads, bridges, and modern conveniences were the order. One hundred years after the Constitution was adopted Rexburg had no rail connection, no direct bridge connection with other
settlements and the buildings were mostly crude log houses. Within a few miles abundant deer, antelope, elk and bear were available. Another peculiarity to this region and study is the political disfranchisment of an entire section of a state within the "Great American Republic". Here was a people without ability to vote, teach school, testify as a witness in court, hold any public office or enjoy the privilege of citizenship.

For these reasons and many others this appeared to be a chapter of history worthy of writing. There is little indication that this section of country will ever be a thriving metropolis. With modern methods of agriculture replacing the animal and manual method it is likely that the present population is about as large as can comfortably be maintained. From this type community comes the stabilizing influence so much needed in the modern world. There are possibly valuable lessons for America in many aspects of this study for that reason. Only as the citizens of this region take their place in a modern world and rise or sink upon its perplexing stream will the sacrifices of their progenitors be condemned or vindicated.

As a result of the peculiar actors in this drama some explanation will be indulged here to clarify terms and circumstances that will appear in the main study. The circumstances above indicate the close affinity of southeastern Idaho and
Utah. Some explanation of the Latter-day Saint church organization may be beneficial to those not acquainted with its organization and the part it played in western history.

The Church of Jesus Christ of Latter-day Saints is founded on the principle of Divine Revelation. Standing at the head is a President with two Counselors. The President is recognized as the authorized mediator between God and the Church. He is regularly sustained as Prophet, Seer and Revelator, also President of the Church. Directly under the President is a Quorum of Twelve Apostles also sustained as Prophets, Seers, and Revelators for the whole Church. Next in the descending chain of command is the Quorum of Seventy who act as traveling missionaries and assist the Twelve Apostles in missionary activity and administration. The temporal administration is carried on by a Presiding Bishop and two Counselors who act as administrators for the whole church. The authorities of the Church and all worthy male members are bearers of the Priesthood. These are divided into two orders, the Melchizedek and the Aaronic; the latter being an appendage to the former. All Elders, Seventies and High Priests hold the Melchizedek Priesthood while Deacons, Teachers, and Priests are the connotations of Aaronic holders. Elder is used to denote any holder of the higher priesthood including members of the Quorum of the Twelve and First Council of Seventy.

The Church collectively is divided for administrative
functions into Stakes, Wards, Missions, and Branches. A Ward is a local body of the Church presided over by a Bishop (with two Counselors), who is a High Priest, directly responsible for all members in his Ward. A group of Wards is presided over by a Stake President who is a High Priest (with two Counselors) who is directly responsible for the supervision and spiritual needs of the group of Wards over which his jurisdiction extends. He is assisted by a High Council of Twelve High Priests who represent him in the Wards and supervise diverse activities carried on in Stake capacity. The Stake organization is responsible to the head of the Church. A Mission is a field of proselyting activity separated from the main organization of the Church where there are too few members to effect a Ward and Stake organization. This unit is presided over by a Mission President. Within a Mission any local group large enough to hold regular meetings and containing men holding the Priesthood is organized into a Branch. The Mission and Branch are similar in many respects to the Stake and Ward relationship. Membership is in the Church, with the local organization being only a unit of the whole Church. To keep a unity of purpose and properly inform the membership a series of meetings are held in the supervisory divisions. Once every three months a conference is held in each Stake for all members in that division, called Quarterly Conference. Twice, each year a General Conference of
the whole Church is held, on April 6, the anniversary of the founding of the Church, and in October. This Conference is for all members of the Church at which time instructions and counsel are given and all have a vote for any changes made and to sustain officers.

In the early days of the Church in the west (first group reached site of Salt Lake City July 24, 1847) a plan of colonization was followed which had been received as a revelation by Joseph Smith, Founder of the Church. This plan consisted of a centralized settlement. The townsite would be surveyed in ten acre blocks with wide streets running at right angles, separating the blocks. Each family would have a lot in town (usually 2-1/2 acres) with residence there. Then the land surrounding would be divided according to a plan for each family to have as much as they could cultivate. Usually common grazing, timber and hay land was used by all. The Church usually had some Co-operative activity to raise money for the Missionary Fund. Any holder of the Priesthood (usually Higher) was subject to call as a Missionary for a term ranging from a few months to several years. All men who worked in the Church and Missionaries paid their own way. Besides this the Law of Tithing was practiced to support the building expense, education, maintenance of the poor et cetera.

One tenet of the Faith brought a great deal of controversy to this period of history. That was a belief in plural
marriage (called polygamy). Under this plan a worthy man who had ample means and could obtain the sanction of his first wife and authority from the Church leaders was allowed to marry a second wife. The part this played will be explained in detail later. The conflict arose over the passage of Federal and Territorial laws prohibiting this practice. The Church members were between two fires for one of their Articles of Faith stated: "We believe in being subject to Kings, Presidents, rulers and magistrates in obeying, honoring and sustaining the Law". They were at first sure the law was a violation of religious conviction, but when upheld by the Supreme Court they then had a conflict in view which was not resolved until October 6, 1890 when the President of the Church issued a Manifesto banning the belief from Church doctrine. It had not been practiced for some time but remained doctrine until the above mentioned date.

This is not a complete treatment of Latter-day Saint doctrine or Church organization but a generalization of major points that will appear in the body of this study. All who were not members of the Church were spoken of as Gentiles, all members were spoken of as Brother and Sister or as Brethren and Sisters. Bishop refers to the local leader of a Ward, President to either the head of the Church, head of a Mission, head of a Stake, or head of an auxiliary organization. Polygamy refers to the practice of one man having more than one wife.
A Mission is a period of time spent in non-remunerative proselyting activity or an administrative area where this work is carried on. Elder refers to any member of the Melchizedek Priesthood, (Priesthood the authority to act in the functions of the Church in the name of Deity). Conference refers to either the Quarterly meeting of the Stake organization or the semi-annual meeting of the body of the Church. This is a thumb nail recapitulation.

To make a coherent development a rough sketch of early history will be drawn to place the valley in a proper setting in relation to other places in the west and movements that were carrying on. It is not possible to include all that happened nor to pay due respect to all who participated. People are more important than movements in one sense, yet movements do not happen—they are brought about by people. To borrow from Charles A. Beard, the authors material falls readily into a "Frame of Reference". There is no conscious effort to be arbitrary and the author has no point to prove other than the peculiarity and interest of this section and period of history.
CHAPTER II

PHYSICAL FEATURES

"The Snake River Fork Country" is a literal description of the country included in this study.\(^1\) The Snake River has a two prong source, the North or Henry's Fork, rising in the Island Park country at Henry Lake and Big Springs, Idaho, and the South Fork in Yellowstone Park, Wyoming.\(^2\) As the two branches descend toward a convergence they create a peculiar pyramid of land with Rexburg near the apex, midway between the two forks.\(^3\) This upper end of the upper Snake River Valley must have had a geological history of great activity. This is not apparent until the surrounding mountains are visited for there is found evidence of sea fossils indicating a former state of inundation. Some point out the peculiar formations as successive water levels of a once great lake. To add to the interest is a cold volcanic crater in the southwest which once must have ejected lava over the surrounding country. In the Teton Valley the cliffs look as though a huge knife had dissected them exposing

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\(^3\)Andrew Jensen, *The Bannock Stake* (Salt Lake City: The Deseret News Press, 1891), p. 128 information adapted from map.
their innermost secrets. Here is a geological paradise where successive upheavals and deposits can be studied layer by layer. The striations on the rocks indicate that the country was once covered by ice. The text books on geology would do well to reproduce some of the moraines and cirques of these mountains as excellent indication of ice ages.¹

The Teton mountains, forty miles from Rexburg, seem very new geologically and yet much of the valley is composed of a volcanic ash soil which would indicate some age of deterioration since any violent upheavals. Some writers indicate the action of the wind as playing an important part in the top soil formation.² It is evident to the amateur that river action has also done a great deal in this particular location in soil deposition and formations. Records of early pioneers are unanimous in stressing the flood action of the rivers in the early days of settlement.³ The soil composition varies from the light volcanic ash in the east and south to sand dunes in the north. In places the soil is very heavy and gravelly, a few miles away a rich sandy loam will crop out and around Egin the soil is almost

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¹This information was obtained from Camp of the Tetons, Boy Scout of America and on two hikes in the mountains with Ricks College Summer School.


³Personal interview with Josie Thompson, 19 December 1949, a early resident. Today the Government expends thousands of dollars annually to curb the Snake River. The numerous sloughs, dry beds, and empty channels are mute indicators of river action.
entirely sand. The majority would be classed as sandy loam in the valley and volcanic ash on the south and east bench lands.

Flowing down to the Snake river from the surrounding mountains are numerous streams of varying size adding volume to the "Nile of Idaho" as it flows on to become the great Columbia carrying vessels on its bosom to the Pacific.\(^1\) Commencing on the north is Fall River which empties into Henry's Fork of Snake River north of St. Anthony. Next comes the Teton, a drainage basin for Teton Valley, with tributaries entering as it descends toward the Snake. It branches north of Teton City with the north branch flowing west to Henry's Fork and the south branch following a tortuous course south then west to enter Henry's Fork below Rexburg. In the east is Canyon Creek which drains the mountains of that region into the Teton River. It has as tributaries Calamity Creek, Carlton Creek, Warm Creek, and Spring Creek.\(^2\) In the southeast the source of Moody Creek drains that mountain area with Sheep Creek and other small tributaries into the south fork of the Teton River northeast of Rexburg. In the extreme southeast is Lyman Creek draining into the South Fork of the Snake River. In the southwest besides the Snake River itself are three large sloughs, Texas, Warm, and Bannock Jim, with innumerable unnamed ones forming a water

\(^1\)Brosnan, op. cit., p. 12.

\(^2\)Beal, The Snake River Fork Country, p. 11 map. Also personal experience in logging, fishing and hunting on the streams mentioned.
network through the lowlands. This great drainage area or watershed is adequately supplied with water from the heavy snows which blanket the mountains each winter. With few dry periods since its earliest settlement, this source of water has been the life blood of the valley since white men first became acquainted with it.¹

A partial mental picture of the streams show that the general direction of flow is from northeast to southeast. Most of the small tributaries flow west into Henry's Fork which flows south and a little west. The Clark, or South Fork, flows west and a little north until its junction with the North Fork then makes a huge bend and flows nearly due south for many miles². This would indicate that the land rises gently from the southwest toward the northeast, which is generally correct. However, the edge of the valley rises rather abruptly into rolling hills with some vast stretches of level land. This level bench land and rolling hill country is some of the finest dry farm land in America, a rather marked change from the days of the pioneers. Where the altitude and terrain become incompatible for dry

¹In 1932-33 a dry winter was followed by an extremely dry summer in which there was inadequate water to meet the irrigation demands. The Teton River was dammed at its forks and all the water sent down the North Fork. The people took barrels of fish out of the holes during this time. Since then fishing has never been restored to its former excellence. Some of the Creeks dried up and most crops were way below average.

²Jensen, op. cit., p. 128 map.
farming, a vast cattle and sheep range is well interspersed with stands of quaking aspen, pine, douglas fir and other timber.

The valley and surrounding country with an elevation of 4,500 to 5,000 feet and a rainfall of slightly over eleven inches were not too attractive to those who visited it with permanent settlement in mind, but to the early trapper and cattleman it was more attractive. The Indians did not live in the valley but hunted and fished there regularly. There were deer, antelope, elk, buffalo and bear in the large animal category while trappers were able to catch abundant beaver, fox, wolverine, muskrat, badger, and martin. The land was covered with sage brush and bunch grass while the river bottoms were filled with cottonwood, willows, hawthorne, birch, and kinnikinic.

The weather must be mentioned as a final feature for the setting before plunging into the detail of conquest and settlement. The time of consideration is of vital importance with regard to the weather, for it varies from extreme cold to mild and from ten foot drifts to six inches of level snow, according


2Beal, The Snake River Fork Country, p. 9. The buffalo, antelope and most of the elk and bear are now gone but deer are quite plentiful also an occasional moose. The fur bearing animals are rare today but badgers, muskrats, martins
to the year. The first trappers said it was too cold to raise potatoes or grain and one Indian told one of the first settlers that it was, "nine months winter and three months late fall."\(^1\) A story from the Teton Pioneers states that one winter they could not travel except on snow shoes for the snow was ten feet deep in most places. The snow did not melt until May which caused a poor crop that year. In 1933 at Tetonia the temperature was recorded at fifty-seven degrees below zero on February 8.\(^2\) One final disconcerting feature of the valley is the wind. A wind blows across the valley from the southwest most of the time during the year. At times this wind attains a velocity of sixty miles an hour which causes dust storms in the summer and spring, and severe blizzards in the winter.

This all adds up that it was not the most desirable place in which to live and justifies a statement by Brigham Young, after an extended visit to Idaho in 1857, \textit{when} he said:

\begin{quote}
and wolverines are still trapped. Beaver are protected by law and have been trapped where possible by the state and moved to the mountains as a conservation measure.
\end{quote}


\(^2\)Ibid., p. 36-37. In 1949 when the old Pioneers were asked how the weather compared with the old days they all answered that, "this is as bad as any we have seen." I do not believe the weather has changed in any noticeable manner as is portrayed by some western historians. Modern conveniences make our winters seem milder.
The farther we go north, the less good characteristics are connected with the valleys, except in articles of fish, water, and in some instances timber; and when the people are obliged to live in the north country, that will be high time for them to go there.¹

TETON RIVER AT FLOOD STAGE

Photo from Rexburg Journal taken March 1, 1950. This is a typical scene for the Teton River and other tributaries of the forks of Snake River which flood the valley each year.
CHAPTER III.

TRAPPERS AND TRADERS

There cannot be a complete or true list of the early visitors and trappers in the valley but some of the notables will be mentioned to indicate that this was not an unknown place and to record here the rich legacy of the peculiar era of explorer, trapper, and unorganized individual settler. Historians agree that Lewis and Clark were early visitors to the region but probably did not come through this particular valley.\(^1\) The report they made was far more influential in bringing trappers for the next two decades than home seekers, and our valley was visited by many of these men in search of the wealth in furs that its streams held.

As the Lewis and Clark expedition was floating down the Missouri River one of the men, John Colter, asked for a discharge and soon made his way back to the trapping country. In 1808 as an employee of the Missouri Fur Company Colter made a trip into the Teton Valley on the east with a group of Crow Indians. While they were camped there a group of Blackfeet Indians came into the valley and a battle ensued. This is

\(^1\text{Brosnan, op. cit., p. 31.}
\text{Beal, History of Southeastern Idaho, p. 64.}

18
known as the "Battle of Flats" and is one of the first recorded battles in close proximity to this area of study. There were about 800 Crow Indians and 1500 Blackfeet which made a good battle. This was a contest of bows and arrows, Colter being the only man with a gun. He made a good showing for himself but was wounded in the leg in the process of the fight. Neither side won a decided victory and the sides retired to their respective hunts. Colter rested until his leg healed then made his way north into what is now Yellowstone Park thus becoming its discoverer.  

In 1810 Andrew Henry of the same company as Colter was driven from his post on the forks of the Missouri by the same Blackfeet Indians and in seeking a new place settled in the valley on the North Fork of the Snake River. "This was the first trading post ever built in the valley of the Columbia or west of the Continental Divide." The name "Fort Henry" was appropriately given to the post and the river on which it was located was named Henry's Fork, a name it still bears. The winter was a long hard one, snow was very deep and the game went to more sheltered areas leaving the men to make the most

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2Ibid, p. 22.
4Ibid, p. 144. This is one of histories paradoxes for
of their position. Their diet was mostly horse meat until nearly spring, then, when the meat was gone, soup made of the horse hides.\textsuperscript{1} After such an introduction to the valley it is little wonder the Fort was abandoned as soon as spring came. The report Henry's men gave of the stay in the valley did not help in later settlement. However, the Fort was built and acted as a stopping place for weary trappers for many years to come.\textsuperscript{2}

The Wilson Price Hunt expedition of the Pacific Fur Company paid a visit to the valley and to Fort Henry in October of 1811 on their way to the Pacific.\textsuperscript{3} Here they left their horses with some Indians and built canoes to descend the river. It was decided to leave part of the group here and five men, Edward Robinson, John Hoback, Jacob Reznor, Martin Cass, and Joseph Miller, volunteered for the job.\textsuperscript{4} The main group of Hunt's party in their canoes glided down the Snake, happy at their fortune of an easier way. They portaged around Idaho Falls and went singing down the river. Their description of St. Anthony was not settled until 1890 after the Columbia Valley was well settled and all the valley around the old Fort well on the way to being settled.

\textsuperscript{1}Ibid, p. 114.

\textsuperscript{2}The Fort was really a group of log houses. The site was lost after they decayed but in 1933 it was discovered and has since been properly marked.


\textsuperscript{4}Ibid, p. 273.
the river and country is interesting:

Sometimes the swift river glided through prairies and was bordered by small cottonwood trees and willows. These prairies at certain seasons are ranged by migratory herds of buffalo, the tracks of which were frequently to be seen. On the land were large flights of magpies and American robins; whole fleets of ducks and geese navigated the river, or flew off in long streaming files at the approach of canoes; while the frequent establishments of the painstaking and quiet-loving beaver showed that the solitude of these waters was rarely disturbed, even by the all pervading savage.¹

Their happiness was shattered on the rocks of "Caldron Linn" when Antoine Clappine drowned attempting to run the rapids. Their party then took to the land and continued the journey.² After suffering extreme hunger and physical hardship they arrived at Astoria much wiser after their experience.

The next summer a group of the same party going east found four of the five men left at Fort Henry. They told part of their experience but never adequately accounted for the absence of Martin Cass. It has been explained by some that in the extreme hardship of the winter the men resorted to cannibalism. When they were found they had no equipment, little clothing and were nearly starved. They claimed to have gone east to the Green River country where they were robbed of their horses by the Indians. They then started back toward the west coast but found the going very rough so traded their guns to the same

²Irving, op. cit., p. 281. Caldron Linn is near Milner, Idaho, approximately 280 miles from Fort Henry.
Indians for two of the horses that had been stolen from them.\(^1\)

The four men traveled east for a ways with the party then three of the men went on a separate journey while Joseph Miller attempted to guide the main party through the Indian Country. This party under the leadership of Robert Stuart had no better fortune than the five trappers had enjoyed earlier for in the Wyoming country the Indians stole their horses. The group then headed back for Astoria. They reached the south fork of the Snake River near its source, built a raft and floated down near where Ririe, Idaho, is now located. Here they took to the land and crossed the upper Snake River valley.\(^2\)

Their experiences have been well described:

On Monday, September 7, 1812, Stewart and party were on Falls River on foot and went down the Snake River Valley trying to secure some ponies from the Snakes. On the nineteenth they were at Fort Henry, and on October 1 came into the valley of the Tetons, where, he states, there was an abundance of beaver. They "traversed the plain in view of Pilot Knobs." Stewart stated in his journal that the valley was about 16 miles wide, and they traversed it 18 miles before entering the pass on their way east, so he must have entered the valley from the west entrance.\(^3\)

Another of the Astorians, Donald McKenzie, paid a return visit to the upper valley in 1818, but under more prosperous conditions than the first time. He was now head of a large

\(^1\)Beal, History of Southeastern Idaho, op. cit., p. 68.

\(^2\)Ibid, p. 70-71.

\(^3\)B. W. Driggs, op. cit., p. 31. Spelling of Stewart and Stuart is as used in source referred to.
trapping expedition for the Northwest Fur Company. He left the
trappers on the lower Snake River while he scouted the upper
country. He traveled to the headwaters of Henry's Fork and
returned down stream following the route of 1811 after reaching
the main junction of the forks. His description of the country
is picturesque and accurate in physical detail. Today the
animals are partially gone but this description is of great
value for the time and conditions under which it was written.

Woods and valleys, rocks and plains, rivers and ravines
alternately met us; but altogether it is a delightful coun-
try. There animals of every class rove about undisturbed.
Wherever there was a little plain, the red deer were seen
grazing in herds about the rivers, and where there was a
sapling the ingenious and industrious beaver was at work.
Otters sported in the eddies; the wolf and fox were seen
sauntering in quest of prey; on the spreading branches of
stunted pines sat the raccoon secure. The badger sat quiet-
ly looking from his mound; and in numberless ravines, among
bushes laden with fruit; the black, brown and grizzly bear
was seen. The mountain sheep and goat, white as snow,
browzed on the rocks and ridges, and the big horn species
ran among the rocks and cliffs. Eagles and vultures flew
about the rivers.

When we approached, most of these animals stood motion-
less. The report of a gun did not alarm them; they would
give a frisk at each shot and stand again. Hordes of wild
horses were likewise seen. They were the wildest of all the
animals for none of them could be approached. One band of
these contained more than two hundred. Caverns without
number are to be seen in the rocks on each side of the river,
and the shapes of the rocks were often picturesque.  

1Brown, op. cit., p. 56. The Northwest Fur Company was
a British Company, a keen competitor of the American trappers.
It later was united with the Hudson Bay Company.

2Ibid, p. 57. Original source Ross, Alexander. Adven-
During his stay in the country over a period of several years McKenzie took approximately seventy five thousand beaver skins from the Snake River and tributaries.\(^1\)

Alexander Ross, the Idaho manager for Hudson Bay Company, sent a group of Iroquois Indians into the Upper Snake River Valley in 1824.\(^2\) These Indians met some American trappers of the Rocky Mountain Fur Company who offered them higher prices so they cached their furs and returned to Ross with a hard luck story. A few days later they went back and worked for the Rocky Mountain Company under Jedediah S. Smith. This group traveled through the upper valley many times and took many valuable furs from its streams. Smith was not fortunate in these endeavors and after twice losing all his possessions to hostile Indians voluntarily withdrew as a courtesy to his benefactors the Hudson Bay Company.\(^3\)

The withdrawal of Smith and associates left the field open to the British who had never ceased to fight the War of 1812. They must have used their opportunities to good advantage for the following is recorded to be factual.

Peter Skene Ogden and Smith later met at what became known as Ogden, and the former boasted that after the Americans had been driven away from the northwest country in the war of 1812, that the British had taken out of this valley, the vicinity of the Tetons, and the Snake River Valley 85,000 beavers, worth $750,000. This message was sent east by Smith, in a letter to Thomas H. Benton, by Smith's friend, William H. Ashley.\(^4\)

\(^{1}\)Beal, op. cit., p. 73.  \(^{2}\)Brown, op. cit., p. 64.  
\(^{3}\)Chittenden, op. cit., p. 292-3.  \(^{4}\)W. W. Driggs, op. cit., p. 34.
The historical account of this part of Idaho would not be complete without including a description of the gathering that assembled annually at Pierre's Hole (Teton Valley) and some of the connected events. The Sublette brothers, Milton and William with their partners, David E. Jackson, Jedediah S. Smith and Mr. Black held a summer meeting in Pierre's Hole in 1829. "This was perhaps the first time that the beautiful valley of Pierre's Hole came prominently to the notice of American Traders."¹ After this it became a regular meeting place of this group of trappers and others. Many different descriptions have been given of the traffic that occurred and the experiences of getting freight from St. Louis to Pierre's Hole. Chittenden gives a very careful account in his works of the many meetings and happy times. The main impression he leaves is that the Rendezvous was a time of drinking and merriment followed by, "three hundred and sixty days in peril and toil, that they might spend five in drunken frolic."²

A more romantic touch is contained in the following:

¹Chittenden, op. cit., I, p. 292. Mr. Black is the only name by which he is mentioned. He was with a party attacked by the Indians and only three escaped.

²Ibid, p. 39. The Rendezvous was the place of annual meeting where furs were exchanged for supplies brought from the east. It was scheduled for a time in the summer when the trappers would be idle and the traders able to reach the location from the markets of the east. The risk involved in passing through the vast wilderness accounted for the high prices charged for goods and the low prices paid for furs.
About the first of July they began to gather. Here would come gaily attired gentlemen from the mountains of the south, with a dash of the Mexican about them, their bridles heavy with silver, their hat brims rakishly pinned up with nuggets, with Kit Carson or Dick Wooten in the lead. In strong contrast would appear Jim Bridger and his band, careless of personal appearance, burnt and seamed by the sun and wind of the western deserts, fully conscious that man to man they would measure up with the best of the mountain men. At this gathering you would find excitable Frenchmen looking for guidance to Provost and the two Sublettes; the thoroughbred American, Kentuckian in type, with his long heavy rifle, his six feet of muscle and bone, and his keen alert vigilance; the canny Scot typified by Robert Campbell; the jolly Irishman, best represented by Fitzpatrick, the man who knew more about the mountains than any other man except possibly Bridger, and mixed in the motely crowd an array of Indians—Snakes, Bannocks, Flatheads, Crows, Utes—come to trade furs for powder, lead, guns, knives, hatchets, fancy cloth, and most coveted of all, whiskey.1

This occasion was the business meeting for the Fur Company, the exchange for the individual trappers and Indians and the only social life for all concerned. An insight into wages, prices and rewards is interesting.

Immense profits, however, were made, and enormous fortunes made by some. Nathaniel J. Wyeth gives an estimate of invoices delivered into the Teton mountains at 1400 per cent, above the first cost. The trappers were paid in goods at an advance of 600 per cent, $400, worth per year to each trapper. A successful trapper would take 125 beaver skins, valued in New York or Boston at about $1000.2

Following the Rendezvous of 1832 a sad incident occurred. The feelings against the cunning, treacherous Blackfeet was one of hatred. All of the trappers at one time or another

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1Brown, op. cit., p. 77.

2B. W. Driggs, op. cit., p. 36.
had been robbed by them and many of their former friends had been scalped. Most of the trappers owed their lives to providence and superb physical endurance. These Indians delighted in finding a lone trapper or a small group away from the main body. They had been the ones who had stolen the horses of Hoback and associates, the Stuart party, and the ones who had nearly killed Milton Sublette when he was riding alone to tell of the coming caravan earlier in the period. This was the same band that had participated in the "Battle of Flats" in this same valley in 1808 when John Colter had first visited it. The following is not justifiable by our moral standards but to the trapper whose life depended on a different set of living conditions it was looked upon as an opportunity. ¹

As the camp was breaking up and the trappers going back to their several favorite haunts a large band of Blackfeet rode into the western end of the valley. Captain Bonneville was here a month or so after the battle, and gleaned the facts from the participants in it.

One of the trappers of Sublette's brigade, a half-breed named Antoine Godin, now mounted his horse and rode forward as if to hold a conference. He was the son of an Iroquois hunter who had been cruelly murdered by the Blackfeet at a small stream below the mountains, which still bears his name. In company with Antoine rode forth a Flathead Indian, whose once powerful tribe had been completely broken down in their wars with the Blackfeet. Both of them, therefore, cherished the most vengeful hostility against these marauders of the mountains. The Blackfeet came to a halt, and

¹Ibid, p. 65.
one of them advanced singly and unarmed, bearing the pipe of peace. This overture was certainly specific; but Antoine and the Flathead were predisposed to hostility and pretended to consider it as a treacherous movement. "Is your piece charged?" said Antoine to his red companion. "It is." "Then cock it and follow me." They met the Blackfoot Chief half way, who extended his hand in friendship. Antoine grasped it. "Fire!" cried he. The Flathead leveled his piece and brought the Blackfoot to the ground. Antoine snatched off his scarlet blanket, which was richly ornamented, and galloped off with his trophy to the camp, as the bullets of the enemy whistled after him.¹

The Blackfeet fortified themselves in a heavy growth of timber, the squaws making a breastwork of timber while the braves fought off the trappers and their Indian allies. A messenger was sent to summon the main body of trappers and the battle became hot and heavy. An old Indian came up and said the main camp was threatened so part of the men went back to find they had been tricked. This made the massacre less severe but the toll was heavy even with the small force that remained. When the fortification became effective some of the "wild spirits" among the trappers crawled into the brush and took a heavy toll of the savages. The noise of battle was mingled with the wailing of the squaws for their dead braves. The battle lasted all day with the casualties mounting on both sides. In the evening the trappers withdrew a little ways and camped for the night. When morning came no Indians could be found. They had slipped out of the valley during the night leaving all their belongings

and many of their dead.  

