

UTAH MARRIAGE INDEX
1847-1905
Lyman D. Platt

One of the major problems with completing genealogical records on Utah families is the way marriages were handled in the pre-Utah and early Utah eras among polygamous families. Many records have been kept poorly because of the need for privacy and discretion that was felt in these unions.

The first law passed by the Legislature of the Territory of Deseret requiring the registering of marriages was dated 8 February 1851, over three and one-half years after the arrival of the Saints in the Great Salt Lake Valley. Prior to that date the only laws regulating marriage in the area were those of common law, and those of the Mormon Church. Common law consisted of the following points:

1. Marriage status could be contracted by the two parties giving their mutual consent without the necessity of a ceremony or any other formality as long as both parties were capable of contracting the marriage.
2. Common law marriage could not exist between a man and more than one woman at a time, because marriage at common law could not exist except where both parties agreed to a mutual relationship for life, to the exclusion of all others; anything more or less than this was considered fornication.
3. Adultery did not exist under common law where the above points were followed.

Joshua Terry, son of Parshall and Hannah Terry, born in Albion, Upper Canada in 1825, joined the LDS Church with his parents in 1838 and shortly thereafter moved to Missouri. His life was associated with the Saints from that point on, throughout the Nauvoo period, with the exodus and the history of Utah. An example of common law marriage can be seen from the following story as told by him:

As soon as I reached Fort Bridger the sun seemed brighter, and good old Jim Bridger employed me

as a regular hand, and I worked for him for two years. . . . As all the honest men had squaw wives, Bridger insisted that I should take one.

Several months later, Joshua Terry was captured by the Indians and condemned to scalping and burning at the stake. During his confinement he was befriended by an Indian girl named Pee Chee (or Ann Greasewood) who interceded with the chiefs in his behalf. He was finally allowed to go with a message to Brigham Young concerning the prospects of war between the Mormons and the Indians. Bringing back the message of peace just as the war party was ready to begin its attack, he convinced the chiefs of the sincerity of the Mormon proposal, won his freedom and the hand of Pee Chee. He continues with his narrative:

There was no courting or marriage ceremony. I just gave the old man a horse I had earned, and the girl and I went off together, and that was all there was to it. The girl came with me to my tent, and began her work. The average price of a wife was a good horse. If the father said 'go,' she went and then it was up to the husband to treat her in a way that she would stay. There was no divorce; if she didn't like the man she just left. My Indian wife was good and true and she loved me with a devotion unsurpassable. When I was ill and she had done everything possible to relieve my suffering, she, with others, concluded I could not live, so she went out from camp, and when she came back she said she had taken poison root, because she did not wish to live when I was gone. I got well, but she died a martyr to her love. (Kate B. Carter, comp., "Pioneer Courtships," *Historical Pamphlet*, Salt Lake city, May 1940, pp.26-27.)

The doctrine of marriage in the Church of Jesus Christ of Latter-day Saints in force at that time went beyond common law. Members of the church were expected to abide the laws of the church in order to remain in good standing. In principle they were to give no credence to the common law practices of the gentiles in their midst. In fact,

there were very few gentiles during the first decade after their arrival.

As seen in the case of Joshua Terry, however, he apparently considered common law to be valid, and several years later, while still in this common law union, was considered to be a faithful member of the church, worthy of receiving his temple ordinances. According to the Family Group Record on file at the Family History Library, Joshua Terry was married 15 June 1851 at Fort Bridger, Uintah County, Wyoming. He and Pee Chee had two children in 1853 and 1855. Pee Chee died 26 December 1857 at Fort Union, Salt Lake City.

The doctrine and related policies of the LDS Church which the majority of its members adhered to were as follows:

1. Marriage is ordained of God unto man.
2. The order of plural marriage was not adultery.
3. Any person leaving his spouse for the sake of adultery if he himself was the offender, was to be cut off from the church.
4. Women had claim on their husbands for their maintenance.
5. Civil and common law marriages were considered of force for this life only, whereas those entered into in the church's way were of force after death.

The 1851 statute, mentioned previously, granted a charter to the Mormon Church which required that every duly organized branch and ward of the church keep a record of marriages performed within its jurisdiction. This requirement was seldom met, however. The only records, as far as are known, are shown on pp. 10-11. (These marriages have been indexed by Elaine Justesen and are available through contact with the author, Lyman Platt.)

