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## Cohabs and Toughs in the Pen: Mormon Polygamists in the Utah Territorial Penitentiary

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# COHABS AND TOUGHS IN THE PEN:

Mormon Polygamists in the  
Utah Territorial Penitentiary

L. Tom Perry Special Collections  
Harold B. Lee Library  
Brigham Young University



## Cohabs and Toughs in the Pen: Mormon Polygamists in the Utah Territorial Penitentiary

Approximately 1,300 Mormon men were convicted and sent to prison for polygamy in the nineteenth century, most of them serving time in the Utah Territorial Penitentiary during the late 1880s and early 1890s. Although it was generally understood that by renouncing the practice of polygamy one could avoid a prison term, this was considered a dishonorable shirking of one's faith.

George Q. Cannon wrote, "A few words would have saved you imprisonment. But those words would have brought dishonor. You refused to speak them. Liberty at such a price was too costly. You have lost your freedom for a time; but you have preserved your covenants, your integrity, your self-respect and the love of God and your brethren. In the day of the Lord Jesus you will not be ashamed." (Vault MSS 13)

Mormon polygamist prisoners began to be called "cohabs," the word being a shortened version of "unlawful cohabitation," the crime of which the majority of them were convicted.

Referred to as "toughs," non-Mormon prisoners were generally incarcerated for crimes unthinkable to many of the cohabs. Thomas Kirby noted in his journal that there were three murderers, one burglar, one rapist and one convicted for passing counterfeit money who "were not of our faith." His observation continues, describing toughs as "the worst feature of prison life, for if it was not for the bad company we were obliged to mingle with we could do pretty well as prisoners for conscious sake." (MSS 706)



T H E L I F E O F  
GEORGE REYNOLDS

PRISONER  
FOR  
CONSCIENCE'  
SAKE

BRUCE A. VAN ORDEN

*Prisoner for Conscience' Sake* / Bruce A. Van Orden  
Salt Lake City, Utah : Deseret Book, 1992.

An LDS Church General Authority and a longtime secretary to the First Presidency, George Reynolds willingly submitted himself to serve as a "test case" in challenging the Morrill Anti-Bigamy Act of 1862. The case ultimately went before the United States Supreme Court where his conviction was upheld. Serving eighteen months in federal prison, Reynolds was widely recognized by Latter-day Saints as a "living martyr to the cause of Zion."



from the many quarters which are made upon the Trustee-in-Trust in connection with the defence the work and the supplying of its wants at home and abroad. Since this period commenced it has required the

itchfulness on the part of the Trustee-in-Trust to at his disposal, as to do what is necessary to some time not less at his disposal. I could easily do so in a short time if he would

comply with the suggestions which have been made to him and the demands which have been made upon him. Every one of experience knows that it is much easier to disburse property than it is to collect it and the Brethren in Utah State ought not to think that because there is property there

that there are not other uses for it, besides those which press upon them and in the contracting of which the Trustee-in-Trust has not been consulted.

With kind regards

Yours Brother

John Taylor

Saturday 30

This day proves an eventful day in my history. Having staid all night at the Tabernacle for the purpose of transacting some business at my office which I had set up in the parlor room of the janitors house I gave notice to President Smoot that I was there as we had some business together preparing a letter to Pres Taylor. Pres Smoot & Bro Johnson came in and staid on how or more or shortly after they left the United States Marshals 5 in number surrounded the Tabernacle block guarding every avenue and then proceeded to search every nook and corner going under

H.H. Cluff diary, 1887-1888  
(MSS SC 1946)

Harvey H. Cluff, uncle to Benjamin Cluff who became the first president of Brigham Young University, was a Utah businessman and civic leader. This journal entry tells of his arrest for unlawful cohabitation on the Tabernacle grounds on April 30, 1887.



sight. He then led me to the willows on the river bank and left me while he went

e turned out to be young

turned without passing well, thank the Lord,"  
aham H. Cannon was  
n had prepared a cate-  
reviewed, revised, and

iods his wives tried to  
riends. Martha, chang-  
children to Manassa,  
ed between Mill Creek  
where their last name

t been posted offering  
residents Taylor and  
and \$300 for Taylor."

Intended to insult John Taylor, the discrepancy also shows how Cannon was regarded by the crusading anti-Mormons.<sup>88</sup>

#### THE EDMUNDS-TUCKER ACT

While Mormon agents John W. Young and Franklin S. Richards, along with delegate John T. Caine, continued to agitate for Utah's statehood, a stronger anti-polygamy statute was being prepared. From Young, Richards, and Caine came a disappointing telegram:

Last Friday everything seemed in our hands, same methods, same persons who held matters in hand past years were used and worked in harmony. Saturday through [House Speaker John G.] Carlisle's influence change began and by Monday was complete. Severe sickness of several friends prevented possibility of holding old combination or forming new. Sudden death railroad representative demoralized their forces. Circumstances seemed beyond human control. At last moment when tide sweeping all before it, [William L.] Scott's amendment as wired to *Herald* last night was drafted and urged by us without committing anybody, and offered by him in good faith with approval of other high democratic leaders. It has since been partially approved by President, who has to feel his way. . . . Shall we work for Scott's amendment? Answer quickly J.T.C., F.S.R., John W. Young

The Scott amendment, actually a resolution, provided that before the new Tucker bill takes effect a six-month grace period would be allowed during which a convention in Utah would pass a state constitution that

### *George Q. Cannon: A Biography* / Davis Bitton [Salt Lake City, Utah] : Deseret Book Company, 1999

George Q. Cannon (1827-1901) was a member of the Quorum of the Twelve Apostles, served in the First Presidency under four successive presidents of the church, and was a Territorial Delegate to the United States Congress five times. He was in the penitentiary from September 17, 1888 to February 21, 1889 on a charge of unlawful cohabitation.