Another interesting event at the Rendezvous was a duel in which Kit Carson was one of the participants. It is explained in the following:

This Frenchman, [Shunar] surly and overbearing, had, according to Carson's own story, "made a practice of whipping every man he was displeased with--and that was nearly all." One day after he had beaten two or three of his countrymen in camp, he began to boast that he could give the Americans "a switching." This was too much for Kit. He warned Shunar to desist or take the consequences. The bully grabbed his rifle, mounted and made for his challenger. Lithe Carson leaped on another, and pistol in hand bounded toward the bully. As their horses heads touched they both fired. "I shot him through the arm," Kit records in his autobiography, "and his ball passed my head, cutting my hair and the powder burning my eye, the muzzle of his gun being near my head when he fired. During the remainder of our stay in camp we had no further trouble with this French bully."  

All during this period the Upper Snake River Valley was crossed by these historical characters as they traveled to and from the Rendezvous. Some of them recorded their travels down the Teton river and through the valley. No doubt many others of unrecorded history trapped and traveled through here. It seems that with all the visitors there was not one who thought seriously of settling here to build a permanent home. The days of the Rendezvous ended in the thirties and the valley was left

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1Ibid, p. 95-97.


to the peace and quiet of its former tranquility.

The emphasis of civilization and excitement now shifted to the south. When Nathaniel J. Wyeth brought a large caravan of goods to the Sublette Company in 1834 and was refused payment he turned south and established a trading post. He selected a site in the level country in southeastern Idaho on the bank of the Snake River nine miles above its junction with the Portneuf. The post was called Fort Hall in honor of one of the men in his company. With his stock of goods he hoped to produce enough money to repay his business partners and avenge the infamy of the Sublettes in going back on their oral contract. Business did not turn out as he had hoped and he was glad to sell out to the strong Hudson Bay Company three years later. The Fort as built by Wyeth was not a pretentious affair, but the site was well chosen. "This Fort was built largely of hewed cottonwood logs. Around it ran a stockade that was eighty feet square and fifteen feet high". Wyeth's own account of the event is interesting.

I have built a fort on the Snake River, which I have named Fort Hall from the oldest gentlemen in the concern, Mr. Henry Hall. We manufactured a magnificent flag from

1Brown, op. cit., p. 150.

2Beal, History of Southeastern Idaho, p. 62.

some unbleached sheeting, a little red flannel and a few blue patches, saluted it with damaged powder and wet it in villainous alcohol; and after all, I assure you, it makes a very respectable appearance amide the dry and desolate regions of central America. Its bastions stand a terror to the skulking Indian and a beacon of safety to the fugitive hunter. It is manned by 12 men and has constantly loaded in the bastions 100 guns and rifles. These bastions command both the inside and outside of the fort. After building this fort I sent messengers to the neighboring nations to induce them to come to trade.¹

Fort Hall did more business than any of the Hudson Bay posts in this area. This was as much a result of homeseekers as trappers. In the two decades after the Hudson Bay Company took it over an estimated two hundred thousand California and Oregon bound travelers passed by its portals.² The distance from Fort Hall to the Upper Snake River Valley is less than fifty miles, yet of this vast throng of emigrants not one chose to stop here. The valley had decades to wait until other more desirable territory was settled before it could tempt the permanent settler.

¹Brown, op. cit., p. 150.
²Beal, History of Southeastern Idaho, p. 92.
CHAPTER IV

SCATTERED SETTLERS

From the fading of the Rendezvous to the period of permanent settlement Idaho history was being made in the gold fields and silver mining areas. Trapping in the upper country was no longer organized and for many years it must be left to imagination as to what went on.

In 1855 a group of Mormon missionaries under Thomas S. Smith, on their way to establish a mission among the Indians, passed through the south and west of the Snake River Fork Country.\(^1\) There were no Indian settlements here and the missionaries pushed on west and north into the Salmon River country. There they were welcomed by the Indians and established a settlement. The trail they left on this trip was followed many times in the next few years until the fort and settlement were abandoned in 1858. Among the notables who passed this way was Brigham Young and other church leaders in 1857. "His Excellency Governor Young, Presidents Heber C. Kimball and Daniel H. Wells and Elders Orson Hyde and Franklin D. Richards, with

several others left Salt Lake City, on Friday, the 24th of April, to visit the settlement on Salmon River, to invigorate their bodies, and to examine the intermediate country." The last passage of Mormons connected with the Salmon Mission across the valley occurred in the spring of 1858 when the Mission was closed as a result of Indian hostilities there and the approach of Johnston's army toward Utah. The Snake River formed the barrier in all these travels to hide effectively the inner secrets of the upper country. There is no record of any of these groups going across the river to the heart of the valley. They, like subsequent travelers and home seekers, saw only the desert country on the west of the well-watered valley. Many more groups and important men could be mentioned as visitors to this region of country in the period covered. Those mentioned serve as an example of the many who participated in this peculiar era of western history.

More is known about Richard Leigh (Beaver Dick) than most of the early settlers of the valley. Leigh claims to have run away from home in England when sixteen years old, arriving

1The Deseret News, June 10, 1857.

2Johnston's army was sent to Utah to enforce federal demands. This resulted from any false tales spread by enemies of the church. The resulting Utah war was not a shooting war though supplies were destroyed and hardship resulted for the soldiers. Governor Young arranged terms with General Johnston and the Army was allowed to enter the valley peacefully.
in Idaho in the 1840's.\(^1\) His settled life in the Upper Snake River Valley began about 1860. He married an Indian girl, built a cabin, and settled down to a fairly stable life. Later in his life while hunting with Joseph Johnson he said the main reason he married was that he wanted a squaw to tan his buckskins.\(^2\) The fine family life he had indicates he was a man of character and education. He treated his family in the best manner and they loved him for it.

His first home was near the mouth of the Teton River west of what is now Rexburg. He had a great reputation as a beaver trapper. "It is said that Brigham Young first called him Beaver Dick, an appellation that remained with him thereafter."\(^3\) Another account not contradictory to the above but giving additional light states: "The nickname "Beaver Dick" arose not from the fact that Leigh was an expert beaver trapper, but on account of the striking resemblance of two abnormally large front teeth in his upper jaw to the teeth of a beaver. The Indians called him the "Beaver".\(^4\) An early pioneer described Leigh in 1882 as "a rough, coarse man, of sandy complexion, rather a red face, but with a true western hospitality."\(^5\) While hunting with Joseph Johnson, Leigh said, "you

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\(^1\)B. W. Driggs, op. cit., p. 116.  \(^2\)Ibid., p. 117.

\(^3\)Beal, History of Southeastern Idaho, p. 94-5.


Mormons don't know how to hunt, I get on their trail and let them hunt me. This may be a partial index to his personality. Besides being well acquainted with the ways of animals he had a philosophy that did not include hoarding a great fortune. He enjoyed life as he lived, always providing the best for his family and being hospitable to those who came along. Tragedy came to his first home and family in 1876 in the form of smallpox which took his wife and five children. He buried them in neat graves with appropriate markers and a log fence around the plot.

There were other men in the valley during the 1860's. Associated in some fashion with Leigh were Henry Hain, Dick Weaver, and John Karnes. Hain also married an Indian but she left him after two years and returned to her people. He was an illiterate German and probably not a very understanding husband. Others in the valley during the 1860's and 1870's included "Big Foot" Smith, the Pierce brothers, Jim Burns, Tex Parker, and several others unnamed. Some of these men were steady occupants, but most were transient opportunists looking for the best trapping grounds and too independent to make a home. Henry Hain later became a cattleman and farmer with an

1Ibid., p. 117.

2Ibid., p. 116. Tradition is that Jenny's Lake in Wyoming was named for Leigh's first wife, Jenny.

3Ibid., p. 117.

4Beal, History of Southeastern Idaho, p. 95.
excellent farm near where Teton City is now located. He turned over this farm to N. P. Hansen in return for his care until death. His grave is in the Teton cemetery.¹

Turning again to Beaver Dick, he next journeyed to the reservation in search of a new squaw. He was successful in obtaining a new one whom he married, a very unusual occurrence. They then came to the Upper Valley but made a new home. He never took his new wife, Sioux, to the old home for fear she would get smallpox. The new site was in a broad beautiful valley on the Teton River in what is now called Hog Hollow, a valley sheltered from the severe winter winds, and in a country rich with beaver, fish, and large game.² Here three more children, two daughters and a son, were born and happy family life followed. Sioux was a favorite friend of the Mormon settlers in Teton, whose children still tell of her. Beaver continued to hunt and trap until his death. His children are still living but none of them are as notorious as their father was.³

¹B. W. Driggs, op. cit., p. 117.
²Ibid., p. 116. The valley where Leigh lived still remains in the primitive condition it was when he lived there. His grave is on a high bluff or bench north of the cabin. The grave is poorly marked as the head board has rotted off but an unpainted picket fence surrounds the plot.
³A celebration was held in Burton in 1934 on the fiftieth anniversary of the settlement. The celebration was held in a willow bowery near Snake River where the old ferry was located. At the celebration a history of Richard Leigh was read and his two daughters gave a few remarks. This was near the first family home, it being the first home built in what later became Burton. To my knowledge the two girls are still alive; I am unable to find information on the son.
The other trappers either went into the cattle business or moved on. The decade of the seventies marked the end of the trapping era. Henry Hain, as mentioned above, ran about one hundred head of cattle with enough farming to secure title to the land. Many other men, including some outlaws, ran herds of cattle in the valley during this period. They did a great deal to postpone the settlement by telling fantastic stories about the frigid weather and the crops that would not mature. They realized that when the settlers came their rich grazing lands would go. The valley became a hiding place for stolen bands of cattle and horses, which would be rounded up periodically and driven to some shipping point in Utah, Wyoming, or Montana and sold. The valley, isolated from trade routes and away from all settlements, made an excellent place for this activity. Later mention will be made of outstanding episodes in which the settlers participated in helping to suppress this activity.

By the 1870's the lower country was comparatively well settled, Eagle Rock on Snake River was a populous little town and others dotted the landscape south and west. The flood-gate holding back the colonist could not withstand the pressure much longer. Orville Buck is reported to be one of the first to move into the Upper Valley to farm for a living. He raised

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three crops near Menan 1873-1875, moving from there to Birch Creek in 1876. In the new location he raised both wheat and alfalfa which dispelled the myth of the frantic cattlemen that crops would not mature.

Probably the real impetus to settlement came when the Utah and Northern Railroad was built in 1877. It extended through Pocatello, Blackfoot, Idaho Falls (Eagle Rock), and north into Helena, Montana. On the west of the valley it passed close to some fertile land which attracted the interest of some of the railroad workers. One of these men was John R. Poole of Ogden, Utah, who visited the valley in February, 1879. He was especially impressed with the country where and island had been formed by a branch of the Snake River which had abandoned its original course and formed a new channel. On returning to Utah full of enthusiasm for the new country, and after a public meeting was held in which several expressed interest in going north, Elder Poole was set apart to be Presiding Priest over any group that might go with him. Two of his neighbors, Spencer Raymond and Nephi Stephens, made a trip to the proposed location to see if it was a good place to move. Convinced that it was, Poole

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2Deseret Weekly, June 4, 1890, p. 20. "This island, which is twenty five miles long from east to west and from one to four miles wide, is separated from the mainland by the Snake River on the north and the "dry bed" (a large river now) on the south."

3Jensen, *op. cit.*, p. 130.
with several others wanted to the Island, arriving in April, only to learn that Joseph C. Fisher had already settled his family a month earlier, thus being the first settler.\(^1\) The men planted crops and surveyed a townsite. Poole was still connected with the railroad building project and spent some time at it during the summer. In December he brought his family with him and made this his permanent home. During the summer several other families moved in and the settlement was firmly established.\(^2\)

While the settlement was being established at Poole's Island in the south, several unconnected families moved into the center, east and north of the valley. Peter Boqua, former post store manager at Fort Hall decided to take up farming and in June 1879 moved to a location on Moody Creek.\(^3\) He had J. F. Barry and family for neighbors. Barry had settled in Lyman, near South Fork of Snake River, in 1873 but liked Moody better so moved there in 1878. "They did not know of any other people living in the vicinity, except A. M. Carter and J. Haines, who were batching down in the fork of the river."\(^4\)

During the summer and fall two families moved near the

\(^1\)Ibid, p. 144. In a letter written to Apostle Franklin D. Richards, Poole said, "Our little company consisted of fifteen souls, among whom were three brothers by the name of Wilson, of West Weber, Utah, Brother Fred Garner and brothers, James Pincock, my son and others." Names of the others are not available.


\(^3\)Ibid, p. 200.

\(^4\)Ibid.
Boqua and Barry farms. South of Boqua's, H. Y. Yager staked his claim and settled his family. On the north a Mr. Wolf, also of Fort Hall, settled.\(^1\) During the same time homesteads were being filed on along Henry's Fork in the northwest by Dick and Bill Broadhurst, George Spencer, and Thomas and William McMinn. Others of the 1879 settlement included George Beard, George Spencer, and Will Winegar.\(^2\) The most exciting event of the summer was a huge prairie fire which started in the south and, fanned by sixty mile winds, swept the entire valley and hills as far east as Teton Basin and north into Island Park. Barry and Boqua managed to save their homes and some hay by plowing furrows around the premises. The destruction of grass used for winter feed caused many animals to die the next winter.\(^3\)

The settlements during these first years of permanency were centered on Poole's Island (later named Cedar Buttes), and in Egin (meaning cold), on the north.\(^4\) The other people who came made no attempt to found villages, but settled wherever a choice piece of land appeared. Many firsts are claimed by these centralized communities and they had a great deal of influence on the later flood of settlers who thronged into the valley in

\(^1\)Ibid., p. 201.  
\(^2\)Beal, *Snake River Fork Country*, p. 16.  
\(^3\)Ibid., p. 16.  
\(^4\)Jensen, *op. cit.*, pp 143-147.
1883. These people were mostly from communities in northern Utah. When the Saints there heard of their success it offered them a chance to relieve the congested conditions in the valleys, and northern Utahns were not slow to avail themselves of the opportunity. Many polygamous families were growing up in the central stakes which were already filled as far as agrarian society could sustain them. 1

During the whole period of the exodus north the church authorities had been in close contact with the people. Each new group was counseled on policy and encouraged to follow the Church plan of centralized settlement. Organizations had been effected in the two settlements as soon as a few families were settled, the administration being supervised by President William B. Preston of Cache Stake. 2 The distance from Logan to Egin being over two hundred miles and two new settlements having moved to the country, it was decided in 1882 to effect a closer organization. 3

On December 18, 1882 Elder Thomas E. Ricks, of Logan was called to act as Bishop of the Bannock Ward of the Cache Stake of Zion, embracing all that district of country lying

1 Central Stakes refers to those around Salt Lake City, headquarters of the Church and considered the Center Stake of Zion.

2 John R. Poole had been set apart as presiding priest and held meetings in that capacity until November 25, 1881, when he was set apart as Branch President by Marriner W. Merrill of Cache Stake Presidency.

3 Jensen, op. cit., pp. 139-42. These settlements will be reviewed later in the text of the thesis.
north, east and west of the mouth of the Portneuf Canyon and extending as far in each direction as there were any members of the church.  

It was specified in instructions for choosing the new leader that "a strong man" should be found. Thomas E. Ricks was born at Donaldson Creek, Trigg Country, Kentucky, July 21, 1828. In 1829 his parents moved on to a large farm in Olive, Madison County, Illinois, where Thomas spent his early boyhood. His training was common to that of others living on the western prairies. He was especially proud of his fine body and used it to advantage in aiding the family. One of his youthful exploits in taming a riding horse resulted in a crushed thigh when the horse fell on him. During the remainder of his life he was somewhat lame in his left leg.

In 1845 the Ricks family joined the Church of Jesus Christ of Latter-day Saints and moved to Nauvoo, Illinois where the main body of the church was located. Here father and son worked together with hundreds of others to complete the great temple. When the persecution became intense they left Nauvoo with some of the first migrants and moved to Florence, Iowa, where they remained until time to go west. In April 1848, they departed for Salt Lake Valley with the Heber C. Kimball Company.

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1Ibid., p. 130.
2Beal, History of Southeastern Idaho, p. 203.
3Guy Scoby Rix, History and Genealogy of the Ricks Family (Salt Lake City: Skelton Publishing Company, 1908), p. 103-104.
While herding cattle near the Elkhorn river on this journey, Thomas was attacked by Indians and shot. The Indians did not stop to scalp him because help came almost immediately, but he was presumed as good as dead by those who found him for three rifle balls had entered his body. He was floated across the river on a buffalo hide and to everyone's amazement was fully recovered by the time they reached the Salt Lake Valley in September. However, the three rifle balls remained with him until his death, in 1903.¹

The Ricks family settled at Centerville, where they participated in the activities of pioneer life with the others who had come so far to find peace and freedom. Thomas E. was called to fill many minor positions in the church as well as to go on several missions. In 1856, he went to California with a group that built a fort and started farming at a place now identified as Las Vegas. On returning from this task he went to the aid of Captain Martin's handcart company. Soon after this occurred the "Utah War" in which he was an active participant, later he was made a Colonel in charge of the Utah Militia of Cache Valley. After he married and started a family of his own in Cache Valley, he filled a mission to the place of birth and early childhood in 1869. He had also served as sheriff in Cache Valley and was a man of considerable importance.

¹Ibid., p. 105.
and reputation by this time.\(^1\)

In the 1870's he became active in the new railroad building program that was sweeping the west. After preliminary experience on small lines he was successful in obtaining a grading contract for the Utah and Northern Company, north from Logan, Utah to Butte, Montana. During the completion of this contract he became acquainted with the conditions in southeastern Idaho, and prepared himself financially for a colonization venture. After these varied experiences in many fields of activity he was qualified to fill the position to which he was called.\(^2\)

In the month of December, President Preston received the following letter:

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PRESIDENT'S OFFICE,
CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS.
SALT LAKE CITY, DEC. 26, 1882.

President William B. Preston and Counselors, Logan:

Dear Brethren—That you may more fully understand our wishes with regard to the organization of new settlements throughout your Stake, more especially in the distant and most thinly settled parts, we address this communication.

In the first place, it would be well, in all cases where possible, for yourselves, or the Bishop of the ward to which the parties belong, to have a knowledge of the intention of those in your Stake removing to the new settlements, as to the district in which they intend to locate, so that you may give them any necessary council and information, and also have an understanding where they may be found, that they may not stray off and be lost sight of.
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\(^2\)Rix, op. cit., p. 106-7.
It is also expected that parties coming in from other stakes will comply with these regulations which it will become the duty of presiding Bishops to see carried out. In all cases in making new settlements the Saints should be advised to gather together in villages, as has been our custom from the time of our earliest settlement in these mountain valleys. The advantages of this plan instead of carelessly scattering out over a wide extent of country are, many and obvious to all those who have a desire to serve the Lord. By this means the people can retain their ecclesiastical organizations, have regular meetings of the quorums of the Priesthood and establish and maintain day and Sunday schools, Improvement Associations and Relief Societies; they can also co-operate for the good of all in financial and secular matters, in making ditches, fencing fields, building bridges and other necessary improvements. Further than this they are a mutual protection and source of strength against horse and cattle thieves, land jumpers, etc., and against hostile Indians, should there be any, while their compact organizations gives them many advantages of a social and civil character which might be lost, misapplied or frittered away by spreading out so thinly that inter-communication is difficult, dangerous, inconvenient or expensive. It would be well, therefore, for you in company with Brother Ricks to visit the country and make such locations of settlements as may be desirable and as the circumstances may require, and have your town lots surveyed by a competent person, and such arrangements made for this kind of settlement as you and your counsel and Brother Ricks may deem advisable. In doing this, however, it would be well not to interfere with homestead entries, or to embarrass new settlers too much, but to have it positively understood that this method must be adopted in your settlements. We know of no reason why the methods that have been pursued in the past on these matters are any less applicable to the Saints in Idaho, and Wyoming than they have proved to those in Utah and Arizona. While the families are gathered in settlements there can be no disadvantage in having the farms outside, within easy reach, as the peculiarities of the country may admit, the same as in our older settlements. A spirit to spread far and wide out of sight and reach of the authorities of the Church, must be discountenanced, as all Latter-day Saints must yield obedience to the laws of the Gospel and the order of the Kingdom of God, and a methodical comprehension and intelligent system be inaugurated that we may gain influence (and not lose strength) by strengthening the cords of the Stakes of Zion. Care must be taken that the interest of the Indians on their reservations, water claims, or otherwise,
are not interfered with, but they must be guarded and protected in all their rights, the same as the white man. In cases a friendly and brotherly disposition should be nourished towards the Lamanites, who will be our friends if we do not repulse them.

The twelve have this matter in hand and will see that things are conducted right. The local presiding Bishop will co-operate with you in all of these affairs, and on matters of importance it would be proper for you to consult us.

We remain, as ever, your brethren in the gospel,

John Taylor,
Joseph F. Smith
of the First Presidency.  

On January 4, 1883 President Preston and Bishop Ricks boarded the train and headed north to fulfill these instructions. They arrived in Egin January 5 where they visited, held meetings, and instructed the Saints. On January 8 they traveled to Cedar Buttes to visit the Saints there. After holding two meetings on the ninth, they were conveyed by sleigh on the tenth to the residence of Theodore Lyman, where they stopped overnight. On January 11 they journeyed north to the flat sage brush country, which was the place decided upon as a central location for settlement. They spent that night with Robert Tarter who lived west on the Henry's Fork of Snake River. The next day they returned to Cedar Buttes and spent the night with Joseph C. Fisher's family. They decided to try their luck on the deer which seemed so plentiful and as a result were successful enough to ship fifteen to Logan. They

2Journal History of the Church of Jesus Christ of Latter-
NOTE.—Shaded portion denotes irrigable land (in Snake River Valley only.)
returned to Logan on the thirteenth very much pleased with all they had seen.¹

In Logan the two leaders held a number of meetings to stimulate interest in founding a central settlement in the north country. Their intentions must have been successful for during the summer of 1883, "the road was virtually lined with homeseekers' wagons. Townsites sprang up all over the valley that year...."² The group authorized to set up the first settlement consisted of Thomas E. Ricks, jr., Brigham, Heber, and Willard Ricks, and Fred Smith from Logan; Francis C. Gunnell, Daniel Walters, Lorenzo Thorp, and Leonard Jones from Wellsville.³ Henry Flamm, of Logan and Francis Christopher Gunnell, of Wellsville were chosen and set apart as counselors to Bishop Ricks.⁴.

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¹ Thomas E. Ricks, A Historical Sketch of the Bannock Stake (No date given), Typewritten Mss. obtained from Dr. M. D. Beal, Idaho State College, Pocatello, Idaho.

² Beal, History of Southeastern Idaho, p. 206.

³ Ibid., p. 113. Jensen, (op. cit., p. 131) lists James M. Cook in addition to the above.

⁴ Jensen, op. cit., p. 130. Bishop Ricks, Flamm and others interested went later either by train to Eagle Rock or by wagon in the spring. Many who were interested went and secured title to city lots and farm land which they occupied in 1884. There was a certain group who speculated in land at the time.
The original group started for Idaho on January 25, 1883. After a trying trip in which the cold was severe and the snow and streams most difficult the men reached the South Fork of Snake River near where Lyman is now located. According to the prearranged plan they began to cut timber for buildings and fences, while waiting for spring. The following note appeared in the Bear Lake Democrat during this winter of preparation:

We call attention of our readers to an interesting correspondence from Oxford, Oneida County, that will be found in another column. It will be gratifying to the numerous friends of Elder Thomas E. Ricks to learn that he has been honored with so large a bishopric. Those who know his generous nature will appreciate the invitation extended to honest labor, to help him develop the vast resources of the country designated--grow up with growth, and grow rich out of its exhaustless riches.

We have no hesitation in saying, that those who grow up under his administration, and partake of his persevering, enterprising and indomitable spirit, will grow up with a backbone that will serve them in any emergency.

We take pleasure in commending Bishop Ricks to the confidence of those who may respond to his call, and cast their lot with the pioneers of Bannock Ward; and we wish the Bishop and his Ward abundant prosperity. And if we may judge the situation and prospects from what we have seen and heard of the Snake River Valley, we should think the Bishop has found the granger's Paradise. We greet his generous banner, fraternally--long may it wave!

March 11, 1883, President Preston, Bishop Ricks, and Andrew S. Anderson, a surveyor, returned to the townsite and named it "Rexburg", in honor of Bishop Ricks whose family name was formerly Rex. The following two days Andrew S. Anderson

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1 Journal History, February 3, 1883, p. 4. clipping from Bear Lake Democrat.
2 Ibid., p. 130.
surveyed the city into ten acre blocks with each block being divided into four lots. Six rod streets running at right angles according to the cardinal points of the compass were provided for. The two leaders then returned to Utah leaving the men to erect buildings for the settlement.

Thus history progressed from the stage, when the Snake River Fork Country was a waving valley of sage brush and bunch grass crossed and criss-crossed with streams and rivers; the home of the beaver, deer, trapper and wandering native, to the stage of conquest.

\[1\text{Ibid., p. 149, plan of Rexburg.}\]
CHAPTER V
ORGANIZED SETTLEMENT 1883-1884

The judgment of President Preston and Bishop Ricks in choosing the location of Rexburg as the center for "Mormon" colonization in the Snake River Fork Country proved very wise. As envisaged by the Church leaders, a more ideal arrangement of small communities with farm land around the dwelling district, is hard to imagine. As the settlers flocked to the valley during the two years of greatest influx, 1883-1884, an orderly arrangement of townsites came into existence around this center; each townsite in turn acting as a center for the farming community. Down to the present time the country has essentially the same pattern. Rexburg is the central school, religious, and business district, while each Ward organization is centrally located with a large per cent of the people residing in the villages. That the leaders could anticipate this pattern from the crude sage brush, stream infested country, in mid winter, is the more remarkable.1

1When the first group arrived on the townsite, the Berry and Boqua boys from Moody Creek went down to find out what was happening. Albert T. Berry later said: "The newcomers invited us to dinner and we had a nice visit with them. We thought they were crazy to settle there and try to build a town on that sage brush flat. We were certainly surprised at the way Rexburg was built up. The old timers became friends of ours. We used to go there to dances and we had many splendid times." Dictation taken by M.D. Beal July 12, 1935. Beal, History of South-eastern Idaho, p. 208.
The group of selected settlers who had come in January cut considerable timber during their interim on the Snake River. In February prior to the survey and naming of the townsite of Rexburg, logs had been hauled preparatory to building homes for the families of the men. As soon as the survey was completed the men began to erect houses on the selected sites. The group consisted of young men with little building experience, and when William Rawson and John Powell, experienced builders from Egin, appeared to help they were very welcome. On March 25, 1883 the first house was completed. This was located on Thomas E. Ricks' property just north of the present county courthouse. It was a crude log house with a dirt roof but served for many years, first as a home and later as a store.\footnote{Ricks, op. cit., p. 8. The chief factors in building a good log house are selection of equal sized logs and making the notches the right depth. When this is done the logs fit close and with a dirt roof these dwellings are warm in winter and cool in summer. The space where the logs fit together is chinked with white clay which dries very hard and resists the weather. The inside is plastered if lime etc. is available, if not it is chinked and white washed.} With one example before them the men fell to with gusto and in a short time a number of similar dwellings were erected and made ready to receive the women and children.