This makes a total of barely 1,490 marriages recorded in the branches and wards of the church between 1847 and the end of 1905. Considering the achievements Mormons made in so many other areas, this dramatic failure of a right they had fought for so desperately in the East must certainly be attributed in part to the fifty-year struggle between the Mormons and civil authorities concerning polygamy. And the reluctance at times by both parties to

create further tensions. It does not account for the under-registration during the early years, however.

In part, the difficult existence on the frontier accounts for the shortage of records in the earliest years. After 1855, when the Endowment House was finished, many couples recorded their "sealings" there and nowhere else. Prior to this, some sealings had been performed in homes, tithing offices, and the President's office. The early Signature Books of the temples, however, indicate that many individuals were married by church authorities and their marriages were never recorded. For example, the first few pages of the Salt Lake Signature Book, which begins in 1893, and was signed by couples who had married previously and were now getting their marriage solemnized in the temple, shows the following marriages in Utah that are recorded for the first time (prior to the mandatory 1887 registration laws.)

Henry Watkins and Jane Ellis, Midway, Utah, 6 Jan 1885
John Shill and Dinah T. Videan, Ogden, Utah, 8 Aug 1873
Caleb Rhoades and Sidse Jensen, Price Utah, 13 Nov 1884

Others performing marriages during these early years in Utah included governors, judges, mayors, councilmen, local Mormon and non-Mormon Church leaders (bishops, stake presidents, elders, priests, and clergymen), and in some cases the fathers of the contracting parties. As an example of the degree to which the system was uncontrolled, there was the case of John Lewellyn who held no civil or ecclesiastical position who performed a marriage in November of 1877 at Wales, in Sanpete County. Another example was Joseph Grover, a Justice of the Peace, who performed a plural marriage 8 April 1875 in Uintah.

It was not until 1887 that detailed statutory requirements were brought into effect with the Edmunds-Tucker Act of Congress. Prior to that time, marriages performed by justices of the peace and the probate judges were recorded with other civil cases. Some of these records have been indexed in the Early Mormon Research Institute's marriage indexing project. The others remain unindexed. After 1887, all marriages, civil and ecclesiastical, were supposed to be recorded on a marriage certificate in the office of the probate judge.

During the period in which plural marriage continued to be practiced by the Mormons, this law was still not complied with in full.

The act required that the certificate be recorded in the office of the probate judge or in the county or district court having probate jurisdiction over the county or district in which the ceremony was to take place. This allowed people to get licenses in any county they wished and then go to whatever part of the Territory they wished to get married. This was the general practice. Under Title 46, issued later, the law was changed to state that the license was to be issued in the county of residence of the female.

In compliance with the Edmunds-Tucker Act, the 1888 Territorial Legislature accepted the general structure of the act in providing that "the person solemnizing the marriage shall within thirty days thereafter return the license to the clerk of the probate court of the county whence it issued, with a certificate of the marriage over his signature, giving the date and place of celebration and the names of two or more witnesses present at marriage. For failing to make such return he is guilty of a misdemeanor." (Utah Historical Records Survey, *Guide to Public vital Statistics of Utah*, pp. 33-34).

In addition to this, the same legislature stipulated that "the license, together with the certificate of the person officiating at the marriage, shall be filed and preserved by the said clerk, and shall be recorded by him in a book kept for that purpose, which shall be properly indexed in the names of the parties so married."

The Enabling Act, which provided the legal vehicle for the Territorial Legislature to begin forming the Utah Constitution, mentions marriage only in the context "that polygamous or plural marriages are forever prohibited."

Of the twenty-nine counties in modern Utah which have repositories of the civil marriages that have been performed over the years, twelve of them were not created until after 1860 and seven of these not prior to 1880. Six original counties were created on 31 January 1850. (*Ordinances and Laws of the State of Deseret*, 1848-1850, pp. 28-30). These were Davis, Weber, Great Salt Lake, Tuilla (Tooele), Utah, and Sanpete, and later that same year, Little Salt Lake County (later Iron) was organized.

By 1887 when civil marriages began to be recorded, the following counties had been created: Beaver, 1856; Box Elder, 1856; Cache, 1856; Davis, 1850; Emery, 1880; Garfield, 1882; Iron, 1850; Juab, 1852; Kane, 1864; Millard, 1851; Morgan, 1862; Piute, 1865; Rich, 1864; Salt Lake, 1850; San Juan, 1880; Sanpete, 1850; Sevier, 1865;

Summit, 1854; Tooele, 1850; Uintah, 1880; Utah, 1850; Wasatch, 1862; Washington, 1852; Weber, 1850.