# \$800 REWARD!



JOHN TAYLOR.



GEORGE Q. CANNON.

To be Paid for the Arrest of John Taylor  
and George Q. Cannon.

The above Reward will be paid for the delivery to me, or  
for information that will lead to the arrest of

## JOHN TAYLOR,

President of the Mormon Church, and

## George Q. Cannon,

His Counselor; or

\$500 will be paid for Cannon alone, and  
\$300 for Taylor.

All Conferences or Letters kept strictly secret.

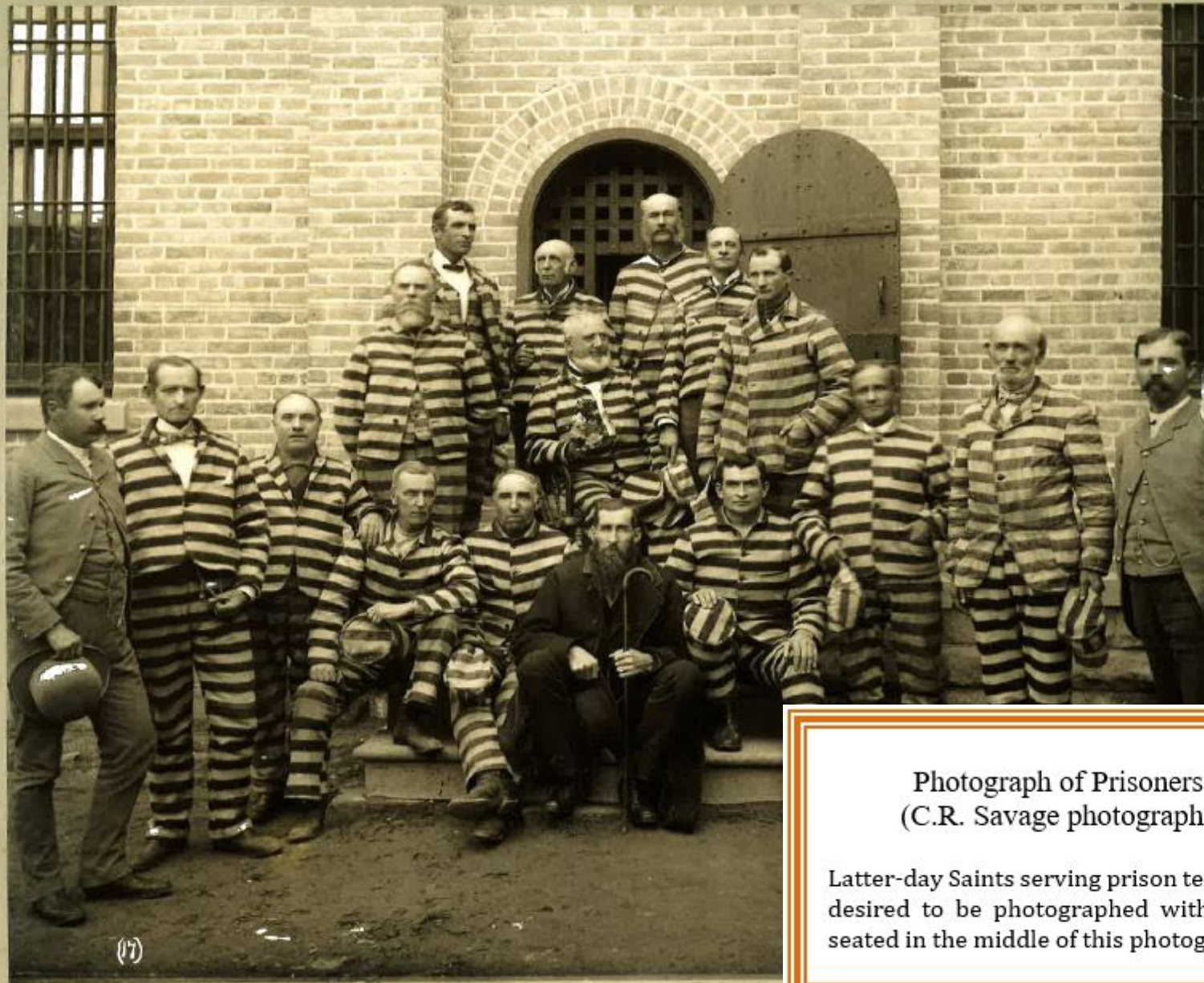
**S. H. GILSON,**

22 and 23 Wasatch Building, Salt Lake City.

Salt Lake City, Jan. 31, 1887.

Intended to insult President John Taylor while recognizing the great influence of George Q. Cannon. Cannon surrendered to the United States Marshall on 17 September 1888 and served a five-month prison term





Photograph of Prisoners in Front of Jail, 1888  
(C.R. Savage photograph collection, MSS P 24)

Latter-day Saints serving prison terms "for conscience' sake" often desired to be photographed with President George Q. Cannon, seated in the middle of this photograph holding flowers.