One of the big hindrances to moving supplies and families into the valley was the river barrier. On March 19, 1883, Thomas E. Ricks and Company commenced work on a ferry across Henry's Fork of Snake River, west of Rexburg. This was in
direct line with Market Lake, the nearest rail junction. It was not located for the shortest travel south but most travel going for long distance was by rail so the site chosen was probably the best possible. It was completed and the ferry boat launched March 26, 1883. This made the Snake River easy to cross except in high water when often the land along the banks of the river would be flooded for many yards.¹ Apostle Heber J. Grant wrote of crossing the river at high water stage in 1884:

In traveling from Market Lake to this place Rexburg the north fork of Snake River has to be ferried, and to give some idea of the high water in this section, I will state that the river where the ferry is located is from 15 to 20 feet deep and about 250 feet wide, and that as a usual thing the water is several feet below the banks; but in addition to crossing the river we were obliged to detach the ferry boat from the wire rope by which it is run, and ferry a swamp fully a quarter of a mile wide and averaging from two to four feet in depth.²

Spring was a period of great excitement for every member of the community. There were homes to be built, fences to be put up, land to be broken out of sage brush, ditches to be dug, claims to be filed for land and water, supplies to be brought in for these activities, and families back in Utah to be moved and business there to be tended. In these circumstances the man with many sons was partially compensated for his liability. Thomas E. Ricks was very well endowed in this instance and was able to have several activities in Utah and

¹Ibid., p. 9.  ²Deseret News, June 25, 1884.
Idaho going on at the same time. Typical of the family cooperation and activity was the arrival in May of John Ricks, a lad of fifteen, driving a four horse team on a wagon with all the family and their belongings.¹

Several years later a Deseret News reporter was in the valley and saw a small boy plowing sage brush in Salem. When he questioned the boy he found him to be only ten years old.² This type family life made strong bodies and taught resourcefulness to the children from early years. It also brought plaudits of praise from unbelieving persons who visited the valley a few years after the settlement and beheld the progress of the settlers.

Many settlers came to the valley early in the year and started farms, built houses, put up hay, dug canals, and prepared to bring families into the country in the fall or the next spring. The census taken every three months listed the number of inhabitants in Bannock Ward as: "April 30, 1883 first report, total souls 369....July 31, 1883, second statistical report, total souls 617....October 1883, third statistical report, total souls 764."³

It is difficult to portray the varied activities that were taking place in the valley during the first year of organized settlement. Bishop Ricks and Andrew S. Anderson were busy

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¹ History of John Ricks, p. 1. No author or date given, Mss.
³ Ricks, op cit., p. 4.
most of the summer visiting the settlements, the former to help locate the people in places suitable for community life and the latter surveying townsites and canals.¹ A tribute should be paid to the ability of both men. Bishop Ricks won the cooperation and respect of all the newcomers by his generous help and wise counsel while Anderson has been honored many times since for his excellent survey work. There has been little change made in the canals he surveyed and in no place has criticism been found concerning his townsite and section markings. There was little time for social life during this first summer and almost all activity could be entitled "preparation for winter." Everyone was on about equal footing in relation to social status and a man's worth was measured by what he could do.

Though Rexburg was surveyed to be a large town, it did not achieve such a status for several years. The activity was a strange mixture with all phases of colonization and building going on at the same time. The spiritual side of life was just as important as the temporal, and during the development the step by step organization of the Church is interesting. On March 18, 1883, a Young Men's Mutual Improvement Association was organized with Edmund Paul as president over eight members.² This was to keep the men in good spirits until their wives and

¹Jensen, op. cit., pp. 131-155.
²Ricks, op. cit., p. 8.
mothers could come. Thomas E. Ricks' third wife, and family came in May to occupy the first house completed.\(^1\) She became known as Aunt Jane and many of the early residents spent their first night in the valley at her home. During the summer a large frame house was erected for her on the corner where the court house is now located. This was the first lumber house with a shingle roof in the valley.\(^2\)

Important Church meetings were held during the summer. President Preston and Bishop Hardy came from Utah to Rexburg and, held a meeting at Bishop Ricks' residence on May 30.\(^3\) One month later on June 30, Counselor Flamm called a meeting at the home of Fred Smith and organized the twenty people present into a Sunday School with James M. Cook as Superintendent.\(^4\) On the same day a Priesthood meeting was held at the home of Counselor F. C. Gunnell to transact business and renew spiritual ties. The Ward was divided into precincts with petitions drawn to be presented to the selectmen of the county asking for precinct organizations. At the same meeting it was voted to set aside 160 acres of land in each settlement for missionary purposes.

James Myler, A. L. Ellsworth, Andrew S. Anderson and James Eckersell were appointed home missionaries. Robert L. Bybee was appointed general superintendent of the Y. M. 

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\(^1\)Beal, Snake River Fork Country, p. 21. Thomas E. married two wives on the same day, March 27, 1857, Tamer Loader and Elizabeth Jane Shoup.

\(^2\)L. Y. Rigby, Personal Interview, March 7, 1950.

\(^3\)Ricks, op. cit., p. 8.  

\(^4\)Ibid.
At this time the seven organized Branches and their presiding priests were: Parker, Wyman M. Parker; Cedar Buttes, John R. Poole; Louisville, Richard F. Jardine; Teton, John Donaldson; Lyman, Sydney Weeks; Eagle Rock, John D. Evans; and Wilford, James Pincock.2

By the end of the summer there were enough people in Rexburg to consider building a church. After careful planning and fund raising activities the project was undertaken on October 1, 1883. The church was not elaborate, being built of logs and lumber 22 x 4½ feet, but served as a social, religious, and educational center for the community. The task was completed in one week and services held in the new building October 7. The cost was $850., the Church furnishing $200. and the members donating the rest.3 The new building was used to hold the first Ward Conference October 27, 1883. At this time President Preston presided and Bishop Ricks conducted. During the conference conditions in the valley were carefully checked to ascertain the conditions of the Saints for the coming winter. The authorities organized a Relief Society placing Sophia Nelson as president. It was reported that there were nine settlements in the valley, six of them being surveyed into town sites.4

1Jensen, op. cit., pp. 131-32.  
2Ibid.  
3Ricks, op. cit., p. 8.  
4Jensen, op. cit., p. 132. The surveyed included:
There were other activities in the valley to round out temporal needs of life. William F. Rigby came north with Bishop Ricks in the spring and secured title to several lots in the townsite. He was a long time associate of the Bishop's, having been connected with him in Utah and in the railroad contracting business. He had several saw mills located at Beaver Canyon, where he had contracts for bridge timber and ties for the Utah and Northern Railroad. Bishop Ricks encouraged him to move one of these mills to Rexburg to help the growing community and to partake of wealth available in the new country. Rigby liked the location so well he not only moved one of his saw mills to Rexburg but built a home and brought one of his wives and made his home there most of the time. The south central section of Rexburg was named after him, the "Rigby addition". The saw mill was dedicated and commenced operation October 24, 1883, with Phineas Tempest as manager.¹

One of the essentials to farming in this region was irrigation. The city canal was surveyed on March 15; soon after, the townsite and a field canal were also surveyed. Work started on the canal June 14 and the water was turned in the same day. The construction required great effort as there was little equipment and few men available, though it was easy from

Louisville, Menan, Lyman, Rexburg, Teton and Wilford. The other three were: Iona, Parker, and Salem.

¹Ibid., p. 132. L. Y. Rigby, Personal Interview, March 7, 1950. He is a son of W. F. and remembers some of this period.
terrain and soil standpoint. One man who watched these activities said of the settlers:

Thomas E. Ricks and his associates accomplished more in two years in building canals, fences, bridges, and making general improvement, than I have ever known of in the course of five years. They worked the scrapers night and day because there were only a few of them. Thomas E. Ricks was an excellent manager. He placed men in jobs they were best fitted to perform. The Rexburg pioneers had scarcely enough to live on during the first two years.1

Bishop Ricks used his available capital in every venture he thought would aid the settlers. When no one established a store for general goods he organized a company and set up a store, September 1883, in the dirt roof house already mentioned.2 The location was later changed and the store became the Rexburg Cooperative Store. Walter Paul set up a business about the same time to handle furniture, hardware, and building supplies. Thus Rexburg became the business center for the Snake River Fork Country. It was at a disadvantage because of the distance from the railroad and the expense of transporting goods from Market Lake in wagons across the desert and the Snake River ferry.

The cosmopolitan nature of Rexburg near the end of the first calendar year was not phenomenal. However, as winter commenced a school teacher was found in the person of Thomas E. Bassett. The school was not large, elaborate, or well furnished but the children were capably taught by Instructor Bassett. He

1Beal, Snake River Fork Country, p. 23. This was taken by Beal from Sanuel Swarner July 2, 1935.

2Emma Jacobs, Personal Interview, March 7, 1950. She was one of the clerks in the Cooperative Store.
spent the rest of his life in public service of varying nature from school teacher to Stake President.\(^1\) The communities distant from Rexburg in most cases did not have school during the first year. The parents took the responsibility of teaching their own children. School had been held on Poole's Island since 1881, when Susannah R. Poole taught the first term.\(^2\) In the early years there was cooperation between the church membership and the non-members residing through the country. This was later changed by vigorous agitation over polygamy. The few who had associated with the church members and knew them from experience remained friends and in many cases defenders of the Saints.\(^3\)

From the Rexburg correspondent of the *Salt Lake Herald* an interesting note on the early winter appears:

For the past month times have been somewhat dull here on account of the severity of the weather; however, large numbers of poles and logs are being cut and hauled by hardy settlers for building and fencing purposes. There is a steam saw mill in operation here.

The townsite of Rexburg was first selected on the 11th of March, 1883, and its inhabitants now number 262 souls, not counting those who have taken lots and will move their families here in the spring.

The settlement is not confined alone to Rexburg for its sister towns are also building up rapidly.

There is still room for many more who desire good homes. There is an abundance of land, water and timber, which combined with congenial climate, offer good inducements to the settler.

\(^1\)Jensen, *op. cit.*, p. 148. \(^2\)Ibid., p. 145. \(^3\)This is very much evidenced during the court battle.
At a quarterly conference held at Rexburg, January 26 and 27, the following named towns were represented, viz: Rexburg, Elgin, Wilford, Teton, Lyman, Cedar Butte, Louisville and Eagle Rock. The people were reported as feeling well both temporally and spiritually. The authorities of Cache Valley Stake were unanimously sustained, together with Bishop Ricks and counsel and other presiding officers of Bannock Ward. There were reported five organized Sunday schools, four Young Men's and four Young Ladies' Mutual improvement Associations well attended in Bannock Ward. The people were particularly urged to settle in townsites, and land jumping was talked against.¹

As indicated in the ward report above, each community had an organization at the end of the year. This was the sponsor of all social activity during the winter, acting as a dispenser of cheer, temporal goods, medical attention, and spiritual supervision. In one respect winter made the country more accessible to the visitor for the rivers were all frozen, allowing traffic to go by direct route rather than by the round about ferries and fords. In Rexburg, with a church and more people, a dramatic company was organized, with Walter Paul as president, Edmund Paul, vice-president, and Phineas Tempest, prompter; while Andrew S. Anderson, Sarah Ann Barnes, and Mary A. Anderson were among the leading actors.² Some of the first year performances included "Michael Earle," the "Charcoal Burner," "Capitola or the hidden hand," and "Ten Nights in a Bar Room." The members of the cast improvised costumes and scenery from available material which they carried to the surrounding communities during the

¹Journal History, February 11, 1884, p. 10. Quarterly Conference is not used correctly as there was not a Stake organization. Elgin is not correct, Egin is the correct spelling.

²Be a, Snake River Fork Country, p. 41.
winter. This was very stimulating for the people during the long winter and was appreciated in every community. The outlying settlements looked forward to the plays as much as any major holiday. The members of the group were so stimulated by their receptions that they continued the activity for many years.¹

When called to act as Bishop of this broad territory Thomas E. Ricks had assured the Church authorities they would not have to call men to settle as the country offered natural inducements enough to attract inhabitants. Since that time he had spared neither time nor money in making his prediction come to pass. During the winter he made several business trips to look after the interest of the new industries in the settlement. He also had families still living in Utah as well as extensive property there.² During one of these trips he received favorable report in the Salt Lake Herald:

FROM THE SNAKE RIVER

Colonel Thomas E. Ricks, who for some time past has been directing the emigration to and settlement of the Upper Snake River Valley, came down to Salt Lake yesterday. He reports encouraging prospects for the settlements along the Teton river, and expresses his belief that next season will witness a large influx of industrious people into that fertile and desirable country. The locality is reported as

¹Ibid., p. 41.

²Thomas E. Ricks had five wives and a family by each. He moved three of them to Rexburg, Jane, Ellen, and Tabitha, while Ruth and Temer stayed in Cache Valley. Temer came in 1893, after the polygamy question was settled by Presidential Amnesty. He lost much of his property during the period of persecution later.
exceptionally fine and the little settlements are in happy, thriving condition. Colonel Ricks expects to return to Ricksburg in a few days.¹

One of the most gratifying events of the winter for the leadership of the settlement was the organization of Bannock Stake on February 4, 1884. The type leadership in the communities as well as the increasing membership warranted this step. The statistical report of January 31, 1884 had shown a membership of 815.² The new organizational arrangement made the administration of church affairs much easier as President Preston of Logan had enough in his own territory to look after. There was a good deal of speculation and gossip among the members, for Henry Flamm, formerly first counselor to Bishop Ricks, had not been included in the Stake Presidency. William F. Rigby had been sustained as first counselor and Francis C. Gunnell as second.³ At the time of organizing the Stake the above mentioned officers were all that were chosen. The organization of the communities was not altered and other Stake officers were not chosen.

The history of Bannock Stake during the next decade shows a close cooperation among its members in all matters. There was little difference to them between spiritual and temporal affairs as the one was vital to the other. A report of

¹Journal History, February 1, 1884, p. 5.
²Jensen, op. cit., p. 132.
³Bannock Stake Record, Historical Record Book A, 1884–
remarks by John R. Poole at the first Stake conference held in Rexburg April 26, 27, 1884 stated:

While we were interested in our religion in a spiritual point of view it was just as necessary that our temporal condition was not neglected. We as a people should assist each other by laboring and furnishing labor for one another, that the welfare of the community should be foremost in our minds....Depreciated the employment of what might be termed "middlemen" at exorbitant percentages. Advocated the principle of cooperation on the basis of small profits and on a live and let live principle, showed the folly of paying out means to outsiders. The kingdom of God spiritually and temporally could not be divided, the principle of commerce and manufacture was just as important as any other principle of the gospel.¹

At this same series of meetings the leaders met together and organized the "Board of Directors" of the "Bannock Branch of Zions Board of Trade" with Thomas E. Ricks, president and William F. Rigby, vice-president. "The object of this institution was to hunt up the best markets for our produce and have the benefits of our trade ourselves and keep out so many profits made thereon by middle men."² Another indication of the advice given is a notation by President Ricks' remarks at the afternoon session April 26: "Advised all to get their naturalization papers and live as near to the laws of the land as we possible could; urged the necessity of educating our children; as there are important positions awaiting them."³ At this meeting the Rexburg Ward was

¹Ibid., p. 37.
²Ibid., p. 36.
³Ibid.

1892, p. 36. This is the original record kept at the time of the meetings and is in condensed form from the original speeches.
organized as the first ward in the new Stake with Thomas E. Ricks, Jr., as Bishop, John L. Roberts first counselor and Andrew S. Anderson, second counselor. Each community was reported on by the presiding priest and conditions were generally favorable.\(^1\) The people were all happy at the prospects of the new season and much work had already been done. Everyone was pleased with the arrival of new families for the seasons work.

Much activity took place between the April conference and the May 31-June 1 Stake meetings. As more settlers took up land the canals had to be extended and enlarged which made time valuable as it came during planting season. The crops raised the first year had been very helpful during the winter and every family determined to raise enough this season for their own use and to sell for articles they needed. The crop report taken on May 13, 1884 showed 1, 582 acres of land planted.\(^2\) This was a task, considering the tough sage brush that had to be cleared from the land as well as the implements used to plow and prepare the land. After the brush was cleared an acre a day was all one man could plow with a team which indicates roughly the number of man-team days involved in the acre-

\(^1\)Ricks, op. cit., p. 4.

\(^2\)Jensen, op. cit., p. 132.
The acreage planted included potatoes, carrots, beets, cabbage, corn, small grains and alfalfa.

The abundant free range made cattle raising a prize industry during the first years. In order to make a success of this, hay had to be stored in the summer for feed during the deep snows of winter. It was learned that warm shelters were also helpful in keeping stock through the winter. The first year many stock had been wintered in the sheltered river bottoms among the cottonwoods. "William Troop proposed to herd the people's cows for one and a half bushels of wheat per head for two hundred head or less. Over that number one fourth bushel per head." 

Many activities were done on a cooperative basis as no one man or small group could hope to succeed alone. The canals were made public property to all who owned land under their irrigation system. Most of the communities fenced large tracts and farmed together or separately in the same field as protection against rodents and cattle. The cooperation also extended to marketing and purchasing which aided greatly in establishing families in the new country. 

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1 In 1935 the sage brush on unclaimed land was taller than a man. It required a hard day's work to clear one acre enough to be plowed.

2 Beal, History of Southeastern Idaho, p. 206.

3 Bannock Stake Record, pp. 36-45.
A step toward greater service to the area occurred April 1, 1884 when a Post Office was established at Rexburg, with Thomas E. Bassett as Postmaster. Prior to this time mail had to go to Egin, where a Post Office had been established in July 1880, or Eagle Rock. Both of these were separated by several rivers from Rexburg and mail was very irregular. The new Post Office had contact with the railroad at Market Lake by a rider who resembled a pony express man. Mail was carried from Rexburg to the surrounding communities by various local citizens for almost nothing; George and Luke Briggs carried from Rexburg to Lyman over a period of nine months for $7.00. This new service made the outside much closer to the inhabitants who were inclined to be lonely in their new land. The fact that Bassett was a prominent Latter-day Saint later caused embarrassment to the anti-Mormon party, who finally succeeded in getting him out in favor of a non-Mormon.

An interlude in the spring activity came to the people on May 31 and June 1, when President Wilford Woodruff and Apostle Heber J. Grant visited the new Stake to hold conference. The leaders extended their visit long enough to call on the various settlements and change the organization of many from Branch to Ward status. Elder Grant wrote a careful account to the Deseret News which is of value because he saw conditions differently

from the residents of the country.

Thinking that a few lines from this section of the country might not be uninteresting to your readers, especially those among them having friends here. I embrace the present opportunity to write something of the country and of the labors of President Woodruff and myself....

Although the distance from Market Lake to this place is a little over twenty miles, we were nevertheless quite tired upon our arrival here as we had to travel a considerable portion of the distance over rocks, mostly lava, and sage brush, the road being under water, caused by an overflow from the Snake river....

Rexburg is only a little over one year old, and we were greatly surprised upon our arrival here to find that such a large amount of work had been accomplished in such a short space of time; considering of course, the limited number of persons engaged therein. The town plot covers 1,120 acres, divided into blocks of 10 acres, each block, being divided into four lots. The main street is about eight rods wide and the others six. There are about 400 inhabitants and something like seventy houses; fully one half of the lots are fenced and nearly all of them have been taken up; two water ditches three or four miles long respectively, and ten feet on the bottom are expected to be fully completed within two or three days. There will be at the end of next week, if not before, a field of 1,200 acres enclosed, over 500 of which is in crops....

Judging from the reports given us the climate in this section is about the same as that of Cache Valley...Lyman is situated about eight or nine miles a little west of south from this place. South of the town is a large body of timber, from one to three miles wide and about thirteen miles in length. This body of timber is the main source of supply for Rexburg and other places in that vicinity, and we were informed that during the winter, it is almost alive with deer, antelope and other game.

Part of this week has been occupied by us in visiting the surrounding country, and never have I seen any better stock range than can be found for many miles in all directions, there are many thousand acres of choice land in this section and any amount of water that can be made available for irrigation purposes, there are several rivers considerably larger than the Logan, and judging from what we have seen and heard I am of the opinion that there is about twice as much water in this country as there is in Cache Valley. I am surprised that a country possessing as many natural facilities as this should have remained comparatively
speaking, unoccupied for so many years....Heber J. Grant.¹

During the stay of these leaders, Lyman was organized as the second ward of the Stake June 5, Teton as the third ward June 10, and Parker as the fourth ward June 11.² They also visited some of the other settlements where they held meetings and counseled the members. The visit encouraged the members as it made them feel important having such ranking dignitaries take a personal interest in their new homes.

To indicate the rate of influx in the early summer, the statistical report of July 31, 1884 showed a population of 1,420, an increase of 545 since April 30.³ This rapid increase was the result of many Utah families moving into homes located and built the year before. The men had preferred to keep their families in the more settled Utah communities during the winter as they could be better cared for. Some of the people refused to move into the unknown land to start life over again from the pioneer stage. Some families had already moved two or more times and well knew what roughing it in a new settlement was like.⁴

The summer of 1884 was a very pleasant one for the inhabitants of the new country. The weather was warm in the

¹Deseret News, June 25, 1884. ²Ibid. ³Ricks, op. cit., p. 5. ⁴Thomas E. Ricks' fourth wife, Ruth Dilley, refused to make the change, five of William Rigby's stayed in Utah. L. Y. Rigby, personal interview March 7, 1950.
day and cool at night, with good rainfall for the range lands. It was very heartening the way crops matured. Alfalfa made two good cuttings per season with heavy yields each cutting. One of the most amazing crops was the potato. The soil was fine for its growth, yielding beyond the imagination of the settlers.\(^1\) Wheat also made rapid growth and when properly irrigated yielded as high as 100 bushels per acre. The average was much lower but anything below thirty bushels was considered almost a crop failure. Two elements made the summer burdensome, these were mosquitoes and ground squirrels. Both had been unmolested in their native state until the settlers arrived but seemed more than pleased with the company. Great swarms of mosquitoes came to the settlements in the summer time from the stagnant water in the river bottoms. The homes did not have screens and the people were molested day and night.\(^2\) The squirrels delighted in the luscious alfalfa, wheat and vegetables. The amount of damage they did was serious for farmers in isolated districts. Those who farmed in large fields were able to confine the damage to the edge of the field. The squirrels would also dig holes, destroy the crops and obstruct the flow of water, as well as eat and trample the fields.\(^3\) It is in-

\(^1\)Beal, *Snake River Fork Country*, p. 35.

\(^2\)Julia H. Ricks, Personal Interview, December 23, 1949. The people would build smudges with brush, grass and green willows to smoke the mosquitoes away from the houses.

\(^3\)In farms next to waste areas the squirrels now do
interesting to note a comment in the Stake record: "President Ricks wished all the brethren to fence in fields and farm together, so that they can preserve their crops from drought and rats and wished it to be remembered by another season."¹

The time not used in building homes, fencing fields, tending crops, storing hay and herding cattle was spent in building canals. Every community had abundant water close but had to build a canal to get it out on the farming land. The terrain is of such a nature that canals had to be taken out above the farming area to have fall for the water to get onto the farms. It was to an advantage to get canals dug as soon as possible for Idaho Territorial law was such that water was filed for the same as land. If a dry year came the one with the earliest dated claim could draw all his water before the later claims could get any.² The price of water in Rexburg was set at twelve dollars per city lot by those in the Rexburg Irrigation Company organized May 11, 1884.³

immense damage to wheat and alfalfa. Recently county agents have cooperated with farmers in poisoning them; they multiply very rapidly as was noticeable during the last war.

¹Bannock Stake Record, pp. 47-48.

²Frank Hartkopf, History of Bingham County, (unpublished M. A. thesis), Dept. of History, Univ. of Wyoming, 1942, pp. 54-55. A list of all canals and dates of water rights is given. One of the most sacred rights of the Idaho farmer is his water. Feuds and killings are recorded in many pages of history over it.

³Beal, Snake River Fork Country, p. 35.
August 2, 1884, President Ricks called the priesthood of the Stake into a special meeting at Rexburg. During this meeting the problems of the various communities were considered and ways decided upon to solve them. As has already been indicated cooperative farming was decided upon as a means of combating rodents and facilitating irrigation. Because there were many immigrants from foreign countries among the settlers, steps were taken to protect them from ignorance of the law. Bishop John Donaldson of Teton, one of the best educated in the Stake and well acquainted with political and legal matters, was appointed to take charge of filing necessary water and land claims. Bishop Donaldson's request for a central committee in each community to report to him was complied with. 1

President Ricks then presented to the leaders the problem of what to do with the abundant crop of wheat that was about to be harvested. If they were as successful as it appeared they would be, there would be much for sale or export and freight facilities were unsatisfactory. He reported that a steam flour mill could be purchased from the factory for $1,800 and freight to Market Lake would cost $500. This mill was of the newest design; its purchase would be a great service to all surrounding communities as there was not a mill closer than Weston, Idaho,

1Bannock Stake Record, p. 48.
some two hundred miles.\textsuperscript{1} After much discussion all voted to authorize the president to order the machinery for immediate delivery and pledged to cooperate in the building and financing of the enterprise. A final action of the meeting was a decision to set a price on commodities to be binding on all communities. The prices adopted were, wheat and oats one and one-fourth cents per pound and potatoes fifty cents per bushel.\textsuperscript{2}

A distinguished group of church authorities paid a visit to the valley in August 1881. This group included Presidents John Taylor and George Q. Cannon, Apostles: Francis M. Lyman and George Teasdale, and Elders: John Irvine and J. L. Nuttall of Salt Lake City.\textsuperscript{3} At the conference held August 16, they gave excellent instructions to the members and were pleased with the progress manifest. One of the purposes of their visit was to get first hand information of this much talked about country and complete the organization of the Stake.\textsuperscript{4} Before leaving the valley the following letter of instructions was prepared as a guide for the Saints:

To the Saints in the Bannock Stake of Zion:
Having been asked some questions by President Ricks in regard to the timber and hay land in this valley or among our settlements, we beg leave to present the following in answer thereto.

\textsuperscript{1}\textit{Ibid.}, p. 48. The mill was known as T. E. Ricks & Co. It appears from available material, especially William F. Rigby's diary, that Thomas E. Ricks furnished most of the capital as few others had any to spare.

\textsuperscript{2}\textit{Ibid.}

\textsuperscript{3}\textit{Ricks, op. cit.}, p. 5.

\textsuperscript{4}See appendix for list of Stake officers.
You have your city lots surveyed here and public squares laid out. You have your lots provided for meeting houses, school houses and tithing offices, as well as farm lands for missionary purposes....

You have also laid out some big fields and in your combinations have fenced them; you have made some very excellent water ditches; and have in contemplation the construction of others; these are all of a public nature and in the interest of all;...

...You have timber and hay lands, and so far as these can be arranged as to make an equitable distribution of the timber and of the grass lands it would be just as proper and as strictly in accordance with the principles of equity, as any of the aforementioned....