Grand County was organized in 1890, Wayne County in 1892, and Carbon in 1892. Daggett and Duchesne were organized after the date of our study.

Taking several counties as case studies, there are a number of things which can be said about marriage practices generally. The county of Beaver in southwestern Utah is typical of twenty of the counties of the state. With a relatively small population base, mainly agricultural in nature, the number of marriages recorded in any given year remained fairly constant. There were a total of 572 civil marriages performed in the county from the time recording began until 1905. They are divided as follows:

1887 (22), 1888 (22/9), 1889 (22), 1890 (27), 1891 (17), 1892 (38), 1893 (26), 1894 (34), 1895 (37), 1896 (27), 1897 (30), 1898 (41), 1899 (33), 1900 (23), 1901 (31), 1902 (30), 1903 (37), 1904 (41), 1905 (34). Certificates are the only records for 1887; for 1888, the first figure represents certificates, the second licenses. The years 1889-1905 are for licenses.

The totals continued to remain fairly constant after 1905 in Beaver County. By 1913 there were still only forty-two marriages in that year.

Cache County was an extremely popular place for couples from all over northern Utah and adjoining states to go to get married in the mid-1880s and, therefore, becomes the focus of this study from the opposite extreme. Because Logan was the site of the second LDS temple to be built in the Territory in 1884, it was not until May of 1888 that it began to lose its attraction. It was at that time when the Manti Temple was completed and began to draw from much of the former area. This can be seen in an analysis of the county marriage records. Then in 1893, the Salt Lake Temple was finished and decreased further the attraction of Logan. The following figures reflect what happened over the years. These numbers represent certificates and licenses respectively:

1887 (626/0), 1888 (482/305), 1889 (182/457), 1890 (188/338), 1891 (215/411), 1892 (145/481), 1893 (76/325), 1894 (32/237), 1895 (9/245), 1896 (14/184), 1902 (6/74), 1903 (19/65), 1904 (39/55), 1905 (19/143)

There was a dual system of record keeping in Cache County, although actual numbers of certificates began to diminish dramatically after 1893. The records called licenses were actually a combined license and certificate. It would appear from an analysis of the numbers that many individuals came directly from other counties to Cache. For them, there will be neither licenses nor certificates recorded elsewhere. It would also appear that some of them had licenses issued elsewhere, with the certificate recorded in Logan. If a marriage cannot be found in another county during this period of 1888-1893, a survey of records in Cache County might be valuable.

The marriage indexing project of Early Mormon Research Institute has used 154 sources to date in compiling the thousands of references in its computer database. An alphabetical listing of these follows:

Alonso Hazelton Raleigh Diary (1861-1886)
 Alpine Ward Records
 American Fork Ward Records
 Arizona Temple Signature Book
 Beaver County Marriage Certificates, Bk A, 1887-1889
 Beaver County Marriage Licenses, Bk 1, 1888-1905
 Beaver County Marriages (from index to marriage licences, 1871-1887)
 Beaver County Probate Records, Bk A, 1856-1874
 Beaver County Probate Records, Bk B, 1872-1882
 Box Elder County Probate Records, Bk A, 1856-1869
 Box Elder County Probate Records, Bk B, 1869-1876
 Box Elder County Probate Records and Marriages, Bk C, 1876-1887
 Brigham City Ward Records
 Buysville Ward Records
 Cedar County Probate Records (now part of Utah County)
 Chester Ward Records
 Correspondence with author
 Deep Creek Ward Records
 Deseret News, 1857-1875
 Draper Ward Records
 Erda Ward Records
 Escalante Ward Records
 Fayette Ward Records
 Fillmore Ward Records, 1854-1870
 Genealogical Charts and Biographical Sketches, Ogden Stake, Volumes 1-6
 Gunlock Ward Records
 Gunnison Ward Records
 Heber Ward Records
 Hebron Ward Records
 Historical and Genealogical Register to Indexes of Corinne,