George Q. Cannon testimonial, 1889  
(MSS SC 485)

M. Hamlin Cannon wrote of George Q. Cannon, "During his term in the penitentiary, Cannon was regarded as no ordinary prisoner. The deferential treatment and many privileges accorded him are remarkable. One might almost say that he was considered an honored guest, albeit an unwilling one" (*Pacific Historical Review*, Volume XVI, Number 4, November 1947, p. 395).

Cannon himself wrote in his diary "I find it difficult to get down to writing much in prison. The atmosphere is not favorable to it, besides the brethren keep me well occupied relating to me their circumstances, asking counsel, asking questions concerning doctrine, &c. In addition I am called out often to see visitors and this occupies considerable time" (Nov. 21, 1888).

Utah Penitentiary Jan. 31<sup>st</sup> 1889.  
A Token of Respect and Love to our  
Fellow Prisoner. Wm. George Q. Cannon.  
Dear Brother:

As prisoners incarcerated  
for "conscience sake", and as brethren  
in the bonds of peace, we deem it  
a pleasure to acknowledge the kind,  
beneficent influence which has been  
exerted by your presence here.

Although you are removed from family  
associations, from the many friends  
who love you, yet their present loss,  
is our infinite gain and profit.

Your example has strengthened the  
weak, encouraged the sorrowful and  
bowed down, and given confidence to  
all. We can say, as was said of King  
David "Thou art one of God's chosen".

Words are inadequate to express to you  
our esteem and brotherly affection:

but we sincerely desire to prove ourselves  
as true to thee as thou hast proven  
thy constancy to our "Father's work".

Fraternally yours.

Joseph B. Felt	Francis M. Lyman
Thomas R. Child	Abner Jones
W. B. Whittwright	Charles S. Hall







## Rules of Pen Library

\$1.00 paid in advance shall make a convict a Stockholder for the term of his sentence, and entitle him to the use of the library during that time.

1) The subscription price shall be 15¢ per month, payable in advance to the Library Committee who shall be responsible for all moneys received.

2) One volume only at a time will be loaned, and the limit for keeping it, shall be 15 days at the termination of which time it can be renewed for another 15 days, unless there is any other applicant for the same book in which case the latter shall have the preference after the expiration of the 30 days - had the book 30 days.

3) Books are not transferable

Any book delivered to a subscriber in good condition will be expected to be returned in a like condition and if mutilated or damaged the subscriber will be held responsible for the same to the Board of Directors, which shall assess the damages.

4) Every subscriber will sign his names to the rules on paying his subscription.

5) The Pen  
of the  
to the

**Prisoner for Polygamy: The Memoirs and Letters  
of Rudger Clawson at the Utah Territorial  
Penitentiary, 1884-87 / edited by Stan Larson  
Urbana, Ill. : University of Illinois, 1993**

Rudger Clawson (1857-1943) was the first practicing polygamist to be convicted under the Edmunds Anti-Polygamy Act of 1882. He received the maximum sentence of 3½ years in prison and \$1,500 in fines. Clawson ultimately served all but a few months of his term, being pardoned by President Grover Cleveland in 1887.



Utah Pen  
Oct. 13 1839

Bro. William

I have spent three nights here the change is grate the Brethern all enjoy the good spirit some feel cast down. we comfort them I am not well in Body I pray for strength to bare I was not allowed Janake Jinger or camphor my bowels and head is some affected Bro Jolley is my cell mate. he claims to be the hansonest man in the pen but I contest his claim without our beards we are young again & by the time we get out we will be quite Boyish our cell is 5 by 7 feet our furniture is the iron floors on wich I now sit we have no knife or fork I will send Monday for a stool Bro Teasdale sent me some sugar, candles and can fruit They would not let me have the fruit. Give my love to all my family & say to them shed no tears for me for I never felt better in spirit in my life I am associated with fine men

If President Woodruff is there & the Brethern bid them welcome in Behalf of the Bishop & say God Bless them

We are on the upper tier of cells all is clean we can look over the wall & see the city & mountains wich is some comfort Say to the Faithfull God Bless them & those that heaped Trouble upon me in the hours of Trial cirtenly are devoid of Humanity Say nothing of Brotherly love but they are in the hands of the Lord There names are now classed with the slanderer and those that work eavel

Love to self & family

I am your Bro J.S. Black

I can receive all letters can write once a week all letters are opened

Here follows a letter Joseph wrote to his first wife, Cynthia:

Utah Penitentiary, December 8<sup>th</sup> 1839

Dear Cynthia and family,

I have been much disappointed in not receiving but one letter from you. It looked that all had forgotten me. I am very sorry to learn of mother's sickness. I would like to be there to comfort her. Give her my love if yet alive. Comfort her all you can. I have received in the last three days letters from: William and Brother and Sister Seatt Baldry, Corteniah, Elisa and G. Terry. Give them my love. I wish I could write to them all. Tell Brother Terry I do not think my being here will make one a better citizen. I have always tried in my weakness to be a good citizen and my \_\_\_ do not censure me for my past actions. I will go out of here two weeks from tomorrow, the morning of the 23<sup>rd</sup>. I've arranged for my last \_\_\_ is \$94.50. I will be home the night of the 24<sup>th</sup> so I can be at Christmas dinner with you all. I've got a nice chain made up of \_\_\_.