Were you acting singly and individually, any of these lands would have been of very little consequence to you, and of no special profit, and if these settlements had not been organized in the manner they have been, they would have been of no special advantage to parties claiming them.

It is the combination, the concentration and the united effort alone that make them valuable, and no good Latter-day Saint, in possession of correct principles, could seek to take advantage of this combination to aggrandize himself at the expense of the public. Such action is not compatible with the ideas that are entertained and will be carried out in the building up of Zion, where equitable principles must prevail, and all covetousness and individualism must be obliterated.

Serious objections have been raised to the settlements on the timber and lowlands, in consequence of the prevalence of mosquitoes thereon. Why not divide those lands up, on some equitable principle, among the people and only go there when it is necessary to look after the hay and timber, and in this way gather together on your town sites, according to counsel and leave the mosquitoes to their own domain.

...This principle might apply just as far as you can agree among yourselves in regard to other matters, such as the erection of grist mills, sawmills, co-op. stores, or anything else that may be considered beneficial to the whole community, and thus try as near as possible to get this Stake of Zion placed in a proper condition....

In all these matters be very careful that no coercion of any kind is used, but that all men be left to enjoy the fullest and most untrammelled free agency in all of their actions, providing a full and fair compensation to all persons interested in any and all of your secular affairs.
Keeping this in view, you avoid all interference with private rights....

And then the people should pay their tithes and attend to all their social, moral and religious duties, and those who thus operate harmoniously in the interest of all and for the benefit of the whole, will place themselves in accordance with the spirit that ought to exist in the land of Zion, and will be blessed and prospered in all their enterprises, while those who take a contrary course will be deprived of many of the blessings resulting from an observance of the laws of God.

With sentiments of the highest regard, we remain

Your Brethren in the Gospel,
John Taylor
George Q. Cannon,
of the First Presidency.¹

The Latter-day Saints up to this time had enjoyed full political freedom and there were no restrictions placed on them. The leaders had been constantly alert to inform the members on how to obtain their political rights and had urged them to use these rights wisely. Excerpts from a priesthood meeting held June 28, 1884, indicates the nature of these instructions.

Thomas E. Ricks wished the brethren to take advantage of right and privilege both in our school appropriations and the coming election.
Bro John L. Roberts, exhorted all to be united in our election matters and pay attention to the instructions as given by our presiding priesthood.
Bishop John Donaldson said the coming election was one of the greatest importance. Exhorted all who have a right to cast their votes and vote for men who will prove a benefit to the community let us be energetic in this respect.
Walter Paul was pleased with the instruction given in our meeting, wished all to be very careful both in registering and voting.²

¹Jensen, op. cit., pp. 132-133.
²Bannock Stake Record, pp. 45-46.
By the end of the summer some concern was indicated by some of the church leaders as is indicated by the following:

The County and the Territorial elections are near, and some excitement is manifested by Republicans who wish to work up an anti-"Mormon" issue with the Democrats on the "Mormon" question. "Mormons" true to their creed, will mind their own business all the same, and have nothing more to do with politics than is necessary, voting for the man or men of their choice, no matter what his religious views or political complexion.  

In the November conference President Ricks commenting on this group said: "A party had sprung up in this Co. styling themselves Anti-Mormons and were doing all in their power to elect their own officers and to overthrow us politically let us remember them in our prayers that their design may be thwarted."  

It is not intended to treat the political controversy here but merely to point out its place in the sequence of developments in the early settlement.

As the summer ended excellent harvests were reaped and the people well prepared for a second winter. Many improvements were evidenced in the businesses of Rexburg and in the country generally. The arrival and setting up of the grist mill added a great deal to the valley. People from every community brought wheat to be made into flour after its dedication. The dedication was an event of great importance at which leaders from far and near attended.

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1Deseret News, August 27, 1884.

2Bannock Stake Record, p. 63.
near gathered for the formal affair which occurred December 11, 1884. The value of the mill can be estimated from the crop report which listed 25,000 bushels of grain raised in the valley during the year.

The Stake authorities were thrilled with the growth of the country and with the rapid organization of the settlements into Wards. On November 23, Salem was organized on a Ward basis making a total of eight Wards in the Stake. On the same day the Stake Primary Association was organized with Janney E. Paul as President.

At a Priesthood meeting on December 6, the boundary lines between the eight wards were set as follows:

The center stake on the south line of Section 10, Township 6 north, Range 40 east, was taken as a starting point, and all the country lying east of that between the Teton and Henry's Fork of Snake River, was attached to the Wilford Ward. The Teton Ward was to embrace all that district of country lying south of the Teton River and east of the aforementioned point. Salem Ward was to embrace all that district of country lying west of said starting point and north of an east and west line drawn therefrom to the south bank of Henry's Fork. Rexburg Ward was to include the country extending six miles south from said starting point; Lyman Ward to embrace all that district of country lying between Rexburg Ward and the south fork of Snake River. Parker Ward was to include the country lying north of Henry's Fork, Cedar Butte (Menan) the whole of Poole's Island, and Louisville Ward all the country lying south and east of the south fork of Snake River.

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1Journal History, February 22, 1885.

2Ricks, op. cit., p. 5.

3Jensen, op. cit., p. 133.

4Ibid., p. 134.
A brief tour of these wards is necessary to understand the significance of the first two years and the distribution of the population in the main settlements. It is impossible in so brief a work to follow all the families that moved in separately and no attempt will be made to do so. The two extremes of the valley were settled first with the center being settled almost simultaneously. For this study the wards will be listed from south to north with major details of settlement and church organization.

The first ward on the south is Louisville, named by President Preston and Bishop Ricks in honor of Louisville, Kentucky. The first men interested in the location arrived July 8, 1882, consisting of Richard F. Jardine, Brigham H. Ellsworth and John W. Ellsworth. These men located on the property they wanted then returned to Utah. In September they returned and built two houses into which Jardine and B. H. Ellsworth moved their families in October.

During 1883, several more families moved to the vicinity. March 11, 1883 a ditch and townsit was surveyed by Andrew S. Anderson. A Priesthood meeting was held in Jardine's house May 16, 1883. In June Richard Jardine was appointed to preside over the settlement and James Myler was appointed to act as home missionary. The members decided to erect a church in

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2Ricks, op. cit., p. 6. 3Jensen, op. cit., p. 142.
September and had completed the task by January 8, 1884.¹
February 10, 1884 the Young Men's Mutual Improvement Association was organized with Brigham H. Ellsworth, President over ten members.² May 3, 1884 the Relief Society was organized by President T. E. Ricks, Luna C. Jardine, President with twelve members.³ By the end of the summer there were 250 church members in the settlement and on August 17, it was organized into a Ward with Richard F. Jardine as Bishop and Orrin Myler as First Counselor.⁴

Two miles north of Lewisville, on Poole's Island, is Menan (Cedar Buttes) Ward. The early settlement and organization have been mentioned above. In November 1881, John R. Poole was set apart to preside over the group of settlers residing there. It was then named Cedar Buttes Branch of the Cache Stake.⁵ The name was first suggested by President Preston because there was an extinct volcanic crater near the settlement which was covered with cedar trees and resembled two buttes. In August 1881, Susannah R. Poole taught the first term of school. The people settled on their farms and had some difficulty trying to secure a townsite. The first surveyed area was secured under the Desert Act but because of a technicality had to be purchased a second time.⁶ At the

¹Ibid.  ²Ricks, op. cit., p. 6.  ³Ibid.  ⁴Jenien, op. cit., p. 142.  ⁵Ibid., p. 145.  ⁶Ibid.
August 17, 1884 conference in Rexburg, Robert L. Bybee was ordained a high priest and made Bishop of the Ward. There was then about 200 members in the area.¹

Eight miles east of Menan and eight miles south of Rexburg is the townsite of Lyman. Several families had resided near here before the Latter-day Saints started settling in the valley. However they were the first to organize in a community and hence claim the settlement. In 1883 several settlers located near the river but were not organized.² In March 1883, they hired Andrew S. Anderson to survey a canal and townsite as it was impossible to provide proper irrigation facilities individually.³ In October 1773, Sidney Weeks was made presiding priest over the Branch which was organized.⁴ In 1884 a small log meeting house, 16 x 20 feet was built from donations of the members. On April 20, the Sunday School was organized with William J. Young as Superintendent, George Briggs and Isaac Gill, assistants.⁵ The Ward was organized June 5, 1884 with Sidney Weeks as Bishop over a membership of 217.⁶ Many non-members lived in the vicinity as there was plenty water and the land was very level and fertile. Good

¹Ricks, op. cit., p. 7.  ²Jensen, op. cit., p. 143.
³Ricks, op. cit., p. 7.
⁴Beal, Snake River Fork Country, p. 31.
⁵Ricks, op. cit., p. 7.  ⁶Ibid.
crops of small grains, potatoes and alfalfa were grown from
the first settlement on.

Traveling north, Rexburg is the next settlement, then
three miles beyond is Salem the baby ward of the Stake. The
first house was built here in the spring of 1883 by John M.
Brannon. The townsite was selected by Presidents Ricks and
Preston in 1884 and named in honor of the ancient Salem in
the Bible. George H. B. Harris was chosen a member of the
High Council when it was organized but the people were in a
disorganized condition until a Ward was formed November 23,
1884. At that time Harris was made Bishop and served without
counselors for some time. There were only 75 members in the
Ward a year later, so it must have been very small when orga-
nized. The meetings were held in individual homes for nearly
two years after the Ward was organized.

Teton is the next Ward in geographical order, five miles
east and across the line north of Salem. This location was
described in glowing terms by several of its early visitors.
It was first settled in April 1883 by a party of emigrants from
Mendon, Utah, consisting of Francis and Joseph Graham, Fred
and John Gardner, Jonathan and Charles W. Bird. Bishop Ricks
helped the men select the townsite and Andrew S. Anderson sur-

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1Ibid., p. 11.
2Beal, Snake River Fork Country, p. 34.
3Ricks, op. cit., p. 9
veyed it May 1, 1883. The first house was built on the town-site May 31 by Joseph P. Jones. A Branch was organized October 27, 1883 at the first Ward conference in Rexburg. John Donaldson was appointed presiding priest. A Sunday School was organized December 30, 1883, for the 15 members under Henry Sorensen as Superintendent. June 10, 1884, a Ward was organized by Elders Woodruff and Grant with John Donaldson as Bishop, Joseph P. Jones, First Counselor. At the August 17 conference Jesse M. Baker was set apart as Second Counselor. This group of people was very active and had all the auxiliary organizations functioning. Young Ladie's Mutual Improvement organization organized November 10, 1884, and Relief Society organized November 19, 1884. The vitality of the group was a result of their age, as they were all young people.

Just across the Teton River north is the Wilford Ward, the location was considered ideal by most observers and the town became a central business district second only to Rexburg in the early days. Like many of the other settlements Wilford was first chosen for a home in 1883 by H. P. Hennegar, Jame H. Pincock and John H. Garner. President Preston and Bishop Ricks named it in honor of President Wilford Woodruff. William J. Pratt became the first Sunday School Superintendent in May 1884. Several new houses were erected in that spring so that

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1Ibid. 2Jensen, op. cit., p. 153. 3Ricks, op. cit., p. 10.
when President Woodruff and Elder Grant came in June there were enough members to organize a branch with George D. Black being chosen as presiding priest. September 6, 1884, a Ward was organized under Bishop Thomas S. Smith. In December Richard Funk and John T. Brower were set apart as counselors.¹

In the northwest corner of the valley is located Parker Ward. When first settled the community was called Garden Grove; when application for a Post Office was refused under that name, Egin, meaning cold, was accepted by the inhabitants; and when a Branch organization was perfected, Parker was chosen as the name in honor of W. M. Parker who was chosen Presiding Priest.² The location was first settled in 1879 by Stephen Winegar and sons. Others visited the location and two other families built homes before winter. The river filled with ice during the winter and flooded two families out of the low lands so that three families with twenty members spent the remainder of the winter in one house. Most of their animals died from the severe cold and lack of food.³

A Branch was organized November 21, 1881, with Wyman M. Parker as Presiding Priest over the communities of Camas and Market Lake as well as Egin. January 8, 1882 a Sunday School was organized with William Rawson as Superintendent over twelve

¹Jensen, op. cit., p. 154. ²Ricks, op. cit., p. 10. ³Jensen, op. cit., p. 147.
members. Francis Rawson became the first Young Men's Mutual Improvement Association President, in October 1883, with sixteen members. May 11, 1884, the Relief Society was organized under President Elizabeth Jenkins with sixteen members. A Ward was organized June 11, 1884, with Wyman M. Parker as Bishop.\textsuperscript{1} The settlement was second to Rexburg in population at the end of 1884, having a membership of two hundred seventy.\textsuperscript{2}

This concludes a sketch of the Wards of Bannock Stake at the end of the second year of organized settlement. These two years had laid the groundwork of organizations that assured the success of the immigration into the Snake River Fork Country. Those who came later found their tasks less burdensome because of the effort of these pioneers. The struggle had been real and severe all the way up to this point. What the future held for them will be unfolded in the next chapter.

\textsuperscript{1}Ibid. \hspace{1cm} \textsuperscript{2}Ricks, op. cit., p. 11.
CHAPTER VI

DEVELOPMENTS 1885-1889

The year 1885 may properly be called the beginning of trouble for the residents of the Snake River Fork Country. The rapid settlement and development soon met a barrier more formidable than river or isolation had previously been; this was the legislation making the Mormons outlaws, denying them citizenship and driving their leaders into exile or prison. True, new people continued to arrive in the country, the population increased and more crops were planted, but the term "ekeing" out an existence" more nearly described many of the inhabitants than any other. This trouble resulted, from the conflict over polygamy. The political significance will be treated separately from the growth of the valley, as its ramifications were statewide in implication and novel in development. This period developed an attitude in the people that has persisted to the present--an attitude of cooperation, conservatism and religious devotion.

In 1862 the first Federal legislation had been passed against polygamy in the territories. This had been neglected for many years and in Idaho had not been of concern until 1882 when a second Federal law, The Edmunds Act, was passed. The trouble in the Bannock Stake did not begin until 1885 at which
time the first were arrested under this law. During the same year a Territorial law was passed, called the test oath which disfranchised all member of the Latter-day Saint church. The enforcement of the Federal law coupled with the additional Territorial legislation caused the political trouble mentioned during this period. Later in 1887 a final Federal act, the Edmunds-Tucker Act, increased the federal scope but was of little effect in Idaho as the law there was more stringent than the federal.

The residents of the valley were in better condition for the winter of 1884-1885 than they had been the year previous, as they had reaped a fair harvest and had improved their homes and stock shelters. Prospects for the future looked good from all angles except political. A cheerful note is found in a letter written to the Deseret News by the Stake Recorder describing the country. This sounds very much like an advertisement:

Editor Deseret News:
In answer to the many inquiries we receive from persons residing in Utah and surrounding Territories, relative to this district of country and its facilities, I thought that if space would permit in the valuable columns of your paper, I would write a description thereof as far as my knowledge extends. Having been connected with the growth and settlement of this stake since the organization thereof as a ward, I am tolerably well acquainted with the same, and what I may say in reference thereto, will be either from personal observation or from evidence of persons whose statements I can vouch for as being correct.
We have now six inches of snow on the level, and exceedingly pleasant weather for the season, about 20 degrees below zero being the coldest weather we have experienced this winter. The many streams that flow through the valley,
being lined with a heavy growth of timber in several places for miles on each side, and a thrifty growth of grass being intermixed therewith, furnishes not only excellent pasturage for our stock, but good shelter for them during the most inclement seasons of the year. They have principally wintered out so far, and look fully as well as those kept up and fed.

The soil is admirably adapted to the raising of all kinds of small grain. Wheat averages from 20 to 60 bushels per acre, and all other kind of grain and vegetables in proportion. All kinds of fruit and shade trees of a hardy nature, such as the apple, plum, pear, box elder, poplar, balm of gilead, etc., grow and thrive amazingly. Lucerne yields an excellent crop, and though I have not seen other kinds of tame hay tried here, it is generally believed they can be successfully and profitably raised, as all the water necessary can be obtained with but little labor. Large streams, with their gravelly beds, clear and pure as ever ran, flow through the valley, in all of which are found fish of various kinds, and the hills and mountains abound with elk, antelope, deer, prairie chickens etc. Thus it will be seen that ample opportunities for hunting and fishing are here furnished the sportsman.

It is estimated that from 300,000 to 500,000 acres of land in this vicinity can be made available for farming, for which there is an abundance of water, easy of access. There is also about the same amount of grazing land adjoining, consisting of gently raising hills extending toward the mountains for a distance of from 12 to 20 miles, covered with a heavy growth of grass from 6 to 18 inches high. Thus we have one of the finest summer ranges in the west. On the summit of the mountains are thousands of acres of red and white pine timber sufficient to supply several saw mills and the streams all flowing, the direction in which the Temple stands, furnish excellent opportunity for floating. Thus far, however, sufficient for lumber purposes has been hauled from a distance of about 12 miles being easily driven amongst and obtained with little exertion.

A saw mill established here through the untiring diligence of President Ricks and Rigby, has accomplished an enormous amount of good in building up this stake of Zion. Attached to this we have a grist mill in operation continuously, doing excellent work and giving general satisfaction.

It is really surprising to see the important events made and growth of this Stake since its organization as a ward barely two years ago. Since then twelve settlements have been located here, nine of which are surveyed into
city lots of two and a half acres each. About 200 persons have permanently established themselves here, all apparently not only willing but anxious to work, and go where you may through any and all of the wards, the busy hum of industry is heard at all seasons of the year. Where now are to be found cozy little villages, large fields fenced, or orchards planted, and at the proper seasons of the year, inviting gardens and large tracts of grain, all denoting a happy and prosperous community, was hardly two years ago a wild prairie inhabited only by a few scattered ranchers. At the present rate of increase of population it is only a matter of a few years before this Stake will be more densely populated than many of the older ones.

And now is the time, while land is plentiful and every prospect of good comfortable homes and surroundings invite the farmer, the stock raiser, the lime burner, mason, blacksmith, and in fact, tradesmen of every kind to establish themselves for those to come, where they may grow up with the country, as it is a noticeable fact that the first established of any branch of industry in a new country is the one that eclipses its successor in prosperity.

Every facility exists here for the manufacture of leather, and instead of expending so much ready cash for the export of hides the manufacturing of the leather and the importation of them back again generally manufactured into boots and shoes, and, in fact, for a thousand other articles that are imported into our midst, let us do our own work and thus become, as near as possible, what is desired we should be, a self-sustaining community.

Thomas E. Bassett,
Stake Recorder. 1

The leaders of the Stake organized a Stock Company during the month of February to investigate progressive methods of stock breeding, raising and marketing. 2 Much timber was cut and hauled during the second winter, and the saw mill ran to full capacity. Between jobs however, there was leisure time which was used in visiting, attending plays, dancing and reading.

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1Deseret News, February 18, 1885.
2Bannock Stake Record, p. 78.
During this period a report in the Deseret News advertised that ample room existed, "for a thousand families" in the Stake.\(^1\) The same report listed 1,770 people residing there, and reported the price of water to be about $1.75 per acre which "can be obtained with little expense other than manual labor."\(^2\)

The mild winter pleased the people very much and caused undue optimism regarding the weather of the new country as is evidenced in the two following excerpts from the Deseret News:

Cedar Buttes,
Bingham County, Idaho,
March 13, 1885.

Editor Deseret News:

The past winter has been uncommonly light in this region. Snow at no time has been more than six inches deep. Cattle have wintered on the range and many of them are now good beef.

The snow is all gone and some of our early farmers are plowing. All are making calculations to plant large crops, both of small grain and vegetables, so those coming to this goodly land need not fear but what they can get everything in that line here this fall, and much cheaper than it can possibly be shipped here on the rail road at the present high rates....\(^3\)

BANNOCK STAKE.—Brother W. F. Rigby, of the Presidency of the Bannock Stake, called upon us yesterday and complained that an idea had got out from something which had lately been published in a morning contemporary that the crops in Snake River valley were a failure this year— an idea that the facts by no means warrant. In consequence of last winter continuing rather longer than usual, the people of that region were very late in getting their grain sown, and as a consequence the yield per acre has not been quite so heavy

\(^1\)Deseret News, March 11, 1885.  \(^2\)Ibid.

\(^3\)Ibid., April 1, 1885.
as last year, but a greater breadth was seeded than than heretofore, and a fair average yield realized, not less than 50,000 bushels of small grain having been harvested in the Stake. The vegetables planted yielded exceedingly well and the inhabitants have ample supply of breadstuffs for their own use and some to spare.\textsuperscript{1}

Thus it appears that the weather was to be an unpredictable force with which to contend. The country was not a garden of Eden, but had to be worked for all that was obtained. It is interesting to note here that the crop report was doubled in the one season, rising from 25,000 bushels of grain in 1884, to 50,000 in 1885. The population had also increased but not proportionally, being only 2,165 by August 26, 1885 an increase of 395 during the summer.\textsuperscript{2}

Much agitation had gone on for a ferry across the South Fork of Snake river in line with travel to Eagle Rock and Blackfoot as all government reports and filing had to be taken over this route and many needed items had to be purchased there. In April 1885 the County Commissioners granted Flamm and Company of Rexburg the right to operate such a ferry.\textsuperscript{3} This was one more step in aiding the country in development as many miles were taken from the above mentioned trips. The irony of this

\textsuperscript{1}Ibid., October 14, 1885. \textsuperscript{2}Ibid., August 26, 1885.

\textsuperscript{3}Hartkopf, op. cit., p. 40. "Some idea of ferry tolls can be gained from the schedule set by the County Commissioners:

One wagon and span .......... $0.75
Each extra span .............. 0.25
Loose stock ...................... 0.10 per head
Horsemen ....................... 0.25
Footman ......................... 0.15"
advance was the ease with which officers could slip into the
country in their efforts to capture polygamists.

On May 2, it was reported to the Priesthood meeting by
John Donaldson that his attempt to get precinct officers ap-
pointed by the County Commissioners had failed. After hearing
this report the men assembled resolved that, "P. Tempest, T. E.
Bassett, R. L. Bybee and Jno Donaldson be unanimously sustained
as a committee to draft a petition to the Commissioners, asking
for our rights, and officers duly qualified to protect us in
our rights." Two days later a force of ten deputies appeared
and arrested John L. Roberts and William J. Pratt for unlawful
cohabitation. This was the answer to the petition presented
to the county officers. From this time, May 4, 1885, until 1893,
the polygamists were constantly on the alert for marshals with
warrants for their arrest.

Following this raid and in pursuance of laws passed at
the preceding Terrotorial Legislature, the court at Blackfoot
was relentless in its effort to break up the practice of poly-
gamy. The members of the church were equally determined that
this constituted a violation of their rights and resisted with
every peaceful means at their command. The court and federal
officers had the advantage from the start and used this to drive

1Bannock Stake Record, p. 83.  2Ibid.
3Jensen, op. cit., p. 134.
the leaders of the Latter-day Saints from their places of influence. When a warrant was issued for the arrest of President Ricks he went into exile to England, where he filled a mission for the Church. William F. Rigby took his place during the first part of the exile but before the end of the year he also fled to escape going to jail. It is easy to imagine the suffering of the families of these men and the financial loss they suffered by being away from their many business enterprises. The men of the Stake expressed concern over the loss of the leaders, and the retarded development of the country was mute witness to their absence.

As has been mentioned, the season was late and some discouragement was manifested by the people after having had such a mild winter. Meetings were held from time to time and encouragement was given by the temporary leaders who carried on very well. On May 27, the 84th Quorum of Seventies was organized, with the following named Presidents: Swen Jacobs, Sr., Walter Paul, Arvis C. Dille, Jos. H. Brown, L. D. Shurtliff,

L. Y. Rigby, Personal Interview March 7, 1950. Wm. F. was in Utah at the time he decided to go in exile to England. Two Federal agents boarded the train he was leaving on and followed him. When the train stopped at a small station Rigby and Ben E. Rich, his traveling companion, stepped off the train but when the officers followed they boarded the train as if to continue. When the train started Rigby was lowered to the ground by Rich and made good his escape.

2Bannock Stake Record, p. 132.
3The exiled leaders retained their positions but they were filled by temporary appointees until their return.
and Walter G. Paul. The other President will be selected at the Louisville Ward,..."¹ At the same meeting Seymour B. counseled the members to "be ashamed of nothing but sin and you need not be afraid to meet anyone."² In the same line of counsel President Rigby said, "be sure in the midst of persecution not to commit any overt act."³

At the Priesthood Meeting held October 31, 1885 a definite plan was adopted to meet conditions then existing:

The clerk read a series of resolutions adopted against the patronage of outsiders in our business relations after which Pres. Rigby urged the necessity of carrying them out, the establishment of Coop stores, defense and Ward funds, and, the establishment of a ferry on the South Fork of the Snake River.⁴

By this time others had been arrested and sentenced to the penitentiary, and most polygamist were in hiding. John Donaldson appears to have been the political leader of the people in the absence of President Ricks. In a speech on November 15, he urged the people to "study the laws of our country, contemplate forming an independent party for Co. officers, we can't tie to either the Democratic or the Republican party."⁵ Thus ended the third year in the valley with the leaders in exile, but the general membership prospered with increasing production, greater facilities for service and a greater population to combat the isolated conditions.

¹Deseret News, May 27, 1885.
²Bannock Stake Record, pp. 83-84.
³Ibid., p. 90. ⁴Ibid., p. 122. ⁵Ibid., p. 127.
The next four years was a period very much taken up with the struggle between members and non-members of the Church. The members comprised an overwhelming majority in the north end of Bingham county which had been organized in 1885, but they were a minority in the county and were legally disfranchised. In 1886, the first meeting of the priesthood opened with a report by Bishop Ricks: "Some trouble caused by outsiders trying to get possession of the Post Office and district school."\(^1\) This struggle very shortly was solved when the Post Office was taken from Thomas E. Bassett and given to a non-member, Mrs. Dye. She also taught the public school, having Post Office and school in her home and receiving a double salary.\(^2\)

Walter Paul had urged the church to establish a private school in February when the struggle for possession had first become an issue. As a result Rexburg did organize a private school which reported in May an attendance of 35 pupils. "District free school also in session taught by a Mrs. Dye with an attendance of 2 pupils from Mormon parents."\(^3\) President Bybee encouraged the wards to establish private schools where Mormon teachers could not be employed by the district schools. Several of the wards complied with this advice immediately, others

\(^1\)Ibid., p. 131.


\(^3\)Bannock Stake Record, p. 141.
others the following year. This problem formed the major
contents of the Governor's report to the Department of Interior
in 1887. He sums up very well the anti-Mormon point of view:

Much trouble has been experienced, and more is to be
apprehended, in connection with the problem presented under
the existing laws of the Territory and the sentiments of
the members of the organization known as "The Church of
Jesus Christ of Latter Day Saints," hostile to the carrying
out of the provisions of the law applicable to the public
schools.

The board of school trustees is composed of three mem-
bers, one of whom goes out of office, and his successor is
elected on the first Monday of September in each year, in
each district. Among other requirements of the law, each
incoming trustee takes an official oath in which is em-
body'd the test oath annexed to this report.

In certain portions of Bear Lake, Bingham, Cassia, and
Oneida counties there are school districts in which there
are no "Gentiles" eligible either for election or appoint-
ment as trustees. The entire community is "Mormon". No
"Mormon," can take the official oath without danger of
conviction of perjury. Hence but two trustees remain in
office in such districts. Next year there will be but one
trustee, and where there is but one trustee the schools can-
not be carried on. In many districts, I am informed, the
latter is the case already arising from the fact of vacan-
cies caused by death or removal of one of the trustees
prior to the last election.