Utah Newspapers, 1869-1875
 Cliff Methodist Episcopal church, Salt Lake City, 1894-1897
 Indianola Ward Records
 Joseph F. Smith Private Letters, Bk C, 1875-1879
 LDS Genealogies
 LDS Individual Histories
 LDS Surveys, Volumes 1-34
 Lehi Ward Records
 Logan Ward Records
 Maeser Ward Records
 Manti Ward Records
 Mendon Ward Records
 Methodist Episcopal Church, Salt Lake City, Volume 1, 1873-1882, 1902-1905
 Millville Ward Records
 Milton Ward Records
 Morgan County Justice of the Peace Records, Canyon Creek Precinct, 1879
 Morgan County Justice of the Peace Records, Weber County (Peterson) Precinct, 1869-1880
 Morgan County Justice of the Peace Records, Morgan County Precinct, 1869-1875
 Mt. Carmel Ward Records
 Mt. Pleasant Ward Records
 Oak City Ward Records
 Ogden 2nd Ward Records
 Parowan 1st Ward Records
 Parowan 2nd Ward Records
 Payson Ward Records
 Pine Valley Ward Records
 Pioneers and Prominent Men of Utah
 Plain City Ward Records
 Pleasant Grove Ward Records
 Richmond Ward Records
 Rockport Ward Records
 Salt Lake 6th ward Records
 Salt Lake 7th Ward Records
 Salt Lake 8th ward Records
 Salt Lake 9th Ward Records
 Salt Lake 10th ward Records
 Salt Lake 13th Ward Records
 Salt Lake 14th ward Records
 Salt Lake 15th Ward Records
 Salt Lake 17th ward Records
 Salt Lake 18th Ward Records
 Salt Lake Temple Signature Bks A and B
 San Juan County Probate Records, Bk A, 1888-1913
 Santa Clara Ward Records
 Santequin Ward Records
 Scipio Ward Records
 Sevier County Probate Records, Bk A, 1865-1880

Sevier County Probate Records, Bk B, 1874-1886
Slaterville Ward Records
South Cottonwood Ward Records
Spanish Fork Ward Records
Spring City Ward Records
Springville Ward Records, 1850-1856, 1859-1866
St. George Temple Signature Book
St. George Ward Records, 1870-1871, 1864-1876
Sugarhouse Ward Records
Summit Ward Records
Uintah Justice of the Peace Records
Vernon Ward Records
Wallsburg Ward Records
Weber South Ward Records
West Jordan Ward Records

No other wards in Utah contain marriage records as far as can be determined. However, the marriage indexing project will continue to receive input from all sources that are found to contain pre-1905 marriages. Your contributions of information to this project are welcomed.

TOWN	1847-56	1857-66	1867-76	1877-86	1887-96	1897-06
Alpine	7	5	2			
American Fork	1	5	4			
Brigham City	10					
Buysville						9
Chester				5	5	
Deep Creek				1		
Draper	4	8	2	2		
Erda and Escalante/each				1		
Fayette				5	9	3
Fillmore		16	23	6		
Gunlock				2	2	
Gunnison			1			
Heber			1	10	14	
Hebron			5			
Indianola				1		
Lehi	2	15				
Logan		33	12	20		
Maeser				1	18	
Manti	39	3				
Mendon		1	2			
Millville			3		22	
Milton				1		
Mt. Carmel			1	8	4	
Mt. Pleasant		73	13			
Oak City			8	7		
Ogden 2nd				50	53	132
Palmyra	6	23				
Parowan 1st and 2nd			16	4		
Payson	4	4				

Pine Valley			2			
Plain City		1			2	
Pleasant Grove	4	12				
Richmond		12				
Rockport		4	2			
St. George/St George 1		6	32	1		
Salt Lake 6th and 7th		36	7	2	9	25
Salt Lake 8th	4	16	1			
Salt Lake 9th	2	13	6			
Salt Lake 10th	9	1				
Salt Lake 13th		48				
Salt Lake 14th	1	88	17			
Salt Lake 15th	9	10		1	1	
Salt Lake 17th and 18th	6	49	6			
Santa Clara			5	2	2	
Santequin		4	21	11	3	
Scipio			8	4		
Slaterville				1		
South Cottonwood	6	50	2	1		
Spanish Fork		29				
Spring City				1		15
Springville	29	10				
Sugar House	8	7				
Summit		1	3	3		
Wallsburg			11			
West Jordan	2	15				
Uintah			25	24		
Vernon			1			
TOTAL	169	608	222	162	145	184

Number of Marriages Recorded in LDS Wards, 1847-1906