Thank Sister Whicker for the eggs and butter, in behalf of the brethren here. I divided it among the brethren in the city has been very kind and plentifully supplied me. I have had a poor appetite. Have been poorly some of the time. I sat up nearly all last night holding the candle to my face to get a little heat. I have the neuralgey [sic] so bad. And the \_\_\_ is so cold. But the Lord is with me, by his spirit I have not seen one blue moment since I came here. Brother Jolley and I have spent our time agreeable. We, a number of our brethren here, 75 in all, 200, Teasdale has been a father and brother to me. Josephson, Jr., came to see me last Thursday. So did \_\_\_ Deatker Mire, the one that visited us last. Give my kind love to Brother the Lord will bless him. Lot

I remain your affectionate h

JS Black<sup>3</sup>

During his imprisonment he maintained h wrote in his journal. These notes are poigr the respect these brethren had for Joseph on the individual commitment and consecr marriage and specifically polygamy.

It is appropriate, firstly, to share the thoug

Dear Brother Black,

How happy is a man whose c especially when confined in c our abode in, while looking t our minds are wafted over th after paying them a visit we and there engineer, how long imprisoned for not casting a mercy of a cold hearted work cheer, must need be you learn of Man did, and this will enu to the end, you shall have all to lose, all to gain. Oh Faith greatest strength. And Char have learned to love and loo humanity. Dear Brother, yo much good in comforting an here and I have learned to l truth.

May God bless you and your of your cellmate and fellow p

Joseph L. Jolley  
Moroni, Sanpete County, Utah<sup>4</sup>

*The life & legacy of Joseph Smith Black & his family :  
A centennial memoir / Garth Reid.  
Thatcher, Utah: [publisher not identified], 2010.*

Joseph Smith Black served his time in the penitentiary while also serving as Bishop of the Deseret Ward. His attitude about his prison time is similar to that of many others in the same predicament:

"I can say of my cell mate, Joseph L. Jolley of Moroni, Sanpete County, we have spent our time together very agreeably. I can say he is worthy of the name of a Latter-day Saint. I was much grieved with being deprived of his company a few days ago, when for a slight offence he was moved down to the lower tier north among the toughs, and he was also deprived of his mustache in order to humiliate him. I have spent the time as pleasantly with my brethren and associates as the prison life would admit. I thank God for his Spirit which has been with us to ease fast and cheer us in our time of trial, and I pray God to comfort those that have to remain after I go out." (Joseph Smith Black autobiography, p. 121, December 19, 1889)



Note to the Warden A. Pratt, 1888  
(Albert Jones prison journal, MSS SC 228)

Utah Penitentiary July 1<sup>st</sup> 1889

Warden A. Pratt Dear Sir

granted all but the Knife

If not overstepping Prison rule too far, I ask that you will please allow me my moustache, hair, and knife; I have been acting as Librarian for some time, and through my exertions, several volumes have been added to the <sup>Library</sup> ~~Library~~ Surge as equal claim to the Trustees, still if any thing stands in the way, by virtue of Prison rule, that you cannot grant my request, I shall not take it unkindly, as I realize the many favors we already enjoy, in ~~our~~ capacity of Prisoners. please answer through Mr Dyle & oblige



Name	Residence	age	Charge	Sentenced	Term	Fine
Sam B Forbes	American Fork	46	Co hab	Sept 22 1888	4m	100
Thomas Barnett	"	58	"	"	4u	
Wm J Lewis	Prew	56	"	"	5u	100
E Nielson	Mormi	64	"	"	3u	50
E Deawinga	S & S City	50	"	24 1888	5 1/2	75
P. Alred	Schooler Sarfute	68	"	"	2	50
Daniel King	Spanish Fork	58	"	"	2	50
J W Schultze	Kamas	51	"	"	2 1/2	65
A Wagsaff	Am Fork Wash	68	"	Sept 24 1888	3	50
Lewis O Dorus	Ephraim	47	"	"	4	200
Lars Larsen	Spanish Fork	52	"	"	3	100 Jan 9/89
P. H. Watts	Kanab	53	"	36 1888	12	
Mrs Nielson	Ephraim	54	"	"	4	200
James Butler	Spring Lake Utah	70	"	"	5	
Parley B Snow	Tamien	39	"	57 *	6	150
Christian Stromson	Mt Pleasant	53	"	"	3	
J W Gardner	Pleasant Grove	48	"	39 "	9	
Olaf Borg	Richfield	41	"	"	9	
Wm Beaton	Tillmore	57	"	"	4	200
J Durrant	Am Fork	52	Adult	"	18	
E. P. Deauzgard	Tillmore	63	Co hab	"	3	50
J. K. Christiansen	Mt Pleasant	62	"	Oct 2 "	3	
E. H. Merson	Richmond	51	"	June 22 "	6	200
Gasmas Hemmingway	Manti	66	"	Oct 9 1888	3	
Peter Westinsson	"	51	"	"	4	
Gasmas Nielson	Spanish Fork	40	"	"	4	200
Charles <del>Watts</del> <sup>Watts</sup>	W Jordan	43	"	"	4	100
L. A. Swenson	Mormi	62	"	"	3	50
Edison Cordie	Springville	48	"	"	4	200
Niels Nielson	Ephraim	49	"	"	4 1/2	50
J. J. Christiansen	Mayfield	62	"	"	4	50
E. Paulsen	Ephraim	50	"	"	5	