The school superintendents of the above-named counties
(except Bear Lake) have, in the discretion given them by
law, held that a person who belongs to an organization
which teaches things defined by our statutes to be crimes,
as a matter of performance of a religious duty, is not a
law-abiding citizen or a person of good moral character;
and therefore they refuse to license any member of that
organization to teach in our public schools. The "Mormons,"
represented by the reputed leaders of their organization,
have notified this office that in cases where "Gentile"
teachers are employed, they will not permit their children
to attend the public school, but will either cause schools
to be started by subscription, wherein their children can
be under the instruction of "Mormon" teachers, or else keep
their children at home.

This issue seems to be, either that the schools of
Idaho, in those districts, shall be subject to the control
and supervision of the priesthood of the so-called "Mormon" church or else that they must be closed. Their leaders set up no reasonable excuse for this demand or threat, nor do they allege that gentile teachers endeavor to enforce any sectarian, political, or denominational doctrines in the schools which their children attend....

This conflict over schools was taken to the church authorities at Salt Lake City because many of the communities were poor and found it difficult to support a private teacher for thirty or less students. The residents had to continue paying the school tax whether their children attended or not. By 1888 the General Authorities had formulated a plan for the Stakes. Apostle Lorenzo Snow speaking at Priesthood meeting in Rexburg said:

It is the desire of the leaders of the Latter-day Saints that church schools be established in every Stake of Zion. In accordance with this wish a Board of Education had been formed, which had decided that an Academy be established in every Stake of Zion, with Bro. Karl G. Maeser as the General Superintendent. Our children could then be taught from the book of Mormon and other church publications thereby enabling them to become useful in the church. Prescribed the method of starting an academy and exhorted the people to sustain it and patronize it.²

At the Priesthood meeting in Rexburg July 7, 1888:

A letter from Pres. Woodruff was read by Bro. H. Flamm. It was in relation to a stake board of Education. The following brethren were chosen and placed as members of the Board: Thos. E. Ricks, Rexburg, James E. Fogg, Rexburg, Jacob Spori, Rexburg, W. M. Parker, Parker, Jno. Donaldson, Teton, James E. Steele, Iona, Richard F. Jardine, Lewisville.³

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²Bannock Stake Record, pp. 279, 60, 69. ³Ibid., p. 269.
BANNOCK STAKE ACADEMY 1889

PLATE IV
The education board worked hard to obtain the necessary equipment to start the school. In September President Ricks said, "The education committee were now arranging for seats and the only way they could pay for the same was by taking up subscriptions." Jacob Spori, a convert from Switzerland, had come to America to take the principalship of the school. With all preparations completed, on November 12, 1888 the school was formally opened.

The Bannock Stake Academy was organized with Jacob Spori as principal and Axel Neilson and Sarah A. Barnes as assistants. Exercises were opened in the presence of the Educational Board and other Brethren. The dedicatory prayer was offered by Prest Thomas E. Ricks. Elders Rigby and Spori addressed those present. The number of pupils present were fifty-nine.

During quarterly conference held November 19, Jacob Spori said, "the rules by which the Stake Academy was conducted, were inaugurated by Karl G. Maeser and the Presidency of the Church." President Ricks reported "an attendance of eighty with room for forty more."

Business development was rather slow in the country during this period. Money was scarce and transportation did

1Ibid., p. 281.
2Beal, Snake River Fork Country, p. 47.
3Bannock Stake Record, pp. 282-83. 4Ibid., p. 288.
5Ibid. The discipline was very strict, and learning the primary purpose of the school. Early students still remember the lessons learned there and are loud in praise of Jacob Spori.
not make marketing of produce very easy or profitable. Land was free except for a small filing fee, and water was almost free for the taking, yet the people had a hard time to pay their taxes and buy the necessary implements, clothing, furniture and food items they were unable to raise or manufacture. In 1886 Henry Flamm and his son-in-law, John L. Jacobs, established a General Merchandise and Implement Company.¹ They allowed liberal credit to patrons during hard times which greatly aided the country. Thomas E. Ricks and William F. Rigby lost nearly all they had while exiled in England. Rigby wrote in his Journal: "I decided to consult with Brother Daniel H. Wells as to whether I should return home. My personal property and money was being taken for debts of other Brethren with whom I am in partners."² After much mental anguish he received another letter from home which helped him make up his mind. He then recorded:

They advise me to stay in England. They say if I come home I will be sure to go to prison. Although it appears that I will lose my property to pay the debts of Van Noy & Co. and Thomas E. Ricks, I feel that I had better stay in England and fill my mission at the sacrifice of my property ....It does not seem right after we have worked and sacrificed as a family for us to have to pay other men's debts.³

They remember especially the spiritual feeling that was present. "I have never felt better in my life" was a phrase of Julia Hansen Ricks one of the first students, an emigrant from Denmark.

¹Beal, Snake River Fork Country, p. 37.
²Rigby, op. cit., p. 2. ³Ibid., p. 9.
Thomas E. Ricks decided to return home near the end of 1886 to try and save some of the property he and Rigby were interested in. Rigby expressed a feeling that things would be better if Ricks could be around to supervise the business. He succeeded in getting home without being arrested and appeared at meetings and at his businesses from time to time. He was not safe at home or in public but risked capture often enough to keep matters running. Rigby stayed the full two years only to be arrested in Logan shortly after his return and spent six months in the penitentiary.¹

A cultural advance in the business field was added in 1887, when Phineas Tempest began publishing the Rexburg Press, which proved to be a popular weekly item among the news-hungry settlers.² It was later sold to Ben E. Rich, who changed the name to the Silver Hammer.³

Another attraction came with the opening of the first hotel by Hyrum Rands in March 1888.⁴ The homes of the pioneers had served this purpose for five years, but the influx of travelers was becoming too great to continue this practice. The hotel aided Rexburg in maintaining its leadership in business

¹L. Y. Rigby, Personal Interview, March 7, 1950.
²Beal, Snake River Fork Country, p. 47.
³Ibid. No files of this first paper are known today.
⁴Jensen, op. cit., p. 150.
and culture inasmuch traveling business men and professional companies could travel from the railroad to Rexburg and spend a day or two with adequate accommodations.

A blow to the communities came on April 1, 1889, when the flour mill of Thomas E. Ricks and Company burned down with 1,782 bushels of grain, being estimated at $12,000 by the owners. "On April 13th a meeting of the priesthood was called to consider the necessity of steps being taken to erect a new mill," since the closest mill was two-hundred miles distant:

The question is, shall we combine and erect one? The general feeling of the meeting was expressed by the Bishops and leading brethren. The general feeling manifested was that they were too poor and they did not feel like cooperating. The Stake Presidency with Elders N. Ricks, T. J. Winters, J. E. Fogg, and Jno E. Pincock were appointed a committee to confer with the presidency of the church and project the best means to accomplish the erection of a new mill.1

On May 4, President Rigby reported success in visiting Salt Lake and that the Church Authorities had subscribed about $15,000 of stock. The work on the mill was pushed rapidly and completed in time to start grinding November 14, 1889.

In 1890 a visitor to the valley said of this venture:

But the pride of the town is the Rexburg Mills, the largest, best and most perfect flouring mill in the upper Snake River Valley. It stands on an elevated piece of ground a short distance east of the townsite, and is owned by an incorporated company. It was erected in 1889 at a cost of $19,000. The walls of the main building are of beautiful white sandstone—45x55 feet and four stories high. The

1Bannock Stake Record, pp. 303-04.
mill can turn out 160 sacks of flour in a day, when worked to its full capacity.1

In September of the same year a band was organized. There had been agitation for this for some time since there were many musically inclined settlers, especially among the European immigrants. They were proud of their singing ability and had worked hard to get an organ for the church, hence the organization of the band was a climax to their efforts in a musical way. The event was reported in the Deseret News as follows:

On Tuesday evening, Sept. 4, Rexburg organized her first brass band, with F. S. Bramwell as leader and P. Tempest secretary and treasurer. The committee at work soliciting subscriptions for instruments reported very good success, so that there is a prospect of hearing the horns soon. The boys mean business, and we believe such names as F. S. Bramwell, P. Tempest, T. Elliott, C. Durrans and J. Spori insure success in this regard.2

During the period of settlement a constant agitation had been in progress for the construction of a bridge across Snake River in one of the lines of traffic, either south towards Eagle Rock or west towards Market Lake. In 1887 money was donated and work pledged for a bridge across the south fork of Snake River.3 This money was not used until a later date and the river was still a great obstacle to the inhabitants of the country and any who wanted to visit or trade.

1Deseret Weekly, June 14, 1890.
2Deseret News, September 12, 1888.
3Ibid., August 31, 1887.
There was considerable excitement throughout the country in 1888, when it appeared that the railroad would be constructed, right of way being donated in many cases as inducement to get the road through certain communities. All the talk and work proved abortive because the railroad did not reach Rexburg until 1899. A sample of the excitement appeared in the papers of 1887 as follows:

Editor Deseret News:

RAILROAD MATTERS occasion a great deal of talk. There has been a Mr. Wheeler, the right-of-way agent for the U. P. R. R. C., in this vicinity for the past two weeks, in the interest of his company. Mr. Banester, resident chief engineer, of Cheyenne, was here a few days ago, but went to Warm River purposely to locate a wagon road from the proposed terminus of this branch railroad into the Park. From many facts which have come to our knowledge of late there appears to be no doubt but what work will be commenced at an early day, and that the iron horse will switch off at Eagle Rock via Rexburg, Wilford, Fall and Warm rivers to a point from which easy access by wagon can be had into the Park, in time to accommodate 1889 excursionists.

This does not cover all the business ventures in Rexburg, but is a sample to show the growth and development of the country, and how business progressed and aided this movement. It also suggests the culture of the country without treating in detail activities too numerous to mention here. After six years there were still weaknesses from a business and cultural standpoint. A visitors summary of Rexburg's business district stated:

2Ibid.  
3Deseret News, September 12, 1888. Signed "Stacatto".
The town has a printing office, from which the **Rexburg Press**, edited by Elder Phineas Tempest, is issued weekly; four stores dealing in general merchandise, one music store, two blacksmith shops, one livery, feed and sale stable, one meat market, one hotel, and a number of shops of more or less importance. But the pride of the town is the Rexburg Mills,....Besides the mill there are a few other substantial buildings in Rexburg, but most of the dwellings are as yet primitive in character, nearly all loghouses with dirt roofs. These, however, are beginning to give way for more modern and comfortable structures.¹

The church organizations were often without leadership but they continued to meet at regular times to strengthen each other. Even the harsh laws of Idaho Territory did not halt the wave of Latter-day Saint newcomers into the valley. At the ninth quarterly conference of the Stake, held in Rexburg May 15 and 16, 1886, Apostle John W. Taylor and Elder C. D. Fjeldsted praised the members for their good faith and works.² While in the valley they reorganized the Lyman Ward and organized four new ones, bringing the number to twelve. The new Wards organized were: Brighton, organized May 19, with Reuben Hiatt as Bishop, Robert Greenwood, First and Richard Hensley, Second Counselor;³ Cleveland (Labelle) organized May 21, with Winslow F. Walker, Bishop, John G. Morgan, First and John B. Dills, Second Counselor;⁴ Rigby, organized May 22, with George A. Gordon, Bishop, Daniel F. Robbins, First and Josiah Call, ....

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¹**Deseret Weekly**, June 14, 1890.

²**Bannock Stake Record**, p. 118.

³**Jensen, op. cit.**, p. 137. ⁴**Ibid.**, p. 141.
Second Counselor;¹ and Iona Ward, organized May 23, with James E. Steele, Bishop, James C. Reynolds, First and Cadwaleder Owens, Second Counselor.²

The next organizational addition came in November when John H. Smith visited conference and on November 18, organized the Eagle Rock Ward with James Thomas, Bishop, and William Thomas as First and John D. Evans as Second Counselor.³ About this same time President Ricks arrived in New York City on his return from exile.⁴ He spent some time visiting his families in Utah and in looking after church affairs before going to Idaho. He mentioned in a letter to W. F. Rigby that he had seen many of the brethren in hiding but did not dare divulge their whereabouts.⁵ He appeared for the first time in public April 2, 1887 at a priesthood meeting in Rexburg, expressing his pleasure with the leaders and members during his absence and receiving a hearty welcome in return.⁶ He remained in hiding most of the time and did not assume active leadership of the Stake until August 20, when the acting Brethren were released from their positions.

Rexburg was divided during the conference, with Second and Third Wards being created. The Third Ward was not organized until later, since Timothy J. Winters, who was chosen

¹Ibid., p. 151. ²Ibid., p. 140. ³Ibid., p. 139. ⁴Rigby, op. cit., p. 33. ⁵Ibid., p. 34. ⁶Bannock Stake Record, pp. 190-191.
Bishop, was absent at the time. Burton Ward was created from the north part of Lyman Ward. Of interest in picturing the size of the wards is the report issued concerning the acres under cultivation in each: "Brighton 136 acres, Iona 932 3/4, Labelle 376, Louisville, 918, Lyman 390 1/2, Menan 790, Parker 466, Rexburg 1,539, Salem 417 1/4, Rigby 253, Teton 874 1/2, Wilford 443, Burton 209; total 7,714."2

The following is typical of life during this period for those who were in responsible positions in the church:

Monday at 12 o'clock precisely, found a number of the Saints comfortably seated at the table of President W. F. Rigby, which was plentifully supplied with the comforts of life. The assemblage, numbering about thirty, had met, unknown to President Rigby, to show him their appreciation of his presence in their midst. To say he was "surprised" would be placing it lightly. He was indeed gladly surprised. He has just returned from a 2 years' mission to England, and a six-months' imprisonment for unlawful cohabitation.3

The organized Wards were increased by three additions at the conference held in Lewisville, August 19, 1888. Previous to the conference families in Taylor, Willow Creek and Basalt had been called to special meetings and men presented for the office to which they were ordained at the conference. Taylor Ward: William Priest, Bishop, with no counselors;4

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1Jensen, op. cit., p. 150  
2Ibid., p. 134.  
3Deseret News, June 27, 1888.  
4Jensen, op. cit., p. 152.
Willow Creek: Alphonzo Bert Simmons, Bishop, with no counselors; and Basalt Ward: Andrew O. Inglestrom, Bishop.

In this period of bitter persecution the church members, in response to Presidential proclamation, prepared to celebrate the one-hundreth anniversary of the first President of the United States. "Walter Paul, F. S. Bramswell, Jacob Spori, P. Tempest and C. I. Durrans were appointed to make arrangements. ..." Thus the people did not give up hope for their political rights, and continued to do their best to develop the country. However, a falling off in church attendance and payment of tithing, was noted by President Ricks.

August 22, 1889 the final organization of this period took place in Teton Basin when the Aline Ward was created under Bishop Mathoni W. Pratt and Counselors Thomas R. Wilson and Appolos P. Driggs. This was the final Ward organized in the old Bannock Stake though the same territory remained in its jurisdiction until 1895. At the end of 1889 there were 3861 members residing in its confines.

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1Ibid., p. 155.  
2Ibid., p. 137.  
3Bannock Stake Record, p. 303.  
4Ibid., p. 322.  
5Jensen, op. cit., p. 136. Teton Basin is the country formerly called Pierre's Hole.  
6Beal, Snake River Fork Country, p. 27.
CHAPTER VII

THE MORMONS AND IDAHO POLITICS

This topic raises the danger of partisanship for or against the Mormons, who, though Idaho's first settlers, were a conspicuous minority group, subjected to some of the most devious political intrigue recorded in the history of the west. As with most political subjects, the sides were very partisan and what would be a reasonably reliable record in other cases is conspicuously pro or anti in this connection. Concurrent newspaper accounts describe events in almost diametrically opposite terms. Some experiences of the pioneers in the Snake River Fork Country will be referred to in order to show the actual working of the problem in the lives of men and women. In this case a great deal of emphasis must be placed on legislation in the Territory, though no attempt will be made to trace the Federal treatment of the Mormon problem, since many works are available in that field.

Many prominent historians have testified to the importance of this problem. "As most of the settlers in south-eastern Idaho-representing in fact, one fourth of the population of the Territory—were Mormons, the notoriety which this sect gained through their practice of polygamy could not
fail to effect political issues in Idaho." ¹

The Mormon question was ever a serious matter in Idaho, especially in the matter of suffrage....

The prejudice against the Saints was mostly occasioned among our people by the apparently unswerving obedience and loyalty to the Mormon Church. The Gentiles considered this devotion to be anti-American and anti-Republican. But there was another reason. The lands occupied by the Mormons were attractively fertile, and thus arose a jealousy. It was thought that expulsion of Mormons would result in a nice "whack-up" of lands among the Gentiles. Extending the national survey line over their territory had brought Mormons and Gentiles in active competition, and perhaps greed rather than religious intolerance really lay at the foot of most Gentile opposition." ²

The Latter-day Saint settlements had been made for agricultural purposes while the rest of the state was in a frenzy over precious metals. The lands the Saints secured were passed by in the earlier land rush to Oregon and most of the residents in Idaho who were not Latter-day Saints preferred their own locations to the southeast.

The extent of polygamy among the Idaho Saints is controversial. Fred T. Dubois before the House of Representatives said, "as regards Idaho, I had the evidence before me as United States Marshal of the Territory to demonstrate that at least one-third of the adult Mormons in that Territory are in polygamy." ³ A student of polygamy legislation wrote: "Never more


than one per cent of the Latter-day Saint population of Idaho was polygamist. It is probable that polygamy was assailed more as a political issue than as an evil threatening the government of the Territory. In a sworn testimony before the Territorial Third District Court, C. W. Nibley in answer to the question, "Are you able to state the extent, if at all, to which polygamy is practiced in Bear Lake Stake?" said:

Yes, sir, we had a report from these different stakes as to that, in order to correct some wrong information that had gone out, and in Bear Lake Stake there is one per cent of the population of the Mormon Church who are polygamists....in Oneida Stake there is one in one hundred and fifty of the population of the Mormon Church,... and in Cassia Stake one in two hundred of the population of the Mormon Church there occupy the status of polygamists ...."2

Others who have written of this subject invariably begin the political controversy with the well known anti-Mormon, Fred T. Dubois. It is true that he was a brilliant young lawyer with political aspirations who became Territorial Marshal in 1880, but the record shows that others in more important places started the campaign and Dubois used the issue to further his political ambitions.3 It must be said, that even though

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2Deseret News, October 31, 1888. The figures amounted to one man in every twenty.
3Hartkopf, op. cit., p. 28.
Merle William Wells, "Idaho: A Study in Statehood and
others thought up the issue as of political significance, Dubois and friends used it for all it was worth and later . The issue was dead. Dubois said: "Every moment of my time, except that in which I was employed in purely official duties, was taken up with political work and spreading of anti-Mormon propaganda." 1

By concerted political action the Latter-day Saints had elected delegates from their communities to both the Territorial Council and House. These delegates were successful in winning friends for the Saints and in stopping hostile legislation for a number of years. During the 1882 session the Council attempted to unseat W. L. Webster of Oneida County who was thought to be a polygamist, but failed by a tie vote. The House tried W. C. Martindale after he denied that he was living in polygamous relations and failed to find him guilty. 2 Though the feeling against the Mormons was becoming more bitter in the Territory, it was not yet organized in such a manner that legislation against them could be enacted. With the passage of the Edmunds Act by the National Congress in 1882, this feeling became more general and plans were laid for more vigorous action the following year.


1Beal, History of Southeastern Idaho, p. 303.

2Wells, op. cit., p. 55.
In 1883 two bills were introduced in the Legislature aimed against the Latter-day Saints:

Councilman Taylor made a fine argument against Johnnie Neils' bill disfranchising the "Mormon" citizens of Bear Lake and Oneida Counties. The bill was introduced by Wall. It was very properly scotched. Johnson's bill, which was a sort of definition of the great Edmunds unconstitutionality passed the Council for the reason that the members considered it as so much idle wind. Neither of these bills could be brought up in the House, although Horbour, the two Wilsons, and Shoup made strenuous efforts to bring the Wall bill to an issue, but more from a desire to place on record the vote of some of the members than a wish for its passage.1

It is evident from the above report of this attempt, that political issue was being made of the Mormons and that certain "politicians" were laying the groundwork for the campaign of 1884. It is also evident that if any successful legislation were to be passed, the number of Mormon delegates to the legislature would have to be reduced. This problem was considered very carefully by the Republican party, because the Mormons were mostly Democrats, and when a new Governor, William M. Bunn, arrived in the Territory, in the Territory he was enlisted as the standard bearer:

Bunn arrived in the territory on June 26, 1884, and was invited to deliver the Fourth of July oration. Bunn acquiesced and, when the holiday came, he, with acumen, plunged tooth and tail into the Mormon question and made a speech against Mormonism that attracted much attention. Needless, to state, it "fixed" his popularity with most of his constituents. The Mormons chanced at that time to be the best-behaved citizens in the territory, but they were Mormons!2

1Journal History, February 19, 1883, p. 4. Taken from the Ogden Daily Herald. For full text of bills see Appendix.
2Donaldson, op. cit., p. 271.
This speech, coming in an election year, was like a keynote address at a convention and the public opinion aroused on this occasion soon spread to a great part of the state. The Latter-day Saints did not take any immediate action but peacefully tilled their soil, confident that they could keep their friends and defeat these "radicals". The gravity of the situation was brought to the fore in the Democratic Convention held at Bellvue in September, when the Mormon delegates were expelled from the meeting by a very close vote.\(^1\) To add to the difficult position of the Saints under this circumstance the Democrats and Republicans alternated the positions for Oneida county in such a manner that only anti-Mormon candidates would be elected. Though the Mormons put up their own candidates for local Territorial positions they supported John Hailey for Territorial Delegate to Congress since Singiser, the Republican, manifested a very hostile attitude and had attempted to get the four northern counties annexed to Washington. Indicative of the intemperate action of the Anti-Mormon party is the following:

The grandest frauds of illegal voting and ballot-box stuffing ever known in Idaho have been perpetrated. At Eagle Rock 211 men voted and the judges counted 476 votes for the Anti-Mormon Ticket. At Camas 60 men voted and the Anti-Mormon ticket had 219 votes. No regard was paid to the Registration Act at the above precincts and they will be thrown out on the count. Giving the Anti-Mormon ticket every vote that was polled by the men who voted...\(^2\)

\(^1\)Beal, History of Southeastern Idaho, p. 303.

\(^2\)Journal History, November 8, 1884, p. 7. From Utah
The bitterness and feelings aroused over this election are well portrayed in the Governor's annual report which used all the bitter invective of the English language to defame the church and its members. Bunn portrayed the Mormons as a threat to the future of the commonwealth and drew a parallel between the practice of polygamy and the former practice of slavery, pleading for a similarly vigorous program to stamp it out. He concluded his report with these statements:

With the so-called religious aspects of the case the Government need have as little respect as tolerance, and the question can be dealt with entirely regardless of any professed motives or belief. There are laws upon the statute books of the nation recognizing polygamy as a crime and prescribing penalties. Why are not those laws enforced? If this country must be so free as to run into licentiousness; if every one must be allowed to worship according to the dictation of his own lubricity, why was not this festerling relic of barbarity hemmed in and confined to the princely, but besmirched and besmeared Territory of Utah it had already usurped? Why was it permitted to overflow and encroach upon us, and fling its deadly upas shade over an adjoining Territory, until with natural increase, with doubled and quadrupled opportunities, and fresh recruits in families and wealth from the Church of Utah, it insolently threatens to win this broad, rich, and fertile territory, and openly proceeds to make good the threat.

I would respectfully solicit the attention of Congress to this subject and ask that some legislation be devised and enacted that shall give life and force to the laws already in being, but not in action. Surely, the Government that successfully coped with and throttled African slavery in its hale, vigorous nature, can overthrow this worse than slavery in its minority, its puberty, as it were. All this

Journal, Logan. An affidavit was later sworn out concerning how singer personally placed the illegal ballots in the box before election time. The outcome of this was literally his political death. The Anti-Mormon party at times was a coalition of Republicans and Democrats and at other times just Republicans. In this election it was the former with Dubois as the mind of it.
Territory asks is that the line be drawn at the 42d parallel; beyond which no polygamous mormonism may exist, where one wife shall content one man, and both man and wife shall acknowledge allegiance to the laws of the land first and church afterward.

William M. Bunn.¹

When the newly elected Territorial Legislature met in December the House voted against seating all but two of the Mormon delegates and thus were able to put through legislation of their own choosing.² The Council was not so antagonistic and allowed the one delegate from Bear Lake county, James E. Hart to take his place though he was unable to stop the well-oiled machine organization of the opposition.

The delegates from Oneida county had a planned campaign when the session opened and by concerted effort and log rolling were able to get the Idaho Test Oath passed and Bingham county created. Behind the legislation was the effort of Fred T. Dubois and H. W. (Kentucky) Smith. The latter is given credit for the wording of the Test Oath Act.³

When the test oath came before the Council, James E. Hart in an attempt to test the true significance of the intent of the bill proposed a substitute amendment to read: "You do solemnly swear that you are not a bigamist or a polygamist or that you do not cohabit with any other woman who is not your

²Bannock Stake Record, P. 70.
³Beal, History of Southeastern Idaho, p. 304.
wife.\textsuperscript{1} There was possible warrant for such a test oath, as
the United States Congress had placed on the statute books in
1882 the Edmunds Act which disfranchised all polygamists, and
such an oath was then being administered in Utah Territory.
But to go as far as the Idaho Act was without precedent in
United States history. The Act as passed read:

\ldots You do solemnly swear (or affirm) that you are a male
citizen of the United States, over the age of twenty one
years; that you have actually resided in this Territory
for four months last past, and in this county thirty days;
that you are not a bigamist or polygamist; that you are
not a member of any order, organization or association
which teaches, advises, counsels or encourages its members,
devotees or any other persons to commit the crime of bi-
gamy or polygamy or any other crime defined by law, as a
duty arising or resulting from membership in such order,
organization or association, or which practices bigamy or
polygamy or plural or celestial marriage, as a doctrinal
right of such organization. That you do not, either
publicly or privately, or in any manner whatever, teach,
advise, counsel, or encourage any person to commit the
crime of bigamy or polygamy or any other crime defined by
law either as a religious duty or otherwise. That you re-
gard the Constitution of the United States, and the laws
thereof, and of this Territory as the interpreted by the
courts as the supreme law of the land, the teachings of
any order, organization or association to the contrary
notwithstanding, and that you have not voted previously
at this election. So help you God.\ldots\textsuperscript{2}

Governor Bunn suddenly appeared as unfavorable to the
bill and for some unknown reason was greatly embarrassed when
it was presented for his signature. A delegation consisting

\textsuperscript{1}Rich, op. cit., p. 208. "Upon hearing this motion
Judge Brearley of Alturas County jumped to the floor and shouted:
My God Gentlemen! We can't accept Hart's proposal. That would
disfranchise all of us."

\textsuperscript{2}Revised Statutes of Idaho 1887 (Boise: No published
given) Title I, Section. 571.
of "Kentucky" Smith, George Gorton, and Fred T. Dubois visited the Governor and as reported in the Idaho Daily Statesman:

January 25, 1931:

....The governor took the bill out of his desk and after discussing it at length, he remarked, that he had made up his mind to veto it. The delegation ...became exceedingly wrathful and after a short heated controversy, Smith arose, and pulling a gun from his pocket said: "Governor, you will not leave this room alive unless you sign that bill and sign it at once."