267  
95  
174

Name	Residence	age	Charge	Sentenced	Term	Fine
A. K. Anderson	Schi	44	Co hab	Oct 9 1888	4 1/2	50
Jens Anderson	Ephraim	55	"	" 13 "	3	50
A. E. Oldroyd	Glennwood	45	"	"	4	50
E. K. Larsen	Mayfield	44	"	"	4	50
Niels H. Barreux	Spring City	63	"	"	2	
O. K. Opms by	Logan	44	"	" 18 "	3 1/2	200
E. H. No'ke	Driverton	55	"	"	2 1/2	150
John Swind	Jordan	65	"	"	4 1/2	250 <sup>dead Dec 1888</sup>
Louis Larsen	Ephraim	50	"	" 20 "	3	100
H. P. Pedersen	Mormi	48	"	"	4	100
Sidney Carter	Jupiter Sever	54	"	"	6	
E. K. S. Brainhall	Woodward	47	"	" 34 "	3	
W. G. Hershaw	Ogden	61	Adult	" 27 "	18	
H. Nebelker	Vermillion Sever	71	"	"	6	
Israel Thygerson	Ephraim	65	"	"	9	
E. B. Hawkins	Benjamin	55	Co hab	Mar 3 "	5	200
P. S. Frazer	Summit	65	"	"	1	
James Moller	Fayette	40	"	"	5	
Daniel H. P.	"	"	"	"	1	
Thomas D.	"	"	"	"	"	
* W. P. White	"	"	"	"	"	
H. Baird	"	"	"	"	"	
James Han	"	"	"	"	"	
Richard Jen	"	"	"	"	"	
J. J. Schuff	"	"	"	"	"	
Hans Niel	"	"	"	"	"	
Loren Ham	"	"	"	"	"	
William Gal	"	"	"	"	"	
Wm Chausk	"	"	"	"	"	
Israel S. Sen	"	"	"	"	"	
Alfred Sumner	"	"	"	"	"	
E. J. Hermon	Pleasant Grove	52	"	"	3	

Albert Jones prison journal, 1888  
(MSS SC 228)

Mormon polygamist prison diaries often include lists of the names, prison sentences and fines of other men serving under convictions of unlawful cohabitation, polygamy, or adultery. Autograph albums were also common.



He had returned from trial at Provo, the same night I came up to the Pen. He was one of those hand-cuffed in the front wagon. He made a practice of abusing and vilifying the Mormons, being goaded on, by some of the toughs of his own stripe. Yet, he was honorable in his deal, and very liberal. If he borrowed stamps or sugar, he would pay them justly back, when he could, this was something every tough would not do. He sided mostly with the toughs, and kept their company, learned their ways, and used their oaths. Would play with the dogs a good deal, and fool with any prisoner that would fool with him. By the bye, we had two dogs, one cat, six magpies, one deer, lice and bugs in profusion, as inmates of the Pen, besides cohabs, and toughs, or as we were designated by the prisoners, Mormons, and white men. Epps used to tell of his escapades, and sometimes would lie like the devil. He always had some yarn to tell, or some jeer to throw, or made himself obnoxious by sticking his nose where it was not wanted, or shining in when he was not asked to speak. He was a great eater, and was not particular whose sugar, syrup, or butter he got hold of, it was all the same to him, he got it.

March 4<sup>th</sup> Engaged for a pint of milk a day. Bro Geo Crismon was permitted by the Warden to furnish milk for the prisoners. It cost me 95 cents a month. An account was kept with each prisoner by the Warden; M<sup>r</sup> Carty being scribe. At night about four or five o'clock it was brought in. The guard saw the bell, and called out Geo Woods. This brother had the calling out of the names to do, whilst Joseph H. Deau dispensed the milk. The prisoners all rallied round the canteens, when milk was called, each ready with his cup, when he heard his name. This was just as the  
 was the be  
 After Bro  
 was appoi  
 March 5<sup>th</sup>  
 placed in  
 unable to g  
 Scandinavi  
 not talk  
 his elemen  
 brethren talked with him, and got what information they could out of him respecting the outside. He eventually went back, and promised to obey the

William Henry Tovey's territorial prison  
 journal, 1886-1887  
 (MSS SC 3003)

Tovey's diary includes very detailed descriptions of other inmates. Note his colorful portrayal of "Honey" James Epps, who was a non-Mormon "tough." In the same entry, Tovey mentions the prison pets, which included "two dogs, one cat, six magpies, one deer, lice and bugs in profusion."



## HO! FOR THE PEN!

The Inmates Increased on Sunday  
to the Extent of Thirty

Who are Brought Up by Deputy  
Marshal Pratt.

A Good Jury for the Country.

On Sunday morning we stated that a special car had been chartered to bring the prisoners from the south, in charge of Deputy Marshal Pratt, to this city, and that they were thirty-two in number. On Saturday morning at 10 o'clock, Mr. Pratt started from Beaver for Milford, with thirty-three prisoners, who were in five wagons drawn by four horses each, with ten mounted guards, two for each wagon. No difficulty was experienced, and Milford was reached at 6 o'clock in the evening, when the prisoners were turned into the car chartered for them and guarded all night, or until the train left for this city on Sunday morning. Of the ten guards that accompanied Mr. Pratt to Milford, eight were brought to this city. The prisoners came on the regular Utah Southern passenger, and quite a large crowd assembled at the depot to see them. The back end of the car in which they were confined, was left outside the depot, and up to this end an omnibus drove, and the prisoners marched out of the car into the bus, the guards being on either side. When the omnibus was filled, a band wagon drove up and was also filled, while Jared Dalton and J. B. Stevens, both convicted of murder, and who were ironed, were taken in the wagon belonging to the Penitentiary. Under charge of Captain Greenman, the whole number were taken out to the Penitentiary, where they arrived at 8 o'clock, and were then taken into the prison. No evidence of any desire for a break was evinced, and they were comparatively cheerful, many knowing some of the prisoners already in the Penitentiary.

Of the total number brought up twenty were the Silver Reef strikers. Thirteen of these were convicted of riot, on Tuesday, according to a special received by the HERALD. These thirteen are as follows: A. H. Lewis, president of the union, believed to be the only American in the number; M. O'Laughlin, president at the time the Stormont Mine was closed by the miners, Lewis being elected at a subsequent meeting; Mike Enright, E. F. Hanley, Mike Regan, John Chatham *alias* Dee, A. L. Taggart, S. Edwards, J. Fitzsimmons, J. Carr, J. Walsh, Dennis Murphy, James Baldwin. Their sentence is postponed until May 10th, with the understanding that it be still further continued if necessary until the September term of the Second District Court, in order that the Supreme Court may have an opportunity to pass upon the trial and proceedings in the meantime. The names of those untried are T. B. Granville, Ed. Ennis, Pat Murphy, Con. Harrington, Tom Diamond, Pat Wall, J. C. Twaddle, T. Hartle, Dan Myers and Pat Shea. These were Reef miners with whom Mr. Pratt started for this city, and who were to be held until tried. At Milford, a dispatch was received by Mr. Pratt from Judge Twiss, stating that Pat Murphy, Con. Harrington and Pat Wall had given bail, and they were accordingly released. They had expected that all would furnish bail, but only the three mentioned have so far been successful. Against some of them there were three indictments, riot, false imprisonment and conspiracy, and five of those now convicted on the first charge are still to be tried on the other two counts, as well as some of those who have not yet been tried. Against some there are but two indictments. Among those convicted are five who escorted Colonel Allen out of the camp, E. F. Hanley carrying the American flag in front of the mob, a flag under which Colonel Allen had fought for four years in the late rebellion, with honor to himself and good service to his country.

The other ten prisoners brought up at the same time, and convicted and sentenced at the present term of court, are as follows:

Jared Dalton, convicted of murder in the second degree—the assassin and ravisher of old Mother Parker—sentenced to twelve years in the Penitentiary.

John B. Stevens, who killed Hillburn at Grapevine Springs, on the 4th of July last, convicted of voluntary manslaughter, and sentenced to four years in the Penitentiary.

Ellis Reese, Jason B. Webb, David Gorge, Joseph Moyes and J. R. Phillips, convicted of housebreaking at Beaver, and sentenced to two years each.

William Tanner, convicted of mule stealing, and sentenced to three years.

John Harris, convicted of cattle stealing, and sentenced to eighteen months.

—Edwards, convicted of burglary at Milford, and sentenced to three years and six months.

The criminal term at the Second District has closed, and has been one of the most important that has ever been held there. Twenty-five persons were arraigned and tried for criminal offenses, and out of this number there were twenty-five convictions—not one escaped. The action of the petit jury has everywhere been applauded, and is certain to have a salutary effect, such as nothing else could. In the case of the Silver Reef miners was the verdict especially important. Had it been otherwise, the persons now imprisoned would have returned to Silver Reef triumphant, would have continued their course, keeping the camp in a state of terror, and going to greater excesses. Not only would it have had this effect there, but in every other camp in Utah miners unions would have sprung up; when anything did not suit them, they would strike and run the town to please themselves, and the result would be the utter ruin of all of the mining interests of the entire territory. The thanks of the country are due the jury, which had the courage to do its duty. For it required no little courage to do its duty under the circumstances. There were twelve men, several grey haired and some young ones, sitting in one box, and thirteen hard miners in another, whose

course has shown their disposition to do extreme acts if displeased; and to bring in a verdict of guilty, when none of the jurors knew what might be the result to themselves individually, did require no slight degree of courage.

The whole affair has been managed with the utmost skill and success, and reflects the greatest credit on Deputy Marshal Pratt, who acknowledges the valuable assistance rendered him by Mr. Boman Cannon. The arrests were made with swiftness and precision; and this is the first for a number of terms where no prisoners have escaped. This is the more creditable in view of the fact that nearly through the whole term thirty-five prisoners had to be guarded in all sorts of quarters, the prison there not beginning to furnish the necessary accommodations, so that Mr. Pratt, with his assistant, Mr. Cannon, and other guards, had to stay

Ho! For the Pen! (*Salt Lake Herald*,  
Salt Lake City, April 12, 1881)

This newspaper article describes the transport of 33 prisoners from Beaver (convicted during the 1881 criminal term of the 2<sup>nd</sup> District Court) to the Territorial Penitentiary. It provides an interesting look at the varied crimes for which "toughs" were serving time, including riot, false imprisonment, conspiracy, housebreaking, mule stealing, cattle stealing, and burglary. The most serious crimes were committed by two murderers: Jared Dalton "the assassin and ravisher of old Mother Parker" and John B. Stevens.