The bill became law and served very effectively to hold the Latter-day Saints, politically and legally, from participation in rights of citizenship.

The second legislative step proposed by the Oneida county delegation was to promote the division of their county so that if the test oath act should fail in the courts the population would be split into anti-Mormon majorities in the old Oneida county and the new Bingham county. The Bill passed with very little opposition and the new county was created with Blackfoot as county seat. From Blackfoot the anti-Mormon forces spread their campaign, since there were few Mormons in central, western or northern Idaho and this was a logical center for effectively dealing with the problem. Dubois and H. W. Smith

1Beal, op. cit., p. 305.  2Wells, op. cit., p. 61.

3Journal History, January 10, 1885, pp. 17-18. In a letter to the Church Authorities from "an intelligent gentleman" in Boise the following description of this session is taken. "Any bill that is anti"Mormon" is spurred through under suspension of all rules. It has been asserted by members of both houses that "Mormonism" is the VITAL QUESTION, and in the case
were the leaders of enforcement for these two laws and because of this, Dubois was able in 1886, to become delegate to Congress, there to continue his bellicose attitude.

The one elected member from Bannock Stake, John Donaldson, reported to Priesthood meeting in January on his trip to Boise:

Was refused his rights in the House of Representatives had found the case was there Mormon and Anti-Mormon. Had every Mormon voted that should have done we would have defeated them in spite of all the frauds of the Anti-Mormon party. He never experienced such bitter feelings manifested as there were existing in the hearts of the Anti-Mormon party at that place.

Steps were considered and plans formulated to redress the wrong that had been done, as seen by the people concerned. As there were no civic organizations to assume this responsibility the church leadership did so. From a Priesthood meeting in Rexburg, February 7, 1885, the following excerpts appeared in the record:

Each Ward reported willingness to subscribe to a defense fund. The clerk read a letter from Pres. Geo. Q. Cannon in reference to defending ourselves politically and Pres. Ricks of nearly every bill that comes up and is discussed at any length the "Mormon" question is in some way connected with it. The bill for the division of Oneida county passed the Council yesterday by a vote of 21 to 3. It was said by the President of the Council yesterday, that this is purely an "Anti-Mormon" Legislature. He lacks a little of being correct in this statement for there are four "Mormons" connected with it, three in the House and one in the Council.

¹Bannock Stake Record, p. 70. The delegates had been elected at the Territorial elections in November.
stated that in compliance therewith he and Bp Donaldson went to Oxford and met with the presidency of the other Stakes of the Territory and selected the following names as a committee to look after our political interests in this Territory, James Hart, John Donaldson, Geo Parkinson, Orton Hate and Richard Morse.

Bp John Donaldson was unanimously sustained as a member of this committee by the meeting and Thos E. Bassett was also unanimously sustained as treasurer....John Donaldson encouraged subscriptions to the Defense Fund and expressed his willingness and desire to do his utmost to magnify the position he was called to.

Pres. Ricks stated that he in consultation with his counsel, had decided that we would want at least $500 raised in this Stake for our Defense Fund....

A. S. Anderson then read the list of officers as appointed and sworn in, as (mem) officers of Bingham Co. A dissatisfaction was expressed by the Stake Presidency with regard to the way we were being treated by the opposite party, and on motion by John Donaldson it was carried that a committee be appointed to hunt the particulars up and publish them to the world.1

That other Idaho groups were just as agitated as those in Bannock Stake is indicated in the following:

Politics are very quiet at present. The decision of Judge Hayes settled the Mormon problem, but we find the collector of taxes don't think so until he gets his cash. Thank God we can do some things that the party of "moral ideas" don't kick at. I wonder if Chief Justice Hayes would decide it to be unconstitutional for a free-born American citizen who had never been indicted in any court of justice for a breach of law of any name or nature, to pay his taxes. We are deprived of voting a tax but not of paying it. Virbius.2

There were a few men who resisted the popular clamor for supressing the Mormons but these men were soon "out" politically in the state. A letter from Aaron Parker to Milton

1Ibid., pp. 71-73.
2Utah Journal, September 23, 1885.
Kelly, July 16, 1886 indicates the minority opinion among prominent politicians:

I know it is fashionable and popular among a certain low grade of political montebacks who are ignorant of the principles upon which our government is based, to sneer at and persecute the Mormons on account of their religious belief, but their voting strength is not, happily, equal to their strength of lung. Professional politicians of the Dubois stripe, may work the anti-Mormon crusade for all it is worth to further their personal selfish and partisan ends, but they never yet have advanced an argument or shown a reason sufficiently valid to convince an impartial observer that they are justified in their malicious persecution of the Mormons....they confound Mormons with polygamy in the same manner Horace Greeley confounded Democrats with horse thieves.1

In the summer of 1886 a church political organization was formulated to work for the political interests of the members. It consisted of a Territorial committee, a Stake committee of three and a committee of three from each settlement.2 A careful account of the futile attempt of this organization in Bannock Stake reveals how well the opposition was organized and how severe their tactics were.3 On the local level the people became rather indifferent to government as they were arrested and prosecuted for some very trivial matters. Their political organization therefore was not very effective, as the following indicates: "Rexburg...no step taken as yet about

1Wells, op. cit., p. 72.

2Bannock Stake Record, p. 154.

3Ibid., p. 159. For examples see the 1888 election as treated in the following chapter.
ward political organization....Teton...no primary (political) organization there yet...."1

TO THE SENATE & HOUSE OF REPRESENTATIVES, Washington, D.C. In consideration of the demoralizing effect the passage of the Woodburn Bill would have upon the extensive and fertile Territory that we have the honor of occupying part, and for the preservation of our homes that we have labored with so much zeal, to build upon broad tracts of desert that is now through the energy and industry of a honest and hard working people, blossoming as the rose, we deem it our bounden duty to earnestly remonstrate against the proposed legislation and respectfully and humbly petition your honorable body for a continuance of those sacred and inalienable rights guaranteed to us by the Constitution of the United States, wherein it states that Congress shall make no law respecting the establishment of religion and your petitioners will ever pray.2

The Territorial legislature of 1887 enacted several laws of the type referred to above to make sure the gains thus far obtained would be maintained. One of these, besides disfranchising the members of the church, also made it illegal for them to hold any "office of honor or trust, or profit within the Territory."3 Other laws prohibited church members from teaching school or having any doctrine taught in schools of the Territory,4 limited the amount of property a religious or charitable organization could own,5 and prescribed a special penalty for those guilty of polygamy.6

1Ibid., p. 167.
2Revised Statutes of Idaho Territory 1887, p. 105.
3Ibid., p. 135.  
4Ibid., Sec. 1890.
5Ibid., Sec. 6807.
In the same year the governor's report specified concerning Bear Lake Stake:

In my intercourse with these people, I have found them honest, hospitable, industrious, and hard-working, but, owing to their peculiar views on polygamy and other practices which are prohibited by laws of the Territory, only 186 votes were polled in the entire county at the last general election out of a population of over 5,000...

The Latter-Day Saints made one final attempt to gain some of their rights in the election of 1888 by withdrawing from the church prior to election time. It is not certain where the idea originated but some historians suggest that it came from the church authorities. It is a fact that Thomas E. Ricks and John Donaldson of Bannock Stake were arrested after nearly two years time for counseling the church members to violate the law by withdrawing to vote. The penalty was slight, but the episode exhibits another tactic of the hostile elements to keep the church members in fear of the law. The prevalence of such maneuvers may be gathered from the above mentioned school controversy and such items as "Rexburg notes....Our mail route is to be changed on the first of July...the changing of the route is not so good, as it is impossible to make schedule at all seasons of the year on account of high water, etc. But it appears we have no voice in the matter but must take what they

1Report of the Secretary of Interior, 1887, p. 825.
2Beal, History of Southeastern Idaho, p. 306.
3Deseret Weekly, September 27, 1890.
give us, whether it be palatable or not."¹

The Election of 1888 could very easily have touched off fireworks, because feelings among church members in Bannock Stake was very high. The church membership had largely decided to vote, many by withdrawing and others by demanding a ballot.² All the circumstances are not clear, but the Deseret News Account coincides generally with stories and court records of the time.

Rexburg, Idaho, Nov. 6. (Special to the Deseret News.)--The discharge of B. Helm, of Burton, this county by Judge Berry, seemed to settle the matter that those who had withdrawn from the church could register and vote, and those so situated began depositing their ballots here this morning. Deputy sheriffs interfered with the voters, when the deputy marshals interfered and arrested deputy sheriffs Robert Hayes and George Hefer for intimidating voters. Arresting then began in earnest. H. M. Yagers was taken into custody for betting on the election. Later the charge was changed to disturbing the polls.

Fred Smith was arrested by a deputy sheriff on the charge of perjury in having registered. Smith is a member of the Church, and it transpired that he did not intend to vote. He had not registered or even attempted to.

G. W. Gorton, the anti-"Mormon" candidate for the legislature, was next taken in for obstructing voters. Excitement ran pretty high, and there appeared to be some danger of a collision, but the prisoners were taken away and quiet restored.

The deputy marshals were determined that all who were properly registered would have a chance to vote, and the deputy sheriffs were likewise endeavoring to keep out as many democratic votes as possible. Thus far no violence has been attempted and it is believed the crisis is past and bloodshed averted.

Notwithstanding a heavy wind and snowstorm prevailed, the voters came out in large numbers. The Democrats claim

¹Deseret News, July 4, 1888.
²Josie Thompson, Personal Interview, December 19, 1949.
Hawley's election, and the Republicans are equally confident that they are ahead. It will probably take two or three days to decide, as the vote is so close that one or two outlying districts may make an entire change in the results.1

Following the election when the Legislature met, the strong Republican anti-Mormon majority evicted the three Democrats elected by Mormon votes cast under the subterfuge of temporary resignation from the church.2 Of this enterprise, Hubert Howe Bancroft wrote:

...This bitterness towards a portion of the population of the territory, however much it may have had to justify it, is a painful spectacle in a republic. Congress was memorialized to refuse Utah admission into the union, and also to require of homestead and preemption settlers an oath touching polygamy practices. A perusal of the proceedings of the legislature would impress the reader with the conviction that the main point to be gained in all their legislation was security against the growth of Mormon principles in the territory.3

The legislature was not deterred in securing its position, and on January 29, 1889, passed a provision requiring two years' time after resigning or withdrawing from the church before a person would be eligible to vote.4

This election aftermath marks the apex of the controversy, after which the Mormons, like tired fighters, slowly relaxed and accepted their political disfranchisement and legal disabilities as a matter of fact. Even after the near-violence

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1Deseret News, November 14, 1888. "Rexburg polled 213 votes, 49 for Dubois; the balance for Hawley." Dubois won.
2Wells, op. cit., p. 105.
4Wells, op. cit., p. 104.
of the elections, the governor in his report gave a better re-
port than at any time previously by praising them for their in-
dustriousness, and implying that they no longer practiced poly-
gamy and were then (1888) living up to the laws.¹

During his years in Washington, Dubois had been cons-
tantly alert to every possible way of furthering Idaho's chance
for statehood, and when the "Omnibus Bill" was passed in 1889,
though it did not mention Idaho, he thought this the opportune
time to make a bid. No doubt the favorable report sent to Wash-
ington in 1888 was a part of the effort to impress the Congress-
men with how smoothly conditions were running in the Territory.
It is quite certain that such a statement as appeared in the 1889
report was prepared for such an end. "I can not say too much
in commendation of the courts for the faithful and zealous man-
er they have executed the law, at the same time treating the
accused with dignity, and tempering their decrees with clemency."²

The Territorial officers called a convention July 4, and a Con-
stitution was adopted to be submitted to the people. This, with
as many petitions as could be obtained was to be sent to Cong-
gress. The action was extra-legal inasmuch as the governor had
no authority to call such a convention, but if accepted by the
people and the Federal government, it would be an accomplished
fact.

²Ibid.
To satisfy any who objected to Mormons residing in the Territory, and to be consistent with the legislation then on the statute books, a special reference was made to polygamy as:

ARTICLE I Section 4: Guaranty of religious liberty. The exercise and enjoyment of religious faith and worship shall forever be guaranteed; and no person shall be denied any civil or political right, privilege, or capacity on account of his religious opinion; but the liberty of conscience hereby secured shall not be construed to dispense with oaths or affirmations, or excuse acts of licentiousness or justify polygamous or other pernicious practices, inconsistent with morality or the peace or safety of the State; nor to permit any person, organization, or association to directly or indirectly aid or abet, counsel or advise, any person to commit the crime bigamy or polygamy, or any other crime....

In Article VI Section 3, the famous test oath is included in full under the heading: "No person is permitted to vote, serve as a juror, or hold any civil office who is..."

In Rexburg President Ricks told the people "to vote, yes or no" and if they were denied their rights at the polls they would send their votes to Washington anyway. In a Priesthood meeting after several had given their views, President Ricks "felt like declaring long and loud that he would say NO, to that constitution," and all who felt like voting no make it manifest, unanimous, except brother Bramwell. This feeling was general among the Saints as the polygamy and Mormon clauses were enclosed with terms which made them non-revokable.

1Horatio H. Miller, Democracy in Idaho (Caldwell: The Caxton Printers, Ltd., 1946), 164.
2Bannock Stake Record, p. 338. 3Ibid., p. 338.
The Republicans worked hard to reconcile the various factions in the state during the summer, as there was a large bloc in the north that wanted to go in with Washington and another in the mining areas that wanted to go in with Montana, while in the south there was strong agitation to be annexed to Nevada. Many were surprised at the large number of votes cast and at the favorable outcome. Bancroft writing of the election said of the Mormon part in it:

Only about 1,000 taking the stringent oath, and voting at the election for adopting or rejecting the constitution in which it was incorporated, which was held according to the governor's proclamation, on the 5th of November. The number of votes polled at the election was 14,184, 12,398 being for and 1,773 against the adoption of the constitution. If, as is supposed, the 1,000 who took the test oath were Mormons and they voted in the main for rejection, the sentiment outside of their members was almost unanimous.

Even though the Constitution had been passed in a highly irregular manner, it was not without precedent and the problem of greatest import was to line up support in the Committee to which it was referred. The story of Dubois lining up support of committee members from both parties is tied up with the politics of "free silver", and the Mormon question was relatively unimportant, even though some active opposition was attempted by prominent members of the church. When the report reached the floor it passed, with only 65 Democrats objecting. Even this

1Bancroft, op. cit., p. 586.
is of political significance since President Harrison wanted to sign the act "July 3, 1890, in order that Idaho's star might be added to the flag the next day."¹

When the first State elections were to be held in 1890, a great political agitation took place between the parties, each wanting the honor of bringing the state into being with their officers in power. Whether Dubois and followers had been holding their trump card or stumbled onto it is not clear from the records available, but this was the time to play it and they did so with startling success. In the Ketchum Keystone, a Democratic paper of the time, the following appeared in an editorial:

The shameless manner in which the federal officials are running things in the southeastern counties of Idaho is enough to make one wonder whether these counties belong to the north or the south. Intimidation generally refers to the colored people; but this new state of Idaho has so greatly advanced the theory of the strong arm that it is made to cover the whites. Nearly two years ago a general election was held, Courts have been regularly in session from term to term, grand juries have assembled and been discharged; during this period nothing was said or thought about irregularities at the last election in 1888; but now on the eve of another election, that section is covered all over with deputies with writs in their hands, arresting electors for alleged illegalities at the last election. If several hundred men arrested were really guilty in registering and voting so long ago these officials ought to be discharged from their offices for not finding it out before this.²

The Salt Lake Herald, commenting on the above editorial, noted that all who were being arrested were "Mormons or Democrats". It seems: "If they can be made to feel that it will be dangerous to vote, that they will lay themselves liable to prosecution by

¹Salt Lake Herald, August 17, 1890. Reprint.
vicious officers in partisan courts, some may surrender the
suffrage rather than run the risk of trouble."¹

The efforts mentioned in the editorial were effective
enough to get the following action in Bannock Stake: "It was
resolved that at the coming election we as a people, leave
politics severely alone."² Helping in this, and contingent with
it was the decision of the United States Supreme Court upholding
the Idaho Test Oath. However the fact that public opinion
in other parts of the country was aroused by these harsh methods
is indicated in the editorial of the Alta California:

It will not do to dismiss with a word the Republican
treatment of the Mormon question in Wyoming and Idaho....
The present Congress admitted both Idaho and Wyoming to the
Union, and gave to Idaho a constitution which disfranches
and outlaws all Mormons, not for being polygamist, but for
being Mormons. In Idaho a Mormon is forbidden to perfect
his title to land, or to teach school, or practice law. The Jews in Spain were never more completely shut out and
away from all civil rights than are the Mormons in Idaho.
They cannot sit on a jury and are, we believe, also denied
the right to testify in any judicial proceedings. An Idaho
Mormon may be outraged and pillaged in any way his enemy
may select, for he has no redress.³

The indication from the Stake Record noted above is more in
keeping with the outcome of the arrests than the editorial for
in the election in November, 1890 there were few Mormons who
participated.

The unexpected but much looked for relief came in October

¹Salt Lake Herald, August 17, 1890. Wells, found record
of 175 warrants that were issued from the court of Judge Berry.

²Bannock Stake Record, p.381.

³Deseret Weekly, September 20, 1890. Reprint.
when the President of the Church in Conference at Salt Lake City October 6, presented a Manifesto to the people abolishing the practice of polygamy by the Church. This was unanimously accepted by the conference, which included many from Idaho, and was to be operative upon all from that time forward.\textsuperscript{1} This step should have removed the cause of friction between the political factions in Idaho concerning the Mormons, but the six year fight was not to be culminated so readily. The issue was still exploitable for a few years before expiring under vigorous attack of those opposed to the methods which had kept it alive.

On February 20, 1891 the legislature of the new State, in changing the Territorial laws, passed the "Australian Ballot Law" to replace the election laws formerly in force. When the polygamy and Mormon section was being debated, Senator Brandstetter, "proposed to amend section 3, striking out "1888" and inserting "1892" which amendment was voted down, Shoup arguing that it was to prevent Mormons from voting who were guilty of those crimes up to that time."\textsuperscript{2} Senator White pointed out the Ex post facto nature of a law punishing past offenses but the majority decided for the law, notwithstanding. He then very bluntly accused Shoup, "of bringing the Mormon

\textsuperscript{1}Deseret Weekly, October 11, 1890.

\textsuperscript{2}Ibid., February 28, 1891.
question before the legislature for a purpose, and it was not by accident. It was to put a little fire under that question and to keep the Mormon question from dying out."¹

Again when the Bill came up for final reading in the house, Representative Ballentine objected on the same grounds that White had objected to earlier, saying: "he had in his heart forgiveness for the wrongs or supposed wrongs these people had done, and now polygamy had been dropped, he did not believe in continually hounding." The debate continued very nearly on party lines as the Democratic minority were out voted 29 for to 5 against.²

Section 3, Australian Ballot Law reads as follows:

No person shall be permitted to vote who...after passing the age of eighteen years and since the first day of January, 1888, has been or is a polygamist, or is living or has lived in what is known as patriarchal, plural or celestial marriage..., or has taught, advises or had advised, counsels or has counseled, aids or has aided encouraged...or who has been a member of or contributes or has contributed to the support, aid, or encouragement of any order, organization, association, corporation, or society which teaches or has taught advises or has advised, counsels or has counseled, encouraged or aided any person...

The picture appears to be purely political fear on the part of the Republicans that the Mormon vote would be Democratic as the enfranchised South's had been since reconstruction days. This fear was increased with some justification

¹Ibid.
²Ibid., February 28, 1891.
in June when Judge Beatty of Boise tried a case concerning conspiracy in registering to vote at the November election 1890. The case was entirely on the status of members of the church after the Manifesto; the verdict was ten for acquittal and two for guilty.1 The court immediately recessed binding the numerous similar cases over to the next term.

Fred T. Dubois in a letter written from Washington, D. C., to the State Republican Central Committee July 24, 1892 said:

There is a law on our books which disfranchises them. So long as it remains there it is the duty of every good citizen to see that it is obeyed. The Mormons themselves will be quick to recognize the absolute necessity for this if, as they claim, they are now law-abiding citizens in every sense of the word.2

This was the attitude generally prevailing in the Republican party, that when they should change the laws then it would be time for the Mormons to vote.

In January 1892, William F. Rigby, who had gone to Teton Basin at the call of the Church authorities to develop the country and to escape continued prosecution, recorded in his diary: "Tuesday the 6th...Sam Swarner came to summons Jack Lion for a witness in a case. He wanted me to appear before Mr. Rumsy, Justice of the Peace in the Valley, and

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1Ibid., June 6, 1891.

2Utah Miscellaneous Pamphlets, V. 1, No. 12, p. 23. (Brigham Young University).
give him a $500.00 bond which I refused to do. I informed him that I was in Wyoming and he had no right to arrest me."1 This is indicative of the continued persecution of those who tried to maintain their legal family relationships, entered into before active Federal or Territorial legislation was enacted and after the practice was repudiated by the membership of the church.

A new character destined to greatness; entered Idaho politics in 1892. Under William E. Borah, a Boise attorney, the "Republican state committee, February 15, 1892, and the Republican state convention, August 18, suddenly ceased to suspect the Mormon's intentions."2 The convention even congratulated them on their anti-polygamy stand and approved a plank to repeal the test oath. Vote-hungry Dubois personally endorsed this move, though it later turned out it was a political subterfuge, because he chose and abandoned policies and sides at will. In the end he became head of the Democratic party as Borah rose in the Republican, and the final clash came in 1905 when Dubois failed to revive the anti-Mormon sentiment and was defeated for the Senate.

The promise of enfranchisement was not effective for

1William F. Rigby, Diary 1891-1893, p. 7. Teton Basin through the upper end is in Wyoming. Many polygamists settled there as the Wyoming laws were much more lenient.

2Wells, op. cit., p. 116.
for the 1892 election and the Mormons took the issue before the district court at Hailey in an attempt to be eligible to vote in the elections that year. Their success on October 8, was short-lived for on October 15, the state supreme court reversed the lower court, leaving them to depend on the promise of the Republicans to remove the legal barrier by legislative enactment.¹

The battle was one step nearer to conclusion on January 4, 1893, when President Harrison issued a proclamation granting amnesty to all who had accepted the manifesto of the church and had since sustained the laws of the land.² This was a source of relief to many who could now return to their homes without molestation and spend their waning years in security among family and friends. Their eyes were now turned to the state legislature at Boise to see if they would relent and fulfill their party pledge. The manifesto, in all probability, helped many politicians make up their minds on the law.

To the surprise and joy of the Latter-day Saints throughout Idaho, the legislature, by united action of all three parties (Republican, Democrat and Populist), on February 23, 1893, repealed the Test Oath Act.³ The burden of proof was now squarely

¹Wells, op. cit., p. 116.
³Wells, op. cit., pp. 116-117.
upon the shoulders of the Mormons to prove that they were not dominated by the church hierarchy and that they would use their franchise to further democratic principles in the state. To the chagrin of their "diehard" enemies they divided their vote in the next election to the complete satisfaction of all who had voted to remove their political fetters.¹

The parallel of polygamy in the courts is essential to a full understanding of this problem and will be treated in the following chapter in an attempt to complete the picture.

¹Ibid., p. 117.
CHAPTER VIII

THE MORMONS AND THE COURTS

This problem can be more objectively viewed than the political as court decisions leave concrete evidence of record. The battle in the courts was just as severe as on the political field and there is some evidence that the two were quite closely associated. The courts claimed the credit for forcing the abandonment of polygamy, which, as pointed out above, is partially true. With a few digressions to show the relationship to the people in and around Rexburg the majority of this chapter will deal with Territorial and State Supreme Court reasoning, as the final decision in all but one case rested in that tribunal.

The first part of the court record is exclusively in the district court held at Blackfoot. Shortly after the creation of Bingham county the forces of the United States marshal under Dubois were loosed on the surrounding Latter-day Saint settlements and the prisoners brought to Blackfoot because the success in obtaining convictions was phenomenally high there. There was a financial reward for each arrest and double reward if the trial ended in a guilty verdict.\(^1\) When W. F. Rigby was in England he received a letter telling how angry the marshal

\(^1\)Beal, *History of Southeastern Idaho*, pp. 308-309.
was at his escape. The marshal claimed this cost him $200., which is an exaggeration in relation to the fees allowed.

The picture of district court at Blackfoot has been drawn around the classic statement of Dubois that "you could not secure the acquittal of any one of these polygamists, because we have a jury that would convict Jesus Christ!"¹ This statement was used by "Kentucky" Smith to secure acquittal for the very next case, but the court ordered a retrial and in five minutes the man was convicted. This is said to have been the end of Smith's defense of the Mormons.² There is evidence that the marshal was careful who was arrested when these trials first started and this coupled with the jury added to the success in obtaining convictions.³

L. Y. Rigby relates how his father, William F., was caught in 1885 and on the way to Blackfoot was very friendly with the deputy who had him in custody so that by the time they reached the jail the deputy secured his release.⁴ This lenient policy was later changed but in the early days this was not uncommon as the Mormon leaders had been active in business affairs and had many friends with influence.

¹Ibid., p. 311.
²Beal, History of Southeastern Idaho, p. 311.
⁴Ibid.
The sentences given those first arrested were light, as they came under only the Federal law. Territorial law at that time did not specify any additional punishment. The first arrested in Bannock Stake, William J. Pratt and John L. Roberts, returned from prison in November 1885 with praise for their jailors, and joy at having thus been persecuted for their religion: "all the jailers placed implicit confidence in our Brethren, had studied many good books while there."

It was during this early period that the church organized a "Defense Fund" as mentioned earlier. It was voted at this time to raise $500 for the Bannock Stake, which was apportioned out to the Wards. The record of this fund is not available but mention is made on various occasions indicating that the Saints in Bannock Stake contributed over a thousand dollars, besides what they used of their own funds for personal trials. The fund was used for some needy in district court trials, but in the main was to carry cases to the Supreme Court, as few men could personally afford this step. There are records of early cases in which the accused was allowed to go free for a small fee of about $300. Later when the penalty was increased and public sentiment was more aroused, this practice ceased.

A good example of the court in Blackfoot is indicated in the report of cases for October term 1888:

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1Bannock Stake Record, p. 125.  2Ibid., p. 73.
United States vs. Amos K. Wright; unlawful cohabitation; plea of not guilty; continued for the term.
United States vs. George Stewart; unlawful cohabitation; demurrer to indictment filed; case continued for the term.
United States vs. John L. Roberts; unlawful cohabitation; trial; verdict of guilty.
United States vs. Jonathan Smith; unlawful cohabitation; trial; verdict guilty; sentence, four months and $200 fine.
United States vs. H. H. Dairymaple; unlawful cohabitation; plea of guilty; sentence Oct. 30.
United States vs. John Hawks; unlawful cohabitation; plea; of guilty; sentence four months and $100. fine.
United States vs. Chester Call unlawful cohabitation; case ignored.
United States vs. Edward Buckley; unlawful cohabitation; plea of guilty; sentence four months imprisonment.
United States vs. John W. Langford; adultery; verdict of not guilty; unlawful cohabitation; verdict of guilty; sentence October 20.
United States vs. Thomas Astell, G. Campbell, Jos. C. Ricks and others; ignored.
United States vs. M. Jacobson; unlawful cohabitation; verdict of guilty; sentence four months and $100 fine.
United States vs. Joshua Adams; unlawful cohabitation; verdict of not guilty.
Six indictments were reported by the grand jury in United States cases.
United States vs. Charles F. Hall; adultery; trial; verdict of guilty; defendant sentenced to eighteen months' hard labor in the Sioux Falls, Dakota, penitentiary.1

This example indicates the extent of prosecutions by 1888 and tempers the radical report of some that all who were arrested were convicted, a point very much in error even in the most bitter period. However, many who were convicted and served sentences either had to go the underground or return to prison a second time.2  "On December 23, 1887, I was sentenced by Judge Henderson of Ogden to 6 months in the Utah penitentiary....From the

1Deseret News, October 24, 1888.