The article also applauds the "utmost skill and success" of the trials and subsequent prisoner transfer in five wagons with ten mounted guards due to the fact that "this is the first for a number of terms where no prisoners have escaped."



Rules for the Government of  
Convicts.

Your attention is directed to the  
following Rules, which you must be  
strictly obedient to, and which  
will be a measure of your security and  
the honor of your sentence which the  
law allows.

### Rules.

- Rule I. The first duty is strict obedience  
to all Rules and regulations, and  
the orders of the officers under whose  
charge you may be placed.
- Rule II. You must approach an officer in  
a respectful manner, and confine  
your conversation with him strictly to  
the business in hand. You must not  
address an officer, or address outside the  
prison. Insults in any form to any  
officer, or even to any prisoner, will not  
be tolerated.
- Rule III. You must not speak to any visitors  
or give to, or receive from a visitor.

### Baldwin Harvey Watts diary and prison papers, 1875-1889 (MSS 486)

Watts served ten months in prison on a charge of adultery, in relation to his polygamous marriage to his second wife. Included at the end of his diary are handwritten "Rules for the Government of Convicts." Note rule 5 which requires church attendance and disallows spitting or even shuffling feet during the service.

Rule IV. On entering  
any office, you  
must be quiet, and  
your feet must be  
covered.

Rule V. You are required to attend  
services on Sunday, unless sick or  
by the Warden's order. You must be  
seated in the pews, and must be  
quiet, and your feet must be covered.  
Spitting, or  
shuffling the feet, or  
any unnecessary noise is strictly  
forbidden.

Rule VI. At 4 bells in the morning you will  
rise and dress. At 6 bells fifteen  
minutes later you will march out  
and empty your night bucket. When  
the dining room bell rings for meals  
or chapel, you will fall into line,  
opposite your cell, and march to the  
dining room in an orderly manner.  
When the wall guard rings three  
bells you will march promptly to





Photograph of Prisoners in Front of Utah State Prison, 1887  
(C.R. Savage photograph collection, MSS P 24)



## Francis "Frank" Treseder

(1853–1923) Salt Lake City

### Utah Territorial Penitentiary, Sugar House

1886

oil on canvas mounted (a pair)

11 " x 22 " (28 x 55.9 cm)

*Gift from Nancy Roney and Collene Lund, 1991.031*

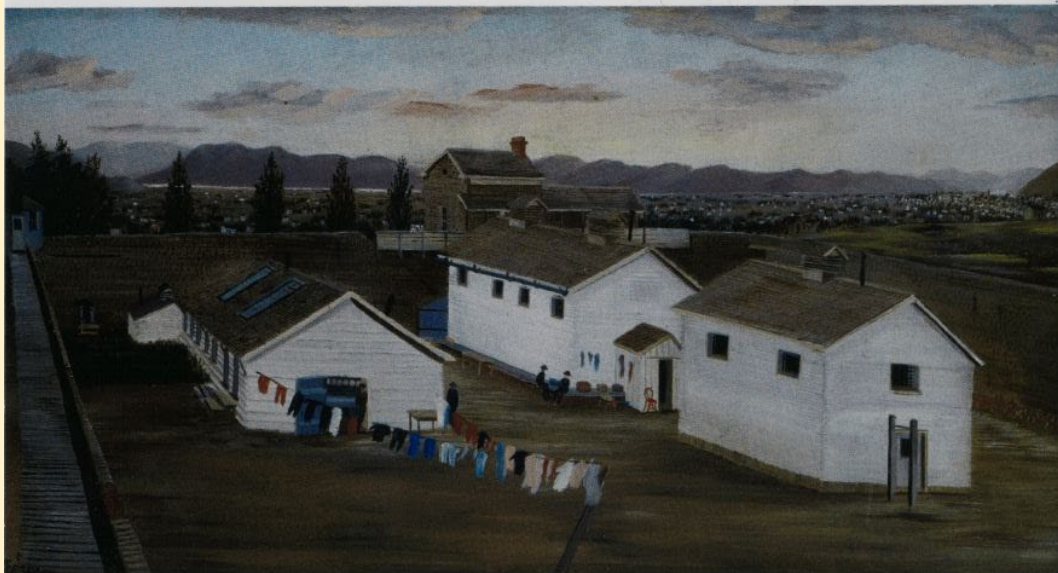
The little known artist, Frank Treseder, came to Utah in 1862. In September of 1886, Treseder was convicted for bribery and sent to the state penitentiary, where he painted this work. The picture, one of a pair, represents a rarity in Utah art, a contemporary genre scene painted with a journalistic eye. The accuracy of his rendering

was no doubt a result of his being an inmate at the penitentiary. Fellow prisoner Rudger Clawson, mentioned Treseder in his journal:

The prison was not without its artist, who was no other than Frank Treseder, a young man well known in Salt Lake City, and serving out a four years term for burglary committed in Ogden, Utah. An examination of some of his work proved beyond question that he had talent for painting and would under proper training distinguish himself; still his lack of application was ever a serious barrier in his way to success. His efforts with the brush were directed largely to landscape painting. I was pleased with his two pictures of the penitentiary, interior and exterior, and purchased them.