2John L. Roberts, included in the above report was at that time found guilty and sentenced to a second term.
time I came out of prison I have been on the underground and that is the reason for me and part of my family being here in Wyoming."¹

The cases taken from Utah to the United States Supreme Court have been rather widely publicized and for that reason will not be treated here. A minimum number of cases were taken before the Idaho high tribunal as the cost was prohibitive. However, of those who appealed, it appears that every courtesy was extended, though as the period progressed less reason seemed necessary to uphold the legislation. The climax was probably the case of *Shepherd v. Grimmett, Registrar*, decided October 18, 1892.

The first important decision given by the Territorial Supreme Court was the case of *Innis v. Bolton et al.*, issued March 6, 1888. This case started in Bear Lake in 1886 when Bolton took the test oath and would have voted but was refused a ballot. He then brought suit for $10,000 damages. When he was denied this in district court at Blackfoot he appealed to the supreme court.²

The Saints contended before the bar of the Supreme Court that the Idaho Test oath was unconstitutional because "First--it is in violation of the first amendment to the

¹Rigby, *Diary 1891-1893*, p. 11.

Constitution of the United States; and, Second--because it is in conflict with the act of Congress of March 22, 1882. The argument of the Registrar was principally that though Congress had legislated on the subject this did not exclude a concurrent right of the Territorial legislature to do the same even though they exceeded Congress in harshness. In relation to this the court ruled:

Congress has the superior power to legislate for the territories upon this subject, as well as all others; but its policy has usually been to prescribe the qualification of electors at the first election after the organization of a territory, and thereafter allow the legislative assembly of the territory, under certain restrictions and limitations, to regulate and fix the qualifications for the exercise of the elective franchise at all subsequent elections.

In summing up the decision concerning the test oath the court said:

The act of the legislative assembly of the territory of Idaho, passed at the thirteenth session, creating additional disqualifications for voting, and prescribing a test oath as a mode of ascertaining the qualifications of persons offering to vote is not in violation of the constitution of the United States.

The reasoning was that though the appellant was not convicted of a crime himself, if he came under the jurisdiction of the Act as intended by the legislature he could be excluded from voting as this was strictly a legislative right; and that if the appellant wanted relief his recourse would have to be to the legislature not the court. The one statement that is

1Ibid., pp. 410-411. 2Ibid., p. 415. 3Ibid., p. 408. 4Ibid., p. 415.
hardest for modern Americans to justify but that was true then was:

It should be observed, however, that the right of suffrage is not a natural right, nor an unqualified personal right...But, applied to a territory, it is a right conferred by law, and may be modified or withdrawn by the authority which conferred it, without inflicting any punishment on those who are disqualified."1

If this idea had been carried to a conclusion it could have become rather dangerous to many within our country. The court, however, was looking only to the question at bar and ruled accordingly.

The second attempt by members of the church to find relief from what appeared to them miscarriage of justice came March 11, 1889 in United States v. Kuntze.2 Samuel Kuntze was indicted by a grand jury from Blackfoot, though he was a resident of Bear Lake County. He was convicted at Blackfoot at June session of court and was given a maximum sentence. In his appeal Kuntze challenged the right of the court at Blackfoot to issue an indictment for a resident of Bear Lake county, for holding court there for all United States cases instead of rotating, issuance of open venire to the marshal for summoning jurors, insufficiency of the indictment, and error of trial court in instructing the jury.3 It was apparent that if court court could be held in Mormon communities with a generally selective jury list that more favorable decisions could be

1Ibid.  
2Ibid., pp. 446-452.  
3Ibid., pp.446-447.
reached. It was also evident that political pressure from Blackfoot had the court meet there and the juries selected in such a manner that Dubois' statement mentioned above was nearly true.

The supreme court answered the first two appeals very shortly by stating:

1. The judges of the district court have the power when assembled at the capital, to fix the time and places for holding court in their respective districts. 2. They also have the power to fix the time and places for holding terms of court for the trial of causes where the United States is a party, or where such causes arise under the constitution and laws of the United States. 1

The third objection brought by Kuntze seemed valid on the face as only non-Mormons were summoned for jury duty and they were usually chosen for their known antagonism. The marshal had both the duty of arresting the violators and procuring the jury by which they were tried. This argument was met by citing the Territorial legislation, which did not provide for "selecting or summoning jurors for the trial of cases arising under the laws and constitution...and it would seem in the absence of any territorial law the court had the common-law power to proceed in the manner in which it did..." 2 In relation to the marshal, he was the executive authority in cases in which the United States was a party, hence there was no error on this point.

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1 Ibid., p. 446.  
2 Ibid., p. 451.
The final contention that error had been made in the courts instruction of the jury was also found untenable for technical reasons and thus the second major battle in the courts was lost and the position of the anti-Mormon machine very well secured.

The week of January 18, 1889, the supreme court split two to one on a second case involving a Latter-day Saint. John W. Langford of Bear Lake county had been tried in the district court at Blackfoot and found guilty of bigamy on the grounds that it was generally reputed in his neighborhood that he had a wife and also cohabited with another woman, reputed to be his wife and was thus guilty. There was no evidence brought before the court but in charging the jury the district attorney had stated:

In determination of this you will consider whether, under the facts as proved, the acts of the defendant have been such as to lead the public to believe that the relations of husband and wife still continued. If they have been such as to induce others to believe, or the public to believe, that the marital relations still continue, then the acts of the defendant are unlawful.¹

Langford appealed on the grounds that (1) general reputation was not proof of guilt unless facts were shown to substantiate the reputation, (2) the instructions to the jury were admitted against the protest of defendant and (3) two jurors challenged for implied bias were allowed to sit in the trial.²

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¹Ibid., p.522. ²Ibid., p. 519-20.
The majority opinion upheld Langford in his first two charges of error but sustained the action of the lower court on charge three as there was no proof submitted showing prejudice. The reasoning on the first two counts was based on the impropriety of the question allowed by the court on general reputation. "Cohabitation might be inferred by the jury from the acts of the defendant, but such acts should not be inferred from general reputation."¹ After carefully examining the whole case and showing the error of the district attorney's brief the majority gave this significant rule: "If a defendant of this kind cannot be convicted without the invention and application of new rules of law, it is better he should be acquitted."²

One interesting angle brought out in Judge Berry's dissent was that Langford did not deny his guilt as charged in the indictment therefore he must be guilty. He went on to show that evidence was introduced that Langford still supported Rhoda Dimmick who had once been his lawful wife but since 1886 he had, by agreement with her, ceased the relationship of husband and was now only supporting her as duty demanded.³ This was the condition with most of the polygamist in Idaho after it was definitely proven that the Edmunds law was constitutional. The great effort of Dubois and followers to make these men place their former families on public relief and denounce them does not seem logical.

¹Ibid., p. 521. ²Ibid., p. 522. ³Ibid., p. 525.
The above mentioned case did not place an impediment in the path of polygamy prosecution and did not give grounds by which the Saints could use the franchise. By this time the "defense fund" was large enough to try every angle possible and other cases were pushed to the higher courts, with a constant striving for a legal method of overcoming the inhibitions placed on the general church membership. The next such attempt originated in Bear Lake county October 5, 1888, at which time H. S. Wooley appeared before the Registrar in Paris precinct and took the test oath prescribed by law but was refused registration. From his appeal for mandamus to compel the Registrar to place his name on the list of voters, which was denied by district court at Blackfoot, he appealed to the supreme court at the July session 1889.¹

The interest was heightened when H. W. Bennett of Bennett, Smith and Dubois, petitioned the court for admittance into the case as being vitally concerned and having a special interest to defeat the Mormon church, which was sponsoring the Wooley case. Bennett added to the case the charges (1) that the Church of Jesus Christ of Latter-day Saints was a criminal organization and (2) that membership in the church made members "particeps criminis and guilty in contemplation of law."²

The court went into great detail and repetition on the

¹Ibid., pp. 555-578. ²Ibid., p. 556.
right of the legislature to enact the law of February 3, 1885, and what constituted the right of suffrage and how it could be controlled. They examined the law for any infraction of the constitution concerning religion and after long argument decided there was no conflict on this point as the law only touches actions and this rightly fell within the police power of the state. The third important point was the *ex post facto* charge that the law was passed after the fact and was therefore unconstitutional. To this the court replied that the law though working on past actions looked only to the present and future and was so worded as to be clearly not *ex post facto*.¹

The points remaining were of a delicate nature for church members and of great political potential for Bennett et al. The court using the reasoning of the Reynolds case drew an analogy between polygamy and human sacrifice or the Hindu practice of the wife burning herself on the funeral pile of her husband and concluded, that if polygamy were allowed contrary to law, then religion was "superior to the law of the land" and permitted "every citizen to become a law unto himself."² The conclusion of the court regarding the church and its members stated:

Orders, organizations, and associations, by whatever name they may be called, which teach, advise, counsel, or encourage the practice or commission of acts forbidden by law, are criminal organizations. To become and continue to be members of such organizations, or associations, are such overt acts of recognition and participation as make them *participa criminis*, and as guilty, in contemplation

of criminal law, as though they actually engaged in furthering their unlawful objects and purposes. 1

Thomas E. Ricks was arrested and tried at the October 1889, term of district court in Blackfoot, for "unlawfully cohabiting with more than one woman." 2 The witnesses at the trial testified that they knew of three women residing in Rexburg who claimed to be Thomas E. Ricks' wives. Ricks' attorney then produced numerous witnesses who testified that Thomas E., though legally married to said women had not lived with them for a number of years. As the indictment cited only January to October 1889, this testimony seemed clear title to free him of the charge. However, in charging the jury Judge Berry gave the following:

It is a rule of law that a man's wife is presumed to reside with her husband. If you should be satisfied from the evidence, that the defendant at the time named in the indictment, had a legal wife, you will presume, in the absence of evidence to the contrary, that she resided with defendant, but whether she has in fact been here since the first day of January last or not, if from the evidence you shall believe, her absence from her husband has been temporary, in contemplation of law, her residence, for the purpose of this prosecution is the residence of her husband,... I say as to what is meant by cohabitation, or the word "cohabit," the court charges you that it is living by persons in the character and repute of marriage.... It does not matter whether during this time he had sexual intercourse with them or not. The term "cohabitation" does not necessarily involve or include sexual intercourse or connection with the parties. 3

Ricks said at the conference in Rexburg in 1890: "With the persecution my means have been used up... Our rights have

1Ibid., p. 566.
2Journal History, October 28, 1889, pp. 8-12.
3Ibid., p. 12.
been taken from us and we have been imposed on by wicked and ungodly men."1 He never went to prison as his case was reversed when it went to the Supreme Court but this example illustrates a general feeling among leaders of the church toward the political rulers and courts of the time.

The greatest excitement in the legal controversy was aroused in 1889 when Samuel D. Davis of Oneida county appealed his case to the Supreme Court of the United States. His case revolved around the legality of the Idaho test oath act, freedom of religion, fourteenth article of amendment to the constitution and article six and that Congress had exercised its power on the same subject. The case was of great import to Latter-day Saints in Utah, Wyoming, and Arizona and attracted attention in nearly every major paper in the country.2 Indicative of the opinion in Utah at the time is the following:

The argument of Judge Jere Wilson in the Idaho test oath case, was made yesterday, and was very clear and logical. He said that the law-making department had no right to go into the domain of conscience and make a man an offender because of his religious belief. This was precisely what the Idaho oath did, by disfranchising a citizen because of his membership in a religious association, and its action was violative of the Constitution of the United States. Judge Wilson cited from numerous authorities, and from decisions of the Supreme Court in line with his position. During the argument he was listened to attentively by the Court and numerous questions were asked by the judge....It is believed here that the court cannot decide against membership in the "Mormon" church and in favor of the law, on constitutional grounds. The authorities cited were numerous

1Bannock Stake Record, pp. 431-4321
and pointed. Dubois was present during the proceedings.¹

H. W. Smith had the task of defending his own creation in this case and argued very well for it. The judgment rendered does not differ enough from the cases cited above to be of any additional value here. The point of importance came from Justice Field in upholding on every count the right of the legislature and the validity of the law, and denouncing the church for teaching such doctrine. He refused to review any facts as that was not implied in this appeal and upheld the propriety of the Territorial courts in their finding. "It was never intended or supposed that the amendment could be invoked as a protection against legislation for the punishment of acts inimical to the peace, good order and morals of society."² His conclusion concerning the right of the legislature in relation to congress stated:

The act of Congress does not touch upon teaching, advising and counseling the practice of bigamy and polygamy, that is, upon aiding and abetting in the commission of those crimes nor upon the mode adopted, by means of the oath required for registration, to prevent persons from being enabled by their votes to defeat the criminal laws of the country.³

The wave of editorials over the nation reveals a few facts worth noting. The Boston Journal said:


²Deseret Weekly, December 21, 1889.

There will be jubilation in the Territories when the news that the Mormon test-oath has been sustained by the Supreme Court of the United States reaches the scattered settlers of Idaho, Utah, and Arizona. ... While the decision thus strikes at Mormonism, it strikes, too, at the Democratic party, which, in Idaho as in other regions in the West, has openly allied itself with the Mormon element and sought to turn that alliance to political advantage. Deprived of its Mormon annex, the Democratic party in the Western Territories will speedily shrivel to trivial dimensions, thus affording an excellent assurance that when these territories come into the Union they will come in as good, reliable Republican commonwealths.1

The Minneapolis Journal was more violent in treating of the subject: "This nation has killed the reptile, negro slavery, and it ought not to hesitate to stamp to the death the other venomous serpent, Mormon polygamy, by firm, decisive, over whelming measures."2 In Utah there was another way of looking at the problem as is noted in the Salt Lake Herald:

Only a small percentage of the Idaho Mormons have ever violated the laws forbidding polygamy, and few, if any, of them who married plural wives are now living in defiance of the statute. They have conformed their lives to the requirements of the law, and are to-day good citizens in this respect, as they have always been in all others. And yet this decision subjecting them to the oppressive rule of bitter enemies and persons bent on driving them from the land. Truly is their lot a sad and deplorable one. It would be hard to conceive a worse fate than theirs.3

This opinion coupled with the decision in Chamberlain v. Woodin before the Territorial Supreme Court February 13, 1890, very nearly exhausted the Mormon attack on this point. The last named case came as a result of the election held in Rexburg in

1Public Opinion, op. cit., p. 445. 2Ibid.
3Ibid.
1888, in which the near violence between marshals and deputies was reported above. D. F. Chamberlain, Democrat, had been elected sheriff by a substantial vote but the Rexburg returns were thrown out and secondary sources used to determine the true vote there, which gave W. A. Woodin a slim lead, on which ground he was declared elected. Chamberlain appealed his case to obtain title to the office which he claimed he was legally elected to.\textsuperscript{1} The case was of importance to the Mormon issue as it determined the status of those who had withdrawn from the church to vote, and very likely formed the basis for Dubois' efforts in arresting large numbers of those who had voted in 1888, two years later.

Judge Beatty, in delivering the opinion of the court stated: "The consideration of these questions has required an examination of perhaps the most voluminous record that has ever been submitted to the review of this court."\textsuperscript{2} The crux was reached after many considerations in this significant statement: "There can be no doubt of the court's power in a case of an election contest, to inquire into the qualification of those who voted, and reject all disqualified."\textsuperscript{3} This coupled with the usual appellate procedure of not disturbing a finding of fact by a lower court placed the anti-Mormon party on the strongest ground it had been on since the whole controversy began. Now they were absolutely secure against judicial interference.

\textsuperscript{1}Idaho Reports, \textit{op. cit.}, pp. 610-618.
\textsuperscript{2}Ibid., p. 610.
\textsuperscript{3}Ibid., p. 615.
Some amusement was created among the Mormons in the way some cases were decided. One such case before the Supreme Court February 24, 1890, was an appeal by Appellant Evans against the district court which had found him guilty of resisting an officer. One of the jurors had been a Mormon and Evans declared in the appeal that a Mormon was not eligible to act as a juror because he did not have all the qualifications of an elector as required by law. The technicality was a clever one and put the district attorney in a precarious position. In the argument before the high court there was only one issue, and that was, "must a juror have all the qualifications now prescribed for an elector."\(^1\) After discussing the intent of the law Justice Beatty declared:

View this question in any light, we are forced to the conclusion that under our laws a juror must have all the qualifications now required of an elector, and that the court should have excluded the juror objected to by appellant. That this conclusion will lead to inconvenience in some localities may be true, but we cannot change what seems to be a positive and clear statute. If there is any need of a change, we respectfully refer it to the legislative department.\(^2\)

This had less effect upon members of the church than would appear on the face, for Mormons had been excluded from jury duty in most localities for many years and it was probably an accident that one was allowed in the above mentioned trial. This was more an embarrassment to the anti-Mormon party than anything had been for some time.

\(^1\)Ibid., p. 627.  
\(^2\)Ibid., p. 631.
The church members in Idaho were not slow to test their legal position following the Manifesto of 1890. As has been mentioned a majority of the members refrained from voting in the election of 1890 as a result of the Supreme Court decision in Davis v. Beason, and because many were arrested who had voted in 1888. However, a few under careful guidance registered and so some may even have voted. The first case to reach the courts was West v. State of Idaho, tried at Boise under Judge Beatty at the spring term of district court.¹

West admitted that he was a Latter-day Saint and that he registered to vote, but that this was not an infraction of the law as the church no longer taught the doctrine of polygamy. The prosecution presented evidence to the court from the Doctrine and Covenants, showing that the doctrine was still in the books and hence a part of the teachings of the church. West was very ably defended by attorney Hawley, who, with President Budge's assistance, very effectively countered the district attorney's argument by reading from Samuel and Deuteronomy in the Old Testament, where polygamy is taught. Hawley then in dire tones said:

It would be disastrous if, because the various churches had failed to publicly repudiate the sacred book--which constitutes the foundation of their faith--those of their members who had registered and voted in Idaho should be placed under arrest and punished.²

¹Deseret Weekly, June 6, 1891. Called Idaho Conspiracy Case in press reports.

²Ibid.
There was only this one question to be decided and the jury quickly answered for acquittal. The case was won but there remained two more years of struggle before the forces were reconciled and the Latter-day Saints accepted into political and legal fellowship by their opponents.

Another case of interest that was settled in the Supreme Court of the State of Idaho February 24, 1892, concerned the Latter-day Saints in Rexburg. This case was very important to the residents of that area as it involved an additional school tax to build up the schools which the Saints refused to patronize. The main facts brought out in the trail were these:

The court then finds that "on the 17th of May, at about 15 minutes before 12 o'clock, about twenty-five persons assembled at the school-house in district no. fifteen, pursuant to this notice of the trustees. W. H. Dye was present, and considerable discussion occurred, but the meeting was not called to order, nor were any officers of any election appointed; and at about half-past twelve all of the persons then present left the room. Immediately afterwards, about eight persons came into the room with N. W. McMillan, who called the meeting to order, appointed officers of election, who were duly sworn; and the polls opened at about 15 minutes to one o'clock. The parties present proceeded to vote by ballot upon the question of levying a tax for building a school-house, all present voting in favor of said tax. Bramwell had contested payment of the tax at Blackfoot before Judge pro tem H. W. Smith at which time the action of the school district was upheld and Bramwell ordered to pay the tax. During this trial at Blackfoot Bramwell returned to Rex-

1Ibid.
3Ibid., p. 1070.
burg and reported:

Having been to Blackfoot in company with T. E. Ricks, Jun., and P. Tempest, in connection with the School Tax Defense case of Rexburg. Gave an account of the fraudulent way the opposition gave their evidence. Thought that the case might be bought by our opponents but if the court will go by the evidence we will surely win the case.1

"Pres't Ricks, suggested that we raise $300.00 in this Stake in the next thirty days for a defense fund. This was voted upon and unanimously accepted."2 Bramwell's fears concerning the Blackfoot court were validated by an adverse decision and the defense fund was used to appeal the case.

In the case before the Supreme Court of Idaho the case received a careful study by the three justices who reached a unanimous decision in favor of Bramwell.3 The court ruled:

"Where the statute provides for the levying of a special tax, all the requirements of the statute in regard to the making of such levy must be strictly followed."4 The court found that the meeting called had been only to consider a tax and not to vote for one and thus the higher court reversed the lower and granted costs to Bramwell. The irony of this case came in an obiter dicta placed in the ruling by Justice Huston:

We desire here to call the attention of the judges of the district courts and the members of the legal profession to the fact that section 12 of article 5 of our constitution does not authorize the appointment of a non-resident non-resident

1Bannock Stake Record., p. 418. 2Ibid., p. 419.
3Idaho Reports, p. 1073. 4Ibid., p. 1072.
of the state as judge pro tem.¹

H. W. Smith is the one and same "Kentucky" Smith who had since moved to Ogden to carry on his activities. This rebuke to him was well received by the members of Bannock Stake.

The final decision in this long controversy was handed down October 18, 1892, in the case of Sheperd V. Grimmett, Registrar.² This case like many of the others was begun in Bear Lake county and sponsored by the Idaho defense fund. The law contested at this time was the 1891 "Test oath law" which carried the disfranchising section of the earlier law of similar name. Joseph R. Shepard of Paris brought suit for mandamus to compel the registrar to allow him to register. The appeal was made on the ground that (1) the law was ex post facto, (2) in the form of a bill of attainder, and (3) not within the scope of the legislature to enact.³

The necessity of the law, or the absence of such necessity of the law, or its apparent hardship, cannot be permitted to affect the determination of the court. The peace of society and the welfare and happiness of the people demand that due respect shall be given by the court to the lawmaking power; and, when laws are clearly constitutional, application for change must be made to that branch of the government which alone can make and unmake the law. The writ must be denied, and it is so ordered.⁴

¹Ibid., p. 1073. ²Ibid., pp. 1123-31. ³Ibid., 1124. ⁴Ibid., p. 1131.
This finished the legal battle between anti-Mormons and Mormons. The speedy action of the Republican party in removing the objectionable legislation placed the Latter-day Saints in full legal standing before the law and entitled to all rights of citizens. This is a novel chapter in the history of American civil rights and the fight of minority groups for recognition in our governmental system. It demonstrates the hardship that majority rule can place on a group when desire for political power motivates men of ability to strive for it.
CHAPTER IX

CLOSING YEARS OF FIRST DECADE

The closing years of the first decade in the Snake River Fork Country were filled with the last remnants of persecution and prosecution that could be mustered by an increased number of Gentile antagonists. It appears unlikely that this minority could hope to maintain their political advantage indefinitely, and yet, they had enjoyed the feeling of power just long enough to feel a natural right to continue. The period is not noteworthy for economic or social development, nor for any remarkable increase in population or church organization. With only slight gratification, this could be called the period of stagnation.

Following the Edmunds-Tucker Act there was a decline in Latter-day Saint migration to Idaho, and after the Idaho Test Oath Decision it virtually ceased until the proclamation of amnesty, January 4, 1893. This section experienced many of the trends felt through the farming areas of the nation, complicated by the financial burden of fighting polygamy in the courts, and caring for the families with fathers either in prison or exile. The records available do not give a complete financial picture of all that happened during these years but enough is available to indicate that several businesses were
forclosed. Other incidents included attempts by various individuals to obtain right to the homesteads, timber claims and water rights of the Latter-day Saints in exile.¹

At the beginning of the year 1890, the residents of Bannock Stake by mutual consent, went on a fast to humble themselves, that their prayers to the Lord for relief from their enemies might be heard. Following the fast, President Rigby told the priesthood: "The general fast which had been observed by the Saints would be answered. If we were faithful the great cloud hanging over us would be dispersed."² This was probably not very satisfactory to a people who had been confident that God would redeem them and were still looking for it after five years. However, there was a strong parallel in the minds of the members, between this and similar fasts in other areas and the announcement in September of the Manifesto.

Leaders of the church who still had the audacity to think and talk of politics sounded very much like Populists of the same period. Moses Thatcher, preaching to the Saints in Rexburg, said, "The most important question before our government is not the "Mormon" one....Described the evils of secret combinations and trusts, Government enactments in systems of

¹William F. Rigby, Diary, 1891 to 1893. Subsequent references to Rigby will be from this source.

²Bannock Stake Record, p. 351.
money interest, etc.\textsuperscript{1} The residents felt this very much in the price of freight on imported manufactured goods and market produce. The freight charge on machinery amounted to well over one-fourth of the price.

The church still was the authority and source of relief for its adherents during this time. Very little government was asked for by the members, as they felt they had been abused in past association with it. When people were starving or in other need, they were cared for by the church. When they had differences they appeared before the Bishop's Court, and if not satisfied there, they appealed to the High Council. Their meetings were workshops in religion, socialogy, economics and government. Typical of these problems, "Pres't Ricks said Br. Williams has served one term in prison, and is now in bonds for a second long term, the sixty dollars raised in his behalf had been spent in the courts in Bro. Williams defense."\textsuperscript{2} During these meetings the priesthood voted not only to help in the courts but to tend the families of such men during their absence.

One of the steps taken by the church during 1890 was the re-admission of those who had formally resigned in order to vote. Though many had been prosecuted for conspiracy, fraud, or perjury, they were actually outside the church and had to

\textsuperscript{1}Bannock Stake Record, p. 360.
\textsuperscript{2}Bannock Stake Record, p. 380.
go through formal steps to become members again. The interesting turn of events was the decision made concerning those who had not withdrawn but had taken the test oath in order to vote or register.

Pres't Rigby said it is advisable that all those who took the test oath at the last Election should be rebaptized and reconfirmed and thus have all former gifts and blessings confirmed upon them.

Ep. Jardine asked, what could be done with a man who did not want to be rebaptized on the ground that in taking the test oath he had committed no crime.

It was the decision of the meeting that no man be admitted back in the church without being rebaptized.¹

The following day at conference President Ricks gave this information to the general public by saying, "Let politics alone, ....those who had withdrawn from the church to vote, to remain aloof no longer, but to come forward and demand baptism."²

President Rigby suggested in August, 1890, that the church sponsor a fair to be held that fall.³ He probably received the idea from some of the fairs he and President Ricks attended while exiled in England. The people accepted the idea with enthusiasm and on September 18 and 19 held a very successful fair at Rexburg. This and all activity sponsored by the church was pointed toward fulfilling the social needs of the people in order that they would not seek outside recreation, and that they would be more closely united. The desire to

¹Bannock Stake Record, p. 381.
²Ibid., p. 384. ³Ibid., p. 382.
attract favorable publicity and thereby gain new immigrants to the country was also an active factor in many such undertakings. The residents who owned extra land wrote numerous letters to the press in Utah to attract new settlers. Some of these reports were highly colored and old residents still living lament their parents choice in moving to the country.

September 12, 1890, Francis M. Lyman, Heber J. Grant, Thomas E. Ricks and William F. Rigby traveled to the Teton Basin and held the first conference of the church ever conducted there. Later in the year other leaders visited this area and called President Rigby to settle there and supervise the Saints then residing there. Others still having trouble with the laws of Idaho also went about the same time. This was the third or fourth move for some families and was very difficult as they were seventy-five miles from the railroad and had very severe winters, Rigby left a very vivid account of his years there which stressed the rugged life and continual struggle with the elements.