There are several versions of these paintings.

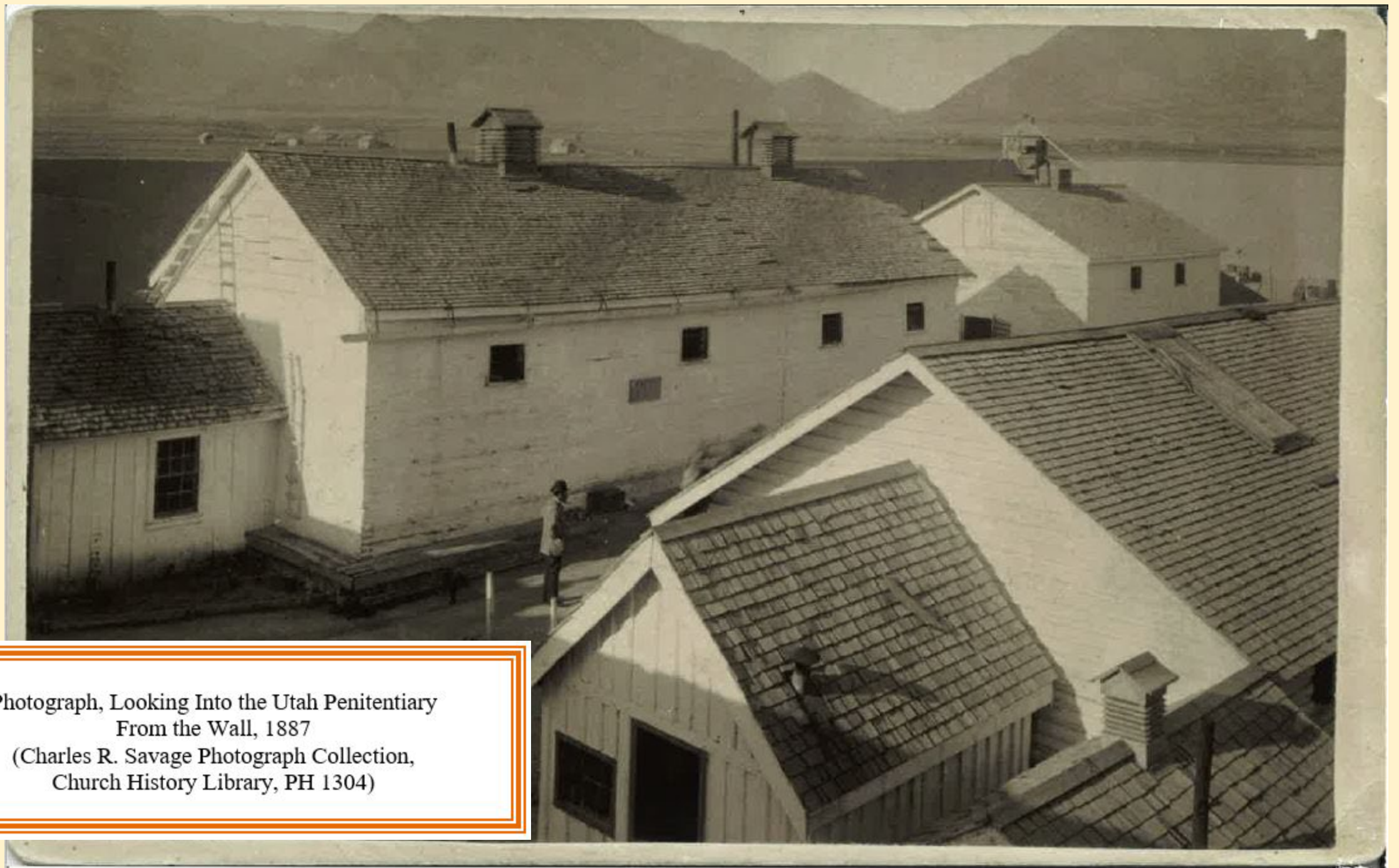
One set is in the Pioneer Memorial Museum in Salt Lake City and a single view of the prison looking east is at the Utah Museum of Fine Arts. A further image, an undated pencil sketch of the prison, is in a private collection in Huntsville.



### *Springville Museum of Art: History and Collection / Vern G. Swanson* Springville, UT : Cedar Fort, Inc., 2013

Frank Treseder was one of the "toughs" serving time at the Utah Penitentiary from 1886 to 1889, on a conviction of bribery. His crime was tied to the impending 1887 Edmunds-Tucker Act. Treseder was, in effect, "acting as an agent in gathering information that might be used to help protect LDS members who would soon fall under the legal reach of the federal government for their ongoing practice of plural marriage" ("The Life and Crimes of Frank Treseder" by Jim Kichas, Utah State Archives blog post, Dec. 3, 2014)





Photograph, Looking Into the Utah Penitentiary  
From the Wall, 1887

(Charles R. Savage Photograph Collection,  
Church History Library, PH 1304)





Photograph of Utah Penitentiary, 1887  
(Charles R. Savage Photograph Collection, Church History  
Library, PH 244)