The depression generally spoken of as beginning in 1893, came to this country in 1892. During the early winter months many people were in financial difficulty and several business houses in Rexburg failed. Among those failing was the large store of "Paul and Houtz." Henry Flamm had to mortgage his property to satisfy his creditors as he had been liberal with credit

1Rigby, op. cit., p. i.
to the farmers. "These conditions were brought due to the lack of a market for wheat and flour."¹ At this time these two commodities were the major cash products of the valley and when the market fluxuated the whole economy rose or fell accordingly.

Some entries in Rigby's Diary during the next two years reveal the price level of purchased items: "Went to the store and bought $3.00 worth of pork meat at 9¢ per pound.... Willard a pair of shoes $1.60, 1 pair for Sophia $1.25....they bought David a suit of clothes and Emma and Martha a jersey coat each paying $9.00 for them."² A good hired man worked for $25.00 a month during this period. Sugar was the most costly item being 4 pounds for fifty cents. While wheat delivered to Market Lake in the best season, "brought only $1.23 per cwt."³

During the winter and spring of 1891, a serious epidemic of diphtheria swept through the valley. Rigby received a letter telling the members in Teton Basin to stay away until the disease was conquered.⁴ President Ricks speaking to the Priesthood meeting April 11, reported 23 deaths since Christmas and said: "Public meetings should be stopped....Advised that children should be kept at home. Sunday and day schools should be stopped."⁵ Some families were especially hard hit, losing as many as four children in one year. Others had lighter

¹Ibid., p. 12.  ²Ibid., pp. 11, 26, 38.  ³Ibid., p. 25.  ⁴Ibid., p. 22.  ⁵Bannock Stake Record, p. 437.
losses but they were grim reminders of other such experiences years before. The mortality rate was high during such epidemics as there were few doctors and transportation inhibited their availability.

During the winter of 1892-1893, the Relief Society organization sponsored a clinic for mothers to teach them practical nursing. The epidemic nature of influenza, scarlet fever, smallpox, and diphtheria had made it necessary for them to take steps in prevention and preparedness to lessen the loss of life and serious aftereffects from these diseases. The clinic under Hannah Sorenson of Salt Lake City, was known as the Rexburg Hygiene and Physiological Reform Society.1

Along with the general education on nursing a special course was given in obstetrics, to which each ward sent one woman. These women formed the backbone of baby delivery service for nearly two decades. Doctors were not available to give service to all the communities in the valley until after 1920, and only since the improvement of the automobile has the service been nearly adequate.

Following the resumption of meetings in May the problem of illegal voting cases was brought before the people by a letter from defense attorney James H. Hawley. The cases had been left quiet for nearly a year since the first case was won by the Mormons at Boise, but now the State was ready to proceed

1Beal, Snake River Fork Country, p. 41.
again. The members of Bannock Stake decided on May 17 to support those looking after this matter. This was typical of the response to all anti-Mormon agitation; the members, whether involved or not, put up a united front and shared as much as possible in defending each other. In this case their defense was successful and those arrested were acquitted, suffering only the expense and hardship involved in traveling to Boise for trial.

February 17, 1892, during a conference in Rexburg attended by Francis M. Lyman and Seymour B. Young, the second Quorum of Seventies was organized, "to be known as the one hundred and sixth quorum of Seventies." This was in line with the opinion expressed by many visitors and members of the Stake. At this time it was almost impossible for those living in the south end of the Stake to attend meetings in Rexburg. President Rigby in recording his opinion of the Stake wrote.

If it was divided making the South Fork of the Snake River the dividing line, I am certain it would be to the best interest of the Latter-day Saints in both newly created districts. This had been my opinion for the past three years, and I shall always use my influence to that end.

The authorities at Salt Lake still thought the membership too small to warrant a division of the Stake, but for practical

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1Bannock Stake Record, p. 446.
2Deseret Weekly, February 27, 1892, p. 336.
3Rigby, op. cit., pp. 15-16.
purposes it was divided as Rigby planned and the members held separate Priesthood meetings, only meeting as a Stake for Quarterly conference. The division finally came in 1895, when Bingham Stake was created from the area south of the South Fork of Snake River.¹

The winter of 1892-1893 was one of the oldest in the experience of organized settlement. In the spring the snow melted very slowly, then in a few days a hard wind dried the soil so completely that it had to be irrigated to bring up the seeds. This year the Snake River was the highest it had ever been in history.² This was not very encouraging to those who were enjoying complete freedom for the first time in eight years. To add to the discomfort of the residents, a horde of grasshoppers appeared.

"The grasshoppers are not the ordinary local variety, but are the "winged locust," the ironclad pest that so devasted this region a score of years since."³ These pests completely denuded all vegetation in their path and were causing increasing anxiety as they approached the main part of the valley.

¹*Journal History*, June 11, 1895, p. 7.
²*Deseret Weekly*, July 1, 1893, p. 55.
³*Ibid*. These still are a danger to the valley and require a force of men each summer with tons of poison to keep them in check. During severe plagues some turkey raisers move thousands of birds into the area and fatten them on the pests.
"The Rexburg Press says the grasshopper scare is dying out. During the past week millions of the little pests have died from unknown causes and their ranks are seriously depleted."\(^1\)

This was only one side of the life of 1893, for during this same period there were many causes for rejoicing in the valley. One of the first had been President Harrison's proclamation of Amnesty, granted January \(^4\). This was followed in February by the removal of the test oath from the Idaho statute books and March \(^4\), 1893 by the creation of Fremont County. Thus almost miraculously the church members were restored to all the rights and privileges of citizenship, suffrage, school rights, and were removed from the jurisdiction of their enemies at Blackfoot.

Governor William J. McConnell was more than fair in appointing county officers from among the Latter-day Saints, but designated St. Anthony as county seat, though there was only a few cabins there at the time. The officers appointed included:

Auditor: F. S. Bramwell.
Assessor: J. C. Brandon.
Probate Judge and Superintendent of Schools: M. R. Cahoon.
Treasurer: T. J. Winter.
Surveyor: W. J. Steeley.
Coroner: Walter Paul.\(^2\)

The progress was pushed another step when a wooden

\(^1\)Ibid. \(^2\)Beal, Snake River Fork Country, p. 42.
bridge was completed across the South Fork of Snake River at Lorenzo. Travel could now go direct from Rexburg to Eagle Rock and all intermediate points. This caused premature rejoicing for later in the year the bridge collapsed with a herd of cattle and was not replaced for several years.\(^1\) The shifting sand of the Snake and the high water undermined the piling. The first successful bridge at that site was built by the railroad in 1898 and still serves.

Rexburg was the center of excitement and activity during the summer and took on increasing importance as a trading center. To keep pace with developments a petition for a village organization was granted by the county commissioners July 10, and the civic life of Rexburg village officially began. Henry Flamm became chairman of the village board, a fitting tribute by the citizens for service rendered during the years of settlement.\(^2\)

Indicative of the excitement and feeling during this period of governmental development is the following:

For a short time the chair purchased for the use of Judge Standrod when he holds court in Fremont county will be on exhibition by Bramwell & Co. at their saleroom. This chair cost \$58, and is a model of ease, plainness and utility.--Rexburg (Idaho) Press.\(^3\)

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\(^1\)Ibid., p. 25. Reuben Row was the contractor, after this he turned to steel bridges and was successful. He built most all the bridges in the country and some in lower Idaho.

\(^2\)Ibid., p. 61.

\(^3\)Deseret Weekly, July 1, 1893, p. 55.
RICKS COLLEGE CAMPUS 1949

PLATE XVI
Through all this excitement and rejoicing by the members of the church there was shown a maturity of political ability amazing to the non-Mormons. The training in public service through the church and the ability of Latter-day Saints to understand the relationship of delegated authority placed them on sound ground for political responsibility.

As a fitting climax to this most momentous year the Governor, William J. McConnell, visited Rexburg, the first ranking dignitary above Territorial marshal to do so since it was settled. The occasion is fittingly described in the Desert Evening News:

A novel feature of this conference time was the visit of our Governor, who is at present on a tour through the country and made his debut at this morning's meeting. A grand reception was gotten up by the village trustees, who met the Governor at Market Lake, bringing him to Rexburg. At 1 p.m. the citizens, old and young, together with the Rexburg band turned out to do honor to the Governor. The adults gathered on either side of Main Street and the children in the center, headed by the band playing "Red, White and Blue." marched and countermarched through town to the afternoon conference meeting place at 2 o'clock, whom, after opening exercises including selections of national songs and instrumental music, an address of welcome to Governor McConnell was read and presented by Henry Flamm on behalf of the town trustees and citizens of Rexburg.

The Governor thanked the people for their hearty welcome and said the object of his visit was to get acquainted with the people that he might know how to serve them. He needed to visit them and know their wishes or he could not serve them as he should. The governor's speech was devoted entirely to the discussion of subjects involving the best interests of the people of the State. He treated at length on the question of irrigation of the arid sections; he wanted legislation to create irrigation districts that the settlers could combine to control and own the water as well as the land; for water and land were inseperably connected. He also wanted legislation to curtail the holding of too large tracts of land, for those who had too much
land raised sage brush, whereas a settler with 80 acres can
invariably do well. He desired to have state jails made re-
formatories not purgatories and have jails and asylums self
sustaining, that the inmates thereof might be improved phys-
ically and mentally. The governor concluded with a brief
address to the children, relating many humorous incidents
of his school days and some good pointers on the road to
success and distinction. Again he was grateful for the
honors conferred upon him and the opportunity of speaking
to the citizens of Rexburg.¹

This closes the chapter on the first decade of organized
settlement in the Snake River Fork Country. The country is still
comparatively new in relation to most of the United States and
the factors and forces evidenced during the first decade are
not silent yet.

A retrospective and introspective view of this study re-
veals details that may be significant in this chapter of American
history. This country was among the last settled in the great
westward expansion and exploitation of the vast land resources
of the country. Those who settled this region had many natural
forces to contend with, and yet their implements, transportat-
ion, and connection with other settlements, gave them advan-
tages over those who had settled Utah and Oregon earlier. The
religious affiliation and theocratic organization had counter-
parts but not on the same scale at this late date. The polit-
ical experience was novel but not without precedent in various
forms at earlier periods of the nation's development.

It is impossible to isolate this chapter and then over
fifty years later point to specific complete indications of its

¹Journal History, November 20, 1893, p. 9.
Plan of Rexburg, Bingham County, Idaho. The townsite embraces parts of Sections 19, 20 and 30 of Township 6 north, Range 40 east, Boise meridian. The full blocks contain ten acres, divided into four lots each. The streets are six rods wide.

REFERENCES:

- Section lines of government survey.
- A—First Ward Meeting House.
- B—Second Ward Meeting House.
- C—Third Ward Meeting House.
- D—Tithing Office.
- E—Post Office.
- F—Rexburg Co-operative Store—pioneer store of the town.
- H—Henry Flamm's General Merchandise and Implements.
- I—Paul & Houtz' Store, established in 1885.
- J—Rexburg Press office and Consolidated Implement Co.'s offices.
- K—Rexburg House, the first hotel in the upper Snake River Valley, Hyrum Hands proprietor.

L—City Meat Market.
M—Music Store, F. S. Bramwell, proprietor.
N—City Blacksmith Shop, J. Brenner, prop.

P—Residence of Prest Thos. E. Ricks, sen.
R—do. Bishop Casper Steiner.
T—do. Henry Flamm, Esq.
U—do. Frank S. Bramwell, Esq.
X—do. Jacob Sport, Esq.
influence in the lives of those who reside in the area. However, to the mind of one who has resided in the area over a period of years and felt the spirit of the people and watched institutions grow there are certain factors which seem to have a direct channel down through the years as a result of the first decade.

The settlement of the country produced a feeling of independence in the people which is still evident among the present generation. The "great depression" came nearer to breaking this spirit than any force has since it was generated. The residents, however, accepted less government help and opposed subsidies more than any region within the scope of the author's experience. There is a greater feeling and spirit of cooperation among the residents of the area than in any similar area of the authors knowledge. It appears that there are more co-operative establishments in the Snake River Fork Country than in rural areas generally. When a man needs machinery it is readily obtained from a neighbor, when there is sickness the neighbors supply any needed help, when there is death, fire or other disaster the neighbors respond spontaneously with money, time and consolation. It is a common occurrence to see a new home spring up where one has been destroyed by fire, or to see a dozen men working on a sick neighbor's farm.

There is evidence that these early experiences are responsible for the present functioning of Ricks College, one
of two church academies which have been maintained down to the present. The residents of the area support the school very liberally. This is part of the feeling that started among the people during the years of political persecution. Though they lost what was to them a right, they welded a pride in their church which has been continued to the present.

This chapter of history leaves a vivid picture of American government in action. Out of this section comes a lesson on the functioning of democracy. There is a picture within a picture as the development in this study was peculiar compared to the greater picture of the whole United States. To the present these settlers have remained the champions of the old Jeffersonian agricultural idealism and have served as a counter balance to the rapid expansion and concentration so general in America.

This period is not a particular contribution to the political philosophy of separation of church and state, but is of definite value as a case study of minority groups in relation to the whole government. It is also of value to the Latter-day Saints as a challenge, with a forced answer, of how to live in the world and not be of the world. By this era the idea of separation of church and state had been very well absolved in the development of the states. The nation had blundered to a settlement of a major minority question in the Civil War, but had not fully answered the problem of how a
minority group could be protected from exploitation in the American system of government. This chapter came closer to answering the minority question but left much to be desired.

As a final significance to the Latter-day Saints this chapter marks the end of persecution by the country generally and the beginning of acceptance on an equal basis. During the earlier period of the church's history there had always been outside persecution to hold the members together and stimulate them to their greatest potential. The challenge now rested on the intrinsic merits of the religion alone to carry the Saints to the idealic perfection desired.
APPENDIX

AN ACT DEFINING THE CRIME OF POLYGAMY AND
PROVIDING FOR THE PUNISHMENT THEREOF

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IDAHO, as follows:

Section 1. If any person or persons within this territory being married, or who shall hereafter marry, do at any time marry any person or persons, the former husband or wife being alive, or any person who shall within this Territory, cohabit with, recognize and maintain the marital relation with any woman, whether under the name of "Celestial marriage," "plural marriage," or by any other name or designation, such person having at the time a wife or husband living, the person so offending shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, and by imprisonment not less than one year, or more than ten years. Upon the trial of any person for a violation of any of the provisions of this section it shall not be necessary to prove any marriage by record evidence, but the same may be proved by the acts and admissions of any of the parties to such marriage, marital relation, cohabitation, celestial marriage, or plural marriage, and any party to such marriage, marital relation, cohabitation, celestial marriage or plural marriage shall be a competent witness upon such trial. And when such second marriage shall have taken place without this Territory---cohabitation in this Territory after such second marriage shall be deemed the commission of the crime of polygamy. Nothing herein contained shall extend to any person or persons whose husband or wife shall have been continually absent from such person or persons for a period of five years together prior to such second marriage, and he or she not knowing such husband or wife to be living within that time. Also, nothing herein contained shall extend to any person who is or shall be at the time of the second marriage divorced by lawful authority from the bond of such former marriage, or to any person when the former marriage of such person has been by lawful authority declared void.

Sec. 2. That if any male person within this Territory hereafter cohabits with more than one woman he shall be deemed guilty of a felony, and on conviction thereof shall be punished by a fine of not more than one thousand dollars and by imprisonment for not more than five years.

Sec. 3. That counts for any or all of the offenses named in sections one and two of this act may be joined in the indictment.
Sec. 4. Upon the trial of any person for violation of any of the provisions of this Act it shall be sufficient cause of challenge to any person drawn or summoned as a juror or talesman:

First--That he is or has been living in the practice of bigamy, polygamy, or unlawful cohabitation with more than one woman, or that he has been guilty of an offence punishable by either of the foregoing sections, or

Second--That he believes it right for a man to have more than one living and undivorced wife at the same time, or to live in the practice of cohabitation with more than one woman. And any person appearing or offered as a juror or talesman and challenged on either of the foregoing grounds, may be questioned on his oath as to the existence of any such cause of challenge, and other evidence may be introduced bearing upon the question raised by such challenge, and this question shall be tried by the Court. But as to the first ground of challenge before mentioned, the person challenged shall not be bound to answer if he shall say upon his oath that he declines on the ground that his answer may incriminate himself, and if in any criminal prosecution against him for any offence named in sections one and two of this act.

Sec. 5. Section 127 of the Act entitled "an Act concerning crimes and punishments," approved January 14, 1875, is hereby repealed.

Sec. 6. This act to be in force from and after its approval by the Governor.
In the Council of the Idaho Legislative Assembly 1883, the following was introduced by Mr. Wall, read twice, referred to the Committee on Education, and ordered printed:

AN ACT

To amend an act on pages 183 to 194 inclusive, of the Revised Laws of Idaho, Eighth Session, entitled "An act Relative to Elections:

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE TERRITORY OF IDAHO AS FOLLOWS:

Sec. 1. That section one of said act be, and the same is hereby amended to read as follows:

Sec. 1. That all male inhabitants over the age of twenty one years shall be entitled to vote at any election for Delegate to Congress, and for territorial, district, county and precinct officers; PROVIDED, they shall be citizens of the United States and shall have resided in the Territory four months, and in the county thirty day, when they offer to vote, next preceding the day of election; and, PROVIDED FURTHER, that no bigamist, polygamist, nor any person who is or has been, a party to any form of so-called "Celestial or Spiritual plural marriage, nor to the performance of any so-called"re-ligious" rite or ceremony, whereby one man is authorized, empowered or permitted to to cohabit with more than one woman, nor any person who now is, or may hereafter become a member of any social, civil, political cabalistic or ecclesiastical society, body, organization or sect which teaches, sanctions or permits any of the practices hereinabove set forth, or which authorizes or permits the promulgation or practice of any secret device, or artifice whereby one man may be authorized, suffered or permitted or whereby such person may be induced to believe himself authorized, suffered or permitted to have more than one living and undivorced wife at the same time, or to practice unlawful cohabitation or sexual prostitution under any pretense whatever, shall be entitled to vote at any election held in the Territory, or be eligible for election or appointment to, or be entitled to hold any office or place of public trust, honor or emolument, under, or for the Territory.

Sec. 2. That section sixteen of said act be amended to read as follows:

Sec. 16. If any person offering to vote shall be challenged as unqualified, by any judge or clerk of election or by any other person entitled to vote at any poll in this Territory, one of the Judges shall declare to the person so challenged the qualifications of an Elector; if such person shall then declare himself duly qualified, and the challenge
be not withdrawn one of the Judges shall then tender the fol-
lowing oath:

"You do solemnly swear (or affirm) that you are a citi-
zen of the United States, of the age of twenty-one years, that
you have resided in this Territory for four months, and in this
county for thirty days last past, That you are not a bigamist
or polygamist, that you have never been a party to any form of
so called celestial or spiritual plural marriage, or to the per-
formance of any so-called religious rite or ceremony where one
man is, or may be authorized, empowered or permitted to cohabit
with more than one woman; and that you are not a member of any
social, civil, political, cabalistic or ecclesiastical society,
body, organization or sect which authorizes sanctions or permits
the practice of bigamy or polygamy, or which authorizes or per-
mits the promulgation or practice of doctrinal rites, or the per-
formance of any ceremony, or the practice of any secret artifice
or device whereby one many be authorized, suffered or permitted,
or whereby such person may be induced to believe himself author-
ized, commanded, suffered or permitted to have more than one
living and undivorced wife at the same time; or to practice un-
lawful cohabitation or sexual prostitution under any pretense
whatever, and that you have not previously voted at this
election." PROVIDED, that when a person is entitled to vote
only for a part of the officers voted for at such election,
the oath shall be varied accordingly, and the clerks shall
enter the names of all personal on the poll lists, who are
challenged and sworn, in brackets, and such evidence shall be
presumptive evidence of such votes; and if any person shall re-
fuse to take the oath so tendered, his vote shall be rejected;
and PROVIDED FURTHER, that no volunteer in the service of the
United States be allowed to vote at any election in this Ter-
ritory.

This act shall take effect and be enforced from and
after its passage.
The Bannock Stake Authorities as sustained at quarterly conference in Rexburg August 16, 1884:

President, T. E. Ricks, Sen.; Counselors, Wm. F. Rigby, Sen., Francis Gunnell.
President of High Priests Quorum, Henry Flamm; First Counselor John R. Poole.
The High Council as above named. (Austin G. Green, David Robison, Alex. Nephi Stevens, James H. Mason, Brigham Ricks, Heber Ricks, Phineas Tempest, William Troop, Casper Steiner, Thomas Brown, G. H. B. Harris, George D. Black.
Alternates to High Council:—Andrew Sanderson, William J. Young, C. Kepner, Edmund Paul.)
First Quorum of Elders--Joseph Ricks, President; Fred Smith, First Counselor; Wm. Stephens, Second Counselor.
Relief Society--Sophia Ricks, President; Sarah Ann Gunnell First Counselor; Zilphia Young, Second Counselor.
Y.M.M.I.A. Association--Edmund Paul, President; Thomas E. Bassett, First Counselor; Parmenia A. Jackman, Second Counselor.
Y.L.M.I.A. Association--Susanna R. Poole, President; Mary A. Ricks, First Counselor; Mary A. Raymond, Second Counselor.
J. D. Evans, Presiding Priest of Eagle Rock.
A. Redford, Presiding Priest of Beaver Canon.
Home Missionaries.—All the members of the High Council and the following brethren: George Briggs, Geo. Winegar, Henry Sorensen, H. P. Hennegar, Wm. F. Rigby, jr., Wm. N. Thomas.
Thomas E. Bassett, Stake Recorder and Clerk of Conference.
The Bannock Stake Officers, August 22, 1887.

Thomas E. Ricks, President; Wm. F. Rigby, First Counselor, Francis C. Gunnell, Second Counselor.
Patriarchs--Thomas S. Smith and Arza E. Hinckley.
Presidency of the High Priests' Quorum--Henry Flamm, President; Joseph R. Poole, First Counselor and Andrew A. Andersen, Second Counselor.
Bishops' agent--Thomas E. Ricks, Jr.
Presidency of the First Elders Quorum--Fred Smith, President; Robert Archibald, First Counselor; James G. Stuart, Second Counselor.
Rexburg Second Ward Bishopric--Casper Steiner, Bishop, Counselors not chosen yet.
Menan--Wm. N. Stephens, Bishop; Oscar Green, First Counselor; Spencer Raymond, Second Counselor.
Lyman--Samuel A. Wilcox, Bishop; Counselors not chosen yet.
Eagle Rock--James Thomas, Bishop; Wm. Thomas, First Counselor, John D. Evans, Second Counselor.
Burton--Geo. N. Smith, Bishop; Counselors not chosen yet.
Relief Societies--Temperance Hinckley, President; Sarah A. Gunnell, First Counselor, Tabitha Helm, Second Counselor.
Y.W.M.I.A.--Susannah R. Lawson, Superintendent; Mary A. Ricks and Mary A. Raymond, Assistants.
Primary--Fanny E. Paul, President; Emily C. Anderson and Margaret A. Edlefsen, Counselors; and Sarah E. Ricks, Acting Counselors.
PROCLAMATION OF PRESIDENT HARRISON GRANTING AMNESTY

Washington D. C., January 4, 1893

Whereas Congress by a statute approved March 22, 1882, and by statutes in furtherance and amendment thereof, defined the crimes of bigamy, polygamy, and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States, and prescribed a penalty for such crimes; and

Whereas, on or about the 6th day of October, 1890, the Church of the Latter-day Saints, commonly known as the Mormon Church," through its president, issued a manifesto proclaiming the purpose of said church no longer to sanction the practice of polygamous marriages, and calling upon all members and adherents of said church to obey the laws of the United States in reference to said subject-matter; and

Whereas it is represented that since the date of said declaration the members and adherents of said church have generally obeyed said laws and have abstained from plural marriages and polygamous cohabitation; and

Whereas by petition dated December 13, 1891, the officials of said church, pledging the membership thereof to a faithful obedience to the laws against plural marriage and unlawful cohabitation, have applied to me to grant amnesty for past offenses against said laws, which request a very large number of influential non-Mormons residing in the Territories have also strongly urged; and

Whereas the Utah Commission, in their report bearing date September 15, 1892, recommend that said petition be granted and said amnesty proclaimed under proper conditions as to the future observance of the law, with a view to the encouragement of those now disposed to become law-abiding citizens; and

Whereas during the past two years such amnesty has been granted individual applicants in a very large number of cases, conditioned upon the faithful observance of the laws of the United States against unlawful cohabitation, and there are now pending many more such applications:

Now, therefore, I, Benjamin Harrison, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons liable to the penalties of said act by reason of unlawful cohabitation under the color of polygamous or plural marriage who have, since November 1, 1890, abstained from such unlawful cohabitation; but upon the express condition that they shall in the future faithfully obey the laws of the United States heretofore named, and not otherwise. Those who shall fail to avail themselves of the clemency hereby offered will be vigorously prosecuted.

By the President:

Benjamin Harrison.

John W. Foster, Secretary of State.
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**PERSONAL INTERVIEWS**

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ABSTRACT
OF
MASTERS THESIS

MORMON SETTLEMENT OF
SNAKE RIVER FORK COUNTRY 1883-1893

Submitted to the
Department of History
Brigham Young University

by
Norman Earl Ricks
1950
In southeastern Idaho between the two forks of the Snake River lies some of the finest irrigated farming land in the west. Surrounding this valley is an excellent bench dry farming area which ends at the foot of the Teton mountains. The region was finally settled in 1883 by Mormon pioneers from Utah. The problems of settlement, the political significance, the reasons for the late settlement of the colonization, and some of the lasting impressions on the inhabitants, form the main thread of this study.

The Mormons were a peculiar colonizing group because they were closely associated with church headquarters at all times and remained aloof from the non-members in the area. Rexburg, the central settlement in the valley, carried on all governmental functions for ten years under the priesthood leaders of the church. The Saints organized their own purchasing and marketing associations. Later, when the practice of polygamy had aroused opposition the Saints were disfranchised, made legally incapable of teaching school, serving as jurors, or holding any public office of trust or emolument.

Because of the political persecution the Mormons developed a system of church schools, refrained from the use of government as much as possible, relied more on each other in a close knit society, and perfected a defense fund and association to fight back. The period of most severe persecution was a period of retardation for the country because the leaders
were either in exile or in prison and the money used in their defense in court and that lost by their absence stemmed the tide of progression which had run so rapidly the first two years.

The country was not developed physically during this period because the river barriers made imports costly and the country commissioners, who were non-Mormons, used funds for improvements in the Gentile part of the county. Though the priesthood members pledged money and work to build a bridge across Snake River, this was not done until 1890 and then the structure was so poorly constructed that it soon collapsed.

The attempt for redress in the courts brought only slight relief for the Saints, as most cases were decided against them, and public opinion was very antagonistic. Many petitions were carried to responsible authorities in the government at various levels seeking relief, but all were ignored until January 4, 1893, when President Harrison issued a proclamation of Amnesty. Following this, in February, a Republican sponsored bill relieved the odium of the test oath and the Saints returned to the fold of citizenship and equality in the new state.

Out of this period the bonds of the gospel welded a close unity among the church members of the Snake River Fork Country which has never been abrogated. Present manifestations
are evident in Ricks College, the cooperative movement, individualism, church harmony and the distrust of government.